

Metaphysics of Kanun: “To Move a Boundary Is Like Moving the Bones of the Dead”

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The subject of this study is the *Code of Lekë Dukagjini* (1933), codified by Shtjefën Gjeçovi on the basis of the customary laws of the northern Albanian highlanders. The study proposes a philosophical-hermeneutic framework for interpreting honour as the ethical and metaphysical foundation of the *Kanun*. Through a systematic reading of its twelve books, the analysis examines the ways in which honour, *besa* (the given word), kinship, property, boundaries, justice, blood, ritual, and relations with the sacred are interconnected. The study places selected principles of the *Kanun* in dialogue with ancient legal, philosophical, and religious traditions, particularly the Code of Hammurabi, the Old Testament, and the works of Plato and Aristotle. It argues that customary rules governing everyday social relations are presented not merely as pragmatic regulations but as expressions of a sacral order linking individual conduct, communal morality, and a transcendent conception of justice. In this perspective, honour functions as a principle through which the social and metaphysical dimensions of life are articulated and maintained.

Key words: Albanian Customary Law, *Code of Lekë Dukagjini*, the concept of honour, anthropological analysis, philosophical hermeneutics

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The primary aim of this study is to propose a new interpretative framework for explaining the concept of honour, regarded as the ethical foundation of the *Code of Lekë Dukagjini*. This framework comprises: 1) a comparative analysis of the customary laws of the *Code of Lekë Dukagjini* with ancient legal and ethical discourses, like the *Code of Hammurabi* and the *Old Testament*, as well as conceptions of honour elaborated in Plato's *Republic* and Aristotle's *Nicomachean Ethics*; 2) an adaptation of ancient concepts, metaphysical at their core, to the specific features of the social anthropology of the Albanian highlanders; 3) an examination of social life through a code of honour conceived as a form of metaphysical sacrality.

The *Code of Lekë Dukagjini* (1933), as codified by Father Shtjefën Gjeçovi, consists of twelve books

(chapters), which will be examined through a systematic analysis of the anthropological text, grounded on the code-to-text principle, a method that will lend this study the features of a philosophical hermeneutic analysis.

The *Code of Lekë Dukagjini* has shaped notions of honourable conduct within the Albanian family and latter's relationship with society. Although the Code, as a historical legacy, has necessarily undergone transformation over time, it continues to exert a significant influence on Albanian family life and social structures.

Introduction

The reflection of the concept of honour (thymos) constitutes one of the three elements of the human soul. The basic motive and logic upon which we have

embarked on such observations has stemmed from the universal idea that the human being possesses the “*archetypal immanence*” (Jung 2019: 1–65) of the quest for honour.

The human soul basically rejects dishonour. Should the latter i.e. dishonour occur, the scar caused by it shall forever be planted in the psyche of a person.

The fact that a man is, above all, an individual, unlike any other being on the planet, entails, inter alia, the need for his singular being to be honoured by another with whom he is related by community, be it family or political community, because “*man is a sociable being by nature.*” (Aristotle 1992: 59)

The immanence of the need for honour, as an individual, is necessarily carried over to the society, which is a group of individuals. It turns out that, since the concept of honour is immanent, it necessarily carries the burden of responsibility with it.

We are apt to think of children as having a responsibility towards their parents, a responsibility that in no way reflects any contractual right merely, but which is simply due to the parents as a recognition of a filial tie. “*This sense of obligation is not founded in justice – which is the sphere of free actions between beings who create their moral ties – but rather in respect, honour or (as the Romans called it) piety.*” (Scruton 2001: 23)

As an *individual*, from the intrinsic demand to be honoured stems the responsibility to honour the Creator, the Father, the Mother, the Wife, Children, to keep on with the family circle and to reflect the same honour in a larger family called tribe, society, nation and state!¹

Hence, the responsibility to honour develops into its treatment as a cult and, consequently, its transformation into a personal and collective code, which forms and then preserves its sacral core.

However, this human immanence constitutes the sphere of the virtue, the reputation and the face, which can be lost because of the other element of the soul, the greed (epithymia), a force that, in most cases, relates to the pleasures of the body (somatics), which can lead to denials of archetypal honour, which is considered a gift of Metaphysics, the Transcendental One or God. Greed is the shame and, consequently, shame is the descent into bodily demands, rejected by the virtue of the Ideal World (Eidos).

In *The Republic*, Socrates asks Glaucon a question about thymos (the spirit), which resists fear, resulting in human disobedience to the pressures that limit sensitivity and immanence to be known and appreciated by the other:

“Haven’t you noticed how irresistible and unbeatable the spirit (thymos) is, so that its presence makes every soul fearless and invincible in the face of everything?”
“Yes, I have noticed it.”

(Plato 1991: 52)

The enforcement of the thymos and the denial of epithymia was considered a pleasant sphere by Metaphysics, which accepted in the Immortal Ideal World the pure souls that were purified once they left the body from the moment of death.

As a result, the human being, hence the human soul (psyche) achieves ideality through the logos of thymos, while the dominance of epithymia leads to sin, which must be paid for.

The human being is born, grows, and dies, remaining responsible for its honest i.e. moralistic actions, but also with the archetype of sacrifice, because “*the sense of the sacred surely precedes ritual sacrifice, is more primitive, more basic, more fundamental to the human condition than any of the phenomena normally invoked to explain it.*” (Scruton 2014: 29)

Undoubtedly, these concepts, imbued with an emotional charge from the times that one finds hard to remember, have influenced human life and have been, as such, reflected as a layered and inherited experience in a writing that captures human social facets, and were established in texts that have preserved the sacredness of honour as a metaphysical requirement in particular.

A suchlike concept is the Kanun of the Northern Albanians, collected and recreated by Shtjefën Gjeçovi², which was published in 1933, as a posthumous work, entitled the *Code of Lekë Dukagjini*³ and often referred to as the Kanun of the Mountains.

In classical publications on the *Code*, mainly specific ethnographic studies stand out, followed by customary laws within the framework of social anthropology, as well as the practical philosophy of civil laws, with a focus on inherited concepts of hospitality, life rituals, and vengeance (Durham 1909; Hasluck 1954; Pupovci 1971).

By appreciating these studies, we nevertheless shift the focus of the observation, because we believe that the backbone of the customary law is the relationship between the man and the metaphysics, which then takes the shapes of behaviour in life and society, hence as a transposition of the laws of nature into social ones.

