

Albanian Customary Law (The Code of Lekë Dukagjini) – The problem of authorship and antiquity

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Abstract

The Code of Lekë Dukagjini, known among Albanians as the Code of the Mountains, or the Code of Lekë, etc., is among the monumental works of the spiritual, and customary cultural heritage of the Albanians. Preserved over the centuries as an unwritten document, but strictly implemented, it undoubtedly represents an interesting and very important aspect, which has aroused the interest of scholars, both foreign and Albanian. The Code of Lekë Dukagjini, was compiled and codified in the first part of the twentieth century, by Shtjefën Gjeçov, and it was published as a book in 1933.

In my paper I address issues related to the name, but also the authorship of this important document, where scholars are divided into two parts: One part who think that the Code belongs to Lekë Dukagjini, a prince of the XV century, while the other part go even further, thinking that it belongs to the time of Alexander the Great. The work in question is also considered as evidence of the culture of the European Renaissance and a unique work with a humanistic spirit.

While examining some of the most essential problems and norms of the Code, which in many cases have a moral, religious and legal character, I conclude that all these (problems and norms) take the roots of the Albanian Code deep in antiquity, while, in the absence of a national state for all Albanian lands and the relevant state laws of the nation, the Code emerges as a means of protection of provincial and inter-provincial ties and as an expression of national consciousness.

The purpose of this paper is to approximate the truth of the antiquity of the Code as well as its authorship, as it survived for centuries as an unwritten but applied document.

Methodology: Research method and synthesis method.

Keywords: The Code, Lekë Dukagjini, Alexander the Great, European Renaissance, humanistic spirit.

1. INTRODUCTION

Albanian Customary Law, known as the "The Code of Lekë Dukagjini", is summarized, codified and presented in writing by Shtjefën K.Gjeçovi (1974-1929). Due to the assassination of its codifier by the Serbian gendarmerie in 1929, Gjeçovi failed to see the publication of the Code, which was published four years after the author's assassination. So in

1933, while from the time of publication with this title since 1933, aroused great interest, especially among foreign scholars, but there was no lack of interest in his study by Albanian scholars. In addition to many aspects, the Code, compiled and codified by Gjeçovi, was also studied in terms of its affiliation, thus in terms of the issue of name and its holder or author. Gjeçovi, titling it as the Code of Lekë Dukagjini, which is related to Lekë Dukagjini

(1410-1481), the prince of the XV century, a comrade-in-arms of Gjergj Kastriot-Skënderbeu (1405-1468), in a way gives the title of the collected work from the mouth of the people. However, controversies and dilemmas about this issue were addressed immediately after the publication of this Albanian customary code, as a book format, but perhaps even earlier. The author of the collection and the preparation, Gjeçovi, was no longer present, because he had been killed four years earlier (1929) by the Serbian gendarmerie. Gjergj Fishta (Franciscan poet and priest), who together with other Franciscans prepared the book for publication, where Gjeçov had left it, are not included in this debate, debates which are still going on. Even Fishta leaves this work, at the end of his preface, to history.

However, the dilemmas about the name or its real author, continued and continue to be treated even today, thus creating "dilemmas", but also important contributions related to this topic. In relation to this issue, we have many reactions, which give the Albanian Code an added value, both historical and cultural. Although the reactions are many and varied, nevertheless, in our paper we will address some aspects of the opinions of two Albanian scholars: Tonin Çobani and Kasem Biçoku, who defend opposing theses regarding the authorship and antiquity of the Albanian Code. The first defends the thesis that the Code belongs to Lekë Dukagjini, a medieval prince of the time of Gjergj Kastriot-Skënderbeu, and the second, Biçoku, with his thesis, leads the existence of the Code many centuries ago, from the time of Alexander the Great. Both theses are important and show a special contribution regarding the antiquity but also the importance of the Albanian Customary Law.

2. The Code of Lekë Dukagjini - evidence of the European Renaissance culture in Albania before the Ottoman period

The well-known Albanian philologist, Tonin Çobani, based on the numerous rumors, precisely because of the Code, calls Lekë Dukagjini a vilified Prince. He is persistent and

very convinced that the Code is the work of Lekë Dukagjini, which he bequeathed to his compatriots. For this he also wrote the book with the title "The vilified Prince Lekë Dukagjini", which he published in 2003. He, from the beginning of his essay, reveals the two opinions of prominent albanologists about the Arberian prince. One of J.G. von Hahn and one of Edith Durham, where he points out, among other things, that the Code of Lekë Dukagjini is Evidence of the European Renaissance Culture in Albania before the Ottoman period.

