

International Centre for Minority Studies
and Intercultural Relations (IMIR)

THE *KANUN* IN PRESENT-DAY ALBANIA, KOSOVO, AND MONTENEGRO

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2004

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During one of the fieldwork expeditions carried out in Macedonia in the autumn of 2002, the team came across the Macedonian edition of the *Kanun of Lek Dukagjin* amidst piles of books on Islam at the “Donika” bookshop in the town of Tetovo. On noticing the team members’ joy and excitement, a young Albanian was so pleased to find out we were familiar with the Kanun that he presented us with two copies. This present is especially dear to me and every time I set out on a journey to regions inhabited by Albanians, I leaf through the book to refresh my knowledge of the norms of the five-century-old customary law. It is difficult to comprehend the character, mentality and pattern of behaviour of Albanians without taking into account the Kanun [Code]. While interviewing ethnic Albanian respondents during expeditions conducted between 1999 and 2003 in Albania, Kosovo, Macedonia, and Montenegro, we often touched upon the subject of Kanun and blood feud in the context of the modern times. We found out that not only was the Code far from being eradicated, but that, down to the present day, its norms continue to regulate many of the Albanians’ daily life matters.

THE CODE OF LEK DUKAGJIN

The most common version of customary law among the Albanians is the *Kanun of Lek Dukagjin*. The Albanian Gëgs inhabiting the territories north of the Shkumbin River had lived for long centuries in large clans observing the code of the Kanun – a primitive constitution regulating not only their community life, but also their private lives. The norms were passed on from generation to generation by an oral tradition and were decreed by the council of elders. It is considered that the Code was rationalised by despot Lek III Dukagjin (1410 – 1481). This code was compiled throughout the centuries chiefly by adding new norms. It was studied by folklorist Shtjefën Gjecov and was published as late as 1933. The text was systematised into 12 sections – “*The Church*”, “*The Family*”, “*Marriage*”, “*The House, Cattle, and Property*”, “*Work*”, “*Loans*”, “*Pledge*”, “*Honour*”, “*Damages*”, “*The Kanun against Harm*”, “*The Kanun of Judgement*”, “*Exemption and Exceptions*”¹.

In some of its sections, the Kanun included an elaborate legal code trying to regulate blood feud (*gjakmarrja*) – a system of reciprocal “honour killings”. According to the Code, if a man is deeply affronted, his family has the right to kill the person who has insulted him. However, by doing this, the family will become a target for revenge on the part of the victim’s family. The victim’s closest male relative is obliged to kill the murderer of his family member. The pattern of reprisal killings thus formed has been passed on for generations of families and has been manifested up to the present day in Albania, Kosovo, and, partly, in Montenegro. “*Blood is never lost*”, states the Kanun². The perpetrator is entitled to ask through the agency of a mediator – a well-respected member of the community, for a *besa* – a vow that no one would hurt him. Those who have not taken revenge, fall into social disgrace. At public gatherings they are served coffee or brandy in cups and glasses with a bullet put inside, in order to be urged to avenge the injury. The Code does not allow the murdering of women or children. The only place where blood should not be shed is the house of the marked victim. Because of the ruthlessness of blood feud, most of the houses in Northern Albania look like fortresses built of stone, with small apertures serving as windows. Even to date many Albanians shut themselves inside their houses where they remain isolated for life in order to escape from blood vengeance. In the past, they used to hide in towers as well. Under the regime of Enver Hoxha, the Kanun in Albania was banned, but after 1991 it returned in a most brutal form not only in the North, but also in the South, and in the central parts.

¹ Канонот на Лек Дукагини. ФИ & ГА Тетово, 1994.

² Ibid., p. 179.

As stated by Ferad Muhic, intellectual and author of the foreword to the Macedonian language edition, *“For at least four centuries, the Kanun has de facto been an internationalised form of Albanians’ social consciousness. It has been a symbolic framework within which the ethnic and cultural substratum of the Albanians of that period has been identified, and its regulations are also an expression of an organised mode of social response to the external factors, as well as a strategic programme for preserving their own identity irrespective of all such external factors”*³.

ALBANIA: 1376 FAMILIES ARE IN BLOOD FEUDS

Since 1991, Albania has experienced a revival of blood feuds. Figures on cases of vendetta are discrepant depending on the sources – police statistics, mass media, or non-governmental organisations. In any case, they are horrifying. Some 3000 families are in blood feuds and have been hiding confined within their homes, writes the *“Shekulli”* newspaper⁴. According to data reported by the Committee for National Reconciliation based in Tirana, 1376 families from 23 regions, 7 villages and 17 towns have become targets for blood vengeance and hence live isolated in their houses. Between 1991 and 2000, there were 2500 feuding families that lived restricted within their homes, but in the period 2000-2002 some of them were reconciled and their number has consequently fallen.

Greatest is the number of families in blood feuds in Shkodër – 400, which is easy to explain, since the Code’s historical tradition is most powerful in this major city of Northern Albania. According to the local press, they are as many as 600. The Institute for Democratisation and Mediation functioning in Shkodër estimates the number of feuding families to be 250. In some other towns in Northern Albania the figures are as follows: 81 in Tropojë, 11 in Krujë, 18 in Lezhë, 49 in Kukës, 13 in Puk, 28 in Has, 12 in Kurbin, 48 in Burel, 17 in Bulchiza. There are families victims of vendetta and living isolated, without ever leaving their houses, not only in the north, but also in the south and in the central parts of Albania – for example, in the capital Tirana there are 144 such families, in Durrës – 98, in Vlora – 111, in Malsija-e-Madhe – 67, in Berat – 62, in Fier – 49, in Korça – 15, in Pogradec – 6, in Tepelena – 16, in Gjirokastrë – 9, in Librazd – 4, in Lushnjë – 33, in Elbasan – 29. The enumerated towns have traditionally been outside the zones of influence of the Code of Lek Dukagjin. Why is it that the geography of vendetta has spread to include now the country’s central and southern parts too? This is a consequence of the migration from northern to central Albania of part of the rural population living in a state of vendetta, confined within their homes, is the opinion expressed by Neritan Ceka, head of the Parliamentary Committee on Public Order and Security. The authorities have registered a decrease in the number of murders in the period of 1998-2003, when the total number of murders related to the Kanun was 330. In 1978 there were 573 murders of which 45 were related to the Kanun; in 1979, linked with the Kanun were 41 out of 497 murders; 18 out of 275 murders in 2000, were related to the Kanun; 19 of 208 murders in 2001 were related to the Kanun; 12 of all 179 murders in 2002 were connected with the Kanun. During a police campaign in 2002, as many as 77 perpetrators of vendetta were detained. Somewhere about 10 000 individuals were subjected, in varying degrees, to the harmful consequences of the Kanun⁵.

