

COMBATING CORRUPTION IN CROATIA IN THE MIDDLE AGES: AN EXAMPLE OF CROATIAN LEGAL DOCUMENTS – THE LAW CODE OF VINODOL (1288) AND STATUTE OF THE ISLAND OF KRK/VRBNIK (1388)¹

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Summary

The Croatian medieval lands were encompassed by Western European civilization and its culture, language and script, collectively referred to as orbis Latinus, but they were also lands in which there was a notable influence of different legal systems. In this paper, we will discuss combating corruption in Croatia in the Middle Ages: an example of Croatian legal documents – the Law Code of Vinodol (1288) and Statute of the island of Krk (1388). The first part of this paper is a general introduction, which defines history and legal history of Vinodol. The Law Code of Vinodol is in many ways a vital historical source, not only for legal history and linguistics, but also for knowledge of social structures in medieval Vinodol, the organization of the Church, and the ethnographic and cultural heritage. In the second part of this paper the focus will be on the Statute of Krk or Vrbnik, which is chronologically the second codex/statute written in the Croatian language and Glagolitic script. It is formally only a century younger than the Law Code, or Codex, of Vinodol from 1288, and was composed in the same year as the Latin-language Statute of Senj.

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1. THE LAW CODE OF VINODOL: INTRODUCTION

From Antiquity to modern and contemporary times, Vinodol and the Vinodol area has nurtured a rich written culture thanks to the specific structure of its terrain and rich history that have produced first-class monuments to literacy and architecture.

The Croatian Frankapan (Frankopan) noble kindred – dynasty of nobles and magnates left behind it an exceptionally rich written but also legal heritage as a result of its political and cultural activities. Its founder was Dujam, probably a native of Krk, to whom the Venetian Doge Domenico Michieli granted the island of Krk to administer under specific conditions. Dujam is cited as the duke of Krk in individual documents dated from 1118 (his first mention) until 1130, and also in 1163. Separate lines or familial branches formed within this aristocratic dynasty, of which the first two are dated from the Krk Dukes Bartol Škinela I (1254-1261) and Vid III (1242-1251). They are the progenitors of the so-called Škinela and Vid lines on the island of Krk. As they expanded their *državine* (this is a term for actual authority over land and administration of estates), they were referred to as Vinodolski, Modruški, Senjski and so forth after the territories they had acquired. From the initial territory of Krk, Vinodol and Senj, the Frankapan *državina* was later divided into eight immense estates. Duke Nikola IV (after 1352-1432) began to record his name as Frangipan, i.e., Frankapan, for the first time in 1422 (*magnifici viri domini Nicolai de Frangiapanibus, Vegle et Modrussie etc. comitis*). Based on the seat of their rule, the Frankapani formed alongside the existing lines: Cetinski, Ozaljski, Slunjski, Tržački, etc. Through the subsequent centuries, they were the dukes of Krk, Vinodol, Senj, Modruš, Rab, Brač, Hvar, Korčula, Brinje, Cetina, Drežnik, Gata, Požega, Slunj and Tržac.² Additionally, for longer or briefer periods, they administered Split, Trogir, Omiš, Rašpor, Kras, Postojno, Muggia, Bihać, etc. At most of these places, there are traces of their presence, including legal activities.³

According to the most prominent Croatian historian of law L. Margetić:

“The question that springs to mind is why important legal documents written in the Croatian language, and carrying the ancient Croatian name “zakon” have been preserved in the area of the Kvarner Bay to the east of the Učka mountain in Kastav, Trsat and Vinodol. The answer to this question should be sought in the circumstances after the demise of the sovereign Croatian national state - whose nucleus was in the continental hinterland along the coast of the Adriatic Sea, and the creation of the Hungaro-Croatian union in which the quasi-sovereign power rested principally with two powerful Croatian families: the feudal lords of Bribir, whose centre of power was in the continental hinterland of Zadar and the feudal lords of Krk (subsequently known as Frankapan) whose centre of power lay on the island of Krk, in Vinodol and in Modruš. But when the power of the lords of Bribir in the Zadar hinterland was crushed as early as the first half of the 14th century they transferred their centre of

2 Cf. Klaić, V., *Krčki knezovi Frankapani. Knjiga prva. Od najstarijih vremena do gubitka otoka Krka (od god. 1118. do god. 1480.)*, Zagreb, 1901, reprinted Izdavački centar Rijeka, 1991.

3 Cf. Srdoč-Konestra, I., Potočnjak, S. (ed.), *Putovima Frankopana, Frankopanska baština u Primorsko-goranskoj županiji*, Rijeka, Sveučilište u Rijeci – Filozofski fakultet u Rijeci, 2018., pp. 375-428, authors: Bartulović, Ž., Radić, Ž.).

power to Zrin and would have to wait a full 150 years to resume again a powerful role in the history of Croatia. This left the lords of Krk as the only guardians of Croatian nationhood and old traditions. By very skilful manipulation of the two mighty neighbouring powers, that is, Venice (they formally recognised their sovereignty over the island of Krk) and the Hungaro-Croatian kings (whose sovereignty over their continental possessions was also recognised more or less formally), they managed to preserve Croatian ancient traditions.⁷⁴

The Law Code, or Codex, of Vinodol is the oldest and most significant Croatian medieval legal document. It is also the oldest written Croatian legal custom (*consuetudo*). It was adopted, i.e., codified exactly 731 years ago in Novi Grad (present-day Novi Vinodolski). Its beginning (f. 1^v), in the form of an invocation and dating, is written as follows:

Vъ ime B(o)žie, amen. Let g(ospod)nih 128[8.], indicio pravo, dan 6. miseca jenvara. – Vъ vrъme krala Ladislava preslavnoga krala ugrskoga kralstva nega leto 6. na deset[e]. Va vrime ubo velikih muži gospode Fedriga, Ivana, Levnarda, Duima, Bartola i Vida, krčkih, vinodolskih i modruških knezi ('In the name of the Lord. Amen. In the year of our Lord 1288, the first indiction, the sixth day of the month of January. In the time of King Ladislaus, the illustrious king of the Hungarian Kingdom, the 16th year of his reign. Also in the time of the great men, lords Frederick, John, Leonard, Duimo, Bartholomew, and Guido, lords of Krk, Vinodol, and Modruš').⁵

In terms of its age, the Law Code of Vinodol stands side by side with the *Russkaya Pravda*, or Rus' Justice (Правда русьская, 11th-13th century), the oldest Slavic text of customary law, which is particularly evident in the representation of old Slavic legal terms and formulas in its text.⁶ In comparison to somewhat older or contemporary European laws, it is comparable to, e.g., the German *Sachsenspiegel* (*Sassenspiegel/Sassen Speyghel*, 13th century), or to the charter between the Swiss cantons of Uri, Schwyz, and Unterwalden from 1291.⁷

The Law Code of Vinodol is a collection of customary law in the area in which it was adopted and to which it applied at the time. It was irrefutably rooted in old Slavic law, but with notable influences from other legal spheres: e.g., Germanic law (*Leitkauf* = *likuf*),⁸ or Lombardian terminology (*ariman* = *perman*).⁹ The legal custom as such was mutable, and it gained validity through application by both the people and the (judicial) authorities. The Law Code of Vinodol bears certain similarities to the

4 Margetić, L., *Laws, Common Laws, Statutes, Privileges*, in: *Croatia in the Late Middle Ages and the Renaissance. A Cultural Survey*, vol. II of *Croatia and Europe*, Supićić, I., Hercigonja, E. (ed.), London – Zagreb, Philip Wilson Publishers, Croatian Academy of Sciences and Arts, Školska knjiga, 2008., pp. 155-156.

5 Margetić, L., *Vinodolski zakon – La legge del Vinodol – Das Gesetz von Vinodol – The Vinodol Law*, 2nd ed., Rijeka, Adamić, Vitagraf, 2000., p. 197. (English translation by Kraljic, J. P.).

6 Margetić, L., *Laws, Common Laws, Statutes, Privileges*, p. 151.

7 Margetić, L., *Vinodolski zakon...*, pp. 63, 147, 167, 189.

8 Margetić, L., *Vinodolski zakon*, in: *Leksikon hrvatskoga srednjovjekovlja*, Šanjek, F., Grbavac, B. (ed.), Zagreb, Školska knjiga, 2017., pp. 698-702.

