

# CANON AND BLOOD FEUD

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## Abstract:

In Albanian, the term *Kanun* refers to the country's customary law, which was founded on a set of fundamental ideas that served as its permanent pillars, such as blood equality, personal honor, hospitality, and faith. The corpus juris was built on the foundation of these ideas, which were broken down into various norms. The *Kanun of Lek Dukagjini* is a centuries-old rule of conduct that governs both individual and collective behavior. The main element of northern subculture has emblematically influenced the entire area of Albanian ideas, beliefs, and practices, emerging as the fundamental source of the country's customary law. The majority of studies on blood feuds are anthropological in character; however, this paper will discuss how blood feuds and mutual honor killings are profoundly rooted in the traditional Albanian social code, the canon, which is especially influential in historically isolated places. The code is far from being abolished; its standards continue to govern many aspects of Albanian daily life to this day. Inequality between men and women, as well as blood feuds, is still prevalent.

**Keywords:** Canon, blood feud, Kosovo, Albania, etc.

*“What it has been will be, and  
what it has become, it will become.”*

~ *Edith Durham*<sup>1</sup>

## 1. CANON THROUGHOUT THE HISTORY

The Canon (*Kanun*) of *Lek Dukagjini*, one of the most famous and comprehensive collections of Albanian customary law, was a model of modernity during medieval times, both for the nature of its legal code and for some of its contents, such as legal equality between the prince and the people and the rejection of slavery.<sup>2</sup>

Laws were attributed to *Lek Dukagjini*, the last great representative of noble families in the *Dukagjini* district, after his death.<sup>3</sup> It's also worth noting that the Canon (*Kanun*) contains regulations that are considerably older than *Lek Dukagjini* himself;<sup>4</sup> the practice of this code dates back at least 2000 years, and it grew in Albania during the Middle Ages.<sup>5</sup>

Because highlander tribes had minimal touch with the rest of Albania during its history, they formed their own culture and developed their own way of doing things, resisting foreign domination. *Lek Dukagjini* lost control of numerous places, including his home, after the Ottoman

<sup>1</sup> Edith Durham, *Shqipëria e epërme, Një udhëtim në Shqipërinë e veriut të vitit 1908*, Translate Piro Misha, Botimet IDK 2013, p.172.

<sup>2</sup> Cristiano Orlando “L’aquila albanese alle prese con le correnti transnazionali” in *L’ABC di orgogli e pregiudizi: Albania, Balcani e Comunità internazionale* (Roma: Osservatorio sui Balcani, 2006), pp.93-94.

<sup>3</sup> Fox, “Introduction and Note on Translation” in *Kanunii Lekë Dukagjinit, The Code of Lekë Dukagjini*, p.xvii.

<sup>4</sup> Trnavci, *The Interaction of Customary Law with the Modern Rule of Law in Albania and Kosova*, p.208.

<sup>5</sup> Fox, “Introduction and Note on Translation” in *Kanunii Lekë Dukagjinit, The Code of Lekë Dukagjini*, p.xvi

annexation of Albania in 1430, and was forced to seek sanctuary in the highlands. He gave the northern tribes a significant degree of autonomy and independence in their social structures and organization, as well as legally acknowledging some of the region's elders' recommendations.

Approximately at this time, when Lek Dukagjini commanded the local assemblies and Elders' committees, the Canon (Kanun) was formulated. It was in this setting that Lek's thoughts and considerations were adopted and noted to be practiced amongst generations, subsequently forming the body of the Canon (Kanun).

