

Institutional and Governing Organization of the Municipality of Shkodra during the First Half of the XIV Century (According to "The Statutes of Shkodra")

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Abstract

This paper is dedicated to the political and institutional organization as well as to the election of the governing bodies in the municipality of Shkodra during the first decades of the XIV century, observed mainly through the legal provisions of the juridical medieval book of this city, The Statutes of Shkodra. Modeled mainly after the configuration of the Dalmatian towns along Adriatic and under the partial influence of the Slavic - Byzantine world, Statutes of Shkodra constitute a source of irreplaceable value for the "de Visu" knowledge of governing and institutional life of the city of Shkodra, North Albania's capital city since the medieval and ancient times until today. Governing bodies of the municipality of Shkodra in the first decades of the fourteenth century, have similarities with medieval municipal organization models of Italian-Dalmatian and Western Europe cities.

1. Background

By the end of the second decade of the thirteenth century, the city of Shkodra will be placed under the Serbian Nemanja dynasty, which would last until the dissolution of the Serbian Empire after Stefan Dušan's death in 1355. (Jireček, 2004, p. 115; Cabanes, Chaline, Doumerci, Ducellier, Sivignon, 2005, p. 179; Xhufi, 2006, p. 288). Despite of being for more than a century under the Serbian rule, it should be noted that during the first half of the fourteenth century, Shkodra developed as an important center and autonomous civic municipality with a legislation, economy and institutions designed after the model of the most advanced Italian - Dalmatian cities along East Adriatic.

The highest expression of the municipal organization of Shkodra in the beginning of late Middle Ages were the statutes, which summed up the normative acts that regulated in their entirety the organization and functioning of the city, as well as the relationship between the citizens, between them and the state, between the city itself and the surrounding environment. The existence of this document is mentioned in a 1907 Italian bibliography. This document is written on parchment and contained 40 pages. Statutes of Shkodra are fully saved, a copy of which was discovered recently in the *Albanica* fund of "Correr Museum" in Venice by Italian researcher Lucia Nadin, and was translated into Albanian in 2002 by the famous Albanian medievalist Pellumb Xhufi (Nadin & Za, 1997, p. 41 – 45; Statuti di Scutari, 2002). They consist of 279 chapters written in the Venetian language of fifteenth century and, as the date for their design "*as the terminus ante quem the right year year would be 1346*", according to Swiss scholar Oliver Jens Schmitt (Historia, 2002, p. 266; Schmitt, 2007, p. 112). After this year, the juridical book of Shkodra is enriched with some amendments as well: six annexes in years 1391 - 1393 and five provisions of the Venetian period 1457 - 1469 (Statuti, 2002, p. 231 – 235).

On the basis of the Statutes of Shkodra can be imagine the institutional development of the city and for the first time the civic life outspreads almost all its diverse fullness. Until now it was not possible to establish a clear idea of the functions structures of a medieval Albanian city, or it can be done through extrapolations of the civil rights of Budva. (Statuta, 1882 – 3). So, to resolve this issue, Shkodra statute serve as a precise guide.

As the founding legal document of management and institutional organization of the city, statutes should be in two copies: Si dokumenti themeltar juridik i administrimit dhe i organizimit institucional të qytetit, statutet duhet të ishin në dy kopje: one to be kept in the treasury of the municipality, while the other one should be kept at the court in order to be used at trial. (Statuti, 2002, p. 175). Also, to the provisions of this statute were forced to obey all the people, either residents of the municipality or foreigners coming to town. (Statuti, 2002, p. 176).

2. Governmental Institutions

The sovereign rights over the city of Shkodra in this period belonged to the Serbian king, Stefan Dushan (1331 – 1355)

(Statuti, 2002, p. 175, 181, 186, 193, 194, 196, 222). His royal authority was represented by the Earl, which was proved not only during the kingdom and the Serbian Empire, but also during the reign of Balshaj in northern Albania, which sheds light on the continuity of the administration in the state political formations that followed the medieval Serbian Empire (Statuti, 2002, p. 231 – 232).

The Earl was a political and institutional key figure whose moral and physical integrity was preserved by the law (Statuti, 2002, p. 223, 228). The Earl as representative of the ruler of the country, often would keep half of a fine imposed by the municipality to the lawbreakers; the other half would go to the municipality or to the damaged person (Statuti, 200, p. 177 – 229); while only on a single exception he would keep a quarter of the fine (Statuti, 2002, p. 217 – 218). The Earl, except as the beneficiary of these payments, hardly appears elsewhere in the statutes. He was simply limited with the representation of the Serbian rule, as for the rest he should respected the self-administration of the municipality.