According to data released by the Ministry of National Education, late in 2002 there were 147 children who did not go to school because they were isolated at home with their parents by reason of vendetta. As reported by a non-governmental organisation engaged in reconciliation, the number of home-confined children is 400, and the mass media have reported the number of such children to be 800. As stated by the Committee for National

³ Канонот на Лек Дукагини. Тетово. ФИ & ГА. 1994, с. 15.

⁴ Burimi, G. Albania: Le Kanun ou l’Europe? Shekulli, 10.02.2003, Le Courrier des Balkans, www.balkans.eu.org/article2275.html.

⁵ Le Kanun et la vendetta en Albanie: du mythe à la réalité . Le Courrier des Balkans, 13.02.2003. www.balkans.eu.org/article2784.html.

Reconciliation there are 282 children aged between 1 and 10, and 429 children aged 11-18, who have been prevented from attending school on account of family blood feuds.

K.G., lecturer at the National Institute for Oriental Languages and Civilisations, translator of the Code into French, thinks that during the modern period (that between World War II and the end of the 20th century) the basic features characterising the *bloody recurrences* in Northern Albania evolved into greater brutality, rather than tolerance. The application of the ancient Kanun has been ousted by a distorted use of a modern Kanun in favour of personal revenge and settling old gangster scores. The range of vengeance killings now covers all members of Albanian society, including women and even children. The legal organisation prescribed by the Kanun has been unable to channel destructive energies⁶.

Some concrete cases of atrocious murders committed on suspicion of adultery have been reported in the journal of the Committee for National Reconciliation, "*Ligji dhe jeta*" (*Law and Life*)⁷. The Code does not provide for revenge in cases of murdering an adulterer: "*Those who commit adultery, if killed in the act of adultery, shall remain unavenged*"⁸.

On 5 January 2002, 40-year-old Sh. H. from the Rom neighbourhood of the city of Fier walked into his ex-son-in-law E. M.'s house and killed his brother A. and his brother's wife H. M. He also injured his son-in-law and his three children – 12-year-old E., 2-year-old D., and 15-year-old G.A. The motive for the act was that his son-in-law had divorced his daughter. Finally, Sh. killed himself.

On 30 March 2002, in the village of Priske e Vogel, near Tirana, P.N. killed in the nuptial bed his wife N. and her sister's husband A. M. Two children were left without a parent, and the murderer was sent to prison. Motive – adultery.

On 5 April 2002, in the *Kombinat* quarter, following a quarrel, H. T. killed his wife M. T. in the presence of their 5 children. While he was in prison, the children were left without anyone to provide for them.

On 10 April 2002, following his divorce, B. S. killed his wife E. and his father-in-law H. B. and seriously hurt his mother-in-law V. B. using a Kalashnikov rifle. Then the killer took his own life.

On 15 April 2002, in Kashar, 50-year-old L. R. killed her husband M. R. in order to save her son, deadly threatened on the morning of 15 April by her father claiming that her son had stolen 30 000 old *leks*.

On 22 April 2002, in Patos, 41-year-old F. S. stabbed to death his 37-year-old wife J. with a kitchen knife and injured her 20-year-old daughter D., because he had caught his wife sleeping with D.'s boyfriend. On attempting to save her mother and D., the second daughter, 16-year-old I., was hurt, suffering 8 knife stabs, and later died in hospital. J.'s two other daughters were left orphans.

On 23 April 2002, 31-year-old D. Z. (a Roma) from Vlora killed his younger daughters, injured his wife and later attempted suicide. The underlying reason – alcoholism and jealousy of his 27-year-old wife. Two days after the tragedy the spouses buried their dead children.

On 2 May 2002, M. Ch., from the village of Osoje in Shrapar, killed his wife with a pickaxe because "*for long 10 years she has been unfaithful to him [having an affair] with the village packsaddle-maker*". The family has 8 children aged between 8 and 12.

During the fieldwork period in October 2003, two horrible murders rooted in customary law were widely discussed in Albania. In Tirana, a father had killed his engaged daughter because she had gone out to a discotheque and had come back home at about 4 o'clock in the morning. Having killed her, he had dug a pit in the courtyard and buried her there. In Elbasan, a woman with a jealous husband had killed her children and then taken her own life.

⁶ Ibid.

⁷ *Ligji dhe jeta* (Law and life), No 1, 2002, p. 28-29, the cases are given below – editor's note.

⁸ Канонот на Лек Дукагини. ФИ & ГА Тетово, 1994, с. 180.

The conciliator's authority

In Krujë, while doing fieldwork at the time of the parliamentary elections in July 2001, absorbed in conversations with some interesting interlocutors, I missed the day's last fixed route taxi travelling to Tirana. I asked for help one of my respondents, D. Ch, who was running for Member of Parliament at that time. He not only found a car, but sent his son and his nephew to accompany me on my trip to Tirana. It is from Krujë, the place where the castle of the legendary Skanderbeg is located, that Albania's northern parts begin. The local population knows and observes many of the Kanun's norms. After D. Ch. received me in his office, I became his guest according to the traditional Albanian customs. A guest is held in particularly high respect among the Albanians. The Code ordains that "*The Albanian's house belongs to God and the guest*"⁹, "*You shall see off a guest as far as he wants you to*"¹⁰. According to customary law, I enjoyed the status of my interviewee's guest and if something would happen to me en route, he was expected to take revenge on my account. D. Ch. knew the Kanun's rules observed by the people in the Krujë area. He had been a conciliator in cases of blood feud. "*We call conciliator in [cases of] blood feud that one who takes it upon himself to reconcile the victim's house with the killer*"¹¹.

