

The legal aspects of the Stefan Dušan`s involvement in the civil war in Byzantium 1341-1354

Within the scope of the corpus of literature and official documents from the time of the Palaiologoi dynasty the relations of Byzantine rulers with Serbian ruler Stefan Dušan in terms of the quantity of the material are far more represented than any other similar "Serbian theme". In the works of the contemporary byzantine historiographers, Nikephoros Gregoras and John Kantakouzenos, the involvement of Stefan Dušan into the byzantine internal affairs during the period 1341-1354 is a matter of the highest importance, just as it was in the contemporary politic praxis. The analysis of the relation of the real politics of Byzantine-Serbian relations and almost literally contemporary historiography discourse is of a crucial meaning within the framework of a more general analysis of Byzantine views on Serbs in the epoch of the first Palaologoi. In that sense the problem of legal aspects of the Stefan Dušan`s involvement in the civil war of 1341 appears as a legitimate goal for a research, as far as is their echo in the works of contemporary or near-contemporary Byzantine and Italian historiography.

The problem of the legal aspects is consisting mainly of the measure of influence of contemporary concepts of what was legitimate and legal towards the sequence of events during the civil war which started a few months after the death of the Emperor Andronikos III (died 15 June 1341) and lasted with certain periods of a relative peace until his son John V finally succeeded to take the sole rule of an Emperor (after 10 December 1354). The civil war started as a quarrel of the two sides who both – each against the other – claimed as their goal the defense of the successor`s rights of the juvenile John Palaiologos who was son and heir of the late Emperor Andronikos III. At the one side was the regency, consisting of the Constantinopolitan Patriarch John Calecas as its formal chief and the Empress-Mother Anne, while it must be added that a profound influence on the matters of the regency had a high state official, Grand Duke Alexios Apokaukos. At the other side was another high official Grand Domestic John Kantakouzenos, who soon after the start of the quarrel had in the town of Dydemoteichon on 26 October 1341 himself proclaimed Emperor and protector of juvenile Palaiologos and his mother, and who later will became one of the two historiographers of those events, writing his memoirs a decade after Gregoras finished his account of history. Having learned that Kantakouzenos proclaimed himself Emperor Patriarch John got the juvenile John Palaiologos officially crowned on 19 November 1341 and then excommunicated Kantakouzenos from the Church as a rebel against the Empire appealing at the same time with that punishment anyone who would eventually recognize him as Emperor (it is very important to stress that the label of rebel was a legal category in Byzantium). Soon afterwards part of the quarrel became King of Serbia Stefan Dušan, King of Bulgaria John Alexander and chieftains of Turkish Emirats in the Asia Minor. In modern historiography the problem of legitimacy in this war was noticed as of one of the most important, but it was researched strictly within the Byzantine internal relations (Dolger). The question of the legitimacy of Dušan`s involvement in the war was introduced only recently

and in an indirect way. The question of Dušan's ultimate war goal was discussed, and the two main answers were given: according to one Dušan tried to become Byzantine emperor in Constantinople and his efforts to get himself adjusted to Byzantine institutions were only a part of his tactics (Oikonomides 1996, Marjanovic-Dušanic 2000), according to another Dušan had never showed intention to destruct the Byzantine empire but only to find his own place within the existing hierarchy by changing the rank of his title from a king to an emperor with a limited rule (Ćirković 1996). With our present research we have deepened a previous one where we made analysis of the character of Dušan's involvement into the civil war in the period 1341 to 1347. It appeared that a church excommunication was the first class political weapon at the time, because the excommunicated persons was thus transferred from the zone of the legal into the zone of illegal, in ecclesiastical, but also in social and political sense. At least such was a scope of an excommunication. In the moment when Kantakouzenos arrived at the court of Stefan Dušan in Serbia at July of 1342 to ask for his alliance he was already excommunicated, but that fact by all means was unknown to Dušan. Kantakouzenos was accepted as Byzantine emperor at the court of Serbian king who became his friend and ally. His legal status of a rebel started to play a great role when in August 1343 Venetian ambassadors tried to persuade Dušan to abandon his friendship and alliance with Kantakouzenos and to side with the Constantinopolitan regency of juvenile Palaiologos. When finally accepted the alliance with the regency Dušan negotiated the engagement of his son with the sister of juvenile Palaiologos and thus made his rule over a part of Byzantine land he conquered legitimate, with a significant change in his ruler title with the additional reference on "Greek (i.e. Byzantine) lands". At the end of 1345 he proclaimed himself Emperor of Serbia and Romania (i.e. part of Byzantine empire) while on 16 April 1346 he got himself officially crowned in the ceremony performed by former Archbishop who was newly elevated to the rank of a Patriarch of Serbia, accompanied with the Patriarch of Bulgaria. Stefan Dušan most often used the title *βασιλεύς και αυτοκράτωρ Σερβίας και Ρωμανίας* and *цар Србљем и Грком*. In the very ceremony of the crowning in an unknown manner took a part also a Byzantine church factor of a high level – from an unclear source testimony we may derive the assumption that it was Dušan's ally, the regent and Constantinople Patriarch John. This would be in concordance with the data of general decadence of Byzantine institutions but it could not be proved in a positivistic manner. When Kantakouzenos entered Constantinople in February 1347 as the winner of this phase of the war the legal aspect of the mutual relations of the fractions fundamentally changed. As the winner and lord of the Queen of all the cities – at the time the possession over Constantinople was a sign of Divine blessings and a sui generis source of legitimacy - Kantakouzenos got the opportunity to dispute everything that Dušan achieved as ally of young Palaiologos who in the meantime became the gender and as the younger Emperor also the co-ruler of Kantakouzenos, his father-in-law and the elder Emperor. The contemporary documents of Imperial chancery shows that Kantakouzenos was disputing Dušan's imperial title and had him considering as illegal master of a part of Empire. The Venetian contemporary records show that Dušan was admitting Kantakouzenos as illegal Emperor, usurper of the throne

