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THE RIGHT OF SHIPWRECK IN MEDIEVAL SERBIA

The paper represents the first attempt to specifically and comprehensively explore the right of shipwreck (ius naufragii) in medieval Serbia. In the opening section, the wider comparative context is established through an overview of the presence of this legal custom in Europe and the Mediterranean during the ancient and medieval periods. This is followed by a discussion of the available information on its presence in Serbia, which spans the period from the early 14th to the mid-15th century and includes examples both of its exercise and of regulations by which it was abolished in regard to communities focused on maritime trade – Venice and Dubrovnik. The final section is dedicated to the examination of its status as a regal right of Serbian medieval rulers and the circumstances and mechanisms of its abolition regarding Venetian and Dubrovnik ships.

Key words: *Right of shipwreck (ius naufragii). – Middle Ages. – Serbia. – Dubrovnik. – Venice.*

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1. RIGHT OF SHIPWRECK IN EUROPE AND THE MEDITERRANEAN

Right of shipwreck (*ius naufragii*) is the name applied to a legal custom whereby everything that is washed ashore or floats near the shore after a shipwreck – the ship and its parts, cargo, personal belongings, and, in certain historical circumstances, even the crew and passengers themselves – becomes the property of the inhabitants or the lord of that shore.¹ The existence of the custom can be followed already from the late centuries of the second millennium BCE, first among the peoples of the ancient Middle East, and then among the ancient Greeks (Matysik 1950, 29–37; Rougé 1966b, 1467–1479; Purpura 2002, 276–281; Villalba Babiloni 2018, 235–236). Its inception is believed to be connected with the notion that the shipwreck in itself represented divine judgment against the ship and its occupants, branding them as unworthy of help and legal protection, especially if they were foreigners.² With the growing frequency and importance of long-distance maritime traffic and trade in the Mediterranean, this custom became an impediment and a source of insecurity, not only aggravating the consequences of shipwrecks from natural causes, but also encouraging coastal populations to deliberately cause wrecks or even attack ships sailing near their shores with the intention of attributing their loss to shipwreck. Moreover, with the organization or inclusion of coastal communities into political entities, the right of shipwreck came to be considered as a right of the entity that ruled the coastline. In such circumstances, efforts by the greatest seafaring peoples of the ancient world – the Phoenicians and the Greeks – to abolish or limit this damaging custom assumed the shape of bilateral agreements with those entities.

When all Mediterranean shores fell under the dominion of Rome, efforts were made to legally regulate issues relating to the fate of shipwrecked individuals and objects with the intention to preserve the lives and property of what were now Roman subjects or citizens (Schiappoli 1938, 138–140;

¹ For this reason, along with the usual Latin name and its translations centered around the noun “shipwreck” (English: right of (ship)wreck; French: *droit de naufrage/bris*; Italian: *diritto di naufragio*; Spanish: *derecho del naufragio*), in some settings, especially in Central, Northern and Eastern Europe, this legal custom is designated as “coastal” or “beach” right (German: *Strandrecht*; Swedish: *strandrätt*; Polish: *prawo nadbrzeżne*; Russian: *береговое/прибрежное право*; Latin: *ius litoris*).

² The appearance of this notion could have been facilitated by frequent attacks on coastal communities by seaborne raiders. Still, even in these early times, shipwreck survivors were also treated according to the opposite principle of hospitality, again motivated by religious perceptions (Schiappoli 1938, 137–138).

Matysik 1950, 38–51; Rougé 1966a, 335–343; Purpura 2002, 281–290; Villalba Babiloni 2018, 236–241).³ The main principle on which these efforts were based was the inalienability of property involved in a shipwreck. Depending on the circumstances, its appropriation was viewed as an act of robbery or theft in extraordinary circumstances, potentially also entailing the crimes of fraud and concealment of stolen property. Moreover, it was not possible to justify the transfer of ownership as an act of finding lost property, because it was considered that shipwrecked objects were not willfully abandoned (*animus dereliquendi*). Still, it seems that even in Roman law there were glimpses of the old custom. For example, it appears that as late as the 3rd century CE, Roman tax collectors in certain areas used the fact that pre-Roman authorities exercised the right to shipwrecked objects in order to seize them and auction them off in favor of the imperial treasury.⁴ Also, sanctions for crimes against shipwrecked property were considerably reduced after one year had elapsed from the event, and in the Late Roman Empire this one-year period became the statute of limitations for requesting the return of such property. These details, as well as literary testimonies, indicate that the right of shipwreck had remained deeply embedded in the social and economic conditions of life in the ancient Mediterranean, ready for the right circumstances to impose itself again as a valid norm in the regulation of maritime traffic.

Those circumstances began to appear in the 5th and 6th century, when the western half of the Roman Empire fell under the rule of barbarian tribes. In the period that followed, a general decline of maritime trade, coupled with the rise of feudalism – which entailed political fragmentation and the strengthening of local potentates whose status was based on possession of land – led to the vast proliferation of the exercise of the right of shipwreck, not only in the western Mediterranean but also along the European coasts of the Atlantic and the northern seas, as well as on navigable rivers (Matysik 1950, 52–217; Niitemaa 1955; Melikan 1990). As feudalism became the backbone of the Western political system, right of shipwreck entered into official documents as a regal right of princes who could exercise it for their own benefit (usually in tacit cooperation with the “private initiative”

³ References to a number of concrete regulations, as well as some of their texts, are presented in Marlasca Martínez (2005, 465–468) and Penna (2012, 243–244).

⁴ This conclusion, however, has not been universally accepted. Gianfranco Purpura, for example, maintains that available information does not indicate adoption of the customs related to the right of shipwreck, but refers to disputes regarding payment of duties in cases when bad weather forced ships carrying goods to make unplanned stops at ports where duties were charged (Purpura 2002, 284–285).

of coastal populations, but sometimes also in competition with them) or transfer it to a feudal subordinate.⁵ These developments were undoubtedly encouraged by the great potential of the right of shipwreck to generate revenue. A particularly striking testimony in that respect comes from the French region of Brittany, known for its rocky coast and powerful storms, where the right of shipwreck was deeply rooted and jealously maintained. In 1235, a document regarding a dispute that concerned, among other matters, the possession of the right to appropriate remains from shipwrecks, recorded that a local count often boasted of having “a stone more precious than any precious stone, which brings him 100.000 *solidi* every year, by which he meant a rock upon which ships would break” (La Borderie 1892, 102, all quotes from primary sources translated by the author).⁶

The attractiveness of appropriating objects from shipwrecks during the Middle Ages is strongly reflected in its resurgence in the Eastern Mediterranean, where the political and legal traditions of Rome were carried on by the Byzantine Empire (Laiou 2001, 180–187; Penna 2012, 241–253; see also Matysik 1950, 57–59, 85–86; Nicol 1989, 191–192, 199–200, 214). These traditions included the Roman concept of inalienability of property in case of shipwreck. Thus, the Byzantine–Rus’ treaties of 911 and 944/5 specifically stipulated that the Rus’ would not inflict damage on Byzantine ships that suffer wreck – which was evidently the case previously – but that they would instead help them. However, the treaty of 911 also stated that such a practice existed on the part of the Byzantines as well. In fact, although the stipulations of Roman law regulating shipwrecks had remained in force, coastal communities in the Byzantine Empire evidently had no qualms about exploiting the opportunities for material gain offered by such events. It is perhaps in that light that one should interpret the appearance in the Early Byzantine collection of maritime regulations known as the Rhodian Sea Law of several provisions establishing relatively generous rewards for help in salvaging property from shipwrecks – from one tenth to one half of the value of salvaged property depending on the complexity of the salvage effort (Laiou 2001, 180).⁷ Moreover, similar provisions are later frequently

⁵ Thus, according to Rose Melikan, already by the end of the reign of King Henry II (1189) the royal right of shipwreck along the coast of England had almost entirely been transferred to feudatories with possessions in coastal areas (Melikan 1990, 172).