Another high governing body, within the separate management, was the simple popular assembly under the supervision of the bishop and the most important nobles of the municipality. The popular assembly gathered in the main square of the City, with the participation of all adult male citizens, regardless of the layer where they belonged (Historia, 2005, p. 111). The most important powers of the popular assembly were: the periodical election of the city governing bodies, the approval or modification of the statute which played the role of the basic law for city administration and also solving some particularly important issues, which required the consent of all citizens.

In Shkodra, the meeting of citizens was St. Mark's day, April 25. That day the bells of St. Stephen invited the people to gather in the square in front of the cathedral, where in the presence of the bishop and the nobles of the city would be held the selection of three judges, eight councilors and two municipal accountants (Statuti, 2002, p. 194). Each of the elected should take his functions within three days (Statuti, 2002, p. 194). The mandate of their governance in highest bodies of the municipality was a year (Statuti, 2002, p. 207).

The judges, consultants, financiers together with the most distinguished citizens (*boni homines*) were members of a closer assembly, The Municipal Council. The municipal council discussed the matters pertaining to the loyalty and moral integrity of the citizens and municipal employees, as well as to the election of another category of employees like the notaries, clerks of court (*cancellarius*) and bailiffs (*semecio; otargo*) (Statuti, 2002, p. 193, 197, 212 – 213). The latter were exempt from taxes and were protected by law in cases of physical violence against their person, while in municipal service (Statuti, 2002, p. 186, 223 – 224).

Panel of Judges together with the Council constituted the government of the city, with decisions approved by consensus and by a majority vote (Statuti, 2002, p. 196). Approval of the king constituted the legal and political basis of Shkodra civil constitution (Statuti, 2002, p. 175). He had granted to the municipality, respectively to its judges an extended jurisdiction over the citizens, Slavic residents and ethnic Arbërs of the surrounding provinces as well as the foreigners, with the exception of four court cases that were judged by the king himself: these had to do with adultery, murder, and right on the handmaids and the killing of horses (Statuti, 2002, p. 175). These were reserves of the old Serbian Crown (Schmitt, 2007, p. 115).

Across the pyramid structure of the municipal government of Shkodra, the judges had a very great importance, which appeared in their duties and powers to control many aspects of city management. They took part in the measurement of lands and supervised the construction regulation; they would give permission for cutting of trees planted outside the rules; by their authority they could establish lower fines; they had to appoint the controller of measures, weights and lengths; they should control the butchers who would not pay the custom of the slaughterhouse; they would give permission for the sale of meat; together with the Council gave permission for the export of food and grain; together with the Council they commanded the guards of the city's public safety; each of the judges carried one of the keys of the municipality ark, where there were seals and privileges of the city; together with the Council they should welcome with appropriate honors accommodate with the money of the municipality the messengers or courtiers of the king; together with the Council they took part in the selection of the notary and clerk of the court; they were direct superiors of the clerk of the court; together with the Council, the judges should oversee municipal financiers; gave instructions to the enforcement officers; controlled people charged with the collection of taxes by the municipality; they had to force the debtors to pay the municipal arrears and also informed with courier the defendants in court (Statuti, 2002, p. 177 – 204).

For the professional activity of judges in the city of Shkodra and the principles they should follow in carrying out their judiciary functions, the statutes say:

"While on duty, the judge has to offer his services to all those who submit their plights and to judge on the basis of city statutes, honestly and accurately, without being seduced by friendships. During the service as a judge, he should not assume the role of advocate for anyone. His task is to hear both parts and to record through the secretary the explanations of each part and give a right decision according to the statutes and customs of the city" (Statuti, 2002, p.

195 – 196).

Duration of their duty as judges lasted one year and insults or use of violence against them were forbidden. They were paid on the basis of the court tax "*sudebina*" (Statuti, 2002, p. 197). Bribes taking or involvement of judges in different corruption cases, would be severe and fatal to their professional careers (Statuti, 2002, p. 208). The same was true for notaries and other municipal officials.

In the progress of their work and the development of a fair trial, they were assisted by the court clerk. The latter was chosen by the judge and had to make the gospel oath of loyalty and institutional obedience to any order and decision (Statuti, 2002, p. 197). The main task of the court clerk, was to take notes in the most complete and accurate way of the evidences of both parties, as well as taking note the decision given by the judge. In a trial, besides the court clerk or chancellor, should be present also *semeci* and *otargu* who "*should make the oath and obey to the orders of the judges during the day, night or any hour, as well as to faithfully perform the municipal services without any trick. They should inform every man is called by the trial and stand there together with the judges and hear what is said when they are doing their job*" (Statuti, 2002, p. 197 – 198). Also, they performed the function of bailiffs, seizing the properties or belongings of those who lost the trial; they made the announcement of the sale of properties of different citizens, as well as dealing with the sale and pricing of items that were left hostage (Statuti, 2002, p. 197, 212, 213).

