

SONDERDRUCK AUS:

East meets West:

A Gendered View of Legal Tradition

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WOMEN'S STATUS IN ALBANIAN MEDIEVAL LAWS

The status of woman in medieval Albania, and gender studies concerning medieval Albania in a more general sense, is a field of research which has not attracted any consideration from the Albanian historians yet. This attempt to highlight the position of women in this particular territory, which lay on the borderline between Western Latin Christendom and the Eastern Byzantine world, will be based on normative sources, mainly the Statutes of Shkodra. While looking at women's status through this mirror, I bear in mind the fact that this is a normative text and does not necessarily reflect daily practices, which often vary from case to case. It will also reveal that much more empirical and comparative work needs to be done on the subject.

Shkodra, like other Albanian towns, especially those along the coast, was economically well developed and administratively well organized.¹ The Statutes of Shkodra,² one of the best preserved corpuses of medieval laws, testifies to the juridical basis of a medieval town on the southeastern shores of the Adriatic Sea. Although they date from the 15th century, they were almost unknown until 1997, when Lucia NADIN discovered them in the *Museo Correr* of Venice.³ According to the date at the end of the manuscript, they were probably written in 1469, which is the date when the last amendment was made. The first codification of the norms probably started early in the 14th century.⁴ The language of the first codification could have been the *dalmatico meridionale*, argues Giovan Battista PELLEGRINI, although the codex arriving

¹ Milan VON ŠUFFLAY, *Städte und Burgen Albaniens hauptsächlich während des Mittelalters*. Akademie der Wissenschaften in Wien, Philosophisch-historische Klasse, Denkschriften, 63, vol. I. Vienna and Leipzig: Holder-Pichler-Tempsky A.G., 1924.

² Lucia NADIN, ed., *Statuti di Scutari della prima metà del secolo XIV con le addizioni fino al 1469*. 2nd ed. Tirana, Universiteti Wisdom, 2010.

³ The manuscript was mentioned in a short sentence in 1907 in the *Bibliografia degli statuti dei comuni dell'Italia superiore*, vol. 3, compiled by Leone FONTANA. Milano, Torino, Roma, 1907, p. 101, but no one paid attention to the note until 1997, when Lucia NADIN located it in the collection Cicogna, with the signature ms. 295.

⁴ Oliver Jens SCHMITT, "Un monumento dell'Albania medievale: gli statuti di Scutari", in NADIN, ed., *Statuti di Scutari* (note 2), pp. 50–105, see especially p. 62.

to us is dated to the beginning of the 16th century and it is in Venetian dialect.⁵ The author of this last amendment also added a note about the place where the original manuscript was housed at that time, which is quite indicative about the history and the value of the manuscript itself, namely in the archive of the Council of Ten in the city of Venice, which was far more important than any other archive at that area:

*“Ex originali antiquo quod est in archivio excelsi consilii X alme civitatis Venetiarum exemplatum per me Marinum Dulcichium quondam domini dischi quondam domini Wladislai de verbo ad verbum prout iacet in ipso antique.”*⁶

Although there is no other historical data to explain how this manuscript ended up in Venice, this is no surprise if one bears in mind that Shkodra was part of Venetian Albania from 1396 to 1479,⁷ when the Ottomans destroyed the Albanian cities. Many Albanians fled to Venice and to other Italian cities, taking their wealth with them, including intellectual property, certainly also the most important manuscripts. The person who was in the possession of the statutes could have been from the leading strata of the city, who also had a prominent position in the Venetian Republic, since he managed to deliver the manuscript to the archive of the Council of Ten for protection and conservation.

The Statutes of Shkodra were probably originally codified in the period between 1333 and 1346. The king is considered the prime authority in the first chapters of the statutes⁸ and that corresponds with the time when the Rascian kings were still respected and had full authority in the city of Shkodra. Stephan Dušan, the king of Rasha, who, after January 1333, is found in the documents as *rex Servie, Dalmatiae, Dioclie, Albanie, Zente, Chelmie et*

⁵ Giovan Battista PELLEGRINI, “Osservazioni sulla lingua degli statuti”, in NADIN, ed., *Statuti di Scutari* (note 2), pp. 148–176.

⁶ NADIN, ed., *Statuti di Scutari* (note 2), p. 287.

⁷ Oliver Jens SCHMITT, *Das Venezianische Albanien, 1392–1479*. Berlin, Oldenburg, 2001.

