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The State of Scanderbeg. Institutions and the Applied Law



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THE STATE OF SCANDERBEG. INSTITUTIONS AND THE APPLIED LAW



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kontekst të integrimi kombëtar” – Universiteti i Tetovës; “Pavarësia e shoqërisë civile ndikon në ndërtimin e shtetit dhe në ndërtimin e demokracisë në Kosovë”, International magazine for social sciences VIZIONE; “Gjenerata e tretë e të drejtave të njeriut dhe diskriminimi pozitiv në Kosovë”, College AAB; “Kosovo Parliament and challenges with President”, Global Challenge; “Përcaktimi i kufijve ndërkombëtar” – Global Challenge; *Discrimination in the process of hiring at the Public Universities* - European Journal of Law and Political Sciences; *Kosovo, Balkans and EU* – Epoka University Albanian, Proceedings Book, 6th International Conference on European Studies, Local, Regional and Global Governance, 2017, *Ombudsperson and his role in Kosovo*, Faculty of Law – Kicevo, “St. Kliment Ohridski” University – Bitola, Conference Proceedings, Volume II, 2018; *Judicial control of administration in Kosovo*, Juridical Tribune – Tribuna Juridica Journal, Volume 8. Issue 2; *Civil society and democracy development in Kosovo*, Journal of Liberty and International Affairs; *Neutrality of EU, additional obstacle in the Kosovo EU integration process*, Thesis; *Equality and challenges in employment relationship based on Kosovo legal resources*, Eraz 2018; *Political and social impact of Constitutional Court Decisions in Kosovo*, The European Journal of Humanities and Social Sciences; *Aspekte krahasuese të sistemit të drejtësisë për të mitur: Kosova, Evropa Qëndore dhe Evropa Lindore*, Universiteti Mesdhetar - Revista periodike Euro Metiterranean; *Recognition of new states – Kosovo case Kosovo*, Journal of Liberty and International Affairs; *Minority rights in Kosovo*, Acta Universitatis Danubius. Juridica; *Leasing contract – similarities and differences with the contract of rent*, 3rd International Scientific Conference - EMAN; *Stock Companies in Kosovo*, Journal Acta Universitatis Danubius Juridica; *Juvenile Justice: Kosovo Case*, Epiphany; *The Poisition of minorities as the Constitutional Category in Kosovo*, Journal of Liberty and International Affairs; *Kosovo Judicial Position from the Second World War until 1974*, Journal on European History of Law.

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Bashkim Rrahmani
Majlinda Belegu

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CHAPTER I.

INTRODUCTION

It is not true the assertion of some skeptical historians, that Scanderbeg was lifted high in the pedestal of centuries history by Barleti. It is quite a contrary: it was his work, that has pushed Barleti to write his deathless work.
(Kristo Frashëri).



A man who stayed during a period of time with Sultan, sent there from his father Gjon (Johan) was coming back to Albania. This man who was educated and served Sultan for a determined period of time, where among the other changed his religion (from Orthodox to Muslim) and where he has gotten name Scanderbeg (or prince Alexander). Scanderbeg was born around the year 1405. He was the the penultimate child of Gjon and Vojsava. The children were four sons (Stanisha, Reposh, Konstantin, and Gjergj) and four girls (Mara, Jella, Angelina, Vlajka and Mamica). Documents show that in 1409 Gjon Kastrioti was obliged to send his son as the hostage to Osmans, maybe Stanisha and later on the other son Gjergj. He was sent in about age of nine when Osmans conquered Kruja (early 1415) which was in the border of Kastrioti holdings...Gjergj, after

taken was sent to capital city of Turkey Edrene. He was educated here during a ten years period in the school of ic-oglan, where he was shown distinguished. In this school entered usually sons of submissive lords in order to be prepared and educated in the Osman spirit as the strong commanders and obedient feudal.¹

Scanderbeg is the man about whom were written many books; many studies were conducted; many poems and novels were written; many plays were organized; Vivaldi made popular Scanderbeg Opera whereas a great portrait of Scanderbeg was made by Rembrandt ... and a lot more. As we may see, "Scanderbeg captivated the European reader initially as a figure of history and as a fine example of a military strategist. With time, the Albanian prince also came to serve as a modest source of inspiration for creative literature throughout Europe. We have for instance a sonnet on Scanderbeg by French poet Pierre de Ronsard (1524-1585); a 'comedia famosa' entitled *El Principe Escanderberg* by noted Spanish dramatist Lope de Vega (1562- 1635); and at least three operas on the Scanderbeg theme, one of which by Venetian composer Antonio Vivaldi (1675-1741)".²

Scanderbag spent his youth, not in the Sultan's palace, as the legend has it, but in the Albanian mountains, which explains why he became the greatest guerrilla leader of all times. This contention, which was first advanced by the Czech scholar, Jireček, is confirmed by both literary and archival successes. On this basis the early career of Scanderbeg can be summarized as follows: Born in 1405, he became nominally a Moslem under the influence of his father in 1430, served occasionally with Albanian contingents in the feudal army of Murad II, and obtained a military fief in the region of Dibra in 1463 as a reward for his services. In 1443, after the death of his father, he was allowed to inherit the paternal state as the Sultan's vassal with the exception of the key fortresses which were held by Turkish garrisons since 1430. At the invitation of Pope Eugene IV and immediately after Hunyadi's victory at Nich in 1443, Scanderbeg revolted, seized the fortress of Croya with forged documents, abjured Islam, and initiated his crusade which made him the most famous general of his time in Europe. In 1444, he was elected commander-in-chief by the League of Albanian Chieftains at Alessio and defeated a Turkish army in Torviolli.³

¹ Akademia e Shkencave e Shqipërisë, *Historia e Popullit Shqiptar I*, Toena, Tiranë, 2002, pp. 392-393.

² Antonio Vivaldi's Scanderbegh, with a libretto by Antonio Salvi (d. 1742) of Arezzo was first performed at the Teatro della Pergola in Florence on 22 June 1718 but has since been lost. A second opera, the five-act Scanderberg. Tragédie, was composed by François Francoeur (1698- 1787) and François Rebel (1701-1775) with a libretto by critic and dramatist Antoine Houdar de la Motte (1672-1731). It was first performed in Paris by the Académie Royale de Musique on 27 October 1735 and subsequently for Louis XV at Fontainebleau on 22 October 1763. The third opera, also entitled Scanderberg, was composed by Bernard Germain Lacépède (1756-1825) in Paris in 1785/1786 but was apparently never performed. cf. Robert 1963, Sokoli 1981 and Boetzkes 1988. Cited by <http://www.elsie.de/pdf/articles/A1993Disraeli.pdf>, accessed on 07.10.2020.

³ <https://open.bu.edu/handle/2144/7259v> - accessed on 15.07.20.

Anti ottoman expedition of Jan Huniady of Hungary and the Polish King Vladislav in 1443-1444 inspired big hopes for final expulsion of Turks from Europe.¹ Janosh Hunyadi in Romanian Jancu de Humedoara was a military commander of Transilvania and gained two victories against Turk armies a year ago.² And as long as it was Huniadi, Hungarians always managed to break ottoman attacks, but they never managed to give deadly blow to the Turkish state.³

Johan Huniady and Scanderbeg should have known each other in the beginning of '40 during the incursion os Scanderbeg in Transilvania, at that time still as a member of ottoman military. Both were determined not only to defeat but also to destroy ottomans; both were charismatic leaders and fighters and they seemed to have had respect to each other. For entirely twenty years Scanderbeg hoped to Hungary.⁴

For 25 year, for as long as the duration of the rule of Scanderbeg lasted, two sultans did not manage to conquer a small state, whereas this small state during this period of time prevented broadening of Ottoman Empire in the direction of West, fighting within Albanian lands. These were Sultan Murad the II and Sultan Mehmet II. None achieved as long as Scanderbeg was alive to occupy the Albanian State of Scanderbeg. A new opponent and miserable opponent appeared in front of Turks in Arberia, Gjergj Kastrioti, who was known by them by the name Scanderbeg. By taking Kruja on November 28, 1443, the new epopee of 25 years continual and successful opponence against Port started, turning Scanderbeg into a legend even at the time he was alive".⁵

The successful and heroic defense against the Ottomans drew the attention of the popes, who regarded Skanderbeg as a new Alexander the Great, the leader of a future crusade. From time to time, the sultans sent enormous armies with tens of thousands and, from 1453, hundreds of thousands of men against Kruja, the seat of Skanderbeg, but they could never seize the city. The small Albanian army fought in Italy, too, where they had to secure the throne for Ferdinand I (1458–1494), the future father-in-law of Matthias Hunyadi (Corvinus), after the death of his father, Alfonso V of Aragon (1442–1458), King of Sicily. After the successful campaign, thousands of Albanian soldiers and their families settled in southern Italy. They became the ancestors of the Italo-Albanians. After the fall of Constantinople, Skanderbeg, who had converted to Christianity in the

¹ J. Ph. Fallmerayer, *Das Albanesische Element in Griechenland*, III. Abteilung, Munchen, Verlag der K. Akademie, 1857, f. 34, Pëllumb Xhufi, *Skënderbeu, Ideja dhe ndërtimi i shtetit*, Dituria, Tirana, 2019, p. 96.

² Engel, 'Janos Hunyadi'fq.106-7, cited by Noel Malcolm, *Kosova një histori e shkurtër*, Koha, Prishtinë&Shtëpia e librit Tiranë, 2001, p. 9.

³ Ferdinand Schewill, *Ballkani historia dhe qytetërimi*, Eugen, Tiranë 2002, p. 163.

⁴ Oliver J. Schmitt, *Skënderbeu*, Fjala Publishing, Tiranë, 2014 (Albanian version), p. 466-467.

⁵ Kenneth M. Setton, *The Papacy and the Levant* (1204-1571), vol. II: The Fifteenth Century, Philadelphia: The American Philosophical Society, 1978 (reprinted 1997), f. 72. The same evaluation expresses, at the end, on Scanderbeg, also O. J. Schmitt, *Skenderbeu*, Tiranë, K&B, 2008, f. 423, cited by Pëllumb Xhufi, *Skënderbeu, Ideja dhe ndërtimi i shtetit*, Dituria, Tirana, 2019, p. 98.

meantime, wanted to continue the fight, but his sudden death prevented him from carrying out his plans (1468). After his death, discord set in among the Albanian noblemen, which eventually led to the fall of Albania (1478).¹

As it is seen from various resources in addition to his developed military and strategist skills, Scanderbeg had very strong abilities to deal with the politics, diplomacy, etc. His abilities to convince people were seen everywhere. When he came to Kruja, among the others he said:

You epirotians, could have found another freedom defendant, the other perfecting of goals and your aspirations, because, in this country it was never a lack of enlightened minds. You, as very strong men, grown in the freedom, that stayed strong for so long under the barbaric scourge, were not bored until you saw me. But why you want me to carry on without right the name of liberator? I did not bring the freedom to you, I found it here. As soon as I stepped in your land, as soon as you heard me name, you came all at run, yo came out to me ... You left me behind you, you tied up my hand you drowned me with such huge services and with such a big spiritual gas, so it seems that you now made me at the same time slave and free.

Kingdom and this city I did not give to youg, but I found you armed. I saw that you have everywhere liberty, in your chest, in your forehead, in your swords and spears and as unseen guardian, leaved by my father, you put again in place, with care and unchanged faithfulness, scepter you saved up until now, and you made me again, with your work and efforts, proprietor of my ancestors, without bloodshed...

Most of the job you have finished. Kruja is won, the entire province is ours, Dibra and other populations have joined us, and the name of our enemies has disappeared from our fields; cities remain.

If I think of their difficult situation, seeing that all of them are surrounded by us, kept under the surprise, that surrounded are left only bare walls, I have good hopes. If I take into the consideration difficulties that appear in these places and the troops that are deployed from tyrant, it seems that we have to use some ingenuity or very big persistence.

But we will judge these better, when we find ourselves in a place and when we have our enemy in front of us, when we hold sworn in our right, rather than from distance and smoke.

Let us start, without a doubt and let us show ourselves brave and as winners; faith will help us ij our effort, faith, that until now has never let alone in every job and it has gone always for beauty.

However, we should start, before all, from Petrela, not because this castle stays behind others with the difficulties of its position, or from the nature protection, but because it is close to this city.

¹ Krisztián Csaplár-Degovics, *Lajos Thallóczy and Albanian Historiography*, Acta Balcan Hungarica 1, Hungarian Academy of Sciences, Research Center for the Humanities, Budapest 2019, available at http://real.mtak.hu/100155/1/Csaplar_Thall%C3%B3czy.pdf, accessed on 08.10.2020.

I believe we will find their name and the fear of the faith of bigger Kruja, because they have seen by their eyes your braveries and their disasters. These would burn to them not a small fear, if not exactly this, then our persistence will surely act.

One thing we should bear on mind and this should not get out of our minds: if we do not conquer that city and if we are not going to be able to fulfil our desires, then there are no reasons for us to come back in our home.

We should try to use every means, efforts, patience, sworn, gold and silver with the aim of our victory which starts from here...if the opportunity is given to us to gain the city without the bloodshed, if they surrender, then we should all have to behave with big wisdom publically and privately, so we encourage in the same way the others to surrender.¹

The following part of a long poem, written by famous Albanian poet Naim Frashëri is good complementary to the above given speech:

History of Scanderbeg

*Krujë oh blessed citadel
await, await for Scanderbeg!
Returning as a hued dove
to liberate our motherland.*

*To unshackle Albanians
from wicked Turkish yoke
and restore your honor
oh crown of Albania.*

*Albanian braves follow him
fearless in the danger's eye!
In his heart fire burns
he is wise, gallant and manful.*

*Welcome oh summer
that bring us prosperity
for many years more
may you adorn Albania.*

*You fair maiden of Albania
pensive in your lingering
undress mourning clothes
the blessed day is here!*

¹ Marin Barleti, *Historia e Skënderbeut*, fourth edition, Infobotues, Tiranë 2005, p. 26, 27, 28.

