

An Endless Funeral Feast

The Reemergence of Customary Law And the Practice of Blood Feuding As Alternative Pathways to Justice In Post-Communist Albania

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Abstract

After approximately four decades of repressive efforts by the totalitarian regime of the communist party, the *Kanun*, a framework of customary law, reemerged in the national discourse of Albania in the turbulent beginnings of democratic rule throughout the 1990s. While there were various areas in which the Kanun's precepts proved salient, notably in the case of land inheritance, perhaps the most sensational example was the return of the practice of blood feuding, known as *gjakmarrja*. Estimates on the number of victims of this practice vary, but it arose to such an extent that several organizations were founded to ameliorate the situation. Though some research has been devoted to both the Kanun and the practice of blood feuding, from ethnographers at the turn of the 20th century to contemporary times, many have treated the Kanun as an example of “legal primitivism” (Bardhoshi 2017), an archaic vestige of traditional customs as opposed to an alternative legal pathway to attain satisfactory justice within a juridical system widely considered corrupt and ineffective. The purpose of this research is to understand how the invocation of the Kanun, particularly in the practice of blood feuding, obtained symbolic value and strategic importance used by individuals to obtain satisfactory process of justice in contrast to dissatisfactions with the state-sanctioned legal system. If “self-isolation [and] nothing else” (Cedoca 2017) connects the current practice of blood feuding to the codified tenets of the Kanun, what significance does this precept hold? Why, despite the efforts of the communist regime, has it reemerged in the transformation into democratic rule? What are the logics that determine seeking reconciliation through the outlets available, be they organizations or individual mediation?

Keywords: Albania, Legal Pluralism, Kanun, Blood Feuding

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Introduction

It was in late July 2019, sipping some post-dinner raki and listening to the symphony of crickets accompanying the sun setting behind the mountains in Curraj i Poshtëm, a remote village in northern Albania, that I became aware of the Kanun—Albanian’s comprehensive set of customary laws. I had arrived in the village accompanied by a friend and an interpreter, a student from the university in the nearby city of Shkodër, with the intention of filming a documentary about life in these remote parts of Albania’s mountainous north. In the back of my mind, however, I was more so ulteriorly motivated by the rumors that I had come across during my first visit to the country of a long history of blood feuding between the families and villages of this region sanctioned within the customary tradition. Spurred by these rumors shared among fellow travelers, I decided to make the hike to the two villages of Curraj, Poshtëm and Epërm (lower and upper, respectively, referring to their locations on the mountain) to see for myself in May 2017. Without any way to effectively communicate between the individuals who became my gracious hosts during this visit, nor any outward signs indicating the practice, I was left with more questions than answers, inspiring my return trip with some linguistic assistance.

As we sat there relishing the tranquil evening, myself and two companions and our host, making small talk over drinks and cigarettes, I asked about the concept that, at that point, I had only been nominally aware of: “What is the Kanun?” What followed was a nearly three-hour-long conversation lead by the interpreter and our host, touching upon not only the blood feuds but the many other facets – family, hospitality, communal relations, justice – contained within it. The thing that surprised me the most was the fact that our interpreter, a young man who has spent his life in the urban center of Shkodër, was the most vocal about it, indicating that both the Kanun and the practice of blood feuding was a wider phenomenon in Albania and among the Albanian communities in neighboring countries. It was this conversation that inspired me to devote a substantial amount of time and research to the topic.

There are several reasons why I am choosing to begin this piece by relating this story. First and foremost is to point to the exoticization and objectification by which the customary laws of Albanians have come to occupy the mainly Western imagination. As I mentioned, rumors initially sparked my interest, and these rumors spread to me not from Albanians but from fellow Western travelers, which were naturally tinged with exoticized implications. As Albanian anthropologist Nebi Bardhoshi, whose poignant critiques on the study of the Kanun and blood feuds I have attempted to take to heart in my endeavor, states,

“the anthropological discourse on the Kanun and on the blood-feuds in particular are always founded not only in legal Orientalism (or Balkanism), but also, primarily, in a legal primitivism, a complex and multifaceted phenomenon that is associated with the quest for an exotic other.” (2017: 332)

This leads to the second point, which is to lay bare the fact that much of what inspired me to focus on this topic stems from a problematic entry point rooted in sensationalist exoticism. In an effort to be self-reflective of this fact, part of my intention alongside an analysis of the contemporary context of the Kanun and the practice of blood feuding is an attempt to counter much of the discourse on the subject that is steeped in, to use Bardhoshi’s terminology, “legal primitivism” and overarching stereotyping of Albanians in general. As my research has revealed to me, and which I hope comes across clearly, is that the contemporary invocation of the Kanun and blood feuding has very little to do with the “medieval” code of laws established in the 15th century. Instead, both serve more so, as Sandra Joireman calls it, “totemic representations,” recalling pre-established norms in order to respond to present-day issues relating to state-imposed judicial inefficiencies, endemic corruption, and the ongoing transformation from a totalitarian, communist dictatorship into a market-oriented, democratic system. (Joireman 2014)

Furthermore, while many of the particulars of the case are unique to the contexts of Albania and neighboring Albanian populations, the logical processes that underpin the reemergence of the Kanun and the practice of blood feuding, I argue, have similar qualities to broader milieus.

Establishing the Case

The positioning of the Kanun in contemporary Albania, with some allusions to the neighboring ethnically Albanian regions, particularly the nation of Kosovo, is central to the case of this research. As mentioned above, the Kanun refers to the customary legal framework, “adapted to local conditions and needs,” historically linked to the northern mountainous regions of Albania and its connected territories. (Elsie 2019: 9) Several Kanuns are known to have existed, usually linked to significant figures or the regions they originated in, such as the Kanun of Skënderbeu (the 15th century national hero of Albania) or the Kanun of Dibra (a north-eastern region of Albania bordering North Macedonia). (Ibid.) However, the most well-known and, for all intents and purposes, the only Kanun still nominally referred to is credited to the Albanian military leader and nobleman Lekë Dukagjini, famous for having resisted the Ottoman invasion of Albania. The tenets of the Kanun were passed down orally, mediated by local groups of elders, until the Kosovar Franciscan friar, Shtjefën Gjeçov, took an interest in recording the Kanun’s laws in the early 20th century.

While historically the Kanun “has strictly governed all important aspects of social life in Kosovo and in the regions of Northern Albania” to the extent that “there is no social, economic or moral sphere that is not covered by its norms,” its mandate and influence began to wane in the mid-20th century as a centralized, independent state solidified after the collapse of Ottoman influence in 1912. (Cara & Margjeka 2015: 178) First were the somewhat ineffective efforts by King Zog to diminish the Kanun’s influence, followed by the totalitarian rule of the communist regime under Enver Hoxha, which proved more successful at eradicating its practice in nearly all areas. (Celik & Shkreli 2010: 893) However, in the period of democratic transformation after the fall of the communist regime in the early 1990s, the Kanun reemerged into national discourse, although only within a limited range of circumstances. (Cara & Margjeka 2015: 178) “The traditional system of inheritance was a prerequisite for the continuity of the traditional social structure” of the Kanun, which, according to Bardhoshi, was one impetus for its rebirth in the

post-communist period. (2012: 108) However, the reasoning behind why the Kanun reemerged in this period is still a debatable topic and the central point upon which this research will touch.

The reestablished position of the Kanun in post-communist Albania further extended, most sensationally, into the context of *gjakmarrja*, or blood feuding which “occurred in [the north of Albania] to an extent that had been known only in pre-communist times.” (Schwandner-Sievers 1999: 133) While this phenomenon has been closely associated with the northern Gheg (the ethnic group in the north, as opposed to the Tosk ethnic group, predominantly from the south), it is a nationwide phenomenon, occurring across the nation and among the neighboring, ethnically Albanian regions in Kosovo, Macedonia, Montenegro, and Greece. The concept of blood feuding in the Albanian case refers to the “sanctioned killing that cleanses honor with blood to avenge a crime or infringement upon the honor of oneself or one’s family.” (Mustafa and Young 2008: 95) The Kanun postulates a very strict procedure which one must follow to properly avenge offenses to honor (famed Albanian writer Ismail Kadare’s novel, *Broken April* (2020), does an excellent job of describing the procedural minutiae “according to the Code”), as well as fixed avenues for reconciliation. Additionally, it is the perpetrator of the crime who incurs blood (i.e., becomes the target of a blood feud) or the next male of kin in the case of women. Targets of a blood feud are considered safe only within the confines of their home.

