

## Stylistics and Terminology: Father Gjeçovi's Influence on the Albanian Language Used in "Kanun"

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### Abstract

*It is of special importance to differentiate between the original Albanian language used orally by the Albanian highlanders reciting by heart the articles of the Codex "Kanun" and the Albanian language used by the staff who recorded the highlanders' reciting, as well as the language used by the editors, who edited the book before it was forwarded for printing. Our study pays special attention to the abilities and capabilities of the recorder of "Kanun", who was a renowned intellectual. He possessed all round knowledge of jurisprudence in general and the traditional law "Kanun" in particular because he was not only ordained a catholic priest but he was a law graduated as well. At the same time father Gjeçovi was a well known ethnographer, historian and archeologist. Our study aims at analyzing the material (stuff) recorded by father Gjeçovi focusing on some "artificial" out of place elements cropping up in such a material. Such elements are due to the double functioning of him as the recorder of the oral traditional law "Kanun", but also as an editor of the recorded material. These recorded material of the traditional law is studied by us not simply as something frozen in that moment of time when Gjeçovi recorded them, but also as they evolved up to nowadays trying to shed light upon their "roots" in the framework of the linguistic usage.*

**Keywords:** Kanun, Gjeçov, church, law, term, evolution

### 1. Introduction: Lecturing and the Linguistic Interpretation of a Legal Text

According to Ndreca (1986) lecturing as a discussion, (an explanation, a roaming, a spreading of information) enjoys a special and diverse meaning in linguistics (conversation, logical explanation) it also manifests a polysemantic nature which raises the need for a linguistic interpretation of a legal text.

While discussing the linguistic interpretation of legal norms (the traditional law in our case) we should preliminary specify that the term "interpretation" first the activity covering the explanation of the meaning of different words, syntagmatic or whole phrases (in our case whole formulas of traditional law) i.e. the activity of interpretation, as well as the product of this activity called interpretation product (Tarello 1971). Language and speech are combined in a ratio of system/actuality. Thus the words serve to form phrases, while phrases serve to form longer thought expressing units. Precisely

these expressions make up speech, which serve as bases for the language (Lions 2001).

In the spoken language it is precisely the flow of pronounced words in a text or during the language usage which serve as components to the listening system (Sapir 1921).

The theory of stylistics divides the language into the general language (the one used every day for instance colloquialism) and the specialized language. The general language consists of the style of the artistic literature, the style of socio-political language and the church (religion) language. Such a language is characterized by a possible but a limited presence of the terminology. The specialized language consists of the technical-scientific style as well as administrative-legal style. There are cases when the socio-political style and the church (religious) language become part of the specialized language provided that they contain a heavy presence of terminology (Piht 1985).

## **2. Traditional Law (Kanuni) and Present Day Legislation: Differences and Mixture of Styles**

“Kanuni i Lekë Dukagjinit” (“Kanun”, The Traditional Law of Lekë Dukagjini) and the corpus of present day law to be linguistically analyzed in our study constitute two clear cut different entities. Present day law is in the realm of the specialized language, the administrative-legal style, while “Kanuni i Lekë Dukagjinit” (traditional law) belongs to the general language constituting of a mixture of artistic literature style, social-politic language style, as well as church (religious) language style enjoying a limited presence of administrative-legal terms. Here and there we come across language patches close to the administrative-legal style, yet general language usage prevails in “Kanun”. At best we can speak of elements leaning towards an intermingling of styles in “Kanuni i Lekë Dukagjinit”. It is possible that such a mixture of styles is not due to the original “Kanun” (the orally transmitted one), but a result of editing work done during the process of the recording, or while the book was being prepared for publication. One cannot exclude the possibility that Gjeçovi himself while recording could have transliterated some of the articles of the traditional law using a clear cut administrative-legal style in order to stress the fact they were of an obligatory application character.

The theory of the legal-administrative language speaks of “descriptive language” and “prescriptive language” (Guastini 2001). As previously mentioned the style used in the recording of “Kanun” is a mixture of artistic literature style and legal-administrative one (Lloshi 2012).

Both descriptive and prescriptive languages are wholly embodied in modern nowadays legislation written according to legal-administrative style and it is partially present in the text of “Kanuni i Lekë Dukagjinit”, which is mainly written in colloquial style with most of the elements being of a descriptive nature not a prescriptive one. As previously mentioned the text compiled by Gjeçovi contains not only colloquial style, but

also quite a number of cases legal-administrative style containing the descriptive part to be followed by the prescriptive one according to the pattern: If...then.... This is what we call in grammar a conditional clause (Guastini 2001). “Kanuni i Lekë Dukagjinit” serves to show what the person making use of it can do (or should do), or cannot do (or should not do), but not always a certain violation of the law is followed by the relevant sanction (punishment).