The reflection that honouring the metaphysics, by analogy indispensably, turns out to be also honouring man in a transitory world, in order to win the eternal world with honour, also reflects, consequently, the relationships and practical behaviors in a community.

The Kanun of the Mountains

The *Code of Lekë Dukagjini*, in Gjeçovi's textual structure, consists of 12 books, which in the chronological concept appear as follows: Kisha [The Church], Familja [The Family], Martesa [Marriage], Shpi, gja e pronë [House, Livestock and Property], Puna [Work], Të dhanunat [Transfer of Property], Fjala e gojes [The Spoken Word], Ndera [Honour], Damet [Damages], Kanuni kundra mbrapshtivet [The Law Regarding Crimes], Kanuni i pleqnis [Judicial Law] and Shlirime e perjashtime [Exemptions and Exceptions].

According to this morphology, which necessarily has shades of Gjeçovi's semi-authorship, one can notice that the northern Albanian ethnicity has lived with the cult of honour and respect.

Honour and respect are closely linked to the concept of *besa*, the given word, a spiritual oath that must be kept and fulfilled. The *Code*'s analysis of the principles of the metaphysics of honour, or spiritual metaphysics, is motivated by the fact that the Albanian highlander does not uphold his word (*besa*) out of fear of punishment by authority. Rather, he adheres to his word, honour, and *besa* as a foundational principle to avoid bearing eternal shame. The fear of such disgrace has governed behaviour and practical conduct, which, over time, were distilled into recognized community laws.

As we will see, we are dealing with the transcendence of life practices pending harmonization with the metaphysics of honour, where the latter becomes the backbone of philosophical practice.

However, as regards the purpose of gathering customary laws and codifying them within the structure of this book, two unifying elements should be highlighted:

the revival of the ethnic material and spiritual realms, with the aim of recreating the symbolic order of the national community.

"The Code project represents the application of a specific ethnography regarding the law, society and state through the technique of codification. It forms part of the late 19th- and early 20th-century ethnographic movement that employed ethnographic research to uncover the national spirit – where the discovery of unwritten law became the primary evidence. This discovery of the spirit is a two-way process: law is revealed through the spirit of the nation, and this law is sought to be restored to that same spirit through documentation and, potentially, through the state law. Here too, it is evident that theoretical references draw once again from antiquity, philosophy, and Christian theology; however, paramount among them is the material gathered directly from the 'voice of the nation'."

(Bardhoshi 2021: 256)

As a result, by combining methodological approaches and revisiting specific judicial precedents of the *Code* elders, primarily from the Mirdita region of Albania,⁴ Shtjefën Gjeçovi adheres to the principle that: "In wording the *Code of Lekë Dukagjini*, the writer only follows the old codes (or 'as our Mountains say', the 'codes of blood rifle'). I had to place this remark here so as to remove all the doubts among those who may think that there are new codes mixed with or mingled among old ones."⁵

I.

The Church: If a religious site entails the place of the word of God and, consequently, the place when praises are made to Him, as reverence for His will to give, to keep on taking lives, such an object necessarily assumes a metaphysical symbolic. As such, it turns into a site of imagination and cult for the Real World or the Divine Ideal. If Gjeçovi points to the church, resultantly, sacral sites are honoured without exception, because, as such, they carry the reminiscences of the cult for the metaphysics: "*the laying of the stone, the locus*" (flat site) since the time of the gentiles.⁶

We reflect on this heritage owing to the fact that the codes created in the tribal psyche, even when they become part of theological doctrines, do not forget the sub-conscious structure of the myth, which, in the world of the tribe, plays an extremely important role. Based on these hereditary principles, the sacral site, in this case the Church, is protected by the Banner (Flamuri), and by the community consequently. Moreover, the Priest, as an established religious figure that becomes a bridge of communication between man and God, will certainly obtain a *sui generis* status, based on the principle that Man dedicates himself to the love of the Divine and needs no earthly laws. The Code says:

"Prifti është ndorja e Famullis."

"Prifti s'bjen më gjak."

"Prifti s'çohet në bë."

"The priest is under the protection of the parish."

"The priest does not incur blood."

"The priest is not required to take oaths."

(Code of Lekë Dukagjini 1989: 3/6)

Protection, blood, and oath are key concepts, which protect the Priest, who is considered as a figure that communicates with the metaphysical. Hence, he is the initial bridge between the soul in this life and its passing to an eternal life.

Codes of honour always insist on caring for the divinity of birth and death, even more so in life, which manages to deserve death with honour in its transitory segment.

The priest is considered the metaphysical guarantor of this honour; hence he is under the protection of the community.

The priest does not incur blood, because he is protected by divine love and does not kill.

The priest is not required to take oaths, because it is dishonest to doubt his word.

In addition, his protection from the oath means honouring him so that he does not to engage in false oath (out of lack of knowledge) for his possible earthly sins and greed and so become a misled authority. The priest preserves his sacredness. However, should the priest decide to give his sacral authority as a gift to restore the honour denied to a trustworthy person, then

his oath to deliver the person from the weight of the attributed guilt is worth the oath of twenty-four elders.

"Me ndollë qi Meshtari çohet në bë, a per me dliirë vedin a per Poronik, ky vetem do te njuhët e do do të zëhet per njezet-e-kater vetë."

"In the event that the priest takes an oath, either in his own defence or as a juror, his testimony will be recognised as equivalent to that of twenty-four people."

(Code of Lekë Dukagjini 1989: 4/8)

In essence, these are customary principles, which are motivated by the metaphysical reverence and transcendent religious doctrine. If these principles are broken, as a precaution by and to the priest and by the rules of the customary law, they must necessarily be reinstated as a return of honour to the cult of metaphysics, which is the overall spirit of the Kanun of the Mountains.

However, we must also note the fact that the honour vested in the priest does not mean his elevation to a supreme instance, because protection means protection from the other, but not a total freedom without responsibility for the priest, because:

"Me vrá kend Meshtari, as kisha as Meshtari s'gjobiten, edhë Meshtari nuk bjen ne gjak: gjakun e bán shpija e Meshtarit."

"If the priest kills someone, neither the church nor the priest is punished, nor does the priest incur a blood-feud: the blood-feud is incurred by the priest's family."

