

Northern Albanian Culture and the Kanun

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In dealing with the Albanians of southeastern Europe, one must distinguish between two major groups of them: the northern Albanian Ghegs and the southern Albanian Tosks. The geographical dividing line between the two groups corresponds more or less to the valley of the Shkumbin River in central Albania, which flows past Elbasan into the Adriatic Sea. To the north of the Shkumbin one finds Ghegs, from Tirana up to the northern Albanian Alps and including all the Albanians of Montenegro and Kosovo. To the south of the river right down into Greece one finds Tosks. The differences between these two halves of the Albanian nation express themselves not only in the dialects spoken, but also in traditions and social structures.

Particularly fascinating in this connection are the Highland Ghegs of the northern Albanian Alps. Here in their isolated mountain valleys, the Highland tribes had little contact with the rest of the country and developed a culture of their own. What the first foreign travellers and explorers of the nineteenth and early twentieth centuries encountered was a seemingly lawless tribal culture, and they were fascinated by it. Above all, they noticed that the Highland tribes were armed to the teeth and made profuse use of their weapons. It was thus a potentially dangerous, exciting and exotic place.

But lawless these tribes were not. Their lives, from cradle to grave, were governed by the provisions of a code of customary law that they had developed in the mountains over the centuries. The tribes thus had their own way of doing things and rejected any interference from outside, be it from distant Constantinople during the Ottoman Empire, or later from government in Tirana.

The customary law of the northern Albanian mountains was codified in a statute that is traditionally known as the Kanun. The word Kanun, taken from Turkish and originally derived from Greek, simply meaning “statute” or “code of law” and is related to the English word “cannon,” i.e. rules or decrees of ecclesiastical law. Several codes of customary law existed in Albania, but the best known was the Kanun of Lekë Dukagjini.

Lekë Dukagjini (1410-1481) was a historical figure of the fifteenth century, a mediaeval ruler in the age of his one-time comrade-in-arms and later rival, Scanderbeg (1405-1468). It is doubtful that Lekë Dukagjini had any direct connection with the Kanun. It is more likely that the original name for the code was simply the Kanun of Dukagjin, the name for the mountainous region east of Shkodra, and that the figure of Lekë Dukagjini somehow got mixed up in the name.

The Kanun of Lekë Dukagjini was, at any rate, respected primarily in the said Dukagjin region, which equates broadly with the mountains of the Shala, Shoshi, Nikaj and Merturi tribes. It was also known in the highlands of Lezha, in Mirdita and among the Albanian tribes of western Kosovo.

The Kanun was first put to writing by the Franciscan priest Shtjefën Gjeçovi (1874-1929) who stemmed from Janjeva south of Prishtina in Kosovo. After studies in Bosnia, Gjeçovi spend the most active years of his life as a parish priest in the northern Albanian mountains. There he gathered information on archaeology and folklore, and in particular on tribal law. The first parts of his compilation of the Kanun to appear in print were published in Brussels in Faik bey Konitza's noted periodical *Albania* in 1897-1899, and later in the Scutarine periodical *Hylli i dritës* (The Morning Star) from 1913 to 1924. A definitive edition of the Kanun was published in Shkodra in 1933, four years after Father Gjeçovi was murdered in Kosovo by Serbian paramilitaries.

The Kanun of Lekë Dukagjini has since been translated into several other languages. Translating it is, as you may imagine, quite a daunting task. The first translation was made into Italian by Father Pal Dodaj (1880-1951). It was published in Rome by Gjergj Fishta and Giuseppe Schirò in 1941.

A German translation was also undertaken at about the same time, in the mid 1930s. It was the work of the Bavarian Baroness Marie Amelie von Godin (1882-1956), a Catholic writer and author of several novels and tales of adventure on Albanian themes. Of the undertaking, Baroness von Godin wrote: "The Patres sent me the text and suggested that it be translated into German. I accepted immediately and travelled to Shkodra where I spent several months working with the Patres on a daily basis. I also met Father Stefan. I was intent on ensuring that the Albanian text of the publication (a dialect of Kosovo) be translated properly, keeping all its earthy expressions, which was not an easy job at all." She worked closely with her Albanian friend, Ekrem bey Vlora (1885-1964), on the translation that was based on an earlier Albanian version, not on the published version of 1933. Delayed by the Second World War, it was finally published in the Stuttgart periodical *Zeitschrift für vergleichende Rechtswissenschaft* between 1953 and 1956, the year of Godin's death. It was this version that I used to publish the Kanun in German in my 2001 edition *Der Kanun: das albanische Gewohnheitsrecht nach dem sogenannten Kanun des Lekë Dukagjini* (Peja 2001).

