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THE CHARACTER OF LAW AND AUTHORITY IN MEDIEVAL BOSNIA

Summary

Understanding law and authority in Medieval Europe has been deeply influenced by religion. In that sense, authority of the time was theocratic. Such situation also prevailed in the Medieval Bosnian state. Many documents and first-rate historical sources serve as testimony to the understanding of authority and law. They are a formalized expression of understanding of the authority and law, which, in the period of Middle Ages in Bosnia, were based on the Christian vision of the world, as well as on religious subordination of the vassal to his senior. That can be seen in the example of intitulation of the Bosnian medieval diplomas and charters, both in Cyrillic and Latin alphabet, as well as in formal characteristics of the documents in the period of Middle Ages.

Key words: *authority, law, Middle Ages, Christianity, feudalism, charters, intitulation, Bosnian state, Dei Gratia (by the Grace of God) formula*

1. The Understanding of Law and Authority in the Middle Ages

The class society of the Middle Ages did not have a uniform law compulsory for all, and under such conditions legal equality was unattainable. Different social groups, despite being connected to comprise the whole of a feudal society, enjoyed different rights and duties. For centuries,

the legal system carried the traits of customary law, while written sources of law appeared only in individual cases, often in the form of private collections of customary law. These, so-called legal books, were prepared at the initiative of people who required a good knowledge of legal matter, such as court officials. With time, so-called privileges also appeared and they included guarantees of certain legal relations. Under these privileges certain subjects were provided a more favorable legal position, and the subjects that were able to use this privileged treatment were both physical persons and corporations. The Church was especially prominent in this. Real codes, in the form of wide collections of legal standards declared by the ruler, started to appear only later and did not always take root in practice. The nobility also opposed written law because it threatened to limit their authorities in the judiciary and, especially, the arbitrary creation and interpretation of law in every individual case. Examples of such opposition by the nobility against the ruler can be seen in the attempts by Czech kings Přemisl Otakar II, Václav II and Karl IV to pass a general code. It was exactly due to the opposition by the nobility that these royal initiatives failed¹. Despite such efforts to codify law in states during the Middle Ages, there was an apparent lack of deeper theoretical work, scientific understanding of the law, and only the Church was able to fill that void as an institution that has struggled for centuries to achieve the spiritual and worldly domination of the then known world. With its universalistic tendencies it created a law which did not recognize the boundaries of the then existing states and fiefdoms. The Church, acting in a legislative and scientific manner, by modifying its own, canon law, had accelerated the reception of Roman law and, in a way, the Romanization of legal thought. For it was the Church that lived in accordance with the Roman law – *Ecclesia vivit lege Romana*.² However, the obligation of law (*vinculum iuris*), required by jurisprudence, was inadequate for Christian ethics, which required a pious obligation (*vinculum pietatis*). In addition, not even the juridical values advocated by Ulpinian were acceptable for Christian doctrine. Consequently, Christian teaching on the progenitorial sin, the demand that man should tolerate abuse and forgive, as well as the command of the evangelical world demanding asceticism and generosity, found

¹ SPOUNAR, 1995, 99, 100.

² SPOUNAR, 1995, 101, 102.

themselves at odds with the legal principles and commands that every man is good until proven otherwise, that men should defend themselves from abuse and that they should protect their private property. Juridical egotism thus gained a powerful adversary in the form of Christian altruism.³ The Church, therefore, had a cautious approach to Roman law, even though it too adopted it, and started to develop its own canon law that would be more adapted to the Christian spirit. As a result, six centuries after Justinian, canon law was codified in Gratian's *Decretum*. Canon law significantly changed the legal institutions that had existed to that moment: marriage was elevated from the world of contractual relations to the level of spiritual secret, in the understanding of crime the external element of created damage was replaced by an internal element – the state of the criminal's will, the principle of service was introduced in public law. All these changes were merely a legal-institutional expression of attempts to enoble civil, common law, with a morally cleaner system: divine law (*ius divinum*).⁴