9 Margetić, L., *Iz vinodolske prošlosti. Pravni izvori i rasprave*, Rijeka, Školska knjiga et al., 1980., pp. 55-79.

Statute of Korčula and the Statute of Poljica, because their foundations also rest in old Croatian law, and it was only a century later that the statutes of nearby Senj and Krk (Vrbnik) were composed, while it served as the direct precursor to the Law of Trsat.¹⁰

Distinguished Croatian linguist and Vinodol native Antun Mažuranić (1805-1888), brother of the even better known author, politician, and lawyer Ivan (1814-1890), was the first to publish the text of the Law Code of Vinodol in print in 1843. In the introduction to this publication, he wrote the following: “In olden times, Vinodol was the name for that part of the Croatian lands which is next to sea between Senj and Rēka. This area was owned by the Counts of Krk, Vinodol and Modruš, who began to refer to themselves as the Frankopans about 150 years later. Significant communities in Vinodol were: Novi Grad, Ledenice, Bribir, Grižane, Drivenik, Hreljin or Hriljin, Bakar, Tèrsat and Grobnik. – Every one of these places had a large or small stately manor (castle), one or two churches, and 50 to 300 houses, all of which, girded by a wall for safety, was referred to as a town. Every one of these towns had one, two, or three gates which were closed every night. Some of these towns, like Ledenice and Hreljin, are already completely deserted, since the folk preferred to move outside to their fields rather than live in the hilltop towns where they would be far from their land. All that is left in Drivenik is the church, its vicar (pastor), and the bell-ringer. Bribir is the only town left in Vinodol that closes at night, and Bakar became a free royal borough under Maria Theresa. The cathedral chapter of the Modruš or Krbava Diocese, which came to Vinodol with its vicar in 1493 when the Turks ravaged Modruš, has been divided into three so-called seats of the *collegiata*: in Novi, Bribir, and Bakar.”¹¹

2. COMPARISON TO STATUTES AND ROYAL CHARTERS

Besides the aforementioned, another aspect is vitally important: the mutual chronological link between legal actions in various Croatian lands in the Middle Ages. Namely, the adoption of the Law Code of Vinodol is comparable to the process of codification of statutes in Dalmatian communes and the issuance of royal charters in the Slavonian cities.¹² Among the oldest statutes are those of Korčula and Dubrovnik, while the oldest royal charters are those issued in Varaždin, Vukovar, Virovitica, Petrinja and elsewhere. The city governments in Split in 1239 and Zagreb’s Gradec in 1242 were regulated at virtually the same time. In Split, governance was based on the proto-statute composed by the chief magistrate (podestà) Gargan de Arscindis, while in Gradec it was based on a royal charter, the so-called Golden Bull issued by

10 Cf. Cvitančić, A., *Iz dalmatinske pravne povijesti*, Split, Književni krug, 2002., pp. 701-714; Margetić, L., *Srednjovjekovni zakoni i opći akti na Kvarneru, knj. 3.: Grobnik, Bakar, Hreljin, Grižane, Bribir, Vinodol*, Rijeka, “Adamić”, Zavod za kaznene znanosti Mošćenice Pravnog fakulteta u Rijeci, 2007.

11 Mažuranić, A., *Zakon vinodolski od leta 1280. s priloženim izgledom glagolskoga pisma u rukopisu, Kolo*, separated print, Zagreb 1843., p. 50.

12 Kolanović, J., Komparativno statutno pravo slobodnih kraljevskih gradova te priobalnih gradskih općina, in: *Statut grada Varaždina – Statuta civitatis Varasdinensis*, Kolanović J., Križman, M. (transcription & ed.), Varaždin, Državni arhiv u Varaždinu, 2001., pp. 30-50.

the Croatian-Hungarian King Béla IV.¹³

The reason for the adoption of the Law Code of Vinodol is stated in its preamble:

Zač dole kr[at] videći ludi ki bludeći svojih starij[h i is]kušanih zakon zato ubo edin po edinom i [vsi] ludi vinodolski želeti one stare d[obre z]akone shraniti e napuni ke nih prvi v[sag]da su [shra]neni neurēeni. Skupiše se vs[i] na kup [tako] crikveni tako priprošči ludi svršenēm [imēu]č zdrave svet u Novom gradu pred obrazom [t]oga istoga kneza Leonarda zgora imenovana i sbraše se od vsakoga grada vinodolskoga ne vse st[a]riiši na vkup, na ke viahu da se bole spominahu v zakonih svojih otac i od svojih ded ča bihu slišali i nim narediše i ukazaše tesnim zakonom da bi vse dobre stare iskušane zakone u Vinodol činiti položiti v pisma od kih bi se mogli spomenuti ili slišati od svojih otac i ded zgora rečenih tako od sada naprid mogu se uleći bluenja te riči i nih dētce vrime ko pride da nimaū primisalē v tih zakonih ('Since they often observed that the people misunderstood their old and tested laws, therefore each individual and all the people of Vinodol together, in the desire to completely preserve these old good laws which had always been maintained by their ancestors but which had been preserved in a disorderly manner, gathered at a meeting, with clerical as well as lay people, and seriously consulted with each other in Novi Grad in the presence of the same Count/Lord Leonard mentioned above and elected from each Vinodol town to the assembly, not all the elders, but those who were known to better remember the laws of their fathers, and also ordered and commanded them that all the good old tested Vinodol laws be written down, which they could remember or which they had heard from their fathers and grandfathers above mentioned so that henceforward they may avoid misunderstandings in these matters and also so that their children may in the future avoid dilemmas over these laws').¹⁴

Antun Mažuranić interpreted it as follows: "In the year 1280¹⁵, several wise patriarchs from every municipality of Vinodol [besides Belgrade and Kotor, although they were already supposed to be there then] gathered in Novi, and here in the domain of Count Leonard of Krk, Vinodol and Modruš, they have for the first time written in the script of their national language all of those pristine laws and customs which they had recalled hearing from their fathers and grandfathers before that time. They have written the laws so collected in as many examples as there were cities represented at that gathering, so in at least nine examples."¹⁶

So, on 6 January 1288, a committee gathered, consisting of approximately 40 representatives of the nine municipalities of Vinodol¹⁷: Novi Grad (present-day Novi

13 Matijević Sokol, M., Statuti gradskih komuna i povlastice slobodnih kraljevskih gradova s posebnim osvrtom na grad Koprivnicu, in: *Statut grada Koprivnice – Statuta civitatis Capronzensis*, Levanić, K. (transcription & ed.), preface Ernečić, D. et al., Koprivnica, Muzej grada Koprivnice i Državni arhiv u Varaždinu, 2006., pp. 9-29.

14 Margetić, L., *Vinodolski zakon...*, p. 197.

15 Due to the damage to the text of the Law Code of Vinodol on the first sheet, in the 19th century (until 1880) it was deemed that it had been drawn up 1280, but subsequent research has corrected this interpretation to the correct year, 1288.

16 Mažuranić, A., *Zakon vinodolski...*, p. 51.

17 Cf. Klaić, N., *Vinodol od antičkih vremena do knezova Krčkih i Vinodolskog zakona*, Pazin – Rijeka, Historijski arhiv Pazin, Historijski arhiv Rijeka, spec. ed. vol. 9, 1988.; Kraljic, J.

Vinodolski), Ledenice, Bribir, Grižane, Drivenik, Hreljin, Bakar, Trsat and Grobnik, as well as the Counts of Krk, the feudal Counts of this territory who were known as the Frankopan Counts (Frankopans) since the 15th century. Their task was to ascertain, consolidate and adapt the laws and obligations between serfs and feudal counts in written form. This had to be done because problems had arisen regarding the interpretation of the “good old laws,” i.e., tried and tested laws which had been passed down from one generation to the next. It was thus necessary to collect and write down those laws in one place so that all future dilemmas concerning the interpretation of legal customs could be resolved. In the words of E. Hercigonja, “the goal was to bring those traditional legal institutions and norms in line with reality: with new relations imposed onto the old free municipalities of Vinodol” by the Counts of Krk which extended their rule and administration to the aforementioned area.¹⁸

However, the Law Code of Vinodol significantly differs from the statutes of the Adriatic urban municipalities in which the patriciate more or less tried its best to secure the best possible status vis-à-vis commoners and peasants. First and foremost, the Law Code of Vinodol was not created on the basis of the so-called Roman legal component.¹⁹ Although its provisions favoured ducal authority, they also codified numerous customs of archaic law, e.g., blood feuds (*vražba/vražda*), etc.²⁰

3. MANUSCRIPT – LANGUAGE AND WRITING

The extant text of the Law Code of Vinodol is a transcript from the latter half of the 16th century. It contains 14 parchment sheets (28 pages) in a format of 24.3 x 16.5 cm and is held in the Manuscripts and Old Books Collection of the National and University Library in Zagreb (call number: R 4080). The whereabouts of any potential older transcripts or the original itself are currently unknown.²¹

The language of the law is old Croatian, in a mixture of the Chakavian and Ekavian dialects, or in more precise linguistic terms, an amalgam of Chakavian and Old Church Slavonic. In the law itself, the language is called Croatian (*hervatski*), which is one of the earliest confirmations of the Croatian linguistic ethnicity in general.²² Although a Latin redaction of the Law Code of Vinodol does not exist, it was

P., *The Early History of Vinodol and the Lord of Krk: Recent Works of Nada Klaić and Lujko Margetić*, *Journal of Croatian Studies* 30/1989, pp. 153-165; Margetić, L., *Rijeka, Vinodol, Istra. Studije*, Rijeka, Izdavački centar Rijeka, 1990., pp. 67-88; Kosanović, O., *Državina Krčkih knezova – Vinodol, Senj i Krk od početka 14. stoljeća do 1420. godine*, Ph.D. Thesis, Zagreb, Filozofski fakultet Sveučilišta u Zagrebu, 2012., pp. 16-30.