However, “the contemporary blood feud has little resemblance with traditional blood feud,” as numerous liberties have been taken in its pre-communist practice. (Cedoca 2017: 15) The prohibition on killing extended family, including women, along with the exacting procedure for properly seeking recompense with blood or reconciliation has been almost entirely disregarded. The safety of self-confinement, locked inside one’s own home, is possibly the only tradition-derived measure still adhered to. The number of individuals implicated in blood feuds, both historically and currently, are hard to come by as some families may choose not to involve state officials or state officials may choose to downplay the phenomenon in the media for optics, in addition to definitional difficulties between retaliation killings and killings specifically invoking

blood. An article by Voice of America states that, as of 2018, states there were “704 families affected by blood feuds, of which 591 live in Albania while 113 of them have left the country.” (Agolli 2018) Nevertheless, the reemergence of this practice occurred to such an extent that several organizations, such as the Committee of Nationwide Reconciliation (*Komiteti i Pajtimit Mbarëkombëtar*), Justice and Peace Commission of Albania, and “No Blood Feud, Yes to Life” (*Jo Gjakmarrjes, Po Jetës*), were founded to address the phenomenon. In an endorsement for the work of “No Blood Feud, Yes to Life,” president Ilir Meta acknowledged the issue at hand, stating that “socialization and integration is today a necessity for dozens of children of families isolated due to the unacceptable phenomenon of blood feuds,” implying the interest of the state in acknowledging and controlling the practice. (Balkan Web 2020) The number of asylum applications from Albanians claiming to be at risk due to blood feuds was cause for a fact-finding mission at the behest of the Office of the Commissioner General for Refugees and Stateless Persons to be carried out to properly assess the magnitude of the issue. (Cedoca 2017) Despite the fact that the contemporary practice of blood feuding eschews many of the foundational principles and precepts upon which it is founded, it is still carried out and generally understood with the Kanun's memory in mind, with the obligation for retribution oscillating between families resulting in an “endless funeral feast.” (Kadare 2020: 9)

The Heart of This Research

Therefore, in consideration of this invocation of the traditional customary code, it is apposite to ask, how do these “images of the past commonly legitimate a present social order.”? (Connerton 1989: 3) That is to say, why is it that the Kanun, through the practice of blood feuding, is being invoked once again in such a limited and unorthodox manner? As Bardhoshi states, “the anthropology of the blood feud should always take into consideration the relation between the state and society to understand the significance of this practice and its effects.” (2017: 331) Therefore, how may we view it as a response to institutionalized legal systems? How

does the process and justice afforded by the practice of blood feuding serve as an alternative to state-imposed procedures and how does the process of reconciliation of these blood feuds provide adequate feelings of closure and justice for the parties involved?

Over the course of my inquiry, what emerged was that a deep dissatisfaction and distrust of state institutions are essentially at the heart of this issue. Institutional corruption is such a rampant problem that it weaved its way into nearly every interview I conducted, regardless of the political affiliation of the informant. In a context where justice is perceived as being bought and sold with ease, it's perhaps expected that alternative pathways will be sought.

As I will later discuss, the Kanun, and the blood feud by extension, survived the period of communist control primarily through oral transmission, though, as has been stated, many of the exact tenets were lost in translation. The weakness of the post-communist state is cited in several works on the subject as the reason why the Kanun and blood feuding reemerged in public discourse. However, this reasoning, I argue, is incomplete. It's not so much to say that a weak state is to blame for the return, because alongside a weak state, there must also be a utility which this traditional framework must provide. Given the fact that, through its active suppression, the functionable, parallel legal structure of the Kanun was absent and needed to be renegotiated to respond to immediate circumstances unfolding during the democratic transformation. The Kanun appears to have existed as an artefact of memory which attained a symbolic value in terms of exacting justice that was able to gain leverage in contrast to the dissatisfaction with judicial processes from the 1990s forward.

As Douglass Saltmarshe states regarding the complete transformation taking place in Albania in the post-communist period, "there is a need to examine the rational choices being made by ordinary people as they negotiate their way through a novel landscape." (2001: 11) Rather than viewing the reemergent phenomenon in primordial terms, it is vital to understand the complex rationales in place yielding its return. Therefore, I assert that the Kanun and the practice of blood feuding was reappropriated to wrest back "the monopoly of violence" from

corrupted state actors and afforded an assurance of individual and trusted communal involvement in the process— one characteristic of its symbolic value. (Schwandner-Sievers 1999: 134) Additionally, the Kanun and practice of blood feuding, in particular its reconciliation, place an overarching emphasis on process-oriented justice that is often overlooked or corrupted in contexts where it arises. The participation and localization of the process of justice has been shown elsewhere to increase satisfaction with legal procedures, (Tyler 2000) thus pointing to a second, related characteristic of the symbolic value it exhibits. While the case at hand does have some direct connections to other contexts, as will be discussed in my concluding remarks, what I intend to further draw from this study of the Kanun and the practice of blood feuding is a meditation on the nature of retribution and justice with far-reaching analogies, showing that the logic at the foundation of the practice of blood feuding is not as primitive or backward as has been often charged, but rather serves strategic importance for obtaining satisfactory justice when formalized processes provide few guarantees.

Historical Context

It is perhaps most appropriate to begin this examination by delineating the socio-historical context of the Kanun and how its memory remains pervasive within the Albanian nation still to this day. Numerous sources provide more comprehensive historical accounts of the Kanun (Fox 1989, Schwandner-Sievers 1999, Gëllçi 2005, Celik & Shkreli 2010, Cara & Margjeka 2015) as well as the history of Albania itself (de Waal 2005, Abrahams 2016, Vickers 2019) and are heavily drawn from in this research. Therefore, I will attempt to keep this section brief and only touch upon the points of socio-historical context that are pertinent to the topic at hand.

The Origins of the Kanun

The Kanun refers to several localized, traditional legal codes that began to emerge during the Ottoman conquest of Albania in the latter half of the 15th century. The word itself is "derived from the Greek *kanōn*... [passing] into the Albanian language most likely through Ottoman Turkish," pointing to the more than five centuries of Ottoman rule over Albania. (Fox 1989: xvi) While the Kanun has become predominantly associated with the northern Gheg populations, parallel systems existed in the central and southern regions that may have also been referred to as Kanun. (Ibid.) This legal system was transmitted orally between generations and became associated with significant historical figures such as Gjergj Kastrioti (Skënderbeu) and Lekë Dukagjini. However, the historicity of the Kanun is hotly debated. As Bardhoshi suggests, "these legal norms have no dates of birth. It can be assumed that their origin is very old and goes back to ancient times, as it can also be assumed that they are a result of radical changes that occurred after the Ottomans invaded the area." (2012: 110)

The Kanun attributed to the Dukagjini is undoubtedly the most well-known, as it was put to paper by a Franciscan priest named Shtjefën Gjeçov, a Kosovar Albanian, at the

beginning of the 20th century and, later, become a mainstay in tourist shops around Albania. When asking about the Kanun's origins in my preliminary fieldwork, it was singularly attributed to Dukagjini. Edith Durham, in her ethnography on the Albanian highlanders, notes that “to the tribesmen [the residents of the northern mountains]... all the so-called laws of Lek are as divine decrees; and especially does he believe that Lek ordered blood vengeance.” (1908: 465) Again, during my preliminary work, interviews corroborated that blood feuding was a sanctioned practice under the Kanun of Dukagjini.

The Communist Regime

Moving into the reign of the communist party, the Kanun was considered an obstacle to establishing the totalitarian rule of the party leader Enver Hoxha. As Stephane Voell states, “according to the official position of the socialist regime, the Kanun disappeared with the ‘liberation’ in 1944,” though many of the traditions were still maintained through secretive oral transmission and cultural practices and there was a drawn-out process by the regime to take the Kanun within its control. (2003: 88) By the 1960s, these measures become more organized and strict, including “educational, organizational and judicial measures” to counter the legal structure coupled with “severe punishments, such as very long prison sentences, deportation and the death penalty for blood feuds.” (Celik & Shrkeli 2010: 893)

Bardhoshi notes how, within the logic of Hoxha, the Kanun became an object against which his interpretation of Marxist theory attempted to undermine. (2012: 115) While there is a lacuna within the Kanun's study during the period of communist rule, which conforms to the regime's assertion of the Kanun being snuffed out during this period, we may see this in connection to the isolation of the Albanian state during this period and the lack of academic freedom within it. However, as interviews with residents from the Highlands highlight, there was a relative autonomy afforded to these individuals, in which they could maintain their customs and religious practices, despite their being outlawed by the state. Once the period of

democratization began in the 1990s, and massive emigration from the mountainous regions took place, the social memory of the Kanun was reignited. (Bardhoshi 2012)

The Tumultuous Transformation into Democracy

After the death of Hoxha in 1985 and his replacement by Ramiz Alia, student lead campaigns for reform lead to the downfall and “destruction” of the communist regime (de Waal 2005) and the implementation of democratic reforms in the early 1990s, though the socialist party would still hold powerful influence in Albanian politics from thereon out. As Tina Rosenberg states, during the transformation into a democratic state, “Albania had no... modernizing intellectual class; here intellectuals were either part of the Communist structure or were buried in the gulag.” (1995: 87) This was corroborated by my interview with Pjerin Mirdita, a historian of the communist period, who explained that,

“A lot of people that were party of the communist administration and worked for the communist created the new parties, created the pluralism, so they were masked around everywhere in the new society, the new establishment.”¹

The problem was exacerbated, as Mirdita said, by the fact that there were not figures equivalent to Lech Wałęsa in Poland or Václav Havel in Hungary who could lead the democratic system. Through a thorough assessment of the literature of post-socialism, the complete reinventing of democratic civil society from the former, opposite totalitarian communist regime is what leads Douglas Saltmarshe to argue for the word “transformation” and opposed to “transition” to describe this period, which is why the word has been emphasized in this research. (2004: 3-11)

With the easing of border restrictions, many Albanians fled, causing a widespread population drain. Coupled with this were rising Ponzi schemes (sometimes referred to as pyramid schemes) introduced through lax banking laws that collapsed around 1996, causing a

