

# KANUN OF LEKE DUKAGJINI CUSTOMARY LAW OF NORTHERN ALBANIA

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## Abstract

The Kanun of Lek Dukagjini as the customary law of Northern Albania is the most unique aspect of this Albanian part of society. This Kanun sets up the rules, upon which the culture is based, focusing on the concepts of honor, like hospitality and besa, and the topmost of the society, is Family. This ancient legal code defines the Albanian character, even today. It prevented assimilation throughout history, and continues to do so. The Kanun of Leke Dukagjini is the most distinguishing feature of the Albanian culture. The preservation of customary law was one of the most important elements in helping the Albanian people to maintain their individuality under Ottoman domination. The Code of Lek Dukagjini is the body of “customary law” under which Albanians, particularly the northern clans, have conducted their lives. Not only did the Common Law provide enforceable legal mechanisms which ensured a relatively normal evolution of society and the normality of the economy, social and family relations, it also provided mechanisms for organizing local government and for the settlement of disputes. *This therefore constitutes the main aim of this study.*

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**Keywords:** Kanun, customary law, Albania north, self government, sacred values

## Introduction

Albanian culture has been strong enough to resist assimilation by others even though Albania occupies a strategic location, historically and politically. At the southern entrance to the Adriatic, Albania was the steppingstone from which the Romans moved to the east. As the crossroads, many different peoples have passed through or maintained dominion, but the Albanian people have largely been able to maintain their unique identity. The Albanians have been recognized as "*indigenous peoples*" who, based on their

unique language, "would place them among the oldest groups of peoples in Europe"<sup>28</sup>. There is no significant difference between Albania and its neighbors other than reliance upon the Kanun. The use of a mixed methodology (in this work) such as a descriptive analysis focusing on: **“Internal organization of the north Albanians life”. A customary law and a society that survived for centuries. Sacred value that are still considered the most important**, like *Family and Besa*, combined with the right literature books and papers published by scholars that take part in the debate, *accomplish the main aim of this study*.

## I.

Stephen Gjeçovi<sup>29</sup> - The first one to collect and write the Kanun.

The Franciscan Shtjefën Gjeçovi of Kosovo (1874 - 1929) played a special role in collecting rules of the Albanian customary law. He left as his legacy a very important work, “Kanuni i Lekë Dukagjinit” (“*The Canon of Lekë Dukagjini*”). Gjeçovi began to publish the collected sources of law in the magazine of the Albanian Franciscan order “**Hylli i Dritës**” (“*The Star of Light*”) in the 1913<sup>30</sup>. After Serbian gendarmerie (police) murdered him on October 14<sup>th</sup> 1929, other Franciscans<sup>31</sup> systematized the remaining materials and published them under Gjeçovi’s name in Shkodra in 1933. The Kanun of Lekë Dukagjini is the most widely known comprehensive summary of traditional Albanian law ever published in Albanian language. The customary law of “Kanuni” was divided in 1263 paragraphs and into twelve books. The Kanun regulated both civil and criminal issues. This Codex was at the same time the ruling<sup>32</sup>.

*Who is Lekë Dukagjini?* The Dukagjini family was feudal rulers in the fourteenth and fifteenth centuries with a domain from Zadrimi to the confluence of the Black and White Drin Rivers (now largely in Kosovo). Lekë Dukagjini was the Second “*Lord of Dagno and Zadrima*” (1410-1481),

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<sup>28</sup> Hupchick, Dennis and Harold Cox. A Concise Historical Atlas of Eastern Europe. New York: St. Martin's Press, 1996

<sup>29</sup> In as early as 19<sup>th</sup> century, ethnological literature dealing with Albania often mentioned the unwritten laws of the land. In an entirely traditional society, any unwritten legal code may only be preserved in oral culture by a handful of wise men living among the people, familiar with its mentality, and speaking its language. Among the tribes of Northern Albania, these wise men were mostly priests.

