

The Influence of the Zakón Súdnyi Liúdem on the Vinodol Law and the Medieval Croatian Legal System

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By

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FOREWORD

Being a scientific advisor and a mentor to Daniel Haman during his PhD studies within the postgraduate study programme of History of Law at St. Cyril and St. Methodius University of Veliko Tarnovo in Bulgaria, I had the opportunity to supervise his doctoral thesis and to exchange scientific ideas with him. His ideas, that he incorporated in his research plans, differed significantly from the ideas I was used to while supervising the theses of other scholars, mainly because Daniel's research intended to rethink and shake up some well-established theories. While engaged in detailed research on the topic of *Zakón Súdnyi Liúdem*, a law that has been researched for almost two hundred years, Daniel Haman questioned theories that have been taken for granted in order to clarify some issues related to the origin of the historical text and to present hard-solid evidence. Moreover, the author has quite successfully proved his immense knowledge of medieval law and history and at the same time exhibited his skills of written explanation.

In his book, the author gives a simple introduction to the content, starting with a background description of the legal history of Bulgaria and Croatia, so that all readers, not only lawyers and historians, can comprehend the topic of the research and easily understand the main research idea. As presented in this book, the main topics are *Zakón Súdnyi Liúdem*, the oldest known Slavic law in the world and the Vinodol Law, the oldest Croatian and third oldest Slavic law in the world. The author makes a detailed presentation of both laws while presenting theories woven around the most enigmatic Slavic law. The most important part of the book starts to reveal how *Zakón Súdnyi Liúdem* influenced the Vinodol Law and what is the *Zakón Súdnyi Liúdem*'s legacy in Croatia. By explaining this, the author searches for the (missing) link between those two laws and finds connections between medieval Croatian and Bulgarian states and cultures. In this process, he elaborates the connections between the two Slavic nations that are much deeper than we had previously thought.

The research done here is a product of extensive reading, translating and interpreting literature published in several different languages, by which the author compared and challenged every theory he encountered. Although there are still some issues likely to remain unanswered for eternity, Daniel Haman has managed to provide answers to some important questions, like the authorship of *Zakón Súdnyi Liúdem* or its application in practice.

Following the title of this book, the author managed to prove the connection between the two laws and the influence that *Zakón Súdnyi Liúdem* had on the Croatian medieval state and its population.

Being a researcher of the history of criminal law and a legal historian myself, I have been engaged in many research studies into *Zakón Súdnyi Liúdem*, yet I can say that this legal document is still a mystery to me. As it has a special place in Bulgarian law and history, not many scholars have dared to tamper with it, to avoid the creation of potentially serious backfire. However, the author of this book has proved his expertise in legal history and his qualification to perform research in such a demanding topic. The impact of this book will certainly change generally accepted views on those two old laws and most likely open new windows and opportunities for research to be undertaken by the next generations of scholars. New ways to perceive the relationship between Bulgarian and Croatian medieval legal documents presented in this book will probably rewrite the foundation of our joint legal history.

I praise the author and I feel honoured to be his mentor. I congratulate him on his scientific efforts put into the preparation of this book and I hope he shall publish more works on the mentioned topic or similar ones tackling legal history issues within and beyond Bulgarian and Croatian borders.

Prof. Dr. Boris Velchev

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Professor of the Sofia University and the Veliko Tarnovo University (2012 to the present)

President of the Constitutional Court of Bulgaria (2015-2021)

Prosecutor General of Bulgaria (2006-2012)

PREFACE

The legal monument *Zakón Súdnyi Liúdem*, as the oldest Slavic law in the world, still represents a great unknown, not only to legal historians, but also to the broader scientific community. In less than a decade, there will be a bicentennial anniversary of re-discovery of this important law and of the research connected with it.

On the contrary, the Vinodol Law, being one of the oldest Slavic laws, has been under scrutiny by the scientific community for more than a century and a half. Although these two laws are amongst the oldest legal monuments in the Slavic world, the scientific community has never tried to determine whether they were connected in any way, and whether the Vinodol Law, apart from being heavily influenced by old Croatian customs as an old Slavic law, was also under the influence of *Zakón Súdnyi Liúdem*. If old Croats were in touch with *Zakón Súdnyi Liúdem*, and we believe from some medieval sources that they were, it is worth determining to what extent it influenced their legal system, or at least the Vinodol Law. If the Glagolitic script, as the first Slavic script, managed to survive in Croatia up to the 19th century, it is also possible that some (legal) customs and traditions of the old Slavic world somehow survived along the way, or at least up to some point in time. The further we travel into this uncharted and unexplored territory, the more questions arise. After years of research and hundreds of scientific papers, documents and books examined in the Bosnian, Bulgarian, Croatian, Czech, English, French, German, Italian, Macedonian, Polish, Russian and Serbian languages, it is finally possible to connect some missing pieces of the puzzle.

In this book, we will be diligent in going through both *Zakón Súdnyi Liúdem* and the Vinodol Law. They will be precisely examined in such a way as to understand them as much as possible. Only after this, will it be possible to prove the influence of *Zakón Súdnyi Liúdem* on the Vinodol Law itself, as well as the further influence that *Zakón Súdnyi Liúdem* had on the medieval Croatian legal system.

Some discoveries in this book will change the generally accepted views of these two old legal monuments and maybe even open new discussions within scholarly circles that were thought to have been closed years ago.

In finishing this great undertaking successfully, I have to thank my mentor, Professor Boris Velchev, a great connoisseur of Bulgarian and

Slavic legal history, for inspiring me to deal with such a great and important topic and for providing guidance during my research.

I also thank my Croatian advisor, Professor Željko Bartulović, for his advice and the information he provided me regarding the Vinodol Law and Croatian medieval legal history.

My special thanks go to my family, to my wife Vlasta who supported me throughout the whole process of writing this book, and to our son Sebastian for inspiring me to pursue my passion for research while enjoying full-time parenting. I hope this book will be a wonderful legacy to leave to my son, as well as to future generations. It will be a reminder to them that understanding human history, historical facts and past circumstances is a powerful tool in making proper decisions and achieving their best self. I also thank my parents Katica and Josip, my brother Robert and all my friends and colleagues who supported me while working on this book. I am wholeheartedly thankful for all their love and support.

I hope the reasons for researching this topic are clear and understandable and that both legal scientists and other professionals, like sociologists, anthropologists and especially historians, will find the results of this work useful in understanding the connections between Bulgaria and Croatia in the Middle Ages, when the two countries shared borders, some cultural aspects and certainly almost the same language.