J.G. von Hahn posed the question "But who was this (Lekë) Dukagjini? - to which he would answer himself by saying that he was the ruler of this country and at the same time its legislator, after he drafted the Code of Dukagjini, that is the provisions, according to which live to this day, not only the Dukagjins, but also all the highlanders living in the north of the Drini... who attribute this name to their national hero".

While Edith Durham would say: "Every time I asked in the highlands why anything was done, they always told me that this is what Leka said. Laws, customs, everything was related to Lekë. It is clear that he has been a man of strong personality who has left deep imprints on the people, however, very little is known about him. His Code has been passed by word of mouth to the elders and they have made some adjustments according to the different provinces, however, he was "in power" in all the highlands of Albania, both for Muslims and Catholics "(Durham, 2019; pg. 82). When she says that he was in "power", she has in mind both the expression and the answer "Thus said Leka", which according to her has more convincing force than the Ten Commandments of the Bible and the sermons of the imams and priests, which often had no value if they contradicted those of Lekë "(Durham, 2019).

Based on these sayings of foreign albanologists, but also local ones, created over years and centuries, the Albanian scholar Tonin Çobani manages to formulate his concept for this Arberian figure of the Albanian Middle Ages. According to him, "Lekë Dukagjini is a very complex historical figure" but also a

"legendary figure", although not in the scope of Skanderbeg, nearby somewhere anyway. T. Çobani's opinion is that Lekë Dukagjini has been rumored by historians from the beginning, because they wanted from him "an antagonistic character of Skënderbeu to intrigue the biography of the only Albanian hero, who recognized Europe in the successful Albanian-Turkish confrontation, but "also because they did not want to blame Western Europe, which failed to form an anti-Ottoman coalition in the Balkans."

3. Lekë Dukagjini victim of the intrigues of Venetian politics and historians

Since Lekë Dukagjini was the most powerful Albanian prince after Skënderbeg and with more authority, Tonin Çobani thinks that he became a victim of the intrigues of Venetian politics, but also of historians, until the Lordship (he is talking about Venice) felt the danger of the High Gate, very close to the threshold of his house and he really joined the resistance of the Albanians, declaring war on the Ottoman Empire (1463). After this year, the Venetians stopped talking about Lekë Dukagjini. Whereas historians have written about some of the deeds of Lekë Dukagjini alongside Skënderbeg, until his death (1468) and then in the head of Albanian troops alongside Venetian forces, until Sinjoria (Vendice) signed peace with the High Gate (1479). After that, historians were silent and due to the silence of historians, information about Lekë Dukagjini will continue only through word of mouth.

However, the debates about Lekë Dukagjini continued even after his death (1481), while the rumor is now related to the Code, respectively as to whether or not he or any other Lekë was a codifier. Opinions are very different, and one of them is the one that leads to Alexander the Great, for whom there are opinions that he is a codifier of the Code, although Gjeçov titled the Code of Lekë Dukagjini, so with the name and surname Lekë Dukagjini. Unlike those who think that the Code belongs to Alexander the Great, the scholar Tonin Çobani opposes this

thesis and is sure that the Code belongs to Lekë Dukagjini, calling it a work which Lekë Dukagjini bequeathed to his citizens, the Albanians. The essence of Lekë Dukagjini's Code are the proverbs that came out of his mouth, which were preserved (and enriched) generation after generation for almost six centuries. According to Çobani, the legendarization of Lekë Dukagjini's name has become a Homeric phenomenon, turning it into a real myth, so much so that scholars have found it difficult to accept it as a historical reality: "That is why some of them have continued to talk about Lekë Dukagjini, together with his Code, just as Homer is rumored to be blind, together with his Iliad and Odyssey (as for the likeness of Lekë Dukagjini, a blind brother was invented). But, by analyzing the documented biographical facts about Lekë Dukagjini, one can shed light on the time and circumstances when the proverbs of his Code were conceived". (Çobani, 2003) The obscurities at any time, whether of chroniclers or scholars against Lekë Dukagjini, Çobani conceives as a blindness or even as a fascination to the hero of their work, Skënderbeu, while they did not see the splendor or qualities of Lekë Dukagjini, of this, as he calls it, "princely personality", simultaneous and very close to Skanderbeg. He sees the "legendary" as more balanced towards the figure of Lekë Dukagjini:

