



The Law in Macedonia in the Middle Ages According to the Law on Judging People

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Abstract

When discussing the law in medieval Macedonia, it is clear that in the early years of the Middle Ages, it was underdeveloped and relied heavily on customary law. Without significant changes, customary law would sometimes transition into written law and vice versa. A significant influence on the law in medieval Macedonia was undoubtedly the *Law on Judging People*, one of the most renowned historical sources of Slavic law, believed to have been created in the second half of the 9th century or the early 10th century. There is no dispute over the fact that this legal document was modeled on and represents an adaptation of specific articles from Chapter XVII of the Byzantine *Ecloga*. The *Law on Judging People* primarily contains criminal law but also includes provisions of private and procedural law. During this period, this code was the main written document that, together with unwritten customary law, constituted the legal framework in medieval Macedonia. Naturally, Byzantine law was also applied in Macedonia at that time. However, with the creation of the *Law on Judging People*, this law was implemented in Macedonia, and it can be said that it was a much more lenient and tolerant law compared to all previous laws in Byzantium. The *Law on Judging People* regulated the legal system in this region and, together with customary law, determined punishments. The original manuscript of this document has not been preserved.

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1. Introduction

One of the most renowned historical sources of Slavic law, believed to have been created in the second half of the 9th century and the early 10th century, is the *Law on Judging People*. The *Law on Judging People* is a Slavic version of the *Ecloga*, which most likely originated around the middle of the 9th century.

In my opinion, this law, the *Law on Judging People*, has Macedonian origins and was created by Methodius in Macedonia, during the time when he was the ruler of the Strimon archonship.

The *Law on Judging People* contains provisions from various areas of law, with the most numerous being those related to paganism, marriage, and relations between spouses [1].

2. Ownership

The primary occupation of the Macedonian Slavs was agriculture. From the time they settled on the Balkan Peninsula, they were familiar with immovable property, where the owner was the kinship community (collective ownership). Collective ownership represented the property of an extended family consisting of multiple members, usually headed by the eldest male member, while the ownership of immovable property was shared among all adult male members [1].

Regarding women's ownership rights, among the Macedonian Slavs, women had no ownership rights over immovable property for a long time. They only had ownership rights over movable property [2].

Ownership was also regulated by the *Law on Judging People*, where, in Chapter 1, it states: "Every village where pagan sacrifices and killings (slaughters) are performed shall be handed over to God's sanctuary, along with all the property possessed by the landowners in that settlement [3]." This demonstrates that the *Law on Judging People* punished those who did not adhere to the rules by confiscating their property, which was then assigned to the churches. In this way, the church increased its power, and the population became dependent on the church regime.

Additionally, it was stated that "those who perform sacrifices and slaughters shall be sold along with all their property, and the proceeds shall be distributed to the poor." During this period in Macedonia, Christianity was spreading significantly, and the *Law on Judging People* aimed to strengthen and simultaneously promote this newly embraced religion in the region.

From the above, it can be concluded that ownership in medieval Macedonia, in addition to other written laws in force in Byzantium, was also regulated by the *Law on Judging People* and by customary law, which continued to regulate certain areas of daily life among the Macedonian Slavs for a long time.

3. Obligations Law

The law of obligations among the Macedonian Slavs until the 10th century was very underdeveloped, consider-

ing that the economy was natural and production was primarily for meeting personal needs.

The scope of obligations law was limited to exchange and sale-purchase transactions, while loans (*mutuum*) were rarely entered into due to the lack of money, and no distinction was made between loans and service (*commodatum*) [4]. During this period, apart from Byzantine obligations law, customary law was also applied in parallel among the Macedonian Slavs.

The contract for service: According to the *Law on Judging People*, Chapter 24 addresses the borrowing of a horse. If someone takes a horse for use to reach a specific location (and leads it) or sends it (beyond the designated location), and if the horse is injured or dies, the borrower must compensate the horse's owner for the damage [5].

4. Family Law According to the *Law on Judging People*

Regarding the conditions for marriage and marital impediments, they are addressed in the *Law on Judging People*, specifically in Chapter 14: "Those who commit incest by marrying blood relatives shall be separated. *Law on Judging People* is a translation of the Ecloga, and it is evident that the authors of these works devoted significant attention to matters of family and marital law, including religious rules, specifically Christian principles[6].

Before the adoption of Christianity among the Macedonian Slavs and the creation of the *Law on Judging People*, it is clear that marriage between relatives up to a certain degree of kinship (though not in the direct line, such as brother and sister) was permitted, and customary law posed no obstacle to such unions [6].