*Field whiten, mount lighten,
from valiant arms!
In eagerness neigh the steed
that king of Albania brings!*¹

One of the first actions which Scanderbeg undertook in his plan to form an independent Albanian state was to create the League of Lezha in March of 1444.² This was something as an imperative that derived from the experience in the wars against Ottoman invaders. It was shown clearly that only with the unified political, military and economic forces and only with the international cooperation the war against them could be won. Therefore, Scanderbeg followed an active politics locally and internationally. He understood better than any one that for Albanians there would be no perspectives in defending their liberated zones, by staying in old positions, without overcoming the scrappy politics of the country, which would coordinate human, military and economic resources as well as all developed activities in the inner sphere with that of international sphere.³ Based on this Scanderbeg thought that this step (organizing an Assembly) would be necessary and important. Therefore, this was organized on March 1444, as it will be described in next parts of the paper.

Undoubtedly from the time he came back to Albania until the end of his life, he and his army remained undefeated from many attacks conducted by Turk army, which was innumerable, well organized and trained and considered as the strongest at that period of time. Pierre de Ronsard in the poem said:

Excerpt
*„Scanderbeg, haineux du peuple Scythien
Qui de toute l'Asie a chassé l'Evangile.
O très-grand Epirote! Ô vaillant Albanois!
Dont la main a défait les Turcs vingt et deux fois”.*

*„Scanderbeg, hating the Scythian people
Which from all Asia has expelled the Gospel.
O! Mighty Epirote! O! valiant Albanian!
Whose hand defeated the Turks twenty-two times”.*⁴

And Gordon George Byron (1788 – 1824) with the verses of his poetry

¹ <https://allpoetry.com/History-of-Scanderbeg-excerpt-from-Canto>, translated into English by Translated by Oltion Zoto V (accessed on 06.10.2020).

² Kristo Frasheri, *Gjergj Kastrioti Skenderbeu: Jeta dhe Vepra 1405-1468*, Akademia e Shkencave e Shqipërisë, Botimet Toena, Tirane, 2002, p. 177.

³ Akademia e Shkencave e Shqipërisë, *Historia e Popullit Shqiptar I*, Toena, Tiranë, p. 402.

⁴ <https://allpoetry.com/Excerpt>, accessed on 10.10.2020.

goes with:

*Land of Albania! where Iskander rose,
Theme of the young, and beacon of the wise,
And he his namesake, whose oft-baffled foes
Shrunk from his deeds of chivalrous emprise:
Land of Albania! let me bend mine eyes
On thee, thou rugged Nurse of savage men!
The Cross descends, thy Minarets arise,
And the pale Crescent sparkles in the glen,
Through many a cypress-grove within each city's ken.¹*

But, in the period 1444–66 he effectively repulsed 13 Turkish invasions, his successful resistance to the armies of Murad II in 1450 making him a hero throughout the Western world. Through the years he elicited some support from Naples, Venice, and the papacy and was named by Pope Calixtus III captain general of the Holy See. In 1463 he secured an alliance with Venice that helped launch a new offensive against the Turks. Until the end of his life he continued to resist successfully all Turkish invasions. Within few years of his death, however, his citadel at Kruja had fallen (1478), and Albania passed into several centuries of obscurity under Turkish rule.² And here are some personal skills and characteristics which made him be as he was ascribed. Scanderbeg was tall, handsome, a brilliant strategist, a well-known diplomat, the ruler of the independent Albania in the Middle Ages, the defender of Europe against the Ottomans, a good father and a man with honor, an icon of all generations.³

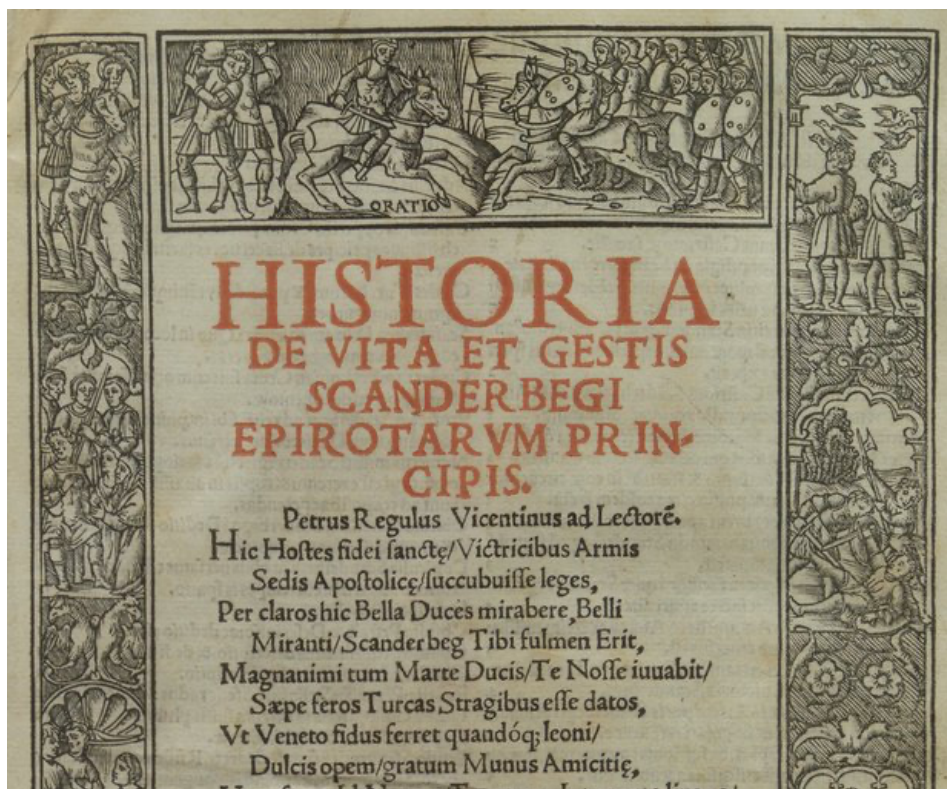
¹[https://en.wikisource.org/wiki/The_Works_of_Lord_Byron_\(ed._Coleridge,_Prothero\)/Poetry/Volume_2/Childe_Harold%27s_Pilgrimage/Canto_II](https://en.wikisource.org/wiki/The_Works_of_Lord_Byron_(ed._Coleridge,_Prothero)/Poetry/Volume_2/Childe_Harold%27s_Pilgrimage/Canto_II) (accessed on 06.10.2020).

² <https://www.britannica.com/biography/Skanderbeg> (accessed on 28.09.2020).

³ Czaplar-Degovitz Krisztian, *The first appearance of the Hunyadi-Scanderbeg alliance in the Balkans Historiography*, Gjergj Kastrioti – Skënderbeu, Instituti i Historisë, Prishtina, 2019, p. 77.

CHAPTER II.

BIOGRAPHIES AND WRITINGS ABOUT SCANDERBEG



This paper doesn't aim to deal with all studies, books, novels, biographies, etc., that are written up until now. However, some careful selection for the needs of this paper has been made without pretending that the best selection was conducted.

Scanderbeg does not only have a historical past, he was beloved figure of the European literature as well.¹ Even though he lived in the XV Century, his personality and his activities have left traces in the history and these traces served to the inspirations of artists, poets, novelists, composers, etc., and pushed researchers to continue with the research for the deeds, activities and the life of this not only Albanian hero. Indeed, about Scanderbeg, after his death from malaria in 1468, many biographers, writers, historians, artists, etc., have written. But the

¹ Ibid.

first to have written a biography for Scanderbeg is Marin Barleti. He was a humanist and a priest from Shkodra who managed to publish this biography in 1508-1510 in the Latin Language, titled “*Historia de Vita Et Gestis Scanderbegi Epirotarvm Principis*”. This book has been translated in almost all European Languages. It is important to note that for quite a long period of time this book was the first door through which one enters into that what Scanderbeg means. The work was widely read in the sixteenth and seventeenth centuries and was translated and/or adapted into a number of foreign language versions: German by Johann Pincianus (Augsburg 1533), Italian by Pietro Rocca (Venice 1554, 1560), Portuguese by Francisco D'Andrade (Lisbon 1567), Polish by Ciprian Bazylik (Brest-Litovsk 1569), French by Jaques De Lavardin, also known as Jacques Lavardin, Seigneur du Plessis-Bourrot (Paris 1576), and Spanish by Juan Ochoa de la Salde (Seville 1582). The English version, translated from the French of Jaques De Lavardin by one Zachary Jones Gentleman, was published at the end of the sixteenth century under the title, *Historie of George Castriot, surnamed Scanderbeg, King of Albanie containing his Famous Actes, his Noble Deedes of Armes and Memorable Victories against the Turkes for the Faith of Christ*, London 1596.¹ It was published is to Frashëri gives the following facts about the publication of this work done by Albanian humanist and priest, Marin Barleti. Thus, Barleti work in its original language Latin was published six times (Rom, 1508-1510; Strasbourg 1537, Frankfurt in Main 1577 and 1578, Zagreb 1743). Translated in German it was published four times (1533, 1556, 1664, 1771); in Italian five times (1554, 1568 and three times in 1580); in Portugese (1567, 1588); in Polish (1569); in Spain (1597). It was published in summaries or in adjustments in almost all European Languages. Translation in Albanian for the firts time was done by Stefan Prifti in Tirana 1964. A rich bibliographical overview with the historic, literal, artistic, etc., published in the entire world until the third quarter of 19 Century was published by G. T. Petrovich, Scanderbeg (Georges Castriota). Essai de bibliographie raisonnee (Paris 1881). A half century after him Romanian historian F. Pall, Marino Barlezio, uno storico umanista, in: *Melanges d'histoire generale* (Cluj 1938) talks about his impact in the Scanderbeg bibliography. A list of works that talk about Scanderbeg have given a lot of historians that published about him. However, the mos rich overview on the Albanian National Hero contains volume prepared by Jup Kastrati and Kasem Biçoku titled: *Gjergj Kastrioti Skënderbeu. Bibliografi 1454-1835* (Tiranë 1997 with 402 titles of books). There are also two volumes published by National Library of Tirana: *Albanica I, Bibliografia e shek. XV-XVII*, prepared by Shpëtim Mema and Afërdita Sharrëxhi (Tiranë 1998) and *Albanica II, Bibliografi e viteve 1800-1849*, prepared by Shpëtim Mema and Lindita Bubsj (Tiranë 1987) etc.²

¹ <https://quod.lib.umich.edu/e/eebo/A05184.0001.001?view=toc>, accessed on 07.10.2020.

² Kristo Frashëri, *Gjergj Kastrioti Skënderbeu Jeta dhe Vepra (1405-1468)*, Qendra Gjergji, Tiranë, 2019.

Scanderbeg states Setton, “was not only one of biggest military of the XV Century. He was also a realist politician. Historians that have studied documentary resources connected to the activities of the hero, find uncontested evidence about his clear vision. Similarly, to the ideas of Popes of Rome, he had a clear idea about what would be the relationship with Turks. You should fight against them, making the peace also possible if it is possible, and this not only to gain in time and to better prepare for the next battle ... Scanderbeg ambitions were limited to Albania, where he tried to build a centralized state, by interrupting the leaders of the country from their forest bastions fighting against each other. These also as highlanders had their concepts of freedom one behalf of what often asked sultan to help them against the tyranny of Scanderbeg. But there was a big distinction between these two Albanian concepts of freedom. While feudal leaders looked back with the nostalgia towards a chaotic past, Scanderbeg aimed creation of a Christian centralized state”.¹ Not in vain, Ragusian analysts wrote at that time that “Christian world had relied hopes on Scanderbeg from the sea side and on Hunyadi in the Danub areas”.² Whereas European rulers agreed that “the end of Arberia (Albania) would mean also the end of Italy and the entire Christian world”.³

According to General Wolfe of Quebec, “he excels all officers, ancient and modern, in the conduct of a small defensive army”, and according to Fallmerayer, he is “one of the greatest masters of all times in the art of war”. The title of Champion of Christendom, given to him by Pope Nicholas V and confirmed by three succeeding Popes, can be left to him safely, as he deserved it, according to Calixtus III, “more than any Christian Prince with his memorable achievements.”

¹ Kenneth M. Setton, *The Papacy and the Levant (1204-1571)*, vol: II The Fifteenth Century, Philadelphia, The American Philosophical Society, 1977, 7.195. To the idea of a centralized state comes close with some doubt also A. Plasari in his voluminous monography on Scanderbeg, citing mentioned passage of K. Setton, as well as an early in favour of this thesis of M. Sufflay, A. Plasari, *Skënderbeu, Një histori politike*, Tiranë, IDK, 2018, pp. 331, 332. K. Frashëri also gives an entire chapter the issue of creation of the Albanian independent state in the time of Scanderbeg, K. Frashëri, *Gjergj Kastrioti Skënderbeu. Jeta dhe Vepra* Tiranë, Dituria, 2019, pp. 257-296. From his side, O. J. Schmitt address the hero from big aims and motives, as it is the case of creation of a centralized state (kingdom). Scanderbeg according to him, fought in the name of glories and personal revenge and in this framework, he did not achieve to create a state, but simple an “area for military action”. (O. J. Schmitt, *Skënderbeu*, f.170-174). Cited by Pëllumb Xhufi, *Skënderbeu, Ideja dhe ndërtimi i shtetit*, Dituria, Tirana, 2019, p.111.