¹ Interview with at the “Site of Witness and Memory” museum, May 10, 2021.

large portion of the country to lose vast amounts of wealth nearly overnight. This resulted in widespread civil unrest that eventually erupted into civil conflict in 1997, killing thousands and toppling the government of Sali Berisha, ushering back in the socialist party in the elections following the conflict's resolution. (Abrahams 2016)

The civil conflict of 1997 and the collapse of the Ponzi/pyramid schemes commenced a period of widespread dissatisfaction with the state and increased regionalism. (Schwandner-Sievers 199: 150) These sentiments, though not necessarily continuous, exist until this day, feeding into the persistent reliance upon the Kanun and, to an extent, blood feuding, where “the general corruption of the courts serves to re-legitimate the blood-feud.” (Bardhoshi 2017: 335)

As Zhilla and Lamallari observe, “corruption is considered a disturbing problem also in the ranks of the judiciary, which is proven by the fact that no judge has ever been convicted for the criminal offence of passive corruption.” (2015: 19) While justice reforms have been central to Albania's attempt at EU integration, with “52.7% of the Albanian citizens believ[ing] that the justice reform will have a positive impact on the development of the country,” according to a study published by the Institute of Democracy and Mediation, still, “31.5% believes that the justice reform is not being implemented properly,” particularly among younger generations, with overall institutional trust decreasing between 2017 and 2019. (Vrugtman & Bino 2020)

Literature Review

Past Approaches to the Concept

There is a long tradition of the ethnographic study of the Kanun dating back to the beginning of the twentieth century when ethnographers and travel writers, such as Edith Durham (1910), Karl Steinmetz (1904), and Franz Nopcsa (1996 [1861-1917]) ventured into the northern Albanian Highlands. Durham, in particular, wrote extensively on the Kanun and the practice of blood feuding amongst the *fis* (extended kin group), even venturing to understand how the practice of blood feuding move beyond a violent act into something more symbolic:

“It is usual for writers who do not know him to denounce the tribesman as a vulgar murderer, who kills wantonly for the sake of killing. But in order to understand a custom one must see it through native eyes. After living some eight months among blood-hunters, I perceived what ghak [proper spelling is *gjak*, meaning blood] meant to them. It is not so much a punishment which they inflict, as an act performed for self-purification, and as such a solemn and necessary act.” (1910: 465)

According to Durham, certain offenses were perpetuated to such an egregious extent that they not only besmirched the honor of the individual in question, but that of their extended family as well. The pursuit to reverse one’s “blackened” honor becomes all encompassing, leading one to take back the blood that has been taken, even if it also means the inevitable death of the individual in question, as they in turn become the one has blood. As Durham notes, one becomes a martyr of sorts in the quest towards achieving a blood equilibrium, writing that “his honor is clean, and if he must die he dies happy.” (Ibid.)

Several more contemporary authors seem to have attempted to build upon the foundation laid by Durham, focusing on how the remnants of the *fis* culture, predominant during the period of Durham’s study, maintained the tradition and attempted to revive it in the post-communist period, particularly among outmigrants from the mountainous regions. The

problem that arises in doing so, however, is that there is not necessarily a direct continuity in the way the tradition was maintained over a century ago and the tradition as it emerged in the post-communist period. These works become “devoted primordially to description,” failing to inquire further into underlying logic which gave rise to the reemergent phenomenon, especially as it exists in the broader context among Albania and ethnically Albanian regions. (Doja 2011: 184)

Stephanie Schwandner-Sievers’ work (1999), for example, focuses specifically on the renewed practice of blood feuding not long after the fall of the communist regime. There are several very important aspects of her research that I have attempted to build upon. In particular is her observation that “in feuding today there is a proper distinction between ‘cases with memory’, which would entail a ‘debt to give’ or ‘obligation to take blood’ for disputes of the grandfathers, and ‘cases without memory’, which would be the newly emerged cases.” (1999: 134) The ‘the cases without memory’ will prove noteworthy in assessing how the reemergence of this practice acts in response to dissatisfaction with state-legal systems.

However, her work contains into a number of issues that pertain to the primitivist approach mentioned by Bardhoshi. For example, she mentions that the Kanun is a “magic word... referred to today in the North, when people want to legitimize physical violence and killing and to claim self-regulation and the monopoly of violence in opposition to the state.” (Ibid.) This characterization is tinged with derision and fails to ask further *why* it is used to legitimize these aspects. She also includes typifies part of the reemergent impetus towards the Kanun and the practice of blood feuding deriving from “aggressive male behavior... easily overreact[ing] to anything considered an insult,” which, while perhaps true in her research, appears to miss the point of the wider phenomenon. (1999: 140-141)

Tina Rosenberg, writing more broadly about the difficult transformation of Albania in the 1990s, also falls within this descriptive trap. She remarks on how “the impoverishment of the justice system [during the transformation period] creates injustice,” describing how the overwhelming lack of resources and funding during this time, coupled with widespread

corruption, created immense hardship on the justice system. (1995: 91) However, she treats the reemergence of customary law in response to this deficient system of justice in a dismissive and primitivizing manner, writing that “Albanian concepts of justice still carry strong echoes of several different pasts,” rather than viewing this turn towards past as a renewed adaptation to contemporary circumstances of crisis.

Even work that embeds itself within urban contexts, like that of Stephane Voell (2003), does so primarily through the lens of rural outmigrants, implying that the phenomenon only exists within these communities and without recognizing the wider impact throughout Albania and the ethnically Albanian regions. However, Voell does recognize that the Kanun in its post-communist invocation is “a product of a distinct socioeconomic setting,” utilized amongst a group of individuals, in this case, the rural outmigrants in the Tirana suburb of Bathore, to respond to the desire for localizing the mechanisms of group function and cohesion to a close-knit community as opposed to adhering to state-imposed institutions. (2003: 99)

Even amongst Albanian scholars (Cara & Margjeka 2015; Gëllçi 2005), much of the treatment of the Kanun and the practice of the blood feud remains descriptive and aimed at analyzing both within historically embedded contexts. As Bardhoshi explains, amongst Albanian-originating ethnography, there is a general refusal “to approach the blood feud as a contemporary research subject,” stemming from a “culture of silence” that seeks to move beyond addressing its contemporary logic. (2017 332-333) He states that many “often tried to delegitimize this phenomenon in a theoretical fashion by objecting that it belonged in the past, testified to a medieval morality or was only an ancient vestige, and that the real blood-feud no longer existed.” (2017: 333)

However, there are examples of more analytical approaches that seek to provide explanation towards the motivations behind the reemergence of the phenomenon. Jan Klakla (2017) utilizes the Durkheimian notion of social anomie to describe “the discrepancy between the common social goals and the legitimate means to attain those goals” present during the

period of democratic transformation. He argues that the Kanun provided “the only stable normative system” present in a period of weak state control that could be utilized to achieve the goals such as “social justice, reprivatization, exercising rights in the forests, etc.” (2017: 84, 85) While his focus is primarily on the Kanun itself and less considerate of the practice of blood feuding, it appears that his moralization of blood feuding itself misses how its reemergence and lasting presence speaks to the need for the attainment of satisfactory justice. Little analysis is given to questioning why blood feuding, among all the other aspects of the Kanun, has become one of its most invoked aspects.

Additionally, Sandra Joireman offers insightful analysis into the role the Kanun has served as customary law in the post-communist period. Her remark regarding “an immediacy to customary law that is valued by those in communities in which it functions,” is a point that I build upon by utilizing the underlying function of immediacy, the direct and intimate involvement, to argue for the localization of the Kanun as holding key symbolic importance. (2014: 6) Moreover, her conceptualization of the Kanun as “a totemic representation” points to the fluid way in which it has been invoked as a pre-existing symbol with certain value in a given context, which I ascribe to its process-oriented and localized approach to justice. However, the lens with which she views the persistence of customary law in Albania, concluding that “if customary leaders and customary law are to remain relevant, they must align with constitutional standards of equity and citizenship,” I argue, misses the point. (Joireman 2011: 68) It’s not that “customary leaders and customary law” are seeking to “remain relevant” and lack the “constitutional standards of equity and citizenship,” but rather that they remain relevant precisely in response to the lack of these standards in legal institutions.

Issues with the ‘Ascertained’ Kanun

It is worth raising a word of caution about the actual text of the Kanun that seems to have gone unmentioned in much of the literature pertaining to the subject. As mentioned above,

the Kanun was originally transmitted orally until it was studied, collected, and written down by Shtjefën Gjeçov in the 1920s. This assembled text has since been published, including an early Italian translation in 1941 (Kastrati 1955: 125) and English version translated by Leonard Fox in 1989. As Joireman points out, these published versions have become “one of the souvenirs available to any tourist walking down Mother Theresa Boulevard in Pristina, Kosovo,” as well as shops across Albania. (2014: 3) This textual Kanun, especially Fox’s 1989 translation, has been widely cited, including in this article, and treated as the definitive, if perhaps because it is the only, text of the customary law’s precepts. Joireman makes an important observation by stating that “despite the fact that the Kanun exists as a written text, what the Kanun says is not as important as what people think it says.” (Ibid.) The disparity between the textual orthodoxy and the fluidity of its invocation has fueled much research, again including that contained within this article.