"In the Malësia region, near Krujë, comprising 8 villages inhabited by some 3500 people, there are cases of blood vengeance and people who live in isolation inside their homes for fear of vendetta. They maintain contacts with the other family concerned through mediators who help them go out to work, guaranteeing them something like a wok permit, in order to be able to provide for their families. But in certain cases such people live absolutely isolated, without ever going out. Since I've been director of the local electrical equipment plant for 8 years, I've acted as a go-between in some reconciliation cases. I've not always been successful", D. Ch. told me in 2001.

In 2003 I met D. Ch. again, he had become an MP and we had a long and thorough conversation on the subject of Kanun and conciliation. The motives for most of the murders in the Krujë area had been associated with quarrels over land. Until then D. Ch. had been able to reconcile 3 out of 8 feuding families in Krujë. In these 3 families, the same number of murders had been committed by the two conflicting sides. Coming to terms is very difficult when the number of victims is different for the two families.

What persons can become conciliators? D. Ch. recounted that in Krujë there was a special group consisting of men of senior age, well-familiar with the Kanun. The group's members should include influential figures – for example, members of Parliament, ministers, etc. Negotiators are elected among the inhabitants of the region once in 5 years. In the course of reconciliation, an agreement is signed between the two feuding sides, as well as by the warrant group, affirming that no one would break the arrangement. No compensation is paid for the victims. The people involved in blood feuds stay confined within their homes, but after a certain period the peace-maker group allow them to go out, in order to work on their land plots, for example, but without leaving the village or the town.

Marriage and women's status

The majority of marriages in modern Albania are still arranged by the families in accordance with the Code's prescriptions. "*All men here seem to have been born married*", joked A. Ch., an educated nice-looking young Albanian woman, living in Tirana, who was on the look out for a husband. Her chances of marrying for love were not very great so that eventually she had to ask her family to have the matter settled. I vividly remember the sight of the angry old man, a shepherd, near the village of Këlcyrë (Southern Albania), who began scolding me in a

⁹ Канонот на Лек Дукагини. ФИ & ГА Тетово, 1994, с. 139.

¹⁰ Ibid., p. 141.

¹¹ Ibid., p. 185.

loud voice when we asked him whether the village dwellers used to marry for love. *“It’s for us to decide about our children’s marriages... I have six girls and I won’t hear of a marriage for love. Marriage is agreement between the families”* yelled the old man. According to the Code, *“a boy who has parents has no right to: think of his marriage, to choose matchmakers, to concern himself with his own engagement...”* In turn, *“a maid, even if she has no parents, has no right to think of her getting married, this is her brothers’ and cousins’ entitlement. A maid has no right to choose a husband; she shall marry the one she is betrothed to...”*¹²

Not each murder of a woman is punished by the family. D. Ch. explained that if the woman killed had had an affair with another man, then her family had no right at all to take revenge. *“The Kanun requires that the bride’s family put a bullet in her dowry – for her husband to kill her with should she be unfaithful.”* The Kanun demands that *“the parents of the disgraced ones shall not seek blood [vengeance], but shall give the bullet back to the killer pronouncing the words: “May your hand be blessed.”*¹³ As prescribed by customary law, *“Widows or unmarried women that have been dishonoured shall be set on fire alive on a dunghill. Or shall be put between two piles of burning wood and required to tell who their accomplice is, or else be left to burn to death between the two fires. If made to say who has disgraced them, then the accomplice is caught and they both are killed.”*¹⁴

D. Ch. told me how a girl in Krujë had killed her lover because he was married and, although he had promised he would get a divorce, he had abandoned her expectant. The girl had given birth to the child while in prison. *“The boy’s family has no claims at all”*, D. Ch. concluded.

The geographical factor has an impact on the way Albanians get married. In Northern Albania, the engagement is arranged by the families, while in the South marriage for love is also possible. In Northern Albania it is the families that arrange marriages in order to exclude any blood ties and genetic diseases. *“In the south, infants won’t be engaged, but in northern Albania an engagement is made even during pregnancy, even before the child was born... Divorce is virtually impossible, it is granted only on grounds laid down in the Kanun”*, explained G.M., chairman of one of the non-governmental organisations based in Tirana and engaged in conciliation activities. Divorces are still a rare phenomenon. I asked G. M.: if Albanians divorced in cases of unhappy marriage, wouldn’t that be a way of preventing the horrible murders out of jealousy which also involved taking children’s lives. *“If divorce was something acceptable, the murder cases would be much less in number. We have even demanded that public brothels be set up in order to make people more open. In Albania, prostitution is prohibited by law. So that such cases will keep occurring as long as the laws are so strict. You can’t punish a woman because she is a prostitute. This law is primitive and absurd”*.

Yet, the Code has also a positive impact on everyday life. It prescribes respect to a woman’s dignity when she lives alone in the mountains and this requirement has been preserved in contemporary life as well. *“On no account should you provoke a woman, even if she’s by herself in the highlands. You’ll be executed right away. Women in Northern Albania are, therefore, very much protected in terms of their dignity”*, said G.M.

T. H. is a picturesque Albanian from Vlora who knew very well the traditions of the Albanians in the South. When we met, the first thing he did was to ask whether I was married, because if I were not, he was going to find me a good match for a husband. In his view, the Albanian tradition has kept the blood tie to the present day. He described in superlatives what good wives Albanian women made: *“Everywhere in the Balkans, in Turkey, Italy, Greece, Montenegro, all families who have sons dream of a daughter-in-law from Albania. This is because the Albanian family has principles. A problem for us are the influences from Europe that come with drugs and trafficking. Pornographic films are another problem, they were banned in Albania. Our traditions are better. We Albanians treasure integrity and morality. Albanian women are very thrifty; they have a strong character, and care about the family very much.”*

¹² Канонот на Лек Дукагини. ФИ & ГА Тетово, 1994, с. 40.