An English-language edition of the Kanun was undertaken by the American, Leonard Fox, who had studied Gheg dialect with Professor Martin Camaj (1925-1992) in Munich. It was published in New York in 1989. Of the translation, Fox wrote: "The language of the Kanun is notoriously difficult, not only in terms of its vocabulary and syntax, but because the same words are used with a sometimes staggering variety of meanings as well as because of the extreme terseness of expression." This large, bilingual edition has been exceptionally influential in making the Kanun better known throughout the world, but there have also been translations into Croatian (Zagreb 1986), Macedonian (Tetovo 1994), and French (Peja 2001).

The Kanun continues to fascinate the world, now perhaps more than ever. This is primarily due to its connection with Albanian *gjakmarrja*, i.e. blood-feuding or vendetta. Blood-feuding is of course known in Sicily and Calabria, but it casts its shadow equally upon northern Albania. The Kanun did not invent blood-feuding, but it sanctioned, justified and perhaps perpetuated it. It has become an indelible feature in the lives of many of the northern Albanian tribes, particularly the Catholic ones, interestingly enough. Originally, when a murder took place, it became the duty of the male relatives of the deceased to take revenge by killing the murderer. There is nothing unusual about this, but with time, things got out of hand. The relatives of the deceased party now had the right to

take revenge, i.e. to kill, any male relative of the murderer, even his children, his father or his distant cousins. This led to a tit-for-tat of murders involving countless innocent people in vendettas that could go on for decades, even when the original cause of the feud had been forgotten. The Austro-Hungarian scholar Baron Franz Nopcsa (1877-1933) who travelled extensively in the northern Albanian mountains in the early years of the twentieth century, collected death statistics from Catholic parishes in the mountains and discovered that in some of the tribes, the male population had been quite decimated as a result of feuding. He added: "One explanation for the very high level of murders is that all the Albanians, who are very touchy and proud by nature, are armed." A second reason is that blood revenge was obligatory under northern Albanian customary law. The male relative of a murder victim had no choice but to kill the murderer. He would otherwise be shunned by his fellow tribesmen. Forms of social pressure exerted against an unwilling avenger included handing him his coffee under the knee, so that he would understand that bloody revenge, i.e. murder, was the only way for him to retrieve his manhood.

From the mid 1920s, under dictator Ahmet Zogu (1895-1961), later King Zog, the Albanian State was gradually able to extend its influence and authority in the northern Albanian mountains, but little was done to repress blood-feuding. In the communist period in Albania, from 1944 to 1991, strict measures were, however, taken and blood feuding was repressed in good measure. In western Kosovo, things were different and the killing continued. There, by the mid 1980s, the Albanians there came to realise that they would not be able to defend themselves from increasing Serbian oppression if they were busy killing one another off in senseless feuds. In 1990, a major anti-vendetta campaign was initiated under the aegis of the noted folklore expert, Professor Anton Çetta (1920-1995), and a committee of prominent Kosovo-Albanian intellectuals to solve and "pacify" the many blood feuds that were ravaging Kosovo society. In the course of often dramatic scenes during well-attended public rallies, including several among Albanian-Americans in the United States, he and his committee succeeded in pacifying over 900 feuds, and thus saved the lives of many of the male members of the approximately 4,000 families involved. Since the advent of democracy in Albania in the early 1990s, it must be noted that vendetta has come back with a vengeance, if you will pardon the pun. In the region around Shkodra and Lezha, in particular in Catholic communities, there are today many families living in fear and trepidation, where the men folk rarely leave home and where the boys are unable to attend school for fear of being murdered. It is a major social problem in northern Albanian society and an acute embarrassment to the whole country. Nor does there seem to be any easy solution to the problem.

But let us turn to the Kanun itself as there is much more to it than simply blood feuds. Most of the provisions of the Kanun deal with settling property rights. Under property, I am referring primarily to land and to women.

