

УДК: 27:34(376)
27:34(495.02)
27:34(497.11)''04/14''

THE INFLUENCE OF CHRISTIANITY ON THE DEVELOPMENT OF ROMAN, BYZANTINE, AND MEDIEVAL SERBIAN LAW

Jovan CONIĆ

Reserch Assistant at Innovation Center University of Niš
e-mail: jovanconic96@gmail.com

Nina KOSANOVIĆ

PhD, Independent Professional Associate at University of Niš
e-mail: nina_gavrilovic87@yahoo.com

Natalija TODOROVIĆ

Teaching Associate at Faculty of Law University of Niš
e-mail: natalija.n.bogdanovic@gmail.com

Abstract

This paper examines the influence of Christianity on the development of Roman, Byzantine, and medieval Serbian law. Its primary objective is to demonstrate how Christian teachings and ecclesiastical organization influenced changes in the legal system from the Roman Empire to medieval Serbia. The paper analyzes the gradual integration of secular and ecclesiastical law, which over time became one of the essential elements of state organization. Particular attention is devoted to changes in family, inheritance, and criminal law following the adoption of Christianity in the Roman Empire. Christian ethics contributed to the development of concepts of justice, mercy, and enhanced protection of socially vulnerable groups.

The paper also analyzes the role of Byzantine law, which, through nomocanons and ecclesiastical legal collections, transmitted a substantial body of Christian legal principles into medieval Serbian legislation. Through an analysis of Justinian's legislation, Saint Sava's *Nomocanon*, and Dušan's Code, the paper demonstrates the significance of Christianity in shaping the legal order of medieval Serbia. Based on the analyzed sources, it may be concluded that, in addition to its religious significance, Christianity played an important role in the development of legal consciousness, the strengthening of state institutions, and the formation of the Serbian legal tradition.

Keywords: *Roman law, Byzantium, Serbia, Christianity, law.*

1. The Influence of Religion on the Formation of the Norms of Roman Law Prior to the Emergence of Christianity

The development of Roman law represents one of the most significant processes in the history of European legal civilization. Throughout its evolution, Roman law was profoundly influenced by religion, although the nature of this influence varied during different historical periods. According to Professor Bujuklić, it was only through the civilizational and cultural development of Roman society that the Romans came to realize that, alongside the rules prescribed by divine powers, there also existed rules created by human beings (Bujuklić, 2012).

From the earliest stages of Roman society, there was no clear distinction between religious and legal rules. Rather, religious and legal norms formed a unified system of rules governing human conduct. Compliance with these rules was ensured through the belief that any violation of certain norms would provoke the wrath of the gods.

In ancient Rome, a distinction was made between *fas* and *ius*. The term *fas* referred to rules regarded as divine commands, regulating the relationship between human beings and the gods, as well as relations between Romans and foreigners, criminal offences, adoption, various contracts, marriage, and other matters (Bujuklić, 2012). In contrast, *ius* denoted human, or secular, law, which in the earliest period primarily derived from customary law. Although these two systems gradually became separated, during the early development of the Roman state they remained closely interconnected. At that time, there were no professionally trained jurists, and priests were the sole custodians of legal formulas and procedures, which gave them considerable influence over the legal life of the community.

The enactment of the Law of the Twelve Tables in the mid-fifth century BC represented an important step toward the secularization of law. For the first time, legal rules became accessible to a broader circle of citizens, thereby limiting the monopoly of the priesthood over legal knowledge. Nevertheless, even this legislation contained strong religious elements, particularly in the provisions governing burial and the cult of ancestors. This demonstrates that religion continued to play an important role in shaping legal institutions.

During the Republican period, Roman society underwent significant social and economic changes. Continuous wars, which resulted in the territorial expansion of the Roman state, the development of trade, the strengthening of the state apparatus, and increasing contacts with numerous foreign peoples gradually weakened traditional religious beliefs. Law increasingly came to be regarded as a human creation, capable of evolving under the influence of various factors rather than merely reflecting the will of the gods (Nikolić, 2010). Legal practice increasingly embraced the principles of *bona fides* and *aequitas*, which became fundamental standards for regulating relationships that had previously been governed by religion. In this way, law gradually distanced itself from religious sanctions and acquired a more rational character. This tendency toward reducing the influence of religion on all aspects of

social life, as well as diminishing the sacred elements within the legal system, continued throughout the Classical period (Stanojević, 2001).

2. The Influence of the Emergence of Christianity on Roman Law

The emergence of Christianity marked a turning point not only in the religious but also in the legal history of the Roman Empire. According to Professor Stanojević (2001), no other movement has exerted an influence on world history comparable to that of Christianity. The new religion originated in the first century AD within the Roman province of Judea, and its teachings gradually spread throughout the Empire over the following centuries.

Initially, Christianity was most widespread among the poorer strata of society, slaves, and socially marginalized groups, who recognized in it a source of spiritual consolation and the idea of the equality of all people before God.¹ Over time, however, it also began to attract members of the higher social classes. Unlike traditional Roman society, which was founded upon a strict social hierarchy and the imperial cult, Christianity proclaimed the spiritual equality of all human beings and universal moral values. Because Christians refused to participate in the imperial cult and pagan religious ceremonies, their relations with the state authorities were frequently characterized by persecution and legal restrictions.

A significant turning point came with the promulgation of the Edict of Milan in AD 313, by which Emperor Constantine recognized freedom of religion for Christians and brought an end to the period of their persecution. This act created the conditions for the active participation of Christians in the public and political life of the Roman Empire. By the Edict of Thessalonica of AD 380, Christianity was proclaimed the official religion of the Empire, whereby the Christian Church became one of the most important factors in its social and legal development.

Professor Berman (1959) raises the question of whether Christianity requires more from the legislator than merely guaranteeing freedom of religion, and concludes that the Byzantine emperors answered this question in the affirmative. They considered it their Christian duty to reform the law "in the direction of humanity," that is, to eliminate injustice, protect the poor and the oppressed, and temper the severity of the law with mercy. From that period onward, Christian teachings increasingly influenced legislation, legal institutions, and the development of legal consciousness, thereby laying the foundations for the subsequent evolution of Byzantine and medieval Serbian law.

Justinian's Codification constitutes the most important legal source for analyzing the influence of Christianity on Roman law because, alongside the traditional institutions of Roman law, it visibly incorporates Christian moral principles that shaped numerous legislative solutions. The influence of Christianity is

¹ Eisner and Horvat state that, at the time of its emergence, Christianity was a religion expressing protest against the ruling class (Eisner & Horvat, 1948, p. 73).

evident not only in the substantive provisions of the Codification but also in the very systematization of the *Corpus Iuris Civilis*.²

2.1. The Influence of Christianity on Family Law

Family law represents one of the legal fields in which the influence of Christianity was most evident. Prior to the adoption of Christianity, Roman society was organized on patriarchal foundations, with the *pater familias* exercising extensive authority over the members of the household. As Deretić (2011, p. 328) observes, "Christianity transformed the Roman concept of marriage as a contract through its doctrine of marriage as both a contract and a sacrament."

