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THE LEGAL STRUCTURE OF HOUSEHOLDS IN SERBIA AND BULGARIA IN THE 19TH CENTURY

Abstract: This scholarly work focuses on the legal structure of households in Serbia and Bulgaria in the 19th century. The author's intention is to describe and present similarities and differences between the most important household's structural elements (Household Council, Household Head, Household Woman and Household Members), their relationships and status in the Ottoman legal-political order.

1) *Introduction*

The basic form of the patriarchal life in most Balkan countries of the 19th century was the household, with a family as its nucleus. At that time a household already had all elements of a clearly defined legal and social institution. Due to its complex nature, the household was often a subject of interest and scientific analysis of numerous research projects during the 19th and 20th centuries. Lawyers, historians, sociologists, ethnologists, anthropologists, politicians and, even, novelists from the Balkan countries, as well as from the West European countries, wrote about the Balkan household from their own perspectives, applying various methodological procedures in the analysis of its structure. Within the rich body of findings on the subject, one can notice rather different, even opposing theories about the origin of households and their essence (about the anthropological, cultural-civilization, climate-geographical, socio-economic and legal-political grounds of their development), evolution and historical decline. All of these theories were developed in different periods, formed by writers of different intellectual and ideological orientation, but each of them cast a new light on the phenomenon of the Balkan households.

2) Terminology

On the basis of the preserved manuscripts that are now the property of the Ethnographic Museum in Belgrade, we now know that in Serbia the term household was largely used in the second half of the 20th century.¹ Besides this term, other terms were also used in different parts of Serbia to denote a household larger than a nucleus family. These terms probably developed in the 18th or the 19th century, since they were mainly reported by the informants who were already aged at the time of the interview, after their own memories and their ancestors' tales. The terms are: *кућа* – *house* (for example in the village of Medvedja near Despotovac, in Dušanovo near Leskovac, in Viča and Gornja Bitnija near Štrpce in Kosovo), *задружна кућа* – *communal house* (in the village of Kololeč near Kosovska Kamenica), *велика кућа* – *great house* (in Slivovo near Priština, and in Srpski Babuš near Uroševac), *недељена кућа* – *undivided house* (in Burovac near Petrovac - upon - Mlava), a descriptive term *по кућама* (Bostane near Novo Brdo in Kosovo), *велика задруга* – *large household* (Jalovik Izvor near Zaječar, Vrbičane near Prizren, Varage near Zubin Potok), *фамилија* – *family* (Lukarce near Bujanovac, Salokovac and Šetonje near Požarevac, Pasjane near Gnjilane, Suvi Do near Lipljan), *велика ф(в)амилија* – *large family* (Topli Do and Velika Lukinja near Pirot, Skrobnica near Knjaževac), *заједница* – *community* (Jezero near Jagodina, Osredci near Brus, Đunis near Kruševac, Koznica near Aleksandrovac, Koprivnica near Niš, Studeno near Babušnica, Suvi Do near Tutin and Šarbanovac near Soko Banja), *комуна* – *commune* (Salokovac near Požarevac), *кумпанија* – *company* (Vitance near Despotovac), *домаћинство* – *household* (Suvi Do near Tutin, Dušanovo near Leskovac), and finally a term which has often been mentioned in villages and hamlets of Kosovo, and which is certainly of Albanian origin – *итија* (Viča and Gornja Bitnija near Štrpce).²

¹ See the manuscripts that were collected for the united Ethnographic atlas of Yugoslavia, during the sixties and the seventies of the 20th century. Researchers were collecting facts about the national life of the all Yugoslav peoples, on the basis of the special interview. Facts were reported by informants on the basis of their experience, reminiscence and stories left by ancestors. Question mark number 3, contains valuable facts about households: of terms, kind of households and their most significant organs and members, and other questions (family, ownership and hereditary relationships, and a question of a household partition with all its results). This manuscript was classified as a unit number 106, and it has not been published so far.

² Materials for the Ethnographic Atlas of Yugoslavia; unit number 106; households, districts: Požarevac, Jagodina, Kruševac, Zaječar, Niš, Vranje, Novi Pazar and area of Kosovo and Metohija.

There are some other significant terms equally used to denote a household: *братство* or *братво* – *brotherhood*, which was the most important in the region of Takovo,³ then *дим* – *smoke*, *племе* – *tribe*, *голема кућа* – *large house* (in Macedonia),⁴ so as the phrase: *around one fire we had heated*, in Metohija.⁵

It is interesting that the terms denoting a household also appear in regions inhabited mainly by the Wallachians. It is known that the Wallachians did not live organized in households, but only within their own nucleus families. However, the fact that these terms were used in villages of the counties of Požarevac, Zaječar and Negotin, mainly inhabited by the Wallachians, show that they were familiar with some form of household living. Many terms were used to denote this institution; some of them were Serbian, such as: *задруга* – *commune* (for example in the village of Srpci near Kučevo), *кућа* – *house* (Ranovac near Petrovac – upon – Mlava), *заједница* – *community* (Zlokuće near Negotin) and *домаћинство* – *household* (Mali Jasenovac near Zaječar),⁶ while other terms are Wallachian and they are not nouns, but phrases which describe common life of a greater number of family members (10-15 persons). The terms are: *a trait intr-una* which means *those who live together* (the village Mustapić near Kučevo), *му'лџи* – *муџи*, meaning *many, multitude* (Crnajka near Majdanpek) and *тоџин'и* – *sla unloc*, which means *all in one place* (Melnica near Petrovac – upon – Mlava).⁷

The term household is also widely adopted in Bulgarian scientific literature.⁸ Beside this term, also in use are the terms *голямо семејство* and *къща*.⁹ In the collected manuscripts which are in the Ethnographic Museum in Belgrade there are significant and interesting facts about the terms for Bulgarian households in Dimitrovgrad (once Caribrod) and Bosilegrad, which were taken over from Bulgaria after World War I and annexed to Serbia. The

³ Filipović, M., 1972, 81.

⁴ Gruev, T., *O kućnim zadrugama u titovveleškom kraju (s posebnim osvrtom na zadrugu Gočevci u selu Novčani)*, *Etnološki pregled 11*, Beograd, 1973, 120.

⁵ Nikolić, V., *Srpska porodična zadruga u metohijskim selima*, *Glasnik Etnografskog instituta SANU, VII*, Beograd, 1973, 110.

⁶ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; districts: Požarevac, Negotin, Zaječar.

⁷ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; districts: Požarevac and Negotin.

⁸ Bobčev, S., 1907, 83; Marinov, D., 1892, 293; Petrov, P.,-Petrova, G., 2002, 148-193.

⁹ Petrov, P.,-Petrova, G., 2000, 148-193.

Bulgarians were, naturally, the dominant population in these districts.¹⁰ The following terms were used there: *задружа* – *household* (Ribarci and Bistar near Bosilegrad), *заједница* – *community* (Izvor near Bosilegrad), *велика фамилија* – *large family* (Odorci near Dimitrovgrad) and *ордуја* – *order* (Gornji Krivodol near Dimitrovgrad).¹¹

3) *Structure of households in Serbia and Bulgaria in the 19th century*

Households in Serbia and Bulgaria had always had the status of a legal unit. They provided much more legal and economic security than a single nucleus family, and because of that the nucleus families willingly joined into households (mainly on the blood relationship base) to facilitate survival of its members. They adroitly incorporated into a different state-legal system of a foreign country. The Turks themselves supported households, because being a legal unit, they were obliged to pay high taxes. The amount of tax depended on the smoke that rose above the fireplace. That is how the term *димнина* – *smoke tax* appeared.