⁶ General remarks about the right of shipwreck in medieval Brittany are presented in Everard (2000, 213–215).

⁷ The Greek text with English translation and commentary is provided by Walter Ashburner (Ashburner 1909, 37–38, 117–119), who also discusses issues regarding the name of the collection and the time and manner of its composition (idem, lx–

encountered in those areas of the former Western Roman Empire where Roman legal traditions were best preserved and where even Byzantine rule managed to survive sporadically all the way to the early 13th century. Such examples are recorded in collections of maritime law, local statutes and legal practice of Italian cities such as Pisa, Genoa, Venice, Trani and Ancona, but also of communities on the eastern Adriatic coast, such as Dubrovnik (Ragusa), Korčula (Curzola), Mljet (Melita), Zadar (Zara), Split (Spalato) and others (Ashburner 1909, cclxxxviii–ccxciii; Matysik 1950, 132–134).⁸ Nevertheless, it is clear that inhabitants of Byzantine coastal regions still frequently chose illegal, but much more lucrative, looting over legally regulated and stimulated assistance. By the time when Emperor Andronikos I (1183–1185) decided to take decisive and harsh measures to suppress the phenomenon, court circles were allegedly already convinced that “the evil is incurable and absolutely immutable”, because numerous edicts issued to that end by previous emperors had produced no effect, “as if the cresting waves of this tempestuous evil had washed from them the imperial red ink” making it seem like the imperial scribes had “written on water” (Choniates 1975, 326; cf. translation in Choniates 1984, 179–180).

The measures undertaken by Andronikos might have been linked to the fact that by his time suppression of the “incurable evil” had become an important international issue, since the most profitable, if not the greatest part of maritime traffic in Byzantine waters had passed into the hands of foreigners, primarily Italian merchants from Pisa, Genoa, and Venice (Laiou 2001, 183–184; Penna 2012, 108–109, 149, 156, 247–259). While provisions of Roman law guaranteeing the inviolability of shipwrecked property applied to Byzantine subjects, with respect to foreigners it seems that Byzantium had also adopted the concept that appropriation of remains from shipwrecks was a regal right. Having that right at his disposal, the emperor could also limit or abolish it with regard to individual foreign communities. Thus, provisions of that sort were inserted into numerous Byzantine imperial documents granting commercial privileges to such communities – the Pisans in 1111,

cxiv). More recent works on the Rhodian Sea Law are referred to by Dafni Penna (Penna 2012, 245).

⁸ Thus, in the oldest section of the Statute of Korčula, traditionally dated to 1214, established a reward of one-quarter of the value of salvaged property. A practical example is offered by the shipwreck of a Venetian ship near Dubrovnik in 1168, when the reward to the inhabitants of Dubrovnik for assistance in salvaging part of the cargo amounted to one-third of its value (Matysik 1950, 187–188). It should be noted that in some of the listed places, the mentioned rewards refer to sailors salvaging cargo from their own ship and/or to the way that the ship’s owner, crew and passengers should share the value of objects of unknown or enemy origin recovered from the sea and/or the seashore.

the Genoese in 1169 and 1192, and the Venetians in 1219, 1268, 1277, and 1285.⁹ The transition from the status of subject to that of foreigner in this respect is perhaps best illustrated by the case of Dubrovnik. When the city reverted to Byzantine rule in 1192, its inhabitants received permission from Andronikos' successor Isaac II that "after a shipwreck, they can go to recover [their property]" (Resti 1893, 65–66; Bogišić, Jireček 1904, LXIII), which meant protection of shipwrecked property within the Byzantine legal system. However, in the early 13th century, during the deep crisis of the Byzantine Empire, Dubrovnik shifted its allegiance to Venice, meaning that its citizens became foreigners in Byzantine lands. Accordingly, in 1243, when Michael II Angelos, member of a branch of the Byzantine imperial family that had established a separate state in the region of Epirus, gave Dubrovnik guarantees that in case of shipwreck in his land its citizens would "not lose" the property that was salvaged,¹⁰ this was a ruler's decision to restore to foreigners the objects that would otherwise under the given circumstances have become his own property.

While in Byzantium practical exercise of the right of shipwreck pushed back the Roman legal tradition that opposed it, in the West the trend was running in the other direction. There, communities that were oriented toward sailing displayed an early tendency to limit the right of shipwreck by negotiating bilateral agreements with potentates who exercised it. In that they enjoyed the support of the church, which considered the custom unjust and unchristian, calling instead for providing assistance to fellow Christians in distress (Schiappoli 1938, 142–143).¹¹ It is not entirely by accident that the earliest known example where these efforts succeeded again comes from Italy – in 836, the Byzantine governor of Naples, Amalfi and Sorrento, acting together with local church dignitaries, concluded an agreement with the neighboring Lombard duke Sicard, who, among other things, promised that in the event that a vessel from these towns suffered a shipwreck in his territory "the objects found in it will be restored to those to whom they belonged and belong, while the men will be returned to

⁹ Venetians were present in Byzantine markets much earlier, but it is possible that in matters of shipwreck they were long treated as Byzantine subjects due to their long-standing formal recognition of Byzantine supreme rule (Laiou 2001, 181). On the other hand, the early appearance of regulations concerning shipwreck in privileges for the Pisans and Genoese might have been influenced by the history of maritime conflicts between them and the Byzantines (Penna 2012, 241–242).

¹⁰ The most recent edition of the document, which had previously been dated differently, is offered in Stefec (2014, 338–343, 366).

¹¹ On the other hand, such solidarity was not deemed fit for non-Christians (Muslims) or for pirates, who were viewed as enemies of Christendom regardless of their creed.

their land sound and uninjured” (Bluhme 1868, 220). Better conditions for limiting the right of shipwreck in the West began to appear from the 11th century, when the growing authority of the church, led by the Roman Papacy, and increasing interest in the study and application of Roman law coincided with the great upsurge of long-distance maritime trade. In that context, it is often emphasized how the Third Lateran Council, convened in 1179 by Pope Alexander III, resolved that “those who, driven by damned cupidity, despoil shipwrecked Christians – whom in accordance with the rules of the faith they ought to help – should be subjected to excommunication unless they return what they have seized” (Latin quote in Schiappoli 1938, 144–145). Nevertheless, similar resolutions in which motives from Christian ethics are linked to the Roman law principle of inviolability of shipwrecked property are encountered frequently in ecclesiastic declarations both before and after that date (Schiappoli 1938, 145–149).

