

A Tradition of Honor, Hospitality and Blood Feuds: Exploring the Kanun Customary Law in Contemporary Albania.

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Abstract

The following paper explores the contemporary Albanian society, as a reality which is at a crossroads between modernity and tradition, where old values and new ambitions live side by side. To elaborate on this, the research refers to the code of customary law presented in the Kanun of Lekë Dukagjini, an ancient statute at the basis of Albanian culture. The Kanun is analyzed both as a code of customary law and as a frame of reference for social behavior that constitutes Albanian identity. The code represents the body of traditional law and has been orally transmitted from generation to generation, existing in an unwritten version throughout centuries and governing the most important aspects of the social structures. The Kanun represents the oldest Albanian jurisdictional system. This research is relevant from both a sociological and juridical point of view. The study examines the role played by the ancient customs in the current reality, such as the private justice practice based on the blood feuds' tradition. Although many prescripts contained in the Kanun might appear today as obsolete and archaic, blood feuds are still present and represent a social wound in the current dynamic of Albanian society. The analysis follows a deductive approach, specifically focusing on the pillars of Lekë Dukagjini's Kanun: the word of honor, hospitality and blood revenge.

Key words: Albania; Customary Law; Tradition; Honor; Hospitality; Blood feuds.

Introduction

The Kanun subject has attracted the attention of numerous travelers who visited Albania in the 20th century (E. Cozzi 1910, E. Durham 1909, M. Hasluck 1954, F. Nopcsa 1925) and subsequently it has also captured the interest of various historians (W. Kamsi 2008, Xh. Meçi 2002) and several albanologists (M. Camaj 1989, E. Koliqi 1944, M. Shufflay 1913, G. Valentini 1943). The code of Lekë Dukagjini dates back to the 15th century and it has circulated in the oral version for generations. For almost five centuries the Kanun had not been recorded in a written version. There were no written transcriptions of the Kanun until 1913 when the Franciscan priest Shjefën Konstantin Geçovi (1873-1929), a Kosovo-Albanian writer, started to assemble and write down the oral traditions, collecting them through the stories and the memories of the northern Albanian tribes. Only in 1933 was the complete version of Kanun published for the first time. Until then it was circulated as folk lore, narrated through the memory of the elder members of the family and from father to son. Both native and foreign scholars consider the code to be a fundamental contribution to the treasury of the Albanian culture.

The Kanun of Lekë Dukagjini¹ constitutes a centuries-old code of behavior, regulating both individual and collective conduct. Deeply interwoven in the events of Albanian history,² The Kanun's provisions "have forged the existential principles among the northern Albanians,"³

1 The Kanun of Lekë Dukagjini developed in the geographical zone of Dukagjin, a mountainous region in the Eastern part of Shkodër. It embraces nearby areas such as Lezhë, Miriditë, Shalë, Shosh, Nikaj and the western plain of current Kosovo. The codification of the tribal law is attributed to Lekë Dukagjini (1410-1481), a prince and chieftain from a noble tribe, who ruled north Albania during the fifteenth century. See Elsie Robert, *Historical dictionary of Albania*, Lanham: Scarecrow Press, 2010.

2 The survival of the Kanun during the Ottoman occupation expresses the perseverance of self-rule among the northern clans, free from the control of the invaders and from the externally imposed restraints on their social organization.

3 Northern Albania is a highly mountainous region, bordering on the Adriatic only for a restricted seaside area and characterized by plentiful abysses. The tribal life of the population was based on three fundamental components: family, brotherhood and the clan or the *fis*. This kind of

determining all the dispositions and the essential values in the organization of tribal life.⁴ The code has been generally accepted for many centuries as a self-adjusting rule applied in the administration of the highland communities. Emerging as a primary source of the country's customary law, the dominant element of Gheg subculture⁵ has "emblematically influenced the entire sphere of Albanian ideas, beliefs, customs and ethics."⁶ Nowadays, although the Kanun is illegal, its conservative principles, such as the blood revenge and distorted private justice, are still influential in the northern Albanian regions.⁷

1. The Content of the Kanun: a Statute of Twelve Books

The Kanun consists in a real statute regulating various aspects of social life. The code is divided into twelve books and further subdivided into 1263⁸ paragraphs, devoted to: a) the church; b) the family; c) marriage; d) house, livestock, and property; e) work; f) transfer of

organizational structure persisted in the region, until it was dismantled by the communist regime. See Yamamoto Kazuhiko, *The Ethical Structure of the Kanun and its Cultural Implications*, New York: Melosi Design, 2005, 16.