On Sundays and religious holidays, judges were explicitly forbidden to develop litigation between two citizens of the municipality, between two foreigners or between a citizen and a foreigner. Suspension of court activity during important religious holidays and the feast of the saint of the city, was approved by royal authority (Statuti, 2002, p. 175).

The importance of a trial and the time of its development depended on the financial amount of the issues. Formation of the panel would be only with the consent of both parties included in conflict in the presence of two judges, and also when the amount of the issue exceeded the sum of two hyperpers. (Statuti, 2002, p. 199). The judge could be refused during a trial only in those cases where he had kinship or nepotistic relationship with one of the parties in conflict (Statuti, 2002, p. 199).

The most important moments in the development of a trial were the presentation of evidences by both parties as well as the witnesses and guarantors summon who must swear on the Gospel that they would only tell the truth. Witnesses were summoned to court by the courier and *vatak*, who were forced to repeat this thing three times. If the witness would not appear even after the third time, or would appear but refused to testify, he was obligated to pay all the damage to the party which lost the trial. Also, if the witness, be it man or woman, was in bad physical condition, "*the judge along with Secretary would go to the patient's house and invite him to swear on the Gospel that he/she would only speak the truth*" (Statuti, 2002, p. 204). Not really light punishment fines were predicted for false witnesses as well as for persons who recommended and presented them in court. A fine was stipulated also for those who wanted to participate in a trial and would make noise during its development (Statuti, 2002, p. 229).

The party which would not appear or would refuse to answer in court, would lose cause for which they had filed the lawsuit. According to the Statutes: "No one can be punished without hearing the testimony of two or three persons" (Statuti, 2002, p. 201). The judges were forced to declare the decision of the court within fifteen days after the closing of the case.

However, if the judges faced with a legal case that was not foreseen in the statutes of the city, they should not come up with a decision without having the trustful support of three or four nobles of the city. (Statuti, 2002, p. 230). Once the judges had made their decision in collaboration with the most prominent nobles of the municipality, the latter had to dispose it in the legal book of the city, so that if the same issue needed to be presented in trial again, they could proceed normally on the basis of statutes.

Also, in the Statutes of Shkodra there were cases where the judge should judge a lawsuit together with his bishop or pal. That was when a clergyman sued a layman/secular. The judge had no right to compel a clergyman summoned as a witness, to swear before him. Enough to swear in front of the religious authorities, even in the presence of judges (Statuti, 2002, p. 206). A similar situation was when it came to church properties too.

From all the above, we can conclude that the judges of city of Shkodra were not only the leaders of the legal system, but they also had executive authority with broad powers to militia, economy and administration.

A close collaborator of the Judges College in the municipal government, was the Council (Statuti, 2002, p. 188 – 189; 193 – 194; 196 – 197). "*Council ("conseglio") of Shkodra with only eight members ("conseglieri") had a modest composition compared to the Dalmatian towns councils in the first half of the fourteenth century*" (Schmitt, 2007, p. 121). It did not represent, as in Venice and in a number of Dalmatian municipalities, an institution, which summarized just nobles as a politically and economically privileged closed group against the non-nobles (Lane, 1991, p. 114, 131, 134 –

135; Diehl, 2004, p. 83 – 84).

Members of the Council of Shkodra in many activities appeared as executive authority together with the judges (Statuti, 2002, p. 188 – 189; 193 – 194; 196 – 197). Their numerical superiority in the decisions to be taken together privileged to some extent, but anyway, in the Statutes is clearly obvious that the corps of judges enjoyed a higher status and that judges, for example in the militia and municipal representation from outside, had greater powers than members of the Council. However, judges rarely would make any decision without the formal approval of the Council members.

Nowhere had the Council powers on its own, it always worked together with judges. Only three statutory provisions have extensively treated the Council, these were dealing with the ways of proceeding, such as the obligation for disclosure of secrets while exercising their duty or protection against reprisals in response to a useful request of a member of the Council. (Statuti, 2002, p. 196).