² “*E li fedeli si risposavano sotto gli del suo valore parte della marine, come nelle parti mediteranee verso il Danubio Giovanni Corvino, per nome d'Uniade*”, shih: Speratus Nodilo, *Chronica Ragusina Junii Resti. Ab Origine Urbis usque ad annum (1451), item Joannis Gundulae (1451-1484), Momenta Spectantia Historiam Slavorum Meridionalium: Scriptores Volumen II, Zagabriae, Academia Scientiarum et Artum Slavorum Meridionalium*, 1893, p. 296 cited by Pëllumb Xhufi, *Skënderbeu, Ideja dhe ndërtimi i shtetit*, Dituria, Tirana, 2019, p. 101.

³ “*Quod non solum concernit ruinam et esciditum Albanie, verum Italie et Christianitatis*”, O. J. Schmitt, “*Actes inedits concernat Venise, ses possessions albanaises et ses relations avec Scanderbeg entre 1464 et 1468*”, *Turcica* 31 (1999) 277, cited by Pëllumb Xhufi, *Skënderbeu, Ideja dhe ndërtimi i shtetit*, Dituria, Tirana, 2019, p. 104.

He stopped Murad II and Mehmed II long enough to make them miss the boat for Rome. His long action, coming at a critical period, did much to save Italy and Europe from the greatest calamity that could have befallen them, Turkish conquest. His share in this highly important service can hardly be overestimated.¹ About the life of Scanderbeg it is written a lot and there is still a need to be written. As it is for biographies, novels, poems, arts, etc., a lot has been written and said. And it is not that about Scanderbeg have written only Albanian historians, novelists, poets, artists, etc. From the first Marin Barleti we can mention dozens and dozens literary works, historic works, different researches, etc., and in them we find a hero, a fighter, a thinker, a diplomat, a learner (he learned in five languages five languages: Turkish, Arabic, Greek, Italian and Slavic), etc. In some elements, for example the creation of the state of Albania-the state of Scanderbeg one can find researchers that do not agree that Scanderbeg managed to create a state with the precise defined territories, etc. Nonetheless the existence of Scanderbeg, the existence of the state of Scanderbeg, the 25-year war against Turks not allowing them to cross Adriatic and to go further towards West, the relationships with the Papacy, the contacts with Yanosh Hunyadi, etc., cannot be neglected and opposed at all. He became known, respected and known in the East and in the West. He became respected by his supporters and even by the enemies. The similar paragraphs like the following one may be seen in many academic works. "Progressively transformed into an Albanian national hero, Skanderbeg has since then been promoted by successive Albanian rulers and celebrated in popular oral history. Skanderbeg's deeds have been – alternatively or simultaneously – praised as embodying the fight for freedom against imperial rule, Albanian ethnonational pride, the wisdom of an early Albanian monarch, possible harmony beyond ethnic divisions in the Balkans, or as a major (Balkan) contribution to European history – while earlier references to Skanderbeg as a symbol of Christian resistance to the Ottoman (Muslim) invasion of Europe have been progressively downplayed."²

Before going further to present selected issues for this paper, we decided to put on it also some selected material what Gibbon has written of Scanderbeg, which goes.

"In the list of heroes, John Huniades and Scanderbeg are commonly associated, and they are both entitled to our notice, since their occupation of the Ottoman arms delayed the ruin of the Greek empire. John Castriot, the father of Scanderbeg, was the hereditary prince of a small district of Epirus or Albania, between the mountains and the Adriatic Sea. Unable to contend with the sultan's power, Castriot submitted to the hard conditions of peace and tribute: he delivered his four sons as the pledges of his fidelity; and the Christian youths, after

¹ <https://open.bu.edu/handle/2144/7259v> - accessed on 15.07.20.

² Nadège Ragaru, *The Political Uses and Social Lives of „National Heroes“: Controversies over Skanderbeg's Statue in Skopje*, Südosteuropa, 2008, 56 (4), p. 522-555.

receiving the mark of circumcision, were instructed in the Mahometan religion, and trained in the arms and arts of Turkish policy. The three elder brothers were confounded in the crowd of slaves; and the poison to which their deaths are ascribed cannot be verified or disproved by any positive evidence. Yet the suspicion is in a great measure removed by the kind and paternal treatment of George Castriot, the fourth brother, who, from his tender youth, displayed the strength and spirit of a soldier. The successive overthrow of a Tartar and two Persians, who carried a proud defiance to the Turkish court, recommended him to the favor of Amurath, and his Turkish appellation of Scanderbeg (Iskender beg), or the lord Alexander, is an indelible memorial of his glory and servitude. His father's principality was reduced into a province; but the loss was compensated by the rank and title of Sanjiak, a command of five thousand horses, and the prospect of the first dignities of the empire. He served with honor in the wars of Europe and Asia; and we may smile at the art or credulity of the historian, who supposes, that in every encounter he spared the Christians, while he fell with a thundering arm on his Mussulman foes. The glory of Huniades is without reproach: he fought in the defence of his religion and country; but the enemies who applaud the patriot, have branded his rival with the name of traitor and apostate. In the eyes of the Christians, the rebellion of Scanderbeg is justified by his father's wrongs, the ambiguous death of his three brothers, his own degradation, and the slavery of his country; and they adore the generous, though tardy, zeal, with which he asserted the faith and independence of his ancestors. But he had imbibed from his ninth year the doctrines of the Koran: he was ignorant of the Gospel; the religion of a soldier is determined by authority and habit; nor is it easy to conceive what new illumination at the age of forty could be poured into his soul. His motives would be less exposed to the suspicion of interest or revenge, had he broken his chain from the moment that he was sensible of its weight: but a long oblivion has surely impaired his original right; and every year of obedience and reward had cemented the mutual bond of the sultan and his subject. If Scanderbeg had long harbored the belief of Christianity and the intention of revolt, a worthy mind must condemn the base dissimulation, that could serve only to betray, that could promise only to be forsworn, that could actively join in the temporal and spiritual perdition of so many thousands of his unhappy brethren. Shall we praise a secret correspondence with Huniades, while he commanded the vanguard of the Turkish army? Shall we excuse the desertion of his standard, a treacherous desertion which abandoned the victory to the enemies of his benefactor? In the confusion of a defeat, the eye of Scanderbeg was fixed on the Reis Effendi, or principal secretary: with the dagger at his breast, he extorted a firman or patent for the government of Albania; and the murder of the guiltless scribe and his train prevented the consequences of an immediate discovery. With some bold companions, to whom he had revealed his design, he escaped in the night, by rapid marches, from the field of battle to his paternal mountains. The gates of Croya were opened to the royal mandate; and no sooner did he command the fortress, than George

Castriot dropped the mask of dissimulation; abjured the prophet and the sultan and proclaimed himself the avenger of his family and country. The names of religion and liberty provoked a general revolt: the Albanians, a martial race, were unanimous to live and die with their hereditary prince; and the Ottoman garrisons were indulged in the choice of martyrdom or baptism. In the assembly of the states of Epirus, Scanderbeg was elected general of the Turkish war; and each of the allies engaged to furnish his respective proportion of men and money. From these contributions, from his patrimonial estate, and from the valuable salt-pits of Selina, he drew an annual revenue of two hundred thousand ducats; and the entire sum, exempt from the demands of luxury, was strictly appropriated to the public use. His manners were popular; but his discipline was severe; and every superfluous vice was banished from his camp: his example strengthened his command; and under his conduct the Albanians were invincible in their own opinion and that of their enemies. The bravest adventurers of France and Germany were allured by his fame and retained in his service: his standing militia consisted of eight thousand horse and seven thousand foot: the horses were small, the men were active; but he viewed with a discerning eye the difficulties and resources of the mountains; and, at the blaze of the beacons, the whole nation was distributed in the strongest posts. With such unequal arms Scanderbeg resisted twenty-three years the powers of the Ottoman empire; and two conquerors, Amurath the Second, and his greater son, were repeatedly baffled by a rebel, whom they pursued with seeming contempt and implacable resentment. At the head of sixty thousand horse and forty thousand Janizaries, Amurath entered Albania: he might ravage the open country, occupy the defenceless towns, convert the churches into mosques, circumcise the Christian youths, and punish with death his adult and obstinate captives: but the conquests of the sultan were confined to the petty fortress of Sfetigrade; and the garrison, invincible to his arms, was oppressed by a paltry artifice and a superstitious scruple. Amurath retired with shame and loss from the walls of Croya, the castle and residence of the Castriots; the march, the siege, the retreat, were harassed by a vexatious, and almost invisible, adversary; and the disappointment might tend to imbitter, perhaps shorten, the last days of the sultan. In the fulness of conquest, Mahomet the Second still felt at his bosom this domestic thorn: his lieutenants were permitted to negotiate a truce; and the Albanian prince may justly be praised as a firm and able champion of his national independence. The enthusiasm of chivalry and religion has ranked him with the names of Alexander and Pyrrhus; nor would they blush to acknowledge their intrepid countryman: but his narrow dominion, and slender power, must leave him at an humble distance below the heroes of antiquity, who triumphed over the East and the Roman legions. His splendid achievements, the bashaws whom he encountered, the armies that he discomfited, and the three thousand Turks who were slain by his single hand, must be weighed in the scales of suspicious criticism. Agaian illiterate enemy, and in the dark solitude of Epirus, his partial biographers may safely indulge the latitude of romance: but their fictions are exposed

by the light of Italian history; and they afford a strong presumption against their own truth, by a fabulous tale of his exploits, when he passed the Adriatic with eight hundred horse to the succor of the king of Naples. Without disparagement to his fame, they might have owned, that he was finally oppressed by the Ottoman powers: in his extreme danger he applied to Pope Pius the Second for a refuge in the ecclesiastical state; and his resources were almost exhausted, since Scanderbeg died a fugitive at Lissus, on the Venetian territory. His sepulchre was soon violated by the Turkish conquerors; but the Janizaries, who wore his bones encased in a bracelet, declared by this superstitious amulet their involuntary reverence for his valor. The instant ruin of his country may redound to the hero's glory; yet, had he balanced the consequences of submission and resistance, a patriot perhaps would have declined the unequal contest which must depend on the life and genius of one man. Scanderbeg might indeed be supported by the rational, although fallacious, hope, that the pope, the king of Naples, and the Venetian republic, would join in the defence of a free and Christian people, who guarded the sea-coast of the Adriatic, and the narrow passage from Greece to Italy. His infant son was saved from the national shipwreck; the Castriots were invested with a Neapolitan dukedom, and their blood continues to flow in the noblest families of the realm. A colony of Albanian fugitives obtained a settlement in Calabria, and they preserve at this day the language and manners of their ancestors".¹

After he came back to Albania, he managed to create the Albanian state, the state that appears in legal, political science, military, etc., literature. And this state has been reviewed, respected, analyzed, opposed, and contested dependently from the authors and from the viewpoints. Bellow some selected thoughts from some selected authors, is presented.

¹ Cf. Gibbon, vol. 5, p. 401-406, cited by <http://www.elsie.de/pdf/articles/A1993Disraeli.pdf> (accessed on 28.09.2020).

CHAPTER III.

HIGH STATE ORGANS



There are scholars that doubt if we can talk about a genuine state of Scanderbeg, which has been able to establish its state organs. Some others even oppose such a possibility. However, it cannot be contested the right of anybody to write, to build up hypothesis, etc., but it is very difficult to minimize and not at all neglected/opposed the existence of the state of Scanderbeg and the organs of its state. When we talk about the state of Scanderbeg and the institutions of this state, we should take into the consideration that we talk about a state of feudal system where the state of Scanderbeg was focused. Thus, and under this context the system of state organs has the features of a feudal monarchy where the head of the state or monarch are distinguished along with the Assembly of Princes and the High Council. „The state of Scanderbeg under the Scanderbeg lead, growing in an environment of continual wars, was a state with the basically military character. The entire diligence of Scanderbeg and his collaborators was devoted to army and to the building of fortifications. State administration with its specific apparatus (finances, recruitment, etc) executed functions which directly served the

war”.¹

1. The Head of State

The Head of State, Scanderbeg stayed in the top of state pyramid with the rights of a feudal monarch.² As a monarch the power of Scanderbeg was hereditary. When he travelled abroad and when he went with the important missions in other countries, since his son was minor, then the position of the head of state was exercised by his wife, Donica.³

In this state, the function of the head of state was exercised by Scanderbeg with the characteristics of a monarch, but Scanderbeg himself did not use such designation. In fact, „the official titles of Scanderbeg changed during his 25 years reign of Scanderbeg (1443-1468)”.⁴

Of course, titles become important along with the state focus and in addition to its prestige within the state and abroad. It should be noted that Scanderbeg kept a simple feudal title “Lord” (latin dominus) as almost all feudal lords of Albania were called, whereas related to Scanderbeg under this context we shall say that this title reflected his position of ruler in the principdom of Chastriotus. However it should be noted that the title of Scanderbeg changed by passing the time and as we learn from documents, especially those that show the communication Scanderbeg had with other parties, we can see that he “beginning with the 1447 year the title which was given to Scanderbeg from the European chancelleries was more defined. He is called the Lord of city of Kruja (Croia), whereas since 1456 the title of Scanderbeg is more important. Now he is not only called the Lord of city of Kruja, but he is called the Lord of Albania (Dominus Albaniae) or the Lord of of Albanian Provinces (Dominus Provinciarum Albaniae).⁵ Through other documents we shall find also other titles even titles he called himself, by signing papers sent or documents. Hence, in one case “he signed a letter to king Ladislaus of Hungary, ‘Scanderbeg Prince of the Epirotes,’ and in a letter to King Ferdinand Ferrante he called himself, ‘... Scanderbeg, Prince of Albania.⁶ Scanderbeg himself, after the creation of the Albanian focused state, used the official title “Lord of Albania” (Dominus Albaniae) in the international communication and also in his official seal, plus name Scanderbeg that showed the general grade in the ottoman army.⁷ This means that title “Lord of Albania” in essence expressed the judicial position of the feudal monarch understanding only

¹ *Historia e Popullit Shqiptar*, botimi i tretë, Universiteti Shtetëror i Tiranës, Enti i Teksteve dhe i Mjeteve Mësimore i Krahinës Autonome të Kosovës, Prishtinë, 1979, p. 268-269.