(Code of Lekë Dukagjini 1989: 4/8)

Consequently, the priest's house owes a blood, because one of the basic principles of the Kanun of the Mountains is: *"blood is never unavenged"* (Code of Lekë Dukagjini 1989: 87/174). This exception does not apply to the family of the priest. As a result, Martin Camaj's observation, who says that *"the maxims of the Kanun were primary, i.e. they took precedence over all other laws, and for that reason both the church and the state opposed the application of the Kanun"*, is more accurate (Camaj 1989: xiii).

The incurred blood feud or the metaphysics of the blood feud is related to pre-Christian beliefs, starting from the Mesopotamian civilization, where there were thoughts of “*man from the blood of a ‘fallen God’*” (Oppenheim 1977: 192), so “*life is in the blood*” (McCarthy 1969:166–176) granted by God, as ancient Jewish traditions teach us.

II.

The Family: In the distant notional contrast to its Latin parish, family means service or parents with their children and serving woman, but also the priest in the sense of family and service to Christ.

However, the ethnic-Albanian family, according to customary legacy, has preserved and represents a more distant concept of this moral human core from the father to the son, based on the principle of consanguinity.

The morality of the core moves away in time to the big question of whether God was thought of as the Father or the Father assumed the attributes of God for his family.

Philosopher George Santayana says that the family turns out to be a world of the irrational, but:

“The family is one of nature’s masterpieces. It would be hard to conceive a system of instincts more nicely adjusted, where the constituents should represent or support one another better. The husband has an interest in protecting the wife, she in serving the husband. The weaker gains in authority and safety, the wilder and more unconcerned finds a helpmate at home to take thought for his daily necessities. Parents lend their children their experience and a vicarious memory; children endow their parents with a vicarious immortality.”

(Santayana 1905: 23)

Moreover, “the father then represents his children while they are under his tutelage, and afterwards they represent him, carrying on his arts and inheriting his mind.

(Santayana 1905: 25)

This conceptuality, which is nominated as such by the philosopher, is based on the culturology of the pre-Roman and Roman family, which was organized on the basis of rationality.

This philosophical and, let’s say, traditional logic means that the creation of the family assuages the greed stemming from the body and boosts the strength of the spiritual and, as a result, the honour, so when the logos prevails over the somatic (epithymia), as a care for the being, which is summarized in Father’s figure as embodiment of Fatherhood’s care.

However, in the Code, where rationality and respect are underscored, the Head of the House is the Elder, as a synonym of memory, empiricism and wisdom.

Accordingly, the Code suggests that the family nucleus is made of its members, who live under the same roof (in a consanguineous relation), with the Elder as a moral authority, who, besides caring for the family, is entitled to establish relations with other families (derived from the same hearth) i.e. the tribe and the flag up to judicial law, which is considered the fundamental customary instance, where decisions are taken on behalf of the community.

The Elder preserves the cult of respect from the other members, where his word assumes the weight of sacredness, which is carried forward as such with honour from the family to the tribe gatherings. In order to preserve this weight of sacredness, if any younger member of the family is appointed as Head of the House, of course provided he stands out for wisdom and prudence, he must behave as the Junior Elder or the Elder Junior in the sense of defending a rational justice philosophy. Because, as Bardhoshi says, “*the Elder of the Kanun is old ideally.*” (Bardhoshi 2014: 172).

Observing family members with the eyes and the mind of the Elder means teaching them the responsibility of life, the rites of passage from childhood to boyhood and manhood, namely from children to girls and women, where the “*Head of the House has the duty to maintain the ways of justice in the house, and not to favor one person over another*” (Code 1989: 8/16) as logoscentrism. In addition, such a responsible and righteous observation entails learning and practicing patience and rationality, even by suppressing bodily passions, as a form of discipline and self-control.

His duty as the Head of the House identifies with the ancient worldview, as a religious consequence, and the denial and maturation of passions leads to the love of metaphysics for pure soul. The Elder of the Code does

not resonate as an epicurean, but preserves the care of morality as *homo rationalis*, which, in his belief, is necessary in this world and in the Hereafter in particular.

III.

Marriage: In the *Code of Lekë Dukagjini*, marriage takes a broad space and conclusions, which can be observed and dealt with by re-discussing the reminiscences of ancient worldviews of women alone. If the German researcher Walter Peinsipp discerns the presence of metaphysical concluding that “*honour is a behavioral norm towards the surrounding living world*” (Peinsipp 2005: 111) and archetypal signs of human psyche in the Kanun of the Mountains, and if the Japanese Yamamoto underlines the presence of “*ethical-ancient structure as an eternal code of honour*” (Yamamoto 2000: 35–45), this necessarily means that the Code has also preserved the philosophical concepts, at least since the Greek antiquity, regarding the treatment, the role and the presence of women in an ethnic-Albanian mountain family.

The ancient philosophy became possible after the distillation of mythology, a process which began with Plato’s dialogues, which developed into resonant discourses in Aristotle’s metaphysics.

As a result, we come across philosophical concepts, unacceptable for our time, about the role of women in family and society especially in Aristotle’s thoughts, which have prevailed, in variations from his time to modernity.

For instance, in *Nicomachean Ethics*, Aristotle does not recognize today’s concept of mutual love between a man and a woman and he even formulates the concept of friendship in family relations always based on principles of mutual trust.

“Between man and wife friendship seems to exist by Nature; human beings live together not only for the sake of reproduction but also for the various purposes of life; for from the start the functions are divided, and those of man and woman are different; so they help each other by throwing their peculiar gifts into the common stock. It is for these reasons that both utility and pleasure seem to be found in this kind of friendship.”

(Aristotle 2002: 12)

Aristotelian concept of friendship in the family also captures the observation that “*friendship takes time and acquaintance; as the proverb says, men cannot know each other till they have ‘eaten salt together’*” (Aristotle 2002: 4), so until trust is built, then “*children love their parents as being born of them, and brothers love each other as being born of the same parents; which is the reason why people talk of ‘the same blood’, ‘the same stock’, and so on*” (Aristotle 2002: 12–13) to form hence an intrinsic differentiating relation within the family, which he considers as pre-state institution. On the other hand, the *Code of Lekë Dukagjini* defines marriage, which becomes the core of the family, as follows:

“M’u martue më kanûn do’ me thënë m’u bâ shpí, me i a shtue shpís nji rob mâ teper, sá per krah të pûnve, sá per të shtuem të fmive.”