However, I believe that it is wise for those who study the Kanun to keep in mind that, despite the extraordinary endeavor undertaken by Gjeçov in compiling the text, to remember that it is “only a part of the customary law of the Albanians, which has never been recorded in its entirety.” (Fox 1989: xix) In this brief section that mentions some potential limits to the text, Fox does note that Gjeçov’s version “derives from one particular region... of Mirditë,” which may account for some of the local peculiarities, such as the preeminence of the Gjemarkaj family in the text. (Ibid.) There is also a large portion of the text devoted to the position of the Catholic Church within the communities, which may account for much of the contemporary research pertaining to the Kanun “privileg[ing] the Catholic populations of the mountainous northern regions of Albania.” (Bardhoshi 2017: 335)

The point of addressing this is to say that, while the text does serve as an incredible source for research and conversations about the Kanun, given that it is the only written account we have for the particularities of the customary laws, there should be some caution given to treating it as definitive. Though Qazim Kastrati, a Muslim Gheg who was present during the

discussions pertaining to text being published in the Albanian review *Hylli i Dritës*, defends Gjeçov's work and its comprehensiveness by stating that that Muslim reviewers of Gjeçov's work had no objections to its content, it is perhaps worth maintaining a healthy degree of skepticism in recognizing that the text's original ascertainment was the work of one individual. (1955: 124) As the Kanun is more so an oral tradition, especially during its survival through the communist era, it is important to keep in mind that as such, it is still a negotiable construct between those who invoke it and those who are deemed eminent in its jurisprudence, such as the mediators.

Legal Pluralism

In a context wherein customary law abuts state sanctioned institutions, it is appropriate to take considerations of legal pluralism into account. Indeed, as Bardhoshi points out, it is necessary to consider theories of legal pluralism to properly account for how both the Kanun and the practice of blood feuding both interact, and are a product of, the negotiations of proper systems of justice in state institutions. (2017: 335)

Simply defined, legal pluralism encompasses “a situation in which two or more legal systems coexist in the same social field.” (Merry 1988: 870) Generally, on the one hand, there is a more hegemonic system of law, usually imposed by state or domineering parties, that declares itself the legitimate arbiter and dispenser of justice and attempts (to differing degrees of success) to legitimize this view over those of whom it claims sovereignty. In essence, this claim aligns with the well-known Weberian definition of the state as the “human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory,” wherein the ability to discipline and punish fall within the scope of violence. (1919: 1) On the other hand are parallel systems not entirely adopted by the state apparatuses, which could include customary or religious law, communal customs, etc.

“There are,” of course, “many competing versions of what is meant by ‘law,’” which can make legal pluralism a rather muddled and essentializing term. (Tamanaha 2000: 297) There are, as well, a variety of nuanced ways in which legal pluralism may be invoked. Consider, as Tamanaha suggests, the overlapping jurisdiction of local, state, and federal law in many national legal systems. (2008: 1) While in theory these distinct levels of judicial governance work in cooperation with one another, there are examples wherein one either rejects or supersedes the other, as with the legality of marijuana legislation in the United States. Additionally, as Swenson points out, “all states feature legal pluralism, and only a limited number of high-capacity states have nonstate justice actors firmly under their control.” (2018: 438) The term itself is therefore open to much debate about both its exactness and usefulness. While there is much room for variation within and between different contexts, the concept of legal pluralism does provide utility in the analysis of the Kanun and the practice of blood feuding in Albania, even if there are some specific peculiarities presented by the case, as I will discuss in the chapter “Legal Pluralism and the Reemergence of the Kanun”.

Further Theoretical Considerations

There are several further theories that contribute to the understanding of this case and deserve a brief introduction. The first, featuring heavily within this exploration, is the concept of symbolic value. As Karin Ekström describes, “symbolic value signifies the immaterial value attributed to an object or an idea and communicates its symbolic meaning,” wherein this meaning is “highly dependent on how it is interpreted and appropriated in a socio-cultural context.” (2011) In a sense, the idea of symbolic value derives from Marx’s conception of use-value, in that there is an intrinsic utility in the thing that satisfies a need or desire from whence its value originates. (1974) However, as symbolic value refers to an immaterial quality, its utility is both context and individual specific, and relates to how an idea is perceived and adapted to meet immediate needs. As I will show in the case of the Kanun, the idea of the Kanun in the post-

communist period was able to communicate “meaning beyond its material aspects,” i.e., its actual precepts, as a concept that could provide justice and recourse when these were both inadequate and corrupted. (Ekström 2011)

A second additional theoretical basis for this research is the idea of “the gift,” discussed in the chapter “The Process of Reconciliation,” which has played significantly into historical sociological and anthropological debates. Discussions on the idea of gift giving have focused on the complex social cues and obligations that accompany the process of gift-giving. As Marcel Mauss writes in his essay “The Gift” referring to the concept of potlatch, a ceremony of gift giving, which has frequently been a part of these discussions, there is a sense of “honor, prestige, and *mana* conferred by wealth; and the absolute obligation to reciprocate these gifts under pain of losing that mana.” (2010: 11) While the idea of gift is supposed to be a selfless act, there are numerous self-motivated implications, such as raising one’s prestige or obliging another to oneself. In Bourdieu’s theory of the gift-exchange, time plays a central role as it is constituted, “like all practices,” by an “irreversible oriented sequence of relatively unpredictable acts.” (1990: 98) There must be distance of time between the gift and the counter-gift for the latter to be appreciated and meaningful. In addition to this deferment in time, the counter-gift must also be different, “because the immediate return of an exactly identical object clearly amounts to a refusal.” (Bourdieu 1990: 105)

As the practice of blood feuding implies an exchange that is similar theoretically to the gift-giving exchange, in that blood is exchanged through feuding and the process of reconciliation both literally in the former and symbolically in the latter, the contemporary practice itself offers a few deviations from these theories that will be explained in the penultimate chapter.

Methodology

A Question of Positionality

As indicated in Nebi Bardhoshi's critique regarding the anthropological inquiry into the Kanun and practice of blood feuding, a problematic approach has often pervaded the study. Indeed, previous studies have often assumed a sensationalist or "legal primitivist" attitude regarding the contemporary phenomenon, adopting dispositions that place customary law and blood feuding in connection to their historical roots without viewing their reemergence as a separate response, perhaps informed by these historical roots but with renewed processes and logics, to current social issues. Aware of my own problematic introduction and initial interest in the case, I have attempted to eschew some of the more sensationalist aspects to give the case the proper analysis that it deserves. This may come across as moral ambivalence towards a situation that inherently involves violence and has caused a great number of individuals immense hardship and pain. Many authors have taken a moralizing stance towards the practice, which, of course, is understandable given this fact. Every Albanian individual with whom I spoke was critical of the phenomenon, denouncing its modern usage. By no means do I intend for my analytical approach to come across as condoning the practice. However, I believe that in addition to removing the shroud of "legal primitivism" with which the case has been often considered, it would be irresponsible to assume a moralizing stance here, as it would cloud a proper understanding of the underlying rationale behind the phenomenon's reemergence which is the direct concern of this research.

Furthermore, it is imperative that any researcher examining social phenomena with which they are not intimately aware take to heart the critiques offered by those who are. Therefore, throughout my research, I have attempted to incorporate the criticisms offered by scholars such as Nebi Bardhoshi and Albert Doja, as well as those offered by my informants, in my approach and methodology.

Fieldwork

The fieldwork for this research was carried from March through May, 2021, located primarily in the northern Albanian city of Shkodër. While part of my intention has been to move away from the view of the reemergence of the Kanun and the practice of blood feuding as a strictly northern phenomenon, which my being situated predominantly in the north may betray, there were two significant strategic considerations which made this an ideal location. First, two of the largest reconciliation organizations, “No Blood Feud, Yes to Life” and the Justice and Peace Commission of Albania, are in Shkodër. Second, because of my previous visits to the city, I had a preestablished network of individuals, some ordinary residents of the city and some connections to the local university, that helped me to seek out informants for the ethnography of this piece.

In terms of seeking out informants, my approach was partially assisted through introductions via my acquaintances, both from Shkodër and from Albanian friends from my city of origin (this is how I was able to secure an interview from my informant in Kosovo, as will be the subject of the chapter “Cases Without Memory”), and partially through reaching out via email to individual’s whose perspectives would be vital to understanding the case at hand. This latter method proved rather difficult, as many never responded, leaving some vital points of view unaccounted for in this research. Nevertheless, the perspectives that were shared with me proved invaluable to my understanding of the subject and to the core of this research.

Over the course of my fieldwork period, I obtained over eight hours of formal interviews and countless further conversations that were consented to being part of my study. These interviews were largely unstructured, assuming a conversational tone guided by the principal research questions. These interviews were conducted in English either by the informant themselves, or through the work of an interpreter. This linguistic limitation will be discussed in the next section.

