CHAIR OF HISTORY OF CROATIAN LAW AND STATE

UNIVERSITY OF ZAGREB, FACULTY OF LAW

MIROSLAV KRLEŽA INSTITUTE OF LEXICOGRAPHY

THE LITTLE LEXICON OF CROATIAN LEGAL HISTORY 1.0

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translated by Boris Blažina

ZAGREB, JUNE 2013

INTRODUCTORY NOTES

The Little Lexicon of Croatian Legal History was envisioned as a learning aid for the students of undergraduate and postgraduate courses of the Chair of History of Croatian Law and State at the University of Zagreb's Faculty of Law. The goal is to facilitate the study of exam materials through a succinct, systematic and methodologically adapted lexicographic elaboration of selected topics, especially those parts that have thus far proved harder to understand.

This stage of our work encompasses terms that concern the history of legal history and legal education, the constitutional and territorial framework, the institutions of authority and social structure, and legal systems, institutions and concepts. Our future goal is to, through the analysis of legal and political acts, parties and organizations, notable individuals and families, expand *The Little Lexicon of Croatian Legal History* into a complete reference publication.

The basis of the *Little Lexicon* is comprised of selected legal history articles by the authors, Dalibor Čepulo, Marino Jureković, Mirela Krešić and Nella Lonza, produced and linguistically and lexicographically edited for the *Pravni leksikon* (*Lexicon of Law*) of the Miroslav Krleža Institute of Lexicography (Zagreb 2007; chief editor Vladimir Pezo).

I offer my sincere thanks to the aforementioned authors, as well as the Director of the Institute of Lexicography, Bruno Kragić, for their cooperation.

Dalibor Čepulo

READERS' INSTRUCTIONS

In order to facilitate easier navigation, the articles are arranged alphabetically, and can also be found through pressing »Ctrl+f« on the keyboard. The topical-chronological list of entries is intended for those who wish to learn certain related terms, or their development through time, in a more systematic manner. It includes the following categories: a) history of legal history and

legal education, b) constitutional and territorial framework, c) institutions of authority and d) social structure, legal systems, institutions and concepts.

As far as it was possible (as some terms fit under more than one category), the terms were ordered from the oldest to the newest (i.e. from the feudal to the civic) in all categories except a). The criterion of relationship to the central, regional or local levels of authority was added for categories b), c) and d), while the criterion of affiliation to the legislative-representative, executive (administrative) or judicial function of authority was added for category c). In addition, the entries in category d) are mostly listed from social structure to normativity in the narrower sense, or from public to private law.

Filip Hameršak

TOPICAL-CHRONOLOGICAL LIST OF ENTRIES

(including the most frequent original abbreviations)

A) HISTORY OF LEGAL HISTORY AND LEGAL EDUCATION

legal history
faculty of law
Political and Cameral Studies in the Kingdoms of Dalmatia, Croatia and Slavonia
Royal Academy of Sciences in Zagreb
Royal Academy of Law in Zagreb

B) CONSTITUTIONAL AND TERRITORIAL FRAMEWORK

Medieval Croatia
Medieval Slavonia
Dalmatia
Dalmatian towns
Military Border

Istria
Rijeka
Republic of Ragusa/Dubrovnik
Illyrian Provinces

State of Slovenes, Croats and Serbs
Yugoslavia
Kingdom (Kraljevstvo) of Serbs, Croats and Slovenes
Kingdom (Kraljevina) of Serbs, Croats and Slovenes
Kingdom of Yugoslavia
Banovina of Croatia

Independent State of Croatia (NDH)
Democratic Federal Yugoslavia (DFJ)
Federal People's Republic of Yugoslavia (FNRJ)
Socialist Federal Republic of Yugoslavia (SFRJ)

Primorje League
Bosnian pashalik/eyalet
Vojvodina

C) INSTITUTIONS OF AUTHORITY

Croatian Sabor
Hungaro-Croatian Diet
Imperial Diet
National Council of Slovenes, Croats and Serbs (NV SHS)
Provisional Assembly of the Kingdom of Serbs, Croats and Slovenes
Anti-Fascist National Liberation Council of Yugoslavia (AVNOJ)
Anti-Fascist Council of the National Liberation of Croatia (ZAVNOH)

ban
viceban
ban's viceregent
protonotary
herceg
palatine

Croatian Royal Conference
Croatian Royal Council
Ban's Council
dicastery
Court Chancellery
regency
Provincial Government of Croatia, Slavonia and Dalmatia
Hungaro-Croatian Government
National Committee of the Liberation of Yugoslavia (NKOJ)

Major Council
Minor Council
Dalmatian Diet
Istrian Diet

doge
provisor
podesta
sindicus
adlatus
bishop of Nin
prior

commune
free royal towns
manor
sudčija

national liberation committees (NOO)

pristav
iudex curiae
octaval court
Ban's Court
Table of Seven
manorial court

D) SOCIAL STRUCTURE, LEGAL SYSTEMS, INSTITUTIONS AND CONCEPTS

feudalism
Hungaro-Slavonian feudal system
patrimonial state
fief state
state of estates
regalian rights

estates of the realm
feudal nobility
barones regni
magnates
prelates
predial tenants
armalist
virilists

charter of enfeoffment
majorat

praedium
fief
allodium
terrier
ius resistendi

iobagiones
banderium
serf
serf's land
krajiška baština

tithe
gornica
marturina
toll
zalaznina
ius primae noctis

plemenština
bona acquisita
bona avitica
bona empticia
paterna paternis materna maternis
judgment of God
court duel

statute law
capitularies

colonate
libellum
entega
collegantia

iura regni
municipal rights
Croatian Historical State Rights
Holy Crown

decreta regni
gravamina et postulata
instructio
preliminary sanction
insurrectio
domicile

tavernical law
Hungarian-Croatian private law
Corpus iuris Hungarici
Tripartite Code

trialism
curial electoral system in Austria-Hungary
legal areas of Yugoslavia

customary law
communal household
moba
sprega
supona

ALPHABETICAL LIST OF ENTRIES

(including the most frequent original abbreviations)

adlatus
allodium
Anti-Fascist Council of the National Liberation of Croatia (ZAVNOH)
Anti-Fascist National Liberation Council of Yugoslavia (AVNOJ)
armalist
AVNOJ → Anti-Fascist National Liberation Council of Yugoslavia
ban
Ban's Council
Ban's Court
ban's viceregent
banderium
Banovina of Croatia
barones regni
bishop of Nin
bona acquisita

bona avitica
bona empticia
Bosnian pashalik/eyalet
capitularies
charter of enfeoffment
collegantia
colonate
communal household
commune
Corpus iuris Hungarici
Court Chancellery
court duel
Croatian Historical State Rights
Croatian Royal Conference
Croatian Royal Council
Croatian Sabor
curial electoral system in Austria-Hungary
customary law
Dalmatia
Dalmatian Diet
Dalmatian towns
decreta regni
Democratic Federal Yugoslavia (DFJ)
DFJ → Democratic Federal Yugoslavia
dicastery
doge
domicile
entega
estates of the realm
faculty of law
Federal People's Republic of Yugoslavia (FNRJ)
feudal nobility
feudalism
fief
fief state
FNRJ → Federal People's Republic of Yugoslavia
free royal towns
gornica
gravamina et postulata
herceg
Holy Crown
Hungaro-Croatian Diet
Hungaro-Croatian Government
Hungaro-Croatian private law
Hungaro-Slavonian feudal system
Illyrian Provinces
Imperial Diet
Independent State of Croatia (NDH)
instructio
insurrectio
iobagiones
Istria
Istrian Diet
iudex curiae
iura regni
ius primae noctis
ius resistendi

judgment of God
Kingdom (Kraljevina) of Serbs, Croats and Slovenes
Kingdom (Kraljevstvo) of Serbs, Croats and Slovenes
Kingdom of Yugoslavia
krajiška baština
legal areas of Yugoslavia
legal history
libellum
magnates
Major Council
majorat
manor
manorial court
marturina
Medieval Croatia
Medieval Slavonia
Military Border
Minor Council
moba
municipal rights
National Committee of the Liberation of Yugoslavia (NKOJ)
National Council of Slovenes, Croats and Serbs (NV SHS)
national liberation committees (NOO)
NDH → Independent State of Croatia
NKOJ → National Committee of the Liberation of Yugoslavia
NOO → national liberation committees
NV SHS → National Council of Slovenes, Croats and Serbs
octaval court
palatine
paterna paternis materna maternis
patrimonial state
plemenština
podesta
Political and Cameral Studies in the Kingdoms of Dalmatia, Croatia and Slavonia
praedium
predial tenants
prelates
preliminary sanction
Primorje League
prior
pristav
protonotary
Provincial Government of Croatia, Slavonia and Dalmatia
Provisional Assembly of the Kingdom of Serbs, Croats and Slovenes
provisor
regalian rights
regency
Republic of Ragusa/Dubrovnik
Rijeka
Royal Academy of Law in Zagreb
Royal Academy of Sciences in Zagreb
serf
serf's land
SFRJ → Socialist Federal Republic of Yugoslavia
sindicus

Socialist Federal Republic of Yugoslavia (SFRJ)
sprega
state of estates
State of Slovenes, Croats and Serbs
statute law
sudčija
supona
Table of Seven
tavernical law
terrier
tithe
toll
trialism
Tripartite Code
viceban
virilists
Vojvodina
Yugoslavia
zalaznina

adlatus (Lat.: by one's side), aide, adjutant, lieutenant, advisor, deputy; in Austria-Hungary, the title of state governors in the Austr. part and the Hungarian Minister and Royal Advisor; in Bosnia and Herzegovina during the Austro-Hung. occupation of 1878, the name of the representative and aide of the state governor in matters of civil government (*civil a*.), and in the period from 1912–18 the name of the deputy who helped the state governor direct the civil government.

allodium (Cro. *alodij*; Lat. *allodium*), hereditament which is not burdened by encumbrances, duties or contributions. These characteristics distinguish it from fiefs and benefits. In Frankish law it originally applied to movable property, later becoming tied to land property. With the development of feud. relationships (→ *feudalism*) it gradually lost significance. In Cro. legal monuments the terms *plemenšćina* and *baščina* are used to describe allodium. In the Tripartitum Code the term *allodium* signified the part of the (→ *manor*) which the noble could use – and have tilled – according to his own will; the other part of the manor consisted of → *serf's lands* and was legally prohibited from being turned into an allodium.

Anti-Fascist Council of the National Liberation of Croatia (Cro. *Zemaljsko antifašističko vijeće narodnog oslobođenja Hrvatske*, abbr. ZAVNOH; Ger. *Antifaschistische Landsrat der nationalen Befreiung Kroatiens;* Fr. *Conseil antifasciste de libération nationale de Croatie*), the highest body of »people's government« in Croatia established during World War II under the wing of the partisan movement. The Initiative Committee of the ZAVNOH was founded on 1 March 1943 in the village of Ponori near Korenica (Lika), and took over the managing of all matters related to the building of a new government in the liberated areas of Croatia, until the founding of the ZAVNOH. After freeing a large part of the Banovina, Kordun and Lika, the Founding Assembly of the ZAVNOH as the supreme polit. representative body of Croatia was held on 13–14 June 1943 in Otočac and the Plitvice Lakes. At that session the Plitvice Resolution was enacted, which described in seven points the harsh history of the Cro. people and their continuing will for freedom. The Resolution spoke of the necessity for the polit. integration of the liberated and non-liberated areas of Croatia, esp. the struggle for the return of all its stolen territories. The Rules of Conduct of the People's Liberation Committee

(NOO) were also enacted, aimed at the further development of people's government. The founding and goals of the ZAVNOH were declared in the Proclamation to the Nations of Croatia. In September 1943 Italy capitulated and many Cro. littoral areas were liberated. The Executive Committee of the ZAVNOH, as the polit. representative body of the Cro. nation, enacted on 20 September 1943 the *Decision on the Appending of Istria, Rijeka, Zadar and the Other Areas Annexed by Italy to their Mother Country*. At the Second Session of the ZAVNOH in Plaško on 12–15 October 1943, the ZAVNOH was expanded through the entry of a larger number of local and regional leaders of the Croatian Peasants' Party and the Independent Democratic Party to the partisan movement, so that 66 new council members were co-opted. The plenary session accepted the *Rules and Regulations of the Internal Organization and Operation of the ZAVNOH*, on the basis of which the Secretariat, together with the representatives of relevant sections of the ZAVNOH, acted as the Government of Croatia up to the founding of the People's Government of Croatia in Split, on 14 April 1945. At the Third Session of the ZAVNOH in Topusko on 8–9 May 1944 the ZAVNOH appeared as the bearer of the sovereignty of the people and state of Croatia as a new legal federal unit of Democratic Federal Yugoslavia. The former supreme polit. representative body of the People's Liberation Front of Croatia was now constituted into a genuine State Assembly of Croatia. At that session the ZAVNOH enacted three basic constitutional acts in which the federal state of Croatia was constituted as part of the Yugosl. federal union: 1. the Decision on the Approval of the Operation of the Representatives of Croatia at the Second Session of the Anti-Fascist National Liberation Council of Yugoslavia. The conclusions of that decision state that the ZAVNOH, as the representative of state and national sovereignty and the highest body of the state and people's government of the Federal Republic of Croatia and part of the DFJ, approved the constitution of the DFJ based on the principles determined at the Second Session of the AVNOJ; 2. the Decision on the ZAVNOH as the Supreme Legislative and State People's Representative Body and the Highest Body of State Government in Democratic Croatia. Through it the ZAVNOH was constituted as the genuine State Parliament of Croatia, the representative of the sovereignty of the people and state of Croatia as an equal federal unit of the DFJ. Through the same decision

the ZAVNOH determined the provisional bodies of state power in Croatia. The Plenum of the ZAVNOH was declared its supreme legislative and executive body, while its Presidency was second in line; 3. the Declaration on the Basic Rights of the People and Citizens of Democratic Croatia. The content of the decisions of the Third Session of the ZAVNOH confirms that the process of constituting all elements of government of that state entity of Croatia as part of the DFJ was basically already finished. Three commissions acted under the Presidency of the ZAVNOH (legislative, religious, and regional for the investigation of the war crimes of the occupier and his servants). In January 1945 the ZAVNOH was based in Šibenik. The Presidency of the ZAVNOH enacted on 14 April 1945 the Decision on the People's Government of Croatia, which was constituted on the same day. After the liberation of Zagreb the ZAVNOH and People's Government of Croatia started operating in there on 20 May 1945. The ZAVNOH met for its Fourth Session in the parliament building on St. Mark's Square in Zagreb on 24 July 1945, at which it enacted a law changing its name to the People's Sabor of Croatia. Through that transformation the ZAVNOH also ended the »war period« of activity.

Anti-Fascist National Liberation Council of Yugoslavia (Cro. *Antifašističko vijeće narodnog oslobođenja Jugoslavije,* abbr. AVNOJ; Ger. *Antifaschistischer Rat der nationalen Befreiung Jugoslawiens;* Fr. *Conseil antifasciste de libération populaire de Yougoslavie*), general political representative body of the participants of the partisan movement on the area of Yugoslavia during World War II; founded in November 1942, in November 1943 it declared itself the supreme representative, legislative and executive body of Yugoslavia. It consisted of a Presidency, a Plenum and, in the beginning, an Executive Committee. The first, founding session, attended by 54 of 71 summoned representatives, was held in Bihać from 26–27 November 1942, at the initiative of the Central Committee of the Communist Party of Yugoslavia and the Headquarters of the National Liberation Army and Partisan Units of Yugoslavia. The *Resolution on Founding the AVNOJ* and *Declaration to the People of Yugoslavia* were then passed, I. Ribar was elected president, and the creation of National Anti-fascist Councils (→ *Anti-fascist Council of the National Liberation of Croatia*) was prompted. The Second session of the AVNOJ, which was held in Jajce

from 29–30 November 1943, was attended by elected delegates of national representative bodies; out of 264 delegates with verified mandate, only 142 were present. A political act called *The Declaration of the Second session of the AVNOJ* and three constitutional decisions were passed, by which the AVNOJ declared itself the »supreme legislative and executive people's representative body of Yugoslavia« and, depriving the royal government abroad of its legitimacy (all international contracts and obligations it negotiated were to be re-examined), established the → *National Committee for the Liberation of Yugoslavia* (NKOJ) as a provisional body bearing the attributes of a government; king Peter II Karađorđević was forbidden to return to the country for the duration of the war, with the provision that the fate of the monarchy shall be decided afterwards according to the free will of the people, while it was also decided that Yugoslavia shall be organized on federal principles and the principle of equality between its constituent nationalities. After the plenary session, the re-constituted Presidency, among other things, named J. Broz Tito the president of NKOJ, its other members, and confirmed the decisions of ZAVNOH about appending Istria, Rijeka, Zadar, Cres, Lošinj, Lastovo and Palagruža to Croatia. Being contrary to the 1931 Constitution, the decisions of the Second session initially provoked Allied dissatisfaction, but this sort of power-dualism was gradually overcome (→ *Democratic Federal Yugoslavia*), and also served as basis of 1974 constitutional formulations, often linked to the international recognition of Republic of Croatia in 1992. The Third session of the AVNOJ was held in Belgrade from 7–10 August 1945, when it, after being expanded by new representatives (first to 368, then to 486 of them, some of them not members of communist-led People's Front, in accordance with the Yalta Conference suggestions), among other things, accepted the decisions to divide Sandžak between Serbia and Montenegro, and to append Vojvodina as an autonomous province and Kosovo and Metohia as an autonomous territory to Serbia, and finally renamed itself the Provisional People's Assembly.

armalist (Cro. *armalist;* Ger. *Armalist;* Fr. *noble armé ne possédant pas de fief*), in the Cro.-Hun. state union, a noble who bases his status on a royal document about the granting of nobility and a coat-of-arms, rather than upon the customary law of the nobility. The presupposition of

creating this stratum is that the ruler holds real power; thus in the lands of medieval Croatia armalists appear from the 14th century onwards on the territory of Slavonia, while in Croatia proper old noble families remained predominant. The term was gradually reduced to nobility (→ *feudal nobility*), which received only a heraldic charter with noble privileges and title (grant of arms), but without landholdings. Armalists were particularly common in the time of Maria Theresia, when the creation of a stratum of officials and soldiers loyal to the royal power was planned.

ban (Lat. *banus*), the title of the highest functionary in the Croatian lands, as well as the areas of medieval Bosnia, from the Middle Ages to the 20th century. It is assumed that the term originates from the word *bajan* (warlord, leader), which the Avars adopted from the Mongolo-Turkic linguistic heritage (wealthy, affluent). Mentioned in the oldest sources from the 10th century as the head of the territorial units of Lika, Krbava and Gacka, but this function disappeared with the forming of the county network (→ *patrimonial state*). From the 10th century onwards *ban* was used to describe the highest functionary aside from the Croatian ruler, and who acts as his deputy, commissioner or even co-ruler, and who was appointed by the king. With the coming of the Arpad dynasty to the Croatian throne at the beginning of the 12th century, the ban became the highest functionary in the Croatian lands, with important military, judicial and executive powers. Around 1225 separate bans for Croatia and Slavonia appeared, and this dualism was terminated only in the second half of the 15th century. During the time of weak central power towards the end of the 13th and the beginning of the 14th century, the princes of Bribir (Šubići) succeeded in making the office of the ban hereditary in Croatia (→ *fief state*). Bans as heads of Bosnia (Borić, Kulin) where recorded in historic sources from the second half of the 12th century, and that title was replaced by that of a king only in 1377, when the medieval Bosnian state was at its peak. The title of ban was also held by the heads of military-defensive provinces (banovinas) that were established by the Cro-Hun. rulers along their southern border (in the 13th and 15th centuries), but these areas did not survive for long. The circumstances in Croatia near the end of the 15th and at the beginning of the 16th centuries (Ottoman incursions, the consolidation of institutions of estate authority)

favoured the strengthening of the ban's function and expanding his powers, so that the ban is sometimes called *viceroy* (*prorex*). The competences and powers of the ban changed over time, but the main ones included: convening the → *Croatian Sabor* and presiding over its sessions, carrying out the Sabor's conclusions and the ruler's commands, levying the country's army (→ *insurrection*), leading the → *banderiums*, the highest function in the judiciary (presiding the → *Ban's Court*), ensuring the regular levying of the king's taxes; sometimes the ruler entrusted him with additional powers (e.g. affirming the Sabor's conclusions in his name). Maintaining the function of the ban was of exceptional importance for maintaining Cro. state autonomy (→ *municipal rights,* → *Croatian Historical State Rights*). After the Cro. and Hun. Magnates' Plot, in which the Cro. ban Petar Zrinski was a participant, the ruler appointed a → *ban's viceregent* in the period from 1670-81 in place of the ban. Through the creation of the Military Border in the 17th century a significant part of the Croatian lands became exempt from the jurisdiction of the regular institutions of authority, including the ban, until 1882. The ban Josip Jelačić, together with the → *Ban's Council*, played an important role in the revolutionary year of 1848. Up to the year 1868 the ban was symbolically appointed to his position through solemn installation. After the Croato-Hungarian compromise (1868) the president of the central government proposed a candidate for the position of ban, which generally weakened his institutional position. Nonetheless, possession of the ban's office enabled I. Mažuranić (1873–80) to start a series of legal reforms with the aim of modernising Croatia. After the fall of the Habsburg Monarchy (1918) and the following creation of the Kingdom of Serbs, Croats and Slovenes, the function of the ban was abolished together with the other institutions of government of the Cro. state. The title of ban reappeared during the time of the Kingdom of Yugoslavia and signified the officials at the head of large administrative units, banovinas (1929–41), subordinated to the central authority in Belgrade, as well as for the official at the head of the → *Banovina of Croatia*, an area with broad autonomy (1939–41).

Ban's Conference (Cro. *Banska konferencija;* Ger. *Ban-Konferenz;* Fr. *Conférence du ban*), an advisory body of dignitaries summoned by the ban with the purpose of determining the regulations needed for preparing the

sessions of the Croatian Sabor and discussing political questions of great importance. Its origins can be traced to the → *Croatian Royal Conference*, but the two are not identical. The B. C. convened before the Sabors of 1848, 1861 and 1865. The B. C. of 1861 was particularly important, since it determined the electoral order for the Sabor and enacted a regulation on the tentative organization of the county system.

Ban's Council (Cro. *Bansko vijeće;* Ger. *Ban-Rat;* Fr. *Conseil du ban*), a high administrative body with executive powers in Croatia and Slavonia; ban's government. First mentioned towards the end of the 17th century with the task of helping the → *Ban's Conference*. In 1848 → *ban* Jelačić modelled and organized the Ban's Council after the → *Croatian Royal Council* of 1767, which was led by → *viceban* M. Lentulaj in Jelačić's absence. The council consisted of departments for interior matters, finances, justice, education and military matters, at the head of which were standing presidents. In Jelačić's absence, the B. C. independently governed the internal matters of Croatia and acted as a factual Cro. government until the declaration of the March Constitution. It was formally dissolved on the order of the Ministry of Interior in Vienna on 12 June and by imperial decision on 17 June 1850, and factually on 1 July 1850, when the ban communicated the decision and when the Ban's Government was founded and started working as an executive body of the Viennese Ministry of Interior. The emperor *de facto* acknowledged The Ban's Council as a government in December 1848 by founding the position of Croatian Minister in the Austrian government, who acted as a mediator between the Court and the Ban's Council.

Ban's Court (Lat. *tabula banalis;* Cro. *Banski stol;* Ger. *Ban-Gericht;* Fr. *Cour supérieure*), a court in Croatia and Slavonia. Originated from the institution of the (→ *octaval court*), mentioned as early as the 12th century. The place, time and composition of the court were determined by the → *Croatian Sabor*. The judicial reform of 1723 abolished the octaval court and established the Ban's Court as the regular court of the first and appellate instance which acted constantly. The → *ban* presided over the court, and among his 7–9 assessors were the → *viceban* as the ban's deputy and the → *protonotary* as the reporter. In 1725 the king took over the Sabor's right to nominate the members of

the Ban's Court, so that the composition of the court was permanently fixed: ban, viceban, protonotary, two → *magnates*, one → *prelate* and one noble (→ *feudal nobility*). The king also determined that appeals to the verdicts of the Ban's Court were to be passed on to the Royal Court in Pozsony (Bratislava) and from there to the Hung. Table of Seven. Only from 1807 did the appeals to the Ban's Court go directly to the Table of Seven, which equalized the B. C. with the (Hung.) Royal Court. The B. C. generally worked as an appellate court, having first-instance jurisdiction only in matters of high treason, grievous bodily harm, validity of privileges etc. With the reform of 1851 the B. C. was established as a higher regional court with second instance jurisdiction, and which worked as a collegial judicial chamber of 3 to 5 judges. In 1861 the court also received jurisdiction over → *terriers*, in 1876 final instance jurisdiction over litigations of minor value, and also had first instance disciplinary jurisdiction over attorneys. At the request of the → *Provincial Government of Croatia, Slavonia and Dalmatia* the B. C. gave opinions on legal matters from the area of judiciary. The Frontier Department of the Ban's Court was founded in 1874 and abolished in 1882 (→ *Military Border*). Until the abolishment of the Austrian consulate in Bosnia and Herzegovina, the Ban's Court also decided on complaints to their court decisions. Appeals to the decisions of the Ban's Court during the period of absolutism were directed to the Supreme Court of Cassation in Vienna and afterwards to the → *Table of Seven* in Zagreb, established in 1862. After 1918 the jurisdiction of the Ban's Court was extended to the Međimurje. The B. C. was abolished in 1945.

ban's viceregent (Lat. *locumtenens banalis;* Cro. *banski namjesnik;* Ger. *Vizeban;* Fr. *vice-gérant du ban*), acting ban, appointed *ad hoc* and temporarily for an emptied post or in case of the ban's absence. This post was first introduced by the king in 1670, after ban Petar Zrinski's plot. By appointing two ban's viceregents, one for legal and one for military matters, the king strove to limit and scrutinize the ban's role. Later it became the norm for only one b. v. to exist, and he was sometimes appointed by the → *Croatian Sabor* in order to limit the power of the → *viceban*.

banderium (Lat. *banderium*, Cro. *banderij*), in the Cro.-Hun. state union, a military unit which, in case of war, was raised by manorial lords under their own banner and

attached to the king's army. Mentioned in Croatian documents in the 13th century, but a true banderial army was only established by the Angevins Charles I and Louis the Great in the 14th century. Anyone who could gather 50 horsemen could lead a military force, but real banderiums had 400 (→ *magnates*) to 1000 horsemen (ruler). Territorial communities (counties, → *free royal towns* and others) had their own banderiums. The advantages of a standing army (a trained military force permanently at the ruler's disposal) influenced the gradual abandonment of the banderial system.

Banovina of Croatia (Cro. *Banovina Hrvatska;* Ger. *Banschaft Kroatien;* Fr. *Banovine de Croatie*), a self-governmental territorial unit encompassing most Croatian regions in the → *Kingdom of Yugoslavia*; established on 26 August 1939 by the *Ordinance on the Banovina of Croatia*, enacted by the Royal Regency on the basis of the preceding Cvetković – Maček political agreement, made with the aim of stabilizing the country by solving the Cro. question. The constitutional basis of the Ordinance was found in the unclearly stated article 116 of the Constitution of 1931, by which the ruler is, in case of an emergency, allowed to take extraordinary measures that deviate from constitutional and legal regulations, under the condition of posterior approval by the National Representative Body, without prescribed term. Because the approval was questionable, Regency immediately dismissed the National Assembly (without stating the date of new elections), and declared the end of term for all senators. Although interpreted as the start of decentralization with some elements of statehood, the Banovina of Croatia was thus founded on provisory constitutional grounds, greatly dependant on further political events. The territory of the Banovina of Croatia was determined by a combination of ethnic and historical principles. It encompassed the entire Savska and Primorska banovinas, as well as the districts of Dubrovnik, Šid, Ilok, Brčko, Gradačac, Derventa, Travnik and Fojnica, with Zagreb as its administrative centre. The matters of agriculture, trade, industry, forestry, mining, civil engineering, social politics and national health, physical education, justice, education and internal administration were all brought under the jurisdiction of the Banovina, while other purviews continued to belong to the central state organs. Another ordinance insured independent financing of the Banovina from an

autonomous budget. The → *Croatian Sabor*, whose conclusions needed to be confirmed by the king, with the co-signature of the Croatian ban, was to be the central representative and legislative body, but because war broke out the elections were never held; also a special Constitutional Court was never organized. The highest body of administrative authority was the ban's government headed by the ban, who was installed by the king via an edict co-signed by the ban himself. The ban was responsible to the king and the Sabor, but not to the central (Belgrade) government; he was to co-sign all the king's acts which applied to areas under the competency of the Banovina. The ban's government consisted of 11 departments, largely analogous to the central ministries; their heads were civil servants subordinated to ban, who was deputised by the vice-ban, who was required to have a degree in law. The only ban was Ivan Šubašić. The judiciary of Banovina was independent – its highest instance was the → *Table of Seven* in Zagreb, the appelate courts were in Zagreb and Split, followed by 16 county and 122 district courts and special Commercial Court in Zagreb; 12 sharia courts were under the Supreme Sharia Court in Zagreb, while the existing Administrative Court continued as the Administrative Court of Banovina of Croatia. The organization of the → *Independent State of Croatia* in April 1941 was to a significant degree based on the administrative system of the Banovina.

barones regni (Lat.), in many medieval states (England, Hungary, Bohemia, Bosnia etc.) the term for major nobles (→ *magnates*). Apart from the functions of authority on feudal estates, b. r. were admitted to the royal council, which in the beginning stood by the ruler's side as an advisory body, and in some periods managed to strongly influence the central authority (e.g. near the end of the 13th century in Hungary royal acts could not be enacted without its approval). In a narrower sense, the term b. r. was used in the Hungaro-Croatian state union to signify a group of the highest state functionaries (palatine, ban, court judge, tavernicus) and high court functionaries (marshal, chamberlain etc.).

bishop of Nin *(episcopus Chroatensis),* ecclesiastical leader on the area ruled by the Cro. ruler, seated in Nin. Mentioned in the 10th century, but it is believed that the function was established in the middle of the 9th century.

Subordinate to the patriarch of Aquilea, independent of the traditional Episcopal organization of Dalmatia (where the towns were under Byz. rule at that time). At the demand and under the pressure of the Dalmatian bishops, and with an appeal to the norms of canonical law, the function was abolished at the Ecclesiastical Council of 928.

bona acquisita (Lat.), feudal noble's property acquired by the ruler's grant, which also determined the regime of managing that property. → *bona empticia*

bona avitica (Lat.; Cro. *djedovina*), feudal property which is, together with patrimony (*bona paterna*) classified under *bona hereditaria* (inheritable property). Since the interest of the family for the lasting retention of the inheritance was protected, the right dispose of that property was very narrow (inheritance was exclusively according to law and in favour of male members, cousins had the right to pre-empt immovables on sale). Louis the Great of Anjou tried to re-classify all types of feudal immovables in Hungary and Slavonia into this legal category via the Inalienability Law of 1351, so that all escheat property would fall into the king's hands.

bona empticia (Lat.), feudal property which the owner acquired through his or her own work, purchase, or on the grounds of other legal transactions, and with which he or she could freely dispose of during his or her life and in case of death.