⁸ NADIN, ed., *Statuti di Scutari* (note 2), p. 207, cap. 1–3.

maritime regionis,⁹ had taken control of almost the whole of Albania except for the city of Durres by the middle of the 14th century.

Concerning the position of the Shkodran statutes in the group of legal documents from the region, scholars like Gherardo ORTALLI argue that the Statutes of Shkodra were constituted even before the statutes from the whole region.¹⁰ Since the statutes of Shkodra were codified before Dušan's Code,¹¹ the latter was influenced by the Shkodran experience, which in this way became a consolidated center in the legislative development of the area. According to ORTALLI, they are similar to the statutes of Budva in the years 1349–1351, which may indicate a similar or even the same origin or that the community of Budva had observed the experience of the neighboring Shkodra and had determined to compile its own collection of the *ius proprium*, omitting whatever was superfluous in Dušan's Code. In the same sense, the statutes of Shkodra might also have influenced the juridical experience of Kotorr, because the statutes of Shkodra are more organic than those of Kotorr in terms of content and logical organization of the material.¹² Nevertheless, what matters here is not the primacy, but the local context of these regulations, which probably did not differ much from those of Budva, Kotorr, and other neighboring towns and cities.

The Statutes of Shkodra did not remain the only law in the city. There was a multitude of laws and regulations in Albanian territories during the Middle Ages and in this respect, Albania was not an exceptional case. Just like elsewhere in Europe, every town in Albania had its own laws and regulations that differed quite substantially from town to town. The numerous city statutes mentioned in documents, and also surviving until today, were mostly codified during the fourteenth and in the fifteenth centuries. In the year 1346, Stephen Dušan was proclaimed tsar, and this title was supposed to replace that of the king in the written charters afterwards; in 1349, all the local statutes were also

⁹ Ludwig VON TALLÖCZY, Constandin JIREČEK, and Milan ŠUFFLAY, *Acta et diplomata res Albaniae mediae aetatis*. Vienna: Adolph Holzhausen, 1913, vol. 1, no. 764.

¹⁰ Gherardo ORTALLI, "Gli Statuti tra Scutari e Venezia", in NADIN, ed., *Statuti di Scutari* (note 2), pp. 10–49, see especially p. 16.

¹¹ Đurica KRSTIĆ, ed., *Dušan's Code: The Bistrica Transcript*. Belgrade, Vajat, 1994.

¹² Gherardo ORTALLI, "Gli Statuti tra Scutari e Venezia", in NADIN, ed., *Statuti di Scutari* (note 2), pp. 10–49, see especially p. 16.

supposed to be replaced by the *Žakonik*,¹³ the code of rules the tsar wanted to implement as a juridical basis throughout the territories within his empire and also in the occupied territories like Macedonia, Thessaly, Epirus, and Albania. That did certainly not happen, especially if the cities had already their own statutes, as was the case in Shkodra.

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Another very important law in the area was the Kanun of Lekë Dukagjini,¹⁴ the customary law in Albania, existing in these territories since late antiquity.

“This initially unwritten code of law governed social behavior and almost every facet of life in the isolated and otherwise lawless terrain of the northern highlands, and was adhered to throughout much of northern Albania for centuries. Lekë Dukagjini (1410–1481), after whom the code was named, is a little-known and somewhat mysterious figure thought to have been a 15th century prince and comrade of arms of Skanderbeg. Whether he compiled the code or simply gave his name to it, it is not known.”¹⁵

The Kanun was strictly observed by the tribes in northern Albania and had priority over any other laws, ecclesiastical or secular, which outsiders tried to impose in the mountains. With the help of this ancient code, the highland tribes were able to preserve their identity, their autonomy, and their way of life even though they were ostensibly part of the Ottoman Empire for five centuries.

The Statutes of Shkodra dedicate considerable space to the different positions and roles of women in family and society. The different aspects of their lives are visualized in different moods, which is an indicator of their changeable position in the family and society. In this respect it is difficult to qualify their position in society in an absolute manner, but here I will attempt to define the main streams into which women's lives were channeled throughout their existence.

¹³ KRSTIĆ, ed., *Dušan's Code* (note 11).