that belonged to Palaiologos who was actually his hostage. Venice remained loyal to Kantakouzenos as he was the factual i.e. legitimate Emperor. In Florence however Kantakouzenos was at least after his fall considered as illegitimate Emperor while Palaiologos was considered as legitimate one. At the end of 1350 a significant meeting between Kantakouzenos, Palaiologos and Dušan occurred in the vicinity of Thessaloniki, a meeting who was near to put the end on the disputes regarding Dušan`s title and occupied Byzantine territories. We may assume that Dušan was offered a part of Byzantine territories to rest under his rule, together with the recognition of his title as Emperor of Serbia, but without the reference on Romania or byzantine lands, which was a regular part of his title after the alliance with the former regency in August 1343. This compromise failed due to the retreat of Palaiologos and his subsequent move towards an alliance with Dušan contra Kantakouzenos. A charter that Emperor John Palaiologos issued in favor of Serbian Athonite monastery of Chilandari in July of 1351 following the request of Emperor of Serbia is clearly showing the essence of this alliance regarding both the hierarchy of the rulers and the maximum level of compromise on the Dušan`s title. During the first patriarchate of Kallistos (1350-1353) Dušan was put under the excommunication by the Synodos of Constantinopolitan Patriarchy, together with the Patriarch of Serbia (who was considered only Archbishop by the Synodos) as well as the whole Synodos of Serbian Church. The synodal act on the excommunication is nowadays lost but we have concluded that it could be reconstructed in a considerable measure on the basis of other sources, especially those issued at the chancery of the Constantinopolitan Patriarchate. The act was most probably issued in the context of the battle near Dydemoteichon in the autumn of 1352 when the troops which Dušan sent as ally of Palaiologos was heavily defeated by the troops of Turkish emir Orchan, the ally of Kantakouzenos. The political sense of the excommunication of Dušan that was an act influenced immediately by Kantakouzenos was to condemn Dušan`s entering into the institutions of Byzantine empire as an illegal act and thus to prevent him of the further interference in the second phase of the civil war, the thing he fully succeeded. After the Kantakouzenos` abdication in December 1354 Dušan tried to heal the church schism negotiating vainly with Palaiologos and finally died on 20 December 1355 without the absolution. The church schism was so heavy burden to the relations of Byzantine empire and state-remnants of Dušan`s empire making a joint defense from Ottoman Turks, who in the meantime started to spread in Europe, impossible until 1371 and 1375 respectively.

The outcome of the events highly influenced the discourse of contemporary Byzantine historiography and their views on Serbs. In could be observed that Gregoras was generally less informed on the events, especially during the period of his isolation between 1351 and 1354. On the other hand, Kantakouzenos was a protagonist who wrote a self-apology in the form of contemporary history. His animosity towards Dušan and failure of his politics in general had a high-degree influence on how he pictured the past events in his de facto memoirs, finished in the years after his abdication. Kantakouzenos offered obscured account

on his relations with Dušan, omitting important details of their alliance, as well as data on the negotiations regarding Dušan`s imperial title and the excommunication of the latter.