"Rightly, chroniclers and historians, starting from Tivarasi, Frëngu, Barleti and Muzaka, their contemporaries, to Gegaj and Noli of the twentieth century, have illuminated the deeds of Gjergj Kastriot and through them have mentioned Lekë Dukagjini, as well like some other princes of the time. But it cannot be said that historians and chroniclers, have talked about Lekë Dukagjini out of place, just because they were fascinated by the hero of their work, Skënderbeu. "The anonymous legendary" of such figures have acted more balanced than the historians. By anonymity, Skanderbeg was identified with the dragon prince, who dares to be measured and wins in any case with the kuçedra; while in Lekë Dukagjini an angel prince was seen, who appeared with courage

and wisdom to continuously preserve Albanianism” (Çobani, 2003).

To prove that Lekë Dukagjini, thus the Prince of Dukagjini, is also the author of the legal laws called the Code, Çobani dwells on the history of the Principality of Dukagjini and the closure or escape of its prince in the depths of the mountains, where “Lekë Dukagjini secured the highlanders of his principality and all those who joined him to find protection, especially after the death of Skanderbeg, the freedom within their tribal organization, which in the created conditions he institutionalized with the reorganization of the elders on the basis of village and province ”(Çobani, 2003). As a result, Çobani also sees the "conception" of the Code, an act that was inherited from generation to generation.

4. Unique work with humanistic spirit

Tonin Çobani in his study says that at the time when Gjeçov was working on the collected canonical materials, the Code, together with the author, Lekë Dukagjini, "were sanctified by all Albanians, regardless of their religious faith", and the name of Lekë Dukagjini is no longer rumored, but a heroic popular and national figure. The fact that a ruler had turned into a real hero, popular and national, can be explained by a theory that says that the popular masses (highlanders), by accepting rulers and knights as their heroes, themselves "identified with the values of leaders and nobility or, at least, because they had to structure their world through the models given to them by the ruling group”(Çobani, 2003-P.Burke: 169).

Although it was rumored and continues to be rumored, Çobani describes the Code of Lekë Dukagjini as a unique work in the Albanian language, with a humanistic spirit of the European Renaissance period, and its author, Lekë Dukagjini, as "an imposing personality" of “National Hero” .T. Çobani portrays Lekë Dukagjini as a humanist intellectual of the 15th century, without even hesitating to compare him with an extraordinary personality of the time, with the Florentine nobleman Lorenzo de’ Medici, who “was a genius politician who

could discern the power of real from his external performances. (Çobani, 2003: pp. 105-1006).

However, even if the comparison offered would not fit or would not be real, Çobani thinks that at least “the Dukagjini Principality could be compared to the smaller courtyards of northern Italy in the last quarter of the century. XV, to whom "The Renaissance owes almost as much as Florence" (Çobani, 2003). He is of the opinion that Leka could be compared, perhaps, with the Duke of Urbino, Frederigo Montefeltro, who “was not only an extremely cultured and wise man, but also a great strategist of his time, who knew how to defend possessions of him from the pots that surrounded him...” (Çobani, 2003). But, in any case, with all those rumors and others about the Code and its author, Çobani is insistent that the Code is the work of Lekë Dukagjini, even as one of the most important monuments of Albanian culture during the European Renaissance, which has lived for six centuries and has played an extraordinary role in the lives of the people, in whose language it was created.

5. Is the Code of the time of Alexander the Great?

Different from Tonin Çobani, Kasem Biçoku with insistence, opposes the thesis that the Code belongs to Lekë Dukagjini, the prince of the Dukagjini Principality, a thesis which, together with many others, is defended by Tonin Çobani. Biçoku ranks on the side of scholars who think that the Code of Lekë Dukagjini belongs to the time of Alexander the Great. According to him, historical memories of Alexander the Great and Pyrrhus of Epirus have remained unresolved, but he is also widely remembered in the works of humanists and old Albanian authors, such as Marin Barleti, Frang Bardhi, etc. (Biçoku, 2019).