² Akademia e Shkencave e Shqipërisë, *Historia e Popullit Shqiptar I*, Toena, Tiranë, 2002, p. 430.

³ Ibid., p. 430.

⁴ A. Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, Luarasi, 1977, Tirana, p. 171.

⁵ Ibid., p. 173.

⁶ Nelo Drizari, *Scanderbeg: His Life Correspondence Orations, Victories and Philosophy*, National Press, California, 1968, p. 23, 64.

⁷ A. Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, LUARASI, 1977, Tirana, p. 172.

the factual power and not the title of the king.¹ Indeed the title the King of Albania was to be given to Scanderbeg from the Pope in 1466. This because in the Middle Ages the coronation of kings and emperors was done by Popes and this was their monopoly.

Scanderbeg fame was big in every field of the life and in every field of state organizing. It is evidenced that the fame of Scanderbeg was also as the rightful judge: before dilemma if to solve his issue in Dubrovnik or before Scanderbeg, an Italian tradesman preferred in 1465 the judge of the Lord of Albania.²

The twenty-five years history of Scanderbeg state shows that he, in peace or in the war has exercised functions based on defense, foreign policy, finances, justice, trade, custom services, intelligence, and the symbolic and symbolic presentation.³

2. Assembly of Albanian Princes

Scanderbeg had to make sure and unify the political forces in Albania as well as the military forces. This could have been done only through an assembly where would take part the main figures of the country and this would be a guarantee that if organized and if decisions were to be taken, then they would be respected. For such an assembly a terrain to be created was suitable, because of inner and foreign developments. Population showed readiness to fight against Turk army in the November 1443 war won by Scanderbeg forces. On the other side Huniady was being successful with the attacks against Turks and news about these victories were being spread and well accepted. Under these suitable circumstances, Scanderbeg had to undertake an initiative to convince Albanian noble to join and fight for liberation of their country. And this happened. The Assembly of Lezha became the reality.

This was a state organ (even before the creation of the Albanian focused state) that realized unification of the Albanian feudal Class entirely. This organ was created right after Scanderbeg came back to Albania and it lasted during the life of Scanderbeg. It gathered time after time in order to determine main measures of the political, military and economical character in order to defend the country against ottoman invasion. Assembly of Lezha thus gets somehow characteristics of a founding Assembly, who among the other has exercised also an election function, by electing Scanderbeg as the first one. In fact, on 2 March 1444, Scanderbeg convened an assembly of all-important Albanian nobles at Alessio (Lezhë) during which it was decided to set up a standing army to counter an impending Turkish invasion. Scanderbeg was selected to head this force of

¹ Ibid. 172

² *Drzavni arhiv u Dubrovniku. Consilium rogatorum* 3/18, p.150v. cited by O. J. Schmitt, *Skënderbeu*, Fjala, 2008, p.122.

³ Pëllumb Xhufi, *Skënderbeu, Ideja dhe ndërtimi i shtetit*, Dituria, Tirana, 2019, p.114.

about 15,000 men.¹

O. J. Schmitt in his work, instead of citing Barleti, decided to cite Joan Muzachi according to what "and then mentioned gentry of Arberia discussed in Lezha; somebody went himself there, the other decided to send a representative, and mentioned Scanderbeg became leader in Arberia and every one helped by troops or money according to its own possibilities; and sons of some mentioned gentries fought in order to learn the mastery of war so they defend their possessions; since this gentleman was experienced with wars and mettlesome, he was elected to be the hear (first) and every one obeys him".² At the same place, Schmitt mentions Franco who has written that gentries addressed Scanderbeg with "our good son and our brother, regarding the age, and our honored father related to virtue and bravery."³

According to Kristo Frashëri, among the decision that were taken in the Lezha Assembly, two were of extraordinary importance. First, all heads of the country agreed to give up from chonrical particularism and to create, based on the old Albanian tradition a Besëlidhje, a type of federation in order to fight together against foreign violator until the total liberation of the country, with only one head of the state, who was unanimously chosen to be Scanderbeg. Second, Assembly decided that the Albanian League to be provided with a joint army led by the general commander (kryekapedan) – a dux as qualified by Barleti (*atque ducem elegerunt*) or "general capedan of the Albanian Lords" (*capitano generale degli Signori d'Albania*), as named by Muzaka, a duty which was given to Scanderbeg by the Assembly.⁴

The Assembly indeed has exercised also other functions. For example, the Assembly got gathered to take a decision about participation in the attacks against Turks, by coordinating war with Joan Huniady. Thus "Huniady would march along Morava River and Scanderbeg would attack from the Western the west wing".⁵

From the historical resources a results comes out that Council of Albanian Princes apart from the first meeting which was held in March 1444 when it was decided to be created the League of Lezha, it gathered two more times: once in 1448 in order to decide on declaring the war against Venice since Venice conquered the town of Danja and other possessions of Lekë Zaharia and once in January 1468 also in Lezha on treating the problem of mobilization of forces of the

¹ <https://quod.lib.umich.edu/e/eebo/A05184.0001.001?view=toc>, accessed on 07.10.2020.

² Musachi 274v, cited by Oliver J. Schmitt, *Skënderbeu*, Fjala Publishing, Tiranë, 2014 (Albanian version), p. 77-78.

³ Franco, cited by Oliver J. Schmitt, *op. cit.*, 2014, p. 78.

⁴ Kristo Frashëri, *Gjergj Kastrioti Skënderbeu, Jeta dhe Vepra*, Qendra Frashëri, Tirana 2019, p. 210-211.

⁵ All these according to Pall, *Skënderbeu et lanco de Hunedoara* 10, who uses as resource documents of Ragusian Council and historyographs Halkokondyli and Antonio Bonfini, cited by Oliver J. Schmitt, *op. cit.*, 2014 (Albanian version), p. 85.

country after the third siege of Kruja.¹ On his speech to the Albanian nobles Scanderbeg said: „Up then, noble and most Catholic Princes, let us not delay even for a moment. Let us set up good laws and orders and discipline. Let us levy and muster our soldiers. And let us make known unto all ages to come that we are men worthy of a Christian Nation.”² The continuation of the activities of this organ until the end of existence of the state of Scanderbeg shows that it was crucial to him the support in addition to the broad population also the support by the feudal class that was at that historic period of time the ruling class. On the other side this, to some extent it lightens the level of focus of this state and the position of Scanderbeg in relation to other feudals. The other League of Lezha, in the beginning of Scanderbeg’s war against Turkey served both as a legislative and judicial body of the Albanian State.³

By strengthening the central power and with the creation of the focused Albanian state, the position of Scanderbeg as well as the position of other feudals changed essentially. For feudals that joined the state of Scanderbeg, Scanderbeg was not anymore “the first among the equals” (*primus inter partes*) but he was a monarch of the focused state. They have lost their position as independent feudal lords and their right to move from League, because they were dependent politically on the central power represented by Scanderbeg. For the other nobles who were not represented in the focused state, Scanderbeg did not hold this legal position. For the last meeting of the Assembly of Princes held in January 1468, Marin Barleti says: „friends and the confederalists”.⁴

The Assembly of Albanian Princes remains until the end of the state of Scanderbeg as a general organ of Albanian feudal class who determined main directions of foreign politics and the defense. According to Kristo Frasheri, among the decisions taken in the Assembly, two were of extraordinary importance. First, all heads of the country agreed to give up from the chronic particularism and to create, according to Albanian tradition a covenant, a kind of federation to fight against foreign occupators until the total liberation of the country, with only one leader who was elected unanimously, Gjergj Kastrioti Skenderbeu. The second, Assembly decided to be equipped with a unified army lead by one general commander – a *dux*, classified by Barleti (*atque ducem elegerunt*) or “general captain of Albanian lords (*capitano generale degli Signori d’Albania*),

¹ A. Luarasi, *op. cit.*, 1977, Tirana, p. 178 (During the work of this council Scanderbeg died, in January 17 and he was buried in the Shën Koll Cathedral in Lezha).

² Nelo Drizari, *op. cit.*, 1968, p. 13.

³ A. Kabashi, *The memory of George Castrioti Scanderbeg among the Arberesh of Italy: A study on the role of diaspora in the creation of Albanian National Identity*, Thesis in History, Texas Tech University, 2005.

⁴ M. Barleti, *Historia e Skënderbeut*, Tiranë, 1967, p. 482, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 179.

as named by Muzaka, duty which was given to Scanderbeg by the Assembly.¹

3. High Council

Scanderbeg's biographers M. Barleti and Dh. Frangu several times mention a consultative organ (council) giving also the ways how it functioned. M. Barleti, for example, to review the conclusion of a truce agreement with Turkey proposed by Sultan Mehmed II.²

Scanderbeg was against this agreement, but the council insisted by presenting a series of arguments as the difficult economic situation caused by the long disastrous war and the international circumstances, the indifferent and passive attitudes of European powers towards unprecedented sacrifices of Albanian population. At the end it was decided for a truce agreement to be concluded with Turkey. M. Barleti describes also the other meeting of council³ held in 1463 for denunciation of a truce agreement, concluded time ago. This time the request came from the European powers Venecia and Papacy. Scanderbeg and the council had a bad experience with the European powers and therefore initially the agreement refused such request but seeing that the preparations for a new crusade against Turkey, the truce agreement was denounced. Within several months the military activities restarted.

Based on the mentioned examples, it is seen that behind Scanderbeg there was a council which functioned at a war time and during the peace, as a high institution of the power. Luarasi calls this as the High Council in order to differ it from the War Council which operated during the military operations and who served as the high command.

In the composition of the high council took part a small number of faithful nobles to Scanderbeg, usually laic but there were clerics as well, and their held important duties in the state apparatus and in the Albanian army. Among them there are mentioned Vrana Konti, Tanush Thopia, Moisi Golemi, Pal Engjëlli, etc.

The High Council was a permanent advisory organ close to Scanderbeg who gathered under its presidency to review the most important problems of foreign and inner politics. Even though it was an advisory council, Scanderbeg was obliged to rely in the opinions of its members who represented that part of unified Albanian feudals on the uncompromised war against enemy.

¹ K. Frashëri, *Gjergj Kastrioti Skënderbeu-jeta dhe vepra (1405-1468)*, Akademia e Shkencave e Shqipërisë, Dituria, Tirana, pp. 210-211.

² M. Barleti, *Historia e Skënderbeut*, Tiranë, 1967, pp. 431-439, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 180.

³ *Ibid.*, p. 180.

CHAPTER IV.

STATE ADMINISTRATION



Scanderbeg had its own yard (corte)¹ where small and big nobles gathered, it was a suite which accompanied during trips (una buona compagnia di cavalieri)² and a number of officials in the center and in the provinces which are mentioned in the historic resources with the general name – officials (official, magistrate)³, etc.

From the competence viewpoint, organs of the state administration were of central and local character, connected based on the principle of centralization of power toward central power. In accordance with the functions and the duties of the state of Scanderbeg, the main position in the system of administration held military command, financial organs and those that treated problems of international politics.

¹ See Dh. Frëngu, *Historia e gloriosi gesti*, pp. 199, 207, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 182.

² Ibid, p. 182.

³ Ibid, p. 182.

1. Army Command

Scanderbeg has shown to be a commander of military developed skills. He was strategist and military; drafted the war plan, lead the army. He was very successful on installing traps. In characteristics of tactics used by him it was the tactic of pulling enemy right there where Albanian army was interested and then attacked from all sides. A remarkable English general of XVIII century, theoricien of military strategy James Wolf wrote about of Scanderbeg in 1756 that "...if we could summarize a passable description of Skanderbeg braveries, this would be a priceless material, because it shines over old and new capedans, under the leadership of small defending army".¹ Scanderbeg knew to combine attacks with the protection and in the battle to use infantry and cavalry. Based on the circumstances he knew to combine movement of regular army with the attacks of military detachments, frontal attacks and with the ambush.

Supreme Albanian military command was focused in the hands of Scanderbeg, but while exercising this Scanderbeg was assisted from a collegial advisory organ called war council. In this organ there were the most faithful and skillful members of the feudal aristocracy. Some of them were also at the same time members of the High Council and the War Council but these two organs were different anyway from the composition and from the functions. In the High Council took part laic and religious feudals whereas in the War Council took part only laics who commanded relatively big departments of Albanian army as pretorian gard, cavalry, infantry or specialized services as furnishing, artillery, surveillance, etc.

Apart from this the High Council was an organ of military operations, of strategy and tactics of war where took part in addition to high ranked officers also commanders of departments brought in by ally nobles. Scanderbeg commanded both parties: the first one as the head of state, and the second ones as the General Commander of the Albanian League of Princes Army. High Council is mentioned frequently in the historic resources where the military operations are described. From these it derives the way this Scanderbeg important organ functioned. To illustrate an example given by Dh. Frengu is given which "describes a meeting of the War Council held last years of the Scanderbeg life" (1467). After the crash of Ballaban Pasha in the Croya walls, Albanian army cordoned remains of Turk army and it was ready to destroy them. Turks send two ambassadors and required to hand over arms with one condition: to be allowed to go away. The issue was brought in the War Council who refused the Turk request. Dh. Frengu in his work written in Latin gives the laconic answer Leke Dukagjini gave in the council: „Embetha" (over them). And it was decided like that.²

¹ *Historia e Popullit Shqiptar*, botimi i tretë, Universiteti Shtetëror i Tiranës, Enti i Teksteve dhe i Mjeteve Mësimore i Krahinës Autonome të Kosovës, Prishtinë, 1979, p. 270.