The clear and consistent condemnation of the right of shipwreck by the church, formulated at the highest level, certainly encouraged communities active in maritime and riverine traffic to request its abolition or limitation in the lands where they sailed and traded. The lead was again taken by the Italian cities. Beginning in 983, and especially after the late 11th century, the Roman-German emperors, acting as overlords of the riverine navigation routes in Northern Italy, granted Venice privileges which, among other things, prohibited their subjects from inflicting damage on shipwrecked Venetian citizens. Moreover, during the 12th and 13th century Venice succeeded in inserting such clauses not only into treaties with Byzantine emperors, but also with other Eastern Mediterranean political actors, such as the states founded there by the Crusaders, the kings of Armenia and Muslim rulers, who had likewise adopted the concept of a regal right to appropriation of shipwrecked objects (Matysik 1950, 87–95; Giannone 1959, 288–290; Lane 1973, 6; Laiou 2001, 180–187). The same *modus operandi* was employed by Pisa, Genoa and maritime centers along the French and Spanish coasts, spreading the suppression of the right of shipwreck in the western Mediterranean. Not infrequently, its abolition was reciprocal (Matysik 1950, 123–128) – such examples include treaties concluded by Pisa with Rome (1174), the Muslim ruler of the Baleares (1184), and Zadar (1188), as well as the 1292 agreement between the king of Aragon and the sultan of Egypt (Ashtor 1983, 20). Finally, from the 13th century the struggle against the right of shipwreck was joined in earnest by the autonomous urban centers along the coast and riverbanks of Germany, many of which would later become members of the association known as the Hanseatic League. Their activities proved highly important in limiting this custom in the Baltic, North Sea and the British Isles (Matysik 1950, 97–122; Niitemaa 1955).

Yet, in spite of efforts directed against it by the church and increasingly influential merchant circles, the right of shipwreck proved to be very resilient in the West as well. In addition to material reasons, this resilience was bolstered by the fact that, by virtue of its inclusion among regal rights, the exercise of this custom, especially toward foreigners, grew into a symbol of sovereign power. Thus, for example, the German City of Hamburg, one of the founders of the Hanseatic League, repeatedly petitioned popes and Roman-German emperors to suppress the exercise of the right of shipwreck by lay and ecclesiastic lords along the coast of the North Sea and the Elbe River, but insisted on its enforcement along the shores under its own rule (Rohmann 2019, 209–213, 220). Weighing the reprimands by the church and the need to satisfy the merchants and, on the other hand, the revenues and status that came with the exercise of the right of shipwreck, different rulers arrived at different solutions depending on local traditions, personal inclinations, and, especially, their royal ideology. Frederick II of Hohenstaufen, Roman-German Emperor (1220–1250) and King of Sicily (1198–1250), who drew inspiration for his role as monarch from the Roman imperial idea, forbade completely and under pain of death the exercise of the right of shipwreck in his Mediterranean kingdom, except against pirate and enemy vessels (Giannone 1959, 292–293; Mignone 2019, 28–30). However, after the French prince Charles of Anjou, coming from a setting where feudal legal concepts were more firmly rooted, captured the Kingdom of Sicily from Frederick's heirs, the old custom was restored as a regal right to appropriate everything that remained uncollected upon the expiry of an irrationally brief period of three days after the shipwreck had occurred – in that form the right of shipwreck was applied even to ships engaged in the crusade led by Charles's own brother, King Louis IX of France, in 1270 (Giannone 1959, 293–296). Different approaches can also be followed in England – whereas under King Henry II (1154–1189) the right of shipwreck could be exercised if there were no survivors from the ship, his son Richard I (1189–1199) allowed shipwrecked property to be claimed by the legal heirs of the owners; yet, Richard's nephew Henry III (1216–1272) returned to his grandfather's interpretation, prescribing that right of shipwreck came into force if there were no survivors, neither men nor animals or, as specified somewhat later, neither dog nor cat nor cock (Matysik 1950, 150–154; Niitemaa 1955, 58–59). Due to these contradictions, the right of shipwreck remained in existence even after the medieval period of European history had ended. In the 16th century, while popes continued to condemn the “unjust custom” and threaten excommunication (Schiappoli 1938, 149–157), at the court of King Henry II of France (1547–1559) it was still said that “whatever is thrown ashore belongs by the law of all nations to princes who rule the shores” (according to Verzijl 1972, 84). In fact, the right of shipwreck was rescinded

only in the 17th and 18th centuries, when European states one by one finally renounced its exercise towards all entities, both domestic and foreign (S. Matysik 1950, 217–233; Verzijl 1972, 85–86).

2. HISTORICAL SOURCES ABOUT THE RIGHT OF SHIPWRECK IN MEDIEVAL SERBIA

The right of shipwreck was evidently a deeply rooted and long enduring phenomenon that left numerous and varied traces throughout Europe and the Mediterranean. Several of those traces refer to its presence in medieval Serbia. However, although relevant information has long since been published in collections of source material and noted in numerous scholarly works, treatment of the topic in historiography has remained limited to passing remarks about individual mentions of the right of shipwreck or cases of its exercise, without any attempt to gather and process them as testimonies about one and the same phenomenon in the history of medieval Serbia and its law.¹²

The earliest recorded – and at the same time best documented – case of exercise of the right of shipwreck in medieval Serbia refers to the disaster that befell a Venetian galley probably in 1308 or early 1309. The wreck apparently occurred somewhere inside or immediately outside the Bay of Kotor, in the maritime region of Zeta, which had been a part of the Serbian state ruled by the Nemanjić dynasty since the last decades of the 12th century. The main testimony about this event comes from a letter addressed by the Doge Pietro Gradenigo of Venice to the King Stefan Uroš Milutin of Serbia (1282–1321), dated 10 May 1309 (Ljubić 1868, 239; Valentini 1967, 8–9). The doge first states that he had been notified by members of the Venetian noble houses of Contareno and Barbo, the owners of the wrecked vessel,¹³ that the Serbian ruler had acted upon the doge's earlier request for restitution of the "property salvaged from the shipwreck" by sending his envoys to "the bishop of Saint Michael, who held the objects and goods

¹² One can single out as characteristic examples the complete absence of the right of shipwreck from the synthetic work of Teodor Taranovski (Taranovski 1931, 1935) and its limitation to two passing mentions without any wider contextualization in the lexicographic volume on the Serbian Middle Ages, edited by Sima Ćirković and Rade Mihaljčić (Ćirković, Mihaljčić 1999, 174, 806).