¹⁴ *Kanuni i Lekë Dukagjinit, The Code of Lekë Dukagjini*, Albanian text collected and arranged by Shtjefën GJEÇOV, translated with an introduction by Leonard Fox. New York: Gjonlekaj Publishing Company, 1989.

¹⁵ Robert ELSIE, *Historical Dictionary of Albania*, European Historical Dictionaries, No. 42. Lanham, Maryland, and Oxford: The Scarecrow Press, 2004, p. 217.

According to the Statutes of Shkodra, women enjoyed quite a good legal position within the family as mother, sister, daughter, and wife. Honor, respect, and even economic independence were the main areas in which women could build a strong identity. They were considered important pillars in the decision-making of the family, and took this position with full authority.

One economic aspect of life in the city, namely inheritance, was certainly a public affair, since it was closely connected with reputation and social status. Inheritance was not considered a private issue, but rather a public one because it involved legal procedures. It is quite understandable why a woman as a daughter was excluded from inheritance in the paternal family, because her dowry was her inheritance, given before her parents died, and the statutes explicitly mention this exclusion:

“We order that whoever has wedded daughters and sons, or nephews, should not give anything else to the daughters except for the dowry. All that remains after the dowry will pertain to the son or sons or nephews. If there are no sons, daughters have to divide the property equally and no one should have more than the other one from what has remained.”¹⁶

In Dušan’s code there is a similar idea, but addressing higher strata of the society: “When a noble man dies, his good horse and arms shall be given to the Tsar, but his great robes or pearls and golden girdle, let his son have them, and let them not be taken by the tsar. And if he has no son, but has a daughter, let his daughter have title over them, to sell or give away freely.”¹⁷ If wanting to draw our attention to the audience for which Statutes of Shkodra were written, let us imply that the latter were addressed to a wider audience, namely to all the citizens of Shkodra and their daily life as opposed to the description in the Dušan’s code of a more exclusive audience.

¹⁶ *Statutes of Shkodra*, chap. 162: *Ordinemo che chadaun pare over mare havissi fioli femini maritati et havissi fioli masculi, over fioli de fioli masculi chi ello non possa dar a li fioli femini cosa nesuna sora de lo prechio, ma volemo che tuti li cosi che romagnisse de li doti de le femine che esta dde lo fioli masculo, over fioli masculi, over a li fioli masculi, e si fioli masculi non fosse, chi li fioli femene debia partire li dicti cosi tuti insemblo gualmente et che non habia la una plui de l'altra de quelli cosi chi è de sopra del prechio de la filia over fiole.* My translation.

¹⁷ KRSTIĆ, ed., *Dušan’s code* (note 11), chap. 48.

The exclusion from inheritance in the Statutes of Shkodra was compensated with a stronger position of women within the family through the dowry. If a father and mother had married daughters and sons or nephews,¹⁸ they were not to give anything to their daughters except the dowry. All that remained after the dowry belonged to the son, but when there was no son in the family, the daughters had to divide all the possessions remaining after the dowry equally. Although a daughter was not supposed to inherit her father's possessions, she could still have a rich dowry, which could include immobile properties like vineyards, houses, arable fields, and other territories. Once received, she had total control of her dowry since nobody could alienate it. So, for instance, chapter 43 indicates that if someone decided to give a rented property as a dowry—a vineyard, another possession, or a house—, he could only do this when the contract with the renter had expired.¹⁹ Chapter 44 also indicates that even arable fields could be given as dowry.²⁰

The daughter's legal status is well defined in the family even in special situations. Thus, for instance, if there are orphan girls without mothers and fathers, they enjoy the same rights to divide their deceased parents' possessions equally and also the right to receive the dowry of virginity. If a brother and one or more sisters remained orphans, the older brother or brothers had the task of arranging marriage for his sister(s) with what they had inherited from their father or mother. The remainder after the dowry always belonged to the brother(s).²¹

¹⁸ I am thankful to Grethe Jacobsen who drew my attention to the uniqueness of the nephews' part in this picture. This phenomenon seems to exist only within the Albanian culture, since only here daughters are not considered part of the father's family, in the meaning that they or their children do not have the right to claim anything or inherit anything from the paternal house. Everything will be claimed by the masculine offspring of the masculine offspring. See GJEÇOV, ed., *Code of Leke Dukagjini* (note 14).

¹⁹ *Statutes of Shkodra*, chap. 43.

²⁰ *Statutes of Shkodra*, chap. 44.