CHAPTER 1

INTRODUCTION

1.1 Concept of law and the emergence of national legal history

In early archaic and pre-modern societies, law as a system was not formed, but there was a set of patterns as to how people in a specific community should interact with each other according to the criterion of how it should be.¹ No distinction was made between morality and religion. All these normative orders were linked into a single system of beliefs, and moral and customary rules. The differentiation of such unique normative systems only occurred later at a higher stage of development, when social life became more complex because of production growth, flourishing technology, and emergence of the state as a particular regulatory mechanism of a political community. At that point, law was separated from morality and religion. In that context, the study of law emerged within the context of philosophy.²

Each separate nation has its own unique national and legal history and that history is important for understanding the development and life of that nation and its present times.

With the emergence of the school of natural law in the 17th and 18th centuries, national and legal history was completely disregarded. Jusnaturalist assumption that law was universal and its foundations should apply to all peoples and all times (disregarding history and experience) led to a rapid expansion and reception of the French law, especially the Napoleonic Code. As a consequence of such circumstances, the legal-historical school emerged in the 19th century as a counterpart to the school of natural law. The legal-historical school took a completely opposite view,

¹ Usually *lex talionis* – the principle or law of retaliation that a punishment inflicted should correspond in degree and kind to the offence of the wrongdoer, as an eye for an eye, a tooth for a tooth; retributive justice.

² Vrban, Duško: *Država i pravo*, Zagreb, 2003, p. 521.

as it occurred among German scholars of that time.³ The starting point of this school was that there was no law that would be universal to all nations. Instead, they believed that the law, like many other elements of the national being and the national basis, was established by the specificities of each individual nation's spirit. The law was considered to be the fruit of every nation's character, as it represented the functioning of national life, such as language and traditions.⁴

The history of law of the Slavic peoples is a part of the legal-history school, just like the history of law of Bulgaria or the history of law of Croatia. Taking into consideration the historical practice of Europe, legal history has identified several basic ways in which the first written legal norms emerged in the early states of those times. The first way was the recording of customs and unwritten customary law that existed in a certain territory or within certain social groups (tribes), whose members were leaders in the formation of a new social organisation, i.e., early states. The second way, which is extremely rare in historical practice, was the creation of legal norms as an expression of the authentic will of legislators, without any reference to customary, ethical or religious norms. From the point of view of those legislators, such a path to the creation of a written right was extremely risky because of possible resistance and rejection of such legal norms in social reality. The third way was to create written (state) law, and it was the most represented in the Slavic world from the 9th century onwards. It refers to taking over already existing legal norms from the legal systems of other states. In terms of content and scope, such a reception consisted of a literal takeover of certain legal norms of another law, or it referred to the overtaken legal norms that were modified, revised, amended or shortened.⁵

Each specific historical example of the reception of law in the Middle Ages is a major scientific and research challenge, because legislators were not publicly stating the motives that led them to pursue that particular legal norm.

Reception of the foreign law, being the most common in the Slavic medieval world, had numerous benefits for later researchers and legal

³ Hermann Conring started the research with his book *On the origin of German law (De origine iuris germanici)* where he states that Roman law is opposite to German law. Bartulović, Željko: *Opća povijest prava i države*, Rijeka, 2014, p. 11.

⁴ See more in Nikolić, Dragan: *Drevnorusko slovensko pravo*, Beograd, 2002; Kurtović, Šefko: *Opća povijest prava i države, I. knjiga, Stari i srednji vijek*, Zagreb, 1992 and Bartulović, Željko: *Opća povijest prava i države*, Rijeka, 2014.

⁵ Nikolić, Dragan: *Recepcija vizantijskog prava u najstarijem slovenskom pravnom zborniku Zakon sudnji ljudem in Zbornik radova Pravnog fakulteta u Nišu*, Nr. 65, Niš, 2013, p. 148.

historians. In reception with modification, the analysis of revision contents, additions and shortening of the accepted legal norms, which were obtained by the intervention of the legislators in the country of reception, can lead to very important observations, knowledge, and even concrete answers to important legal and historical scientific questions in general.⁶

1.2 Creation of Bulgarian statehood and the introduction of Christianity

The Slavs emerged from their original homeland (most thought to have been in Eastern Europe) in the early 6th century and spread to most of eastern Central Europe, Eastern Europe and the Balkans, thus forming three main branches – the West Slavs, the East Slavs and the South Slavs. The easternmost South Slavs settled on the territory of modern Bulgaria during the 6th century. A portion of the eastern South Slavs assimilated most of the Hellenized or Romanized Thracians who lived there, before the Bulgar⁷ *élite* incorporated these peoples into the First Bulgarian Empire.⁸

In 632, Khan Kubrat united the three largest Bulgar tribes: the Kutrigur, the Utugur and the Onogonduri, thus forming the country that now historians call Great Bulgaria (also known as Onoguria). This country was situated between the lower course of the Danube River to the west, the Black Sea and the Azov Sea to the south, the Kuban River to the east and the Donets River to the north. The capital was Phanagoria, on the Azov Sea. In 635, Kubrat signed a peace treaty with Emperor Heraclius of the Byzantine Empire, expanding the Bulgar kingdom further into the Balkans. Later on, Kubrat was crowned with the title Patrician by Heraclius. The kingdom never survived Kubrat's death. After several wars with the Khazars, the Bulgars were finally defeated and they migrated to the south, to the north,

⁶ Ibidem.

⁷ The Bulgars (also Bolgars or proto-Bulgarians) were semi-nomadic people of Turkic descent, originally from Central Asia, who, from the 2nd century onwards, dwelled in the steppes north of the Caucasus and around the banks of the river Volga. A branch of them gave rise to the First Bulgarian Empire. The Bulgars were governed by hereditary khans. There were several aristocratic families whose members, bearing military titles, formed a governing class. Bulgars were polytheistic, but chiefly worshipped the supreme deity Tangra. See more in Kim, Hyun Jin: *The Huns, Rome and the Birth of Europe*, Cambridge, 2013 and Abulafia, David; McKitterick, Rosamond et al. (ed.): *The New Cambridge Medieval History*, Cambridge, 1995, p. 229.

⁸ Chisholm, Hugh (ed.): *Bulgaria: History: First Empire* in *Encyclopædia Britannica*, 4 (11th edition), 1911, p. 780.

and mainly to the west into the Balkans, where most of the other Bulgar tribes were living, in a state vassal to the Byzantine Empire since the 5th century.⁹

Kotrag, being one of the successors of Khan Kubrat, led nine Bulgar tribes to the north along the banks of the River Volga in today's Russia, creating the kingdom of the Volga Bulgars in the late 7th century. This kingdom later became the trade and cultural centre of the north, because it stood at a strategic position to create a monopoly over trade among the Arabs, the Norse and the Avars. The Volga Bulgars were the first ever to defeat the Mongolic horde and they protected Europe for decades; but after countless Mongol invasions, the Kingdom of the Volga Bulgars was destroyed and most of its citizens were killed or sold as slaves in Asia.

