

## 2.6. Statutes of Albanian Cities

By Shaban Sinani

One of the most important facts confirming the contribution of Albanians to *European humanism* is the existence of a tradition of city and church statutes, as essential acts of public rights, regulating city and community life for a number of Albanian cities in the pre-Ottoman Medieval times. These statutes demonstrate an advanced stage in the city life and indicate a growing impact of the unifying factors, secular and religious, in the administration of the provinces ruled by Arbër nobility. The documentary evidence preserved in Albania, in addition to those found in the archives of other medieval states in the region (Ragusa, Veneto, Naples) together with church sources demonstrate that throughout these centuries, cities like Tivar, Ulqin, Shkodra, Durrës, Danja and Driht had their own statutes. It is known that between 1205-1212, Durrës was organised as a duchy, according to the aristocratic model of the Venetian Republic, whereby the constitution ("*statutes*") and the regulations ("*ordinances*") provided the foundations of legal organisation. In the year 1290, Durrës had its own coin, which was so well-known in trade relations over the Adriatic, that the Republic of Ragusa copied it (1294). A century later (1392), a Venetian-type of Republic was restored in Durrës, which directly implies the entry into force, the confirmation or the editing of previous statutes. The sources mentioning the codification of the (citizen's) rights in the form of statutes in Durrës date back to 1150. The statutes of Durrës were completed towards the beginning of the 12<sup>th</sup> century and was revised and edited at least twice until the 14<sup>th</sup> century, presumably in the year 1297 and 1392. A fragment of the statute of the city of Ulqin can be found at the "Gjergj Kastrioti - Skënderbej" museum in Kruja. It is known that the last time this statute was confirmed was in 1405.

The statute of the city of Tivari belongs to the group of statutes which were codified and confirmed during the period of the Arbër residence from 1405 to 1445. A number of secondary evidence show that the city of Kruja had its own statute, only short fragments of which might have survived to day (testimonials point to an editing of these statutes in 1288).

The statute of Danja, under the possession of Venice until the Gjergj Kastrioti era, includes 597 articles and is one of the most comprehensive statutes of the pre-Ottoman urban judicial tradition, not only in the Albanian territory, but on Balkan level, confirmed in the



Statutes of Shkodra  
(miniature)

year 1319. This statute has been drafted in Latin, with a calligraphy which is very similar to printing, in papers larger than an A4 (“*in quarto*”), with a double-column layout, ornate with a number of *majuscule* decorations and other decorating means of the art of writing, like miniatures. This statute is kept in the secret archive of Vatican City and some reproduced fragments can be found in the Albanian Central State Archives.

The well known Croatian scholar, Milan pl. Šufflay, was the first to express a genuine scientific interest in the original manuscripts of the statutes of Albanian cities. “*Statuta civitas*” of the urban centres along the Adriatic coast are mentioned by the co-authors of “*Acta Albaniae*” at least 7 times: 1. “*Habitator Ulcinii Ragusinis debitum solvere promittit*” (September 1, 1376); 2. “*Ragusi et Dyrrachi civitates pacto coaequantur*” (July 8, 1379); 3. “*Iunius Pervosii de Sevasto per duo instrumenta publica debita solvere promittit*” (February 8, 1386); 4. “*Ulciniensis Ragusino debitum solvere promittit*” (March 19, 1390); 5. “*Cum civitas Durachii, quae sub communis Veneti vexillo ... etc*” (March 8, 1392); 6. “*Pacta inter commune Dulcigni et ser Marinum caravello generalem*” (June 24, 1405); 7. “*Venetis, in ducali palatio*” (around May 20, 1406).



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Shkodra

Not only the Albanian territory, especially that part known as the “*Venetian Albania*” (“*L’Albania veneta*”), but the whole of the western Balkans had reached the maturity to regulate living in urban communities through statutes. As already known, cities of Tivar and Kotor (hosting an Albanian population starting from the middle ages onwards) had their own statutes, as did Budva and Raguza (Dubrovnik), Zara, Kapodistria (Kopar, Slovenia), Pirani (Slovenia), Trieste and many other cities.

The statutes of Zara (also hosting a stable Albanian population for at least three centuries), with the full original title “*Statuta ladertina cum omnibus reformationibus usque ad annum MDLXIII factis*”/“*Statutes of Zara, with all the revisions and adaptations made until the year 1563*”, in the Latin-Croatian critical publication “*Zadarskij statut*” of 1997, consists of 766 pages and is considered as a milestone of the progress of local civilization. The first book of these stat-

utes was codified in 1305 and the last additions were formulated only after 260 years.