² Dh. Frengu, *Historia e gloriosi gesti*, p. 195, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p.184.

From the above-mentioned example conclusion could be drawn that the War Council was an advisory organ close to general commander of the Albanian army and Scanderbeg was obliged to respect the opinion of the council. On the other side participation of Dukagjini shows that the War Council was not simply an organ of the Scanderbeg state, but the high command of the unified army including ally nobles in the cases when they took part in the military operations.

Special departments of Albanian army had their commanders that were nominated and discharged by Scanderbeg. Dh. Frengu mentions these commanders by name capitani, colonelli, cavalieri.¹

2. Financial Organs

In order to face expenses of the war, Lezha Assembly formed a joint financial register, where the contributions in the ducats will be collected, as promised to be given by each member of Covenants (*Besëlidhje*).²

Continual war for defending the country required many expenses for arms, munitions, building of castles, food supply, fortifications, etc. In order to endure these needs Scanderbeg relied basically in the domestic economic and financial resources. The most important part of incomes came from commitments of feudal rent and other obligations of populations, from salt factories, customs, etc. The other part came from contributions collected from ally nobles based on the decisions of Lezha Assembly. For the administration of incomes and expenses of the Albanian state an economic-financial apparatus functioned which kept an important position in the system of state administration. At the top of this apparatus stayed protovestitar. The keeper of treasures (*testoriere del principe*) was treasurer as called by Dh. Frengu³, who exercised this duty during the last years of Scanderbeg life and who accompanied Scanderbeg during the visit in Rome in 1466-1467. Scanderbeg administration exercised various financial-economic duties within and outside the country. From historical archival resources we recog-

¹ Ibid., p. 184.

² Gjon Muzaka, as it was said, a son of one of the participants in this historical meeting, writes in his memoaries textually: „then Lords of Albania gathered in the Assembly of Lezha; some personally, some via representative, so the abovementioned Scanderbeg was selected and became their captain in Albania and each contributed with the people and financially according to the possibilities; some Lords even personally took part in the war and showed to be brave, themselves became captains (commanders) and each of them obey Scanderbeg”. (*Poi fecero consiglio detti Signori d’Albania in Alessio; chi ce ando personalmente e chi ce mando suoi sustituti, talche il detto Scanderbegh fu creato e fatto lor capitano in Albania, e ciascuno contribuiva de gente e de denari pro ratta, et anco alcuni Signor pratico alla Guerra e volente, fa fatto capitano et ogn’uno l’obveda*). G. Musachio 1510, pp. 7-8 (te C. H. Hopf 1873, pp. 274-275; hear under the chapter II, pp. 209, 221), Kristo Frashëri, *Gjergj Kastrioti Skënderbeu, Jeta dhe Vepra, Qendra Frashëri*, Tirana 2019, p. 211.

³ Dh. Frengu, *Historia e gloriosi gesti*, p. 189, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 185.

nize a series of legal deeds committed from the Scanderbeg representatives (logofets, chancelars, etc) as in Ragusa and elsewhere. In these acts Scanderbeg was helped also from citizens with whom Scanderbeg as well as Gjin Castrioti kept good relationships. The city of Ragusa, where lived a lot of Albanians, served as the trade point with the foreign world, but they served also as the bank of deposition of money which later on withdrew based on the needs. Annual incomes of Scanderbeg were 200,000 golden dukats from the payments of Leagues nobles; from the incomes of his principalis and from Kampopeshkup salt factories near Shen Koll of Gruri, in the North of Durrës.¹

3. Organs of Foreign Affairs

The other important branch of the state administration was that, that treated problems of foreign politics. For development of international relationship, a special apparatus functioned consisted of cultured people who knew foreign languages and who were legally and professionally prepared. From literary historical resources and from the archives we recognize names of some Scanderbeg diplomats as: Andrea, Bishop of Albania and Gjergj Pelini who took place in the negotiations of Peace Treaty between Albanian Princes and the Republic of Venice (1448), Bishop of Croya Stefan and Nikolla de Berguci who in the name of Scanderbeg concluded Treaty of Gaetae with the Alfonso of Napoli (1451), brothers Gjon and Pal Gazuli whom Scanderbeg often sent to Venice and to Ragusa, etc. Organs for foreign affairs like the financial organs were directly dependent on Scanderbeg.

In the capacities of the head of state Scanderbeg send ambassadors in other countries to conclude international links and they were either laics or religious persons. By finishing their mandates ambassadors turned back in the homeland because during this period of time permanent diplomatic missions were not known.

Scanderbeg Ambassadors when authorized had the right to conclude important international treaties as it was the case with the Treaty of Gaetae. Apart of their signatures they also sealed treaties with their personal seal. Treaties and other documents of the international sphere were written at that time languages, in Latin or Greek. Ambassadors from friendly states usually were received in presence of yard and the High Council and right their talks were developed. Giving and receiving gifts as the signs of friendship were practiced. These could be of material value or symbolic as enemy flags, war clobber or captive.

Not all European countries at least at the early stage of the creation of Scanderbeg state were enthusiastic. Some of them even opposed him. Republic of Venice, for example worried from the national ambitions of Scanderbeg, came

¹ Fan S. Noli, *Historia e Skenderbeut (Gjerq Kastriotit) Mbretit te Shqiperise 1412-1468*, Arësimi, Boston, Shtypëshkronja e "Diellit", 1921, p. 114.

up to such a level so promised rewards for liquidation of Albanian Commander, as it happened in 1448.¹ But, when later on they saw the frequent and serious campaigns that sultan Murad undertook against Albania and the serious resistance Albanians were developing, they changed their minds. Whereas in Hungary Hunyadi was preventing the march of the Osman invaders towards Central Europe, they now were convinced that in the war which Scanderbeg was developing in Albania, the faith of Italy was being played. This was clearly seen when sultan Murad II in 1450 came in Albania with his entire scary army in order to conquer Kruja.² This was asserted by Scanderbeg himself, now all know that if Kruja falls, Italy is waiting in order.³ Under those circumstances Scanderbeg had to strengthen his state from inside whereas his foreign politics was entirely in the favor of the needs of defending the liberty of his country until the entire liberation of the country from ottoman occupiers is reached. But nonetheless, there was a military cooperation even though in some aspects it went without international and formal agreements. Thus, there were some factual alliances in place even though not formalized. Here we talk for the Albanian – Hungary alliance, because they were fighting against their common enemy. Basis of this unformulated written alliance, which continued until glorious Hungarian Commander died (1456) relied in the principle: each in his respective sector hits joint enemy by facilitating at the same time burden to each other. But both sides it could be said that the closest ally to Hunyadi was Scanderbeg, like as the closest ally to Scanderbeg was Hunyadi.⁴ Unfortunately Scanderbeg was not successful with all of his efforts to create alliances against Turks. The relationships with the Republic of Venice for a long period of time with a lot of problems, and open objections. On the other side relationships with the Republic of Ragusa were continually good. The Republic of Ragusa did not make concerns to Albanians in their war against the Turk invading armies. One of the countries with whom Scanderbeg had continual good relationships and of the special importance, was Rom. In the XV Century Rom represented the Universal Center of Catholic Church (The Holy Seat) and as the Holy Seat, its jurisdiction was spread all over where the structures of catholic church were existing...In July 12, 1447 Holy Father ordered nunc to convince Christian loyals to „...give to the dear son, noble man Gjergj Kastrioti

¹ Kristo Frashëri, *Gjergj Kastrioti Skënderbeu, Jeta dhe Vepra*, Qendra Frashëri, Tirana, 2019, p. 402.

² Ibid.

³ In the letter Scanderbeg sent to Tranet Princ, G.A.Orsin, dated 30.10.1460, it is stated: *e se io fosse stato spontato, certamente Italia se ne sentireia et per ventura quello dominio, che voj dicite essere Vostro seria loro* (de Turchi – K.F.), cited by Kristo Frashëri, *op. cit.*, 2019, p. 402.

⁴ Fr. Pall, *Skënderbeu dhe Huniadi*, in: „*Konferenca e Dytë e Studimeve Albanologjike*”, vol. I (Tiranë 1969), pp. 75-90. Translated in French in: „*Deuxieme conference des etudes albanologiques*”, vol. I, Tiranë, 1969, pp. 87-104. The same, *Les relations entre la Hongrie et Scanderbeg*, in “*Revue historique du Sud-Est Europeen*”, vol. X (Bucarest 1933). K. Frashëri, *Skënderbeu dhe Huniadi* (discussion about the presentation of Fr. Pall), in “*Konferenca e Dytë e Studimeve Albanologjike*”, vol. I (Tiranë 1969), pp. 597-599, cited by Kristo Frashëri, *op. cit.*, 2019, p. 403.

the lord of Albania, support and assistance against Turks” (a fidelibus christianis favores et praesidia adversus Teucros praestari).¹ Scanderbeg since early with the contacts with the Kig of Naples and Aragona ... Finally it could be said that with the Treaty of Gaetae the coordinates of foreign policies of Scanderbeg, which took the form of the shape of quadrate, consisted of four interested states more close to the Albanian war against Turk invading armies – Siniora of Venice, Rom Papacy, Republic of Ragusa and the Kingdom of Naples without calculating Hungary with who anti Osman alliance was naturally developed, without protocol acts. For some time in the Scanderbeg foreign policy entered also Ducati of Milan, Kingdom of Burgundia and any other but the quadrate Rom, Venice, Ragusa and Naples, who took a final shape in 1451 remained almost unchanged, with unavoidable ups and downs during the entire Scanderbeg era. Only their political and the character weight changed by being superior based on the political moments sometimes Naples, sometimes Rom, Ragusa or only at the end Venice.²

4. Chancelary

Close to Scanderbeg there existed an office where prepared people served and who ensured broad correspondence within the country and outside the country as well. They compiled diplomatic documents in the foreign languages like credential papers for ambassadors, international treaties, acts of representation, public diplomas, etc. Scanderbeg chancellors named logofets served also as the representatives within the state and abroad. A lot of documents came out of the Scanderbeg chancelary which are present in our times and that prove the high-level preparedness of personnel in serving Scanderbeg.

For relations with the other countries Scanderbeg had an apparatus consisted of chancelars and ambassadors or rhetors. Chancelors drafted various acts in various languages as treaties that would be signed with other states, act of representation with various missions, diplomas and public acts, etc. Acts which came form the administration of the Albanian state testify the high humanist culture of Scanderbeg and the courtiers...Scanderbeg ambassadors and rhetors were cultured cleric and laic persons who knew foreign languages as Latin, Italian, Turkish, Greek, etc.³

5. Army – Intelligence Organs

At the beginning, based on the decision taken by the Lezha League it had characteristics of the federal army. Its general commander had no right to interfere in the organizing departments delivered by ally nobles. With such army of

¹ Kristo Frashëri, *op. cit.*, 2019, p. 407.

² *Ibid.*, p. 420-421.

³ Akademia e Shkencave e Shqipërisë, *Historia e Popullit Shqiptar I*, Toena, Tiranë, 2002, p. 430.

ally feudal and non secure with mercenary departments the resistance against furious attacks of janissary was impossible and it was impossible to stop Turk akinjies who were inveterate in continual wars.¹

Scanderbeg army was divided into two parts – in the permanent army and the ancillary army which mobilized during the time of the war. In the permanent army there were “garda pretoriae” (praetorian cohorts) and the border departments. Garda pretoriae consisted of 2-3 thousand soldiers that stayed close to Scanderbeg. In this Scanderbeg recruited young people who were trained and educated by the general commander. All of them were riders softly armed and in the battlefield, they fought directly under the command of Scanderbeg.² Whereas border departments according to the cases were 3-5 thousand. Their duties were to defend castles and the eastern borders from where usually came Turk armies. According to Fan Noli, when describing the League Assembly, the League army was of nearly 18.000 half cavalry and half infantry.³

The other part of army consisted of peasants who were obliged to finish the military service based on the lists of recruitment which were compiled for the first time in Albanian according to the principle “man for house”. When the wars were interrupted these soldiers stayed home. When it was needed all of them took weapons and appeared in their departments. Their number was usually from 8-10 thousand, partially riders and most of them infantrymen.⁴ An important place within the army kept the commander of border forces⁵ who lead permanent departments of army that protected eastern borders of the country, commander of praetorian guard⁶ and the general quartermaster of the army⁷. On top of the military forces that protected Albanian castles during sieges or in the peace time there was a castle commander.⁸ It is important to stress out this what P. Xhufi gives us regarding the recruitment of soldiers. Under this context, according to the chronicler Gjon Muazka (1510) who said that “Scanderbeg army relied in the contribution with the people or with money of Albanian princes, who often sent their sons under the rule of Castriota”.⁹

¹ *Historia e Popullit Shqiptar*, botimi i tretë, Universiteti Shtetëror i Tiranës, Enti i Teksteve dhe i Mjeteve Mësimore i Krahinës Autonome të Kosovës, Prishtinë, 1979, p. 269.

² Ibid.

³ Fan S. Noli, *Historia e Skenderbeut (Gjergj Kastriotit) Mbretit të Shqipërisë 1412-1468*, Arësimi, Boston, Shtypëshkronja e “Diellit”, 1921, p. 114.