¹³ At this time Venetian long-distance maritime trade still used private galleys built and equipped by individual families or groups of business associates for their own needs, but in 1329 the city authorities decreed the use of state-owned ships whose services were auctioned to interested merchants (Lane 1973, 129–131).

recovered from the shipwreck” with the order to restore that property to the envoy of the stricken Venetians. According to the doge, the Venetian envoy, with the assistance of “the illustrious lord your son”, reached an agreement with the “abovementioned bishop” – this was, in fact, the head of the Zeta bishopric of the autocephalous Serbian Orthodox archbishopric, whose main seat was in the monastery of Saint Michael on Prevlaka, southwest of the city of Kotor¹⁴ – whereby instead of restitution the bishop was supposed to pay as compensation for everything that had been salvaged a sum of 4,000 Venetian *solidi grossi*. However, after pausing to express his gratitude to the Serbian ruler for the steps he had taken, the doge went on to inform him about the subsequent unfavorable turn of events. The bishop had given to the Venetian representative as compensation some cattle whose value was estimated at 1,200 *grossi*, but, when sold, barely yielded 700 *hyperpyra* of Serbian money minted in the mine at Brskovo, “which is of much less value than our Venetian *grossi*.”¹⁵ Stressing that “our Venetians” had thereby suffered no small damage, the doge finally appealed to the Serbian king to prevent the “accrual of damage upon damage for unjust reasons” by ensuring that the remaining part of the settlement is paid to the envoy of the affected Venetians Oliverio Cuppo, in Venetian *grossi* or in goods that are fairly estimated to be of corresponding value in that currency.

According to a note recorded alongside the preserved transcript of the letter, on the same day a similar letter was composed for the “illustrious and magnificent lord, the son of the most serene lord King Uroš”, namely, to Milutin’s son Stefan, the future King Stefan Dečanski of Serbia (1321–1331). In 1309, Stefan governed the maritime areas of the Serbian state on behalf of his father, and his involvement in the negotiation of the compensation agreement was already mentioned in the letter sent to Milutin. Moreover, preserved under the same date is also a transcript of the doge’s letter to the third significant political actor in the region where the shipwreck occurred – the authorities of Kotor, at the time an autonomous commune under the supreme rule of the Serbian king (Sindik 1950).¹⁶ Except for explicitly locating the shipwreck in the area of Kotor (*super Catarum*), the

¹⁴ The monastery and its estate, known as the Metoch of Saint Michael, have been a frequent topic of research (Stjepčević 1930, 325–335; Božić 1957, 83–121; Janković 1985, 164–169).

¹⁵ A source from the very same year (1309) establishes the ratio of value between the Venetian silver *grosso* and the corresponding coinage of King Milutin on the neutral Hungarian market at 1 to 1.125 (Ivanišević 2001, 41).

¹⁶ It is worth noting that the doge addressed his letter to the “consuls of Kotor”. A collegium of consuls performing the role of judges and communal advocates is recorded in Kotor in the 12th century, but there is no mention of them later, their

text of this letter presents almost identically the complications regarding compensation of damage by the bishop of Zeta and calls on the Kotorans to intercede so that the Venetian envoy Cuppo would receive the remainder of the compensation in Venetian *grossi* or items of corresponding value “in order that our subjects, who have been greatly damaged by the event, should not suffer additional damage” (Ljubić 1868, 239–240; Valentini 1968, 9–10).

However, a later source testifies that the Venetian requests from 1309 did not result in a favorable resolution. When an ambassador sent by Milutin came to Venice in July 1318, the current doge, Giovanni Soranzo, used the opportunity to submit to him a memorandum on the damages incurred by Venetian subjects “in the realm of the lord king” (Ljubić 1868, 299; Valentini 1968, 17–18). First on the list was the case of the Contareno and Barbo galley “laden with goods and grain, which quite some time ago due to unfavorable weather ran aground without breaking up near the port and district of Kotor, which belong to the state of the lord king,¹⁷ and was subsequently completely looted by the men of Kotor, subjects of the lord king.” The memorandum claimed that the robbery inflicted damage of over 8,000 *hyperpyra* and that the envoy of the affected merchants, Oliverio Cuppo, had reached an agreement by which the damage “not counting expenses (*ultra expensas*)” was established at 4,000 Venetian *grossi*. He immediately received 800 *hyperpyra* in cattle, but more than 200 *hyperpyra* was stolen from him by his escort, and the rest was taken from him before he left the kingdom. As a result, the doge concluded, his subjects had remained gravely damaged ever since, and he therefore called on the Serbian ruler to keep his promise and settle that damage, “so as to preserve the love and fraternity between the lord king and his subjects and the lord doge and his subjects, because the lord doge cannot withhold from them what is their right.”

After this Venetian demand there is no more information that can be linked to the case of the Contareno and Barbo galley, and its conclusion remains unknown. Still, the expressed readiness of the Serbian ruler to mitigate the consequences of an exercise of the right of shipwreck, even if only formal or insincere in the given case, was followed up in the ensuing decades by

functions being taken over by judges (Gogić 2018, 94–96, 263–264). Therefore, it seems likely that the doge’s letter uses the term as a generic name for a judicial official.

¹⁷ Use of the preposition “near” (*apud*) seems to reflect the existence of some doubt as to whether the site of the shipwreck was located within the boundaries of the Kotor district. The doubt might well not have been caused by lack of information about the precise location of the site, but by uncertainty regarding its legal status, because the Kotor commune considered the lands of the Metoch of Saint Michael as part of the communal district (Božić 1957, 92–95; Antonović 2003, 199–209).

several examples of positive legal regulations promulgated to that end. The first such example is contained in a charter dated 25 March 1326, by which Milutin's son Stefan regulated the issues of protection and damage compensation for merchants from neighboring Dubrovnik, who represented the most important such group active in the Serbian realm (Porčić 2007, 20–22; 2017, 199–200). After first dealing with damages on land, Stefan also addressed maritime traffic: "Should it happen unto them that their vessel is wrecked at sea near to my land, may none of my nobles, neither great nor petty, lay hands on that vessel. If any damage is done unto them there, they shall receive payment from the surrounding villages or the nearby town. If they do not make payment unto them, I shall pay them from my treasury". Also, the sanction of that document, which, as the text expressly states, applies to damages on land and against vessels, stipulates that perpetrators shall "receive my wrath and punishment and pay unto me 500 *hyperpyra*".

At the time when Stefan issued this charter, Dubrovnik was subject to Venetian rule, and it could be surmised that its stipulations also applied to Venetians. Nevertheless, about 15 years later, when another Venetian vessel was wrecked near the Serbian shore, in order to get compensation, the Venetian authorities again had to address the Serbian ruler, Stefan's son Stefan Dušan (1331–1355). This time it is not the letter from the Venetian doge that was preserved, but the Serbian king's reply.¹⁸ At first, Dušan notifies the doge that "concerning shipwrecks that occur in the ports of our region, it is established in our royal law and in our lineage (*in nostra propagine*) that any and all property or goods from the said shipwrecks duly belong to our royal person", but then immediately goes on to add that he will not abide by that with regard to the doge and Venice, "expecting without doubt a similar attitude from Your Dignity". Hence, he invited the doge to send him trusted men to whom he would "without delay provide duly accounted restitution for what was perpetrated in the shipwreck that recently occurred in our region and for the property that was seized".