Under the influence of Christian moral and ethical principles, the legal perception of betrothal also changed. Betrothal regained the legal significance it had previously enjoyed, while infidelity between fiancés came to be regarded in the same manner as adultery within marriage.

With regard to the conclusion of marriage, the ecclesiastical blessing constituted an optional form of marriage during Justinian's reign. For a marriage to be legally valid, it had to be concluded in accordance with civil law, whereas a marriage solemnized solely according to ecclesiastical rites was permitted but did not produce legal effects (Deretić, 2011). Under the influence of Christianity, the prohibition preventing a widow from remarrying within ten months following her husband's death was extended to cases of divorce as well.³

A significant example of the influence of Christianity on family law is found in a provision of Justinian's Codification,⁴ which allowed women who had previously led a "dishonourable life" to contract a lawful marriage. The emperor justified this decision by invoking Christian principles of mercy, forgiveness, and repentance, emphasizing that, just as God forgives sinners and accepts their repentance, the state should likewise enable them to return to a dignified way of life.

² In the part of the greatest codification of Roman law issued in AD 529 under the title *Codex repetitae praelectionis*, consisting of twelve books, ecclesiastical law was placed at the very beginning, in Book One. This demonstrates the growing prestige of the Church and the increasing importance of religion and ecclesiastical law, particularly when compared with the *Codex Theodosianus* of AD 438, in which ecclesiastical law was placed at the end. The role of religion at the time of Justinian's codification is also reflected in the introductory provisions of the *Corpus Iuris Civilis*, where Justinian is described as governing the Empire by divine authority entrusted to him by Heavenly Majesty. The influence and significance of Christianity are further evidenced by the fact that both the *Institutes* and the *Codex* begin with an invocation of Jesus Christ, to whom Justinian expresses gratitude for the completion of the codification and dedicates his work to the glory of God. Professor Nikolić cites Professor Šarkić, according to whom the influence of Christianity is recognizable throughout the *Corpus Iuris Civilis*. He further points out that "the best form of government is one based on laws that properly regulate both divine and human matters." For further discussion, see: Nikolić, D. (2005). *Comparative Legal History*, p. 133.

³C. 5, 17, 8, 4b and 9.

⁴C. 5.4.23.

One of the most significant consequences of Christian influence was the strengthening of the principle of monogamy. Attitudes toward adultery and other forms of violation of the marital union became considerably stricter. A woman convicted of adultery was originally punished by exile, while Emperor Constantine introduced the death penalty for a wife's adultery. Justinian subsequently mitigated this punishment by replacing it with lifelong confinement in a monastery, unless the husband chose to forgive and release his wife after a period of two years (Eisner & Horvat, 1948).

Christianity also influenced the institution of divorce. Under classical Roman law, divorce was relatively accessible and could be effected by the will of one or both spouses. With the growing influence of Christianity, however, there emerged a tendency to preserve the marital union, and divorce gradually became subject to increasing legal restrictions. From the reign of Constantine to that of Justinian, a number of enactments were adopted with the aim of tightening the conditions under which marriage could be dissolved. Constantine issued a constitution specifying the legitimate grounds on which divorce could be granted (Ignjatović, 2022).

During this period, divorce without adverse legal consequences (*divortium sine damno*) could take place either by mutual consent of the spouses (*divortium communi consensu*) or at the request of one spouse (*divortium bona gratia*), but only in legally justified circumstances, such as impotence, a vow of chastity, entry into monastic life, and similar situations. Divorce accompanied by adverse legal consequences (*divortium cum damno*) could occur either without lawful cause (*repudium sine ulla causa*) or as a unilateral divorce based upon the fault of one spouse (*repudium ex iusta causa*). The legal consequences included the loss of the dowry, prohibition of remarriage, deportation, and other sanctions (Ignjatović, 2022). A spouse who was not responsible for the dissolution of the marriage could obtain a divorce without suffering legal consequences in cases of adultery, an attempt upon his or her life, procuring prostitution, immoral conduct, and similar circumstances (Puhan, 1974).

The influence of Christianity on family law was also reflected in the gradual abandonment of certain solutions contained in the *Lex Iulia* and the *Lex Papia Poppaea*. Enacted during the reign of Emperor Augustus, these statutes were intended to encourage marriage and increase the birth rate by granting numerous privileges to married persons with children while imposing restrictions upon unmarried and childless citizens. After Christianity became the official religion of the Empire, these measures gradually lost their significance, since Christian doctrine no longer viewed marriage primarily as a means of ensuring offspring and serving the interests of the state, but rather as a sacred and moral union between a man and a woman. Christianity also recognized the particular spiritual value of voluntary celibacy.

Furthermore, the Church sought to prevent marriages between close relatives, considering them contrary to both moral and religious principles. These restrictions

gradually became incorporated into legislation and significantly influenced the development of matrimonial law in Byzantium and medieval Serbia.

2.2. The Influence of Christianity on the Improvement of the Status of Slaves, Women, and Children

The position of slaves deteriorated progressively during the Republican period and had become particularly unfavorable by the beginning of the Principate.⁵⁵ As a consequence of the emergence of Christianity, measures were gradually introduced to limit the exploitation of slaves. When examining their actual legal status, it may be observed that, under the influence of religion and in connection with religious rites, slaves were granted certain rights previously reserved for free persons. Thus, the grave of a slave was regarded as a *locus religiosus*, just as the grave of a free person, and slaves were permitted to participate in religious ceremonies. Upon the death of a slave, the master was obliged to provide burial, and the slave's name was inscribed on the tombstone.

Slaves were also granted the right to seek protection from public authorities when subjected to excessive cruelty by their masters. The methods by which slaves could obtain freedom were expanded, and, in certain cases, slaves acquired specific rights arising from kinship with free persons (Berman, 1959). One of the clearest examples of the direct influence of Christianity on Roman law is found in Justinian's *Institutes*, according to which the Church became a place where a legally valid manumission could be performed, demonstrating its increasingly significant role within the legal system.

Significant changes are also evident with regard to the legal status of women. Although Christianity did not abolish inequality between men and women, it contributed to strengthening women's dignity and legal protection. Christian teachings emphasized that all people are equal before God, which gradually led to the mitigation of certain forms of discrimination against women within family relations. Women increasingly came to be regarded as equal participants in the marital union rather than merely as objects of the authority of their husbands or fathers.

By Novella 118, Emperor Justinian acknowledged the important role of mothers in protecting the interests of their children and expanded their rights within the family by allowing them to serve as tutors to their children and grandchildren. This constituted a departure from the earlier legal understanding under which this function had been almost exclusively reserved for male relatives. During Justinian's reign, women were restricted in the sphere of private law only insofar as they could not serve as tutors except to their own children and grandchildren, could not act as

⁵⁵Frequent warfare during the Republican period resulted in a substantial increase in the number of slaves. Dissatisfied with their extremely unfavorable position, slaves attempted to improve their status through numerous revolts, all of which were suppressed by the ruling class.

witnesses to wills, and were prohibited from acting as sureties through intercession (*intercessio*) (Eisner & Horvat, 1948).⁶⁶

The legal position of women was also improved with regard to the dowry. Numerous legislative measures were enacted to prevent husbands from freely disposing of the dowry, and by the end of Roman legal history women were granted an action for its recovery, thereby becoming its legal owners (Ignjatović, 2022).

