

## ARTYKUŁY IUS VALACHICUM

A HISTORIOGRAPHICAL SURVEY OF *IUS VALACHICUM*  
AMONG ROMANIANS AND VLACHS

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**ABSTRACT.** The purpose of our study is to investigate the current state of research regarding *Ius Valachicum* in Romanian and foreign historiography. After presenting Romanian history, palaeography and the legal history of the Carpatho-Danubian space, we turn to the Polish historiography of the North Vlachs, and to the Serbo-Croatian historiography of the South Vlachs. Finally, we use case studies to illustrate two enacted customary laws of the Vlachs from Croatia. The methods used in this paper include description, analysis, and comparison, as well as exploratory and applied research. The article is a historiographical survey of *Ius Valachicum* among the Romanians and Vlachs. The medieval and premodern consuetudinary laws of the Romanians and Vlachs are reflected both in primary and secondary sources, from 14<sup>th</sup> century historical documents to historiographical preoccupations dedicated to *Ius Valachicum* from the 18<sup>th</sup> and 19<sup>th</sup> centuries. First, we refer to the special literature explaining both ethnonyms and the historical-geographical spread of the Romanians and Vlachs. Then we present the Romanian historiography investigating the manifestations and features of *Ius Valachicum* in the geographical area belonging to the present-day Romanian state. Turning to the Czech and Polish historiography, the occurrence of *Ius Valachicum* is revealed among the North Vlachs from medieval and premodern Poland, Ruthenia, and Hungary. We also review the Serbo-Croatian historiography of the *Ius Valachicum* specific to the South Vlachs from Croatia and Serbia. Finally, two enacted customary laws of the Vlachs from Croatia (1436, 1630) are analysed from the point of view of legal history. These codifications of *Ius Valachicum* prove the juridical power and importance acquired by the Croatian Vlachs during the Middle Ages. The historiographical pros and cons, as well as the critical remarks presented at the end of this study, at the same time, offer a few methodological solutions for future investigations of Romanian and Vlach *Ius Valachicum*.

**Keywords:** Romanians and Vlachs' ethnonyms, *Ius Valachicum*, Romanian historiography, Vlach customary law

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## INTRODUCTION

This paper approaches the historiography of Romanian (Vlach) consuetudinary law, called *Ius Valachicum* (*legea românească*). We pay attention to several types of sources revealing *Ius Valachicum* among the Romanians and Vlachs during the Middle Ages and premodern history,<sup>1</sup> such as primary sources (document collections and critical editions of archive material), and secondary sources (interpretative studies of ecdotics and textual criticism, historical analyses, compendia and treatises comprising the history of Romanian customary law, volumes of legal history).

First, after presenting the special literature explaining the ethnonyms and geographical spread of the Romanians and Vlachs, we distinguish the North Vlachs from the South Vlachs. We describe the latter as natives from the Balkans speaking Aromanian, Megleno-Romanian and Istro-Romanian, and the former as a Slavicised population of original Romance language speakers living in the Slovakian, Czech, Polish and Ukrainian Carpathians.

We then present the Romanian experts in history, palaeography and legal history, who have investigated the manifestations and features of *Ius Valachicum* in the geographical area belonging to the present-day Romanian state, usually considered to be the traditional area inhabited by Romanians.

Then we get a bird's eye view of the foreign historiography and historians who revealed the occurrence of *Ius Valachicum* among the North Vlachs from medieval and premodern Poland, Ruthenia, and Hungary, respectively, among the South Vlachs from Croatia and Serbia. Such areas, including a minority of Vlachs, lie outside the borders of the Carpatho-Danubian space, which was historically inhabited by an overwhelming demographic majority of Romanians. Nevertheless, as we shall see, multiple historical documents and references from these countries mention the Vlachs and their *Ius Valachicum*.

At the end, using the perspective of legal history, we analyse a couple of interesting case studies, which bring to the foreground enacted customary laws of the Vlachs from Croatia (1436, 1630). These codifications of *Ius Valachicum* prove the juridical power and importance acquired by the Croatian Vlachs during the Middle Ages.

The final conclusions summarise the historiographical disputes and controversies, as well as the difficulties connected with extended research of Romanian consuetudinary law. These lead us eventually to methodological solutions suggesting an interactive and interdisciplinary scientific collaboration of the scholars devoted to the proposed topic.

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<sup>1</sup> On the distinction between the endonym *Romanians* and the exonyms *Vlachs*, *Wallachians* etc., see the debates on medieval sources in: I.-A. Pop, *The History and Significance of the Names "Romanian"/"Vlach" and "Romania"/"Wallachia"*, Cluj-Napoca 2014; V. Spinei, *The Terminology Reflecting the Ethnic Identity of the Romanian Voivodeships in the Middle Ages and Renaissance*, "Revue roumaine d'histoire" 2019, vol. 58, p. 53–178, and on ethno-historical terminology and sources of modern history in: E. Cosma, *Ethnogenetical Myths and Historical Imaginary Regarding the Genesis of the Romanians and Vlachs*, "Studia Universitatis Babeş-Bolyai. Historia" 2019, vol. 64, no. 2, p. 34–49.

THE ROMANIANS AND VLACHS' ETHNONYMS AND DIALECTS,  
THEIR HISTORICAL AND GEOGRAPHICAL SPREAD

Large ethnic groups and people identify themselves with an *ethnonym*, their ethnic name representing them as a collective whole. Like other people, the Romanians have two ethnic names, that have coexisted throughout history in all their territories of dwelling and habitation: “Romanians” (*români*), “Aromanians” (*armâni*) etc., as a self-denomination, an inner name or *endonym* (< ἔνδον = in, inner, inside + ὄνομα = name), and “Wallachians”, “Vlachs”, “Vlochs”, “Vlash” (*v(a)lahi, volohi, vlași*) etc., as a name given to them by foreigners, that is an external name or *exonym* (< ἔξω = out, outer, outside + ὄνομα = name).<sup>2</sup>

Unlike some of the big people (Ruthenians or Rusyns), considered to have come “from nowhere”, as they were devoured by history together with their name,<sup>3</sup> but like other victorious nations (Germans, Poles, Hungarians, Jews), the Romanians refuted the exonym, perceived increasingly with a pejorative connotation over time, and succeeded in imposing their endonym. The struggle for endonym was initiated at the beginning of the 19<sup>th</sup> century in Wallachia and Moldavia (under Ottoman suzerainty and the Tsarist protectorate), as well as in Transylvania (under Habsburg suzerainty). This issue was definitively settled by the formation of the modern Romanian national state (1859), and with the official proclamation of the endonym as a state name, Romania (*România*, 1866).

The ethnonyms of the Romanians and Vlachs were better studied (by Gustav Weigand,<sup>4</sup> Toli Hagi-Gogu,<sup>5</sup> Thede Kahl,<sup>6</sup> Ioan-Aurel Pop<sup>7</sup>), some of the authors also describing the nicknames or the corrupted double, even triple, meaning of the

<sup>2</sup> Explanation of the Greek terms in: *Νέοελληνικό-Ρουμανικό Λέξικο/Dicționar neogrec-român*, ed. L. Brad-Chisacof, authors: M. Kondoghiorghi, E. Dobroiu, Șt. Stupca, A. Augustopoulos-Jucan, București 2000.

<sup>3</sup> Gh. Firczak, *Rutenii/Rusinii, un popor pe nedrept uitat. Compendiu istorico-geografic*, 2002, <https://rutenii.ro/web/images/revista/compendiurom.pdf> [accessed: 14.8.2023]; P.R. Magocsi, *Poporul de niciunde. Istoria în imagini a rutenilor carpatici*, <http://www.rutenii.ro/> [accessed: 28.5.2020].

<sup>4</sup> G. Weigand, *Die Sprache der Olympto-Walachen nebst einer Einleitung über Land und Leute*, Leipzig 1888; idem, *Vlacho-Meglen. Eine ethnographisch-philologische Untersuchung*, Leipzig 1892; idem, *Die Aromunen. Ethnographisch-philologisch-historische Untersuchungen über das Volk der sogenannten Makedo-Romanen oder Zinzaren*, Leipzig 1894–1895; idem, *Ethnographie von Makedonien. Geschichtlich-nationaler, sprachlich-statistischer Teil*, Leipzig 1924.

<sup>5</sup> T. Hagi-Gogu, *Romanus și Valahus sau ce este romanus, roman, român, aromân, valah și vlah*, București 1939.

<sup>6</sup> T. Kahl, *Ethnizität und räumliche Verteilung der Aromunen in Südosteuropa*, Münster 1999; idem; *Etonime la aromâni [in:] Spațiul lingvistic și literar românesc din perspectiva integrării europene*, Iași 2004, p. 264–273.

<sup>7</sup> I.-A. Pop, *The History and Significance of the Names*, chapter 2 (*The duality of the names Vlach and Romanian against a general historical background*), p. 13–24; I.-A. Pop, A. Simon, *Re de Dacia. Un proiect de la sfârșitul Evului Mediu*, Cluj-Napoca 2018.

ethnonyms *Vlachs* and *Morlachs* in the Balkans (Max Demeter Peyfuss,<sup>8</sup> Wojciech Sajkowski,<sup>9</sup> Raymond Detrez<sup>10</sup>). Less but still detailed analyses of all the Romanian Lands' ethnonyms are available, too (Ioan-Aurel Pop,<sup>11</sup> V. Spinei<sup>12</sup>).

Almost a century ago, one of the greatest Romanian historians, Nicolae Iorga, had already circumscribed the so-called *Romanii populare* (folk Romanias) or *Romanii rurale* (rural Romanias) as autonomously organised Romance-speaking fragments, that came under the intermittent and often indirect barbarian domination or under the Byzantine emperors of the Eastern Roman Empire (4<sup>th</sup>–11<sup>th</sup> centuries). They adopted a Slavic lexical adstrate and institutional forms (6<sup>th</sup>–8<sup>th</sup> centuries), but were strongly aware of their Latin origins, language and core identity, also preserving their own *ritus* (*Ius Valachicum*).<sup>13</sup>

The significance of the ethnonyms is easy to guess. The name by which people, just like human beings, found their existence, has an ontological value, too.<sup>14</sup> The fact that the Romanians' ethnonyms are charged with ontological value is shown by the dual use of the endonym and exonym in texts from the 12<sup>th</sup>–16<sup>th</sup> centuries.<sup>15</sup> Such testimonies are precious, all the more as the medieval ages were dominated by the name of the Vlachs, used by foreigners to nominate the Romanian inhabitants of the North Danubian, extra- and intra-Carpathian territory, which they themselves, however, called *Țările Române* (Romanian Lands). The fight for obliteration of the undesirable name of Vlachs was won in modern times, when the Romanians imposed their selfname. The question can be expressed in terms of territory, of political acknowledgement and language policy, as during the modern age, the Romance-speaking Romanians and Vlachs were the largest and most-compact Neo-Latin people from the central-eastern part of Europe, speaking the most unitary language among the Romance languages, as Gustav Weigand established.<sup>16</sup>

<sup>8</sup> M.D. Peyfuss, *Chestiunea aromânească. Evoluția ei de la origini până la pacea de la București (1913) și poziția Austro-Ungariei*, București 1994, p. 11–12.

<sup>9</sup> W. Sajkowski, *The Peoples Inhabiting the Illyrian Provinces Known under the Name of Morlachs — Definition of the Ethnonym in the Light of French Literature*, "Res Historica" 2016, vol. 41, p. 111–123. W. Sajkowski considers that the ethnonym of the *Morlachs*, *Morlachi* or *Mavro Vlasi* (Black Vlachs), initially used by the Venetians in order to denominate the Vlach shepherds and military settlers, since the 16th century (after the Vlachs merged with the Slavs) was also used to describe Slavs or other groups, becoming synonymous with the inhabitants of the Dalmatian province.

<sup>10</sup> R. Detrez, *Prenational Identities in the Balkans* [in:] *Entangled Histories of the Balkans*, vol. 1. (*National Ideologies and Language Policies*), Leiden–Boston 2013, p. 42–44.

<sup>11</sup> *Ibidem*, chapter 5 (*The Romanians' countries: Valahii or Wallachias [Romanii]*), p. 39–46.

<sup>12</sup> V. Spinei, *The Terminology Reflecting*, p. 53–178.

<sup>13</sup> N. Iorga, *Les Romaniae autonomes de l'Occident* [in:] N. Iorga, *Études byzantines*, vol. 1, București 1939, p. 218–221; I.-A. Pop, *Geneza statului medieval românesc în viziunea lui N. Iorga*, "Studia Universitatis Babeș-Bolyai" 1990, vol. 35, no. 2, p. 3–11.

<sup>14</sup> E. Cosma, *Ethnogenical Myths*, p. 46.

<sup>15</sup> I.-A. Pop, *The History and Significance of the Names*, chapter 4 (*Attestations of the ethnonym Român/Rumân [the twelfth–sixteenth centuries]*), p. 31–38.

<sup>16</sup> G. Weigand, *Die Aromunen*, 1895, p. 63.

Moreover, the importance of imposing the endonym “Romanian” (*român*) is revealed by the intrinsic connection between the endonym and the foundation of the Romanian Lands. Even the name of the nation and state — an apparently ineffable, immaterial category — has huge importance, because the name is “sometimes almost as important as the existence itself of the respective people and state”, becoming “part of the ethnical, national and state identity, often shaping silently or openly the very destiny of its holders”, in the words of Ioan-Aurel Pop, president of the Romanian Academy of Sciences. The indissoluble link between the endonym and the national state results from the name of Romania (*România*), too, “a kind of Rome transferred in the area bordered by the River Danube, by the Carpathian Mountains and by the Black Sea”, a strong and durable identity mark, naturally created during the Middle Ages and “historically-ideologically forged” by Romanian intellectuals, “artisans of the modern nationalism and of the national ideology.”<sup>17</sup>

It is known that medieval sources used “to confer to the name of a population a geographical rather than an ethnical understanding”, as Gheorghe Brătianu observed.<sup>18</sup> The habit is also prevalent in modern history sources, which is revealed both by the conjoint exonym designating Moldavia and Wallachia (that together were called *Donaufürstenthümer*, *Дунайские Княжества*, *Principatele Dunărene*, Danubian Principalities instead of Romanian Principalities).<sup>19</sup>

During modern and contemporary history, by using the general exonym of Vlachs, both Central and South-Eastern European state authorities and some scholars implicitly refer to the speakers of Romance idioms living outside the territorial borders of the Romanian state. So, keeping this in mind and considering the Romanian Lands and Romania as the central state territory inhabited by a demographical majority of Romanians, we geographically distinguish the demographical minority of the Southern Vlachs belonging to the Eastern Romance-speaking area (in past and present Greece, Albania, Montenegro, Croatia, Dalmatia, Serbia, Bulgaria) from the Northern Vlachs (living in historical Moravia and Ruthenia, contemporary Czechia, Slovakia, Poland, Ukraine).

Romanian Academy member linguist Matilda Caragiu Marioțeanu (of declared Aromanian-Romanian identity) observed the synonymy between identity, (ethnic) name and (native) language, considering that: “If *identity* is an intrinsic act of conscience within any speaker, *identification* is usually an extrinsic act of will, ordinarily depending on the outsiders’ will.”<sup>20</sup> In this respect, endonyms are to do with identity and exonyms with identification, none of them excluding the others.

<sup>17</sup> *Ibidem*, p. 9–10, 73–74.

<sup>18</sup> Gh.I. Brătianu, *Tradiția istorică despre întemeierea statelor românești*, ed. V. Râpeanu, București 1980, p. 170.

<sup>19</sup> D. Deteșan, E. Cosma, *Ethnicity, Nationality, and Statistics. The Romanians from the Habsburg Empire, the Ottoman Empire, and the Tsarist Empire (1848–1850)*, “Romanian Journal for Population Studies” 2017, vol. 10, no. 2, p. 119–135.