⁴ *Historia e Popullit Shqiptar*, botimi i tretë, Universiteti Shtetëror i Tiranës, Enti i Teksteve dhe i Mjeteve Mësimore i Krahinës Autonome të Kosovës, Prishtinë, 1979, p. 270.

⁵ Dh. Frengu, *Historia e gloriosi gesti*, p. 195, cited by A. Luarasi, op. cit., 1977, Tirana, p. 184.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.185

⁹ Date was taken from: G. Biemmi, *Istoria di Giorgio Castrioto detto Scanderbeg*, Brescia; G. Rizzardi, 1756, p. 30, cited by Pëllumb Xhufi, *Skanderbeu ideja dhe ndwrtimi i shtetit*, Dituria, Tirana 2019, p. 115.

6. Flag, Emblem and Official Seal

Big war of Albanian people against the Turk invasion was developed under the flag of its remarkable leader Gj. K. Scanderbeg. Scanderbeg flag was the flag of Castriota family with the red background and with the black eagle with two heads. Barleti has described the flag when writing as “Scanderbeg held red flags, lined with black eagles with two heads”.¹

During the big war between Albanians and Turks when the unification of the country in one state was made, Scanderbeg flag became the flag of the Albanian state. The meaning of this flag was saved not only by Albanians within the country, it was also saved by arbereshi that emigrated after the fall of last castles in the hands of Turks. During centuries it became a symbol of war for freedom and independence and it gained the importance of the national flag. Except the flag, big families in the feudal middle Ages used emblems as distinctive signs of their force and their greatness. The emblem of Castriota presented eagle with two heads and on top a six-pointed star. Emblems with the eagle with one or two heads are faced also in other big feudal families, starting with the principality of Arberia to Dukagjini and Muzakaj.

Acts coming out from the Scanderbeg chancellery had his seal with the emblem (big seal), mainly in official documents. Original was negative whereas track out positive. They are used in a number of documents of financial character found in the Dubrovnik archive. Ragusa required that each trade agreement, diploma, proxy, etc., to be completely authentic and regular from the legal viewpoint. The use of seals by Gj. K. Scanderbeg as well as by Gjon Kastrioti shows the increase and the strengthening of prestige of this feudal family within the country as well as in the sphere of international relations.² The big seal of Scanderbeg was of circle form. In its center part it presented eagle with two heads of Castriota and on top of it a six-point star. Scanderbeg seal gives us a more authentic eagle found until now and it is a resource of the important research character regarding the legal position of Scanderbeg in the Albanian focused state.³ This is reflected especially in the legend of seal. In its circle it was the table in Latin “GEORGIV CASTRIOT SCENDARBIGO”, whereas in both sides of eagle there were initials “D” and “AL”, shortening of official title of Scanderbeg “Lord of Albania”, Latin (Dominus Albaniae). Title that was held by Scanderbeg there shows that the big seal was used in official documents after the creation of the Albanian state. “Dominus” (Lord) shows the position of Scanderbeg whereas “Albaniae” the state where he rules who not only included only possessions of

¹ M. Barleti, *Historia e Skenderbeut*, p. 93; A. Luarasi, *op. cit.*, 1977, p. 190.

² Regarding the seal of Scanderbeg, see Tefik Geci, “*Mbi stragjistikën e Kastriotëve*”, in Symposium on Scanderbeg, Prishtinë, 1969, p. 231 cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 191.

³ See Tefik Geci, “*Mbi stragjistikën e Kastriotëve*”, in Symposium on Scanderbeg, Prishtinë, 1969, p. 231, cited by A. Luarasi, *op. cit.*, 1977, p. 191.

Castriota, but it covered a big part of territories where the Albanian language was spoken.

The small seal of Scanderbeg was sculpted in the gemstone of his personal ring. It has an octagonal form of maximal size 9 mm of length and 7 mm width. Its symbols were taken from ancient pelazgic mythology. In the small gemstone there were sculpted two pelazgic figures: Queen Leda and Zeus of Dodona turned into swans.¹

¹ Akademia e Shkencave e Shqipërisë, *Historia e Popullit Shqiptar I*, Toena, Tiranë 2002, p. 434.

CHAPTER V.

THE LAW IN THE STATE OF SCANDERBEG



One of the Albanian historians that has written a lot about Scanderbeg says that for the issue of law it is still not done a completed work. He states that a study either in form of synthesis over the judicial system in the state of Scanderbeg is till not finished.¹ However, for the needs of this paper we have chosen to use and present two works [naturally, adding other selected materials] (titled: A. Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, Luarasi, 1997 and A. Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, Maluka, Tirana, 2018) in order to reflect the system of law and justice in the state of Scanderbeg as well as the state institutions in the state of Scanderbeg presented above). These two books (with some other references) present a good overview of this topic. The law, law

¹ We know the study of G. Valentini (1969, pp. 11-22), but he stops in general considerations. Rrok Zojzi (1969) and Syrja Popovci (1972, pp. XXXII-XXXVII), limit themselves in general considerations. This chapter is built up upon our lecture/presentation Kr. Frashëri, on Kanuni i Skënderbeut in: „Studime historike”, no. 2 (Tiranë 1977), pp. 125-145 (re-published in: Studime për Epokën e Skënderbeut III, 1989, pp. 94-111), cited by K. Frashëri, *Gjergj Kastrioti Skënderbeu-jeta dhe vepra (1405-1468)*, Akademia e Shkencave e Shqipërisë, Dituria, Tirana, p. 306.

institutes, promulgation, resources, etc., are well designed and presented so it is hard to oppose or make objections on them.

The law that has been used in the state of Scanderbeg is of the feudal type. It corresponds the level of development of producing forces and the respective type of relationships in the production. As such, it expressed and protected the interests of feudal generosity who was the ruling class in this state.

By being of the feudal type, the law that was applied in the state of Scanderbeg presented economic, political and legal inequality between classes and various layers of society, and even between specific individuals within the ruling class. Representatives of feudal class enjoyed a very big volume of rights compared to the other layers of the society. They were equipped with the privileges, honors, immunities, exclusions, etc., who brought differences in the field of judicial ability not only from the other part of society, but even between members of the ruling class.

In addition to class privileges within the country, Albanian nobles sometimes enjoyed such privileges, honors, immunities, etc., also outside of the country. Scanderbeg and his brother Stanisha, like their father Gjon Castriota enjoyed a series of privileges in Venice.¹

Privileges of feudal nobles constituted a special right and an exclusion within the positive law applied within the country. Such a right was composed also by the privileges of citizens. Kruja (Croya) for example enjoyed and saved in the time of Scanderbeg old privileges known for ages from Byzant emperors. These privileges were confirmed on April 19, 1457 also from Alfonso of Naples after the conclusion of the Treaty of Gaetae.²

In the state of Scanderbeg there were applied in parallel some systems of rights. Diversity of the law is one of the features of the feudal society which is conditioned by the economic basis. Thus, in addition to the classic laic law or sanctioned by the central power, there existed and saved a customary traditional law which acted and stayed actively in all zones of the country as well as the church law (canonic) for a certain category of issues. Unification of the country in a focused state affected the overcome of feudal particularism in the field of law in the meaning that now norms which came from the central power had the power in the entire country. However Schmitt has chosen to add that also for this law of the Scanderbeg era, where „however we can conjecture that in Malesia (highland) of that time it was more worth the customary law, while we surely know that in the seaside cities the statutes of cities were used, partially saved up to date, that

¹ J. Radonic, *Gjuragj Kastrioti Skenderbeg i Arbanija u XV veku*, Beograd, 1942, Document no. 8, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 212.

² J. Radonic, *Gjuragj Kastrioti Skenderbeg i Arbanija*, Dokument no.137, Alfonsi of Naples confirms privileges of Kruja given by emperors of Byzante, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 212.

came from Byzante and Venice jurisdiction”.¹ However unification within one state was not able to disappear the existence of the customary law and the church (canonic) law, that were conditioned from the all previous historic, economic, political and social development of the country. When we talk about the customary law, we will stress out the Scanderbeg Codex, that is an “order of connected laws – oral hereditary from the predecessors, or done time after time upon principles of codexes of our highlands and the justice that oblige entire population to where the codex is extended.”² This Kanun was broadly implemented and it is respected especially in the territories it is extended. From the cannune is noted that “Scanderbeg canune is extended in the Central Albania among provinces of the Castriota principalis and their impact: Croja, Mat, Diber, Valm (Elbasan) from the rivers Milot-Fand in the north up to river Shkumbin (Librazhd) in the south and from the Adriatic sea in the west to the borders of more eastern border of Diber and Oher in the East”.³ Indeed, one very important feature of Scanderbeg’s consolidation of power in Albania was also the establishment of the first codes of law or the Kanun. For Albanians the establishment of the Kanun is closely related to Scanderbeg’s reign in Albania, but there is no historical evidence that directly links the authorship of Kanun to him.⁴ However, to the codes positive attributes can be given. Especially to women rights. Under Scanderbeg’s laws when the patriarch of the family died the property did not get transferred to the oldest son, but to the member of the family who was most able to manage it.⁵ Regarding Kanun, it is good to add also the following: „The Kanun is a body of unwritten laws which govern all the many and different aspects of Albanian community life. It was created as a result of the inner need of a whole population, living in our territories, in order to defend the very existence of the nation in the face of the threat of assimilation by “superior” civilizations of the invaders and occupiers... Albanians respected and obeyed the rules as laid down in the Kanun and escaped extinction as a nation. They survived with their distinct culture and language, succeeded in preserving a unique civilization”.⁶ In the context of Cannune it is important to underline what Kristo Frashëri wrote, while stating that as

¹ Lucia Nadin-Gh. Ortalli (përgat.), *Statuti di Scutari (corpus statutario delle Venezie 15)*, Romë 2002; A. Pertusi, *Per la storia di Dulcigno nei secoli XIV – XV e dei suoi statute cittandi*. Studi veneziani 15 (1973) 213-271, cited by Oliver J. Schmitt, Skënderbeu, Fjala Publishing, Tiranë, 2014 (Albanian version), p. 123.

² Article II, *Kanuni i Skandrebeut*, botimi i III, Botime Franceskane, Shkodër, 2019.

³ Article I, *Kanuni i Skanderbeut*, botimi i III, Botime Franceskane, Shkodër, 2019.

⁴ A. Kabashi, *The memory of George Castriota Scanderbeg among the Arberesh of Italy: A study on the role of diaspora in the creation of Albanian National Identity*, Thesis in History, Texas Tech University, 2005, p. 15.

⁵ Ibid.

⁶ Qesku, Paul (Pavli). *The Albanian Implosion*. <http://www.albania.mcmail.com>, February 27, 1999, cited by A. Cara & M. Margjeka, in *European Scientific Journal*, October 2015, vol.11, No. 28, p. 75.

the consequence, among hundreds of norms that take part in the corpus of unwritten law, collected in the former zone of Castriots, only some of them could be a real canunes of Scanderbeg.¹

Customary law was important in this period of time whereas the important part of the Albanian customary law had the institution of Besa. Besa was a national cult and it has kept an important place in correspondence of Albanian nobles with the foreign states and the word “besë” was borrowed from the languages of neighboring populations. In a letter addressed to the Republic of Ragusa in 1420 instead of using words God and Christ that contained the formula of oaths, Gjon Kastrioti has put word besë: „My besa, of Lord Gjo and my sons for every trader. I have given besë to everyone that comes to my land in Shufada, and if a damage is done or any wrongdoing, ... I will pay, Lord Gjon, or my sons”. His son Scanderbeg has written in 1460: „to keep besë even though for defending the besë we have faced many big risks, even though I have been in front of certain death”.²

1. The Law Created from the Central Power and Its Branches

Historic and literary resources prove the existence of law enough developed in Albania during the period of Scanderbeg, who recognized and implemented some main institutions of criminal and civil law. Regarding the law it could be said that in this period it could be noted that there were three types of law applied. Law created by the high authorities which was feudal law which indeed was valuable and applied to the class of feudal. This produced justice for the class of feudal. With this law and justice we cannot talk about equality before

¹ Kristo Frashëri, *Gjergj Kastrioti Skënderbeu, Jeta dhe Vepra*, Qendra Frashëri, Tirana 2019, p. 311. Here, in the same page (footnote no. 266) Kristo Frashëri explains further: according to the legislative practice of community of malësors, always when a need for a canune norm appeared or any time when an old norm was not in accordance with the new historic circumstances, then in the scene came up the so called village elders. “Two elders” reviewed always and they were invited to review a concrete case. Elder who took the initiative to lay out a new norm, so it could easily be kept in mind, formulated it in a lapidary way, often in a figurative shape. Dealing with the arguments of two partners was developed before the assembly of the community and it ended up until one of the parties gave up from his viewpoint. However old norm, was abolished and the new norm was adopted only from the highest organ of the malësor community-assembly of community-without whose existence the action of the customary law could not be understood. Often behind the scene of this procedure seeming democratic, acted corrupted elders who based in bribes-oriented assembly towards pre-determined decisions. However new norm that entered into the body of the canuniv law, many times was known by the name of the creator. In most of the cases their names didn’t survive over the time. In the former zones of Castrioti, at our times have arrived names of some elders who were distinguished as “authors” of canunes during the 19th Century, as: Lush Qidhna in Dibër, Mus Ballgjin in Cermenikë, Selim Peshku in Martanesh, Cen Doku in Bendë, etc. Over the medieval centuries, people tradition saves these land banks only by two names: Gjergj Kastrioti and Kokë Malçi, apart from Lekë Dukagjini who belonged to the provinces of Northern Albania.