The English version of the Kanun of Lekë Dukagjini, published in 1989, divides the code into twelve books. These are: (1) The Church, (2) The Family, (3) Marriage, (4) House, Livestock and Property, (5) Work, (6) Transfer of Property, (7) The Spoken Word, (8) Honour, (9), Damages, (10) The Law Regarding Crimes, (11) Judicial Law, and (12) Exemptions and Exceptions.

The German version of the Kanun of Lekë Dukagjini that I published in 2001, and which is broadly similar in structure, also divides the code into twelve books, though slightly differently. These are: (1) The Church, (2) The Family, (3) Marriage, (4)

Weddings, (5) Inheritance, (6) House, Livestock and Property, (7) Trade, (8) Honour, (9) Damages, (10) The Kanun regarding Crimes, (11) The Council of Elders, and (12) Exemptions and Exceptions.

In both versions, the Kanun of Lekë Dukagjini begins with the privileged position of the Catholic Church and of priests. I have here the distinct impression that Father Gjeçovi, a member of the Franciscan Order, added a few more privileges than were probably present in the oral versions he collected. The stipulations seem to have been doctored a bit, to say the least. Indeed I would say that the Kanun of Lekë Dukagjini was heavily manipulated and is thus somewhat artificial in parts. Gjeçovi's provisions about the Catholic Church and the important role of the Catholic clergy were probably of his own invention. More genuine, in my opinion, is the more detailed Kanun of Scanderbeg that was codified by Frano Illia and published much later, in 1993.

As I have stated above, most of the provisions of the Kanun deal simply with property rights. These involve such things as people surreptitiously moving border markers in fields, the ownership of sheep and goats that wanders onto a neighbour's land, and - very important in the arid Albanian mountains - access to water.

Property rights also involved women, who were regarded as such. The Kanun specifically calls women "a sack for carrying things" (Alb. "*grueja âsht shakull për me bajtë*"). Whether the sack refers to the hard physical labour women performed, such as carrying wood, or to the womb and childbirth, I do not know. At any rate, women had very few rights in northern Albanian society. Their only advantage was that they were not subject to feuding. One could shoot any male relative of a murderer but not his wife, daughter or mother. This meant that women could play an unofficial role in mediating between the two sides, but also that they had to do all the farming and herding work outdoors because the men could not leave home. Women were at any rate considered property: firstly of their fathers who could sell them in marriage to the best buyer, secondly of their husbands, who had the right to kill them if they disobeyed, and thirdly, upon the death of the husband, of their sons. Particularly disgusting from a modern perspective was the tradition of the "bullet wrapped in straw". This was given by the father to the bridegroom among the other wedding gifts and implied that the groom now had the right to shoot and kill his bride if she disobeyed him and that he would have the approval of her parents to do so.

There was only one loophole for women wanting self-determination or a semblance of freedom. This was to change their gender and become a man. The so-called "Sworn Virgins" of northern Albania are one of the most fascinating phenomena in this culture. If a young woman absolutely refused to get married and had the mercy of her parents, she could promise before a council of tribal elders to remain celibate and could then take on a male gender role. These Sworn Virgins assumed virtually every aspect of the male role in tribal society. They dressed as men, took on male names in most cases, carried guns, smoked, became heads of households and carried out male work. They were also accepted as men by the other males in the community and could sit and take council with them, although without the right to vote.¹ The Albanian and southern Slavic Sworn Virgin is said to be the only institutionalised female-to-male cross-gender and cross-dressing role known in European society. Similar institutions occur in some Indian tribes

¹ Kanun, Book 12, Chapter 23, §1228.

of North America. The institution of the Sworn Virgin used to be known to Dalmatia and Bosnia as well, as attested in epic folk songs, but it is presently restricted to the northern Albanian mountains and to neighbouring Kosovo and Montenegro.

The phenomenon has a number of possible explanations. Firstly, the categorical refusal of a girl to enter into a pre-arranged marriage, for which she had already been bought, in some cases as a child, would have besmirched the honour of the prospective bridegroom and thus led to blood feuding. By becoming a Sworn Virgin, the girl would no longer be abrogating the marriage contract and infringing upon the honour of the bridegroom's family.