“*Statutes of Shkodra*”, which were preserved in a manuscript in “*Museo Correr*” (Florence), are the only statutes of the Albanian territory to be fully published with comparative text. The “*Statutes of Shkodra*” are written in Latin and are fully preserved. Their penultimate

editing was done in 1392. They include about 70 pages of written text, ordered in 279 chapters. The Albanian publication of these statutes some years ago can be considered as an important recent attempt to promote the tradition of the European urban right present in the Albanian world at a time when Renaissance was knocking on and had opened the doors to the "cult of Man", the rights of whom were restored to those of the citizen of the Roman Republic (for instance, the Republic of the nobility of Venice or the "Sinjoria" – Republic of St. Marcus – or the republic of Ragusa), where, not accidentally, the Albanian national hero Gjergj Kastrioti had appointed its legates (the ambassador brothers Gazulli).

Being pre-canon documents, the Albanian statutes reflect the civilisation stage of the time. In the "Statutes of Shkodra", the compiler has felt it necessary to introduce in the Latin text, two terms, from the Balkan world to offer the possibility of self-codification: the Albanian word "besa"/"oath" (appearing in writing for the first time in this document) and the medieval Slavic word "odmazda" ("revenge"), both derived from the ethno-customary tradition. It is important that ethnologists see the context of the use of these two notions and answer the questions of why Latin was insufficient to them and why for the notion of right the Albanian word "besa" was introduced, whereas for that of "revenge" a word of medieval Slavic was used.

There are two absolute advantages of the statutes of medieval Albanian cities when compared with canons: 1. Chronologically the statutes are two to three centuries older than canons; 2. Canons are an expression of the rural zones rights in action (often they are also termed "the canon of the mountains").

In order to understand the importance of the content of the medieval statutes we refer to the statutes of Drisht. The full title of the manuscript of the "Statutes of Drisht", located at the Danish Royal Library (the department of manuscripts and rare books) is: "Statuta et ordinationes capituli ecclesiae Cathedralis Drivastensis", which, translated from today's Albanian would be: "Statutes and rules/ordinances / divided in chapters of the cathedral church of Drisht".

It is a well-known fact that in the Middle Ages, the metropolitan churches of the Eastern-Byzantine ritual approved the ordinances (regulations) called "nomokanone", through which either the former order was confirmed or new advices, ordinances and rules entered in force, and applied to not only the church and the authority towards its believers, but to the justice (judges), the nobility, the clerks of the empire and the authorities.



Page from Statutes of Drisht with Paul Engjell, the Confirmer of the Statute.

The collection of church codices of the “488 Fund” of the Central State Archive, containing 100 full manuscripts and 17 fragments, church regulations, canons and *nomokanone*, includes: “The 51<sup>st</sup> Codex of Berat”, “The 53<sup>rd</sup> Codex of Berat”, “The 60<sup>th</sup> Codex of Berat”, “The 65<sup>th</sup> Codex of Berat”, “The 66<sup>th</sup> Codex of Berat”, “The 67<sup>th</sup> Codex of Berat”, “The 68<sup>th</sup> Codex of Berat”, “The 69<sup>th</sup> Codex of Berat”, “The 86<sup>th</sup> Codex of Elbasan” and “The 97<sup>th</sup> Codex of Gjirokastra”.

Contrary to this tradition, in the tradition of the Roman church, the codification of regulations, ordinances and other similar acts in the form of statutes is found less often. As a rule, the tradition of the statutes in those areas where the Roman church authority prevailed is a tradition of “*statuta civitas*”. Few exemptions include the “*Statuta et ordinationes capituli ecclesiae cathedralis Drivastensis*”. The fact that the church of Drisht, at the dawn of city’s destruction by the Ottoman army, held the status of a cathedral church, mentioned even in the title of the manuscript, shows a high level of urbanisation of the city and its surroundings, which in the time of ecclesiastical organisation, constituted a diocese in itself.



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Drisht.

The original of the “*Statutes of Drisht*”, had been never referred to by any Albanian scholar until January, 2005. Unnoticed by the Albanologists until recently, it was the director of the department of rare manuscripts and books at the Danish Royal Library, Dr. Ivan Boserup, who initially offered a copy of the 1926 book “*Catalogus codicum latinorum medii aevii Bibliothecae Regiae Hagnensis*” - “*The catalogue of latin codices of the medieval period preserved at the Royal Library in the Hague*”, prepared by Ellen Jørgensen, in order to get the preliminary descriptive information on the contents of the codex. In the catalogue of Ellen Jørgensen, under the signature “*Ny kgl 1822*” – abbreviation for “*number of inventory in Koninglige Library*” – are included the main data from the original manuscript of the “*Statuta et ordinationes ecclesie Cathedralis Driuvastensis anno 1464 ab archiepiscopo Dyrrhachiensi Paolo Angelo confirmata*”/“*The statutes and ordinances of the cathedral church of Drisht, confirmed by the archbishop Pal Engjëlli in 1464*”.