“To be married according to the Kanun means to form a household, for the purpose of adding to the work force and increasing the number of children.”

(*Code of Lekë Dukagjini* 1989: 10/20)

In the prism of Aristotelian friendship, this customary maxim reaffirms the arbitrary practice of differentiation between men and woman. However, the worldview of such a difference should not be seen only as an isolationism of the mountain Albanian psyche. The belief that woman was an inferior being compared to a man was not obsolete until the last century in Western metaphysics either.

IV.

House, Livestock and Property: Geography dictates mountain life, and, as a result, in Albanian customary law, one cannot speak about the major trade routes or the impact of the latter on human psyche.

Mountain life is concentrated on its own habitus, where animal husbandry and agriculture, which were necessarily mainly related to land, water and pastures, have become vitally important.

In mountaineer’s ethical concept, the right to life, home and property derives from inheritance. The latter dictated that even if the property of a member of the tribe was put up for sale, it had to be bought by the closest

heir. So, it turns out that the mountaineer is attached to his land as tribe heritage and lives with the stories of its toponym passed down through generations. Without entering into a discussion of the forms of honour in the life practices we emphasize that border inheritance remains the cornerstone of mountaineer's habitus.

Implicitly, every family, tribe and flag has inherited boundaries within which they organize their life based on genuine rules of human relations. The importance of the border assumes a metaphysical attribute when it is said:

"Eshtent e vorrit e guri i kufinit faqe Kanunit janë paraz. Me luejt kufinin është një si me luejt me eshtent e të dekunve."

"In the view of the Kanun, the bones of the dead and the boundary stone are equal. To move a boundary is like moving the bones of the dead."

(Code of Lekë Dukagjini 1989: 37/74)

If that happens i.e. if the border is moved, as a customary measure applies the *oath*, which, molded with its fantastic and religious metaphysics at the same time, remains the final word.

The mountaineer, defended by the code of honour, does not desecrate the oath of the Elder, who pledges his soul to the truth about the Underworld. The assessment and punishment of the soul in the Underworld is a psychological archetype of the old mountaineer, who does not put the divine world in crisis for the necessary practices of earthly life at any price. In the mountain psyche, there is a belief that should a false oath be taken, the Metaphysics, the Universe, the Transcendental One, God, etc. will use the force of universal law as a punishment.

V.

Work: The cult of honest work, mainly related to the basic family needs, is honoured up to the point when *"work moves the path"* (Code 1989: 43/86) in the sense of expanding the arable area, which would increase the wealth of the family. However, moving the path does not dare damage anyone's land, therefore neither public highway. Hence, private and public property enjoy inviolable status over the code of honour established by elders and chief elders. Also, the blacksmith and miller are

considered "civil servants" who *"do not receive anyone as a friend"* (Code of Lekë Dukagjini 1989: 44/87), so they must operate based on the code of equality, which, to avoid insult, gives the same status to every mountaineer. In addition, irrigation water line may not be cut or moved and irrigation even cuts the mill water based on the principle that *"if there is nothing to harvest, there is nothing to grind."* (Code of Lekë Dukagjini 1989: 46/92)

Accordingly, in the Code, we also have the clash or the union of the two basic concepts of metaphysics, if the latter is essential, which only discuss the Being (Dasein) or even pragmatics, which is based on everyday life.

We can say that the ideal and the realistic, such as transcendental and empirical domains, merge into the psyche of the customary mountaineer with the aim of finding the truth based on ethics and morals, even when one lives in the necessity of life practices. To this logic of metaphysics with a human face we would add William James' opinion that laws exist *"to summarize old facts and to lead to new ones. They are only a man-made language, a conceptual shorthand [...], in which we write our reports of nature."* (Pihlstrom 2007: 1–28)

VI.

Transfer of Property: In today's world, where the concept of interest is covered by the concept of the sense of honour, transfer of property, or generosity, charity and aid to the other, in the sense of a soul and body outside oneself, risk vanishing and remaining a memory of a dying morality.

In mountain life, transfer of property is meant to entail a relation of chastity based on the cult of friendship and solidarity, always molded in a metaphysical concept of charity and honour: do well, find well, and in the philosophy of opposites: do bad, find bad!

A conspiracy of a universe that arranges things at a metaphysical level, when the man commits good or bad deeds, seems to always stay in mountaineer's psyche.

That morality provides, among other things, it is said that: *"The Kanun of the Mountains is not familiar with loans at interest"* (Code of Lekë Dukagjini 1989: 56/112) – preserving the code of honour of charity as a link with religiosity and metaphysics. Besides this, the promise for any gift after a job done means repayment, because *"a promise is at the bottom of the bag."* (Code of Lekë

Dukagjini 1989: 57/114) However, the word, as a promise, bears no legal punishment under the Code, but remains a personal moral credo, which, if not delivered upon, leads to dishonour, because *The Code* says:

“Ftyren e vrugnueme në daç laje, në daç zezoje edhë mâ.”

“Wash your dirty face if you like or, if you like, make it blacker.”

(*Code of Lekë Dukagjini* 1989: 58/116)

VII.

The Spoken Word: The honour of the spoken word in the Code of Mountains is not protected by judgement, but by personal morality. If the mountaineer loses his honour and consciously or unconsciously devalues his word by making it weightless, i.e. by denying his individual character through slander and lies, the customary rule does not punish him, but he is ostracized tacitly and seen with disdain, because *“words do not cause death”* and *“a mouth does not place anyone in blood.”* (*Code of Lekë Dukagjini* 1989: 59/118)

Freedom of speech is associated with freedom of choice, whether with your words you gain or lose faith in the truth, which turns out to be the core of the Code as a requirement. The Code does not recognize the power of language, like propaganda, rumors, etc., even if such power motivates murder. The Code recognizes actions rather than motivations, leaving the latter as individual fields of assessment preceding action.

However, this dimension of freedom of speech only works when the plot is made in absentia and when there is no direct insult to the mountaineer. Words do not cause death, but through the word insult can occur, which, if it comes from a negative intention in, let's say, a men's gatherings, will necessarily lead to revenge as an immanence of the restoration of honour. The Code guarantees individual freedom of expression, thought, perception and even contempt in absentia, but overstepping such freedom from the discourse of conversational freedom into direct insult in person will surely be considered humiliation, a dirty face for the insulted, which must be washed.

