

The Kanun of Leke Dukagjini and (re) Publication of Pristina

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Abstract: The Kanun of Lekë Dukagjini, compiled and codified by Shtjefën Gjeçovi, was first published as a book in Shkodra, in 1933, with a foreword made by Gjergj Fishta. Although in 1944 and then 1959 an attempt was made to republish such a thing did not happen. The reasons were different. However, its reprint was achieved only in 1972 in Prishtina. The book is accompanied by an in-depth study of Prof. dr. Syrja Pupovci, which can be considered one of the deepest studies, in which many scholars have relied, such as foreign ones, as well as Albanians.

In his study Pupovci talks about the origin, development and characteristics of the Kanun of Lekë Dukagjini, about the aspect of the genesis of the collection of materials by Gjeçov for its publication, and then about other aspects of this hitherto unwritten work of Albanians. Although there are some shortcomings in this work collected and codified by the scholar Gjeçov, he is still of the opinion that the "Kanun of Lekë Dukagjini" is one of the deepest studies of this monumental work of Albanian customary tradition, not only in legal terms.

The purpose of our paper is to address aspects of this publication and we will highlight some of the views of Syria Pupovci regarding this monumental work of Albanians. The method we have followed in this paper is that of analysis, but also of synthesis.

Keywords: Kanun of Lekë Dukagjini, Gjeçov, monumental work Gjergj Fishta, Characteristics of the Kanun, Syrja Pupovci

1. Introduction

The "Kanun of Lekë Dukagjini" was first published in 1933, under the attention of Gjergj Fishta, who also made the book's foreword, which is considered to be the first serious study of this monumental work by Albanians. The publication was well received and very soon the need arose for a reprint, which although it had been prepared, was not achieved. Such an act was reached in Prishtina in 1972. The university professor, Syrja Pupovci, took care of the publication or re-publication of Kanun of Lekë Dukagjini. However, unlike the first edition, the Prishtina edition lacks the foreword of Gjergj Fishta and the notes of Pashko Bardhi. The work was published by the Textbooks and Teaching Aids Office of the Socialist Autonomous Province of Kosovo. The work was submitted in sequence in December 1971, while it was published in June 1972. The circulation was 5 thousand copies, while the format was 20 X 28 cm.

The book is preceded by the part of biographical notes on the author or codifier of the work, which was made by Prof. dr. Syrja Pupovci, who is also the author of the preface, which is not just a preface, but an in-depth study of his work *Kanun of Lekë Dukagjini*. In fact, Pupovci's study was his doctoral thesis, and represents one of the most in-

depth studies, especially of the legal approach to the Kanun of Lekë Dukagjini. In this study, as we will see later, are based many other scholars, whether foreign or Albanian, who have studied the work of Gjeçov.

The Kanun of Lekë Dukagjini, after the publication of 1972, underwent another publication in Prishtina, by the Publishing House "Rilindja", in 1985, under the preparation of Ramiz Kelmendi and FahredinGunga.

KLD work of great scientific value

Pupovci describes the work "Kanun of Lekë Dukagjini" or "summary of the rules of customary law and the customs of our people", as one of the most important works of Gjeçov and as a work of great scientific value. Or even as one of the most complete summaries of the customary law of Albanians, which is of great importance for studies in various scientific disciplines. He fully agrees with Konica, when he described Gjeçov as one of the best connoisseurs of the Kanun, to whom "no one can approach". (*Pupovci, 1972*).Konica had made this statement, on the occasion of his visit to Gomsiq together with Gjergj Fishta made to Gjeçov. In Gjeçovi, Konica had noticed the dedication, knowledge and seriousness of the work on the collection of the Kanun, in which case, as Konica claimed, by then he had collected about two thousand pages of material. "He showed us a manuscript of two thousand pages, a tireless and thin study where he had collected, listed and illuminated all that is left of the legal thoughts of Albania ... thoughts which seem to have their roots far beyond the middle times "(*Konitza, 1933*).