The Serbian rulers' renunciation of the right of shipwreck toward both of their main maritime "neighbors" – Venice and its subject Dubrovnik – was finally legally unified on 20 September 1349. On that day, after negotiations with three Dubrovnik and one Venetian envoy, Stefan Dušan, by that time already bearing the title of emperor, issued his "Great Charter" to Dubrovnik (Ječmenica 2012, 38–43; Porčić 2017, 249–253), which, when considered

¹⁸ The letter was written "in our royal court on May 22". The year is not stated, nor can it be reliably established. The available transcript is from 1341, but it appears that the letter must have been written earlier, probably in 1340 (Mitrović, Kisić Božić 2018, 14–15; Porčić, Isailović 2019, 226–228).

in the context of his legislative activity in general, can be viewed as a sort of codification of legal norms present in relations between Serbia and Dubrovnik. Acting also on behalf of his underage son and heir to the throne, King Uroš, the Serbian emperor declared that “[i]f a Venetian or Dubrovnik ship should be wrecked, whatever ends up in my land and the king’s, none of it should be seized – it should remain free.” A possible incentive for introducing this provision into the Great Charter is revealed in one of the articles of a separate agreement on payment of the emperor’s outstanding debts to inhabitants of Dubrovnik, which was penned that same day: “And I am also indebted to them 1,600 Venetian *hyperpyra* for the vessel that was wrecked in Zeta and taken by my lady the empress” (Ječmenica 2012, 49–50; Porčić 2017, 254–255). Although the immediate circumstances of that case are not known, the mention of shipwreck and compensation in conjunction with the fact that Dušan’s spouse, the Empress Jelena, is known to have been granted by her husband certain rights and possessions on the Zeta coast (Ćirković 1970, 75), indicate beyond doubt that this was another instance of the exercise of the right of shipwreck.¹⁹

Together with the rest of the dispositive part of Dušan’s Great Charter of 1349, the provision about shipwreck was repeated in practically unaltered form in the confirmation of Dubrovnik’s privileges issued by his heir Emperor Uroš on 25 April 1357 (Černova 2013, 80–87; Porčić 2017, 274–277).²⁰ However, already in the following year the political and legal context in which these documents were produced was seriously disrupted when Venice, having suffered defeat in the war against Hungary, was forced to renounce all of its possessions on the eastern Adriatic coast, including Dubrovnik. On the other hand, even before the Nemanjić dynasty ended with the death of Uroš in 1371, the Serbian empire began to dissolve into a number of practically independent political entities ruled by regional lords. Yet, regardless of

¹⁹ Conversely, it is unclear whether right of shipwreck was applied in another case, which was brought to the attention the Serbian emperor during the 1349 negotiations, only this time by the Venetian envoy. The case concerns “damage” inflicted upon “a Venetian on some vessel (*in quadam navī*) in the area of Valona” by Jelena’s brother and Dušan’s lieutenant in the coastlands of southern Albania, Despot Jovan Komnenos Asen. Although researchers have frequently claimed that this was an example of exercise of the right of shipwreck (Solovyev 1934, 180–187; Božilov 1985, 180; Porčić 2017, 61), the text of the source provides no clear indication in that direction, and it is entirely possible that this damage, for which 1,120 *hyperpera* were given in compensation to the Venetian authorities by an envoy of the Serbian emperor in the spring of 1350, resulted from some other form of suspicious or wrongful appropriation (Ljubić 1872, 176, 178).

²⁰ The only differences are the absence of the title of king, which in 1357 was not borne by anyone, and in a change of the word order in the last section.

changed circumstances, Dušan's Great Charter remained the cornerstone for regulating relations between Dubrovnik and the new rulers, thus offering a strong stimulus for the inclusion of provisions concerning the right of shipwreck into documents issued to Dubrovnik by those rulers. The earliest examples of such provisions appear among members of the Balšić family, which controlled significant parts of the Adriatic coastlands of the former Nemanjić state in Zeta and Albania. In a charter issued on 24 April 1385, the then-current head of the family, Balša II, stipulated that in the event that a Dubrovnik vessel is shipwrecked "in my land, no one is allowed to seize or keep something", threatening violators of this or other stipulations of the charter with a fine of 500 *hyperpyra* and the legal status of traitor (Rudić 2012, 102–103). Soon after, on 27 January 1386, his nephew and successor Đurađ II expressed the same principle in more detail: "Should it occur that one of your [Dubrovnik] vessels is wrecked at sea or on a river in my land, may none of my nobles, neither great nor petty, lay hands on that vessel, but instead may the men of that vessel and the property that can be recovered from the sea be free. Should anyone seize something from them, I will make payment from my treasury." (Premović 2016, 146–148)

Already in January 1387 provisions about the right of shipwreck also found their way into charters issued to Dubrovnik by the most powerful Serbian regional lord, Prince Lazar, and his neighbor, son-in-law and subordinate Vuk Branković (Mladenović 2003, 191–200; Šuica, Subotin-Golubović 2010, 100–104). Expressly formulated as confirmations, or renewals, of corresponding regulations from the Nemanjić period, these examples are especially interesting because they involve rulers whose possessions were situated far from the seacoast, suggesting that inclusion of provisions dealing with right of shipwreck might have been simply a reflection of the high regard for the Nemanjić legal heritage and of the tendency to imitate it even when there was no practical justification. Nevertheless, at that time Prince Lazar also had grounds to claim some sort of tangible supreme authority over the Serbian coastland because Đurađ II Balšić, just like Vuk Branković, was married to one of his daughters. For that reason, the provisions contained in Lazar's and Vuk's documents are formulated somewhat differently – whereas the prince states "Should a Dubrovnik vessel be wrecked in the coastland, in my lordship (*vladanije*), the law applied by earlier lords and by the Emperor Stefan [Dušan] is the law that should also be applied now," Vuk's document replaces "in my lordship" with "regarding whatever ends up in my land".²¹

²¹ Contrary to the solution from Vuk's charter, which practically copied the relevant phrase from the great charter of Emperor Dušan, Lazar's choice of the term *vladanije*, which was not used by the Nemanjićs, does in fact appear more as an attempt to describe a concrete legal and political situation than as a mere

The same stipulations are repeated in charters issued to Dubrovnik in December 1405 by the heirs of Prince Lazar and Vuk Branković – Lazar’s son Stefan, who had in the meantime assumed the title of despot (Mladenović 2007, 43–51; Veselinović 2011, 155–161) and Vuk’s widow Mara, Stefan’s sister, with her three sons.²² Although at that point neither of the two families had any tangible political presence in the coastland, while their mutual relations were hostile, the formulations from 1387 practically remained unchanged, except that the late founders of each family’s power were expressly named among the “earlier lords”, alongside Emperor Dušan. However, subsequent developments eventually led to a situation in which provisions against the right of shipwreck again gained practical meaning. First, the Lazarevićs and the Brankovićs agreed to a reconciliation whereby Despot Stefan accepted his nephew Đurađ Branković as his closest associate and successor in the Serbian despotate, and then the last ruler of the Bašić lordship, Baša III, bequeathed his possessions in the coastland to Despot Stefan. Therefore, when Dubrovnik asked Đurađ Branković, the new ruler of the Serbian despotate, to confirm the city’s old privileges in December 1428, there again existed a unified Serbian state, which encompassed part of the Adriatic coast. This permitted Đurađ to not only repeat the provision concerning right of shipwreck, but also to make it more precise by stating that it referred to shipwrecks occurring “in my region” (Miklosich 1858, 352–355; Stojanović 1929, 11–21). The provision was inserted in that same form into another confirmation of Dubrovnik’s privileges issued by Đurađ on 17 September 1445 (Miklosich 1858, 433–437; Stojanović 1929, 11–21). This, however, proved to be the last mention of the right of shipwreck in documents issued by rulers of medieval Serbia before it disappeared under the tide of Ottoman conquest.