Moreover, if the Code does not attach weight to the word of the malicious, it holds the word turned to oath as a teleological cult.

To take, for instance, *“the oath upon a ‘rock,’ according to the Code, is one of the most solemn and terrible oaths known to the Albanian of mountains.”* (*Code of Lekë Dukagjini* 1989: 60/120). A fear of plague with a metaphysical source seizes the soul of the mountaineer, when the restoration of truth forces him to take an oath upon a rock.⁷

The tradition of taking an oath upon a rock, when mysticism, esotericism and connection of old peoples with nature in general are considered, turns out to be an ancient Illyrian, Roman, Etruscan and, as Pashko Vasa believes, even Pelazgian reminiscence, because *“this is exactly a primitive rite, which only the descendants of the Pelasgians have preserved and carried with them through their journeys, in those places where they have settled.”* (Vasa 1989: 288)

Even today, the oath of the Albanians, often as an archetype of the subconscious, is made upon earth, sky, sun, etc., as signs of a primordial connection of man with natural phenomena.

The word turned into an oath, or with a metaphysical function, takes the power of the eye of the supernatural, which, in a certain way, supersedes all other practical laws in the world of an Albanian mountaineer. Because *“the principle of the Code is: Swear alone and you will not be heard by anyone”* (*Code of Lekë Dukagjini* 1989: 61/122) as liberation from all possible encumbrances, which stem from the very nature of human practice.

VIII.

Honour: In the Code of the Mountains, the concept of honour relates, first of all, to the respect of the human being as *psyche* (soul), leaving the *somatic* (body) secondary in terms of appreciation and influence. The Code says: *“Soul per soul, all are equal before God”* (*Code* 1989: 65/130) as primordial essence of the metaphysical respect of soul's path, as opposed to appearance, which varies and is a material endowment, which the common code of honour does not take into account.

Honesty and dignity, as a code of personal honour, must be preserved for the sake of conveying this honour as a reflection in relation to others in the general code, as an existential care, in order not to end up in shame, while saving face and prestige (Oprisko 2012: 6–7).

Hence, honour is the opposite of shame, and “a man who has been dishonoured is considered dead” (Code of Lekë Dukagjini 1989: 65) because the loss of personal honour impacts the realm of overall honour. Overall honour has nothing to do with fame or prestige, as an authoritative social status, or with the law or individual's relationship with power, but with the immanence of virtue, which, as an archaic reminiscence must be preserved as a “medal” in order to be honoured as a member of the community of honourable people.

Honour is intrinsic, a magma, which, even as an inherited social construction, can be considered as the archetype and genuine psyche of the Albanian mountaineer.

However, when the concept of honour transcends the personal and integrates the other, it is obvious that the friend is honoured with an unparalleled sacredness and sublimation. It seems that the biblical concept of a friend who is closer than a brother is preserved here or the ancient Greek literary one: honour your friend as you honour God.

The motivation of the concept for the policy of friendship is not discernible in the Kanun of the Mountains.

To the Albanian mountaineer, friendship is, above all, an ethical obligation, molded in metaphysical sacredness, without affection or interest, as a connection with the sacredness of the door, the hearth of the house, as honour and protection, a sublime realm of virtue, which proves, first of all, personal honour and confidence in the honour of the host family. No one is received as a friend through that door (hearth) if the personal customary virtue of its lord is not sacral. Consequently, respect for a friend implies respect for oneself, for the primordial cult of friendship, which has the individual at its core.

The Albanian mountaineer initially does not honour a friend for the sake of social relations, projection of his benefit or loss or thought interest. Moreover, honouring a friend, however rooted in the ethnic topoi is not related to ethnicity, familiarity, friendship, or previous enmity. It turns out that reverence for a friend assumes metaphysical attributes for the mountaineer, as a cult of personal honour and, then, of the honour of the tribe, etc., and as such entails ethical care, protection and aid to the point of sacrifice. Personal honour, as a reflection of honour for a friend, “destroys” all relations with others, even family, if the latter is exposed to any insult, injustice or danger.

“The mountaineer may forgive the murder of a father, son or brother, but he never gives up revenge for a slain friend.” (Peinsipp 2005: 194)

The friend in the Code of the Mountains is considered an “omen”, whether good or bad, and, as a result, in the archetypal ethical belief, and it appears that the friend is, first of all, a gift from God and a test of the dignity of the host, whose sacredness is protected at all costs.

IX.

Damages: In the mountain living community, causing unintentional damage to property, be it to a poor or wealthy house, does not constitute an insult to the honour.

In a rustic environment, where livestock is considered primary, and agriculture secondary, as fundamental resources of household economy, it is implied that it is domestic animals, mainly goats and pigs, that inflict damages upon agricultural assets of the tribe, the neighborhood of the Bajrak [alb. flag].

However, inflicting damage upon crops implies the duty to pay for the damage.

“Dâmi ká çmim, por jo giobë; Dâmi ká çmim, por jo pushkë; Dâmi lahet permbas çmimit të pleqve a të dy shokve.”

“Damages have a cost, but are not subject to a fine; Damages have a cost, but not one that can be exacted with a gun; Damages are paid according to their valuation by elders or by two members of the community.”

(Code of Lekë Dukagjini 1989: 75/150)

The ethics and moral, customary law and elders' evaluation are three key components that merged into untying an interpersonal knot when damage is caused.

In the mountain psyche, protected by religiosity, the vice of profiting at the expense of another's misfortune (fine) does not prevail. However, crops are a source of livelihood and damaging them necessitates the ethics of compensation as consideration for family's effort (*price*). On the other hand, Code rules stipulate that if the rifle, which is a symbol of pride, is used in cases of damage, it shall lead to blood.

At this point, the honour of both parties requires that the price of the damage is measured and assessed at the instance of an arbitrator (elders or two friends), whose word is undisputed. In this case, the word of the elders or friends takes on the burden of establishing justice in the name of the divine will.

X.

The Law Regarding Crimes: The codification of the norm of interpersonal behavior as a rejection and punishment of possible crimes, which in the modern knowledge of justice would be codified as criminal code and civil code, has its measurable and historical documenting foundation in Babylonian culture, more specifically in the *Law of Hammurabi*, which, in the western world, became known at the beginning of the 20th century.