The influence of Christianity on the status of children was reflected in the gradual limitation of the authority of the *pater familias*. Under classical Roman law, the head of the household exercised extensive powers over his children through the institution of *patria potestas*.⁷ Although these powers had already begun to lose much of their practical significance before the adoption of Christianity, it was only during the reign of the Christian emperors that they were finally restricted by legislation. The father's right to decide over the life and death of his children was abolished, certain forms of exposing and selling children were prohibited, and parental authority gradually assumed the character of a duty of care and upbringing rather than unlimited power over members of the household. Consequently, *patria potestas* no longer represented the absolute authority of the father but became a legal institution limited by the interests of the child and Christian moral principles.

Particular attention was devoted to the protection of minors and orphans. Justinian's *Institutes* prescribe the duties of tutors and establish mechanisms for safeguarding the property of wards, thereby seeking to prevent their exploitation.⁸ In addition to strengthening the protection of minors and other persons requiring assistance, the influence of Christianity is also reflected in the participation of bishops in the procedure for appointing tutors.

2.3. The Influence of Christianity on the Law of Obligations

The law of obligations also underwent significant changes under the influence of Christianity. Although the fundamental institutions of the law of obligations had already been developed during the classical period of Roman law, Christian ethics contributed to their adaptation to new moral concepts. During the post-classical period of Roman law, emperors enacted legislation aimed at mitigating the former harsh treatment of debtors and the poor. These reforms were inspired by the fundamental principles upon which the Christian religion was founded.

⁶⁶ Pursuant to the *Senatus Consultum Velleianum*, and later Justinian's constitutions (C. 4.29), women were generally prohibited from assuming another person's obligations or acting as sureties for the debts of others. The purpose of this rule was to protect their property against abuse and the economic pressure to which they were often subjected by members of their own families.

⁷ These powers included, among other things, the right to decide over the life and death of a child (*ius vitae ac necis*), the right to expose a newborn child (*ius exponendi*), and, under certain conditions, the right to sell a child into slavery.

⁸ *Inst.* 1.20–26.

Particular importance was attached to the regulation of interest (*usura*). Seeking to prevent excessive indebtedness and the economic exploitation of the poorer strata of society, Justinian limited the maximum permissible rates of interest, thereby providing greater legal protection to economically weaker members of society.⁹ In addition, the charging of interest upon accrued interest was restricted or prohibited.¹⁰ The provisions regulating interest clearly demonstrate an intention to prevent circumvention of the law and to ensure genuine protection for debtors.

The institution of *laesio enormis* also allowed a seller to rescind a contract if he had not received even one-half of the fair price for the property sold (Stanojević, 2001). Although this institution cannot be regarded exclusively as a consequence of Christian influence, its retention in Justinian's legislation corresponds to the broader tendency toward strengthening the protection of the weaker contracting party and promoting the humanization of private law.

The influence of Christianity may also be observed in the increasing importance attached to the principle of *bona fides* in the conclusion and performance of contracts. Although this principle had already been recognized in classical Roman law, during the later period it acquired a more pronounced moral dimension. Contracting parties were increasingly expected to exercise their rights in accordance with fairness and good morals, rather than relying solely upon a formal interpretation of legal rules.

2.4. The Influence of Christianity on Inheritance Law

Justinian reformed the rules of intestate succession through Novella 118, further strengthening the inheritance rights of children and close relatives, thereby reflecting the Christian concept of family solidarity. The introductory provisions of the Novella explicitly state that the reason for its enactment was the inequality that existed between male and female relatives in matters of succession.¹¹

The Novella abolished the former preference accorded to agnatic kinship and established the principle that the right of succession should be based upon natural blood relationship, regardless of whether it was traced through the male or the female line. In this manner, numerous inequalities that had existed under classical Roman law were eliminated, and the inheritance rights of male and female descendants and relatives were equalized.¹²

⁹C. 4.32.26. Thus, the maximum annual rate of interest amounted to 4% for persons of the highest social rank, 6% for the majority of citizens, 8% for merchants, and up to 12% in the case of maritime loans.

¹⁰C. 4.32.28.

¹¹https://droitromain.univ-grenoble-alpes.fr/Anglica/N118_Scott.htm: "...the ancient laws did not justly distinguish between male and female relatives in matters of succession."

¹²Nov. 118.1.

At the same time, the legal position of mothers and grandmothers was strengthened, as they were allowed, under the conditions prescribed by law, to perform the duties of legal tutors.¹³

The connection between Christianity and inheritance law is further demonstrated by the fact that one of the sanctions imposed upon unbelievers and apostates was the deprivation of testamentary rights. Furthermore, in post-classical Roman law, heretics were prohibited from inheriting property (Stanojević, 2001).

2.5. The Influence of Christianity on Criminal Law

The influence of Christianity on criminal law represents one of the most significant examples of the incorporation of religious and moral principles into the legal system. Whereas earlier periods of Roman law placed primary emphasis on maintaining public order and punishing offenders, Christianity introduced into the legal sphere the concepts of mercy, repentance, forgiveness, and the individual's moral responsibility. Although these changes did not result in the complete abandonment of severe punishments, they significantly influenced the understanding of the purpose of punishment and the legal status of offenders.

With the spread of Christianity, the perception gradually developed that a criminal offence constituted not only a violation of the law but also a moral sin. Christian teachings emphasized the individual's personal responsibility for his or her actions while, at the same time, recognizing the possibility of repentance and spiritual transformation. This understanding contributed to the development of the idea that the purpose of punishment should not be limited solely to retribution but should also include the rehabilitation of the offender and his or her reintegration into the community.

The influence of Christianity was particularly evident in changing attitudes toward the most serious forms of violence. Christian ethics, founded upon the principles of love for one's neighbour and respect for human life, contributed to the gradual mitigation of certain forms of punishment. Although capital punishment was not abolished, increasing emphasis was placed upon ensuring a fair trial and maintaining proportionality between the punishment imposed and the offence committed.

After Christianity became the official religion of the Roman Empire, new categories of criminal offences emerged that were directly connected with religion. In addition to life, property, and public order, the Orthodox faith, the unity of the Church, and the religious order themselves became objects of legal protection. The influence of Christianity on criminal law is clearly reflected in the provisions of the title *De haereticis et Manichaeis et Samaritis*,¹⁴ which prescribed measures against heretics and other persons who departed from official religious doctrine. Already in the earliest constitutions contained within this title, heretics were deprived of

¹³Nov. 118.5.

¹⁴C. 1.5 (*De haereticis et Manichaeis et Samaritis*).

numerous civil rights, including the right to hold public office, to dispose of property in certain circumstances, and to transfer property by inheritance.¹⁵ By introducing such measures, the legislator sought not only to protect the orthodox faith but also to preserve the unity of the Empire, since religious unity was regarded as one of the fundamental pillars of political stability.