<sup>30</sup> Shtjefën Gjeçovi, *Kanuni i Lekë Dukagjinit*, (vipers postume), Përmbledhë e kodifikue prej A. Shtjefën Gjeçovi, me parathanë t' A.Gjergj Fishtës, e biografi të A. Pashk Barthit, Shkoder, 1933; Faik Konitza, *Ca kujtime mi At Gjeçovin*, «Dielli», 18 March 1930, no. 5156, pp2.

<sup>31</sup> Owen Peterson, *Albania in the Twentieth Century, Albania and King Zog*, Volume One, The Centre for Albanian Studies in association with I. B. Tauris Publishers, pp 311-312

<sup>32</sup> Zef Ahmeti, *The Criminal Law in the "Kanun of Lekë Dukagjini - The Albanian Customary Law* - Univ. St. Gallen, Switzerland, 2004.

a Skanderbeg lieutenant who fled to Italy after the Turks finally took the area<sup>33</sup>.

Margaret Hasluk lived in Albania from 1926-1939, traveling extensively in the high mountain country. She identifies him as “*an ancient law-giver of such eminence that what he said is still as sacred as Holy writ to the mountaineers of Mirditë and all the tribes to the north, including those unjustly incorporated in Yugoslavia in 1912-13*”.

She goes on to describe Lek’s power as so strong that “*overcoming every difficulty of geography and human obstructiveness, he used to convoke the mountain chiefs to parliament there (Lek set up his capital in Lesh) and after discussion promulgated his laws. No less a personage than Skanderbeg, he was among his deputies*”.

She also reports that he fought on against the Turks after Skanderbeg’s death, surrendering “*only when the Turks promised to respect the unwritten laws of the mountains*”<sup>34</sup>. Edith Durham adds in her book, “*Of Lek himself little is known. His fame among the tribes that still bear his name far exceeds that of Scanderbeg, and the fog of mythology is thick round him. He has left no mark on European history - is purely local influenced the people that “Lekë said so” obtains far more obedience than the Ten Commandments. The teachings of Islam and of Christianity, the Sheriat and Church law, all have to yield to the Canon of Lekë*”.

### **Internal organization of the north Albanians life**

Pavli Qesku<sup>35</sup> has said that: “The Kanun is a body of unwritten laws which govern all the many and different aspects of Albanian community life. It was created as a result of the inner need of a whole population, living in our territories, in order to defend the very existence of the nation in the face of the threat of assimilation by “*superior*” civilizations of the invaders and occupiers. . . . Albanians respected and obeyed the rules as laid down in the Kanun and escaped extinction as a nation. They survived with their distinct culture and language, succeeded in preserving a unique civilization”<sup>36</sup>.

Syrja Pupovci wrote an introduction to the 1972 reprint of the Kanun in which he postulated, “*The preservation of customary law was one of the most important elements in helping the Albanian people to maintain their*

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<sup>33</sup> Albanians and their culture: a study of their defining character and uniqueness, A Thesis Presented to the Faculty of California State University Dominguez Hills in Partial Fulfillment of the Requirements for the Degree Master of Arts in Humanities.

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<sup>35</sup> Former Albanian Ambassador to London.

<sup>36</sup> Qesku, Paul (Pavli). The Albanian Implosion. <http://www/albania.mcmail.com> February 27, 1999.

*individuality under Ottoman domination*<sup>37</sup>. The Code of Lekë Dukagjini is the body of “customary law” under which Albanians, particularly the northern clans, have conducted their lives. “Not only did the Common Law provide enforceable legal mechanisms which ensured a relatively normal evolution of society and the normality of the economy, social and family relations, it also provided mechanisms for organizing local government and for the settlement of disputes”<sup>38</sup>.

### **A customary law and a society that survived for centuries**

Albanian culture has been strong enough to resist assimilation by others even though Albania occupies a strategic location, historically and politically. At the southern entrance to the Adriatic, Albania was the steppingstone from which the Romans moved to the east.

As the crossroads, many different peoples have passed through or maintained dominion, but the Albanian people have largely been able to maintain their unique identity.