The structure, relationships among the members, the way of life and work, development and disappearance of households, depended on many conditions: on climatic conditions, geographical region, the way people made their living, state, canon and customary law, as well as on the local customs. Thus, households in Šumadija different structure comored to those on the highland of Sjenica and Pešter, to those in Kosovo and Metohija, Macedonia or the Šop area. The households in Šumadija made their living not only by cattle-breeding, but also through the agriculture of extensive type, which was possible because of the favourable conditions, while the households in Old Serbia (the Region of Raška, Kosovo and Metohija) and Macedonia were mainly dependent on cattle-breeding and Turkish feudal relationships which had long modified the legal and economic system in these countries. The structure of households was directly dependent on these circumstances.

At this point, we will focus on the aspect of a household – it is the inner structure of this institution as a legal unit, its most important organs and their relationships (but excluding the analysis of their private-legal relationships) within the household as well as to other legal subjects. Our focus, thus, will be solely family relationships, while the ownership, obligatory,

¹⁰ It is an interesting fact that an informant introduced himself as a Shop. This person was an old man Mladen Ljuben from the village Ribarci near Bosilegrad. (Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households, district: Vranje.

¹¹ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Niš and Vranje.

inheritance principales and a question of the partition of households will remain outside our focus, because those issues are complex matters which require full scientific elaboration. We will here analyse only the legal position and the most important relationships among four structural elements of a household: Household Council, Household Head, Household Woman and Household Members.

a) *Household Council*

The most significant organ of a family household is a Household Council (*кућни савет*, *кућно веће* in Serbia, i.e. *задружиятът съвѣтъ* in Bulgaria).¹² Bogišić simply called it *savjetovanje* – *counselling body*.¹³ In the villages of Metohija this organ was called *договор* – *agreement*. Etymological origin of this term explains the way this organ functioned and the way key decisions were made. The Household Council was a sort of a representative body. The structure of its membership was not the same in Serbia and Bulgaria. In Serbia, the membership in the Household Council was conditioned by maturity, while in Bulgaria it was conditioned by cumulative maturity and one other additional condition which varied with the region. Household maturity meant that the member was able to acquire the status of a member of a Household Council, as well as all the issuing rights and obligations. Unlike the modern standards of maturity, this ability was not precisely determined by a definite age, i.e. with a number showing one's age, but by purely biological criteria – sexual maturity (the ability to get married and create one's own nucleus family within a household), and the ability to work.

Having in mind this definition of household maturity, we can conclude that in the 19th century Serbia all mature male members of a household (both married and unmarried) were members of the Household Council, and that they were all completely equal in their rights and obligations.¹⁴

¹² Bobčev, S., 1907, 83.

¹³ Bogišić, V., 1874, 74-76.

¹⁴ Due to research of Valtazar Bogišić, in the Radjevo's, Azbukovica's and Ljubovija's district in the Podrinje area, maturity varied between 17-20 age. In the Knjaževac's district, one was able to become mature in the age of 17. (Bogišić, V., 1874, 75-76.) There was also a similar situation in other Serbian countries: in Military Krajina (Lika's regiment and surroundings of Velebit), one became mature in the age of 20, in Katunska nahija, in a part of Herzegovina, and in Stara Pazova in the same age, in Zemun at the age of 18. There was also an exception from this rule: unmarried members of households were not able to participate in the Household Council and bring decisions. (Bogišić, V., 1874, 74-76.)

Thus, household maturity was the only requirement for membership of a Household Council.

In Bulgaria, for the membership of the Household Council one needed to fulfill, beside household maturity, an additional condition. According to research of Valtazar Bogišić that condition might have had two forms: one was a specific age; the other was the ability of sound reasoning.

The first additional condition was obligatory in Tatar-Pazardzik. It meant that a mature household member had reached at least the age of 25. That was the minimum age limit, considered to be quite sufficient for an ordinary highlander to reach full maturity, i.e. the ability to independently undertake affairs in the market, within a household environment.¹⁵ Especially interesting are the observations of Stefan Bobčev on this requirement which resemble an idyllic tale of a household life in western Bulgaria.¹⁶

The other condition was required around Veliko Trnovo and Leskovec. It meant that, beside maturity, a male member of a household needed the ability of sound reasoning. In other words, he had to be mentally sane person.¹⁷

Mature females also had the possibility to become members of a Household Council in Serbia and Bulgaria, but their role was secondary. They had the right to vote only as far as housework was concerned.¹⁸ In the district of Gurgusovac female members of a Household Council had the right to vote with regard to field works.¹⁹ Regarding other affairs, female members of this organ did not have a more significant role.

A function of a Household Council was to make all the decisions regarding life, work and property of a household. Its function was, essentially, twofold: first, it took care of the complete property, especially of the inherited patrimony, which they treated as a family sanctity which no one could, without authority, alienate or, in some other way, injure the right of the ownership of other Household Members;²⁰ then the Household Council

¹⁵ Bogišić, V., 1874, 74-76; Petrov, P.,-Petrova, G., 2000, 157.

¹⁶ See the chapter in: Bobčev, S., 1907, 85.

¹⁷ Bogišić, V., 1874, 76; Petrov, P.,-Petrova, G., 2000, 157.

¹⁸ This custom rule applied in the Radjevo's and Azbukovac's district in the Podrinje area in Serbia, and in Tatar-Pazardzik in Bulgaria. In Leskovec, daughters – in – law participated in the Household Council, but their vote had always been the advisory characteristic. (Bogišić, V., 1874, 76.)

¹⁹ Bogišić, V., 1874, 76.

²⁰ Bogišić, V., 1874, 25-26; Jovanović, A., 1896, 95; Popović, V., 1921, 6; Kadlec, K., 1898, 17-19; Nikolić, V., 1958, 115. This was also a primary function of a Household Council in Konavli. (Vukmanović, J., *Oblici, struktura i prava članova kućnih zajednica u Konavlima, Etnološki pregled 11*, Beograd, 1973, 88.)

brought all significant decisions considering other important issues and needs of the household, such as about the purchase and selling of the items of the household property, about the engagement and marriage of certain Household Members,²¹ about the organization of family celebrations (celebration of the family's guardian saint, marking of the son-in-law's guardian saint's day, baptizine, etc.) and financing of these festivities. The Council was often in charge when it came to conflicting situations within the household and the need to settle down family relationships.

When necessary, a Household Council was in the position to choose the Household Head and control his work.²² This custom rule was applied in Serbia and other Serb inhabited Balkan countries more than in Bulgaria, where the appointment of the Household Head was regulated by some other principles.²³ According to Valtazar Bogišić's survey, this rule was largely applied in the region of Podrinje and the district of Šabac, and outside of Serbia in the Military Krajina (the valley of River Cetina), Bosnia, Herzegovina, Konavli, Montenegro and Boka Kotorska.²⁴ A similar rule was applied in the households of Metohija.²⁵

The way decisions were reached in the household is a special issue. All decisions were reached by consensus, i.e. when all members of the Council reached agreement on a particular problem.²⁶ The principles were incorporated into the custom household law, probably to secure peace and order in the household. The very term that was used for this body in the villages of Metohija (*dozobop* – agreement) show the significance of this principle.

Life has, naturally, always been far more complicated to fit within any kind of norms. Thus, it sometimes happened that the members of the Council

²¹ Petar Ž. Petrović wrote in his ethnographic monography about the Gruža's area, that parents always took care about the engagement and wedding of their children. They always were obliged to talk to a Household Head and Household Woman about it. (Petrović, P. Ž., 1948, 269.) This question was considered in the Household Council, because it was a solemn event which influenced the increase or decrease of the household property. (See also: Bobčev, S., 1907, 86.)

²² Bogišić, V., 1874, 34-37.

²³ A remain of this custom rule was noticed by Dušan Drljača, during a research of a household in the Rasina's village Zlatari. This researcher noticed that the Household Head always brought a crucial decision if the Household Members was not able to agree each other. (Drljača, D., *Kućna zajednica u rasinskom selu Zlatari, Etnološki prelged II*, Beograd, 1973, 141.)

