
THE HISTORY OF BLOOD FEUDS CUSTOMARY LAW (*THE KANUN*) AND BLOOD FEUDS

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Abstract: The Kanun of Lekë Dukagjini is the most discussed book about Albanian culture, not only during the 20th century, but also at the beginning of the 21st century. Before it was published by the author Shtjefën Gjeçovi in the form known today, canon norms were discussed by various local and foreign authors within the Albanian culture. The debate about the origin of the canon has been and continues to be lively. Some authors see a parallel between the Homeric ethical structure and the ethical structure of the canon, while others see it as a legacy passed down from the Illyrian period until the beginning of the 20th century, especially during the Middle Ages and the Ottoman occupation. Despite the arguments presented by various authors, some are of the opinion that the variety of topics discussed in the Canon makes it difficult to determine its exact origins, making it impossible to determine the date of its creation.

Keywords: The state of Arbri, Canon, Blood feud, The Kanun of Lekë Dukagjini, Albanians, Shtjefën Gjeçovi, etc.

1. INTRODUCTION

In general, scholars agree that the Canon is related to the Middle Ages and the feudal order. The important historical moment for the Canon is the 15th century, when the state of Arbri was created by the hero of the nation Gjergj Kastrioti Skënderbeu. Lekë Dukagjini, who was immortalized in the name of the Canon, was a contemporary of Skënderbeu. Gjeçov had dilemmas about the name since the Canon was not the product of an individual author or state authority, but expressed as a part of social culture. The name “Kanuni i Lekë Dukagjinit” was legitimized due to the common memory that was created for the figure of Lekë Dukagjini in the area where he operated, otherwise known as Lekni.

Concern over the originality of the Canon was an important debate at the time of its birth. A thesis defended in the late 19th and early 20th centuries was that the Canon had Indo-European origins. Johann Georg von Hahn was a well-known author of this thesis and, during his stay in Albania; he collected a lot of data on Dukagjin’s legal procedures. Through a detailed comparison, he found some similarities with ancient Germanic law. This argument is supported by both Edith Durham and Marcel Mauss, where the latter states that: “*Albanians live in the way that the Indo-Europeans did when they first came to these lands*”.

At the end of the 20th century, there were several issues that required legitimization, such as the creation of national states (Albania only gained territorial political independence in 1912), the promotion of the indigenous cultures of the peoples who sought the creation of their own state, the identification of cultural elements that enabled this and the evidence of Indo-European culture in the Balkans and Albania. These requirements have significantly influenced the treatment of the canon. Another much debated issue about the canon is the existence of different canons in the areas where Albanians live. Many authors have mentioned the differences between different zones and regions that are articulated in different canons.

In the 21st century, globalization has influenced the mixing of different traditions and cultures. Communication among peoples has made a revolution in this direction. The Albanian people are now physically found on all continents. Their presence around the world has created interest in the knowledge of Albanian culture and ethnology. The culture of the Albanians, preserved from generation to generation, testifies to the harmony and well-being, not only among themselves, but also with other peoples. This generosity has also been proven on occasions when they have hosted many foreign visitors, such as Tallósi, Hasluck, Nopcsa and M. Edith Durham, the latter was fascinated by the culture and traditions of the Albanians in Albania. She observed that Albanians had a sacred sense of national identity, while religion played a secondary role.

One of Albania’s most important cultural heritages is the Kanun of Lekë Dukagjin, an amalgam of the ancient traditions and culture of the Illyrians, Pelasgians, Dardanians, Arvanites (Arbërorians) and Albanians, which has preserved the most positive values of the Albanian people for centuries. In a dark time of European history, where torture and persecution against heretics were frequent, the Canon was a symbol of equality between people, religions, ages and social classes. The institution criminalized fratricide and thwarted the “*divido et impera*” slogan

of foreigners. This culture of peaceful conflict resolution has led to a tradition of trust and respect for parents, neighbors, friends and strangers. This culture has helped to unite the people in the defense of the homeland in times of war and in the fight against foreign occupiers.

The Kanun of Lekë Dukagjini should be kept in the historical and legal archives, but modern laws should replace them in practice. The positive features of the canon must be interpreted in accordance with the new rules of the law, respecting human rights and gender equality. Canonical faith can be applied to contracts and canonical hospitality can be interpreted in diplomatic or tourism law. Canonical manhood should be interpreted analogously to the cases of today's leadership with state institutions. The principle of human equality must be fully respected, focusing even more on the respect and realization of women's rights and the right of inheritance.

Based on a saying which says “*Each society has its own customs*”, we must emphasize that throughout history, all peoples have created authentic rules, customs and expressions to function their normal life. A great similarity between the Albanian canon and the customs of other peoples, which are based on such canons, is found in Japanese customary law. Many of the characteristics included in the Albanian canon can also be found in the legal tradition of the Japanese people, such as hospitality, which according to the Kanun of Lekë Dukagjini, “*The house of an Albanian belongs to God and to the friend.*” In some other cultures, such as in old Greece and in Montenegro at the end of the 19th century and the beginning of the 20th century, the negative characteristics of the Albanian canon such as revenge and blood feud have been applied. Therefore, it is important to create modern laws that respect human rights and gender equality, while the Canon to remain preserved in the historical archives.

The Balkan Peninsula in Europe has been a source of many geopolitical and cultural conflicts due to its geographic positioning, history and politics. The region has been under the rule of three powerful empires: the Roman Empire from the west, the Roman Empire from the east (Byzantine) and the Ottoman Empire. The political, historical and religious diversity of this region has been a major factor in its development. Throughout its history, the region has served as a bridge between the Western and Eastern hemispheres, becoming a strategic location for many world powers.