The authorship of this law is attributed to King Hammurabi but in the Akkadian culture every text written by the human hand had an empathetic, sacral and metaphysical connection with the King, therefore, it was written either as dedication to or for his approval, even if imaginary. Because the King was felt and seen as a proven instance and a substitute for the Transcendental One on Earth. The morality of the King in relation to the citizens that were under his rule was measured by an eternal justice, which affected earthly justice, say, when divine justice was transferred to human justice.

This Law has, inter alia, sequential similarities with the biblical discourse, especially as regards “lex talionis”⁸ or Hammurabi’s concept of revenge “an eye for an eye” or, as it is codified in Article 196: “If a man put out the eye of another man, his eye shall be put out [an eye for an eye].” (*The Code [Law] of Hammurabi* 2004: 1–52)

In the biblical discourse, the symbolism of “lex talionis” i.e. the proportionality of the punishment for a crime, is to be found in the *Old Testament*, more specifically in the Code of Moses, as a legacy of Jewish laws i.e. in the *Book of Exodus*, where David P. Wright notes the similarities:

“When a man strikes the eye of his male slave or the eye of his female slave, and destroys it, he shall send him away free for his eye.”

(Exodus 21,26–27)

This legislation accords with the full casuistic form in LH:

“If he blinds the eye of a commoner or breaks the bone of a commoner, he shall weigh out one mina⁹ of silver (LH 198–199).”

(Wright 2009: 39–40)

The Roman “lex talionis” was related to the biblical code and also to the *Law of Hammurabi*, but we must make a difference in the concept of similarity with the Kanun of the Mountains.

The Kanun of the Mountains has nothing to do with the body, because blood revenge, as repayment of debt aims at the soul (blood is the soul), so there was no element in the mountain honour code that allowed the desecration of the blood debtor. On the contrary, in this strict act of restoration of honour, the slain, as per customary rite, had to be honoured as if the slayer were in his stead. Otherwise, he would lose his honour and would have no arguments for the possible cessation of the blood feud. The Code says:

“844: Dorërsi, porsá t’as vrasë nierin, do të çojë fjalë se e vrau aj e mos të hutojn mendsh prindja e të vramit.

845: Dorërsi do të çojë me lypë besë.

846: Dorërsi, po muejt vetë me e sjellë marë të vramin, mirë; perndryshej mbë këdo, qi të ndeshet, do t’i thotë qi të shkojë me e sjellë marë e armen me i a pshtetë te kryet.

847: Dorërsi nuk guxon me marrë armen e të vramit; po bânî ket faqe të zezë, aj bjen në dy gjaqe.”

“844: As soon as a murderer has killed someone, he must inform the family of the victim, in order that there should be no confusion regarding his identity.

845: The murderer must send someone to request truce (besa).

846: The murderer, if he is able to do so himself, turns the victim over on his back. If he can, well and good; if not, he must tell the first person he meets to turn the victim over on his back and place his weapon near his head.

847: The murderer may not dare to take the victim’s weapon. If he commits such a dishonour able act, he incurs two blood-feuds.”

(Code of Lekë Dukagjini 1989: 82/164)

Revenge, as a heavy act aimed to restore honour, differs from other archaic laws, because it comprises metaphysical motivation, either as a deterministic motivation for the slain or as an ethical-metaphysical caution by the slayer.

Metaphysics does not allow insidious action, because its eye is everywhere and, as a result, the concealment of the crime does not dare to happen, while the demand for truce is a signal for help and fear and respect for the family of the slain at the same time!

The awareness that "tomorrow" the slayer may be the slain in the line of the blood feud necessitates honouring the dead body and his life sign, the rifle, which in mountaineer's psyche has assumed a motivational burden up to its cult as an icon of honour, pride and manhood.

The slain is a man, in the sense of virtue and nobility, and must pass to the divine world as such! If his manhood is infringed upon, even in death, by taking the symbol of manhood, the rifle, away from him, the Code of the Mountains requires the restoration of honour for his life (blood) and his death (insult), so two blood feuds.

The customary institution of truce enters the world of this honour for life and death. The Kanun of the Mountains says:

"Me çue gjind per besë është kanû; me dhânë besë është detyrë e burmî."

"The law requires a negotiator for the truce; to agree to a truce is the obligation of an honourable man."

(Code of Lekë Dukagjini 1989: 83/166)

Such an utterly extreme situation, where the Head of the House of the slain is summoned to an essential questioning by the institution of truce, that is, between the manhood of granting a truce and weakness of not granting a truce and so keeping the slayer's family confined necessarily entails a merger of metaphysical meditation and immanence of rationalistic pondering in itself. Because, if the murder, incurrence of blood, can happen in a state of mental distress, the revenge for the previous murder becomes imminent and contains an accentuated dose of determinism in itself. Hence, the restoration of honour through revenge is not affective, but, in mountaineer's psyche, a compulsory act.

As a result, the truce (the weight of the word that gives faith in freedom for a certain period of time) granted to the house of the avenger is a timeframe, which calls the jurors (truce negotiators) who, without seeking any benefit, try to obtain the truce and pass it to the guarantors, who, together, seek to put blood feuds to end and turn enmity into friendship. Jurors and guarantors are the "peacekeepers" who, on the metaphysics of the truce, endeavor to reach reconciliation based on the basic customary norm:

"Çmimi i jetës së nierit është një, si për të mirin si edhe për të keqin."

"The value of a man's life is the same whether he is handsome or ugly."

(Code of Lekë Dukagjini 1989: 85/170)

Turned into tradition, the principle of "talion" applies only to the idea of "an eye for an eye" as an analogy with "blood for blood", but the Kanun of the Mountains does not differentiate blood, because it says:

"Del i miri prej të keqit e i keqi prej të mirit." – "Shpirt për shpirt, 'se duken e falë Zoti'."

"The good are born from the bad and the bad from the good. 'Soul for soul, God creates all.'"

(Code of Lekë Dukagjini 1989: 85/170)

XI.

Judicial Law: In mountaineer's psyche, the general code of honour and respect, based on inheritance and the empiric, has not accepted any other evaluating and adjudicating instance than the Elder.