²⁴ Bogišić, V., 1874, 34-37.

²⁵ Nikolić, V., 1958, 115.

²⁶ Bogišić, V., 1874, 25-26; Popović. V., 1921, 6; Kadlec, K., 1898, 17-19.

failed to reach agreement. In such cases, the vote of the Household Head was decisive.²⁷ However, it often happened that the opinion of those Household Members who enjoyed support of the Household Head prevailed.²⁸

b) *Household Head*

The Household Head represented the executive organ of the Household Council. Other terms for the Household Head were *старешина*, *газда* or *кућна глава* (in Serbia), *стопан на куќата* (in Macedonia, particularly in Veles),²⁹ *домакинът*,³⁰ *домовладика*,³¹ *главатарь*³² and *чорбаджия*³³ (in Bulgaria). Only one man could have the role of the Household Head. However, Stefan Bobčev noticed one exception to this rule. He found that one household in Macedonia had two Household Heads; they were, actually two brothers acting jointly as the Household Heads.³⁴

There were three methods of appointment of the Household Head: 1) appointment of the Household Head by the Household Council, 2) right of succession, and 3) appointment by the Household Head.

Some comments considering the first principle were already given. In cases when the old Household Head passed away or his health deteriorated, or had become so weak that he was not capable of sound reasoning, then the Household Council would choose a new Household Head among the available candidates. When choosing the Household Head, the Council had to have in mind a number of qualities that were required of a candidate: he had to be honest, diligent, astute, adroit and sagacious so that he could skillfully govern the life of the Household Members and their property; he also had to be communicative so that he could establish good relationships

²⁷ Bogišić, V., 1874, 79-80; Petrov, P.,-Petrova, G., 2000, 158.

²⁸ Bogišić, V., 1874, 79-80; Petrov, P.,-Petrova, G., 2000, 158.

²⁹ Gruev, T., *O kućnim zadrugama u titovveleškom kraju (s posebnim osvrtom na zadругu Gočevci u selu Novčani)*, *Etnološki pregled 11*, Beograd, 1973, 122.

³⁰ Bobčev, S., 1907, 63.

³¹ Marinov, D., 1892, 296.

³² Bogišić, V., 1874, 32.

³³ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Vranje; village Izvor near Bosilegrad.

³⁴ In this concrete case, the older brother was a Household Head on the basis of the custom law, but the younger one was also the Household Head, because he was more successful in the market than the older one. This is a very interesting exception from the general rule that the Household Head can be only one person. (Bobčev, S., 1907, 63.)

with the neighbors and with other individuals in the market. It was a custom to choose the oldest member of the household as the Household Head. That could be: the grandfather, the father (father's household), an uncle (brother's household) or son. It was also important that the candidate be married. However, there were cases when the youngest, even unmarried member of the household was chosen for a new Household Head if he fulfilled all the requirements.³⁵ This function was usually lifelong. The Household Head could be deprived of this title, but that was rare.³⁶

The other principle of gaining the title of the Household Head was that of succession. This principle had two alternative forms of which none was more dominant: a) the principle of primogeniture (first-born son) and b) the principle of seniority. The principle of primogeniture, naturally, means that the Household Head was succeeded by his eldest son. The principle of seniority means that the Household Head's successor was his nearest male relative, usually his brother, i.e. they could not be applied simultaneously. It was the Household Head's right to appoint his successor after his own will. Such cases were not rare. He could do that either shortly before his death or earlier, while he was still in his prime. His will had to be respected.

The principle of the appointment of the Household Head was applied in: Ripanj (near Belgrade), Rvati (near Obrenovac), Cvetojevac (near Kragujevac), Koznica (near Aleksandrovac), Novi Glog (near Trgovište; Vranje), Bučje (near Knjaževac), Akmačići (near Nova Varoš), Kratovo (near Priboj),

³⁵ Serbia: Bogišić, V., 1874, 31-32; Jovanović, A., 1896, 90; Halpern, J., 1986, 19; Bulgaria: Bogišić, V., 1874, 32. In this chapter, Bogišić wrote that Household Head in Tatar-Pazardzik, should have always been married, if he fulfilled other conditions. This formulation of the custom says that a Household Head could be an unmarried man too.

³⁶ Serbia: A cancellation of a Household Head most often happened because of his bad and immoral seniority. As a custom-legal term, *bad and immoral* seniority included: selfishness, partiality and unequal relationship toward Household Members, alcoholism etc. (Bogišić, V., 1874, 55; similar in: Jovanović, A., 1896, 90.); Bulgaria: A Household Head can be deprived of this title from the similar reasons. (Bogišić, V., 1874, 55; Petrov, P.,-Petrova, G., 2000, 153.) Bobčev also emphasized some significant facts on this possibility. A Household Head was able to be deprived on this title from the next reasons: 1) when he became a drunkard (Leskovec, Tatar-Pazardzik), 2) when he was no capable of sound reasoning (Ali-Čelebi, Elensko, Kazanleško, Makedonija, western Bulgaria) and 3) when he did a crime as a reason for arresting (Leskovec). (Bobčev, S., 1907, 73.). Marinov wrote the next facts: If a Household Head starts to do very serious mistakes concerning the governing in a household because of his old age or mental problems, his son has a right to ask for his mother's intervention in order to deprive his father of the Household Head title. (Marinov, D., 1892, 190.)

Štovi (near Kuršumljija), Bobajići (near Ljig), Vasiljevići (near Ivanjica), Lučani (near Čačak) and Pašjane (near Gnjilane).³⁷

In Bulgaria, the principle of the appointment of the Household Head was also applied, but it was of secondary significance in comparison to other principles. In Tatar-Pazardzik and Leskovec the Household Head could be chosen by household counselling with respect to one's ability to govern the property.³⁸

The principle of succession of a deceased Household Head was most commonly in use. It was applied in its two forms. Succession by the principle of primogeniture was, among other places, noted in: Lukarci (near Bujanovac), Melnica (by Petrovac – upon – Mlava), Zlokuće (by Negotin), Mali Jasenovac (by Zaječar), Rudna Glava (by Majdanpek), Glogovica (by Zaječar) and Jabukovica (by Negotin).³⁹ On the other hand, the principle of seniority was applied in Bežanija (by Belgrade) and Manastirica (by Kladovo).⁴⁰

In western Bulgaria, where households were most numerous, the principle of succession was dominant because it was a part of the age-old customs.⁴¹ Both forms of this principle were applied, although the system of primogeniture was more common than the principle of seniority.⁴²

It was often a case that the Household Head appointed his successor even during his lifetime. He did that in the Household Council, or in a written form in his will which was strictly respected. He usually appointed his eldest son or a brother as the next Household Head, in which case the principle of the Household Head's right to appoint his successor coincided with the principle of succession. However, he could also appoint as his successor a member of the household for whom he believed was the most capable in the household. This practice was noted in Izvor (near Jagodina) and Pridvorica (near Čačak), and in Tatar-Pazardzik, in Bulgaria.⁴³

³⁷ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Beograd, Kragujevac, Kruševac, Vranje, Zaječar, Prijepolje, Prokuplje, Valjevo, Čačak and area of Kosovo and Metohija.

³⁸ Bogišić, V., 1874, 38.

³⁹ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Prokuplje, Požarevac, Zaječar.

⁴⁰ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Beograd, Požarevac.

⁴¹ Marinov, D., 1892, 186.

⁴² Bogišić, V., 1874, 38.

⁴³ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Požarevac, Kraljevo, Vranje and area of Kosovo and Metohija; Bogišić, V., 1874, 38.