Bosnian pashalik/eyalet (Cro. *Bosanski pašaluk;* Ger. *Paschalik/Eyalet Bosnien;* Fr. *Pachalik/Eyalet de Bosnie*), Ottoman administrative-territorial unit on the area of modern Bosnia and Herzegovina and parts of Croatia, Serbia and Montenegro. Founded in 1580 by combining the sanjaks of the Rumelian (Bosnia, Herzegovina, Klis, Pakrac, Krk-Lika, Prizren and Vučitrn) and Budan pashaliks (Zvornik and Požega), to which the sanjak of Bihać was added in 1593. From the 16th to the end of the 18th century, this area kept dwindling due to administrative changes, wars and peace treaties. Through the abolishment of the smaller sanjaks (of Bihać in 1711, Klis in 1826 and Zvornik in 1832), their areas were allocated to the Bosnian sanjak, and after the ayan rebellion in Bosnia was quelled, Herzegovina became a separate pashalik in 1833. In 1865 both pashaliks were

united into the Vilayet of Bosnia. The beylerbey of the Bosnian pashalik held the title of vizier from the beginning of the 17th century. Its centre from 1580–1639 was in Banja Luka, from 1639–87 and from 1850–65 in Sarajevo and from 1687–1850 in Travnik.

capitularies (Lat. *capitularia;* Cro. *kapitulari;* Ger. *Kapitularien;* Fr. *capitulaires*), in medieval law longer regulations divided into chapters, esp.: 1) regulations which were issued by the Frankish rulers from the middle of the 8th to the end of the 9th century, regulating various legal branches, esp. the structure of government; some c. introduced new legal material (*c. per se scribenda*), others supplemented or changed → *customary law* (*c. legibus addenda* and *c. pro lege tenenda*), while some held mandatory instructions for state officials who, by visiting the territory, ensured the application of law (*c. missorum*); from the beginning of the 9th century they were gathered into private codices, some of which contained forgeries; 2) in → *Dalmatian towns*, regulations intended for the functioning of a certain service, e.g. the *Capitulary of Town Judges* (*Capitulare iudicum ad civilia*) in Zadar.

charter of enfeoffment (Cro. *darovnica u feudalnom pravu;* Ger. *Lehnsbrief;* Fr. *l'acte de donation en fief*), document on a fief given by a ruler. In the Croato-Hungarian feudal system the charter held, apart from the standard diplomatic components: the basis of the enfeoffment (services for the king), the legal title on the basis of which the king had that asset at his disposal (e.g. the extinction of the previous beneficiary's family), a description of the boundaries of the granted land, attestation that the endowee has taken over ownership without anyone's complaint, rulings on how long a term is it given to him, is it hereditary and under what circumstances. When approaching a charter as a historical source, it is necessary to take into account cases where it refers to a state already established through usurpation or an earlier oral granting, as well as cases where the charter has no immediate legal effect since it was granted by a person whose right to the throne had not yet been realized.

collegantia (Cro. *kolegancija;* Ger. *Collegantia;* Fr. *collegantia*), in medieval nautical law, a contract by which one party (*socius stans, iactator*) gave money, a ship or

part of a ship to another party (*tractator, procertator, procertans*) for the purpose of trading, usually for a period of one year. On the Cro. coast it is mentioned in the statutes of Dubrovnik (1272), Split (1240), Zadar (1305), Pag (1433) and Šibenik (16th century). According to the provisions of other Mediterranean statutes the *socius stans* (the member of society who stands towards the risk) gave the capital and took all the risk, while the *tractator* (the member of society who makes the contract) only performed duties, i.e. handled the invested capital. The *tractator* negotiated business and was responsible in his own name to third parties and the *stans*, who remained the owner of the invested capital. According to Cro. statutes it seems that (inspired by the Greek example) the risk was divided *pro rata parte* (proportionally), i.e. it was borne not only by the owners of the money (or goods), but also by those to whom the money was entrusted. The profit was usually divided to that the provider of capital received two thirds, while the one who performed the tasks received one third.

colonate (Cro. *kolonat;* Ger. *Kolonat;* Fr. *colonat*), a type of tenancy agreement by which the landowner gave his land to a free cultivator, the colon, who committed himself to cultivate it and compensate the owner in money or kind, for a set period of time. The c. appeared towards the end of the Roman Empire, in the time of economic crisis, and after a while took on a hereditary character so that colons, although legally free, became a constituent part of the landholding they cultivated. The statutes of Dalmatian and Istrian towns held provisions about the colonate (generally with regard to vineyards and olive groves), which was the basic form of land relationship for centuries. Defined as a private legal contract, it remained in force even after the abolishment of feudal relations in 1848. The final solution of the colonate relations began with the enactment of the *Act on the Liquidation of the Agrarian Relations on the Area of the Former Province of Dalmatia* (1930), and finished on the basis of the *Act on the Abolishment of Feudal Agrarian Relations in Dalmatia and the Croatian Coastland* and the *Decision on Regulating Agrarian Relations and Voiding Auctions on the Area of the Provincial People's Committee of Istria* (1946).

communal household (Cro. *kućna zadruga;* Ger. *Hauskommunion;* Fr. *communauté de famille*), an econ.

and soc. institution based, as a rule, on the familial ties of its members, with equal rights and responsibilities, on common ownership over communal property (movables and immovables), and on a common household. It originated from the aboriginal community, and represents a transitional form between the matriarchal family and the nuclear family of the modern world. For a long time it was considered a specific Proto-Slavic institution, but it was also present among older European (Celts, Germans, Slavs) and Asian peoples (India). It survived the longest on the area of South Slavic settlement in Bulgaria, Serbia, Montenegro and Croatia (the area of the Military Border, where it had particular significance), which was researched by B. Bogišić. There exist various opinions on the legal nature of the communal household: was it a legal entity or a special property community, the *communio* (on the basis of Rom. law), was it a form of *Genossenschaft* (Gierke) or the fusion of a separate legal entity and a community. In Croatia, where the term »patriarchal life« was used to describe them until the middle of the 19th century, communal households were uniquely arranged according to the liberally-aimed *Communal Act* of 1870 which, through loose restrictions, helped their dissolution as archaic institutions. Due to its uncontrolled harmful consequences (the impoverishment of peasants and the breakdown of the rural soc. structure), this process was temporarily halted by the law of 1872 and somewhat limited by the laws of 1874 and 1880. The Communal Law of 1889 and its novela (1902) strove to preserve it as a traditional Cro. institution and a guarantee of soc. stability. According to that law an important presupposition for the existence of a communal household was that the community had recorded its immovables as its own property in the land registry. The Master of the House governed and represented the community, but the right to dispose of its property was held by all its members collectively. Individual members could not dispose of the part of the communal property which could potentially become theirs according to division, but could, with the approval of the Master, freely dispose of the *osebunjak*, the property received as a gift, inherited or obtained outside the community. In principle it was indivisible, but its division could be carried out with the consent of the simple majority of its members, the approval of the appropriate administrative authority and the securing of the »smallest land survey« as the minimum of immovables that should be allocated to each

participant of the division. Should only one member or one family remain on the land, it was deleted from the land registry as a community (breakup of the communal household). One could leave an undivided communal household through marriage or waiver with or without severance pay. The question of the communal household was also addressed through positive regulations during the Yugosl. agrarian reform after World War II.

commune (Lat. *communis;* Cro. *komuna;* Ger. *Kommune;* Fr. *commune*), term for medieval town municipalities with such a degree of self-government that outside polit. forces could not significantly influence their soc. organization, legal order or polit. life. The term sometimes encompasses all Eur. towns with a significant degree of autonomy, but is more commonly used for towns of certain attributes on the Mediterranean area which bore some traces of Rom. municipal tradition, and developed under very favourable econ. circumstances and without strong central authority; even in that narrower sense, the differences between the communes are very prominent in polit. forms, soc. order, achieved autonomy and rate of development, so that every generalization is necessarily reductive. Communal society is based on the dualistic estate division into nobility (→ *feudal nobility*) and commoners, within which existed a series of layers and groups (the oligarchy, districtuals, marginals etc.). The c. regulated its own legal order through → *statute law*. In the most developed Ital. areas the communes were typical for the area from the end of the 11th to the end of the 13th century, in → *Dalmatia* and → *Istria* for the period from the 12th to the end of the 14th century. Generally, one can discern three developmental phases of the structure of power. In the first one the power is still in the hands of the general assembly of the citizens (*arengum, contio* etc.), which votes on regulations and elects leaders; a collective body is at the head of the commune (*consules* etc.), elected for a certain time period (from several months to several years). In the second phase, from the beginning of the 13th century, the assembly lost power to the councils (Major Council etc.), in which the town elite managed to monopolize the power of polit. decision-making; a → *podesta* was at the head of a commune and had significant executive and judiciary powers; an educated bureaucracy was formed; Italian communes were wracked by struggles for power with commoner associations and among the patrician estate.

In the final phase, towards the end of the 13th century, these conflicts led to the entrustment of almost absolute power to the ruler (*signore* etc.), who strove to keep power for life, or even make it hereditary. With the establishment of the *Signoria* the communal system died out. The development of Cro. coastal communes does not entirely fit that model; coming under Venetian rule in the 15th century, the Dalmatian towns kept certain forms of communal organization, but with a modified polit. content.

Corpus iuris Hungarici (Lat.), legal codex of the Croato-Hungarian state union. Under pressure from the nobles to arrange the legal order, the king's laws that were currently in effect (*Decreta Regni*) were gathered in Hungary at the beginning of the 16th century, while the positive law was systematically worked by the jurist S. Verbőczy. These two wholes, published together from 1628, are the core of C. i. H., to which legal comments, aids etc. were added. The name *Corpus iuris Hungarici seu decretum generale inclyti Regni Hungariae partiumque eidem annexarum* (*Code of Hungarian Law or the General Law of the Hungarian Kingdom and its Appended Territories*), worded in the tradition of the codices of Roman and canonical law, became established with the Nagyszombat (Trnava) edition of 1696. The text was finally redacted by the Jesuit J. Szegedi in 1751. It first part is the *Opus tripartitum juris consuetudinarii Inclyti Regni Hungariae partiumque eidem annexarum (The Three-part Opus of the Customary Law of the Glorious Kingdom of Hungary and its Appended Territories)*, a codex of law drawn up in 1514 by S. Verbőczy (→ *Tripartitum code*). Inspired by Roman law, it was divided into three parts and formed into titles. Although it was not declared a code of laws due to resistance from noble circles, this text was accepted in legal practice, becoming one of the main legal sources of the Hungaro-Croatian state union. The second most comprehensive part of the C. i. H. consists of the *Decreta, constitutiones et articuli serenissimorum et apostolicorum Regum ac inclytorum statuum et ordinum Regni Hungariae, partiumque annexarum… (Decisions, Laws and Articles of the Serene and Apostolic Kings and Glorious Estates and Orders of the Hungarian Kingdom and its Appended Territories…)*. Within it the regulations in effect were arranged chronologically from the time of St. Stephen (11th century) to 1741. The *Cynosura universi*

juris Ungarici is a detailed index of subjects and persons that eases the use of the *Decreta*. Next is the *Forma processus iudicii criminalis seu praxis criminalis (The Procedure in Criminal Trials or The Criminal Code)*, the legal code made on the order of the king Ferdinand III in 1656 for the Ger. hereditary lands, which was also applied in the Hungaro-Croatian state union if it did not contradict special privileges. The two works of I. Kitonić inserted into the C. i. H., *Directio methodica processus judiciarii juris consuetudinarii inclyti Regni Hungariae (The Methodical Leading of the Judicial Procedure According to the Customary Law of the Glorious Hungarian Kingdom)* and *Centuria certarum contrarietatum et dubietatum ex Decreto Tripartito desumptarum et resolutarum (One Hundred Contradictions and Unclarities Taken from the Tripartitum Code and Resolved)*. The C. i. H. also encompasses the *Articuli juris thavernicalis (The Articles of Tavernical Law)*, norms of various legal branches established through the practice of the tavernical court (→ *tavernical law*). Extracts and aids conclude the C. i. H.: *Observatio processus causarum Militaris Curiae Regiae, in facto honoris, usu receptae* (*Observation of the Process Before the Royal Military Court in Matters of Honour, Accepted through Custom*), *Jurisjurandi formulae variae* (*Various Forms of Oath*), *Regulae iuris* (*Legal Principles*) derived from Roman law, Tripartitum code and Canonical law, *Catalogus regum Hungariae* (*Catalogue of Hungarian Kings*), to which a list of the highest state and church officials was added, and the *Regulamentum militare* (*Military Order*) of Maria Theresia. The C. i. H. was used in the legal practice of courts on the area of Croatia and Slavonia until the middle of the 19th century, and was taught as a separate subject on the Faculty of Law in Zagreb from 1894–1945.

Court Chancellery (Cro. *Dvorska kancelarija;* Ger. *Hofkanzlei;* Fr. *chancellerie de la cour*), one of the central bodies of government in the Habsburg Monarchy. Originally an office and chancellery common to all Habsburg lands. The Aus. lands already had their Court Chancellery under Friedrich II (15th century), but as part of the Imperial Chancellery. It became independent in 1620, and had jurisdiction in governmental, financial, judicial, interior, foreign policy and military matters. From the end of the 17th century separate Court Chancelleries were formed for Transylvania (1695), Lombardy and Belgium (early 18th century) and for Hungary and Bohemia. The Bohemian C.

C. was the highest administrative body for the Bohemian lands. The Hungarian C. C. with administrative and judicial authority over Hungarian and Cro. lands existed from the time of Ferdinand I, but it never achieved full independence. In 1722–23 it became the intermediary body between the king, the estates and the Hungarian Regent Council. From 1731 it was headed by a bishop, and its seat was in Vienna. The Court Commission for Serb matters was founded in 1745 and in 1747 it became the Illyrian Court Deputation. It was abolished through the reforms of Maria Theresia in 1749, but the Supreme Judicial Court (*Oberste Justizstelle*) and the *Dictorium in politicis et cameralibus* for polit. and financial administration were formed in its place. During the reign of Joseph II there existed two Austr. Court Chancelleries – one for matters of the court and foreign matters, the other for provincial and judicial matters. Due to the resistance of the Hungarian Court Chancellery, the Illyrian Court Delegation was abolished in 1777, but was restored in 1791 as the Illyrian State Chamber for Resolving Serb Questions in the Monarchy (abolished again in 1792). The Royal Croato-Slavonian C. C. evolved from the Croato-Slavonian Court dicastery (→ *dicastery*) in 1861. Polit. administration, judicial matters, education and religion fell under its jurisdiction. The first Chancellor was I. Mažuranić. It stopped acting on 31 January 1869, i.e. after the signing of the Croato-Hungarian Compromise.

court duel (Lat. *duellum iudiciarium;* Cro. *sudski dvoboj;* Ger. *Gerichtsstreit;* Fr. *duel judiciaire*), a type of two-sided → *judgment of God*; the result of physical combat of the parties in the legal dispute, either personally or through their champions, determined the result of the court procedure. The practice was noted in Classical antiquity among Germanic tribes, and in the Mid. Ages it spread throughout Europe; in the 13th century court duels were noted on Rab and in Slavonia. Although the changes in the system of proving beginning in the 12th century strongly discouraged applying the judgment of God, duels persisted for many centuries, despite the attempts of rulers to ban (e.g. the Golden Bull of Bela IV in Cro.) or at least limit them (according to the law of Matthias Corvinus from 1486 their use was only allowed in front of the royal military court in »matters of honour«). Outside the judicial process it persisted as an estate tradition among the nobility (→ *feudal nobility)* and military officers (→ *customary law*).

Croatian Historical State Rights (Cro. *hrvatsko državno pravo;* Ger. *kroatisches Staatsrecht;* Fr. *droit historique d'état Croate*), a collection of written and traditional legal rules which referred to the structure and functioning of the organs of public authority in Croatia and Slavonia and to the constitutional position of Croatia in the Croato-Hungarian state union and the Habsburg Monarchy; the idea of such a collection of rules as the foundation of uninterrupted Cro. statehood since medieval times and the corresponding territorial integrity of the Cro. lands. The special constitutional position of the Kingdom of Croatia and Slavonia was also based on Cro. His. St. Rights (interrupted only during periods of absolutism), and demands for establishing the constitutional independence and territorial integrity of Croatia were also based on them. The idea of Cro. His. St. Rights gained special prominence in the 19th century, during the time when the Cro. nation was taking on a more definite form, when efforts were made to defend the feud. basis of autonomy and build modern Cro. statehood, and in opposition to mostly Hungarian pretensions. Its hist. and logical starting point is feud. constitutionality, the rules of which were displayed by J. Kušević in 1830 (→ *municipal rights*), and to which J. Drašković appealed in his *Dissertation* of 1832 as the basis of the special constitutional position of Croatia and Slavonia; the acts of the civic → *Croatian Sabor* of 1848, through which all constitutional ties with Hungary were severed, are also based on the estate *ancient constitution*. However, the principle of Hist. St. Rights, as the basis of uninterrupted Cro. statehood in which historical municipal rights (*iura municipalia*) meet with demands for the building of a modern nation-state systematically took form esp. thanks to the actions of the Sabor of 1861, and this idea was strongly present in the activities of the following convocations of the Sabor. That principle received a prominent place in the ideological bases and actions of certain Cro. polit. parties. F. Rački (National Party) and E. Kvaternik (Party of Rights) are particularly important for the forming of the idea of Cro. His. St. Rights at the Sabor of 1861. This idea was particularly prominent in the pol. activity of the Party of Rights, which expressed it in its efforts to achieve an independent Cro. state. Along with the idea of Cro. St. Rights, which formed the legal or hist. basis of the demands for achieving Croatian statehood and territorial integrity, demands for Cro. independence based on the idea of natural rights were presented as early as the

Sabor of 1848. Thus the idea of Cro. His. St. Rights appears intertwined with the idea of the right of a nation as a collective person to the corresponding natural rights to freedom, equality and fraternity with other nations and the related right to self-determination. This dual basis is particularly conspicuous in the *Manifesto of the Croato-Slavonian People*, presented at the Sabor of 1848. The legitimistic i.e. conservative basis of the demands for Cro. independence was thus intertwined with the natural-right i.e. liberal basis, which was also characteristic for other Central European nations (Hungarians, Czechs). The publishing of the codex *Iura regni Croatiae, Dalmatiae et Slavoniae* by I. Kukuljević Sakcinski in 1861 was particularly important for the legal framework of Cro. His. St. Rights. The Austro-Hungarian Compromise stemmed from the special constitutional position of the Triune Kingdom, and it managed to preserve the features of Cro. statehood despite severe limitations. The constitutional law theoreticians from the end of the 19th and beginning of the 20th century (J. Pliverić, L. Polić), in a systematization that was somewhat controversial regarding legal theory and legal history, counted the following among the sources for Cro. His. St. Rights: fundamental contracts (*Pacta Conventa*, Austro-Hungarian Compromise, Croato-Hungarian Compromise), fundamental laws (Golden Bull of Andrew II, royal pledges, laws on the regulation of religious relations, Pragmatic Sanction of 1712, legal art. CXX:1715 of the Hungaro-Croatian Diet), laws of the Croatian Sabor and the Hungaro-Croatian Diet (legal art. LVIII and LIX from 1790/91), town statutes (→ *statute law,* → *free royal towns*), privileges granted to individuals and corporations, royal orders, customary law. C. H. S. R. thus had at its core, both as a legitimative basis and as a legal substrate, the thesis that Cro. statehood was uninterrupted and that it linked the characteristics of statehood from the time of the national rulers with the demands for achieving the special constitutional position of Croatia in the 19th century and until 1918. The idea of Cro. Hist. St. Rights remained present in the activities of the leading Cro. parties after 1918, while the Cro. nat. movement emphasized it during their efforts to establish the *Banovina of Croatia*. The Ustaša movement strongly appealed to Cro. His. St. Rights, and the constitutional acts of the *Independent State of Croatia* as well as the constitutional theoreticians of that period presented the Independent State of Croatia as the continuation of Cro.

statehood, a continuity which was broken in practice on 1 December 1918. The decisions of the → *Anti-fascist Council of the National Liberation of Croatia*, on which the statehood of Croatia within the frame of the Yugosl. federation (→ *Anti-Fascist National Liberation Council of Yugoslavia*) was based, were made in 1944 in the tradition of Cro. state-building thought and practice, with a strongly emphasized principle of self-determination and the right to secede, and were prominent in the Croatian constitutions of 1947–74. The hist. continuity of Cro. statehood was particularly emphasized in the preamble of the *Constitution of the Republic of Croatia* of 1990.

Croatian Royal Conference (Lat. *Conferentia Regnorum Croatiae, Dalmatiae et Slavoniae*; Cro. *Hrvatska kraljevinska konferencija*), a body convened by the ban in case the regular session of the Sabor was not possible. It was a six-member committee which consisted of lay and church persons appointed by the Sabor. These were usually the → *ban* (also the president of the Conference), the bishop of Zagreb, the provost of the Zagrebian Chapter and three or four magnates and nobles. The Conference was established by the → *Croatian Sabor* in 1685. It resolved matters that could not be put off until the regular convocation of the Sabor due to possible harmful consequences for the country. The conclusions did not have the strength of law, but had to be applied on all levels. The Sabor was obliged to approve them on its first regular session, after which they would become conclusions of the Sabor. Although there were significant breaks in its continuity of operation, the C. R. C. survived into the 18th century, but lost its significance due to the forming of the → *Croatian Royal Council* in 1767. Since it was presided by the ban, it was also called the → *Ban's Conference,* but it cannot be likened to the Croatian Royal Conference in the 19th century, despite the fact that the latter draws its roots from it.

Croatian Royal Council (Cro. *Kraljevinsko vijeće za kraljevine Hrvatsku i Slavoniju;* Ger. *Kroatischer königlicher Rat;* Fr. *Conseil royal croate*), the highest administrative body on the area of Ban's Croatia and Slavonia established by the decision of queen Maria Theresia on 7 July 1767 as the office for achieving the ruler's administrative and executive powers; also the Royal Council in the kingdoms of Dalmatia, Croatia and Slavonia (*Consilium Regni Croatiae*) and the Croatian

Royal Council (*Consilium Regium Croaticum*). The R. C. was inspired by the Hungarian Regent Council whose original purview in the area of administration (position of the Church, education, serf-noble relations, finances, economy, soc. services, military matters) was in the Cro. lands supplemented by the supervision of the criminal procedure in counties, free royal towns, and the landed gentry. The council consisted of a president (the Cro. ban), five advisors (1 prelate, 1 magnate and 3 nobles) and 9 permanent officials; its seat was in Varaždin (1767–76) and Zagreb (1776–79). The role of the Council encompassed suggesting measures for the betterment of the situation in certain administrative areas to the ruler and carrying out the rulers decisions, among which the reforms on the area of education were the most important (→ *Political and Cameral Studies* in Varaždin; the new education system of 1776-77, the → *Royal Academy of Sciences in Zagreb*), criminal law and procedure (abolishment of the right of asylum and torture in 1776) and government (the appending of Rijeka to Croatia and the founding of the County of Severin in 1776). The Cro. estates opposed the founding of the Council because it encroached on their → *municipal rights*, while the Hun. estates opposed the administrative independence of the Cro. lands, so that the queen abolished the Council on 30 July 1779 and transferred its functions to the Hungarian Regent Council, which acted as the common Cro.-Hun. government from 1779–82 and 1790–1848.

Croatian Sabor (Cro. *Hrvatski sabor;* Ger. *Kroatischer Sabor, Kroatischer Reichstag, Parlament der Republik Kroatien;* Fr. *Diète Croate, Assemblée Croate*), body of historically variable composition, function and authority. Sources mention assemblies in the Cro. regions that discussed the most important matters of the community, publicized the ruler's orders or performed the coronation of the king as early as the period of the → *patrimonial state*. However, when one does not define the Sabor just as any gathering of nobles, but an institution of relatively regular functioning and certain authority in state matters, the roots of that body can be found in 13th century Slavonia (→ *Medieval Slavonia*). During the 13th century the Sabor gradually formed there as a body of nobility which acts in unison towards the ruler, albeit with limited decision-making abilities. The oldest preserved record of a session of the Sabor in Zagreb (in the form of a document) originates from 1273. The Sabor gathered

occasionally, according to need, and in different places (Križevci, Steničnjak etc.). On the area of medieval Croatia (south of Gvozd) feud. particularism with a (mostly) ineffective ruler was dominant so that the nobles were not required to form institutional connections among themselves; thus the Sabor of that nobility was only held twice in the 14th century and didn't evolve into a real institution of power. The gradual development of an estate-based feud. state until the middle of the 15th century led to the transformation of the Sabor into an institution of the Slavonian and Croatian nobility which co-decided in matters of state. Nobles holding a similar position were also prominent at the Sabor of Cetingrad in 1527, at which Ferdinand of Habsburg was elected king. Due to common interests in the defence from the Ottomans and limited state territory, the Croatian and Slavonian nobility sat together for the first time in 1533, and ceased to meet separately after 1558; under pressure from the Ottoman threat, the Sabor gathered more often. The Lat. terms *diaeta*, *congresus*, *congregatio generalis*, *conventus Regni*, and the Cro. terms *spravišće* and *stanak* were used to describe the Sabor in that period. With time the term *status et ordines Regni* (estates and orders of the Kingdom), became dominant, a term which encompassed all who had the right to a place and vote in the Sabor. The full term which appears in 1681 is *Congregatio Regnorum Croatie, Dalmatiae et Slavoniae*. In its final form, the Sabor consisted of prelates (higher church dignitaries: diocesan and titular bishops, abbots and provosts at the head of the chapter), magnates, under which the bearers of higher state functions (ban, viceban, protonotary, župans) and the members of the most powerful noble families (counts, barons) were counted, the lesser nobility (up to 1845 every noble had the right to personally participate, but it was customary for two representatives to be elected in each county), as well as free royal towns and privileged districts (every community was considered a single noble person so it sent one representative, but all had one vote). The upper two estates did not manage to separate themselves into a separate house, so that the Sabor (except for two occasions) acted as a unicameral body. Record books were preserved from 1557 and printed in the 20th century; they were recorded in Latin, until 1847 the official language of the Sabor. In the feudal period the S. usually convened in Zagreb, Varaždin or Krapina, usually 2–3 times per year and lasted one or two days. Originally

the right to convene the Sabor belonged to the ruler, but in 1567 the traditional norm that the Sabor can be convened by the ban, who would then inform the ruler, was affirmed. Prelates and magnates were invited personally through a ban's letter, while the lower nobility was invited through the counties. From the Sabor records one can determine that the turnout of members was low, so it was occasionally attempted to introduce fines; work also lagged because some magnates did not come personally, but sent their plenipotentiaries with instructions. The details about the voting process are unknown. The Sabor was authorized to elect nuncios into a *Common Diet* with the Hungarian nobility, to propose and install the ban, to elect other higher functionaries, to enact general regulations (*articuli*, which had to obtain the ruler's sanction) and individual legal norms (*acta*), and oversee the functioning of justice and administration (through *gravamines* and *postulates*). In the 17th century one can follow an erosion of the Sabor's authority: some powers were taken over by the king and his offices (e.g. appointing the ban without the Sabor's proposal), while from 1685 to the middle of the 18th century the → *Ban's Conference*, consisting of six representatives of the Sabor headed by the ban, replaced the Sabor in urgent matters. The Pragmatic Sanction enacted in 1712 by the Croatian Sabor is significant in the context of the 18th century. Since the Cro. estates found mutual interest (defence against the Ottomans, resistance to centralization) and practical benefit in acting together with the Hun. nobility, in the feud. period a so-called → *Hungaro-Croatian Diet* was factually formed, which usually met in Pozsony (Bratislava) every few years. The C. S. sent to this body its nuncios (*oratores*) led by a protonotary; they acted as the representatives of the Croatian Sabor and sat separately, while the decisions made on the *Common Diet* had power in Croatia only if they were accepted by the nuncios and affirmed by the Sabor. In Cro. history two conclusions made by that body in 1790/91 are particularly important; through them, albeit conditionally, a part of the financial capacity of the C. S. was given to the *Common Diet*, while a part of the executive capacity was given to the Hungarian Regent Council, with the effect of the significant decline of the importance and role of the C. S. and the strengthening of the influence of the of the central Hun. organs on Cro. matters. – The Sabor was transformed with the beginning of the civil period (1848) and was now based on the principle of legal equality and

the representation of the entire population of the country. In the electoral regulations of 1848 and onwards the two-part structure of a unicameral parliament was kept (→ *virilists* and elected members), the traditional system of electoral units based on counties and towns, the direct and indirect mode of election (the latter were applied in village municipalities), and oral and public voting. The principle of legal equality was significantly narrowed through the presupposition of the (male) gender and a propreital, educational and socio-professional census. The requirement of affiliation to a legally recognized religion (Catholic or Orthodox) was mentioned only in 1848. The representatives from the → *Military Border* were included in the short-lasting Sabor of 1848, which affirmed Jelačić's decisions to abolish serfdom and break all ties with Hungary and advocated the arrangement of the Monarchy with federalist elements. The so-called *Great Sabor* of 1861 (due to its large number of prominent members) rejected the ruler's centralist conception of the Monarchy, and in the famous legal article 42 he offered Hungary a union on the condition of accepting the principle of equal rights and the recognizing Cro. historical territories and Cro. autonomy. During the discussions the National, Unionist and Party of Rights became distinct. That Sabor made its first Rules of Procedure independently and developed an intensive, but unfinished legislative activity since it was dissolved the same year. The opposition of the Sabor towards accepting the Austro-Hungarian compromise in 1865 led to its dissolution in 1867, but the new Sabor (1868–1871) with a unionist majority drafted and accepted the Croato-Hungarian Compromise. According to the Compromise and later Cro. laws, the Sabor enacted laws according to its autonomous jurisdiction sanctioned by the king, and which were countersigned by the Croato-Slavonian minister in the central government (→ *Hungaro-Croatian Government*) and the ban. The C. S. had the traditional right to address the ruler, the right to enact resolutions, the right to independently establish Rules of Procedure, distribute its allocated funds (draw up its internal budget), representatives had the right to pose questions to the government, the right to present the complaints of a group of citizens (petition), the right to survey; the ban was legally answerable to the Sabor; in case of the dissolution of the Sabor the king was obliged to convene a new one within three months. From 1865 the Sabor elected a president from its ranks (up to then the ban

took that function *ex officio*). The C. S. elected 40 representatives and 3 virilists, who had individual electoral rights, into the *Common Diet*. In the time of ban I. Mažuranić (1873–1880) the Sabors enacted a series of the most significant laws, inspired by the corresponding Aus. laws, through which the archaic Cro. regulations were replaced by more modern ones. During the time of ban K. Khuen-Héderváry (1883–1903) the Sabor was mostly instrumentalized through changes to the electoral regulations (through which the social base of the Sabor was reduced to 1.8% of the population) and Rules of Procedure (through which the functioning of the opposition was limited) and through polit. pressure. In 1887 the duration of the convocation of the C. S. and the representatives' mandates was extended from 3 to 5 years after an identical change in the Hungarian Diet; in 1888 the number of representatives was reduced to 90, while the number of virilists was limited to half the number of representatives; as before, → *Rijeka* did not send its two representatives to the C. S. The limited social base of the Sabor was expanded through the electoral law of 1910 which abolished suffrage according to property census and introduced the principles of equal and direct elections, by which the active electoral rights were extended to around 8% of the population. Universal active and secret suffrage was introduced only by the electoral law of 1918, which was never applied. During World War I the Sabor was convened from 1915, while the decision to break all ties with Hungary and Austria and enter the State of SCS was made on 29 October 1918. – According to regulations on the Banovina of Croatia in 1939, a Sabor was supposed to have been formed as the supreme legislative body, but elections were never held due to the outbreak of war. An attempt to renew the C. S. was made during the NDH, when a Croatian State Sabor was formed through the legal decree of 24 January 1942 and in which 150 invited persons participated. That Sabor met only thrice during 1942. – Within the frame of the partisan movement the → *Anti-fascist Council of the National Liberation of Croatia* was formed on 13-14 June 1942 as the supreme polit. representative body of Croatia, and which at its Third Session in Topusko on 8-9 May 1944 declared itself the »only true State Sabor of Croatia« and »representative of the sovereignty of the people and state of Croatia« as part of Democratic Federal Yugoslavia. At its Fourth Session in Zagreb on 24 July 1945 the ZAVNOH renamed

itself the People's Sabor of Croatia and enacted its first laws. After enacting the Constitution of the Federal People's Republic of Yugoslavia the Sabor of the People's Republic of Croatia was convened as the provisional representative body of Croatia, and it enacted laws about the Constituent Sabor of Croatia which after the establishing of the Constitution of PR Croatia on 18 January 1947 continued working as the Sabor of the PRC. According to the Constitutional Law of the PRC of 1953 the Sabor had two houses and consisted of the Republican Council and the Council of Producers. According to the Constitution of 1963 the Sabor became multicameral and consisted of the Republican Council, Economic Council, Culture and Education Council, Social and Health Care Council and Organisation and Policy Council. The Constitution of 1974 established that the Sabor acts in the Council of Associated Labour, Council of Municipalities, Socio-Political Council, while in some matters the assemblies of self-managing interest communities participate as a fourth council. The real significance of the Sabor as the bearer of sovereignty in that period was determined by the position of Croatia in the federation and the political relations in the Communist Party of Yugoslavia i.e. the League of Communists of Yugoslavia, while the Central Committee of the Communist Party of Croatia/League of Communists of Croatia had strong political influence on the decisions of the Sabor. However, despite all limitations the Croatian Sabor – along with, in his time, the ban – remained the key real and symbolic institutional support of Croatian State Right-based independence from the Middle Ages to the modern period. After the democratic elections in May 1990 a multi-party Croatian Sabor was formed.

curial electoral system in Austria-Hungary (Cro. *kurijalni izborni sustav;* Ger. *Kurienwahlrecht;* Fr. *système électoral en Autriche-Hongrie*), a form of unequal suffrage characteristic for 19th century states in which there was a co-existence of nobility and citizenry. In Austr. lands the c. e. s. was from 1861 the basis according to which representatives to the Lower House of the → *Imperial Diet* and regional diets (→ *Istrian Diet,* → *Dalmatian Diet*) were elected. The right to vote was linked to the tax census. The voters were divided according to their socio-economic affiliation into four categories or curias (large property owners i.e. large taxpayers; towns, market towns and industr. towns,

chambers of trades and crafts; village municipalities), as well as three curias in Bosnia and Herzegovina (large property owners; citizens; and villagers). Each curia had a number of mandates that varied according to province. In the first three curias voters voted directly, and in the fourth indirectly. The electoral system favoured large property owners and city-dwellers because the voters of the fourth curia, were under-represented despite being the most numerous. In 1896 a fifth, general curia was introduced, in which all adult males could vote. The curia system in Austria was abolished in 1907 through the introduction of universal, equal and direct suffrage for all adult male citizens.