¹³ Ibid., p. 180.

¹⁴ Канонот на Лек Дукагини. ФИ & ГА Тетово, 1994, с. 181.

Southerners – more brutal in vendettas

The prevailing view is that the Kanun is applied in the northern parts of Albania exclusively, but it is only on the face of it. Blood vengeance is known in the South too. Near Berat, a bloody vendetta took place, entailing 28 murders committed in consequence of a 4-year old feud between the families Y. and K. The first murder was committed in 1997, when L.K., chief of the secret police in Berat and member of the Democratic Party, endeavoured to pressurise the Y. family to vote for Berisha. However, the Y.s did not yield to the pressure. One day, during the insurgency events in the country's southern parts, L.K.'s nephew killed L.Y., the staunchest Socialist in the family. A few weeks later, the K. family killed two other members of the Y. family. In response, on the eve of the parliamentary elections in October 1997, Y. killed Sh. K. So, what followed were 28 murders.

Another instance of a never-ending vendetta is the war between the C. and H. families from Berat, which has been going on for 3 years now and has taken 28 human lives. The first killing was committed by reason of drugs; one of the criminals is already in prison. *“One of our objectives concerns combating trafficking in drugs and women, for they are the major cause of conflicts resulting in blood feud”*, said G.M., the head of a non-governmental organisation engaged in conciliation since 1996. He explained how half of the C. family members and half of the H. family had left to live in Fier, but the conflict had been transferred together with them. *“The pattern in Southern Albania is much more dangerous than in the North. In Northern Albania they know traditions and the Kanun better, and when some big conflict arises, the two sides meet to talk in order to be able to settle it. While in Southern Albania this can't happen, because people in those parts are not familiar with traditions and the Kanun, so they can't have a dialogue with each other and things come to the worse”*, concluded G.M.

The mysterious Code of Zuli

A. L., a journalist from Tirana, thinks that in the mountain region of Kurveleshi, Southern Albania, blood revenge is practised too, and the Kurveleshi Albanians are much more brutal in their vendettas than the northerners. The research team decided to verify this hypothesis in the field.

Kurveleshi is an ethnographic region comprising not only the highlands of the same name lying in the south, but also adjacent regions – Bolena, Vranishti, Kuci, as well as parts of Progonati, Gjirokastër, Tepelena, Vlora, Labëria, and Delvin. Kurveleshi includes 2 boroughs and 7 municipalities of the Saranda region, part of the Lukova municipality, from Borshi to Nivica. The Kurveleshi villages are Chora and Fter. Many heroes were born in this particular region, Seljam Musai, for example. Ali Pasha of Tepelena concluded an agreement with the Kurveleshi population, which at that time inhabited a larger territory than the one of today, not to trespass their territories. The central Kurveleshi town was Himara. Nowadays, the number of Kurveleshi people living in the region of Saranda is about 2000-2500.

Following on the track of the hypothesis of Kurveleshi, we stopped at Vlora with the intention to consult with T.H. who in 2003 was already manager of one of the largest investment projects – a brewery worth 15 million euro. He told me in 2001 that *“Kurveleshi is one of our purest [most authentic] regions, a source of national pride. It was a land of manly heroes, brave men who fought against a range of empires. They are stock-breeders, craftsmen, and singers; they perform polyphonic songs without accompaniment; they have a lot of respect for women but won't let them sit at the table in their company. They are the heaviest brandy drinkers that we know of; they are the best at festivities and singing”*. During our second meeting, T. H. called in R. G. – the deputy-prefect of Saranda, whose father was a Kurveleshi, assuming that he could tell us more about this particular region. T. H. thinks that a specific local code has been compiled and applied in the entire region: *“Just like the way northerners have the Kanun of Lek Dukagjin, the men in this region have created the Code of Zuli. The Kanun of Zuli includes regulations which govern one's life from birth to death. Naturally, the Kanun of Zuli hasn't now that much influence as it had before because society progresses”*.

According to R. G., who is half Kurveleshi and knows the region's local tradition well, the Code of Zuli is only familiar to the people living in Vlora or the central part of Kurveleshi. It is unknown in Saranda and the region's southern part. There is no blood revenge tradition among the Kurveleshi, they settle their disputes by civil law. While travelling the interminable roads of Southern Albania on our way from Saranda to Korça – through Gjirokastër, Tepelena, and Prmit, none of the people whom we inquired had ever heard of the mysterious Code of Zuli. In all probability, it has already been erased from the collective memory.

The Kurveleshi – the Malësori of Southern Albania

And so, in October 2003 we set out from Vlora on our way to Saranda following on the track of the mysterious Code of Zuli. We were to cross the Lungara Mountains first. The road was in deplorable condition; the car could simply not steer clear of every hole there and was bumping all the way through. The first village we passed through was Dukati, and as dusk was falling, we remembered the words we had heard from a respondent in Vlora, who had made a slighting remark about the Kurveleshi saying that they were “*wild and dull mountaineers who live without electricity*”. Very rarely were villages seen by the road, the mountain was all in darkness. The houses had tall walls and looked like those of the Arvanitis that we had seen in Greece. Only here and there were lights glimmering in some of the houses and, certainly, in the village tavern, where the men would talk daily matters. In the mountain town of Himara, where the population predominantly consists of members of the ethnic Greek minority, one could not see any women after nightfall. There are many chapels along the road. And Himara is not Kurveleshi yet. “*The Kurveleshi have a very strong character, maybe because of the place where they live. They're people who have lived in deplorable conditions and have survived*” was how T.H. from Vlora put it.

One of the stereotypes about Albanians is that while northerners, Gëgs, are rough people because of the inaccessible mountains, southerners, Tosks, are gentle because of the Mediterranean influence. However, in the south, in the wild and remote highlands, the landscape is equally austere. We asked R. G., deputy prefect of Saranda, whether it was possible to compare the Kurveleshi with the Malësori (Catholic Albanians from the far North) in terms of the harsh environment in which both groups lived. “*They are called the Malësori of Southern Albania*”, R. G. replied and went on with his story about the region.