It is interesting that in some households there was a collision of the principles. None of the principles was dominant, they were alternately applied. Which principle would prevail depended purely on the actual circumstances. For example, in the Wallachian household in Mustapić (near Kučevo), two principles were an equal option – the principle of the primogeniture and the principle of seniority within the principle of succession; in Kruševica (near Raška), Koloeč (near Kosovska Kamenica), and in Izvor (near Bosilegrad) two principles were in collision – that of the primogeniture and the appointment of the Household Head by the Household Council.⁴⁴

The Household Head performed three functions: representative organizational-financial and educational.

His primary task was to represent the household before all state institutions, church, individuals and village assemblies.⁴⁵ He acted as the mediator in the official communication between the household and other legal subjects.⁴⁶ This resulted in the fact that it was he who took legal consequences for the Household Members' misdeeds.⁴⁷

The Household Head was also in charge of all organizational and financial matters: he organized everyday tasks within the household (land cultivating, cattle feeding, fishing and hunting, mowing, building of houses and other premises, purchase of the tools, going to the market for the purchase or selling of certain products, etc.), he directed all financial affairs, made decisions regarding protection of the property and especially of the family patrimony, he paid taxes and submitted reports to the Household Council about his activities.⁴⁸

⁴⁴ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Požarevac, Kraljevo, Vranje and area of Kosovo and Metohija.

⁴⁵ Serbia: Bogišić, V., 1874, 49; Karadžić V., 1964, 63; Milićević, M.Dj., 1984, 17; Petrović, A., 1907, 337-338; 414-415; Kadlec, K., 1898, 10; Halpern, J., 1986, 19; Petrović, P., 1948, 187-188; Bugarska: Bogišić, V., 1874, 50; Petrov, P.,-Petrova, G., 2000, 153; Bobčev, S., 1907, 67,71; Marinov, D., 1892, 189.

⁴⁶ Serbia: Karadžić, V., 1964, 63-64; Petrović, P., 1948, 188; Bulgaria: Bobčev, S., 1907, 67, 71; Marinov, D., 1892, 189.

⁴⁷ Serbia: In the province of Knjaževac (Gurgusovac), a Household Head was responsible for all the misdeeds of the Household Members. There was a similar rule in other Serb districts, and also in other Serb countries in the Balkans. (Bogišić, V., 1874, 48-50); Bulgaria: In Leskovec and its surroundings, a Household Head was responsible for all bad deeds of his Household Members. (Bogišić, V., 1874, 50; Marinov, D., 1892, 189.)

⁴⁸ Serbia: Karadžić, V., 1964, 63; Bogišić, V., 1874, 51; Kadlec, K., 1898, 20-21; Milićević, M.Dj., 1984, 17; Petrović, A., 1907, 337-338; 414-415; Bulgaria: Bobčev, S., 1907, 67-69; Marinov, D., 1892, 189-190.

A very significant question appears here, which is deeply related to personal and ownership relations of the Household Members: did the Household Head have the authority to autonomously, i.e. without the consent of the Household Council, sell any property which belonged to the household? In other words, did the Household Council have the right to annul the Household Head's financial acts in order to protect the right of ownership of other Household Members? In this matter, household relations in Serbia were different than those in Bulgaria.

According to Bogišić's findings, in Serbia the Household property was at the Household Head's complete disposal.⁴⁹ No contracts that were made under his direction could be annulled.

In Bulgaria, the Household Head's rights of disposing the household's property were a bit different. With the help of his mediator – the interviewer Odžakov, Bogišić came to a conclusion that in the region of Leskovec, the Household Head had at his disposal only the movable household property of lower value. If he wanted to alienate the immovable household property he needed the consent of the Household Council.⁵⁰ Šapkarev noted the same custom rule in Macedonia, while Bobčev noted it in Staro-Zagorsko.⁵¹

A slightly different legal custom was noted in Tatar-Pazardžik: if the Household Head was an old man, he could, according to his own judgement, manage the complete (both movable and immovable) property; on the other hand, if the Household Head was a young man he had at his disposal only the movable property, but to alienate the immovable property he needed the

⁴⁹ In the province of Šabac, a Household Head had authority to buy and sell all things from the household's property, without any legal restriction. However, in the province of Azbukovica and Rađevo in the district of Podrinje, a Household Head could autonomously buy and sell only certain movable things from the household's property like: lambs, milk, cheese and other similar products. Thus, if he wanted to buy or sell an immovable thing or a movable thing of a bigger value, he would have to ensure a Household Council's permit. A similar rule applied also in: Lika, Bosna, Hercegovina, Montenegro and Boka Kotorska. (Bogišić, V., 1874, 50-51.) It is interesting to say, that there was an opposite rule which applied in: Konavli, Srem (area of Zemun) and Banat (village Dobrica). According to this rule, a Household Head was not able to buy or sell any movable or immovable household's thing without a Household Council's permission. (Bogišić, V., 1874, 51-52.)

⁵⁰ A Household Council was able to contest any Household Head's decision concerning a purchase or selling, but only if that decision was done without his preliminary or supplementary sanction. The Household Council's decision had an obligatory and no advisory characteristic in this case. (Bogišić, V., 1874, 52.)

⁵¹ Bobčev, S., 1907, 70.

consent of the Household Council.⁵²The same rule was in use in: Elensko, Kazanleško and Haskovsko.⁵³

Dimitar Marinov came to an interesting observation. Studying traditional customs of the western Bulgaria, he noted that the Household Head was obliged only to discuss with the Household Council, i.e. to ask for their advice (*допитва – съветва*) if he intended to either purchase or sell something that was valuable. Here, it obviously mean the movable household items, as well as the immovable items of greater value (for example: horses, oxen, and other cattle).⁵⁴Marinov concluded that, regarding this issue, the opinion of the Household Council was of merely advisory character and was not obligatory. This is completely opposite to Bogišić's observations.

Finally, the Household Head had an educational role. He was responsible for the good moral behavior of the Household Members, for their domestic upbringing and religious education. He was especially responsible for upbringing of the under-aged members of the household, whom he could punish, even give them a good drubbing.⁵⁵He assisted in solving pretty disputes among the members of the household. In absence of the priest, he even carried out religious ceremonies in time of religious festivities.⁵⁶

The Household Head enjoyed great respect and reputation.⁵⁷He undoubtedly exercised enormous power over the Household Members, but he

⁵² Bogišić, V., 1874, 52; Petrov, P.,-Petrova, G., 2000, 152-153.

⁵³ Bobčev, S., 1907, 71.

⁵⁴ Marinov, D., 1892, 189; There is the next conclusion from this text: a Household Head has only an obligation to ask an advice form the Household Council, if he wants to sell a immovable thing. However, the Household Council's opinion is not obligatory for him. He has an authority to decide by himself if he will respect the Household Council's opinion or not.

⁵⁵ Serbia: Bogišić, V., 1874, 47; Popović, V., 1921, 9; Petrović, A., 1907, 337-338; 414-415; This relationship between a Household Head and youngest Household Members has held up in Serbia for long time. Dušan Drljača and D. Savković noticed in the household of Čikarić in Rasina's village Zlatari. However, the old household, Antonije Čikarić intensely scolded some Houshold Members twice: the first time, when an unmarried grandson sit at the table for dinner before the other Members finished their work (it was not allowed); the second time, when a female (*peđyua*) put an unbaked bread on the table. (Drljača, D.,-Savković, D., *Kućna zajednica u rasinskom selu Zlatari, Etnološki pregled II*, Beograd, 1973, 142.); Bulgaria: Bogišić, V., 1874, 47-48; Bobčev, S., 1907, 73.)

⁵⁶ Serbia: Petrović, P., 1948, 188; Bulgaria: Bobčev, S., 1907, 73.

⁵⁷ Serbia: For example, see: Filipović, M., 1972, 84; Bulgaria: For example, see: Marinov, D., 1892, 191.

also had huge responsibilities. Regardless of this, a Household Head could be equalized to *pater familias* in a Roman family. The custom law which regulates household relations best portrays this.