The relationship towards the state was also determined by theological views and such a theocratic approach was justified by and based on the Old Testament. The pure theocracy based on the Old Testament, in the form of direct power from God with the Messiah receiving God's laws at Mount Sinai, also has its "moderate" variant: a mediator between God and man appears, the monarch, the one who rules in accordance with the Grace of God and is responsible before God, not the people. In the Middle Ages the state is an instrument for the implementation of law and according to Hungarian King Matyas Corvin the king is the "source and protector of this just system", and he is "not its slave, nor its instrument, but stands above the law and presides over it".⁵

During the coronation of Pippin the Short, the ceremony of sanctification is also introduced, which brings the ruler closer to clergy. He not only carries the cross among the royal symbols, but acting out of Christian humility he also assumes the title "king by the Grace of God". From this point, it is no longer the ideal of a king to be merely a person in power who draws his power and strength from earthly fountains; instead, his ideal becomes the implementation of the rules of God in this earthly

³ SPEKTORSKI, 1997, 97.

⁴ SPEKTORSKI, 1997, 97, 98.

⁵ LOVRENOVIĆ, 2006, 54.

world, to rule based on Christian moral in a harmonious relationship with the Church. According to that template, which Charles the Great inherited as well, religion is, in fact, a state matter. According to that template only those who belong to the Christian community belong to the human society, and excommunication meant the same as being placed outside the law.⁶

2. The Influence of Christianity on the Legal System

Religiosity in Europe during the Middle Ages did not represent solely the subjective sensitivities of an individual nor the exercise of prescribed religious ceremonies, rather it represented a *modus vivendi* and a foothold on the social ladder in a situation when Christianity was entering all segments of social life making an impact on all standards, institutions, customs, beliefs and practically all aspects of human life.

The Bosnian nobility not only accepted that social template, but survived as the elite segment of the society because of it. Under confessional conditions dominating medieval Bosnia and in an environment which, at times, contributed to the turbulent political events in the Bosnian territory, religion for the nobility was also an instrument of practical politics, the basic element for preserving their position, i.e. mere survival, and had, as such, infiltrated their ruling ideology.

Bosnian rulers had from the time of the first bans to the time of Stjepan Tomašević built their image so as to portray themselves as “just rulers” (*rex iustus*) and in doing so had fitted well the medieval understanding of law and its origin.⁷ Bosnian kings pledged allegiance to the „свето еванђелије“, „кр’ст часни“, which can also be seen from King Stjepan Tomašević’s charter to the people of Dubrovnik dated 23. XI 1461. The last Bosnian King, the charter states following expressions of loyalty to Christ, is designated to rule and „творити ми правде и милости и даре“.⁸ In such capacity he defines for the people of Dubrovnik „слободшине и законе и увите“. Tvrtko II also confirmed the old charters⁹ to the people of Dubrovnik by pledging allegiance to the Gospel and the Holly Cross,

⁶ PIRENNE, 2005, 46, 47.

⁷ LOVRENOVIĆ, 1997, 185.

⁸ MIKLOSICH, 1858, 485 – 488.

⁹ MIKLOSICH, 1858, 316- 318.

just as the first Bosnian King Tvrtko had done earlier.¹⁰ Thus the rulers, who ruled by the Grace of God in the earthly empire, had also implemented laws and protected the order established by God. The order rested on loyalty; vassals loyally serving their seniors, but also on fidelity of Christians towards God and everything that is of God.

3. The State of Bosnia and the Crown of the Kingdom

Bosnian noblemen are referred to in documents as „великим воеводом русага босан`скога“¹¹, which can also be seen from the documents of Stefan Vukčić Kosača.¹² The term „*rusag bosanski*“, as a term denoting the state, was taken directly from Hungarian and the word *orszag* was only slightly modified. At the same time the term „*rusag bosanski*“, i.e. „*sav rusag bosanski*“ or “the entire Bosnia”, also stood for the Bosnian nobility gathered in the state assembly.¹³ It was considered in the 15th century that the crown owned the cities and revenues and that the nobility owed their loyalty to the crown.¹⁴ “*Rusag bosanski*” was indivisible and inherited with the crown. The idea of the crown as a transpersonal symbol and the assembly of noblemen as constitutive elements of the state allowed for the unity of Bosnia to be preserved in legal and political understanding despite its deep and real divisions. Regional rulers remained “*rusag*” gentry until the fall of Bosnia. Even though *de facto divided*, Bosnia remained united in the field of political conceptions, this primarily owing to the perception of the state which became dominant during the rule of King Tvrtko I.