Justinian's legislation further strengthened this approach. The Codification proceeds from the idea that offences against the Christian faith do not affect only the Church but also the state itself.¹⁶ Consequently, crimes such as heresy, apostasy, and violations of ecclesiastical order were treated not merely as religious transgressions but also as offences against the public interest.

At the same time, Christian moral principles influenced the development of a more humane approach to punishment. The idea that offenders should be given the opportunity to repent and morally reform gradually gained increasing importance. Although Roman criminal law retained many of its traditional punitive characteristics, Justinian's legislation reflects a clear tendency toward harmonizing legal sanctions with Christian concepts of justice and mercy.¹⁷

The influence of Christianity was also reflected in the enhanced legal protection afforded to socially vulnerable groups. Widows, orphans, the poor, and other persons requiring special protection occupied a privileged position in both legislation and judicial practice. Offences committed against such persons were regarded not merely as violations of legal norms but also as acts contrary to Christian morality and the principles upon which the Christian state was founded.

Thus, Christianity did not fundamentally transform the system of Roman criminal law. Rather, by introducing new protected legal interests, strengthening the protection of religion and vulnerable social groups, and promoting the principles of mercy and justice, it substantially influenced the further development of Roman criminal legislation. These solutions were subsequently transmitted through Byzantine law into medieval Serbian legislation, where they became an integral part of the legal tradition.

3. The Relationship Between the State and the Church in Byzantium – The Theory of Symphony

The theory of Symphony represents one of the fundamental principles of the Orthodox understanding of the relationship between the Church and the State. Although its systematic legal formulation is most commonly associated with Emperor Justinian I (527–565), who explicitly articulated this principle in Novella VI, a number of scholars argue that its origins can be traced much further back, to the earliest canonical tradition of the Church. One of the earliest expressions of this

¹⁵ C. 1.5.1 и C. 1.5.2

¹⁶ C. 1.5.4 „*quod in religione divina committitur, in omnium fertur iniuriam*“

¹⁷ C. 1.5.4.6 „*delicti enim veniam paenitentibus damus* – „ ...for we grant forgiveness for transgressions to those who repent. “

concept is found in the 83rd Apostolic Canon, which prohibits the simultaneous exercise of priestly and military, or civil, office. Based on the Gospel principle of "Render unto Caesar the things that are Caesar's, and unto God the things that are God's," this canon clearly distinguishes between spiritual and temporal authority while emphasizing their autonomy and distinct spheres of competence (Perić, 1999, p. 181).

Within Justinian's legislation, this idea acquired its full normative expression through the concept of Symphony, which was founded upon harmonious cooperation between the State and the Church. Under this model, each authority acted within the limits of its own jurisdiction while contributing to the realization of the common good. Over time, this concept became the dominant principle governing Church-State relations in the Byzantine Empire and profoundly influenced the legal traditions of Orthodox Christian peoples (Perić, 1999).

Alongside the theory of Symphony, legal scholarship has identified several other models of Church-State relations. The theory of the State Church is based on the premise that the Church is closely integrated with the State and that supreme temporal authority plays the leading role in its organization, while preserving independence from the Bishop of Rome. Conversely, the theory of the Church State maintains that the political order should be organized according to the religious identity of the majority population, thereby granting ecclesiastical institutions a predominant role in shaping both the structure of the State and public life (Stanković, 2003).

The Orthodox conception of Church-State relations is founded upon the belief that both spiritual and temporal authority derive from divine institution, although each exercises different functions and possesses distinct competences. Their relationship was neither contractual nor hierarchical but rested upon the conviction that both authorities serve the same ultimate purpose—the common good, the preservation of social order, and the salvation of the faithful. Consequently, Byzantine political and legal thought developed the theory of Symphony as an ideal of harmonious cooperation between the Church and the State, whereby each authority remained within its own sphere of competence while respecting the legitimate authority of the other.

Byzantine constitutional and legal thought further developed the concept of Symphony as the principle of harmonious cooperation between the Church and the State, whereby each institution remained within the limits of its own competence while respecting the legitimate authority of the other (Zizikin, 2007).

It may therefore be concluded that the essence of the theory of Symphony does not lie in the fusion of spiritual and temporal authority but rather in their mutual complementarity. The Church fulfills its mission through spiritual guidance, the preservation of faith, and the safeguarding of moral principles, whereas the State is responsible for maintaining the legal order, ensuring public security, and creating conditions necessary for the orderly functioning of society. Although both institutions

ultimately serve God and the people, they pursue this common objective through means appropriate to their respective nature and mission.

Perhaps the most vivid symbol of this understanding is reflected in the ceremonial relationship between the Byzantine Emperor and the Patriarch of Constantinople during the liturgy in the Church of Hagia Sophia. Their joint participation in the most important Christian sanctuary of the Eastern Roman Empire did not signify the supremacy of one authority over the other but symbolized the unity of spiritual and temporal authority in the service of the same Christian community. Particularly significant is the fact that the Emperor stood before God without his imperial crown, thereby emphasizing that even the supreme temporal ruler remained subject to divine authority and exercised his power not arbitrarily but as a responsibility entrusted to him by God. At the same time, the Patriarch was not a political ruler but the spiritual head of the Church, whose authority rested upon the proclamation of Gospel values and the pastoral guidance of the faithful (Zizikin, 2007).

This conception is further reflected in the symbolism of the double-headed eagle, which over the centuries became one of the most recognizable emblems of Byzantine civilization and the Orthodox Christian tradition. The two heads do not represent two competing or opposing authorities but rather two distinct yet complementary spheres of governance that together constitute the unified order of the Christian State. It is precisely this balance between the spiritual and the temporal dimensions of authority, without compromising the autonomy of either, that constitutes the essence of the theory of Symphony.

Nevertheless, this ideal of harmonious cooperation never implied a complete merger of the Church and the State. On the contrary, the Orthodox legal tradition has consistently maintained that each authority possesses its own sphere of competence and responsibility. The Church is expected to respect the lawful jurisdiction of civil authorities, while the State is obliged to recognize the canonical order and institutional autonomy of the Church. Only under such conditions of mutual respect can the harmony that lies at the heart of the Byzantine concept of Symphony be achieved (Perić, 1999, p. 181).

Historical experience has likewise demonstrated that an excessive convergence of spiritual and temporal authority may jeopardize this ideal. Were the Church to assume responsibility for all actions undertaken by the State, it would inevitably lose its capacity to bear independent witness to the Gospel and to exercise its prophetic and moral mission through critical evaluation of social and political developments. For this reason, Orthodox theology has consistently emphasized the necessity of preserving a certain institutional distance between the Church and the State, thereby enabling the Church to retain its moral authority and prophetic voice irrespective of prevailing political circumstances or the interests of temporal rulers. From a theoretical perspective, the concept of Symphony represents a balanced solution situated between two opposing models of Church–State relations. Unlike Caesaropapism, which attributes supreme authority over ecclesiastical affairs to the

secular ruler, and Papocaesarism, which grants ecclesiastical authority supremacy over the State, the Byzantine theory of Symphony seeks to establish equilibrium through cooperation rather than domination. Although this ideal was not always fully realized in practice—particularly during the Iconoclastic Controversy and various political crises of the Byzantine Empire—it nevertheless remained one of the fundamental principles of Orthodox political and legal thought. Furthermore, this Byzantine conception profoundly influenced the subsequent development of Church–State relations among Orthodox Christian peoples, including medieval Serbia and, later, the evolution of Serbian ecclesiastical law (Perić, 1999).