4 Villari defines the highland tribes as a small aristocratic republic, ruled by the chief or *voivoda* and the *bajraktar* with the support of the elderly council. See Villari Salvatore, *Le consuetudini giuridiche dell'Albania nel Kanun di Lek Dukagjin*, Roma: Società editrice del libro italiano, 1940, 18.

5 Albanians are divided in two different ethnic groups: the Ghegs and the Tosks, characterized by a distinguishable dialect and a diverse collective organization. This division is essentially related to geographical obstructions such as the Shkumbi river. The tribal and mountainous Ghegs are located to the north from it, while the Tosks live in the flatland areas to the south of the river's and support themselves mainly through agricultural activities. See Vickers Miranda, *The Albanians: a modern history*, London: LB.Tauris & Co Ltd, 1999, 5.

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7 This area includes some contemporary villages in Dukagjin, Malesi e Madhe, Mirditë, Shalë, Shosh and Nikaj.

8 The Kanun consists actually in 1262 articles, since article 1181 is the same as 1801. See Yamamoto Kazuhiko, op.cit., p. 16.

property; g) the spoken word; h) honor; i) damages; j) the law regarding crimes; k) judicial law; and l) exemptions and the exceptions. The first 8 articles and 17 paragraphs are devoted to the church, in relation to the regulation of the cemeteries, the properties and possessions of the church, the priest, the servants and the workers of the church. The code opens with the description of church's privileges, its rights and immunity. According to the Kanun, "the church makes smoke in the parish"⁹, "the church is not fined" and "it can not be distained".¹⁰The church is subject to the Head of the Faith but not to customary law. Particular attention is paid to the rights and duties of the priest, who is not subject to blood feud.

The second book is devoted to family and its construction. The section delineates the rights, obligations and duties of both the head of the house and of the mistress. The code describes an extremely authoritarian family structure, ruled by the oldest members, usually the father or in his absence by the first male son. The unit includes all people living under the same roof, which consists of the brotherhoods (*vllazni*), kinship groups (*gjini*), clans (*fis*), and banners (*flamur*). The membership includes all children, even those who are married, and its components are linked with mutual obligations. The relationship of the family with the village and the banner is considered by the Kanun as well. The family structure described by the code is highly authoritarian and patriarchal. The spirit of community affiliation is extremely well developed, to the extent that the individual identifies with the group and any violation of the established rules is perceived as hurtful to the honor of the community.

Marriage is examined in the third book, including such topics as the matchmaker, the betrothal, the wedding, the law concerning the husband, the family, inheritance, and bequests. In the tribal organization of marriage, the spouse is always chosen by the parents. In this sense, Durham pointed out: "Most of the children are betrothed in infancy or in early childhood, some even before birth. A man, as soon as a son is born to him, seeks a suitable family with which to be allied, and should there

9 Fox Leonard, *The code of Lekë Dukagjini*, New York: Gjonlekaj Publishing Company, 1989, 2.

10 Ivi.

be no daughter available, bespeaks the next one born. He often pays down part of the price as soon as she is born, and the balance later when she is handed over."¹¹ The role attributed to women is also covered. Under the provision of the Kanun, the woman is considered as "a *shakull* (sack) for carrying things". According to Hasluck's interpretation, the woman "was in her husband's house to bear his children. It was also understood, however, that she must take an active part in the work of both the farm and the house."¹² Albanian women found themselves in a subordinate position and were expected to be extremely compliant towards authoritarian fathers and brothers (if not married), or husbands after marriage. Customary law states that the husband was the head of the wife and might punish her for misconduct.