There were examples when the Household Head was extremely rigorous and authoritative in managing the household. Some Household Heads even exaggerated in their severity.⁵⁸ However, there were cases where the Household Head was lax, especially if he was a younger man. In Bulgaria, the rights of the Household Head were gradually restricted. According to the testimony of Stančo Kožuharov from Haskovsko, the Household Head enjoyed full authority over the Household Members only while they were under-age. As soon as they reached household maturity, they became members of the Household Council which allowed them to stand up for the rights that belonged to them according to their membership status.

b.1) *Women as Household Head*

In special situations a woman could take the position of a Household Head. That occurred in two cases: a) if a male Household Head managed the household badly, and b) if there were no mature male descendents or relatives who could take the position of a Household Head; in this case a woman (usually a Household Head's widow) took over the position of a Household Head, and kept that function until her oldest son or relative did not become a member of the Household Council, i.e. a new Household Head. A woman's function was, thus, only temporary.

The first case was noted in the districts of Radjevo and Azbukovac of the Podrinje province.⁵⁹

The second case was more common, and it occurred in various parts of Serbia and other regions where the Serbs were present: in Ušće (near Belgrade), Topli Do (near Pirot), Šetonja (near Požarevac), Jabučje (near Lajkovac), Bukovica (near Kraljevo), Varage (near Zubin Potok, in Kosovo) and Miokovići (near Leposavić, also in Kosovo) in Serbia,⁶⁰ and outside Serbia in: Lika, the valley or the River Cetina, Bosnia, Hercegovina, Konavli, Montenegro and Boka Kotorska.⁶¹

⁵⁸ For example, see the story on Petar Stropčanin in Metohija's village Stopac. (Nikolić, V., *Srpska porodična zadruga u metohijskim selima*, *Glasnik Etnografskog instituta VII*, Beograd, 1958, 116.)

⁵⁹ Bogišić, V., 1874, 34.

⁶⁰ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Belgrade, Niš, Požarevac, Valjevo, Kraljevo and area of Kosovo and Metohija.

⁶¹ Bogišić, V., 1874, 32-33.

The second case was also noted in Bulgaria. Bogišić noted it in Tatar-Pazardžik, Leskovec and Veliko Trnovo.⁶² In his monography about the Bulgarian family households Stefan Bobčev gave an example which confirmed Bogišić's findings. He wrote about a woman who performed the function of the Household Head in Trnsko, a certain older woman Savka, who adroitly managed the households after her husband's death, who was the previous Household Head. When the time came she handed over the position to the first male descendent who was entitled to it according to the custom law.⁶³

Modern ethnographic surveys showed that this phenomenon was also present in those parts of Bulgaria which were annexed to Serbia after World War I (Izvor near Bosilegrad).⁶⁴

c) *Household Woman*

Beside the Household Head, the Household Woman also enjoyed respect and a high reputation. She represented a special organ in the household. Beside the term *домаћица* – *household woman* which was common and the most frequently used, there were other terms in Serbia and Bulgaria used to denote this organ of the household. In Serbia, they were: *зосподарица*⁶⁵ – *mistress* (in Bežanija near Belgrade), *засдаруца*⁶⁶ – *mistress* (in Borča near Belgrade, Dublja near Svilajnac, Crnajka near Majdanpek, Krežbinac near Paraćin, Protinac near Čajetina, Salakovac near Požarevac, Rašica near Blace, Jabučje near Lajkovac, Šljivovik near Svrlijig and in Srpski Babuš nera Uroševac), *старешиница*⁶⁷ (in Banja near Priboj), *старамајка*⁶⁸ – *old-mother* (in Ličje near Gadžin Han), *маја*⁶⁹ – *mother* (in Čubra near Negotin

⁶² Bogišić, V., 1874, 34.

⁶³ Bobčev, S., 1907, 74-75.

⁶⁴ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Belgrade, Niš, Požarevac, Kraljevo and area of Kosovo and Metohija.

⁶⁵ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Belgrade.

⁶⁶ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Belgrade, Jagodina, Požarevac, Prijepolje, Vranje, Valjevo, Niš (Soko Banja), and area of Kosovo and Metohija.

⁶⁷ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Užice; Milisav Lutovac also noticed this term in households of the Serbs, muslims and Albanians from the Sjenica and Pešter's highland. (Lutovac, M., 1973, 1-10.)

⁶⁸ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Niš.

⁶⁹ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Zaječar and area of Kosovo and Metohija.

and Mogila near Kosovska Vitina) and *станарица*⁷⁰ (in Gornji Dobrić near Loznica). In Bulgaria there were terms: *баба, чорбаджийка, къцовница (домовница), домакия* and *домакинка*.⁷¹

In both Serbia and Bulgaria the function of the Household Woman could be performed by the Household Head's mother, wife, aunt, daughter-in-law, or some other eminent female member of the household.⁷² The function could also be prepared by the the Household Head's widow if she did not remarry (which was often a case in the region of Gornja Pčinja)⁷³ or if she did not take the position of the Household Head. An unmarried maid could not become a Household Woman, and the rule was almost universal. However, there were exceptions in some regions: in the province of Gurgusovac, in Lika, in one part of Herzegovina, in Katunska Nahija, in Konavli and Tatar-Pazardžik, even a maid could become a Household Woman if there were no other solutions.⁷⁴ This was more a matter of theory than practice, since in even these households there were a lot of other women who had better qualifications for the position of a Household Woman.

According to Jasna Andrić who made a thorough ethnological survey in the remaining households in almost all south Slavic countries, there are three possible principles of appointment of a Household Woman: 1) a Household Woman is a Household Head's wife, 2) any woman in a household can at any age or from any status become a Household Woman; she can be a Household Head's wife, a wife of any other member of the household or a widow, and 3) a Household Head's wife could not become a Household Woman.⁷⁵

We can notice that in Serbia and Bulgaria the first two principles were applied. The first principle was applied as a rule, while the second was more of a precedent (in Serbia, for example in Cvetojevac near Kragujevac and in Izvor near Jagodina, the title of a Household Woman could be entrusted to the most capable female member of a household, in Đunis near Kruševac to the Household Head's mother, in Koznica near Aleksandrovac to the Household Head's mother-in-law or to his eldest brother's wife, in Ličje

⁷⁰ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Loznica.

⁷¹ Bobčev, S., 1907, 74.

⁷² Serbia: Bogišić, V., 1874, 58; Kadlec, K., 1898, 23; Jovanović, A., 1896, 91-92; Petrović, A., 1907, 415; Halpern, J., 1986, 20; Petrović, P., 1948, 188; Bulgaria: Bogišić, V., 1874, 59; Petrov, P.,-Petrova, G., 2000, 154; Bobčev, S., 1907, 75.

⁷³ Filipović, M., 1955, 188.

⁷⁴ Bogišić, V., 1874, 59-61.

⁷⁵ Andrić, J., *Zadruga. Novija istraživanja, njihova svrha i rezultat, Etnološki pregled 10*, Cetinje, 1972, 61-62.

near Gadžin Han to the Household oldest Head's daughter-in-law, and in Akmačići near Nova Varoš to the wife of the Household Head's brother, to achieve balance between authority and power in a household; in Bulgaria, the title of a Household Woman could be entrusted to a sister-in-law or to some other eminent female member of a household).⁷⁶

The function of a Household Woman could be both permanent and temporary. That depended on the type of a household. The function of a Household Woman was almost always permanent in a father's household, while in a brother's household it was temporary. In a brother's household, Household Women were changed periodically every two years (in Vasiljevići near Ivanjica, women denoted as *планинке* - *milkmaid* and *мешаје* – *bread maker* alternately took over the role of a Household Woman, while in Senište near Nova Varoš only milkmaids changed in that role),⁷⁷ yearly (in Zlokuće near Negotin)⁷⁸, or even weekly (in Manastirica near Kladovo, Ostrvica near Vladičin Han, Božica near Vranje and in Đunis near Svrljig).⁷⁹ In Gornja Pčinja and in Đunis near Svrljig, a Household Woman was denoted by a characteristic term which bluntly described the time length of her function – *недељарка* or *недељка*⁸⁰ – *weekly Household Woman*.