4. The Character of Authority in the Intitulation of Documents in Medieval Bosnia

Since the 14th century, some members of the Bosnian nobility had offices or scribes in charge of their correspondence. First-rate historical sources were thus created providing a firsthand account of them and the

¹⁰ MIKLOSICH, 1858, 176, 187.

¹¹ STOJANOVIĆ, 1934, 64.

¹² STOJANOVIĆ, 1934, 62, 64. and in other places.

¹³ ĆIRKOVIĆ, 1964a, 224.

¹⁴ ĆIRKOVIĆ, 1964, 368.

world of their religious and political beliefs. In these cases there could not have been any deviations, attempts to conceal or gain favor, or perhaps show things in a better light. Quite the opposite, things were shown exactly the way they were. Documents are, in fact, formalized expressions of the understanding of law based on the theological, Christian vision of the world and the relations in it.

Intitulation in western charters was introduced by Charles the Great after the year 800, imitating the Byzantine charters, as he tried to show himself as the successor of Roman, and perhaps even Byzantine emperors. He also made the devotional formula a part of the intitulation thus demonstrating not only his personal relationship of humility towards God, but also the political message that his power arises from God.¹⁵ Invocation so became a way to make a political statement on the character and origin of power and a reflection of the ideological concept to the Christian ruler.

Intitulation represents, as described by today's terminology, the constitutional and legal basis of a political order which invoked God for its legitimization. We notice that the *dei gratia* formula is used both in the documents of bans and royal documents.

4.1. Kulin, Ninoslav and the Kotromanics

Bosnian rulers, even prior to coronation, had demonstrated their sovereignty and position in universal relations of the medieval class society.¹⁶

The titulations of Bosnian rulers before the coronation of Tvrtko in 1377 also stand as proof of this. Ban Kulin titulated himself „ja бан' бос'н'ски Кулин“,¹⁷ while the documents of Ban Ninoslav from 1232/33 replaced the colloquial expression “ja” with the ecclesiastical “аз”, and in the intitulation, as opposed to Kulin, the ruler becomes “*раб божју*” and “*велики*”.¹⁸ In 1240, the same ruler also introduced the formulation “*по милости божие*”.¹⁹ It is interesting that the charter of Ban Ninoslav

¹⁵ STANOJEVIĆ, 1913, 111.

¹⁶ MARJANOVIĆ – DUŠANIĆ, 1997, 34, 35.

¹⁷ STOJANOVIĆ, 1929, 2.

¹⁸ MIKLOSICH, 1858, 24.

¹⁹ STOJANOVIĆ, 1929, 7.

Dubrovčanin from 1249, the work of a Bosnian scribe, added to the name Matej that of Stjepan.²⁰ Ban Stjepan II Kotromanić, in the charter from 1333, handing over Pelješac and Ston to the Dubrovnik Municipality, titled himself as “*Mi gospodin Stefan po milosti božijoj ban Bosne i Usore i Soli i gospodar Humske zemlje*”.²¹ In the intitulation, Stjepan II also used the name of St. Gregory, the saint who, until the Ottoman conquest of the medieval Bosnia, was its patron: “*Аз’ свети Гр’гур а зовем’ бан’ Ступан’*”.²² However, St. Gregory is not mentioned in charters issued to Dubrovnik, i.e. in communication with foreign political factors; the name of this saint in intitulation *pro foro interno*²³ was used instead. A similar example can be seen in the use of the title of *samodržac* (despot) in Rashka during the reign of Stefan Nemanja, which was used exclusively in internal documents. Such use of St. Gregory’s name had demonstrated the independence of Stjepan II from the Chatholic Church up until the time when he accepted Catholicism, which happened under the influence of the Franciscans.²⁴ After declaring Bosnia a kingdom, King Tvrtko I stated in the charter dated April 10 1378: “*В’инчан’ бих’ богом’ дарованим’ винцем’ на кралиевство пр’родител’ моих јако б’ити ми от Христа Исуса благовјерному и богом’ поставлиеному Срефану краљу Србљем’ и Босне и Поморју и Западним’ Странама’*”.²⁵ Tvrtko I, in a deed of gift to Hrvoje Vukčić Hrvatinić from 1380, mentioned an important intitulation in the system of medieval patterns of rule and ideology: “*...Такоже же и аз Стефан Твр’тко по мил(о)сти господа б(о)га краљ Србљем, Босни, Приморју, Хл’м’сци земљи, Дол’њим крајем западним странама, Усори, Соли и Подренију к тому сподобљен бих џ(еса)р ствовати на земљах родител’ и прародител’ наших...*”.²⁶ Tvrtko’s successor at the royal throne King Stejpan Dabiša also emphasized his title, in a document dated May 17 1395 “*Ми Стефан Дабииа по милости господа бога, краљ Ср’бљем, Босне, Приморја, хл’м’сце*

