

Sidste Nyt fra Albanien, Kosóva og Makedonien

Serbien og Montenegro

The Latest News from Albania, Kosóva and Macedonia

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The Albanian Parliament votes on the Penal Code December 1979. All were in favour - no one acted individually
Ismail Kadaré seems to be present (2nd row). Also present was Nexhmije Hoxha, the wife of Enver Hoxha.

Gjakmarrja

Albanian Highlander's »Blood Feud« as Social Obligation

A review of Diana Gellçi's book

Recently, *Diana Gellçi* - an Albanian anthropologist with relations to the Albanian Institute for International Studies in Tirana - published an essay on the Albanian »Blood Feud«. The focus is on the content and impact of the old customary law – known as the *kanún* - in Northern Albania and Kosova. To foreign readers with some knowledge of Albanian history and social life in the Northern highlands it is a good companion - maybe an eye-opener too.

We do not know much about the origin of the *kanún*, but there might be an ancient nucleus, since there are many similarities to customary law in other parts of the world, in Italy and Corsica for instance - and also in old Nordic societies, in Norway, Iceland and Denmark.

The collection of the *kanún* in the 15th century

In the 15th century the old customary Albanian laws were somehow collected; the most famous collection was made on the order of Lekë Dukagjini, one of the medieval Albanian princes; another collection was made in the district of Scanderbeg, maybe not exactly on his order. Possibly Dukagjini invited elders and leading villagers to gatherings to reach some sort of a consensus.



Shtjefën Gjeçov

In all the years of the Ottoman Empire the Albanian highlanders upheld the *kanún* as a living oral tradition and some foreigners who paid visits to Albania – among those Edward Lear in the mid 19th century and Edith Durham in the first part of the 20th century – have made informative notes about it. In the first part of the 20th century, the catholic Albanian priest, Shtjefën Gjeçov, collected the *kanún* as it had survived in the Northern highlands. It is his collection and arrangement scholars and writers mostly refer to when they nowadays write about old customary law, and Diana Gellçi is no exception.

Oral tradition and written edition

We have to bear in mind a major difference between an oral tradition and a written edition, and that is *the arrangement*. Possibly, we may have to take the oral tradition as detached stories or specific cases built upon some ancient principles of reciprocity. If there is a structure or a hierarchy in the oral tradition it is not that firm or in that way as in a written arrangement. When the elders in the villages were discussing and deciding in a conflict, they may have made their references like this: *The kanún says ...*, that is: *When we are applying our recollection of similar cases on the specific circumstances, we have to decide in this way now*. They did not refer to a well-edited law, nor to specific articles, they referred, I imagine, to cases and stories, similar to the tradition of Homeric story-tellers in Greece.

Catholic influence

For long periods the customary laws most likely were unchanged in general. But something very important have happened in medieval times and that was the emerging influence of the catholic church - both on the Princes and on the ordinary people in the highlands. Maybe this influence already had reached a culmination at the time of Dukagjin and Scanderbeg, maybe that happened later on. In the Gjeçov-collection from the first part of the 20th century the old tradition and the catholic influence have been mingled - and a very special balance has been established. Since medieval times the catholic church has been against feuds and taking blood, in the Gjeçov-collection feuds and taking blood still is a living tradition in general, but if a catholic priest was killed, the punishment was that harder.

Balance accounts. Mediation

Taking blood was not the only response to a severe offence, but quite a »natural« one – an eye-for-an-eye response as in the Old Testament. Definitely, taking blood was meant to »balance accounts« when some family or clan had been offended, but also – I imagine – to prevent other offences in the future.

Furthermore, the *kanún* says quite a lot about mediation and reconciliation. Whether this has to be seen as an ancient tradition or it is a consequence of catholic influence I do not know, but possibly it is a tradition of some age. To what degree the village elders succeeded in mediating in conflicts or even hindering their escalation we do not know, but many conflicts did not stop - and countless males were killed.