18 Hercigonja, E., *Neke jezično-stilske značajke Vinodolskoga zakona (1288) i Krčkoga (Vrbanskoga) statuta (1388)*, *Slovo* 39-40/1989-1990, pp. 87-125, p. 95.

19 Cf. Cvitančić, A., *Iz dalmatinske pravne povijesti*, pp. 701-714.

20 Margetić, L., *Laws, Common Laws, Statutes, Privileges*, p. 156.

21 Cf. Bratulić, J. (ed.), *Vinodolski zakon 1288.*, Zagreb, Globus et. al., 1988.

22 Cf. Jagić, V., *Priměri starohervatskoga jezika iz glagolskih cirilskih književnih starinah II*, Zagreb, Brzotiskom Antuna Jagića, 1866., pp. 176-178; Šepić, A., *Jezik hrvatskih općinskih statuta istarskih i primorskih, Prilog historičkoj gramatici hrvatskog jezika*, *Rad JAZU* 295/1953, pp. 5-40; Munić, D., *Statuti/zakoni kvarnerskih srednjovjekovnih komuna hrvatskim jezikom zapisani*, *Sveti Vid*, 4/1999, pp. 53-68.

written with numerous elements of Latin diplomatics sources. What actually occurred was the interference of “certain elements of Latin diplomatic forms (translations of certain terms) into traditional Slavic customary legal processes, formulations, and terminology” (E. Hercigonja).²³ Also irrefutably present in the dating formula is the influence of Latin diplomatics sources. Furthermore, the text contains indicative examples of the influence and translation of the Latin diplomatic nomenclature: *imejuć zdrave svet* = *salvo habito consilio*; *narediše i ukazaše* = *jusserunt et ordinauerunt*; *tesnim zakonom* = *lege stricta*; *crikva općinska* = *ecclesia publica*; *redi* = *(e)redi* < Lat. *Heredes*, etc.²⁴

The text of the law is written in the Croatian Glagolitic script. There is also a Latin transcript of the Law Code of Vinodol from the 17th century. A reasonable presumption is that the original was written in the angular Glagolitic script, while the transcript was written in Glagolitic cursive, which was used for legal documents since the latter half of the 14th century. It is indicative that a part of the dating formula (a portion of the first line), as well as the third and fourth lines in transcript of the invocation are also written in angular Glagolitic. Otherwise, the text is decorated with initials containing herbal and geometric motifs and intriguing drawings on the margins. The text itself begins with a large capital Glagolitic letter *V*, while, for example, a serpent is drawn next to Article 12 which deals with an outlaw in this principality (*zgonik*), an upright birch held in a hand is drawn next to the Article 25 dealing with a physical altercation between serfs (*kmeti*), an upright key is drawn next to Article 42 about a *klučar* (who locked valuables for safekeeping), and a table with a jug of wine, a cup and a glass is drawn next to Article 43 dealing with an innkeeper (*tovernar*), above which there is an inscription reading *Oštarija*. A brandished sword is drawn next to Article 71, which deals with the capture and killing of a brigand (*razboinik*).²⁵

The preserved transcript of the Law Code of Vinodol is not divided into Articles; that was done by later publishers and scholars in different ways, so there are divisions into 75, 76, and 77 articles. Also noticeable are various (transcriptional, linguistic, etc.) errors at numerous levels.

4. SOCIETY AND LAW

Society in Vinodol at that time was rather stratified and consisted of *serfs*, *nobles*, *priests* and then *all other people*.²⁶ The deliberations to adopt the Law Code of Vinodol were attended by “both ecclesiastical people and common folk”: *archbishop*, *bishops*, *vicars*, and *Glagolitic priests*, and a *courtier*, *captains*, *judges* and unspecified others, very likely *elders* (‘*seniors*’, an institution of medieval social life). Municipal officials were represented by the *satnik*, *graščik* and *busović*. Such nomenclature, especially *captain*, i.e. *satnik* (*centurio/hundred-man*), is clearly indicative of the former military

23 Hercigonja, E., *Neke jezično-stilske značajke...*, p. 122.

24 loc. cit.

25 Cf. Margetić, L., *Vinodolski zakon...*, pp. 9-60.

26 Raukar, T., *Vinodolski zakon i hrvatsko srednjovjekovno društvo*, *Historijski zbornik*, XLV, 1/1992, pp. 155-168.

organization of this area. A *satnik* was the head of a (fortified) town, a *graščik* was a municipal official, and *busović* served as a crier. Also mentioned in the law are *kmetovi* (serfs), and out of all of these terms, it is the one that has raised the most questions and debate in Croatian legal scholarship and historiography. It was finally identified as equivalent to the term *gradokmet* (*iobagiones castris*).²⁷

Particular attention in the Law Code of Vinodol is accorded to criminal law and contractual law.²⁸ Notable among its provisions are those pertaining to the authority of the count, the organization of the Vinodol municipality and its functioning, and the status of the Church.²⁹ Some provisions regulating arbitrary and excessive punishment even limit the counts's authority. The punishments which stem from provisions of the Law Code of Vinodol are mostly fines, which in and of itself speaks to the level of economic development of this society. It bears emphasis that the text contains no proof of the so-called *trial by ordeal* and *torture*, which makes the law itself rather advanced for its time because such institutions – e.g., holding a red-hot iron, or torturing the accused until he tells the truth – were known and utilized in the European legal practices of the time.³⁰ Furthermore, the provisions of the Law Code of Vinodol grant full legal equality to local residents and the lower strata, which included people such as shepherds and ploughmen and others who lived outside of the town “if they have a good reputation.” Special protection (both personal and moral) of women's dignity comes to the fore in Articles 27, 28 and 29.³¹

The Law Code of Vinodol is a valuable legal document created under socio-political and historical conditions entirely different from those of the present today, and it also possesses a legal vocabulary different than that of modern times. As Lujo Margetić often emphasized, “studying the legal institutions of the Middle Ages by applying modern legal terminology” is sometimes deceptive, because “it results in a rather distorted image of medieval legal thought.”³² I shall therefore list individual provisions below that limit the arbitrary authority of feudal counts and others and specify their rights and obligations.³³ Although they functioned as a sort of corrective

27 Levak, M., Podrijetlo i uloga kmetâ u vinodolskom društvu XIII. stoljeća, *Zbornik Odsjeka za povijesne znanosti Zavoda povijesnih i društvenih znanosti HAZU* 19/2001, pp. 35-81. Cf. Margetić, L., Vinodolska općina i vinodolski kmeti, *Rad HAZU* 485/2002, pp. 129-169.

28 Bartulović, Ž., *Neka pitanja stvarnih i obveznih prava: Vinodolski zakon (1288.)*, Krčki i Senjski statut (1388.), Rijeka, Ogranak Matice hrvatska Rijeka, 1997. Cf. also: Bartulović, Ž., Problem vlasništva nad neobrađenim zemljištem u srednjovjekovnom Vinodolu, Krku i Senju, *Historijski zbornik* XLIII, 1/1990, pp. 39-47; Bartulović, Ž., Ugovorna kazna prema Vinodolskom zakonu te Krčkom i Senjskom statutu, *Zbornik Pravnog fakulteta u Rijeci* 13/1992, pp. 1-12.

29 Bogović, M., Crkva u Vinodolskom zakonu iz 1288. godine, *Riječki teološki časopis* II, 1/1994, pp. 63-77.

30 Margetić, L., *Laws, Common Laws, Statutes, Privileges*, p. 154.

31 Novak, Z., Neki aspekti pravnog položaja žena u Vinodolskom zakonu, Senjskom i Krčkom statutu, *Historijski zbornik*, LXII, 2/2009, pp. 315-343.

32 Galović, T., Vinodolski zakon – 725 godina poslije, in: *725 godina Vinodolskog zakonika – 725 godina suzbijanja korupcije u Hrvatskoj*. Petrović, Z. A. (ed.), Zagreb, Udruga Kultura i etika, 2013., p. 13; Margetić, L., *Srednjovjekovni zakoni i opći akti na Kvarneru, knj. 3.*, 267.

33 Cf. also: Galiot, M., Aktivno podmičivanje u hrvatskom srednjovjekovnom i novovjekovnom pravu, *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, vol. 36, 3/2016, pp. 1149-1173.

at the time of their creation, they may serve as interesting and incentivizing measures for various social institutions even today.