²⁰ “Аз Маден Стипан’ по милости божије велики бан’ босен’ски”, MIKLOSICH, 1858, 32.

²¹ Codex diplomaticus, X, 79 - 81.

²² THALLÓCZY, 1906, 406, 407.

²³ SOLOVJEV, 1949a, 89.; LOVRENOVIĆ, 2005, 199.

²⁴ MARJANOVIĆ-DUŠANIĆ, 1997, 68; LOVRENOVIĆ, 2005, 200.

²⁵ MIKLOSICH, 1858, 187.

²⁶ JALIMAM, 1997, 61.

земљи, дол'њим крајем', западнем странама, Усоре, Соли и Подринију".²⁷ In a charter from November 20 1398 Stjepan Ostoja was titled "Аз' Стипан' Остоја, по милости господи бога блоговјерни крал' Ср'блем', Босне, Приморју, Хумсци Земли, Запад'ним Странама', Доним' Краем', Усори, Соли, Подринију и к тому".²⁸ Besides this one, King Ostoja also used the shorter title: "...бити ми ва Христа бога благавирному и богом поставленому господину кир Стипану Остои, краљу Срблем', Босни и Поморију и всим' Западним' странама'".²⁹ In certain charters, Tvrtko II Tvrtkovic put the devotional formula at the beginning of the intitulation, thus the charter from March 2 1433 states: "Милостију божиом' Ми господин' Шефан' Твртко Твртковић, краљ Срблем, Босни, Приморју, Хом'сци Зем'ли и к тому".³⁰

Intitulations of documents in Latin, namely Kulin's charter from 1189 (*Ego banus Culinus Bosne*)³¹, those of Prijezda (*Pryjezda domino concendente banus Bosnensis*)³², Ban Stjepan II Kotromanic dated June 23 1345 (*Nos Stephanus, dei gratia banus Bosne, nec non terrarum Usure, Salis, dolinne, Crayne, Rame ac totius Cholm princeps et dominus*)³³, also show how political position affected titulation. While the predecessors of Stjepan II, except Prijezda, do not use the *dei gratia* formula, Stjepan, having strengthened as a leader, made it a part of the document-writing practice. The Ban's documents of Tvrtko, except for one written on February 13 1355³⁴, contain intitulations of several persons. The mentioned document from February 13 1355 states: *Tuerthko dei gracia banus Bossine*, while the titulation *Tuerdico dei gracia Bozne banus una cum dilecto fratre suo comite Vulk ac karissima matre nostra domina Helena*³⁵ appears in another document of Tvrtko from March 14 1356. Unlike his ban's documents, Tvrtko's royal charters contain another name, while both the ban's and royal charters contain the *dei gratia* formula. Tvrtko's successors also

²⁷ MIKLOSICH, 1858, 226.

²⁸ MIKLOSICH, 1858, 231.

²⁹ MIKLOSICH, 1858, 233.

³⁰ MIKLOSICH, 1858, 374.

³¹ BRKOVIĆ, 1998, 183.

³² Codex diplomaticus, VI, 588, 589.

³³ Codex diplomaticus, XI, 207, 208.

³⁴ BRKOVIĆ, 1998, 185.