The third political body in Shkodra was represented by two finance managers, who recorded all income and expenditure of the municipality and had to report the Council and the Judges College every three months (Statuti, 2002, p. 197). The incomes, coming mainly from: the collection of duties, the customs, the units of measurement and weight, the fines, the confiscation of traitors' properties, the assets of citizens who had no heirs, etc., were accumulated and saved in the treasure of the municipality (Statuti, 2002, p. 175 – 234). With the collection of fiscal obligations were charged people of the municipality, who had to work honestly and without subterfuge (Statuti, 2002, p. 198). For those citizens who would not repay their obligations on time or were indebted to the municipality, the coercive authority of judges would be required. A part of the incomes, was used by the municipality for its internal needs, for necessary adjustments and repairs of castles and city walls, for sending ambassadors occasionally at other municipalities of the time within and outside the country to solve special problems between their relations, to meet the salary of notaries or other specialists ranging occasionally from outside for the municipal needs, etc. (Malltezi, 1988, p. 34).

Besides the popular assembly, the nobles, the bishop, the judges, the council accountants, there is another power factor in Shkodra civil life which should be considered: the notaries. The statutes were an expression of written inculcation of the constitutions of civic and legal life. For almost all legal actions they predicted the issuance of a document by a notary. This way, the notary, who often served also as school teacher, was closely linked to the economic, social and political life of municipality (Schmitt, 2007, p. 139).

His special role and importance as well as his responsibilities is indicated in a provision of the Statutes of Shkodra, where he, as the only officer, should be elected by the people and the nobles of the city along with judges, advisors and financiers (Statuti, 2002, p. 195).

The court clerk depended on him, who was elected by the Council and the judges, in the same time accountable to the latter ones. When citizens of Shkodra would present their documents to the court, would write testaments, would ask to sell their properties and when they had other issues related to civil matters of this nature, they should definitely have the authorization by the notary written and stamped with his own hand (Statuti, 2002, p. 200, 202, 215, 230; Acta Albaniae I, 2002, doc. 744). Notaries, in many cases were preferred of foreign nationalities, in order to increase the degree of their reliability (Historia, 2002, p. 265). For this purpose, notaries were often recruited from the ranks of the clergy.

In addition to the notary, on the above political authorities was depended a large number of other civilian clerks as well, like *semeci*, *otarg*, courier, *vatak*, obligations collectors, *gastalds* (civil servants) and referees (Statuti, 2002, p. 197 – 198, 200, 204). The latter two should deal with issues of sales, exchange, donation and with problems of civil nature.

All officers should serve the municipality with high dedication and fidelity. In case they would suffer any physical damage while on duty, such as injuries, characteristic of medieval society and environment, all the costs for their treatment would be paid by municipality (Statuti, 2002, p. 225).

Besides the judge and notary, a pretty significant place in the ranks of judiciary was taken by the figure of lawyer (Statuti, 2002, p. 198, 200, 202, 207). Unlike other municipal officials, lawyer's mandate lasted more than a year. "*No other official can stay on task more than a year, with the exception of attorney...*" (Statuti, 2002, p. 207). This is probably due to the fact that he was not in the executive bodies of the city government.

In municipal service, for maintaining and ensuring the public order and the safety of the city were also the guards, who were tasked to stay on duty all night until the morning (Statuti, 2002, p. 192). The caution of the guards of Shkodra Municipality, was also mentioned in the letters of Ragusa Senate (Acta Albaniae I, 2002, doc. 676).

They were commanded by captains, who should stay on alert and under the orders of the Council and the College of Judges day and night (Statuti, 2002, p. 193). If the captains of the city, took action on their own or without any order from the judges, they would be removed from their office and punished with a monetary penalty (Statuti, 2002, p. 193). This careful and constant protection of gates and walls of the municipality, day and night, through compulsory guards'

service, avoided external risk, preserved the peace within the city from criminals, drunkards, thieves, vagrants, murderers and hooligans.

Meanwhile, a significant indicator testifying the force of law and of the political and executive bodies of the municipality, was the presence of a correctional institution or penitentiary, such as the prison. In Shkodra, this institution is evidenced not only at the statutes drafting time, but also at the beginning of the second half of the fifteenth century. This topic was treated in an additional provision of the statutes, which is dated April 25-th 1461, a period when the city of Shkodra was under Venetian rule (Statuti, 2002, p. 235).

In addition to the guards garrison and the prison as obligation and compulsion institutions, in cases of attack or aggression from outside or even as a result of internal conflicts with serious proportions, the municipality had its own army, which would get mobilized for war only by king's order (Acta Albaniae II, 2002, doc. 62; Statuti, 2002, p. 193). Its soldiers were salaried and led by military captains, who were paid more than double their subordinates. Desertion from the army ranks was sanctioned with a fine of high monetary value (Statuti, 2002, p. 193).