<sup>20</sup> M. Caragiu Marioțeanu, *Aromânii și aromâna în conștiința contemporană*, București 2006, p. 43.

A very recent approach on this topic (2021), coordinated by Annemarie Sorescu-Marinković, Mihai Dragnea, Thede Kahl, Blagovest Njagulov, Donald L. Dyer and Angelo Costanzo, succeeded in thoroughly investigating the complex relationship between language and the politics of identity with respect to the Romance-speaking communities, but also analysed, in smaller case studies, the Romance varieties spoken in the Balkans, their influence on their speakers' identity, without ignoring the pressure and stigmatisation exerted upon them by various nation-state policies.<sup>21</sup>

The great German specialist in the Balkan languages, Gustav Weigand, had already asserted in 1908 that Eastern Romance native speakers belong to the Dacian-Romanian linguistic area (*dacorumänisches Sprachgebiet*), comprising Romanian, Aromanian, Megleno-Romanian and Istro-Romanian,<sup>22</sup> as the four main linguistic varieties (defined — depending on the scientists — as languages, dialects or idioms). Aromanian is spoken today by around 500,000 people in Albania, Bulgaria, Greece, North Macedonia, Romania and Serbia. Even if this dialect has the largest number of speakers after Romanian, it is still (considered by UNESCO as) endangered. Severely endangered is Megleno-Romanian, that has around 5,000 active speakers in the Moglena/Meglen region (at the state border between Greece and North Macedonia), including a small number of descendants of the Meglen emigrants in the Serbian Banat.<sup>23</sup> With only 35 active Vlach speakers, as Zvezdana Vrzić recently estimated, Istro-Romanian has practically almost ceased to be a living language.<sup>24</sup>

In her *Dodecalogue of the Aromanians*, the above-quoted linguist Matilda Caragiu Marioțeanu considered, among the “12 undeniable historical and current truths on Aromanians and their language”, that the Aromanians have always been South-Danubians and their language — which emerged from historical proto-Romanian (*străromâna*, *Urrumänisch*) as one of its four branches — conferred on them an “ethnolinguistic conscience”, regardless of the autochthonous or diaspora current status of this Orthodox population, that should be named “Aromanians or Macedo-Vlachs.”<sup>25</sup> Both ethnic names (the endonym and the exonym) were first used by Mihail G. Boiagi, in his grammar of 1813, but it was the German scholar Gustav Weigand who imposed the endonym *Aromanian* (with the prothetic *a: eu hiu armân / I am Aromanian*) in the scientific literature.<sup>26</sup> Based on precious ethn-

<sup>21</sup> *The Romance-Speaking Balkans. Language and Politics of Identity*, eds. A. Sorescu-Marinković, M. Dragnea, T. Kahl, B. Njagulov, D.L. Dyer, A. Costanzo, Leiden–Boston 2021.

<sup>22</sup> G. Weigand, *Linguistischer Atlas des dacorumänischen Sprachgebiets*, Leipzig 1908.

<sup>23</sup> E. Cosma, *The Romance-Speaking Balkans* (2021).

<sup>24</sup> Z. Vrzić, *Nation-State Ideology and Identity and Language Rights of Linguistic Minorities: Prospects for the Vlashki/Zheyanski-Speaking Communities* [in:] *The Romance-Speaking Balkans. Language and Politics of Identity*, Leiden–Boston 2021, p. 187.

<sup>25</sup> M. Caragiu Marioțeanu, *Aromânii și aromâna*, p. 17–27.

<sup>26</sup> G. Weigand, *Die Aromunen. Ethnographisch-philologisch-historische Untersuchungen über das Volk der sogenannten Makedo-Romanen oder Zinzaren*, Leipzig 1895.



odemographic field information he collected himself, the Romanian poet Dimitrie Bolintineanu, who was of Aromanian origin, was one of the first authors concerned with the Aromanians' imagology and ethnic identity, which he exposed in his book written in 1858 and published in 1863.<sup>27</sup>

Among the South Danubian Vlachs, ethnic identity and mother tongue, corroborated with the greatest number of active native speakers, are best preserved by the Aromanians. Their history during the last centuries — after the fall in 1788 of Moscopole (Voskopojë, Μοσχόπολις, Москополе), the rich cultural, printing and commercial centre of the Aromanians, considered to be the second greatest South-Eastern European city after Constantinople — is masterfully explained by Austrian historian Max Demeter Peyfuss in his well-known analysis of the “Aromanian question” until 1913.<sup>28</sup> By sometimes controversial means (turning Aromanian identity and language into contextual political weapons), the Aromanians succeeded in imposing the best possible status, either as a “dispersed ethnic minority” with a “minority language under threat” in the diaspora and Greece (EU *Recommendation 1333/1997*), or as a national minority officially acknowledged in Albania, North Macedonia, Romania.

On the opposite side, the Istro-Romanians, who inhabited the Istrian Peninsula and Krk Island until 1875, calling themselves *rumâri* and *rumeri*, as Weigand recorded in 1894–1895,<sup>29</sup> are now considered to be the smallest ethnolinguistic group in Europe, speaking a critically endangered language (the worst level of language endangerment, as defined by UNESCO). They are expected to follow the fate of the extinct historical *Stari Vlachs* of Bosnia-Herzegovina and Montenegro<sup>30</sup> and of the Dalmatian Morlachs.<sup>31</sup>

<sup>27</sup> D. Bolintineanu, *Călătorii la românii din Macedonia și muntele Athos sau Santa-Agora*, București 1863.

<sup>28</sup> M.D. Peyfuss, *Die aromunische Frage. Ihre Entwicklung von de Ursprüngen bis zum Frieden von Bukarest und die Haltung Österreich-Ungarns*, “Wiener Archiv für Geschichte des Slawentums und Osteuropas” 1974, vol. 8.

<sup>29</sup> G. Weigand, *Istrisches*, “Erster Jahresbericht des Instituts für Rumänische Sprache” 1894, p. 122–155; idem, “Zweiter Jahresbericht des Instituts für Rumänische Sprache” 1895, p. 215–224.

<sup>30</sup> C. Felezeu, I. Lumperdean, *Vlahii din nordul Peninsulei Balcanice. Schiță istorică*, “Buletinul Centrului de Studii Transilvane” 19995 (suplement); S. Dragomir, *Vlahii din nordul Peninsulei Balcanice în Evul Mediu*, eds. I.-A. Pop, S. Șipoș, Cluj-Napoca 2012; O. Ciobanu, *The Heritage of the Western Balkan Vlachs, International Scientific Conference “Cultural Heritage: Research, Valorisation, Promotion” (10th edition)*, Chișinău 2018; idem, *Cultural Appropriation of the Vlachs' Heritage in the Balkans, International Conference “Cultural Heritage and Identities”*, București 2019.

<sup>31</sup> W. Sajkowski, *Morlachs or Slavs from Dalmatia in French Encyclopedias and Dictionaries of the 18th and 19th Century*, “Poznańskie Studia Slawistyczne” 2018, vol. 15, p. 207–218; S. Șipoș, *Morlacii/Vlahii din Dalmația — între tradiție și modernizare la începutul secolului al XIX-lea*, “Studia Universitatis Moldaviae” 2017, vol. 104, no. 4, p. 16–22; D. Caciur, *Considerations Regarding the Morlachs' Migrations from Dalmatia to Istria and the Venetian Settlement Policy during the 16th Century*, “Balcanica Posnaniensia. Acta et studia” 2015, 22/1 — *Ius Valachicum* I, Poznan–București, p. 54–70.

Finally, there are the Meglen Romanians, “a community on the verge of extinction”, whose fight for ethnic survival disturbs the scientists Annemarie Sorescu-Marinković and Mircea Măran: “We can only hope, in our case, that the nightmare of every researcher will not come true: the freshly discovered community was discovered too late to do anything in order to help it survive.”<sup>32</sup> In fact, since the discovery of the Meglen Romanians following ethnographic and linguistic investigations in the 19<sup>th</sup>–20<sup>th</sup> centuries,<sup>33</sup> their situation has worsened today, and UNESCO considers their language to be severely endangered. They are the only Balkan Romance population who lost the endonym Romanians and call themselves Vlachs. Smaller in number than the Aromanians, after World War I they were dislocated from their homes in Meglen (Central Macedonia), willingly migrating to Romania (Cerna, Dobrudja) or being constrained to move to Turkey (Eastern Thrace), within the forced Greek-Turkish population exchange of 1923.<sup>34</sup> After World War II, displaced from Macedonia by the Yugoslav communists, they settled in Banat and Bačka (in villages emptied of their German population). Facing frequent displacements, but keeping their idiom (which is the closest to Romanian), the Meglen Romanians adapted by means of “shifting identities” and adopted a “multiple identity” or *identités contextuelles*, which led to “language preservation, identity loss.”<sup>35</sup> They survived assimilation and exodus due to an “endogenous strategy” based on “cultural and social invisibility”<sup>36</sup> and, instead of “highlighting their cultural differences by identity claims”, they became an “invisible minority, which went unnoticed and unknown” in the Macedonian nation (at censuses they still declare themselves Greeks in Greece, Macedonians in Macedonia and Serbia). At state level, this makes them invisible as an ethnic community, “living in the comfortable social fog, as a strategy of survival.”<sup>37</sup>

<sup>32</sup> A. Sorescu-Marinković, M. Măran, *The Meglen Vlachs (Megleno-Romanians) of Serbia: a Community on the Verge of Extinction*, “Res Historica” 2016, vol. 41, p. 209.

<sup>33</sup> G. Weigand, *Vlacho-Meglen. Eine ethnographisch-philologische Untersuchung*, Leipzig 1892; Th. Capidan, *Meglenoromâni*, vol. 1 (*Istoria și graiul lor*), vol. 2 (*Literatura populară la meglenoromâni*), vol. 3 (*Dicționar meglenoromân*), București 1925–1935.

<sup>34</sup> T. Kahl, *Language Preservation, Identity Loss: the Meglen Vlachs*, *Language Preservation, Identity Loss: the Meglen Vlachs*, “Memoria Ethnologica” 2014, vol.14, p. 38–47.

<sup>35</sup> Ibidem; D. Dimitrijević-Rufu, *Histoires des Roumains de Serbie*, “Études roumaines et aroumaines” 1993, vol. 2, p. 27–32; P.H. Stahl, *L’identité des Roumains de Melnița (Homolje)*, “Études roumaines et aroumaines”, vol. 2, 1993, p. 63–78; idem, *Identités contextuelles. Le cas d’une communauté “roumaine” de Serbie*, “Cahiers Balkaniques” 1998, vol. 25, p. 165–174; idem, *The Multiple Identity of Romanians in Melnica (Homolje, Serbia)* [in:] *Name and Social Structure. Examples from South-Eastern Europe*, New York 1998, p. 49–68.

<sup>36</sup> D. Belkis, *Vers une définition de la “méglenité”*, “Martor. The Museum of the Romanian Peasant Anthropology Review” 2001, vol. 6, p. 205–237, <http://martor.muzeultaranuluiroman.ro/archive/martor-6-2001-les-roumains-et-les-balkans-the-romanians-and-the-balkans/> [accessed: 28.5.2020].

<sup>37</sup> A. Sorescu-Marinković, M. Măran, *Megleno-Romanians in Serbia — Shifting Borders, Shifting Identity* [in:] *Shifting Borders and New Identities in Eastern Europe*, eds. P. Hristov, A. Kasabova, E. Troeva, D. Demski, Sofia 2015, p. 365–377; eadem, *The Meglen Vlachs (Megleno-Romanians) of Serbia: a Community on the Verge of Extinction*, “Res Historica” 2016, vol. 41, p. 197–211.



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While the South Vlachs (excepting the Istro-Romanians) today still preserve the Eastern Romance language varieties spoken by them, the Northern Vlachs include speakers of West Slavic languages comprising Romanian and further Eastern Romance elements of pastoral vocabulary and toponymy, who nowadays live in Czechia, Slovakia, Poland and Ukraine.

The Romanian historiography of the North Vlachs is rather perfunctory. After a short travel description was published by D.P. Marțianu about *The Vlachs from Moravia* (1875),<sup>38</sup> only a few press articles and book reviews mention the topic. Gheorghe Șișeștean was probably the first and only Romanian ethnographer who dedicated to them half of his book, *Extinct Romanians. The Vlachs from the North Carpathians and the Romanians from Hungary* (2012). Joined by his wife, during his field campaigns between 2005 and 2007 in the alpine territories of the Slovakian and Czech Carpathians, Șișeștean investigated the areas lived in by Vlachs which are now situated in eastern Czechia (*Moravské Valašsko*/Moravian Wallachia: Vsetín, Valašské Meziříčí, Rožnov pod Radhoštěm), northern Slovakia (*Belianske Tatry*/White Tatra, *Spišská Magura*: Poprad, Ždiar/Zor in Goral) and western Slovakia (Beskids: Žilina, Čadca, Oščadnica). As he modestly confessed, he thus established “only a first ethnological contact with this region”, obtaining “incomplete research results, placed under the sign of unanswered questions.”<sup>39</sup> The Romanian scientist made friends with the Slovakian ethnologist Jaroslav Štika, director of the open-air Vlach Museum in Rožnov pod Radhoštěm (1972–1999),<sup>40</sup> who authored books on *The Ethnographic Region of Moravian Wallachia* (1973)<sup>41</sup> and *The Vlachs and Wallachia* (2009).<sup>42</sup> A valid critical opinion of Gheorghe Șișeștean’s work methods was expressed by Radu Mârza (2014),<sup>43</sup> but the former’s undeniable merits consist of his pioneering field research and documentation efforts carried out without hesitation on a topic avoided so far by Romanian researchers.

The historical background of the North Vlachs’ “colonisation” was recalled — either sustained or rejected — by means of archive testimonies and documents dat-

<sup>38</sup> D.P. Marțianu, *Vlahii din Moravia* [in:] *Uricariul cuprinzător de hrisoave, ispisoaice, urice, anaforale, proclamațiuni, hățișerife și alte acte ale Moldovei și Țării Românești, de pe la anul 1461, și până la 1854*, ed. Th. Codreanu, vol. 6, Iași 1875, p. 148–156.

<sup>39</sup> Gh. Șișeștean, *Români care s-au stins. Valahii din Carpații Nordici și românii din Ungaria*, Cluj-Napoca 2012, p. 11.

<sup>40</sup> J. Štika, *Valašské muzeum v přírodě*, Rožnov pod Radhoštěm 1976, 192 p.; idem, *Valašské muzeum v přírodě Rožnov pod Radhoštěm*, Rožnov pod Radhoštěm 1985.

<sup>41</sup> Idem, *Etnografický region Moravské Valašsko — jeho vznik a vývoj*, Rožnov pod Radhoštěm 1973.

<sup>42</sup> Idem, *Valaši a Valašsko. O původu Valachů, valašské kolonizaci, vzniku a historii moravského Valašska a také o karpatských salaších*, Rožnov pod Radhoštěm 2009.

<sup>43</sup> R. Mârza, Gh. Șișeștean, *Români care s-au stins...*, “Romanoslavica” 2014, vol. 50, p. 188–191 (book review).

ed as early as the 14<sup>th</sup> century and as late as the 17<sup>th</sup> century. Significant archive documents were published by Franz Miklosich and Emil Kažužniacki (1879),<sup>44</sup> Karel Kadlec (1916),<sup>45</sup> Václav Chaloupecký (1947),<sup>46</sup> Josef Macůrek (1955, 1959),<sup>47</sup> Dimitr Krandžalov or Dumitru Crânjălă (1963),<sup>48</sup> Krzysztof Wolski (1999),<sup>49</sup> Jaroslav Štika (2009),<sup>50</sup> Gheorghe Șișeștean (2012, 2013),<sup>51</sup> Grzegorz Jawor (2012–2018),<sup>52</sup> Miłoś Marek (2021)<sup>53</sup> and others.