² Akademia e Shkencave e Shqipërisë, *Historia e Popullit Shqiptar I*, Toena, Tiranë, 2002, p. 433.

the law, because this law was only for high class that enjoyed “privileges, immunities, honors, exclusions, etc., which brought their difference with the other layers of the society.”¹ During the period of Scanderbeg three types of law could be distinguished: the laic law, the custom law and the church (canonic) law. In general, even though Scanderbeg created a focused state, even though got the features of an absolute power, he didn’t act like Stefan Dushan who obliged his citizens to implement his codex. On the contrary he followed the examples of Byzante Empire who even though governed according to the laws adopted by the central power, did not touch old venoms enjoyed by province communities-the law on local self governance.²

In its creation the way of sanctioning of more known roman-byzantine institutions of law of later period were used, which was applied in Albania before Scanderbeg. Apart of sanctioning the roman-byzante feudal law Scanderbeg has adopted special legal acts that make one of the main law resources which was applied in Albania during this historic period of time. Such acts were for example decrees on declaring military mobilization and the registration of population, that created obligations for citizens to participate in the liberation army. M.Barleti mentions several times the legislative activities of Scanderbeg while saying that “by declaring decree in the province, immediately there were registered ten thousand”, “since promulgated immediate decree and went to the upper part of Dibra ..., etc”.³

Under that time circumstances declaring (publication) of normative acts of Scanderbeg was done through “telalls” and “officials”, who informed population verbally on their content.⁴ O. J. Schmitt based in resources states that “it is also proved the fame of Scanderbeg as the rightful judge: before the dilemma to take the solution on the issue in Dubrovnik or from Scanderbeg, an Italian trader preferred the judge of the God of Albania in 1465”.⁵

2. Criminal Law

One of the main branches of the system of justice was the criminal law. Under the circumstances of continual and sternly war in protecting the country, this law played an important role against the enemy elements and traitors. Criminal law of the Scanderbeg era recognized notion of crime and the necessary defense. This conclusion derives not only from practical engagement of criminal-legal measures against acts which were considered crimes, but also from passages

¹ A. Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, Maluka, Tirana, 2018, p. 195.

² K. Frashëri, *Gjergj Kastrioti Skënderbeu-jeta dhe vepra (1405-1468)*, Akademia e Shkencave e Shqipërisë, Dituria, Tirana, p. 306.

³ M. Barleti, *Historia e Skenderbeut*, p. 125 and 300 cited by A. Luarasi, *op. cit.*, 1977, p. 214.

⁴ Ibid.

⁵ *Drzavni arhiv u Dubrovniku. Consilium rogatorum* 3/18 p.150v, cited by Oliver J. Schmitt, *Skënderbeu*, Fjala Publishing, Tiranë, 2014 (Albanian version), p.122.

of the work of biographer M. Barleti.¹ That's time criminal law foresaw certain types of punishments in accordance with the level of dangerousness of the criminal act. Specific heavy punishment was applied for crimes of spying and duplicity. Spies from the enemy side were punished with mutilation (cutting hands) or with the death penalty.²

The crime of betrayal, as the criminal act that damaged directly the interests of liberation war, was punished with the death penalty or with the life imprisonment. Scanderbeg was unwavering against traitors even against his relatives. Thus, Hamza Kastrioti after the betrayal was captured and he was sentenced with the life imprisonment. Then with the order of Scanderbeg he was sent to Naples to finish punishment. At the same way a Scanderbeg nephew Gjergj Stres Balsha was punished since he handed over with the betrayal act the Modrica castle to the Turk army. Apart of death penalty or the life imprisonment for betrayal it was foreseen also the complementary penalty, which was the confiscation of the movable and immovable, land properties, etc. This measure was of special importance to hit traitors from the ruling class, because this touched directly their economic basis. For example, after Moisi Golemi betrayal, Scanderbeg confiscated his wealth and distributed that to other feudal nobles. Those convicts the imprisonment were sent to prisons within castles of feudal nobles. As Dh. Frengu shows, Scanderbeg had prisons in the Castle of Guri i Bardhë (Petalba) in Mat. The convicts were locked up, and the same was done with the war captives until they were released according to the norms and that time practice. In some special case, as it was the case of Hamza Kastrioti, the imprisonment time was spent in the prisons of Naples and this with the reason of strong security.

Criminal law in the state of Scanderbeg recognized the institute of forgiveness of punishment. The head of state had the right to use the right to declare the forgiveness of punishment and this was in a way a privilege for the convicts for the ruling class. Scanderbeg used this institute for the case of Moisi Golemi after he surrendered and turned back to him his confiscated property along with the commanding position he had before the betrayal. This was an exclusion because of special merits Moisi Golemi had and because of his repentance. From the formal procedural viewpoint, the surrender of Moisi Golemi was of interest. As biographers show, after the defeat of Turk army commanded by Moisi Golemi, he escaped and surrendered before Scanderbeg putting himself on the knees holding a girdle tied on his neck that meant that he recognized the right of Scanderbeg to either forgive or punish with the death penalty. After Moisi Golemi, Scanderbeg forgave Hamza Kastrioti after he spent a part of punishment but to him the confiscated property and his social position were not turned back. Feudal

¹ Sipas M. Barletit, Skenderbeu says in a speech: „but if this should be called more than a crime rather than a necessary protection ... your yourself judge, etc. It should be believed that this speech is a creation of the author, but however it shows that in Albania of XV, the notion of crime and the necessary were known”, cited by A. Luarasi, *op. cit.*, 1977, p. 214.

² Ibid.

nobles have been judged and punished from Scanderbeg in the capacities of the head of state and the capacities of feudal suzerain. Of course, they enjoyed series of privileges in the field of criminal proceedings. Such a privilege was judgement and direct punishment by the head of the state. There are no data about any concrete example about the way of how dependent peasants on the feudal nobles were judged and punished. In the Albanian feudal principalis they were sentenced from special nobles who were their rulers and judges (*iudex*). With the creation of the focused Albanian state these old forms of court organization should have been changed by passing the right to judge to the hands of officials of Scanderbeg where they faced the names of governors, capitani, oddiciali, magistrate, etc., but we do not know exactly their state functions. For the free peasants organized in the territorial communities (peasants) the norms of customary law were applied as well as punishments were issued based on these norms of customary law.

3. Civil Law

In the field of civil law important and special institutes from roman-byzante law were recognized and applied for a long period of time. As such there were representation without or with the authorization, various types of contracts, etc. From the archival resources we recognize certain acts Scanderbeg of representation given to state representatives named chancellors, logofets, diaconate, etc., for exercising judicial acts of the state. From the viewpoint of importance and the form they were divided into the acts of representation with the authorization and those of simple written act.

From a notarial act of 18.03.1452 found in the Ragusa archive we learn that the Albanian bishop Andrea Suma went to Ragusa as the authorized Scanderbeg representative in order to withdraw in his name a sum of money "have for this aim a special mandate, as it comes to be seen from the written authorization with the public instrument".¹ Authorization was drafted in Albania "with the public instrument", as it is said in the notarial whereas its legality and veracity was registered before the notar chancellor of Ragusa, i.e. in the place of execution. From this document a conclusion may be drawn according to which at the time of Scanderbeg in Albania existed the notarial service where notarial acts were drafted whose validity was recognized in the international civil relations. Money withdrawal was proved with a document which was called public diploma. It was drafted by the Scanderbeg representative who at the same time was his secretary. Public diploma was given in the name of Scanderbeg and had his personal seal (small seal). From archive resources we recognize only acts or Scanderbeg representation but for many reasons we may believe that such acts could have done also by simple citizens, surely without ceremonial act which was reserved only for the head of the state as personal seal, public diploma, etc.

¹ J. Radovic, *Gj. K. Skanderbeg i Arbania u XV veku*, Beograd, 1942, Dokumenti nr. 70, cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 217.

An important part of civil law in the state of Scanderbeg was the law which regulated the contractual relations. From the archives we know certain contracts, concluded between the representatives of Scanderbeg with some citizens of Ragusa (Dubrovnik). As such we mention a contract venture with three bricklayers in the Rodon cape concluded in Ragusa on December 23, 1463.¹ Contract was concluded in the name of Scanderbeg by Pal Marini de Gondola who acts as the representative in Ragusa. The other party, bricklayers were themselves present. Contract was concluded in written whereas the obligations of parties were precisely determined from the legal viewpoint. Bricklayers take the responsibility to go to the Rodon cape and to “do the work with their arm work”, “to work in their craft”, whereas the other party was obliged to give the reward of 36 perpers per month where it is included the salary for an assistant who is not the contract party. At the same way deadlines for execution of duties were precisely determined. They will work two months to build the Rodon castle. This deadline starts the next day since they set off from Ragusa and also with the determined reward. The way of execution of the obligation is the re-notification, i.e. bricklayers will set off as soon as the Albanian party is ready for the starting the work. Unfortunately, we have at the disposal only few legal acts as contracts, authorizations or diplomas that have to do with the acts according to which one of the parties is a foreign one. And this is because of the total lack of national archival resources of this nature. However, we have deep reasons to believe that such legal acts by which Albanians of the Scanderbeg era used to exercise also duties between inner parties. Recognition and knowledge on these judicial acts and the norms which regulated the, will undoubtedly create a broader picture over the nature of law which existed in the state of Scanderbeg and its main institutions. For transition of goods in the territories of the state of Scanderbeg foreign traders paid taxes and customs. The ways of paying these taxes and customs was regulated by law issued by central power of Scanderbeg. This conclusion comes out from a letter of ruler of Ducati from Milan addressed to Scanderbeg by which he complained that his citizen was robbed in Albania and thus he required compensation. In the letter it is said that the Milan trader “paid custom and tax (determined) based on the law” and afterwards he was robbed two times, continually.² From this letter and from the other one from the date 26.08.1464 approximately of the same content,³ we may draw a conclusion that in the state of Scanderbeg the right to compensation for the robbed property or for punishment by mistake, was known.

According to Scanderbeg Codex trade was transaction which meant that in the time of Scanderbeg the contract of sale existed. According to Codex this

¹ Ibid., p. 218.

² J. Radonic, *Gj. Kastrioti Skenderbeg i Arbanija u XV veku*, Beograd, 1942, dokumenti 279 and 290 cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 220.

³ Ibid.

was realized by handing over money (price) and by delivering the goods. It should be stressed out that Codex did not recognize guaranties for the sold goods. Goods had to be controlled before they were bought. If the goods were bought with shortcomings they could not be turned back.

Transactions was done with the movables and with immovable. Land was considered immovable because “river goes on whereas land doesn’t move”.¹ Owner could sell his property, but he could not sell the land without permission of the members of the family.

Women, since she could not be heir, could not be the owner of immovable. She could not buy anything without the permission of her husband. The entire property/wealth could be considered to be of her husband and her children. Since she was not the owner of immovable it was impossible, she could sell them. She could not sell the wealth of her husband neither during the time he was alive nor when he died.

4. Family Law

Marriage in the ranks of Albanian feudal nobles, first of all was a political act. It (marriage) aimed to strengthen political and economic position of feudal family as well as to ensure transmission of their possessions of the legal inheritance. Thus, marriage of Scanderbeg with Donika, daughter of Gjergj Arianiti, had an aim to strengthen connections between two big feudal families in the war against Turks. Such political marriages had done also Gjon Kastrioti at his time giving his daughters to some most powerful feudal families. In selecting the future spouse, the class criteria were respected rigorously. Marriage within the feudal class was concluded in form of contract by foreseeing among the other also the dowry that bride had to bring herself. For other people the marriage was concluded based on the norms of the customary law.

4.1. Engagement According to the Scanderbeg Kanun

Engagement and the marriage are regulated in the Chapter IV of the Scanderbeg Kanun. According to the Kanun engagement would be concluded only if persons are going to get married. Engagement was done between bride and bridegroom and this always with the mediation (shkuesi-shkues). The family of the boy should deliver a gift for their son and his bride. Family bride shall receive gift and only the gift has been received it is considered that the engagement is concluded. So, based on the Scanderbeg Kanun if the gift is not delivered then the engagement is considered as concluded.²

As the gift (“shej”) of marriage according to Scanderbeg Codex several items were considered. “Sheji” or the gift is ring, handkerchief and the money

¹ *Kanuni i Skenderbeut*, Botimi III, Botime Françeskane, Shkodër, 2019, art. II, art. 1572.

² See more at: *Kanuni i Skenderbegut*, Botimi III, Botime Françeskane, Shkodër, 2019, art. 132.

that the family of bridegroom sends to the family of the girls, so they will give their daughter to their son.¹

In order to conclude the engagement, it was obligatory the presence of mediator (shkuesi) as well as the gift. Codex does not recognize engagement without goer (shkues) and without “shej”.²

For the engagement the age of the future couple was not determined. According to this engagement could have been concluded between newborn children. This phenomenon happened very often in the state of Scanderbeg. It was clear that after the engagement was achieved bridegroom and bride had no right to meet to each other and to see each other. The period of time between engagement and the marriage according to the Scanderbeg Codex was called ring (“unazë”) or under the ring (“nën unazë”). This period of time usually was determined when the date of marriage was decided.

4.2. Marriage

In the state of Scanderbeg marriage was one of the pillars of the Codex. It was concluded always after the engagement was done. Marriage was considered as the reciprocal help of the husband and the wife as well as for raising the children. At that time, according to the Scanderbeg Codex the husband and the wife shall assist each other in the works of life. Marriage could be concluded with the crown and without it. Marriage that was with the crown was legal and it was concluded as the legal marriage and religious (laic and canonic). From this we understand that in the state of Scanderbeg there existed also cohabitation which we nowadays call factual cohabitation.

