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STATE AND SOCIETY IN THE BALKANS BEFORE AND AFTER ESTABLISHMENT OF OTTOMAN RULE

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LEGISLATION CONCERNING THE VLACHS OF THE BALKANS BEFORE AND AFTER OTTOMAN CONQUEST: AN OVERVIEW*

Abstract: The paper focuses on the analysis of legislative material from the medieval and early Ottoman period by which the status of the Vlach/vlach population in the Balkans was regulated. By analyzing both fragmentary and complete laws on the Vlachs/vlachs, the author tried to establish whether there were substantial changes in the legal treatment of this group of people after the establishment of the Ottoman rule in the Balkans, with special regard to the area which includes present-day Croatia, Bosnia and Herzegovina, Montenegro and Serbia. Although it would not be false to say that the Ottoman legislative material on this issue was, to a great extent, based on the medieval, thus representing a continuity, it must be noted that it seems that its use was expanded to a broader population. In fact, it seems plausible to say that the Ottomans finished the already ongoing process by applying the laws formerly concerning an ethnic and professional group to a wider social and even military group, regardless of its origin and profession. This process may have already been devised by their late-medieval precursors, but there are not enough sources to decisively support that claim.

Keywords: Vlachs (vlachs), Balkans, Serbia, Bosnia, Croatia, Ottoman Empire, Middle Ages, Early Modern Age, legislation, law.

The question of Vlachs/vlachs¹ of South Eastern Europe, whether we write this term in capital or small letters, has been studied by many historians since the 17th century, but definitive conclusions about the origin, nature and status of this group of people have not been reached

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¹ Hereafter, the term will be written mainly in small letters, since the article is primarily dedicated to legal matter.

yet.² The only certainty is that, in medieval society of the Balkans, the vlachs were considered “others” or “foreigners”. They were labelled as different to the main, usually ethnic group, which gave a name to a state (the Serbs, Croats, Bulgarians, etc.).³ The earliest theories, never rejected, suggested that they were relatively numerous remnants of a pre-Slavic romanised population of the Balkans, divided into two branches – those fewer in numbers who stayed in the coastal cities of the Eastern Adriatic, and those who retreated to the mountainous regions or were originally settled in them, professionalising themselves in the field of animal husbandry. According to this theory, the coastal branch mainly

² I. Lucius, *De regno Dalmatiae et Croatiae libri sex*, Amstelaedami 1666, 281–286; S. M. Ćirković, *Srbi među europskim narodima*, Zagreb 2008, 7–14; *Encyclopedia Britannica* 28, Cambridge 1911, 166; T. J. Winnifrith, *The Vlachs. The History of a Balkan People*, London 1987; N. Beldiceanu, *Eflak*, *Encyclopaedia of Islam* II, eds. B. Lewis, Ch. Pellat, J. Schacht, Leiden 1991, 687–689; Z. Mirdita, *Vlasi u historiografiji*, Zagreb 2004. A special issue of journal *Balcanica Posnaniensia. Acta et studia* 22/1 (2015), entitled “Ius Vallachicum” and edited by Ilona Czamańska and Marius Diaconescu, was entirely dedicated to the issue of European vlachs. The most important papers are: I. Czamańska, *The Vlachs – several research problems*, 7–16; M. Diaconescu, *Census Valachorum in mid-16th century upper Hungary*, 17–28; M. Luković, *Zakon vlahom (Ius Valachicum) in the charters issued to Serbian medieval monasteries and kanuns regarding Vlachs in the early ottoman tax registers (defters)*, 29–46; G. Jawor, *Ethnic aspects of settlement in Ius Valachicum in medieval Poland (from the 14th to the beginning of the 16th century)*, 47–55; D. Caciur, *Considerations regarding the Morlachs migrations from Dalmatia to Istria and the Venetian settlement policy during the 16th century*, 57–70; Ş. Stareţu, *Medieval name and ethnicity: Serbs and Vlachs*, 81–97.

³ The term is considered to be Indo-European, denoting a stranger (e.g. the terms Vlachus and Welsh should have the same origin), but there are also some doubts expressed concerning this etymological approach. P. Skok, *Etimologijski rječnik hrvatskoga ili srpskoga jezika* III, Zagreb 1973, 606–609; J. v. A. Fine, *The Late Medieval Balkans*, Ann Arbor 1987, 12–13; *Лексикон српског средњег века* (=ЛССВ), ур. С. Ћирковић, Р. Михаљчић, Београд 1999, 86–87 (Д. Динић-Кнежевић), 206–207 (М. Благојевић); V. A. Friedman, *The Vlach Minority in Macedonia : Language, Identity, Dialectology, and Standardization*, *Papers in Slavic, Balkan, and Balkan Studies*, eds. J. Nuoluoto, M. Leiwo, J. Halla-aho, *Slavica Helsingiensia* 21 (2001) 26–27, 30–32; Е. Миљковић, *Власи у домаћој историографији (1960–2010)*, *Браничевски гласник* 7 (2010) 5–22. Cf. М. Пijović, *Nekoliko misli o mogućem podrijetlu naziva Vlah*, *Studia mytologica Slavica* 13 (2010) 199–210.

carried the name of Latins or Romans, while the people in the hinterland were usually called vlachs.⁴ Gradually, those vlachs came in contact with the Slavic population, slavified their language (fully or to a certain extent) and began to mix with the people whose leaders had overrun the Balkans and formed medieval states. This theory may very well be plausible, but it cannot be undeniably confirmed due to the lack of sources. In fact, the term vlach is much more frequently encountered in the late Middle Ages than in the earlier periods. Maybe this was because of the uneven distribution of extant sources, and maybe for other reasons, which may include the nomadic nature of this population in the earlier period.⁵ The name of this group, i.e. vlachs, gradually spread even to the other parts of Eastern Europe and the Levant (in various forms such as Valachi, Olahi, Morlachi, Karavlahi, the latter pair meaning “black Vlachs”), along with the notion it carried.⁶

The 14th century was a turning point, since the vlachs became much more visible in the politics and society of South Eastern Europe. Although they carried the same name, we cannot know if various groups of vlachs belonged to the same entity, ethnic or social, in different parts of this European region. Wallachia emerges as the only state bearing the name which derived from this group, but the term vlach was present all around the wider area (from Slovenian lands to Bulgaria and from

⁴ К. Лиречек, *Власи и Маџровласи у дубровачким споменицима*, Зборник Константина Лиречека I, Београд 1959, 191–204; Idem, *Романи у градовима Далмације током средњег века*, Зборник Константина Лиречека II, Београд 1962, 1–366.