Consequently, the specific characteristics of the mountain area prompted the implementation of the codes, the recipes of the Canon (Kanun)/Code replaced the implementation of the state by creating a specific system of values, institutions, models, interactions and customs, which regulated everything in people's lives from cradle to grave. There is no science and scientific discipline to grasp a set of problems like the canon, it is the Albanian law, the unwritten *Jus Albanicae*, but fanatically preserved by the people, it is a work of great legal, ethical-moral, cultural and historical values,<sup>6</sup> thus defining all the essential provisions and values in the organization of tribal life.<sup>7</sup>

For families and members of the Albanian community, the Canon (Kanun) serves as a comprehensive, universal, and rigid social

code that provides a framework to control every element of life.<sup>8</sup>

The Canon (Kanun) invasions took place in the north; nevertheless, due to the small size of Albanian land, the south was not spared from its effect, where the Canon (Kanun) of Skanderbeg (Kanuni i Skenderbeut), a different variation of the code, was noted. 'Kanuni Leks' and 'Kanuni I Lek Dukagjinit' are two terms that refer to highlander customary law and both allude to the highlander prince.

Following the Turks' takeover of Albania, the Leka's Code became known as "Canon," and Albanians now use the phrase "no, the canon does not grant it" to indicate that something is forbidden since it is not contained in the canon.<sup>9</sup>

The name "Canon" is etymologically related to the Greek word "canon," which means "rule," but Father Gjergj Fishta says that it is derived from the Greek word "anon," which means "rightful decision," i.e., a rightful decision for each individual.<sup>10</sup>

Although the Ottomans ruled the land for nearly five centuries<sup>11</sup>, they only had control over the principal villages in the north. Despite the fact that the mountainous region was self-governed under customary law under the Turkish conquest, it coexisted with Ottoman entities. An agreement was established between the local community and Turkish administrators in areas dominated by Turkish administrators, such as Dukagjini.

<sup>6</sup> Demush Shala, *Gjurmime Albanologjike: Folklor dhe Etnologji IV*, (Prishtinë: Instituti Albanologjik i Prishtinës 1976), p.91.

<sup>7</sup> Villari defines the highland tribes as a small aristocratic republic. It is ruled by the chief or voivoda and the bajraktar with the support of the elderly council. See Salvatore Villari, *Le consuetudini giuridiche dell'Albania nel Kanun di Lek Dukagjini*, Società editrice del libro italiano, Roma 1940, p.18.

<sup>8</sup> Fatos Tarifa, *Of time, honor, and memory: Oral Law in Albania. Oral Tradition*, p.23.

<sup>9</sup> Margaret Hasluck, *Kanuni Shqiptar*, (Cambridge: University Press, 1954), p.22.

<sup>10</sup> Avdyl Hoxha, Rexhep Maksutaj, *E drejta zakonore shqiptare*, (Prishtinë: Faik Konica, 2017), p.21.

<sup>11</sup> From 1430 till 28 November 1912, when Albania declared its independence.

*Invaders from the Ottoman Empire.*<sup>12</sup> The Turkish government acknowledged local custom, even if it included some portions of the legislative field that did not follow Islamic law, so the highlands remained self-ruled without Turkish intervention, but large towns and villages (non-mountainous areas) were regulated by Ottoman Sharia.<sup>13</sup> "The teachings of Islam and Christianity, Sharia and the law of the Church, must all observe the Canon of Lek [...]," the Canon was of such importance in daily practice that it was more significant than the requirements of the Church and the Islamic precepts. People generally have only one explanation for all of their laws and customs: it is in the Canon of Lek."<sup>14</sup>

Although the Canon of Lekë Dukagjini is not the only variant of customary law circulating in Albania, the analysis focuses only on this version, which presents the most accurate and complete codification. Moreover, this version of the code is the best known and most practiced in the northern area.

To better understand how it has evolved and survived during the challenges during centuries and relative crises, one must focus on history.

## 2. THE CONTRIBUTION OF SHTJEFËN GJEÇOVI

Gjeçov (1874-1929), a Franciscan priest, gathered and adapted the code for an Albanian edition in 1933, adding notes on

church, family, marriage, property, work, honor, and criminal and judicial law.<sup>15</sup>

The customary code Canon of Lek Dukagjini circulated in Albania verbally for about five centuries until 1913, when Gjeçov labored for over 30 years on the written form of the Canon of Lek Dukagjini, his most important achievement.