Meanwhile, the relations between Serbian rulers and Venice, which generated the majority of the earliest testimonies about the right of shipwreck in medieval Serbia, offer no clear evidence of this phenomenon after 1357. Of course, the Venetians continued to sail the Adriatic despite having been expelled from its eastern shore in 1358. Thus, it is recorded that in November 1385 they sent nobleman Francesco Cornaro as ambassador

performative imitation of Nemanjić models. The nature of Lazar’s *vladanije* in the coastland and his relationship with Đurađ II Bašić are discussed by Miloš Blagojević (Blagojević 1985, 97–114). Other opinions on the matter are referenced by Srđan Rudić (Rudić 2021, 74). A comparative analysis of these documents in view of the hierarchic relationship between the two rulers is offered by Marko Šuica (Šuica 2010, 217–232).

²² For the Branković charter it is still necessary to refer to older editions (Miklosich 1858, 269–272; Stojanović 1929, 151–154).

“to the authorities (*regimina*) of Sclavonia” with the task of “negotiating the recovery of goods and objects from a *chocha* (type of vessel) that had recently suffered shipwreck in those parts” (Ljubić 1874, 225).²³ Since Venetians used the term Sclavonia for all Slav-inhabited areas in the eastern Adriatic hinterland (Dinić 1978, 34–35; Zett 1998, 215–219), it cannot be ascertained whether this referred to any of the “authorities” from the former territory of the Serbian empire, especially since fragmentation into autonomous local entities also spread through the part of the Adriatic coastland belonging to Hungary following the death of the powerful King Lajos I in 1382. In fact, Venice exploited this situation to launch a campaign for the restoration of its presence on the eastern Adriatic shore. By 1420 it again controlled large parts of Dalmatia, as well as of the Zeta coastland where it soon came into direct contact with the rulers of the Serbian despotate. However, although those contacts produced several agreements and treaties, the right of shipwreck is not mentioned in their texts.

The “authorities of Sclavonia” with whom Venice intended to negotiate about the 1385 shipwreck may also have included the King Tvrtko I of Bosnia (1353–1391). Having begun its southward expansion in the first half of the 14th century, by the last years of Tvrtko’s rule, Bosnia controlled parts of the Adriatic coast in Dalmatia and the Bay of Kotor. Also, in 1377 Tvrtko assumed the title of king of the Serbs and Bosnia, starting to present himself as the successor and continuator of Nemanjić traditions (Ćirković 1964b, 343–357). In spite of that, charters issued by him and subsequent Bosnian kings to Dubrovnik did not adopt provisions concerning right of shipwreck from the legacy of Serbian-Dubrovnik relations. Such provisions are also absent from charters issued to Dubrovnik by Bosnian regional lords, who already from the late 14th century ruled with increasing autonomy over large parts of the Bosnian state. Therefore, it is especially interesting that the last example of exercise of the right of shipwreck encountered in this research refers to them, all the more so because it also features a reversal of the usual casting of roles in which seafaring parties such as Venice and Dubrovnik were the ones requesting abolition of that right from the lords of the Adriatic coasts and hinterlands. In March 1457, an envoy of the Bosnian magnate Duke (*herceg*) Stefan Vukčić Kosača conveyed to the authorities in Venice a protest by his master against the actions of their representatives in Dalmatia after a vessel sailing in the duke’s service, whose crew included both Stefan’s and Venetian subjects, ran aground on a reef in the area of Split

²³ At the same time, two noblemen were entrusted with receiving and cataloging the goods that were going to be returned, while captains of warships were ordered to organize the transportation of the restored items to Venice.

(Ljubić 1891, 104–105). Since the vessel was empty, the sailors stripped it of rigging and used a boat to get to the island of Hvar, thinking they would be safe there. However, first the Venetian count of Hvar took the rigging from them and sold it for personal gain, and then the Venetian count of Split sent men who broke up the grounded ship and brought the timber to him. Although Stefan stressed that he is not so much upset about the vessel, “for that is but a small matter”, as about the “shaming and low esteem” of his lordly status, the authorities in Venice replied that the counts of Split and Hvar would be reprimanded and ordered to recompense the value of everything taken from the shipwreck.

3. SHIPWRECK AS A LEGAL ISSUE IN MEDIEVAL SERBIA

Even though the earliest source found in this research attesting to the presence of the right of shipwreck in medieval Serbia dates to the early 14th century, it seems likely that this custom was already known and applied much earlier. This is suggested primarily by King Dušan’s reply to the Venetian doge, which states that the right to property salvaged from shipwreck was “established” as a regal right “in our lineage” (*nostris regalis iuris ac in nostra propagine constitutum esse*). That statement clearly indicates the long duration and deep roots of the custom, but also shows that there was a moment in which the Serbian rulers took the right of shipwreck for themselves, either by “importing” it into the Serbian state or, far more likely, by “appropriating” a custom that already existed in its coastal areas. When exactly this occurred cannot be determined, but it almost certainly predates the case of the shipwreck of the Contareno and Barbo galley in 1308/9, since already on that occasion the Venetians addressed their request for restitution of the seized property directly to the Serbian ruler, King Milutin, while the subsequent procedure of restitution clearly demonstrates the central role of the mechanisms of royal power – both in the form of envoys sent from the royal court and in the involvement of Milutin’s son Stefan, as the ruler’s resident governor of the region in question. In any case, the regal nature of the right of shipwreck is unequivocally expressed already in the charter of Stefan Dečanski from 1326, in which the ruler first prohibits the appropriation of objects from a shipwreck “near to my land” by any “of my nobles, neither great nor petty”, and then also prescribes punishment and provides for compensation from his own treasury.

Later developments did not bring into question the regal nature of the right of shipwreck either. This seems completely understandable with regard to the rulers of the Serbian despotate, but it might be unusual for the period

immediately after the dissolution of the Nemanjić state, when the role of supreme authority was taken over by regional lords of non-royal rank and titles. The Balšićs, for example, repeat the stance expressed in the charter of Stefan Dečanski, proclaiming that without the consent of the bearer of supreme authority the right of shipwreck can be exercised by “no one” (1385) or “none of my nobles, neither great nor petty” (1386), as well as that the compensation of damages suffered by foreigners on those grounds is the ruler’s responsibility. For Prince Lazar it can even be said that the regal nature of the right of shipwreck displays a tendency to rise to the level of a theoretical principle, considering that the nature of his authority in the area where that right was practically applicable was, if not completely theoretical, then at best indirect. At first glance, it may seem that such pretensions are lacking only on the part of Vuk Branković, as he very specifically commits to restituting only that property from maritime shipwrecks that “ends up” in his land. However, if this formulation can be used to discern any legal position at all,²⁴ it is perhaps the idea of the ruler’s supreme right to property of a specific legal status that is found within the borders of his authority, even if the event by which that property had acquired its specific status occurred outside his borders. In fact, when all things are considered, the obviously strong presence of the concept of the regal nature of the right of shipwreck – maintained in these unusual, and moreover unfavorable circumstances for its survival – at the very least clearly shows that through its association with rulers from the Nemanjić dynasty this concept had become an inseparable part of the image of a sovereign ruler, which the Nemanjić’s epigons from the ranks of regional lords strove so wholeheartedly to emulate.