⁵ ЛССВ, 86–87 (Д. Динић-Кнежевић), 286–287 (Д. Ковачевић-Којић); V. Mažuranić, *Prinosi za hrvatski pravno-povijestni rječnik*, Zagreb 1908–1922, 1584–1586; I. Botica, *Prilog istraživanju najstarijega spomena vlašškoga imena u hrvatskoj historiografiji*, Radovi Zavoda za hrvatsku povijest 37 (2005) 35–46.

⁶ К. Kadlec, *Valaši a valašské právo v zemích slovanských a uherských. S úvodem podávajícím pehled teorií o vzniku rumunského národa*, Praha 1916; V. Murvar, *The Balkan Vlachs: a typological study*, Madison 1956; P. S. Nasturel, *Les Valaques de l'espace byzantin et bulgare jusqu'à la conquête ottomane*, Les Aroumains, Paris 1989, 47–81; Z. Mirdita, *Vlasi – polinomičan narod*, Povijesni prilozi (=PP) 33 (2007) 249–269; A. Magina, *From Custom to Written Law: Ius Valachicum in the Banat*, Government and Law in Medieval Moldavia, Transylvania and Wallachia, eds. M. Rady, A. Simon, London 2013, 71–77; M. Diaconescu, *Census Valachorum*, 17–28; G. Jawor, *Ethnic aspects of settlement in Ius Valachicum*, 47–55; D. Caciur, *Considerations regarding the Morlachs migrations*, 57–70.

Poland to Byzantine Greece), denoting populations, toponyms, areas, specific type of legislation etc.⁷ In the Balkans, vlachs are mentioned mainly in documentary sources. They are perceived as the “others”, although they are generally slavified, bearing mostly Slavic names and using (or at least knowing) the Slavic language.⁸ Most of the people from this group were still nomadic to some extent, but there were some of them who already became sedentary.⁹

Did they represent an ethnic category in the 14th century? It is difficult to say. They were listed as “different” in comparison with the Serbs and the Croats, but it is rather unclear even what these two ethnonyms signified when it comes to the preserved fragments of law.¹⁰ Was the population of the Balkans divided between ethnic Serbs, Croats, Bulgarians etc. and Vlachs? Or was it just a political division? If we incline to the theory in which the difference was the matter of status, we should ask the following question. Did the Southern Slavs denote the ruling class or maybe the sedentary population that cultivated land, and did the vlachs represent nomadic cattle rearers? Some sources suggest that each of these interpretations might be true, but there is not enough evidence to make a definitive conclusion.¹¹ We can only be certain that legal sources from the Balkans in the period between the early 14th and mid-16th centuries are in accord with the following. The term vlah was always connected with breeding of horses and cattle, with warfare and with special status when it comes to taxation and administrative autonomy.¹²

⁷ However, the present-day Romanian term for Wallachia is Țara Românească (Romanian Land).

⁸ P. Skok, *Etimologijski rječnik* III, 606–609.

⁹ Р. Михаљчић, *Закони у старим српским исправама. Правни прописи, преводи, уводни текстови и објашњења*, Београд 2006, 33, 41–42, 103–104, 128–131, 143, 147–148, 169–170, 177–178.

¹⁰ R. Lopašić, *Bihać i Bihaćka krajina. Mjestopisne i poviestne crtice*, Zagreb 1890, 296–298, br. IV; Idem, *Hrvatski urbari. Svezak I*, Zagreb 1894, 1–12; Đ. Šurmin, *Hrvatski spomenici (Acta Croatica)*. Knjiga I (od 1100. do 1499. godine), Zagreb 1898, 432–435; J. Šidak, *Historijska čitanka za hrvatsku povijest I*, Zagreb 1952, 78–81.

¹¹ М. Благојевић, *Србија у доба Немањића. Од кнежевине до царства: 1168–1371*, Београд 1989, 42, 44, 46, 48–50, 57, 120–121; Р. Михаљчић, *Закони*, 190–193, 201, 217.

¹² С. Новаковић, *Законски споменици српских држава средњег века*, Београд 1912, according to the index of terms on pages 809–810.

If we do not take some solitary fragments into account, the earliest laws on the vlachs are found in three surviving charters of Serbian rulers – King Milutin’s charter issued to the Monastery of St. Stephen in Banjska (from 1314/1316), King Dušan’s about the Church of St. Nicholas in Vranje given to the Monastery of Chilandar on the Holy Mountain of Athos (from 1343/1345) and the charter of the same ruler (who was, by that moment, already Emperor Dušan) issued to the Monastery of St. Archangels near Prizren (from 1348/1354).¹³ These laws are deficient because they were applied solely to the estates of the afore-mentioned monasteries and were probably adjusted to that purpose. In the first two charters, the first category of the dependent population was called “the people of the church”, while in the third charter it carried the name of “the Serbs”. In all three documents, the second category represents the vlachs.¹⁴ While the first category of men cultivated land for the monastery and had various obligations connected to that activity, the vlachs paid the so-called small tithe. Their

¹³ С. Мишић, Т. Суботин-Голубовић, *Светоарханђелска хрисовуља*, Београд 2003; С. Марјановић-Душанић, *Повеља краља Стефана Душана о поклањању цркве Светог Николе у Врању манастиру Хиландару : 1343–1345. године*, Стари српски архив 4 (2005) 69–85; *Повеља краља Милутина манастиру Бањска (Светостефанска хрисовуља) I–II*, прир. Ђ. Трифуновић, Београд 2011; *Зборник средњовековних ћириличких повеља и писама Србије, Босне и Дубровника*. Књига I 1186–1321, прир. В. Мошин, С. Ћирковић, Д. Синдик, Београд 2011, 455–469, and index on page 553; Р. Михаљчић, *Закони*, 33, 41–42, 103–104, 128–131, 143, 147–148, 169–170, 177–178. Cf. Е. Миљковић, А. Крстић, *Трагови српског средњовековног права у раним османским канунима и кануннамама*, Средњовековно право у Срба у огледалу историјских извора. Зборник радова са научног скупа одржаног 19–21. марта 2009, ур. С. Ћирковић, К. Чавошки, Београд 2009, 308–311.