Diana Gellçi's sources

Diana Gellçi has not made studies of her own, her sources are the Gjeçov-collection, the writings of Edith Durham and Margaret Hasluck and the famous novel of Ismail Kadaré – »*Broken April*«. All these books are highly relevant, but they have to be interpreted differently, and I do not think that the author has discussed that thoroughly enough. The first three books are the results of a systematic collection of observations and of evidence from informants - and it would have been nice, if the author had made some considerations about the collection process and of the arrangement-process too.

The Kadaré novel



Ismail Kadaré at the conference about 'Clash of Civilizations', Tirana 2003. Photo: Bjoern Andersen

The novel is quite another thing, an artistic interpretation of tradition in which a certain point-of-view, the point-of-view of an individual, is introduced - but actually in a very complex and maybe modern way. The novel can not be read in the same way as Gjeçov, Durham and Hasluck, it can not be read straightforward so to speak. We have to take the individualistic point of view in the novel *cum grano salis*, with a grain of salt, since one of the main characteristics of the *kanún* is collectivity and collective responsibility, and not at all personal viewpoints or individualistic behaviour.

Individualistic behaviour seems in tradition to have been understood as an exception – which in some occasions even had to be punished. As I read Kadaré it is one of his major points that individualistic behaviour – under the given circumstances – was out of question, it did not - as in the time of Hoxha - have any relevance. In the novel the young man *had* to kill another one, and was to be killed himself, just to uphold social order.

Family

To my knowledge Diana Gellçi is quite right when she is taking the family as the most simple and constituent element in traditional highland life – definitely not a family of modern type or a democratic entity, but a kinship one. When she is speaking about reciprocity, she often also speaks about equality and solidarity; again I will suggest to take it *cum grano salis* – since this equality possibly not were between two »common« individuals, but between two families, two kins etc. - maybe sometimes between two persons at the top of the hierarchy, who were not taken as individuals but as representatives.

Diana Gellçi has characterized the role of the females as inferior to the role of the males, but most likely many of the males were in inferior positions too, especially if the household kept male servants. Furthermore, many of the male Albanians did not become master of a house, and therefore they often were subordinates to their grandfather, their father or an elder brother all through their life.

Kanún today?

Kanún has not exactly been swept away because of social development; only at the time of the Hoxha-regime the authorities succeeded in suppressing customary law. It was written in the »*Tirana Times*« 4th June 2005 that as much as 734 families in Northern Albania actually are involved in blood feuds. Hopefully traditional blood feuds will disappear by mediation and reconciliation - or by »*desvetudo*«, that is when a blood feud not any longer is a proper way to solve a severe conflict among ordinary people.

From time to time Albanian media tell about *modern feuds* – feuds in the dark, feuds between criminals. To Diana Gellçi these modern feuds have not very much in common with the traditional feuds. I agree in that, that is to some extent. On the other hand, if you are studying the dark areas of society – maybe in the context of acting against organized crime and trafficking - it will be helpful to know something about traditional life, not only in Albania but in other past societies too.

Customary law and government

Customary law – or local, independent and traditional rule - has often persisted when the Government was weak, distant or ignorant, it has been said. For long periods that might have been the situation in the Albanian highlands and in Kosova, for example in periods when the Sultan did not want to or was not able to control the Albanians in detail but only in some areas, cities and mostly in plain field.

Anyway, the situation when no state and no government has been established - and the situation when a weak state or King is in »power« are quite different.

The Danish history

In medieval Denmark the King aimed at controlling the society and protecting it, that was his *raison d'être*. He could not do that alone, he had to come to agreement with the nobles, and in that course he and the nobles collected and re-constructed old customary law and published new common law. The articles about beehives, fish traps and water mills were only modified slightly since all agreed in them and in the necessity of such articles, the articles about revenge and ordeal by fire were radically modified because of clerical influence.