The analysis of the Byzantine model of Church–State relations demonstrates that the theory of Symphony constituted one of the most significant achievements of Byzantine legal and political thought. Proceeding from the belief that both spiritual and temporal authority derive from divine institution, the Byzantine legal order sought to establish harmonious relations between the Church and the State based upon mutual respect for their respective competences and cooperation in the pursuit of the common good. Although political circumstances and aspirations toward the predominance of one authority over the other occasionally undermined this ideal, the theory of Symphony remained the enduring normative model of the Orthodox understanding of Church–State relations.

At the same time, the adoption of Christianity profoundly transformed the development of Byzantine law. Christian ethics and canonical principles gradually became integral components of the legal order, contributing to the humanization of legislation, strengthening the moral responsibility of public authorities, and enhancing the protection of human dignity, marriage, the family, and socially vulnerable groups. Consequently, law ceased to be regarded merely as an instrument for preserving public order and increasingly came to be understood as a means of achieving justice in accordance with Christian moral values.

The significance of the Byzantine legal tradition extended far beyond the borders of the Eastern Roman Empire. Its legal and canonical principles became the foundation upon which Church–State relations were subsequently developed throughout the Orthodox world. Serbia occupies a particularly important place within this process. By adopting the Byzantine legal tradition and the Orthodox canonical order, medieval Serbia also embraced the concept of Symphony as the desirable model governing the relationship between secular and ecclesiastical authority. This Byzantine conception left a profound imprint upon the constitutional and legal development of the medieval Serbian State and, indirectly, upon the subsequent evolution of the ecclesiastical legislation of the Principality of Serbia. Under the altered political circumstances of the nineteenth century, Serbian lawmakers sought to establish an appropriate balance between the autonomy of the Serbian Orthodox Church and the competences of the modern State. Consequently, the Byzantine legal tradition became one of the most important historical and ideological foundations of Serbian ecclesiastical law and its later normative development.

3.1. The Influence of Christianity on the Institution of Marriage in Byzantine Law

The adoption of Christianity as the state religion of the Byzantine Empire not only transformed the spiritual and political identity of the state but also left a profound mark on the development of its legal system. One of the areas in which this influence was most clearly manifested was the institution of marriage. Under the influence of Christian doctrine, marriage gradually ceased to be regarded solely as a civil-law relationship between a man and a woman and acquired a distinct spiritual and sacramental dimension. This development led to the gradual integration of the Roman legal tradition with canon law.

In its early stages, Byzantine legislation largely preserved the classical Roman concept of marriage. This is clearly reflected in the *Procheiron*, promulgated during the second half of the ninth century under Emperors Basil I, Constantine, and Leo VI, which adopted Modestinus' definition of marriage as "the union of a man and a woman, a partnership for the whole of life, and a communion under divine and human law." By adopting this definition, the Byzantine legislator accepted the fundamental principles of Roman law while simultaneously placing them within the framework of the Christian legal and moral order. Marriage continued to be regarded as a lifelong union founded upon the mutual consent of the spouses, but increasing emphasis was placed upon its spiritual nature and moral significance (Boras & Margetić, 1980).

It is particularly significant that neither the *Ecloga* nor the later *Procheiron* required a church wedding as the exclusive condition for the validity of marriage. This demonstrates that, during its initial phase, Byzantine law sought to preserve a balance between the Roman legal tradition and the emerging principles of canon law. Marriage could still be concluded without an ecclesiastical ceremony, indicating that its sacramental character had not yet been fully established as a legal requirement. However, the development of Byzantine law during the ninth century reveals the gradual strengthening of the Church's influence over matrimonial law. An important step in this process is reflected in the *Epanagoge*, in which Modestinus' definition of marriage was modified. Instead of emphasizing marriage as a communion under divine and human law, the legislator provided that a marriage could be concluded through a church wedding, an ecclesiastical blessing, or a written agreement. In this way, the religious ceremony acquired a prominent place among the legally recognized forms of contracting marriage, although it had not yet become its exclusive prerequisite.

The decisive turning point in the legal understanding of marriage occurred during the reign of Emperor Leo VI the Wise, whose Novella 89 of AD 893 prescribed that an ecclesiastical blessing was an indispensable condition for the valid conclusion of marriage. Through this reform, the legislator abandoned the traditional Roman legal concept according to which the consent of the spouses alone was sufficient to create a valid marriage and embraced the Christian understanding that

marriage acquires its full legal effect only after receiving the blessing of the Church. Leo VI justified this legislative solution by emphasizing the need to eliminate previous irregularities and to harmonize the institutions of marriage and adoption with Christian doctrine and liturgical practice (ŠarkiĆ, 2004).

Despite these legislative reforms, marriages continued in practice to be concluded without a church ceremony. Consequently, at the end of the eleventh century, Emperor Alexios I Komnenos further strengthened the position of the Church by prescribing that an ecclesiastical marriage was mandatory even for slaves, thereby giving the principle of the obligatory church blessing universal application. This process was finally completed at the beginning of the fourteenth century, when Emperor Andronikos II Palaiologos and Patriarch Athanasios I of Constantinople, through a joint legislative act, prescribed that a valid marriage could be concluded only in the presence of an authorized priest (ŠarkiĆ, 2004).

Viewed as a whole, the development of Byzantine matrimonial law clearly demonstrates the gradual transformation of the classical Roman institution of marriage under the profound influence of Christianity. From its original conception as primarily a private-law relationship based upon the mutual consent of the spouses, Byzantine law gradually evolved toward a model in which the Church became an indispensable participant in the formation of marriage. Marriage thereby acquired not only a legal but also a spiritual dimension, becoming one of the most important institutions situated at the intersection of canon law and secular law.

This development of matrimonial legislation represents one of the clearest examples of the positive influence of Christianity on the Byzantine legal system. Christian doctrine did not completely displace the Roman legal tradition; rather, it gradually reshaped it, adapting it to new moral and spiritual values. It was precisely this synthesis of Roman law and the Orthodox canonical tradition that became one of the defining characteristics of Byzantine law and profoundly influenced the subsequent development of matrimonial and ecclesiastical legislation among Orthodox peoples, including medieval Serbia.

4. Saint Sava's Nomocanon and the Reception of Byzantine Law

The reception of Byzantine law in medieval Serbia represents one of the most significant processes in the development of the Serbian legal tradition. Following the adoption of Christianity and the gradual strengthening of state organization, Serbia became increasingly integrated into the cultural, spiritual, and legal sphere of Byzantium. Together with Christian doctrine, numerous legal institutions, ecclesiastical regulations, and legal concepts were adopted, all of which profoundly influenced the formation of medieval Serbian law.