¹⁴ Р. Михаљчић, *Закони*, 29–42, 99–131, 142–148, 169–178. The charter of King Milutin to the Monastery of Gračanica (1321) contains the law called the “Old Law of the Serbs” – *Ibidem*, 149–151, while the First (1330), Second (1330/1331) and Third Chrysobull of Dečani (1343/1345), in their “Law of the *meropahs*” and “Law of the church metochion”, contain an article which prohibits the marriage between the Serbs and vlach women. If the marriage did happen, those women would be given the social status of *meropah* – agricultural population (*Ibidem*, 68, 75, 154, 157, 196–197) or the man would be considered a vlach *celator*, which was already established in Milutin’s charter to the Monastery in Banjska (*Ibidem*, 33, 84, 143, 163).

community was organised in groups of houses (i.e. *katuns*).¹⁵ Vlachs from 50 houses yearly gave one ewe with lamb and one barren ewe. Once in two years they gave a horse as well (or 30 *perperas*¹⁶ instead). Each house also had to produce two lamb skins per year, as well as cheese. Settled vlachs had to scythe the grass for three days.¹⁷ There were a few categories of vlachs – soldiers (who fought), *celators* (who kept the livestock), *pokloniks* (who gave woven cloth and two barren rams as an additional tax in the autumn and spring, respectively) and *ubogi vlasi* (“poor vlachs”) – probably those who were indigent or incapacitated. All groups had to look after horses and cattle.¹⁸

Three chrysobulls of Dečani contain two articles concerning the vlachs, respectively, and their content is virtually the same. The first article denied the right to take a mare as a compensation for their service to the vlachs who took care about mares, while those who were herding sheep were given the right to take one ewe with a lamb per every 100 sheep each St. George’s Day.¹⁹ The other article, which was already

¹⁵ On medieval *katuns* see: Симпозијум о средњовековном катуну одржан 24. и 25. новембра 1961. г., ур. М. С. Филиповић, Сарајево 1963, especially the following articles: М. С. Филиповић, *Катун у нашој историографији*, 9–14; Idem, *Структура и организација средњовековног катуна*, 45–112; Д. Ковачевић-Којић, *Средњовековни катун по дубровачким изворима*, 121–140; Б. Ђурђев, *Територијализација катунске организације до краја XV века*, 143–169. Also see: *ЛССВ*, 286–287 (Д. Ковачевић-Којић).

¹⁶ *Perpera* (from Greek *hyperpyron*) was a unit, used in Dubrovnik, Serbia, Bosnia and some other political entities in the Balkans, representing 12 silver coins i.e. *dinars*, which was later equal to half of a ducat. See: *ЛССВ*, 441–444 (Р. Ћук).

¹⁷ Р. Михаљчић, *Закони*, 41–42, 103–104, 128–131, 147–148, 169–170, 177–178. In a fragment of the so-called “Law of St. Simeon and St. Sava”, preserved in the Charter of King Milutin to the Monastery of St. George near Skopje, vlachs settled on monasterial land had to plow and reap for a day and also perform scything (*Ibidem*, 15, 139; *ЛССВ*, 208 (М. Благојевић); М. Благојевић, *Закон Светога Симеона и Светога Саве*, Сава Немањић – Свети Сава. Историја и предање, Београд 1979, 129–166; Idem, *Немањићи и Лазаревићи. Српска средњовековна државност*, Београд 2004, 191–246).

¹⁸ Р. Михаљчић, *Закони*, 41–42, 103–104, 128–131, 147, 169–170, 177–178. Also see: С. Шаркић, *Правни положај Влаха и отрока у средњовековној Србији*, *Зборник радова Правног факултета* 44/3 (2010) 37–51.

¹⁹ Р. Михаљчић, *Закони*, 68, 75, 84, 154, 157, 162–163. Cf. *Ibidem*, 116–120, 174–175 (in the Charter for the Monastery of St. Archangels). Also see: *ЛССВ*, 38–39, 710–714 (М. Благојевић).

mentioned earlier, prohibited the Serbs to enter into marriages with vlachs. Any vlah who married a Serb, if the marriage could not be annulled, would be deprived of the possibility of becoming a soldier, which was the most privileged category of vlachs, since the soldiers were exempted from laborious wool processing.²⁰ The vlachs were also important transporters of goods, because they had well-bred horses. They had to help the abbots of the monasteries to carry loads of grain, wine, salt etc.²¹ From the other sources we know that they were essential for trading, since they handled the transport of goods in the caravans.²² It is worth noting that fragments of the so-called Military Law, preserved in the charters of King Milutin for the Monasteries of St. George near Skopje (1300) and St. Stephen in Banjska (1314/1316), stipulate that no one should take and use a soldier's horse to use it as a pack horse.²³

In Croatia, vlachs are first mentioned in the 1320s and that is why Croatian historian from the 17th century Ivan Lucić from Trogir concluded that they came from Bosnia during the reign of Croatian magnates – the Šubići, to serve as their military aid. His ideas, though not entirely reliable, may have held some truth.²⁴ Since the 1350s vlachs appear more often in Croatian sources, and from the 1370s almost regularly. They are mentioned as groups of *katuns* dwelling in the areas on the border with Bosnia, gradually settling.²⁵ Some of them recognised

²⁰ Р. Михаљчић, *Закони*, 33, 143, 84, 163.

²¹ *Ibidem*, 42, 103–104, 128–131, 147, 170, 178.

²² М. Динић, *Дубровачка средњовековна караванска трговина*, Југословенски историјски часопис 3 (1937) 119–146; К. Жиречек, *Трговачки путеви и рудници Србије и Босне у средњем веку*, Зборник Константина Жиречека I, Београд 1959, 205–303; Е. Куртовић, *Konj u srednjovjekovnoj Bosni*, Sarajevo 2014, 197–293, 515–617.