The code is a distinctive aspect of Albanian culture, serving as a formalized mechanism for the preservation of cultural traditions as well as a means of regulating interpersonal interactions. Honor (Nderi), Hospitality (Mikpritja), Behaviour (Sjellja), and Tribe (Sjellja) are the four pillars of Lek Dukagjini's Canon (Fis).

According to the following topics: the Church, the Family, Marriage, and Property, Work, Property Transfer, the Spoken Word, Honour, Damages, Crimes Law, Judicial Law, and an appendix with examples of laws applied. The Canon established a comprehensive moral and legal framework for social interaction, including all aspects of daily life, from dispute resolution to marriage, property division, and blood feuds, among other things.<sup>16</sup>

## 3. BLOOD FEUD AS A PHENOMENON

The Canon of Lek Dukagjini, which is mostly unknown and misunderstood outside of Albania, is the most representative and unique feature of Albanian society.<sup>17</sup>

<sup>12</sup> Martin Camaj, "Foreword" in Gjeçov Shtjefën, *The Code of Lekë Dukagjini*, trans. by Leonard Fox, Gjonlekaj Publishing Company, New York 1989, p.13.

<sup>13</sup> Villari, Salvatore, *Le consuetudinigiuridiche dell'Albanianel Kanun di Lek Dukagjin*, Società editrice del libroitaliano, Roma 1941. p.50.

<sup>14</sup> Voc Deda, *Thesare Dukagjinase*, Camaj-Pipa, Shkodër 2004, p. 30.

<sup>15</sup> Mentor Mustafa and Antonia Young, *Feud narratives: contemporary deployments of kanun in Shala Valley, northern Albania*, *Anthropological\_Notebooks\_XIV\_2\_Mustafa.pdf*, p.88

<sup>16</sup> Clarissa De Waal, *Albania Today. A Portrait of Post-Communist Turbulence*, pp. 72-73.

<sup>17</sup> Jana Arsovska, "Understanding a 'Culture of Violence and Crime: the Kanun of Lek Dukagjini

Nowadays, the Canon is primarily discussed in terms of blood feuds. To grasp this, we must first grasp certain fundamental concepts from the Canon, such as honor and word of honor (Besa).

This Canon collects the laws that govern culture, focusing primarily on the concept of honor.<sup>18</sup> "The cornerstone of all is the notion of personal honor," writes British political journalist Noel Malcolm. The next step is to ensure that all people are treated equally. The freedom of everyone to act according to his own honor, within the confines of the law, without submitting to the order of the other, is derived from these, as is the fourth principle, the word of honor, promise (besa), which creates an inviolable trust position."<sup>19</sup>

"Word of honor – Besa" is the most sacred thing for Albanians, it is a sacred promise. Man's "word of honor – besa" is a word of honor that "goes beyond the grave." "Word of honor – besa" is an untranslatable term in other languages. The word that comes closer to it is promise, but within the Canon it is used with a different meaning and indicates the ceasefire given to someone when trying to kill someone. In order to understand the meaning and importance of this concept in Albanian culture, it is important to know the legend of the Dead Brother.<sup>20</sup> The legend concludes by explaining the meaning of this important concept.

Dishonour is defined as a violation of the word of honor (Besa) or the code. Worldly

Honor (Honor), Word of Honor (Besa), and Hospitality (Hospitality) were all inextricably linked in this way. The pillars that comprised the universe of life of the northern Albanian highlanders were honor, word of honor – Besa, and hospitality. Word of Honor (Besa) symbolized their highest moral value; it was their true religion,<sup>21</sup> and Hospitality was their most sublime attribute.<sup>22</sup>