When talking about the great worship of Albanians for the figure of Alexander the Great, Biçoku tells about his presence in the popular tradition and historical heritage of Albanians, taking the epithet King Leka the

Great. The researcher in question, referring to historical sources, at least those known so far, finds that the name Lekë was used by Albanians since the XI century, which is a commemoration of Alexander the Great, he says that during the Middle Ages the name Llesh was also associated with the saint Alexander.

It has been said by others, therefore Biçoku also says in his treatise that the name Lekë, as an abbreviated variant of the name Aleksandër, is a name of the national anthroponymy fund widely used by Albanians during the medieval centuries, wherever they have inhabited, both in their native lands and in the diaspora. For this reason, the name Lekë is preserved as the name of the inhabitants (Lekë) of the province of Mbishkodra and Leknia as the name of the province that extends as a wide belt along the southern bank of the river Drin (Biçoku, 2019). But toponyms with this name are found everywhere in Albanian lands. Biçoku mentions the earliest written evidence for the commemoration of Alexander the Great by Albanians, evidence which belongs to the first half of the XIV century and which is found in the monumental volume "Statutes of Shkodra of the first half of the XIV century". According to him, the people of Shkodra called their medieval statutes in the Ottoman period canons, associating them with the name of Alexander the Great. In this context he also mentions Skanderbeg, who had worshiped Alexander the Great, who, because of this worship, had kept his second name Iskënder, or Skënder in the Albanian language, but in Ottoman this has to do with the name of Alexander the Great.

Given the historical memory, but also other aspects related to the figure of Alexander the Great among Albanians, such as toponyms, folklore, etc., Biçoku is deeply convinced that Leka's name in the naming of Albanian customary law, the Code, is the deepest historical and cultural memory that Albanians have preserved for many centuries for a major historical figure, has to do with Leka the Great and not with Lekë Dukagjini. He is of the opinion that the Albanian customary law, both for ordinary readers and even for its scholars,

would be more fair to be given an impersonal title, because it is the anonymous, very ancient, cultural heritage of the Albanian people. Biçoku claims that the publication with the title "The Code of Lekë Dukagjini", was put by the publishers and contradicts not only the scientific truth, but also the local and Albanian historical tradition.

According to Biçoku, "The above publications have linked the Albanian doctrinal law in the title with the historical figures of the XV century, with Skënderbeu and with Lekë Dukagjini. Thus, formally, its early pan-Albanian scope and origin is very limited. He says that the names "kanun" and "customary law" also give a time limit. According to him, although the name of Lekë in relation to doctrinal law, toponymy and folklore is very widespread in Upper and Middle Albania, however this geographical extension is many times greater than the possessions of the noble family of Dukagjini during the medieval time. "The name of Lekë includes the possessions of aristocratic families much more powerful and with a much larger role in our medieval history than the Dukagjins, such as the Kastriots, Balshaj, Topiaj and Arianites. Even in medieval anthroponymy, the name Lekë has been used very often by all Albanians, wherever they have lived, especially in the territories of Upper and Middle Albania" (Muhadri, 2020).

Biçoku bases his contradictory thesis that the doctrinal right of Albanians has nothing to do with the name of Lekë Dukagjini, on the fact that the medieval period in Albanian history has not given any prominent historical figure named Lekë, who could have had an impact powerful in the Albanian world, so that it left an indelible mark on their national consciousness and, then, its name was associated with the Code, but also with the folklore and numerous toponyms of Upper and Middle Albania. He is of the opinion that the view of scholars should be extended to an earlier time in the history of Albanians, in their antiquity, namely with the time of Alexander the Great, whose name, as he puts it, has been preserved in the memory. history of Albanians. So Biçoku, insistently, demands that the

existence of the Code be postponed for several centuries ago. He even connects this with a saying of Gjeçov, the one who collected the Code at the beginning of the twentieth century, who said that the "Code of Pirri" was the earliest name of the doctrinal law used by the inhabitants of Lower Albania. This name is associated with King Pyrrhus of Epirus. Whereas the name "Code of Leka" for the Albanian doctrinal law has been the earliest name, very rooted and most used in Upper, Middle Albania and in wide areas of Lower Albania. The statutes of Shkodra prove that, since the Middle Ages, the inhabitants of a very important Albanian city have linked the legislation for the organization and activity of their life with the name of Alexander the Great" (Biçoku, 2019, 2021).