Kotrag's brother Asparuh, as another successor of Khan Kubrat, moved west to occupy today's southern Bessarabia. After a successful war with Byzantium in 680, Asparuh's khanate initially conquered Scythia Minor and was recognised as an independent state under the subsequent treaty signed with the Byzantine Empire in 681. That year is usually understood as the year of present-day Bulgaria's establishment and Asparuh is considered to be the first Bulgarian ruler. Another Bulgar horde, led by Asparuh's brother Kubera, came to settle in Pannonia and later in Macedonia.¹⁰

Bulgarians started to embrace Christianity after Duke (knyaz) Boris I was baptised at the beginning of 864, together with his family and selected members of the Bulgarian nobility.¹¹ After his baptism, the first major task that Boris undertook was the Christianisation of his nobility and his subjects. He mainly appealed to Byzantine priests between 864 and 866.¹²

⁹ Mikulčik, Ivan: *Srednovekovni gradovi i tvrđine vo Makedonija in Makedonska civilizacija*, Skopje, 1996, pp. 29-31.

¹⁰ Ibidem, pp. 31-33.

¹¹ Anderson, Gerald H.: *Biographical Dictionary of Christian Missions*, New Haven, 1999, p. 80.

¹² Antonova, Stamenka E.: *Bulgaria, Patriarchal Orthodox Church of in The Encyclopedia of Eastern Orthodox Christianity*, Pondicherry, 2011, pp. 78-93.



Bulgarians make a request to Byzantine Emperor Michael to baptize them:
*"Bulgarians saw that they cannot resist, and asked to baptize them and fell to the Greeks. The Tsar christened their prince and all the boyars..."*¹³

Bulgarians accepted Christianity during the reign of the ruler Boris I. After some agreements were made with the Patriarch and the Pope, Boris I accepted Byzantium Christianity and the Ecumenical Patriarch agreed to allow an autonomous Bulgarian Archdiocese at Pliska.¹⁴ In the turbulent

¹³ Photo of the Miniature from Radzivil Chronicle taken from the Wikimedia Commons.

¹⁴ Šišić, Ferdo: *Povijest Hrvata - pregled povijesti hrvatskog naroda 600. - 1526. - prvi dio*, Split, 2004, p. 108.

times of the 9th century, Byzantium sent two missionaries, Constantine (Cyril) and Methodius, to baptise Slavs. Their successful mission extended to Bulgarians, who were fighting against the new religion and against many pagans who had to be baptised.

In order to easily spread Christianity through Bulgaria, St. Cyril devised the Glagolitic alphabet, which was adopted in the Bulgarian Empire around 886.¹⁵ The alphabet and the Old Bulgarian language that evolved from Old Church Slavonic¹⁶ gave rise to a rich literary and cultural activity centred around the Preslav and Ohrid Literary Schools, established by order of Boris I in 886, where church books were rendered in Bulgarian, and clergymen were educated for the country's 20,000 churches.¹⁷

During the late 9th and 10th century, Bulgaria extended its territory in all directions.¹⁸ During the expansion under Tsar Simeon I, Bulgaria became a serious threat to the Byzantine Empire. Simeon I (also called the Great) had ambitious plans to conquer Constantinople and become Emperor of both the Bulgarians and Romans (Greeks). During his long reign (893-927), he fought a series of wars with the Byzantines. Simeon I even proclaimed himself "Caesar (Tsar) of the Bulgarians and the Romans". That title was gladly accepted by the Pope, but, of course, disapproved of by the Byzantine Emperor. The new independent Bulgarian Orthodox Church became the first new patriarchate besides the Pentarchy¹⁹ and Bulgarian translations of Christian texts spread all over the Slavic world of that time.²⁰

After the death of Tsar Simeon I the Great, Bulgaria was weakened by internal conflicts, by external conflicts with the neighbouring nations of Croats, Magyars, Pechenegs and Serbs, as well as by the spread of Bogomil heresy.²¹

In 986, the Byzantine Emperor Basil II started a campaign to conquer Bulgaria. The war lasted for several decades. In 1014, Basil II managed to

¹⁵ Bulgaria became the cradle of the Cyrillic alphabet in the 9th and 10th centuries, and especially during the time called the "Golden Age of Bulgarian culture" under Boris I and his son Simeon I the Great.

¹⁶ Boris I ensured approval by both the Pope and the Patriarch of Constantinople that the Church language in Bulgaria would be the spoken language of the country.

¹⁷ Ivanov, Lyubomir: *Essential History of Bulgaria in Seven Pages*, Sofia, 2007, p. 8.

¹⁸ To Epirus and Thessaly in the south, Serbia and parts of Bosnia in the west and all of present-day Romania and some parts of eastern Hungary to the north.

¹⁹ The joint name for the five major episcopal sees of the Roman Empire: Rome, Constantinople, Alexandria, Antioch, and Jerusalem.

²⁰ Ivanov, loc. cit.

²¹ Browning, Robert: *Byzantium and Bulgaria – A comparative study across the early medieval frontier*, London, 1975, pp. 194-195.

strike a decisive blow at the Bulgarians to eventually end his campaign four years later. In 1018, after the fall of the capital Ohrid and many other fortified cities, the last Bulgarian Emperor (Tsar) Ivan Vladislav died and most of Bulgaria's nobility decided to pledge allegiance to the Eastern Roman Empire. Unfortunately, by losing the war and its nobility, Bulgaria lost its independence and remained subject to the Byzantium Empire for more than a century and a half.²²

1.3 Creation of Croatian statehood and the introduction of Christianity

According to the work *De Administrando Imperio* written by the 10th century Byzantine Emperor Constantine VII Porphyrogenitus, the Croats arrived in the territory of today's Croatia in the early 7th century from southern Poland, south of Kraków. However, that claim is disputed because some other hypotheses dated the arrival of the Croats to the 6th century, i.e., the same time of arrival as other Slavs. Eventually, two dukedoms were formed: the Duchy of Pannonia and the Duchy of Dalmatia, ruled by Ljudevit and Bornja, as attested by the chronicles of Einhard starting in the year 818. The record represents the first document of the Croatian realms, which were vassal states of Francia at that time.²³

In his capital work *De Administrando Imperio*,²⁴ Constantine VII Porphyrogenitus was telling two stories regarding the arrival of the Croats. In the first story, Constantine talked about the migration of the Croats under the leadership of two sisters and five brothers:

One of their kind, namely the five brothers, Klukas, Lonelos, Krosences, Muhlo and Hrobatos, and two sisters, Tuga and Buga, having separated from them together with their people, came to Dalmatia and found there Avars, who held the land. And for a while, fighting with one another, Croats overpowered and slaughtered some of the Avars, and forced the rest to obey. Since that time, Croats have conquered that land.

