

Argita Malltezi, Armela Kromiçi

HISTORY OF LAW IN ALBANIA

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Argita Malltezi / Armela Kromiçi

History of Law in Albania

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Foreword

Albania, as immediately becomes clear when reading general accounts of the history of south-east Europe, must be a country full of legal history. And yet we in Germany (and the names of many other countries could also be mentioned here) know next to nothing about Albania's legal history and the academic work that has been done on it. This is of course due to the fact that Albania was isolated for decades. But this ignorance has not changed to this day, even though Albania is now part of a network of international relations and will soon be a member of the European Union.

The work of Argita Malltezi and Armela Kromiçi fundamentally changes the situation. The "History of Law in Albania. Bibliography of Legal Research" is a pioneering work that makes all Albanian legal history research accessible and documents its findings. In addition, the work, modestly titled "Bibliography", offers original descriptions in its extensive commentaries on the individual publications, which make central areas of Albanian legal history accessible to the reader. As a standard academic work, this "Bibliography" is therefore the basis for all further legal-historical research on Albania and as such is of inestimable value.

Prof. Dr. Martin Löhnig

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History of Law in Albania. Bibliography of Legal Research

The course of the evolution of law, beginning with its sources and tracing its development through time, not only highlights the peculiar features of a nation's legal order, but also reveals its fundamental ligature with the essence of the nation's conscience. The collection of titles that we had the opportunity to review during the preparation of this book unfolds the extraordinary journey of Albanian legal thought and legal systems, which developed their own particular features, despite the fact that during long periods of history the Albanian territories have been under the rule of the greatest empires of the times and their legal regimes. The Albanian legal regimes borrowed from the regimes of these empires, or the neighbouring countries, but preserved and consolidated their own unique identifying features.

The effort to document the history of legal research in Albania first began with the modest aim of reflecting the research published in recent years. From the onset we noticed that, whilst several general or thematic bibliographies had been previously published, none of them focused on the history of law. We therefore decided to expand the scope of our work and attempt the recollection of all publications on the history of the legal research in Albania that we could find.

The bibliography of the research on the history of law aims to provide Albanian and foreign researchers with a chronological picture of the works that have explored the history and evolution of law in the Albanian territories. The research studies listed in this bibliography discuss topics pertaining to the applicable legal regimes, spanning from Illyrian times until the present day. This book is the result of extended research conducted at the National Library of Albania, the Library of the Academy of Sciences, the Library of the Parliament of Albania, libraries of the Faculty of Law and the Faculty of History of Tirana University, School of Magistrates, University Libraries of Shkodra, Durrës and Korça, the Central State Archive, the Library and the Archive of the Institute of History.

The titles listed in this study include books, articles and other scientific works of scholars, which highlight key moments in the evolution of law, or its branches, in the Albanian territories. The publication is organized in four chapters. Within each, the titles are listed chronologically by year of publication and are accompanied by an explanatory paragraph. The first chapter contains works that explore the history of law from a legal point of view. Their authors are lawyers, whose research focuses on matters pertaining to the history or evolution of law. In addition to publications by legal scholars, the research in this domain has also attracted the attention of historians, whose significant contribution to the fond of such studies is evident. The books included in the second chapter are publications of a philosophical, historical,

and diplomatic nature, as well as studies on Albanology, which have dedicated a part of their research to aspects of the history of the Albanian law and state. The third chapter lists doctoral theses and various scientific articles in this domain. The fourth chapter is dedicated to sources from the library and the archival fond of the Institute of History and the Central State Archive. The appendix lists compendium editions of legal acts adopted in different time periods, and a compendium of High Court and Constitutional Court jurisprudence, which in our opinion will be useful references for legal scholars, practicing lawyers and magistrates.

The titles listed in this bibliography demonstrate that the main focal areas for these bodies of literature include the study of the legal regime in Illyria, the role of liturgic and chronographic codices, the statutory law of medieval Albanian cities, the customary law of the *kanuns* (canons) of different areas, the law under the Albanian principates, the legal regimes of the Albanian *pashaliks*, the law of the ruling empires in the Albanian territories, as well as the positive law of the Albanian state as of its declaration of independence.

Studies on the state and the legal regime of Illyria and of the later Byzantine period are rather few, published mainly between 1960–1990 with some major reprints and new contributions after this year. They are important stepping stones in the research on this period, which still remains relatively unexplored.

Codices, canons, statutes, as well as the law of the Albanian *pashaliks* of Shkodra and Ioannina, testify to the creation of Albanian legal regimes which were developed and applied independently of the positive law of the ruling empires in the Albanian territories in the same period. They also bear evidence of the evolution of the national consciousness among Albanians.