- Articles 1 and 2 precisely stipulate what belongs to a bishop, and what belongs to a *žakn* (the person who helps the priest in his service – a deacon) during consecration of a specific church, which means that any potential additional requests are annulled:

(Art. 1) “First, if any of the churches of the Vinodol communities must be consecrated or are consecrated by the lord bishop, in which bishopric that certain church is located, he may receive only 40 soldins of petty Venetian currency for that mentioned consecration, and also one dinner and one supper and that directly from those who present the church to be consecrated. The deacon, known as *malik* in Croatian and *macarol* in the language of Vlachs who serves behind the bishop in that same church, may receive for that same consecration only a *bolanza* of 15 petty Venetian money.”³⁴

(Art. 2) “Furthermore, in regards to the mentioned community churches, abbeys or monasteries, the lord bishop may not order, or take, or direct anything except what the administrators of those same churches wish to give him of their own free will.”³⁵

- Article 5 states that if the count visits any Vinodol municipality (a town), he has the power to seize or order the seizure of livestock belonging the serfs so that he and his family can eat while he resides in Vinodol; however, he must pay compensation for such livestock in any case:

(Art. 5) “Furthermore, if the count of Vinodol or the mentioned bishop travels through the county of Vinodol, in whichever of its towns he arrives, he may order, for the support of himself and his family, that the hundred-man of the town brings to him anyone’s cattle or small livestock, that is, the nearest one found, and that from the stock of commoners, of nobles, of priests and of other people. Nevertheless, for that cattle the lord must always pay, while he may, through his (armed) servants (*permani*), take for himself and his family and for his court the nearest available cattle of that same community without regard to whomever of the abovementioned the cattle belongs.”³⁶

- Article 20 states that no man can propose his wife as his witness on his behalf in court, but according to Article 67, a father may testify for his son, a son and daughter may testify for their father, and by the same token, a brother and sister may testify on behalf of their sister, but only if they do so by standing independently and separate from one another:

(Art. 20) “Furthermore, no one may present his wife for testimony; she is not credible in any of his matters.”³⁷

(Art. 67) “Furthermore, a father may be a witness for a son, a son and daughter may be witnesses for a father, as may a brother and sister for a sister, if each live separately and if they have divided their estate among themselves.”³⁸

34 Margetić, L., *Vinodolski zakon...*, Rijeka – Zagreb, Adamić i Nakladni zavod Globus, 2008., p. 209.

35 loc. cit.

36 loc. cit.

37 ibid., p. 211.

38 ibid., p. 218.

- Article 26 stipulates that the captain (head of the town/municipality), *grašćik* (city official), and *busović* (crier), all of which are posts tied to the safety of a specific Vinodol municipality, shall not be believed with regard to any act committed during the time pertaining to their service, except after a period of one year after the end of their service:

(Art. 26) “Furthermore, the hundred-man, hundred-man’s assistant and towncrier are not credible in any matter which may be committed during the time of their duties, except for a period of one year after the completion of their term of office.”³⁹

Article 39 stipulates that no charges (accusation) shall bear a fine higher than 6 libri attached to it, except for those involving violence:

(Art. 39) “And furthermore, no accusation can result in a penalty greater than 6 libras except for the crimes mentioned above.”⁴⁰

- Article 42 stipulates that the word of no *ključar* (i.e. a person who safeguards other people’s belongings under lock and key; bailee) shall be trusted regarding any thing he could claim to have given, donated or borrowed, or in any other way whatsoever given from his cellar, except in a value not exceeding 20 soldi, unless he has trustworthy witnesses, but even for a value not exceeding 20 soldi he must put his hand on the Gospels and swear an oath:

(Art. 42) “And furthermore, no bailey (*ključar*) is either credible or to be trusted about anything that he says he has given to someone or presented it or lent it or that he has given it in any manner from his warehouse except if the item has a value of less than 20 soldins, unless he has credible witnesses. And also, regarding the item’s value as being up to 20 soldins, he must swear and touch the Holy Gospel.”⁴¹

- Article 43 stipulates that the word of an innkeeper shall not be accepted without testimony from another witness in any claim arising from the sale of his own wine except in a value not exceeding 10 soldi, while in case of a re-seller, i.e. a person who sells someone else’s wine, the rule stipulated a value of 50 soldi and the swearing of an oath:

(Art. 43) “Furthermore, no inn-keeper is credible without evidence of any claim for the payment of his own wine except if its value is up to 10 soldins, and up to 50 soldins for a *podružnik*, that is, one who is selling another’s wine, with the condition that he must swear to it.”⁴²

- Article 44 stipulates that no commercial ledger shall be deemed authentic without trustworthy witnesses, unless the value does not exceed 50 libri for each debt, but even then one has to swear an oath on the Gospels:

(Art. 44) “Furthermore, no commercial book is credible without a good witness, except up to 50 libras for every debt and this also requires an oath on the Gospels to verify his books and records.”⁴³

- Article 45 stipulates that no reward confidentially granted for finding an

39 *ibid.*, pp. 211-212.

40 *ibid.*, p. 213.

41 *ibid.*, p. 214.

42 *loc. cit.*

43 *loc. cit.*

item, detecting a crime, or anything else such as land, vineyards, or any other kind of thing for which a *likuf* (consumption of food and beverages after the conclusion of a certain type of business deal) is given by law – or for finding a large livestock animal – may exceed 40 soldi, and whoever gives more, does so to his own detriment:

(Art. 45) “Furthermore, no reward that is secretly given for the discovery of any item, crime or anything else, such as land, a vineyard, or other properties for which a *likuf* is to be given – of for the discovery of a large head of cattle – may be more than 40 soldins. Who gives more, does so to his own damage, except if the count should decide to give more for the discovery of some crime or for some other item which is thought to belong to the same count. Of these 40 soldins he must swear that he gave them or that he promised to give them to the person who claims that he gave that same reward and that he sought and found the item. From these 40 soldins the court receives nothing, except for 5 soldins and 2 soldins for every small animal.”⁴⁴

- Finally, also noteworthy is the provision of Article 54 which prohibits lawyers from receiving recompense higher than that prescribed!

(Art. 54) “And furthermore, no advocate in the largest suits may take more than 10 soldins for his defence and no more than 5 soldins for the smallest. And no commoner may be an assistant (*odgovornik*) for a noble, nor a noble for a commoner, without the court’s permission. Whosoever does the contrary must give the lord one ox and the same to the person whom he assisted, or 8 libras.”⁴⁵

5. CONCLUSION: IMPORTANCE AND SIGNIFICANCE

The Law Code of Vinodol was first published by Antun Mažuranić in 1843. This invaluable Croatian legal document is interesting to European legal-historical scholarship and has been translated into numerous European languages (Russian, Ukrainian, French, Polish, German, Italian, English, etc.). After only three years, it was first translated and published in Russian (Osip Bodnjanski), and in 1878, Anna Michailowna Jewreinowa (Evreinova) published a facsimile edition of the original with a Latin and Cyrillic transcript. A Polish translation from 1856 was signed by Waclaw Alexander Maciejowski, while Jules Preux was responsible for the French translation in 1896. In 1880, the ‘patriarch of Slavic studies,’ Vatroslav Jagić, published the original version of the Law Code of Vinodol along with particularly valuable linguistic and legal interpretations and a new Russian translation, and ten years later, in cooperation with Franjo Rački and Ivan Črnčić, he published *Statuta lingua Croatica conscripta – Hrvatski pisani zakoni: vinodolski, poljički, vrbanski, a donekle i svega krčkoga otoka, kastavski, veprinački i trsatski*.⁴⁶ In 1931, Marko Kostrenčić published a German translation. In the book by Miho Barada, *Hrvatski vlasteoski feudalizam po*

44 loc. cit.

45 *ibid.*, p. 216.

46 *Statuta lingua Croatica conscripta – Hrvatski pisani zakoni: vinodolski, poljički, vrbanski, a donekle i svega krčkoga otoka, kastavski, veprinački i trsatski*, Rački, F., Jagić V., Črnčić, I. (ed.), Zagrabiae, Academia scientiarum et artium Slavorum meridionalium (Monumenta historico-juridica Slavorum meridionalium, vol. 4, 1890.

Vinodolskom zakonu, a transcript and interpretation into modern Croatian was edited by Vjekoslav Štefanić.⁴⁷ On the 700th anniversary of its ratification, Josip Bratulić prepared the publication *Vinodolski zakon: faksimil, diplomatsko izdanje, kritički tekst, tumačenje, rječnik* in 1988, while Lujo Margetić provided English, German, Italian, and French translations along the Croatian interpretation in his editions; his work also significantly advanced legal-historical research and insights pertaining to the Law Code of Vinodol.⁴⁸

As a part of the Digitized Heritage (*Digitalizirana baština*) project conducted by the National and University Library in Zagreb, which envisions digitization of selected works from its collection, the manuscript of the Law Code of Vinodol was among the first works to be digitized in November 2005.⁴⁹ All of this abundantly confirms the broad interest of not only Croatian, but also a significant number of foreign scholars in studying Croatia's oldest customary law text.

The Law Code of Vinodol is in many ways a vital historical source, not only for legal history and linguistics, but also for knowledge of social structures in medieval Vinodol, the organization of the Church, and the ethnographic and cultural heritage. We are therefore at liberty to conclude that the Law Code of Vinodol is just as stimulating and topical today, despite the fact that 731 years have passed since it was adopted: much can still be learned from its provisions. Perhaps more notable than anything else is its rather *humane legal character*.

However, despite the existence of extensive and valuable literature on the subject of the Law Code of Vinodol – from historiographic and Slavistic to legal and other research – many questions are still left for future researchers to answer.