A particularly important milestone in this process was the acquisition of the autocephalous status of the Serbian Church in 1219, when Saint Sava laid the foundations of an independent ecclesiastical organization and, at the same time,

created the conditions necessary for the establishment of the legal order of the Serbian state. It was under these circumstances that the *Nomocanon*, also known as Saint Sava's *Nomocanon* (*Zakonopravilo*), was compiled. It represents the most important legal compilation of medieval Serbia and one of the principal sources of the Serbian legal tradition.

Nomocanons are legal compilations that combine provisions of both canon law and secular law. Their development was prompted by the need to incorporate, within a single legal source, rules governing both the organization of the Church and religious life, as well as various aspects of social and legal relations. In this way, canonical rules and statutory norms were integrated into a unified legal framework, one of the defining characteristics of the Byzantine legal tradition (Grizdić, 2010). Since many Slavic peoples embraced Christianity through the Eastern Church, they simultaneously adopted numerous Byzantine canonical collections. As early as the ninth century, translations of the most important Byzantine nomocanons were already in use throughout the Slavic lands, serving as the principal foundation of the ecclesiastical and legal life of Orthodox peoples.

Saint Sava's *Nomocanon* was likewise based upon Byzantine nomocanons and other legal compilations. However, it did not constitute a mere transplantation of foreign legal solutions. Saint Sava carefully selected and adapted Byzantine canonical and secular provisions to the needs of the Serbian Church and state, thereby creating an original legal compilation that united ecclesiastical and secular law. In this manner, Byzantine law was not only received but also adapted to the social and political circumstances of medieval Serbia. Through the *Nomocanon*, numerous Christian legal principles concerning ecclesiastical organization, matrimonial and family relations, moral obligations, criminal liability, and the legal status of individuals within the community were introduced into Serbian legal life. Consequently, the *Nomocanon* possessed a significance that extended far beyond that of a purely ecclesiastical collection, serving as the foundation of the legal order and an important instrument for strengthening the organization of the Serbian state.

The significance of Saint Sava's *Nomocanon* was not confined to the Serbian lands. Its influence extended to other Orthodox Slavic peoples, particularly in Bulgaria and Russia, where the compilation was known as the *Kormchaia* and remained in use for centuries as an important source of ecclesiastical law (Nikolić, 2007).

A central place within the *Nomocanon* was occupied by the idea of the *symphonia* between ecclesiastical and secular authority, whose theoretical foundation is found in Justinian's Novella 6. In compiling the *Nomocanon*, Saint Sava relied upon the works of distinguished Byzantine canonists and Church Fathers, among whom John Scholasticus, John Chrysostom, and Athanasius the Great played a particularly important role (Zorić, 2005). Their teachings, emphasizing both the autonomy of the Church and the harmonious relationship between spiritual and temporal authority, significantly influenced the formation of Saint Sava's codification and the acceptance of the principle of *symphonia* between Church and State. According to this principle,

the Church and the State constituted two autonomous spheres of authority which, through mutual respect and cooperation, were called upon to contribute to the preservation of public order and the common good of society¹⁸.

The autocephaly of the Serbian Church, secured by Saint Sava in 1219, possessed a significance far exceeding the sphere of ecclesiastical affairs, as it represented an essential prerequisite for the independent cultural, spiritual, and legal development of the Serbian state. Drawing upon the Byzantine legal and ecclesiastical heritage, Serbia gradually developed its own legal order by adapting the received legal solutions to its particular social and political circumstances (Conić & Todorović, 2025). In this process, Saint Sava's *Nomocanon* became the cornerstone of the Serbian legal and ecclesiastical tradition. Its provisions regulated not only ecclesiastical matters but also numerous aspects of social life, with legal norms being closely connected to Christian doctrine and canon law. In medieval Serbia, law was not perceived as separate from religion but rather as an integral part of a broader Christian order, in which justice, morality, and legality were founded upon Orthodox teaching and ecclesiastical tradition (Conić & Todorović, 2025).

After the time of Saint Sava, the *Nomocanon* continued to enjoy exceptional authority in the Serbian lands and was long regarded as the principal source of both ecclesiastical and secular law. Its influence is also evident in later legal monuments, as its provisions are expressly referred to in the charters of Prince Lazar as well as in Dušan's Code (Zorić, 2005). However, the development of the Serbian state during the fourteenth century and its considerable territorial expansion created the need for additional legal regulation of certain areas of social life. Saint Sava viewed the reception of Byzantine canonical and legal provisions as an inseparable part of the ecclesiastical and spiritual organization of the Serbian land. Consequently, the *Nomocanon* was compiled primarily within the framework of the ecclesiastical organization, without the direct participation of secular authorities, since the adopted norms were regarded as an integral part of the Orthodox religious and canonical order (Zorić, 2005). As the Serbian state continued to develop socially and politically, certain limitations of the *Nomocanon* became apparent in particular areas of secular law, especially with regard to judicial practice and the regulation of civil-law relations. Under such circumstances, the Abridged Syntagma of Matthew Blastares also came into use, its provisions being applied primarily in judicial practice and the administration of justice. At the same time, ecclesiastical matters continued to be governed by Saint Sava's *Nomocanon*, whose authority remained unquestioned.

It is particularly significant that Dušan's Code expressly provides in several of its provisions that perpetrators of criminal offences are to be punished in accordance with the "Law of the Holy Fathers." This confirms the continuity of the legal tradition

¹⁸This understanding was particularly evident during the time of Saint Sava and Stefan the First-Crowned, when the ecclesiastical and secular authorities, embodied in the two Nemanjić brothers, operated in a spirit of cooperation, mutual respect, and shared responsibility for the welfare of the people and the State.

established by Saint Sava and demonstrates that the *Nomocanon* served as the foundation upon which Emperor Dušan further developed his legislative activity. Although the Serbian state under Emperor Dušan was politically more powerful and territorially much larger than it had been in the time of Saint Sava, the fundamental Christian and legal principles established in the *Nomocanon* retained their significance. Indeed, these principles became one of the principal foundations of Emperor Dušan's legislative work and found their fullest expression in the provisions of Dušan's Code (Zorić, 2005).

Although Saint Sava relied extensively upon Byzantine canonical and legal sources when compiling the *Nomocanon*, his work did not constitute a mere adoption of existing legal solutions. Canonical rules, the decisions of the Ecumenical and Local Councils, and the teachings of the Church Fathers were regarded as an immutable part of ecclesiastical tradition, and their content therefore could not be altered. The originality of Saint Sava's codification lay in the careful selection, arrangement, and adaptation of Byzantine legal and canonical texts to the needs of the Serbian Church and state. Although a comparison between Saint Sava's *Nomocanon* and other Byzantine legal compilations reveals numerous similarities, it is impossible to determine with certainty which specific sources Saint Sava used in preparing his work. This, however, does not diminish either its independence or its originality (Zorić, 2005).