The recently published codexes and ensuing studies on them affirm their impact on the creation of the secular legal regimes amongst the Albanian population. The path from the early codices to the codex of Korça and Selasfori, the codex of Fier, and other similar codices illustrates how the codices exceeded their initial liturgical object and included in the range of their recordings mandatory rules for the lay community, statutes and decisions of community guilds or different contracts of the inhabitants of their parish.¹ This dynamic influenced the development of the legal language and the secular legal regimes. The statutes of the chapters of the Cathedral of Drishti sanctioned in their rules that the ancient customs of the elders ought to be considered as a legal source,² which shows not only common ancestral sources of this regime with the customary law, but also the persistent validation of the customary law principles by the positive law of the period. The codices have been

1 Drejtoria e Përgjithshme e Arkivave. Kodikët e Shqipërisë. Tiranë, 2003.

2 Ahmeti, Musa. Lala, Etleva. Statutet dhe Urdhëresat e Kapitullit të Kishës Katedrale të Drishtit. Statuta Et Ordinationes Capituli Ecclesiae Cathedralis Drivastiensis. 'Ombra GVG'. Tiranë, 2009, Chapter 23, p. 161.

researched and interpreted in a number of publications, but this bibliography has listed only those works which analyse the influence of the codices on the evolution of law in Albania. We remain hopeful that the still unexplored fund of the Albanian chronographic codices will further attract the interest of legal researchers.

A plethora of Albanian and foreign authors have written about the Albanian customary law, considering it to be a continuation of Illyrian and Roman law. Despite the many different powers that have invaded and ruled Albania over the centuries, this corpus of laws has withstood the test of time, preserving its originality while also being enriched by legal developments of different epochs. Contributors in this field have written extensively about the different Albanian *kanuns* that operated in various areas of Albanian territories and have drawn comparative analyses between them, as well as between the *kanuns* and the positive law applicable in the same area, during a given period of time. Many highlight the fact that, during the Ottoman rule, the High Gate recognized certain autonomy of the areas governed by the Kanun of Lek Dukagjini, and several other *kanuns* in the north and the south, acknowledging the *kanun* as the law of these areas and its bodies as the governing bodies of their respective community.

The studies on the role of the *kanun* in the development of the law cited in this book offer not only a legal analysis of its norms, but also of its impact on Albanian legal thought and on the profile of the legislation adopted after the declaration of Albania's independence. The regime of the Albanian *kanuns*, as a unique and the most long-lasting legal regime, has played a significant role in catalysing national consciousness among Albanians. The national conscience, which pushes the coordinated action of the subjects of a territory for the cause of the nation's survival, despite religious and regional differences, is impressively demonstrated in the case of the fights of the northern Albanian tribes against the decisions of the Congress of Berlin, which severed Albanian territories in favour of the neighbouring countries. The *kanun's* instrument of *besa* united the Albanian tribes in this common cause. *Besa* and other instruments of the *kanun* helped the tribes put aside blood feuds, overcome religious differences and property conflicts, and behave as one nation. Their epic fight to protect Plava, Gucia, Hoti and Gruda, revealed the common national consciousness as they pledged to fight for the Albanian lands regardless of their differences. The Catholics of Hoti and Gruda fought against the Christian Montenegrins. The Muslims of Plava and Gucia fought against the Turkish Empire—all together for the lands of their common nation. Although arguably not the first, these fights were amongst the most important manifestations of the reawakening of the Albanian national consciousness after the centuries long Ottoman occupation.

The statutes of Albanian cities have been a constant topic of interest to historians and legal scholars, who have published well-known research in the field of the history of law. These publications were revived after the discovery of the Shkodra

Statutes by Lucia Nadin in 1997, as well as the translation of the complete edition of the Statutes of Drishti Cathedral by Musa Ahmeti and Etleva Lala in 2009, following earlier efforts by the prominent Croatian Albanologist Milan Suflyay at the beginning of the 20th century. Many authors have studied these statutes as evidence of a developed and diverse regime of positive law in Albanian cities during the Middle Ages. These authors have also noted that the statutes of the Albanian cities were formed as independent legal regimes. Despite the influence of Italian law schools, the Albanian statutes developed inherent characteristics which distinguished them from the statutes of the other Adriatic coastline cities. Interestingly, whilst coastal cities like Shkodra were governed by these statutes, the adjacent highlands were governed by the Kanun of Lek Dukagjini. Despite the different sources and paths of formation, the two regimes shared common core principles which are unmistakably identified with features of the Albanian people. For instance, the Statute of Shkodra distinctively based some judicial procedural aspects on *besa* (*bessare*), a core principle, minutely regulated in the Kanun of Lek Dukagjini.³

The impact of the Ottoman Empire's legal regime in the Albanian territories is another extensively explored topic of the history of law. Authors have researched its influence on the Albanian customary law (*kanun*), the legal regime of the Albanian feudal *pashaliks* and the evolution of their positive law, as well as the publications of different public registers in various areas, which attest to the administrative organization of Albanian territories, the economic life, traditions and structure of its communities. Many of the works listed in the bibliography discuss the Albanian resistance against the Ottoman Empire and its various reforms, as well as the Albanian struggle for autonomy and independence. On the latter, regarding the historical events until the 19th century, particular attention has been paid to the League of Prizren and its legal framework.

Authors who have studied the *pashalik* of Ioannina, of Ali Pasha Tepelena and the *pashalik* of Shkodra of the Bushatli dynasty, have come to the common conclusion that they developed their own legal regimes, different from that of the Ottoman Empire, as part of their efforts to break away from the High Gate. In this context, little has been written about the law of other *pashaliks*, as for instance the *pashalik* of Berat.