Beyond specific insight that changed with each informant's personal experience, I was interested in understanding, from their perspective, why the Kanun reemerged in the post-communist period, what its status and prevalence was in this period to the present, and the general state of legal and political institutions in Albania. Taking a cue from Abu-Lughod's strategies "for writing against culture," against an essentializing view of the subject, I have attempted to conduct an "ethnography of the particular," embedding my research in individual narratives to properly inform my understanding of it. (1991: 149)

Limitations

Because of several limitations that beset this research during the timeframe in which it was conducted, I am primarily viewing it as incomplete and more so as a preliminary stage for further study. As stated above, there are numerous further perspectives that are vital for obtaining a more complete understanding of the phenomenon in question. For example, it would be necessary to incorporate the experiences of families who have chosen to invoke the blood feud. While I have attempted to include these stories through second-hand sources, their direct involvement would be immensely helpful to future research.

This lack of further perspectives leads to the second point. Because I have attempted to embed my ethnography in "particular" narratives, much of what has been said must be taken at face value, as in some cases the critical perspectives that could further corroborate or elaborate on what has been said are absent. This is most apparent in the exploration of blood feud mediators, as there may be inherent biases in their viewpoints.

Lastly, there is the issue of language. While before and during my research I attempted to gain a satisfactory grasp of the Albanian language, taking classes in Albanian with a specific intention of learning the northern Gheg dialect, my level of proficiency was not sufficient to constructively conduct my interviews in the native language. The problem of learning the Gheg dialect, beyond the classes I was only able to attend while located in Shkodër, also relates to the

dearth of learning materials. Many informants were, however, fluent in English, and where this was not the case, I was assisted by interpreters. To corroborate the interpreters' work and get exact translated quotes, I utilized the help of my Albanian friends, compensated for their time and work, who were able to provide me with side-by-side Albanian and English transcripts. All direct quotes from my informants are faithful to either their spoken or translated word, with only minor corrections of grammar or word choice to assist with clarity. With my study of Albanian continuing even after this research has ended, it is my intention that limitation will be rectified in future examinations.

Despite the limitations of this research, making it more of a preliminary study, I nevertheless assert that it constitutes an accurate and original inquiry that furthers the literature pertaining to the reemergence of the Kanun and the practice of blood feuding.

Legal Pluralism and the Reemergence of Kanun

Utilizing Richardson's characterizations of legal and judicial systems, the criterion of differentiation between competing systems are defined by the "pervasiveness and centralization, the type of system (adversarial or inquisitorial) they rely on, the amount of autonomy and discretion afforded the judiciary, and the normative role played by the judicial system in a given society." (2011: 391) Despite some overlap between the Albanian legal system and that codified within the Kanun within these criteria, the areas in which they diverge provide some structural implications as to why the latter may be preferred over the former.

Keeping in mind that adversarial and inquisitorial legal systems exist more so as a spectrum than as absolutes, (Jolowicz 2003) "Albania's legal system is a civil law one, modeled after the French law system," wherein a lack of jury places great emphasis upon the role of judge in legal cases. (Gentry & Mozina, 2019) We may therefore define it as more inquisitorial in nature. (Deffains & Demougin 2008: 31) The Albanian judicial system is highly centralized, hierarchically defined by three tiers of lesser to greater authority in appeals: "the courts of first instance, appeal courts and lastly, the Supreme Court," with the Constitutional Court serving as a distinct branch overseeing legislative matters. (Gentry & Mozina, 2019) By contrast, the legal system incorporated into Kanun law is highly adversarial, with an Elder or council of Elders serving as judge, a group of highly esteemed individuals serving as jurors, and "Examiners of the Informer [i.e. the witnesses]" assuming the role of prosecutor and defender. (Fox 1989: "Book Eleven: Judicial Law") Beyond these formal positions, "the voice of the people" serve as the final safeguard in ensuring proper justice, wherein they retain "the right to refuse support to [the Elders' verdict]." (Fox 1989: 208) While there is a sense of centralization in terms of the social hierarchy of those involved in the process, as well as the Kanun itself serving in a constitutional role, the process is almost entirely localized within the communities themselves with leeway in terms of discretion allowed according to both the Elders' and the people's judgements. Because

of the multiple symbolic and localized roles of the individuals involved and the many layers of “pledges” given through various parties, in addition to final say of the “voice of the people,” it appears that numerous safeguards are in position to ensure satisfactory justice, as opposed to the formalized and impersonal mechanisms offered by the state system. For groups with strong communal ties, like those in Bathore according to Voell’s research, it makes sense why “nobody would go immediately to the police” for general conflicts, because not only are they “considered outsiders... not familiar with local matters,” but the equivalent procedures are not in place to guarantee the same potentials of justice. (Voell 2003: 96)

Stepping away from the specific context like Voell’s where Kanun law maintains material significance and considering how, in the broader Albanian context, the specific precepts of the Kanun are almost entirely null, it is within this lens of potential justice that may explain both the survival of the Kanun through the communist period, as well as its continuing symbolic value. Because of the fact that throughout my ethnographic research, not a single definitive answer was provided as to how the Kanun was able to survive communist suppression beyond simply stating “oral transmission” or its continued influence within the Highlands, theories are unfortunately speculative or hypothetical. However, given the “extremely centralized” structure of the communist judicial system, with “all segments of society... subject to periodic purges” and the absolute repression of all previous culturally significant entities, such as religion and customary law, it’s not difficult to draw the conclusion that through the oral transmission of the Kanun, or the idea of it at the very least, the idealist nature of its approach towards justice would hold an appealingly transmissible quality, given its contrastive disposition compared to the communist system towards localized and flexible characteristics. (Austin & Ellison 2008)

In the period following the collapse of the communist regime, things become a little more definitive. As Michael McFaul notes, “civil society is often ‘resurrected’ in democratic transitions in capitalist countries, but in most post-communist transitions it must be created from almost nothing.” (1993: xiv, found in Saltmarshe 2001: 8) However, as Saltmarshe

contends, “such assertions belie the reality... [as] a rich tradition of cooperation and civility” remained in the Albanian collective consciousness during the period. (2001: 8) According to Bardhoshi, the

“system of land inheritance [served] as a transitory infrastructure to pass on the Kanun as a system of knowledge and... as a mechanism to legitimize the Kanun as an alternative legal system to state law... creat[ing] the ‘social conditions’ for the social memory of the Kanun,”

and providing a reference point in the transformation occurring in the post-communist period. (Bardhoshi 2012: 108) In post-conflict settings characterized by weak state actors, exemplified in post-communist Albania, “the role of legal pluralism is particularly vital” as its historical precedence provides a more legitimized counterweight to those in struggling for centralized power. (Swenson 2018: 439)

Within that process of centralization of power, numerous problematic elements emerged. Perhaps most pertinent to the case at hand was “the hijacking of the transitional justice process for political ends,” resulting in a muddled field wherein former party members attempting to remain relevant in the transition process accused potential rivals of charges that were potentially hypocritical. This “ultimately led to [the justice process’s] collapse, and this explains why today former communists may freely enter politics,” resulting in residual contempt for the political system. (Austin & Ellison 2018: 374) Several informants expressed this wide-reaching critique of the current political regime, saying that the entire system is full of crooks and criminals. While most of these critiques were coupled with politicians’ connections to organized crime, (see Zhilla & Lamallari 2015) one individual with whom I spoke was particularly frustrated with the pervasive connections among contemporary politicians with the old communist regime.²

² Interview with RB, May 24, 2021

In addition to the politicization of the transitional justice process, the contemptuous perception towards politicians and their pasts, and the overall weakness of state institutions, the adoption of a centralized, inquisitorial legal system which places heavy emphasis on a judge's ruling created an environment of distrust around the judicial process. During my discussion with Gjin Marku, he argued that,

“With the fall of communism, Albanians saw that there was no more justice towards crimes such as murder, occupation of property, domestic violence, trafficking of their daughters, weapon trafficking, violent robberies and in this moment, it was clear that the state could do nothing towards these crimes and as a necessity for self-protection the kanun was called for.”³

Some with whom I spoke stated their lack of trust in judicial institutions was due to the allegations that judges, in both the transformational stage and currently, could be paid off for lesser sentences. Another informant, speaking about the period of democratic transformation, mentioned that, “

many people used to kill a murderer because they saw that he was put on trial, and he was sentenced just for four years or five years. Everyone said, okay, I cannot endure it, I cannot support it. So, I will kill them.”⁴

Marku expressed an agreement with judicial corruption being a central component in both the reemergence and continuation of the Kanun and the practice of blood feuding, saying that “the decisions of the state justice system have caused 4,000 victims” related to blood feuding by offering unfair or influenced decisions, which were then motivated “the family of the victim to take revenge.” While the number Marku offers is difficult to confirm, his and my other informant's comments nevertheless suggest that it is within this environment of institutional

³ May 12, 2021

⁴ Interview with DU, March 18, 2021

distrust and chaos in the transformation period and afterward that the Kanun reemerged as a viable alternative to justice.