### 3. The Virtual Reconstruction of the Reality of Time

The extra linguistic reality consists of the material conditions of the environment where the terms and semi terms of “Kanuni i Lekë Dukagjinit” are coined. We are talking of the historic, geographic, material life conditions of the compilers, the codifiers, the modifiers, the users and the supervisors of the articles of the traditional law (Kanun), who are considered as the “actors and enablers” of this process. The virtual reconstruction of this process is a must in order to explain its progress by using what we call diachronic slicing. Such a process materializes a lot of problems and surprises in the linguistic domain as well as in the extra linguistic one. The most important matter in such a process is to distinguish between the useful and the useless, between the particular and the general, of “facts out of personal experience”, which not only take “snapshots” of a described moment through diachronic slicing, but which serve also as points to be used to go down into the past and to climb up towards a near future. The researcher Shezai Rrokaj is quite right in stressing the fact that different slices of reality are not equal to any instance of one’s experience. “It is part of the human nature to be different at the same time to have something universal joining us together in what we call a linguistic universality” (Rrokaj 2007).

Precisely the ratio between the “marker” and the “marked one” according to the theory of structuralism in linguistics “studying the life of signs in the bosom of the social life” (de Saussure 2011) serves as the bases to the ratio between the language and the persons using that language. If we continue even in the domain of terminology within a certain system it also serves as a bases for the persons coining terms and the persons using such terms on one hand and the notions (meanings) embedded in such terms on the other hand. This meaning/notion is directly linked to the semasiological conferred upon these terms by the persons who coined them and the persons who use such terms.

### 4. The Contribution, “the Footprint” of the Priest, the Lawyer and the Philologist Father Shtjefen Gjeçovi in the “Kanun”

While analyzing from the point of view of linguistics the staff contained in “Kanun”, traditional law we should take into account also the influence of “Kanun” ‘s compiler, and recorder father Shtjefen Gjeçovi. Father Mehill Shtjefen (Stefan) Kostandin Gjeçovi

Kryeziu (1874-1929) was a Franciscan friar born in the village of Janjeva near Prishtina in Kosova. There is conflicting evidence of 1873 being his possible birth year. After the primary school he studied in the Franciscan College of Troshani of Lezha as well as in the Monastery of Dervente in Banja Luka, Bosnia. Then he studied theology in Tresheva. He was ordained a priest of the Franciscan Order in 1892. After his ordainment he studied theology in The University of Innsbruck and in Leuven. He held his first mess in 1896. He served as a priest in remote mountain areas in present day Albania and The Republic of Kosova in villages in present day Kurbin, Malësi e Madhe, Mirditë and Pejë. He was a priest in the village of Zym near Prisren at the time of his murder On October 14, 1929 in a Serb organized ambush.

Gjeçovi was also a writer (poetry, short stories, 7 dramas) and a translator. He used to translate church liturgy as well as artistic literature. Of great importance is Gjeçovi's activity as a folklore and oral literature of the Albanians collector in the areas where he served as a catholic priest. He also collected and compiled the traditional Albanian law, the "Kanuni i Lekë Dukagjinit", which was transmitted orally from generation to generation up to Gjeçovi's time. He was a collector of archeological finds and of ethnographic material. He has also written interesting essays in such fields as philosophy, history, archeology and ethnography.

The best known work of Gjeçovi is the "Kanuni i Lekë Dukagjinit", which constitutes a whole corpus of Albanian traditional law as it existed by the end of the XIX Century. At the very beginning it was published periodically by "Albania" Newspaper (1898-1899) and later on by "Hylli i Dritës" Magazine (1913-1924). A comprehension edition of his "Kanun" was published in Shkodra in 1933.

Gjeçovi collected and recorded Albanian traditional law directly from the mouth of senior citizens (*pleqtë*) who knew by heart the "articles" and the customary norms of the traditional law in the areas where Gjeçovi served as a priest. He collected material being privileged as direct participant in the daily activities of the inhabitants of the Albanian lands where "Kanun" still held sway at the beginning of the XX century. He collected material also by being present in "Kuvende" (meetings of the male highlanders of a certain area to discuss important political, economic, or social issues), or by participating in death ceremonies (mourning), weddings, baptizing etc.

The well known albanologist Robert Elsie has stressed the fact that Gjeçovi was very keen to collect rare words and expressions used in local parlance (dialect) of the North Albania, which could not be understood out of the area where they were used.

From the point of view of style Gjeçovi's works are not very much valuable as artistic works, yet they generally are permeated by a thorough use of the Geg Dialect displaying a rich and diverse vocabulary and a colorful use of local phraseological expressions. The language he uses is laconic. The literary critics consider Gjeçovi to be a purist in the use of the Albanian language (Elsie 1997) ...