In addition to the regal nature of the right of shipwreck, information about its presence in medieval Serbia also confirms the phenomenon of its transfer to the immediate lords of the shores onto which the wreckage was deposited, just like in the feudal West. After the shipwreck of 1308/9, salvaged objects were appropriated by just such local landholders – the bishop of Zeta and, as the affected Venetians later claimed, the “men of Kotor”, i.e., the citizens of the Kotor commune.²⁵ Likewise, in the case of the shipwreck that occurred “in Zeta”, whose consequences were being settled in 1349, the objects were appropriated by Empress Jelena, as a holder of rights and lands in that area. In both instances, there is an impression that these landholders had every intention of keeping the appropriated goods and that they would have faced

²⁴ The entire phrase “whatever ends up in my land” is apparently directly borrowed from the great charter of emperor Dušan.

²⁵ On the claims of the Kotor commune to the lands of the Metoch of Saint Michael, along whose shores the shipwreck had evidently occurred, see above, notes 14 and 17.

no interference from the ruler in that respect, had it not been for the claim made by the original owners.²⁶ Moreover, the very prohibitions addressed to “nobles great and petty”, which are contained in the provisions abolishing the right of shipwreck under the Nemanjićs and the Balšićs, seem to indicate that when the right was being exercised in the usual manner – its immediate exercisers (and beneficiaries) were frequently members of that social group.²⁷

Thus, in medieval Serbia the right of shipwreck was a regal right that could be granted to the ruler’s subjects whose landed possessions met the natural preconditions for its implementation. However, as can be seen from the sources presented above, as well as from comparative examples throughout Europe and the Mediterranean, it could also be abolished or limited. Abolition or limiting of its exercise to the detriment of the ruler’s own subjects who suffered shipwreck – which sometimes served as the first step in the centuries-long processes of its gradual renunciation in Western countries, and was a naturally accepted part of the legacy of Roman law in Byzantium – finds no mention in Serbia. Instead, available sources mention abolition exclusively within the context of relations with two foreign actors – Venice and Dubrovnik – which belonged to the group of communities dedicated to maritime trade, whose interests were the main driving force behind the process of suppression of right of shipwreck across the continent. Still, although limited to foreigners and mariners,²⁸ these testimonies reflect and at least partially elucidate the application of two basic approaches

²⁶ In the case from 1308/9, it can even be deduced that the “restitution” requested by the Venetians was no longer possible, because in subsequent negotiations they were only offered compensation. The probable explanation seems to be that the cargo of grain from the vessel – which, as it turned out, ran aground without damage to the hull – was relatively quickly used up or “processed” in a manner that made it difficult to retrieve.

²⁷ With regard to this, attention can also be drawn to the behavior of the representatives of Venetian authority in Hvar and Split toward the grounded vessel and mariners in the service of Duke Stefan – the former essentially applied the right of shipwreck on the territory entrusted to him with regard to the ship’s crew and the latter with regard to the wreck, which, as far as can be ascertained, had run aground within the boundaries of the district of Split.

²⁸ Given that the Serbian medieval state also encompassed (to a varying extent) the banks of navigable rivers and lakes, there is a noticeable lack of information regarding the exercise of the right of shipwreck on those waterways – only Đurađ II Balšić mentions the possibility of a vessel being wrecked “on a river in my land”, doubtlessly because he was the lord of the area around the Bojana river, whose short but navigable course linked the Adriatic Sea with the area of the city of Skadar (Shkodra).

to the abolition of this right – through ad hoc and general agreements – while presence of the third, legislative, approach, which is encountered in Byzantium and some Western countries, cannot be confirmed.

For the ad hoc approach, meaning agreements on restitution or compensation for property seized on one particular occasion, a relatively richly documented example is offered by the wreck of the Contareno and Barbo galley in 1308/9. Since at that time there was evidently no general agreement about the right of shipwreck between Serbia and Venice (if there was, the Venetians would have certainly mentioned it in their appeals), what actually occurred was not a restriction or suppression of that right, but an act of sovereign royal grace wherewith this right was set aside in that particular case due to some higher interest in meeting the request of the damaged party. In fact, judging by the course of the case and its epilogue – as far as they can be established from available sources, which come exclusively from the Venetian side – it appears that the interest was not particularly strong. Although the source states that the Serbian king ordered (*mandavit*) the restitution of seized property, the conditions of restitution then became the subject of separate negotiations and agreements between Oliverio Cuppo, the envoy of the affected Venetians, and the bishop of Zeta, as the immediate beneficiary of this exercise of the right of shipwreck. According to that agreement, Cuppo consented to the restitution of 4,000 *grossi*, which at best amounted to little more than half of the damage, even though it is stated that the damage was inflicted by “robbery and spoliation” (*derobacione et spoliacione*).²⁹ Moreover, he also agreed to immediately receive only a smaller share of the compensation (30%), and even that in the form of cattle, subsequently discovering that sale of the cattle at the market barely managed to fetch half of the estimated amount and then also losing those earnings to theft and robbery – all this despite the Serbian ruler’s order to make restitution and the direct involvement of the ruler’s son to that effect.

In addition to the procedure itself, in this unsuccessful and even somewhat farcical attempt to mitigate the consequences of the exercise of the right of shipwreck, three more points of wider significance can be singled out. The first is the marked presence in the Venetian requests of the motif of “adding damage to damage”, which constituted one of the most widespread arguments in criticisms leveled against the right of shipwreck as an “unjust custom” that brings further misfortune to those already struck by adversity. Secondly, in the description of the agreement on compensation recorded in 1318, the established sum of 4,000 *grossi* is described as the amount “above/

²⁹ The total damage from those causes – not from the shipwreck itself – was estimated at 8,000 “or more” *hypepyra*, amounting to around 7,100 “or more” *grossi*.

without expenses” (*ultra expensas*), which raises the question of whether the difference between the total value of seized goods and the established sum of compensation might have been calculated – partly or in whole – as the expense for rewarding those who assist in the salvage of shipwrecked property, as established in Byzantine law. Although the text of the source does not provide enough grounds for such a conclusion, it has already been mentioned that provisions regarding such rewards were widespread in the Adriatic at this time.³⁰ Finally, the words with which the Venetian memorandum of 1318 ends the section dedicated to this event deserve special attention. After another appeal to the Serbian ruler to perform the promised compensation, it is added that this would be necessary for the conservation of “love and fraternity” between the subjects of the two sides, because otherwise the doge would not be able to “curtail” his subjects “of their right”. This was, in fact, a nicely worded threat of resorting to reprisals, another “unjust” medieval legal custom according to which a community or an individual who suffers damage at the hands of members of another community had the right to compensate the damage by seizing property belonging to any member of that community (Ćirković, Mihaljčić 1999, 249; Porčić 2008). Although reprisals were not used lightly, due to the general insecurity they brought into trading activities and the danger of escalation into more serious conflicts, they represented a powerful means of forcing a settlement of damage. As such, they also played a significant role in the suppression of the right of shipwreck in Europe and the Mediterranean, and their mention in this example fits perfectly into that pattern.³¹

The example of the Contareno and Barbo galley shows especially well the shortcomings of the ad hoc approach. Essentially, its effectiveness was completely dependent on the goodwill and ability of the ruler to renounce in a given case – in the interest of foreigners – something that was from his viewpoint a completely legal and legitimate regal right, which had, moreover, usually been legally and legitimately granted to one of his subjects. Much greater security was offered by the regulation of this matter through generally applicable long-term agreements. Although sometimes the right of shipwreck was the only topic addressed in the agreement and

³⁰ See above, at note 8.