“*Kurveleshi is the last area where religion changed. I'm from Chora and half of the people there are Muslims, half are Christians. The Islamicisation of Albania reached as far as my village in the 18th century. That's why we say that the Kurveleshi are the greatest fighters – they refused to adopt a different religion. There is a song my grandmother used to sing to me:*

*“All villages changed their faith,
Chora alone remained Orthodox Christian”.*

Reconciliation initiatives

Under Ahmed Zogu, the Code had the status of informal law alongside with the constitution. Such is the case again in the present day, because the Albanian government is so corrupt that law as a mechanism of society's functioning has been discredited, states the *Koha Jone* newspaper¹⁵. How is modern Albanian society going to resolve the “Kanun-or-Constitution” dilemma? In order to become integrated into Europe, Albania has to eradicate blood vengeance as a means for settling disputes. Going on for two or three years now has been a long legislative procedure of increasing the measures for combating the weaknesses of the

¹⁵ Erebara R. L'Albanie: le Kanun et la Constitution. *Koha Jone*, 08.07.2003, Le Courrier des Balkans, <http://www.balkans.eu.org/article3305.html>.

rule-of-law state. Article 78 of the Criminal Code has been amended. Added to section 17 has been a text on “*murders on account of [loan] interests, vengeance, or vendetta*”, carrying sentences of up to 20 years in prison. Article 83 of the Criminal Code dealing with vengeance or vendetta threats addressed to children, provides for fines and punishment that may run up to 3 years imprisonment¹⁶.

The fight against blood feud should be waged by the institutions and by non-governmental organisations. Active in Paris is a cultural association named “*Albania*”, founded in 1997 by a number of intellectuals, actors, and officials serving at the French Ministry of Culture. Its chairman, Pascal Hamon, has been decorated for his activities by the President of Albania. In February 2003, he demanded that the French authorities intervene and make their colleagues in Albania’s Parliament and administration counteract blood feud more actively. On 10 February 2003, a debate took place in the French Senate on the subject of “*The Kanun and Vendetta: from Myth to Reality*”, in which MPs from Albania and France and representatives of some non-governmental organisations discussed the possibilities of putting an end to this sinister practice¹⁷.

During the discussion there were voices raised in favour of a general amnesty. But what would the efficacy of such amnesty be? “*In Northern Albania, seeking revenge according to customary law already co-exists, in an intricate way, with another, more “up-to-date” form of vengeance thus uniting in a perfect confusion a minority of Kanun nostalgists, mafia members, and traffickers, with all the obedience with which people use to punish in the country’s North and South*”, observes the *Shekulli* newspaper¹⁸. Parliament could issue a decree granting pardon for all murderers, but this won’t do unless the victims’ families, in turn, forgave them. The Code does not state anything else – it is only the victim’s family or a catholic priest that help in initiating the process of reconciliation with the enemy’s family.

The Albanian women cannot wait any longer. Women widowed in consequence of blood feud have no right to be married again and those who take the risk of doing it, are denied the right to take care of the children born during their first marriage and such children, having lost their father, are deprived of their mother as well.

Non-governmental organisations, too, work for the cause of conciliation. One of them is an association of women who have become victims of blood feuding and have lost their husbands, brothers, and fathers. Founded on the initiative of the incumbent Prime Minister Fatos Nano’s ex-wife, this association brings together young girls and adult women, dressed in black – the typical attire of an Albanian woman in mourning.

Reconciliation should assume the pattern of a general movement in which all feuding families would follow the same pace. The code of blood vengeance is a collective code, which means it should be collectively rejected, appeals the *Shekulli*¹⁹.

That is how matters stand in theory. Practice has indicated, however, that reconciliation will be implemented in a very painful and difficult effort and will take time. There are feuds that have lasted for decades. In Krujë, for example, there is a 20-30-year-old feud, which has arisen on account of a land dispute, and there is another 50-year-old feud over violating morals, infringement on a woman’s dignity. This is almost as long a span as a human’s life and has affected three or four generations.

Is there future for the Kanun in Albanian society, or it should be replaced by a modern jurisdiction? “*Sorry to say, but because of the low quality of legislation, people act according to the Kanun’s regulations. They don’t trust justice and that’s why they return to the Kanun. The Kanun existed in the period of dictatorship too, but wasn’t practised, because then it was under ban and the state’s laws were applied. The main reason for people to turn to the Kanun*

¹⁶ Le Kanun et la vendetta en Albanie: du mythe à la réalité. Le Courrier des Balkans, 13.02.2003, www.balkans.eu.org/article2784.html.

¹⁷ Ibid.

¹⁸ Burimi, G. Albanie: Le Kanun ou l’Europe? Shekulli, 10.02.2003, Le Courrier des Balkans, www.balkans.eu.org/article2275.html.

¹⁹ Burimi, G. Albanie: Le Kanun ou l’Europe? Shekulli, 10.02.2003, Le Courrier des Balkans, www.balkans.eu.org/article2275.html.

is lack of confidence in the possibility of their problems being solved by legal means. The fact that MPs and ministers are engaged in conciliation shows that they, too, accept the Kanun”, says D. Ch., Member of Parliament from Krujë and conciliator. In his opinion, the Code and the official jurisdiction will exist side by side until the time comes when people will begin to trust the law in full. At present, it is only by means of the Kanun that, for example, disputes over land involving murders are settled. People would rather rely on the Code than on public legislation.

There are cases in which a person that has become a target of vendetta leaves Albania. Such is the case of the director of the Migjeni Theatre in Shkodër, N. C. He had remained confined within his house, fearing for his life on account of a crime he had not committed. His nephew had killed a man. N. C. had been head of the town council in Shkodër. *“He had come only two or three times to town council meetings after clan members of the man killed told C. that he was a possible target for revenge”*, said a Shkodër official. On 29 January 2003, Associated Press reported that N. C. had left Albania for “somewhere in the U.S.”²⁰.