In the next hundreds of years economy and society developed, struggles for power went on from time to time – and first after some 4-500 years and a major defeat in the wars against the Swedish King, the Danish King was able to establish himself as an absolute monarch (in cooperation with some nobles and members of the upcoming classes of merchants etc.). Then in 1683 he issued a new common law of his own. Some elements of the customary law were integrated in this new law, some of them abolished – and there was not any longer doubt about the King's overall monopoly in criminal law. So, in Danish history customary law has either been integrated in the law process and been modified - or has been abolished. And some parts have »expired« by *desvetudo*.

After a great political crisis in the mid of the 19th century, the Danes began to establish a democratic society and new customary law - and that law is in many aspects distinct from the medieval law and the law of 1683.

Most Danes accept parliamentary law, they even want it enforced, the dark forces punished and taken into custody - and the dark spots »enlightened«. But in some limited and sinister »parts« of Danish society, the areas of biker gangs and of drug traffickers, modern »clan law« actually is in force.

The Albanian history

In Albania history has been quite different from Danish history. Possibly some elements of customary law have been integrated in – and modified by – modern law; many other elements may officially have been abandoned, but have persisted in some periods - and in the most »remote« parts of the country.

But since government in many aspects has been weak after the break-down of the Hoxha-regime - and since economic conditions are so poor, a new, big and dark society has been developed beside the »official« one. In this new parallel society – which is estimated to cover about 60% of the Albanian economy – a new customary law is being established. Some of the »articles« are, I imagine, rules of old age built upon the principle of reciprocity and upon an ancient code of honour. But more of the »articles« are new, built upon principles of hierarchy and power.

Here is much to study - and much to worry about.

Bjoern Andersen

Literature etc.:



Edith Durham in Northern Albania 1913

Books:

Diana Gellçi: »Gjakmarrja: Albanian Highlander's »Blood Feud« as Social Obligation«, Albanian Institute for International Studies, Tirana, 2005.

»The Code of Lekë Dukagjini, Albanian Text Collected and Arranged by Shtjefën Gjeçov, translated by Leonard Fox«, Gjonlekaj Publishing Company, New York, 1989.

Edith Durham: »High Albania«, 1st edition 1909, available on the internet:
<http://digital.library.upenn.edu/women/durham/albania/albania.html>

Margaret Hasluck: »The Unwritten Law in Albania«, Cambridge University Press, 1954.

Ismail Kadaré: »Broken April«. 1st edition 1982. Danish edition, Copenhagen 2000.

Film:

Saimir Kumburo: »The End of the Vendetta«.

Fulvio Mariani and Elvira Dones: »Inchiodato« [Albanian: »I ngjuar«], cf.:
http://www.fipa.tm.fr/programmes/2005/fr.php?f=rep_11563&r=prsc

Newsarticle:

»Thousands disenfranchised because of blood feuds« - article in [»Tirana Times« 4th June 2005](#)

Mediation and reconciliation:

<http://www.afcr-al.org/english/profile/r-introduction.shtm> (cf.: <http://bjoerna.dk/dokumentation/mediation.htm>)

Bjoern Andersen holds a MA in Sociology and Danish philology. He has visited Albania some times through the years, the first time in 1976. In 2003 and 2004 he was a participant in the conferences about 'the clash of civilizations' and 'religious tolerance', both in Tirana.

He is the author of books in Danish about Albanian history, eg a collection of articles in »*Albanske Studier*« 1-2 (Soeborg, Cph. 2002), cf.: <http://bjoerna.dk/albansk-historie/studier-2002.htm>. Among the articles some about Edward Lear, Edith Durham, Sami Frashëri and Ismail Kadaré. Also an article about feuds in Corsica.

BA has published the play of Sami Bey Frashëri: »*Besa*« on the internet in a Danish translation of Johannes Oestrup [Johannes Østrup]: »*Aeresordet*«, Cph. 1912.: <http://scanderbeg.dk/frasheri/aeresordet.htm>.

Recently he has published the 'Danish Law of 1683' in a digital edition - and by now he is working on a book about the Danish-Norwegian author Ludvig Holberg - who, in 1739, issued an appreciating article about Scanderbeg. Cf.: »*A viewpoint from Copenhagen*« <http://bjoerna.dk/Holberg/Scanderbeg.htm>.

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