customary law (Cro. *običajno pravo;* Ger. *Gewonheitsrecht;* Fr. *droit coutumier*), a collection of legal rules appearing as the result of the uninterrupted, long-time repetition of certain conventional and expected behaviours, which with time grew into obligatory norms whose contents were common knowledge. According to the territorial criterion it applied to all inhabitants of a certain area, and according to the personal criterion it applied to all members of a specific soc. group, class or profession (e.g. among traders). In legal history sources the terms for customary law (*consuetudo, mores, usus*) were sometimes used in a broader sense, to signify the entire legal order, including normative sources (e.g. → *statute law*); they could even refer to a completely new regulation, or even to someone's subjective right. C. l. remained unwritten for a long time, and the reason for their writing down were usually the uncertainties and doubts regarding their contents. The legal norms implemented by state authorities suppressed customary law, giving it only a secondary and subsidiary value in the hierarchy of legal sources. However, since important segments of soc. life remained unregulated, c. l. retained great significance. With the appearance of new conceptions of the principle of legality and the legal system, during the second half of the 18th century and the wave of codification in the 19th century, the area of application of c. l. became more and more limited. The research of customary law from codices in which it was recorded was a complex process because new norms, which were not always easy to recognize and distinguish, could be introduced into it, and because c. l. was previously used throughout a long period of time, so that it is difficult to date certain legal solutions. These

methodological difficulties should be taken into account during the analysis of sources from Cro. legal history (*Vinodol Law, Poljica Statute, Novigrad Legal Digest, Vrana Codex* etc.). C. l. can also be studied from court files, because the parties or courts sometimes appealed to this law during procedures, proved its contents or discussed it. The interest for customary law in the 19th century, aroused by the Ger. legal history school (F. Savigny), led to the collection of »legal customs that are alive among the people«, so that scholars have access to the fundus from that period (e.g. B. Bogišić's survey for the South Slavic area). The study of customary law was often motivated and marked by ideological motives. For example, almost every nat. movement included efforts to find the »pristine« customary law of that nation, usually without being aware of the methodological traps that entails; alternatively, the similarities in customary laws were stressed so as to show how certain ethnic groups are related (e.g. under the influence of Pan-Slavic ideas), not taking into account that very similar legal solutions existed in other nations at the same level of soc. development. Because of this many theories about »Proto-Slavic« or »Proto-Germanic« customary law have been rejected or are considered with great reservation. Contrary to the layman's belief, c. l. cannot be confirmed or interpreted only from local codices and sources, but requires extensive comparative legal and anthropological studies. → *legal history*

Dalmatia (Cro. *Dalmacija;* Ger. *Dalmatien;* Fr. *Dalmatie*), territorial name which first appears describing a Roman province whose size far surpassed the area implied by that name today; the name originates from the Delmatae, one of the more significant Illyrian tribes that lived there. The seat of the province was in Salona (today Solin), while the Roman administration relied on towns of differing formal status, among which the colony Iadera (Zadar) was the most prominent. Somewhat dwindled in size in its southeast, with the partition of the Roman Empire in 395 D. fell under the rule of its western part, but in 437 it was ceded to the eastern (Byzantine) half. After a short period of Ostrogoth rule (493–535), Dalmatia came under Byzantine rule once again and became part of the Exarchate of Ravenna. Due to the incursion of the Slavs and Avars and the immigration of new inhabitants, Byz. rule in Dalmatia in the 8th century was limited to the towns which were unconnected by land

and their immediate surrounding districts, as well as some islands. In the 9th century Byzantium tried to militarily strengthen these holdings, so it established the territorial units Upper (Budva, Kotor, Dubrovnik) and Lower Dalmatia (Zadar, Trogir and Split with their neighbouring islands, the Kvarnerian island units Krk, Cres, Lošinj and Rab). The processes of assimilation and permeation of the Romanic populace and the immigrants in the surrounding areas begun early, and lasted for centuries. Elements of the continuity of Rom. institutional and legal life from Late Antiquity into the Early Middle Ages are apparent, but have still not been researched thoroughly. During the reign of certain Cro. rulers the bond with the → *Dalmatian towns* was stronger, but the nature of that bond is not completely clear (some form of governance, levying revenues); this link was also reflected in some rulers' titles (e.g. Petar Krešimir IV and Zvonimir). At the same time Venice entered the struggle for rulership over the Dalmatian towns and the Adriatic, achieving its first short-term success at the beginning of the 11th century. The position of the Dalmatian towns depended on how powerful each of those forces – Byzantine, Venetian, Croatian – was at the time, as well as the power of the town's internal autonomy. The coming of the Arpad dynasty to the Cro. throne and Koloman's conquest of the Dalmatian cities at the beginning of the 12th century, as well as the Venetian territorial expansion during the next century, heralded a struggle for supreme rulership which would last until the beginning of the 15th century, made more complex by the occasional successes of the Cro. magnates (particularly the Šubić family) to impose themselves on particular cities as their rulers. The 12th and 13th centuries were, however, marked by the forming of communal societies and the entrenchment of their institutions of power (→ *commune*), which reached their peak in the 14th century. The differences between the cities remained significant, and D. did not represent a single whole in the institutional sense. As Venice was pushed out and the Peace of Zadar established in 1358, the entire coastline, united with its hinterland, found itself under the rule of the Cro.-Hung. king Louis of Anjou, but the unfavourable dynastic circumstances towards the end of the 14th century and the struggle among pretenders favoured the return of Venetian rule, which would this time be long-lasting. Venice won »The Right to Rule Dalmatia«, bought in 1409 from the pretender to the throne Ladislaus of Naples, mostly realized through

military campaigns by 1420, and consolidated by the end of the 15th century. The basic institutional framework with nobles' councils (minor council, major council) was ostensibly preserved in the towns, but in fact major changes were made with the effect of ensuring Venetian central rule and directed administration. Venetian functionaries (rectors, captains, provisors) were appointed as the heads of city government, and separate positions were established for the Dalmatian area, among which that of the Provisor-General of Dalmatia and Albania, established in the 16th century and which gave administrative, judicial and military powers, was the most prominent. The town statutes (→ *statute law*) were still formally active, but were cleared of the parts which were objectionable to the new administration, while regulations directed from Venice (ducals and terminations) had increasing influence. Ottoman incursions, accompanied by devastation and plundering, were common in the 15th and 16th centuries. However, the victories of Venice in the wars against the Ottoman Empire on other fronts and in the Dalmatian hinterland led to several successive expansions of Venetian holdings after 1699, which were accompanied by the spreading of the geographic term Dalmatia towards the hinterland (*acquisto nuovo*, *acquisto novissimo*). After 1718 the Veneto-Tur. border finally stabilized, and the modern Croato-Bosnian border still follows the line west of the Neretva. With the abolishment of the Venetian Republic and the Peace of Campo Formio of 1797, Austria took over the entire east coast of the Adriatic, except for the → *Republic of Dubrovnik*. However, the success of the Napoleonic campaigns and the changed balance of power in Europe at the beginning of the 19th century led to Dalmatia falling under French rule, first under provisional military administration, and then as part of the → *Illyrian provinces*. According to the orders of the Congress of Vienna in 1815, D. with the Bay of Kotor (and the former Republic of Dubrovnik) came under Austrian rule. It was first mentioned under the name Kingdom of Illyria (1816–22), and afterwards the Kingdom of Dalmatia; its administrative centre was Zadar. D. was from then on counted under the Austr. crown lands, and belonged to the Austr. part of the Monarchy (Cisleithania) according to the Austro-Hungarian Compromise. Although the term Tripartite Kingdom was used in the constitutional terminology of the 19th century (→ *Croatian Historical State Rights*), D. remained institutionally separated from

Croatia and Slavonia until 1918. The Austr. authorities allowed Dalmatia limited self-governance, because the autonomous institutions' sphere of action (→ *Dalmatian Diet*) was narrow, and the administration was organized centralistically. In the 19th century, during political struggles marked by the language question, the problem of uniting Cro. lands and economic problems, the currents of the »narodnyaks« and autonomists, both of which took on the form of parties with their own papers. The Italian Irredenta saw its chance for realizing its territorial pretensions during World War I, when the Entente countries won Italy over with its secret Treaty of London in 1915, promising it parts of Dalmatia. Although this act did not become the basis of the territorial boundaries after 1918, Italy still managed to obtain important strategic positions in Zadar, Lastovo and Palagruža, which remained under its rule until 1943. As part of the unitary Kingdom (Kraljevina) of Serbs, Croats and Slovenes, later the Kingdom of Yugoslavia, D. did not have any territorial or administrative-political integrity, and it was only reunited with other Croatian areas into a unit with broad autonomy after the establishment of the Banovina of Croatia in 1939. With the breakup of the Kingdom of Yugoslavia in 1941, Italy occupied the Dalmatian region, and with the Treaties of Rome in 1941 the → *Independent State of Croatia* agreed to the Italian annexation of a large part of the Dalmatian territory in exchange for their political support of the regime. After the capitulation of Italy in 1943 the → *Anti-fascist Council of the National Liberation of Croatia* decided to unite these territories with Croatia, while the partisan movement simultaneously achieved successes that were accompanied by the founding of provisional institutions of civilian rule. After World War II the occupied areas of Dalmatia were formally returned to Croatia.

Dalmatian Diet (Lat. *Dieta provinciale dalmatica;* Cro. *Dalmatinski sabor;* Ger. *Dalmatinischer Landtag;* Fr. *Diète de Dalmatie*), representative body of provincial autonomy. Founded by the February Patent of 1861 and the Provincial Order and Electoral Order for the Diet of the Kingdom of Dalmatia. Its seat was in Zadar. It had 41 representatives elected for a period of 6 years and 2 virilists (the Archbishop of Zadar and the Orthodox Bishop). The elections were based on a curial electoral system so that the Curia of Large Taxpayers elected 10 representatives, the towns 8, the Chamber of Trades and

Crafts 3, and the village districts 20; the factual predominance of the town population favoured the Italianist groups. The D. D. elected among its members 5 delegates into the Imperial Council. The Diet was normally convened once per year by the emperor, who appointed the president and approved the rules of procedure. The laws accepted at the Dalmatian Diet were required to obtain the emperor's sanction. The D. D. had legislative authority in education, health, social welfare and the economy. Its executive body was the Provincial Committee (*Giunta provinciale dalmatica*) with 4 assessors. The official language of the Dalmatian Diet was Italian until 1883, when Croatian became official and the stenographic records were from then on published only in that language. Two polit. currents existed within the Dalmatian Diet: the *annexionists*, who supported the unification of Dalmatia and Croatia, and the *autonomists*, who were against the unification and supported the autonomy of Dalmatia. The National Party, Autonomist Party, National-centrist Party, Serb Party, Party of Rights, Pure Party of Rights, Croatian Party and Croatian People's Progressive Party were active in the Dalmatian Diet.

Dalmatian towns, towns in Dalmatia with a special structure of power and legal order. It is difficult to geographically pinpoint these towns since the term → *Dalmatia* changed through history. Among them those who had roots in Classical antiquity were particularly important (e.g. Zadar, Trogir, Rab), which transferred elements of the classical legal tradition to the Middle Ages, primarily the link with the heritage of Rom. law. With the fall of the Western Roman Empire they continued to exist within Byzantium, with stronger or looser relations towards the centre, occasionally broken by the supreme rulership of some power that imposed itself as the master of that part of the Adriatic (Normans, Venice etc.). In some periods (e.g. the 10th century) they were under the rule of the Cro. rulers, while complementary interests with the Cro. populace of the hinterland facilitated economic links and ethnic symbiosis. Simultaneously Cro. rulers founded new towns on their own territory (Šibenik, Biograd). In the pre-communal period the Dalmatian cities were governed by a prior along with judges and tribunes; some of the positions that were elected became hereditary; the town had a certain outside area under its governance; the patriciate started to take form. The conditions which facilitated the

broadening of a town's autonomy, as well as the more prominent soc. layering would initiate the process of forming → *communes*. At the beginning of the 12th century the Hungarian and Cro. king Koloman managed to obtain rulership over Lower Dalmatia, that is the area from Split to the Kvarner, offering privileges to some towns, by which he formally guaranteed them their already-outlined self-government, but simultaneously tried to limit their political independence. The D. t. enacted their own regulations, which they begun to gather into statutes in the 13th century (→ *statute law*). The beginning of the 13th century also marked the period of fleeting Venetian rule over the Dalmatian cities, but its intensity and continuity to the mid 14th century were neither permanent nor uniform for all cities. Simultaneously, some Croatian magnates (e.g. the Šubići at the beginning of the 14th century) managed to impose themselves as their princes. With the Peace of Zadar in 1358 the D. t. (except Dubrovnik) came under the rule of the Croato-Hungarian ruler Louis of Anjou and thus strengthened their political bonds with other Cro. regions. During the 15th century the Republic of Venice succeeded in gradually bringing the Dalmatian towns under its rule and significantly limiting their autonomy; they remained part of that state until 1797. In that entire period the D. t. remained separate subjects, but were connected by tradition, cultural and economic links, through occasional political alliances and within a larger state.

decreta regni (Lat.: decrees of the Kingdom), the official name for the laws of the Croato-Hungarian state union. Up to the 15th century they were enacted by the ruler alone. From the 15th century the legislative power was held by the ruler and the estates together, that is by the estate representation: those regulations which the estate representation accepted and the ruler affirmed would become law. The most important laws were inserted into the → *Corpus iuris Hungarici*. The d. r. were among the main legal sources in feudal Croatia and Slavonia. The laws enacted at the Common Diet (→ *Hungaro-Croatian Diet*) also applied to Croatia and Slavonia under the condition that the representatives of the → *Croatian Sabor* voted for them and that said Sabor approved them.

Democratic Federal Yugoslavia (Cro. *Demokratska Federativna Jugoslavija*, abbr. DFJ; Ger. *Demokratisches Föderatives Jugoslawien;* Fr. *Yougoslavie Démocratique*

Fédérale), the provisional constitutional order in Yugoslavia with federal and republican elements. Its beginnings can be traced to the Second session of the Anti-Fascist National Liberation Council of Yugoslavia (AVNOJ) on 29 November 1943; it was established in 1945 and lasted until the enacting of the *Declaration of the → Federal People's Republic of Yugoslavia* at the Constituent Assembly on 19 November 1945. Real dual rule was a characteristic of Yugoslavia from the Second session of the AVNOJ to the establishment of the Provisional People's Government of Democratic Federal Yugoslavia on 3 March 1945, which was then changed to a formal dual rule that lasted until the enacting of the above-mentioned Declaration. Starting from its Second session the AVNOJ became the representative, legislative and executive body of the federal state; the *National Committee of the Liberation for Yugoslavia* (NKOJ) – which was appointed by the Presidency of the AVNOJ – was its executive body with characteristics of a (federal) government, while individual regional anti-fascist councils were the bodies of representative, legislative and executive government of particular federal units which were formed during 1944 (→ *Anti-fascist Council of the National Liberation of Croatia*). After the Tito – Šubašić agreement in Belgrade on 1 November 1944, which envisioned the formation of a »democratic and federative« Yugoslavia, and the appointment of a royal regency, the NKOJ and the Royal Yugoslav government resigned. On 7 March 1945 the Regency appointed the Provisional People's Government of Democratic Federal Yugoslavia, under Tito's presidency, which was recognized by the UK, the USA and the USSR. From April to May 1945 the governments of the federal units were formed. On its Third session on 10 August 1945 the AVNOJ decided to continue working as the Provisional Public Assembly of the DFJ, which enacted the necessary normative acts for the election, convocation and functioning of the Constituent Assembly in 1945.

dicastery (Gre. *dikastērion*: court; Cro. *dikasterij;* Ger. *dikasterien;* Fr. *dicastère*), in the Cro.-Hung. state union, the highest institution of state authority, the *Croatian Court D.*, i.e. the *Provisional Court D.* (1861-62) was the link between the king and the Council of Ministers in Vienna and the top of the Croatian and Slavonian government. It appeared when the Croato-Slavonian department was separated from the State Ministry and

had jurisdiction in matters of internal government, legislation, education and religion. The Croato-Slavonio-Dalmatian → *Court Chancellery* was formed from this body in 1862.

doge (Lat. *dux;* Cro. *dužd;* Ger. *Doge;* Fr. *doge*), highest functionary in the Republic of Venice. A *Dux* at the head of Venice is mentioned as early as the late 7th century, at the time of supreme Byz. rule; as that rule gradually weakened and completely vanished in the 9th century, the institutional position of the doge gradually grew stronger. However, with the forming of the communal institutions in the hands of the patriciate, his role from the 12th century onwards became mostly representative; on the other hand, the doge's position was for life (rare in the Venetian Republic), which gave significant prestige to him and his family, as well as some polit. power. Despite the formal equality between the candidates for the position of doge, constitutional practice shows that it was held only by those from a narrow circle (not even 10) of the most powerful patrician families. The electoral system, established in 1268, was very complex and had elements of deciding through lot and election so as to avoid electoral fraud. Through the thousand years of the existence of the position of the doge, there were attempts to establish a dynastic transfer of power, as well as attempts to take on dictatorial powers (e.g. Marino Faliero 1355), though all were unsuccessful. After the doge's death a special procedure was made to examine his actions during service, and any potential damage was reimbursed by the state from his inheritance. From the 12th century the doge took an oath upon entering service, the text of which contained the basic directive principles of service (*Promissio*); the text was constantly supplemented, and it helped produce separate legal sources for some legal branches, e.g. for the criminal *Promissio maleficiorum*. The position of the doge disappeared with the abolishment of the Venetian Republic in 1797. – The head of the Genoan state 1339–1797 (with interruptions) bore the same title, and his powers and position in society changed many times.

domicile (Cro. *zavičajnost;* Ger. *Heimatrecht;* Fr. *droit de domicile*), historically, the affiliation of an individual to a certain district and at the same time the basis of his rights and obligations according to public law; these laws generally included the right of free residence in a certain

area, the right of an individual to sustenance in the case of poverty and old age, the right to acquire and enjoy immovables in land communities, the right to practice crafts, active and passive voting rights. The d. was acquired through permanent residence and ownership of immovables on the area of the district, descent, marriage or special acceptance into the district community, and its general precondition was citizenship. A person could have only one domicial affiliation within the state. In Austria the d. was introduced in 1754 and applied to all citizens and the members of their families who lived and worked in a town or village for more than 10 years, while it basic content included the right to enjoy care for the poor or older members of the community. In Croatia the d. was regulated by the law of 1880 inspired by the Austr. example, and its major function was to serve as the basis of special polit. rights that stemmed from Cro. autonomy (the right to vote and the right to hold public offices). Based on the Croato-Hungarian Compromise, J. Pliverić sought to prove the existence of a separate Croato-Slavonian citizenship, equating the Croato-Slavonian domicile with denizenship. After the end of World War I and the formation of the Yugosl. state, the d. was the basic criterion for obtaining a particular citizenship.

entega (Cro. *entega;* Ger. *Entega;* Fr. *entega*), a maritime law contract of Gre. origin by which a society was formed through the association of ship-owners or operators, sailors and money- or good-owners, with the intent of making profit, usually for a time period of many months. An old form of nautical-trade contract of collective management, elaborated in 10 chapters of the 7th book of the *Statute of Dubrovnik* (1271). Regardless of whether the ship sailed within the Adriatic or outside it, a scribe had to record every entega into the ship's log. The e. was a contract between three participants. The ship-owner would invest his ship, the sailors their labour, while the merchant would provide the money or capital (goods). The capital served for trading, while the profit, if the journey was limited to the Adriatic, was divided so that two thirds belonged to the ship (ship-owner) and the sailors, and one third to the owner of the goods or money. All revenues achieved on the journey, the fare charged from the remaining goods, the freight in both directions and all other gains which the ship achieved were counted into the profit. If the ship journeyed outside the Adriatic, the profit was divided in the following ratio:

half to the ship (ship-owner) and sailors, half to the merchants, because a journey outside the Adriatic was riskier. The participants of the entega suffered deficits and compensated damages in the same ratios as they divided the profit. It was possible for more entegas to exist on the same ship; these were collective, so that all would contribute according to the principle of solidarity should one of them fail. A majority of owners had at their disposal the collective estate of multiple entegas, and also determined whether trade with the entegas would be conducted within the Adriatic or outside it; without its will and approval a ship with entegas was not allowed to sail outside the Adriatic. Entegas gradually ceased to be applied during the 16th century. → *Republic of Ragusa/Dubrovnik*

estates of the realm (Cro. *staleži;* Ger. *Stände;* Fr. *états généraux*), social. strata whose members had various rights and obligations. They appeared as early as Classical antiquity (Babylon, Hebrews, Sparta, the Roman state). In Medieval Europe traces of estates can be found in penalty clauses of the codices of early feudal states (*leges barbarorum* and *leges Romanae barbarorum*), but the estates of clergy, nobility (→ *feudal nobility*) and peasantry became differentiated only gradually in the Frankish state under the Merovingians and Carolingians, under whose influence they spread to the feud. states of Western, Central and Northern Europe. In the High Middle Ages the nobility definitely became the decisive polit. force in the → *fief state*, as did the clergy due to the ecclesiastical reforms of the 11th century and the Investiture Controversy; through the founding of → *free royal towns* in the 11th to 13th centuries a new estate appeared: the burghers. The clergy, nobility and burghers participated in the division of power between the estates and ruler prominent in the state organization of a → *state of estates*, but this structure was subject to the hist. particularities of certain states (e.g. in the Holy Roman Empire of the German Nation there was a separate estate of prince-electors, while the clergy and nobility constituted the estate of princes; in Sweden and Finland the peasantry was the fourth estate with polit. decision-making powers; in Portugal and Spain the knightly orders formed a separate estate; in Hungary, Croatia and Poland there existed a sharp factual difference between the formally equal higher and petty nobility). The estate soc. system lost its significance through the abolishment of

→ *feudalism* and the introduction of civil parliamentarism, esp. after 1848, although the nobility still held a politically privileged system within the frame of a bi- or tricameral system (Sweden 1809–66; Finland 1809–1905; Prussia 1850–1918; Austria 1861–1918). In Croatia the estate structure disappeared after the abolishment of feudalism in 1848, the March Constitution of 1849 and the Sylvester Patent of 1851 (Bach's Absolutism), while the remaining nobles' privileges were definitely abolished through the Vidovdan Constitution of 1921. Today the remnants of estate privileges exist: in monarchies as the special legal status of the ruling family including the royal power to grant new noble titles, the right to use hereditary and non-hereditary noble titles with the appropriate coats-of-arms and the right to polit. co-decision within a bicameral system (the House of Lords in the UK); in certain republics where the use of noble titles properly acquired before the abolishment of the local monarchy is permitted (e.g. Italy and Germany). Estates also appear outside Europe: in Islamic countries that succeeded the Arab-Muslim Caliphate the askari soldiers, ulama and rayah; castes in the Indian cultural circle (India, Nepal, Ceylon); in the Chinese cultural circle (China, Korea and Japan, esp. under the Tokugawa Shogunate 1603–1868, reformed 1868–1947); in Pre-Columbian America the empires of the Aztecs and the Inca), but in those societies a state of estates did not form due to a tradition of strong central government.

faculty of law (Lat. *facultas iuridica;* Cro. *pravni fakultet;* Ger. *juristische Fakultät, juridische Fakultät;* Fr. *faculté de droit*), a higher-education institution specialised for the study of law, the completion of which is in most countries a prerequisite for legal occupations; it is usually an organisational part of a university. The oldest law faculty was in Bologna, where the growth of the first university in history at the end of the 12th century was closely linked to the extant tradition of legal teaching in private law schools, the existence of which is recorded from the second half of the 11th century. Canon and civil i.e. Roman law was taught at Bologna through the work of glossators and postglossators. The Bologna model of organizing and studying law – sometimes with pronounced adaptations to local circumstances – spread to other faculties. This primarily applied to Ital. legal faculties in Padua (where more attention was paid than in Bologna to Lombard and statute law), Pavia, Perugia and

Siena, which attracted students from the whole of Europe. After these the most attractive were the Fr. faculties Montpelier, Orléans, Toulouse and Avignon – some of which paid more attention to written, others to → *customary law* – while there were not many foreign students at the Iberian faculties of Salamanca, Lérida and Coimbra-Lisabon. In England the predominance of *common law* and the system of precedents, as well as the role of the legal profession, led to the lawyers' Inns of Court (at which it was forbidden to lecture Roman law) becoming the key channel of legal education, while the law faculties in Oxford and Cambridge stressed the importance of canon law, to which civil law was merely a supplement. Roman law was however studied at Scottish faculties founded in the 15th century (St. Andrews, Glasgow and Aberdeen). Canon law was the main subject of study – albeit alongside the significant role of civil law – on the faculties in the *Holy Roman Empire of the German Nation* founded in the 14th and 15th centuries (Prague, Vienna, Heidelberg, Cologne, Erfurt, Leipzig, Würzburg, Rostock, Greifswald, Freiburg, Ingolstadt, Trier, Tübingen, Mainz, Louvain, Basel), which attracted students from Scandinavia, Poland and Hungary. The network of faculties spread with time, while their organization and methods of teaching changed. In the last quarter of the 18th century the seeds of law faculties in the USA were planted, but the model of American legal education was established by the reform of the law faculty at Harvard in 1829, through which a professionally-oriented legal study that required the prior completion of a general education was founded. That model was completely accepted in the USA, when in 1905 a minimum duration of three years was set for legal education, while the preceding two-year education at college (1923) was extended to three years (1952), though many faculties required a preceding four-year education. At US faculties the method of examining cases, inaugurated in 1871 by Harvard University professor C. C. Langdell, gradually became dominant. The most significant changes which led to the forming of the modern type of legal education in Europe also developed in the 19th century. In France a system of legal education with an emphasised practical purpose and more ramified network of faculties was introduced, whereas in Germany a system was introduced with the goal of the scientific presentation of learning material and the deeper education of students, as well as their training for facing a

wide range of problems. The mentioned changes followed the tendency of the positivisation of soc. sciences, which also resulted in the branching and constitution of a string of separate legal disciplines with relatively diverse subjects and methods within the frame of a single, but complex, area of law. Thus the law faculty first taught social science and universal legal concepts throughout its first and part of its second year, after which positive law subjects were studied. The German model became universally accepted in Central Europe, and also had a significant influence in Eastern Europe. In England this system of legal education remained significantly marked by the medieval tradition of separating practical and academic education. Despite certain adaptations to new circumstances the mentioned systems were not significantly changed until the mid-20th century, when changes caused by various circumstances were introduced, but they, too, were added to existing foundations without radically changing them. In recent times changes were introduced to Eur. countries by the introduction of the principles of the so-called Bologna Process which strives to set common frameworks for university education in Europe by combining the American and Humboldt i.e. German models. – The earliest students from Cro. areas received their legal education in centres abroad, very shortly after the appearance of law faculties. Thus students from Cro. areas are mentioned as early as the beginning of the 13th century at the law faculties in Bologna (where the *Collegium hungarico-illyricum* was founded in 1553 under the direction of the Zagreb chapter) and Padua, and later in other Italian universities and Paris, Prague, Vienna etc. At some of them professors of Cro. origin are recorded from the earliest times (e.g. Pavao Dalmatinac in Bologna at the beginning of the 13th century and Nikola Matafari from Zadar, later the bishop of Zadar, in Padua from 1318–31). Legal education in Cro. areas was mentioned at the beginning of the 13th century in the cathedral school in Zagreb; at the beginning of the 17th century in Zagreb the private law school of B. Dvorničić Napuly was active. Periodic law lessons were recorded in the mid-15th century at a high school in Dubrovnik, in which a separate public law school existed from 1794 to 1808. Canon law was taught as part of the study of theology in Zadar, Lepoglava and Zagreb. In Zadar under Fr. rule at the beginning of the 19th century a three-year study was founded (1806–10), succeeded by a four-year law faculty (1810–12), while

under Austr. rule a four-year private institute for legal education was active (1848–52). However, the founding of the two-year → *Political and Cameral Studies in the Kingdoms of Dalmatia, Croatia and Slavonia* in 1769 marked the beginning of systematic and continued legal education in the Cro. region; in 1772 it was relocated to Zagreb where it was incorporated into the two-year Faculty of Law as part of the newly founded → *Royal Academy of Sciences in Zagreb* in 1776. It was abolished in 1850, when the three-year → *Royal Academy of Law in Zagreb* was founded, which was extended to a four-year study of the university type, inspired by Austr. faculties ordered according to the Ger. model in 1868. In 1874 the University of Zagreb was founded, among whose three faculties was the Faculty of Law and State Studies (later Faculty of Law) also organized according to the Austr. model. Three or four collective so-called national exams were taken during the study, and at the end of it three *rigorous exams* (called *rigorozi*) were taken, on the basis of which the title of Doctor of Law was attained, which was necessary for employment in judicial professions. Other law faculties were founded in Croatia in the second half of the 20th century, in Split (1961), Rijeka (1973) and Osijek (1973), which have completely developed their personal and organizational basis and become centres for the development of legal science. Until 1952 the study at the Faculty of Law in Zagreb ended with the traditional taking of rigorous exams and attaining the title Doctor of Law. In that year rigorous exams were abolished, and with the finishing of one's studies the title Graduate Lawyer was obtained, while the scientific title of Doctor of Legal Sciences was obtained through defending one's doctoral dissertation. In 1960 postgraduate studies were introduced, which ended with the defence of one's master's thesis and attaining the title Master of Science. This system applied until the introduction of the Bologna Process in 2005, when the study of law at Cro. law faculties was extended to 5 years in integral duration, and at its end one obtains the title Master of Law. It is followed by a three-year postgraduate study ending with the defence of a doctoral dissertation and obtaining the title Doctor of Science.