At the beginning of the 20th century, the Balkans faced the challenge of self-liberation from the Ottoman Empire. Balkan nationalities such as Greeks, Northern Slavs, Bulgarians, Romanians, and Albanians rose up to fight for their liberation from Ottoman rule in 1912-1913. After this war, Serbia, Montenegro, Greece, Bulgaria and Romania became independent states, while part of the lands inhabited by Albanians joined the Albanian state, while the rest remained outside it. However, the Albanian population had not managed to organize and create an independent administration until 1913. This situation led to the creation of the Albanian customary law system, based on the tradition and culture of the Albanian tribes of that time.

The system of ordinary justice, established at that time, was more widespread in the northern regions of Albania, Kosovo and Western Macedonia (which still today has an Albanian majority). This system was recognized by the Albanians as the “*Kanuni i Lekë Dukagjinit.*” The most important aspect of this canon was self-government and blood feud, a phenomenon which allowed individuals to avenge an injustice done to their family through violence. This system was criticized for halting the development of a modern legal system and for perpetuating cycles of violence.

As previously mentioned, one of the most important aspects of the Kanun was the practice of blood feuds, or blood feuds, which allowed individuals to seek revenge for injustices done to their family through acts of violence. This practice was seen as a way to maintain social order and protect family honor, but was criticized for fueling cycles of violence and hindering the development of a modern legal system. However, even today, some of these laws and practices remain valid in some areas of Northern Albania, Kosovo and Western Macedonia.

Regarding the Canon, there are many authors and researchers who have written and given their opinions, such as M. Edith Durham, Franz Nopcha, Robert Elsie, Hyacinthe Hecquard, Noel Malcolm, Kazuhiko Yamamoto, Shtjefen Gjeçovi, Syrja Pupovci, and others.

2. METHODOLOGY

The combined methodology used in this study has allowed a detailed analysis of blood feud practices in Northern Albania. Through the historical method, we observed how this system developed and changed over time. The descriptive method has allowed us to analyze the concepts and ideas of researchers on blood feud. The comparative method has helped us compare criminal law systems and highlight similarities and differences. Scientific methods such as normative-legal and doctrinal have helped us draw conclusions and understand the impact of blood feud in Albanian society. This combined methodology has allowed us to deeply understand blood feud and the role it has played in shaping Albanian society.

In this study a combined methodology was also used that includes historical, descriptive, comparative and scientific analysis to deeply see the role that the blood feud has played in the formation of Albanian society. In addition, it was

also discussed about the authors and researchers who have written about the Canon and the concept of justice itself, as well as about their influence on the academic and political environment.

The Kanun of Lekë Dukagjini is an important work of Albanian customary law that was transmitted orally and carefully implemented in the mountainous areas of Northern Albania, in Kosovo and beyond. The codification of the Canon was carried out by Shtjefën Gjeçovi, with the support of Gjergj Fishta and other Franciscan priests since the end of the 19th century when he was a priest. Gjeçovi continued his work on the codification of the Canon in the first decades of the 20th century and published parts of it in the magazine “*Hylli i Dritës*”, which had just started its journey. However, Law was not published until 1933, four years after the author’s death. The foreword of the book was written by Gjergj Fishta, while the biographical notes were made by Pashko Bardhi.

In our research on the Canon, we draw on Pirie’s work on discourse. Through it, we can think beyond the model of state law and expand our analytical categories to include all forms of normative and social order. The canon must be examined as a legal practice, and its importance is actualized in its language, including clear definitions of rules, categories, and exemplary cases.

The Kanun of Lekë Dukagjini was published at the beginning of the twentieth century by Shtjefën Gjeçovi, a Franciscan priest who was Albanian by origin (1873-1929). The text in question contains no explanation of the motives why it was created at that particular time and in the manner specified, or the ultimate purpose of the author.

3. RESULTS

The study of the Canon is important to understand the origin of the ethics of social order in Albanian history and culture. This customary document was created in the mountainous areas and contains the ethical structure of the society of that time. The inhabitants of these villages speak the *Geg* dialect of the Albanian language and maintain tribal structures based on the house, brotherhood and tribe. The right of revenge is one of the most important characteristics of the Canon. Men have the right to retaliate, but this works as a deterrent against violating the rights of others. It is important that acts of revenge are based on ethical concepts, in order to avoid unnecessary violence and endless conflicts.

4. DISCUSSION

The fact that the Kanun has served as a customary code for centuries in Northern Albania and Kosovo, allowing people to maintain and regulate social order by resolving disputes within the community, shows that the people of these regions see revenge as a fundamental element that enlightens the ethical structure of the law. However, it is important to note that revenge should be based on ethical principles to prevent unnecessary violence and endless conflicts. So, the study of the Law is crucial to understand the origin of the ethics of the social order in Albanian history and culture, especially in the mountainous regions where it was created.

5. CONCLUSION

In conclusion, an in-depth analysis of the impact of blood feuds on Albanian society was made, focusing on the historical and cultural circumstances that have made it an acceptable and necessary practice for the people of this region. In the Kanun, the most important provisions deal with the concept of blood feud. The concept of blood feud emphasizes personal revenge. In a society without government, customary norms and laws were expected to be evident, and this was true. The canon has 150 principles that mention the phenomenon of blood feud. According to the Canon, “blood” is the first act of killing someone, while “blood revenge” is the second killing of someone committed to “avenge the blood” of the first person who was killed.

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