6. THE CROATIAN GLAGOLITIC STATUTE OF KRK OR VRBNIK: INTRODUCTION

The history of the largest Croatian, and also Adriatic island, Krk, is characterized by various processes, events and people who sometimes left behind them major, and sometimes minor marks, i.e. evidence.⁵⁰ Due to its favourable geographical location and size, early habitation, the orientation of its residents toward both the land and the sea, the early appearance and acceptance of Christianity, but also due the governance of the medieval Counts of Krk, later called the Frankopans, it is not surprising that an entire line of first-rate written cultural monuments of national importance originated on Krk.

From the 7th and 6th centuries B.C. (the prehistoric period when the earliest

47 Barada, M., *Hrvatski vlasteoski feudalizam po Vinodolskom zakonu*, Zagreb, Jugoslavenska akademija znanosti i umjetnosti, Djela JAZU, knj. 44, 1952.

48 Cf. Karbić, D., Karbić, M., *The Laws and Customs of Medieval Croatia and Slavonia: A Guide to the Extant Sources*, London, UCL School of Slavonic and East European Studies (Studies in Russia and Eastern Europe), 2013., pp. 55-58.

49 <http://db.nsk.hr/HeritageDetails.aspx?id=894>

50 Bolonić, M., Žic Rokov, I., *Otok Krk kroz v(i)jekove*, Zagreb, Kršćanska sadašnjost, Analecta Croatica Christiana, sv. IX, 1977., 2nd ed., Kršćanska sadašnjost i Biskupski ordinarijat Krk, 2002.

forts that have been discovered on the island of Krk were built) right up to the present, the island has been ruled by various tribes, nations, rulers and states. Each of them left traces for future generations, which created something of a mosaic that reveals the level of civilization of each individual historical era (Ancient History, Late Antiquity and the Middle Ages, the Modern Era).

The island of Krk as the source of the Krčki dukes, later Frankapans (Frankopans), constitutes an invaluable and geographically well-rounded unit in the heritage of this dynasty with its origins in the island's distant past. In order to correctly understand both the physical and natural environment and the political, ecclesiastical and cultural milieu of the island of Krk, it is necessary to go back several centuries and consider the basic contours of its past. Passing over the relatively rich Roman heritage, the Early Christian ecclesiastical complexes on the island of Krk clearly heralded the onset of a new era. A crucial change in the religious sphere occurred when Christians in the Roman Empire were guaranteed the freedom to practice their faith and they were granted equal status with other religions. This exceptionally important event in the history of the Church was followed by the initial centuries of the growth of Christianity on the island of Krk. This, in fact, would be of crucial importance to the future development of the island and its population. After the fall of the Western Roman Empire, the island came under the rule of the Byzantine Empire, and, with the exception of a few brief intervals, remained within its sphere, whether factually or only superficially, for a long portion of the Early Middle Ages. With the close of Antiquity and the onset of the early medieval period, the territory of the island of Krk – and the same applies to neighbouring and surrounding territories – was settled with a new population: Slavs/Croats. On the neighbouring Istrian peninsula the Slavs were recorded rather early, already in the 6th/7th century. On the other hand, according to the latest research and interpretations, as well as archaeological evidence, the Croats came to these areas, including the island of Krk, during the 8th century (L. Margetić, V. Sokol), pushing the indigenous Romanic inhabitants into the walls and ramparts of the town of Krk. Thus, the emperor and writer, Constantine VII Porphyrogenitus (905-959), could rightfully note in his texts that Krk was inhabited by Romans. This certainly applies if it means the town of Krk, but not if it implies the entire island as well. In the absence of other historical sources, the linguistic and toponomastic research conducted by P. Skok has shown that old names which bear the particularities of the old Romanic speech of the town of Krk can be found south of the line from Punta Pelova to Draga Baška, while they are generally Slavic, i.e., Croatian, north of that line (e.g. Dobrinj, Vrbnik). The final decision on territorial-political authority over the island of Krk was only resolved by the Peace of Aachen in 812. Under this treaty, the island belonged to Byzantine Dalmatia, but it is likely that it had belonged to the Byzantine Empire even before. This is confirmed by the fact that on the Kvarner islands, of which Krk is an integral component, the term *općina* (municipality) appeared, and this was primarily a territorial and organizational form that emerged where the Byzantine Empire had sovereignty.⁵¹

Constantine Porphyrogenitus wrote that as of the latter half of the 9th century,

51 Božanić, A., Galović, T., Žic, I., *Krčka kulturna baština*, Rijeka, Glosa, 2018., pp. 16-38.

the island of Krk paid a tribute to the Croatian ruler. In the year 1000, Venetian Doge Pietro II Orseolo assumed actual authority over Kvarner, but he nonetheless had to acknowledge Byzantine primacy. The Venetians confirmed their rule over Krk once more in 1018 with a document in which the islanders undertook the commitment to pay tribute to their senior lord, Otto, the doge of the Venetians and Dalmatians (*domino Ottoni, seniori nostro, duci Veneticorum ac Dalmaticorum*). The island came under the authority of Croatian rulers at several points, particularly Peter Krešimir IV (ca. 1058-1074) and Dmitar Zvonimir (1076-1089), whose actual rule here is best confirmed by the *Baška Tablet*.⁵²

The Church, as an institution and a community of believers, without a doubt played a significant role in the historical development of Krk. Due to its spiritual, but also partially educational and correctional role in Krk's society both among the elites and among the common people, the Krk Diocese has a special place in the island's history.⁵³ The Glagolitic script and Croatian Old Church Slavonic, which were used to inscribe hundreds of stone monuments and to write numerous religious and other books from the 11th to the mid-19th century, are particularly important for the cultural identity of Krk. The medieval culture of the island of Krk would be unimaginable without its priests and monks—the Benedictines and the Third Order of St. Francis. Therefore, precisely under the aegis of the ecclesiastical monastic community, emphasis will be accorded to that which best illustrates this entire aspect, the renowned *Baška Tablet* (11th/12th century). It was created, carved, in a transitional form of the Glagolitic script between the round and angular versions in the old Slavic Croatian language. It was preceded by another important, also Glagolitic text, the *Krk Inscription* from the 11th century, which testifies to the early existence of the Croatian Benedictine-Glagolitic culture in the town of Krk alongside the Latin-Roman one. Viewed from another angle, the Croatian aristocratic kindred of the Frankopans occupied a crucial place in the history of Krk, as their significance, economic power and political acumen stretched far beyond the island itself.⁵⁴

During the 12th century, battles arose between the Hungarian-Croatian Kingdom and Venice for possessions which included the island of Krk. The Venetians emerged victorious and the island, as their newly-acquired possession, was soon turned over for administration in 1117/1118 to the ducal authority of Dujam, the progenitor of the Krk lords, later the Frankopans. The duke presumably administered Krk until his death, and in 1163 the Venetians turned the island to two of his sons to administer. Among the earliest mentions of this duke/progenitor was from 1133, when the residents of Krk granted their duke, Dujam (*dominus Duymus comes*) the right to impose a levy (*colta*) for the repair of the town and to collect taxes for the Venetians.

52 Cf. Margetić, L., *Bašćanska ploča*, Rijeka, Povijesno društvo Rijeka, Vitagraf, 2000.

53 Bolonić, M., *Otok Krk kolijevka glagoljice*, Zagreb, Kršćanska sadašnjost, Analecta Croatica Christiana, sv. XII, 1980.

54 Klaić, V., *Krčki knezovi Frankapani, Knjiga prva, Od najstarijih vremena do gubitka otoka Krka (od god. 1118. do god. 1480.)*, Zagreb, 1901.; reprinted Rijeka, Povijesno društvo otoka Krka, *Krčki zbornik*, vol. 25, spec. ed. vol. 19, & Izdavački centar Rijeka, 1991.; Klaić, N., *Knezovi Frankopani kao krčka vlastela, Krčki zbornik 1/1970*, pp. 125-180; Kosanović, O., *Državina Krčkih knezova...*, pp. 110-190.

To understand the medieval times on Krk and the role of the dukes of Krk, later known as Frankapan (Frankopan), it is important to present their actual status under given political circumstances. Namely, the sons of Dujam, the first duke of Krk, Bartol I and Vid I, concluded a treaty with the Venetians on 3 August 1163 in which it stipulates:

“whereas we know that you, Bartol, and your brother, Vid, sons of the aforementioned Dujam, are such that you may wisely administer and protect the duchy of Krk, we therefore grant, relinquish and entrust to you two brothers this same duchy and the entire island for the remainder of your lives, and to whomsoever of you survives the other, under the terms and conditions with which your aforementioned father maintained for our predecessors, blessed be their memory, Doges Domenico Michiel, Pietro Polani and Domenico Morosini, and as confirmed by privilege during our reign. We grant to you all revenues that your father had, to fully and without diminishment receive and retain for yourself. We only wish that you should not burden the barques of the people of Krk with duties, nor may you seize their donkeys or beasts of burden by force. Finally, you may not take bushels of grapes from their vineyards, and we hereby forbid you from doing four things. You shall receive our envoys and honourably supply them at your own expense, but you may not take anything from your citizens for this purpose. Every year on the Feast of St. Michael you shall pay for the duchy and the island, and for all revenues therefrom, to the municipality (i.e. Venice) 350 *romanat's* (coins of Roman III Argir). You must moreover suitably defend the island from all enemies of Venice without our assistance, with the sole exception of crowned heads and their armies. You shall observe these stipulations for us to the letter. And this pertains to you both or to the one who outlives the other. And we and our successors shall uphold all commitments to you entirely, so long as you fulfil the aforementioned. Should we fail to uphold our obligations, we shall be obliged to compensate you with 10 *libri* of gold, and this charter shall nonetheless remain in force.”