Federal People's Republic of Yugoslavia (Cro. *Federativna Narodna Republika Jugoslavija*, abbr. FNRJ; Ger. *Föderative Volksrepublik Jugoslawien;* Fr. *République Populaire Fédérative de Yugoslavie*), federal state of

republican form formally appearing after the end of World War II and the accepting of the *Declaration of the Federal People's Republic of Yugoslavia* (29 November 1945) and the *Constitution of the FNRJ* (30 January 1945). Its conception can be traced to the war effort of the → *Anti-Fascist National Liberation Council of Yugoslavia* (1942–45), which at its Second session (1943) defined the nature of revolutionary rule and laid the foundations of the federative organization of the new state of the South Slavic nations which were formerly gathered in monarchist Yugoslavia (1918–45) through two documents (*The Declaration of the Second Session of the AVNOJ* and *The Decision to Build Yugoslavia on a Federative Principle*). These documents explicitly underlined that the nations which lived in the Kingdom of Yugoslavia after the end of the war would have the right to self-determination, including the right to secede or to unite with other nations. The principle decision of the Declaration »that Yugoslavia should be built on a democratic federative principle, as a state union of equal nations« was elaborated in detail by the *Decision to Build Yugoslavia on a Federative Principle*. This decision was based on the principle of the sovereignty of the Serb, Croatian, Slovenian, Macedonian and Montenegrin nations, which were recognized as constitutive nations with separate federal units and which would enjoy and develop full democratic rights within a federative state. All nat. rights were also to be ensured for the nat. minorities. The process of clearing up complex relations between the ruling powers *de facto* (revolutionary forces represented by the AVNOJ) and *de iure* (the Royal Yugosl. government) in the period from 1943 to 1945 to the affirmation of the federative principle as the future constitutive principle of the common state, happened as early as 10 August 1945, when the AVNOJ evolved into the Provisional People's Assembly of Democratic Federal Yugoslavia at its Third session, which had the duty to arrange the convocation of the Constituent Assembly of the Yugosl. nations. The Constituent Assembly elected on 11 October 1945 enacted the *Declaration of the Federal People's Republic of Yugoslavia* on 29 November 1945, and in 30 January 1946 the *Constitution of the Federal People's Republic of Yugoslavia*. According to art. 1 of the Constitution the FNRJ was a »federal people's state of republican form and a union of nations of equal rights, which according to the right of self-determination, including the right to secede, declared their will to live

together in a federative state«. The FNRJ consisted of 6 people's republics: PR Serbia, which included Vojvodina as an autonomous province and the Kosovo-Metohian District, PR Croatia, PR Slovenia, PR Bosnia and Herzegovina, PR Macedonia and PR Montenegro. According to the census of 1961, around 18.5 million people lived in the FNRJ, a multiethnic and multilingual society occupying an area of 255 804 km^2 during its existence (1945–63). The seat of the federal state and its institutions was Belgrade, the capital of the Yugosl. federation. The organization of federal rule consisted of the People's Assembly of the FNRJ, the Presidium of the People's Assembly of the FNRJ and the Government of the FNRJ. According to the principle of the democratic unity of powers which assured the dominant role of the representative bodies, the People's Assembly represented nat. sovereignty and was the supreme body of state authority. A bicameral assembly consisting of the Federal Council and the Peoples' Council was the sole bearer of legislative authority within the framework of the federation's jurisdiction. The Federal Council was elected by all citizens of the Yugosl. federation on the basis of universal suffrage, while each republic, including PR Croatia, presented 30 representatives for the Peoples' Council. The Councils had equal rights and their representatives had mandates lasting 4 years. In this system of organization the primary bearers of power were the Presidium of the Peoples' Council of the FNRJ and the Government of the FNRJ. Within the structure of executive government the Presidium performed the duties of the head of state as a collegial body. It consisted of a President, 6 Vice Presidents, a Secretary and up to 30 members elected by the Assembly, and to which they were answerable for their actions. According to the *Presidial Law* that body represented the national and state sovereignty of the FNRJ at home and abroad and had other important polit. and legal jurisdiction, later expanded. The Presidium deputized for the People's Assembly while it was not in session. The government of the FNRJ was the highest executive and administrative body of state authority in the FNRJ. Its constitutional duty entailed the realization of the acts of the People's Assembly and overseeing the functioning of the federal governing bodies subordinate to it. The Constitution allowed it to enact regulations for the application of laws and regulations with legal power through which it ensured its broad normative and factual role. The Constitution of

the FNRJ also determined the basic structure and functioning of the highest bodies of state authority and state administration in the republics, autonomous units and administrative-territorial units. Within the constituent parts of the federation the organization of state authority was based on the same principle of unity of powers as on the federal level. Thus the Republic of Croatia, after the elections for the *Constituent Sabor* of 10 November 1946 and the adoption of the *Constitution of the People's Republic of Croatia* on 18 January 1947, gained its own assembly, presidium of the assembly and a government (→ *Croatian Sabor*). The period of the constitutional and socio-political life of the FNRJ lasted from the adoption of the Constitution of the FNRJ to its replacement by the Constitution of 1963, when the Yugosl. federation changed its name: instead of FNRJ the state took on the name of SFRJ. During a period of less than 20 years intensive and dynamic socio-political changes gripped the FNRJ. The abandonment of the ideological concept of people's democracy caused by the conflict with the USSR in 1948 (*The Informbureau Resolution*) hastened the transition towards workers' self-management as the basis of the future pol. and econ. system of the Yugosl. federation. The process of introducing workers' self-management into the economy of 1950, debureaucratization, decentralization and deetatization, which in practice meant transferring the jurisdictions from the federation to the republics, and from the republics to the districts and municipalities, resulted in the changing of the Constitution of the FNRJ of 1946 and the constitutionalization of all novelties in the area of socio-political and econ. development, by adopting the federal *Constitutional Law on the Foundations of the Social and Political Order of the FNRJ and the Bodies of Federal Government* on 13 January 1953, which was in force until the replacement of the Constitution of the FNRJ by a new Constitution in 1963. On the basis of art. 1 of the Constitutional Law the FNRJ was defined as a »socialist democratic state«. Similar acts were enacted on the federal unit level. Thus art. 1 of the *Constitutional Law of PR Croatia* defined Croatia as a »socialist democratic state of the working people of Croatia, voluntarily united with the working people of the other people's republics within the FNRJ, a federal state of sovereign and equal nations«. The constitutional laws, both federal and republican, completely changed the organization of the federal and republican state bodies. The basic principle of the

organization of government in the FNRJ after 1953 remained the principle of the unity of powers, but in the form and practicing of a model of assembly government. According to the *Constitutional Law* the Federal People's Assembly performed the general governing of the federation, acting through the President of the Republic and the Federal Executive Council (SIV) as the executive bodies of the Assembly. The Federal Assembly, aside from the Federal Council, also included a Council of Producers, which consisted of representatives elected from various areas of manufacture. The Peoples' Council became the *ad hoc* council of the federal parliament. The President of the Republic and the SIV were not independent bodies of the federal state but executive bodies of the Federal Assembly, which entrusted them to represent the state, to ensure the implementation of laws, to oversee the functioning of the Federal Administration and other executive duties from the jurisdiction of the federation. The rights of the federation in the area of justice were achieved through the institution of the Supreme Federal Court on the basis of federal laws. The period of the FNRJ after adopting the Constitutional Law of 1953 was marked by the polit. development of a federal state on the internal and internat. stage. While the internal development was marked by a strong onset of the federal state with a gradual weakening of the federal principle, the proliferation of socialist self-management, the abolishment of administrative economic management, the introduction of public ownership over the means of production, and a communal and assembly system; the state affirmed itself on the internat. stage by advocating a new and original policy of non-alignment which assured it a respectable reputation and relative stability in active co-existence, internat. relations and internat. politics.

feudal nobility (Cro. *plemstvo u feudalnom razdoblju;* Ger. *Feudaladel;* Fr. *noblesse féodale*), estate that held polit. power in the feud. period. However, a nobleman was also one who did not use his right of polit. decision-making, and even one who did not have direct access to power (a member of a noble community). Estate-closedness is the factor that separates nobility from the term »polit. elite«. The status of nobility is based on a privilege and is not necessarily accompanied by a land grant; it can be lost only in strictly determined situations, such as infidelity to the ruler. The process of forming the nobility was long-lasting and uneven, even on the

relatively small Cro. area; thus it is important to determine as precisely as possible which meaning of the term is being used in hist. debates, e.g. is one referring to the so-called urban nobility (patriciate) or only to the feud. nobility. There existed huge differences among the nobility, which were the result of various factors: in conditions of feud. fragmentation individual noble families practically became the independent rulers of large areas (e.g. the princes of Bribir in Croatia from the beginning of the 13th to the middle of the 14th century), while the rulers, in their efforts to achieve absolutism, circumvented the polit. rights of the nobility by creating parallel institutions of government (e.g. in the 17th and 18th centuries). The econ. and polit. changes during the twilight of the feud. period caused the old nobility became more soc. stratified, while at the same time a new nobility developed from the burghers, ennobled for their services to the ruler. With the emergence of civil society (in Croatia in 1848) the nobility lost its polit. power and only retained some honorary rights (e.g. titles). Individuals managed to enter the new elite, but the estate *de facto* ceased to exist.

feudalism (Cro. *feudalizam;* Ger. *Feudalismus;* Fr. *féodalité*), a system of social relations based on the dominance of the following characteristics: the granting of a permanent source of revenue (usually land) to one who performs a certain service for the ruler (→ *fief*) and that source becoming hereditary; bonds of protection and loyalty between people, which in part of society take on the form of vassalage and define the martial (knightly) stratum in power; multi-grade vassal relationships and a feud. pyramid which isn't completely permeated by the duty of loyalty; manors on which a lord performs some functions of rule (judicial, fiscal, administrative); a subservient peasantry; the fragmentation of state functions; legal particularism. Societies with similar attributes appeared in non-European societies, in different hist. periods. Eur. f. appeared in the 8th century, in the Frankish state, from whence it spread to Eur. and Middle-Eastern areas under crusader rule. The concept of feudalism, formed in 19th century historiography, is in many ways controversial. On one hand, all its elements were not prominent in all lands (in the Croato-Hungarian feudal system there was only one grade of vassal bond, while in mediev. Bosnia the feud. hierarchy was very prominent), while in significant parts of Europe f. never

was the dominant soc. system (in the areas under the rule of Mediterranean merchant cities, in the Netherlands). On the other hand, the term »feudal period« covers a time period of roughly 1000 years, within which soc. relations changed considerably; it also doesn't start and end everywhere at the same time (in England it was introduced only after 1066, in Wes. Europe feud. soc. relations stopped being dominant as early as the 16th century, in Eas. Europe only several centuries later), and sometimes the temporal boundaries were not uniform even within the frame of a single state community (within the Habsburg Monarchy serf subservience was not abolished at the same rate). For the Cro. area the term f. can be conditionally applied to the period from the 11th century to 1848, but even then one should take into account the extreme differences between hist. areas and periods. While the simplified negative picture of feudalism is still widespread in popular thought, modern historiography approaches it more objectively and fastidiously, recognizing in it some seeds of the modern state (e.g. the idea that the ruler has some obligations towards his subjects, the beginnings of the parliamental tradition).

fief (Lat. *feudum;* Cro. *feud;* Ger. *Lehen;* Fr. *fief*), source of revenue given by a lord to his vassal as compensation for his advice and assistance (*consilium et auxilium*). The subject of a fief was most commonly a piece of land populated by peasants, through which the vassal sustained himself, but it could also be another source of permanent revenue (e.g. the right to mint money, the right to levy bridge tolls). F. appeared in the Frankish state in the 8th century, by connecting the giving of revenues to one who performs a service (benefice) and vassalage. In the 9th century it became hereditary and its real element received increasing importance, while the personal element grew weaker. The legal nature of the fief is explained in the doctrinal sense with the help of a concept of divided ownership, according to which some property law powers belong to the ruler (*dominium eminens*), some to the feudal lord (*dominium directum*), and some to the peasant (*dominium utile*).

fief state (Cro. *lenska država;* Ger. *Lehnstaat;* Fr. *etat féodal*), state in which almost all functions are in the hands of manorial lords, while the central government is weak and easily descends into anarchy; according to the

typology of I. Beuc it is marked by legal particularism. It cannot be exactly determined in a temporal sense because whether and when did these characteristics appear depended on hist. circumstances. In Slavonia it is typically assumed that this type of state existed from the mid-13th to the mid-14th century, and in Croatia as early as the end of the 11th century until the appearance of estate bodies in the 16th century. In some fief states a feud. pyramid of power was prominent (e.g. in Bosnia).

free royal towns (Lat. *liberae regiaeque civitates;* Cro. *slobodni kraljevski gradovi;* Ger. *königliche Freistädte;* Fr. *villes royales libres*), towns in Hungary and Slavonia (in Medieval Croatia only Bihać) which through the privileges of the king (→ *herceg,* → *ban*) received a special status and significant benefits. The Arpadians started granting this status at the beginning of the 13th century, seeking in the towns a support against the power of manorial lords; from the beginning of the 15th century they had the right to participate in the Sabor (collectively as one noble person. → *Croatian Sabor*). Among the free royal towns were Varaždin, Vukovar, Virovitica, Petrinja, Gradec, Samobor, Bihać, Križevci etc.; some towns managed to keep that status only for a short time (e.g. Samobor for 34 years), but others – with reworked content – to the 19th century. The privileges were similar but not identical; from those for the Slavonian towns (→ *Medieval Slavonia*) the most extensive was the *Golden Bull of Bela IV* to the Zagrebian Gradec from 1242. The most significant privileges were: the towns were not subject to the jurisdiction of manorial lords, they had their own municipality with a certain degree of self-government and elected leadership; they could regulate their own legal matters; they performed criminal adjudication with the right of appeal to the ruler; basic colonist rights were guaranteed (the freedom of movement and to dispose of property in case of death), as were trading and financial privileges. According to that model, but with more limited rights, ecclesiastical and manorial lords created free nobleman's towns (e.g. Vugrovec, Čiče, Nova Ves).

gornica (≈vineyard tax; Ger. *Weinbergsteuer;* Fr*. impôt sur le vignoble*), serf's tribute to the feudal lord for the use of vineyards; in Cro. also *gorno*, *gorna daća*, *vam vinogradarski*. 1/9th or 1/10th of the produce in must, wine, grain or cash was given annually depending on contract or tradition. The *Croatian Terrier* (1780)

prescribed a gornica of 1/9th of the produce, while the *Slavonian Terrier* (1756) determined that 1 pint (0,47 litres) should be given for every bucket of must (1 bucket = 32 pints). Article VII : 1836 determined the gornica specifically for the Counties of Požega, Virovitica and Srijem, while the other Counties were required to pay 1/9th of their revenue. The gornica was abolished by art. 27 of the Croatian Sabor (1848).

gravamina et postulata (Lat.: grievances and demands), complaints and demands of the estates and orders to the king which were declared at the → *Hungaro-Croatian Diet* and the → *Croatian Sabor* after examining the king's suggestions. The king could reject or accept them. Should he accept, they would, following the king's acknowledgment and any possible changes demanded by him, be inarticulated and inserted into the king's decree and published. It was a rudimentary form of legislative procedure. The g. e. p. of the Cro. estates at the Hungaro-Croatian Diet were put forward separately, after the g. e. p. of the Hun. estates.

herceg (≈duke; Ger. *Herzog;* Fr. *duc*), the title of the king's regent, usually the ruler's son or close cousin, who administers a certain larger area mostly independently. *Dux* in Lat. sources. In the 12th and the first half of the 13th century, at the time of the Arpad dynasty, the h. was usually the king's son crowned as the »younger king«. With the weakening of the king's authority the role of the herceg was occasionally not present and disappeared completely towards the end of the 15th century. According to the analogy of positions, Cro. historiography also uses the term *herceg* for the king's regent and co-ruler before the 12th century, despite the fact that the original Cro. term for that functionary was knez (≈prince; The Baška Tablet). The title of *herceg* was taken by the Bosnian magnate Stjepan Vukčić Kosača (1448) and his successors (hence the territorial term Herzegovina).

Holy Crown (Cro. *Sveta kruna;* Ger. *heillige Krone;* Fr. *Sainte Courone*), term for the crown which Pope Sylvester II sent to the Hungarian king Stephen I of Arpad, later canonized as St. Stephen. Also called the *Crown of St. Stephen*. After World War II the crown was taken to the USA, from which it was returned to Hungary in 1978. In 1989 it was returned to the coat-of-arms of the Hun. state. In 14th century Hungary a theory of the Holy Crown

as the personification and true bearer of the sovereignty and territorial integrity of the feud. Hungarian state was formed. It was given its final form by S. Verbőczy in the → *Tripartitum Code*. The precondition of the appearance of the idea of the Holy Crown was the separation of the term *crown* from the term *regnum* after the 12th century. In the time of Andrew II the coronation with the Holy Crown acquired the significance of a sort of public law contract between the nobility and the king, regarding his performing of royal duties. Dynastic crises at the end of the Angevin period, when the king occasionally didn't perform his duties, contributed to the increasing significance of the Holy Crown as the personification of the country and sovereign state power. Thus the organs of state power started to perform their duties in the name of the country, or the Holy Crown, but not the king. Within this framework there developed the notion according to which the H. C. unifies the various parts of the feud. Hungarian state that were thought to belong to the Holy Crown (»lands of the Crown of St. Stephen«). It was also believed that every free landholding had its roots in the Holy Crown and that it was to be returned to the crown should the family die out. Verbőczy claimed that an insoluble bond existed between the king and nobility based on the fact that nobility was achieved only with the king's approval, while kinghood was achieved through being elected by the nobles and crowned by the Holy Crown, and that only the legally crowned king could grant donations. Thus the king and the nobility were united into the Holy Crown, to which belonged all the power and sovereign rights. The king was the head of the Holy Crown, while the nobles were its limbs. Sources describe this public law entity as the »entire body of the Holy Crown« (*totum corpus sacrae regni coronae*). Through the theory of the Holy Crown an early abstract public law concept of the state was formed, and it served the interests of the nobility by guaranteeing them a way to influence the king. Similar theories appeared in Bohemia and Poland, but the presence of strong rulers prevented them from taking root. According to Verbőczy the Cro. lands were also parts of the »lands of the Crown of St. Stephen«, which negated their constitutional particularity. After the losses of Hun. territory after the World Wars, the idea of the Holy Crown sometimes appears as the basis of Hun. nationalism and irredentism.

Hungaro-Croatian Diet (Cro. *Ugarsko-hrvatski sabor;* Ger. *Ungarisch-Kroatischer Reichstag;* Fr. *Diète hungaro-croate*), representative body of the Hungaro-Croatian state union within the area of joint jurisdiction, composed of the members of the Hungarian Diet, expanded by a delegation from the Croatian Sabor. The institution of a common Hungaro-Croatian Diet (this was not an official term) started to develop throughout the Middle Ages, when the Slavonian nobility started to occasionally attend the sessions of the Hungarian Diet (appeared in 1290), and when that body was definitely divided into two houses in 1608, the → *Croatian Sabor* sent as its nuncios one magnate to the House of Magnates and two noblemen to the House of Representatives, regularly accompanied by a protonotary. The Habsburg rulers regularly convened this body in Pozsony (Bratislava); sessions were supposed to be held once per three years, but this rule was often broken. The basic reasons for the participation of the Cro. estates at the sessions of the Hungarian Diet were that this body, sometimes attended by the king, discussed the most important matters, and that the far more numerous and stronger Hun. nobility was more efficient in obtaining privileges from the king, which the Cro. estates then extended to themselves. Namely, the jurisdiction of the Hungarian Diet did not extend to the area of Croatia and Slavonia, but the expansion of its membership through the participation of Croatian nuncios meant that the certain conclusions (i.e. laws) enacted on those sessions would also apply to the Cro. area. These conclusions would also apply to Croatia and Slavonia after the Cro. Sabor accepted the nuncios' reports. The nuncios had a binding instructions (→ *instructio*) of the Cro. Sabor and the right to veto the decisions of the Hungaro-Croatian Diet that they didn't agree with. The Cro. Sabor had the right to protest to the king against the conclusions of the Hungaro-Croatian Diet that were to apply to Croatia and Slavonia, and were accepted through a majority of the votes and despite the opposition of the nuncios. In that case the conclusions would not apply to the Croato-Slavonian area. – The bicameral structure of the Hungarian Diet as the basis of the Hungaro-Croatian Diet was formed throughout the Middle Ages. The House of Magnates (developed from the Royal Council) consisted of the higher nobility, prelates and highest state functionaries. The membership of the House of Representatives consisted of two representatives from every Hun. county, elected by the local lower

nobility, and two representatives from every Hun. free royal town, elected by the burghers; they were joined by the aforementioned four-member Cro. delegation. The *Act on the Concordance of Laws of the Croatian Sabor* (with those of the Hungaro-Croatian Diet) which received a majority of the votes at the diet of 1708 and was against the will of the Cro. nuncios, did not receive the ruler's approval. However, the Hungaro-Croatian Diet, acting against the will of the Cro. delegation, enacted the March Laws in 1848 (which the ruler approved under Hun. pressure), which radically infringed Cro. autonomy. The enactment of these laws was the reason Cro. severed the union with Hungary due to the violation of constitutionality. Only after the Croato-Hungarian Compromise would the Croats again participate in the activities of the *Common Diet* (as it is called in the Cro. version of the Compromise). The Cro. Sabor elected 2 virilist members into the House of Magnates and 29 representatives for the House of Representatives, who participated in discussions about matters of joint jurisdiction, and were not allowed to receive instructions. After the integration of certain areas of the → *Military Border* into the Cro. administrative area, the number of representatives was increased to 34 following a revision of the Compromise in 1873, and to 40 in 1881, while the number of virilists was increased to 3. The Cro. members had the right to speak Croatian, but only individual voting rights. As there were 409, or 413 Hun. representatives, plus 400 members of the House of Magnates, it was the Hun. majority which made the real decisions on common matters. Among the 60 members of the Hun. delegation foreseen by the Austro-Hungarian Compromise, the Hungaro-Croatian Diet elected 4 Cro. members from the House of Representatives and one from the House of Magnates. According to an act of the Hungaro-Croatian Diet from 1870, common laws took effect after being proclaimed at that body, which circumvented the stance of the Cro. Sabor according to which it was not bound by common laws enacted against the Compromise and that common laws in Croatia and Slavonia take effect only after being proclaimed at the Cro. Sabor or Cro. official Organ. The Cro. Sabor accepted the Hun. stance in 1881, but in practice it kept the position that it had the right to protest against unconstitutional common laws before they took effect, though that protest did not have a postponing effect, but instead obliged the Provincial Government to

take »appropriate measures« at the central government and Common Diet in Budapest.

Hungaro-Croatian Government (Cro. *Ugarsko-hrvatska vlada;* Ger. *Ungarisch-Kroatische Regierung;* Fr. *Gouvernement hungaro-croate*), central executive body with jurisdiction over common Croato-Hungarian matters, established on the grounds of the Croato-Hungarian Compromise. The H.-C. G. was not its formal name; in the Cro. version of the Croato-Hungarian Compromise it appeared as the term *central government*. Its backbone was composed of the members of the Hungarian government, from which the ministries of administration, education and religion and justice were excluded when it acted as a central government, because those were the matters under autonomous Cro. jurisdiction. The ruler installed the prime minister, at whose recommendation and cosignature he appointed ministers who were legally answerable to the → *Hungaro-Croatian Diet*. Thus the Hungaro-Croatian government was comprised of a president and the ministries of the court (in Vienna), trade, agriculture, home defence (home guard), finances, as well as a special *Minister of Croatian Affairs of Hungary*, whose duty was to represent the link between the king and the → *Provincial Government of Croatia, Slavonia and Dalmatia*. This minister was supposed to deliver the laws voted in at the → *Croatian Sabor* to the ruler for approval immediately and without changes, and countersign them after approval. These laws could also be reviewed by the H.-C. G., while the mentioned minister could, for the protection of common interests, warn the ruler that the Cro. law exceeds autonomous jurisdiction or threatens common interests. In these cases the ruler almost always decided in favour of the Government; thus the Cro. Sabor had to take the reaction of the Hungaro-Croatian Government to a particular law into account in advance. The situation was even more difficult when the ruler's → *preliminary sanction* was sought for drafts of laws made by the Provincial Government, which were also sent through the Hungaro-Croatian Government. So-called Croatian departments were formed at ministries, but their role was only technical-translational, not political. Certain ministries on the area of Croatia and Slavonia developed regional organs (esp. the Ministry of Finance).

Hungaro-Croatian private law (Cro. *ugarsko-hrvatsko privatno pravo;* Ger. *ungarisch-kroatisches Privatrecht;* Fr. *droit privé hungaro-croate*), legal rules that regulated private law relations on the area of the whole Hungaro-Cro. state union until the introduction of the *General Civil Code*. Through the abolishment of Bach's Absolutism (1860) it was reintroduced with certain changes (e.g. inheritance law, the institution of sustenance, land registries etc.) on the area of Hungary, including the areas of Baranya and Međimurje, to which it applied until the end of World War II. It mostly developed through custom and, although there are no collections from the first centuries of the Hungaro-Cro. state which preserve a valid code of private law, numerous documents appeal to the old custom of the Kingdom (*antiqua regni consuetudo*). Due to the existence of numerous customs and practices according to which the remaining sources became valid exclusively through being accepted by the people and through prolonged use, Hun.-Cro. private law is usually considered to be a form of → *customary law*. Aside from customs, other legal sources included royal decrees or regulations enacted at the → *Hungaro-Croatian Diet*, the ruler's privileges and ordinances, town statutes (→ *statute law*, → *free royal towns*), the verdicts of the regular judges of the Kingdom or the → *palatine*, court judge (*iudex curiae*), royal personal, tavernicus, and the → *ban*, and the decisions of the Royal Court Curia. The abundance, inconsistency and dispersion of the legal sources were the causes of the legal uncertainties which led to the first attempt to codify Hun.-Cro. private law during the time of king Matthias Corvinus (the so-called *Decretum maius* of 1486). The most important source for comprehending private law were the → *Tripartitum Code* of S. Verbőczy from 1514, which later became a constituent part of the Hungaro-Cro. state union's legal codex under the name of → *Corpus iuris Hungarici*, and the various collections of royal decrees and decisions of the Royal Court Curia gathered in the *Planum tabulare sive decisiones curiales* (1800). The H.-C. p. l. recorded in the Tripartite Code was the basis for further development, and also showed that the reception of Rom. law was weaker than in other medieval legal systems, so that many institutions bore significant differences (dowry), while others were not even mentioned (servitudes or the institution of lesion beyond moiety). H.-C. p. l. is characterized by a complex system of property rights or property-right powers – e.g. possessory (*iure possesorio*)

and hereditary property, differentiating between hereditary assets (*bona hereditaria*) and assets acquired by money (*bona empticia*) or by ruler's grant (*bona acquisita*) – linked to a likewise complex system of estate differentiation, which strongly influenced the development of the rules of obligatory and esp. family and inheritance laws.

Hungaro-Slavonian feudal system (Cro. *donacionalni sustav;* Ger. *ungarisch-slavonische Typ des Lehnswesen;* Fr. *modèle féodal hongrois-slavonien*), a type of feud. relationship that developed in medieval Hungary, Slavonia and – to a far lesser extent – Croatia. The feud. system was not based on a pyramid of vassals, since the manorial lords had a direct vassalage bond with the ruler. In this area the ruler's charter (→ *charter of enfeoffment*) was one of the basic ways of obtaining a → *fief*, which was given in recognition of past services so that it – unlike feudalism in Western Europe – was not strongly linked to any sort of future obligation. The fief was hereditary and could be returned to the estate of the royal fisc only through abandonment, the extinction of the family or a sentence for the crime of treason; however, the feudal landholder's right of disposal was limited. The mentioned characteristics of the feudal system influenced the nature of the polit. power and institutional system. On one hand, they prevented a structural and formal interdependency among the nobility, but on the other hand they helped loosen the bonds between the ruler and the feudal landholders. The formation of the feudal system took on a greater scale in the 13th century, but its further development was limited because available land had become a rarity. It ceased to exist with the abolishment of feud. relations in 1848.

Illyrian Provinces (Cro. *Ilirske pokrajine*; Ger. *Illyrische Provinzen;* Fr. *Provinces Illyriennes*), Cro. and Slovenian lands under French administration from 1809–13. They were founded by Napoleon through decree after the Peace of Schönbrunn, on 14 October 1809. They consisted of 7 provinces: W. Carniola, Carinthia, Istria (with Gorizia, Gradisca and Trieste), civil Croatia (to the Sava), the Military Border, Dalmatia and Dubrovnik. Its seat was in Ljubljana. The I. P. were considered part of Fr. state territory with certain autonomy and separate statehood. All bodies of the Illyrian Provinces were subordinate to the Fr. Government and Supreme Court in Paris. Fr.

regulations spread to the Illyrian Provinces gradually and partly through decrees. At their head was a Governor General as chief of civil and military authority, who together with the general commissary and the confidant for justice formed the Government (*gubernij*). Commissaries were at the head of administration in the provinces, while sub-commissaries had the same role in districts. The autonomy of towns was abolished and mayors and village elders were appointed. The principles of bureaucratic centralism, separation of judiciary and administration, legal equality (the real encumbrances linked to the ownership of land were kept; → *colonate*) and freedom of trade (guilds were abolished) all applied. A modern taxation system was introduced, but taxes were very high. The French tried to improve the administration, healthcare and education. By imposing limitations on the Church they earned its hostility which, together with military mobilization and high taxes, earned them the enmity of the populace.

Imperial Diet (Cro. *Carevinsko vijeće;* Ger. *Reichsrat;* Fr. *Conseil de l'Empire*), the primary, advisory body of the Habsburg Monarchy envisioned by the March Constitution of 1849. From 1851 the ruler's advisory body. The so-called strengthened I. D. (*verstärkter Reichsrat*), to which, aside from the imperial advisors, another 38 dignitaries from the Monarchy were invited, was convened by the emperor Francis Joseph on 3 March 1860 due to the crisis of absolutist rule. This body suggested a federal reorganization of the Monarchy, established by the emperor in the October Diploma, which envisioned the establishment of the Imperial Diet as the state parliament. According to the emperor's February Patent of 1861, the Imperial Diet was supposed to be a bicameral parliament of the Monarchy, but due to the opposition and obstruction of the non-German nations it never started functioning properly. After the Austro-Hungarian compromise of 1867 the I. D. became a bicameral legislative body for the lands of the Austrian part of the Monarchy (Cisleithania). The House of Lords (*Herrenhaus*) consisted of the bearers of the highest secular and ecclesiastical ranks as well as dignitaries appointed by the emperor. The representatives were until 1873 elected into the House of Representatives (*Abgeordnethaus*) by the 15 provincial diets of the individual crown lands (→ *Dalmatian Diet,* → *Istrian Diet*, and were afterwards directly elected by the electors of individual lands and divided into four electoral curias

(→ *curial electoral system in Austria-Hungary*). In 1896 the high electoral census was lowered and a fifth, general electoral curia was introduced; in 1907 the curias and proprietary census were abolished, but the division to the urban and rural electoral districts was retained. According to the reforms of 1907 the House of Representatives had 516 members, among them 11 from Dalmatia and 6 from Istria.

Independent State of Croatia (Cro. *Nezavisna Država Hrvatska*, abbr. NDH; Ger. *Unabhängiger Staat Kroatien;* Fr. *État croate indépendant*), state which was part of the Axis order during World War II (1941–45) on the area of the modern Republic of Croatia, Bosnia and Herzegovina and part of Serbia, determined by German and Italian politics and the establishment of the Ustaša leadership as their military-political ally. Since after the breakup of the → *Kingdom of Yugoslavia* V. Maček rejected the German offer to declare a new Cro. state, its founding was declared by S. Kvaternik on 10 April 1941 in the name of *poglavnik* (head of state) A. Pavelić, who appointed the government on 16 April 1941. The most important foreign policy documents of the NDH were those on the establishment of three military zones and the Treaties of Rome concluded with Italy. According to them, control over the whole territory of the NDH was split into German (from northwest towards the east), Italian (from southeast towards the west) and Hungarian parts (Međimurje). Italy thus took over a large part of Dalmatia and some parts of the Cro. Littoral and Gorski kotar. The western border (towards Slovenia) was established through a treaty with Germany on 13 May and an exchange of notes with Italy in July 1941, and it followed the extant border. The border towards Serbia was established on 7 June 1941 through the poglavnik's special decision, made in agreement with the Germans, and it approximately followed the old Austro-Hungarian border; requests for the Sandžak to be given over to Croatia were denied. Hungary annexed the Međimurje via special law, and held it until the end of the war, but in the NDH the border with Hungary was considered an unresolved question. After the capitulation of Italy in 1943 Pavelić abolished the Treaties of Rome, which were causing unrest and even open revolt among the Cro. population, esp. in Istria and Dalmatia. The NDH was recognized by 15 Eur. and Asian countries, mostly members of the Axis; it also had certain trade relations

with France and Switzerland, concluded several bilateral agreements and entered some multilateral agreements and internat. organisations. The Holy See did not recognize it since its nuncio was with the Yugosl. government-in-exile in London, but it did have a delegate at the Cro. episcopate. In the Treaties of Rome the NDH is called the Kingdom of Croatia, and on 15 May 1941 the *Legal Decree on the Crown of Zvonimir* as a symbol of Croatian sovereignty was issued. In Rome Pavelić offered the crown to the ruling house of Savoy, and its bearer was to be the Duke of Spoleto. As he avoided that obligation, the crowning never took place. In reality the NDH was an unsovereign and totalitarian country, where all the power was concentrated in Pavelić's hands. He performed the role of head of state with the title of poglavnik, which he also held as the founder and leader of the Ustaša organization in emigration. From April 1941 to September 1943 he was the prime minister, and until the conclusion of the Treaties of Rome he was also the minister of foreign affairs. The Government Vice-Presidency had its seat for half a year in 1941 in Banja Luka. Pavelić made all important decisions, appointed all higher state functionaries (and, as head of the Ustaša organization, all higher Ustaša functionaries), was the supreme military commander, enacted all laws and ordinances, and declared war on the USA and the UK on 13 December 1941. The Croatian State Sabor (→ *Croatian Sabor*) was founded on 24 January 1942 at the poglavnik's decision, which also determined its composition. It met only thrice during 1942. The NDH had no constitution; the structure of power and other basic questions were determined through international agreements, laws and ordinances and the main acts of the Ustaša organization from 1932 and 1933. The administration was organized into 22 great counties (velika župa) and the city of Zagreb, plus districts and municipalities. In the NDH there were no polit. parties, because they were all dissolved and outlawed, and the Ustaša organization was the only polit. organization in existence. The Main Ustaša HQ was nominally at its head, but it never convened, and Pavelić personally managed the organization. The structure of the Ustaša organization paralleled the organization of state administration, which it actually controlled. Aside from the regular justice system (→ *Table of Seven,* judicial tables in the great counties, district courts), it quickly developed a network of irregular people's courts and mobile emergency courts

(pokretni prijeki sud) with very broad and rather undefined authority, which functioned as tools of repression. Aside from the drafted army (home guard/Domobranstvo), there also existed a volunteer Ustaša militia and partially volunteer Poglavnik's Bodyguard units. The command of the Armed Forces of the NDH was taken over by the Germans; during 1943 and 1944 three Cro. legionnaire units were sent to the Eastern Front around Odessa and Stalingrad as part of the Wehrmacht. Soon after the founding of the NDH the *Legal Decree on Citizenship* and several racial laws were passed (most prominently the *Legal Decree on Racial Affiliation* and the *Legal Decree on the Defence of Aryan Blood and the Honour of the Croatian People*, Narodne novine/Official Gazette, 16/41), while all changes of Jewish surnames were declared void), which Pavelić only abolished at the eve of the state's collapse at the beginning of May 1945. The policy of racial and nat. exclusivity was also manifest in the founding of the Jasenovac and 40 other concentration camps, intended primarily for Jews, Roma and Serbs, as well as all enemies of the Ustaša regime. The military-political developments towards the end of 1943, during 1944 and at the beginning of 1945, imposed on the NDH a need for preserving its power. Thus unsuccessful attempts were made to include representatives of the Croatian Peasants' Party into the government and prepare a plan for joining the Western Allies, which ended in the declaring of M. Lorković and A. Vokić to be conspirators against the state and their execution in late April 1945 in Lepoglava. The NDH disintegrated at the beginning of May 1945 due to the defeat of the Third Reich and the victory of the Allies, to which J. B. Tito and his partisans greatly contributed with their diplomatic and military support, and through the integration of military operations. The government of the NDH ceased to function after leaving Zagreb on 6 May; Pavelić crossed the Austr. border on 8 May, leaving the Ustaše, home guards and civilians who had escaped to Austria, to the British. Their military representatives forced them to lay down their weapons, and on 15 May 1945 handed them over to the units of the Yugoslav Army, after which mass executions of soldiers and civilians without trial were committed on the Yugosl. side of the border, as well as further repression during the so-called Way of the Cross.

instructio (Lat.), in Cro. legal history, the binding instructions which the county assemblies gave to the county representatives in the Croatian Sabor, or the Croatian Sabor to its nuncios in the → *Hungaro-Croatian Diet* until 1848. They contained the stances taken on various matters and instructions on which positions the delegates should represent and how they should vote in the most important matters. It was an imperative mandate with the sanction of recall.

insurrectio (Lat.), in Cro. feud. public law, power to call obliged people to arms; in a wider sense a similarly formed military force. It was regulated in detail by Sigismund's Edict of 1433 and through decrees of the → *Hungaro-Croatian Diet*, while the privilege granted by king Matthias Corvinus to the Slavonian nobility on 18 October 1477 was particularly important in the context of Croatia and Slavonia. I. was widely applied due to the numerous Ottom. attacks in the 15th, 16th and 17th centuries, and because of the need to engage the ruler's military in other Eur. conflicts. The Sabor decided on it through special legal articles, while the expenses were covered by the estates or the ruler, depending on whether it was conducted within or outside the kingdoms of Croatia and Slavonia. The ban, as the supreme military commander of the Cro. army, issued a special declaration of insurrection and determined the muster area. The estates could also elect a captain of the kingdom, but he was subordinate to the ban (with time the combining of these functions became commonplace). I. could apply to the entire area of the state or only part of it (it did not apply to the → *Military Border*, which was defended by grenzers, or border-troops). In 1715 it was limited exclusively to emergency situations, while the defence of the land was entrusted to the ruler's regular army. It was applied for the last time in 1848, when ban J. Jelačić was given emergency powers by the Croatian Sabor.

iobagiones (Cro. *jobagioni;* Ger. *Iobagiones;* Fr. *iobagiones*), in 11th and 12th century Hungary a term for persons in the king's service; one who is better, more respectable. With the branching of the chains of royal fortresses in the 13th century, it became a term for the officers in charge of the fortresses, and then for the free people who sustained themselves through working the land given to them, which was near the fortress they defended (thus *iobagiones castri* or *gradokmeti* – city-

serfs – in Cro. sources). Through the process of soc. de-layering the latter meaning was lost, and the former became less common, so that the term finally became established as one of the Lat. terms for a peasant subservient to a feudal lord. The term »iobagio« is actually synonymous with the Croatian term »kmet« (serf), which can also semantically cover the mentioned higher soc. strata.