The declaration of independence and the creation of the new Albanian state in 1912 paved the way for the structuring of a new and modern legal system, which became the subject of many studies, especially after the 1990s. In a short period of time, the historical course of events, intertwined with the adoption of a

3 Sinani, Shaban. *Kodikët Kronografikë të Shqipërisë – Shkrime dhe Dorëshkrime prej Rilindjes Europiane deri në Rilindjen Kombëtare*. 'Naimi'. Tiranë, 2014, p. 272.

pyramid of legal acts and by-laws, resulted in radical changes of the legal regime in Albania. Many publications offer insights into the Law of the Jury (*Kanoni i Zhurisë*), manifestly influenced by the customary law; the Interim Law of the Civil Administration (*Kanuni i Përtashëm i Administratës Civile*); the Organic Statute of Albania under the reign of Prince Wied; the Statute of Lushnja; the Fundamental Statute of the Republic of Albania of 1925 and later, that of the Kingdom of Albania of 1928, and other important legal acts. Noticeable are the works of Albanian jurists who contributed during the reign of King Zog to the drafting of a number of codes, according to the best Western European models of the time, and the publication of important legal works. Some of these jurists, whose works are cited in this bibliography, were later persecuted by the communist regime installed in 1945 and, as a result, their works were banned from references and circulation. After the 1990s, many of these works were re-published in several editions.

This bibliography includes publications from the period of the communist regime (1945–1990), marked by the terminology and ideological tones of the mandatory propaganda of the time. Whilst many of its standard phrases echo the abhorrence of the struggle of classes, the proletarian dictatorship and the lip service that the propaganda provided to the genocidal campaigns of the communist regime, we have chosen to include the publications of this period in this bibliography for several reasons. First, despite the obligatory propaganda tones and restrictive censorship, some of the titles are valuable works, without which we would know much less of our legal history and its evolution, for better or for worse. Secondly, publications which cite the legal acts that served as the basis for the change of regime and the establishment of the new economic model after the Second World War, are helpful in the study of history of law of this period. Thirdly, these works will help legal scholars, especially young scholars, to understand the restriction of basic human rights under the communist regime and its ideology. In our belief, it is only by facing the events of our history directly and analysing them scientifically, without bias or hiding the truth, that we will be able to avert repetitions of the same mistakes over the course of the history.

The fall of the Iron Curtain and the restoration of pluralism in the country in 1990 brought a new era in the development of the state and law, as well as thorough reforms in the pyramid of legal acts. There are many publications dedicated to these transformations in the economic, political, legal and justice system. This period also includes numerous works which, free from censorship, have retaken on aspects of the Albanian customary law, the state and legal regime during the reign of King Zog, as well as that of the period of the communist dictatorship.

In order to follow a unified standard for the selection of titles listed in this bibliography, we have included herein only works that are part of the fonds of the main libraries in Albania, mentioned above. This effectively constitutes a selection criterion and the reason for which some published titles do not feature.

Some works on the history of law, despite market availability, are not found in the fonds of libraries. Another reason for which there may be works that have not been listed in this publication is the lack of a unique standard in the key terms upon which the cataloguing of titles in the National Library or other libraries is based. Erroneous classification keywords may make it impossible to find titles digitally. In order to lessen the impact of these deficiencies, the book has relied on the fond of several libraries. Each title is accompanied with its coordinates in one or more libraries, the corresponding code (if any), or the library file. In cases where a publication is available in several libraries, we have prioritized the libraries where access of the text is easier.

The generous support of many academic and library professionals, to whom the authors are immensely grateful, has been crucial to the conception and advancement of this work. We are especially thankful to Prof. Dr. Martin Löhnig for suggesting we undertake this project and for his continuous support throughout this journey, to Prof. Dr. Nada Dollani and Prof. Assoc. Dr. Eneida Sema for their helpful comments, Prof. Dr. Luan Malltezi, for his constant support and suggestions regarding the sources of this work, Prof. Dr. Valentina Duka, Prof. Dr. Arenca Troshani, Prof. Dr. Ledina Alolli, Prof. Assoc. Dr. Andon Kume, Dr. Ardit Bido, Prof. Dr. Afrim Krasniqi, Prof. Dr. Aurela Anastasi, Dr. Etleva Pepo, Dr. Alketa Bekteshi for the help in carrying out the research in the archives and libraries of their institutions. The dedicated library employees Mirela Mihali, Eva Sefa, Ylkena Këllezi, Teuta Sula, Elektra Haxhia, and Dasara Malltezi who assisted in the identification and collection of materials for revising the early drafts of the English edition.

We hope that this monograph will assist Albanian and foreign legal scholars in their further research. The works contained herein reflect also the challenges of the times during which their authors lived; the shocks from the collapse of systems and the rise of new systems; world wars and challenging historical choices; extreme governmental censorship and individual self-censorship; the transition to pluralism and freedom of expression, accompanied with scientific freedom, which in balance has an essential need for guidance in those domains and projects that are important for the Albanian nation. The scientific works published in different periods depict the journey of Albanian legal thought across different stages in history, the evolution of the distinctive features of the Albanian legal regimes, forged in times of war and freedom, oppression and the rise against it, through examples of virtue and steadfastness or contrasting mistakes. They are the map of a time-tested path, which jurists, historians, legislators and judges must keep in mind when designing the journey of the Albanian legislation on the path towards the future.