Aspirations to establish of regulated life in the Adriatic communes in the Middle Ages – both in the only urban entity on the island, the town of Krk, and in its five castles: Omišalj, Baška, Vrbnik, Dobrinj and Dubašnica (only since the 15th century) – reflected the level of development in this area. This primarily pertains to the desire to commit various legal regulations, in most cases the hitherto customary law (*consuetudines*), to writing under different or new socio-political circumstances.

Known as such from the medieval period on Krk are three collections of legal texts⁵⁵ aimed at the regulation of everyday life in the island communes and other relations, especially with the feudal count or authorities:

- a. The Statute (štatut) of Krk or Vrbnik from 1388, written in Glagolitic script in the (old) Croatian language (in the Chakavian dialect);
- b. “Provisions and new regulations of the city and island of Krk” (*Ordines et Reformationes Civitatis et Insulae Veglae*) from 1489 – also known as the Statute of Antonio Vinciguerra – in the Latin and Venetian languages;
- c. The Statute of Krk (*Statuta Vegliae*) in Latin from 1512.

55 Margetić, L., *Rijeka, Vinodol, Istra. Studije*, pp. 93-104.

The focus here will be on the Statute of Krk or Vrbnik,⁵⁶ which is chronologically the second codex/statute written in the Croatian language and Glagolitic script. It is formally only a century younger than the Law Code, or Codex, of Vinodol from 1288, and was composed in the same year as the Latin-language Statute of Senj.⁵⁷

7. TO E Š'TATUTŬ ('THIS IS A STATUTE')

The place of origin of the statute is Vrbnik⁵⁸ on the island of Krk, hence the distinctiveness of its name: the Statute of Krk or Vrbnik (dialectically). However, that should not be interpreted in the sense that this statute applies only to Vrbnik – on the contrary, the first part of its name, *Krk*, points precisely to the fact that it was applied to the entire island.

This is best demonstrated by the text of the statute itself. After the invocation and dating formula, which reads: *V ime Božie am(e)nъ letъ Božьihъ tekućihъ • č • t • o • J •* [=1388.] *m(i)s(e)ca ijuna danъ • dī •* [=15.] (In the name of the Lord, amen. The current year of our Lord 1388, in the month of June on its 15th day), its preamble sets forth the circumstances surrounding its creation:

*To e š'tatutъ. [M]i gosp(od)i nъ k'nežъ Štefanъ i mi g(ospodi)nъ knežъ Anžъ s'lišeći mi velike tuž'be ot našihъ ver'nihъ s'luž'b'nikovъ kr'čkoga otoka ke imъ čin'hu hudi ljudi pos'lali es'mo našihъ ver'nihъ v otokъ da oni s'z'vav'se dob'rihъ muži za v'sega otoka i tako esu načiniли da b(u)du pravi v'pr(a)vdē s'tati a k'rivi da b(u)du kaš'tigani. Mi g(ospodi)nъ Lov'renac i g(ospodi)nъ Ivanъ i gos(po)d(i)nъ Pavlъ i pod'knežinъ Dok'ša budući mi pos'lani od' g(ospodi)na k'neza Štefana i od' g(ospodi)na kn(e)za Anža v otok' kr'čki priz'vali es'mo k' n(a)mъ pod'knežina otoč'kihъ i dobrihъ muži s Kr'ka i za v'sega otoka hotečъ učiniti to ča bi pravo i dob'ro za vasъ otokъ.*⁵⁹

So, this is a statute – as is written at its very beginning – and it was formulated in such a way that the Krk counts, at the time officially *the Counts of Krk, Modruš, Gatan, and Vinodol and natural Counts of Senj*, Štefan (Stjepan II, 1330-1390) and Anž (Ivan V, Croatian-Slavonian-Dalmatian ban in 1393), heeded the complaints of their loyal officials on the island of Krk regarding the misdeeds inflicted upon them by bad people, so they sent their faithful servants to the island in order to confer with the worthy folk from the entire island. Thus, Master Lovro, Master Ivan, Master Pavao, and Vice-rector Dokša were dispatched by Counts Štefan and Anž and they called the vice-rectors of the island and the worthy folk from the town of Krk and the rest of the island with the desire to do that what is right and good for the entire island. They performed their duties with the purpose of securing the rights of the righteous and punishing the guilty.

The provisions of the statute are actually divided into two larger sections. The

56 Margetić, L., Strčić, P. (ed.), *Krčki (Vrbanski) statut iz 1388.*, Krk, *Krčki zbornik*, vol. 62. spec. ed., vol. 52, 2008.

57 Cf. Bartulović, Ž., *Neka pitanja stvarnih i obveznih prava...*, *passim*.

58 Bolonić, M., *Vrbnik nad morem – od početka do propasti Austro-Ugarske*, Krk, *Krčki zbornik*, vol. 9., spec. ed., vol. 3, 1981.

59 Margetić, L., Strčić, P. (ed.), *Krčki (Vrbanski) statut iz 1388.*, pp. 95-97.

first part of the statute encompasses 32 provisions, i.e. *glave* (chapters, articles).⁶⁰

The second part of the statute contains 26 provisions, i.e. *glave*, which – just like those in the previous section – are not completely systemized.⁶¹

Most of the statute therefore pertains to criminal law, so based on its provisions, the most can be said about criminal law and criminal prosecution, as well as property rights and contractual law.⁶² Thus, it stipulates, for example, that no document or ruling is valid if it is not accompanied by sanctions. However, on the other hand, the provisions themselves demonstrate that this applied to a rather rural area and population, though one in which certain urban elements were gradually encroaching.

8. KRK SOCIETY AND THE PROVISIONS OF THE STATUTE

Just a superficial survey, as well as a palaeographic analysis, already suggest that not all provisions of the statute were codified simultaneously, not even under the same government. The majority dates from the tenure of the counts who administered Krk until 1480, followed by provisions instituted under the Venetian Republic, which ruled in this area from 1480 to 1797. Thus, the oldest provision is from 1362, and the youngest dates to 1599, while certain Venetian provisions as well as the ratification of the Statute itself by the Venetians are written in Latin. Therefore, the Statute of Krk or Vrbnik may be viewed as a collection of statutory provisions, not so much systemized as adopted in accordance with needs, importance or a given situation, which all clearly reflect its complexity and the process of its codification. In one place, it is directly stated that a certain provision needs to be included in the statute “*več ’nim ’ zakon(o)m*” (as a perpetual legal custom).⁶³

Judging by the example of Vrbnik, the medieval society on Krk consisted of nobility and serfs. One example gives a somewhat more elaborate division, mentioning “*vas plk, veli i mali*” (all of the folk, great and small), i.e. a judge, councillors, serfs and a steward. The judge, for example, belonged to the category of officials serving the Counts of Krk, while the councillors were municipal officials. Taking into account the island as a whole, this first category includes the Krk Counts as the nobility (until 1480), vice-rectors (*vicecomes*)⁶⁴ as the officials for each citadel/commune, courtiers and stewards, but also clerics/priests. Particularly indicative of the latter is a provision stipulating that a deacon or a priest cannot free his parents or anyone else from service to the counts. With reference to provisions about vice-rectors and judges, what was written then is basically what would be sought from such officials even today (under completely different social circumstances in comparison to the Middle Ages):

60 *ibid.*, pp. 95-114.

61 *ibid.*, pp. 115-166.

62 Cf. Lonza, N., Kazneni postupak Krčkog (Vrbanskog) statuta iz 1388. godine, *Zbornik radova Pravnog fakulteta u Zagrebu*, XLIII, 6/1993, pp. 715-725; Bartulović, Ž., Problem vlasništva nad neobrađenim zemljištem..., pp. 39-47; Bartulović, Ž., Ugovorna kazna..., pp. 1-12; Bartulović, Ž., *Neka pitanja stvarnih i obveznih prava...*, *passim*.