The importance of the *Nomocanon* also lay in preserving the Orthodox religious identity and strengthening the independence of the Serbian Church. Certain of its provisions were aimed at safeguarding Orthodox doctrine and maintaining ecclesiastical unity, while at the same time establishing a legal and ecclesiastical order founded upon Christian and Byzantine legal principles. Owing to this approach, the *Nomocanon* became the cornerstone of the Serbian legal tradition and one of the most significant legal monuments of medieval Serbia.

The significance of the *Nomocanon* was not confined to the medieval period. Its legal and spiritual authority was preserved throughout the centuries of Ottoman rule, when the Serbian Orthodox Church represented the principal guardian of the spiritual and national continuity of the Serbian people. Saint Sava's *Nomocanon* continued to be used in the resolution of disputes, and its printed editions remained in use even during the First Serbian Uprising. In this way, the *Nomocanon* far transcended the limits of medieval legislation and retained its importance as one of the foremost pillars of the legal, spiritual, and cultural continuity of the Serbian people.

4.1. Christian Principles in Dušan's Code

Dušan's Code, enacted in 1349 and supplemented in 1354, represents the culmination of the legislative development of medieval Serbia and is one of the most significant legal monuments in Serbian legal history. Although it was promulgated during the period of a powerful Serbian state and imperial authority, its provisions were largely founded upon Christian principles and the legal tradition established by Saint Sava. The relationship between the State and the Church, the protection of the

Orthodox faith, family relations, and certain criminal law provisions demonstrate that Christian doctrine and canon law continued to play a significant role in shaping Serbian legislation.

The provisions of Dušan's Code concerning Christianity and spiritual matters clearly demonstrate that the Orthodox faith constituted one of the fundamental pillars of the legal and political order of medieval Serbia. Articles 6, 7, 8, 9, and 10 prescribe measures against heresy, provide for the return to Orthodoxy of persons who had converted to the Roman Catholic faith, and prescribe sanctions against those who spread other religious teachings among the Orthodox population. Such provisions indicate that the preservation of religious unity was regarded as an essential prerequisite for the stability of both the State and society. Equally significant are the provisions regulating the position of the Church and its relationship with secular authority. Articles 11 and 12 confirm the autonomy of the ecclesiastical organization and the exclusive jurisdiction of ecclesiastical authorities in spiritual matters, while Article 13 prohibits the appointment of high-ranking church officials through bribery, thereby seeking to preserve the moral authority and internal order of the Church. At the same time, Articles 2 and 3 demonstrate that marriage was not regarded merely as a legal relationship but as an ecclesiastical institution founded upon Christian doctrine. The conclusion of a marriage without the blessing of the Church was not permitted, illustrating the strong influence of canon law and Christian teaching upon family relations (Dušan's Code, 2020).

Among the Christian principles embodied in Dušan's Code are also the provisions concerning the protection of the Orthodox faith. Particular importance is attached to Articles 18 and 20, which regulate the status of monks and require strict observance of ecclesiastical rules and spiritual discipline. The obligation imposed upon monks and nuns to reside in monasteries, as well as the punishment of those who abandoned the monastic life, reflects the legislator's intention to preserve the dignity of the Church and ensure compliance with religious obligations. These provisions demonstrate that monastic life was not regarded merely as an individual's personal choice but as a spiritual vocation of particular importance to both the Church and society. The Christian character of the legislation is especially evident in Article 21, which prescribes punishment for rituals and practices contrary to Christian teaching, such as the cremation of the deceased and various forms of popular superstition and witchcraft. In this way, the legislator sought to suppress pagan customs and strengthen Christian values in social life (Dušan's Code, 2020).

Particular significance is attached to Article 22 of Dušan's Code, which provides that any person who "sells a Christian to a non-Christian faith" shall be punished by mutilation and the cutting out of the tongue. Such a severe punishment illustrates the importance attached to preserving the Orthodox faith and religious identity. At the same time, it demonstrates that the protection of religion was regarded not merely as an ecclesiastical matter but also as an issue of fundamental importance to the State and the legal order. Christian principles are particularly evident in the family law

provisions of Dušan's Code. As previously noted, Articles 2 and 3 reveal the dominant role of the Church in the conclusion of marriage, as well as the profound influence of the Christian understanding of marriage and family. Particular significance is also attached to Article 9, which provides:

"If a half-believer is found to be married to a Christian woman, he shall be baptized into Christianity if he so wishes. If he refuses baptism, his wife and children shall be taken from him, they shall receive a share of his household, and he shall be expelled."

This provision demonstrates the legislator's determination to preserve the religious unity of the family and protect the Orthodox faith. Marriage was therefore not regarded independently of religious affiliation but as a union founded upon shared Christian values (Dušan's Code, 2020).

The Christian character of Dušan's Code is particularly evident in its criminal law provisions, where the protection of religion, morality, and public order is secured through severe penalties. Certain criminal offences were regarded not merely as violations of the law but also as infringements of the Christian and moral values upon which medieval society was founded.

Special protection was afforded to members of the clergy. Article 92 provides that anyone who insults "a saint, a monk, or a priest" shall be required to pay a monetary fine, while Article 93 prescribes that anyone who kills a member of the clergy "shall be put to death and hanged." Such provisions demonstrate the privileged position of the Church and its representatives within the legal order, as well as the importance of the Orthodox faith in the life of medieval Serbia. Christian conceptions of the family and respect for parental authority are particularly reflected in Article 94, which prescribes that anyone who kills "his father, mother, brother, or his own child" shall "be burned at the stake." The severity of this punishment demonstrates that family relationships were protected not only by legal norms but also by religious and moral principles (Dušan's Code, 2020).

The protection of public order is particularly evident in the provisions relating to theft and robbery. Article 140 provides that "a robber shall be hanged upside down, while a thief shall be blinded," extending responsibility also to the local community and its leaders. The same principle is reflected in Article 142, which punishes lords who were aware of robbers and thieves but failed to take measures to prevent their activities. Such provisions demonstrate that the preservation of public order and security was regarded as the shared responsibility of the entire community. Particular importance is attached to Article 168 of Dušan's Code, which provides that "all judges shall judge according to the law, faithfully as it is written in the Code, and shall not judge out of fear of the Emperor." This provision represents one of the most important legal principles of medieval Serbia, emphasizing the necessity of fair adjudication and the equal application of the law. At the same time, it reflects a concept of justice founded upon moral and Christian values (Dušan's Code, 2020).

An analysis of the provisions of Dušan's Code demonstrates that Christian principles played a significant role in shaping medieval Serbian law. The relationship between the State and the Church, the protection of the Orthodox faith, the regulation of marriage and family relations, and certain criminal law provisions all indicate that law was not regarded as separate from religion and morality but rather as an integral part of a broader Christian order. At the same time, Dušan's Code represents the continuation of the legal tradition established by Saint Sava's *Nomocanon*. Christian teachings and ecclesiastical rules were not confined exclusively to the spiritual sphere but directly influenced the organization of government, the functioning of the judiciary, family relations, and the protection of fundamental social values.