These typical words and phrases of the Geg dialect offer a rich "raw material" in the

area of lexicology, though the language used by Gjeçovi belongs to the time when he collected the Albanian traditional law i.e. only a century ago. Generally this is a short time span to have a deep evolution in the lexicon (glossary), yet the wealth of the Geg dialect makes the difference.

More than once such an evolution is nothing more than borrowing from foreign languages to compile present day terminology. “Kanun” collected by Gjeçovi shows us that in many a case these borrowings are not necessary as the Albanian lexicon has already the necessary words and terms without a loss in denotation or connotation. For instance Gjeçovi uses the terms “qytetnore” (qytetare) and “ndëshkimitare” (ndëshkimore) for the present day terms “civile” and “penale” (civil and penal). Gjeçovi used terms did exist in Albanian language more than one century ago, before the borrowed terms made their presence felt in the Albanian language.

Gjeçovi had studied law so one cannot imagine that he was not aware of such basic terms as the words “civile” and “penale”. Such words were of Latin roots, and Gjeçovi had a good command of Latin, the language of the Catholic Church. His choice to use the words “qytetnore” and “ndëshkimitare” is an evidence of his desire to protect Albanian language from unnecessary borrowings, i.e. a tendency towards purism. By the way these two terms used by Gjeçovi were also used in the first textbook of criminal law published in Tirana in 1926. The text was printed at the Franciscan Printing Press in Shkodra. The author of the textbook was Terenc Toci. The title of the book was “E Drejta Ndeshkimore” not “E Drejta Penale”. Even in the title of his book, the author used on purpose the same term as Gjeçovi instead of the term “E Drejta Penale”, though he was aware of the latter being an Arbereshi from Italy and an alumni of the Law Faculty of the University of Urbino.

The “Kanuni i Lekë Dukagjinit” collected and recorded by Gjeçovi was published on “Albania” Newspaper and “Hylli i Dritës” Magazine before the publication of Terenc Toci’s book. There is only circumstantial evidence that the term “ndeshkimor” used by Toci is influenced by Gjeçovi’s usage of this term.

Anyway Toci did not use the term “E Drejtë Qytetnore” as Gjeçovi did. Toci simply used the term “E Drejta Civile” (Toci 1926).

The biography as well as the style of Gjeçovi are of special importance in the study of the features of the “Kanuni i Lekë Dukagjinit” as it was an exclusive work of Gjeçovi the collection and the compilation of this Albanian traditional law, imbued with personalized elements.

The usage of modern terminology in the “Kanun”, which are characteristic of modern codification, of bureaucratic language, or of artistic literature like books, articles, essays, introductions etc, which are to be treated in detail in the next part of this study. There are also words borrowed from church language such as the word “papërlimësia”.

The researcher Donato Martucci, focuses on the fact that the articles of the

traditional law collected by Gjeçovi are similar to mosaic stones, which have been worked out before being used to form the mosaic. First the highlanders interviewed by Gjeçovi did their interpretations of the articles of the traditional law, then it was Gjeçovi who interpreted them while recording them, putting them to paper, then other Franciscan friars added their interpretation while systematizing the collected material of Gjeçovi by interpreting again the interpreter of the interpreter (Martucci 2009).

Undoubtedly the fact that the opening articles of the traditional law collected by Gjeçovi cover the position of the church in that law is closely linked to the religious element embedded in the professional work of the author. Yet there is also another possibility that Gjeçovi in his recording simply applied a readymade structure of codification.

The famous Codex Iustinianus (Justinian) of AD 529 has a very similar structure of codification with that applied by Shtjefen Gjeçovi 13 centuries later to codify his “Kanuni i Lekë Dukagjinit”. In the Codex of the Byzantine Emperor there are 1 600 articles (1 263 in the “Kanun”), grouped in 12 books (the same number of books in “Kanun”). In both of them the first book covers church law, the books II to VIII cover private law (in “Kanun” it is covered in the books IX-X), while the books X-XII cover administrative and financial law (in “Kanun” the books XI-XII are similar to a civil and criminal procedure code).

Such similarities in the structure can make us believe that Gjeçovi borrowed the structure of the codification of “Kanun” from the Codex of the Emperor Iustinianus (Justinian).

Going by the thesis of Martucci i.e. “the interpretation of the interpreter of the interpreter” there is also a possibility that this kind of codification of the collected material is made by the Franciscan friars not by Gjeçovi himself. Maybe it was them who applied the structure of Codex Iustinianus (Justiniani) which were practically an early Middle Ages confirmation of the Roman Law (Lex Romana).