Honor is frequently protected and restored through blood feuds. A legal law controlling blood feuds is described in one of the canon's numerous articles (blood feud). Blood feuds are part of a centuries-old Albanian system of honor killings that serve as a type of self-administered justice based on the principle of "blood for blood" (blood for blood), which excuses the loss of individual or family honor.<sup>23</sup> Disputes over marriage, land, and property are the most common sources of complaints that can lead to dishonour.<sup>24</sup>

The canon and its idea of honor were formed to acknowledge the role of murdering for revenge and the implementation of a proportionality of killings to prevent out-of-control, unequal outbreaks of violence by establishing sanctions for certain actions.<sup>25</sup>

Taking revenge for a transgression or insult to one's or one's family's honor, a blood feud is a sanctioned killing that cleanses the honor with blood. Customary meanings can forecast the perpetrator's goal, but in fact, the list of prospective

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and the Rise of the Albanian Sexual-Slavery Rackets," *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 14/2, (2006): p.165.

<sup>18</sup> Ibid

<sup>19</sup> Noel Malcolm, *Kosovo: A Short History*, 18

<sup>20</sup> Giovanna Nenci "La leggenda del fratello mortonella tradizione orale albanese." *Arbitalia*, (2006)

[http://www.arbitalia.it/cultura/interventi/2006/nanci\\_leggenda\\_fratello\\_morto.htm](http://www.arbitalia.it/cultura/interventi/2006/nanci_leggenda_fratello_morto.htm)

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<sup>21</sup> Justin Godart, "L'Albanieen 1921," Presses Universitaires de France, Paris: 1922. "La Besa c'est la religion albanaise, c'est la religion du peuple" p.75

<sup>22</sup> Tarifa, *Of Time, Honor, and Memory: Oral Law in Albania*, p.8.

<sup>23</sup> Miranda Vickers, *The Albanians: A modern history*. IB Tauris, 2001.

<sup>24</sup> Mustafa & Young 2008

<sup>25</sup> Boyle, M. J., *Revenge and reprisal violence in Kosovo. Conflict, Security & Development, 2010*, pp. 189-216.

targets has been enlarged to include any male relative of the killer.<sup>26</sup>

Blood feud reconciliation has also been codified by the Canon as a choice of human right that can be exercised willingly by the family. The blood feud reconciliation might take place in one of two ways: with the admittance of witnesses from the murdered's house and the parish priest, or with the payment of money for the murdered's house, the amount of which and when it should be paid were established by the area's elders and men.<sup>27</sup>

The presence of the Institute of Reconciliation, it should be underlined, demonstrates the Albanian people's progress towards a civilized society, as well as the general tradition of settling conflicts and disputes through peaceful ways through mediation.<sup>28</sup>

#### 4. THE CANON DURING KING ZOG'S REIGN AND UNDER COMMUNIST RULE

The Canon's significance was not limited to Ottoman times; the old system of customary law had a huge impact even during the reign of King Zog and the communist regime's forty years. Thanks to infrastructural improvements, King Zog (1928) was able to expand his power in Albania's distant districts. New highways were established under his reign, which aided not only in improving communication but also in increasing the abolition of banditry and blood feuds. The December 1928 statute, as well as

subsequent additional laws, provided funding for the state institution. A civil and criminal code, similar to those used in the Western world, was also enacted. The criminal code outlawed blood feuds and retaliatory homicides. As a result, he was able to put a stop to the vengeful killings and declare the holding of guns by citizens to be illegal.

Furthermore, Albanians' efforts to unify against the fascist enemy rather than destroy one other achieved tangible results. Throughout the fascist occupation, the campaign against blood feuds considerably reduced retaliatory killings; in 1944, there were only 745 retaliatory killings in Albania.<sup>29</sup>

During Albania's communist period, from 1944 to 1991, the government declared the Canon to be illegal and sought obedience to state institutions. As a result of the implementation of policies and the impact of laws prohibiting revenge and general killings, the number of killings for revenge was significantly reduced. The Canon's area of power was gradually decreased by the effect of public order throughout the territory, economic development, higher levels of education, and the implementation of the death sentence to murderers.