²³ Р. Михаљчић, *Војнички закон*, Зборник Филозофског факултета у Београду 12/1 (1974) 305–309; *Idem*, *Закони*, 22, 140; Зборник средњовековних ћириличких повеља I, 324, 465.

²⁴ I. Lucius, *De regno Dalmatiae*, 281–286; I. Botica, *Prilog istraživanju*, 35–46.

²⁵ V. Rismondo, *Trogirsko i splitsko zaleđe u nekim dokumentima iz druge polovine XIV i početka XV stoljeća*, Radovi Filozofskog fakulteta u Zadru 14–15 (1975–76) 494–496; М. Анчић, *Gospodarski aspekti stočarstva Cetinskog komitata u XIV stoljeću*, Acta historico-oeconomica Iugoslaviae 14 (1987) 72–83; *Idem*, *Registar Splitskoga kaptola*, Fontes 20 (2014) 35–41, 89–91, 120–121; А. Милошевић, *Stećci i Vlasi. Stećci i vlaške migracije 14. i 15. stoljeća u Dalmaciji i jugozapadnoj Bosni*, Split 1991; N. Isailović, *Između otpora i lojalnosti – niže plemstvo na područjima pod vlašću i utjecajem Nelipčića nakon 1345. godine*, PP 50 (2016) 270–271, 281–282, 284.

the authority of the king of Hungary (who also bore the title of the king of Croatia), while the others were considered vlachs of individual magnates. We know that Croatian magnates such as the families of Nelipčić and Kurjaković had their own vlachs.²⁶ There are interesting data from the 1370s, partly supporting the afore-mentioned Lucić's claims. When Western Hum (previously a part of Bosnia) was temporarily incorporated in Croatian Banate, a nobleman from this area got the permission to "import" vlachs from Bosnia and Rascia (Serbia).²⁷

Anyway, the number of vlachs became greater, they started spreading the territory of their presence, and in the late 14th and early 15th centuries there were complaints against them in the communes of Eastern Adriatic, since their cattle, brought to the districts of coastal cities during the winter, did some damage.²⁸ Some of them took part in the warfare which happened in Dalmatia and Croatia during the conflict between Hungarian king Sigismund and pretender Ladislav of Naples supported by the Bosnians and certain Croatian nobles. A few toponyms started

²⁶ Magyar Nemzeti Levéltár Országos Levéltára, Diplomatikai Levéltár (Mohács Előtti Gyűjtemény) (=MNL-OL, DL) 38517, 43163; R. Lopašić, *Hrvatski urbani*, 1–12; V. Klaić, *Povjest Hrvata od najstarijih vremena do svršetka XIX. stoljeća* II/2, Zagreb 1901, 21; Idem, *Acta Keglevichiana annorum 1322.–1527. Najstarije isprave porodice Keglevića do boja na Muhačkom polju*, Zagreb 1917; F. Šišić, *Nekoliko isprava iz početka XV stoljeća*, *Starine JAZU* 39 (1938) 256–257, nr. 94; I. Jurković, *Vrhrički i hlivanjski plemeniti rod Čubranića do sredine 15. stoljeća*, *Zbornik Odsjeka za povijesne znanosti Zavoda za povijesne i društvene znanosti HAZU* 24 (2006) 49–50.

²⁷ M. Ančić, *Registar Splitskoga kaptola*, 40–41.

²⁸ F. Rački, *Notae Joannis Lucii*, *Starine JAZU* 13 (1881) 253, 259–260, 262; N. Jorga, *Notes et extraits pour servir à l'histoire des croisades au XVe siècle* II, Paris 1899, 114; F. Šišić, *Ljetopis Pavla Pavlovića, patricija zadarskoga*, *Vjesnik Kraljevskog hrvatsko-slavonsko-dalmatinskog zemaljskog arhiva* 6 (1904) 41; Idem, *Nekoliko isprava*, 184, nr. 32, 186, nr. 33; T. Smičiklas et al., *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae* XVII, Zagreb 1981, 458–460; T. Smičiklas et al., *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae* XVIII, Zagreb 1990, 386, 388–389; *Šibenski diplomatarij. Zbornik šibenskih isprava*, ur. J. Barbarić – J. Kolanović, Šibenik 1986, 30–31, 47–53; M. Ančić, *Registar Splitskoga kaptola*, 35–41, 89–91, 120–121. The commune of Dubrovnik also complained about the vlachs entering its territory: Љ. Стојановић, *Старе српске повеље и писма* I–I, Београд – Сремски Карловци 1929, 430, 499–501.

carrying vlach names as well and some groups of them permanently settled in the Dalmatian hinterland.²⁹ The Nelipčićs issued several charters to their leaders (*katunars* or “good vlachs”), giving or confirming them land in the County of Cetina, along with pastures on the nearby mountains.³⁰ The same practice was followed by the king in the royal County of Knin.³¹ In 1430 Croatian nobles formed a defensive league, partly because of their problems with certain vlachs.³² Once again, we can see that vlachs are linked with cattle breeding, their nomadic way of life eventually turning into sedentary, and with serving in the army. The law for the “good and honourable” vlachs of Cetina, issued by Ivan (Anž) VI Frankapan in 1436, as a confirmation of the law applied during the life of *knez* (count) Ivan and *knez* Ivaniš Nelipčić of Cetina, gives us more details.³³

The law confirms the rights of vlachs of Cetina which supposedly derive from the 1370s and include the following legal stipulations: no one could impose upon them their *knez*; they were entitled to remove a bad *knez*; the settled vlachs paid a fixed tax and the unsettled served as soldiers on horseback; one tenth of fines went to their *knez*; no one could take their army horse for transporting goods; two thirds of soldiers were going to active army, while one third was supplying them with food and female horses; no Croatian could be imposed as their voivode; they had an autonomous court in Sinj with two sessions a year; each year at the

²⁹ Č. Kalebić, *Povijesni prilozi topografiji gradova i tvrđava u župi Cetini*, Vjesnik za arheologiju i historiju dalmatinsku 50 (1928–1929) 304–305; L. Katić, *Dvije poljičke isprave iz XV. stoljeća*, Starohrvatska prosvjeta III/8–9 (1963) 236–238, 241.