Ironically, N. C. was the first director who staged in 1992 French existentialist Jean-Paul Sartre’s play *“In Camera”* or *“No exit”*, the local press mentioned²¹. In Sartre’s play, a group of individuals are trapped in a cave amidst never-ending bombardment and are finally “transferred” to a long-term detention centre – Hell. Could possibly director N. C. imagine in this first year of Albania’s opening to the West that he, himself, would come to know not only from the stage, but from his own life experience, and like thousands of Albanian families in Northern Albania too, the strange nightmare like the one represented in Sartre’s *“No exit”*? Where is he now and has he been able to escape for good from the clan’s terrible verdict?

KOSOVO: THE RETURN OF BLOOD FEUD

In the period between 1990 and 1997, members of the intellectual elite of the Albanian Kosovars carried out a countrywide campaign for reconciling families in blood feuds, in order to save their strength and energy to fight against the Serbs. Participants in this movement were university undergraduates, professors, students, and other young people. In the course of about 2 or 3 years large groups of conciliators, including renowned intellectuals, were making tours, visiting house after house, to persuade people in feuds, to make peace and grant blood pardon. The reconciliation movement was headed by Prof. Anton Cetta – lecturing in literature at the Albanian Language Department of the University of Pristina. The campaign was also joined by Kadrija Alimi – ethnologist and professor in Albanian language at the University of Belgrade, author of a book on Lekë Dukagjin and the Albanian traditions, who was in the Goli Otok jail in the 1960s, as well as Mehmet Halimi – a well-known scholar in the field of Albanian studies. Reconciled in the course of several years became hundreds of families involved in 1200 blood feuds, as well as people drawn in daily life conflicts. Published was a book on the *“Agreement on Ending Blood Feud 1990-1991”* in which some concrete instances of conciliation were reported including the names of the persons reconciled. *“It was done in response to Serbia, i.e. we put an end to internecine killings. Now this page seems to have been turned over and there are only occasional attempts by some people here and there to take the law into their own hands, but it is not as widespread a phenomenon as it used to be”*, told me A. D., one of the participants in the Albanian Kosovars’ resistance against Serbia who had spent 28 years in a Serbian prison. *“We made peace unconditionally, for the sake of unification, liberation, and the future. Reconciling is more difficult now, because there’s no more threat to [one’s] life and future. They have to be persuaded as people, neighbours, brothers, mothers-in-law, in the name of, let’s say, our dignity as a nation, and the besa which we have kept as a heritage from our ancestors”*, reported M. H., participant in the pre-war conciliation movement.

²⁰ Albania: blood feud forces municipal official to flee country, say colleagues. AP, January 29th 2003, http://news.serbianunity.net/bydate/2003/January_29/0.html.

²¹ Burimi, G. Albanie: Le Kanun ou l’Europe? Shekulli, 10.02.2003, Le Courrier des Balkans, www.balkans.eu.org/article2275.html.

During the war, there were few cases of blood revenge. *“People could see the great danger to their own existence and a common enemy; they joined forces and relied more on one another. It was easier to make peace then”*, M. H. attested.

From the end of the war in Kosovo in 1999 until 2003, about 40 murders related to blood feuds were recorded in Kosovo, according to data reported by the Council for the Defence of Human Rights and Freedoms. Cases of blood vengeance have reappeared as a consequence of the poor functioning of law and order and the institutions that regulate the law, was the opinion of Pajazit Nushi, president of the Council²³.

“During the war the families were reconciled and fought together against the Serbs, but at the moment, they are feuding again”, relates N. M, former KLA commander, who had fought in the Dukagjin region and who is now deputy leader of one of the parties represented in Parliament and MP in Pristina. *“Kosovar Albanian society stands between the Kanun of Lek Dukagjin and the state based on the rule of law. We have never had our own state; Kosovo had autonomy, had its own judicial system, but Albanians never accepted that as their own, and so they had to follow their own law. It was law within the law, state within the state; although the court might have sentenced someone to 15 years in prison on a murder charge, the Kanun was much more powerful than the court. Now, little by little, Albanian society has to embrace the idea of implementing our own judicial system. There is a parliament in Kosovo, but UNMIK functions as a Ministry of Justice. Kosovo is going to have its own Minister of Justice and then Albanians will see they don’t need the Kanun of Lek Dukagjin.”* N. M. reconciles families that are in blood feuds. He has failed to make peace between two families from the village of Nec in the region of Dakovica.

“Some parts of the Kanun should be practised, but the negative things ought to be rejected”, this is a view expressed by two Albanian women (K. T. and Z. Sh.) from Prizren who have been living in Germany for 20 years now.

Conciliator M. H.’s account

“Mediators are those people who go to the victim’s parents and relatives in order to ensure a besa for the killer and his house, they are protectors of the killer and of his household members preventing that something should happen to them while the besa lasts”, states the Kanun²⁴. In July 2003, I met conciliator M. H. considered to be an elder, a dignified and respected Albanian from Pristina – a 67-year-old professor at the Institute of Albanian Studies with the University of Pristina, author of about 400 studies and four books. As he answered my questions, he would often quote the Code. Already at the beginning of our meeting he remarked that the general reconciliation had stopped being effective after the end of the conflict. At present, in all highland regions of Kosovo there are cases of blood vengeance.

“Today more acts of revenge are witnessed in the villages, less so in the towns, and most of all in the mountain areas, in the remote countryside – in the mountain region of Karadak (on the border with Serbia, near Preshevo, Bujanovac, near the Macedonian border – Kumanovo, Skopje) in the Golak area (from Kamenica to Vrana), in the mountain areas around Leposaviç; in the vicinity of Rugova, Peç (the Montenegrin border); around Dakovica, Prizren as far as Dragash (the mountain massif on the Albanian border); in the area of the Shar Mountains near Tetovo (the border with Macedonia)”, reported M.H. He gave an example describing a case witnessed in the area of Karadak where a blood feud between two families had existed for 80 years and had entailed 32 instances of revenge so far. According to him, nowadays the Code is known in Northern Albania, Kosovo, Macedonia, and Montenegro. What are the people that conciliate families in blood feuds nowadays? Becoming a conciliator is a responsibility handed down from father to son; a conciliator works without monetary interest, said M. H. The families cover only the conciliator’s travelling and living expenses. M. H. gave also the names of other men acting as conciliators. Most of them are professors

²³ Bytyci F. Blood Feuds revive in Unstable Kosovo. IWPR, 19.02.2004, http://www.iwpr.net/index.pl?archive/bcr3/bcr3_200402_481_4_eng.txt.