As a special organ of a household, a Household Woman had a specific legal identity which did not differ in Serbia and Bulgaria. It was twofold: on the one hand, a Household Woman represented an independent and authoritative organ with clearly defined range of tasks important for the household; on the other hand, she represented nothing more than a dependent advisory or executive organ whose activity did not go beyond helping the Household Head.

In the first case, the function of a Household Woman meant that she was responsible for organizing and supervising the household. Her duties could be classified into three groups: 1) managing the kitchen, which had a very special importance in the life of smaller, patriarchal communities,

⁷⁶ Serbia: Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Kragujevac, Jagodina, Kruševac, Niš and Prijepolje; Bulgaria: Bobčev, S., 1907, 75.

⁷⁷ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Čačak, Prijepolje.

⁷⁸ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Negotin.

⁷⁹ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Negotin, Vranje, Niš (Soko Banja).

⁸⁰ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Vranje, Niš (Soko Banja). In Đunis near Svrljig, there was another term in use except the this term. There were the next terms: *покућарка* and *свекрва*.

2) maintaining order among female members of the household, especially among daughters-in-law, 3) selling and purchasing of the household necessities (such as poultry and certain farm produces). All her decisions were compulsory for younger female members of the household. In her activities she was usually assisted by younger women, the so-called *pedyue* – *stooges*, *assistants*. There will be more about them later on.

1) In managing the kitchen her duties were to organize nourishment for the household members. Her activities were to direct preparation, processing and storing of the food, serving of the meals, keeping the kitchen clean, procuring and cleaning of the dishes, etc. The nature of her activities in managing the kitchen largely depended on the social, economic and climatic-geographical conditions in which they lived. For example, in the region of Skopska Crna Gora, a Household Woman kept the keys of the room where food, drinks and fruit were stored.⁸¹ In the households of the Pešter highland (in Bačija, Caričina, Dujke and Brnjica near Sjenica),⁸² and in other places in the Sanjak of Novi Pazar (in Suvi Do near Tutin, Tisavica and Senište near Nova Varoš, in Kratovo and Banja near Priboj), primary duties of *планинка* – *milkmaid* were to milk, cows, sheep, etc, work in a dairy (make cheese, butter, etc.) and to help in the healing of the cattle. In the households the function of a Household Woman was that of the *мешаја* – *bread maker* (as, for example in Vasiljevići near Ivanjica), her primary tasks included bread making, lunch cooking and preparation of dinner.

2) Maintaining order among the women and organization of their duties were, according to Jasna Andrić, the most important tasks of a Household Woman in any household.⁸³ She arranged the tasks for the women of the household, especially for daughters-in-law and younger women and girls. She also took care of the moral pureness of their lives, she prepared and organized all activities related to engagements and wedding ceremonies, and was consulted about the dowry.⁸⁴ She took care of peace, order and harmony to maintain the stability of the household and its social values.⁸⁵

3) A household Woman could freely purchase or sell certain items from the household. She was allowed to go to the market and sell poultry (hens, chicken, turkeys, ducks, even cows and a special kind of bull (fe-

⁸¹ Petrović, A., 1907, 339.

⁸² Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Novi Pazar (Bačija, Caričina, Dujke near Sjenica); Lutovac, M., 1973, 4; (Brnjica near Sjenica).

⁸³ Andrić, J., 1972, 59.

⁸⁴ Bogišić, V., 1874, 62-65.

⁸⁵ Bogišić, V., 1874, 62-65.

males) called *биволица*⁸⁶), eggs, fat, milk, flour and vegetables (onion, dill, pumpkins, peas, beans, maize) for the needs of the household.⁸⁷ She did not need the consent of the Household Head for that because that was a woman's job, i.e. the women's part of the property.⁸⁸ Marinov noted that if a Household Head wanted to sell a part of the women's property he had to acquire a Household Woman's permission. For example, if he wanted to sell a cow or *биволица* he had to talk to a Household woman first, but if she did not give her consent, he would not sell it.⁸⁹

In the second case, however, a Household Woman's role was only to help a Household Head with men's jobs (actually with jobs that were in a patriarchal environment considered to be within the competence of a Household Head). In this role she represented an auxiliary, dependent organ; her function was advisory or executive, and she was obliged to submit reports on her activities to the Household Head.

Bogišić noted in the region of Ljubovija a legal custom in which a Household Woman was obliged to report to the Household Head on cattle feeding and on items needed for the household.⁹⁰ He also noted a custom in Leskovec which had the same ratio legis as the previous one: when a Household Head would leave the household for a few months, then a Household Woman took his place in economic affairs of the household, except if he had not authorized some other person for that. In such cases she was responsible for maintenance of the family patrimony. When the Household Head returned a Household Woman was obliged to submit reports on all her activities.⁹¹ Marinov also emphasized that a Household Woman was allowed to sell items of higher value (cattle, farm equipment etc.) only with the Household Head's consent.⁹²

⁸⁶ *Биво*, *бивол* (in Macedonia), *биволица* – Bovinae; This kind of bull belongs to the class of ruminants and predominantly lives in southern Serbia (Preševo, Bujanovac), Kosovo and Metohija, Macedonia and western Bulgaria. It is very strong and tough and being used as towed cattle. It has so big ears, a large mouth and a long tail. Its hair is very weak and dark. Milk of this kind of bull is too greasy, approximately 8%. It is tasted on mud. Its meat has not good quality.

⁸⁷ Bogišić, V., 1874, 62-65; Marinov, D., 1892, 191-192.

⁸⁸ Marinov, D., 1892, 192.

⁸⁹ Marinov, D., 1892, 193.

⁹⁰ Bogišić, V., 1874, 64.

⁹¹ Bogišić, V., 1984, 65; Petrov, P.,-Petrova, G., 2000, 154-155.

⁹² Marinov, D., 1892, 192.

d) *Household Members*

All the other members of a household had equal rights and obligations.⁹³ They were called the Household Members. This was a general term which was very frequent in Serbia and Bulgaria, although several other terms were also used for the same meaning, in some Serbian and Bulgarian countries. In Takovo and its surroundings, the term *народ*⁹⁴ – *people* was in use. In Metohija, the term *роб, робље*⁹⁵ – *slave, slaves*, in the area of Skopska Crna Gora, the term *чeљaд*⁹⁶ – *people*, and in Čelebijsko (Bulgaria) the term *вътрѣшнитѣ*⁹⁷ were used too. Someone could become a Household Member by birth or by adoption into a household. When a person became a new member of a household, he/she acquired all rights and obligations from the status of the household membership. There was the household ability which must be distinguished from both the household maturity and the legal ability. The institution of household ability implied the ability of a person, a member of a household, to be a holder of rights and obligations from the status of the household membership.⁹⁸

⁹³ Serbia: Bogišić, V., 1874, 70; Bulgaria: Bogišić, V., 1874, 71; Petrov, P., - Petrova, G., 2000, 156; The Household Members had an obligation to respect decisions of all the organs of a household, especially a Household Head's one. On the other hand, they had a right to acquire adequate protection and conditions for decent life (equal treatment, free food, clothes, shoes etc.).

⁹⁴ A Household Head or an other member of a household usually used a term *народ*, when he spoke about Household Members, even about a nuclear family. Once, a man who lived in a village Jablanica, said he wanted to buy bread for his *people*, although his *people* consisted on his wife and a daughter. It could be also heard the next sentences: *for my seven people; we have not enough people to separate ourselves.* (Filipović, M., 1972, 81.)