Martinucci focuses on another element missing in the comprehensive codex of “Kanun” compiled by Gjeçovi and the Franciscan friars. In this “Kanun” the influence of the Islamic religion is completely missing. This religion reigned in the Albanian lands for almost 5 centuries as such lands were part of the Ottoman Empire, whose state religion was Islam. There is a lot in “Kanun” covering the parish and the vicar, their rights and the obligations of the society towards them. Yet Martinucci asks whether is it really possible that the vicar and the parish enjoys such a dominance in the Albanian lands governed by “Kanun” even after almost five centuries of Ottoman occupation. Martinucci raises the question in spite of the fact that the traditional law staff was collected in strongholds of Catholicism like the area of Mirdita or other remote mountainous areas, which remained always Christian during the time of the Ottoman occupation. Anyway the total lack of reference to Islam in “Kanun” cannot be explained simply by the fact that the population of such areas did not convert into Islam. Maybe

the correct explanation “should be found in the attempts of the compilers of the Albanian traditional law (Gjeçovi himself and the Franciscan friars), whose idea was to construct the new Albanian nation on the columns of Christianity and the old Albanian tradition embodied in an unified manner in the “Kanun” (Martucci 2009).

While analyzing the traditional law the “Kanun” collected and compiled by Gjeçovi, we should be aware of the influence of Catholicism in some of the articles of “Kanun”, as well as in the terminology used while recording such articles. The influence of Catholicism is present also in the way some ethical moral concepts or even legal ones are expressed during the compilation of Gjeçovi’s work.

There are cases when the laws collected by Gjeçovi (and edited by Franciscan friars) are quite compatible with the spirit transmitted by Catholic Church but they run contrary to the existing life style in the Albanian highlands at that time. There is only one explanation in such a case the article in question is nonexistent in the orally transmitted traditional law, but it was simply added by Gjeçovi or the Franciscan friars editing Gjeçovi’ s work. Maybe such a law even existed in the oral tradition of “Kanun”, but the highlanders simply ignored it, though the infringement of such an article called for stern punishment.

## 5. Interpreting and the Interpreter: Levels and Players in This Process

The “Kanuni i Lekë Dukagjinit” being a corpus of laws, a codex, was in need of interpretations in order to apply its norms in the everyday life. Understandably not everybody was able to interpret “Kanun”. The persons who had the right to defend a cause, to lay a claim, or to defend somebody against claims made by his opponent should meet some criteria and should be famous in the Highlands for having certain qualities such as: The ability to remember by heart the laws of “Kanun”, the ability to interpret these laws in the framework of a specific and concrete question, and also the ability to express their thoughts (their) case in a laconic, but accurate manner. Even the linguistic interpretation, which covers the semantic analyses of words and expressions, exists in several levels. The whole codex of the traditional Albanian law collected and published by father Shtjefen Gjeçovi has experienced the interpretation of those who codified it. These belong to several levels: Those who used it i.e. the highlanders of North Albania. They have interpreted the traditional law while transmitting it to Gjeçovi. Father Gjeçovi himself did some interpretation while recording the oral traditional law on paper. The Franciscan friars did their interpretation while editing and preparing for publication the traditional law recorded by Gjeçovi.

It sounds like tautology but actually the researchers have interpreted the interpretation of the publishers, who have interpreted the collector of the traditional law who has interpreted the users (highlanders) of such a law. Many a time the levels of the interpretation are more complicated than this as it happens that the researchers

interpret other researchers over the object under study. Even the “Kanun” users, the highlanders have several levels of interpretation. While they transmit orally the traditional law from generation to generation they do make interpretations, sometimes even changes and modifications.

We dwelt on such a subject briefly while we discussed the biography of father Shtejef Gjeçovi. We focused on his law and catholic priest formation. We should bear in mind such a formation while studying the content of the traditional law collected by Gjeçovi (later on edited by Franciscan friars). We draw your attention to the examples from the second chapter where we sided with the proposal that the “Kanuni i Lekë Dukagjinit” is not only a law system, but it is also an ethic-religious system in many of its constituting elements. Such a conclusion is drawn firstly from the content of the articles of the traditional law, but also from different levels (languages) of the expression of such a law, where many a time we come across elements of church language.

While studying the applied methodology in analyzing terms and semi terms usage we have taken into account also the point of view of the researcher Shaban Sinani, who mentions three ancient styles of pre written form Albanian language. Namely: the gospel-liturgical language, the heroic epos of the Albanians and ethno-juridical style (language). Considering these three styles (languages) belonging to different time periods as intertwined with one another, Sinani studies their diachronic development in such periods which respectively cover the Paleochristian period, the humanist Middle Ages period, and the period from Pax Ottomana onwards. He comes to the conclusion: These three styles being the most conservative styles in the history of the Albanian language can serve to explain many a semantic “anomaly” we come across in the history of the Albanian word (semantics), especially those words which are represented nowadays in shrunk form such as: *be-bese* and *bind*; *lum, lus, lutje*; *fal* and *nëm*; *gjamë, gjallë* and *gjellë*; *famulli* and *familje*; *famull* and *fëmijë* (Sinani 2012).

