

Shkodra statutes and Canon, as regulatory selfgoverning instruments of Shkodra and North mountain tribes in Middle Age

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Abstract

In a little-known period of development of history of the Albanian people, before the Ottoman invasion, the life of the residents of some Albanian cities and mountain provinces was self governed through a set of moral rules and norms of behavior accepted by all this population. There was a difference of these norms in urban areas, where these self regulating roles/norms were written and “codified”, examples are the Statute of Shkodra, Statute of Ulqin, Statute of Durres and customary legal norms applicable in the mountainous regions of northern Albania. Statutes of the cities and the common law or Canon served as moral, ethical and legal foundation for Albanian communities. The rule of these norms was not imposed on these communities through force but through reason that these customary rules were “according to conscience and common needs of the people”. The diversity of these acts that regulate the legal and social organization of the city of Shkodra and life of the population in Northern Mountains show that these populations, although they lived under very different circumstances, had the common substrate and values of Albanian population, which was not lost after centuries of Ottoman rule.

Keywords: *Statutes of Shkodra, Canon, Self-government, North Mountains of Albania, Law.*

Introduction

The history of self-organization of social life of the Albanian population before the Turkish invasion, after bringing to light several historical documents, gives an exceptional panorama of the social, legal development among centuries of the Albanian population. Unable to give a full picture of all Albanian territories where tribes lived, this paper is only focused in a part of the territory where Albanian tribes lived as a native population like in Shkodra and the mountains in Northern Albania. The life of people was self regulated through a set of rules and norms of behavior, which were accepted by all individuals of these communities, their families, tribes and the provinces. In this context, there is a division of these norms in urban areas, where, as we shall address below these selfregulating norms were written, and “codified”, citing “Statutes of Shkodra” “Statutes of Durres or Ulqin”. The statutes of Shkodra and the Albanian customary law, called by *Ismail Kadare* (famous Albanian writer) as *Jus Albanicae* (Sinani & Çifliku, Canon and Convention, 2006, 156), summed up the entire corpus of norms, rules and folk customs, although unwritten but faithfully transmitted from generation to generation, serving as a general regulator of the social organization of the Albanian people. There is no doubt that the word canon derives etymologically from the Greek word “canoe” [...] metaphorically marking uncoded laws, under which once walked the flow of life and action of Albanian people. Canon is the evidence that customary law is expressed as a rate, is the system of social life

organization [...] in the mountains of Northern Albania.

Statutes of Shkodra, as self-regulatory legal instruments

“Statutes of Shkodra” are the most important documents regulating the organization of an Albanian town. This document that was discovered not many years ago, gives us a good basis for the study of selfgoverning of Albanian cities before the invasion from the Ottoman Empire. The Albanian authenticity of these acts has been and continues to be a hot topic of debate among researchers. Some researchers think that these Statutes were directly influenced from the Republic of Venice.

Giuseppe Valentini notes that the first attempt to regulate and standardize the legal position of the Albanian population in the cities was influenced from Venice (Valentini, 1943, 73). *Ortali* accepts the influence of Venice but notes that Venice was wary: “to respect the autonomy and special physiognomy that each country had inherited from his past” (Ortali & Viella, 2002, 32). The German historian *Oliver Schmitt* is of other opinion, attributing this document to the Serbian King (Schmitt, 32). However, historical documents confirm the existence of these acts in an earlier period. The Albanian professor *Elezi* highlights that: “...chapters (articles) 1, 2, 3, 54, 84, 92, 99, and 224 describe the king. This is an important fact that shows that the Statutes have been compiled before 1346, when the Serbian King Stefan Dushan received the title of emperor (tsar), (Elezi, 2003, 11).