The Elder of the Kanun is not an augur, a shaman or an aggressive tribal leader, a religious doctrinal authority or a powerful administrative authority. The Elder of the Kanun is not the astrologer, who uses palmistry, myth and mysticism to project and judge human destiny.

The Elder of the Kanun is the man who has protected his life, his experience, with honour and learning to be canonized with confidence by the mountain community as the wise man.

Wisdom, in any case, turns out to be a layering of wisdom, mainly empirical, that is, inherited and added, through complicated life situations, with trials and tests of honest resolution of the knots of life and death.

It is a substantial phenomenon that the Elder, as a consequence of old age, is chosen by the parties to conflict to resolve the potential conflict between families, neighborhoods, the village of the Flag, according to the custom of equality, through the rite of pledge, of acceptance i.e. through a sign that becomes a sacred "decision" of acceptance to embark on the hearing (judgement) of the case. The source of this idea is the bottom-up system, as persistence in finding the balance, the justice, for both parties.

The Elder of the Kanun is not the man who orders, but who weighs, together with the other elders, the "primus inter pares" principle and who maintains the most authentic ethnic Albanian institution of Judicial Law.

In a comparative terminology with the present, we could say that: The Code is the Constitution of the Mountaineer, the Judicial Law is the Constitutional Court of the Code and, as a result, juror elders or jurors can be considered as the judges of the cases covered by the Code, whereas the informer is the initiator or the prosecutor in the form of today's investigator! This organization, being completely authentic and independent, will render the Final Word or the Final Verdict, which cannot be denied or changed, because it upholds the violated honour of the Code.

However, although the Judicial Law is entirely authentic, it still corresponds, on a cultural level, to the distant reminiscences of the role of the elders in the Law of Moses. Qualified as "zaqen", (in Hebrew: Elder) the elders of Israel, who in the Old Testament are mentioned about 179 times, had gone to the Sinai Mountain to see and hear the Pharaoh of Egypt, and heard Moses and his messages from God and took on the sacred responsibility to lead the cities but were also ordered by God to solve problems between people, be it through teaching or punishment. (*Bible – The Book of Deuteronomy – The Ten Commandments* (5), 1-22). However, in the Code of the Mountains, it is stated:

"1002: Parimi i kanunit âsht: 'Plak mbí Plak, gjýgj mbí gjýgj e bé mbí bé kanûja nuk bán.'"

"1002: The principle of Code is: 'There is no substitution of Elder for Elder, judgment for judgment, or oath for oath.'"

(Code of Lekë Dukagjini 1989: 94/188)

Customary law is an executive duty of the Elder, who is the first of the tribe or brotherhood, an Institution that assumes a sacred aura in his duty, because there is no Elder above the Elder.

Consequently, all elders, judgements and reconciliations, begin with an oath:

"1031: Para se t'i a hîjn gjýgjít Pleqt, do të bâjn ket bé: 'Per ket të mirë të Perendís (mbí nji shêj Besimi) e si e bâjsha mue më ndimofët, gjýgjín nuk do t'a baj me dredhí e me krahambajtje e, mje ke të m'a mârrë mendja e shpirti, nuk do t'i bâj lak kanunit e gjýgjít të drejtë!'"

"Before beginning the trial, the Elders must pronounce this oath upon a sacred object: 'By this sacred object, which will watch over and help me, I swear that I will not judge with equivocation and partiality, but to the best of my mental and spiritual understanding, I will not distort justice and the law!'"

(Code of Lekë Dukagjini 1989: 96/192)

This suggests that no power, relationship or life practice, earthly, as it were, could motivate the oath and the truce more than the psyche of the mountaineer, which honours the metaphysical sublime to the point of cult of fear and reverence. Apparently, the perennial archetype of man's relationship with the Universe is preserved in this psyche.

XII.

Exemptions and Exceptions: The Code of honour, based on the care for the weak party or even the classification of human natures and actions, has paid special attention to the relation between legitimacy and exemption.

If customary law is the norm of general nobility and bravery, which should be a genuine conduct, the exception from this norm affects human functions, states and activities, which are perceived either with sacredness or with a sense of empathy.

For instance, looking at the church (or any religious object) in the prism of a holy place and the priest as an icon thereof, the customary law has exempted the church from fines, punishment and confiscation of property, even when the priest may break the rules of the code.¹⁰

Also, based on the code of honour, the priest, who is considered to be molded with universal love, does not become a soldier, but his role as a mediator is preserved. The weight of his word, the oath, equals the oath of all the jurors.

Meanwhile, in the framework of the classification of human natures and actions, the Judicial Law has delivered from military obligations (in case of war) the messengers, blacksmiths and the poor, the latter with the ethical-empathic specificity: *"an only son who bears the responsibility of his house and his mother."* (Code of Lekë Dukagjini 1989: 108/216). In this framework, the Code has excluded the weight of woman's word and the possibility for her to replace the elder, the informer, the juror, excluding her from inheritance and a say in the conference, but it has guaranteed her life (the woman is not pursued for vengeance) and mediation.

The exemptions and exclusions above, as one can see, are related to the customary relationship with life and, therefore, the ethics of action or inaction in a customary community.

However, the essence of the exemption and exclusion from the obligations codified in the Kanun of Mountains focuses on the case of death. Death in the family assumes the dimensions of a cult of honour for the sadness of the family and the soul of the deceased. From the news on the death, the Kanun of the Mountains exempts the house of the deceased from any obligation for seven days.

In this case, the Kanun of the Mountains has almost preserved the pre-Christian rituals of the procession, especially as it pertains men's lament and women's lamentation,¹¹ which are subject to strict rules of action, aimed at communicating with the metaphysics for the sake of soul's transition from the temporary world to the world of the afterlife.

"Every ritual has a divine model, an archetype" (Eliade 1954: 21) with cultural examples of ab origine center of communication with Gods, that is, with Metaphysics, in all ancient cultures.

This archetype certainly captures the psyche of the mountaineer, who sees his topos as the Centre of Creation by the Divine, wherefrom i.e. from his Centre, through the rite of fearful lamentation, men's lament or women's mourning, preserves the similarities with

the primordial passage rituals, return and resurrection, from where he conceives communication with the Beyond World and the Truth!

"Kanû âsht me bâ gjâmë mbë të dekunin tri herësh, tuj perseritun fjalën 'I mjeri un!' nandë herësh."