The Vlachs from the Czech Moravian districts and their folklore — including their customs throughout the year, superstitions, pagan and religious holidays, agro-pastoral habits, family and community customs regarding baptism, wedding, illness and death — were investigated by Beneš Method Kulda (1856)<sup>54</sup> and Eduard Domlivil (1900),<sup>55</sup> while Dumitru Crânjălă studied the Romanian influences in the language and folklore of the Carpathian Czech Moravia (1939).<sup>56</sup> The latter Romanian philologist, also known as Dimitr Krandžalov, tackled Macedonian toponymy, too (1931).<sup>57</sup>

<sup>44</sup> F. Miklosich, *Ueber die Wanderungen der Rumunen in den dalmatischen Alpen und den Karpaten*, Vienna 1879.

<sup>45</sup> K. Kadlec, *Valaši a valašské právo v zemích slovanských a uherských*, Praha 1916.

<sup>46</sup> V. Chaloupecký, *Valaši na Slovensku*, Praha 1947.

<sup>47</sup> J. Macůrek, *Valaši na severovýchodní Moravě a jejich vztahy k Těšinsku, Polsku a hornímu Slovensku (do r. 1620)*, “Slezský sborník” 1955, vol. 53, no. 2; idem, *Valaši v západních Karpatech v 15.–18. století*, Ostrava 1959.

<sup>48</sup> D. Krandžalov, *Valaši na Moravě. Materiály, problémy, metody*, Praha 1963.

<sup>49</sup> K. Wolski, *Colonizările păstorilor moldoveni la nord de Carpați*, “Études roumaines et aroumaines” 1999, vol. 4, p. 85–95.

<sup>50</sup> J. Štika, *Valaši a Valašsko*, passim.

<sup>51</sup> Gh. Șișeștean, *Români care s-au stins. Valahii din Carpații Nordici și românii din Ungaria*, Cluj-Napoca 2012, p. 1–100; idem, *Valahii și goraliu din Carpații Nordici*, “Caietele silvane” 2013, p. 51–68.

<sup>52</sup> G. Jawor, *Așezările de drept valah și locuitorii lor din Rutenia Roșie în Evul mediu târziu*, transl. G. Gavril-Antonesei, Iași 2012; idem, *Ius Valachicum dans la Pologne médiévale. Partie II: la colonisation valaque dans les anciennes Terra Chelmensis et Terra Lublinensis selon les sources conservées dans les Archives d'État à Lublin*, “Res Historica” 2015, vol. 40, p. 235–245; idem, *La colonisation valaque sur les versants nord des Carpates pendant la petit âge glaciaire (aux XVe et XVIe siècles)*, “Balcanica Posnaniensia. Acta et studia” 2018, vol. 25, p. 251–268.

<sup>53</sup> M. Marek, *Wallachian Collonization and Traces of the Vlachs (Romanians) in Medieval Slovakia*, “Hiperborea” 2021, vol. 8, no. 2, p. 204–226.

<sup>54</sup> B.M. Kulda, *Der Aberglauben und die Volksgebräuche in der Mährischen Walachei*, “Schriften der historisch-statistischen Sektion der k. k. mähr. schles. Gesellschaft des Ackerbaues, der Natur- und Landeskunde” 1856, vol. 9, p. 67–132, <https://archive.org/details/schriftenderhis00elvegoog/page/n75/mode/2up?view=theater> [accessed: 30.8.2023].

<sup>55</sup> E. Domlivil, *Valašskomeziríčský okres. Vlastivěda moravská*, Brno 1900 (2010).

<sup>56</sup> D. Crânjălă, *Rumunské vlivy v Karpatech se zvláštním zřetelem k Moravskému Valašsku*, “Jahrbücher für Geschichte Osteuropas” 1939, vol. 4, no. 3–4, p. 486–488.

<sup>57</sup> D. Crânjălă D. (Krandžalov D.), *Despre “Numele unor orașe macedonene” de St. Romansky*, “Arhiva Societății Științifice și Literare din Iași” 1931, vol. 38, no. 2–4, p. 511–517.

These days, the Polish highlanders or Gorals from northern Slovakia and southern Poland speak a special Polish-Slovakian dialect with numerous Vlach/Romanian influences. In 1938, Mieczysław Małecki described the Polish language spoken by the highlanders living south of the Polish Carpathians, in the Slovakian regions of Spiš (Spisz, Zips), Orava (Orawa), and Czadeckie (Górale czadeccy). Małecki dedicated a special chapter to the “Polish highland (Goral) dialects” (*polskich gwar góralskich*), analysing the vocabulary of the “Wallachians, i.e. today Rumanians” (*Włosi, czyli dzisiejsi Rumuni*), present in the Gorals’ pastoral terminology and toponymy, as well as further Slovakian, German, Hungarian and Rusyn linguistic influences.<sup>58</sup>

The Polish historian, ethnographer and sociologist Kazimierz Dobrowolski was a professor at the Jagiellonian University in Kraków, representing the so called Kraków historical school.<sup>59</sup> He developed the unique interdisciplinary “integral method” for use in direct qualitative research in the fields of humanities and social sciences against the approaches dominated by positive and quantitative research. Based on field research carried out since 1935, his methodological solutions were published between 1960 and 1973, “in the period when monographic studies were about to be superseded by quantitative research, often based on attitude and opinion studies” (apparently, even today, a quantitative approach is still preferable over a qualitative one). Dobrowolski’s method was “a holistic approach emphasising the complexity and historical dimension of social reality. The key notion of this concept is a historical background of both material and immaterial factors.”<sup>60</sup> Classical works in the field of Goral research, synthesising the Polish ethnohistorical theories explaining pastoralism by successive migrations and colonisations, are Kazimierz Dobrowolski’s earlier practical and monographical studies (1930, 1938),<sup>61</sup> as well as his *Studies on the Pastoral Culture in the Northern Carpathians. Typology of Pastoral Migrations from the 14<sup>th</sup> to the 20<sup>th</sup> Centuries* (1960).<sup>62</sup>

The folk culture of the Polish Carpathians was investigated by ethnographer Roman Reinfuss, who also conducted field research in his birthplace region of Małopolska (Lesser Poland), in Gorlice (30 km north of the Slovakian border)

<sup>58</sup> M. Małecki, *Język polski na południe od Karpat (Spisz, Orawa, Czadeckie, wyspy jenzykowe)*, Kraków 1938, p. 18–36.

<sup>59</sup> I. Bukraba-Rylska, *Monographs of Rural Communities: Polish School of Research*, “Eastern European Countryside” 2020, vol. 26, p. 13.

<sup>60</sup> P.T. Górski, *Kazimierz Dobrowolski’s Integral Method as a Theoretical and Methodological Proposal of Organization and Management Research in Historical Perspective*, “Problemy Zarządzania (Management Issues)” 2020, vol. 18, no 2, p. 55–68.

<sup>61</sup> K. Dobrowolski, *Migracje włoskie na ziemiach polskich* [in:] *Pamiętnik z powszechnego zjazdu historyków polskich w Warszawie, Lwów 1930*, p. 135–152; idem, *Elementy rumuńsko-balkańskie w kulturze ludowej Karpat Polskich* (summary) [in:] *II Zjazd poświęcony środkowi wschód. Karpatom Polskim*, Warszawa 1938 (summary 6 p).

<sup>62</sup> Idem, *Studia nad kulturą pasterską w Karpatach północnych. Typologia wędrówek pasterskich od XIV–XX wieku*, “Wierchy” 1960, vol. 29, p. 7–51.

and Tarnów. In the Beskid Niski (Low Beskids), he studied especially the folk culture of the Carpatho-Rusyns or *Lemkowie* (Lemkos), Ruthenian animal breeders and merchants,<sup>63</sup> most of whom were cast out in 1947 from the Łemkowyna or Łemkowszczyzna (Lemkenland) to what is nowadays southern Poland and north-eastern Slovakia; but he also studied the *Bojks* (бойки, *Bojkowie*, *Pujďáci*, *Bojken*), a distinct group of Rusyns chased away from the Eastern Carpathians to south-eastern and eastern Poland and Western Ukraine, speaking a Rusyn dialect with Slovakian influences. The astonishing folk culture of the Gorals and the *Podhalański fenomen* were described by Roman Reinfuss not only in an early study published in “Lud”, the journal of the Polish Society of Ethnology and of the Committee of Ethnological Science in Kraków (1946),<sup>64</sup> but particularly in one of his later studies published in the journal of Polish folk art (1988).<sup>65</sup> Roman Reinfuss asserted that:

Urban civilisation does not by itself cause the disappearance of folk cultures, rather it is the inferiority complexes of those cultures vis-à-vis urban culture. But when a folk group has a positive self image and values highly its culture, it can without conflict co-exist and even flourish and take advantage of all the amenities of urban culture.<sup>66</sup>

The theory exposed by Roman Reinfuss has been embraced by the new generation of Polish researchers, who proved that the Goral highlanders’ rural and pastoral way of life has been preserved until today — as suggested, for example, by the North Carpathian architecture of the Vlach wooden houses,<sup>67</sup> by their settlements or by the “sheep roads” of the Vlach shepherds<sup>68</sup> — and even transferred to the urban milieu of the American Polish diaspora (Chicago/Illinois, Northern New Jersey). Anna Brzozowska-Krajka published *Old and New Notes on Highlander Fiddles: Contemporary Highlander Poetry 1945–1980* (1989), a book of Goral folk poet-

<sup>63</sup> *O Łemkowszczyźnie*, ed. W. Goetl, authors: A. Wójcik-Bieśnicki, K. Sosnowski, J. Smoleński, R. Reinfuss, S. Leszczycki, M. Klimaszewski, Kraków 1935; R. Reinfuss, *Etnograficzne granice Łemkowszczyzny: próba wytyczenia granic Łemkowszczyzny na podstawie zasięgu lemkowskiego stroju*, “Ziemia. Ilustrowany miesięcznik krajoznawczy” 1936, vol. 10/11; idem, *Łemkowie jako grupa etnograficzna*, Sanok 1998.

<sup>64</sup> R. Reinfuss, *Pogranicze krakowsko-góralskie w świetle dawnych i nowszych prac etnograficznych*, “Lud” 1946, vol. 36.

<sup>65</sup> Idem, *Podhalański fenomen*, “Polska Sztuka Ludowa” 1988, vol. 42, no. 1–2, p. 9–16.

<sup>66</sup> Translation from Polish to English by Taddeus V. Gromada, in his review to Anna Brzozowska-Krajka’s book of 2012: idem, *A. Brzozowska-Krajka, Etnokultura w diasporze: Między regionalizmem a amerykanizacją*, Lublin 2012, “Studia Migracyjne — Przegląd Polonijny” 2013, vol. 1, p. 275–278, p. 278.

<sup>67</sup> J. Śródulka-Wielgus, K. Wielgus, *Inwentaryzacja zasobów naturalnych i kulturowych do szlaku kultury wołoskiej na terenie Województwa Małopolskiego*, Kraków 2018.

<sup>68</sup> P. Kłapyta, *Wołoskie osadnictwo w Karpatach w aspekcie historyczno-geograficznym* [in:] *Pasterstwo w Karpatach — tradycja a współczesność — szkice*, ed. M. Kiereś, Warszawa 2013, p. 9–25; idem, *Wołosi: nomadzi Bałkanów* [in:] *Pasterstwo w Karpatach — tradycja a współczesność — szkice*, ed. M. Kiereś, Warszawa 2013, p. 29–39.

ry from the Podhale region, written in the Goral dialect (*gwara góral ska*),<sup>69</sup> and *Ethnoculture in Diaspora: Between Regionalism and Americanization* (2012), a selection of interdisciplinary historical-sociological and cultural studies approaching the Podhale Gorals who emigrated between 1870 and 1970 from the Tatra highland to the USA, most of them living in Chicago, the city with the largest concentration of *górale* in America.<sup>70</sup> As an American-born child of Goral immigrants and co-editor of the bilingual periodical “Tatrzański Orzeł” (The Tatra Eagle, published in New Jersey continuously since 1947), Taddeus V. Gromada, too, stated that: “It is possible to be an American without giving up one’s Polish and *góral* cultural heritage” (2013).<sup>71</sup>

American researcher Deborah Cahalen Schneider also focused on the Góral ethnic identity, which “has been at the center of political machinations in Poland for centuries”. From extensive fieldwork done in the middle of the 1990s in the community of Żywiec (birthplace of Pope John Paul II, who also was of Goral origin), the American author explained that Goral identity — in modern and contemporary history, and especially in post-communist society — is the result not only of the prior existence of ethnic differentiation, but also of the actions of contemporary economic elites deliberately promoting ethnic identity as a dominant political idiom.<sup>72</sup>

From the vast Romanian literature dedicated to pastoralism and especially to transhumance (still practised by shepherds from Mărginimea Sibiului), only the most outstanding ethnological and ethnographic approaches will be mentioned here. Starting with Zaharia Boia’s survey of economic history dedicated to the Romanian shepherds from Turkey (1864)<sup>73</sup> and continued by Emmanuel de Martonne’s description of his travels through the Romanian South Carpathians (1904),<sup>74</sup> the topic was later resumed by Ștefan Meteș (1925, 1977),<sup>75</sup> who followed the medieval and modern traces of Transylvanian shepherds outside the Romanian Carpathian Mountains, not only

<sup>69</sup> A. Brzozowska-Krajka, *Stare i Nowe Nuty na góralskich gęślikach: O Współczesnej poezji podhalańskiej*, Warszawa 1989.

<sup>70</sup> Eadem, *Etnokultura w diasporze: Między regionalizmem a amerykańską*, Lublin 2012.

<sup>71</sup> T.V. Gromada, A. Brzozowska-Krajka, p. 275–278 (book review); idem (Thad Gromada), *Tatra Highlander Folk Culture in Poland and America: Collected Essays from “The Tatra Eagle”*, “Tatra Eagle Press” 2012.

<sup>72</sup> D. Cahalen Schneider, *Being Góral: Identity Politics and Globalization in Postsocialist Poland*, New York 2006; P. Vermeersch, *Being Góral*, “Anthropology of East Europe Review” 2006, vol. 24, no. 2, p. 103–104 (book review).

<sup>73</sup> Z. Boiu, *Economia de vite a românilor transilvăneni în Turcia*, “Telegraful Român” 1864, no. 73, p. 301–307.

<sup>74</sup> E. de Martonne, *La vie pastorale et le transhumance dans les Karpathes Méridionales, leur importance géographique et historique* [in:] *Zu Friedrich Ratzels Gedächtnis: geplant als Festschrift zum 60. Geburtstag nun als Grabspende dargebracht von Fachgenossen und Schülern, Freunden und Verehrern*, Leipzig 1904.

<sup>75</sup> Șt. Meteș, *Păstorii ardeleni în Principatele Române*, Arad 1925; idem, *Emigrări românești din Transilvania în secolele XIII–XX*, București 1977.

into the Romanian Principalities but also to Moravia and Silesia, Hungary, Russia, Serbia, Bulgaria and America; by Andrei Veress (1927),<sup>76</sup> who showed the importance of Transylvanian shepherds to the Romanian Principalities until 1821; or by Petre Râmețeanu (1946),<sup>77</sup> who focused on the issue of the Transylvanian “Romanians’ eradication” beyond the Carpathians.