³¹ It would seem justified to suppose that the threat of reprisals was in fact the reason why the Venetians in their 1318 memorandum, singled out the Kotorans as the main culprits in the spoliation of the Contareno and Barbo galley, although in 1309, soon after the event, they claimed that the seized goods were held by the bishop of Zeta. Due to their relatively intensive and widespread trading activities, the Kotorans were an infinitely better target for the application of the mechanism of reprisals than the bishop of Zeta and his subordinates.

the treaty document that recorded it, far more often provisions on this matter were included in agreements of wider scope. Regarding the content of the provisions themselves, the range of possible solutions began with a simple guarantee of security for shipwrecked persons and property or, alternately, a prohibition on inflicting damage upon them. This in turn could be supplemented by the establishment of mechanisms for compensating the damages that were nevertheless inflicted and, finally, by stipulation of sanctions against perpetrators and/or rewards for those who assist in salvage.

In Serbian practice, the best example in terms of content is offered by the earliest provision of this type – in the charter of Stefan Dečanski to Dubrovnik from 1326. In that document, after prohibiting the nobles “great and petty” from “laying hands on” wrecked Dubrovnik vessels, the Serbian king first imposed upon the closest villages or towns the obligation to compensate damage according to the principle of collective responsibility of the nearest settlement, known in medieval Serbia as *priselica* (Blagojević 1971, 165–166, 175–188), and then, in the event that this did not produce the desired effect, he committed to providing compensation from his own treasury. In addition, although it was understood that the ruler, if forced to compensate from his treasury, would in due course exact compensation for himself from the village, town, or the culprits themselves, the charter also prescribed sanctions for the perpetrators – 500 *hyperpyra* and royal disfavor expressed by the term “wrath and punishment”.³² In fact, since the provision on the right of shipwreck in the Great Charter of Stefan Dušan is much briefer, being limited to a ban on the seizure of shipwrecked objects and an affirmation of existing property rights (“none of it should be seized – it should remain free”), it seems likely that the “law” about shipwreck, which is called upon in all of the charters issued by the Lazarevićs and the Brankovićs from 1387 onward, as “the law applied by earlier lords and by the Emperor Stefan [Dušan]”, actually refers to the solution recorded in the charter of Stefan Dečanski. This is also indicated by the provisions on shipwreck in Balšić charters – the one from 1385, just like Dušan’s, limits itself to a ban on seizing shipwrecked objects, but the one from 1386 repeats (in part even literally) the content of the provision promulgated 60 years earlier by Dečanski, except that it leaves out the section about the application of *priselica*. Moreover, the case of the shipwreck on the Zeta coast, whose remains were appropriated by Empress Jelena, which constitutes the

³² The meaning of this expression has been discussed in Taranovski (1931, 37–38) and Mošin (1954, 30–32).

only available practical example, was obviously resolved according to that “law” – of course, “Emperor Stefan” most likely did not apply *priselica* or the prescribed sanctions against his wife and her possessions, but he did undertake the obligation to pay the affected inhabitants of Dubrovnik, presumably from his own treasury, a compensation in the amount of 1,600 “Venetian *hyperpyra*”.

Even before Dušan’s Great Charter of 1349 expressly established that the provision on shipwrecks applied to both Venetian and Dubrovnik ships, this regal right of the Serbian ruler had already been abolished with regard to Venetian ship in his letter from circa 1340. This case offers a good example of the transformation of what apparently began as an attempt to obtain compensation for damage sustained in one particular shipwreck, like the attempt in 1309, into a permanent abolition of the right of shipwreck in regard to a single foreign community. The manner in which this was carried out is especially interesting – the Serbian ruler first let the doge of Venice know with absolute clarity that he possessed the sovereign right of shipwreck in his country, but then simply stated that he would not exercise that right with regard to Venetian ships, offering also to compensate “without delay” the damage in the case at hand. In that way, the whole act was removed from the religious and moral-ethical discourse about the “unjust custom”, which “accrues damage upon damage” and clearly marked as an expression of the ruler’s sovereign will. Moreover, the Serbian ruler confidently expressed his expectation that the Venetian doge would also conduct himself in the same manner. In addition to providing the only example identified herein of an effort on the Serbian part to introduce the principle of reciprocity into the regulation of the right of shipwreck, this declaration by the most powerful Serbian medieval king (and subsequent emperor) shows to what extent the right of shipwreck was understood as a “lordly matter” that the rulers freely enjoyed and, when needed, used to honor each other. It is precisely this context that clarifies the reaction of Duke Stefan Vukčić Kosača when he complained in 1457 to the Venetian authorities because of the exercise of the right of shipwreck against his vessel by the Venetian counts of Hvar and Split, “not because of the vessel, for that is but a small matter not worthy of such a thing”, but because he had been shamed and disrespected by not being treated as a lord.³³

³³ This case is discussed in the context of Stefan’s relations with Venice by Sima Ćirković (Ćirković 1964a, 230).

4. CONCLUSION

The ancient legal custom known as the right of shipwreck can be observed in medieval Serbia from the early 14th to the mid-15th century. Available information from historical sources shows that, just like in many other European and Mediterranean countries of the time, it constituted a regal right, which could be exercised by the ruler in favor of his treasury or transferred to those of his subordinates whose landed possessions met the natural preconditions for its implementation. On the other hand, its presence in Serbia is also marked by strong expressions of the general trend toward suppression of this “unjust custom”, which was encouraged by the influence of religious and moral principles, Roman law, and, especially, the need to create the best conditions possible for increasingly profitable and important commercial activity. In the Serbian case, the only visible promoters of this trend were the foreign actors engaged in maritime traffic and trade along the Adriatic coast of the Serbian state – Venice and Dubrovnik. In contacts with them, the Serbian kings and emperors of the Nemanjić dynasty developed legal mechanisms, by which the exercise of this custom with regard to ships belonging to these two communities was formally abolished, again displaying many features characteristic of such processes in the wider continental context. Once established, these mechanisms remained in force even after the role of supreme authority on the territory of medieval Serbia was assumed by regional lords, and also later, under the Serbian despots. Consequently, the right of shipwreck can be considered as another long-enduring phenomenon that testifies to the participation of medieval Serbia in the wider historical phenomena and processes of the period, as well as to the specific ways in which that participation was manifested, recommending it as a worthy subject for further research.

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Article history:

Received: 31. 1. 2022.

Accepted: 9. 3. 2022.