Prof. Dr. Argita Malltezi

Dr. Armela Kromiçi

Abbreviations

In order to find each book referenced in the bibliography, its records with abbreviations are provided. The books that are located at the National Library and the Central State Archives are accompanied with the specific code. Regarding the books located in other libraries, the author's name or its title is sufficient.

AQSH	Arkivi Qendror i Shtetit
BK	Biblioteka Kombëtare
BFDUT	Biblioteka e Fakultetit të Drejtësisë, Universiteti i Tiranës
BFHFUT	Biblioteka e Fakultetit të Historisë dhe i Filologjisë, Universiteti i Tiranës
BKSH	Biblioteka e Kuvendit të Shqipërisë
BIHGJL	Biblioteka Shkencore, Akademia e Studimeve Albanologjike
BUSH	Biblioteka e Universitetit të Shkodrës
BUD	Biblioteka e Universitetit të Durrësit
BSHM	Biblioteka e Shkollës së Magjistraturës

Part 1: Books on the History of Developments of a Legal Regime, or Its Branches

This first part of the bibliography is devoted to publications whose main focus is on the exploration and interpretation of historical development of the Albanian law and institutions, and on the regulatory frameworks of specific legal regimes and their historical development.

1. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Posthumous Work. Summary and Codified by Gjeçovi, K. Shtjefën. Preface by Fishta, Gjergj. The Author's Biography by Bardhi, Pashk. Shtypshkronja 'Françeskane'. Shkodër, 1933. BK: S 59 A 27
2. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Posthumous Work. Summary and Codified by Gjeçovi, K. Shtjefën. Preface Fishta, Gjergj. The Author's Biography by Bardhi, Pashk. Third Edition, Anastatic. 'Botimet Françeskane'. Shkodër, 2010. BK: S 332 A 9.
3. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Posthumous Work. Summary and Codified by Gjeçovi, K. Shtjefën. Preface Fishta, Gjergj. The Author's Biography by Bardhi, Pashk. Fourth Edition, Anastatic. 'Botimet Françeskane'. Shkodër, 2013. BK: S 429 A 48

The Kanun of Lek Dukagjin (KLD) is the most emblematic code of Albanian customary law. It was the absolute legal regime of the areas in the north of Albania, including the highlands of Kosova, regardless of religion. Some of the areas that followed the KLD regime were isolated terrains, where the tribes' unceasing armed efforts in the pursuit of freedom made access of foreign invaders difficult, if not impossible. These areas continued to be governed by the KLD for centuries, despite the various invaders that ruled the country. The High Gate recognized factual autonomy of the northern tribes, as well as that of other areas in the south, and allowed them to be governed by their *kanuns*. This autonomy enabled these regions to apply, transmit and develop the KLD, to preserve their characteristics of organization in the social and public domain, and to resolve matters of criminal and civil law in accordance with their millennia old customary law. It is for these reasons that the KLD has always attracted the attention of researchers, becoming the subject of numerous publications.

Other mountainous or plains rural areas followed other *kanuns*—the publications of which are cited further in this book. However, the provisions of the KLD were

collected and published during the time when this set of norms was still being applied with absolute rigor, in every aspect of social and private life, in the respective territories. For this reason the KLD is considered to be the most authentic reflection of Albanian customary law as compared to other *kanuns*.¹ Despite various debates, including the etymology of the word *kanun*, or its eponym after the 15th century prince Lek Dukagjini, the academic consensus is that the *kanun* is the customary law of the Albanian territories; it is believed to have its genesis in pre-state pagan societies, and has been enriched over centuries with further norms that suited the stages of development of social relations and historical conditions.²

The provisions of the KLD were verbally transmitted from generation to generation as unwritten customary law until the end of the 19th century, although several attempts of codification of the KLD are reported in the titles quoted in this bibliography.³ Franciscan priest Father Shtjefën Gjeçovi (1874–1929) was the first to publish his collection of the norms of the famous *kanun*. Gjeçovi spent most of the active years of his life as a parish priest in the Northern Mountains of Albania, where he systematically collected data on the ethnology, folklore, and in particular the customary norms of KLD. He began publishing the collection of KLD norms in parts between the years 1897–1899, in the periodical journal *Albania*, which was published in Brussels by Faik Konica. Later, from 1913 until 1924, the partial publications of KLD continued in Shkodra at the periodical *Hylli i Dritës*.⁴

1 Elezi, Ismet. E Drejta Zakonore e Labërisë në Planin Krahasues. 'Libri Universitar' Tiranë, 1994, p. 22.

2 Studime Historike. Vol. 9, Tiranë. Akademia e Shkencave, Instituti i Historisë. 1972, p. 107–110. Yamamoto, Kazuhiko. The Ethical Structure of Homeric Society. Collegium Antropologicum. Qendra 'Drejtësi dhe Paqe' Shkodër, 2001, 164 f.; Gjeçovi, K. Shtjefën. Kanuni i Lekë Dukagjinit. Codified by Gjeçovi, K. Shtjefën. Annotated by Pupovci, Syrja. Enti i Teksteve dhe i Mjeteve Mësimore. Prishtinë, 1972, p. 18; Gjeçovi, K. Shtjefën. Kanuni i Lekë Dukagjinit. Edited and Annotated by Nova, Koço. Akademia e Shkencave. Tiranë, 1989, p. 14; Valentini, Giuseppe. Studime dhe Tekste juridike I. (Seria Valentini). 'Plejad' Tiranë, 2009, p. 29.