## 6. Methodology

Our study will focus on the interpretation based on linguistic means, unlike interpretations on basis of other means which are used in other domains of study. Our study will cover two synchronous plans: The traditional law, the “Kanuni i Lekë Dukagjinit” collected by father Shtjefen Gjeçovi and the applicable law in The Republic of Albania.

Our study concentrates mainly on the evolution of the lexicon, as we know that “the lexicon is the most easily affected component of a language. Lexicon is relatively stable in its relations to a certain reality, in the sense of a fixation of the reports established with this reality” (Rrokaj 2007). In this respect it differs from other components of a language such as grammar, or phonetics.

Taking a “snapshot” of two important moments of language situation in the field of



legislation is of special importance, as it demonstrates the order and the ways how the evolution of terminology characterizing the Albanian juridical system acts. It also demonstrates how the terms were formed, and how their meaning has evolved during the course of history.

The process of the transformation of a word into a term is composed of 4 different types: A) Changes bringing about the accuracy of the meaning of a word. B) Changes which lead to the widening or the narrowing of the meaning of a word. C) Changes of meaning for analogy. D) Changes of meaning because of a proximity (similarity) of concept (Pasho 2005). Our study has taken in consideration the fact that during the first “snapshot”, i.e. the recording made by father Shtjefen Gjeçovi, the material was collected from the persons using “Kanun” who lived in the North of Albania, who used “Geg” Dialect, while nowadays the legal terminology is in standard Albanian as codified by the Congress of the Spelling of the Albanian Language, 1972.

In order to differentiate the material added or “manufactured” by Gjeçovi vis-a-vis the material genuine (as spoken by the oral users of “Kanun”, we would use the “shifting” method based on the semantic content of synonyms used in the text as well as the decoding of their meaning, and their usage frequency in the text (Kanun). We will consider as an acceptable criteria that a synonym used very rarely, and in specific text pertaining to church has a high probability to be a term added by Gjeçovi in “Kanun” as compared to synonyms which are much more widely used and present during the rest of the text of the traditional law. Such synonyms are highly probable to pertain to the original “Kanun”.

## 7. Classification: “Kanun” Terms or Gjeçovi’s Terms

The text under examination belongs to a relatively remote time period, “Kanuni i Lekë Dukagjinit” was collected, compiled, edited and published in the 30-ies of the last century. The document compiled by Gjeçovi represents the highest stage of “Kanun”’s development, the stage was by the end of it effective application in the Albanian highlands, while “Kanun” is a centenary, maybe a millennial “creature”.

One of the types of terms classification is the one based on the nature of the legal meaning of the terms, thus we have: general terms, civil, criminal, canonic, family ones etc. Let us consider some of the general terms whose meaning is out of the realm of law terminology, but they serve for the systemization of the subject.

From the very beginning of the recorded “Kanun” we come across terms similar to those used in present day official letters, artistic literature such as: “libër”, “artikull”, “pjesë”, “krye”, “nyje” There is quite a high probability that these words present in the “Kanun” registered by father Shtjefen Gjeçovi, did not even exist in the from generation to generation orally transmitted “Kanun”. Normally they are “additives” used by the compiler of the material of “Kanun” for the sake of the formalization of the oral material

collected by our researcher (Gjeçovi). Their usage is very similar to the way they are used in similar texts produced in the 20-ies and 30-ies of the last century. To tell the truth the word “**libër**” is a new coinage belonging to the legal-administrative style and the artistic one. Such a term borrowed from this style serve in the recording (compilation) of the “Kanun” to show a part, a component of a bigger entity. The same classification is true for words/terms such as: “**pjesë**” and “**krye**”.

The word “**nye**” (knot) is present in modern Albanian as “**nyje**”, but in thre legal-administrative style it has evolved into “**nen**” (article). Of course the meaning of “**nye**” is broader than present day “**nen**”, as several “**nene**” i.e. articles are components of a a “**nyje**”, which are divided and marked by numbers and each number is divided into paragraphs, which are marked by numbers, too. In “Kanun” the word “**nyje**” contains several “**nene**” (articles) pertaining to the same argument.

According to the linguist Topalli the word “nyje” derives from Latin word “modus”. This linguist also explains how the word “nen” derived from the word “nyje”. The old word formation was: “nye”- “neni”. From these irregular formations we have two definite forms “nyjë”- “nyja” and also “nen”-“neni” (Topalli 2005).