During the interwar period and particularly in the years preceding World War II, disciples of the great Romanian geographer Grigore Vâlsan, as well as collaborators and representatives of Dimitrie Gusti’s monographical school of sociology distinguished themselves by developing remarkable scientific field campaigns and publishing notable papers dedicated to pastoralism: Nicolae Dragomir (1926 and later),<sup>78</sup> Mara N. Popp (1929, 1933, 1943),<sup>79</sup> Ion Ghelase (1934, 1941),<sup>80</sup> Tiberiu Morariu (1942),<sup>81</sup> Dumitru Șandru (1946).<sup>82</sup> In fact, only a century ago (before 1918), Romanian shepherds moving along their endless “sheep roads” (*drumurile oilor*) scored in wood tally (*răboj*) a parallel, underground, unwritten history. Practicing either alpine or seasonal transhumance, the highland shepherds with their flocks of sheep crossed the three empires of the sultans, tsars and emperors, descending from the Transylvanian mountain pastures of the Carpathians (Mărginimea Sibiului, Săcele, Bran) to the Bessarabian and Dobrudjan plains, to Constantinople and to the foot of the Caucasus.

The general implications of transhumance on the commercial and national levels in Transylvania and Wallachia (18<sup>th</sup>–19<sup>th</sup> centuries) were revealed by Constantin Constantinescu-Mircești (1976),<sup>83</sup> Costin Murgescu (1996),<sup>84</sup> Lucian Mateiu and Radu Palicica (2011).<sup>85</sup> Ethnological-geographical approaches of great interest, regarding inner migrations, cultural enclaves and the current routes of the “sheep

<sup>76</sup> A. Veress, *Păstoritul ardelenilor în Moldova și Țara Românească (până la 1821)*, “Academia Română. Memoriile Secțiunii Istorice”, series 3, vol. 7, mem. 6, București 1927.

<sup>77</sup> P. Râmețeanu, *Problema iradierii românilor din Transilvania în Principatele Române*, Cluj 1946.

<sup>78</sup> N. Dragomir, *Din trecutul oierilor mărgineni din Săliște și comunele din jur*, Cluj 1926; idem, *Oierii mărgineni*, ed. Al. Păcurar, Cluj-Napoca 2014.

<sup>79</sup> M. Popp, *Drumul oilor pe valea Prahovei, Doftanei și Teleajenului*, extract from “Buletinul Societății Regale Române de Geografie” 1929, vol. 48; idem, *Ciobănia la Ungureni din dreapta Oltului*, extract from “Buletinul Societății Regale Române de Geografie” 1933, vol. 51, p. 3; idem, *Ungureni*, București 1943.

<sup>80</sup> I. Ghelase, *Mocanii, pioneri ai comerțului în secolul al 18 și al 19-lea*, extract from “Revista Analele Economice și Statistice” 1934, vol. 7–9, 15 p.; idem, *Păstorii români, păstrătorii românismului și întregirii neamului românesc*, București 1941.

<sup>81</sup> T. Morariu, *Viața pastorală în Munții Rodnei*, București 1937; idem, *Păstoritul în Alpii francezi și în Carpați*, “Sociologie românească” 1942, vol. 1, p. 375–393, with a *Map of the transhumance roads from Romania* and the *Map of the transhumance roads and of the pastoral regions from Romania in the 18th–20th centuries*.

<sup>82</sup> D. Șandru, *Mocanii din Dobrogea*, București 1946.

<sup>83</sup> C. Constantinescu-Mircești, *Păstoritul transhumant și implicațiile lui în Transilvania și Țara Românească în secolele XVIII–XIX*, București 1976.

<sup>84</sup> C. Murgescu, *Drumurile unității românești. Drumul oilor. Drumuri negustorești*, București 1996.

<sup>85</sup> L. Mateiu, R. Palicica, *Oieritul la români*, Timișoara 2011.



roads”, are put forward by Elena Cremona Țintatu-Comănescu (2007)<sup>86</sup> and Lucian David (2019),<sup>87</sup> while the Romanian transhumant shepherds’ present situation in the frame of the European Union is explained by A. Mertens and S. Huband (2004),<sup>88</sup> Lăcrămioara Popa (2010)<sup>89</sup> and Mioara Mathe Kiss (2017).<sup>90</sup>

### *IUS VALACHICUM* IN ROMANIAN HISTORIOGRAPHY

The Romanian historiography of the *Ius Valachicum* was apparently inaugurated, in 1714, by the illustrious Dimitrie Cantemir, who recalled the unwritten Romanian law, named from a Slavic word: *obicei*, which means custom or *consuetudo* (*quidem vernaculo etiam sermone, sclavonica voce Obyczai, quod morem aut consuetudinem designat, appellatur*).<sup>91</sup>

It is precisely the *obiceiul pământului* (the custom of the land), *legea țării* (the law of the land or country) and *legea strămoșească* (ancestral law) that are recurrent expressions mentioned in medieval, premodern and modern documents from the Romanian Lands (Wallachia, Moldavia, Transylvania).

As can be noticed, such denominations refer to the Romanian customary law in strong connection with the land (*pământ, țară*)<sup>92</sup> and kinship (*neam*).<sup>93</sup> This terminology needed no ethnic specification, as it was used by people sharing the same Romanian origin.

Instead, their customary law was associated with the Romanians’ ethnonym whenever defined by foreigners. For instance, the Latin phrases *Ius Valachicum* (Romanian law) and *Mores Valachicales* (customs of the Wallachians/Romanians), which occur

<sup>86</sup> E.C. Țintatu-Comănescu, *Migrațiile interne și enclavale culturale — așezări de păstori ungureni în nordul Munteniei*, doctoral thesis, București 2007.

<sup>87</sup> L. David, *Sheep Roads. Transhumance Itineraries of Romanian Shepherds*, “Journal of Engineering Research and Application” 2019, vol. 9, no. 12, series 3, p. 12–17.

<sup>88</sup> A. Mertens, S. Huband, *Romanian transhumance — the past, the present and future scenarios* [in:] *Transhumance and Biodiversity in European Mountains*, eds. R. Bunce, M. Pérez-Soba, R. Jongman, A. Gómez, F. Herzog, I. Austand, Wageningen 2004, p. 155–170.

<sup>89</sup> L. Popa, *Tradiția păstorească și normele europene în activitatea păstorească din România*, “Geographia Napocensis”, vol. 4, no. 1, Cluj-Napoca 2010, p. 61–74.

<sup>90</sup> M. Mathe Kiss, *Transhumanța în România. Studiu privind transhumanța în actuala conjunctură social-economică din România*, București 2017.

<sup>91</sup> Dimitrie Cantemir, *Descriptio Moldaviae*, part 2, chap. 11 (1714–1716) [in:] C. Spulber, *Latină juridică clasică și medievală. Texte alese din legi, formule, documente, scriitori, pentru uzul studenților în drept*, Cernăuți 1930, p. 157.

<sup>92</sup> The multiple meanings of the word “land” (*pământ, țară*) refer, at least, to 1. the farming land (*pământ*); 2. an estate of communal use and property (*moșie*); 3. one of the larger geographical, administrative and political units (*țări românești, Țările Române*, that is Romanian Lands).

<sup>93</sup> The kinship (*neam*) of the Romanian villages and lands was connected with the founding “kinship father” (*moș de neam*) and with the ancestors (*strămoși*). E. Cosma, *Ethnological Myths*, p. 36.

in legal documents of the 18<sup>th</sup> century from South Transylvania, differentiate between the customary law of the Romanians, the municipal constitution of the Saxons and the imperial constitution of the Habsburg Crown. On Saxon Land (*Fundus Regius*), justice was exerted in the Romanian language only by the village judgement seat assembled in the court of the first instance, while the Saxon courts of the second and third instance from Sibiu used Latin and German, just like the highest court of justice in Vienna.<sup>94</sup>

Romanian historiography registers a few collections and anthologies of Romanian legal historical sources (C. Spulber; Andrei Rădulescu; Ștefan Pascu, Vladimir Hanga).<sup>95</sup> In their ecdothical and interpretative studies of these sources, Romanian authors focus on the theoretical aspects of the *Ius Valachicum* (Alexandru Cazangiu; Ion N. Floca; V. Al. Georgescu; Susana Andea),<sup>96</sup> on Romanian customary law's agrarian character (Alexandru Herlea; Adrian Boantă, Lucreția Dogaru)<sup>97</sup> and pastoral character (Elena Mureșan-Triteanu; Bujor Surdu; Ela Cosma et al.),<sup>98</sup> also analysing the medieval institutions of *Ius Valachicum* (Gheorghe Ungureanu; Ioan-Aurel

<sup>94</sup> E. Cosma, *Din practicile juridice de la Rășinari: Ius Valachicum în două ascultări de martori (1738 și 1776–1777)* [in:] *Patrimoniul istorico-juridic românesc din Mărginimea Sibiului (Rășinari, Săliște)*, ed. E. Cosma, Cluj-Napoca 2020, p. 473–523.

<sup>95</sup> C. Spulber, *Latină juridică clasică*, p. 139–158; A. Rădulescu, *Publicarea izvoarelor dreptului românesc scris din Țara Românească și Moldova până la 1865*, “Buletinul de Științe al Academiei RPR. Științe Istorice și Filosofice” 1948–1949, vol. 1, no. 34, p. 211–224; *Pravilniceasca Condică de la 1780*, ed. A. Rădulescu, București 1957; *Crestomație pentru studiul istoriei statului și dreptului românesc*, ed. Șt. Pascu, vol. 1–3, București 1957.

<sup>96</sup> I.N. Floca, *Legea românilor (Ius valachorum) și legea de stat din Transilvania în epoca voievodatului și principatului*, “Mitropolia Ardealului” 1962, vol. 7, no. 7–8, p. 520–528; Al. Cazangiu, *Istoricul probei cu martori*, “Iuștiția Nouă” 1957, vol. 13, no. 6, p. 1040–1050; V. Al. Georgescu, *L'oeuvre juridique du Michel Fotino et la version roumaine du IVe livre de droit coutumier de son Manuel de lois (1777)*, “Revue des Études Sud-Est Européennes” 1967, vol. 5, no. 1–2, p. 119–166; idem, *Le place de la coutume dans le droit des États féodaux roumains de Valachie et Moldavie Jusqu'au milieu du XVIIe siècle*, “Revue Roumaine d'Histoire” 1968, vol. 6, no. 4, p. 553–586; S. Andea (ed.), *Raporturile juridice civile. Retrospective istorice*, “Anuarul Institutului de Istorie George Barițiu din Cluj-Napoca. Series Historica” 2019, vol. 63, p. 217–300.

<sup>97</sup> Al. Herlea, *Vechile cărți de proprietate din Transilvania (din sec. XV la finele sec. XIX)*, “Observatorul Social-Economic” 1945, vol. 12, no. 1–2–3, p. 14–77; A. Boantă, *Cutuma și legea scrisă, coordonate ale vechiului drept românesc*, “Curentul Juridic” 2006, 3–4, p. 20–27; L. Dogaru, A. Boantă, *The Books of Law in the 18th–19th Century in Moldova and the Southern Part of the Romanian Land*, “Studia Universitatis Petru Maior. Series Historia” 2007, vol. 7, p. 289–292; L. Dogaru, *Rolul cutumei ca izvor de drept. Perspective istorice* [in:] *Liber Amicorum. Romulus Gidro. Concepte, reflecții și cercetări juridice*, București 2019, p. 57–67.

<sup>98</sup> E. Mureșan-Triteanu, *Contribuții la istoria dreptului românesc din Transilvania*, “Revista Arhivelor” 1942, vol. 4, p. 237–246; B. Surdu, *Știri despre dreptul românesc în Transilvania. Protocolul de la Porcești*, “Revista Arhivelor” 1943, vol. 5, p. 367–393; *Patrimoniul istorico-juridic românesc din Mărginimea Sibiului (Rășinari, Săliște)*, eds. M.-G. Abrudan, M. Boromiz, Al. Bucur, E. Cosma, D. Deteșan, L. Magina, T. Onilov, V. Rus, V. Vizauer, Cluj-Napoca/Gatineau 2020, p. 870.

Pop; Ioan Drăgan; Livia Magina; Mihai Safta),<sup>99</sup> as well as case studies dedicated to specific legal procedures and customary prescriptions (Adrian Magina, Livia Magina; Ela Cosma).<sup>100</sup>

The best synthesis of Romanian customary law can be found in volume I (edited by Vladimir Hanga) of *The History of the Romanian Law*, the well-known treatise of the Romanian Academy of Science. Special chapters approach: native social-political institutions (a. *obști satești*/village communities; b. *vecinătăți*/neighbourhoods; c. confederations of *obști*; d. Romanian knezates and voivodeships) during the migration period and under the influence of Byzantine institutions at the Lower Danube (10<sup>th</sup>–13<sup>th</sup> centuries); the formation of the first political organisations in Transylvania (9<sup>th</sup>–11<sup>th</sup> centuries) and of the centralised medieval states of Wallachia and Moldavia (13<sup>th</sup>–14<sup>th</sup> centuries); *Ius Valachicum*'s spread and institutions during the Middle Ages and in modern history.<sup>101</sup>

In both older university courses on legal history (Constantin G. Dissescu; Ștefan Gh. Loginescu)<sup>102</sup> and newer ones (Emil Cernea, Emil Molcuț; Manuel Guțan; Adrian Boantă, Lucreția Dogaru, Nicolae Ploșteanu; Grigore Pîrțac, Ion Pascalu, Vasile Bujor; F. Negru),<sup>103</sup> the legal historians expeditely solve the beginnings of Romanian law. Better documented and structured are the surveys of Dumitru Firoiu and Ioan Chiș, who approach the rules of conduct in the traditional village community (*obște sătească*), the “custom of the land” (*obiceiul pământului*) among Romanians, the trials judged according to law (equity) and justice (*judicata după lege și dreptate*) as extensions of the formula *ars boni et equi* (the good and the justice) in Roman and Byzantine law.<sup>104</sup>

<sup>99</sup> Gh. Ungureanu, *Iuștia în Moldova (1741–1832)*, Iași 1934; I.-A. Pop, *Instituțiile medievale românești: adunările cneziale și nobiliare (boierești) din Transilvania în secolele XIV–XVI*, Cluj-Napoca 1991, 256 p.; I. Drăgan, *Nobilimea românească din Transilvania între anii 1440–1514*, București 2000, p. 106–262 (chapter “Statutul juridic al nobilimii românești din Regatul Ungariei”); L. Magina, *Instituția judelei sătesc în Principatul Transilvaniei*, Cluj-Napoca 2014; M. Safta, *Vechiul drept românesc, Ius Valachicum. Studiu asupra cnezatelor supuse lui Lex sau Modus Olachorum*, “Studia Universitatis Babeș-Bolyai. Seria Jurisprudentia” 2015, vol. 2, <http://arhiva-studia.law.ubbcluj.ro/articol/650> [accessed: 27.5.2022].

<sup>100</sup> A. Magina, L. Magina, *O ascultare de martori și realități bănățene (1539)*, “Analele Banatului. Serie nouă. Istorie, arheologie” 2014, vol. 22, p. 267–274; E. Cosma, *Din practicile*, p. 473–523.

<sup>101</sup> Vl. Hanga (ed.), *Istoria dreptului românesc*, vol. 1, București 1980, p. 127–190.

<sup>102</sup> C.G. Dissescu, *Les origines du droit roumain*, Paris 1899, 71 p.; S.G. Loginescu, *Istoria dreptului românesc din vremile sale cele mai vechi până astăzi*, București 1908.

<sup>103</sup> Chapters of Romanian customary law are included in the university courses of E. Cernea, E. Molcuț, *Istoria statului și dreptului românesc*, București 1992, (2013); M. Guțan, *Istoria dreptului românesc*, București 2008 (2017); A. Boantă, L. Dogaru, N. Ploșteanu, *Istoria statului și dreptului românesc*, Târgu Mureș 2012, p. 15–19; Gr. Pîrțac, I. Pascalu, V. Bujor, *Note de curs. Istoria dreptului românesc (Ciclul I)*, Chișinău 2013, p. 16–22; F. Negru, *Istoria statului și dreptului românesc*, București 2013, p. 45–47.