Regarding the “state monopoly” of legal jurisdiction and legitimacy, the post-communist Albanian state has attempted to adopt the heavy-handed approach of the communist regime in dealing with the legal pluralism presented by the Kanun and blood feuding, though, as the prevalence of cases through the democratic period suggest, the success of this attempt has been debatable at best. For example, in the criminal code of Albania, there are harsh penalties for “murder due to blood feud,” which is “punishable to not less than 30 years or life imprisonment.” (Criminal Code of the Republic of Albania 2017: Article 78/a) This portion of the code was added in 2013, revealing the recency of the issue. It is worth noting that the penalty for murder due to blood feud carries the most severe prison sentences for all classifications of murder, alongside murder of public officials (Article 79/a) and state police officers (Article 79/b). By contrast, murder with intent (Article 76) receives a ten-to-twenty-year sentence, and premediated murder “for interests or revenge” (Article 78) receives twenty to life. Penalties for the “deprivation of liberty,” defined under the section “Enforced Disappearance” (Article 109/c), which relates to the self-confinement of individuals noticed in the contemporary practice of blood feuding, carries a sentence from seven to fifteen years. It is also worth mentioning that the criminal code of Kosovo, where the practice is also prevalent, does not incorporate the specific language presented in that of Albania. Instead, it classifies murder by “unscrupulous revenge” under “Aggravated Murder” (Criminal Code of the Republic of Kosovo 2013: Article 179), with a sentence of ten years to life, and punishes “unlawful deprivation of liberty” (Article 196) with a fine or imprisonment of up to three years.

Why there is a difference in the treatment and specificity of the pluralism presented by the Kanun is beyond the scope of this research. However, at least in the case of Albania where blood feud is specifically mentioned, it does reveal that there is a real threat perceived by the state of Albania posed by the invocation of the Kanun and practice of blood feuding. I will

show, in the chapter on the process of reconciliation, how there are attempts at negotiating an appeasement between state legal systems and the pluralism of the Kanun being undertaken by mediator groups.

To conclude this section on the legal pluralism of the Kanun, it appears that even though, as has been stated, the precise implementation of its tenets was absent, the symbolic significance of justice within the Kanun in contrast to the material circumstances of state-imposed justice allowed for it to, at least nominally, attain a legitimized role. Compared to the centralized and corruptible judicial system, and despite its codified attempts to claim the monopoly on dispensing justice, the localized approach of the Kanun appears to have been highly appealing. This becomes even more apparent as we view the nominal invocation of the Kanun becoming even more localized in the practice of blood feuding as it reemerged in this transformative period and continues to this day.

The Localized Justice of Blood Feuding

As has been established, part of what makes the Kanun appealing in the presence of corrupted state legal systems, or their absence all together, involves its localization of the judicial process—placing cases in the hands of individuals with whom the parties involved can trust and are intimately aware of the situation and individuals involved. I believe that the appeal of this is self-evident when compared to the contrary, where state-sanctioned judges and lawyers may handle a case through an impersonal application of state laws, especially so if this system is regarded as corrupt to begin with. But this localization of justice becomes even more narrow when we consider its application in the practice of blood feuding, which places the process toward, and the eventual attainment of, satisfactory justice solely within the hands of the victim's family.

Through the text, this becomes evident in the section of “The Truce” (called *besa* in Albanian). After a murder has taken place, the perpetrator is obliged to send a “truce negotiator” to the victim's family to seek out this truce,

“a period of freedom and security which the family of the victim gives to the murderer and his family, temporarily suspending pursuit of vengeance in the blood feud until the end of the specified term... If the family of the victim is obstinate and does not agree to give the village a truce, the murderer, together with his entire family and all his relatives, must remain indoors.” (Fox 1989: 166)

There are a few significant points we can draw from this passage. First, there is the narrow localization of justice attainment mentioned above in that a choice is given to the victim's family as to whether or not they wish to offer the truce. If they choose to grant a truce, then the process of mediation moves forward through the adjudication of local elders. If not, then the feud continues and the perpetrator's family is only safe in the confinement of their own home (however, it is later stated that “only the murderer incurs the blood feud” with extended male

relatives being potential targets only “during the 24 hours following the murder,” showing how women are not implicated, which is a contemporary deviation. (Fox 1989: 172)). What is important here is that a choice is allotted to the victim’s family of how to move forward and whether they wish for the opposite family to remain in a kind of imprisonment through self-confinement.

Second, since the truce is a function of time controlled by the family of the victim, dependent upon their personal disposition and the actions of the perpetrator’s family (it can be rescinded if the perpetrator’s family do not act “sensible and attend to their own affairs” (Fox 1989: 168)), it serves a strategic importance. As Bourdieu mentions in his analysis on the processes of revenge and gift-giving, this control over the truce bestows upon the victim’s family a “situational advantage” by “way of keeping one’s partner-opponent in the dark about one’s intentions, [wherein] the moment for the counter-strike becomes impossible to determine.” (Bourdieu 1990: 106) The truce, and ultimately reconciliation, operates like a gift that must be renewed and is at the discretion of the victimized family. Its strategic purpose is to localize control over the situation in their hands until satisfactory justice is attained.

As I have been insistent upon prior, the way that the Kanun and the practice of blood feuding exist as a textual and historical realities is much different than how they have been invoked in the post-communist period, with numerous liberties taken in its strict procedures. However, as I have also stated, safety through self-confinement and the “negotiated agreement” that allows one to be freed from self-confinement is one of the few characteristics that are still abided by in the contemporary practice. (Cedoca 2017: 15) Therefore, in asking why these tenets remained where others have not, I argue that the analyses provided for the textual practice are translatable to the current phenomenon and help to reveal part of the symbolic value that blood feuding has obtained in post-communist Albania.

Given the state of judicial mistrust during the transformation period, particularly given the perception of corruption as allowing individuals to pay for their freedom and lenient

treatment, the localization of justice in the hands of the victim's family provides a further layer of ensuring that a satisfactory judgement is met. For example, if an individual can bribe their way toward a shorter jail sentence, or if the sentencing in a case is shorter than what the crime is perceived to necessitate, the threat of retaliation by an associate of the victim to enforce self-confinement essentially places the victim's family in the role of jailer. As opposed to relinquishing authority to state penal systems, which are removed and distrusted institution, one is able to retain their "situational advantage" and control by assuming personal responsibility over a sentence being carried out to the family of the victim's satisfaction. This logic is further expressed in the continual negotiations over the truce, which are mediated by trusted individuals and can be rescinded if the victim's party feels as if the process is not going according to their liking, perpetually ensuring that victim's family is able to be intimately involved in the process of reconciliation that can only be achieved by their agreement.

Therefore, in consideration of the disparity between what the Kanun says and "what people think it says," the symbolic value that raises the Kanun and the practice of blood feuding as alternative pathways to justice derives from this localization process. It allows the victim to retain a "situational advantage" and strategic outlet to ensure that justice is met through a trusted and intimate network of individuals and to the satisfaction of the victim. In response to the question, why did the Kanun and practice of blood feuding reemerge in the post-communist transformation, and why has it remained since, it would appear, then, that the answer is not just the weakness of state institutions, which falls short in analysis, but the fact that both the Kanun and practice of blood feuding, at least nominally, specifically offer what is lacking in a corrupt system: accountability and control for the victim's family, a thorough negotiation of reconciliation, and the assurance that satisfactory justice will be attained. These themes become more prominent as we look specifically at a "case without memory," which, by virtue of being catalyzed by current circumstances, showcases how the Kanun and blood feuding are invoked through dissatisfactions with state legal systems.

Cases Without Memory

“Cases without memory,” mentioned above, wherein a blood feud is newly invoked in response to contemporary circumstances, are essential to the contemporary phenomenon as they signify the cooption of the Kanun as a symbolic method to meet immediate needs for justice attainment outside of its traditional context. These cases contrast with those “with memory,” which involve responses to past offenses that, after a period of latency due to state suppression, were able to be acted upon during the turbulence of the democratic transformation. It is difficult to provide estimates of how many cases fall into either category, which is a source of frustration in determining the true scope of the phenomenon and how it is evolving. However, anecdotally at least, it appears that “cases without memory” are more common. For example, of the 27 cases studied by Celik and Shkreli, most seem to be cases without memory involving disputes such as “spontaneous fights over material issues or insults... car accidents... accidental shootings... honor offences... and business disputes,” with only five due to “continuations of previous fights.” (2010: 896) Regardless of the uncertainty of the quantitative magnitude of these cases, they nonetheless deserve consideration in how their emergence speaks towards the methods of alternative pathways to justice.

Because of the delicacy of the topic, as well as the considerable amount of trauma being involved in a blood feud brings about, finding individuals who were willing to relate their experiences proved incredibly difficult during the fieldwork period of this study. However, one individual, L—, a Kosovar-Albanian, was willing to share their experience of her family being implicated in a blood feud for the sake of this research, which provides a model in describing a case without memory.

There are, of course, limitations with utilizing this singular case that must be pointed out. Focusing on one case that, as my informant shared, was exceptionally complicated and drawn out, runs the risk of essentializing the phenomenon as a whole. Furthermore, it only showcases

one side of a multi-partied situation, and is therefore incomplete and inherently biased, even though I have no doubts about the integrity of my informant's story. Further research would ideally take a more wholistic approach to gather the multiple side of the conflict. As I stated, it was already incredibly difficult to find individual's willing to share their experiences of being implicated in a blood feud and, for a variety of reasons, seeking out the narratives of individual's whose family invoked a blood feud was not possible in the fieldwork period of this research. Nevertheless, I still assert that much can be gleaned about the intricacies of the phenomenon from this case-study.