63 Margetić, L., Strčić, P. (ed.), *Krčki (Vrbanski) statut iz 1388.*, p. 118.

64 Cf. Kosanović, O., Družine i potknežini knezova Krčkih na Krku (od 1260. do 1480. godine), *Povijesni prilozi*, L, 50/2016, pp. 233-261.

that they swear an oath after their appointment, pledging that they will discharge their duties based on the proper legal customs and take into account the reputation and benefit of 'our illustrious Counts/Lords' (the Venetians) and their vassals (the people of Krk); that they are obliged to report all perpetrators and offenders on the island to their Venetian *provveditore* (governor) and not impinge upon his authority. Additionally, vice-rectors were explicitly prohibited from selling their public service in any way whatsoever under threat of loss of their post for a duration of 10 years and the obligation to reimburse all money or whatever else was taken and to pay an additional fine equal to the reimbursed sum. A rather eloquent illustration of the importance of electing judges to the local community (the Vrbnik citadel) is the major dispute from 1526 which had to be settled by Krk's *provveditore*, who set forth an election procedure that complied with Vrbnik's customs.⁶⁵

However, it has been reasonably presumed that the *great folk* also included the municipal judge and councillors, as well as assessors and captains, courtiers and stewards, all of whom are mentioned in other statutory provisions. Therefore, according to the *Glava o gradu*, originally dating to 20 June 1367 and compiled by a judge, councillors and serfs, it is stated that in cases in which a certain need is expressed to the town, Vrbnik must summon a council to convene on a Sunday after a mass.⁶⁶ The decisions of the council – which in this case includes *all the great and small folk* – were binding and no one could oppose them. In cases when that need arose, the municipality elected one man or as many as necessary. However, if a municipal councillor attempted to evade such service, he would be fined and removed from the council.

With regard to elected and confirmed assessors (councillors who swore an oath) in the Venetian period, it stipulates that they had to swear an oath in front of the *provveditore*, pledging to discharge their duties properly and scrupulously, and that they shall not be swayed by any manner of kinship or friendship, nor love, hostility, special pleading, fear or threats, and that they shall notify his grace (the *provveditore*) of all they know and see to the reputation and benefit of the powerful and prominent Counts and their vassals. In other words, individually speaking, they were obliged, under threat of a 50 libri fine and dismissal from their post, to report to their superiors all those who cursed God, the Blessed Virgin Mary and the other saints, who worked on holidays, who engaged in physical altercations either armed or unarmed, who committed theft, who played cards or gambled for money in closed houses, who sold or measured spurious wine or measured bad meat, fishermen who sold fish contrary to regulations, and also those who addressed others with offensive language without reason. Finally, it is stipulated that assessors must, for the appropriate fee, specifically assess damages to chattels and real estate, defend widows, orphans and poor people in general, who due to ignorance or misfortune, were unable to declare their rights before the *provveditore*, judges and vice-rectors. For such service, they were entitled to one third of the sum specified by any judgment rendered pursuant to their testimony,

65 Cf. Galović, T., et al., *Suzbijanje korupcije u Hrvatskoj u srednjem vijeku*, pp. 62-75.

66 Margetić, L., Strčić, P. (ed.), *Krčki (Vrbanski) statut iz 1388.*, pp. 142-143.

which could also be held in secrecy.⁶⁷

Also interesting is the entire range of provisions pertaining to women; indeed, the entire statute begins with a chapter on violence against a violated (raped) woman (*Glava prva o nasilju nad silovanom ženom*).⁶⁸ Thus, in case of a woman cursing some other good woman, her own husband could not free her from any kind of liability, rather he had to confine her in stocks (a device for shackling and torturing people) and pay 3 celzi, half of which went to the counts, and half to the victim. If, on the other hand, someone cursed a councillor without reason, he would only have to pay a fine.

The second part of the statute from the Venetian period contains provisions on the price and quality of fish, based on which fishers assumed the obligation to sell fish at a certain price. They would be fined if they violated these regulations, and furthermore shackled in stocks for a month and forfeit their driftnets and other nets.

The chapter on areas with restricted access (*Glava o zabranu*) underscores the problem of municipal land and the granting of it for cultivation. It would have to be returned to the municipality if it were neglected. A provision from 1443 explicitly stipulates fines for chopping live or dry trees in groves and thickets in which such activity is banned. Also, an unleashed dog in a vineyard carried a fine of 25 soldi.⁶⁹

9. TEXT TRADITION AND PRINTED EDITIONS

The Glagolitic text of the Statute of Krk or Vrbnik that at our disposal today is not the original from the 14th century, but rather a transcript. By all accounts, in 1470 or slightly thereafter a scribe copied the statutes from 1388 and 1470, while subsequent entries were also made by other scribes. However, it is known with certainty that a part of it was transcribed in Vrbnik in 1526 by a priest, Grgur Žašković, for the purpose of certification of the statute before the Venetian *provveditore* in Krk (Ê pop' G'r' gur' Žaškovičъ to prepisahъ z' har'ti bunbaziha na har'tu ber'gaminu po proš'ni sud' i po proš'ni sud'ca i po ur'dinu i vsêhъ prisež'nici na • č • f • i • e • [=1526]).⁷⁰

The codex in which it is held contains several later statutory provisions and other records in relation to the statute from 1388. It contains statutory provisions from 1362 to 1599 written in the Glagolitic script, as well as several other subsequently added provisions written in Latin and Italian in Latin cursive script, concluding with 1850. The codex contains four small volumes, 36 16×11.5 cm parchment sheets in total, bound in original wood covers lined with dark brown leather on which the remnants of two metal buckles can be seen. It is written in angular and cursive Glagolitic script. The angular Glagolitic script was used in sheets 1^r-13^r by a single scribe, while numerous scribes used cursive Glagolitic script to write sheets 13^v-18^v, 22^v-31^v, 32^r and 34^v.⁷¹

The statute was originally held in the Vrbnik Municipality as an official manual (it is reasonably presumed that other municipalities on Krk also had a copy of the

67 *ibid.* pp. 126-128.

68 Cf. Novak, Z., *Neki aspekti pravnog položaja žena...*, pp. 315-343

69 Margetić, L., Strčić, P. (ed.), *Krčki (Vrbanski) statut iz 1388.*, pp. 129-131.

70 Cf. Bozanić, A., Galović, T., Žic, I., *Krčka kulturna baština*, 2018., p. 91.

71 Margetić, L., Strčić, P. (ed.), *Krčki (Vrbanski) statut iz 1388.*, (facsimile).

statute, which applied to the entire island with several specific provisions for each citadel), and then – after the emergence of new political circumstances – by the Petriš (Petris) family of Vrbnik, and then in the Vrbnik parish rectory.⁷² In 1949 it was restored in the bookbinding workshop of the Yugoslav Academy of Arts and Science in Zagreb, and in 1962 it was purchased from the heir of the late prebendary, Petar Petriš, through the intermediation of Vrbnik resident Ivan Matanić, and is today stored in the Manuscripts and Old Books Collection of the National and university library in Zagreb under the call number: R 4003.⁷³ It was digitized and made available for free use in the same institution.⁷⁴

As to printed editions, the statute was first published in 1852 by Ivan Kukuljević Sakcinski under the title “Statut otoka Krka” in the journal *Arkiv za pověstnicu jugoslavensku*.

After Kukuljević Sakcinski, Anna Mikhailovna Evreinova published *Statut' ostrova K'rka 1388* in Saint Petersburg twice: Cyrillic and Latin transliteration in 1879, and a lithographic reproduction of the Glagolitic part of the statute in 1880.

It was published by the Yugoslav Academy of Arts and Science in Zagreb as Volume IV of *Monumenta historico-juridica Slavorum Meridionalium*, and in 1890 with several other medieval statutes in *Statuta lingua Croatica conscripta – Hrvatski pisani zakoni: Vinodolski, Poljički, Vrbanski, a donekle i svega krčkoga otoka, Kastavski, Veprinački i Trsatski*, edited by Franjo Rački, Vatroslav Jagić, and Ivan Črnčić. Črnčić and Rački were also the editors of *Statut Vrbanski a donekle i svega Krčkoga otoka (god. 1362-1599.)*.

A bibliographic edition of *Vrbnički statut*, edited by Stjepan Štefić, was published in Rijeka in 1988, while the Italian and Latin parts were translated by Šime Jurić. The greatest value of this edition is that Štefić single-handedly transcribed the entire statute, both the Glagolitic and Latin parts, and printed it as such.⁷⁵

To observe the 600th anniversary of the adoption of the Statute of Krk (Vrbnik) (1388 – 1988), Lujo Margetić and Petar Strčić prepared a new critical edition of the *Krčki (Vrbanski) statut iz 1388* for print. This valuable monograph was published in Krk in 1988, and it consists of a foreword by Miloš Orlić, Petar Strčić's study “Krčki knezovi i otok Krk od kraja XII. do kraja XIII. Stoljeća” (‘The Counts of Krk and the island of Krk from the end of the 12th to the end of the 13th centuries’; pp. 11-54), Lujo Margetić's study “O Krčkom (Vrbanskom) statutu” (‘On the Statute of Krk (Vrbnik)’; pp. 55-92), and “Prijepis Krčkoga (Vrbanskog) statuta i prijenos na suvremeni jezik” (‘Transcript of the Statue of Krk (Vrbnik) and its translation into modern language’; pp. 93-170) also compiled by Margetić. A very well-done facsimile of the Statute of Krk (Vrbnik) appears at the end of the book. The first contacts with Margetić and work on the collation of the Statute took place in 1973.