In the other story, he talked about their arrival at the invitation of Emperor Heraclius:

²² Pavlov, Plamen: *Buntari i avantyuristi v srednovekovna Bŭlgariya*, e-book, Varna, 2005.

²³ Mužić, Ivan: *Hrvatska povijest devetog stoljeća*, Split, 2007, pp. 157-160.

²⁴ Konstantin VII. Porfirogenet: *O upravljanju carstvom*, Zagreb, 2003, pp. 75-76.

Since in the time of the same Roman (Byzantine) Emperor Heraclius, these Romans were expelled from their lands by Avars and their land stood desolate. According to the order of Emperor Heraclius, these Croats, having seized their weapons and expelled Avars from there, were by order of Emperor Heraclius, settled in that country of Avar, in which they now reside.

Regardless of which story is historically more accurate, the first organised Croatian state was most likely formed during the reign of Emperor Heraclius (r. 610-641) in the 7th century.²⁵



Oton Iveković: *Dolazak Hrvata na Jadran* (*Arrival of Croats at the Adriatic*), 1905²⁶

²⁵ Based on the news from the early 640s, it seems that shortly after the arrival of the Slavic population on the Adriatic coast, there was a calming of the situation and the formation of order. In such circumstances, Abbot Martin was able to successfully accomplish the mission entrusted to him by Pope John IV (640-642) to come to Dalmatia and Istria and from the pagans living there (i.e., Slavs) purchase the slaves and the sacred relics of Christian martyrs. Birin, Ante: *Pregled političke povijesti Hrvata u ranome srednjem vijeku* in *Nova zrak u europskom svjetlu - Hrvatske zemlje u ranome srednjem vijeku (oko 550 – oko 1150)*, Biblioteka povijest Hrvata, Svezak I, Zagreb, 2015, pp. 40-41.

²⁶ Photo *Dolazak Hrvata na Jadran* is taken from the Wikimedia Commons.

The Christianisation of Croatia started soon after, probably in the mid-7th century,²⁷ and ended most likely by the mid-9th century, thus making Croatia the first Slavic nation to accept Christianity.²⁸

In the period from the 7th to the beginning of the 9th century, the Croatian state was under Frankish suzerainty. After the death of Charlemagne in 814 and the succession of the weak Louis the Pious (814-840), the Frankish rule over Croatia started to weaken. When the Duchy of Friuli was abolished in 828, there was no supervision over Dalmatian Croatia and the Croatian Duke became directly subordinated to the King of Italy, which meant that the Duke had much more freedom and autonomy. Duke Mislav (835-845) used the unstable situation in the Frankish state to strengthen Dalmatian Croatia and to build a strong navy to parry the Venetian and Arabian pirates in the Adriatic.²⁹

Duke Mislav was succeeded by Duke Trpimir (845-864).³⁰ He established the Trpimirović dynasty that ruled Croatia until the 11th century (with some exceptions). Even though Trpimir accepted the supreme rule of the King of Italy, Lothair I (840-855), he ruled independently. He successfully waged wars against Dalmatian Byzantium cities, as well as against the Bulgarian Duke Boris (852-889).³¹

During the reign of Duke Domagoj (864-876), Croatia did not recognise the supreme rule of the King of Italy, thus it was *de facto* independent. During that time, the Diocese of Nin was founded and for the first time the whole Croatian territory was under the jurisdiction of the Diocese of Nin, which was directly subjected to the Pope.³²

²⁷ In his work *De administrando imperio*, Constantine VII Porphyrogenitus talked about Duke Porin, who started this at the incentive of Emperor Heraclius (610-641), then of his son, Duke Porgas, who mainly baptised and Christianised his people after the influence of missionaries from Rome who arrived after Heraclius sent for them. Moravcsik, Gy.; Jenkins, R. J. H.: *Constantine Porphyrogenitus De Administrando Imperio*, Washington, 1967, p. 149.

²⁸ More about the Christianisation of Croats in Vedriš, Trpimir: *Pokrštavanje i rana kristijanizacija Hrvata in Nova zraka u europskom svjetlu: Hrvatske zemlje u ranome srednjem vijeku (o. 550. – o. 1150.)*, Zagreb, 2015.

²⁹ Šišić, op. cit., p. 103.

³⁰ The Charter of Duke Trpimir is the oldest preserved document of Croatian law, the oldest from the court of a Croatian ruler and the first national document, which mentions the Croatian name. The Charter is dated to 4th March 852. Unfortunately, it is not preserved in the original form but in five subsequent transcripts, out of which the oldest one is from 1568. Klaić, Nada: *Izvori za hrvatsku povijest do 1526. godine*, Zagreb, 2019, p. 20.

³¹ Raukar, Tomislav: *Hrvatsko srednjovjekovlje*, Zagreb, 1997, pp. 27-30.

³² Šišić, op. cit., p. 109.

The Diocese of Nin was probably established in 864 and Nin was the seat of the first Croatian bishop, the historical Theodosius. As early as 928, the Diocese was abolished at the Second Church Council of Split. The cause of this was the most famous Bishop of Nin, Gregory (he was the bishop from around 900 to 929), who was known as the main advocate of the Old Church Slavonic language and the Glagolitic alphabet, as well as Glagolitic worship. When Tomislav was proclaimed King in 925, Bishop Gregory of Nin was the leading supreme ecclesiastical authority in the state of Croatia. At the Church Council of Split in 925, he fought together with King Tomislav for worship in the Croatian (Slavic) language and for the use of the Glagolitic alphabet as a script. Tomislav supported the historical right of the Salonitan Church, thus avoiding a schism. The conclusions of the Council were to be confirmed by Pope John X, but in 925 this did not happen because various reports and letters came to the Pope, and the Pope and the Dalmatian bishops imposed their conclusions by indirect blackmail, forbidding the ordination of priests that "used the Slavic language to serve God". Thus, Gregory of Nin was left without a diocese and metropolis, and at the Second Church Council, which was also held in Split in 928, the Diocese of Nin was abolished, and Gregory of Nin was assigned the Diocese of Skradin.³³ At the same Council, the ecclesiastical authority over the whole territory of Croatia and Dalmatia was handed over to the Archbishop of Split. The ordination of priests who served mass in Old Croatian (to all who did not know Latin) was forbidden, so Latin officially became the liturgical language. As there were very few priests who knew Latin, the services continued in Old Croatian with the use of the Glagolitic alphabet.³⁴

In 879, under the reign of Duke Branimir (879-892), the Duke of Croats, Dalmatian Croatia received papal recognition as a state from Pope John VIII on 7 June 879. During his reign, Croatia retained its sovereignty from both Frankish and Byzantine rule and became *de jure* independent.³⁵

Tomislav was the first ruler of Croatia to be styled as king in a letter from Pope John X, dating the Kingdom of Croatia to the year 925. Tomislav defeated the Hungarian and Bulgarian invasions, to spread the influence of Croatia. Under his rule, Dalmatian Byzantium cities and Pannonian Croatia

³³ The Diocese was re-established around 1050 and functioned until the early 19th century, when by the papal bull "*Locum Beati Petri*" of 30th June 1828, Pope Leo XII abolished the Diocese of Nin, and in 1807 appointed the last Bishop of Nin, Josip Grgur Scotti, as the Archbishop of Zadar.