²¹ *Statutes of Shkodra*, chap. 160: *ordinemo che tuti li fioli femine chi romagnisse senza pare e senza so mare volemo che tuti I beni debia partire inguale, salvo se alcuna havesse manco lo so pare et la mare volemo che habia li soi doti scapuli; et anchora se romagnesse uno fradello cum le sorelle over sorella et fradelli cum sorelle over sorella, volemo che lo fradello over fradelli chi debia maridar de li beni del pare et de la mare la dicta sorella over sorelle in tuto quello che se poti maridar a da puo totu quello che romanisse sia del II fradello over fradelli.*

·176· The favorable position of a woman within the family is made clear especially by the legal protection of her personal property. Whatever the value of the dowry, no one could alienate it, not even her husband. The statutes state: “No husband is allowed to use the dowry of his wife to pay the blood, the so-called *uzarba* [a phenomenon which continues to exist even nowadays in remote northern parts of Albania and Kosovo]. The community will defend the wife in such cases.”²² Even if a woman gave her consent to alienate something from the dowry, it had to be replaced at a certain time. If the husband and wife fell into poverty and decided to use the dowry of the wife with her consent, the dowry was to be considered common property.²³ The dowry was thus the complete property of the woman; she could dispose of it as she pleased, for instance, she could reserve part of her dowry for religious donations if she did not give it to any of her daughters.²⁴

Even concerning the common property within the family, the woman had a favorable status, since within the family, the wife and the husband had the same rights over their common property. If a man and a woman married and lived apart from their parental families, everything they earned had to be considered equal, i.e., half belonging to the husband and half to the wife. This was also true for damages.²⁵ If, after the marriage, the bridegroom and bride

²² *Statutes of Shkodra*, chap. 266: *Ordinemo he zaschaduna muliere chi fossi maridada e lo suo marito fecisse alcuna vendita over urasba, chi de li doti de la mulier non possa cosa nesuna levar; e se la signora li volissi cosa nisuna levar; e se la signora li volissi cosa nisuna levar, che lo Comuno sia tenuto defenderla cum la rasone, e lu barone chi fezi la pazia che del facto suo paghe la vendicta e se non ha che pagare che la singora habia potestade sovra la sua persona.*

²³ *Statutes of Shkodra*, chap. 165: *Ordinemo chadauno che alienasse alcuna cossa de lo doti de la sua mulier cum volontà de la sua mulier non per povertade e la moier li morisse, che ello sia tenuto a render tuti li cossi che ha alienato de la dote de la sua mulier de li sui proprii beni a restaurar a compimento li doti de la sua mulier, et tanto dicemo si lo barone morisse ananti de la mulier, azochè la mulier non possa perdere de li soi doti nesuna cossa; e se lu maridu insemblo cum la mulier vegnisse a povertade, volemo quello chi elli alienasse per volontà de l'una parte et de l'altra, lo damnazo sia per mezo.*

²⁴ *Statutes of Shkodra*, chap. 196: *Ordinemo che chadauna femena havissi fioli, habea potestade de far suo testamento et dar per l'anima la quinta parte de li soi doti, zoè se li soi doti no li hau datu in doti a la soa fiola, over cosa alcuna havissi donato a li fioli mascoli; e da cosa che remane, che possa il dar per la anima per chavo de rason.*

²⁵ *Statutes of Shkodra*, chap. 166: *Ordinemo che se alchun homo tolisse moier, overo mulier tolisse marito e stessero insemblo senza lo pare et la mare, volemo che ogni cossa che guadagnano insieme tuto habia per mezzo zoè la mità al marito e la mità a la mulier, et lo damno per quello modo.*

continued to live with their in-laws and later decided to live separately, they were to receive only the goods which they had brought into the marriage.²⁶ A husband and wife could also transfer all of their property to each other, but if a man or woman decided to administer a property, it was a great responsibility since they had to administer it as if it were his/her own property,²⁷ which is not always easy to be proved as such.

When it came to work outside the house, women were generally less favored than men. As was the case elsewhere in medieval Europe, men's work was considered more valuable than women's work; in chapter 62 of the Statutes of Shkodra, a male harvest reaper and sower earned three grossi de sclavonia per day and a female earned two grossi per day.²⁸ When it came to the obligations of employees towards the employer, as is described in chapter 71, the craftsmen/women, male or female servant who had a contract with her/his master had to fulfill all the obligations without regard to gender distinction.