The Albanians have been recognized as “indigenous peoples” who, based on their unique language, “would place them among the oldest groups of peoples in Europe”<sup>39</sup>. The Albanian customary law or the so-called the Kanun of Lek Dukagjini was always auxiliary and at the same time a competitive right to the national right, to that of the Turks during the ottoman invasions for five centuries, that of the Albanian state after 1912 and that of the crew administrations in the 1<sup>st</sup> and 2<sup>nd</sup> world war helping in the preservation and the affirmation of the national identity and neutrality of Albanians and showing the will of the Albanian citizens to live under well-determined rules over the past 500 years<sup>40</sup>. The northern Albania is the typical region where the Kanun has its origins and took place. Being a mountainous area and due to the difficult infrastructure, the Northern Albania was for a long time out of reach for the many foreign invaders. Thus for centuries Albanians in Northern Albania lived as a society without a state power.

### **Customary law, a local self-government of northern Albania**

It is this ancient legal code that defines the Albanian character, even today. It prevented assimilation throughout history, and continues to do so.

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<sup>37</sup> Albanians and their culture: a study of their defining character and uniqueness, A Thesis Presented to the Faculty of California State University Dominguez Hills in Partial Fulfillment of the Requirements for the Degree Master of Arts in Humanities.

<sup>38</sup> Alibali, Agron. "On the Current Situation of Albanian Law and the Challenges for the Next Century" International Journal of Albanian Studies Vol. 1 Issue 1. Fall 1997.

<sup>39</sup> Hupchick, Dennis and Harold Cox. "A Concise Historical Atlas of Eastern Europe". New York: St. Martin's Press, 1996.

<sup>40</sup> Ahmeti Zef, *The criminal law in the Kanun of Leke Dukagjini*. University Saint Gallen, Switzerland

The most distinguishing feature of the Albanian people is the Kanun of Lekë Dukagjin. For centuries, the Kanun of Lekë Dukagjini has strictly governed all important aspects of social life in Kosovo and in the regions of Northern Albania. There is no social, economic or moral sphere that is not covered by its norms. It deals with matters of public law as government, court, army, and the relationship between the individual and the State. The code is divided into twelve sections: Church, Family, Marriage, House, Livestock and Property, Work, Transfer of Property, Spoken Word, Honor, Damages, Law Regarding Crimes, Judicial Law as well as Exemptions and Exceptions. The tribes of the northern areas preserved and respected the Kanun as having priority over any other legal system, despite the fact that over time both national law and Church legislation made attempts to gain foothold in the highlands. The Kanun lived on as an alternative or supplementary body of law to Albania's national law. The customary law was the main regulator of social relations. In this kind of society, it was also a form of internal judicial self-government and, as such, it embodied a large number of patriarchal elements. For at least four centuries, the Kanun has been *de facto* an internationalized form of Albanians social consciousness. It has been a symbolic framework within which the ethnic and cultural *substratum* of Albanians of that period has been identified and its regulations are also an expression of an organized mode of social response to the external factors, as well as a strategic program for preserving their own identity irrespective of all such external factors<sup>41</sup>.

### **Sacred value that are still considered the most important**

- *Family, the topmost of the Albanian society.*

Albanian society is based on the extended family. Up until now, several generations have lived together even in the more advanced areas. The young generations consider it is their duty to take care of the elderly. The oldest man in the family (household) is an almost omnipotent *paterfamilias*. This oldest man is organizing the life of the family. Under the Kanun, *father of family* is not to be self-imposed, but rather chosen among the elder members of the family. If his rule is not beneficial to the family (household) or leads it to poverty, family members (adults) have the right to dismiss this “*paterfamilias*” and appoint another one<sup>42</sup>. In both Gheg and Tosk<sup>43</sup> society the family structure is extremely important, and strongly patriarchal. In both north and south, descent is traced through common ancestors in the male

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<sup>41</sup> Teuta Vodo, Universite Libre de Bruxelles. The Albanian judicial system in front of the customary law: path dependency and critical junctures ECPR Panel: State practices Dublin / Ireland 9/2/2010

<sup>42</sup> Professor Genc Trnavci, PhD, The Albanian customary law and the Canon of Lekë Dukagjini: Clash or Synergy with modern law.