Albania was declared the world's first atheist nation in 1967, with all religions and practices declared outlawed. The same thing happened with customary law, which was banned and the northern tribes were eliminated.<sup>30</sup> The same thing happened with customary law, which was

<sup>26</sup> Mentor Mustafa and Antonia Young, Feud narratives: contemporary deployments of kanun in Shala Valley, northern Albania, *Anthropological Notebooks\_XIV\_2\_Mustafa.pdf*, p.95

<sup>27</sup> Etemaj, *Lëvizja*, p.20.

<sup>28</sup> Elezi, *Murders for revenge and blood feuds in Albania*, p.29.

<sup>29</sup> Ismet Elezi, Murders for revenge and blood feuds in Albania, (Tirana Albanian Center for Human Rights 2000), p.54.

<sup>30</sup> Jana Arsovska, Social Confusion on the Road to Modernity: The Meaning of Violence and Crime in Ethnic Albanian Context, (CERGE-EI GDN Project, June 2007), 235 Available at [https://iweb.cergeei.cz/pdf/gdn/RRCVI\\_54\\_paper\\_01.pdf](https://iweb.cergeei.cz/pdf/gdn/RRCVI_54_paper_01.pdf) (Last accessed 31 October 2014).

outlawed, resulting in the extinction of the northern tribes.<sup>31</sup> "Anti-social customs such as revenge were punished without compassion," according to another court judgement. Convicts were sentenced to death in the criminal codes of 1952 and 1977, and the relatives of those participating in blood feuds were deported.

## 5. CANON TODAY AND SUGGESTIONS

Although practically all civilizations and peoples around the world have suffered blood feuds at some point in their history, this consciousness is most likely still alive solely among Albanians. Economic-social causes, cultural-educational causes, and state-political causes are the three types of reasons why this occurs.<sup>32</sup> Despite the fact that it was intended to meet the necessities of the 15th century, the Canon's tradition is so ingrained in Albanian society that it is still passed down to this day. The Canon has had a significant impact on Albanian culture and civil law, and while it is no longer legal, it is reasonable to say that it is generally regarded and still practiced in areas of Albania and Kosovo, albeit with certain modifications.<sup>33</sup> The following are some of the legal, psychological, social, and ethical-moral reasons for revenge: a lack of collective justice that leads to personal justice; hatred for the enemy because of the insult received; and the insulted person's lost honor, for which there is a moral obligation to restore it through revenge.<sup>34</sup> Meanwhile, while blood feuds are not considered violent conflict in the traditional sense, they are an example

of conflict resolution through violence. Wars are fought for the same reasons, although they are usually on a far greater scale. Blood feuds based on fathers' honor codes undoubtedly have their ugly edges. Even the concept of ancestral respect cannot be relevant today, because some moral rules are not static but dynamic, changing and supplementing according to life's circumstances. Although the Canon's significance in the history of the Albanian people may be exaggerated, its principles and standards continue to have a considerable influence among Albanians living in Albania and Kosovo.

A fundamental role in the maturing process of civil society was that of facing the past, a role played by intellectuals and the government, since only when Albanians manage to find the right balance between tradition and progress, and if they will achieve to bring out the best of the Canon, the strength to continue forward, to leave the past in the past, only then will they be a well-integrated society.

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<sup>31</sup> Elezi, op.cit, p. 56.

<sup>32</sup> Blerim Reka, "Why was blood feud tolerated" Newspaper "Zëri i Rinisë", p.48.

<sup>33</sup> Genc Trnavci, *The Interaction of Customary Law with the Modern Rule of Law in Albania and Kosova*, pp.201- 202.

<sup>34</sup> Ferencz Nopcsa, *The Tribes of the Highlands of Northern Albania and their customary law*, translated by Mihall Zallari, (Tirana: Eneas, 2013), p.312.

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