Pupovci, who in his study talks about the origin, development and characteristics of the *Kanun of Lekë Dukagjini*, naturally begins with the aspect of the genesis of the collection of materials by Gjeçov for its publication, then also for other aspects of this work until then unwritten of the Albanians. Then he talks about the sources for the study of the KLD as an integral part of the Albanian customary law, which was not born on a certain date, but which was formed over the centuries. He also deals with the name of this customary law, which until the XIX century is not mentioned with the name *Kanun of Lekë Dukagjini*, although, in different places, from time to time, there are data on Albanian customs and customary law. Pupovci also provides us with data from Turkish sources on the KLD, mentioning the year 1871, when the vali of Prizren, Safet Pasha had published the newspaper "Prizreni", the official organ of the vilayet, written in Turkish and Serbian, in which, in some sequels , the article was published, which presented the work of the vilayet commission that had the task of registering in the territory of Dukagjini everything that was considered as the *Kanun of Lekë Dukagjini*. The article published in the newspaper "Prizreni" contained notes related to:

1. Informing the reader about the shortcomings of the KLD and convincing the Albanians, first of all the highlanders, to give up the Kanun and submit to the sharia, and the laws of the king, which as it was said "were right and cultured". According to the article it is seen that the people blindly adhered to the laws of the Kanun.
2. That the KLD was given by Leka, who ruled in these parts before the Battle of Kosovo, etc., which are a total of seven points and have to do with those that are later included almost entirely in the *Kanun of Lekë Dukagjini* collected and codified by Gjeçov.

Pupovci also brings us information about the efforts of Valtazar Bogishqi, whom he calls "one of the most prominent scholars in the field of law among the South Slavs and one of the first Slavic scholars who began to deal with the Albanian law of Kanun ". Through a poll, which he calls the Bogisic Survey (with about 2,000 questions, 669 of which referred to Albanians), he aimed to write *Lekë Dukagjini's Kanun*. But even though he failed to do so, Pupovci thinks that in his ideas cast on paper, the contours of a valuable scientific work are seen.

Pupovci also tells us about a text by J. Lazović, which on December 1, 1894 he had sent to Bogisic entitled "The Law of Lekë Dukagjini", with which Bogisic was not satisfied, because he claimed that Lazović had not sent him anything about the KLD and that he had not acted on Bogisic's instructions which he had given him in a letter sent on 15 September 1894.

When Lazovic sent the "Law (Kanun) of Lekë Dukagjini", in the cover letter, or explanation, he told him that everything that was there, he had told Sokol Baci, an Albanian who fled from Gruda, but who was one of the Albanian leaders, who knew their judgment well. According to Sokol's stories he had summarized the material (or

the judgment of the Albanians, as he calls it) in 75 articles. The text of the "Law of Lekë Dukagjini", sent by Lazovic, Bogisichad made 24 remarks, as Pupovci says, serious, about which material he is convinced that, despite what Bogisich says, it is nothing else, except Albanian customary law, according to the interpretation of Sokol Baci.

Pupovci also mentions the Project of Turkish Law on the Codification of Albanian Customary Law, which had a total of 74 articles, but also some provisions from the legal field, which, due to the Balkan wars, had not entered into force.

Meanwhile, when talking about the summary of the KLD, compiled and codified by Gjeçov, Pupovci does not ignore the efforts of Lazër Mjeda and Nikolë Ashta to do such a thing. According to Pupovci, "Gjeçov has tried to compile his work according to the example of codes known throughout history, for which he has to some extent achieved the goal, although his summary cannot be put in line with the known codes: in the first place for the shortcomings that it has and the second one, what Gjeçov has collected is partially preserved" (*Pupovci, 1972*). This shows that the work is not complete. Pupovci thought that in terms of principles, breeding and norms in which he was built and acted (rightly or wrongly), however, Gjeçov's work has not been sufficiently studied. According to him, "The subject is often not classified on a scientific basis and often (even within a book-chapter) rules of different branches of law are mixed. Has not fully systematized the norms of the KLD, etc. (*Pupovci, 1972*)

Although the KLD contains various norms, such as: civil, family, statutory, administrative, criminal and procedural, in Gjeçov's summary, according to Pupovci they are not always presented to the extent that they existed in practice, even neglecting many important provisions. Pupovci justifies Gjeçov's inability to make such arrangements with the fact that he was not a lawyer, but a parish priest.