To appear in the name of Lekë Dukagjini, respectively in his name that is related to the Code, Biçoku stops at a document, namely the archaeological and ethnographic map of the Vilajet of Shkodra, published by Franc Nopça, in 1909, where there are marked some castles named "Leka Castle". According to him, the same is evidenced by the 36 toponyms and legends published by Qemal Haxhihasani about Lekë Dukagjini, where only 6 of them have the name Lekë Dukagjini, 28 have the name Lekë, and two of them do not give the name at all. Meanwhile, when the canon is mentioned, he says that in six other folklores, when talking about the "Code of Skanderbeg", only the "Code of Lekë" is given and never the Code of Lekë Dukagjini. He mentions the publication of Qemal Haxhihasani, which clearly shows that the popular tradition generally mentions the name Lekë, while his identification with Lekë Dukagjini is later and was done under the influence of various publications. According to Biçoku "The issue of defining a historical figure is important to be done right, not only in toponymy and folklore, but especially when it is related to a very ancient cultural heritage, such as the Albanian doctrinal law – Kanuni, is a magnificent monument to our national history and culture" (Biçoku, 2019).

Therefore, referring to the above sources, he states, or joins the findings of some other scholars that the Code of Lekë does not belong

to Lekë Dukagjini, but to Alexander the Great and the Illyrian tradition and that the name Lekë in many toponyms in the naming of Albanian doctrinal law is the deepest preservation in the historical memory of Albanians of Alexander the Great.

Other scholars have also written about the antiquity of the Kanun. One of them is Bernardin Palaj. Speaking of the canon of our mountains, its antiquity and its European basis, Palaj compares the Code with the laws of other European countries, such as Rome, Germany, etc., and even goes beyond the laws of these countries (Palaj, 1944). This speaks to an early tradition of Albanians in possessing their own laws.

6. Conclusion

So, as can be seen, we have two scholars, whose hypotheses lead in different directions and different names of the ownership of the Code. One who insists that the canon is associated with the name of Lekë Dukagjini, the Albanian prince of the XV century and the other, who says that the Code is associated with the name of Alexander the Great, many centuries ago, since the time of Illyria or even earlier, in the Homeric one. No harm should be seen here, because the positive tendencies of pushing the boundaries of the existence of a unique document, such as the doctrinal right - the Kanun, as a proof of the rules and laws of a people, is in the best interest of the history and antiquity of to that people. In this case of the Albanian people, one of the oldest peoples not only in the Balkans.

Albanian doctrinal law, "The Code of Lekë Dukagjini", is a universe, the norms of which until the beginning of the XX century appeared in every cell of life and social organization of rural communities in the mountains, but somewhere - somewhere in rural areas in the lowlands and that without the study of these, always in line with their roots of the origins and different times of the Middle Ages "it is impossible to explain with clarity and truth the past, hence also came the New and Present Time."

However, for bringing the Code to the light of science, the credit goes to Father Shtjefën Gjeçovi, who compiled and codified it to a greater extent. Gjeçovi, this pioneer of Albanian ethnology, with his tireless work "made known to the world the Albanian people, their ethnoculture, their resistance over the centuries, paving the way for further studies of the Code". Therefore, even scholars, whether foreign or local, during research and studies on the Code have always relied on the work of Gjeçov, published post 1933.

While examining some of the most essential problems and norms of the Code, which in many cases have a moral, religious and legal character, we can conclude that all these (problems and norms) take the roots of the Albanian Code deep into antiquity, as indigenous people with early traditions. Albanian Customary Law (Kanuni) has come alive and powerful to this day because it performed some vital social functions in rural communities and has been a powerful means of survival of the people, taken within the cultural complex of tradition.

In the absence of a national state for all Albanian lands and the relevant state laws of the nation, the Code was a means of protection of provincial and inter-provincial ties, a means of expressing national consciousness. In a word, it was a law to establish order in rural and provincial coexistence, of patriotic activity, of protection from oppression by foreigners, but also a means of confirming national unity and a supporter of highly archaic, medieval, patriarchal forms in the life of social organization of the highlands. According to the apprehender of the Code, Professor Mark Tirta, "in this popular right, in addition to expressing the state and mentality of free, proud, unyielding people, we see in it the ethnocultural past of the people, as a proof of the creative abilities of Albanians in the legal field, as well as establishing order and social balance with national characteristics, according to the requirements of practices and circumstances of life" (Tirta, 2010)

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