In an article that focuses primarily on the phenomenon of the Kanun and blood feuding in Albania, it may seem out of place to include a Kosovar perspective. However, as stated above, the Kanun was the primary source of customary law not only in Albania, but in the ethnically Albanian areas of Kosovo, North Macedonia, and Montenegro. Additionally, in terms of the reemergence of the Kanun in response to dissatisfaction with state-imposed judicial systems, there are remarkable similarities between Kosovo and Albania that seem to align with my theory as to why the phenomenon arose and attained symbolic significant. As Joireman observes, the Kanun reemerged in both Albania and the former Yugoslavia following the collapse of the two nations' communist regimes, giving credence to the theory that "the weakness of state judicial institutions in northern Albania and Kosovo has led to the increased reliance on the Kanun to address conflicts." (2014: 13) Furthermore, corruption in legal and political institutions seems to be as entrenched and widespread in Kosovo as in Albania, with "the majority of people consider[ing] many sectors of society and segments of government to be tainted with corruption." (Serhati et. al. 2016: 8) Though "interagency collaboration in the justice sector has improved considerably in the last three years" as of 2016, there are still significant lingering sentiments of contempt for state judicial institutions, aligning with the conditions present in Albania for which I argue that the reemergence of the Kanun and the practice of blood feuding

are contingent. (Brady 2016) Given these contextual congruences, I argue that this informant's perspective sheds valuable light onto the broader implications of the phenomenon at hand.

L—'s story begins in April, 2014. As she tells it:

“It was late night, around 9 or 10 pm. It was raining and snowing at the same time. The weather was surprising. My brother went out with his friends. He was waiting at a traffic light. The traffic light turned green, and he started the engine. A guy just showed up with an umbrella and crossed in front of his car. That all happened really quickly. He couldn't even see that someone was passing. The weather was terrible. My brother didn't even know that he hit someone. He continued to drive.”

When her brother returned home, he saw on the news that a man had been struck by a car and was in critical condition. “That's the moment he found out,” she told me. “ He saw this on the news and he realized ‘that's me.’” He was a 22-year-old university student who had not had any trouble with the law prior. Naturally, he was afraid to go to the police. “They started to search out the perpetrator,” she said. “My brother then went to the police, he accepted how the story happened, that he was responsible. His only plea was that when they told his father, that he was with someone because of his health issues.”

Her family then sought out the help of an Imam who would serve as an intermediary to go to the victim's family and give them her family's condolences. The victim's family didn't accept the apology.

“Their family told us that we should stay inside, because they didn't want to accept our apology. So, we were under the Kanun, and we should only communicate by a designated person, because our lives are now in danger because of them. It was everyone, both the men and the women, in the first one or two weeks. I wasn't going to school, my sister neither, my mom wasn't going to work, my dad wasn't going to work. The rest of the family, like my uncle and the others, they were acting normal. Of course, they were careful, but they were not staying inside like we did.”

After two weeks, her family was able to secure a *besa*, the truce between the two families where her family would be allowed to safely go about their lives. It was a long process of negotiations between the families, with Imams and other trusted individuals acting as mediators renewing the truce every couple of months.

Meanwhile, her brother was released from jail after about seven months, because, as she said, “they don’t keep you in jail until the whole process is done, when you get the verdict. He was free until the verdict was made.” It was a long legal process that went on for five years, prolonged by the victim’s family’s objections, moving up to a higher court where the case started all over again. Before the final verdict was announced in 2019, the two families had managed to settle the blood feud between them:

“The whole ceremony, with all of my family and all of their family, only the boys, happened in the mosque with the Imam. I think there was also someone there from the municipality of Pristina, that contributed to the relations. It was all filmed, the cameras were there, the news wrote about the acceptance.”

Some of the details of the reconciliation process were requested to remain off the record.

However, she mentioned that during this time, the victim’s father had injured someone in a car accident, and that this third family, who was now involved in the process, had forgiven the victim’s father almost immediately and encouraged the victim’s family to also seek peace. “This was a huge step for the [victim’s] family to get to know the situation,” she said, “to know this is a thing that could happen to anyone, that this was an accident. It didn’t happen with any malice.”

She further remarked that during the legal proceedings that went on after the reconciliation, the judge had taken notice that the victim’s family had forgiven her family, and that this resulted in a lighter sentence for her brother. He was sentenced to three years beginning in 2019. She told me how, despite his being free during the legal process, the feelings of guilt greatly tormented him. “He’s much more in peace now than before he was in prison,” she said.

I asked her a few general questions regarding the positioning of the Kanun in Kosovo. She corroborated that there is a disparity in the way the Kanun is applied contemporaneously from the past, stating that “there is a modern Kanun, people do it their own way, but they say that it is Kanun.” This validates Joireman’s claim about the differences between what the Kanun says and “what people think it says,” in that it serves more of a symbolic purpose. Despite having a friend who was also implicated in a blood feud⁵, though much less complicated than her own, she says that it is not a common occurrence by any means. Usually, when an accident results in either someone’s injury or death, the offender will go to the victim’s family to give their condolences and offer to go to the funeral, which may or may not be accepted. “But things do not usually get as complicated as our case,” she says.

When discussing why she believed the Kanun and blood feuding were invoked in certain circumstances, she was hard-pressed to give any definitive answers, but did offer that perhaps corruption is one of the roots of the issue. “Here the corruption level is very high,” she said. “There are possibilities that, for example, you can corrupt the judge or whoever, and you can get a less than you deserve. The system could be manipulated.” Her mention of corruption in the justice process as one of the foundational causes of the reemergent phenomenon was what inspired me to look further into the issue and was subsequently corroborated by the existing research and many of the conversations I’ve had with my informants during this research.

Through this example, there are several facets that corroborate my argument regarding the individualized justice and process-orientation of the Kanun and blood feuding. First, we see the inclusion of choice on the part of the victim’s family in deciding to grant a truce. The decision ultimately rested with them to lift the period of self-confinement and the continual granting of the truce over the period of reconciliation, showcasing the “situational advantage” afforded by this method of justice. Second, while the legal proceedings carried on in a removed

⁵ I tried to reach out to this individual for this research, but, understandably, they weren’t comfortable talking about it.

manner, the reconciliation process was entirely localized in and mediated by trusted individuals: relatives, religious figures, etc. Finally, the entire ordeal through to the reconciliation period seems to have incorporated a process that ensured the intimate involvement and proper conduct of both families before arriving at a conclusion predicated on satisfactory justice and a profound agreement between both parties.

However, before moving on, there are a few significant points that L—'s story raises that are worth mentioning. First, as a Muslim family from the city of Pristina, their narrative shows how the phenomenon implicates more than just the “Catholic populations of the mountainous northern regions of Albania,” as Bardhoshi's critique of existing research addresses. Further research would do well to take perspectives such as L—'s into account. Second, as she mentioned, the women of her family were also compelled to stay indoors before the truce had set in, showing how the traditional procedures of blood feud, where only men are targeted, are no longer of concern. Rather, it appears that there is an effort towards equalizing the grief felt by a victim's entire family to the family of the offender, regardless of gender. Finally, I believe that this case properly shows the full extent of tragedy that besets both sides of families involved, particularly when it is accidental. For L—'s brother, a young man whose life was irrevocably altered by a split-second accident, grief and guilt tormented him throughout the process, coupled with the hardship endured by his family. For the victim's family, there is the terrible anguish of losing a loved one, going through a legal process that will not only fail to make up for the loss of life, but may also fail to achieve any kind of recompense in a fair way.

Grieving the loss of a loved one in any context is a difficult and confusing process, and when it comes at the hand of another, accidental or not, there is always going to be the question of how one can make up for an irreversible act. There is a privilege in being able to go through the system of justice expecting that, even though the loss of life can never be made up for, at least a commensurate punishment will be dispensed. But in a context where a perpetrator can pay for their freedom, influence the pathway to justice through social or economic means, how

can one achieve a sense of justice and closure? It is within this mire of difficult questions and circumstances that, I argue, the symbolic value of individualized justice offered by the nominal invocation of the Kanun emerges.

Disputing “Blood for Blood” – The Debate on the Death Penalty in Albania

For further justification that the practice of blood feuding and the invocation of the Kanun are concerned with process-oriented justice, it is worth taking a brief moment to address the debate on the death penalty in Albania. It would appear that for a practice that is predicated on the principle that “blood is paid for with blood” and is in contest with the state-imposed legal process that claims the authority on justice, the death penalty may be seen a positive cooption of this principle on the part of the state in this context. (Fox 1989: 172) However, as I observed, there is quite a lot of deliberation on the subject as to whether the death penalty is effective in the case of blood feuding.

In 1999, the Constitutional Court of Albania decreed “that the death penalty was contrary to the new constitution effectively abolished the death penalty in peacetime in Albania.” (Amnesty International 2000) This change in legislation came alongside the negotiations of potential EU membership for Albania and helped to align Albania with EU and international standards for human rights. (“Candidate and Potential Candidate Countries” 2014) However, the effects of the abolition of the death penalty seems to be contested in relation to the practice of blood feuding.