<sup>104</sup> D.V. Firoiu, *Istoria statului și dreptului românesc*, Iași 1993, p. 93–97; I. Chiș, *Istoria statului și dreptului românesc*, București 2010/2011, p. 68–87.

Florin Negoită reveals *Ius Valachorum*'s main features: a) the juridical unity inherent to all Romanians; b) the social unity of this usually "communal peasant law" (*drept țărănesc devălmaș*); c) it was "a law of rural character, an agrarian law of the people connected to the land, boundary, estate" (*drept agrar al oamenilor legați de pământ, de hotar, de moșie*);<sup>105</sup> d) it also was a complete and complex "system of rules of conduct (*norme de conduită*) and social coexistence (*conviețuire socială*)", including norms of both public law (for organising and ruling society) and private law (concerning succession, property, family); e) it was adaptative: "even if the village community (*obște*) maintains its superior right of communal property (*proprietate devălmașă*), new institutions appear with the possibility of ending indivision (*ieșire din indiviziune*)"<sup>106</sup> concomitantly with observing the right of *protimisi*";<sup>107</sup> f) its genuine character was determined by the specific Romanian organisation in pre-state territorial *obști*, knezates, voivodships, lands (*țări*); g) the "endurance and durability" of Romanian customary law was due to the ongoing process of adjusting legal norms to social evolution, as well as to the practical usefulness and expediency of *obiceiul pământului*, which was accredited and applied in parallel with the state's new laws (*legile noi*).<sup>108</sup>

A few relevant case studies of enacted Romanian customary law from 14<sup>th</sup>–19<sup>th</sup>-century South Transylvania, namely from the area of Mărginimea Sibiului, were recently rendered in critical editions and studies. They illustrate and explain the *Ius Valachicum* codified in relevant legal manuscripts discovered in 2017 in a previously unknown church archive from Rășinari (Mărginimea Sibiului): an extract of a deed of donation (1383), the so-called *cartea ocolniță* (book of the village boundaries, 1488) and *Transmissionales in causa Possessionis Resinar contra Liberam Regiamque Civitatem Cibiniensem (1784)*.<sup>109</sup>

The latter, *Transmissionales*, an impressive legal manuscript of 1,318 pages, includes half a century of trial deeds filed by the Romanian pastoral village against the Saxon Magistrate in Sibiu (1735–1784). It mirrors not only the juridical practice involved in the use of Romanian consuetudinary law, but also the medieval and

<sup>105</sup> In this regard, proofs are offered by legal notions such as *hotărâre* (decision), derived from *hotar* (village boundary), and *moșie* (estate), derived from *moș* (oldest man in the family, grandfather).

<sup>106</sup> Indivision (*indiviziune*) is the communal right of property owned in shares by several individuals, who share parts of an undivided property. It characterised the Romanian *obști sătești* (village communities) and confederations of *obști*.

<sup>107</sup> *Protimisis* is the right of primacy and priority at purchase and repurchase of land.

<sup>108</sup> F. Negoită, *Istoria statului și dreptului românesc*, București 2013, p. 10–12.

<sup>109</sup> E. Cosma, *Enacted "Ius Valachicum" in South Transylvania (14th–18th Centuries)*, "Studia Universitatis Babeș-Bolyai, Series Historia", vol. 67, no. 1, p. 3–30; eadem, *The Bishops' House in the Romanian Pastoral Village of Rășinari (Mărginimea Sibiului) and Its Hidden Treasures: "Book of the Boundaries" & Deed of Donation (1488, 1383) and "Transmissionales in causa Possessionis Resinar contra Liberam Regiamque Civitatem Cibiniensem" (1784)* [in:] "Eikón Imago", 12, *Imago, ius, religio. Religious Images in Illustrated Legal Manuscripts and Printed Books (9th–20th Centuries)*, eds. M.A. Bilotta, G. del Monaco, Madrid 2023, p. 73–90.

premodern legal history of Transylvania. Its comprehensive annexes contain all the documents (14<sup>th</sup>–18<sup>th</sup> centuries) that were significant for the history and possessory rights of Răşinari. It also reveals the jurisdiction, levels, activity and powers of the courts on local, provincial and central levels (18<sup>th</sup> century): 1. the court of the first instance: the village judgement seat from Răşinari (*judicatus pagi Rasinar*), observing Romanian customs (*Mores Valachicales*) and consuetudinary law (*Ius Valachicum*); 2. the court of the second instance as the court of appeal: the Saxon Magistrate from Sibiu, exerted by the mayor of the Sibiu city (*consul Cibiniensis*), seldom by the seat judge (*sedis iudex*); 3. the third instance: the Transylvanian Gubernium, also seated in Sibiu; 4. the fourth and last, and also the highest court of instance: the Supreme Court of Justice in Vienna, from where the decisions returned to Sibiu and Răşinari, in the form of *Remissionales*, as imperial ordinances and rescripts.<sup>110</sup>

#### *IUS VALACHICUM* AMONG THE NORTH VLACHS IN CZECH AND POLISH HISTORIOGRAPHY

Foreign historiography, too, registered and examined the manifestations of *Ius Valachicum* in numerous medieval and modern documents discovered in the whole area inhabited by Romanians, North Vlachs and South Vlachs.

Among the foreign legal historians who studied the North Vlachs with their *Ius Valachicum*, a special mention should go to Karel Kadlec, who reached a milestone by writing a comprehensive book dedicated precisely to *The Vlachs and the Vlach Law in Slavic and Hungarian Countries* (1916).<sup>111</sup> The polyglot Czech researcher offers, in the first part of his work, an impressive view on the 18<sup>th</sup>–19<sup>th</sup> century historiographies (including, besides the Slavic, Romanian and Austrian one) regarding the ethnogenesis of the Romanians, presenting both the immigrationist theory and its counterpart, the theory of continuity. The book's second part is based on solid editions of documents published by Slavic, Romanian and Austrian historians, showing medieval testimonies of *Ius Vlachicum* and abundant Vlach toponyms from the Balkans, Transylvania, Wallachia, Moldavia, and Bukovina, from Poland, Ruthenia (Ukraine), Silesia (*Śląsk, Slezsko*) and Moravia, proving especially the Vlachs' institution of *knez* and the privileges they acquired performing military service in the high mountains, but also the "Vlach law court" (*Valašský soud*). Kadlec ends his book with lists of Vlach anthroponyms from Serbia and Romanian anthroponyms from Făgăraş and Maramureş, revealing a great resemblance. Of greatest importance are the documents

<sup>110</sup> Eadem, *A Legal Manuscript of 1784. Reflecting the Possessory Rights of the Romanian Pastoral Village of Răşinari*, "Philobiblon" 2022, vol. 27, no. 1, p. 27–43.

<sup>111</sup> K. Kadlec, *Valaši a valašské právo*, passim.

offered by Kadlec, representing Vlach privileges in Latin from Hungary, Transylvania, Maramureș, Zakarpattia, Poland, and Moravia (14<sup>th</sup>–18<sup>th</sup> centuries).<sup>112</sup>

Significant work was done by Polish researchers, who organised interdisciplinary conferences on Vlach inheritance and shepherding in the North Carpathians (2007, 2017).<sup>113</sup> There was scientific involvement in the experimental project ‘Transhumance 2013’, organised by the Polish Foundation “Pasterstwo Transhumancyjne” and the Romanian “Asociația Transhumanța”.<sup>114</sup>

The last-mentioned project continues a remarkable comparative field of research investigating the pastoral economies in traditional cultures, that was initiated in the postwar period among four socialist countries bordering the Carpathian Mountains. As reported by Bronisława Kopczyńska-Jaworska (1963), the research began in the frame of the Centre of Ethnographic Studies in Łódź, in order to study, among the traditional forms of intercooperation in the rural world, the organisation of the collective pastures in particular. In the primary stage (1947), an inventory was made of all the pastures exploited in the Silesian Beskids, the first results being checked during the second stage (1948). The same method and questionnaire were applied in the Polish Tatra (1953 and 1954), and in the Silesian Beskids near Żywiec (1960 and 1961), which enabled comparison of the collected information and the elaboration of monographic studies. Moreover, the research was internationalised by the developing parallel investigations of the pastures in former Czechoslovakia (1958), Romania and Hungary (1959). The research, which was focused on describing the collective grazing forms and their role in rural communities, aimed to establish an ethnographic typology not only of the pastures, but also of the pastoral life in the Carpathians.<sup>115</sup>

<sup>112</sup> Ibidem, p. 1–122 (first part), 123–450 (part II), 302–314 (tables with dated medieval Vlach toponyms, also indicating the sources which mention them), 451–463, 463–468 (Vlach anthroponyms from Serbia, Făgăraș, Maramureș), 469–514 (Vlach privileges in Latin).

<sup>113</sup> Scientific and Technical Conference *Włoskie dziedzictwo w Karpatach* (Vlach Inheritance in the Carpathians), Istebna, 5–6 X 2007, with a conference volume dedicated especially to the *Gorals* (Vlach shepherds) from Silesia (*Górale Śląscy*) and published by the Zootechnical Research Institute in Istebna (South Silesia), 2007; Scientific and Folklorical Conference *Pasterstwo w Karpatach. Geneza i obraz współczesny* (Shepherding in the Carpathians. Genesis and Contemporary Image), Lublin 25 XI 2017, with contributions of history, culture, ethnology and folklore, ethnomusicology.

<sup>114</sup> Between V–VIII 2013, 6 shepherds (2 Romanians, 2 Ukrainians, 2 Poles) drove a flock of 300 sheep for about 1,350 kilometres, leaving from Rotbav/Transylvania, crossing the mountain areas of the Carpathian countries, from Romania to Ukraine, Slovakia, Czechia, Poland, thus retracing the centuries old transhumance roads of the Romanian/Vlach shepherds. A.A. Negru, *Transhumanța 2013*, “Satul” 2013, <http://www.revista-satul.ro/transhumanta-2013/> [accessed: 27.5.2021]; M. Grădinaru, *Reportaj: Un cioban din Rotbav rescrie istoria transhumanței în Carpați după mii de kilometri pe jos*, “Mediafax.ro”, Brașov 2013, <https://www.mediafax.ro/social/reportaj-un-cioban-din-rotbav-rescrie-istoria-transhumanței-in-carpați-dupa-mii-de-kilometri-pe-jos-foto-11379701> [accessed: 27.5.2022].

<sup>115</sup> B. Kopczyńska-Jaworska, *La vie pastorale dans les Carpathes*, “Études Rurales” 1963, vol. 9, p. 80–88.



The valuable journal of history, ethnography, sociology “Wierczy” (Peaks),<sup>116</sup> which used to define itself as a “Yearbook of the Devoted Mountains and *Gorals* (Highlanders)”, has been published since 1923. Kazimierz Dobrowolski’s *Studies on the Pastoral Culture in the Northern Carpathians. Typology of Pastoral Migrations from the 14<sup>th</sup> to the 20<sup>th</sup> Centuries*, an important ethnohistorical synthesis dedicated to the North Vlachs, was published here in 1960.<sup>117</sup> It is a pity that, elaborated in Polish but never translated into foreign languages, it has remained until today completely unknown to Romanian historiography.

The 100-year publishing tradition of “Wierczy” is continued by “Balcanica Posnaniensia”, with Ilona Czamańska as a lead editor. In “Balcanica Posnaniensia’s” two special editions of 2015 and 2021, articles were published on *Ius Valachicum* in medieval Poland and Ruthenia, Hungary, and the Balkans (Grzegorz Jawor, Ryszard Grzesik, Ilona Czamańska).<sup>118</sup> A special section about *Ius Valachicum* was also published in the very last edition of the Polish journal from Poznań (2022), the articles being signed by Jarosław Dudek, Krzysztof Nowak, Wojciech Sajkowski, Jędrzej Paszkiewicz, Ewa Kocój, Łukasz Kocój, and Ewa Nowicka.<sup>119</sup>

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<sup>116</sup> *Wierczy. Rocznik poświęcony górom i góralszczyźnie*, dedicated to *Czerwone Wierczy*/Červené vrchy (Red Wierczy, mountain range in the Western Tatra, on the Polish-Slovakian border; highest point Kresanica, 2122 m) and to the *Gorals* (Highlanders of Vlach origin), has been published for a century (1923–1938, 1947–2021) mainly in Kraków, but also in Lwów and Warszawa, (unfortunately) exclusively in Polish language.

<sup>117</sup> K. Dobrowolski, *Studia nad kulturą pasterską w Karpatach północnych. Typologia wędrówek pasterskich od XIV–XX wieku*, “Wierchy” 1960, no. 29, p. 7–51.

<sup>118</sup> G. Jawor, *Ethnic Aspects of Settlement in Ius Valachicum in Medieval Poland (From the 14<sup>th</sup> to the Beginning of the 16<sup>th</sup> Century)*, “Balcanica Posnaniensia. Acta et studia” 2015, vol. 22, no. 1, p. 47–55; idem, *Seasonal Pastoral Exploitation of Forests in the Area of Subcarpathia in the 15<sup>th</sup> and 16<sup>th</sup> Century*, “Balcanica Posnaniensia. Acta et studia” 2016, vol. 23, p. 175–185; idem, *La colonisation valaque sur les versants nord des Carpates pendant la petite ère glaciaire (aux XI<sup>e</sup> et XVI<sup>e</sup> siècles)*, “Balcanica Posnaniensia. Acta et studia” 2018, vol. 25, p. 251–268; idem, *Le rôle des corvées dans le système des redevances acquittées par les habitants des villages de Ius Valachicum en Petite-Pologne et en Ruthénie de la Couronne aux XV<sup>e</sup> et XVI<sup>e</sup> siècles*, “Balcanica Posnaniensia. Acta et studia” 2019, vol. 26, p. 249–262; idem, *Migracje ludności wiejskiej na pograniczu polsko-moldawskim w XVI wieku*, “Balcanica Posnaniensia. Acta et studia” 2021, vol. 28, no. 1, p. 177–190; R. Grzesik, *Ius Valachicum. The Valachian Way of Life in Stories about Domestic Origins in the Hungarian Medieval Chronicles*, “Balcanica Posnaniensia. Acta et studia” 2016, vol. 23, p. 167–174; I. Czamańska, *The Vlachs — Several Research Problems*, “Balcanica Posnaniensia. Acta et studia” 2015, vol. 22, no. 1, p. 7–16; idem, *Introduction*, “Balcanica Posnaniensia. Acta et studia” 2021, vol. 28, no. 1, p. 5–6.