³⁴ Raukar, op. cit., pp. 35-38.

³⁵ Fine, John Van Antwerp: *The Early Medieval Balkans: A Critical Survey from the Sixth to the Late Twelfth Century*, Ann Arbor, 1991, p. 261.

were united in one country with Croatian kings exercising supreme power. At that time, Croatia was a regional military power.³⁶

The medieval Croatian Kingdom reached its peak in the 11th century during the reigns of Petar Krešimir IV (1058-1074/1075) and Dmitar Zvonimir (1075-1089). Both were titled in numerous documents as “King of Croatia and Dalmatia”,³⁷ confirming that they ruled over once-Byzantium Dalmatian cities.³⁸

The death of Stjepan II in 1091 without heirs marked the end of the Trpimirović dynasty, and enabled Ladislaus I of Hungary to claim the Croatian crown. The last native king, Petar Snačić led the opposition to the claim in a war. At the Battle of Gvozd Mountain, King Petar died, thus enabling the establishment of the personal union of Croatia and Hungary in 1102.³⁹

A historic settlement was subsequently reached, by which Croats agreed to recognise Coloman as their king. In return, King Coloman promised to guarantee Croatia’s self-governance under a ban (viceroy), and to respect all rights, laws and privileges of the Croatian Kingdom. The personal union with the Kingdom of Hungary lasted until 1918.⁴⁰

³⁶ Šišić, op. cit., p. 131.

³⁷ Rex Chroatie Dalmaticque in Latin.

³⁸ Raukar, op. cit., p. 45.

³⁹ Heka, Ladislav: *Hrvatsko-ugarski odnosi od sredinjega vijeka do nagodbe iz 1868. s posebnim osvrtom na pitanja Slavonije* in *Scrinia Slavonica*, Nr. 8 (1), Slavonski Brod, 2008, pp. 152-173.

⁴⁰ Šišić, op. cit., p. 154.

CHAPTER 2

ZAKÓN SÚDNYI LIÚDEM

2.1 About Zakón Súdnyi Liúdem

Zakón Súdnyi Liúdem (Old Slavic: Законъ соудьныйи людѣмъ; an abbreviation is used further in the text: ZSLJ or the Law) is the oldest and also the first Slavic legal monument written in the Slavic language.⁴¹ Unfortunately, it is not preserved in the original manuscript; still, there are transcripts inside the Russian manuscript books, so-called nomocanons⁴² (or in Slavic languages *krmčije* or *kormčaje*), that represent a mix of ecclesiastical and civil law collections.⁴³ The oldest and closest to the original content is considered to be the text of ZSLJ contained in the Novgorod nomocanon from 1282 and the Ustyug nomocanon from the end of the 13th or the beginning of the 14th century.⁴⁴

In less than a decade, we will mark two hundred years since the first published research regarding ZSLJ. This Law has been attracting the attention of historians, legal historians, philologists and many others because of the unknowns that accompany it and because many generally accepted answers have not yet been proven by numerous scientific studies. The basic controversies that are still unsolved focus on the questions of the place and time of its enactment, whether it was adopted as an act of state

⁴¹ Ganev, Venelin: *Zakon sudnyj ljudem*, Sofia, 1959, pp. 23-25.

⁴² A nomocanon (Greek: Νομοκανών, Nomokanōn) is a collection of ecclesiastical law, consisting of elements from both Civil law and Canon law. Nomocanons form part of the Oriental canon law of Eastern Catholic Churches, and are also used by Eastern Orthodox Churches. The name *kormčaja* for nomocanon was used from the 13th century in Russia (rus. *kormčaja kniga*), from where it was transferred into Bulgarian, Romanian and Serbian Orthodox churches.

⁴³ There are 54 copies of ZSLJ in various nomocanons throughout Russia (short, extended and combined versions). Sotirovski, Nikola: *O postanku Zakona soudnij ljudem* in *Zbornik Pravnog fakulteta u Rijeci*, Nr. 3, Rijeka, 1983, p. 126.

⁴⁴ Not all scholars are convinced that this short version is the oldest one. More in Žužek, Ivan: *Kormčaja kniga: Studies on the Chief Code of Russian Canon Law* in *Orientalia Christiana Analecta*, Nr. 168, Rome, 1964, p. 121.

power or as a private legal compilation, who authored it, and whether its original version was written in Glagolitic, Cyrillic or perhaps Old Slavic, or maybe in Greek or Latin script. Many of these controversies and questions are arising from the fact that four centuries have passed since the compiling of ZSLJ and the oldest surviving manuscript that we have today, the earlier mentioned Novgorod nomocanon.

Of particular importance for legal historical research are the articles of ZSLJ that were taken from the Byzantine legal collection of Ecloga,⁴⁵ the eighth-century code of the Isaurian emperors,⁴⁶ by a simple translation into Old Slavic, which, in addition to linguistic, stylistic, quantitative and qualitative modifications, were made during the reception procedure. Precise analyses of these modifications represent a key, which historians of law may use to discover the motives of the Law compiler in order to move away from the literal taking of concrete solutions from the Ecloga, and even to imply through these modifications some real economic, political, religious and social circumstances existing back then in the territory of the Law's origin. It does not matter whether the Law was compiled during the reign of the Bulgarian Prince Boris (852-889), Simeon (893-927), or Prince Rastislav of Moravia (846-870), because in all cases these were early Slavic states, so the study of ZSLJ contributes to the illumination of the wider phenomenon, namely the emergence of the first written law in the Slavic world in general.⁴⁷

It should also be mentioned that the Russian chronicles and the unofficial ecclesiastical and legal collections preserved in the manuscripts from the 14th to 16th centuries hold the twice-as-extensive law with this same title (Zakón Súdnyi Liúdem), which, depending on the method of counting, has anything from 77 up to 83 members.⁴⁸ It originated from the territory of Russia during the 11th to 13th centuries with the introduction of new texts to the original, first version of ZSLJ. Although it is generally referred to as the "broader editorial version of ZSLJ" in the foreign legal literature, it is methodologically more correct to regard them as two separate legal

⁴⁵ The Ecloga (from the Greek eklogē, "selection") is a compilation of Byzantine law issued in 726 by Emperor Leo III the Isaurian in his name and that of his son Constantine. It is the most important Byzantine legal work following the 6th century Justinian Code. Since the mid-19th century, the Ecloga has been translated into English and other languages.