The *Law on Judging People* penalizes only marriages between blood relatives but does not address marriages between relatives of one spouse with the relatives of the other spouse.

It is evident that the law exclusively considers marriages conducted within the church and does not account for other temporary or long-term forms of extramarital unions.

As mentioned earlier, marriages between spiritual relatives, such as between the godchild's mother and the godfather, or between the godfather and his goddaughter, were penalized under Chapter 7 of the *Law on Judging People*.

It appears that during the preparation of manuscript copies, some aspects were unclear, leading scribes, either knowingly or unknowingly, to attempt corrections. The issue arose with the word "*kupetra*," which could be linked to the Latin *compater* (godfather) and *commater* (godmother). However, it is clear that this refers to a female individual and the possibility of marrying her [5].

The preserved sources regarding marriage speak of the existence of the custom of polygamy among the Slavs in general.

As previously mentioned, the *Law on Judging People* aimed to strengthen the Christian faith, and it follows that the *Law on Judging People* defends monogamous marriage and penalizes bigamy.

Chapter 15 of the *Law on Judging People* states: *"Whoever has two wives, let him dismiss the younger one along with her children, and let him be beaten. Seven years of penance [7]."*

It is evident that even with the adoption of Christianity among the Macedonian Slavs, polygamy still existed, albeit to a lesser extent, primarily among wealthier individuals and princes.

Regarding the status of women, it was characterized by a subordinate role, with the obligation of marital fidelity resting solely on them. Sources also indicate that among the Slavs, there was a custom where women, after the death of their husband, would burn themselves or otherwise take their own life, and they were buried together with their husband [7].

The *Law on Judging People* dedicates Chapter 33 (30a) to spouses, stating:

"The life of spouses is created by God as indivisible. Thus, the wisdom of our Savior Lord God teaches us. He, who created the existence of man from nonexistence, did not create the woman by taking clay from the earth, but created her by taking a rib from the man and thus wisely, by uniting one body in two persons, legalized their inseparable bond. Therefore, not even the woman who, deceived by the devil, first tasted the bitterness and gave it to the man to taste the same bitterness, was separated from him; nor was the man, who together with his wife transgressed God's law, separated from the woman. For that sin, God imposed suffering on them, but He did not divide their union [5]."

This, already published, is further confirmed by the Evangelist: *"Then, when the Pharisees asked our God Christ, 'Is it lawful for a man to divorce his wife for any reason?' Jesus answered them, 'What God has joined together, let no man separate, except for fornication.'* Following Christ God, we, as His faithful disciples, do not dare to enact anything else. But, since hatred enters between spouses because of accusations or due to physical and other vices, we define the following reasons, according to the law, for which spouses may be separated:

Likewise, a woman may be separated from her husband if he plots against her, or if she learns of another woman and he does not tell her, or if she contracts leprosy, or if one of them falls ill with a serious disease before they have relations.

All of this should be examined with witnesses before the judges, as we have written; and we always say that all human crimes will be judged at the great judgment of God. Therefore, it is not fitting to separate anyone, but rather all should be daily taught in God's law, hoping that through Christ God, we will hear the blessed voice at the universal judgment: *'Come, blessed faithful servants, I will set you over many, enter into the joy of your Lord God, to rejoice with the angels for all time. Amen [1].'*

A man may seek a divorce only in the following cases: *"If the woman has committed adultery, if she plots against his life, or if she knows that others are plotting against him and does not inform him, or if she has lepro-*

sy.”

Similarly, a woman may seek a divorce for the following reasons: “*For the impotence of the husband, which has lasted for three years since the marriage, if he plots against her life, or if she knows that others are plotting against him and does not inform him, or if he has leprosy* [4].”

5. Criminal Law According to the Law on Judging People

Blood revenge was the first form of punitive sanction, not only among the Slavs but also in the clan societies of other peoples at the same level of societal development. For example, in the canon of Lek Dukadžini, which compiles the customary law of the Albanians, blood revenge is regulated in Article 118, which states, among other things: “No one can gather companions around their banner to set an ambush for someone; if someone goes out and kills someone from the banner, all are responsible for the blood. If someone leaves their banner to set an ambush to kill someone from another banner, the one who sets the ambush owes the blood, not the others from the banner,” etc [8].

At first, blood revenge had the character of total annihilation between one clan and another, but over time it became more restricted, eventually focusing solely on the individual perpetrator. The Law on Judging People in Chapter 18 protects the right of asylum in churches and prescribes: “No one shall forcefully remove someone who seeks refuge in a church. Instead, the refugee shall present their dispute and committed crime to the priest, who must investigate and confirm the crime according to the law before accepting them as a fugitive. If someone attempts to forcefully remove the refugee from the church, they shall receive 140 blows and then the refugee's crime shall be examined as appropriate [9].” Here, we see that in this stage of societal development, only the perpetrator of the criminal act is punished, and naturally, anyone else involved is also penalized.