³⁵ BRKOVIĆ, 1998, 185.

used the ruling title Stephanus, like King Dabiša for example, who was *Stephanus Dabissa, dei gratia Rascie, Bosnae Maritimeque etc. Rex*.³⁶

4.2. The Pavlovics

The Pavlovics also used the titulation denoting that they bear their status of dukes under the Grace of God, and add weight to their position by invoking ancestry. On March 25 1397 Pavle Rađenović was titled *“Ми кнез’ Павао, син’ светопочившаго господина и родитела ми господина кнеза Радина Јабланића”*.³⁷ Radoslav Pavlović, the son of Pavle, invoked the Grace of God, which is evident from his 1433 document confirming peace reached with the people of Dubrovnik.³⁸ From 1437 Radoslav Pavlović used a new intitulation including a devotional formula, mention of lineage, as well as an addition *“и к тому”*, probably adopted from Bosnian charters.³⁹ The intitulation from Radoslav Pavlović’s charter dated January 31 1437 contains all the mentioned elements and reads: *“Ми господин’ воевода Радосав’, милостју божиом воевода велики русага босанскога и к тому, а син’ многопочтенога споменутија славнога господина кнеза Павла”*.⁴⁰ In addition to *“и к тому”*, The Pavlovics also started to use the term *rusag bosanski* in documents. In a charter from 1439, Radoslav Pavlović, following the invocation, titulates himself as *“Ми господин’ воевода Радосав’ милс’тју божијом, велики војвода русага босанскога а син’ много потченога спомену’ја славнога господина кнеза Павла Рајеновића”*.⁴¹ Starting with 1437, it is possible to note significant similarities between the charters of Radoslav Pavlović and Stjepan Vukčić Kosača, which can be explained either by a strong mutual influence between the two offices or the use of identical forms.⁴²

Duke Ivaniš Pavlović, son of Radoslav Pavlović, confirms privileges for the people of Dubrovnik in a charter from September 1442 and in

³⁶ Codex diplomaticus, XVII, 596, 597.

³⁷ MIKLOSICH, 1858, 229.

³⁸ MIKLOSICH, 1858, 376.

³⁹ STANOJEVIĆ, 1913, 135.

⁴⁰ MIKLOSICH, 1858, 387.

⁴¹ MIKLOSICH, 1858, 398.

⁴² STANOJEVIĆ, 1914, 135.

the charter he titulates himself “*Милостију божиом Ми гдин воевода Иваниш` много почтенога споменутиа син` славнога и великога господина Радосава а унук` и наследник` почтенога споменутиа славнога господина кнеза Павла Раденовика..., а синовац почтенога поменутија славнога господина воеводе Петра*”.⁴³

4.3. The Hrvatinićs

Hrvoje Vukčić Hrvatinić used a variety of titulations, depending on the political circumstances at the time of their use, but also his perceptions and ambitions. This is also visible from Hrvoje’s self-intitulations which include *gospodin herceg splitski, knez Donjih kraja* and *veliki protoger kraljevstva bosanskog*⁴⁴, *duk splitski* and *veliki vojvoda kraljevstva bosanskog*⁴⁵, as well as *excellenti domino Hervoye, duce Spalati, Dalmatie Croatiaeque regii vicemgerentis ac Bosne summi voyvoda necnon partium inferiorum comes*⁴⁶, *regnorum Rasie et Bosne summus voyvoda*⁴⁷, *Inferiorum Bozne parcium Wayuoda*⁴⁸, *Supremus voyvoda regni Bosne*⁴⁹, *vicarius generalis regis Vladislavi et regis Ostoye*⁵⁰ etc. in Latin documents.

In the charter from March 12 1380, King Tvrtko I awarded the honor of Grand Duke to Hrvoje⁵¹. The people of Dubrovnik addressed Hrvoje as “*славному и велиможному великому војеводи Хрвоју*”⁵², in a document from 1400, assuring him that Turkish emissaries had not been prevented from crossing the bridge at Drevi with their knowledge, and that those responsible would be found and punished. On December 27 1403, the people of Dubrovnik, besides addressing him as the Grand Duke of Bosnia, also addressed him as the Herzog of Split.⁵³

⁴³ MIKLOSICH, 1858, 411, 412.

⁴⁴ STOJANOVIĆ, 1929, 549.

⁴⁵ STOJANOVIĆ, 1929, 455.