<sup>119</sup> J. Dudek, *Bizantyńscy Własi „nad pięknym, modrym Dunajem” w XII wieku. Stabilizacja i aspiracje*, “Balcanica Posnaniensia. Acta et studia” 2022, vol. 29, p. 313–329; K. Nowak, *Na wołoskich rubieżach. Kolonizacja i kierunki migracji ludności wołoskiej/walaskiej na pograniczu śląsko-kisucko-morawskim (w świetle historiografii)*, “Balcanica Posnaniensia. Acta et studia” 2022, vol. 29, p. 331–352; W. Sajkowski, *Potencjał militarny Dalmatyńskich Morlaków w źródłach Francuskich początku XIX wieku*, “Balcanica Posnaniensia. Acta et studia” 2022, vol. 29, p. 353–363; J. Paszkiewicz, *Przyczyny fragmentaryzacji osadnictwa Wołoskiego w rejonach Olimpu i Vermio w XIX oraz na początku XX wieku*, “Balcanica Posnaniensia. Acta et studia” 2022, vol. 29, p. 365–380; E. Kocój, Ł. Kocój, *W poszukiwaniu „Nowej Grammousty”*. *Dziedzictwo kulturowe pasterzy Aromanów/Wołochów w południowym Pirynie*

Industrious and pertinent in revealing medieval Romanian-Polish cultural relations (in studies about the Moldavian chronicles, Miron Costin, the Movilești family, etc.), on the Vlach question in Poland and the Balkans, Iona Czamańska oscillates between theoretical considerations around a (perpetual, omnipresent) colonisation of the Vlachs in Central and East Europe, and her brilliant intuition about the Vlach shepherds' mission as "tamers" and "guardians of the mountains" (*Włosi — strażnicy gór*).<sup>120</sup>

A major contribution, with outstanding results, is Grzegorz Jawor's life project dedicated to the settlements of Vlach law (*prawa wołoskiego*), explaining both the spread of the Vlachs in the North Carpathians and the *Ius Valachicum* performed in their villages founded in Poland and Red Ruthenia during the 14<sup>th</sup>–16<sup>th</sup> centuries. Jawor's main merits are to make known to the international scientific community the results of Polish scholars (Dobrowolski, Trajdos, etc.),<sup>121</sup> but also to exploit and analyse both intensively and extensively the Polish, Ukrainian, Czech archive documents, covering the areas of medieval *Terra Chelmensis* and *Terra Lublinensis*, *Małopolska (Polonia Minor, Lesser Poland)*, Subcarpathia, and Red Ruthenia.<sup>122</sup>

From archive testimonies, Jawor restores fragments of the unwritten and peripheral *Ius Valachicum*, practiced in inaccessible Polish mountain regions and remote highland villages. Neither Poles nor Ruthenians were shepherds (but farmers), so agrarian *Ius Alemanicum* and *Ius Ruthenicum* could not replace the pastoral customary law of the Vlachs. The latter was introduced and accepted "for the purpose of activities associated with breeding (sheep raising) on a so-far unprecedented scale". When they migrated in the 14<sup>th</sup>–15<sup>th</sup> centuries from Transylvania and Moldavia to Transcarpathia, the Vlach shepherds of the first generation settled down in rural enclaves in Lesser Poland and Red Ruthenia, while later generations founded new villages derived from the previous ones. So, the Vlachs (Wallachians, Romanians) were soon integrated and assimilated, although seldom by (Catholic) Slovaks and Poles, but rather by (Orthodox) Ruthenians (thus producing Romanian-Ruthenian bilingualism among Hutsuls and others). The Vlachs' main pastoral activity was linked to forest exploitation, handicrafts, and food processing.

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w Bułgarii (I), "Balcanica Posnaniensia. Acta et studia" 2022, vol. 29, p. 381–398; E. Nowicka, *Znikanie etnosu i nowe formy walki o tożsamość: Wschodnioromańscy mieszkańcy Istrii*, "Balcanica Posnaniensia. Acta et studia" 2022, vol. 29, p. 399–419.

<sup>120</sup> I. Czamańska, *Włosi — strażnicy gór* [in:] *Kalendarz 2014. Informacje pasterskie. Od Owcy Plus do Redyku Karpackiego 2013*, Koniaków 2013, p. 17–33; eadem, *Vlachs and Slavs in the Middle Ages and Modern Era*, "Res Historica" 2016, vol. 41, p. 11–24.

<sup>121</sup> K. Dobrowolski, *Studia nad kulturą pasterską*, p. 7–51; T.M. Trajdos, *Początki osadnictwa Wołochów na Rusi Czerwonej* [in:] *Łemkowie w historii i kulturze Karpat*, ed. Jerzy Czajkowski, vol. 1, Rzeszów 1992, p. 199–210, and many others quoted by G. Jawor, *Ethnic Aspects*, p. 48–53.

<sup>122</sup> See G. Jawor (2012–2021) in Bibliography.

Jawor also specifies some typical institutions and features of Vlach customary law in medieval Poland: a) the knezes (Polish: *kniazowie*, Romanian: *cnezi*), sometimes referred to as provosts (Polish: *soltusi*, Romanian: *șoltuji*), the village leaders who enjoyed legal, financial, administrative (and even military) authority and privileges; b) “the property communalism called inaction (*niedział*)”, characterised by significant durability and the number of co-shareholders, thus “extending over generations”, given the interdiction to alienate common property to strangers; c) tax avoidance and financial efficiency, as *Ius Valachicum* ensured lower rents and taxes for the pastoral villagers than those paid by their farmer neighbours using *Ius Alemanicum*, *Ius Polonicum*, *Ius Ruthenicum*; d) social prestige and the avoidance of serfdom, corroborated with the knezes’ fight to prevent losing their privileged position by “being pushed out to the role of peasants.”<sup>123</sup>

Jawor’s conclusions on the North Vlachs’ customary law become even more precious when compared to and confirmed by *Ius Valachicum* among the South Vlachs, as the following examples from Croatia will show.

#### HISTORIOGRAPHY AND ENACTMENTS OF *IUS VALACHICUM* AMONG THE SOUTH VLACHS FROM CROATIA

Interested in the legal history of their own country, in their investigations Croatian historians included the laws of the Vlachs (*Vlaških prava*) of the 15<sup>th</sup> century and the *Statuta Valachorum* enacted in the 17<sup>th</sup>–18<sup>th</sup> centuries (Radoslav Lopašić; Branko P. Sučević; F. Močanin; Damir Karbić, Marija Karbić).<sup>124</sup>

The latter preoccupied Serbian historians, too, who also approached the *Zakon Vlahom* (*Ius Valachicum*) found in sources like: the charters issued to 14<sup>th</sup>–16<sup>th</sup>-century Serbian monasteries and the early Ottoman tax registers (*defters*) (Boris Kršev; Miloš Luković).<sup>125</sup>

The following illustrations of *Ius Valachicum* in Croatia bring to the foreground the enactments of 1436 (the *Vlachs’ Law* of Cetina) and 1630 (the first edition of

<sup>123</sup> G. Jawor, *Ethnic Aspects*, p. 47–48, 52–55.

<sup>124</sup> R. Lopašić, *Hrvatski urbani. Urbaria lingua Croatica conscripta* [in] *Monumenta historico-juridica Slavorum Meridionalium*, vol. 5, Zagreb 1894, p. 1–12; B.P. Sučević, *Razvitak Vlaških prava i Varaždinskom generalatu*, “Historijski zbornik” 1953, vol. 6, no. 1–4, p. 33–70; F. Močanin, *Statuta Valachorum od 14. aprila 1667*, “Historijski zbornik” 1977, vol. 29–30, no. 21, p. 225–232; idem, *Die Walachen in Kroatien und im Burgenland im 16. und 17. Jahrhundert*, “Wissenschaftliche Arbeiten aus dem Burgenland” 1986, vol. 73, series 2, p. 139–150; D. Karbić, M. Karbić, *The Laws and Customs of Medieval Croatia and Slavonia. A Guide to the Extant Sources*, ed. M. Rady, London 2013, p. 66–67.

<sup>125</sup> B. Kršev, *Statuta Valachorum — Pravna osnova nastanka vojne granice — Krajine*, “Civitas” 2011, 2, p. 129–148; M. Luković, *Zakon Vlahom (Ius Valachicum) in the Charters Issued to Serbian Medieval Monasteries and Kanuns Regarding Vlachs in the Early Ottoman Tax Registers (Defters)*, “Balcanica Posnaniensia. Acta et studia” 2015, vol. 22, no. 1, p. 38–39.

the *Statuta Valachorum* for Krajina). They prove the economic, military and juridical power of the Vlach shepherds, who knew how to keep their privileged status as free men with military obligations to the bans of the Nelipić and Frankopan families (14<sup>th</sup>–15<sup>th</sup> centuries), and even increased their benefits by migration towards both the Ottoman and Habsburg military borders (16<sup>th</sup>–17<sup>th</sup> centuries).

The institutions specific to the Vlachs not only in Croatia, but in the Northern Balkan Peninsula were the well organised villages (*čătune, katuni*) led by the village knezes (who were also judges) and by the *čătunari (katunari)*, masters over several villages, while the military affairs pertained to the voivode (*vojvoda*) and his soldiers (*vojnici, vojnički*).

The *Vlachs' Law from Croatia* (18 III 1436) is a privilege published first as a Latin transcription of the Cyrillic original by Radoslav Lopašić (1890), and after a later copy from the 17<sup>th</sup> century, in his famous Berliner *Archiv für slavische Philologie*, by Vatroslav Jagić (1892). The original charter written in vernacular Croatian in Cyrillic script as well as the 17<sup>th</sup>-century copy written in Latin letters are preserved in the archive of the Franciscan convent at Trsat Castle (Tersatto bei Fiume) in Rijeka.<sup>126</sup> The *Vlachs' Law* was integrally translated into Romanian and analysed by the undeniable expert in the medieval history of the Vlachs in the Northern Balkan Peninsula, Silviu Dragomir (1959).<sup>127</sup>

The privilege or, as the 17<sup>th</sup>-century copy specifies, *haec Contractum seù transactione Joannis de Frangepanibus cum subditis Valachis* (this contract or transaction of Joannes de Frangepanus with the mentioned Vlachs), was issued by Ban Hanž Frankapan (Anž/Hans/Johannes Frankopan/Frankapan), son-in-law and adoptive son of Ivaniš Nelipić, the last male member of another great Croatian family. As Nelipić had only daughters, he adopted his son-in-law in order to transmit him the right of inheritance (according to Roman law). On Nelipić's death, when King Sigismund claimed that (according to Hungarian law) in the absence of male heirs the large estates of Nelipić were to be transferred to the Hungarian Crown, Hanž Frankapan opposed the king with the armed forces of the Vlachs. The 'good Vlachs', enumerated by their names in the privilege of 1436, had proved great loyalty towards the Nelipić

<sup>126</sup> R. Lopašić, *Bihac i bihaćka krajina*, Zagreb 1890, p. 296–298; idem, *Hrvatski urbari*, p. 1–12; V. Jagić, *Privilegien einiger dalmatinischer Vlachen aus dem J. 1436*, "Archiv für slavische Philologie" 1892, vol. 14, p. 156–157; D. Karbić, M. Karbić, *The Laws and Customs*, p. 66–67.

<sup>127</sup> See the critical edition realised by S. Şipoş of S. Dragomir, *Vlahii din nordul*, p. 72–76. Silviu Dragomir (1888–1962), minister of national minorities in Romania (1937–1940), professor of Romanian and South-East European medieval and modern history at the University from Cluj (1918–1947), mastering several languages of the documents (Middle Bulgarian Slavonic, Latin, German, Hungarian) and their palaeographies, editor of historical documents, author of memorable irreplaceable monographs (unfortunately never translated into foreign languages) about the Northern Balkan Vlachs (1959) or the Romanian revolutionaries of 1848 (*Avram Iancu*, 1965), was arrested and imprisoned by the Stalinist communists (1949–1955), and only posthumously rehabilitated.

family (attested in documents since 1345), which was thus transferred upon Hanž Frankapan, “knez of Veglia and Modrussa, knez of Cetina and Klis, ban of Dalmatia and of the Croatsians”.

The Vlachs from Croatia were a distinct population, different from Croatians (*Hrvatini*) and Serbs (*Srblini*), as proven by our document. In further historical testimonies, the Vlachs from Veglja, Senj, Cetina — a citadel located at the mouth of the homonymous river (the longest and most water-rich river in Dalmatia) — were sometimes joined by or considered as Morlachs (*Mavrovlahoi*, *Crni Vlasi*, *Morlacchi*, “Black Vlachs”). They may also be connected with their relatives, the *Stari Vlah* (Old Vlachs), who, before 1450, had built the *Vlaška Crkva* (Vlach Church) in Montenegro’s historical capital, Cetinje. The *Stari Vlah* mountain shepherds grazed their sheep during the summer on Mount Lovćen and in the Rijeka *župa(nja)* (district), and during winter on the littoral between Venetian Budva and Ragusa (Dubrovnik). Legendary Radule Vlah, the chief of the *Stari Vlah* shepherds from Cetinje, was killed by Ivan Crnoević (“John Blackson”), who built the capital in 1480. This tradition resembles that of Radu Negru Vodă (Voivode Radu the Black, mentioned in South Transylvania, Wallachia and Oltenia), the mythical founder of Wallachia by “dismounting” (*descălecat*) from Făgăraş. Even the Croatian hydronym *Cetina* and the Montenegrin toponym *Cetinje* [Tze:tinje] derive from the Vlach (Romanian) word *ceţină* [tche:tină], “fir branch”, adopted by all the South Slav neighbours of the Vlach mountain shepherds.<sup>128</sup>

Damir Karbić and Marija Karbić consider that the “28 unnumbered articles” of the charter of 1436 regulated: the relations between the Vlachs and Count Hanž Frankapan, his officials and the Croats from the Cetina county; the position of the Vlachs’ leader (*vojvoda*); procedural matters in respect of legal disputes; economic matters as animal husbandry, trade, etc.<sup>129</sup> In fact, the medieval document of 1436 has an introductory part (*protocol*) and an end (*eschatocol*), so the proper contents of the *Vlachs’ Law* may be reduced to the 23 articles numbered by Silviu Dragomir.

In the *protocol*, the honourable and good men, former loyal and honest subjects of the Ban Ivaniš Ivanović, all of them good Vlachs’ were nominated, together with their request addressed to Knez Hanž Frankapan for the renewal of the ‘laws they and their elders’ had enjoyed previously under Ban Ivaniš and his father, Knez Ivan (Nelipić). Hanž Frankapan acknowledged the reconfirmation of the Vlachs’ customary law: ‘we gave and confirmed them their accustomed honest and good and just laws’, which follow onward. The 23 articles are reproduced according to the transcriptions made

<sup>128</sup> S. Dragomir, *Vlahii din nordul Peninsulei Balcanice*, p. 38–39, 139–144; E. Cosma, *Ethnogenical Myths*, p. 34–49.

<sup>129</sup> D. Karbić, M. Karbić, *The Laws and Customs*, p. 67.

by Dragomir and Jagić:<sup>130</sup> 1. the Vlachs were not forced to unwillingly accept a hat-ed knez, whom they had the right to replace; 2. those Vlachs ruling a village “served with the ounce (*Unçom, uncie*)”, and the Vlachs who did not have a village served on horseback, armed with a sword and shield or arrows; 3. the Vlachs who were called to war and did not go to fight had to pay compensation; a tenth of the compensation was given to the Vlach voivode (*Vojvodu Vlaskomu*); 4. the soldiers (*voinički, voinici*) were forbidden to pawn their horses (*podsadu, zalog*); 5. they were exempted from going to war (during autumnal harvesting) from Saint Stephen to Saint Martin,<sup>131</sup> but were compelled to fight the rest of the year; 6. at war, two-thirds of the Vlachs served as soldiers (*Voinikou*), while one-third provided horse care and foraged; 7. only a Vlach, not a Croat (*Hrvatini*) could be the military chief (*voivode*) of the Vlach soldiers (*voinici*); the Vlach voivode and the Croat knez consulted each other; 8. no Croat, but exclusively the Vlachs’ knez (*knez, cnez*) and judges (*suçi, juzii*) took part in the Vlach seat of law held “below Senj”; 9. the knez and judges had to visit all the Vlachs’ villages twice a year; 10. and they were not allowed to punish by violence, but had to make right and true trials; 11. of each fine the Vlach knez received a third, the judges a tenth and the Croat knez a tenth; 12. the Vlachs could give a sheep instead of paying a fine of one pound and a cow for one of six pounds (*libru, libre*); they could repurchase their livestock after 20 days (since paying the fine), otherwise they lost it; 13. the tax called *ovan prihodnik* to be paid on the holiday of Saint George (*Jurjevoi*)<sup>132</sup> by each Vlach house (family) was a ram (*berbec*) or a sheep (*oaie*) and a buck (*țap*), as well as a Vlach cheese (*caș*); poor Vlachs, who had no sheep and cheese, instead paid a small amount of money; 14. according to Vlach law, on Saint Martin’s day a tax was paid for each horse by all Vlachs, excepting the chiefs of Vlach villages (*katunari, cătunari*) and the Vlachs living on landlord courts (*duornikou, dvornici*); 15. the Cetina Vlachs were exempted from paying the trade tax (*trgovine, tergovinã*); 16. punishment by hanging was forbidden among the Vlachs; 17. the mentioned Vlach “men, all good *katunari*” kept for themselves half of the gold coins (*dukatov*) collected from their villagers, as it used to be under the former Ban Ivaniš; 18. the Vlach who did not have 100 pounds was not compelled to pay this sum to another Vlach; 19. no Vlach had a duty to give to his landlord (*Gospodaru*) either hired or horsemen servants; 20. no Serb (*Srblin*) could sue a Vlach (*Vlah*), and *vice versa*; 21. (deteriorated text) no wit-

<sup>130</sup> V. Jagić, *Privilegien einiger dalmatinischer Vlachen*, p. 156–157; S. Dragomir, *Din trecutul oierilor*, p. 73–75.