²⁶ *Statutes of Shkodra*, chap. 167: *Ordinemo che zaschadun homo andasse gener, over chadauna femena andasse noviza sucera over socero ver colignadi chi stesse insemblo, volemo che lo genero voy la noviza chi si partissi de li sovradietti volemo che quanto have portato cum si tanto leva, et de le intrati di quello anno chi si partì de li soradietti debese partir per covo d'anno.*

²⁷ *Statutes of Shkodra*, chap. 168: *Ordinemo che zaschadun homo over femina che volissi posseder lo leto, che lo possa possedere sicuramente et lavorar bene li vigni e coveriti li casi e custodiri tuti li altri fructi come se fosse sui proporii. Et se per uno anno non lavorasse ben i vigni over non covrissi li casi, se bisogno fosse, over se vendisse casa, mobeles, over stabele, chi provar li potissi, volemo che abandoni tuti quelli cosi che possedete lo barone de la mulier, over la mulier de lo barone et renda a quello over a quilli chi è piu proximi aparteni, tota sia siando cum plaito lo testamento de lo morto over de la morta.*

²⁸ *Statutes of Shkodra*, chap. 62: *Ordinemo chi zaschadun sigilator oy adunator non possa più ricevere lo di no ma III grossi de Sclavonia, et a calchator lo simile, e la femina grossi II, hi faissi lo contrario chi paghi per pena grossi XII, la mità al conte e la mità al conte e la mità a quillo che domanda.*

When an employee was sick and unable, he or she had to continue working until all the days of the absence were replaced.²⁹

Similarly, a woman was considered inferior in court. She was not allowed to offer any warranty, just like servants, paupers, criminals, and others who, for some reason, fell into marginal groups. Even when taking responsibility for children, the father had much more authority than the mother, since he could bear witness for every child, male or female, whereas the mother could only bear witness for her sons, but not for her own daughters.³⁰ Nevertheless, there were cases when she could be a full guarantor, such as in disputes about age, children, or the conduct and the virginity of young women.³¹ Whether these issues were considered less important or whether she was simply recognized

²⁹ *Statutes of Shkodra*, chap. 71: *Ordinemo chi zaschaduno rogatier oy servitor voy serviiala che se acordasse cul so patrono a star voy ad anno over a mese ananzi guarenti et volesse da insiri ananzi de lo termino, voz habia receuto qualche pagamento, voio he 'l no possa insiri ananzzi del termino, e se ananzi volesse insire chi paghi per pena perperi VIII de Slavonia, la mità a lo conte e la mità a lo patron; voy se non volisse star in quello acordamneto, chi paghi la dicta pena e chi sia tenuto a servir fidelmente tuti i soi comandamenti del so patron over patrona; si li se potesse provar, chi perda la roga de toto lo anno et paghi la pena soprascripta; che sia tenuto zaschaduno anno a servir un mese de più per le domeneghe e li domeneghe che passate li salmieri et faza de herba. E se lo rogatiero voy rogatiera cazissi in infermità, che lu patron sia tenuto a nutrigarlo et quando guarisse che ello renda et serva lo tempo chi perde ne la infermitade in quella stason hi perdiu lo tempo; e si alcun hmo lo volisse inantar voy metterlo a roga ananzi he fecissi rasone cum lo patrone cum el qual steti, chi provar li potesse, chi paghi per pena perperi VIII, e lo patron che non sia tenuto a satisfar senza questione tuto quello che s'è acordato et a manzar secondo la sua possibilità; la mità de la pena a lo conte et la mità a lo patron.*

³⁰ *Statutes of Shkodra*, chap. 135, p. 338: *Ordinemo che lo pare infra li fioli sui, over masculi over femine, possa esser guarente in ogni cosa solo et sia creduto in paryona de li soi beni; la mare intra li soi fioli, imperzò che femena non debia esser guarentada.*