²⁴ Канонот на Лек Дукагини. ФИ & ГА, Тетово, 1994, с. 170.

and intellectuals – K. R. from Drenica, who lives in Dragodan, Pristina, a conciliator, whose role has been handed down to him by his ancestors; Professor M. R. from Drenica who now lives in Pristina; Dr. M. P.; Dr. Z. A. – a historian; Professor T. G.; Professor J. K. from Prizren.

The Besa as a Final Institution

Reconciliation may last as short as an hour, it may continue all night through, or go on for days and months on end. Each side has to state its arguments. The first one to be visited is the murderer, then the victim's family. Both families are repeatedly visited. The most important thing in reconciliation is the *besa*. *"The besa is a kind of temporary exemption and security which the victim's house grants the killer and his household members ensuring that for some time they shall not be persecuted for the blood shed"* says the Code²⁵.

M. H. explained in detail the role of *besa* in contemporary life. *"With us a man who has got a besa has got dignity. People should be reconciled, there should be reconciliation. Lek Dukagjin says: "A bent head turns away wrath" ... The besa is the institution of last resort with Albanians. A murderer may be taken into custody by the government authorities, or he can in some cases give himself up, but traditionally he seeks a besa. A besa may be given for a week up to 2-3 months, sometimes even 6 months; it depends on the dignity or willingness of the people that have lost a relation, on the status of the family. When granted a besa, the murderer together with his family is free. As soon as the term of the besa is over, he and all his family remain isolated in their house. Then, again, he sends envoys to ask for besa, and this is how besa is repeatedly requested. Those who respect their folk's traditions wouldn't send back anyone without giving a besa. Provided besa is granted 2 or 3 times, and provided the family asks for besa, provided the man repents and observes traditions, reconciliation may be reached. This is required. If the perpetrator and all his relatives fail to observe these traditions, if they don't seek besa, the killer is deemed guilty and responsible. His family – required to kill in revenge, regardless of the official sentence"*.

M. H. said that in the summer of 2003 there was a murder of a policeman and the suspect was unable to find 24 old men to swear that according to the Kanun he was not guilty. In case the killer is unknown, 24 old men of high repute and dignity should take an oath before the victim's family that the suspect is not guilty. *"The old men are either fraternity elders or tribal elders and their work is based on the Kanun's regulations"*²⁶.

Blood is never lost

I asked M. H. whether monetary compensation is to be paid to the victim's family in the case of reconciliation. *"Blood should be paid for, it's never lost. It should be paid with a penny, with money or in kind"*, M. H. said. *"Blood is never lost"* says the Kanun²⁷.

"Decent families are reconciled unconditionally, without paying any money. There were in the past and there are now families reconciled by paying money. I don't know how much they pay today, I conciliate unconditionally. Now there's no difference between whether you pay for a woman or a man. That one who has committed the murder should leave his native place go far away in order not to come across the victim's kinfolk every day. Lek Dukgjin says: "If you've killed him once, you shouldn't kill him every day". If the victim has a wife and his children are left orphans, they should be paid something", explained M. H., conciliator from Pristina.

²⁵ Канонот на Лек Дукагини. ФИ & ГА, Тетово, 1994, с. 170.

²⁶ Ibid., p. 189.

²⁷ Ibid., p. 179.

The Kanun and murdering leaders

In early January 2003, killed in Pec were three ethnic Albanians, members of the disbanded Kosovo Liberation Army (KLA) and functionaries of the Democratic Union of Kosovo (DUK) – a party led by Ibrahim Rugova, the President of Kosovo. One of the victims was T. Z, prosecutor's witness in the much talked about court case against Daut Haradinaj and another four Albanians, also members of the disbanded KLA. Observers commented this was account settling between followers of the Rugova party and the Alliance for the Future of Kosovo – the party of former KLA commander Ramush Haradinaj, brother of Daut. Some time earlier there had been a bomb attack against Adem Zekaj, another former KLA member. According to one of the versions, it was a matter of interpersonal conflicts, strife for influence, settling of old scores. Many of the murders had been committed in the Dukagjin region, a territory controlled by Ramush Haradinaj. There is another version associated with trafficking in drugs. Is it possible that these leaders' murders had to do with the Kanun as well? *"The Kanun is applied, but it's connected with criminal murders, not with murders for political reasons. Blood vengeance as prescribed by the Kanun tradition is present in Kosovo, although to a lesser degree than the situation 10 years ago"*, remarked A. D., an intellectual, who thought the reason for these murders was "personal revenge". He also mentioned the role of the UDBA, the Serbian secret service.

Some Albanian politicians in Kosovo deny that the Code is so powerful today. *"In 1991 there was a reconciliation movement in Kosovo. You couldn't say the Kanun is still active in Kosovo, it's already in the museum and people don't know what it implies"*, said K. B., deputy chair of one of the leading parties, Member of Parliament in Pristina, native of Klina. When I met K. B. in the summer of 2003, I was assigned to invite him on behalf of a German foundation to take part in a Round Table on the Albanian national question to be held in Sofia. Much to my surprise, he asked that a bodyguard be in charge of his personal safety in Bulgaria and that he travel by air. On no account would he accept to travel through Macedonia or Serbia by car. What was K.B. afraid of, he who had lain several years in a Serbian prison? Sh. M., intellectual from Pristina, mentioned that K. B. was born in the Dukagjin region, the native place of Ramush Haradinaj as well. There is a fierce inter-clan feuding in Dukagjin, there were assaults against DUK members in the same area, so that K. B. actually feared an attempt on his life, thought Sh. M. In fact, my interviewee K. B. never reached Sofia, because he had no passport but only an UNMIK-issued permit²⁸.