With its own police and military forces, the municipality tried to protect its jurisdiction which included a number of surrounding villages from the continuous danger from neighboring municipalities.

Besides its internal politic and executive bodies of the government, the municipality had also its own structures for external relations. This instance was represented by the figure of the ambassador, who had to obey the orders of the municipality and should not refuse performing the diplomatic mission abroad (Statuti, 2002, p. 194). Ambassadors were representing their sovereign and were speaking on his behalf. Any insult to them, was directed against the sovereign; any honor to the ambassadors, was addressed to his sovereign.

Parallel to the municipal governing institutions, were also the symbols of citizen sovereignty, including the coins, stamps, units of measurement and of weight. Cutting of the coins was one of the most important symbols of citizen sovereignty. They wore the name of the city, which is an important fact showing a high stage of the development of this autonomous municipality in the first half of the fourteenth century. The coins were usually made of bronze and would hold in one side the saint of the city, while on the other the name of the municipality.

Issuance of the coins in Shkodra during the first half of the fourteenth century, was conducted during the short reign of the Serbian king Constantine (1321 – 1322), the son of King Stefan Uros II Milutin (Malltezi, 1988, p. 77; Jireček, 2004, p. 118).

The seal of the city was guarded with much adoration as the emblem of the municipality autonomy (Schmitt, 2007, p. 147). Severe sanctions were provided against its falsification in Shkodra city (Statuti, 2002, p. 226). It should be kept together with evidence of privileges in the municipal coffers, which had three keys and each one of the judges had one (Statuti, 2002, p. 194). A document stamped with the seal of the municipality had the value of a notarial act (Statuti, 2002, p. 195).

In addition to the municipal seal, Statutes of Shkodra recognized also the legal authority of the inviting stamp of the Serbian king, by which the citizens were summoned to court and the episcopal seal as well (Statuti, 2002, p. 175, 207). Predation of the civic seal was a serious violation of municipal autonomy.

Another emblem of sovereignty were the units of measurement and weight, especially for agricultural and livestock products (Statuti, 2002, p. 188). The controllers should have the municipality mandate and should be as honest as possible. For breaches of standards of measurement and weights units by traders or different people, the provision of the statute provided a monetary fine. This way, they also represented a source of income for the municipality of Shkodra.

As for the official language used by institutions and administration in Shkodra city during the first half of the fourteenth century, we can say that it was Shkodra Dalmatian influenced by medieval Venetian, because the legal book itself of this citizen municipality is written in this language. However, there must have been present administrative acts of the citizen municipality of Shkodra in Latin and Serbian. In support of this view, the Czech albanologist of the early twentieth century, Constantine Jiriček quoted: *"In the city secretary the acts were written only in Latin. In 1330 some "Clemens filius Gini, notarius communis Scutari" was mentioned as the scribe for documents in Serbian language"* (Jireček, 2004, p. 118).

The Governing bodies of the city of Shkodra in the first decades of the fourteenth century, explained above, indicated a good organization, good functioning and harmony between institutional links of the municipality, as a territorial and political unit with the right of self-government or administration on its own. The overall picture of these institutions resembled somewhat and was near to the medieval municipal organization models of the Italian - Dalmatian cities and those of Western Europe. All these show that the city of Shkodra, located between East and West, was seeking to integrate and walk with the rhythm of time, which at that period was oriented towards the northern part of the Western Adriatic.

3. Conclusion

The statutes of Shkodra during the early decades of the 14- th century yield important data on the development and the institutional organisation of the urban commune of Shkodra in the middle ages. The statutes should have been in two copies to which all the local inhabitants were obliged to act upon as well as the foreigners entering the city.

The sovereign rights on the city of Shkodra during this period belonged to the Serbian monarchy, the authority of which was represented by the earl, an important figure that respected the communal selfadministration. Another important governing body of the commune of Shkodra was the citizens' assembly that was summoned on the day of Saint Mark on the 25 – th of April in the presence of the bishop and the local nobility during which would be selected three judges, eight counsellors and the two financiers of the city. All of them formed the Commune's Council and the mandate for the governing of the city lasted one year. The College of the Judges and the Commune's Council comprised the government of the city where all the decisions would be approved and implemented with consensus and a majority of votes. In all the pyramidal structure of the commune's governing of Shkodra, the judges had an important role. Parallel to the governing institutions of the commune, were the symbols of the civic sovereignty part of which were the coin, the seal, and the units of measuring and weights. All these governing institutions testify that the city of Shkodra situated between East and West was aiming to integrate and to follow the rhythm of the time that during this period was oriented toward the northern part of the Western Adriatic.

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