The fourth book regulates the house, the livestock and the property in relation to the house and its grounds, livestock, landed property, and boundaries. The Kanun also deals with proprietary rights and ownership. The smoke produced by the fire indicates that the house is inhabited and that it has its own landed property. Considering an unpredictable situation in the highland area, particular attention is attributed to security sphere. In this direction, the Kanun states: "No one may enter the house without giving notice of his presence in the courtyard"¹³ and "Call out and, if no one replies, either stand and wait or go about your business."¹⁴ However, common property also exists and every family shares it.

The regulation of the work is covered in the fifth book, dealing with hunting and trade. Defining work as the element that 'moves the path', the Kanun describes duties and responsibilities of several roles, such as the peasant who works the land that belongs to somebody else,

11 Durham Mary Edith, "High Albania and its Customs in 1908" in *Journal of the Royal Anthropological Institute of Great Britain and Ireland*, No. 40, pp. 453-72, 1920, 460.

12 Hasluck Margaret, *The Unwritten Law of Albania*, Cambridge University Press, Cambridge, 1954, 25.

13 Fox Leonard, op.cit., p. 60

14 Ivi.

the blacksmith who forges iron tools, and the miller, the keeper of the loads of grain. The code contains some rules regarding hunting as well. Hunting is free, game is shared among the people who hunt together, permitted throughout all the year and it is restricted only within someone else property.

The sixth book includes the transfer of property. The customary law prohibits loans with interest, but only simple ones "you give me back as much as I gave you"¹⁵ and only pledges, of equal or greater value of the loan. Reputation is implied in the concession of loans as well, which are given on the word of honor.

The seventh book "expounds the spoken word, a value of personal honor."¹⁶ "Words do not cause death" and "a mouth doesn't place anyone in blood"¹⁷ states the Kanun. The concept of honor emerges also in the eighth book, in which honor is broadly discussed including personal honor, social honor, blood and kinship, brotherhood, and God parenthood in the law of the mountains.

The ninth book deals with the damages and determines the various categories. According to the code "damages have a cost, but are not subject to a fine and their value can not be recompensed through the use of weapons."¹⁸ In this section some damages are analyzed. According to the Kanun the damage caused by pigs, for instance, is paid through its death while the code does not provide any restrictions to the setting of traps or snares in private gardens during the night. On the other hand, for traps settled during the day the owner of the trap is considered responsible in the case of accidents with livestock.¹⁹

The tenth book concerns the law regarding crimes such as secret mediation, theft and murder. This book focuses on crime and punishment.

15 Ibidem, p. 112.

16 Ibidem, p. 118

17 Ivi.

18 Ibidem, p. 150.

19 Ibidem, p. 152.

The second part of the tenth book broadly discusses murders and killings. Firstly the amush tradition based on the practice of waiting for a member from the blood-feud family contemplated to be assassinated, is analyzed. Then special attention is paid to the commitment of a murder and the code provides specific rules related to blood-taking. After delineating murders, the code regulates bloodshed in a restrictive way. In order to avoid escalation of intentional killings, the punishment for crimes should be judged by the council of the Elders, rather than through blood.

The eleventh book refers to the judicial law dealing with the rights and obligations of the Elders, who are responsible for the implementation of community's rules. The Elders, chosen on the basis of their acumen and judicial competence, are the representatives of old members of brotherhoods or they belong to chiefs or clans. Their main function lies in holding trials and in the removal of any dispute or threat of damages or killing, whether by means of wisdom or through force supported by the village.

The last book pertains to the exemptions and exceptions which discharge some actors from obligations. The Kanun exonerates the church from the payment of taxes and fines, from imprisonment and from common labor for the village and the Banner.

