KNJAZ IN LEGAL SOURCES OF THE PRINCIPALITY OF SERBIA

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Abstract: This paper analyzes the original legal documents, the Constitutions of Principality Serbia, state seals, Serbian Gazette, the official journal of the State... which shows that the rulers of the Principality of Serbia had a royal title of Prince (Knjaz) and not Knez as frequently stated today. The 1830 edict (hatiserif) granted Serbia a local government, and Berat gave to Miloš Obrenović the hereditary title of Prince. From this establishment, the title of Knjaz is a state titles expressing the sovereign modern Serbian state until the promulgation of the Principality of Serbia into the Kingdom of Serbia. The word k n e z (latin.comes) denoted the relative of the ruler’s house, and the clerk of each degree. During the Ottoman rule knežinski princes used to be a link between the Turkish authorities and the people in their Knežina. Knežina champions were the leaders and did not constitute state apparatus.

Keywords: legal documents, knjaz, knez

1. INTRODUCTION

In our historical memory, from records to stories, we meet the words Knez and Knjaz. At the time of Nemanja and his sons, the word k n e z (latin. comes) denoted the relative of the ruler’s house, and the clerk of each degree [6]. According to Vuk Karadžić, Belgrade pasha jurisdiction before First Serbian uprising was divided into 14 nahijas, and each nahija had two or more Knežina. Each village had its rural knez. The local knez had the right and obligation to collect the imperial taxes, and this was the reason why he was elected in the first place; “And after him no one was called knez” [1]. In the first years after the uprising, there were the district chiefs (or Kodža-Base) that vanished after 1819, moving to rural kmets. [2] With the abolition of feudal relations districts were abolished and with them all the knez, too.

Feudal monarchy were the unstable political forms based on the personal authority of princes and kings who were at the same time rulers and property landlords. The state as a modern political formation occurs only with overcoming the feudal monarchy, which
turned owners into permanent and stable institutionalized authority with clearly distinguishable public and private sphere. While in feudal type of ownership the person of the feudal lord has the indistinguishable association of property relations with the relations of power, in capitalism private property is clearly differentiated from the political authorities.

The Bucharest contract, concluded between Russia and Turkey on 28 May 1812, in Article 8 provides that the Sublime Porte at the request of the Serbs issues privileges and rights for Serbs to take care of internal administration of the country. In this draft Serbs beg for their rights to be recognized by hatiserif (a type of constitution):

Miloš Obrenović will be the head of the Serbian administration and will have the title of Knjaz (Prince). The laws and administrative decrees will be discussed and will be approved by the Senate on the proposal of the Prince and his ministers. Control over their execution will perform the Prince through his ministers. [3]

Porta issued Berat (imperial diploma) on formal appointment of Miloš Obrenović of Serbia as hereditary Prince, starting from 29 August 1830 and hatiserif (the Constitution) by which Serbia legally acquired its autonomy.

2. KNJAŽ IN LEGAL SOURCES OF THE PRINCIPALITY OF SERBIA

2.1. Reading of hatiserif and berat
30 Nov and 1 Dec 1830

“People of Serbia, my beloved brothers! Faithful Belgrade Vezir and our governor read to us now two dejanija. One of them contains the rights that our merciful tzar, after your requests, kindly bestows upon us; with the other he makes me your Knjaz, as per your wishes.”[5]. This is the first legal act resulting from the Ottoman Turkey legislative. It established the title of the ruler; “Knjaz Miloš I Obrenović of Serbia”. This legal act, Berat and edict hatiserif, established the hereditary title of Prince in a legitimate way.

2.2. The Sretenje Constitution of 1835 on the Rights of Knjaz

The Sretenje Constitution of 1835. Fig. 5. Chapter Five, defines the properties of Knjaz. We are more interested in how the title of Prince was written, and as we see from the photo it says: „О Књаазу Србскомь” [9]. In the same way is written the title (КЊЯЗЪ) and on the seals: Milos Fig.1; Mihajila Fig.2; Aleksandar Karadjordjevic (governor) Figure 3. The title written this way (КЊЯЗЪ) can be read only as Knjaz not as Knez.