Robbery of the girl was not allowed and if it happened it was considered as the heavy criminal act against the girls, her parents and the girl family.

4.3. Age for Concluding Marriage

In order to conclude a marriage a determined age was needed even though it was different for a boy and a girl. The boy should be of 16 years old whereas the girl should be of 14-15 years old so the marriage could be concluded. Within a family there was an order on who is the first to be married. Thus, the first was the old brother and sister and they were followed with the younger ones in order. But this was not one of the obligatory conditions.

4.4. Obstacles for the Engagement and of the Marriage

Blood gender was the absolute obstacle for concluding engagement and

¹ *Kanuni i Skanderbegut*, Botimi III, Botime Françeskane, Shkodër, 2019, art. IX, art. 187.

² *Ibid*, art. 133.

the marriage between the boy and the girl. The gender of affinity also was marriage obstacle for concluding engagement or marriage. It was absolute obstacle, absolute obstacle in the right and transverse line. The marriage within the tribe was forbidden. This forbiddance could be of not limit in sense of levels. By passing the time the marriage in the gender of brother-in-law (kumatise) was allowed up to the seventh level but after some determined period of time the level was shortened from seven to five. This has been evident with the catholic believers whereas to the Islam believers the gender of krushqise was not an obstacle marriage.¹

According to the Codex for the catholic believers' marriage was monogamist. Whereas for the Islam believers' men could conclude marriage also with other women. Islam believer could marry even if he was already marriage to the other woman. As it is seen he could marry two or more women. This means that the bigamy was allowed. To the women the marriage with two or more men was not allowed. She could marry for the second time only if she became a widow or if she got divorced. Marriage with more women (to Islam believers) could have been concluded with crown or without it.

4.5. Catholic Marriage

For the catholic citizens of the state Scanderbeg regulated marriage with the norms of Codex. Conclusion of the marriage for catholic believers was done in the church. Its procedure was regulated with the codex. The ceremony was religious and festive. There the future wife and the husband gave oath in the presence of two witnesses and the parson. They swore that they were tie the crown and that they will stay loyal to each other in whatever situation. Presence of two witnesses was necessary so the marriage could be considered valid. Witnesses in most of the cases should have been from the bridegroom family and they could be of two men or a man and a woman.

It is interesting to underline that before the marriage was concluded the conclusion of marriage was publically declared and this was done in order to verify if there were objections/appeals against such a marriage. Conclusion of the marriage was declared publically so someone will come with information for any potential obstacle or forbiddance. If within the determined period of time after the marriage was declared publically, there were no appeals or objections then the marriage was concluded, and it could not be broken until the death.

4.6. Concluding Marriage Based on the Islam Religion

Since in the state of Scanderbeg there lived Islam believers, marriage was concluded also in the Islam religious institutions. Marriage was concluded based

¹ Scanderbeg Codex the gender of brother-in-law called "kUNETËRI".

on an Islam ceremony. In that act a special chapter of Kur'an was read before partygoers and bridegroom and the bride. Presence of a determined number of people was obligatory. There also had to be present two witnesses. To the Islam believers one from the witnesses had to be from the bridegroom side whereas the other one from the bride side. Based on the Islam believer's marriage could have been concluded also on the and not in the religious institution. Spouses together with the witnesses signed a document which was drafted by ecclesiastic. Children born from the parents who had concluded crown were considered legal whereas those born from the parents with no crown were considered illegal.

Illegal children inherited similarly to children born from the parents with crown. Also, to these children all religious rituals were executed. Scanderbeg Codex equalized these children with the legal ones because "they were not responsible for the work their parents did".¹ It should be noted that a kid whose father was unknown could not inherit even if afterwards his father became known.

4.7. The Husband Rights towards His Wife and Vice Versa

According to the Scanderbeg Codex husband had the right to advise and to rebuke his wife. If the wife did not behave based on the husband advice and rebukes, then according to Codex husband could use the physical force against her. Wife had no right to advice and to rebuke her husband and in no case, she had the right to use the force. In some cases, husband had the right to kill his wife (treason) and for this he was not held responsible. Husband had to take care about the food, health and clothing of his wife.

In the state of Scanderbeg wife had many obligations in favor of her husband and according to the Codex she was obliged "to be under his domination, to raise children by honour, to fulfill all of her duties based on the permission of husband, she had no right to talk about the marriage of their children".

In the family law, Scanderbeg changed the old custom norm according to which husband could at every moment divorce his spouse without any reason and without giving her any wealth. "Scanderbeg codex" recognized only two legal reasons to divorce the spouse: theft and the violation of mate faithfulness (for dishonesty). Wife could divorce for other reasons as well, but husband should be obliged to give to her, her part of the mate wealth by recognizing her contribution in the mate wealth so, by this he recognizes her contribution in the joint property. Also, with regards to women Scanderbeg's codes provisioned that a woman had the right to the land she was given upon marriage and if divorce occurred, she had the rights to half of her husband's property.²

¹ *Kanuni i Skanderbegut*, Botimi III, Botime Françeskane, Shkodër, 2019 art. XXXVII, art. 433.

² Haxhihasani, Qemal, *Tregime dhe Kenge Popullore per Skenderbeun*, (Tirane: Universiteti Shteteror i Tiranes, 1967: p. 34 – „Femija qysh se len e ka tenin nja per nja me te madhin.” ... ”Me kanun te Skenderbeut, grueja mundet me u nda pa hise vetem per bracaklek e per pune te panershme,

4.8. The Rights and the Duties of Father for His Children and Vice Versa

Father was obliged to take care for children on their raise and their education. One of the duties of the father was children engagement as well as their marriage. Solicitude and assistance were correlative.

5. Inheritance Law

In the field of heritage, the legal and testamentary heritage was known. Land properties, in principle were transmitted to male heirs and in case on their absence, this was transferred to the female heirs. It was recognized the right of children to inherit their dead parents, and a contrary: the parent inherits their children after their death. Thus, for example after the death of Leke Zaharia in 1447, as heir of principalis remained his mother Bosa who felt to be victim of intrigue and pressures of Venice and handed over to the republic the Danja principalis. Whereas Scanderbeg who wanted to save Albania from partition asked to get the principalis of Leke Zaharia in the name of Lezha League by invoking the right to testamentary inheritance, because according to M. Barleti, between Scanderbeg and Leke Zaharia there was an agreement according to which one that the first die would leave to the other (who remains alive) in inheritance his possessions.¹ Under Scanderbeg's laws when the patriarch of the family died the property did not get transferred to the oldest son, but to the member of the family who was most able to manage it.²

Heritage was regulated with the Codex. Heritage was executed by transfer of the wealth from the deviser to the heirs. As heirs were considered only family males. Females were not considered as heirs of the family wealth. Thus, heritage is transfer of wealth and the rights that a man has, to the other, usually within the blood, without reward, so the second becomes lord as the first one was.³

According to this, it is clear that heritage is transfer of wealth from the deviser to the blood heirs. Transfer was done without reward and the ownership was transferred from the deviser to the heir. Heritage could not transfer to the persons that were not of the same blood of the deviser. It should be stressed out

per ndreshje grueja merr zhimsen e tokes se burrit dhe pjesen e gjas se ene jo ka mundin e vet per plang te shpajs.”

¹ M. Barleti, *Historia e Skenderbeut*, p.144 cited by A. Luarasi, *op. cit.*, 1977, Tirana, p. 221.

² A. Kabashi, *The memory of George Castriota Scanderbeg among the Arberesh of Italy: A study on the role of diaspora in the creation of Albanian National Identity*, Thesis in History, Texas Tech University, 2005, p. 15.

³ *Kanuni i Skanderbegut*, Botimi III, Botime Françeskane, Shkodër, 2019, kreu X, article 834.

that the heritage within the family happened in the unlimitedly in the direct line. If there were no heirs in the direct line, then the property was transferred to the transverse heirs.

The division of wealth based on the direct line was done equally to the sons and this means that girls could not inherit. So, in the state of Scanderbeg heirs were only of male gender. According to the Codex one level of heritage excluded the other.

As noted, heritage was transferred in equal parts to sons, but father could exclude any of his sons as he might have been unworthy to inherit father's wealth.

According to the Codex wealth was divided in the side of father and it was transferred to all sons. It was transferred to them even if they were born from different mothers and this because it was considered that kids belonged to the father side.

It is worth mentioning that after the death of husband his wife did not inherited his wealth. She could live in the husband house during the entire of her life, but she could not inherit the wealth.

6. Ecclesiastical Law

Apart the laic law in the Albania at the time of Scanderbeg like in all Middle Age and feudal Europe, the ecclesiastical law (canonical) of catholic and orthodox ritual acted. Implementation of this law was realized by clergy who exercised the religious cult as well as judicial, criminal and civil activities for certain categories of issues similarly in the Albanian feudal principalis. For believers of catholic ritual, the judicial activities of church were regulated with the roman canonic norms, whereas for those of orthodox ritual based on the byzantine church. After the fall of Constantinople in the hands of Turks in 1453 the impact of Eastern byzantine church weakened a lot in Albania and as the consequence the sphere of action of the legal norms of orthodox ritual reduced. Vatican tried to gain from the created situation in order to broaden the sphere of its impact in Albania and in the Balkans. During the entire period of Scanderbeg, the Catholic Church in Albania as well as the state power represented by Scanderbeg kept very good religious and state relationship with Vatican. Popes of Rome that lead Vatican one to the other since 1443-1468 have seen with the respect the heroic war of Albanian people against spreading Islam in Europe and gave them spiritual, political and to some extent economic support. Also like in the previous historic period the catholic and Orthodox Church apart from the religious ritual, had also some judging (court) functions. In the field of criminal law under the church competences were judging clergy for every committed crime as well as judging the laics for the criminal acts that had to do with the respect of cult; punishment of heretics; some crimes against marriage and family, etc. Canonic roman law recognized the crime against the papal front. Subject of this crime were believers of catholic ritual who committed acts against Christian faith. As the main sentence

for this crime was declaring the guilty as “unfaithful” and his damnation was made public. As supplementary punishments were given “penalties and measure foreseen by the canonic law”, as forbiddance of religious services, deprivation from all rights, as the legal and testamentary inheritance, confiscation of land properties given by church, forbiddance of feudal rent and abolition of every reward gained as a result of laic or religious services. Canonic law foresaw many and various other punishments. In Albania during the Scanderbeg period, based on the canonic law the feudal family of Dukagjini was twice punished because of cooperation with the Turks and because they held the hostile attitudes towards Scanderbeg. In order to increase the effect of its punishments, church gave publicity and solemnity of the taken decision and punitive measures. They were made public in all religious institutions on Sundays and every party or where their gatherings of people, with the certain ceremony as ringing bells and extinguishing candles.

Scanderbeg Codex regulates coexistence of people in a space where there was a lack of the written law, jurisdiction of the big empires, where there were a lot of judges or a little number of judges, where conflicts respected strong orders through the so called “gjakmarrje” (vendetta). In comparison with the concurrent customary law, which is connected with the name of Scanderbeg rival, Lekë Dukagjini, to the Scanderbeg Codex the number of people that threatened with the vendetta was quite low. ... however, we could conjecture that in malësi (highlands) at that time the customary law was used, whereas we know for sure that in the cities of the coast there were used city statutes, partially saved up until now, that came from the byzante and Venice.¹

¹ Lucia Nadin – Gh. Ortalli (prepared). *Statuti di Scutari (Corpus statutario delle Venezie 15)*. Romë 2002; A. Pertusi, *Per la storia di Dulcigno nei secoli XIV – XV e dei suoi statute cittadini*. Studi veneziani 15 (1973) 213-271, cited by O. J. Schmitt, *Skënderbeu*, Fjala, Tiranë, 2014, pp. 122-123.

CHAPTER VI.

CONCLUSIONS



Scanderbeg, known as the athlete of Christ, for 25 years managed to stop Turk troops go to the west. He has tried and managed to establish an Albanian state in a very difficult period time of feudalism during which Turkish Empire was flourishing and occupying quite broad territories. Two sultans did not manage to make him surrender and he won battles against them during 25 years even though his troops were much lower in numbers. The state he created was very similar to the states of medieval. Scanderbeg was shown as a very strong man, a strategist and a believer under the principles of Christianity.

In the state institutions created during the Scanderbeg era, Scanderbeg had impact but on the other side Scanderbeg had to listen to them. Papacy relied in Scanderbeg as well as Venice, Ragusa, Naples but in some crucial moments they did not help him as they could and as Scanderbeg required. In the battles he was not only strong commander but also a very strong soldier that always was with the soldiers in the battlefields. The tactics and war strategies were quite appropriate for the circumstances he fought. It is exactly the strategy that Scanderbeg decided to use, the most appropriate to face outnumbered Turk forces by which sultans came to defeat Scanderbeg.

He managed to unify most of the feudal nobles who joined him in the war

for liberty against the most powerful army at that time world and he managed to stop that army for twenty-five years. He was a strong fighter in the field; a very clever commander; a politician and diplomat with high developed skills of communication in various languages; he was a believer in God and in freedom.

The state institutions created in his state were functional proportionally with the existing circumstances in the feudal system. The law applied in the state of Scanderbeg was of various resources and lots of law institutes were successfully applied and respected. Scanderbeg remains to be the most famous personality in the XV Century who for 25 years managed to successfully be the biggest obstacle for Turk invasion.

For Scanderbeg have talked historians, researchers, lawyers, diplomats, writers, poets, artists and surely will further continue whereas the need for continuation of the work about Scanderbeg remains to be important. Scanderbeg remains to be one of the leading national heroes not only in Albania. He is the great European hero of the XV Century.

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