According to the Dictionary of Present Day Albanian Language the word “artikull” in the legal-administrative style is replaced by the word “nen”, but Gjeçovi uses the word “artikull” to express a group of “nyjesh” which are nothing else but “nene” (articles). These “nene” (articles) are devided usin numbers. The Albanian word “artikull” derives from the Latin word “articulum” or from the Italian language “articolo”. The old authors of writings in Albanian use it as “artikullë”

The two terms used by Gjeçovi during the recording and the compilation of the traditional law, but not part of the original “Kanun” as collected in the Northern part of Albania are: *ndëshkimtare* and *qytetnore*. Nowadays they serve to name the two branches of law: criminal law and civil law. Fishta and several other authors use “gjytetnore” a slightly different form of “qytetnore”. Several lawmen of the epoch attempted of using these terms in law literature (such as Terenc Toci in his book “E Drejta Ndëshkimore”), but these terms simply did not survive the test of the time, though two other with the same root managed to survive and to be widely used in modern legal-administrative style nowadays. They are: “ndëshkim” and “qytet”. The word “ndëshkimtar” also did not survive to be part of present day lexicon of Albanian Language. Yet there is a similar word “ndëshkimor”. The word “qytetnore” (qytetërore) is not used anymore, too. It is replaced by the word “qytetare”. It still survives as a part of a composite word bazed on the same root, but acquiring a new meaning. The word is: “qytetërim”.

Gjeçovi himself uses at the same time the penal term “ndëshkim”, which shows a degree of punishment exerted upon somebody. Gjeçovi offers also the meaning of this term as it is in the traditional law (Kanun). In this case it is a formulation resembling the positive law: “Per ndëshkim kuptohet nji e keqe, qi prej pushtedit të ligjshëm i përtrihet

kuje për faj tw bam” (In literary English it is something like: punishment means a lawful retaliation exerted on somebody for a wrongdoing committed by him). According to Gjeçovi “ndëshkimi” formally constitutes of three main elements: It is a prerogative of a lawful power (body). It will be exerted on somebody because of the commitment of a wrongdoing by the person in question. And the wrongdoer should suffer because of such punishment.

Generally the terms used by Gjeçovi or the editors of the collected traditional law, the Franciscan Friars, but not originally belonging to the “Kanun” can be found at the beginning of “Kanun” the articles (books) covering the role of the church. Later on we shall also deal with another means to pinpoint the so called “Gjeçovi’s terms”. It is the frequency (less or more frequent) of usage of this or that synonym. Such a usage can serve as a sui generis litmus paper to pin point whether it is an original (oral traditional law pertaining) or an artificially added later synonym. For instance: The term “pushtet” bearing the same semantic meaning as in present Albanian is used only one time in the forth “nyja” (chapter). The same goes for the term “të ndaluent” (ndalimi) the prohibition of an action or a behavior which is equal to present day term negation (not the detention). It is used only once in the title of an article but not in the article itself. The same analysis holds water also for the term “emnoj” (emëroj). This term generally belongs to administrative law. It is used only once in the whole text of “Kanun” as title of an article (*N. 8 T'emnuemit e famullitarit*). This term is used by Gjeçovi but it is distinctly foreign to “Kanun”. The same holds water for the criminal law term “fyej”, which is encountered only once in “Kanun” (*Fajtori, qi ka fye kishën, ndëshkimi i epet prej krenve e prej vogjljet*). The usage of this term in “Kanun” has the same meaning as in colloquial present day Albanian language, as well as in criminal law codex. In “Kanun” we come across several synonyms of this term. We shall deal with them further on. Of course there is another category of terms of a general character such as : “kuvend”, “kishë”, “famullitar”, “meshtar”, ndihmë”, “përcaktim”, “pjesë”, “nder”, etc. Most of them have acquired new meanings in the present day law lexicon compared to the meaning and usage they manifest in “Kanun”.

“Kanun” uses the terms “Gjaks”, and “gjaksor” to label a person who has committed a murder, without any meaning difference between the two. It is highly probable that the tem “gjaks” is the original term used in the orally transmitted “Kanun”, while the term “gjaksor” should have been used by Gjeçovi, while collecting the oral material, or by the Franciscan friars, while editing Gjeçovi’ s text.

The same reasoning holds water for the term “fryt”, which shows the useful result of a productive activity, or as it is specifically used in the civil law: the profit received as a result of enjoyment of property rights. This term is also used while dealing with church property. In this case we have a more elaborated terminology, so we are right to come to the conclusion that such a term entered “Kanun” via Gjeçovi’s contribution or that of Franciscan Friars. In “Kanun” while discussing property there is no use of the general

terms for instance “fryt i nxjerrun”. In specific questions we are offered concrete details as for instance (*Po u dhan per gjymës dhi a dele, pjella, këmenda dahan për gjymës ndërmjet zotnis e bariut*).