The Shkodra statutes contained 279 chapters (detected), and, according to historians, 268 of whom are original, while 11 were added in the period between 1392 and 1479. This document included articles that regulated the life and activity of the population of Shkodra, governing bodies and other components of public organization of city life as well as economic, social, political and legal activities, like construction and maintenance of homes, activities and grinding grain, working conditions and remuneration for work, or such as the legal status of the clergy, court proceedings rates (Pino, 2011, 146) crafts, livestock farming, imports, exports, courts, family law, foreigners (Klosi, 2003) up to international relations (Koçollari, 2008). Each article of this statute is of particular interest, because it reveals the self-administration of city life (Klosi, 2003). By analyzing the chapters of the Statutes we find traces of customary law, which apparently had long been present in the society of Shkodra, considering that the Turks were not displayed in northern Albania (Martucci, 2011, 340). This statute named the city council as the main administering institution. This statute did not define the number of councilors or their choice, but in Chapter 275 notes that “gathering of thirty-councilors”. In the first Chapter of the Statutes are emphasized the general obligations of loyalty to each resident to serve the municipality (Nadin & Viella, 2002, 175). One of the most interesting elements to define the organization of the self governing bodies within the municipality is that all bodies are elected and not imposed by any authority. The Council had the right to approve “acts” in strict accordance with the norms of the Statutes. Other than a legislator, the Council had also a judging role when a citizen had problems with the municipality (Nadin & Viella, 2002, 232). The impartiality in the examination of issues, not only in substance but also in appearance, was guaranteed through the exclusion of any impact on the issue by the person concerned, in the cases when an applicant had family ties with a member of

the Council (chapter 101) (Viella, 2002, 196).

Furthermore, any member of the Council was not permitted to excrete issues discussed in the Council. If it happened he was punished and prohibited to be elected in the Council (Viella, 2002, 196).

The use of municipal income was treated with special attention from the Statutes with the obligation of the municipality to collect, store and spend honestly, according to them and to report periodically to the Council and judges. “

Aspects of everyday life of citizens like building and repairing homes, raising stairs, respecting the distance from the neighbors ... water discharges, were regulated in detail in the chapters of the Statutes (Kocollari, 2008). Furthermore all new constructions were to be built only on the basis of a court decision, approved and incorporated in a written document, drawn up by a notary (Kocollari, 2008). Farming was also regulated in detail in the chapters of the Statutes, consisting of planting and harvesting.

Canon, self-regulatory instrument of the North mountain tribes

In the space beyond the “Municipality of Shkodra”, in the northern mountains, Canon brings an example of the organization of this population. Canon represents the most complete model of the traditional organization of life of the Albanian highlanders.

The researcher *Rovena Vata* analyses that: “Local autonomy and self-government system of Albanian highland communities, [...], could not have survived without Canon law” (Vata, 2003). The life of these communities in mountain areas, although there was not the diversity of economic and social relations as in urban communities, regulated the governance aspects of collective life and activities of the individual, family, social groups, the organization of the economy, agriculture, trade, and military resistance against enemies (Peinsipp, 32).

The Historical studies of different authors give an overview of the social organization of the population in mountain areas and elements of self-organization and their self-government. “Highlanders stick together in clusters that don't have many homes (the tribes) and from which each man occupies a small natural territory, that leads or has led to a long tribal common origin” (Peinsipp, 2005, 32).

Kanun knew the tribe (bajrak) as a territorial, economic and social unit. The term tribe expresses a clan related by blood in the male line, close or distant... (Vata, 2003). The tribe had a number of family (houses) located in several villages (Alia, 2009). Each family had limited real estate, agricultural and non-agricultural land, grazing in the mountains. Non-agricultural lands were owned by the whole tribe (Halili, 1955 343).

“Bajraku”, as administrative territorial unit, with subdivisions in the villages and neighborhoods included different tribes (Ulqini, 1977, 563). Archival sources and studies of different authors present a concrete division of the self governing provinces of North population. In Middle Age, Bayraks and provinces were called with names of mountains (Vata, 2003).