Fig. 5. Page three of the Sretenje Constitution 1835
3. THE 1869 CONSTITUTION

In The Constitution of Milan M. Obrenovic IV of 1869 on the photograph, Fig. 6. The title of “Knjaz” is written by the language and script of Vuk’s reform. We draw attention to this document because of the reform of language. We often hear the explanation that the concept of Knjaz is an archaic term, and the alphabet is slaveno-serpsko with Russian letters (јаЯ, and soft Њ), so this is the reason why it was written that way at that time, but today, we should read it Knjaz. The 1869 Constitution denies this explanation Fig. 6 [10]. The 1869 Constitution was written by the reformed, today, modern Serbian alphabet. This Constitution tells us exactly how the Serbian ruler was addressed. As we see it is the legalized, official...
title “Knjaz”: “In the name of His Holiness the Serbian Knjaz Milan M. Obrenovic IV.” What else does this document tell us? Vuk’s motto: “Write as you speak and read as it is written,” tells us that Knjaz is the notion by which the Serbina ruler is addressed. We can also see this on the State Seal of Milan M. Obrenovic IV, Figure 4. State seal, inscribed in modern Serbian Cyrillic alphabet, after Vuk’s reform has been completed, where it clearly states Knjaz, not Knez.

3.1. Serbian Gazette, state-newsletter

Serbian Gazette of 22 February 1882 [12] at the Proclaiming the Principality of Serbia into the Kingdom of Serbia confirms how to write and read the title of the then Serbian ruler. As we see in the newspaper it is written as “Serbian Knjaz“ so there cannot be any other way how to read but the way it was written, and it says Knjay. Fig. 7. State seals, Serbian Gazette (official state gazette) are legal sources of the highest order. They were written by the most literate people of that time. The men who wrote the Constitution, reviewers who had to analyze in detail, songwriters, stylists and gravers of seals, editors of state newspapers ... they knew best how you should write the tile and how to read the title.

4. CODIFICATION OF LEGAL SOURCES

Generally, codification is a necessary stage in the development of every law. When a certain legal system has been there for a relatively long time, when it settles and gains internal development and compliance, when the legal relations consolidate enough so they demand a solid legal framework, and then when they stop to change so rapidly, there is a need for codification. For proper codification it is necessary to have the appropriate degree of legal reflections and legal techniques, because from them comes the richness and spirit of legal terminology. These are also the reasons why the established concept of Knjaz today should not be confused with some other concept. In historical sense, codifications are the result of the relevant maturity of the existing legal order. With the South Slavs historically there
occurred several codification. The most important feudal codification is Zakonopravilo (Nomokanon, krmčija) of St. Sava, the Code of Emperor Dusan, adopted in Skopje in 1349, which all Slovenian nations used until the beginning of the nineteenth century. In modern times, Serbia has codified its civil law in 1844 - Civil Code. This codification remained in force until 1946.

**Fig. 7. Serbian Gazette on 22 Feb 1882 (AS Library)**

Exploring this topic, we found a series of written documents from the period of the Obrenovic dynasty, before and after Vuk’s reform where these two titles are clearly distinguished and nowhere are they mix, but the title of Knjaz strictly differs from the title of Knez. Here we have presented one the strongest legal documents which, as a cultural heritage, does not allow for subsequent transformation no matter that language is a live thing and changeable over time.

5. CONCLUSION

The Right of Knjaz and his administration gives the answer to the question; how come that for some time now in literature and public we see and hear, spoken or written: Knez Miloš, Knez Mihailo, the Prince of Milan, the Principality of Serbia, Knez Mihailova street, Knez Milos Street... We have seen from the annex that this was not a linguistic transformation, nor was it about slaveno-serpski alphabet. We present our belief, that at least in part can be useful in explaining the issue.

After the May 1903 coup there happened a shift in dynasty in our country, instead of the Obrenovic dynasty there comes the Karadjordjevic dynasty. These two dynasties for known reasons had irreconcilable rivalry, as well as the sharp divisions in society on the same basis. With the arrival in 1903 to power, the Karadjordjevic dynasty at every opportunity used its position to diminish the importance of the previous dynasty, for political reasons, thereby securing its dynasty reputation to be spread throughout the national body. The political, intellectual and other public establishment that largely stood by the Karadjordjevic dynasty followed this demeaning of the state title of Knjaz into a lower title of knez.
This was by default accepted by the others. Later, this issue caused no attention in the newly formed Yugoslavia. The Obrenovic dynasty was increasingly fading, they were not written about, nor were they mentioned at schools or in public functions. When something was said, the academic public was not obliged by this because such ‘errors’ did not bother the new dynasty. The same thing continues to this day.

National and cultural heritage that Serbia inherited obliges us to behave responsibly with our heritage. Obrenovic dynasty, left us a legacy of the civil, legal and cultural heritage. This obliges the state of Serbia to keep the national and cultural identity of the Serbian state.

The Street names (Knez Mihailova, Prince Milos, a monument to Duke of Mikhail...) should finally get their proper names (Knjaz Mihajlova Street, Street of Knjaz Milos, a monument to Prince Mihajlo ....) after Serbian statesmen from the period of the Obrenovic dynasty.

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[10] Archives of Serbia, NS, f I r 8-869 (Constitution of 1869)
[12] Serbian Gazzete (Српске Новине 1882, Library)