3 There are references on the tentative of the administration of the Ottoman Empire to codify the Albanian customary law, as a way of putting them under control, but these attempts were futile. Gjeçovi, Kanuni, Annotated by Fishta, p. 21; Gjeçovi, Kanuni, Annotated by Nova, p. 40.

Another Catholic priest, father Nikollë Ashta, author of several works on the KLD, collected and edited a compilation of KLD rules which he began publishing in 1897, in the Albanian journal published in Brussels by Faik Bey Konica. See Elsie, Robert. Der Kanun. Das Albanische Gewohnheitsrecht nach dem Sogenannten Kanun des Lekë Dukagjini Kodifiziert von Shtjefën Gjeçovi ins Deutsche Übersetzt von Marie Amelie Freiin von Godin Einführung von Michael Schimdt-Neke. Osteuropa Zentrum. Berlin, 2014, p. 6.

4 Elsie, Robert. Der Kanun. Das Albanische Gewohnheitsrecht nach dem Sogenannten Kanun des Lekë Dukagjini Kodifiziert von Shtjefën Gjeçovi ins Deutsche Übersetzt von Marie Amelie Freiin von Godin Einführung von Michael Schimdt-Neke, Dukagjini. Pejë, 2001, p. 6; See also Gjeçovi, Kanuni, Annotated by Fishta, p. 23; Elezi, Ismet. Kanuni i Labërisë. 'Toenā' Tiranë, 2006, p. 21.

The integral text of KLD was published for the first time in Shkodër, by *Botimet Françeskane* in 1933.

The Kanun of Lek Dukagjin has, since then, been widely reprinted in Albanian and in other languages, with prefaces and interpretations by various authors. These reprints and translations can be found in the National Library of Albania as well as the other libraries mentioned in this publication.

Gjeçovi's KLD publication of 1933 is organized in 12 books, which codify legal provisions that regulate life within the community, norms pertaining to the sphere of criminal, public and private law. The provisions span the relationship with the church, family relations, civil law relations, sanctioning of the criminal offenses, the social organization and order of the community, the role of elders and tribal leaders who held public functions, rights and obligations of the individual, as well as the public bodies organized in accordance with the *kanun*. The first book deals with the role and status of the Catholic Church, the parish priest, church wageworkers and staff, the church's properties and related guarantees. The second and third books are dedicated to the family, the role of each of its members, and a detailed regulation of the institution of marriage, arranged marriages, engagements, and inheritance. The fourth book focuses on relations of a civil legal nature and regulates the regime of movable and immovable property, the methods for determining property boundaries. The fifth book regulates trade conduct, types of employment and the rights arising from such relationships. The sixth book encompasses the regime of loans, pawns, the promise to perform an obligation and the relinquishment of claims. The seventh book establishes rules on verbal communication and the consequence of speech, the manner of taking an oath, and its importance and types: such as the oath upon the cross, the oath upon the house (*be për derë*), or the oath for not knowing (*be me sedije*). The eighth book is dedicated to a fundamental institute of Albanian customary law: *honor* and the different regimes that provide for its protection. Part of the regime of this chapter is the protection of the guest, which is considered essential for the honor of the host house. The institutions of mediation, bail, fraternity, and the institute of godfather—equally applicable to Christian and Muslim areas according to customary law procedure—are also addressed here. The ninth book establishes the legal regime for damages. The tenth book regulates criminal offenses, including theft, robbery, and murder. The eleventh book, which deals with aspects of public law, is centered on the role of the eldership (*pleqësia*), the different assemblies of the elders (based on the village, the brotherhoods and the flag (*bayrak*), the manner of summoning the eldership, the right of participation in its meetings, the eldership competences and decisions, as well as the implementation of these decisions by the bailiff (*gjobtarët*). The rules of the last book regulate the rites in case of death and the honoring of the deceased. The famous

Albanian customary law institute of *besa*⁵ is regulated in different parts of the KLD. For instance, the eighth book regulates the protection of the guest and establishes the most severe regime for guaranteeing his safety.⁶ Although this part does not specifically mention the word *besa*, the implication is evident as it refers to the breach of it (*t premt'*). The tenth book defines the *besa* given to the killer and his family for a limited number of days before beginning the period of revenge. At the end of the work there is an analytical-alphabetical index and a glossary of terms and phrases. Despite some terms, borrowed from foreign legal regimes, the code has always preserved its uniqueness and distinctiveness as an Albanian legal regime. This aspect is emphasized in most of the books listed in this publication.

The publication of Gjeçovi's compilation is the starting point of any subsequent study or translation of KLD. It offers biographical notes on Father Gjeçovi, prepared by Father Pashk Bardhi, as well as a preface by Father Gjergj Fishta. The preface underlines the importance of the national folklore and of the collection of customary laws, as well as the legal significance of the Kanun of Lek Dukagjin. The reprints have faithfully preserved the organization of the norms according to the original edition.

4. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Collected and Codified by Gjeçovi, K. Shtjefën. Preface by Pupovci, Syrja. Enti i Teksteve dhe i Mjeteve Mësimore. Prishtinë, 1972. BK: S 90 A 49. BFDUT

This edition of the Kanun of Lek Dukagjin is accompanied by legal interpretation by Syrja Pupovci. The author elaborates on the origin and evolution of Albanian customary law as a legal framework brought about by the daily life of people, rather than being imposed by various governing authorities.

He points out that KLD has two versions. One is the version followed by the tribes of Northern Albania, whilst another variation is widespread in the villages of the Dukagjin plain, among Albanians living in Kosova. The author notes that from a legal point of view, Albanian customary law distinguished class elements, and that the KLD was developed in a tribal patriarchal societal order, which recognized and accepted the personal initiative of the tribe leaders, or elders, who were distinguished for the weight of their personality and the respect they enjoyed amongst

5 *Besa* is a promise or allegiance. The *Albanian Encyclopedic Dictionary* explains *besa* as an institute of the customary law, that consist in keeping up a promise, the word of honor, and honoring at all costs the undertaken obligation. *Besa* has been widely relied on in alleviating consequences of blood vendetta; Fjalori Enciklopedik, Akademia e Shkencave të Shqipërisë, Tiranë, 2008, p. 220.

6 See §640 et seq. To be noted that §649, for instance, stipulates that in case of murder of the closest family, the claim for revenge could be relinquished, whereas in cases of murdering of a guest, the host could not give up his obligation to revenge the guest's death.

other elders. He highlights the collegial powers of the assemblies (*kuvendit*) to issue or change provisions of the *kanun*. The author considers the KLD as evidence of the development and interweaving of different legal systems, with old institutions that are no longer enforced in other European countries. He locates the origin of the KLD in the application of customary law in a slave-owning society and analyzes the different doctrinal positions on the origin of KLD, as well as the consequences of the Islamization of Albanians after the Ottoman occupation. He notes that the unwritten norms of the KLD have coexisted with the various legal systems that have ruled in the Balkans. The text surveys other *kanuns* that operated in the north and south of Albania, and presents a broader comparative analysis between the KLD and the Kanun of Skanderbeg. The author interprets selected norms from different legal spheres of the kanun, including blood feuds, legal actions, private property, institutions of family law and customary procedural norms of criminal and civil law as an overview of the kanun's legal regime. This preface, which can be considered as the first part of the publication, is followed by the complete text of the Kanun of Lek Dukagjini.

5. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Edited and Annotated by Nova, Koço. Akademia e Shkencave e RPSSH. Tiranë, 1989. BK: S 181 F 63

In 1989, the Albanian Academy of Sciences published the Kanun of Lek Dukagjin, collected and codified by Shtjefën K. Gjeçovi, with annotations by Koço Nova. This official edition of the Academy of Sciences, on the brink of changes in the governing system in Albania, indicated a change in the official position of the Albanian government towards the Catholic clergy's contribution in the collection and preservation of the customary law. The publication analyzes the importance of the norms of the Kanun of Lek Dukagjin (KLD) from a legal standpoint. The editor acknowledges the contribution of Albanian and foreign authors in researching and preserving the Albanian customary law: from chroniclers and travelers of the Middle Ages—where he notes Andronicus III of Byzantium, who differentiates between the Albanian customs of punishment by death (*dënim me vrasje*) from the provisions of the nomocanon of Byzantium—to authors in the Middle Ages, who have written about the social structure of the Albanian mountains, regulated according to inherited *kanuns* and without any intervention from Ottoman laws or judges. He also notes the work of foreign Albanologists of the 19th century and their precious contribution to the study of Albanian customary law. The editor highlights that despite bearing the name of Lek Dukagjin, the medieval prince of an Albanian northern tribe, the origin of this customary law is much more ancient. He notes the importance of the local *kanun* acts, which starting from the second half of the 19th century influenced the enrichment of special institutes of Albanian customary law. Among these local kanuns, the author mentions (i) the Kanun of Kastrati (1891 and

1892), (ii) *Kanun of Usulli*, which is a decision of 1892 of Vukli village, that aimed at limiting the scope of blood vendetta, (iii) the Kanun of Kashnjeti (1904), which again aimed at limiting murders between tribes, (iv) the Kanun of Kurbin, which forbade carrying out blood vendetta arbitrarily, without first consulting the elders, while also prohibiting the residents of Kurbin from consulting Turkish authorities on these matters, as well as other local *kanuns*. Nova's publication of the Kanun of Lek Dukagjini is structured in two parts, further divided into chapters and sub-sections. In the first part, at the forefront of the first chapter, titled "Social order", it regulates the family relations, the institution of marriage, family ties and the basic principles of the KLD. The chapter continues with the main bodies and institutions of the KLD: vengeance, mediation and reconciliation; as well as the role of the Church and religious service. The second chapter, entitled "Economic order", reflects the customary norms dedicated to private and common property, the modalities for determining borders, the farming and agricultural organization of the society. A focal topic of this part is the regime on inheritance and obligations, which are further subdivided into general obligations and obligations arising from damages. The third chapter, known as the "Punishment part", regulates types of punishments, the modality of their enforcement and the punitive liability. The fourth chapter, titled the "Special part", focuses on offenses (*mbrapshtinat*) against the social order, church, life, health, wealth, and the norms that regulate exemptions. The second part of the publication, titled "Appendices" (*Shtojcat*), includes information on the Kanun of Lek Dukagjin, the district of Dukagjin and notes on the life of Gjeçovi. The second chapter also offers decisions of assemblies regarding the application of the KLD, as well as special *kanun* acts of a local character. Further on, the work contains documents that depict the role of the church and of the Turkish authorities, including the law of *jibal*⁷ and other customs implemented in the Northern areas of Albania. An English translation of the introduction is provided at the end of the publication.