The code encompasses all aspects of life in the highland communities and the kinship relations among its components. It reflects the historic development of Albania through its different stages and its provisions have inspired the set of customs, traditions and the popular wisdom of Albanians. Its relevance is extended also to the juridical field, since the code contains the first rules applied in the self-administration of tribal communities. In those conditions, private justice and revenge were considered not only as tools of self-defense, but also as a moral duty. In this sense, Nopcsa observed:

" (...) blood revenge is an institution common to all undeveloped people. It arises from the need of defense, which is typical of primitive life. It is rooted in the soul of the people and has been transmitted through the centuries; [revenge will persist] until the social structure evolves and the central power will be consolidated into a sovereign body that exercises the authority over all the

subordinates."²⁰

The Kanun of Lekë Dukagjini challenged official rules and shaped Albanian identity which survived until the current times. Despite the transitional process and the economic, social and political transformations, the code is still alive in north Albania and functions simultaneously with the national legislation, playing a relevant role in terms of private justice and blood feud practice. The resurgence of the code seems to be related to the communist incapacity of demolishing the patriarchal social organization which remained alive behind the scene and re-emerged after the collapse of the coercive repression. Therefore, despite the regime's efforts to eliminate customary law, its concealed seeds revitalized a deformed version of the Kanun, which terminated in uncontrolled and self-interpreted blood feuds. The provisions of the Kanun are sustained by three indissoluble and interconnected principles: truce (*besa*), hospitality (*mikpritja*) and honor (*nderi*). For northern Albanians, *besa* has a religious quality, hospitality represented as the most sublime virtue while honor indicates the supreme moral value to follow.²¹

1.2. BESA

The principle of *besa* is the highest concept of the Kanun, transcending the value of life itself. *Besa* has a moral and ethic connotation and is considered as sacred. Breaking of *besa* is unimaginable and if somebody violates it, he is then marginalized and considered a dishonorable man by the rest of the community. *Besa*

20 Nopcsa Franz, Brief über seine Reise in Nordalbanien , (Wien: Geographischen Gesellschaft in Wien, 1908), quoted in Villari Salvatore, *Le consuetudini giuridiche dell'Albania nel Kanun di Lek Dukagjin*, (Roma: Società editrice del libro italiano, 1940), 175.

21 Tarifa Fatos, "Of Time, Honor and Memory: Oral Law in Albania", *Oral tradition* vol.23, Issue 1:3-14, 2008, 94.

expresses an authentic Albanian concept, which relates to an ethical dimension. The term is almost untranslatable into any other language. It indicates a *mélange* between a sworn oath, a binding promise, protection and faith. As an essential value for an individual and his social behavior, the concept is associated with three main aspects: the spoken word, the assurance of the truce and the protection of the guest. The term includes the given word, keeping of a promise or obligation and the guaranteed agreement among honorable men. According to the Kanun, every kind of relationship is settled by the word of honor. It is interesting to observe that even trade relations were based on oral agreements, while written contracts and certificates requested from foreigners were perceived as offense by mountaineers. The gesture of handshake according to the code finalizes besa among honorable men and increases loyalty in their relationship. The section devoted to personal honor, clearly describes that a handshake has to be performed by the right hand and never with the left one, which is a dishonorable hand that 'takes and doesn't give'. In the highland Albania, besa belonged to a divine dimension and was considered as inviolable. The observance of besa was a source of pride, and whoever disrespected it, was expelled from social life and community. Besa's ascendancy can be traced from some popular Albanian expressions such as : 'je nen besen time', meaning 'You are protected under my besa', or 'te kam dhenë besen', 'I give you my word of honour', and 'a më ke besë?', translated as 'do you trust me?'. The code does not treat the principle in a specific chapter. As an all-embracing concept it is distributed throughout various sections (family, personal and social honor, hospitality, blood feud, economic relations). Two sections of the Kanun that do give specific attention and instructions about the concept of besa are articles 520-528, concerning the aspects related to the given word, since the principle is a fundamental part of the blood feud process, and articles 854-885, dealing with besa within the revenge framework. The concept of besa is interwoven with the faith's dimension and represents the moral value of a honorable man who maintains his promises and acts according to them. The principle goes beyond a single individual and becomes an ethical and moral norm among Albanians.²²According to the Kanun, besa is also considered as a means