³⁰ Arhiv Franjevačkog samostana na Trsatu, Miscellanea I–II; Đ. Šurmin, *Hrvatski spomenici*, 136, 138–139, 156, 164–165, 280, 432–435; Š. Jurić, *Neobjavljena listina cetinskog kneza Ivana Nelipčića*, Arhivski vjesnik 19–20 (1976–1977) 233–236.

³¹ MNL-OL, DL 43163; F. Šišić, *Nekoliko isprava*, 256–257, nr. 94.

³² MNL-OL, DL 38517; D. Karbić, *Hrvatski plemićki rod i običajno pravo. Pokušaj analize*, Zbornik Odsjeka za povijesne znanosti Zavoda za povijesne i društvene znanosti HAZU 16 (1998) 110–111. Also see: J. Vončina, *Četiri glagoljske listine iz Like*, Radovi Staroslavenskog instituta 2 (1955) 213, 216–221.

³³ Arhiv Franjevačkog samostana na Trsatu, Miscellanea II; R. Lopašić, *Bihać i Bihaćka krajina*, 296–298, br. IV; Idem, *Hrvatski urbani*, 6–11; Đ. Šurmin, *Hrvatski spomenici*, 432–435. Also see: N. Klaić, *Položaj vlahu u XIV i XV stoljeću u hrvatskim zemljama*, Simpozijum – Vlasi u XV i XVI vijeku (Sarajevo, 13–16. XI 1973), Radovi ANUBiH 73 (1983) 107–111.

feast of St. George in spring they gave one ewe or ram, a sheep with lamb and cheese; they paid a fixed amount of *filuria*³⁴ (each house paid 74 *bolančas*³⁵, and on St. Marta's Day in autumn a *dinar*³⁶ for each head of cattle); they could not participate in court processes with the Croats and the Serbs; they did not pay certain taxes for the trafficking of goods, nor for the use of pastures; a Croatian could have only one vlach as his shepherd etc.³⁷ As we can see, vlachs were exempted from field labour and were considered legally "other" in comparison with the Croats and Serbs. In which way, it is not exactly known, since we do not have the laws for the other two groups of the population and we cannot determine the differences by comparison. Unlike Serbian charters, it does not seem that the Croats based on this law represented an agricultural population, but rather a ruling or privileged class of the area. What seems to be the same are basic obligations of vlachs and their links to the breeding of cattle and serving in the army as horsemen.³⁸

There may have been some further customary or formal legislation concerning the vlachs in pre-Ottoman Bosnia and Serbia. First of all, the region under the control of the Kosača family (today's Herzegovina) was filled with vlach kindred and katuns in the 15th century.³⁹ Some of

³⁴ *Filuria* (*resm-i filuri*) from *florinus*, *florenus* (ducat). V. Mažuranić, *Prinosi*, 307–308; *JICCB*, 242–243 (P. Ћук); D. Bojanić, *Turski zakoni i zakonski propisi iz XV i XVI veka za smederevsku, kruševačku i vidinsku oblast*, Beograd 1974, 143. It is very interesting that the Bosnians, during their rule in Croatia in the 1390s imposed the annual tax whose amount was one golden ducat per house. After the Bosnian defeat, some local petty nobles from the County of Knin made an appeal to the Hungarian royal administrators, and the tax was formally abolished (in 1396). T. Smičiklas et al., *Codex diplomaticus XVIII*, 139–140, nr. 92.

³⁵ A ducat consisted of 74 *bolančas*. V. Mažuranić, *Prinosi*, 77.

³⁶ *Ibidem*, 238–239; *JICCB*, 152–154 (P. Ћук). A *dinar*, a silver coin, equals *solidus*.

³⁷ Arhiv Franjevačkog samostana na Trsatu, Miscellanea II; R. Lopašić, *Bihać i Bihaćka krajina*, 296–298, br. IV; Idem, *Hrvatski urbari*, 6–11; Đ. Šurmin, *Hrvatski spomenici*, 432–435.

³⁸ Đ. Šurmin, *Hrvatski spomenici*, 432–435; P. Михальчић, *Закони*, 143, 147–148, 154, 157, 162–163, 169–170, 177–178.

³⁹ Д. Ковачевић-Којић, *Обавезе на вјерност двојице катунара војводи Сандаљу Хранићу*, Годишњак Друштва историчара Босне и Херцеговине (=ГДИ БиХ) 19 (1970–1971) 229–233; E. Kurtović, *Seniori hercegovačkih vlaha*, *Zbornik radova Hum i Hercegovina kroz povijest*, ur. I. Lučić, Zagreb 2011, 647–695.

them also inhabited the other regions in Bosnia (such as the land of the Pavlović family), as well as certain areas in Serbia and Croatia, mostly marcher areas.⁴⁰ They might have had a strong role in the armies of Balkan states, and they were, by all means, highly involved in the transfer of merchandise and raw materials along the roads of the region.⁴¹ They adopted a more sedentary way of life, although they were still moving periodically (due to their profession), and it was easier for them to resettle if needed or demanded by their masters. Maybe even before the Ottoman conquest, many of their lands became hereditary *baštinas*⁴² (patrimonial land). Unfortunately, the lack of sources faces us with a lot of uncertainties. It is, however, certain that there was a law concerning the vlachs in Serbia, called (in the Turkish era) the Law of Despot (*Despot kanunu*) or Despot's Custom (*Despot üslûbı*). It was mentioned in the early and mid-16th century in the Sanjaks of Smederevo (Semendire), Kruševac (Alaca Hisār) and, interestingly, in newly settled northern areas of Bosnia (Bosna) i.e. Slavonian side of the *nahiye* Kobaš, as well as Požega (Pojega) and Syrmia (Sirem), where it was marked by *filuria* as the main tax.⁴³ In Smederevo, the Turkish authorities labelled

⁴⁰ С. Ћирковић, *Удео средњег века у формирању етничке карте Балкана*, Работници, војници, духовници: друштва средњовековног Балкана, Београд 1997, 171–185; Д. Бојанић-Лукач, *Власи у северној Србији и њихови први кануни*, Историјски часопис (=ИЧ) 18 (1971) 255–268.

⁴¹ See footnote 22.