⁹⁵ Nikolić, V., 1958, 110.

⁹⁶ Petrović, A., 1907, 415.

⁹⁷ Bobčev, S., 1907, 76.

⁹⁸ The legal ability implies ability of a person (human being or institution) to be a subject of law, i.e. a holder of all the rights and obligations that come out from the positive legal order. We can notice similarities and differences between these institutions, watching the definitions. The household ability can be acquired by entering in the full membership of a household (by birth or by adoption). The household ability disappeared by leaving the household, and the legal ability disappeared by death of a person. It is clear that disappearance of the household ability did not imply disappearance of the legal ability. Contrary, disappearance of the legal ability always implied disappearance of the household ability. It means that the notion of the household ability is lower than a notion of the legal ability.

The Household Members lived *under the same roof*, even their lives was organized in the form of separated household.⁹⁹ This expression should be interpreted as life in the same household. They could live in many separated houses as a basis for nuclear families. But, if there was a common wish to live together in the same household, although they were separated, they really lived in the same household. Even in that case, they lived *under the same roof*.

From the equality of rights between the Household Members, a special feeling of solidarity sprouted among them. All the members worked for the whole household according to their possibilities. They did various household jobs: cattle breeding, farming, hunting, fishing and other similar jobs. The cleverest members were able to acquire the status of the Household Head's or Household Woman's assistant. This position implied specific rights and obligations for these persons.

Household Members could be classified according to three criteria: 1) age, 2) family status and 3) profession.

1) Household Members could be classified according to age and maturity. The best example for this criterion is the classification and grouping of the Household Members in Radjeva's and Azbukovica's districts of Podrinje's county. According to this criterion, the Household Members were classified by: *деца* – children, *момци* and *девојке* – boys and girls, *ђетућу* and *младе* – older boys and older girls, *чиче* and *стрине* – uncles and aunts and *деде* and *бабе* – grandfathers and grandmothers.¹⁰⁰ There is a short note about these persons:

- *деца* – children; Children included all males under the age of 15 and females under the age of 16 (males were considered children they until became capable for land cultivating, and especially for mowing, and females werw considwrtd girlsuntil they became mature women);

- *момци* and *девојке* – boys and girls; this category included all males and females between 15 and 20 year old (males and females until they got married);

- *ђетућу* and *младе* – older boys and older girls; this category of the Household Members included all males up to the age of 40 and females up to the age of 30;

⁹⁹ Separated households implied common life of many Household Members who lived separated during the whole year. Some of them lived in the main house (Household Head, Household Woman and others), but at the same time, some members (members of a nuclear family) had to live separately on a mountain in their specific houses in order to take care about the cattle. Although they lived separately, it was considered they lived in the same household because there was a wish (*bona fidei*) to live together. This moment was the most important. This household with members who lived in many sides, but with the common wish to exist as one family was called a separated household.

¹⁰⁰ Bogišić, V., 1874, 72.

- *чиче* and *стрине* – *uncles and aunts*; uncles included all males up to the age of 50 and aunts included all females up to the age of 40;

- *деде* and *бабе* – *grandfathers and grandmothers*; this category included all elderpersons.¹⁰¹

In Bulgaria, Household Members were classified according to the criterion of age and maturity. There were two groups: mature Household Members (*отрасла челядъ – по-голъмитъ, постаритъ*) and young Household Members (*дъцата, по-малкитъ*).¹⁰² When a Household Member was 18 or 19, he or she came out from the category of the young Household Members and entered into the category of the mature one.¹⁰³

2) Household Members could also be classified according to their family status. Usual members of a household were: father, mother, brother, sister, son, daughter, grandson, granddaughter, uncle, aunt, grandfather, grandmother etc. We are going to pay attention upon the next persons: *снаха* (*невеста, снашка, снаја*) – *daughter-in-law*, *домазет* – *son-in-law*, *удовица* – *widow*, *удовац* – *widower* and *сироче* – *orphan*. Their status was specific within a household.

- *Снаха* – *daughter-in-law*; She had a very specific status among the Household Members; In the first and often in the second year of her life in a household, she was exempt from the most difficult domestic works;¹⁰⁴ She usually did easier jobs: bringing fresh water for drinking from the well, inviting Household Members to meals, keeping a lamp while the other Household Members had dinner; After this period, a daughter-in-law entered into a category of usual stooges.¹⁰⁵

- *Домазет* (*презет*,¹⁰⁶ *призетко*¹⁰⁷) – *son-in-law*; It often happened that a son-in-law, i.e. a husband of a female (Household Member), entered into

¹⁰¹ Bogišić, V., 1874, 72-73

¹⁰² Bobčev, S., 1907, 79.

¹⁰³ Bobčev, S., 1907, 79.

¹⁰⁴ In Gornja Pčinja a daughter-in-law was exempted from the duty of a weekly Household Woman. (Filipović, M., 1955, 64.)

¹⁰⁵ Atanasije Petrović expressed his opinion about the status of a daughter-in-law in the region of Skopska Crna Gora. He thought she had a status of a real slave, because she always had to be *on her legs*, and accepted any command, order by the Household Head or an other member of a household. (Petrović, A., 1907, 344.)

¹⁰⁶ This term was noticed by Dušan Drljača in households in the village Zlatari. (Dljača, D., - Savković, D., 1973, 143.)

¹⁰⁷ This term was noticed in the village Vraneši near Vrnjačka Banja. (Materials for Ethnographic Atlas of Yugoslavia, unit number 106; households; district: Kraljevo)

the full membership of a household. Thus, it was not a general phenomenon. Households could be classified on four categories, according to this question: 1) household that accepted sons-in-law (Parcani near Sopot, Ovsište near Topola, Medveđa near Despotovac, Izvor near Jagodina, Osredci, Buci and Đunis near Kruševac, Topli Do near Pirot, Izvor near Bosilegrad, Novi Glog near Trgovište, Mustapić near Kučevo, Burovac near Petrovac on Mlava, Štava near Krušumljija, Čubra near Negotina, Bobajići and Slavkovci near Ljig, Lozanj near Gornji Milanovac, Brezovica and Lučani near Čačak, Kruševica near Raška, Stubal near Kraljevo, Vraneši near Vrnjačka Banja, Miokovići near Leposavić and Gornja Bitnija near Štrpce);¹⁰⁸ b) households that did not accept sons-in-law (Bežanija near Belgrade, Mala Ivanča near Sopot, Melnica near Petrovac on Mlava, Mali Jasenovac near Zaječar, Manastirica near Kladovo, Brankovina near Valjevo, Lipnički Šor near Šabac, Nočaj near Mačvanska Mitrovica, Gajtan near Medveđa, Cerovac near Smederevska Palanka, Slivovo near Priština, Bostane near Novo Brdo, Mogila near Vitina, Kololeč near Kosovska Kamenica and Varage near Zubina Potok);¹⁰⁹ c) households that accepted sons-in-law, only if there were not male descendants in them (Boljevci near Zemun, Koznica near Aleksandrovac, Oreovac near Bela Palanka, Salokovac near Požarevac, Bogujevac near Kuršumljija, Kondželj near Prokuplje, Krivaja near Šabac, Korenita near Loznica and Gulijam near Svrljig);¹¹⁰ d) households that accepted son-in-laws, only if their wives, so-called only daughters, brought them into a household (Tolišnica near Kraljevo).¹¹¹ If a son-in-law became a member of a household, he did not have equal rights with other Household Members, because he was not able to become a member of a Household Council. He was always treated as a stranger who could not make decisions about the family property. If he brought real estate (land) into a household, he would keep his family name and celebration of the family's guardian saint. In that case, he would celebrate two family's guardian saints: his father-in-law's one and his authentic one. In any way, his authentic family's guardian saint was treated

¹⁰⁸ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Belgrade, Kragujevac, Jagodina, Kruševac, Niš, Vranje, Požarevac, Prokuplje, Valjevo, Čačak, Kraljevo and region of Kosovo and Metohija.