<sup>43</sup> Gheg and Tosk are respectively the North and South of Albania.

line. Children, at least traditionally, were raised with the understanding that father's word was law within the family. Family units typically are comprised of a couple, their sons and the sons' wives and children, and any unmarried daughters. This is all laid out in the Kanun. This extended family forms a single residential and economic entity. In the mountain north such a family may be twenty people or more, sometimes sixty or seventy living in clusters of cabins surrounding the father's house. This extreme is less likely in an urban apartment, or even in the richer farmland of the south, but in Tirana three-generation households are the norm.

The parents traditionally live with the youngest son, his wife and children and any other of their unmarried children. The grandmother is as involved with raising the children as is the mother<sup>44</sup>. In the north the extended families were grouped into clans whose hereditary chiefs (*bajraktars*) served as a sort of super-patriarch. They were generally strong, decisive leaders who settled all essential matters concerning the lives of clan members, including arranging marriages (always with someone from outside the clan, thus women, as "outsiders" to any defensive unit, were never fully trusted).

The **bajraks** also set the course on political issues. Clans were then further grouped into tribes. The system has often been compared to that of the Scots highlands, dating as far back as Lord Byron's visit in the 1820-s<sup>45</sup>.

- *Honor values,*

The application of the Kanun is a matter of honor, dignity and faith for Albanians. It sets up the rules upon which the culture is based, focusing on the concept of honor. Noel Malcolm sums up the basic principles this way: "*The foundation of it all is the principle of personal honour. The equality of persons comes next. From these flows a third principle, the freedom of each to act in accordance with its own honor, within the limits of the law, without being subject to another's command and the fourth principle is the word of honor, the besë (besa), which creates a situation of inviolable trust*"<sup>46</sup>. The Kanun sets up very high standards for hospitality. "*A man is answerable, too, for his guest, and must avenge a stranger that has passed but one night beneath his roof, if on his journey next day he be attacked. The sacredness of the guest is far-reaching*"<sup>47</sup>. The actual wording

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<sup>46</sup> Malcolm, Noel. Kosovo A Short History. New York: New York University Press, 1998

<sup>47</sup> Durham, M. Edith. High Albania. Ed. Edward Arnold 2<sup>nd</sup> ed. London: Ayer Co. 1994.

of the Kanun is somewhat dire, “*if your hospitality is violated, the Kanun gives a choice of two paths: [potential] ruin or dishonor*”.

Also, “*an offense against a father, a brother and even a cousin without heirs may be forgiven, but an offense against a guest, it’s not forgiven*”<sup>48</sup>. In her 1908 journeys Edith Durham also saw the other, more positive, side of the coin. The old man asked, if we had a roof for the night. “*We are poor. Bread, salt and our hearts is all we can offer, but you are welcome to stay, as long as you wish*”.

- *Besa - Don’t forget that, if an Albanian gives you a besa pledge, you know that it can be counted upon.*

The key to the Kanun is a man’s “*besa*” or the significance of honor where a man’s promise or word of honor “*goes beyond the grave*”. These include the given word or “*besa*”, the sacredness of promise and the respect for guests and friends. “*Besa*” (*solemn oath*) is something that is the most sacred to an Albanian. It is the given word, promise, guarantee. In the Albanian customary law, this word stands for guarantee that an injured party will not resort to revenge against an assassin during a certain period of time (duration of “*besa*”), in the course of which the assassin, protected by “*besa*”, as well as all the members of his family, can move around freely. For an Albanian “*besa*” is a sacred thing, meaning loyalty and keeping the given word<sup>49</sup>. It transcends the frameworks of life and death, so that he who has given the word or promise feels [*according to the legend*] an obligation to fulfill it, even after his death. The word “*besa*” is used in other Balkan languages, as well. There is a borrowed term in Bosnian, Serbian and Croatian.