22 Villari Salvatore, op.cit., p. 182.

of establishing peace and reconciliation for families 'in blood'.²³ The concept represents a cornerstone principle of the Kanun, a principle that drives all the others. In the absence of official authorities, besa generated a feeling of trust and reliance among the northern communities. The concept functioned as a moral and legal institution, able to reconcile the parties in conflict. If a murder took place, the murderer and his family could go to the house of the deceased to ask for a besa of 24 hours. If the house of the victim accepts and gives the besa then the killer and his family members must attend the funeral and they have also to participate in the lunch in the house of the deceased. In addition to the 24 hour, there are two other kinds of besa. The second besa that can be requested is called 'the village's besa' and it lasts for 30 days. If the second besa is granted, then the murderer and his male relatives do not have to hide indoors and are free to move, but only for the 30 day period. This kind of besa has specific meaning. It gives some peaceful time to the families involved in the conflict and to the elders of the village to examine the situation and to understand the circumstances and causes of the crime. The third kind of besa can be asked only subsequent to the village's besa and it is demanded in order to stop the potential of a blood-feud beginning. The concession of this besa requires the intervention of both friends or relatives of the victim and the murderer. In some cases the elders of the village can also ask for it. Besa is part of Albanian history. Often used as an example of Albanianism, it is the key concept in order to understand why Albanians acted differently from other Europeans in sheltering Jews during the Holocaust. Although during the Second World War Albania was firstly occupied by Italian Fascists and then by the German army, Albanian Jews managed to survive Nazi persecutions. After Hitler's occupation in 1943, the Albanian population refrained from cooperating with German troops in revealing the presence of Jews within the country. More than 2000 of them were saved by local families, who treated them as Albanians and gave them Albanian names. In addition to that, counterfeited identity documents were offered to Jews, in order to mix them up with the population. For this reason, Albania was considered

23 The families are in blood when one or more relatives of one group has been killed by a male member of the other. Usually the two enemy components are involved in a revenge killing escalation and they live indoors for fear of being killed.

by Jews as one of the most secure countries of Europe. As a result, there were more Jews in Albania at the end of the war than at the beginning.

The concept of besa is deeply rooted in the Albanian consciousness, as is testified in the various novels, ballads, legends. Sami Frashëri in his well-known work '*Besa*' (1875), written in Turkish, presents a traditional Albanian story, in which a father prefers to kill his own son rather than violating his spoken word. Another example, is one of the most significant national ballads, which is associated with the resurrection idea and the postmortem besa. It is the story of Konstantino and Doruntina²⁴ and describes the resurrection of the dead brother who rose from the tomb to fulfill the promise and the given word to his mother by bringing back his sister Doruntina.

Robert Elsie, a writer and expert in Albanian Studies, translated part of the ballad from Albanian:

Left was but the widowed mother: "Constantine, my son, where are you? While alive, you made a promise, This was what you said on parting: "Be I dead or be I living.

I'll return to you Dhoqina [Doruntina]" Constantine, my son, where are you? What now of your word of honour?" Thus complained the widowed mother, Longing for her distant daughter. From the grave arose Constantine (...), "Off the horse now, fair Dhoqina,

Go into the house, my sister, I'll be with you in a twinkling." Constantine flew off that instant And returned unto his graveyard.²⁵

1.2. Hospitality

24 The ballad inspires Kadare in "Who brought Doruntina back ?" translated into English "Doruntina" in 1988. The novel glorifies the principle of besa, as a sublime power able to break the laws of death. See Kadare Ismail, *Doruntine*, New Amsterdam Books, New York, 1988.