6. **Gjeçovi, K. Shtjefën.** Kanuni i Lek Dukagjinit. Preface by Fishta, Gjergj. 'Albi-form'. Tiranë, 1993. BK: S 97 G 60. BFHFUT

7 *Jibal Kanun* was the Ottoman term for the law (the kanun) of the mountains and in this context referred to the Kanun of Lek Dukagjini. In the second half of the 19th century, within the framework of the centralizing reforms of the Tanzimat, the Turkish government created a commission called the "Highland Commission". Also known as the Jibal Commission, it was placed under the supervision of the Vali of Shkodra and aimed to bring the areas governed by customary law under the control of the Ottoman administration. Its members, representatives of 26 *bayraqs* of Shkodra Vilayet as well as 26 Bolukbashis, were paid appointees. The President of Jibali was appointed by the Governor (Vali) of Shkodra. The commission and the executive role of the *bylykbashes* sought to replace the authority of the canonical institutions. For further, see Gjeçovi, Kanuni, Annotated by Nova, p. 40; Gjeçovi, Kanuni, Preface by Pupovci, p. 68.

7. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Preface by Fishta, Gjergj. Kuvendi i Shqipërisë. Lezhë, 1998. BK: S 193D 42
8. **Gjeçovi, K. Shtjefën.** Kanuni i Lekë Dukagjinit. Preface by Fishta, Gjergj. Second Edition. Kuvendi i Shqipërisë. Lezhë, 2001. BKSH; BK: AL 30 B13

The 1933 edition of KLD from the publishing house *Botimet Françeskane*, is reprinted in full, together with the preface by Father Gjergj Fishta. These reprints highlight the role of the KLD in the preservation of national identity in the areas of governance, noting that during the Ottoman occupation the High Gate (Porta e Lartë) allowed the provinces historically governed by the KLD to maintain this regime instead following Ottoman law, effectively granting autonomy to the mountainous areas of Albania.

A dictionary of rare words and expressions is included at the end of the text; these are instrumental in understanding the content of the provisions of the KLD.

9. **Gjeçovi, K. Shtjefën.** Codice di Lek Dukagjini ossia Diritto Consuetudinario delle Montagne d'Albania. Tradotto dal Albanese in Italiano dal Dodaj, P. Pal. A Cura di Fishta, Gjergj. e Skiroi, Zef. (Schirò, Giuseppe). Con Introduzione di Patteta, Federico. Reale Accademia d'Italia. Roma, 1941. Italian Edition. BK: AL 25 C 23

Paolo Dodaj completed the first translation of KLD, into Italian. Father Gjergj Fishta and Zef Skiroi supervised the translation a few years after its first publication in Albanian.⁸ The initial publication emphasizes the importance of the KLD and Albanian customary law in the preservation of national identity and notes that, although unwritten, the *kanun* was valued as imperative, with the same authority as if the norms were codified in writing. For this reason, it is considered a customary code. The Italian edition has preserved the structure of Shtjefën Gjeçov's *kanun* divided into twelve books, each accompanied by explanatory notes. The translation was first published in Rome in 1941 and has been reprinted in Italian in 1996 and in 2009, with the following coordinates:

10. **Dodaj, Paolo.** Il Kanun di Lek Dukagjini. Le Basi Morali e Giuridiche della Società Albanese. Con Introduzione di Resta, Patrizia. 'Besa Editrice'. Lecce, 1996. Italian Edition. BK: AL 20 E 91

⁸ Gjeçovi, K. Shtjefën. Codice di Lek Dukagjini ossia Diritto Consuetudinario delle Montagne d'Albania. Traduzione dal Albanese in Italiano Dodaj, Pal. A cura di Fishta, Gjergj e Skiroi, Zef (Schirò, Giuseppe). Con Introduzione di Patteta, Federico. Reale Accademia d'Italia. Roma, 1941, p. 8.

11. **Dodaj, Paolo.** Il Kanun di Lek Dukagjini. Le Basi Morali e Giuridiche della Società Albanese. Con Introduzione di Martucci, Donato. 'Besa Editrice.' Nardo, 2009. Italian Edition. BK: pp. 3(496.5). Ka
12. **Gjeçovi K., Shtjefën.** The Code of Lekë Dukagjini. Kanuni i Lekë Dukagjinit. Edited by Fox, Leonard. 'Gjonlekaj'. New York. 1989. Albanian and English Edition. BK: Ar 61A 30; PP.3/Gjeç.