### **A culture similar to Roman law**

Customary law is however not only characteristic of Albanian culture. The Roman influence on the Albanian customary law can be easily observed through the similarity of the role of *pater familias* in early Roman law and that of Kanun. In the absence of organized state structure, *pater familias* is a sort of local state-like authority empowered to punish, adopt and banish members of the family. The legal concept of “*besa*” and “*solemn oath*” in Kanun is notably similar to the concept of “*stipulatio*” and “*promissory oath*” from canonical (ecclesiastical) law of the Catholic Church<sup>50</sup>.

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<sup>48</sup> Fox, Leonard, trans. The Code of Lekë Dukagjini/Kanuni i Lekë Dukagjinit. Comp. Shtjefën Gjeçov. New York: Gjonlekaj Publishing Company. 1989

<sup>49</sup> Professor Genc Trnavci, PhD, The Albanian customary law and the Canon of Lekë Dukagjini: Clash or Synergy with modern law.

<sup>50</sup> Professor Genc Trnavci, PhD, The Albanian customary law and the Canon of Lekë Dukagjini: Clash or Synergy with modern law.

### **The privatization of the Kanun, for justifying the violent act of crime**

The privatization and individualization of vendetta, correlated to the monopolization of the State of justice, has conducted to the malfunctioning of the system itself<sup>51</sup>. Single criminal acts or maybe criminal acts committed even in an organized way are justifying, using the provisions of the Kanun<sup>52</sup>. The customary law became a point of reference permitting to justify individual acts of violence. Currently, we can notice a distinction between classic and modern vendetta respectively before and after the communist regime. The classic vendettas occur especially in the northern Albania and they follow the procedures of the Kanun more closely including the involvement of the elders of the village and the application of the period of liberty and security that the victim's family grants to the murderer and his family<sup>53</sup>. The modern type of vendetta reappeared after the end of the communist regime. The appearance of this new phenomenon can be qualified as pseudo-traditionalism accomplishing a function that we can nominate semantic, since it permits to give a sense to the new political shapes. In this case, the manipulated tradition becomes the instrument to give a sense to new realities or to claim justice. The Kanun and its norms are not recognized anymore. Its application has been ousted by a distorted use of the Kanun in favour of personal revenge. The data-gathering shows how the Kanun applied in the nineties was illegitimate.

### **Judicial aspects of criminal law of Kanun. Blood feud cases, switching and peace vow and switching of the blood**

*The Blood Feud rule, a preventive measure of the customary law.* Blood feuds are not unique to Albania. They can be found in other isolated societies of the Mediterranean (such as Corsica) or in the Northern Caucuses. Carver tells us that this Albanian code most closely resembles the pukhtoonwali of Northwestern India. The Kanun does set out the “*rules of the blood code*”, not as a way of encouraging such but to limit it so that the entire population not be wiped out. As it was, serious social and economic dislocation resulted from so many (usually young) men being killed or forced into hiding by the cycle of revenge. (*Women were exempt from the feuds*)<sup>54</sup>. It's important to understand that the aim of this blood feud is not punishment for murder but satisfaction of one's own honor when it has been polluted. If retribution were the real aim, then only those personally

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<sup>51</sup> Verdier Raymond, *La vengeance dans les sociétés extra occidentales*, Editions Cujas 1980 p. 191

<sup>52</sup> In Northern Albania, seeking revenge according to the customary law already co-exists, in an intricate way, with another, more “up-to-date” form of vendetta thus a united in perfect confusion with a minority nostalgic of Kanun, mafia members and traffickers<sup>52</sup>

<sup>53</sup> Teuta Vodo, Université Libre de Bruxelles. The Albanian judicial system in front of the customary law: path dependency and critical junctures ECPR Panel: State practices Dublin / Ireland 9/2/2010

<sup>54</sup> Malcolm, Noel. “Kosovo A Short History”. New York: New York University Press, 1998.

responsible for the original crime or insult would be potential targets; but instead, honor is cleansed by killing any male member of the family of the original offender, and the spilt blood of that victim then cries out to its own family for purification<sup>55</sup>.