³¹ *Statutes of Shkodra*, chap. 130: *Ordinemo che chadauna persona chi guarenti fossi sopra de lui dati in iudicio, che non possa esser guarente credudo se no per perperi X in zoso, et in suso non sia creduto se non um littera de nodaro; volemo che li possa poner per questa casone a li guarenti imprimente se lo guarente fesse de mancho de anni XIII, over pari, over fratelli, over cusino carnale, over nevodo, over avunculo, over cugnata, over zenaro, over il socero cum socero; et questo se intende tanto de lo barone quanto de la femena, zoè li sorascripti; anchora servo pover cui non havesse del so fina perperi XX, inimico de sangue, compare, sclavo, arbanese e quello che steso guarentasse femina, sperzurio, traditore de la citade dui homini chi steti serà insieme oy chi partiipasserà e la casa per quille che li vien dato guarente; per questa via se possa metter guarente, anchora volemo che in matrimonio et in doti cheogni parente sia creduto tanto de l'una parte quanto de l'altra là dove non apparesse charta de notario se havesse costione lo genere cum quilli quelli de dare li doti. Ancora volimo che femena possa esser guarenta se questione fosse de zorno de molino, voy de estate de anni de fanti, voy de fantulina, voy in virginitade.*

as having full authority over such daily private domestic activities, this is a question yet to be discussed in a more detailed way.

When the husband was absent from the family, the woman assumed his legal status, representing her family publicly and legally. For instance, a woman with children had the right to write a testament.³² This means that she was not considered physically incapable of taking legal responsibility, but socially not suited for being exposed to public exposure in court. A married woman was also responsible for representing her husband when he was not in town, but she had to engage a lawyer to represent him.³³ Sparing the woman from the public exposure is also the reason why the court charged only the husband and not the wife if they lost a case in court.³⁴

It is not unusual that the law was much harsher towards men than towards women when it came to obligations within the family. If, for instance, parents had sons and daughters to wed, the daughters had to be married first and afterwards the sons. If a son wanted to get married before his sisters without the permission of his parents, his mother and father had the right to expel him from their home.³⁵

Expelling a man from home seems to have been a severe punishment and it was often used as a threat in the Statutes of Shkodra. According to chapter 159, the father could arrange a marriage for his son even if he was under

³² *Statutes of Shkodra*, chap. 196: *Ordinemo che chadauna femena havissi fioli, habea potestade de far suo testamento et dar per l'anima la quinta parte de li soi doti, zoè se li soi doti no li hau datu in doti a la soa fiola, over cosa alcuna havissi donato a li fioli mascoli; e da cosa che remane, che possa il dar per la anima per chavo de rason.*

³³ *Statutes of Shkodra*, chap. 117: *Ordinemo che zaschaduna mmulier maritata chi lo suo marito non fosse ne la citade venisse domandato a plaito oy per lo suo marito oy per sé, se fosse per sé dommandata a plaito che debia respondere a lo plaito a lo presente per lo suo avvocato, e se fosse per lo so marito lo domandasse alcun non siando in la citade, quella persona il che domanda deve far le spese per lo curier de portar la lettera citatoria a spese; chi perdesse lo plaito e se non venisse a responder, che perda ogni sua rason; li zudesi debia meter lo suo debitore in lo facto de lo marito e non de la donna; se quil chi domanda havesse charta de notario sora esso e se 'l debitor non ha del suo a render el debito, che lo domandator habia valia sopra la sua persona in ogni parte del mondo.*

³⁴ *Ibid.*

³⁵ *Statutes of Shkodra*, chap. 161, p. 345: *Ordinemo che lo pare e la mare che havessero fioli a mmarritar over ad uxorar, volemo che in prima se debia maritar li fioli femene eet poi debi uxorar li fioli mascoli; et si alcuno de li fioli mascoli se volesse uxorar senza volontà de lo pare et de la mare ananci che li soi sorelli fosseno maridadi, volemo che lo pare cum la mare habia podestade de cazarlo qillo fiolo fora di casa.*

the legal age for marriage and he (the father) could receive the dowry of the daughter-in-law and use it as he wished. This, however, could transpire only when the father had the consent of his son for the marriage and also for using the dowry. If the son did not want his father to use the dowry of his wife, the father could expel both of them from his house. If the father-in-law did not want to receive a dowry, he had to inform the parents of his daughter-in-law. In this case, the dowry could be taken by the one who received the bride, and the son was not obliged to hand it over to his father. This law applied to both the father and the mother of a young man who was getting married.³⁶ It is to be expected that the young men under the legal age for marriage were, in general, giving their consent to their fathers even for the usage of the dowry if they wanted to marry, in order to feel protected and secured. That might also be the reason why the extended family living in one household was a pattern in the later centuries.