Similarly, in Chapter 19 of *Law on Judging People*, it states: “If someone has a dispute with someone else and does not inform the authorities, but acts arbitrarily, using either power or force to obtain what they want, they shall lose their property and must return it, even if it is truly theirs. If someone takes someone else's property, they shall be beaten by the local ruler, as it is not within their right to be their own avenger. Those who act in this way must provide compensation for the taken property.”

Regarding the issue of guilt, or the subjective relation of the perpetrator to the act, *Law on Judging People* in Chapter 17 distinguishes and prescribes different penalties depending on whether the act was done intentionally or negligently, while foreseeing different degrees of negligence. Thus, if someone intentionally causes a fire in a city, they are punished by burning, but if the fire occurs accidentally or due to force majeure, without the perpetrator's will, the person is not punished [4].

It is important to note that medieval Macedonian criminal law did not fully transcend the primitive categories of collective responsibility for certain crimes. An example of collective responsibility can be found in Chapter 1 of *Law on Judging People*, where pagan sacrifices and killings are performed. However, although collective responsibility was still applied, in greater measure, the guilt was directed solely at the individual perpetrator.

6. Types of Punishments According to the Law on Judging People

In medieval law in Macedonia, one of the harshest punishment systems was present, most likely adopted from Byzantine law .

As mentioned earlier, although collective responsibility existed, which placed great importance on subjective responsibility, individualized the criminal act.

In medieval Macedonian law, several types of punishments were prescribed for criminal offenses, including:

– **Death Penalty** - In the Middle Ages, the death penalty was very common and practiced for certain criminal acts. The Law on Judging People also prescribes the death penalty, and it includes a single form of execution, which is either burning the perpetrator or beheading with a sword. This is specified in Chapter 17: "Anyone who sets fire to houses in a town or village due to enmity or robbery shall be punished with the death penalty."

The content of this article is particularly interesting because it considers several possible ways to cause a fire and, accordingly, various methods of punishment—ranging from intentional arson, through negligent fire starting, whether conscious or unconscious, to fire caused by an unfortunate accident. The punishment depends on the degree of guilt—from a severe death penalty by burning or beheading for intentional arson, to acquittal if it is proven that the fire was caused unintentionally, i.e., as a result of an accident [5].

– **Corporal Punishments** - These punishments were very severe and barbaric, as were other forms of punishment, and were also adopted from Byzantine law. The Law on Judging People provides for corporal punishments, most often for crimes against Christian morality and sexual honor.

– **Property Penalties** - These penalties are included in the Law on Judging People, specifically in several chapters: I, VI, X, XI, etc. The ZSL also includes financial penalties (fines) [5].

The aforementioned punishments were most commonly applied in medieval Macedonia. However, in addition to these punishments, there were also supplementary penalties, such as church penalties. The Law on Judging People provides church penances for certain acts as a substitute for certain punishments—these were often used to replace the harsh and severe corporal punishments.

7. Conclusion

The Law on Judging People is one of the oldest and most famous historical sources of Slavic law. It is also one of the oldest written Macedonian collections, believed to have been written around the 9th century by Methodius in the Slavic language using Greek script. The Law on Judging People encompasses criminal law as well as provisions from private and procedural law.

Some of the provisions of the Law on Judging People relate to the regulation of private law matters, and, as in the previous cases, the regulation is casuistic, addressing only specific issues within this legal field.

As mentioned above, the Law on Judging People contains only one death penalty, which is for the one who intentionally sets fire to someone else's house (criminal acts against property). However, there is another masked form of the death penalty related to the violation of the right of asylum in the church, though officially, there is only one death penalty.

The Law on Judging People is a casuistic legal text that regulates specific cases from certain legal fields without the intention to comprehensively address legal issues in those fields in a systematic way. In other words, "...it is the work of a still primitive consciousness, which is still exploring, moving from one specific case to another, and through the regulation of individual specific cases, it searches for itself."

The original manuscript of this document has not been preserved. The oldest and closest sources preserved in the text of the Law on Judging People, consisting of thirty-two (32) articles, are considered to be the manuscript from the Novgorod Krmchiya from 1280 or 1282, the oldest dated manuscript, and the Ustyuzhskoye Baptism from the 13th century.

Although the Law on Judging People has been a subject of research since the mid-19th century to the present day, many hypotheses remain without definitive answers.

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