### **The blood feud is an Act of Justice**

Blood feud is an act of justice<sup>56</sup> as well as the electric chair or the other forms of death penalty nowadays. At the time when the state and its trial organs did not exist, the punishment was stipulated by the Kanun which means that the victim's party was forced to make justice itself. If the perpetrator would seek refuge in a house, village or Bajrak, the host would follow and enforce the rules protecting the rights of his life as nowadays many people seeking refuge in other states are protected by international laws. If he was touched during the time which he was under custody or protection of another house, village or Bajrak then the parties would enter in to war. Therefore the Kanun determined that the aggrieved person has the right and social obligation to take blood, so to execute the person who brought misfortune, but only on the basis of customary procedure and all its rights. Execution cannot be done without the knowledge of tribal community or his family, in a place that does not belong to someone and outside any territory which he seeks shelter or protection. Culprit could not be taken hostage nor plugged. The proceeding of blood feud has extraordinary rules. Following with precision of these rules is fundamentally required, making it so difficult or impossible to get the blood. As a result the executions were delayed until a more suitable moment was found. It was possible that this moment could not be found for several generations, because every wrong decision in taking the blood would bring catastrophic consequences for the whole tribe of the executor. Consequently this would lead to another path "*the institution of forgiveness and reconciliation*", which is the most important institution of the law of Kanun. Those rules of procedure protect the rights of the offender in such form that would be envied even by the most cultured citizen in the world. They are behaviors with illumination and color of faith.

### **The procedure of blood feud an institutional culture**

- *Rituals before and after the homicide in order to verify its institutional and technical nature-*.

Every family has the right to avenge the death of its members. Blood feud (*gjak, gjakmarrje*) is exercised by the victim's family in accordance

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<sup>55</sup> Malcolm, Noel. "Kosovo A Short History". New York: New York University Press, 1998

<sup>56</sup> Elta ALIMEMA Università di PADOVA, Ligji dhe Jeta (Law and Life), Life Committee of Nationwide Reconciliation.

with the Kanun. This last one stipulates strictly the preconditions under which blood feud should take place. The blood feuds generally proceed as follows: *when a homicide takes place, the victim's family demands blood retribution, the male members of the murderer become automatically target of a new murder. They take refuge in their homes - which are considered inviolate under Kanun - for at least 40 days seeking forgiveness. If forgiveness is granted or a life is taken in retaliation, the feud ends. Otherwise, the isolation or homebound period can continue indefinitely.*

### **The death and the blood revenge**

The nature of the blood revenge existed therein that one had the right to revenge for the death of own blood relatives. According to the Kanun, one differentiated between retaliation (hakmarrja) and blood revenge (gjakmarrja). The retaliation came to the course, if someone were damaged by stealing at the fortune. The damaged one had the right for its stolen fortune, a retaliation to exercise after the maxim “*stealing for stealing*”. **The blood revenge was a consequence of the earlier committed murders or injuries of the honor.** The author, supported by the rules of the Kanun, was that one, which killed with own hand. Other involved one in a murder and/or blood revenge was the aid/accomplice, the accomplice<sup>57</sup>. A certain group of persons were preserved by the blood revenge, like women, children, and priests. The homicide without intention was not pursued. The author had to remain however hidden, for a long time, as it is called in the Kanun, “*the blood is hot*” (the excitation lasted) and the case was well examined and clarified. Now the mediators (so-called “*reasonable people*”) occurred, in order to confirm that really the homicide was unintentional. If the mediators stated that the homicide was without intention, the author had to pay only a blood penalty. After an execution of the blood revenge the author (dorasi) had to inform even the public and the family of the victim that he practiced blood revenge. In the case of a death or blood revenge, it was forbidden exercising massacre by the author to the victim. If someone added further wounds with a measurer after the death at the body of the victim, the author was charged with double murder, i.e. he had to be pulled for responsibility not only for a murder, but for two. If the author without authorization (for someone else) exercised blood revenge, his house was burned and down-cleverly, the entire mobile fortune, as for instance furniture, grain, cattle was confiscated. He had to leave the dwelling and its master areas with the whole family and pay a penalty.