<sup>131</sup> As Saint Stephen is praised by Catholics on 26 XII and by Orthodox believers on 27 XII, the *Vlachs’ Law* probably mentioned the holiday of Stephen I of Hungary (on 15 V). Roman-Catholic Saint Martin’s day is celebrated on 11 XI.

<sup>132</sup> The Orthodox holiday of Saint George (23 IV) marked among the Romanian and Vlach shepherds the beginning of the pastoral year, when the sheep left their winter places (*zimiște, iernatice*) in the highland or plain (littoral) and, droven by shepherds led by the *baci*, they climbed up the mountains to the summer pastures (*planina, vâratice*). Here they remained until Saint Demetrius (26 X), when the sheep flocks returned to their winter places, closing the pastoral year cycle.



ness, no juror, no official, except four small coins (*bolantia*); 22. the Vlachs were not bound to pay the grazing tax (*travnina*, *ierbărit*) either for the mountain summer pastures (*planina/letişte*, *văratice*) or for the winter pastures (*zimişte*, *iernatice*), in the places where *travnina* had not been paid in the times of Ban Ivaniš; 23. no Croat hired any Vlach except for a *bravar*.<sup>133</sup>

In the *eschatocol*, the knez of Cetina, Veglia and Modrussa reaffirmed that “we promised them, giving them our word as a ruler, to confirm by our will and to keep for ever their above-mentioned laws for them and for their remnants (offspring), as long as they faithfully serve us”. In turn, the mentioned “good men, *katunari*, with their brothers and villages (*katuni*) and communities” also promised not to leave, but to serve the knez and his descendants “with their heads, wealth and all their power”. The contract was written in the fortress of Klis, on 18 III 1436.

Based on tens of documents from the 12<sup>th</sup>–15<sup>th</sup> centuries, including the *Cetina Vlachs’ Law* (1436), Silviu Dragomir explained the customary institutions and prescriptions of the Vlachs from Croatia, Serbia, Bosnia-Herzegovina, and Montenegro, which were functional in: a) the administration of Vlach villages (*katuni*, *cătune*), several *katuni* being ruled by a chief called a *katunar*; b) the Vlach warfare performed by the *voivode*, as the military commander leading his soldiers (*voinički*); c) the Vlach justice exerted by *knez* and judges (*suçi*); d) the Vlachs’ transhumant shepherding; e) the Vlach trade, transit of goods and further economic matters.<sup>134</sup>

*Statuta Valachorum* (5 X 1630) were issued by Habsburg Emperor Ferdinand II, king of Hungary and Croatia,<sup>135</sup> especially for Vlachs from the Croatian Krajina (military border). These statutes regulated the settlement of the Vlach shepherds coming from Turkey, who became *Grenzer* (military border guards) of the Austrian generalate of Varaždin and also free peasants, who were given lots of Crown land. By means of the *Statuta Valachorum*, they were granted significant legal autonomy. In Croatia, the colonisation of Serbs and Bosnians after 1538 (extensively explained by Franz Vaniček)<sup>136</sup> was concomitant with the colonisation of

<sup>133</sup> In Croatian *bravar* means “locksmith”. However S. Dragomir, *Vlahii din nordul Peninsulei Balcanice*, p. 75 translated the word (from the 17th century copy of the *Vlach Law*) as “shepherd” (Romanian: *păstor*, *cioban*; Croatian: *pastir*, *čobanin*).

<sup>134</sup> *Ibidem*, p. 110–136.

<sup>135</sup> Ferdinand II (1578–1637), Holy Roman Emperor, King of Bohemia, Hungary and Croatia (1619–1637).

<sup>136</sup> Already on 5 IX 1538, from Linz, Emperor Ferdinand I granted a privilege to the first wave of thousands of Serbs led by their captains and voivodes (*Capitaneos et Vojvodas Servianos, seu Rascianos*), who came as colonists and border military from Bosnia to Upper Slavonia (*Oberslavonien*). Fr. Vaniček, *Specialgeschichte der Militärgrenze aus Originalquellen und Quellenwerken geschöpft*, vol. 1, Wien 1875, p. 26–28 reproduced the Latin original and discussed the 5 articles of the privilege. As a result, in the same year (1538) the first 3 Habsburg captaincies (of Koprivnič/Kopreiniz, Križevac/Kreuzer, Ivanić) with 600 Serbian military were created in present-day Croatia.

Vlachs (mentioned by Pompiliju Sfera).<sup>137</sup> The first wave (1530) of 50 families led by Voivode Vladislav Stipković and another group of Uskoks led by Ivan Kobasić came from Glamoc (Bosnia) to the town and mountain region of Žumberak, in the district (*županja*) of Agram (Zagreb); the second wave (1531) of 1,000 Uskoks with 15,000 sheep and cattle reached Žumberak from Cetina (Dalmatia); the third wave (1538) of 300–400 Uskoks led by Voivodes Vuk Popović and Juraj Radivojević arrived at the same destination from Bosnia; the fourth wave (1539) also included Vlachs from Cetina; a later Vlach wave (1617) came from Senj (Dalmatia). At the request of their knezes and voivodes, the Vlachs received from Emperor Rudolph II a provision letter (4 IX 1605, renewed by Emperor Ferdinand II), settling in Gomirje, Moravica (Varanica), and later in Vrbovsko, Drežnica, Ravna gora, Smrzena polana, Starilaz, and Mrkopail.<sup>138</sup>

The military territories occupied by Ottoman expansion after the battle of Mohács (1526) needed defence and colonisation. So, the Ottoman Porte restored the Orthodox patriarchate of Ipek (Peć/Pécs, 1557) and gave to the Orthodox Vlachs and Serbs, who formed the majority of the population, certain privileges (exemption from paying taxes, the right to elect their own knezes). This persuaded the Vlachs especially to settle, in great numbers and over several waves, as well-paid border guards led by their own military (voivodes) and legal-administrative chiefs (knezes). Thus, a great part of Slavonia and South Hungary formed the Turkish military border of Serhat,<sup>139</sup> later called Small Vlachia (*Mala Vlaška, Valahia Mică*). On the expanding Austrian side, the Vlach *Grenzer* were colonised and given privileges, too. This is why in both the Ottoman and Habsburg border regions, as well as in Small Vlachia, anarchy soon increased.

Lacking armed forces in Austrian Slavonia, after 1570 the Court of Vienna started to colonise a larger number of Vlachs as mercenaries, thus creating the generalates of Karlovac (1579) and Varaždin (1595). During the second Austro-Turkish war (1593–1606), the largest Vlach relocation from Turkish to Habsburg Slavonia took place.<sup>140</sup> Ferdinand II's decree by which the Vlachs were completely exempted from taxes increased the Vlach migration. On 5 X 1630, the Vlachs' statutes were finally issued for

<sup>137</sup> P. Sfera, *Statuta Valachorum*, 2018, <https://talcuireapocalipsa.wordpress.com/2018/09/22/statuta-valachorum/> [accessed: 27.5.2022].

<sup>138</sup> Fr. Vaniček, *Specialgeschichte der Militärgrenze*, p. 26–28, 81; P. Sfera, *Luptătorii vlahi din Žumberak*, 2018, <https://talcuireapocalipsa.wordpress.com/2018/09/30/luptatorii-vlahi-din-zumberak/> [accessed: 27.5.2022].

<sup>139</sup> *Serhat* (Turkish), frontier.

<sup>140</sup> This largest colonization wave of the Vlachs was determined by the involvement of the quasi-unknown metropolitan bishop Vasilie of Pakrac (1590–1594), according to P. Sfera, *Statuta Valachorum*, 2018. It happened a century before the great colonization of the Serbs led by archbishop Arsenije III Crnojević of Pécs (1690–1691). Probably neither the colonization led by the future patriarch Arsenije III Crnojević comprised exclusively Serbs, but also many Vlachs, Albanians etc., nor among the Uskoks were there only Vlachs. P. Sfera (see Bibliography) seems to be right in the first assumption, and wrong in the second.

all the Orthodox and Catholic Vlachs from the generalate of Varaždin. Later they were also expanded for the Karlovac generalate.<sup>141</sup>

*Statuta Valachorum*, written in Latin,<sup>142</sup> includes the usual *protocol*, the articles of law and the *eschatocol*. In the introductory *protocol*, the emperor justified and legitimated this enactment as being “a contribution to the expansion and reinforcement of Christianity” among the countries and peoples under imperial authority. Such were the Vlachs, who had settled in the region between the Sava and Drava rivers under Ferdinand II’s predecessors, Rudolf II and Mathias,<sup>143</sup> and who had proven “loyal service and glorious military heroism”. Observing the subsequent articles of law, the Vlachs would peacefully live and act in the future, fortifying the imperial possessions and protecting them against the Ottomans.

The 50 articles of these *Vlašskog zakona* (Vlach laws) are structured in five unnumbered chapters: 1. “About representation and governance of the Vlachs”, ten articles; 2. “About legal procedure”, ten articles; 3. “About the right of possession and use”, nine articles; 4. “About private and public criminal law”, ten articles; 5. “About military duties”, 11 articles.

The first chapter stipulated that every Vlach village situated between Sava and Drava had its own judge (*sudiju, jude*) or knez, elected every April by the village community for one year (article 1). In each of the three captaincies of Križevac, Koprivnič and Ivanić, there was a higher judge with eight assessors or helpers (*pomoćnika*), elected in May on Saint George’s Day, by an assembly formed of 2–3 old men or assessors from each village, and confirmed by the Austrian general commander of each captaincy (article 2). As regards criminal law, violations of peace and public development were punished by death, while for less serious crimes there was no fine or confiscation of property, but corporal punishment and forced labour. The knez delivered the perpetrator to the supreme judge of his captaincy, who then investigated with his eight assessors, and, if found guilty, the perpetrator was delivered to the War Council in Graz (article 3). For minor offences, the knezes sent the perpetrators to prison, until the court met in instance (article 4). The knezes had the duty to conscribe all male individuals from households and families who had reached the age of 17 (article 5). Any Vlach coming from Turkey, who wanted to settle, had to inform the supreme captain; if he wanted to move from one captaincy to another, he had to inform the higher judge

<sup>141</sup> F. Moačanin, *Statuta Valachorum od 14. aprila 1667*, p. 225–232; B.N. Kršev, *Statuta Valachorum*, p. 129–148; S. Dragomir, *Vlahii din nordul Peninsulei Balcanice*, p. 102; P. Sfera, *Statuta Valachorum*, 2018.

<sup>142</sup> See in Fr. Vaniček, *Specialgeschichte der Militärgrenze*, p. 50–52, 456–461 the Latin terms and German explanations; R. Lopašić, *Hrvatski urbari*, p. 1–12; documents in German, Latin and Croatian in B.N. Kršev, *Statuta Valachorum*, p. 137–147, the Serbian translation; in P. Sfera, *Statuta Valachorum*, the approximate Romanian translation of the *Statuta Valachorum*.

<sup>143</sup> Rudolf II (1552–1612), Holy Roman Emperor of German Nation (1576–1612), King of Hungary and Croatia (as Rudolf I, 1572–1608). Matthias (1557–1619), Holy Roman Emperor (1612–1619), Archduke of Austria (1608–1619), King of Hungary and Croatia (1608–1618).

(article 6). Even the knezes were punished according to the seriousness of their deeds (article 7). In case of theft, the knezes were bound to catch the thief and arrest him, returning the stolen items to their owner (article 8). Assemblies were forbidden, excepting the elections of the knezes, higher judges and assessors (article 9). Next, the oath of the knezes and assessors when entering the court room is reproduced (article 10).

The second chapter described the legal procedures to be followed in courts of the second instance. Each court of appeal was formed, at the seat of the captaincy, of the above-mentioned higher judge, the eight assessors and a notary. Issues like presence and *quorum* (the minimum number of persons required for holding trial meetings), the oath of the full court members, summons and subpoenas, seal taxes for court documents, trial dates, and the involvement of the knezes in the legal procedures of appeal were stipulated (articles 1–6 and 8–10). It was specified that the witnesses “should not swear, according to the Sloven custom (*slovenskom običaju, obiceiul sloven*), on somebody else’s soul”, while the judge and assessors were given the freedom to choose the best proofs (article 7).

The third chapter established several prescriptions of agrarian law: each populated place had to define its boundaries (article 1); modalities were indicated for Vlachs to sell, lend, pledge, reimburse fields, houses, lots of land (articles 2–6). Civil law prescriptions approached the last wills, made in the presence of the knez, 4–5 witnesses and a notary (article 7), as well as matters of ruling a family after the father’s death (article 8). Article 9 dealt with an important commercial freedom granted to all the Vlachs living in the *Vojna Krajina* and in the Kingdom of Hungary and Croatia, namely to freely sell and buy, import and export oxen, horses, cattle, swine, wine, all kind of cereals inside and outside their captaincy (article 9).

The fourth chapter of criminal law decided the fines and corporal penalties to be paid for theft (articles 1–3), by the owners of livestock violating foreign pastures (articles 4–5), for bloodshed, murder, assault, and adultery (articles 6–8), and for court fees (article 10). Interesting is the prescription about the sons disobedient towards their fathers, who were punished by imprisonment (article 9).

The fifth and last chapter regarded the duties and obligations of the either paid or unpaid, yet privileged, Vlach military (article 1). Judgement and punishment of the Vlach military accused of minor crimes were less harsh and took place under surveillance of their Vlach military chiefs (*vojvoda*), captains and subcaptains, while major crimes were submitted to the imperial War Council (articles 2–3). The litigations concerning military movables and immovables were judged exclusively by the civil judges and assessors (article 4). Completion and replacement of the dead, retiring or reserve *Grenzer* and officers was made at the proposal of the village communities (article 5). The voivode paid the wages of border guards (*vojnica graničarima*) (article 6). Even if the entire Vlach village community was involved and dedicated to war and warfare and thereupon enjoyed special privileges, nevertheless the Vlachs were obliged to clear the forests between the Sava and Drava, and help with the building and defence of fortresses (article 7). Besides the paid Vlach *Grenzer*, the unpaid

Vlachs also had military duties (like day and night guards), in order to safeguard all three border captaincies against the Ottomans (article 8). Total mobilisation was decreed when the Austrian general summoned them under arms, so 2–3 hours after convocation at least 6,000–7,000 Vlachs trooped together, in a certain place, according to the general's command (article 9). The Vlachs mobilised outside Krajina in the Turkish parts did not receive their wages during the first 14 days, and those mobilised in further provinces for eight days (article 10). There were few paid Vlach border guards; most received no wages, however, all Vlach *Grenzer* were supplied by their imperial military commanders with lead for bullets and gunpowder, as before (article 11).