⁴⁶ ŠIŠIĆ, 1938, 224.

⁴⁷ ŠIŠIĆ, 1938, 183

⁴⁸ Codex diplomaticus, XVII, 529, 530.

⁴⁹ ŠIŠIĆ, 1938, 170, 171.

⁵⁰ ŠIŠIĆ, 1938, 170, 171.

⁵¹ ŠURMIN, 1898, 91, 92.

⁵² STOJANOVIĆ, 1929, 448.

⁵³ STOJANOVIĆ, 1929, 446, 447.

In the agreement between Hrvoje Vukčić and the people of Dubrovnik from 1404 on an alliance against King Ostoja, Hrvoje is titulated as “*дук`с`плицики и веоможани велики воевода кралеваств`босанског`*”⁵⁴, while the people of Dubrovnik, in a document dated March 14 1404, which praises reconciliation between Ostoja and Hrvoje, addressed him as *slavnim i velmožnim gospodinom Hrvojem, hercegom splitskim i velikim vojvodom kraljevstva bosanskog*⁵⁵. As early as 1405, as well as in the following years, they also addressed him as the Prince of the Lower Edges.⁵⁶ On February 6 1406, the people of Dubrovnik titulated Hrvoje as *By the Grace of God Herzog of Split and Prince of the Lower Edges*.⁵⁷ Hrvoje himself used the *dei gratia* formula in an agreement with Dubrovnik against King Ostoja from January 15 1404.⁵⁸ However, Hrvoje did not use the *dei gratia* formula when he addressed the kings of Naples, Bosnia and Hungary, because he was in a vassal position towards them and could not express his own statehood in those addresses.⁵⁹

In a charter from April 2 1412, Hrvoje is titulated as “*Ми господин`херцег сплитски и кнез`Долних`Краи и велики протогер`крелијевства босанског`*”.⁶⁰ The word “protoger” is of Byzantine origin and was used to indicate the first among equals. Krstjanin Hval calls Hrvoje “urum”, a form of address invoking lineage – a servant to his senior, i.e. having the meaning of “my master”. One can assume that such Byzantine and Hungarian influences are based on that fact that Hrvoje’s power extended to Split, which was once the seat of the Byzantine Dux of Dalmatia and Croatia, while the Hungarian influence came from the north, northwest and west.⁶¹

⁵⁴ STOJANOVIĆ, 1929, 455.

⁵⁵ MIKLOSICH, 1929, 457.

⁵⁶ MIKLOSICH, 1929, 461 – 474.

⁵⁷ STOJANOVIĆ, 1929, 460.

⁵⁸ STOJANOVIĆ, 1929, 455.

⁵⁹ MRGIĆ-RADOJČIĆ, 2002, 102.

⁶⁰ PUCIĆ, 1858, 1. c. I. 175, 176.

⁶¹ MRGIĆ-RADOJČIĆ, 2002, 102, 103.

4.4. The Hranić – Kosačas

Duke Sandalj Hranić was titulated as “*воевода Сандаљ Хранић милостију божиом велики воевода босан’с’ки*”.⁶² We see the same intitulation in the documents of Stjepan Vukčić, Vladislav Hercegović and other members of the nobility as well. In a charter from October 10 1435, confirming to the people of Dubrovnik earlier charters as well as Konavle and Vitalina, Stjepan Kosača titulates himself as “*Ми гдин велики воевода русага босанскога и к тому Стипан Син’ и наследник многопчтенога поменуџ је родитеља ми славнога гдина кнеза вукца Хранића, милостију божиом’ велики воевода русага босанскога и к тому*”.⁶³ Stjepan’s intitulation is more extensive and elaborate than Sandalj’s and was probably written on more forms.⁶⁴ Stjepan Vukčić stressed in charters his title of the Duke of Saint Sava and in one such charter from July 5 1450 he is titulated as “*господин Стјепан’, божиом’ милосту херцег’ од’ светога Саве, господар’ хумски и приморски и велики воевода русага босанскога, кнез’ дрински и к тому*”.⁶⁵ Several years later, on July 19 1453, in a charter reconciling himself with his son Vladislav, Herzog Stjepan is titulated as “*Милостију божиом’ и господара великога господина ми цара амир’ султан’ Мехмед’ бега, Ми господин’ Стјепан’*”.⁶⁶ Herzog Stjepan’s title was thus adjusted to the new political circumstances shortly after the Ottoman conquest of Constantinople on May 29 1453.