It is possible that political strife implies, among other things, elements of the Kanun, but such assumption requires a new and more thorough research.

MONTENEGRO: THE KANUN IS SIMILAR TO THE BRDJAN CODE

Ethnic Albanians in Montenegro are a small minority and live in three regions with predominant Albanian population – Malësia (including the town of Tuzi and bordering on Albania through Lake Scutari), Ulcinj (a town on the Adriatic coast), Plav and Gusine (a northern territory adjacent to Kosovo). Based on the respondents' identity reported in the 2003 census, 40.64 per cent of Montenegro's total population of 672 656 were Montenegrins, 30.01 per cent – Serbs, 9.41 – Bosniaks, 7.09 per cent – Albanians, 4.27 – Muslims, 1.05 – Croats, and 0.43 per cent – Roma. The Albanian population in Montenegro comprises Catholic Albanians (Malësori) and Muslim Albanians. Nowadays, blood feud and the Kanun are known in this small republic too. *"The cases of blood revenge are rare. You can't say it's been done away with, but it's not a pronounced practice. There are old people who conciliate"*, observed M. B., an ethnic Albanian Deputy to the Skupshtina of Montenegro. One of the stories of modern-time vendetta has been told by Monique Dolmieu, Director of a cultural association of actors from the Balkans to the Caucasus, relating the case of an actor

²⁸ In 2003, Albanian Kosovars were not allowed to enter Bulgaria with the temporary UNMIK permit – author's note.

from the Montenegrin theatre: he had been compelled to emigrate in order to escape from vendetta like the one targeting N. C. in Shkodër. L. Sh, a Malësori Albanian from Ulcinj, working as manager in the tourist sector, told us about a blood vengeance case proving that there was no term of limitation for the Kanun-based verdicts. An Albanian who had lived long years in the United States, returned to Ulcinj and was killed on account of a vendetta that had started 20 years before.

Ethnic Albanians and Montenegrins in Montenegro do not have problems living together, such as can be witnessed in the other parts of former Yugoslavia inhabited by Albanians. Montenegrin Albanians and Montenegrins are similar in that they both have patriarchal clan societies, both put great value on large families, friendship, and honour, both remember the laws of honour and blood vengeance. Blood feud is familiar in the Malësia region of Montenegro, but it is not as widespread a phenomenon as it is in Northern Albania. There have been only several cases of blood vengeance and they have occurred among the Albanians living in the villages around Lake Scutari. According to Albanian and Montenegrin respondents from Montenegro, the Code of Lek Dukagjin and the unwritten Montenegrins' Code of Brdjan are similar. I heard this theory for the first time while doing fieldwork in Montenegro in 2001 from an interviewee, L. Sh., a Catholic Albanian (Malësori), member of the party leadership of the Democratic Party of Socialists and manager of one of the big hotels in the town of Ulcinj, as well as from his fellow party member B. B., a Montenegrin. Even nowadays, among the Catholic Albanians there are elders - heads of *fises*²⁹. These are usually people who have settled the problems in their own families. B. B. told about a blood feud episode that had taken place in Malësia, when, in a blood revenge series, out of a whole large family of Malësori Albanians only a little boy survived, saved by certain Montenegrins. The Albanians who hunted for the child asked the Montenegrin saviour to deliver the boy, just let him out of the house. But the Montenegrin took outside his own son in order to save the other child.

“God forbid you curse a Montenegrin or pull him by the moustaches, you’ll enrage him. Montenegrins are known for their caring attitude to women, for their love for the sister and the mother. One cannot lift a hand against a woman. I’d say we Montenegrins, like the Albanians, are also accustomed to keeping our women within the house. When getting married, we, too, always watch for what kind of family we are making kin with. We, Brdjans, are like the Malësori Albanians in our attitude to our friends, family and guests – they are of absolute value. When a guest comes to my house, I’ll treat him to brandy. Coffee is always served by the women. I’ve read the Kanun several times and I think there are similarities with the traditions of Montenegrins”, affirmed B. B., a Montenegrin from Ulcinj.

Again in Ulcinj, a town with predominantly Albanian population, I met with a member of the Serbian People’s Party who confirmed the theory of the similarities between customary law of Montenegrins and that of ethnic Albanians in Montenegro. *“There are many common things between the Kanun of Lek Dukagjin and the Brdjan Montenegrin law. While the Kanun is written, the Brdjan Code is unwritten law. Both are characterised by a marked presence of the kinship principle. In old-time Montenegro there used to be blood feuds. In the 17th and 18th centuries there used to be blood vengeance. There was in the 18th century a Law of Petr Petrovic, there was a book called “Stega”. Yet, Montenegrins are more refined than Albanians, but a Montenegrin shouldn’t be teased.”* At the same time, M. C., an elderly man who had taken part in the anti-fascist struggle and was member of the same party, demonstrated strong dissent and challenged what his fellow party member had stated. M. C. argued there was no Brdjan Code.

Montenegrins like to point out that their country is tolerant. At a Round Table on the Albanian national question held in 2002 in Sofia, M. I., Member of Parliament in Podgorica, who believed that the future of the small republic lied in an independent statehood, also

²⁹ *Fis* (modern Greek – character, nature) – the larger family, kin in the male line. All of them are descended from a common ancestor and observe a pattern of exogamy. According to the traditions of the northern Albanian highlanders, two lines of kinship are distinguished: paternal – the “tree of blood”, and maternal – the “tree of milk”.

elaborated on the theory of the similarities between the Code of Lek Dukagjin and the Brdjan Code. *“The greatest advantage of Montenegro is its wealth including various cultures. I’ll mention some positive examples like the law of Lek Dukagjin, which was equally valid among Montenegrins and Albanians in Montenegro, especially those in the region bordering on Albania, stretching from Plav, through Podgorica as far as Ulcinj. While compiling the general property laws of Slovenians in the modern times, the great Slovenian jurist Vogišič studied customary law among Montenegrins. The survey questionnaire contained 2000 items 660 of which concerned the customs, habits, modes of trading and inheritance among Albanians. The legislators wanted to combine modern European law with the native peoples’ customary law.”*