### **Switching and peace vow**

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<sup>57</sup> Ahmeti Zef, *The criminal law in the Kanun of Leke Dukagjini*. University Saint Gallen, Switzerland.

*The procedure and role of mediator*<sup>58</sup>. The mediator (ndermjetsi) is called the one, which interfered, in order of the “*bad words to decide*” (për me da fjalët e kqia) i.e. the risen tension as consequence of the disputes to turn gossip away, which could lead to the revenge, from the homicide and other spoiling development. The mediator had admission everywhere. Mediator could be man and woman (very rarely and only into small things), also the priest. In order to decide on an evil, the priest interfered not in the own name, but in the name of the parish or the trunk. The murder could switching with any friend after committed an act around the relatives (family) of the killing, to ask for granting some sucked and to be able to receive “days off” (vow) around the peace vow for some days. During the period of vow, no revenge could be exercised. The vow was extremely rarely granted to that person, who implemented the murder. The God peace (besa) was in the Kanun one period of the liberty and the security, which granted the house of the killing to the author and his family members, in order to pursue it not immediately and a certain period ago for the blood. One regarded the grant of a peace vow, as obligation of the maleness. The Kanun knew two kinds of the peace vow: 24 hours and 30 days. The vow of 24 hours occurred, if the house of the killing granted peace vow to the author, then this (the author) participated at the dead celebration, although he had killed, and was charged for the kill. This peace vow did not last longer than 24 hours. The village could arrange an expiration of these 24 h. peace vow period over for the author and its house members an extract of a further vow of 30 days. If the house of the killing did not grant the village peace for the family of the author, the author with its house members had to remain enclosed, it stepped a kind of house arrest, house prison. During the “*weapon peace vow*” reached by the mediator in a controversy, it was forbade the revenge exercising.

### **The switching of the blood (dorzanët e gjakut), prevention of new crimes**

Another kind of the switching in the Kanun was the switching of the blood (dorzanët e gjakut). A mediator of the blood was that one, which himself endeavored in the house of the killing, he reconciled with the author. The mediator (several can be), was looked for and/or selected by the house of the author. A reconciliation of the blood could be made on two levels: 1. As the heart friends went into the house of the killing and the catholic minister. 2. By money to the house of the killing. The house of the killing selected the deviancy guarantees for the money of the blood. The citizen of the blood (dorzani i gjakut) was the mediator, who intervened, in order to

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<sup>58</sup> Ahmeti Zef, *The criminal law in the Kanun of Leke Dukagjini*. University Saint Gallen, Switzerland.

prevent each “*renewal of hate and fire*”<sup>59</sup>. The oldest ones and the outstanding and reasonable men of the place determined the period for the payment of the money for the blood. The determined time fixed for payment for the blood could not be extended, neither changed.

## Conclusion

This paper aimed to show **the importance of the Albanian customary law**. Such a tradition makes Albania and Albanians very special. The Albanian customary law or the so-called the Kanun of Lek Dukagjini was always **auxiliary and at the same time a competitive right to the national right**, to that of the Turks during the ottoman invasions for five centuries, that of the Albanian state after 1912 and that of the crew administrations in the 1<sup>st</sup> and 2<sup>nd</sup> world war helping in the preservation and the affirmation of the **national identity** and neutrality of Albanians and showing the will of the Albanian citizens to live under well-determined rules over the past 500 years. The northern Albania is the typical region where the Kanun has its origins and took place. Being a mountainous area and due to the difficult infrastructure, the Northern Albania was for a long time out of reach for the many foreign invaders. Thus for centuries Albanians in Northern Albania lived as a society without a state power. **Sacred values** (that are still considered the most important), like *Family as the top of the Albanian society*, the culture which is based on principles of honor, **like hospitality, dignity, loyalty, a man's promise for the given word (*besa*) makes the Albanian society so powerful and a very distinguish feature within the Balkan Area**. The combination of these set of rules and the culture of this society, brought the results of a good self-governance for many years and a well-administration of justice, including the famous procedure of blood feud, which sometimes has been privatized for justifying the different forms of violence.

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