Istria (Lat. *Histria;* Cro. *Istra;* Fr. *l'Istrie;* Ger. *Istrien*), Cro. province. The name originates from the tribe of Histri, which inhabited the greater part of the peninsula during Classical Antiquity. In the 1st century BC I. was integrated into the newly-founded Rom. province *Venetia et Histria*. With the fall of the Western Roman Empire in 476 it came under the rule of the Ger. warlord Odoacer, in 489 it became a part of the Ostrogothic state, from 555–751 it was part of the Byz. Exarchate of Ravenna, and after a short period of Lombard rule (751–774) it returned to Byz. rule. In 788 it came under Frankish rule, who defeated the Lombards and pushed out the Byzantines; there was resistance towards the newly-started process of feudalization. The Frankish state kept Istria through the Peace of Aachen in 812, while the divisions of the mid-9th century resulted in most of it becoming part of the Holy Roman Empire of the German Nation. The area east of the river Raša towards the north belonged to Croatia up to the beginning of the 12th century. In the 10th century the part of Istria west of the river Raša was appended to the Duchy of Bavaria, and then Carinthia, while c. 1040 a separate Istrian Margravate was formed; from the end of the 11th century Ger. emperors gave it as a fief to Ger. magnate families, or to Aquilean patriarchs (1209–1420 continuously). However, weak central authority allowed for the forming of powerful feudal holdings (esp. the county of Pazin) in the hands of the Gorizian counts, Devinian gentry, Habsburgs etc.; village municipalities enjoyed a certain degree of self-government. The towns on the west coast of Istria attempted to resist the feudalist pressure and preserve their autonomous position, and so formed → *communes*. However, Venice in the middle of the 12th century extended its rule to some towns and, during the last quarter of the 14th and the first quarter of the 15th century, gradually took over the whole coastal area west of Labin and Plomin, leaving the towns a certain degree of autonomy. In roughly the same period the Habsburgs

extended their rule to the inner parts of Istria, which marked the beginning of the three century long division of Istria between the Habsburgs and Venice. After the fall of the Venetian Republic and the Treaty of Campo Formio (1797) I. fell under Austrian rule and, after the Peace of Pressburg/Pozsony (today Bratislava; 1805) under France, which appended it to the Kingdom of Italy. After the Peace of Schönbrunn in 1809 the entire peninsula was appended to the → *Illyrian Provinces*. According to the decision of the Congress of Vienna in 1815 I. once again passed to Austria, and was incorporated into the Kingdom of Illyria. The February Patent of 1861 declared I. a margravate with an imperial governor in Trieste and a regional → *Istrian Diet* and government in Poreč, with a limited autonomous purview. In the period of 1918–20 I. was briefly included into the State of SCS, later the Kingdom (Kraljevstvo) of SCS. Through the Treaty of Rapallo in 1920 I. (excluding the district Kastav) passed to Italy and was incorporated into the Julian Borderland (*Venezia Giulia*). The capitulation of Italy in World War II (8 September 1943) gave momentum to the anti-fascist and nat. struggle and resulted in the temporary liberation of almost the entire peninsula. In summer 1943 the Provincial People's Liberation Committee of Istria was founded, which on 13 September 1943 made the decision to secede from Italy and join Croatia, which was approved by the Presidency and Executive Committee of the → *Anti-fascist Council of the National Liberation of Croatia.* The Slovenian coastland was appended to Slovenia on 16 September. The newly-founded Provincial NLC for Istria enacted important decisions related to the formation of a new government in Pazin on 25–26 September 1943. According to agreements between Yugoslavia and the UK and USA in June 1945 I. was divided into two zones: zone A (Pula and Trieste) under Anglo-Amer. administration with Ital. legislation, and zone B under Yugosl. administration. According to the Paris Peace Treaty between Yugoslavia and Italy in 1947 the Free Territory of Trieste was formed with new zones A and B, and the same year Pula came under Yugosl. administration. According to the London Memorandum of 1954 most of zone A (Trieste and its surroundings) passed to Italy, while zone B and a smaller part of zone A passed to Yugoslavia. Yugoslavia and Italy resolved their contentious border and other questions through the Treaty of Osimo in 1975.

Istrian Diet (Cro. *Istarski sabor;* Ger. *Landtag von Istrien, Istricher Landtag;* Fr. *parlement d'Istrie*), the provincial representative body of the Austr. margravate Istria from 1861–1916, established on the basis of the February Patent as the *Dieta Provinciale*, later the *Provincial Diet*. Its seat was in Poreč, but from 1898 it convened in Pula and Kopar. The convocation lasted 6 years. Within the purview of the Istrian Diet were agriculture, public buildings and provincial charity institutes, budget and provincial taxes, municipal and religious matters, education, supplies and accommodation of the army. At first it had only 3 virilists (bishops of Krk, Poreč-Pula and Trieste-Kopar) and 27 representatives elected according to the → *curial electoral system in Austria-Hungary*: 5 representatives of the large property owners, 8 representatives of the towns and markets, two representatives of the Chambers of Trades and Crafts and 12 external (village municipality) representatives; the three curias elected representatives on direct, and the fourth on indirect elections (one fiduciary per 500 inhabitants). In 1870 the number of representatives of the town curia was increased to 11, and through the reform of 1908 the curia of large property owners received 5 representatives, the cities 14, the external municipalities 15, while the new so-called general curia, in which all adult men could vote, had 8. The I. D. elected two of its representatives to the → *Imperial Diet* until 1873, when direct elections were introduced. The electoral system favoured the Ital. and Italianist minority, so the Croats and Slovenes became half of the representatives only at the eve of World War I, while the Croato-Slovenian Club of Representatives was founded in 1884. The official languages of the Istrian Diet were Ital. and Ger., but in 1888 the right to pose interpellations in all provincial languages was introduced. The emperor convened and dissolved the Istrian Diet, appointed the president and confirmed laws. The central government installed one of the representatives as its confidant. The President of the Diet was also the provincial captain, i.e. the president of the Provincial Committee (Ger. *Landesausschuss,* Ital. *Giunta Provinciale*), an executive body of the Diet with 3 councillors elected among the representatives. The imperial-royal governor for the Austrian coastland and his deputy had the right to participate at the diet's sessions and to speak at any time and before any representative. The records of the Sabor were sent to the Emperor for inspection and affirmation

via the Governorship in Trieste. The last session of the Istrian Diet in Kopar on 18 October 1910 was interrupted due to a physical conflict in the hall. The 11th and final elections were held in 1914, but the I. P. did not meet again because the imperial patent of 9 April 1916 abolished provincial autonomy due to the war. The name Istarski sabor was unofficially used for the assembly held from 25–26 September 1943 in Pazin, on which the decisions regarding the unification of Istria and Croatia were confirmed. According to the county Statute voted in on 9 April 2001, the Assembly of the County of Istria can use the name Istarski Sabor for solemn occasions.

iudex curiae (Lat.: court judge), in the Cro. state at the time of Petar Krešimir IV, court functionary; in Hun. feud. public law, court functionary who at the beginning of the 13th century helped the → *palatine* in the judicial process by, according to the Golden Bull of Andrew II, deputizing him in the role of the regular court judge and becoming one of the most important state officials (the palatine and the → *ban* were the only others who also performed two duties). After the appearance of the tavernicus and the royal personal in the 14th and 15th century and the return of the palatine to the court, the purview of the i. c. to 1723 encompassed: complaints regarding immovable property on occasion of the extinction of a family, complaints submitted to the Royal Court of Honour and appeals against the judgments of the Cro. → *Ban's Court* and the court of the Duke of Erdelj. The i. c. performed the duties of the regular judge and supreme judge. In the period from 1723–1848 he deputized for the palatine in presiding the → *Table of Seven* and the Hungarian Regent Council.

iura regni (Lat.: rights of the kingdom), in Cro. feud. public law, the totality of the regulations and customs that regulated the organization of government and the relation of Croatia and Slavonia towards Hungary and the Habsburg lands. According to source these were: customs (the fiscal obligation of Slavonia was half of that of Hungary); ruler's decisions about the awarding of privileges (Matthias Corvinus's charter on insurrection in 1477) and specific decisions of the Cro. Sabor (the Cetingrad Document of 1527), its legal articles (V:1608 on state religion; XXI:1620 on entering international alliances) and the legal articles of the Cro.–Hun. Diet (I:1492 on the hereditary rights of the Habsburgs). The

understanding of these regulations as the basis of Cro. state. particularity is prominent in documents from the 16th and 17th centuries through the legal-political standard »*rights, freedoms and customs of the Kingdom*«, replaced after 1699 with the standard of → *municipal rights*. Among the published sources of Cro. feud. public law the codices *Jura regni I–III* of Ivan Kukuljević (Zagreb, 1862) and *Our Rights* of Bogoslav Šulek (Zagreb, 1868) are the most prominent.

ius primae noctis (Lat.: *right of the first night*; Cro. *pravo prve noći*; Ger. *Recht der ersten Nacht;* Fr. *droit du seigneur*), alleged right of manorial lords in medieval Europe to spend the first night with the bride of his subordinate (→ *feudalism*). The motive appears in folklore and works of literature (Beaumarchais, Voltaire), but there is no reliable evidence that such a right actually existed; a distorted tradition was probably derived from the obligation to pay certain taxes to the feud. lord upon marriage (*maritagium*).

ius resistendi (Lat.: *right of resistance*; Cro. *pravo otpora;* Ger. *Widerstandsrecht;* Fr. *droit de résistance*), right to armed resistance against a ruler who violates the guaranteed freedoms and rights of the nobility. It is believed that it has its roots in the Germanic tradition according to which the »people« i.e. the community are the original bearers of power. Included in the *Magna Charta Libertatum* of 1215 and the Golden Bull of Andrew II of 1222, and extant in other countries (Aragon). The inclusion of this right into the charters of freedom during the period of the → *fief state* was a sign of the weakness of the ruler and the strength of the manorial lords. The Magna Charta links the implementation of this right to a decision of a council of 25 → *magnates* and the rudimentally established process of its enactment. In art. 31 of the Golden Bull of Andrew II i. r. is defined as the right of the nobility to resist and contradict (*resistendi et contradicendi*), not conditioned by any preceding process, and explicitly granted to both individuals and groups. Although Andrew II abolished the i. r. through the Golden Bull of 1231 and replaced it by the right of the bishop of Esztergom to admonish the king and expel him from the Church, S. Verböczy included the i. r. among the 4 main privileges of the Hun. nobility in the → *Tripartitum Code*. The Hungarian Diet abolished the i. r. at the suggestion of Leopold II in 1687. Until then that right sometimes served

as the justification for the revolts of the Hun. nobility. The i. r. did not include the right to overthrow the ruler. The significance of the i. r. in the mentioned charters is that they were not merely polit. proclamations (such as those found in modern polit. documents, e.g. the Declaration of Independence or the Declaration of the Rights of the Man and of the Citizen) but about a legally guaranteed individual and collective right to resist an usurper's power. Thus the way was paved for constitutional limitations of the ruler's power.

judgment of God (Lat. *iudicium Dei;* Cro*. božji sud;* Ger*. Jüngstes Gericht;* Fr*. jugement de Dieu*), means of proof by which it was attempted to establish the facts in a criminal procedure through the invocation of divine will. During the period the judgment of God was applied, it was believed that the truth about the guilt of the accused can be determined on the basis of trials, the result of which would show which party is right. Among the means of determining the truth was the judicial duel (in which, it was believed, the righteous side would prevail according to the will of God), the judgment of boiling water (if the accused could not take out a piece of metal or stone from a pot of boiling water they would be proclaimed guilty) or by cold water (if the accused would sink after being tied up and thrown into a river, they would be proclaimed innocent, while if they were carried away by the water they would be proclaimed guilty). The judgment of God was used among Germanic and Slavic tribes during the Early Middle Ages. The use of such proofs was also recorded in Cro. legal monuments from the 13th and 14th centuries. On the Fourth Council of the Lateran in 1215 the pope Innocent III tried to limit its use. During the inquisitorial procedure and especially during the processes against witches, the judgment of God became widespread once more, even among ecclesiastical courts. In Croatia it was applied until the beginning of the 18th century.

Kingdom (Kraljevina) of Serbs, Croats and Slovenes (Cro. *Kraljevina Srba, Hrvata i Slovenaca;* njem. *Königreich der Serben, Kroaten und Slowenen;* Fr. *Royaume des Serbes, des Croates et des Slovènes*), a constitutional order established by the Vidovdan Constitution on 28 June 1921 and ended by the abolishment of that constitution on 6 January 1929, when the → *Kingdom of Yugoslavia* was declared. The Vidovdan Constitution consolidated the centralistic and unitaristic

order, strengthened through the administrative-territorial division into 33 oblasts, which was carried through according to the *Act on Territorial and Distict Self-government* of 26 March 1922. This broke the continuity of the statehood or autonomy of particular hist. provinces and lands. The conditions in the country were marked by inter-national contradictions, econ. and soc. undevelopment, changes of government and polit. crises, which culminated with the assassination attempt on S. Radić, the leader of the Croatian Peasant Party, in 1928, which provided king Alexander an excuse to abolish constitutionality and introduce dictatorship in 1929.

Kingdom (Kraljevstvo) of Serbs, Croats and Slovenes (Cro. *Kraljevstvo Srba, Hrvata i Slovenaca;* Ger. *Königreich der Serben, Kroaten und Slowenen;* Fr. *Royaume des Serbes, des Croates et des Slovènes*), state formed on 1 December 1918 through the unification of the → *State of Slovenes, Croats and Serbs* and the Kingdom of Serbia, previously joined by Montenegro; parliamentary monarchy under the Serb Karađorđević dynasty. The borders of the state were determined by the peace treaty with Austria (10 September 1919), Bulgaria (29 November 1919) and Hungary (7 June 1920) and a border treaty with Italy (Treaty of Rapallo, 12 November 1920, by which the Kingdom of SCS ceded important territories to Italy, including Trieste, the greater part of Istria, some islands and the city of Zadar); Italy also appropriated → *Rijeka* through the Treaty of Rome on 27 January 1924. From 1920 to 1934 the state signed many mutual protection pacts with Czechoslovakia and Romania (the so-called *Little Entente*). The Yugoslav territorial demands on the Austr. borderland (the ethnically Slovenian part of Carinthia) were rejected at the plebiscite held on 10 October 1920. The provisional bodies of that state were the → *Provisional Assembly of the Kingdom of Serbs, Croats and Slovenes* and the government. It was polit. unstable because of internal divisions about the resolving of the nat. question and the form of state organization. Serb dominance was pronounced in state institutions, based on centralist organization and interpreting the unification as the continuity of the Serb state. Among the leading polit. parties were the Serbian National Radical Party of N. Pašić and the unitarist Yugoslav Democratic Party of S. Pribićević and Lj. Davidović. These parties achieved a relative majority at the Constituent Assembly elections

held on 28 November 1920 and insured the enactment of the Vidovdan Constitution, when the state was named the → *Kingdom (Kraljevina) of Serbs, Croats and Slovenes*.

Kingdom of Yugoslavia (Cro. *Kraljevina Jugoslavija;* Ger. *Königreich Jugoslawien;* Fr. *Royaume de Yougoslavie*), a constitutional order established in 1929 during the 6 January Dictatorship. It was formally organized by the 1931 Constitution of the Kingdom of Yugoslavia, and factually dissolved after the invasion of 6 April 1941. It formally ceased to exist with the enactment of the *Declaration of the Federal People's Republic of Yugoslavia* at the Constituent Assembly of 29 November 1945. When king Alexander abolished the Vidovdan Constitution on 6 January 1929 he enacted many laws, among which was the *Act on the Name and Division of the Kingdom into Administrative Areas* (3 October 1929) through which the name of the state, the → *Kingdom (Kraljevina) of Serbs, Croats and Slovenes* was changed to → *Kingdom of Yugoslavia*, while the country was divided into 9 banovinas (of Drava, Sava, Vrbas, Primorje, Drina, Zeta, Vardar, Morava and Dunav) and the separate administration of the city of Belgrade. The Banovinas were formed so that most of them contained a Serb majority; they did not have autonomy, and their names were meant to abolish any continuity with the former provinces. A declared Yugosl. nat. unitarism, and factual Greater-Serb orientation, were the polit. basis of an even more centralized system of government which was wholly in the hands of the king and characterised by strong repression. During the 6 January dictatorship of 1929 many important legal regulations were unified and improved, which significantly reduced the previous legal particularism and improved the groundwork of the legal system. Due to the deepening internal crisis and external pressure, the king imposed the *Constitution of the Kingdom of Yugoslavia* (the so-called *September Constitution*) on 3 September 1931, which secured the complete domination of the king, who was declared the »guardian of national unity«. In case the king was incapable of performing his duties, they passed to the three-member Regency. The Constitution introduced a National Representative Body consisting of an elected National Assembly and Senate; half of the members of the Senate were appointed by the king, while the other half were elected among state functionaries. The government was polit. accountable to the king, and

legally to the National Representative Body. Guarantees of civil and soc. rights and judiciary independence were relativized in laws. The electoral system established by the Constitution and electoral law of 1931 secured the predominance of regime parties through unitary electoral lists for the whole country (they had to have electoral candidates and receive support in every electoral unit in the country, through public voting), and the giving of 2/3 of the mandates in each banovina to the party which achieved victory in the whole country. In this way, and through the support of the court at the elections of 1931, the victory of the pro-regime Yugoslav National Party was assured, and later the same applied to the Yugoslav Radical Union. Opposition parties of different polit. orientations offered resistance. Some of them united into the electoral bloc of the United Opposition in 1935. After the assassination of king Alexander committed in Marseilles on 9 October 1934 by the supporters of the Ustaša organization in cooperation with the radical Macedonian Nationalists (VMRO), prince Pavle Karađorđević took power at the head of the Regency established in the name of the Peter II, the underage heir to the throne. An attempt to resolve the destabilizing Croato-Serb relations was made in the form of an agreement between the prime minister (from 1939) D. Cvetković and V. Maček, the leader of the Croatian Peasant Party and through the Cvetković – Maček Agreement, which served as the polit. basis for the forming of the → *Banovina of Croatia* on 26 August 1939. In 1934 Yugoslavia signed the Balkan Pact with Greece, Romania and Turkey which, along with the extant Little Entente (1920) was supposed to serve as a guarantee against the revision of the Versailles Order and Ger. revanchism. However, after the assassination Yugoslavia formed closer ties with the fascist states, so that it joined the Tripartite Pact on 25 March 1941. A part of the military leadership performed a coup d'état on 27 March 1941 in which the underage Peter II was declared an adult. After the attack of Germany and Italy on 6 April 1941 the king and government fled abroad, while Yugoslavia capitulated on 17 April 1941. Germany and Italy divided Yugosl. territory into zones of interest; some parts were annexed, while some were ceded to Hungary, Bulgaria and Albania. Under the Ustaša regime the → *Independent State of Croatia* was established, while Germany established a commissariat in Serbia, which was later replaced by a quisling government. After the Second

Session of the → *Anti-Fascist National Liberation Council of Yugoslavia* on 29 November 1945 a new constitutional order was built, while a real and formal dual-rule was established in Yugoslavia (→ *Democratic Federal Yugoslavia*), which would end with the establishment of the → *Federal People's Republic of Yugoslavia*.

krajiška baština (≈inseparable heritage; Ger. *Stammgut;* Fr. *héritage inséparable*), peasant property on the area of the → *Military Border* which gave the holder (peasant-soldier, grenzer) certain property rights on the condition of performing military service. The first regulations on the k. b. were published for the area of Žumberak (1535), while the *Wallachian Statute* (*Statuta Valachorum,* 1630) formed the legal groundwork for the area of the Varaždin General Command, through which the grenzer ownership of the land, limited only by the obligation to do military service, was confirmed. In the 18th and 19th centuries, during the reorganization of the Military Border, the formerly unlimited right to dispose of the k. b. was significantly limited, so that the baština could not be reduced or alienated, in contrast to the *suvišpolje* (*superflous-land*). The right to dispose of the baština became a hereditary right and a right of usage of the family commune that lived on the k. b., while the military duties of the grenzers were increased. After 1848 the grenzers again became the owners of the land they cultivated, while the limited property rights to the baština were abolished together with the Military Border in 1882.

legal areas of Yugoslavia (Cro. *pravna područja u Jugoslaviji;* Ger. *jugoslawische Rechtsgebiete;* Fr. *pays de droit en Yougoslavie*), the areas which, even after uniting into the Kingdom of SCS in 1918, kept the specificity of their legal systems, institutionally expressed in their own complete legal systems without a supreme court for the entire country. These were: Slovenia, Kastav, the Kvarner islands and Dalmatia (jurisdiction of the Table of Seven, Division B in Zagreb 1920–39, transferred in 1939 to the Supreme Court in Ljubljana); Croatia and Slavonia (jurisdiction of the Table of Seven in Zagreb); Bosnia and Herzegovina (jurisdiction of the Supreme Court in Sarajevo); Prekomurje, Međimurje, Baranya and Vojvodina (jurisdiction of the Court of Cassation of Division B in Novi Sad); Montenegro (jurisdiction of the High Court in Podgorica); Serbia and Macedonia (jurisdiction of the Court of Cassation in Belgrade). In the

Yugosl. state from 1918–41 a complete unification encompassed the constitutional, electoral, civil servants, judicial, organizational, bill and check, copyright, criminal material and process, civil procedure, enforcement, administrative process and noncontentious law. The unification partially affected labour and soc., housing, traffic and land registry law, but was not conducted in civil, family and trade law. The application of a unified and particular law from 1945–91 was regulated through the Decision of the Anti-Fascist National Liberation Council of Yugoslavia of 3 February 1945 and the *Act on the Voiding of Legal Regulations* of 1946.

legal history (Lat. *historia iuris;* Cro. *pravna povijest;* Ger. *Rechtsgeschichte;* Fr: *histoire du droit*), scientific and educational discipline dedicated to the research and presentation of the development of legal sources, institutions, ideas, values and complete legal orders within their soc. surroundings. In the focus of its interest are legal phenomena; in the standard scientific nomenclature l. h. is part of the corpus of legal science and part of the educational programs at faculties of law. Regarding methodology, l. h. has interdisciplinary characteristics and draws on methods from the area of legal sciences, as well as other soc. and humanistic sciences. In contrast to »general« history – which is aimed more towards the level of individuals and events – l. h. is aimed towards researching more general frameworks, at the centre of which are institutions and ideas; a pronounced interest for the specific soc. surroundings is what ties legal history to »general« history. In a broader sense, Roman and canon law are often counted under legal history. – Some authors place the beginnings of legal history as early as the 2nd century under Sextus Pomponius, who researched the origins of Rom. law and government bodies. The term *historia iuris* was first used at the beginning of the 16th century by the Frenchman Aymar de Rivail (*Rivalius*), who was educated in Ital. schools, in the five-volume work *The History of Civil Law* (*Historia iuris civilis*) and in the one volume *History of Canon Law* (*Historia iuris canonici*). H. Conring in the work *On the Origin of Germanic Law* (*De origine iuris germanici,* 1643), devoted his attention to Germanic law and set the foundations of Ger. legal history. G. W. Leibniz heralded a methodological shift in his work *New Method of Examining and Teaching Legal Science* (*Nova methodus discendae docendaeque Jurisprudentine,* 1667),

distinguishing internal (history of sources) and external legal history (polit., soc. and religious history). The medieval interest for legal history was basically an interest for legal antiques (*antiquitates iuris*), not for researching the process of legal development within the framework of soc. history, the first serious attempt of which was Ch. de Montesquieu's *The Spirit of the Law* (*De l'Esprit des lois,* 1748). The segregation of legal history as a modern, separate scientific discipline should thus be sought in the appearance of the Ger. legal history school at the beginning of the 19th century, which was a reaction to the former dominance of the idea of natural law founded on Carthesian influence. The most significant representative of the legal history school, F. von Savigny, formulated during a discussion on the making of a unified Ger. civil code at the beginning of the 19th century a thesis according to which law is the result of hist. development in a particular country with its basis in a people's consciousness (*Volksgeist*), so that knowledge of the development of nat. laws is necessary for the understanding of modern law and one's relationship with it. The identification of nat. content implied the confirmation of outside legal influences, which led to a division into German Studies (i.e. nat. legal history) and Romanist Studies, while Canon Law Studies were related to both. Although Savigny's intent was the development of a hist. dimension of legal dogmatics, his approach brought about much broader results. L. h. was formed as an independent discipline aimed at researching nat. law in order to explain the causes of the modern situation; thus l. h. also freed itself of its former focus on Rom. legal sources. A complementary consequence was the removal of the until then extensive legal history contents from positive law disciplines, which resulted in them receiving dogmatic characteristics. The nat. movements of the 19th century proved fertile ground for the affirmation and expansion of legal history as a discipline, while the tendency of positivisation and specialisation of soc. sciences on the basis of which the modern system of university legal history was formed in the 19th century (→ *faculty of law*) strongly contributed to the affirmation of legal history as a standard part of legal education. After K. F. Eichhorn set down the foundations of modern Ger. legal history, the corresponding research was intensified in Germany (A. Heusler, O. Gierke, K. von Amira etc.), and also took hold in France (P. M. Viollet, E. Glasson) and other Eur. countries. The influence of the Ger. legal

history school was strong among Slavic legal historians (B. Bogišić, K. Jireček, K. Kadlec, F. Zigel etc.), some of whom strove to ascertain the existence of a Proto-Slavic core of law similar to Germanic law. In England the natural interest for a »historic« dimension of precedents and roots of the system of *common law* limited the extent of the institutionalization of legal history as a separate discipline, although legal historians had an important role in Eng. legal history (e.g. W. Stubbs, F. W. Maitland, F. Pollock etc.). A course of thinking different to the Ger. legal history school was the teaching about a so-called universal legal history (*Universalrechtsgechichte*), which asserted the development of an idea of law among certain peoples and through certain time periods, which reflected the basic postulate of Hegel's philosophy of history. This teaching was developed in the first half of the 19th century by Hegel's follower and professor at the Berlin University E. Gans, who researched the development of inheritance and family law in different legal systems across the world, while in a similar vein J. Kohler strove to construct a general legal history which would determine the universal and lasting elements of legal systems. However, the idea of a general legal history did not find much success in higher education in Germany or other countries. However, Darwin's discoveries and the discovery of unknown societies and cultures led to the affirmation of the comparative method and the appearance of comparative law, which started to constitute itself within the frame of or in close collaboration with legal history. Thus in 1831 at the Collège de France in Paris a department of comparative legal history was founded, in 1869 in Oxford a department of hist. and comparative jurisprudence, and in 1894 at the University College of London a department of legal history and comparative law; the legal history dimension is pronounced even today in comparative history (compare e.g. the works of R. David, J. Merryman, K. Zweigert, H. Kötz etc.). – In Cro. the teaching of legal history was abundantly present at the Faculty of Law of the → *Royal Academy of Sciences in Zagreb* from its founding in 1776 to its abolishment in 1850, but it consisted of presenting the hist. contents of criminal and civil law as parts of positive law units; separate subjects presented the polit. and soc. history of Eur. countries, and from 1856 the history of the Austrian Empire. Modern legal history in Cro. in the sense of research took form in the 19th century under the influence of the Ger. legal

history school. However, in university education l. h. in Cro. appeared as *general legal history*, which was caused by certain peculiarities. Thus one should take into account that, at the Pest Faculty of Law the subject *German legal and Austrian state history* (introduced in 1855 during the time of Bach's Absolutism) was replaced in 1861 by the subject *General European legal history*, because there was not enough material ready for the introduction of a separate Hun. legal history subject; thus the subject *Hungarian legal history* was introduced only in 1872, while *General Eur. legal history* was abolished 1906. Similarly, at the → *Royal Academy of Law in Zagreb* the subject *General legal history* was introduced in 1868, within which elements of Cro. legal history were taught; from 1874 to its abolishment in 1933 it was taught by professors J. Hanĕl, F. Spevec, M. Maurović and M. Lanović. In 1911 – in more favourable polit. circumstances – the department of Cro. legal history was founded (M. Kostrenčić), to which the subject → *Hungaro-Croatian private law* was later added. As part of Cro. legal history, Slavic legal histories were also taught separately from the subject *General legal history*, which basically remained devoted to studying Germanic, Frankish and German law, on which this subject was focused since the 1880's. During the 19th and even in the 20th century the Yugoslav Academy of Sciences and Arts was an important nucleus of science, within which two editions linked to Cro. → *statute law* and Cro. medieval documents were initiated (*Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae*), and the most famous Cro. jurist B. Bogišić conducted his research there. After World War II the subject *General legal history* based on the Marxist concept of development (with Hegelian roots) was introduced to the Faculty of Law in Zagreb – as it was to most Faculties of Law in Yugoslavia and other Communist countries – and from which ideological highlights were gradually removed. The subject *National legal history* at Cro. faculties of law changed its name and scope according to the changes of state or polit. frameworks; I. Beuc, F. Čulinović, A. Cvitanić, L. Margetić and H. Sirotković gave special contributions. Until recently, the Faculties of Law of the Western countries taught almost exclusively nat. legal history, while the strengthening of integration processes in Europe led to its expansion through the insertion of the contents of Eur. legal history, or even to the introduction of a corresponding new subject. Among the legal historians who have significantly

marked the modern period – those of a more traditional orientation and those who are more oriented towards new approaches, usually without narrow disciplinary borders – one must surely count H. Berman, R. C. van Caenegem, C. A. Cannata, R. H. Coing, P. Dawson, P. Koschaker, A. Mazzacane, M. Stolleis, A. Padoa-Schioppa, P. Villard, A. Watson, K. Wieacker. The ever more prominent comparative interest and more developed internat. cooperation is accompanied by an interest for the legal history of smaller countries and the contributions of legal historians from those lands. – In the modern period l. h. in Eur. countries is confronted by the question of re-paradigmatisation as a possible answer to the challenges stemming from the changes in the legal and soc. surroundings and the pressures of positivist-dogmatic oriented jurists at universities. A significant part of the reason surely lies in the inertia of legal historians at universities at which there has up to recently been almost no changes to the traditional forms of lecturing formed during the 19th and first half of the 20th centuries. Such a situation is not completely in accordance with research tendencies, which have for some time shown a prominent interdisciplinary orientation, adoption of new methodologies and research techniques and presentations, interest for a comparative approach accompanied by an ever more powerful internat. cooperation and ever more present »European« dimension, accompanied by the moving of temporal borders to the contemporary period. Interest has recently shifted away from legislation, public law and state institutions, with a more modest interest for criminal and private law, to all legal branches and all the forms of the existence of law with the intent to understand actual legal life, and reconstruct the legal culture of a specific society as an important factor in the functioning of the legal system. The significance of the reconstruction and breaking down of nat. legal cultures as the expressions of traditional determinants grows especially in view of the building of a common Eur. legal framework, which is built on the areas determined by nat. legal cultures. Today the more modest nuclei of research activities in the area of legal history are generally linked to universities, but a part of the research is conducted in the context of internat. projects, where the »Max Planck« Institute for Eur. Legal History in Frankfurt am Main has the most prominent role. The process of defining the role of legal history in new circumstances and the consequential

forming of that discipline on new foundations will certainly require some time, and will depend on the developments within the discipline itself, the development of other legal disciplines and the changes in the system of legal and general university education.

libellum (Lat. ≈farm lease; Cro. *livel;* Ger. *landwirtschaftlicher Pachtvertrag;* Fr. *bail à ferme*), a contract on the leasing of agricultural land according to which the lessor (landowner) receives from the lessee (cultivator), for the land ceded to him, a yearly rent, sometimes together with a part of the revenues. A document was made about the libellum, in which the rights and obligations of the signatories were determined. It was made for a period of 29 years or three or more generations so that, with time, it became akin to a hereditary »eternal« lease. The lessee could access the right to the libellum so that, with the change of the lessee the lessor had the right to *laudemium*. In Dalmatia the lessor was generally the Church, so that the l. was equated to emphyteusis, or that both institutions were called → *colonate*.

magnates (Lat. *magnates;* Cro. *magnati;* Ger. *Magnaten;* Fr. *magnats*), a layer of higher nobility (*velikaš*, *velmoža*), who were second on the estate ladder, below the prelates and above the lower nobility (usually called the *caeteri nobiles*). The term was mostly used on the area of Hungary, Croatia and Poland. Due to their great polit. and econ. power, the magnates could rival the ruler in certain historical circumstances, i.e. pressure him into sharing power with them. Some important institutions of government in the feudal state developed from bodies that articulated the polit. will of the magnates (the Royal Council, *curia regis* etc.). The m. were a significant and influential group in estate assemblies (→ *Croatian Sabor,* → *Hungaro-Croatian Diet*), in some of which they – usually together with the highest church dignitaries and high state functionaries – entered into a separate Upper House (House of Magnates, House of Lords etc.)