According to the “Anuari i Vilajetit te Shkodres” (Document of Ottoman Empire), the Highland of Upper Shkodra, was divided into 27 Baryaks with 14 mountains, sorted according to a specific area (Hot, Gruda, Kelmendi, Kastrati, Rec, Lohe, Koplik, Bregu

i Bunes, Postribe, Shale Shosh and Temal). These areas were regulated by Kanun of Lek Dukagjin.

Self-government of these regions was regulated by the Assembly (Kuvendi). "Kuvendi is a union of the tribes or tribal leaders, the elders and of young people who aim to examine any issue or set any Faith (besa)" (Canon of Lek Dukagjini, 2012, 122).

In all forms of self-government of the population of these provinces, the Assembly itself was the highest legislative and executive body (village, tribe, Bajrak or province). The Assembly was the place of discussion of villagers. The decision that were taken, were supposed to be implemented by all the villagers. They were announced with loud voice and were mandatory. Other Self-government bodies within the "Bajrak" consisted of: Chairman of bayrak. - The Big heads - "Vojvoda".- "Bajraktari". - The head of young people. - Assembly of bajrak (a man for each home).

Bayrak Assemblies were gathered in important places important for the Bajrak¹ (Alia, L 2009). They were solemn meetings where honor, respect and the wisdom prevailed.

Conclusions

It is clear that there were many differences between the Statutes of Shkodra and Canon, due to the different origins of these acts, different way of designing, coding and implementation. They were drafted and developed in different economic conditions, social and cultural rights of the population in cities and mountain tribes.

These acts reflect a model of organization and self-regulation of everyday life of these populations, both founded on an extremely civilized with priceless value. These models resisted for long time because were relied on such values like honor, humanity, respect, tolerance and justice.

This paper showed that Shkodra statutes were modern norms for that time. Canon, as the traditional source of Albanian customary law, showed that Highlanders, with their self-governing ability, in the absence of state authority, without any opportunity for the development of cultural and educational prominent, except the influence of the Catholic Church, established a system of self-government based on values, like honor, oath, manliness and humanity.

The diversity of these acts and differences of social organization and legal regulation of the

¹1. The Assembly of Dukagjin –was gathered in Shen Gjergj of the Shoshi. 2. Puka – in the center of Puka. 3. Postriba – In the Drishti Castle Square. 4. Uper Shkodra – in the square before the church of Rapshes. 5. Kelmendi – in the hill of Berdeleci. 6. Hoti and Gruda – in the center of Hoti. 7. Zadrime (Capa) – in Dajç. 8. Nikaj - Merturi – in the square before the church of Nikaj. 9. Mertur-Krasniqe – in the Square of Blini i Kuvendit in Selcë. 10. Mirdita – in the Square of the church of Shen Palit in Orosh. 11. Lura – in the Square of church of Shen Merise. 12. Kthella – in the Square of Kroji i Fikut in Perlat. 13. Mati – in Lis. 14. Malesia e Lezhes - in Molung, at Dardha Kërbucë. 15. Dibra – in Çidhën. 16. Kruja and Malesija e Krujes – in Benda. 17. Martaneshi – in Peshk (Palmani). 18. Çermenika – in Zdrajsha. 19. Tomadhea (Shen Gjergji) – in Varrosh. 20. Southern Highlands of Elbasani– in Gjinar. 21. Northern Highland of Ebasani – in Labinot. 22. Labëria – in village of Larushk . 23. Kurbini – in meadows of Selita and in Laç Sebasta. 24. Luma – in Bicaj. 25. Hasi – in Kruma. 26. Plava and Gucia – in Vuthaj. 27. Highland of Gjakova, in Shale. 28. Gash e Krasniqe, in Monastery Square in the village Selimaj. 29. Tetova, in the tekke Square of Tetova. Etc.

cities of Shkodra and North Mountains indicates essentially that these populations, even though living in very different circumstances had the common substrate and values of the Albanian population, which were not extinguished even after centuries of Ottoman rule.

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