25 The translation from Robert Elsie is available at http://www.albanianliterature.net/authors_classical/frasheri_poetry.html

The concept of hospitality according to the Kanun represents an institution ruling Albanian's social sphere. The concept goes far beyond traditions and customs and it is deeply connected with the honorable conduct to which every Albanian should adhere. As it can be denoted also in the sheltering of Jews during World War II, the guest in Albanian's life represents the supreme ethical category, which exceeds blood relations. The house of an Albanian 'is of God and of the guest'. Thus the house primarily belongs to one's guest, and only after that to its owner. The violation of hospitality is heavily punished, in this sense Kadare explains:

The punishments were many: ostracism, the guilty man was segregated forever (debarred from funerals, weddings, and the right to borrow flour); withdrawal of the right to cultivate his land, accompanied by the destruction of his fruit trees; enforced fasting within the family; the ban on bearing arms whether on his shoulder or at his belt for one or two weeks; being chained or under house arrest; taking away from the master or mistress of the house his or her authority in the family.²⁶

As Cozzi observes, the guest is distinguished in three classifications. First of all, there are people exposed to revenge who are protected by the master of the house and when they are together the guest is 'untouchable'.²⁷ The second category encompasses every person who is accompanied by somebody or has an accommodation in a randomly chosen house. He enjoys all the rights reserved to the guest and only the fact that he entered somebody's house legitimates him. Durham herself, a British anthropologist, experienced the reverence attributed to a guest during the travels in the highland area, on which she reported: "The sacredness of the guest is far-reaching. A man who brought me water from his house, that I might drink by the way, said that I now ranked as his guest, and that he should be bound by his honor to avenge me should anything happen to me before I had received hospitality from another."²⁸ The third type of guest is represented by those who obtain truce from an

26 Kadare Ismail, *Broken April*, Vintage Classics, London, 2003, 44.

27 Cozzi Ernesto, "La Vendetta del Sangue nelle Montagne dell' Alta Albania", in *Anthropos*, Bd. 5, H. 3. pp. 654-687, Anthropos Institute, 667, available at <http://www.jstor.org/stable/40444029>

28 Durham Mary Edith, op.cit., p. 25.

enemy's family. Even though the parties are in blood, if the rival obtains besa as a guest, then he can consider himself safe and protected in his enemy's house. Thirty-eight articles of the Kanun define the adequate treatment of a guest. Hospitality is explained in the eighth book, under honor's provisions. The role of a guest is highly estimated, to such an extent that he becomes a fundamental component of Albanians' house and he is likened to God. According to the Kanun :

"The house of the Albanian belongs to God and the guest".²⁹

"The guest stirs the fire and requests more wood; the guest sees to the fire."³⁰

"The guest must be honored with bread and salt and the heart."³¹

"A cherished guest must be given tobacco, sweet coffee, raki, and bread and meat; a cherished guest is given the freedom of the house."³²

Tarifa, one of the founder of sociological studies in Albania, describes how romanticized the idea of traditional Albanian hospitality is to foreigners by investigating the reasons of this custom. According to the author, several reasons explain why foreigners are fascinated by this Albanian tradition. First of all, the mountaineers communicate hospitality in distinguished and exceptional practices. Moreover, hospitality is offered to everybody, even if there is an ongoing blood-feud with the guest.³³ The principle has a high value in highlanders' everyday life, including such aspects of it as house keeping and its maintenance. The concept of hospitality is "totally magnanimous and unselfish and offered through simple actions and modest materials."³⁴ The value of the guest goes beyond every relation, it is even superior to family lineage. Kadare defines an insult of a guest as a terrible tragedy for the master of the

29 Fox Leonard, op.cit., p. 132.

30 Ivi

31 Ivi

32 Ivi

33 "If a guest enters your house, even though he may be in blood with you, you must welcome him", ibidem, p. 134.

34 Tarifa Fatos, op.cit., p. 95.

house. The universality of the concept results in the certainty that once somebody has entered a house, he will be venerated as a guest. Kadare notes that:

The fact that anyone at all can suddenly become a guest does not diminish but rather accentuates his divine character. The fact that this divinity is acquired suddenly, in a single night simply knocking at a door, makes it even more authentic. The moment a humble wayfarer, his pack on his shoulder, knocks at your door and gives himself up to you as your guest, he is instantly transformed into an extraordinary being, an inviolable sovereign, a law-maker, the light of the world. And the suddenness of the transformation is absolutely characteristic of the nature of the divine.³⁵