Furthermore, Dušan's Code represents a remarkable synthesis of the Byzantine legal heritage and the indigenous Serbian legal tradition. While relying upon Byzantine legal sources and, at the same time, preserving certain indigenous legal concepts and customary practices, the legislator sought to adapt these diverse legal influences to the needs of the Serbian state. In this manner, a legal monument was created that united the Byzantine legal heritage, traditional Serbian legal customs, and Christian principles into a coherent legal system adapted to the circumstances of the medieval Serbian state. By preserving certain domestic legal concepts while simultaneously adopting the achievements of Byzantine law, Dušan's Code became an important link between the Slavic and Byzantine legal traditions (Đorđević, 2003).

From the foregoing provisions, it may be concluded that Christian principles contributed significantly to the development of legal consciousness, the strengthening of moral and social values, and the consolidation of state organization, thereby leaving a lasting impact upon the development of the Serbian legal tradition. In this respect, Dušan's Code largely continued the legal tradition established by Saint Sava, confirming the continuity of the Christian and legal principles embodied in Saint Sava's *Nomocanon* and their enduring importance for the development of medieval Serbian law.

5. Conclusion

The influence of Christianity on the development of Roman, Byzantine, and medieval Serbian law represents one of the most significant processes in the history of European legal civilization. With the adoption of Christianity, law gradually ceased to function solely as an instrument for preserving the political order and state authority and acquired a distinct moral dimension founded upon the principles of the Gospel. Although Roman law retained its remarkable technical sophistication and systematic character, under the influence of Christian thought it was gradually adapted to new social and spiritual values.

In Byzantium, this process reached its fullest expression. The Roman legal heritage was not abandoned but reshaped in accordance with the Orthodox understanding of

the individual, the family, and the state. Christian ethics introduced into the legal order the principles of mercy, forgiveness, solidarity, and responsibility toward one's neighbour, thereby contributing to the gradual humanization of the law. This was particularly evident in the fields of family, inheritance, and criminal law, as well as in the law of obligations, where legislators increasingly sought to protect the poor, widows, orphans, and other socially vulnerable groups. At the same time, the institution of marriage acquired a sacred character, while the theory of *symphonia* laid the foundations for a new model of relations between the Church and the State that would come to characterize the entire Byzantine legal tradition.

The particular value of Byzantine law lies in its successful reconciliation of Roman legal rationality with Christian moral teaching. Through this synthesis, the law preserved its normative authority while simultaneously acquiring a new social and ethical function. Law no longer served exclusively to preserve state authority but also to protect human dignity, safeguard the family, and ensure justice in social relations. For this reason, Byzantine law represents a unique example of the integration of legal technique and Christian ethics, distinguishing it from other medieval legal systems.

The Byzantine legal heritage also exerted a profound influence upon the development of medieval Serbian law. By embracing Christianity, Serbia adopted not only the Christian faith but also Byzantine legal and canonical institutions, which became an integral part of its domestic legal order. Saint Sava's *Nomocanon*, or *Zakonopravilo*, represents the first comprehensive legal compilation of the Serbian state, bringing together the norms of both canon and secular law. This compilation was not merely a translation of Byzantine legal sources but was carefully adapted to the social circumstances of medieval Serbia, thereby laying the foundations of an independent Serbian legal system. It was upon these foundations that Dušan's Code was later enacted, representing the culmination of medieval Serbian legal thought and one of the most significant legal monuments of the Orthodox world.

At the same time, throughout the medieval period, the Serbian Orthodox Church was not merely a religious institution but also an important factor in the legal and political life of the state. Its role in preserving the legal tradition, interpreting canonical rules, developing judicial practice, and educating the clergy contributed significantly to the stability of the legal order and the strengthening of state institutions. As a result, Christian morality and canon law became inseparable components of Serbian legal culture, leaving a profound mark upon the subsequent development of Serbian legislation.

Viewed as a whole, it may be concluded that Christianity played a decisive role in shaping the legal culture of Roman, Byzantine, and medieval Serbian society. Its influence was not confined solely to ecclesiastical law but extended to virtually every branch of the legal system, transforming the understanding of justice, authority, and social responsibility. It was precisely through the synthesis of the Roman legal tradition, Byzantine legal and political thought, and Christian teaching that a legal model emerged which, for centuries, formed the foundation of the development of

the Orthodox states. This model left a lasting imprint upon Serbian legal history, where Christian values and the Byzantine legal heritage became the foundation upon which the most significant legal institutions of medieval Serbia, as well as the subsequent development of Serbian ecclesiastical and state law, were built.

References

- Berman, H. J. (1959). *The influence of Christianity upon the development of law. Oklahoma Law Review*, 12, 86–101.
- Boras, L., & Margetić, L. (1980). *Rimsko pravo*. Zagreb.
- Bujuklić, Ž. (2012). *Forum Romanum: Rimska država, pravo, religija i mitovi*. Pravni fakultet Univerziteta u Beogradu – Centar za izdavaštvo i informisanje.
- Conić, J., & Bogdanović, N. (2025). Razvoj srpske pravne teorijske i filozofske misli. *Humanitas*, 1–2.
- Deretić, N. (2011). Značaj Justinijanovog kodifikatorskog rada u oblasti bračnih odnosa. *Zbornik radova Pravnog fakulteta u Novom Sadu*, (1), 327–346.
- Đorđević, A. (2003). Staro srpsko pravo u sudskom postupku Dušanovog zakonika. *Zbornik radova Pravnog fakulteta u Nišu*, 43.
- Dušanov zakonik: Zakon blagovernoga cara Stefana (Bistrički prepis)*. (2020). Edicija.
- Eisner, B., & Horvat, M. (1948). *Rimsko pravo*. Nakladni zavod Hrvatske.
- Grozdić, B. D. (2010). Nomokanon Svetog Save o ubistvu u ratu. *Theoria*, 4.
- Ignjatović, M. (2022). *Rimsko pravo*. Medivest KT.
- Nikolić, D. (2005). *Uporedna pravna istorija*.
- Nikolić, D. (2007). *Opšta istorija prava*. Niš.
- Nikolić, D. (2010). *Uporedna pravna istorija*. Sven.
- Perić, D. (1999). *Crkveno pravo* (2. izd.).
- Puhan, I. (1974). *Rimsko pravo: Ekonomsko-društveni odnosi, političko uređenje, izvori prava, jus quod ad personas, quod ad res et quod ad actiones pertinet*. Naučna knjiga.
- Stanković, V. (2003). *Carigradski patrijarsi i carevi makedonske dinastije*.
- Stanojević, O. (2001). *Rimsko pravo*. Dosije.
- Šarkiće, S. (2004). The concept of marriage in Roman, Byzantine and Serbian mediaeval law. *Zbornik radova Vizantološkog instituta*, 41.
- Zizikin, M. (2007). *Patrijarh Nikon: Njegove državne i kanonske ideje* (Knj. 1).

Zorić, P. (2005). *Zakonopravilo Svetog Save i pravni transplanti*. Pravni fakultet Univerziteta u Beogradu.

Internet sources

The Latin Library. (n.d.). *The Latin Library*. <https://thelatinlibrary.com/>

Université Grenoble Alpes. (n.d.). *Roman Law Library*. https://droitromain.univ-grenoble-alpes.fr/Anglica/N118_Scott.htm