The *eschatocol* of *Statuta Valachorum* concluded that the issued privileges were aimed at keeping the Vlachs on the land between the Sava and Drava rivers, to ensure them a quiet, fruitful life, for the benefit of the Austrian Monarchy and the Hungarian-Croatian Kingdom. In Regensburg, on 5 X 1630, the document was signed *manu propria* by Emperor Ferdinand II.

Besides the proper enactment of the privileges contained in *Statuta Valachorum* for the *Vojna Krajina* (1630), of even greater importance is their multiple reconfirmations during the 17<sup>th</sup> and 18<sup>th</sup> centuries (1642, 1659, 1667, 1717). It proves that the privileges were in force throughout this period, producing effects for the most relevant demographical category from the respective area and time: the Vlachs. When the Habsburgs revoked the military frontier in 1754, opposition and armed resistance arose, culminating in 1755 with the great uprising at the Austrian military border in the Romanian town Severin, where 20,000 armed *Grenzer* participated.<sup>144</sup>

#### HISTORIOGRAPHICAL PROS AND CONS REGARDING THE ROMANIANS AND VLACHS' *IUS VALACHICUM*

In the frame of the legal history of the Romanians, there are relatively few approaches of the consuetudinary law *Ius Valachicum* as a set of customs, norms and regulations characterising, until the modern era, the prevalent rural Romanian history and the agrarian-pastoral Romanian way of life.<sup>145</sup> Even fewer Romanian studies were dedicated to the *Ius Vlachicum* among the Vlachs from the Balkans and Northern Carpathians.<sup>146</sup>

<sup>144</sup> F. Moačanin, *Statuta Valachorum od 14. aprila 1667*, p. 225–232. Fragments from our analysis of the two enacted customary laws of the Vlachs from Croatia are reproduced in the study submitted (14 VI 2022) for publication in the volume *Wallachian Colonization in the History of East Central Europe (14<sup>th</sup>–17<sup>th</sup> Centuries)*, eds. M. Dragnea, M. Marek, G. Jawor, A.C. Dincă, J. Polemikos (series *South-East European History*; Peter Lang publisher).

<sup>145</sup> *Patrimoniul istorico-juridic românesc din Mărginimea Sibiului (Rășinari, Săliște)*, ed. E. Cosma Cluj-Napoca/Gatineau 2020, p. 870.

<sup>146</sup> K. Kadlec, *Válaši a valašské*, passim.

The key problem in the historiography of this eventually political topic, that split historians into two irreconcilable camps, is that of the origins of the Romanians and Vlachs. Generally, Romanian historiography, supported by several German and Austrian scholars (most of them politically neutral), acknowledges the *theory of continuity*, whereas (because of non-scientific political-territorial reasons, or for fear of not admitting national minority rights, etc.) old and new non-Romanian foreign and especially neighbouring historiographies advocate the *immigration theory*. By actually ignoring the Vlach-Romanian ethnic identity, foreign historiographies usually solve the Vlach ethnogenesis by one and the same stereotype: “colonisation,”<sup>147</sup> insisting that the Vlachs came to the territories in which they live(d) as a demographic minority either from the north of the Danube (Greek and Serbian historiographies),<sup>148</sup> or from Transylvania and Maramureş (West Slavic and Hungarian historiographies).<sup>149</sup>

One of the first scientists assigning the common pattern of migration to South and North Vlachs, as well as to Romanians, was Franz Miklosich (Franc Miklošič), a member of the Austrian Academy of Vienna, in his study approaching the *Migrations of the Rumanians in the Dalmatian (Dinaric) Alpes and in the Carpathians* (1879).<sup>150</sup> The Slovenian philologist divided his book into two parts: the first dedicated to the Romanians living on Serbian and Croatian territory, including Veglia Island, and the second part about the Romanians from “Lesser Russia” (Ruthenia, nowadays Ukraine) and Galicia (Halych), Poland and Moravia. The questions raised by Miklosich (1. What was the original homeland of these Romanians?; 2. What routes did they take to reach their new homes?; 3. When did they arrive in their new homelands?) are answered by the migrational process thought to have come from the compact Romanian territory situated north of the Lower Danube during the Middle Ages, a process ended by Slavisation and absorption of the respective Romanian communities. Miklosich’s interpretation is joined by annexes of documents, which are important from the linguistic point of view, and by lists — worked out by Emil Kałuźniacki — of Romanian

<sup>147</sup> E. Cosma, *Ethnogenical Myths*, p. 47–48.

<sup>148</sup> Greece offers a particularly negative example as regards national minority rights, given “the authorities’ refusal to recognize the existence of any other kind of minority except for the Muslim’ one”, as human rights commissioner of the European Union Thomas Hammarberg reported with concern after his visit and discussions with Greek state authorities and non-governmental organisations (8–10 XII 2008). Could purely scientific aims ever surpass interested political goals? E. Cosma, *Despre rostul patriotismului în lumea de azi. Grecii din România și sărbătoarea lor națională (25 martie 1821)* [in:] *România și România în context european. Istorie și diplomație. Omagiu profesorului Vasile Pușcaș la împlinirea vârstei de 70 de ani*, eds. Bolovan I., Ciot M.G., Cluj-Napoca 2022, p. 1029–1057.

<sup>149</sup> See, for example, the recent unequivocally Slovakian historiography: *Colonizarea valahă în Slovacia și colonizarea slovacă în România. Lucrările celei de-a X-a reuniuni a comisiei mixte de istorie româno-slovace (Banská Bystrica, 25–27 septembrie 2012)/Valašska kolonizácia na Slovensku a slovenská kolonizácia v Rumunsku*, eds. E. Márza, M. Syrný, Banská Bystrica 2014; M. Marek, *Wallachian Colonization*, p. 204–226.

<sup>150</sup> F. Miklosich, *Ueber die Wanderungen der Rumunen*, passim.



words to be found in Rusyn and Polish languages, most of them regarding pastoral life and the names of places.<sup>151</sup>

Apart from the extreme perspective argued by Franz Miklosich, we consider that one of the most balanced positions, expressed by Max Demeter Peyfuss on the issue of the Aromanians' ethnogenesis (1974/1994), can be extended *grosso modo* to the ethnogenesis of all Romanians and Vlachs. The Austrian historian distinguishes three main groups of theories and hypotheses (with possible variants and interferences) regarding this question: 1. the Daco-Romanians and the Aromanians had a separate evolution (this first theory, rejected by the author, is confirmed by the structural linguistic identity between Romanian and Aromanian); 2. the exclusive localisation of the Romanian ethnogenesis south of the Danube (the second theory, based on the lack of early medieval testimonies proving the continuity of the Romanised population in Dacia, is also refuted by Peyfuss, due to the numerous archaeological and linguistic sources in favour of the next hypothesis); 3. until the Slavic invasion, the Romance-speaking population inhabited a large territory (comprising *Dacia Traiana*, *Dacia Aureliana*, *Moesia Superior*, *Moesia Inferior*), that was gradually Slavicised in the south due to the preponderant Slavic element (which, from the linguistic point of view, is identical in Daco-Romanian and Aromanian, as Peyfuss asserts, also nominating the Eastern South Slavic/Bulgarian imprint), and it was definitively Romanised in the north of the Danube due to the prevalent stronger Romanian element (which absorbed the Slavic component).<sup>152</sup>

For better compliance with the unsolvable methodological dispute on the origins of the Romanians and Vlachs, collateral approaches might determine scientific progress. With the following critical remarks, we aim, at the same time, to offer possible solutions to this issue.

Firstly, instead of focusing on the controversial Romanian-Vlach continuity versus colonisation, historians, ethnographers, and social anthropologists belonging to different nations and schools would be better studying the past and present cultural heritage of the Vlachs, aiming to discover, edit and publish as many ethnohistorical and linguistic sources as possible, regarding the specific Vlach occupations, way of life, folklore, customs, institutions and forms of organisation, including their unique *Ius Valachicum*. In fact, such international projects existed (1948–1963), as in the case study of the Polish, Czech and Slovakian, Romanian and Hungarian pastures described above by Bronisława Koczyńska-Jaworska.<sup>153</sup>

Secondly, interdisciplinary and cross-cultural studies, as well as comparative methods are certainly of great help, as they can clarify certain confusing terms and

<sup>151</sup> A. Ive, *Book Review: Ueber die Wanderungen der Rumunen in den dalmatischen Alpen und den Karpaten*, "Romania" 1880, vol. 34, p. 320–328.

<sup>152</sup> M.D. Peyfuss, *Chestiunea aromânească*, p. 16–17.

<sup>153</sup> B. Koczyńska-Jaworska, *La vie pastorale*, p. 80–88.

contribute to the better understanding and explanation of diffuse notions and concepts, on a diachronic and synchronic level.<sup>154</sup>

Thirdly, the language barrier cannot be ignored, but has to be seriously taken into consideration, as it is practically impossible for a single scholar to master the kaleidoscope of all Romance, Slavic, Germanic, Greek, Albanian, Hungarian and Turkic languages spoken in Central and South-Eastern Europe, and to acquire adequate and proficient knowledge in order to synthesise the (not yet elaborated) general history of the Vlachs in all the areas they have lived. Therefore, interactive collaboration between Romanian, Balkan and Central European researchers is highly desirable and mutually beneficial for this topic. As we have seen above, the present-ed historiography of *Ius Valachicum* shows a range of great difficulties preventing easy research results.

Let us mention especially the strong need for proficient palaeographers and experts in the various languages of historical documents. A single example shall be given, regarding the penury of high-quality Latinists. Revealing unexpected difficulties, the text of *Transmissionales* (1784), the above-mentioned primary source we aim to critically and integrally edit and analyse, is elaborated in the baroque writing style, with long sentences and phrases, with an intricate word order, using an ornate language: the Latin of the modern era, the so-called *infima Latinitas* (Antonius Bartal).<sup>155</sup> Overwhelming in form and substance, in quality and quantity, the vast narrative framework of *Transmissionales* combines numerous and complexly interrelating sub-stories, put together in a reverse chronology. Starting with the action in reconvention (*reconventio*), filed by the Magistrate of Sibiu (as the re-conventional defendant-plaintiff) against the former plaintiffs (*actores*) and actual complained defendants (*inc[ausamattrac]torum*), the Rășinari villagers from Mărginimea Sibiului, judged by the *conflux* (congregation) of the Transylvanian Gubernium (1782–1784), it leads to all the Romanian village community's memorials, petitions, gravamina, grievances and trial deeds, that were registered during the previous (14<sup>th</sup>–18<sup>th</sup>) centuries.

There is another difficulty: the juridical terminology of the primary sources, given the total absence of suitable work tools. Actually, there are neither glossaries of legal history notions, nor dictionaries or monographs of juridical institutions regarding Transylvania during early modern and modern history. The list of difficulties may continue by enumerating: the absence of a general comparative and synthetical view upon *Ius Valachicum* among Romanians, North and South Vlachs, but instead the disparity of analyses, their uneven conceptualisation, the lack of theoretical and methodological models to be used in our research. For instance, in order to analyse from the perspective of legal history case studies of enacted Romanian consuetudi-

<sup>154</sup> Eadem, p. 81; Gh. Șișeștean, *Români care s-au stins. Valahii din Carpații Nordici și românii din Ungaria*, Cluj-Napoca 2012, p. 99–100.

<sup>155</sup> A. Bartal, *Glossarium Mediae et Infimae Latinitatis Regni Hungariae*, Budapest 1901.

nary law, first we had to create our own method able to describe, compare and explain the provisions and articles comprised in several medieval and premodern historical documents from South Transylvania (14<sup>th</sup>–18<sup>th</sup> centuries).<sup>156</sup> In the present approach, we applied the same method to the Vlachs' laws from medieval Croatia (15<sup>th</sup>–17<sup>th</sup> centuries). Worst of all is the questionable quality of many para-scientific articles, that should be taken *cum grano salis*, in order to distinguish common places, wishful thinking and stereotypes from historical arguments and conclusions based on critically edited archive documents. This situation confirms the urgent need for critical document editions of Romanian legal history.

Yet the greater the difficulties, the higher the score of novelty and relevance in editing unknown legal manuscripts of Romanian and Vlach consuetudinary law. We suggest an unprecedented model for critical editions and critical textualism to be applied in future investigations. Starting from empirical primary sources, we intend to reveal the origins, patterns and evolution of Romanian customary law, in order to build future innovative research. History is indeed necessary to show when and how theoretical concepts were created.

As a matter of fact, it is precisely the pastoral component which imposed the *Ius Valachicum* (specific to the Romanians, North and South Vlachs) as a distinct, resilient and long-lasting customary law, distinguishing it from other ethnic-marked consuetudinary law systems. Therefore, we also need to realise — for the first time in Central and Eastern European historiography — a *comparative perspective* of the medieval and early modern customary law systems specific to the South Slaves (*Zakon sudnyi ljudem*), Germans (*Sachsenspiegel, Schwabenspiegel, Ofner Stadtrecht*), Transylvanian Saxons (*Codex Altemberger, Eigenlandrecht der Siebenbürger Sachsen*), and Hungarians (Werböczy István's *Tripartitum*), that were separately analysed by Martyn Rady, Damir Karbić and Marija Karbić, Derzsi Julia and others.<sup>157</sup> Excepting the regulations for the exploitation of underground resources and mining (*Zipser Willkür*), German law had a clearly urban character, just like the municipal statutes of the Transylvanian Saxons, but also of the Croatians, while the Ruthenian customary law was an exclusively agrarian law.

Such a comparative approach will confirm the hypothesis that, in spite of the multiethnic cohabitation in Central Europe and the Balkans, the various ethnic consuetudinary laws (including *Ius Valachicum*) had a parallel development, each of them keeping its own ethno-juridical peculiarities.<sup>158</sup>

<sup>156</sup> E. Cosma, *Enacted "Ius Valachicum"*, p. 3–30.

<sup>157</sup> M. Rady (ed.), *Custom and Law in Central Europe*, "Occasional Paper" 2003, vol. 6 (Loughborough/Leics, University of Cambridge); D. Karbić, M. Karbić, *The Laws and Customs*; J. Derzsi, *Delict și pedeapsă. Justiție penală în orașele săsești din Transilvania în secolul al XVI-lea*, Cluj-Napoca 2022.

<sup>158</sup> E. Cosma, *The Romanian Consuetudinary Law ("Ius Valachicum"). A Comparative Perspective and a Few Sources (14<sup>th</sup>–18<sup>th</sup> Centuries)* [in:] *Wallachian Colonization in the History of East Central Europe (14<sup>th</sup>–17<sup>th</sup> Centuries)*, coord. M. Dragnea, eds. M. Marek, G. Jawor, A.C. Dincă, J. Polemikos, Peter Lang Publishing, accepted for publication (2022).

The analysed historiography and documents, as well as the comparative history of Central and Eastern European customary laws lead us to an original perspective and interpretation of enacted Romanian customary law. The importance of the enactments of *Ius Valachicum* is beyond doubt. They abolish the bias of a strictly oral, unwritten, indistinct and loose customary law. As a matter of fact, codifications of *Ius Valachicum* were never a priority for scientific research, even if historical sources are extremely generous in this respect. The case studies illustrated by us demonstrate the existence and functionality of *Ius Valachicum* practiced in Mărginimea Sibiului and Croatia between the 14<sup>th</sup> and 19<sup>th</sup> centuries, connected with the free, privileged legal, social and economic status of the Romanian and Vlach shepherds.

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