The statute of Drisht, has 44 pages, not all in text. For a period of time, this document was the private property of Sir Thomas Phillipps (has the inscription “*Phillipps ms 7308*” in the inner cover). The Danish Royal Library purchased it in 1920. According to the compiler of the catalogue, the manuscript has been confirmed by the archbishop of Durrës, Pal Engjëlli, who has also held the office of chief-chancellor of the Albanian ruler Gjergj Kastrioti. Jørgensen states that on page 19 of the manuscript one can find the “*stemma Pauli Angeli*

*archiepiscopi Dyrrhachiensis*". The introduction of the codex including the "Statutes of Drisht" includes a fine miniature portrait of Pal Engjëlli. The portrait and the decorating initials are golden, whereas the rest of the text reflects the writing of the time. The graphic is typical Latin, unaffected by gothic, glagolitic or the western cyrillic. The scribe reveals significant writing mastery. The writing itself contains aesthetic values, especially with regard to initials, but also in the strict symmetrical use of the margins. Brown ink is used for the writing and the calligraphy is the work of a single man. The text is written in luxurious parchment for the time. New covers have been added to the manuscript, but not later than the 19<sup>th</sup> century. On the first page, posterior side ("recto"), the portrait of the archbishop of Durrës Pal Engjëlli can be seen, who is also the confirmer of the statutes. The portrait is in miniature and is inscribed in the half-arched Latin initial "P". From page 4 to page 9, in the textless margins, notes are written down which do not relate to the content of the statutes, but to chronical or personal data of those who have held the manuscript. At the end of the text, in the empty pages of the codex there is a genealogy of the Egjëllorëve, which is not clear enough to be understood. The integral text of the statutes includes 922 lines. Of the decorating values in the mastery of the writing, 6 highly ornamental initials can be distinguished in violet, dark blue and red. On the last page, the text includes those data which are terminologically known as "kollofan" (it. "collofano"), following the consolidation of typewriting. It provides information on beginning and completion of the scribing, the place of scribing, the name of the scribe, the notary, and the enacting authorities.

The copying of statutes was probably finished on January 12, 1468 just a week before the death of Gjergj Kastrioti, as noted by the scribe himself on page 19 (according to verso-recto numbering – pg. 38): "... in hanc publicam formam redegi, nil adens vel minuens, quod sensum mutet vel vitiet intellectum, et in fidem premissorum meis nomine et signo solitis roboravi, una cum appensione sigilli prefati domini archiepiscopi, MCCCCLXVIII, indictione prima, die vero XII Januarii". The manuscript of the "Statute of Drishti" is mentioned for the first time in catalogue 438 of the German book-lover Karl Wilhelm Hiersemann in June, 1915. Hiersemann had auctioned it, but the manuscript could not be sold. The owner represented the same notes in "Catologue 477" of 1920. Milan pl. Šufflay, notified about the location and the content of the manuscript by Ivan Bojnicic in 1916, did not have the necessary means to purchase the manuscript himself as the price set was too high. For this reason, he turned to the wealthy Croatian Rauh, urging him to "purchase the manuscript for the University Library of Zagreb". The same plea was directed to the well-known Albanologist Holger Pedersen. Since his plea fell on a deaf ear, Šufflay tried again to get hold of the manuscript through his friend L. Thalloczy, recommending, rather unsuccessfully, that the buyer should be "The Viennese or the Budapest Academy". At the same time, he had asked for help at the Serbian Academy of Sciences in

Belgrade. In 1920 he was notified that the manuscript had been sold at an astonishing price of 2000 marks. Šufflay was concerned with this purchase, not only because the manuscript had remained in the hands of private owners (not purchased by any institution), but, adding to his worries, the name of the buyer was not made public. He only hoped that one day he would have the manuscript in his hands and publish this *“invaluable source on the Albanian medieval cities”*. Šufflay, however, did not surrender. Through his Albanologist friend, H. Baric, in the year 1924, he managed to identify the name of the buyer, the Danish Sir Thomas Phillipps. In cooperation with two other Albanologists, V. Novak and H. Baric, Šufflay addressed a plea to H. Pedersen to act as a mediator with Sir Thomas Phillipps in order to obtain a photographed copy of the manuscript. In the year 1925 Šufflay finally had a copy of the manuscript, but it wasn't complete. Together with V. Novak, he prepared the manuscript for print, to the extent made available by Pedersen, and published it in the *“Arhiv za arbanasku starinu, jezik i etnologiju”*.