Concerning the age of taking social responsibility, the system worked just as elsewhere in Europe. This is particularly obvious when it came to writing wills: women could do that at an earlier age than men. While boys were not allowed to write a testament before age fourteen, girls and young women could write a testament from the age of twelve,³⁷ which corresponds to the marriage age according to Canon law. The responsibilities of the woman started thus quite early, and double-standards were used to measure her

³⁶ *Statutes of Shkodra*, chap. 159, p. 345: *Ordinemo che lo pare habia plena valia ad uxorar lo suo fiolo infra legitima etade zoè ananti de età, e possa receiver lo prechio de la muliere de lo suo fiolo e for de lu dicto prechio ogni sua utilidade e quanto del suo fiolo uxorar lo o cum la voluntade de lo fiol receiver lo prechio de la mulier de li dicti fioli; tota via se lo fiolo non volesse chu lo prechio de la sua muliere lo tolisse voy ricevisse lo so pare, ma lo vlesse stesso medesimo receiver la dicta nota, volemo lo dicto pare possa lo dicto fiolo licentiar et chazare fora de la casa sua cum tota la mulier se lo pare voli; ma se lo pare del fiolo non volesse receiver lo prechio de la muliere dica a lo socero voy socera sua cussi; "a cui dati la mulier a quello dati lo prechio" e stesso lo fiolo sia tegnudo a render lo dicto prechio e lo pare non sia tegnudo de lo dicto prechio zoè dote per nesuna maniera. E questo dicimu tanto de lo pare quanto de la mare de lo fante.*

³⁷ *Statutes of Shkodra*, chap. 186: *Ordinemo che zaschadun fante che fosse de etade de anni XIII, chi possa far liberamente testamento cum charta de notario over cum guarenti, e se de manco de anni XIII et over fesse testamento, chi non tenga né valia, ma lu facto suo vada a chi più partien; e la fantulina e femena habia potestate de anni XII n suso de far suo testamento e tegna e valia, e se de mancho fecisse testamento, chi non tegna né valia; e si la fante morisse senza maritu poi che havissi factu testamento, volemo che li dicti cosi romane e lo plui proximale over proximala.*

responsibilities versus man's responsibilities, especially concerning sexualities. It was a woman's responsibility to be prudent and to save herself from the dangers outside her house. In cases of violation, the only time when the woman was fully trusted and protected by the law was the case of being raped or violated by a cleric. If a married woman complained about being raped or violated by a cleric, even without having witnesses, she would be trusted and the cleric would pay a fine,³⁸ because she was not supposed to be afraid and had to protect herself from clerics.

If an unmarried man violated an unmarried woman, he would be forced to marry her in a legal marriage and he could not abandon her just because she did not have a dowry, otherwise he had to pay a fine of eight perpers.³⁹ If the violated woman was married and the man was, too, the man had to pay a fine and the woman would receive half of it.⁴⁰ If a man violated a woman, he had to pay a fine of nine hyperpers.⁴¹ If a man raped someone else's female servant and the woman died during labor, the violator had to provide another servant for the man, and the child of the servant became his servant.⁴² The

³⁸ *Statutes of Shkodra*, chap. 200: *Ordinemo chi zaschaduna femena chi maritata fosse over non ha maritu, de bona fame, o blasmasesse sovra alcuno clerico chi lo havisi sforzada over batuda over robada, volemo che sia creduto senza guarentizia e lo clerico paghi per pena perperi L de Sclavonia, la mità a lo vescovo e lo quarto a lo conte e lo quarto a la femena bi ha domandà; e se lo veschovo perdonasse, la sua parte volemo quella parte habia lo Comune.*

³⁹ *Statutes of Shkodra*, chap. 265: *Ordinemo che zaschadun homo chi levasse la sua muliere a casa, qui per nesun tempo possa cazar for a de casa per cason de lo prechivo, se non la tegna in casa et cerchi lo prechio cum rasoni; e chi chazasse paghi per pena perperi VIII de Sclavonia la mità a lo conte e la mitàa quillo accusassi.*

⁴⁰ *Statutes of Shkodra*, chap. 201: *Ordinemo chi zaschaduno homo sforzassi alcuna bona femena non maritata per forza e lo homo non fosse uxorato, volemo che la toia per mulier per legitimo matrimonio; e si la femena fossi maritata e l'homo chi la sforza fossi uxorata volemo chi paghi pena perperi L, la mità a lo conte e la mità a la femena, e questo dicemo se la femena provassi per bona prova.*