1.3. Honor

Honor is the key element of the northern Gheg society and every action to be taken has to be respectful and consistent with it. When a guest is dishonored, his honor would be restored only through the death of the offender. As the code explains, an Albanian would prefer to die rather than not to maintain his promise. Honor is much more important than life itself and every human relation has at its basis a sense of it. '*Faleminderit*' is the Albanian expression used to show appreciation; the term that literally means '*I praise your honor*' or '*I make devotion to your honor*'. The honor is a cornerstone of Albanian customary law. Beside the relevance of the principle on an individual level, the concept is socially related to the law of hospitality and to the treatment of guests. Relationships of blood and kinship are based on common ancestors and considered as endless. The relationship among the Albanians of the mountains are differentiated on blood or kinship connections. The former originates from the father (tree of life) while the latter from the mother's side (tree of milk). Intermarriage is forbidden between the members of a family in brotherhood affiliation (when two men drink each others' blood) or in the circumstances of Godparenthood (baptism, marriage and

35 Ismail Kadare, op.cit., p. 78.

haircut³⁶).

The first part of the eighth book contains the laws referring to personal honor while the second section centers on the social honor. The chapter starts by affirming equal status of every man before the customary law, somehow transmitting the idea that every man has a right to maintain his honor: "The Kanun of the Albanian mountains does not make any distinction between man and man. Soul for soul, all are equal before God".³⁷ "The handsome and the ugly have the same value: the Kanun maintains that a handsome man may be engendered by an ugly one and an ugly man, by a handsome one. On his own scale, each man weighs the same as everyone else".³⁸ According to Kanun, a man becomes dishonored in some specific circumstances:

When somebody calls him a liar in the presence of other men or spits at him, when he is threatened and beaten, when he is given a shove, when his word of honor is not taken into account, when somebody has an affair with his wife or makes her leave him for someone else, when some acts of contempt are performed to his weapons and when somebody despise his bread or offends his guest or worker.³⁹

As Durham⁴⁰ pointed out: "The man whose honor has been soiled must cleanse it. Until he has done so he is degraded in the eyes of all as outcast from his fellows, treated contemptuously at all gatherings. When finally folk pass him the glass of *rakia* behind their backs, he can show his face no more among them and to clean his honor he kills".

36 The practice of the first haircut introduces children to the community and enhances the family's social relations.

37 Ibidem p. 130.

38 Handsome and ugly are the English translation of '*i miri e i keqi*', which in Albanian indicates the good and the bad one, in the sense of appropriate and unacceptable behavior.

39 Fox Leonard, op.cit., p. 130.

40 Durham Mary Edith, op.cit., p. 85.

According to the Kanun's provisions:

"There is no fine to an offense to honor, an offense to honor is never forgiven."⁴¹

"An offense to honor is not paid for with property, but by the spilling of blood or by a magnanimous pardon (through the meditation of good friends)."⁴²

"The person dishonored has every right to avenge his honor: no pledge is given, no appeal is made to the Elders, no judgment is needed, no fine is taken. The strong man collects the fine himself."⁴³

"A man who has been dishonored, is considered dead according to the Kanun."⁴⁴

The concept of honor was transferred to the collective sphere as well. The family honor had to be maintained as pure as possible through generations. For this reason, every dishonorable act against one individual was considered as an offense for the whole family. The only exemption in this sense was addressed to women. They had no necessity to claim their honor since her family took care of it, and after marriage it was the husband's task to deal with it.

2. Blood is Paid for with Blood

Revenge killings existed in all self-ruling societies. In Albania they have been perpetuated by tradition, norms and customs and they are still present today, especially in the mountainous region. Blood revenge in north Albania relates to the flow of blood, associated with the ancient idea of purification.⁴⁵ The Kanun states that, "the blood follows the