One of the terms used to express guilt or crime is the noun “gabimi”. There is a strong possibility that such a term does not belong to the original “Kanun”. It should belong to Gjeçovi or the Franciscan friars who edited the text. It is so as this term is used only twice. In both cases it is used in third person referring to church property and assets and criminal acts against these assets and property for instance: (*Kur cubi e njeft gabimin e vet e, pa u marrë vesh dhuna, qi i ka ba kishës, i bjen në dorë Meshtarit të Famullis...*)

The term “gabim” is used only twice in “Kanun”, while the terms: faj” and “fajtor” are used scores of times.

There are several types of law breakers in “Kanun”. Modern justice system consider them culprits. They are classified as law breakers according to the infringement of the law or the crime they have committed. We have the character of the highway thug, the thief. This classification is not a rigid one as wrongdoers sometimes get mixed up in “Kanun”. A typical example is in the third chapter of “Kanun”. “*Me pasë me i ra cubi në dorë Meshtarit mbasi ky ta ket l’acit vjedhsin në famulli...*” It is clear that in the same sentence for the same wrongdoing the perpetrator once is “cub” i.e. highway thug and once “vjedhës”-thief. Their crimes are namely “cubni” and “vjedhjni”. Another article of “Kanun” serves to differentiate between the two wrongdoers. “Cubi” is characterized as: “*aj, i cilli vjedhë me dorë të nji kafshë të huejen*” and he is one of the persons who commit a theft together with other wrongdoers who are mentioned in this article. So we come across Gjeçovi’s contribution in the usage of the word “cub” in “Kanun”.

The term “kafshë” is used to name domesticated animals, as well as different objects, but Gjeçovi used a collective term for all of them (objects and animals), “kafshë”. This word is not used in this meaning nowhere in the Codex “Kanun”. It is replaced by “gja” or “cdo gja” in “Kanun” as in this case of: (*Nder të gjitha vendet, ku mbahet Kanuja, cdo gja e vjedhun ka dy per njahen...*)

The term “përkas” is very important, as it is used to express a very important institution of family law, that of inheritance. This term is used to represent a host of items, which belong to a person as a consequence of blood ties to the person deceased (departed). In “Kanun” we come across several terms to represent this institution namely: “tagër përkasie”, which is named as “e drejtë trashëgimie” in the legal language of present day Albanian for instance: (*Vllau i shpifun s’ka tager trashigimi as përkasie në plang të burrit pare të nanës*) as well as the term “perkaes”, which serves to represent the figure of the heir in present day civil and family law terminology as for instance (*Në pasët fmi me grue të pa kunorë, njehen të pa-ligjë e prandej s’mund të bahen kurrë përkaes-trashigues*).

It is significant that Gjeçovi in both cases reinforces the “Kanun” used term with the

term used in the civil law. This shows that at the time when the Traditional Albanian Law was collected, the terms “perkasi” and “perkaes” were gradually being replaced in the oral transmitted codex by the terms “trashëgimi” and “trashëgimtar”. The presence of both terms informs us that the old terms were still in usage in the Highlands, while the new terms were used in the Lowlands and among the town folks. The town folks were the readers of the collected and the edited materials of the codex “Kanun”, and the new terms were for their benefit.

The idea of the violation of the law or the concept of being illegal is represented in “Kanun” even by the verb “prek”, though this verb is in a rather limited use. It is used to show the violation of the law regarding living creatures as well as objects/things as for example: (*I zoti i mallit nuk ka tagër me prekë tufen e as me marrë me dorë të vet berrin...*). It is used also to show the violation of the law regarding abstract categories as in this example: (*Ni prekët kush kujej në nderë, peng a plak për nder të marrun s’ka...*). It is of greater importance the term “papkeshmëri”, which derives from the verb “prek”. This term is widely used even nowadays in colloquial Albanian as well as in the legal-administrative style.

The norm in “Kanun”: “*Pronet e pasunija e kishës janë të papkeshme e s’mundet kush me vu dorë më to*” (The property and the assets of the church are inviolable, and nobody can touch them) is closer to modern law than to the traditional Albanian law, as the inviolability is treated generally in a figurative mood in the “Kanun”. The term “papkeshmëri” is a contribution of Gjeçovi to “Kanun” also because such a term is present in “Kanun” only in three cases: Twice while referring to church assets and once referring to the figure of the vicar.