⁴² *Baština* (Ottoman: *baština*) was inheritable patrimonial possession. V. Mažuranić, *Prinosi*, 45–48; *ЛССВ*, 31–34 (Р. Михалчић, С. Ћирковић); Е. Миљковић – А. Крстић, *Трагови*, 315–318; Д. Бојанић, *О српској баштини и соћу у турским законима*, ИЧ 20 (1973) 157–180.

⁴³ Başbakanlık Osmanlı Arşivi (=BOA), Tapu Tahrir Defterleri (=TD) 201, p. 28; BOA, TD 211, p. 130; D. Bojanić, *Turski zakoni*, 32, 140; A. Akgündüz, *Kanunî Devri Kanunnâmeleri, II. Kısım, Eyâlet Kanunnâmeleri (I)*, vol. 5, İstanbul 1992, 328. Also see: Р. Тричковић, *Поклон*, ИЧ 35 (1988) 56–57; J. Mulić, *Društveni i ekonomski položaj Vlaha i Arbanasa u Bosni pod osmanskom vlašću*, Prilozi za orijentalnu filologiju (=POF) 51 (2001) 114–120; N. Moačanin, *Town and Country on the Middle Danube 1526–1690*, Leiden – Boston 2006, 16–17, note 5; Г. Томовић, *Деспотов канун*, Средњовековно право у Срба у огледалу историјских извора. Зборник радова са научног скупа одржаног 19–21. марта 2009, ур. С. Ћирковић, К. Чавошки, Београд 2009, 291–300; Е. Миљковић, *Branislav Đurđev i Despotov kanun*, Научно djelo Branislava Đurđeva, ed. Dž. Juzbašić, Sarajevo 2010, 101–108; Е. Миљковић, А. Крстић, *Трагови*, 313–314. The Ottomans also

it as a “bad custom” which should be removed from use, but we do not know what this law specifically envisaged.⁴⁴

The Ottoman authorities seemed to have adopted the vlach legislation and used it to achieve two things – secure the defence of their newly conquered areas by settling people along the border and lower the chances of possible resistance of the population.⁴⁵ Even if they did derive from a specific ethnic or social group, being the “other” in comparison with the Serbs, Croats or Bulgarians, the vlachs of the early Ottoman Balkans were a group determined exclusively by their status and their taxation, not ethnicity.⁴⁶ Many groups who were ready to be resettled and acquire vlach privileges formally became vlachs, no matter what their origin was. Initially they were mainly slavified (some even Slavs), Christian and speaking the Slavic language. They wanted to be exempt from field labour and special taxes and sought to keep the privileged

implemented old Serbian mining laws. See: Е. Миљковић, А. Крстић, *Трагови*, 303–304, with older literature.

⁴⁴ D. Bojanić, *Turski zakoni*, 32, 140; Д. Бојанић-Лукач, *Власи у северној Србији*, 255–268. Also see: М. Динић, *Власти за време Деспотовине*, Зборник Филозофског факултета у Београду 10/1 (1968) 237–244; М. Благојевић, *Крајишта средњовековне Србије од 1371. до 1459.*, Историјски гласник 1–2 (1987) 29–42; N. Isailović, *Living by the Border: South Slavic marcher Lords in the Late Medieval Balkans (13th–15th Centuries)*, *Banatica* 26/2 (2016) 110–111, footnote 24.

⁴⁵ Beside vlachs, the Ottomans also used the services of *martoloses*, *voynuks* and *derbencis*. D. Bojanić, *Turski zakoni*, 140, 154, 174–175; М. Васић, *Martolosi u jugoslovenskim zemljama pod turskom vladavinom*, Sarajevo 1967; Idem, *Socijalna struktura jugoslavenskih zemalja pod osmanskom vlašću do kraja XVII vijeka*, *Godišnjak Društva istoričara BiH* 37 (1986) 63–68; О. Зиројевић, *Турско војно уређење у Србији 1459–1683*, Београд 1974, 162–169, 176–189; Е. Миљковић-Бојанић, *Смедеревски санџак 1476–1560. Земља – насеља – становништво*, Београд 2004, 241–265; V. Aleksić, *Medieval Vlach Soldiers and the Beginnings of Ottoman Voynuks*, *Beogradski istorijski glasnik* 2 (2011) 105–128; М. Kiprovskа, *Ferocious Invasion or Smooth Incorporation? Integrating the Established Balkan Military System into the Ottoman Army*, *The Ottoman Conquest of the Balkans. Interpretations and Research Debates*, ed. O. J. Schmitt, Wien 2016, 79–102.

⁴⁶ М. Васић, *Socijalna struktura*, 61–63. Cf. S. Buzov, *Vlaško pitanje i osmanlijski izvori*, *PP* 11 (1992) 41–60; V. Kursar, *Being an Ottoman Vlach: On Vlach Identity(ies), Role and Status in Western Parts of the Ottoman Balkans (15th–18th Centuries)*, *OTAM* 34 (2013) 115–161.

status. Their land became *filurci* land (according to the main tax they paid), and their possessions, often transformed into proper *baštinas*, were protected by the sultan or sanjakbeys. Afterwards, in some areas, it was the status of land, and not its generally fluctuating population's origin, that determined the status of the people i.e. the social group living on it.⁴⁷ Some differentiations (according to religion, wealth, taxation) occurred after this status was abolished in certain parts of the Balkans by the mid-16th century, though it partially survived in other (mainly western) parts.⁴⁸ But that is another subject. At this point we will just summarily review the extant laws concerning the vlachs of the sanjaks of Smederevo, Vidin, Bosnia, Herzegovina, Klis, Zvornik and the vilayet of Montenegro (Crna Gora).⁴⁹

It can easily be observed that many medieval legal norms were transplanted into Ottoman *kanuns*. For instance, according to the law from the late 15th century, in Smederevo, on Christmas, each vlach house needed to give 45 *aspras*⁵⁰ in money and a ram in value of 15 *aspras*. A *katun*, consisting of 50 houses, had to give one piece of woven cloth⁵¹,

⁴⁷ Ć. Truhelka, *Historička podloga agrarnog pitanja u Bosni*, Glasnik Zemaljskog muzeja u Bosni i Hercegovini (=GZM) 27 (1915) 123–197, especially 155–158.