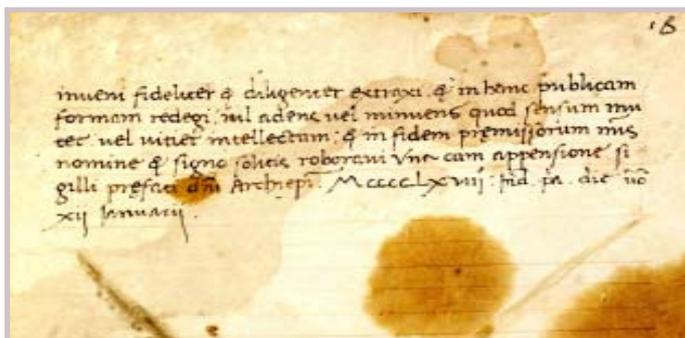
The writer of the manuscript is the canon and notary of Tivar, Simon Dromasys, who completed copying and certification on January 12, 1468. The notary copied the official text of the year 1464, as found in the book of the notary and canon of Durrës, Gjon Mauro. At this time, Pal Engjëlli had passed away, but he had issued his confirmation four years earlier, by way of a papal ordination and certifying the text written by the canon of Durrës, Mauro, who was also acting as secretary of Pal Engjëlli.

In the year 1456, Pope Kalisti III gave his consent to the bishop of Sapa, Gjergj, for reforming the statutes of Drishti, *“ipsique capitulum et canonici nonnulla statuta ediderunt”*. The death of Pope Kalisti III delayed the enactment of the improved statutes. Another cause for the delay in the legal enforcement of the statutes was the death of the bishop of Sapa, Gjergj, in 1459. Pope Piu II, who reigned during the following period, answered positively to the authorities of the cathedral of Drisht, which had issued a written request to the papacy.

In 1463, as evidenced by the data of the multi-volume publishing *“Hierarchia catholica”*, the Pope mandated Pal Engjëlli and an assistant to certify whether the reforming of the previous statutes of Drishti was necessary. The assistant of Pal Engjëlli was the *“kryegjakoni”* of Shkodra, whose name is not mentioned in the correspondence, but chronographic data of Eubel imply that his name was Manuel and that he was Dominican. They both worked arduously for codifying and making the final editing of the statutes. The official recognition of their legal validity, in the reformed state, was received on November 21, 1464 in a Benedictine monastery, with the presence of Pal Engjëlli, the *“kryegjakoni”* of Shkodra, Manuel and the noble man Gjergj Topia together with other gentlemen and clerics of the region.

The fact that the Holy See itself asked for canonical supervision of the contents of the reformed statutes, together with the fact

that the correspondence makes only mentioning of “existing statutes” implies that we know the final date, but not the first date when the statutory regulation of the church and urban life of Drisht began, which is presumably much earlier. Direct expressions, like: “*laudabilem consuetudinem antiquorum nostrorum immitantes*” (2<sup>nd</sup> chapter); “*antiquissimam constuetudinem imminantes*” (39<sup>th</sup> chapter) and “*antiquissima et observata consuetudine*” (44<sup>th</sup> chapter), and the “*secundum morem et consuetudinem antiquorum*” (46<sup>th</sup> chapter), which are inscribed in the text of the statutes, also testify to the existence of earlier statute traditions, referred to from time to time by those who reformed them. Indirect evidence, found in the correspondence and the narratives of visitors, providers and local clerics indicate the establishment of the statutes of Drisht began in 1397.



Last page of Statutes of Drisht .

The “*Statutes of Drisht*” are based on the ancient traditions of local right. These were followed by codifications of the norms and customs of permanent character and widespread in the Arbër tradition (for instance, “*in what way should youth respect the elderly and in what way should the elderly love youth*”). The statute determines the way of electing the rector and the prosecutor of the city, the way of using the stamp and the way of compiling the articles of the “*curia*”. The statutes give unified guidance on the way of preparing certain documents, like agreements and treaties, and how privileges (concessions) are granted. The statutes also include judicial norms on the penalties and fines for theft and fraud. Further, they define status of the canons and foresee their representational rights in talks or agreements, punishment for infringements, how citizens’ complaints should be addressed, how to provide justice in the case of missing statutory norm, how to provide justice in an honest way, always abiding to church lessons and heavenly punishment, which are the penalties for extra-marital double-marriage (concubinage).

The statute also includes “*specific articles on the assistance that the civil community should offer to the scholars*”. The manuscript holds a geo-regional value, also because it includes church and secular canons, intertwined inseparably, exactly at a time when the region was faced with a new political, military, religious and cultural factor, such as emerge of the former Ottoman Empire.

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