⁴⁶ Ganev, op. cit., pp. 58-81.

⁴⁷ Nikolić, Dragan: *Zakon sudnji ljudem*, Niš, 2016, pp. 3-4.

⁴⁸ There is also a "concordance version", considered to be the third version of ZSLJ. Dewey, H. W.; Kleimola, A. M.: *Zakon sudnyj ljudem (Court law for the people)*, *Michigan Slavic Materials*, Ann Arbor, 1977, p. V.

monuments, since they differ not only in content and volume, but also in the time and place of origin. It is necessary to notice this distinction because possible confusions must be avoided in cases where individual authors (especially Russian) in their works, comments, notes and references do not explicitly emphasise whether they are referring to the basic, original version of ZSLJ from the 9th (or maybe even the 10th) century, or the Russian version of ZSLJ from the 11th to 13th centuries.⁴⁹

Interest in ZSLJ began in 1829, when the Society for History and Russian Antiquities of Moscow University published the book *Obozrenie kormčej knigi v istoričeskom vide* (*Обозрение кормчей книги в историческом виде*). It was written by Baron Gustav Adolf von Rosenkampff, a Russian lawyer who studied law at the University of Leipzig. While working in legislative affairs in the highest state bodies of Russia, Rosenkampff became interested in legal texts contained in ancient Russian ecclesiastical-civil law collections, as well as in *Zakón Súdnyi Liúdem* in particular. He assumed that the Byzantine legal code Ecloga was a model for this Slavic legal compilation and that it probably originated in Bulgaria.⁵⁰ Rosenkampff's assumption was first accepted and elaborated by a Russian jurist, historian, and professor of Russian law history, Nikolai Kalachov, in his book *O značenii Kormčep v sisteme drevneruskogo*, published in Moscow in 1848. Twenty years later, Alexei Pavlov, professor of canon law and history of law at several Russian universities and spiritual academies, proved not only that ZSLJ had the Ecloga as a model, but also determined, to some extent, which articles of ZSLJ were literal translations, and which of them were revised or supplemented the relevant provisions of the Ecloga. At that time, Professor Pavlov solved, perhaps the greatest legal-historical uncertainty regarding the origin of ZSLJ content; however, there are still numerous dilemmas remaining about the place and approximate time of the creation of this legal code, as well as whether ZSLJ was an act of legislative power or a private legal compilation.⁵¹

2.2 The hypothesis that ZSLJ originated in Bulgaria

Until the mid-20th century, the scientific literature had an undisputed hypothesis that ZSLJ originated in the territory of Bulgaria. This was

⁴⁹ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., p. 4.

⁵⁰ Rosenkampff concluded that Methodius had compiled ZSLJ for the Bulgarian layman, thus producing the first Slavic collection of ecclesiastical canons and secular legislation. Rosenkampff, Gustav Adolf von: *Obozrenie kormčej knigi v istoričeskom vide*, Moscow, 1829, p. 133.

⁵¹ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., pp. 4-5.

thoroughly and continuously explained and defended in the works of Bulgarian law historians. In his capital works *Istorija na starobálgarskoto pravo* and *Rimsko i vizantiisko pravo v starovremenska Bulgarija*, Stefan Bobchev, as a prominent person of Bulgarian legal-historical science, presented ZSLJ as a private collection of an unknown author from the time of Duke Boris, and assumed that it could have been made around 885, when many exiled Cyril and Methodius' students came from Moravia, so some of them probably compiled that code of law. Another impressive legal-historical and legal-analytical study was presented by Venelin Ganev in his monumental book *Zakon sudnyj ljudem*, revealing the author's unwavering belief that ZSLJ originated in the territory of Bulgaria. Neither Mikhail Andreyev in his article *Novi proučvanija v novi teorii otnosno proizhoda na Zakonā soudnij ljudāmā*,⁵² nor Dimitri Angelov in his study *Istorija na srednovekovnata bulgarska daržava i pravo*⁵³ experienced a dilemma over the Bulgarian origin of ZSLJ. Ivan Božilov, a Bulgarian historian and author of numerous studies on medieval Bulgaria published in the last decades of the 20th century, also sees ZSLJ as a "Bulgarian law" created on the wave of a new Christian civilisation emerging in Bulgaria, initiated by baptism during the 860s.⁵⁴ There are new-generation Bulgarian historians who do not insist solely on the Bulgarian origin of ZSLJ. For example, Ivan Božilov and Vasil Duzelev do not even mention that ZSLJ was applied in Bulgaria during the time of Duke Boris, or during the time of Duke Simeon.⁵⁵

Numerous researchers outside Bulgaria have also hypothesised that ZSLJ originated in Bulgaria during the reign of Duke Boris (after 865, and not later than 889), or the reign of his son Simeon (893-927), and that it was adopted as an official, legislative act. One of the first researchers to represent such a position was the Polish legal historian Romuald Hube in his work *O znaczeniu prawa rzymskiego i rzymsko-byzantynskiego u narodow slowianskich*, published in Warsaw in 1868. The Croatian legal historian Baltazar Bogišić also believed that ZSLJ originated in Bulgaria, yet he assumed that it might have originated as a private compilation that gained legal force over time.⁵⁶ In his guest lectures given at Oxford University in 1900, Feodor Feodorovich Sigel, a professor of law at the

⁵² Andreyev, Mikhail: *Novi proučvanija v novi teorii otnosno proizhoda na Zakonā soudnij ljudāmā* in *Yearbook of the Sofia University*, 1964, pp. 29-46.

⁵³ Angelov, Dimitri: *Istorija na srednovekovnata bulgarska daržava i pravo*, Sofia, 1992, pp. 17-20.

⁵⁴ Georgijeva, Cvetana; Božilov, Ivan; Popov, Dimitar: *Istorija Bugarske*, Belgrade, 2008, pp. 82-83.

⁵⁵ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., pp. 5-6.

⁵⁶ Bogišić, Baltazar: *Pisani zakoni na slovenskom jugu*, Zagreb, 1872, pp. 14-17.