This edition of the Kanun of Lek Dukagjin, as collected by Shtjefën Gjeçovi, was translated by Leonard Fox. The bilingual edition, in English and Albanian, is presented with a foreword by Martin Camaj. The edition has retained the original structure of the division into twelve books.

13. **Gjeçovi, K. Shtjefën.** Kanonot na Lek Dukagjini: (Posthumno Delo)/Sobral i Kodificiral. Prevel od Albanski Jazik Mehmeti, Kim. Urednik Gafur Abdiu. Fi & Ga. Tetovë, 1994. Macedonian Edition. BK: P 524C 21

The translation of the KLD into the Macedonian language by the writer and publicist Kim Mehmeti retains the original structure of the KLD, divided into twelve books. Besides an introduction from the editor, the publication also provides a summary of cases arising from the practical application of the kanun.

14. **Elsie, Robert.** Der Kanun. Das Albanische Gewohnheitsrecht nach dem So genannten Kanun des Lekë Dukagjini Kodifiziert von Shtjefën Gjeçovi ins Deutsche übersetzt von Marie Amelie Freiin von Godin Einführung von Michael Schimdt-Neke. 'Dukagjini'. Pejë. 2001. German Edition. BK: Al 30 C 17
15. **Elsie, Robert.** Der Kanun. Das Albanische Gewohnheitsrecht nach dem So genannten Kanun des Lekë Dukagjini Kodifiziert von Shtjefën Gjeçovi ins Deutsche Übersetzt von Marie Amelie Freiin von Godin Einführung von Michael Schimdt-Neke. Osteuropa Zentrum. Berlin, 2014. German Edition. BK: PP 3 (496.5) El

Renowned Albanologist and publicist Robert Elsie prepared and annotated this publication of the KLD. Elsie highlights the importance of the collection of the *kanun* by Shtjefën Gjeçovi and the history of the publication of the KLD in several foreign languages, as well as the work of various authors, Albanian and foreign, who have published studies about the KLD. He notes the Kanun of Labëria, the Kanun of Papa Zhuli and other *kanuns* that applied in other areas of Albania. He highlights the German translation of the KLD by the Bavarian Baroness Marie Amelie von Godin (1882–1956), who collaborated closely with Ekrem bej Vlora (1885–1964) beginning in the 1930s, with the aim of publishing a translation based

on an earlier Albanian edition of the *kanun* collected by Shtjefën Gjeçov, rather than the version published in 1933. This translation was published in the ‘Stuttgart Periodik Zeitschrift für Vergleichende Rechtswissenschaft’ between 1953 and 1956. Elsie’s publication is based on this version, which retains the structure in 12 books.

16. **Gjeçovi, Shtjefën.** Kanuni i Lekë Dukagjinit. El Kanun de Lekë Dukagjini. Traducción Española por Ajazi, Erida. Edición de Texto por Maria Moreno Molina. ‘EDFA’ Tiranë, 2016. Spanish Edition. BK: S 492 A 34⁹

The Spanish translation of the Kanun of Lek Dukagjini preserves the original structure of the publication in 12 books.

17. **Gjeçovi, Shtjefën.** Kanuni i Lekë Dukagjinit. Preface, Additions and Appendix by Dema, Benedikt. O.F.M. Codified by Tedeschini, Emid. Second Edition. ‘Botimet Françeskane’. Shkodër, 2018. BK: S 540 A 13
18. **Gjeçovi, Shtjefën.** Kanuni i Lekë Dukagjinit. Preface, Additions and Appendix by Dema, Benedikt. O.F.M. Codified by Tedeschini, Emid. Third Edition. ‘Botimet Françeskane’. Shkodër, 2022. n.c.

The publication reflects the joint effort of father Benedikt Dema (1904–1971) and the well-known lawyer and author Emid Tedeschini (1909–1989), in which the norms of the kanun of Lek Dukagjin, collected by father Gjeçovi, are re-organized into chapters, according to their affiliation in private and public law. Despite the early attempt to publish this codification in 1944, the complete text was published only in 2018.¹⁰ This version of the KLD is divided into two parts. The first part entitled “Private (law) Kanuns” is organized in 184 articles and structured in sub-titles. The first subtitle regulates personal relations, which include family law institutions, extended family and tribe relations, guardianship and the guest. The second title is dedicated to the regime on inheritance. The third title deals with goods and possessions, whilst the fourth title regulates obligations. The second part entitled “Public Laws” codifies 182 articles, structured in four sub-titles: (i) the first title is dedicated to governance; (ii) the second title regulates crimes; (iii) the third title provides the rules on trials, and (iv) the fourth title deals with the organization and rights of the (Catholic) Church. The publication contains ample bibliographic references, an analytical-alphabetical index, appendices and a glossary of rare terms and phrases.

⁹ The book cannot be withdrawn from the library archives.

¹⁰ Gjeçovi, Shtjefën. Kanuni i Lek Dukagjinit. Third Edition. With the Introduction and Additions by Dema, Benedict. O.F.M. Codified by Tedeschini, Emid. ‘Botimet Françeskane’. Shkodër, 2022, p. 6.