Secondly, upon the death of her husband, a woman with no sons immediately lost what little social status she had. If she did not remarry, she would be returned to her father or forced to work as a servant for the family of her deceased husband - unless she could come up with a son. In other words, the system of patrilineal inheritance, i.e. that only men could inherit property, meant that a family with no male heirs would need a surrogate son. Since the men in northern Albanian society were (and are again) deeply involved in blood feuding, there was a constant shortage of males. The Sworn Virgin solved the problem, though for inheritance purposes only for one generation. A girl whose father died could become a boy and thus save the family's property from confiscation by the male relatives of the deceased father. Dutch scholar René Grémaux, quoting Mirko Barjaktarović, recorded one widowed mother as saying to her daughter: "Because if you get married I'll be left alone, but if you stay with me, I'll have a son.' On hearing these words, Djurdja [the daughter] threw down her embroidery..."²

In some cases, other motives were also involved. Edith Durham (1863-1944) described her encounter with a Sworn Virgin as follows, "She had dressed as a boy, she said, ever since she was quite a child because she had wanted to, and her father had let her. Of matrimony she was very derisive - all her sisters were married, but she had known better... She treated me with the contempt she appeared to think all petticoats deserved - turned her back on me and exchanged cigarettes with the men..."³ For a lesbian, becoming a Sworn Virgin would have been the only viable or honourable alternative to forced marriage and submission. The same is true for female-to-male transgender individuals. René Grémaux met a woman who insisted: "I was not incited by my parents' wish but because I wanted it that way. I started to dress and behave like a boy. As far as I remember, I have always felt more like a male than a female."⁴ The Serbian scholar Milenko Filipović (1902-1969) records the case of a woman who transferred her inheritance to the household of her blood sister, also a Sworn Virgin, where they lived and worked together for the rest of their lives.⁵ Baron Nopcsa noted one girl who became a Sworn Virgin so as not to be separated from her father.

² René Grémaux, 'Mannish women of the Balkan mountains. Preliminary notes on the 'sworn virgins' in male disguise, with special reference to their sexuality and gender-identity,' in *Sappho to De Sade. Moments in the history of sexuality*. Jan Bremmer (ed.). London: Routledge, 1989, p. 164; and, 'Woman becomes man in the Balkans,' in *Third sex, third gender. Beyond sexual dimorphism in culture and history*. Gilbert Herdt (ed.). New York: Zone Books 1994, p. 270-272.

³ Edith Durham, *High Albania*, London 1909, p. 80.

⁴ René Grémaux, op cit, 1989, p. 157; and op cit, 1994, p. 263-265.

⁵ Milenko Filipović, *Among the people. Selected writings of Milenko S. Filipović*. Edited by E. A. Hammel, Robert S. Ehrlich, Radmila Fabijanić-Filipović, Joel M. Halpern, Albert B. Lord. Papers in Slavic philology, 3. Ann Arbor: University of Michigan, Department of Slavic languages and literature, 1982. p. 42.

One can also imagine or at least hope, from a modern perspective, that there may have been some women who simply wished to avoid the vastly inferior status and subordinate role allotted to them in traditional Albanian society, which was characterised for them by a high degree of gender segregation, obligatory premarital virginity and marital fidelity, heavy physical labour, abuse by men, and a denial of basic human rights. It is very likely, however, that our way of thinking would have been completely foreign to the northern Albanians at the time.

It was thought a couple of decades ago that the Sworn Virgins had all but died out after fifty years of communism in Albania. There are, however, still quite a number of them around today, even younger ones. For anyone interested in the subject of the Sworn Virgins, I would strongly recommend you read Antonia Young's book: *Women Who Become Men*,⁶ published in the year 2000.

There is so much that can be said about the Kanun and the exotic past of northern Albanian society. But is the Kanun still respected today, in the twenty-first century? To an extent, yes, it is. Despite the Albanian Penal Code, which is applicable throughout Albania, the population of the northern highlands is still acutely aware of many of the provisions of the Kanun and respects them. However, the Kanun is also widely misused. The perpetrators of many murders nowadays, which are simply plain murders, often defend themselves by claiming that the Kanun forced them to do it. On the other hand, murders that take place within the prerequisites of the Kanun often do not respect its provisions. Particularly shocking for Albanians is the murder of women, which a century ago, was unthinkable.

I would like to conclude this talk by stressing that I have only presented a very few aspects of the Kanun and northern Albanian culture. Much more could be said on both, but I do hope that I have awakened some interest in this fascinating book and in the still somewhat exotic culture that produced it.

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⁶ Antonia Young, *Women who become men: Albanian sworn virgins*. Oxford & New York: Berg Publishers, 2000. 168 pp.