41 Fox Leonard, op.cit., p. 130.

42 Ivi.

43 Ivi.

44 Ivi.

45 Durham Mary Edith, op.cit., p. 25.

finger".⁴⁶ Hence, only who kills should be considered responsible. Originally, exclusively the murderer incurred 'in blood', so the responsibility was not shared with the other members of the family. The other components became a target for revenge only later in the development of the tradition. The Kanun deals with blood feud and revenge in the tenth book. As it had been mentioned, the topic is covered in the chapter about the law regarding crimes. At the same time, revenge killings are treated as harmful and the code condemns them and proposes several measures to prevent blood feuds. In the Albanian language, families involved in blood feuds are called 'in blood' and they consider each other as enemies, while the act of taking vengeance is defined as 'blood taking'. In this sense, by killing the offender or one of his male relatives, the blood of the deceased is avenged and his memory honored. Usually the murdered person is avenged by one of his relatives, though sometimes, the action is performed also by a close friend, usually a brother 'in blood'. The blood-brotherhood relationship between two people resides in drinking of a small amount of one another's blood. The Kanun accurately describes the process: "Two small glasses are taken and filled halfway with water or *rakia*. Then one of the friends ties together the little fingers of the two parties and pricks them with a needle, causing a drop of blood from each to fall into the two glasses."⁴⁷The two men are then considered brothers "After mixing their blood in this manner and stirring it well, the two men exchange glasses and, with arms linked, they hold the glasses to each others' lips, drinking each others' blood. Guns are fired in celebration and they become like new brothers, born of the same mother and father."⁴⁸As Villari⁴⁹ explained, "if both the murderer and the victim die in the conflict, (in those cases when the target is just wounded and might be able to respond to the murder by killing him), they "fall blood for blood" and the blood feud ended. If one of the two dies and the other is wounded, the blood feud is over only when the family of the murderer pays a fine to the victim, which evens the difference. As the logic of 'an eye for an eye' implies, only death compensates for another

46 Fox Leonard, op.cit., p. 186.

47 Ivi.

48 Ibidem, p.186.

49 Villari Salvatore, op.cit., p. 179.

death, while the wounds have to be paid with money. The victims' relatives must preserve a personal object of the deceased that would remind them to avenge his blood. In describing blood vengeance, Durham remarked:

It is not so much a punishment which they [the family] inflict, as an act performed for self purification, and as such a solemn and necessary act. For there are certain offenses that blacken, not merely the honor of his whole house and even of his tribe. Only blood can cleanse the stain. And the man whose honor is blackened, is obsessed with the idea of his own impurity. It gives him no rest. Blood he must have.⁵⁰

According to Fishta the Kanun should not be viewed as a barbarian atavism. As the author observed, at the time when the code came into practice, death penalty was not unusual and the same punishment could be issued by every European court.⁵¹

50 Durham Mary Edith, *High Albania and its Customs in 1908*, 465.

51 Fishta Gjergj, "Introduction" in *Kanuni i Lekë Dukagjinit* by Shtjefën Gjeçovi, Tiranë : Kuvendi, 2001, xxi

Conclusion

The analysis has examined the tradition of Albanian customary law. Embodied in the tradition of the Kanun, the recourse to the code results nowadays in distorted practices attributed to it. Despite the post-communist pro European attitude, the new modern aspirations are not totally transposed into the present reality. The three main concepts of the Kanun, honor, hospitality and besa, converge on blood through the revenge practice. The blood element is dominant and regulates the social structure. The distinguishing characteristic of the Kanun relates to its persistence throughout the centuries as a parallel system, to such an extent that it undoubtedly represents the marker of national identity. According to Voell the Kanun is related to a "specific social and economic setting"⁵² which is "constituted by geographical and social seclusion and by the patriarchal tribal organization."⁵³ In describing the current role of the code, he refers to the concept of 'habitus', elaborated by Pierre Bourdieu, consisting in the "internalization of the constituting structures of a given social field". The Kanun's longevity therefore can be explained in terms of the persistence of those constitutive characteristic that have nourished the specific social field. Up to the time that traditional structures, such as the *fis* relations and honor related values, will maintain their primary importance, the Kanun will continue to be dominant in the organization of social life.

52 Voell Stéphane, "The Kanun in the City: Albanian Customary Law as a Habitus and its Persistence in the Suburb of Tirana, Bathore", in *Anthropos*, Bd. 98, H. 1. pp. 85-101, Anthropos Institute, 2003, 85.

53 Ivi

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