Major Council (Lat. *Consilium maius;* Cro. *Veliko vijeće;* Ger. *Grosse Rat;* Fr. *Conseil Majeur*), in medieval communes and their derived republics, an institution of power that, with time, became pivotal. In the *Venetian Republic* it appeared in the last quarter of the 12th century

and was originally elected by a citizens' assembly; with further development it became a supreme body of broad composition and significant polit. power, while its duties spread to legislature, the election of functionaries, supreme jurisdiction in administrative and judicial authority etc. Between 1297 and 1323 it was transformed into a body of the patriciate, which then defined and »closed« itself as an estate, and the highest instance of state power. Inspired by that, and with a similar line of development (though with a certain delay), major councils formed in → *Dalmatian towns*: in Dubrovnik the M. C. was mentioned from 1235 and was formally »closed« in 1332. In Dalmatian towns under Venetian rule it lost its significance after the 15th century, while in the → *Republic of Ragusa/Dubrovnik* polit. power was gradually transferred to the Senate. A body of similar nature also existed in other Eur. states of the republican type. → *commune*

majorat (Cro. *majorat;* Ger. *Majorat;* Fr. *majorat*), in feud. law the order of inheritance according to which the testator is succeeded by the (male) person who is his closest kin. In the case there were several such persons, the oldest among them; closer kinship. As a way of founding the medieval institution of *fee tail*, the term *majorat* was used in a wider sense, encompassing both the seniorat and primogeniture, while in the case of fee tail it was often likened to primogeniture, according to the Austrian Civil Code.

manor (Cro. *vlastelinstvo;* Ger. *Grundherrschaft;* Fr. *seigneurie*), in feud. law, a customary term for a landholding where a certain physical (nobles) or legal entity (dioceses, archdioceses, abbeys, monasteries, free royal towns) has a combination of property and public law powers towards the inhabitants. In the Frankish state, the tradition of late Roman large landholdings (*villa*) was perpetuated through manors, whose owners achieved public law powers through the granting of various exemptions from the actions of state bodies (immunities) and the voluntary subjection of the populace; the Merovingians expanded such exemptions to all ecclesiastical properties as early as the 7th century. The weakening of central authority in the Frankish state during the 9th century enabled the bearers of public authority (counts, margraves and dukes) to achieve independence and led to the beginning of the expansion

of nobles' manors; after the breakup of the Frankish state the manors developed in areas which were once part of it, including Dalmatian Croatia. Manors appeared in different ways, in medieval Croatia most commonly through the ruler's charters, and more rarely through the ennoblement of → *iobagiones* and *servientes* (royal officials, → *feudal nobility*) or the granting of immunity to plots of land, transforming counties into inheritable property and usurping the judicial authority of the *župan*; m. were lost for infidelity to the ruler (*nota infidelitatis*) or through the extinction of the entitled noble family. The public authority of the feudal lord (dominical authority) was broadest during the period of the → *fief state* (in Croatia 12th–14th century), but were reduced so that only narrow administrative and legislative powers were left (→ *manorial court*). The feudal lord could acquire certain minor → *regalian rights* (innkeeping, butchery, milling, fair rights, tolls and transport) through ruler's privilege. The m. encompassed plots of different legal status: the feudal lord's land, which consisted of *allodial land* cultivated through the labour of dependent peasants and the → *serf's lands* granted to the → *serfs* as independent enterprises, plus the cleared lands and vineyards owned by the serfs. The duties of the peasants were recorded during the 13th–18th centuries in → *terriers*, which were enacted by various entities (manorial lords, sometimes the → *estates of the realm* and rulers), and were definitely put in order through the laws of the → *Hungaro-Croatian Diet* in 1836 and 1840. The peasants to whom land was granted had the broadest obligations to the feudal lord (obligation to work, pay monetary taxes and a ninth of their produce, introduced in 1351). Manors in the Croatian lands were abolished in 1848, while matters regarding compensation to former manorial lords were resolved through a series of laws enacted in the period from 1853–89. The judicial powers of the feudal lord are one of the key differences between Western European → *feudalism* and the Ottoman *timariot system*, in which the sipahi never achieved judicial powers over the rayah due to the position of the qadi in the state system.

manorial court (Lat. *sedes dominalis;* Cro. *vlastelinski sud;* Ger. *Grundherrschaftsgericht;* Fr. *tribunal seigneurial*), in feud. law, a type of court through which the feudal lord achieved dominical power over the subjects of the manor (in Croatia the serfs, servants-commoners and censualists). Its purview included civil

cases (disputes among the subjects, among a subject and the → *manor* or disputes in which a subject is accused by someone outside the manor) and minor criminal acts (specific authorization was required for major criminal acts), and the mentioned subjects were exempt from the purview of ecclesiastical courts. In Croatia to 1836 the m. c. consisted of a president (feudal lord or a person authorized by him) and at least two legally-competent assessors, while the manorial attorney acted as notary, and the noble judge and his sworn helper (*prisežnik*) were obliged to be present at the trial as observers. In the period from 1836–48 the feudal lord appointed one of the assessors of the County Court as president, two assessors from among unbiased and legally-competent persons, and a notary from among unbiased persons; the composition of the court was expanded by a noble judge and his sworn helper as assessors, while the county attorney was included in the activities of the court as the defence attorney for the serfs or, if the serf himself chose an attorney, for the protection of fiscal interests (→ *serf*). The County Court had appelatory authority regarding the decision of the manorial court.

marturina (from medieval Lat. *marturina pensio:* payment in pine marten skins), in the 15th century known as the *kuna*, a medieval tax in the Cro. lands which was expressed and calculated through the value of pine marten skins. It was paid by the serf as payment for using the land. Originally one third belonged to the feudal lord, and two thirds to the ruler as the supreme lord of the land, who could relinquish his part for a certain purpose (e.g. Koloman for supporting the Cro. ban), or cede it to the feudal lord (common in the 14th and 15th centuries). In → *Medieval Slavonia* it was levied from the 12th, in Croatia only from the 14th century; it existed until the 16th century.

Medieval Croatia, until the beginning of the 12th century the area of Early Medieval Cro. statehood; afterwards the area with the institutions of government and a feud. structure different and separate from Mediev. Slavonia (from which it was separated by Gvozd mountain) and the Kingdom of Hungary, despite the presence of a common ruler. The appearance of the Cro. state can only be traced back to the 9th century due to a lack of sources. Owing to the expansion of Frankish rule towards Southeastern Eur. near the end of the 8th century, the Cro. area was divided

into areas under Frankish and Byz. supreme rule, which would contribute to the institutional separateness of the coast and hinterland for centuries to come. The Franks strove to fit existing soc. structures in newly-conquered areas, so they entrusted local leaders with governmental power, naming them princes. The size of countries in that period can only be approximately determined, and for Croatia it can be said that it appeared in the hinterland of Split and Trogir. The richer sources from the mid-9th century testify to an already existing statehood during the time of prince Trpimir (c. 845–864), when Frankish supreme rule was only nominal. This completely disappeared during the time of prince Branimir (879–892), who formed a bond with the pope, who blessed his rule over the »earthly princedom« and thus acknowledged Cro. identity. King Tomislav (c. 910–928) expanded his rule to parts of Slavonia (→ *Medieval Slavonia*) and temporarily ruled over the → *Dalmatian towns* (→ *Dalmatia*). The Cro. state saw a new peak under Petar Krešimir IV (c. 1058–1074), during whose time the Slavonian ban Zvonimir also gained power, partially due to his links with the Arpad dynasty. In 1075 he received the support of the pope Gregory VII, who in the midst of the Investiture Struggle wanted to bind some rulers to himself as vassals, and thus acknowledged Zvonimir's ascension to the throne. The question of the royal title and the crowning of the Cro. rulers has received an unnecessarily strong significance among the broader public: these circumstances say nothing about the legitimacy or efficiency of a particular ruler's power. Similarly, the question whether the ruler was of »Croatian blood« is completely irrelevant in a historical and »state-building« sense. The institutions of state authority of the Cro. state originally followed the mode of the Frankish court; the names for certain functions have been preserved, though their exact role or hierarchic positions are often unknown. The highest functionary was the → *ban,* who acted as the ruler's deputy, confidant or even co-ruler. There also existed some sort of muster (or assembly) before which solemn legal acts were performed. The state territory was divided into counties; they started to become feudalized as early as the 11th century (the župans, i.e. county heads, once the ruler's functionaries, became hereditary and only loosely bound to the ruler, and during the 12th and 13th centuries they became manorial lords → *manor*). After Zvonimir's death the unified area which he ruled became fragmented,

which allowed the ascension of the Arpad dynasty to the Cro. throne. The Croatian nobility at first resisted the spreading of Koloman's power, but in 1102 they accepted him as ruler, securing the guarantee of its privileges (*Pacta conventa*), while Koloman was crowned king of Croatia and Dalmatia in Biograd that year. However, the noble families in Croatia (especially the princes of Krk/ Frankapans, princes of Bribir/Šubićs and others) were so strong in the 12th and 13th centuries that »medieval C. remained almost entirely out of the reach of the Arpadians« (N. Klaić); the princes of Bribir managed to retain the hereditary title of ban. Towards the end of the 13th century these families (especially the Šubićs) leaned towards the Angevins and supported their ascent to the throne in 1301. The rulers of that dynasty (Charles Robert, esp. Louis the Great) still decided to limit the power of the nobles because they realized that it was a condition for achieving real royal power, in which they partially succeeded; in doing so they took advantage of the rivalry and conflicts between the magnates and sought support among the lesser nobility. The lesser nobility developed in the 14th century from the tribes which kept their patrimonial holdings in the 12th and 13th centuries; within that stratum the »nobility of 12 tribes of the Kingdom of Croatia« had special status. After successful wars against Venice and the concluding of the Peace of Zadar, Louis's rule extended to the larger part of Dalmatia, which contributed to the integrative processes between the coast and hinterland. The area of Croatia was marked by strong feud. particularism, while estate-based soc. and institutional bonds became stronger in the Cro. area only towards the end of the Mid. Ages. With the growing of the Ottoman threat, the Cro. nobility in the 16th century built links with the Slavonian nobility and started to create common institutions of government (→ *Croatian Sabor*).

Medieval Slavonia, in a broader sense, the area between Drava, Sutla and Dunav, separated from Medieval Croatia by the Gvozd mountain (in recent times believed to be the modern Kapela); in a narrower sense, contemporary central Croatia with northwestern Bosnia to the Požega mountains in the east. Since material remains are neglible, and the information from hist. sources mostly fragmentary and vague, our knowledge of Early Medieval Slavonia is much sparser than that of → *Medieval Croatia*. The core of polit. organization in

Pannonia started to form in the time of Prince Ljudevit Posavski; several other 9th-century rulers are also known (such as Prince Ratimir in the 830-ies) and the existence of the Diocese of Sisak (mentioned in 928). The Cro. king Tomislav expanded his area of rule towards Slavonia, but a certain territorial bond existed under several other Cro. rulers. From the beginning of the 12th century Slavonia and Croatia were continuously under the same ruler, but remained institutionally separated and socially diverse until the end of the Middle Ages. Dualism on the state level was, for example, reflected in that Slavonia was called a kingdom (*regnum*) from 1240, and had a separate ban (c. 1225–1476) and Sabor (from 1273). After Ladislaus I of Arpad conquered Slavonia in 1091, the Hungarian rulers set about creating a stronger institutional system, a network of counties and an ecclesiastical organization (c. 1094 the founding of the Diocese of Zagreb, subordinate to the Archdiocese of Esztergom). The seeking of polit. and military support by giving land and privileges to the nobility (the widespread → *Hungaro-Slavonian feudal system*), royal fortresses (servients, → *iobagiones*), counties and ecclesiastical institutions brought temporary success and initially prevented the forming of a noble autarchy like the sort that imposed itself on Croatia. However, through concessions from the centre and tacitly approved usurpations, power was gradually transferred to secular and ecclesiastical lords (e.g. the Cistercians of Topusko received all the king's holdings in the County of Gora from Andrew II, while the Babonić family held a large area from Gvozd to the Sava and often filled the ban's seat in the 1280-ies); the circumstances in Hungary strongly influenced that process, as did the weakening of royal power during the 13th century. The megalomanic ambitions of Andrew II put the Hungarian and Slavonian nobility (esp. the lower) under pressure, who took action in 1222 and forced the king to give them a series of privileges (the Golden Bull of Andrew II). The social and institutional development in medieval Slavonia was marked by the development of → *free royal towns* and other privileged settlements. The area of Slavonia towards the end of the 13th century was a set of territories with different legal orders and soc. structures, among which existed royal counties, → *manors*, free royal towns and settlements and privileged village municipalities (e.g. in Turopolje). With the coming of the Anjou dynasty to the throne the central authority was

somewhat strengthened, which led to the breaking of the magnates' power (esp. the Babonićs) and concessions to the communities of lower and petty nobility. The thoughtful policy of Matthias Corvinus (mid-15th century) led to the creation of a more modern army, more efficient state apparatus and new central institutions of authority which took over some noble prerogatives, and also hastened the forming of estates. That trend was, however, reversed after Corvinus's death: the higher nobility took back its power and made sure that a weak candidate, Vladislaus II Jagiellon, was elected to the throne; the power of the magnate family Zápolya grew rapidly, and they accumulated large fiefs, wealth and state honours, but did not manage to realize its arrangement with the Ottoman leadership (a vassal state with their dynasty at its head). The Ottoman occupation of a large part of Slavonia in the 16th century stimulated the political linking of the Slavonian and Cro. nobility and the creation of some common institutions of government (→ *Croatian Sabor,* → *ban*).

Military Border (Lat. *Confinium;* Cro. *Vojna krajina;* Ger. *Militärgrenze;* Fr. *Confins militaires*), border area of Croatia and Slavonia towards the Ottoman Empire that was organized for defending from invasions, as a part of the Habsburg Monarchy from the 15th to the 19th century; Military Frontier. It was characterised by a special military-administrative system directly subjected to the Austr. military authorities. The appearance of the Military Border was preceded by the founding of the banovinas of Jajce, Srebrenica and Šabac (1463–76) and the Captainate of Senj in 1469. After the collapse of that borderland system under the Jagiellon dynasty (1503–26), the Habsburgs expanded the system of captainates, which was in 1569 organized into the Croatian Frontier (from the sea to the Sava) and the Slavonian Frontier (between the Sava and the Drava) as separate territorial units with their own commanders (from the end of the 16th century, general commands in Karlovac and Varaždin). From 1553 the defence of the Cro. lands were financed by the Austr. lands Styria, Carinthia, Carniola and Gorizia. Priorities in financing were determined by the Diet of the Inner Austrian Lands in Bruck and der Mur in 1578, the supreme command of which was taken over by the War Council in Graz (1578–1743), while the area of the Cro. → *ban's* direct command was reduced to the Ban's Frontier (between Ivanić Grad and the outskirts of

Karlovac). The area of the Military Border was excluded from the ban's authority and the → *Croatian Sabor* through the privileges given by the ruler to the Vlach population that settled in the Slavonian frontier during the Long War of 1593–1606 (*Statuta Valachorum*). After the Peace of Karlowitz in 1699 the area of the Military Border was expanded through the liberation of Lika and Slavonia, but it was reduced in 1745 through the founding of three Slavonian counties appended to Ban's Croatia. During the 18th century the organization was reformed (the Military Directory took supreme military command from 1743–49, later transferred to the Court Council in Vienna; the introduction of regiments, battalions and companies 1737–51), as were the finances (court financing from 1748) and the laws of the Military Border (*Militär-Graenitz-Rechte,* 1754). The new organization encompassed 11 regiments in the Cro. lands (in the Karlovac Border: Lika, Otočac, Ogulin and Slunj; in the Ban's Frontier: Glina and Petrinja; in the Varaždin Frontier: Križevci and Đurđevac; in the Slavonian Frontier: Gradiška, Slavonski Brod and Petrovaradin), which were part of the Monarchy's integral defence system, to which the Hungarian areas also belonged (three regiments in modern Vojvodina and three in Transylvania). According to the regulations of 1754 and 1807 (*Grenzgrundgesetz*), the grenzers (border-troops) were regular soldiers who enjoyed their plot as an imperial fief with strictly defined obligations, and were subordinate to the imperial officers, with German being the language of command. French rule (1809–13, → *Illyrian Provinces*) did not significantly alter the organization of the Military Border. Urban settlements were founded after 1748 as free military communities. The separation of the Military Border from Ban's Croatia was also expressed in the non-participation of its representatives in the activities of the Croatian Sabor 1737–1848. After the revolution of 1848–49, when the grenzers played a significant role in the defence of the Monarchy, the *Act on the Military Border* of 1850 organized the Monarchy as one of the provinces of the Austrian Monarchy and abolished the military-fief system. The introduction of conscription and a modern military system from 1850 marked the beginning of a process of abolishing the Military Border, which also depended on the relations between Austria and Hungary. The emperor's manifesto of 8 June 1871 declared the demilitarization and abolishment of the Varaždin

regiments, military communities of Senj and Bjelovar and the fortresses of Ivanić and Sisak, which were united with Ban's Croatia on 1 August 1871. A part of the remaining defensive zone was appended to civilian Hungarian administration, while the Croato-Slavonian part, enlarged by the area of the Petrovaradin regiment, received a transitional civil administration. At its head was the former General Command, which grew into a frontier government with 8 departments, organized similarly to the → *Provincial Government of Croatia, Slavonia and Dalmatia*, but tied to the Ministry of War in Vienna. With the occupation of Bosnia and Herzegovina in 1878, the M. F. also lost its significance as a borderland. Its unification with Ban's Croatia only became possible after Hungaro-Croatian negotiations, which were concluded with the 1881 revision of the Croato-Hungarian Compromise. It was finally appended to Ban's Croatia on the basis of the emperor's decision on 15 July 1881. On 1 August 1881 the ban, acting as imperial commissioner, took over the administration of the Military Border, while the administration of justice was unified on 1 January 1882; at the same time a special law extended the validity of the Cro. *Electoral Law* of 1881 and the *Criminal Procedure Law* of 1875 to that area. The common regulations of Ban's Croatia and the former Military Border included the *General Civil Code* of 1853, the *Criminal Law* of 1852 and the *Land Registry Law* of 1855; the Hungaro-Croatian *Trade Law* was also extended to that area. The local government for the counties was unified in 1886 and for the towns in 1895, leaving the districts organized according to the old frontier law of 1862 all the time up to the introduction of the Yugosl. district law of 1934. The existence of the Military Border, although initially intended for the defence of the Cro. lands, mostly served the internal and foreign policy needs of the Habsburgs, and significantly retarded the process of the territorial unification of the Cro. lands and hindered its economic development.

minor council (Lat. *Consilium minus;* Cro. *malo vijeće;* Ger. *kleiner Rat;* Fr. *conseil mineur*), an institution of authority in town communes. It replaced the collective body from the earlier model of communal order which had executive, judicial and representative functions (*consules* etc.) when the → *major council*, consisting of the new patrician layer, imposed itself in place of the council. It appeared towards the end of the 12th century (e.g.

Venice), and in Cro. littoral towns in the 13th century. As one of the typical bodies in the Venetian structure of government, it survived in Istrian and → *Dalmatian towns* until the end of the 18th century, but with significantly limited powers; in the Ragusan institutional structure it survived the end of Venetian supreme power, and retained executive and representative functions until the early 19th century.

moba (≈solidarity custom; Lat. *labor collectivus ex solidamine;* Ger. *solidarische Arbeit;* Fr. *travaux communs par solidarité*), a contractual relationship characteristic for South Slavic legal areas through which help is gained in performing certain agricultural or other works (tilling, harvesting, haymaking, house building etc.). The person who convened the moba was obliged to feed, and sometimes treat the workers, but was not obliged to pay or requite their work. The m. was arranged according to customary law, though the Montenegrin *General Property Code* (1888) was an exception.

municipal rights (Lat. *iura municipalia;* Cro. *municipalna prava;* Ger. *munizipale Rechte;* Fr. *droits municipaux*), in Cro. feud. public law, the totality of legal regulations which regulated the organization of government in the kingdoms of Dalmatia, Croatia and Slavonia and their relationship to Hungary and the Habsburg lands. Related to the term → *iura regni*, the term *municipal rights* was introduced after 1699 against a background of increased Hungarian disputing of Cro. statehood, based on I. Verböczy's understanding in the *Tripartitum Code* (Pars III, Titulus 2), where the constitutional character of Cro. rights is negated, and they are reduced to mere local self-government rights derived from Hungarian law, analogous to Transylvanian rights. In legal history the following m. r. are usually considered the most important: the independent election of a ruler (legal art. I:1492 of the Common Diet, the Cetingrad Document of 1527 and legal art. VII:1712 of the Cro. Sabor), legislative independence of the Sabor with the right to directly submit a conclusion to the ruler for approval (legal art. CXX:1715 of the Common Diet); independent decision-making regarding the state religion (legal art. V:1608 of the Cro. Sabor), official language and citizenship (denizenship); the authority of the ban as a deputy ruler to independently convene the Sabor (abolished 1791); the Sabor's right to propose a ban to the ruler and the cooperation of the ban

and Sabor in governing; administrative independence expressed in the independent election of higher state functionaries (captain, protonotary, regional doctor and treasurer) and the administrative superiority of the Sabor towards the counties (legal act. V:1725 of the Cro. Sabor, partially abolished 1790); independent deciding on taxes, with the privilege of paying only half the war taxes determined for Hungary (abolished 1770–90); an independent judiciary which carries out only its own decisions and has the Ban's Court as its highest appellate body; the independent decision to recruit and control the insurrection with the privilege of being exempt from providing lodging for the army; representing Croatia at a common diet as a separate state via nuncios bound by the Sabor's instructions and with the right to veto unacceptable decisions (abolished 1790); independent participation in forming peace treaties and entering internat. alliances (legal art. XXI:1620 of the Cro. Sabor). The forming of closer ties of Croatia and Hungary after the end of Joseph II's absolutism created, due to the imprecise definition of the term *municipal rights*, a real danger of the weakening, or even abolishment, of Croatia's state particularity which was most obviously shown through the Ministry Act and the Electoral Law of 1848. In conditions of ever-increasing pressures of the Hungarian nobility after 1825, the Cro. nobility, despite occasional concessions, preserved the consciousness about the value of municipal rights and initiated their scientific examination (Josip Kušević, *De municipalibus iuribus et statutis regnorum Dalmatiae, Croatiae et Slavoniae*, 1830). With the mediation of J. Drašković (*Dissertation*, 1832), the term was taken up by the Illyrian Movement, whose polit. activity was intertwined with m. r. and the ideas of the Cro. nat. revival, which was most prominent in the work of the Cro. estate Sabor in 1845–47 (legal art. X:1845 on the restoration of the independent Cro. government, archbishopric and university; legal art. X:1847 on declaring Cro. the official language) and is apparent in the *Demands of the People* of 1848 and the most important acts of the first civic sabor of 1848 (Manifesto of the Croato-Slavonian people; legal art. X on relations with Hungary). The term municipal rights remained in use after the restoration of constitutionality in 1860, until the signing of the Croato-Hungarian Compromise, when it was definitively replaced by → *Croatian Historical State Rights*. In reality, m. r. were limited both spacially (the administrative

fragmentation of the Cro. lands narrowed their application to only Ban's Croatia, in which there were also differences between Cro. and Slavonian counties) and by content (the content of the m. r. was gradually narrowed down through the actions of the ruler and the decisions of the Cro. Sabor in 1790). However, regardless of these limitations, the m. r. remained a bastion for defending Cro. constitutional and nat. interests from Hungarian pretensions until 1848, and played a positive role in preserving the continuity of Cro. statehood. Despite originally being a legal term of feudal origin, m. r. had a lasting significance as an important element in the building of the modern Cro. nat. idea and, thanks to the Sabor of 1861, the modern Cro. nation state.

National Committee of the Liberation for Yugoslavia (Cro. *Nacionalni komitet oslobođenja Jugoslavije*, abbr. NKOJ; Ger. *Nationalkomitee zur Befreiung Jugoslawiens;* Fr. *Comité national de la libération Yougoslave*), the revolutionary government of the new Yugosl. state founded on the Second session of the → *Anti-Fascist National Liberation Council of Yugoslavia* on the basis of the Decision on the Supreme Legislative and Executive People's Representative Body of Yugoslavia and the National Committee for the Liberation of Yugoslavia as the provisional organs of supreme people's rule in Yugoslavia during the National Liberation War. According to that decision it was the highest and executive command organ, through which the Anti-Fascist National Liberation Council of Yugoslavia achieved its executive function. The NKOJ answered to the AVNOJ, i.e. its Presidency, in periods between two sessions. The Presidency was empowered to appoint members of the NKOJ, which it did through the decision of 30 November 1943, when it nominated marshal J. Broz Tito as the president of the NKOJ and the commissioners for nat. defence, E. Kardelj, V. Ribnikar and B. Magovac for vice-presidents and commissioners for foreign and internal affairs, education, nat. economy, finances, traffic, econ. reconstruction, justice, buildings, forests and ores, nat. health, soc. policy and nutrition. With the extension of the government's duties and the expansion of liberated territory, occasional reorganisations and reconstructions were performed. On the basis of the Tito–Šubašić Agreement, the Presidency of the AVNOJ decided to abolish all points of the Decisions of the AVNOJ which referred to the NKOJ and on 7 March 1945 also accepted the resignation of the NKOJ. On the

same day the unified provisional government of the → *Democratic Federal Yugoslavia* under the presidency of marshal Tito was formed. The members of the new government gave their pledges before the Regency and Presidency of the AVNOJ.

National Council of Slovenes, Croats and Serbs (Cro. *Narodno vijeće Slovenaca, Hrvata i Srba;* Ger. *Nationalrat der Slowenen, Kroaten und Serben;* Fr. *Conseil national des Slovènes, des Croates et des Serbes*), originally the polit. representative body of Slovenes, Croats and Serbs in the southeastern parts of Austria-Hungary, and later the parliament of the → *State of Slovenes, Croats and Serbs;* abbr. NV SHS. The conclusion on the founding of the national councils of SCS was made during the meeting of the pro-unification parties on 3 March 1918 in Zagreb. On the basis of the so-called *March Resolution* a special committee was supposed to prepare the convocation of the Central National Council of SCS in Zagreb but, due to constant postponing, national councils were first formed in the Austr. half of the Monarchy; in Dalmatia on 2 July, the Croatian Littoral and Istria on 14 July, in Slovenia on 16 August and in Bosnia and Herzegovina on 20 September 1918. Only on 6 October 1918 was the Central National Council (NV SHS) founded in Zagreb, in which the representatives of all polit. parties and nat. organizations participated, excepting the pro-Austrian Croatian Party of Rights (frankovci). According to the *Regulations on Internal Organization* every province sent one representative per 100,000 inhabitants to the NV SHS (80 delegates in total), while all members of the provincial representative bodies of the South Slavic states in the Monarchy had the right to participate, provided they accepted the rules set down in the *Regulations*. In addition to its activity in the plenum, the NV SHS acted through its Central Committee (40 members), which on 19 October elected its Presidency headed by Anton Korošec and the vice-presidents Ante Pavelić (dentist) and S. Pribićević. The NV SHS became the supreme governing body of the State of SCS. During that time the local committees of the NV SHS were formed, which in some places developed into factual government bodies, while elsewhere remaining polit. management bodies which influenced the functioning of extant government bodies.

national liberation committees (Cro. *narodnooslobodilački odbori;* Ger.