¹⁰⁹ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Belgrade, Požarevac, Zaječar, Valjevo, Šabac, Leskovac, Smederevo and region of Kosovo and Metohija.

¹¹⁰ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; districts: Belgrade, Kraljevo, Niš, Požarevac, Prokuplje, Šabac and Loznica.

¹¹¹ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Kraljevo.

as a secondary celebration. It was marked without usual ceremony.¹¹² But, if he did not bring real estate into a household, he would certainly accept the father-in-law's family name and family's guardian saint. It is interesting to say that there was a specific custom in a village Bukovica near Kraljevo. If a son-in-law became a Household Member, he would have to take a family name *Domazet*.¹¹³

- *Удовица* – *widow*; If a female, a member of a household, became a widow, her status would be radically changed; She had to take care of herself and her children, and if she did not have kids, she would usually remarry. A Household Head had a special obligation to take care of her and her children.¹¹⁴

- *Удовац* – *widower*; A widower had the same status as a servant, especially if he did not have mature children. His nearest relative took care of him. If he had a daughter, she would also have to take care of him.

- *Сироче* – *orphan*; A child without a mother or a father was protected by his nearest relative. In the case of partition of a household, this child would be taken by one of his uncles with his part of the household property.

3) Finally, Household Members could also be classified according to their profession within a household. Due to this criterion, they could be classified on various categories. There will be words about these categories that represented an expression of a specific life of households in the Balkans.

The next male categories of the Household Members were: *пастури* i.e. *чобани* – *shepherds*, *бач* and *слуге* (*момци, измењари*) – *servants*.

- *Пастури, чобани* – *shepherds*; Shepherds took care of the cattle; They could be classified as lower classes, according to the kind of cattle which they periodically (one or two years) took care of. There were: *воловари* – *shepherds that took care of bulls*, *зоведари* – *herdsmen*, *овчари* – *shepherd that took care of sheep*, etc.

- *Бач*; Households that had small cattle, usually included these persons called: *бач* (male) and *бачица* (female). There will be more words about them in the chapter dedicated to female categories of the Household Members.

- *Слуге* (*момци, измењари*) – *servants*; A servant was a subject to other members of a household; He was neither able to be a member of a Household Council, nor to have rights that came from the membership in a household; His position was very similar to position of a widower; He often negotiated with a Household Head about a concrete job he would work in a

¹¹² See in details: Drljača, D., - Savković, D., 1973, 143.

¹¹³ Materials for Ethnographic Atlas of Yugoslavia; unit number 106; households; district: Kraljevo.

¹¹⁴ Petrović, A., 1907, 344.

certain period (for example, in a half of a year). He had a right on a salary, accommodation and shoes.¹¹⁵

Female categories of the Household Members were included by a common general term: *редуша* i.e. *редовница*¹¹⁶ – *stooges*. This notion also included lower *female professions* that were periodically worked by females for the whole household. The most significant professions were: *бачица* and *мешаја* (*мешајица*, *месарија*, *свекрва*, *кувачица*). They could do the function of a Household Woman (as we already saw).

- *Бачица*; This female took care of small cattle (especially sheep, goats, even cows). She also ensured milk, cheese and butter (in Metohija's villages meat and eggs too).¹¹⁷ She usually did this job together with her husband who could be: a Household Head, shepherd or *бач* (as it was in households in the region of Skopska Crna Gora).¹¹⁸ Generally, this function was periodical (for example, this female was elected in a period of one year in households in the village Zlatari near Kruševac, and in the region of Skopska Crna Gora).¹¹⁹ However, in Sjenica's and Pešter's highland and in Metohija's villages, her position was permanent as the main Household Woman (*планинка* – *milkmaid*).¹²⁰

- *Мешаја* (*мешајица*,¹²¹ *месарија*,¹²² *свекрва*,¹²³ *кувачица*¹²⁴) – *bread maker*; A bread maker prepared food. She made bread, cooked lunch and dinner and took care about children. She also periodically did this job (usually per week). She could also be a Household Woman.

In this way, we can finish the classification of Household Members, predominantly in Serbia, but also in Bulgaria.

¹¹⁵ Petrović, A., 1907, 346.

¹¹⁶ This term was noticed within households in the village Gočevci near Veles. (Gruev, T., 1973, 126.)

¹¹⁷ Radunović, M., 1988, 227-228.

¹¹⁸ Petrović, A., 1907, 340.

¹¹⁹ Drljača, D., - Savković, D., 1973, 142; Petrović, A., 1907, 340.

¹²⁰ It was already told that a *milkmaid* was a Household Woman within households in Sjenica and Old Raška. She took care about milk and its products. (Lutovac, M., 1973, 1-10; Radunović, M., 1988, 227-228.)

¹²¹ This term was in use in Metohija and in the region of Jastrebac.

¹²² This term was noticed in the area of Skopska Crna Gora.

¹²³ This term was also alternatively in use in the region of Skopska Crna Gora.

¹²⁴ This term was used by Jasna Andrić in her scholarly work on newer research of households in all the Southslavic countries. (Andrić, J., 1972, 59.)

4) Conclusion

According to the structure of the household in Serbia and Bulgaria of the 19th century we can say that a household represented a source of security and survival of the native Slav population in the Balkans. Being a legal unit, a household was adroitly incorporated into a foreign state's system, and was of an immense significance not only for the Serbs and Bulgarians, but also for the Turkish authorities, since a household paid much higher taxes than single families did. Another important fact is that, with its patriarchal order and a relatively firm inner structure, a household was the true core of the people's life. A household was an institution which supported the formation of the local self-government in these countries (since many principles and rules of the customary law that were applied in a household were simply transferred to make the basis of the autonomous people's government) and gave the state forming energy which finally lead to liberation and international recognition.

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ПРЕВНА СТРУКТУРА ПОРОДИЧНИХ ЗАДРУГА У СРБИЈИ
И БУГАРСКОЈ У XIX ВЕКУ

Резиме

Основни облик патријархалне културе у већини балканских земаља у XIX веку била је породична задруга са инокосним породицама. У то време, она се развила са свим елементима једне јасно профилисане правне и социјалне институције. Захваљујући својој комплексној природи, породична задруга је често била предмет интересовања и научне анализе бројних истраживача у XIX и XX веку. Правници, историчари, социолози, етнологи, антрополози, политичари, па чак и књижевници из балканских али и западних земаља, писали су о породичној задрузи у балканским земљама из угла своје научне дисциплине, примењујући разноврсне методолошке поступке у анализи њених структуралних елемената. Постоје различите, заправо опречне теорије о пореклу и суштини породичних задруга (о антрополошким, културним, климатско-географским, социјално-економским и правно-политичким претпоставкама њиховог настанка), њиховој еволуцији и историјској ерозији.

Овај рад проучава једно врло значајно питање у вези са историјским развојем породичних задруга у Србији и Бугарској у XIX веку. Реч је о унутрашњој структури ове институције као правне личности: њени структурални елементи и међусобни односи. Другим речима, овај чланак анализира само породично-правне односе унутар задруге, и то искључиво оне са наглашеним јавно-правним елементом. Приватно-правни односи, тј. својински, облигациони и наследни односи као и питање деобе задруге нису анализирани зато што они имају посебан значај и због тога, заслужују да буду предмет пажње посебне научне обраде.

У вези с тим, овај рад посвећује пажњу најважнијим органима и елементима породичних задруга (кућни савет, домаћин, домаћица, задругари), њиховим најважнијим особинама које их чине специфичним у односу на друге установе патријархалне културе на Балкану.