University of Warsaw connected ZSLJ with the legislative activity of the Bulgarian Duke Simeon.⁵⁷ The hypothesis that ZSLJ was of Bulgarian origin was also supported by Timotej Dmitriyevich Florinski, the Russian Slavist and Byzantologist, as well as by Alexander Vasilyevich Solovjev, a professor of the Faculty of Law in Belgrade.⁵⁸

According to the Bulgarian theory, ZSLJ was compiled in Bulgaria after 865 and probably not later than 889 to serve the needs of a newly Christianised society that was fighting to eliminate the remnants of paganism, by bringing old practices into coexistence with new Christian principles. Duke Boris, ruler of Bulgaria, embraced Christianity in 864 and wanted the entire country to follow his example as early as 864-865. Unfortunately, many of his compatriots, mostly the nobility, found the old pagan ways more to their liking, so fifty-two boyars staged an uprising against their sovereign and the Christian faith. While drawing up the new code of laws in line with newly accepted Christian principles, the compiler(s) of ZSLJ relied upon the Ecloga, a Byzantine code of law as their principal source. At the same time, while spreading Christianity, Duke Boris realised that Byzantium was also extending its political influence in Bulgaria, so he turned to Rome for help, requesting a “civil law” and addressing a series of questions to Pope Nicholas I. Upon the Roman response, lawmakers appointed by Duke Boris drew up the “answers of Pope Nicholas” as a guide in selecting and modifying passages from the Ecloga. It is said that at least twelve ZSLJ chapters allegedly show the influence of the papal “answers” and that influence was most apparent in the softening of the Ecloga’s harsher prescriptions. Most of the proponents of the Bulgarian theory claim that this “Bulgarian document” served as a model for later law codes in other Slavic countries, most notably for the Kievan Russkaja Pravda.⁵⁹

Some proponents of the Bulgarian theory have a somewhat different opinion on the subject. Even though he accepted the theory that ZSLJ was of Bulgarian origin, the Russian scholar Suvorov placed major emphasis upon Western influences on ZSLJ. His main argument is that the code included many “non-Byzantine” features similar to those found in Latin and German law. He pointed out that ZSLJ provisions for separate ecclesiastical and lay penalties for the same crime were rarely found in Byzantine legislation, whereas such ecclesiastical and secular provisions commonly appeared in Western law. Western legal codes often regarded arson as a crime punishable by either the secular or religious authorities, and Chapter

⁵⁷ Sigel, Feodor: *Lectures on Slavonic Law*, Kitchener, 2001, pp. 15-16.

⁵⁸ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., pp. 6-7.

⁵⁹ Dewey, H. W.; Kleimola, A. M., op. cit., p. VII.

17 of ZSLJ prescribed either death (the secular penalty) or extended penance for setting fire to dwellings.⁶⁰ Taking that into consideration, it looks like ZSLJ ecclesiastical penalties similarly reflected a Western more than a Byzantine influence. In the Orthodox world, the “multi-stage” or “step-by-step” penance prescribed by ZSLJ had begun to die out in the 5th century, whereas it was still widely practised in Roman Catholic countries until the 10th century. Significantly, Suvorov also found a Slavic translation of a Latin penitential text in the same “Pilot’s book” (Kormčaja kniga) that contained a text of ZSLJ. Suvorov also argued that the ZSLJ clauses on the number and function of witnesses were a greater reflection of Germanic practices than Slavic or Byzantine practices.⁶¹

2.3 The hypothesis that ZSLJ originated in Moravia

The first solidly argued hypothesis that ZSLJ was of West Slavic, Pannonian origin and its authors were probably from the ranks of newly baptised Slavs and followers of the Slavic enlightener Methodius, was made in 1948 by Heinrich Felix Schmidt, an Austrian philologist, Slavist and historian.⁶² He based his hypothesis mostly on the fact that ZSLJ, in contrast to the Ecloga, also introduced ecclesiastical punishments (epithems) into the penal system, which, in the opinion of Schmidt, implied that the courts consisted of secular and ecclesiastical persons, and such mixed courts existed only in Western Europe at that time.⁶³

Soon after, in 1951, the Czech philologist Slavist Jozef Vašica set up an even more specific and convincing hypothesis based on detailed analyses of the vocabulary of ZSLJ. He stated that this Law was probably written in Moravia and its author could have been Cyril himself, the younger brother of Methodius, because the language of the law abounded in Moravisms and other linguistic peculiarities of the West Slavic linguistic environment, which cannot be explained if it is assumed that it originated in the South Slavic territories.⁶⁴ Vašica also denied that Pope Nicholas’ answers had any role in the compilation of the Law. He pointed to a passage in the Vita of

⁶⁰ Haman, Daniel: *Distinction between dolus and culpa with reference to arson in Zakon sudnyj ljudem, Vinodol Law and Statute of Senj* in *De Jure*, 1/2021 (22), Veliko Tarnovo, 2021, pp. 144-146.

⁶¹ Ibidem, pp. VII-VIII.

⁶² More about his theory in Schmidt, Heinrich Felix: *La legislazione bizantina e la pratica giudiziaria occidentale nel piu antico codice slavo* in *Atti del Congresso internazionale di diritto romano e di storia del diritto*, Verona 1948, Milano 1953.

⁶³ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., pp. 8-9.

⁶⁴ Ibidem, p. 9.

Constantine-Cyril, to the effect that the ruler of Great Moravia, Prince Rastislav, sent emissaries to Constantinople in 862, requesting, among other things, a “good law”; if, judging by the Moravian theory, good laws of that time were the Byzantine Ecloga and the Farmer’s Law.⁶⁵ The Byzantine Emperor sent Cyril and Methodius to Great Moravia, where one of them translated selected passages from the Ecloga and other sources into Old Slavic for local use. The earlier adherents of this theory suggested that Cyril was the author of ZSLJ, but recent studies favour Methodius. Even though the surviving manuscripts all are in Cyrillic, scholars who argue that ZSLJ was a “literary monument of Great Moravia” insist that the original ZSLJ was in Glagolitic. This code came to Bulgaria sometime after 885, following the death of Methodius and the expulsion of his students from Moravia. Later in time, the Law made its way to Russia.⁶⁶

Dimitri Obolenski, a famous Byzantologist, also referred to the Moravian Principality as the place where ZSLJ originated. He explained that some convincing evidence linked it to 9th century Moravian, and it seemed probable that this work was composed by Constantine or his disciples, for the purposes of achieving his mission among the Slavs of Central Europe.⁶⁷

Among contemporary authors, the below-mentioned three researchers have thoroughly and knowingly analysed all aspects of earlier hypotheses about the time and place of ZSLJ’s origin, with reference to virtually all the papers that dealt with this topic during the 19th and 20th centuries. The Macedonian Slavist Krasimira Ilievska brings her versatile and very convincing analysis to several conclusions: it cannot be doubted that Methodius wrote ZSLJ; this Law could only have been drafted in Moravia, probably in the 60’s of the 9th century, and possibly in 870 at the earliest, but not later than 879 (when the Byzantium Ecloga was replaced by the Prohiron). The Russian Slavist Kiril Maksimovich Alexandrovich, referring to his in-depth lexical research into the ZSLJ text, draws a similar conclusion. ZSLJ, composed in Moravia and showing the Slovene-Greek bilingualism of its authors, could not have been written by anyone other than the Thessaloniki brothers Cyril and Methodius.⁶⁸ In his study published in Thessaloniki in 2013,⁶⁹ Antony Emil Tahiaos, a Greek Slavic scientist and professor of Thessaloniki Aristotle University, gives a brief review of older hypotheses about the time

⁶⁵ Vašica, Josef: *Origine cyrillo-methodienne du plus ancien code slave dit ‘Zakon sudnyj ljudem in Byzantinoslavica XII*, Prague, 1951, pp. 166-168.