⁴⁸ D. Bojanić, *Turski zakoni*, 45–48; E. Миљковић-Бојанић, *Смедеревски санџак*, 239–240; N. Moačanin, *The Poll-Tax and Population in the Ottoman Balkans*, *Frontiers of Ottoman Studies: State, Province, and the West I*, eds. C. Imber, K. Kiyotaki, London – New York 2005, 79–83, 88–89; J. Mulić, *Društveni i ekonomski položaj*, 129–134

⁴⁹ *Kanuni i kanun-name za Bosanski, Hercegovački, Zvornički, Kliški, Crnogorski i Skadarski sandžak*, Sarajevo 1957; D. Bojanić, *Turski zakoni*, passim; E. Миљковић-Бојанић, *Смедеревски санџак*, 190–196, 220, 227–241; N. Beldiceanu, I. Beldiceanu-Steinherr, *Quatre actes de Mehmed II concernant les Valaques des Balkans slaves*, *Südost-Forschungen* 24 (1965) 103–108; N. Beldiceanu, *Sur le Valaques des Balkans slaves a l'époque ottomane (1450–1550)*, *Revue des études islamiques* 34 (1966) 83–102; Idem, *La région de Timok-Morava dans les documents de Mehmed II et de Selīm I*, *Le monde ottoman des Balkans (1402–1566)*, London 1976, 111–129.

⁵⁰ *Aspra* (ἄσπρος) or *akçe* – in this period the term was denoting the same type of money. V. Mažuranić, *Prinosi*, 9; D. Bojanić, *Turski zakoni*, 132; *ЛССБ*, 5–6 (А. Фотић), 25 (С. Ћирковић).

⁵¹ Д. Бојанић, *Шта значе подаци о сјеничким Власима у попису из 1455. године*, *ИЧ* 34 (1987) 97–103, 108–111. Cf. B. Đurđev, *O naseljavanju Vlaha-stočara u sjevernu Srbiju u drugoj polovini XV vijeka*, *GDI BiH* 35 (1984) 9–34, especially 16–18.

two rams, cheese and ropes (in value of three *aspras* per house). On the day of St. George in the spring each house paid 20 *aspras* i.e. the worth of a ewe with a lamb. All together, they paid 83 *aspras* a year per house (later it was raised to 90 *aspras* plus two for the surveyors).⁵² Five houses gave one soldier to safeguard “dangerous places”, and 50 houses a temporary servant to the sanjakbey. When an enemy land was under attack, one soldier from each house went to the war. Their headmen – *knezes* and *premikurs*⁵³ – could not be removed from office without guilt or reason and one tenth of fines went to them.⁵⁴ The only difference, when it comes to Braničevo and Vidin vlachs in the same period, was that twenty houses formed a *katun* and that in the time of special need (an enemy attack), all the vlachs served as horsemen. One tenth of their fines went to their *knezes*. None of the vlachs in the afore-mentioned sanjaks gave *haraç*, *öşür* or *ispence*⁵⁵, although they did give some amount of grain to support the needs of the sanjakbey. Their army horses were never to be used for transport.⁵⁶

In this part of the Balkans, the status of vlachs was abolished in the 1530s since the border moved further to the north and there seemed to be multiple cases of abuse of this special status. The vlachs became

⁵² D. Bojanić, *Jedan rani kanun za vlahе Smederevskog sandžaka*, Vesnik Vojnog muzeja 11–12 (1966) 145–160; Eadem, *Turski zakoni*, 12–13, 15–16, 27–34, 93–96; Ö. L. Barkan, *894 (1488–1489) Yılı Cizyesinin Tahsilâtına Ait Muhasebe Bilançoları*, Belgeler I/1 (1964) 113; E. Миљковић-Бојанић, *Смедеревски санџак*, 229–232; E. Миљковић, А. Крстић, *Трагови*, 304–315.

⁵³ D. Bojanić, *Turski zakoni*, 161–162; ЛССВ, 584 (М. Шуица); М. Благојевић, *Влашки кнезови, премићури и челници у држави Немањина и Котроманића (XIII–XIV век)*, Споменица Милана Васића, прир. Р. Михаљчић, Бања Лука 2005, 43–77.

⁵⁴ D. Bojanić, *Turski zakoni*, 13, 16, 29–34; E. Миљковић-Бојанић, *Смедеревски санџак*, 233–241. Also see: B. Đurđev, *Nešto o vlaškim starešinama pod turskom upravom*, GZM 52 (1940) 49–67; Idem, *О кнезовима под турском управом*, ИЧ 1 (1949) 132–166; M. Vasić, *О knežinama Bakića pod turskom vlašću*, Godišnjak Istorijaskog društva BiH (=GID BiH) 9 (1957) 221–239; Idem, *Кнежине и кнезови тимарлије у Зворничком санџаку у XVI вијеку*, ГИД БиХ 10 (1959) 247–278.

⁵⁵ D. Bojanić, *Turski zakoni*, 145–146, 158, 168, 172–173; ЛССВ, 773–774 (М. Спремић).

⁵⁶ D. Bojanić, *Turski zakoni*, 12, 15, 27; Д. Бојанић-Лукач, *Власи у северној Србији*, 255–268; E. Љ. Миљковић, А. Крстић, *Браничево у XV веку*, Пожаревац 2007, 62–64.

*reaya*⁵⁷, with all the due taxes.⁵⁸ On the other hand, despite the efforts to make the same change, the system survived in western sanjaks near the border with the Habsburg lands. For instance, in Bosnia (Bosna) and in Herzegovina (Hersek), vlachs paid the following on St. George's day: one ducat of *filuria*, one ram (i.e. 15 *akçes*⁵⁹), one ewe with lamb (i.e. 12 *akçes*) per house. Every 50 houses gave two rams (60 *akçes*) and one piece of woven cloth (100 *akçes*). Per each 10 houses, one horseman went to a war campaign. Unmarried vlachs were exempt from taxation.⁶⁰ Bosnia, Herzegovina and Klis sanjaks witnessed widespread transformation of vlach possessions in *baštinas*. Whoever lived on *filurci* land for ten years was registered in defter as a vlach.⁶¹ The mentions of the "filurci land" versus "Serb land" still occurred in Herzegovina in the 17th century.⁶² Finally, in the vilayet of Crna Gora (Montenegro), each vlach house with *baština* paid *filuria* of 55 *akçes* in the early 16th century. The lower amount may have been the consequence of rocky and barren land, which was noted in the defters.⁶³

Just a brief glance at these norms suggests that they are very similar to the legislation which preceded the period of the Ottoman rule. Despite some regional or local differences and specificities, it is, therefore, quite possible to make the assumption that Ottoman legislation concerning the vlachs was adopted and revised legislation of previous periods. It was a well-exploited institution of conquered states, put to purpose of the

⁵⁷ D. Bojanić, *Turski zakoni*, 162–164.