"It is the custom to lament three times over the deceased, repeating the words, 'Woe is me!' nine times."

(Code of Lekë Dukagjini 1989: 109/218)

The lament, as stipulated in the Code, transcends religious doctrines, mourns and prays whisperingly, but with an epic tone; it is a vehement call for acceptance, a combination of the ancient sacrifice and oblation, where the lament of the men and the mourn of the women aim at and imagine a Divine Instance, which necessarily hears and accepts their pain, which proves the respect for the dead, an honour that stems from his honest life!

The Lament of the Mountains is, mainly, a devotional procession for the Strong Man and the Good Man, whose deeds already remain in the customary psyche as a legacy, even as an essential point of reference.

The myth of eternal return or, say, the path of soul's immortality, constitutes one of the basic elements of the metaphysics of the Code, which, as a rite and theatre, has nothing to do with life (civil) practices of the Kanun of the Mountains.

The immanence of the human demand for communication with the Eternal is nowhere demonstrated more powerfully than in the lament over the deceased, where by honouring the deceased, the Eternal, as the final instance of the return of the Souls, is honoured.

Conclusion

If metaphysics is considered, inter alia, as an immanence of the quest for the first principles of the existence of the being, it necessarily lives in the world of abstract concepts, which preoccupy, and even rule, our being in perpetuity.

The relation or interconnection of the Being with the Metaphysical Will, however abstract, of Creation, the Creator, the Transcendental One or God always remains a fundamental field of human ontological immanence.

Whether protected or cast on to the World, the human being lives in such a quest in the Abstract, with the aim of recognizing the mystery of creation, the body and the soul or the existence or non-existence of the latter, a field which imposes and manifests itself in an immanence of cult and reverence.

The human being, either because of fear of the unknown, or the desire to know, has always internalized the reverence for the Creator, which, as a conceptual-ity, is manifested in nominative abstractions which are, mainly, a figment of imagination based on human rationality, with the aim of finding the *Aletheia* (The Truth).

Since the body is seen as a matter and the soul as a spirit, it is certainly the spirit that aspires to return to the Truth, because it is claimed to have sprung therefrom to give life to the body.

This myth, cult and religiosity have dictated the reverence for the spirit, its journey in this world and its subsequent return to the metaphysical realm and has been considered, as such, as an intelligent spirit (soul). This

concept of the soul, virtue and honour, conceived as integrated in the human being with a permanent communication with the Divine, has predestined all human actions and laws from primordial ages to the present.

Accordingly, turned into consciousness and legacy, it has certainly been internalized as unconsciousness i.e. as an archetype that lives in its transformations and emergences over time.

Substantial signs and elements of this complex relation between the being and metaphysics, with all the transformations over time, despite the integration of identity signs as products of the tribe, as foundation of society, are also preserved in the *Code of Lekë Dukagjini*.

The *Code of Lekë Dukagjini*, the code of honour of the Albanian mountaineer, has developed from a testimony layered along the times of ethnic ethics into a life practice and law and, with all its implicit and explicit elements, bears proof of antiquity of this ethnicity up to constant questions of human primordiality.

NOTES:

1. On the concept of tribe, Eqrem Çabej says: "The ancient Illyrians too were divided into many more or less important tribes, which often lived at fierce loggerheads with each other." For more, see Çabej 2006: 22–24.
2. Shtjefën Konstandin Gjeçovi (1874–1929), Franciscan priest, poet, prose writer, archaeologist and ethnologist, known in the Albanian culture for his religious and cultural activity, especially for his perseverance in collecting and codifying mountain customs and traditions. He collected and codified *The Code of Lekë Dukagjini*, which he subsequently published in instalments in *Hylli i Dritës* (*Star of Light*) magazine in Shkodër.
3. *The Code of Lekë Dukagjini*, compiled and codified by F. Sh. Konst. Gjeçov O. F. M., with a preface by F. Gjergj Fishta, OFM, and a biography by F. Pashk Bardhi, O. F. M. Shkodër: Franciscan Printing House, 1933. Hereinafter, quotations are taken from the bilingual edition *Code of Lekë Dukagjini* (Gjeçovi 1989).
4. See the chapter "Shembuj në Kanun të Lekë Dukagjinit" [Examples in the Code of Lekë Dukagjini] (Gjeçovi 2022: 113–129).
5. Gjeçovi, Shtjefën. 1956. *The Code of Lekë Dukagjini*. Prepared for republication with additions and a glossary by Father Benedikt Dema, and recodified by Dr. Emid Tedeskin. Tirana: Library of the Institute of History [manuscript], p. 125. According to Bardhoshi 2021: 245.
6. "The first was a divine wisdom, called, as we have seen, mystic theology, which means the science of divine speech or the understanding of the divine mysteries of divination. This science of auspicial divinity was the vulgar wisdom whose sages were the theological poets, who were the first sages of the gentile world." (Vico 1948: 309)
7. Let's face it, if boundary stones were moved and if an altercation or even a murder occurred due to the lack of knowledge of the place of the "old stone" of the boundary, the decision was to apply the oath with a stone on the arm. The elder who dared to swear with a stone on his arm and who knew where the place of the old boundary stone was thought that the stone in his arm symbolized the weight of the entire Universe. If it were true, this act would become an incontestable proof of truth, but if it were false, his soul would be burdened with all the sins of the universe, like a metaphysical weight of stone. Of course, the Albanian mountaineer would take the truth upon the soul of the one who dared to take an oath upon the rock, because he believed that if he were to be deceiving, the punishment of the Universe would be harsh!
8. The notion of "lex talionis" was standardized in Roman law, which then stipulated the principle of equal self-defense, a concept that originated from the ancient Babylonian and biblical cultures. This normative notion was in use until the 18th century.
9. The *mina* in Mesopotamian culture was the unit of weight by which gold was measured.
10. The church is not liable for the priest's anti-Code actions, but his family is, so the sacredness of the church is preserved. In fact, the priest is not allowed to take revenge, even if a member of his family has been killed. Revenge is sought by the priest's family.
11. Images and video recordings of *men's lament* from the funeral of Ujk Vuksani in Theth, Albania, can be found at <<http://www.albanianphotography.net/schulz/>>. They were taken by the anthropologist Reimer Schulz. Photographs from the funeral were published in *Atlantis* 10 (5), 1938: 257–259.

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