Has Gjeçov avoided some important differences in the Kanun law?

In the first chapter, The Church, Pupovci is of the opinion that Gjeçov has exaggerated it by emphasizing all the privileges of the Catholic Church. He also remarks on the strict purism, which he calls excessive of Gjeçov, due to which it was not possible to present the rules in the KLD completely original.

According to Pupovci, Gjeçov did not make enough differentiation in the nomenclature of tribal and social groups. He is convinced that Gjeçov does not always distinguish brotherhood from clan by mixing the notion of tribe and bayrak. Because of these, Pupovci finds it difficult to understand the essence of many customary law institutes. Also, quoting J. Ivanova, Pupovci agrees with the fact that "Gjeçov speaks very little about the role of the Turkish administration in the life of the villagers and highlanders of Northern Albania, leaving without mentioning even the fact that in the plains of Albania of the North, the Turkish power was stronger and the Ottoman law was applied more there" (*Ivanova, 1960*).

Pupovci also mentions the local changes in the rules of the KLD, which, according to him, Gjeçov has avoided some important differences in the Kanun law, especially when it comes to the provisions which reflect the basic social and economic relations. According to Pupovci, always quoting and comparing J. Ivanova, "Gjeçov did not point out the fact of unequal development of different parts of Albania, which is also expressed in customary law, despite the common economic basis of this right" (*Ivanova, 1960*).

In Pupovci's study we also find the remark he makes to Gjeçov in the non-narration about the limit of the extent of Gjemarkaj's power, thus creating the impression on the reader that the Gjemarkaj's power extends to almost all of Northern Albania, although it extends only to Mirditë. Professor Pupovci also has remarks the time of collecting the materials, which Gjeçov presents as if he had collected them at the time when the Kanun was published. It means in the present, and he collected them in the late nineteenth and early twentieth centuries. According to Pupovci, Gjeçov did not show that the KLD reflects provisions which refer to different historical eras.

Despite the remarks he makes about Gjeçov's work, Pupovci is fully convinced that the "Kanun of Lekë Dukagjini" is the most complete summary of Albanian customary law, which contains a rich material, which is of great importance for scientific research not only in the field of law, but also in other disciplines of science" (*Pupovci, 1972*)

Speaking about the origin and name of the KLD, it concludes that both the *Kanun of Lekë Dukagjini* and that of Skënderbeg were not derived from historical personalities, whose names bear these two sets of unwritten norms. Pupovci thinks that the norms of these customary rights were not formed even in the period of Lekë III Dukagjini and Skënderbeg. According to him, their source should be sought in their origin and social and economic development over the centuries. Pupovci also talks about the territorial validity of the *Kanun of Lekë Dukagjini* (part three), then about the socio-economic conditions in which he was born (part four), about various legal reviews on the HCJ.

2. Conclusion

The publication or the reprint of Prishtina, of the *Kanun of Lekë Dukagjini* was an important event for the Albanian Ethoculture, respectively for the recognition in written form of the Albanian customary Law, which for centuries was orally preserved, was interpreted and still is interpreted yes in that form. Meanwhile, in addition to being published in book form in Kosovo, a very interesting and very important aspect is the study of Syrja Pupovci, which can be considered one of the deepest studies ever done on this monumental work of Albanian customary tradition, both in legal terms and in other aspects. Some of Pupovci's conclusions regarding Gjeçov's work are important and very substantial. Professor Pupovci states that the *Kanun of Lekë Dukagjini* is not a static social and legal phenomenon, but an important complex of Albanian customary law, which underwent an uninterrupted, albeit slow, evolution. According to him, in this customary law are created rules of different legal branches with a number of institutes, etc.

Pupovci, in this long study of his, also talks about the influence of the *Kanun of Lekë Dukagjini* in Kosovo as well as about the materials on this Albanian customary right. Meanwhile, seeing the importance of this work, he is of the opinion that its republishing should serve for study needs, but not for implementation needs by Albanians.

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