⁴¹ *Statutes of Shkodra*, chap. 256: *Ordinemo hi chadaun laico tochasse chadauna femena cu li mani over la batisse over intrasse in casa per forza, hi provatu li fosse, chi paghi per pena perperi VIII, e se alcuna femena vituperasse alcuna altra femena per quella medesima via sovrascripta chi paghi per pena perperi VIII, la mità a la conte e la mità a chi domanda.*

⁴² *Statutes of Shkodra*, chap. 202: *Ordinemo algun homo sforzassi ancilla de algun homo over de alguna femena e l'ancilla morisse in partu, voleo chi quello chi la sforzasse sia tenuto de dar a lo parone de la ancilla una altra ancilla e lo fiulo over la fiola che fecissi la ancilla che sia serva over servo de lu parone de la dicta ancilla.*

notion of shame and honor do not come directly in play in the statutes, but if taking into account the Code of Leke Dukagjini, the woman's sexuality was certainly much under the control of the family leaders, whereas the sexuality of the man was certainly not important to anyone.

· 182 · Dušan's code had much harsher laws for the violation of women: "If any lord takes a noblewoman by force, let both his hands be cut off and his nose be slit. But if a commoner takes a noblewoman by force, let him be hanged; if he takes his own equal, let both his hands be cut off and his nose slit."⁴³ The same level of harshness also applied to women: "If a noblewoman commits fornication with her man (of a lower status), let the hands of both be cut off and their noses slit."⁴⁴ The sexuality of the noble woman was a symbol of the honor or shame of the social elite.

Just like anywhere else in Europe, woman's misconduct was punished severely:

*"If a woman is proved to be a prostitute by the witnesses statement of two or three men, she should not wear a veil on her head, as is our custom, neither should she accompany anybody. She should not stay close to a noble woman or dwell in the vicinity of noble women. ... If it is proved that she is damaging or wanting to defile anyone she should abandon the city within three days and if she continues to be in the city after that period she not only will be forced to pay a fee of eight hyperperi, but she also should be brought into the streets of the city being beaten with a stick. In the end she should be expelled from the city so that she may never return."*⁴⁵

Later laws undermined the position of women. Women had a vastly inferior status in the Kanun of Lekë Dukagjini, being deprived of virtually all male

⁴³ KRSTIĆ, ed., *Dušan's code* (note II), chap. 51.

⁴⁴ KRSTIĆ, ed., *Dušan's code* (note II), chap. 52.

⁴⁵ *Dušan's code: Ordinemo che chadauna meretrice chi fosse per prova trovata per dui over per tre homeni, chi non debia portar umbrano in testa a nostra usanza no ma cum tuta vaiila, né possa star apresso de zentildonne et habitar in vicinanza de zentildonne, in pena de perperi VIII, la mità al conte e la mità a l'accusasse; et zaschaduna meretrice si se trovasse per prova chi fecisse alcun maleficio over fusse rufiana, che non devesse star ne la nostra citade no ma in spacio de III dì, e se la fosse trovata più de lo termeno, chi paghi per pena perperi VIII, e chi se frusti per tota la terra e sia bandizata e per nisun tempo che non sia ricevuta ne la nostra terra né torni zamaì.* My translation.

rights and privileges and also of all male public duties. The code states explicitly that “A woman is a sack for carrying things” (Alb. *Grueja është shakull për me bajtë*), but whether this is a medieval law or it was inserted later, after the Ottoman conquest, is still an open question.

Instead of writing a conclusion, I would rather write about the desiderata of this work in progress, since the conclusions at this stage could be rather superficial. As I already mentioned at the beginning of this paper, this is only based on the normative text of the statutes of Shkodra, but some more research needs to be done with the other documents, which show case studies, to see how this normative text is reflected in real life. The other statutes of the region need also to be read closely in order to better identify which practices are common for the region, and which are more exclusively local. The similarities and the dissimilarities that will come out of this contrastive work will certainly give a better view and a deeper understanding of the position of the women in society. Many other questions will come up as soon as the whole data will be accessible, but for the moment, I hope that this modest contribution will draw the attention of the scholars considering this region and these data as an important one for the dissemination of bigger interregional projects.