⁶⁶ Dewey, H. W.; Kleimola, A. M., op. cit., p. VIII.

⁶⁷ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., p. 9.

⁶⁸ Ibidem, p. 10.

⁶⁹ Tahiaos, Antony Emil: *Thessaloniki and the World of Slavs*, Thessaloniki, 2014.

and place of origin of ZSLJ, and unreservedly argues that this Law was written by Methodius in Moravia for the sole purpose of being there, that Methodius also added his own chapters and regulations to it, which were fostered by the existing social and religious conditions of life in Moravia, and that ZSLJ reflected a prototype of Methodius work.⁷⁰

The Moravian theorists rely heavily upon linguistic analysis of the text to support their views. They state that ZSLJ was filled with West Slavic words and phrases.⁷¹

2.4 The hypothesis that ZSLJ originated in Macedonia

The original, rather contested hypothesis of Sergei Troicki, a professor of canon law in Russia and ex-Yugoslavia, that ZSLJ originated as early as 835⁷² in the Byzantine region of Strimon northeast of Thessaloniki, in the lower reaches of the Strimon River (present-day Strumica) and around its confluence with the Aegean Sea, has the least followers. In the area of Strimon, which was then predominantly inhabited by the Slavs, according to some indications, Methodius himself performed a high state function for some time, and Sergei Troicki sees Methodius as the author of this Law. He believes that the Law was only valid for the southern Slavic tribe of Strimonians from that territory.⁷³

Allegedly, Methodius compiled the Law to regulate the conduct of the Slavic warriors who formed Byzantium's first line of defence against attacks from neighbouring Bulgaria. The Slavic frontier forces excelled in combat, but often proved wild and unmanageable in times of peace, so Methodius drew up the Law in an attempt to control them. The supposedly incomplete contents of ZSLJ make sense when read as a "warrior code", whose provisions applied only to males, especially to young males of fighting age. Troicki insisted that the term *ljudi*, in the Law's title, as well as in the text, "should be translated as military personnel or warrior".⁷⁴

In his opinion, this Law could only have been written in Greek letters, since "in the fourth decade of the 9th century, when Methodius wrote ZSLJ, neither Cyrillic nor Glagolitic existed yet, and according to the testimony of Chernorizets Hrabar, the Slavs wrote in Greek (in the east) and in Latin (in

⁷⁰ Nikolić, Dragan: *Zakon sudnji ljudem*, loc. cit.

⁷¹ Dewey, H. W.; Kleimola, A. M., loc. cit.

⁷² Troicki states that it was generally considered to be between 830 and 840. Troicki, Sergije: *Sv. Mefodij kak slavjanskij zakonodatel in Bogoslovskie trudy II*, Moscow, 1961, pp. 100-111.

⁷³ Nikolić, Dragan: *Zakon sudnji ljudem*, op. cit., p. 8.

⁷⁴ Dewey, H. W.; Kleimola, A. M., op. cit., p. IX.

the west) letters ..." and traces of the Greek prototype may have disappeared because "more than four centuries have passed since the prototype of ZSLJ in the ninth century was created, until its oldest Slavic transcript in 1280, during which ZSLJ was rewritten many times".⁷⁵

2.5 The hypothesis that ZSLJ originated in Croatia (Bosnia)⁷⁶

The hypothesis that ZSLJ originated in Croatia was elaborated by Muhamed Hadžijahić, a legal historian. His studies were also supported by some well-known scholars like Nikola Radojčić and Vladimir Mošin.⁷⁷ Muhamed Hadžijahić based his theory on the fact that Methodius' diocese⁷⁸ had influence in the territory south of the River Sava and that Methodius was active in the region of former medieval Croatia, today's Bosnia and Herzegovina.

Saint Methodius apparently participated in the so-called Sabor on the field of Duvno, where he compiled and presented ZSLJ. Hadžijahić based this theory on the *Chronicle of the Priest of Duklja*, a medieval chronicle written in the 12th century by an anonymous priest from Duklja.⁷⁹ In this thesis, he used the Croatian version of the text as the most precise and historically accurate one⁸⁰ and compared it with historical facts and people

⁷⁵ Nikolić, Dragan: *Zakon sudnji ljudem*, loc. cit.

⁷⁶ The name Bosnia came to the Slavic south after the fall of Great Moravia in 906; before that time, the name Bosnia was not used. Hadžijahić, Muhamed: *Da li je najstariji slavenski zakon Metodijev Zakon sudnji ljudem donesen na tzv. Duvanjskom saboru?* in *Forum: časopis Odjela za suvremenu književnost Jugoslavenske akademije znanosti i umjetnosti*, Year 24, book 50, 12, Zagreb, 1985., p. 1122.

⁷⁷ Ibidem, p. 1103.

⁷⁸ The ancient Diocese of Syrmium. It was first known as the Diocese of Pannonia (Latin: *Dioecesis Pannoniarum*). From 395 onwards, it was known as the Diocese of Illyricum. The seat of the vicarius (governor of the diocese) was the ancient Roman city of Sirmium. During Roman times, under its jurisdiction were the Exarch of Sirmium, the Metropolis of Lauriacum, Vindomana, Sirmium, Salona, Salisburgium and the "locus incertus" (most likely Miholjanec in present-time Croatia). The fate of the diocese is uncertain, since Pannonia was lost to the Huns in the 440s, although Dalmatia was retained by the Western Empire until its fall.

⁷⁹ Duklja was the first Montenegrin kingdom. First mentioned in the 10th and 11th century Byzantine chronicles, it was a vassal state of the Kingdom of Croatia and of the Byzantine Empire until it became independent in 1040.

⁸⁰ There are three editions of *Chronicle of the Priest of Duklja* – Latin (mostly used), Italian and Croatian (considered to be the most accurate version). Some historians