72 Cf. Štefanić, V., *Glagoljski rukopisi otoka Krka*, Zagreb, Djela JAZU, 51, 1960., pp. 404-411.

73 Cf. Bratulić, J., Damjanović, S., *Hrvatska pisana kultura. Izbor djela pisanih latinicom, glagoljicom i ćirilicom od VIII. do XXI. stoljeća*, 1. sv. (VIII. – XVII. st.), Križevci – Zagreb, Veda, 2005., p. 227.

74 <https://digitalna.nsk.hr/pb/?object=info&id=16153>

75 *Vrbnički statut 1388-1850.[1988]*. Prema čitanju Črnčić – Rački – Štefić, Štefić, S. (ed.), Zagreb 1983., Rijeka, Partizanska knjiga, 1988.

A new reprint, before the aforementioned edition, was cooperatively published in 2008 by the Krk Historical Society (in the series *Krčki zbornik* vol. 62, *Posebno izdanje Krčkog zbornika* vol. 52) and the Society of Krk Natives and Friends of the Island of Krk in Zagreb. It begins with a foreword by scholars Lujko Margetić and Petar Strčić and commemorative remarks by Darijo Vasilić, the mayor of the town of Krk, and Ivan Lukarić, the former chief of the Vrbnik Municipality.⁷⁶

10. CONCLUSION

The Statute (štatut) of Krk or Vrbnik from 1388 is therefore quite accessible thanks to numerous editions, not only to scholars, but also to a wide circle of readers, because to date, several thousand copies have been published. This additionally confirms its topicality and value despite the completely different contemporary social, cultural and other circumstances in comparison to those more than six centuries ago on the island of Krk.

The Croatian aristocratic family of Frankopans (Frankapan/Frankopan) has left behind—as a result of the entirety of its political and social activity and cultural efforts—an exceptionally rich written heritage which in its basis is bilingual (Croatian and Latin) and recorded in two scripts (in the Glagolitic and the Latin scripts). The present paper deals with legal heritage produced, obtained, or kept in the territories of the dominion of the Frankopans, with special regard for the domains of the counts of Krk and Vinodol.

The topical nature of Croatia's old statutes and law codes is sufficiently demonstrated by the fact that select examples could be considered contemporary if we did not know when they had actually been written. The Croats of times past regulated what we today call conflicts of interest and corruption in a remarkably contemporary manner. Although cognizant of the fact that the legal monuments under consideration had emerged under entirely different social circumstances than those of today's democratic society from which we examine our past in order to understand, learn and progress, this does not prevent us from finding provisions in those old texts used by our predecessors to regulate what we today call conflicts of interest and corruption within the community. Indeed, in them we can recognize the contemporary nature of these same documents, even though a vast span of time, many centuries, have passed since they had originally been written. It thus seems that the old political maxim, "*Obliti privatorum, publica curate,*" is just as pertinent today as it was when it first appeared in the Rector's Palace in Dubrovnik, at the former entrance to the hall of the Grand Council.

⁷⁶ Cf. Matijević Sokol, M., *Novi pretisak Krčkog ili Vrbničkog statuta iz 1388. godine*, (bookreview), *Radovi Zavoda za hrvatsku povijest Filozofskog fakulteta Sveučilišta u Zagrebu*, 40/2008, pp. 312-314; also published in: *Krčki zbornik* 69/2013, pp. 283-287.

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Sažetak

SUZBIJANJE KORUPCIJE U HRVATSKOJ U SREDNJEM VIJEKU: NA PRIMJERU PRAVNIH SPOMENIKA NA HRVATSKOM JEZIKU – VINODOLSKI ZAKON (1288.) I KRČKI-VRBNIČKI STATUT (1388.)

Hrvatski srednjovjekovni prostori bili su dionici zapadno-europske civilizacije, kulture, jezika i pisma, što se zajednički naziva *orbis Latinus*, ali ujedno i prostori na kojima je primjetan utjecaj različitih pravnih sustava. U ovome radu raspraviti ćemo temu suzbijanja korupcije u Hrvatskoj u srednjem vijeku na primjeru pravnih spomenika na hrvatskom jeziku: Vinodolskom zakonu (1288.) i Krčkom-Vrbničkom statutu (1388.). U prvom dijelu rada donosi se opći uvod u kojem se definira povijest i pravna povijest Vinodola. Vinodolski zakon mnogostruko je važno povijesno vrelo, ne samo za pravnu povijest i filologiju, već za poznavanje društvenih struktura Vinodola, crkvenoga ustroja, etnološke i kulturne baštine. U drugom dijelu rada naglasak je stavljen na Krčki ili Vrbanski/Vrbnički statut koji po starini zauzima drugo mjesto među zakonicima-statutima pisanim hrvatskim jezikom i glagoljskim pismom. Formalno tek jedno stoljeće mlađi od Vinodolskog zakona ili zakonika iz 1288. godine, a sastavljen iste godine kada i Senjski statut na latinskom jeziku.

Ključne riječi: *hrvatski pravni spomenici; hrvatski povijesni prostor; pravni sustavi; suzbijanje korupcije; Hrvatska; srednji vijek; Vinodolski zakon (1288.); hrvatskoglagoljski Krčki ili Vrbanski/Vrbnički statut (1388.).*

Zusammenfassung

KORRUPTIONSBEKÄMPFUNG IN KROATIEN IM MITTELALTER AM BEISPIEL DER KROATISCHEN GESETZESDOKUMENTE – DES GESETZES VON VINODOL (1288) UND DES STATUTS DER INSEL KRK/VRBNIK (1388)

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Kroatien war im Mittelalter nicht nur durch westeuropäische Zivilisation und ihre Kultur, Sprache und Schrift, die unter dem Oberbegriff *Orbis Latinus* zusammengefasst werden, sondern auch durch andere Rechtssysteme beeinflusst. Dieser Beitrag bespricht Korruptionsbekämpfung in Kroatien im Mittelalter am Beispiel der kroatischen Gesetzesdokumente, nämlich des Gesetzes von Vinodol (1288) und des Statuts der Insel Krk (1388). Der erste Teil des Beitrags bietet eine allgemeine Einführung an, in der die Geschichte und die Rechtsgeschichte Vinodols dargestellt wird. Das Gesetz von Vinodol ist in vielen Hinsichten eine wichtige historische Quelle nicht nur für die Rechtsgeschichte und Linguistik. Es beinhaltet auch Informationen über gesellschaftliche Strukturen im mittelalterlichen Vinodol, die Organisation der Kirche sowie auch über das ethnographische und kulturelle Erbe. Der zweite Teil des Beitrags bespricht das Statut der Insel Krk oder Vrbnik, welcher das zweite in kroatischer Sprache und glagolitischer Schrift geschriebene Statut darstellt. Das Statut ist nur ein Jahrhundert jünger als das Gesetz von Vinodol aus dem Jahr 1288 und wurde im selben Jahr wie das in Latein geschriebene Statut von Senj erfasst.

Schlüsselwörter: kroatische Gesetzesdokumente; Kroatien im Mittelalter; Rechtssysteme; Korruptionsbekämpfung; Kroatien; Mittelalter; das Gesetz von Vinodol (1288); das Statut der Insel Krk (1388).

Riassunto

LA LOTTA ALLA CORRUZIONE IN CROAZIA NEL MEDIOEVO: UN ESEMPIO DI DOCUMENTI LEGALI CROATI – IL CODICE DI VINODOL (1288) E LO STATUTO DELL’ISOLA DI VEGLIA/VRBNIK (1388)

Le terre croate medievali erano abbracciate dalle civilizzazioni europee occidentali e dalla loro cultura, lingua e scrittura, intendendo in senso ampio l’*orbis Latinus*. Tuttavia, erano anche terre nelle quali vi fu una significativa influenza di sistemi giuridici diversi. Nel presente scritto si tratterà della lotta alla corruzione in Croazia nel Medioevo: un esempio di fonti legali croate – il codice di Vinodol (1288) e lo Statuto dell’isola di Veglia/Vrbnik (1388). La prima parte dello scritto è un’introduzione generale, la quale definisce la storia e la storia giuridica di Vinodol. Il codice di Vinodol in molti modi è considerato una fonte storica vitale, non soltanto per la storia del diritto e per i linguisti, ma anche per la conoscenza delle strutture sociali nel Vinodol medievale, dell’organizzazione della chiesa e per il lascito etnografico e culturale. Nella seconda parte di questo scritto l’attenzione sarà incentrata sullo Statuto di Veglia o Vrbnik, il quale cronologicamente è il secondo codice/statuto redatto in lingua croata e scritto in glagolitico. Formalmente è soltanto un secolo più

giovane del codice di Vinodol del 1288 e fu composto nello stesso anno dello Statuto di Segna in lingua latina.

Parole chiave: *documenti legali croati; terre medievali croate; sistemi legali; lotta alla corruzione; Croazia, Medioevo; Codice di Vinodol (1288); Statuto dell'isola di Veglia (1388).*