Vladislav Hercegović titulated himself as “*господин кнез Владислав, син господина херцега Стјепана*”.⁶⁷ Already on August 15 1451, in the agreement on entering an alliance with Dubrovnik, Vladislav used the expanded intitulation “*Милостју божиом’ Ми господин’ кнез Владислав’, син почтенога и узможнога господина херцега Степана, сина господина кнеза Вукца Хранића*”.⁶⁸ It is clearly visible from

⁶² STOJANOVIĆ, 1929, 29.

⁶³ STOJANOVIĆ, 1934, 35.

⁶⁴ STANOJEVIĆ, 1914, 138

⁶⁵ MIKLOSICH 1858, 441.

⁶⁶ MIKLOSICH, 1858, 448.

⁶⁷ MIKLOSICH, 1858, 443.

⁶⁸ MIKLOSICH 1858, 444.

these formulations that the power of the nobility is not only given by God, legitimized by the Grace of God, but also by noble lineage. It is not before 1478⁶⁹ that Vladislav is for the first time mentioned in sources as Herzog of Saint Sava, while his brothers, on the other hand, use this impressive title much earlier. Vlatko Hercegović was titulated as Herzog in 1467⁷⁰, while in a document issued with his younger brother Stjepan in July 1470 he was titulated as “*Ми господин’ херцег’ Влатко, херцег’ светога Саве и веће, и господин’ кнез’ Стипан’, брат’ реченому господину херцегу Влатку, обадва синове и наслидници славнога поменут’ ја господина херцега Стипана и много гласитога господина воеводе Сандала*”.⁷¹ Balša, grandson of Herceg Stjepan, son of Vladislav, was also named Herzog of Saint Sava and was titulated in October 1420 as “*Ми господин’ Балша, херцег’ светога Саве, син гласитаго спомениција господина херцега Владислава*”.⁷²

In addition to the *dei gratia* formula, Herceg was titulated in Latin charters from 1454 and 1455 as: “*Nos Stephanus dei gratia dux Sancti Sabe, dominus tere Hulminis, Maritimarum Partium ac comes Drine et magnus Vayvoda Regni Bossine etc.*”⁷³ By doing so Herceg Stjepan also tried to present through his titulation that his rule is powerful and legitimized by the Grace of God.

Instead of a Conclusion

The legal system and concept of authority in the medieval European society were conceived as an expression of the theocratic, Christian view of the world. The structure of the feudal society itself led towards legal particularism. Yet the Church, being a universal institution, accelerated the reception of Roman law by modifying canon law. The understanding of state and authority was also inseparable from the religious conception of the world and society. Rulers, as early as the King of Franks Pippin the Short, ruled “by the Grace of God”, which is an expression of indirect

⁶⁹ STANOJEVIĆ, 1914, 141.

⁷⁰ MIKLOSICH, 1858, 503.

⁷¹ MIKLOSICH, 1858, 502

⁷² MIKLOSICH, 1858, 502.

⁷³ THALLÓCZY, 1914, 395 – 397, 175, 176.

theocracy, in which law is a gift from God, while the ruler, whose power has divine legitimacy, is responsible to God alone. Medieval Bosnia was also not spared of this conception of authority and it too was a land in which bans, kings and certain noblemen ruled “by the Grace of God”. The concept of the Bosnian feudal state was maintained by the institutions of medieval Bosnia: the crown of the kingdom as a transpersonal symbol, the Assembly and State Council. Bosnian medieval documents, both in Cyrillic and Latin alphabet, as formalized expressions of law, show us how their authors viewed the world and authority. Intitulations of Bosnian medieval charters, as formal characteristics of documents, show that the rulers and noblemen in medieval Bosnia (the bans Kulin and Ninoslav, the Kotromanićs, Pavlovićs, Hranić-Kosačas, Hrvatinićs) accepted the legitimization of power by God’s will, but also by noble lineage.

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