Volksbefreiungskomitees; Fr. *comités de libération nationale*), bodies of the partisan movement's authority and the organizational basis of the new system of government; abbr. NOOs. They evolved from the People's Liberation Front, forming a system consisting of local (village) and municipal NOOs and district, areal and provincial committees up to the regional anti-fascist councils (→ *Anti-Fascist National Liberation Council of Yugoslavia* and → *Anti-fascist Council of the National Liberation of Croatia*). In addition, central regional committees also developed in Slovenia, Serbia and Montenegro. The first NOO-s were founded on the instructions of the Central Committee of the Communist Party of Yugoslavia and the party committees of individual lands and military commands, and their duty was to help partisan troops and establish power. The first unitary regulations about the functioning of the NOOs were the *Foča Regulations*, elaborated in the *Krajina Regulations* of the Supreme HQ. After the founding of the AVNOJ and regional polit. leaderships, the management of the NOOs passed from the Supreme HQ to them, and they wrote the regulations concerning the NOOs (e.g. the *NOO Rules of Conduct*). With the Second Session of the AVNOJ the process of linking the NOOs into a unified system of government was completed, and the organizational foundations of the executive apparatus of the NOOs were established. Executive committees were formed in the district, areal and provincial NOOs during 1944, whose members were at the heads of individual departments, which were in charge of particular branches of administration (commissioners, in Croatia *heads*). Thus the executive and administrative bodies which would be retained in later legal regulations, until the passing of the *General Law on the People's Committees* of 1 April 1952, were institutionalized.

octaval court (Lat. *iudicium octavale*), Cro. and Hun. historical term for high courts (→ *Ban's Court* in Croatia, Royal Court in Hungary) which convened on the eighth day of certain holidays (*octaves*) and were usually active twice per year for a period of 40 days. The Ban's Court as an o. c. consisted of the → *ban,* → *viceban,* → *protonotary*, several representatives of the prelates and magnates, and numerous representatives of the lower nobility and clergy. From the end of the 16th century it no longer conducted summary procedures (*iudicium breve*), acting as a first- and second instance

court (in the latter case in full composition, headed by the ban). After the judiciary reforms of 1723 the octaval courts were replaced by regular courts.

palatine (Lat. *palatinus;* Cro. *palatin;* Ger. *Palatin;* Fr. *palatine*), from the 4th to the 19th century a common term for court and provincial functionaries. In Late Antiquity the palatines were courtiers who watched over the Roman emperor's palace and served him. Germanic and other states appropriated and transformed that term during the Middle Ages. The most important among them was the court p. (*comes palatinus*) with important duties at the royal court and significant judicial powers; the county palatine (*juppanus palatinus; župan*) had a similar role, and appeared in the documents of Cro. rulers (9th to 11th centuries). In some medieval states he was responsible for royal rights and judication in a certain province. The function of the palatine in Hungary developed from the office of the court palatine; during the 12th and 13th centuries it received increasingly prominent and broader judicial duties, among which was judication in the counties (to the 15th century). The Royal Decree of 1485 (of dubious authenticity) defined the palatine's powers thus: the role of regent for an underage ruler and rule in times of interregnum; supreme judicial authority in all disputes between the king and his subjects; military command; the office of the viceroy (*prorex*) and the ruler's deputy (*locumtenens*). The palatine was elected by the king and Diet, and his role was for life. Most of the Hungarian palatine's powers did not stretch to the Cro. lands, where the → *ban* played a similar role; still, from 1439 he also passed judgment on the inhabitants of the Cro. kingdom when the interests of the crown were involved. The office of Hungarian palatine was vacant in the period from 1848–1918.

paterna paternis materna maternis (Lat.: the father's to the relations on the father's side, the mother's to the relations on the mother's side), a principle of Medieval hereditary law according to which, in the case of intestacy or the death of a person without issue, the inheritance is allocated to the relatives from whose side of the family – the father's or the mother's – those assets originated from. The solutions to the question of the order of inheritance differ from area to area (e.g. the closest relative, brothers and sister, father and mother, respectively). This principle was widespread in most of

Europe (save the northwest), and in Croatia it appeared in the inheritance laws of Dalmatian and Istrian towns. The origin of the p. p. m. m. principle was sought in German, Ligurian, feud. and Roman-Byzantine law. According to L. Margetić, in Croatia it could have appeared in times when inheritance by will became affirmed, as a subsidiary solution to the land which was legally bound to a certain family for a long period of time (permanent lease, emphyteusis, military heritage etc.).

patrimonial state (Cro. *patrimonijalna država;* Ger. *Patrimonialstaat;* Fr. *l'État patrimonial*), according to H. Grotius, a patrimonial kingdom in which the ruler's authority, acquired through the conquest or surrender of the population, could be subsumed under the concept of property (*patrimonium*), so that the king has broad powers of disposal. Today the term is usually used to describe a medieval state in which the ruler held absolute power in principle, and delegated certain functions of power to his officials or the local community. As opposed to an absolutist state, in a patrimonial state there is neither a hierarchical network of regular institutions of power nor a bureaucracy – most collective institutions of power do not act regularly, they have no precisely defined purviews or jurisdictions, and are thus not the real bearers of polit. and legal decision-making, being reduced to advisory bodies, assemblies to proclaim the rulers acts, non-permanent courts which resolve certain cases etc. Early feudal states were mostly of the patrimonial type, and the Cro. state until the end of the 12th century was no exception. The process of the strengthening of manorial lords, which begun under Bela III, led to its transformation into a type of → *fief state*.

plemenština (≈noble heritage; Ger. *Stammgut;* Fr. *noble héritage*), property, generally immovable, which was owned by a family (of nobles or freemen) for at least two generations, and was not acquired through royal grant. It could be alienated exclusively through the application of relative's or neighbour's right to pre-empt. The n. h. of twelve Cro. tribes was a land property which gave its bearer certain property rights and the right to perform functions of state power, with the obligation to perform military or other duties. In the *Poljica Statute* it was in principle an inalienable, immovable and hereditary property under the undivided ownership of the communal household and the solidary use of all its members. N. h. in

Bosnia, which according to content corresponds to the n. h. of the twelve Cro. tribes, was generally familial, but became individual if it was divided between the family beneficiaries.

podesta (Cro. *podestat;* Ger. *Podesta, Podestat;* Fr. *podestat*), individual functionary at the head of medieval urban communes, with representative, judicial, administrative and financial powers. By introducing him the → *communes* wished to stop the exhausting civil conflicts and the empowerment of local individuals. It appeared towards the end of the 12th century, achieved its peak in 1210–60 and, depending on the circumstances, often persisted until the end of the Middle Ages. The commune elected a podesta among foreigners, usually nobles, for at most one year, and forbade their immediate re-election and intimacy with the local populace. The p. was well-paid, and usually brought with him judges, notaries and other assistants. The p. pledged to respect the extant legal order and, before dismissal, was subjected to the overall review of his activities (*syndicate*). In the 13th century several manuals for podestas were compiled, which remain a very important source for the legal, polit. and cultural history of communes. Foreign podestas acted in some Dalm. communes (esp. Split and Trogir; the *Statute of Split* was compiled at the time of podesta Percival Ivanov from Fermo), while Cro. jurists were podestas in Ital. towns (e.g. Guido Matafari from Zadar, in Florence 1390–91). The term p. was sometimes also used to signify the governors of towns under Venetian rule (e.g. Poreč, Hvar and Brač).

Political and Cameral Studies in the Kingdoms of Dalmatia, Croatia and Slavonia (Lat. *Studium politico-camerale in Regnis Dalmatiae, Croatiae et Sclavoniae;* Cro. *Političko-kameralni studij u kraljevinama Dalmaciji, Hrvatskoj i Slavoniji;* Ger. *Politisches- und Kameralisches Studium in den Königreichen Dalmatien, Kroatien und Slawonien;* Fr. *Etudes de politique administrative, économique et financière en Royaumes Dalmatie, Croati et Slavonie*), the first higher-education study of legal and econ. science in Croatia and Slavonia. Founded for the education of cadres needed by the new absolutist administrative apparatus on the decision of Maria Theresia on 17 July 1769. It acted in Varaždin 1769–72

and Zagreb 1772–76. The curriculum encompassed political and cameral sciences. J. F. von Sonnenfels's textbook *The Basic Principles of the Science of Police, Trade and Finances* (*Grundsätze der Polizey, Handlung und Finanzwissenschaft,* I–III, 1765–1772) was used for classes. The only teacher was A. A. Barić, and the official language was German, although Latin was also used. The → *Croatian Royal Council* directly oversaw the study. In 1776 it was incorporated into the → *Royal Academy of Sciences in Zagreb*, established in the same year.

praedium (Lat. *praedium;* Cro. *predij;* Ger. *Praedium;* Fr. *praedium*), in Rom. law, the land and all buildings built on it. In the feud. period p. was the land belonging to an ecclesiastical nobleman, who gave it to the use of → *predial tenants*, who were in turn obliged to give him military (banderial) service. Due to changes in the military, from the 14th century on the p. was often transformed into a form of land lease. With the dissolution of terrier relations after 1848, the praedium was also abolished.

predial tenants (Lat. *praediales;* Cro. *predijalisti;* Ger. *praediales;* Fr. *praediales*), term for the vassals of ecclesiastical prelates in Slavonia from the 13th century (the bishop of Zagreb, Order of St John etc.). They sustained themselves through taxing serfs and had permanent and broad property rights on the land (*ius perpetuum possidendi*); they were obliged to perform military service for their lord under his banner (→ *banderium*), and sometimes to pay taxes or perform other services. They had jurisdiction over the serfs, but were in turn subject to the jurisdiction of the prelate. With time p. began to form estate bonds and in the 14th century certain groups attempted to gain the status of lower nobility (e.g. the p. of the bishop of Zagreb in Čazma, Dubrava, Ivanić). They gradually lost many benefits (the duty to pay public taxes and maintain roads was imposed on them), while their military duty was transformed into a labour or monetary rent, albeit lower than that of the peasants; the changed statues of predial tenants was reflected in terrier regulations form the 18th century. The stratum disappeared with the dissolution of terrier relations after 1848.

prelates (Cro. *prelati;* Ger. *Prälaten;* Fr. *prélats*), high dignitaries of the Catholic Church with their own

jurisdiction. According to canon law major p. (*praelati maiores*) were those who had episcopal jurisdiction: patriarchs, primates, archbishops and bishops (diocesan and titular); minor p. (*praelati minores, praelati inferiores*) had jurisdiction related to the episcopal one: these were the abbots, higher functionaries of certain orders (e.g. generals and the provincial); the pope could also install titular prelates without jurisdiction (honorary p., house p., protonotaries, secret chamberlains). In the feud. period, especially in states of estates, the p. were a stratum with special privileges. In the Croatian Kingdom they formed the first estate and had the right to personally participate in and vote at the Sabor.

preliminary sanction (Cro. *predsankcija;* Ger. *Vorsanktion;* Fr. *sanction préliminaire*), in Hungary and Ban's Croatia the ruler's approval to the governments of those areas of Croatia, Slavonia and Dalmatia, and the Hungaro-Croatian government, to file certain law drafts to their diets for adoption. The institution of preliminary sanction was envisioned by a conclusion of the Hungaro-Croatian government on 17 March 1867, and was defined by the fact that legislative initiative passed to the Sabor and king, and by the position of the government as the king's executive body. Because of this, that conclusion also applied to the → *Provincial Government of Croatia, Slavonia and Dalmatia*. In Ban's Croatia the process of preliminary sanction moved analogously to the process of obtaining the sanction of the law, i.e. the Provincial Government addressed the law draft to the ruler through the Croato-Slavonian minister (→ *Hungaro-Croatian Government*), who then forwarded it, with his comments, to the ruler. However, in contrast to the process of sanction, the Hungaro-Croatian Government was not bound by any deadline during the process of preliminary sanction, so that it could delay the drafting of the law. Withal, the process of preliminary sanction represented internal administrative communication and was not public, so that the Hungaro-Croatian Government was also not bound by polit. considerations towards the Cro. public. In practice this meant that the Provincial Government's law drafts needed the approval of the government in Budapest, so that the p. s. made the right of legislative initiative of the Provincial Government dependent on the central government. Inasmuch the p. s. was a powerful instrument through which it was possible to influence the

contents, and even the enactment of laws under Cro. autonomous jurisdiction, from Budapest in advance.

Primorje League (Cro. *Primorska liga;* Ger. *Liga von Primorje;* Fr. *Ligue de Primorje*), system of self-government on the Cro. area from Omiš to the Neretva, traditionally called the *Krajina* (Borderland) or *Primorje* (Littoral). In 1551, when that area enjoyed a broad autonomy as part of the Herzegovian Sanjak, the so-called Statute of the Primorje League (orig.: Chapter of the Herzegovian Gathering Which Calls Itself the League) was drawn up at the popular gathering in Zaostrog; it is preserved in transcript from Bosnian Cyrillic from the 19th century. It contains 28 short regulations which refer to the bodies of self-government and criminal law.

prior (Lat.: first, leader; Cro. *prior;* Ger. *Prior;* Fr. *prieur*), the title of the independent head of certain orders (e.g. Dominicans, Cistercians) and the head of religious institutions (e.g. an almshouse). Additionally, in the pre-communal period (until the 12th century) the title of the functionary at the head of administration in certain → *Dalmatian towns,* e.g. Zadar, Split, Rab (→ *commune*). The office of the prior could have lasted for many years and was regularly filled from the stratum of socially risen local families which would later form the patriciate.

pristav (≈adjunct*;* Ger. *Gerichtsadjunkt, Gerichtreferendar;* Fr. *auditeur/au tribunal/, adjoint*), term for a person obliged to memorize legal actions and to reproduce them on demand. His word was a credible proof of the highest degree. Appeared in the customary law of Slavic peoples, and in written monuments (in Cro. esp. in the *Poljica Statute*). The p. also summoned people to court, executed verdicts, participated at the giving of pledges etc.

protonotary (Lat. *protonotar;* Cro. *protonotar;* Ger. *Protonotar;* Fr. *le protonotaire*), one of the highest functionaries of the Cro. Kingdom from the 14th century to 1848. He kept and certified Sabor records, composed and certified the decisions of ban's tribunals (until 1723 he deputized the ban at the head of the → *octaval court*, and then became a member and reporter of the → *Ban's Court*), led Cro. nuncios into the Lower House of the → *Hungaro-Croatian Diet*, kept the most important state documents and the state and ban's seal. He usually

possessed a legal education; he was elected by the Sabor (→ *Croatian Sabor*) from the ranks of the nobility, and confirmed by the ban.

Provincial Government of Croatia, Slavonia and Dalmatia (Cro. *Zemaljska vlada Hrvatske, Slavonije i Dalmacije;* Ger. *Landesregierung Kroatien-Slawonien-Dalmatiens;* Fr. *Gouvernement autonome de la Croatie, Slavonie et Dalmatie*), the central executive body in Croatia and Slavonia from 1869–1918. It was envisioned through the Croato-Hungarian Compromise, and established through a law passed by the Cro. Sabor in 1869. The inclusion of Dalmatia into its name had a virtual significance because Dalmatia was a province of the Austr. half of the Monarchy. The Provincial Government had three sections (of internal administration, education and religion, and justice), and in 1914 an additional section for the nat. economy was established. Its composition included the Presidential Office (Presidial), Provincial Treasury, Accounting Office (Main Control), Office of Statistics, Regional Archive and Regional Gendarmes Command subordinate to the commands of the Ministry of National Defence in Budapest. The sections were managed by the heads of the sections, but the → *ban* was at the head of every section and the entire Regional Government, and was in his absence deputized by the → *viceban*, or Head of the Section of Internal Administration. According to the general decision of the Cro.-Hun. Compromise and the *Ban's Responsibility Act* of 1874, the ban was legally answerable to the Croatian Sabor, while the section heads were subsidiarily answerable. However, this process proved almost impossible to implement, so that both initiatives for bringing charges against the ban (1884 and 1907) were unsuccessful. The institution of interpellation was never fully evolved in the Croatian Sabor; in case Sabor failed to adopt the budget, the Provincial Government could pass a temporary budget through ordinances, so that there were no grounds for the appearance of polit. responsibility, and the ban was an almost unlimited polit. factor.

Provisional Assembly of the Kingdom of Serbs, Croats and Slovenes (Cro. *Privremeno narodno predstavništvo Kraljevstva Srba, Hrvata i Slovenaca;* Ger. *Vorübergehende Volksvertretung des Königreiches der Serben, Kroaten und Slowenen;* Fr. *Assemblée provisoire*

du Royaume des Serbes, Croates et Slovènes), the provisional legislative organ of the Kingdom of Serbs, Croats and Slovenes; the proto-parliament. Although the 1st December Act envisioned that that body be founded on the basis of an agreement between the National Council of Slovenes, Croats and Serbs and the representatives of the Kingdom of Serbia, its composition was determined by the new government appointed on 20 December 1918, so that of 296 delegates Serbia received 84, Croatia 62 (of which 30 went to the Croato-Serb Coalition), Bosnia and Herzegovina 42, Slovenia 32, Vojvodina 24, Macedonia 24, Montenegro 12, Dalmatia 12 and Istria 4. The representatives of individual lands were determined in Serbia, Vojvodina and Montenegro through delegation from existing assemblies, in Macedonia elections were held according an ordinance of the Ministry of Interior, while in other lands the delegates were elected through inter-party committees. Communists were not taken into account, while Stjepan Radić refused to participate. The Representative Body met on 1 March 1919, and finished its work on 22 October 1920. Due to its heterogeneous polit. composition, it split into a centralist and anti-centralist bloc, so that its working was often obstructed – of 45 drafts, only 12 laws were voted in. The most important among them were the *Act on the Election of the Delegates to the Constitutional Assembly* and the ratifications of peace treaties.

provisor (Cro. *providur;* Ger. *Provisor;* Fr. *proveditore*), in the Venetian Republic the title of the governor of certain newly-conquered places (e.g. Knin, Imotski), and the head of certain state agencies (e.g. the p. of health, p. of uncultivated land). The term was used in the → *Republic of Ragusa/Dubrovnik* for certain supervisory agencies. The Provisor-General (*proveditor generale*) was the Venetian provincial functionary at the head of → *Dalmatia* and Albania (Bay of Kotor and a part of Montenegro's current littoral), with military and civil powers. Appeared as an *ad hoc* service in the 14th century, and became regular from the 16th to the end of the 18th century.

regalian rights (Lat. *iura regalia;* Cro. *regalije;* Ger. *Regalien;* Fr. *droits régaliens*), mandates which in the feud. period represented the expression of the ruler's sovereignty. They were first explained by glossators in the 12th and 13th century. Major or essential r. r. (*iura regalia*

maiora seu essentialia) were an important part of the ruler's mandates which could not be permanently ceded, but whose practice could be transferred to another person or community (legislative right, judicial right, the conferring of state honours and titles etc.). According to Cro.-Hun. law, rights which contributed to the royal treasury were also included: the regalian rights to salt, ore, minting currency, levying tolls etc., from which state monopolies later developed. Minor or accidental r. r. (*iura regalia minora seu accidentalia*) were transferred to other delegates, generally nobles, as their benefice, and some of them became part of the fief (*beneficia dominalia*) with time: innkeeping, butchery, milling, holding fairs, hunting, fishing etc. R. r. were abolished in Croatia in 1848.

regency (Cro. *namjesništvo;* Ger. *Regentschaft;* Fr. *régence*), in constitutional law, the institution of the ruler's collegial deputy, regardless of whether it is due to the ruler's absence, indisposal, or an emptied throne. In the Middle Ages it was determined on a case-by-case basis, while in the Early Modern Period it was regulated through constitutional acts (Fr. Constitution of 1791). In Cro. lands, the highest administrative body subordinate to the central government in 1854–60 was the Imperial and Royal Regency presided by the → *ban*; in 1861 it was replaced by the Royal Regent Council for Croatia and Slavonia. In the Kingdom of Yugoslavia, the name for two state bodies: the first from 1934–41, designated on the basis of the Constitution of 1931 through the will of king Alexander I, for the underage Peter II. It signed the Cvetković-Maček Agreement, but was toppled by a military coup on 27 March 1941; king Peter II, according to the Tito–Šubašić Agreement, appointed a regency on 24 January 1945, which was active until the declaration of the Federal People's Republic of Yugoslavia of 29 November 1945.

Republic of Ragusa/Dubrovnik (Lat. *Respublica Ragusina;* Cro. *Dubrovačka Republika;* Ger. *Dubrovniker Republik, Republik Ragusa;* Fr. *République de Raguse, République de Dubrovnik*). Dubrovnik as a medieval settlement formed around a Byz. fortress with a military garrison (*castellum*). Up to the beginning of the 13th century it was mostly under Byz. supreme rule, sometimes Venetian or Norman, and in one period under the rule of Cro. rulers. However, a Ragusan commune with its own institutions of rule, which occasionally

managed to achieve a greater degree of internal autonomy, existed as early as the 12th century. Aside from the general muster of the citizens (*contio, arengum*), council members, judges (*iudices*), consuls (*consules*) and the knez (*comes*) are also mentioned. Securing the conditions for the development of trade, D. was already making treaties with many Adriatic and Mediterranean towns (with Molfetta in 1148), and obtained privileges from the rulers of the Balkan hinterland (e.g. in 1189 from the Bosnian ban Kulin). Between 1205 and 1358 it recognized the supreme rule of Venice. In that period and immediately afterwards (13th and 14th century) the foundations for a structure of authority which would, with some changes, last until the fall of the Republic of Ragusa, were laid down. The Ragusan legal order, based on the *Statute* of 1272 was determined at the same time, and was followed by the *Book of All Laws*, the *Green Book* and the *Yellow Book*. Aside from the written laws, the legal system was strongly shaped and transformed by → *customary law*. All adult male members of the patrician families, which in 1332 (the so-called closing of the Major Council) changed from a factual political elite to a ruling class, participated in the → *Major Council* (*Consilium Maius*). This council elected the members of all other bodies, functionaries and the main officials, and it also had a legislative function. The Council of the Requested (*Consilium Rogatorum*), later also called the Senate, which consisted mostly of experienced patricians, determined the basic guidelines of internal and foreign policy, and decided upon all delicate matters of the state. The → *Minor Council* (*Consilium Minus*) was responsible for deciding upon ongoing matters of the state administration. The knez (*comes*), who came from Venice for a period of two years, played the role of head of state until 1358. Afterwards, he held the title of *rector*, had representative duties and was elected to the Ragusan Major Council; for the prevention of autocracy his mandate lasted only one month and he was not allowed to be re-elected immediately afterwards. The members of other bodies and the functionaries in local units were also elected for a limited time (usually from six months to two years). From the 13th to the 15th century the Ragusan state territory was greatly expanded (from Prevlaka on the south to Klek with the whole of Pelješac, plus Mljet and Lastovo) and new units of local government (usually called knežija) were formed. In the 15th century the institutional system was rounded with a new structure

of civil and criminal courts, and by the creation of overseeing bodies. The state apparatus did not rely on professionals; instead the patricians readied themselves for services of greater responsibility by climbing through the ranks and gathering polit. experience. The editing of legal acts of public and private nature was entrusted (until the 17th century) to foreign educated experts, which guaranteed safety in legal transactions and the development of a legal culture. Ragusan independence, the foundations of which were laid with the weakening of Venetian supremacy, could be fully expressed after 1358, when Venice was forced to withdraw from the Dalm. area and when king Ludwig of Anjou affirmed all attributes of statehood for Dubrovnik. The name of the republic, confirmed in 15th century sources, was not decisive for the question of state status or the already-achieved independence of Dubrovnik. In accordance with the geopolitical changes in the Ragusan hinterland and the balance of power in the Eur. and Mediterranean area, the R. R. paid tribute to the Ottoman Empire from 1458, but this did not bring Ragusan independence in question; indeed, it allowed Ragusa to gain important economic benefits. The R. R. managed to keep its delicate political position between the Ottoman Empire and the lands of Catholic Europe even in times of open war thanks to its skilled diplomacy, as a place for exchanging information between the East and the West. The short-lasting econ. recovery following the stagnation at the end of the 16th and the first half of the 17th century was halted in 1667 due to a devastating earthquake, which was followed by attacks from raiders from east Herzegovina and Montenegro, and by financ. pressure from the Ottomans. In 1684 the R. R. formally renewed its vassal bonds with the Hun. and Cro. ruler, with favourable stipulations, but remained a tributary state of the Ottoman Empire. The Peace of Karlowitz (Srijemski Karlovci) in 1699 removed the immediate danger from the Ragusan borders, with the concession of narrow territorial strips near Klek and Sutorina to the Ottoman Empire. The Raguasn Republic was weakened demographically by the internal conflicts among the nobility and by the lack of implementing necessary reforms, and as such was of no interest on the new polit. map of Europe on the turn of the 18th/19th century. Pressed by the approach of the French army along the coast on one side, and the Russian conquest of positions in the Bay of Kotor on the other, the R. R. accepted the French army in 1806, because of which the

Russians and Montenegrins tried to destroy the city and ravaged the Konavle. The French occupation forces gradually took over civilian rule and abolished the Republic at the start of 1808.

Rijeka (Ital. *Fiume*), town with an autonomous position during longer hist. periods. In the time of the medieval Cro. state the contemporary area of Rijeka with the former Rom. settlement *Tarsatica* formed part of its borderland. The settlement R. appeared in the 13th century, in the 14th century it belonged to the Devinian gentry and the Frankapans and, following the extinction of the Devinians in 1399, to the Austr. family Walsee and, after the extinction of their main line in 1466, to the Habsburgs. In 1530 the Rijeka Statute was enacted, which applied until 1805. Through the patent of Emperor Charles VI of 1719 R. was declared a free royal town and free port, and in 1748 it was included in the Primorje Trading Province, which had its seat in Trieste. According to the rescript of Maria Theresia of 1776 the area of the town and port of Rijeka was »once again directly appended to the Cro. kingdom«, while Rijeka became part of the newly-founded County of Severin. From then on a governor presided over the town council, while R. was administratively subjected to the → *Croatian Royal Council*, and judicially subjected to the → *Ban's Court* in Zagreb. The Patent of Maria Theresia of 1779 confirmed internal self-administration for Rijeka, but its vague stylization was interpreted so that R. was recognized as a separate entity isolated from Cro. rule and subjected to the Hungarian government (»corpus separatum«), which led to the forming of the so-called Rijeka Question. In 1786 the County of Severin was abolished, and the districts of Rijeka, Bakar and Vinodol were organized into the Hungarian Littoral, subject to the Hungarian Regent Council, which appointed governors. Rijeka was temporarily captured by the French in 1799 and 1805, while from 1809–13 it became part of Napoleon's Illyrian Provinces. It later came under Austrian rule and was in 1814, along with Istria and the Croatian Littoral, appended to the Province of Trieste, which in 1816 became part of the Austr. Kingdom of Italy. In 1807 the Hungaro-Croatian Diet decided that Rijeka belonged to the »kingdom«, while the Croatian Sabor affirmed the affiliation of Rijeka to Croatia and assigned seats for its representatives, but R. refused to participate in the Sabor. In 1814 the Rijeka District Captainate was

founded, subordinate to the Governorate of the Austrian Littoral in Trieste, and in 1822 the situation became the same as it was in 1808. In 1848 the commissioner of the → *Ban's Council* governed Rijeka, and in the same year ban Jelačić became the governor of Rijeka. During the conclusion of the Croato-Hungarian Compromise of 1868 the dispute over Rijeka flared up again; in the amended text Rijeka was separated from the area of Croatia as a »special body directly embodied to the Hungarian crown« (the so-called Rijeka Patch). The dispute about its affiliation was resolved in 1870 through a »provisional arrangement«, which remained active until 1918, and on the basis of which R. had autonomy under the administration of the Hungarian government. In 1918 it became part of the → *State of Slovenes, Serbs and Croats*, but after the Ital. army entered the town on 17 November 1918, its administration was taken over by the Ital. National Council (Consiglio Nazionale). In September 1919 Ital. legionnaires and »arditi« (storm troopers) entered the city under the leadership of G. D'Annunzio, who then took control of the city (the so-called *Danuncijada*). Opposing a possible Italo-Yugoslav agreement, D'Annunzio declared the Italian Regency of Kvarner and secession from Italy on September 1920. It was determined by the Treaty of Rapallo on 12 November 1920 that Rijeka will become the Independent State of Rijeka (Fiume), and that the harbours of Baroš and Delta will be given to the Kingdom of SCS, so that Italy forcefully removed D'Annunzio in January 1921. The provisional government of Rijeka under the presiding of A. Grossich held elections for the Constituent Assembly in June 1921, which the autonomists of Rijeka won by a landslide, but in March 1922 fascists took power through a coup. Six months later Mussolini's government installed a military governor in the city, and later negotiated the Treaty of Rome with the Yugosl. government on 27 January 1924, by which the Kingdom of SCS recognized Italian sovereignty over the area of the city and port of Rijeka, while the Kingdom of SCS kept sovereignty over Delta and the Baroš dock, where the port of Sušak later developed. On 22 February 1924 Italy enacted the decision to annex Rijeka. After the capitulation of Italy, the Executive Committee of the → *Anti-fascist Council of the National Liberation of Croatia* enacted on 20 September 1943 the decision to append Rijeka and all other annexed areas of Croatia, which was affirmed by the Presidency of the → *Anti-Fascist National Liberation*

Council of Yugoslavia on the Third Session of the AVNOJ on 30 November 1943, but the city remained under the rule of the fascist administration even after Italy surrendered, and was later occupied by the Germans. Units of the Yugoslav Army entered Rijeka on 3 May 1945, and with the *Paris Peace Treaty with Italy* Rijeka passed to Yugoslavia on 15 September 1947 in accordance with international law.

Royal Academy of Law in Zagreb (Lat. *Regia academia iuris Zagrabiensis;* Cro. *Kraljevska pravoslovna akademija u Zagrebu;* Ger. *Königliche Rechtsakademie zu Agram;* Fr. *Académie Royale de droit de Zagreb*), the only higher education institution in Ban's Croatia from 1850–74. Established at the decision of the Imperial Ministry of Religion and Education on 3 October 1850. The study originally lasted three years, without the right to award academic titles, but became a four-year study following the reform of 1868, with the right to take rigorous exams at the university after finishing studies. The official languages were Cro. (1850–55 and 1861–74) and Ger. (1855–61). The original 12 positive law subjects were supplemented by Rom. law (1853) and history of the Austrian Empire (1856) according to modern systematic. In 1874 it grew into the Faculty of Law and State Studies of Zagreb (Faculty of Law in Zagreb).

Royal Academy of Sciences in Zagreb (Lat. *Regia scientiarum academia Zagrabiensis;* Cro. *Kraljevska akademija znanosti u Zagrebu;* Ger. *Die Königliche Wissenschaftliche Akademie zu Agram;* Fr. *Académie Royale des Sciences de Zagreb*), the top higher education institution in Ban's Croatia from 1776–1850. It was established by the decision (*Benignum mandatum*) of Maria Theresia on 5 August 1776. After the secession of the Faculty of Theology in 1784, it kept the Faculties of Law and Philosophy as two-year studies without the awarding of academic titles, and the Main gymnasium. The curriculum was regulated by the *Ratio educationis* (1777 and 1806). The school staff consisted of regular and associate teachers and suplentes; the official languages were Latin from 1776–1848 and Croatian from 1848–50. The first higher education textbooks in Croatian were published by I. Domin Petruševečki 1818–31. The Faculty of Law encompassed the department of canonical (1776–77), public and homeland law, administrative science, trade and financial science, world history and a

course of public news (1776–1813) as well as statistics and mining law (1813–50). Through the abolishment of the Faculty of Philosophy, the secession of the gymnasium and the reorganization of the Faculty of Law into the → *Royal Academy of Law in Zagreb* on 3 October 1850, the R. A. o. S. in Zagreb ceased to exist.

serf (Lat. *colon;* Cro. *kmet;* Ger. *Leibeigener, Knecht;* Fr. *serf*), soc. category in a subordinate position to one higher than itself, appears with the development of feudalism in most Eur. countries and in some non-European ones (China, Japan). While their position was different, they always formed the basis of feud. production. Serfs were the bearers of rights and obligations, but their contractual capacity was limited. They were legally subordinate to their feud. lord, from whom they received land to cultivate and were obliged to pay feud. rent. The greatest limit of their freedom was their permanent bondage to the land, i.e. the inability to move freely. In Croatia serfs appeared towards the end of the 9th century; their position was regulated through the terriers of individual → *manors*, and in the 18th century through public law regulations (Croatian Terrier, Slavonian Terrier, Joseph II's Patent on the Free Movement of Serfs). The abolishment of serfdom in the Eur. countries began with the French Revolution of 1789, while in Croatia and a large number of other lands it was abolished in 1848.

serf's land (Lat. *sessio colonicalis;* Cro. *kmetsko selište;* Ger. *Bauern-Ansässigkeit;* Fr. *tenure servile*), serf's plot on the manorial land which gave its holder, the serf, certain property rights, with the obligation to pay feud. rent. It consisted of the internal or house land (house and garden) and external land or accesories (ploughland and meadows), and typically wholly belonged to the serf. The revenues of the serf's land covered the existential needs of peasant families and allowed them to settle taxes, either monetary or in kind. The value of a manor was determined by the amount of serf's land attached to it. With the abolishment of serfdom the serfs who cultivated them became the owners of serf's lands.

sindicus (Lat. *sindicus* or *syndicus;* Cro. *sindik;* Ger. *Sindicus;* Fr. *syndic*), term for various functionaries in the local government and corporations (colleges, churches). In the medieval → *Dalmatian towns* the term applied to: a

commissioner for overseeing a certain body or segment of government; an envoy who was to perform a certain duty in a foreign country; an agent of a private person. Beginning in the 15th century, the Venetian Republic periodically sent sindici interrogators (*Sindici Inquisitori*) to its holdings (incl. Istria and Dalmatia), whose duty it was to inquire whether its local officials have committed any abuses.