⁵⁸ D. Bojanić, *Turski zakoni*, 45–48; E. Миљковић-Бојанић, *Смедеревски санџак*, 239–240.

⁵⁹ See footnote 50.

⁶⁰ *Kanuni i kanun-name*, 12–14; N. Filipović, *Vlasi i uspostava timarskog sistema u Hercegovini*, Godišnjak ANUBiH 12 (1974) 127–221; N. Beldiceanu, *Les Valaques de Bosnie à la fin du XVe siècle et leurs institutions*, Le monde ottoman des Balkans (1402–1566), London 1976, 121–134; Idem, *Românii din Herțegovina (sec. XIII–XVI)*, Buletinul Bibliotecii Romane Freiburg serie noua 14 (18) (1987–1988) 83–102; A. Aličić, *Sumarni popis sandžaka Bosna iz 1468/69. godine*, Mostar 2008, 67, 69; J. Mulić, *Društveni i ekonomski položaj*, 120–139.

⁶¹ *Kanuni i kanun-name*, 59, 67, 70, 89, 103–105, 118, 137.

⁶² *Ibidem*, 150. *Filurci* status, at least in Bosnia, survived even longer, well into the 19th century. See: Ć. Truhelka, *Historička podloga*, 157–158.

⁶³ *Kanuni i kanun-name*, 160, 171–172, 175–176.

Ottoman Empire, although, in the past, it may have been directed against its expansionism. Trends which were already ongoing, such as turning an ethnic, social or professional category into a category of status measured by taxation and military obligation, were only brought to perfection by the new rulers. The transitional period of the early Ottoman rule in the Balkans, in such a way, passed without considerable difficulties on the part of the conquerors.⁶⁴

⁶⁴ H. Inaldžik, *Od Stefana Dušana do Osmanskog carstva*, POF 3–4 (1953) 23–55; J. Šidak, *Historijska čitanka* I, 134–143; O. Зиројевић, *Турско војно уређење*, 170–176; *Statuta valachorum : prilozi za kritičko izdanje*, ur. D. Roksandić, Č. Višnjić, prijevod izvornika Zrinka Blažević, Zagreb 1999.

Neven Isailović

OSMANLI FETHİ ÖNCESİ VE SONRASI BALKAN EFLAKLARINA AİT KANUNLAR: GENEL BAKIŞ

Özet

Bu çalışma, Balkanlar’da Eflak nüfüsünün yasal statüsünü açıklayan Orta Çağ ve erken Osmanlı dönemine ait kanunların incelenmesine odaklanmaktadır. Eksikli veya eksiksiz Eflak kanunlarının araştırılması vasıtasıyla Osmanlı hükümetinin Balkanlar’a gelmesiyle bu nüfus grubunun yasal statüsünde anlamlı değişimlerin meydana gelip gelmediği tespit edilmeye çalışıldı. Bu bağlamda, özellikle karşılaştırma olanağı sağlayabilmek için yeterli korunmuş kaynak sayısı olan bölgelere, yani Hırvatistan’a, Bosna Hersek’e, Karadağ’a ve Sırbistan’a odaklanıldı. Osmanlı mevzuatının bu konuda Orta Çağ mevzuatına dayandığını ve onun devamı olduğunu söylemek yanlış değilse de, bu mevzuatın artık daha geniş bir şekilde kullanılmaya başlandığının farkında olmak gerekir. Aslında, Osmanlıların önceden etnik ve bir meslek grubuna uygulanan kanunları daha geniş hatta askeri olarak belirlenmiş bir gruba kökenden ve meslekten bağımsız olarak uyguladıkları için zaten başlamış bir süreci sonuçlandırdıklarını söylemek de mümkün. Gerçi mevzuat kapsamındaki bu değişimleri, Osmanlı öncesi Balkanlar devletlerinin son hükümdarları bile çıkarmış olabilir. Ancak, bu varsayımı destekleyecek yeterli kaynak mevcut değil.

Anahtar Kelimeler: Eflak, Balkanlar, Sırbistan, Bosna, Hırvatistan, Osmanlı İmparatorluğu, Orta Çağ, erken Yeni Çağ, mevzuat, hukuk.

Невен Исаиловић

**ЗАКОНОДАВСТВО О ВЛАСИМА БАЛКАНА
ПРЕ И НАКОН ОСМАНСКОГ ОСВАЈАЊА: ПРЕГЛЕД**

Резиме

У фокусу рада је анализа законодавне грађе из средњег века и раног османског раздобља којим је одређиван правни статус влашког становништва на Балкану. Кроз истраживање фрагментарних и целовитих закона о Власима/власима, покушало се утврдити да ли је након успостављања османске власти на Балкану дошло до значајнијих промена у правном третману ове групе становништва, са посебним освртом на област која укључује данашњу Хрватску, Босну и Херцеговину, Црну Гору и Србију, тј. на територију на којој је сачуван материјал који дозвољава поређења. Иако не би било нетачно рећи да је османска законодавна регулатива о овом питању била у највећој мери заснована на средњовековној, представљајући њен континуитет, мора се приметити да је њена употреба проширена на један шири слој људи. Заправо, чини се да је најумесније рећи да су Османлије довршиле већ започет процес примењујући законе који су се раније односили на етничку и професионалну скупину на ширу друштвену, па чак и војно одређену групу, независно од њеног порекла и занимања. Ове промене у законодавном оквиру су можда већ осмислили последњи владари балканских држава позног средњег века, али не постоји довољно извора који би могли одлучно да подрже ову хипотезу.

Кључне речи: Власи (власи), Балкан, Србија, Босна, Хрватска, Османско царство, средњи век, рани нови век, законодавство, право.