We believe that the word “mësoj” (to learn) should be one of the terms introduced into the text of “Kanun” by Gjeçovi. It appears only once bearing the meaning: Advice somebody how he should act; Show him the path he should follow; Guides him. It appears in the text, in that part describing the role of the church (*Famullitari ka tagar me mësuë e me qortue Famullin*). Here the verb “mësoj” stands side by side with the verb “qortoj”, which really belongs to the orally transmitted “Kanun”. This word appears in several points in the text of “Kanun” retaining the semantic meaning: Draw the attention of somebody regarding a mistake or a guilt committed by him, show my disapproval to his mistake or guilt, requesting that such a mistake should not be repeated any more (like in the above example); Issue a minor punishment in order to draw his attention to a mistake or a guilt committed by him: (*Po u qortue grueja, mbas të lutmes së dashamirve, qillon qi burri e merr përsëri*).

We are sure that the verb “tregoj” and the noun “tregim” belong to the collector of “Kanun”, not to the original Albanian oral tradition. We come across “tregoj” only once in the sense we use it today in colloquial Albanian, meaning something being told, an explanation, or to an information imparted to somebody: (*Rrogtari i kishës... shkon e tregon n’emen të Famullitarit*), while the noun “tregim” appears thrice only in one

paragraph, which constitutes the explanation of Gjeçovi regarding Albanian “Besa”, “Besa e Gjas së Çobanit” (*Mbas tregimeve, qi diftohen prej popullit të Maleve të Shqypnis...*)

Gjeçovi showed the difference in usage between the verb “them” and “tregoj” in his notes, using both of them (*Per te lanunat a të falmet a, si thotë goja e kombit t’onë, “me lane gja send për shpirt”*), while the verb “tregoj” many a time in “Kanun” is replaced by the verb “them”: (*Sejcilli mbahet i mire edhe i thotë vedit: “Jam burrë” e i thonë: “A je burrë!”*). In a metaphoric way the compiler of the “Kanun”, portrays it as if “Kanun” is a human being capable of speech. Such a phenomenon is present many a time in the way the articles of “Kanun” are constructed: (*“Gjaku gjak, gioba giobë, thotë kanuja”*). This is quite similar to the present day usage of colloquial style something like: “The law reads that...”

The term “drom”, meaning road, path is present only once in the text of the “Kanun”, precisely in the book covering Church: (*Toka e pronet e dromet e tija jesin per Kishë...*), while its synonyms “rrugë”, “path” are used in all other cases. The word “drom” does not mean simply “road”. It also shows a quality of ownership, meaning that “drom” is a special type of road, which is within the limits (borders) of the property, and that’s why it has its special name, as we shall demonstrate further on. Naturally the term “drom” is not part of the original, orally transmitted “Kanun”.

## 8. Conclusions

A quick glance at the evolution of “Kanun” and the present day legislation, informs us that the first, “Kanun” is an example of the evolution of the oral generation to generation transmitted traditional law, while the second is the development of the positive state law, written and development under the influence of foreign agents (laws of foreign countries which have exerted their influence on the law applied in Albania), as well as the influence of the inner development of Albania. The present day legislation changes while adapting to the socio-economic development of Albania, too. The collector of “Kanun” father Shtjefen Gjeçovi as we mentioned at the very beginning was an excellent expert of both laws (traditional and modern). Many a time the way he compiled the traditional orally transmitted law is influenced in the formal way of compilation by the positive law. The logics behind the organization and the sequence of the material, the way of the definition of such material and the terminology used in “Kanun” is similar or even the same. This is clear evidence of the influence of the influence of the positive law on Gjeçovi. This influence is present in the way the law collected from the oral tradition is presented and the way it is organized closely resembling the positive law. As we discussed previously traces of such likeness are present in the general organization of the material, in the terminology used in it. We find them also in the content of different articles in the collected material. In order to

separate the elements belonging to the orally transmitted “Kanun”, from the elements added later on by Gjeçovi or the editors of Gjeçovi’s work at every level of the form and content, including terminology we should be very careful at analyzing the fact that the phenomenon present in the articles covering the Church, does not manifest itself only in these fragments.

Undoubtedly it is difficult to comprehensively explain what belongs to “Kanun” and what is Gjeçovi’s in this process of semantic inheritance of metaphoric imagination. Yet the non exhaustive arguments we offered in our essay prove the fact that the material, the stuff of the “Kanun” we have in our hands thanks to father Shtjefen Gjeçovi’s work at least from the point of view of linguistics not everything is genuinely like the orally transmitted Albanian traditional law i.e. “Kanun”. His influence is really limited on the wide variety of the material collected from the oral and original users of “Kanun”, yet such a contribution cannot be considered as insignificant. It will take detailed studies to sieve through the whole material in order to differentiate between “the natural” and “the artificial”. Of course such a process constitutes another challenge to any researcher.

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