Socialist Federal Republic of Yugoslavia (Cro. *Socijalistička Federativna Republika Jugoslavija*, abbr. SFRJ; Ger. *Sozialistische Főderative Republik Yugoslawien;* Fr. *Republique Socialiste Fédérative de Yougoslavie*), term for the Yugoslav state (→ *Yugoslavia*, → *Federal People's Republic of Yugoslavia*) after the enactment of the Constitution of the SFRJ on 7 April 1963. According to that constitution the declared socialist character of the society conditioned a structure of representative organs from the municipal to the federal level. At the latter the most important role still belonged to the Federal assembly, now in principle six-house, as the reflection of various self-management interests (Federal Council, Economic Council, Education and Culture Council, Social and Health Care Council, Organisation and Policy Council, Peoples' Council). As a rule, the Assembly acted as a bicameral body (the Federal Council and the Council appropriate for the question being discussed), which, together with the other regulations (e.g. the republics were not mentioned as constitutive elements), meant the weakest expression of the federal principle in the whole period after 1946 (still, the autonomy of both provinces of the Socialist Republic of Serbia was protected at the federal level). The constitution strengthened the position of the President of the Republic who, previously an organ of the Assembly, now became a political-executive organ of the federation; the Federal Assembly elected him for a period of 4 years, though J. Broz Tito was explicitly exempt from the limit of re-election. The Constitutional Court was a part of the federal organization as an independent body which was supposed to protect constitutionality and legality. An analogous structure, with a five-house assembly (the Republican Council, Economic Council, Education and Culture Council, Social and Health Care Council and Organisation and Policy Council) and a republican Constitutional Court, was arranged by the Constitution of SR Croatia on 9 April 1963. In contrast to the declared goals, the totalitarian nature of the system,

in which the League of Communists of Yugoslavia (SKJ) kept its monopoly, remained unchanged. Still, the weakening of its unitaristic-centralistic current (the deposing of A. Ranković in 1966) strengthened the influence of certain republican centres and the freedom of public expression, which developed into a national movement in Croatia, the centres of which were in the Matica hrvatska, Central Committee of the League of Communists of Croatia and the University of Zagreb. Pressure from Croatia and Slovenia sped up the discussion on federal reforms, including the changes to the federal and republican constitutions through the amendments of 1967 and 1968, and especially those from June 1971, which greatly strengthened the position of the republics, essentially representing the basis of the Constitution of the SFRJ of 1974. Constitutional changes from 1967 to 1974 greatly strengthened the federal principle – among others the amendments of 1967 expanded the number of cases where the separation of the Peoples' Council from the Federal Council was obligatory, and those of 1968 replaced the Federal Council and Organisation and Policy Council with the Social and Political Council, while the Peoples' Council received the position of the First House (the Federal Council in principle continued acting within a bicameral system, as the Peoples' Council and another Council). The position of two autonomous provinces was also strengthened; they received the right to regulate matters of provincial competence through provincial constitutional law. In addition, the constitutional amendments enacted in the republics did not necessarily follow the organizational changes in the federation. The amendments of 1971 marked not only the nations as the constitutive elements of the SFRJ, but also »their« republics, while the role of the provinces was determined by »dual« affiliation to Serbia and the federation. The scope and method of how the republics and provinces participated in the decision-making process on the federal level was significantly strengthened through the introduction of parity representation, the obligation of conciliating views and the principle of unanimity in resolving the most important questions; their legislative competence was greatly increased at the expense of the federal one. Although Tito deposed the Cro. political leadership towards the end of 1971, which entailed depositions and arrests at the lower levels (by 1973 all republican party leaderships were re-constructed), all these principles and most of the

solutions were adapted by the Constitution of the SFRJ on 21 February 1974. The goal of most changes was to prevent possible overvoting in a multinational federation, but they also founded an extremely complex decision-making process which could not survive without the integrative role of the SKJ, particularly Tito's authority. According to the Constitution of 1974 the assembly of the SFRJ consisted of the Council of Republics and Provinces (former Peoples' Council) to which each republic elected 12, each province 8 delegates, and the Federal Council, in which participated 30 delegates from each republic and 20 from each province, elected in municipal assemblies. In this way the federal dimension was present in both houses, and the re-naming of the Peoples' Council meant that the focus was on the republic as states, and not directly on the nations. A series of the most important decisions at the Council of Republics and Provinces (e.g. the social plan, monetary system, federal budget, founding of federal funds etc.) were made by consensus, while all delegations and the total majority of delegates had to be present in the Council for a quorum. At discussions and votings, every delegation was obliged to represent the stances of its assembly, which turned the Council into an extension of the republican assemblies. To prevent blockage, the Constitution foresaw that the Federal Executive Council could, with the preceding approval of the Presidency of the SFRJ, recommend enacting provisional measures to the Council, for the acceptance of which a two-thirds majority was required (in this case, if a simple majority of delegates voted for a certain law, the Presidency could enact it for a period of one year). The Presidency of the SFRJ was itself defined as a collective, nine-member head of state (the president of the League of Communists and one member from every republic and province, elected by their assemblies, with the possibility of recall before the expiry of the five-year mandate); the members elected the president and vice-president amongst themselves for a period of one year, according to a previously agreed order. The Constitution kept the post of the President of the Republic and envisioned the possibility that Tito be elected to it for life, which was soon done (the Presidency was supposed to take over its duties after his death; the principle of rotating the republics and provinces previously applied for the vice-president, who would in that moment become the President of the Presidency). The Constitution expanded the authority of the Constitutional Court, and

the principle of parity was extended to it. With the consequent establishment of parallel and independent legislatures, i.e. the federal one and those of the six republics and two provinces led to the significant complication of the legal system of the SFRJ, while the transfer of competences led to the federal units functioning more and more as fully rounded systems. The Constitution of SR Croatia of 22 February 1974 determined Croatia for the first time as a national state of the Cro. people, while the continuing mention of the Serb people sparked debates on the constitutional value of Serbs in Croatia, i.e. their right to self-determination and secession. The Sabor consisted of the Council of Associated Labour, the Council of Municipalities and the Socio-Political Council. The highest executive body was the Republican Presidency, which represented the Republic, while the executive body was the Executive Council, which was elected by the Sabor and which answered to it. After Tito's death in 1980 two main factions emerged seeking a solution to the political and economic crisis. Unrest in Kosovo offered the motive for the Greater-Serbian strategy of abolishing the position of the provinces and complete recentralization, which the leaderships of Croatia and Slovenia opposed, striving for an even greater confederalization of the country. The radicalization of demands in Serbia brought S. Milošević to power, owing to whose efforts in 1988–1989 the leaderships of Vojvodina, Montenegro and Kosovo were replaced by supporters of his populist politics. In March 1989 the assembly of Serbia enacted amendments to the Constitution of the SR Serbia, which abolished the constitutive position of provinces in the federation, i.e. the autonomy guaranteed by the Constitution of the SFRJ. Their representatives in the federal bodies were replaced by confidants, so that Serbia and Montenegro controlled four delegations, which additionally contributed to the blockage of the federation. At the emergency congress of the Central Committee of the SKJ at the beginning of 1990 Milošević was supposed to take the leadership of that body, but it fell apart due to the departure of the Slovenian and Croatian delegations. In these circumstances the Yugoslav People's Army became an additional political factor, whose partial position arose from the dominance of Serbs within it and its receptivity to the unitarist-centralist framework. At the same time, the republican organizations of the League of Communists increasingly acted as independent parties and, against the

background of the fall of European socialist regimes, political pluralism was revived, so that in December 1989 the CC of the League of Communists of Croatia decided to hold general elections, which were realized in April and May 1990, after amending the Constitution of SR Croatia of 1974; the Croatian Democratic Union won, after which a multiparty Sabor was constituted and F. Tuđman elected President of the Presidency. After new constitutional amendments in July 1990, on 22 November the same year the complete Constitution of the Republic of Croatia was enacted, which set the groundwork of the sovereign Croatian state. After failed talks about the restructuring of the SFRJ, the Croatian leadership accepted the Slovenian initiative for the separation of the republics of the SFRJ and their possible joining into a federation of sovereign republics and set the final deadline for finishing this process to 30 June 1991. In the meantime, since August 1990 and with the support of the YPA, an armed rebellion of a part of the Serb population spread, while in May 1991 the Serbs and Montenegrins blocked the envisioned election of the Croatian representative S. Mesić for the President of the Presidency of the SFRJ. After the referendum was held, the Croatian Sabor declared Croatia a sovereign and independent state on 25 June 1991 (Slovenia made a similar declaration), but pressure from the international community led to the declaration of a three-month moratorium in order to find a consensual solution (the so-called Brioni Agreement of 7 July 1991). The YPA then completely withdrew from Slovenia, but in Croatia it openly participated in the fighting which grew into a war with the aim of conquering parts of the RH's territory and appending it to »rump Yugoslavia«. In these circumstances talks about resolving the crises were not held and on 8 October 1991 the Croatian Sabor made the final decision to sever all constitutional ties through which it, together with the other republics and provinces, formed the SFRJ, voicing the view that the latter no longer exists. In September 1991 Macedonia also declared its independence, while Bosnia and Herzegovina enacted a memorandum of sovereignty in October, bypassing the Serbian representatives (armed struggles intensified there in April 1992). On 29 November 1991, after the Arbitration Commission of the Peace Conference on Yugoslavia (first under the supervision of the European Community, and later the UN) expressed its opinion that the SFRJ is breaking up because the federal organs no longer exist as

prescribed by the Constitution, and the federation does not control its territory, most of the international community recognized the independence of Croatia, Slovenia and Bosnia and Herzegovina (for Macedonia the process went slower due to disputes about its name); Serbia and Montenegro declared the Federal Republic of Yugoslavia in April the same year, which existed until 2003. Reacting to these developments, the Arbitration Commission of the Peace Conference on Yugoslavia determined through its opinion of 11 January 1992 the necessity of respecting the (inter-republican) borders at the moment of achieving independence. Through the opinion of 4 July 1992 it also established the fact that the SFRJ no longer exists and, through the opinion of 16 July 1992, that the date of succession for Croatia and Slovenia is 8 October 1991.

sprega (≈bracing), a contractual relationship, characteristic for South Slavic legal areas, through which the contractual parties (*sprežnici*) were obliged to help each other with the performing of various agricultural jobs for a period of one or more years. The *sprežnici* usually formed their draft animals (e.g. oxen or horses) into a joint team for the ploughing of land, but could also hire additional labourers. The fruits of a land parcel thus cultivated belonged to the *sprežnik*, the owner of the land. The s. was concluded in order to help poor peasants and was generally not regulated except through customs, but the Montenegrin *General Property Code* (1888) was an exception.

state of estates (Cro. *staleška država;* Ger. *Ständestaat;* Fr. *société d'ordres*), type of state characteristic for the feud. period of development of Eur. countries. Ger. historiography places it into the period after the → *fief state*. A state of estates is characterized by the renewal of central authority and the division of power between the ruler and the estates, based on their cooperation in the performing of basic state functions, with a clear differentiation of independent purviews and a developed organization of the bodies of power among both groups (the most important were the state assemblies and the ruler's auxiliary bodies with advisory and executive jurisdiction). On the area of medieval Croatia and Slavonia the s. o. e. appeared in the 15th century and lasted, like in most Central European countries, until the mid-19th century. The basic powers of

the Cro. estates were: 1. electing the ruler (until 1723), 2. recommending a candidate for the → *ban* to the king and electing high functionaries (→ *protonotary*, captain of the kingdom and his deputy, country treasurer and protomedic), 3. participating in the decision-making process through deciding at the estate assembly i.e. diet (→ *Croatian Sabor*) on all public matters which were not within the ruler's purview (e.g. levying taxes 1599–1772, permitted religion 1606, conscription 1646 and 1759, enforcement proceedings 1659, official language 1805 and 1847), 4. selecting the envoys (nuncios) of the Kingdom for the → *Hungaro-Croatian Diet* and giving obligatory instructions (→ *instructio*) for their operation, 5. declaring the → *insurrection* (to 1715), and 6. using the state seal and coat-of-arms on official acts enacted by the estates (*Sigillum Regnis*). The basic powers of the Cro. ruler were: 1. independent deciding on certain matters of legislature, judiciary and executive government, 2. appointing the most important state functionaries (ban, great *župans*) and patronage rights over the Catholic Church, 3. supreme lordship over the land, i.e. the right to grant feud. estates (→ *manor*), 4. → *regalian rights* and monopolies, 5. supreme command of the army (from 1715 a regular salaried army) and police, 6. deciding on foreign affairs (war and peace, diplomacy). The period of the state of estates in Croatia and Slavonia was brought to an end by the convening of the first civic Sabor in 1848 and the new county organization. In typological systems where the fief state did not appear, the s. o. e. developed after the → *patrimonial state* and had a broader content.

State of Slovenes, Croats and Serbs (Cro. *Država Slovenaca, Hrvata i Srba*, abbr. Država SHS*;* Ger. *Staat der Slowenen, Kroaten und Serben;* Fr. *Etat des Slovènes, Croates et Serbes*), state entity on the former area of Austria-Hungary inhabited by the South Slavic peoples, formed during the breakup of Austria-Hungary; the State of SCS. In a 19 October 1918 *Declaration*, the → *National Council of Slovenes, Croats and Serbs* (NV SHS) rejected the offer of king Charles I to federalize the Austr. part of the Monarchy and proclaimed that it »takes into its own hands the leading of national policy«. In this the Nat. council of SCS acted as a polit. representative body for all Slovenes, Croats and Serbs on the southeastern part of Austria-Hungary (Croatia and Slavonia with Rijeka, Dalmatia, Bosnia and Herzegovina, Istria, Trieste,

Carniola, Gorizia, Styria, Carinthia, Bačka, the Banat, Baranya and parts of southwestern Hungary). On its behalf, the Croatian Sabor made the decision on 29 October 1918 to break all constitutional ties of the Kingdom of Croatia, Slavonia and Dalmatia with the Kingdom of Hungary and the Austrian Empire and proclaimed an independent state (together with Rijeka) which »according to the modern principle of nationality« and »national unity« of the three nations became part of the State of SCS and concluded that it accepts the *Declaration of the National Council of SCS* of 19 October and recognized the NV SHS as its supreme ruling body. Although no explicit decree on the founding of *State of Slovenes, Croats and Serbs* exists, these conclusions are regarded as the completion of its formal establishment. Its organs of authority were, as much it was possible, active on the whole aforementioned territory. The NV SHS, i.e. its Central Committee (which was in permanent session), had supreme legislative and executive power, while the role of the collective chief-of-state was held by three member Presidency. Already on 29 October, the Central Committee appointed 11 commissioners for governing departments in Croatia and Slavonia, while the provincial governments of Dalmatia, Bosnia and Herzegovina and the Slovene areas would be constituted later. Entrusting representation abroad to the Yugoslav Committee, the NV SHS also took over the command of a small army. On the local level of government, the existing local administrative bodies mostly continued to operate, occasionally coming into conflict with the newly founded local committees of the National Council. Depending on their affiliation, legal theoreticians and historians note that the State of SCS had the attributes of statehood (territory, citizens, independent government), but also that due to the lack of international recognition, it was no more than a seceded part of Austria-Hungary. Nonetheless, it was specific in that it was a constitutional provision made in order to facilitate the unification into a new country together with the Kingdom of Serbia. A transitional form of state based on equality of rights was established by the Geneva Declaration of 9 November 1918, formed between the State of SCS and the Serb government, but was not ratified in Serbia. Very unstable internal social and pol. matters, as well as the Italian occupation of coastal areas with an appeal to the Treaty of London strained the question of unification, while a group led by S. Pribićević urged unification on a

centralistic basis. On 24 November the Nat. council of SCS enacted the decision on unification and the directive *Instruction of the Central Committee of the National Council of the SCS*. However, the delegates of the NV SHS in Belgrade gave up on their most significant demand – that the Constituent Assembly approves the Constitution by a two-thirds majority of votes. With the declaration of the so-called *Act of 1st December* in 1918 the State of SCS ceased to exist and the → *Kingdom (Kraljevstvo) of Serbs, Croats and Slovenes* was established.

statute law (Lat. *statutum,* from *statuere:* to determine, define; Cro. *statutarno pravo;* Ger. *Satzungsrecht;* Fr. *droit statutaire*), the law contained in statutes, i.e. the collections of legal regulations through which the inhabitants of autonomous town communities regulated their legal life in the feud. period. Since s. l. is closely linked to the degree of autonomy, s. l. in Slavonia (→ *Medieval Slavonia*, → *free royal towns*) was younger and far more modest than in the coastal towns, especially the Dalmatian communes with pronounced independence. The core of the Statute law evolved from the separate regulations enacted by the institutions of power, usually recorded in the form of a document. The development of the → *commune* created the need for the systematization of these regulations so as to guarantee legal safety and a stable legal order. Statutes were made in Ital. communes starting with the 12th century; in Cro. the oldest preserved ones are the *Statute of Korčula* (1265) and the *Statute of Dubrovnik* (1272, → *Republic of Ragusa/Dubrovnik*), but hist. sources attest to the existence of older ones, from the 1230-ies and 1240-ies. Aside from local regulations, the statutes contained elements of Roman law (in medieval adaption), canon law and customary law (local, commercial, maritime etc.). In some statutes a similarity is noticeable among the legal solutions; it appeared as the consequence of the relations of dominance (e.g. the statutes of some → *Dalmatian towns* bear elements of Venetian law), because the makers of the statute of one town would look up to the statute of another, relying on their common legal heritage (Roman and other), but also because the towns were at a similar state of soc. development and in a similar environment. Most statutes contained regulations on the structure of government, on the rights and duties of functionaries, the rights of ecclesiastical institutions, family and inheritance laws, criminal law, judicial

proceedings, maritime law. The order in which these appear differs, and various branches of law were not covered to the same extent: e.g. obligatory law was usually treated in only a small part of the statute, while the other part was made according to extra-statutory norms, esp. customary law. For the correct understanding of statute law it is important to stress that it is only one of the sources of the legal order of a community: the *ius commune* and → *customary law* were just as important and were implied in all that which s. l. did not regulate; the regulation of legal relations in some spheres was often left to the will of the parties. In addition, statute law was not applied according to the principle of rigid legality, since the institutions of power interpreted them elastically, often creating decisions that bypassed the letter of the statute. The initial organic growth of statuary collections through their supplementation with new laws was occasionally interrupted by the comprehensive editing of the text (along with »filtration« and compositional reorganization); we call the product of these interventions *statutory redaction*. The norms of statute law enacted after the »closing« of the statute (*reformations*) were often gathered into separate collections. As the autonomy of a particular community was limited (in Istrian and Dalmatian towns esp. from the 15th century), the production of statute law also fell. Statutes were mostly written in Latin, sometimes Italian (the Venetian idiom). Since various redactions, textual and transcript variations exist, scientific interest for legal history encouraged the preparing of critical editions; a sequence of statutes was published by the Yugoslav Academy of Sciences and Arts towards the end of the 19th and beginning of the 20th century. Editions which include translations into Croatian have been in production since the last 50 or so years.

sudčija (≈judicial district; Ger. *Gerichtsbezirk;* Fr*. district judiciaire*), in Cro. legal history terminology a term for an area under the jurisdiction of a certain court. In the Middle Ages parts of a county (županija), district (knežija) or fraternity (bratstvo). Until the mid-19th century the s. was a smaller district (village) headed by an elected judge who proclaimed the orders of the government and feudal lord, allocated people to manorial and public labour, recorded legacies, nominated guardians for orphans, kept the public order and peace etc.

supona, contractual relationship, characteristic for mountainous herding regions of South Slavic legal areas, through which the contractual parties (*suponici*) helped each other by pooling all their livestock, then dividing it according to grazing area (goats, sheep, oxen etc.), and designating a common herder for each species. This made the keeping of livestock cheaper and ensured it better pasture. Every *suponik* fed his herder and looked after him. The fruits of the livestock belonged to each suponik individually. The term *supona* was also used to describe co-pasture. It was regulated through customary law, and in Montenegro by the *General Property Code* (1888).

Table of Seven (Lat. *tabula septemviralis;* Cro. *Stol sedmorice;* Ger. *Septemviraltafel;* Fr. *cour de sept personnes*), the supreme court for the legal area of Croatia and Slavonia and the former Austr. legal area. It was founded by royal decree on 9 April 1862, and started operating on 30 June 1862. Until 1874 the court was presided *ex officio* by the → *ban*, and from then on – taking into account the principle of separation of judiciary and administration – the judges elected the president from among themselves. The T. o. S. was the highest court instance for the area of Croatia and Slavonia; it judged in criminal cases as a council of 7 judges, and in civil, litigation and noncontentious cases as a council of 5 or 3 judges. Matters of the Supreme Terrier Court for Croatia and Slavonia also fell under its jurisdiction, as did, the giving of opinions about the government's law drafts at the government's demand. A special Frontier department of the Table of Seven that had jurisdiction over the → *Military Border* was founded in 1874 and combined into a single body with the Table of Seven in 1881. A separate Division B of the Table of Seven was founded by royal decree on 28 November 1919 as the highest judicial instance for the regions of the Kingdom of SCS where Austr. laws applied (Slovenian lands and Dalmatia); it started operating on 15 January 1920. The local jurisdiction of the Table of Seven was extended to the Međimurje in 1932. In 1939 the T. o. S. became the supreme court of the newly-founded → *Banovina of Croatia* and the area of the Appellate Court in Split was included in its area of jurisdiction. Only the Appellate Court in Ljubljana remained subjected to the Section B, and the latter was relocated to Ljubljana, becoming the Supreme Court of Ljubljana in 1939. According to a legal decree from 1942 the T. o. S. and Supreme Court in

Sarajevo were abolished and replaced by the newly-founded Supreme Court in Banja Luka with cassational jurisdiction over the entire area of the Independent State of Croatia. However, since that decree was never implemented, the T. o. S. continued operating and in 1943 took over jurisdiction of all mentioned courts. The T. o. S. was abolished by the decision of the Presidency of the Anti-Fascist National Liberation Council of Yugoslavia in 1945.

tavernical law (Medieval Lat. *jus tavernicale;* Cro. *tavernikalno pravo;* Ger. *Tavernikalrecht;* Fr. *droit tavernical*), law which gradually developed through the practice of the tavernical court (*sedes tavernicalis*) in Buda. This court, under the presidency of the tavernicus, acted as an appellate court for a certain number of → *free royal towns* (in the beginning 7, later up to 17) and later contributed to the unification of their rights. From the 15th century the Zagrebian Gradec was counted among these towns, and from the 18th a number of other towns in Slavonia and Croatia. Collections of tavernical law were made from the second half of the 15th century, and the so-called tavernical articles were regularly printed alongside the → *Corpus iuris hungarici*. T. l. was also part of the Ilok Law Book of 1525 because that town adapted its own legal system to tavernical law, although it was not itself counted as a tavernical town.

terrier (Cro. *urbar;* Ger. *Urbar;* Fr. *terrier*), legal regulation that defined the obligations of the subjects towards the feudal lord based on laws and customs. Terriers were general, if they regulated the rights and obligations of all the serfs of a specific → *manor*, or specific, if they stated the rights and obligations of an individual → *serf's land* that was tied to the manor. The first terriers in Croatia appeared in the 15th century, and were linked to the feudal lord's endeavours to precisely define the serfs' obligations as regarding the feud. rent. Due to the dissatisfaction of the serfs and frequent revolts caused by their difficult position as well as the fiscal strengthening of the peasantry, the public law relations between the manorial lords and serfs were regulated in the 18th century. Thus the ordinances of Maria Theresia for Slavonia in 1756 (*Slavonian terrier*) and Croatia in 1780 (*Croatian terrier*) limited and maximized the serf obligations mentioned in the manorial terriers. Terrier relations were finally regulated through the laws of 1836

and 1840. With the abolishment of serfdom (1848) the long process of resolving terrier relations in Croatia on the basis of the *Patent on the Performing of the Relieving of the Land and the Regulation of Related Property Rations in the Kingdoms of Croatia and Slavonia* (1853) and its amendment (1857). Their final liquidation was hastened by the *Act on the Final Relieving of Extra-serf's plot, Newly Cleared, Vineyard and Censual Lands* (1876), while the remains of terrier relations were only removed through the *Preliminary Regulations for the Preparation of the Agrarian Reform* (1919).

tithe (Lat. *decima;* Cro. *desetina;* Ger. *Zehnt;* Fr. *dixième*), tax or contribution equal to one tenth of the revenue. The most famous tithe, the ecclesiastical tithe, spread along with Christianity, at first as a voluntary contribution with a traditional basis. In the 6th century it became sanctioned through church norms, and from the 8th century by the decisions of secular authorities. In Croatia it was affirmed in the 11th century *(Zvonimir's pledge).* It was given by laymen for religious use: upkeep of the clergy and churches and helping the needy. It was originally given in kind, but with time it became monetary in nature; its collection could be leased. It was abolished towards the end of the 18th and 19th centuries according to various models (completely or partially, with or without partial recompensation); in the Cro. lands it was abolished by ruler's patent in 1853.

toll (Lat. *vectigal;* Cro. *malta* or *maltarina;* Ger. *Maut;* Fr. *péage*), tax paid in the feud. period for moving and transporting via certain roads (it was collected at swing gates), canals, bridges and staging areas; maintenance costs were paid from the collected amount. As one of the so-called minor → *regalian rights*, the ruler could cede them to a feudal lord, church or local community via charter. A complex and ununiform toll system, susceptible to misuse and arbitrariness, impeded the free movement of people and goods; its abolishment and replacement by a modern type of fee was a typical demand placed during the process of econ. development in the early modern period.

trialism (Cro. *trijalizam;* Ger. *Trialismus;* Fr. *trialisme*), polit. idea about the reorganization of Austria-Hungary into a three-member constitutional structure instead of the two-member one based on the Austro-Hungarian

Compromise. The first trialist solution became prominent in 1870, according to which Bohemia would become the third partner in the Habsburg Monarchy. A solution according to which South Slavs would form a third unit in the Monarchy was considered from the beginning of the 20th century with the support of archduke Franz Ferdinand, but trialist ideas can be found earlier, in the programmes of Cro. polit. parties. During World War I a proposal about some form of an Austro-Hungarian-Polish confederacy was put forward. None of these ideas ever approached a practical result. The Hungarian government opposed trialist ideas believing that t. threatened Hun. dominance or the privileged position of Hungary towards Austria.

Tripartitum Code (Cro. *Tripartit;* Ger. *Tripartitum;* Fr. *Tripartitum*), full name *A Three-part Compilation of the Customary Laws of the glorious Kingdom of Hungary and its Appeneded Territories (Opus tripartitum iuris consuetudinarii inclyti Regni Hungarie partiumque eidem annexarum)*, legal codex which up to the mid-19th century remained the fundamental source of civil law in the Lands of the Crown of St. Stephen (Hungary, Slavonia, Croatia etc.). It was compiled in Latin at the beginning of the 16th century by the Hungarian jurist S. Verbőczy, while I. Pergošić translated it into the Croatian kajkavian dialect in 1574. The Hungarian estate diet accepted it in 1514, but the ruler did not approve it due to pressure from the higher nobility, so that it never formally took effect. It was printed in 1517 and the courts accepted it as an important manual due to its readability and consistency, thus indirectly introducing it into legal practice. From 1628 it was issued together with the royal laws (*Decreta Regni*); the → *Corpus iuris Hungarici*, a collection of laws that were active in the Croato-Hungarian state union, was gradually formed around it (final redaction in 1751).

viceban (Cro. *podban;* Ger. *Vizeban;* Fr. *vice-ban*), the ban's deputy in case of absence or indisposal. The function appeared in the Middle Ages and reached prominence in the 16th and first half of the 17th century. The viceban was selected by the ban after inauguration, after which he gave a pledge before the Croatian Sabor and performed his duties for the same period as the ban who selected him. Until 1756 he also served as the ruler (*great župan*) of the counties of Zagreb and Križevci. From the 17th century the → *protonotary* deputized the

ban in judicial functions, but the v. kept the office of octaval court assessor. The function of viceban also existed in the ban's government (1850–54) subordinate to the Austr. government in Vienna. After the Croato-Hungarian compromise of 1868 the ban was, in case of absence or vacancy of the ban's office, deputized by the head of the department for internal affairs, who was often called the viceban. The ban's assistant in the banovinas of the Kingdom of → *Yugoslavia* was also called the podban. The office of podban was established in the autonomous → *Banovina of Croatia*.

virilists (Cro. *virilisti;* Ger. *Virilisten;* Fr. *membres de droit d'une assemblée*), members of a representative body that enter it without election, on the basis of their heritage or the role they perform. The right to personally participate in the operation of the estate representative body was one of the basic characteristics of → *feudal nobility*, but it was gradually reduced to the members of the higher nobility, while the lower nobility elected its representatives. After the abolishment of → *feudalism* and the transfer of representative bodies from an estate basis to a system of civil representation, the keeping of a category of virilists in civil parliaments represented a compromise solution since the participation of nobles and clergymen in the activities of the representative body was preserved, usually in the form of a separate house (Prussia 1850–1918, Austria 1861–1918) or as members of a common house (in the → *Croatian Sabor* 1848–1918, → *Dalmatian Diet,* → *Istrian Diet* and the Diet of Bosnia and Herzegovina). Today v. exist in the UK as members of the House of Lords.

Vojvodina (Cro. *Vojvodina,* Ger. *Woiwodschaft,* Fr. *Vojvodine*), the name of two administrative-territorial units: **1.** *Serb Vojvodina*, declared a separate territory according to the conclusions of the Assembly in Sremski Karlovci (then part of Croatia and Slavonia) on 13 and 15 May 1848, encompassing the area of Syrmia, Baranya, Bačka and the Banate together with the neighbouring → *Military Border*. An administration was formed, composed of the local and regional committees, the Sabor, Main Committee and the duke. The assembly expressed its wish for the Vojvodina to enter a closer polit. alliance with the Tripartite Kingdom of Dalmatia, Croatia and Slavonia on a full-equality basis. The → *Croatian Sabor* accepted the conclusions of the

assembly through legal article VII:1848 »on the alliance of the Serb Vojvodina with the Tripartite Kingdom«, but the relationship was not further defined. The ruler approved the conclusions of the assembly in December 1848, while the March Constitution of 1849 recognized the existence of the Serb Vojvodina as a crown land of the Austrian Empire. It was organized through the patents of 18 November and 31 December 1849 as a separate area under the name of *Serb Vojvodina and the Tamiš Banate* on the area of the counties of Bács-Bodrog, Torontál, Temes and Krassó-Szörény, headed by the imperial general in Timișoara. It was abolished through the ruler's decision of 27 December 1860 and again appended to Hungary, while its Syrmian part was appended to Croatia and Slavonia. **2.** The *Autonomous Province of Vojvodina* was founded as part of Serbia according to the decision of the Assembly of the People's Envoys of Vojvodina in Novi Sad on the 31 July 1945, which was affirmed by the decisions of the Anti-Fascist National Liberation Council of Yugoslavia on 10 August 1945, the *Act of the Anti-Fascist National Liberation Committee of Serbia* on 3 September 1945, and the *Constitution of the Federal People's Republic of Yugoslavia* on 31 January 1946. According to the constitutions of the federation and Serbia (1946, 1953 and 1963) Vojvodina had limited autonomy and enacted its statute (1948, 1953 and 1963); according to constitutional amendment XX:1968 of the *Constitution of the Socialist Federal Republic of Yugoslavia* it became a constituent part of the federation (*Socialist Autonomous Province of Vojvodina*) with broad autonomy, which was affirmed by the Constitutional Law of the SAP Vojvodina of 1969, the amendments to the Constitution of the SFRJ of 1971, and the constitutions of the federation, Serbia and Vojvodina of 1974. After the deposing of the provincial leadership on 5–6 October 1988, a reform of the Constitution of SR Serbia of 1989 and the Constitution of the Republic of Serbia of 1990 limited its autonomy (from 1990 again the *Autonomous Province of Vojvodina*, which enacted its statute in 1991); it had a similar position in the Federal Republic of Yugoslavia, later the State Union of Serbia and Montenegro, and from 2006 in independent Serbia.

Yugoslavia (Cro. *Jugoslavija;* Ger. *Jugoslawien;* Fr. *Yougoslavie*), a state entity appearing on 1 December 1918 through the unification of the → *State of Slovenes, Croats and Serbs* and the Kingdom of Serbia, previously

joined by Montenegro, into the → *Kingdom (Kraljevstvo) of Serbs, Croats and Slovenes*, which after the enactment of the Vidovdan Constitution changed its name to the → *Kingdom (Kraljevina) of Serbs, Croats and Slovenes*. That constitution was abolished by the 6 January Dictatorship in 1929, when the *Act on the Name and Division of the Kingdom into Administrative Areas* of 3 October 1929 changed the name of the state to the → *Kingdom of Yugoslavia*. On 3 September 1931 the king imposed the Constitution of the Kingdom of Yugoslavia, which was revised upon the founding of the → *Banovina of Croatia* on 26 September 1939. After the breakup of Yugoslavia following the invasion of 6 April 1941, the → *Independent State of Croatia* was founded on part of that area, while other areas were annexed or placed under the occupational governments of Germany, Italy, Hungary, Bulgaria and Albania. The federal and republican structure of the new Yugosl. state was formed under the umbrella of the partisan movement (→ *Anti-Fascist National Liberation Council of Yugoslavia*, → *Anti-fascist Council of the National Liberation of Croatia*), and after the agreement between the royal government in exile and the leadership of the partisan movement (*Tito–Šubašić agreements*), the Provisional People's Government of → *Democratic Federal Yugoslavia* was formed. During the session of the Constituent Assembly in 1945 the → *Federal People's Republic of Yugoslavia* was established, while on 7 April 1963 the country, according to the Constitution, changed its name into the → *Socialist Federal Republic of Yugoslavia*. The Constitution of the *SFRJ* of 1974 strengthened the role of the republics so that, based on their rights to self-determination, they seceded and formed independent states starting in 1991, and were proclaimed the successors of the former state, which then ceased to exist.

zalaznina (≈lodging and food; Lat. *descensus*, Ger. *Herberge und Atzung;* Fr. *le gîte et le couvert*), in the Middle Ages, the financial burden of hosting the king, a high functionary (e.g. the ban) or church dignitary and their followers and envoys; the term also appears in the form *zalusina* etc. Due to the expense of the burden, those obliged sought to obtain the royal privilege of exemption from it, or its limitation (e.g. the Golden Bull of Bela IV to the Zagrebian Gradec 1242). With time repurchase was allowed, which transformed the burden into a tax.