One informant with whom I spoke argued in favor of the death penalty, saying that “I think that the death penalty, for me, has a positive effect [on blood feuding]. Because people will stop.”⁶ That is to say, in effect, that the death penalty fulfills the tenet of “blood for blood” laid out in the Kanun. In the scenario where egregious crimes, such as murder, are met with equal punishment, it would perhaps make sense that the state assuming this responsibility would fulfill the role that the Kanun is nominally invoked to resolve. According to Gjin Marku, several members of the Albanian parliament “have declared on television shows and for the media that

⁶ Interview with FK, June 3, 2021

the removal of the death penalty is a mistake,” suggesting that it’s return would help to alleviate the phenomenon of the reemergence of blood feuding.⁷

However, there is also a very forcible argument against the death penalty and its effectiveness in dealing with the practice of blood feuding. Gjin Marku, speaking about the mission of his organization, stated that

“Our missionaries in every district, in every village, proclaim that [the death penalty] is not an Albanian value. Our tradition predicates reconciliation and forgiveness, not the death penalty. All the reconciliation missionaries, and our committee, have supported the Albanian government to interrupt the death penalty and to accept the decision of the European Union, to abolish the death penalty.”

He further said that there has been a direct correlation in the decline in blood feud cases since its repeal. Marku also argued that “those who have taken blood after [the repeal of the death penalty], have [done so] because fair court decisions and institutions were absent,” which also supports the argument for the symbolic value of the Kanun and blood feuding in relation to corrupt justice systems. His further reasoning as to why the repeal of the death penalty is a positive move is primarily that, even in equalizing the blood that has been taken in a literal sense, capital punishment does little in reconciling and bringing about closure for the victims’ families. Even for my informant who expressed favor with the death penalty, he recognized that it “doesn’t cover honor or reconciliation.”

Therefore, it must be understood that the practice of blood feuding isn’t solely about equalizing “blood for blood,” nor is it necessarily concerned with outcome-oriented justice. If such were the case, the death penalty would be considered a positive move in the reform of the justice towards achieving satisfactory justice, as it would achieve the equalizing outcome of payment for one life with another. Instead, as Marku and my other informant’s comments

⁷ Interview with Gjin Marku, May 12, 2021

suggest, there are further dynamics underpinning its invocation which show that there is a primary concern for the process of mediation and working through negotiators to achieve satisfactory justice. Hence, we now turn towards how this reconciliation process works to provide adequate conclusions to conflicts.

The Process of Reconciliation

Throughout the course of my fieldwork, I spoke with two individuals from separate reconciliation committees responsible for mediating blood feuds in Albania. The first, as already mentioned, was Gjin Marku, the head of the Committee of Nationwide Reconciliation based in Tirana. The second was Luigi Mila, the former executive director for the Justice and Peace Commission of Albania, now retired and working on other projects.⁸ Both individuals and their respective organizations are well versed in the jurisprudence of the Kanun and seek to utilize the tradition in their processes of reconciliation. They each emphasized that within the Kanun, there is a stressed process of reconciliation, and that indiscriminate killing is not sanctioned. Marku stated that “the Kanun does not allow for self-justice,” and that its use in a manner that can be argued as “self-justice” has been a terrible misinterpretation. Mila also told me that “there are only three cases you can take revenge” in the old tradition: “If someone kills [unwarranted], if someone takes away your wife [which appears to refer to adultery], or if someone kills a guest in your home.” It is explicitly forbidden to avenge accidental killings and injuries, as it has been often invoked as in the cases without memory mentioned above, and even in the tradition where these three reasons are sanctioned, there is still a process that one must go through. There are some nuanced differences in how both of these individuals and their organizations go about this process, as I will now discuss, but each of their underlining the importance of going through this process in a considerate manner that closely involves the families and communities of both parties speaks to another aspect of the symbolic value bestowed upon the Kanun and the practice of blood feuding in contemporary contexts.

The Committee of Nationwide Reconciliation, according to Marku, has “missionaries” (not in the religious sense of the word) located in every region of Albania and works closely with

⁸ Interviewed on May 18, 2021

similar organizations in neighboring ethnically Albanian regions. As Marku states, “our strategy is to support the rule of law [of the state], through the tradition.” There are two central components to his and his organizations’ approach. As he mentions in a separate interview with the *Financial Times*, “I don’t judge families or try to convince them to forgive but, rather, I focus on the consequences of taking revenge, such as ending up in prison.” (Cohen 2016) When I brought this comment to Marku’s attention, he corroborated the part that eventual forgiveness is not the desired outcome but focused less on the “consequences of taking revenge” as part of his strategy. Instead, he was more so insistent upon two points that his organization incorporates. The first is to properly explain and implement the legal structure of the Kanun. Recognizing that the Kanun has been bestowed an esteemed value amongst individuals without its specificities being understood, Marku stated that his organization “translates every sentence” of the Kanun from its dense verbiage into comprehensible terms so that individuals may go about the proper process. The strict adherence to the implementation of traditional processes is imperative for Marku and his organization. When I later asked if I could observe a reconciliation meeting, Marku stated that “it is impossible... because our work is a traditional practice that does not accept such forms and strangers from families involved in blood feuds.”⁹ As I had asked in this later correspondence if could help me get in contact with individuals associated with “No Blood Feud, Yes to Life,” another organization that addresses the phenomenon, he wrote that “even associations that do projects like ‘No Blood Feud, Yes to Life’ are not accepted by families in blood feud because the problem is a specific process only for the missionaries of tradition.”¹⁰

Second, Marku was insistent that his organization works in tandem with state judicial systems to ensure that satisfactory justice and procedural correctness are met along every step of the process in accordance with the tradition methods. He mentioned that political figureheads, such as former US Ambassador to Albania, James Jeffrey, and former Albanian Minister of

⁹ Email correspondence, May 17, 2021

¹⁰ As I was unable to get in contact with “No Blood Feud, Yes to Life” I was not able to corroborate if this is true or not.

Justice, Ylli Manjani, have given their explicit support to his organization, and that “the courts cannot set a murderer [who may be implicated in a blood feud] free without our opinion.” Since the Kanun already holds symbolic value as an idea of proper justice in contrast to the perceived corruption state legal institutions, it appears that Marku’s approach is to meld the Kanun’s positively maintained legality into state systems and facilitate the transition and development of integrous formalized judicial institutions.

Luigj Mila, through his work with the Justice and Peace Commission of Albania, related a slightly different approach. The methods of Mila and his organization are quite similar to Marku in that they involve trusted individuals to both families involved, relatives or religious figures, and that he is prepared with an extensive knowledge of the Kanun. However, his approach is more defined by facilitating an arrival at forgiveness. “I personally managed to lead a process of forgiveness,” he said, pointing out that there’s a difference between reconciliation and forgiveness in overcoming a blood feud, although he often used the two words interchangeably during the conversation. Reconciliation, as he stated, refers to a situation “when two families are equal, where one family has lost a person, and another family lost another person.” Forgiveness, on the other hand, occurs when “a family maybe lost two people, another family lost one person. In this case it’s not reconciliation, it’s forgiveness.” This places him in a difficult position because the ongoing nature implied in this process presents a few dynamics which must be overcome. On the one hand, there is the attainment of satisfactory justice, as with any case of blood feuding. But even more so is the question of honor, which plays a significant role in the forgiveness process. When an individual whose family has been involved in a back-and-forth case of blood feuding, as Mila states, there is an all-encompassing sense of urgency to take revenge to appease the memory of one’s dead relative. For someone who has lost their father, for example, to make the final move towards forgiveness presents the dilemma that to do so would seem “to sell [their] father out, to abandon [their] father.” It is within this sentiment that a slightly nuanced deviation from Bourdieu’s idea of honor in exchange systems occurs.

Naturally, as with Bourdieu's conception, the blood feud implies "the possibility of continuation, a reply, a riposte," as it comes with it the inevitable possibility that one will revenge the blood that has been taken. (1990: 100) However, there is a hierarchization of honor within Bourdieu's conception, where there are "inferior" and "superior" individuals, that does not seem to exist in the Kanun. Unlike in Bourdieu's conception, where "the challenge bestows honor," the challenge in the case of the blood feud removes honor. (1979: 100) It upsets a state of equilibrium wherein all individuals are conferred a sense of honor. In addition, it is not only the individual who has their honor removed, but that of their relative as well. Therefore, in order to forgive the wrong that has been done to the individual, they must also rationalize a forgiveness from their deceased relative.

According to Mila, in the process of forgiveness or reconciliation, there are two ways in which honor in this sense is procedurally addressed. One way is to address the very material circumstances that are involved in being implicated in a blood feud:

"A family which is isolated by blood feud, can you imagine? It's very hard staying at home every day, with a gun. How can you grow up with this pressure and this psychological situation?"

This tortuous sentiment is hauntingly evoked in Kadare's narrative *Broken April*, where the character of Gjorg is tormented not only by the obligation to avenge his slain brother, but more so by knowing that his life is over after having taken back the blood owed, knowing that doing so will continue the "endless funeral feast" where his relatives will be later implicated themselves and the cycle of distress will continue. Mila argues that rationalizing for oneself that forgiveness is the only way out of this cycle is how one is able to reconcile the "lack of riposte" to the memory of their relatives: "I decided on this for the future of my family and my sons and brothers," is how Mila explained the thought process.

The second way in which honor is addressed in the forgiveness process is outwardly, to reconcile the honor lost to the community. Communal pressure, Mila states, is an obstinate

hurdle to overcome. This is another facet noticeably expressed in Kadare's novel: "Have you heard? Gjorg Berisha has killed Zef Kryeqyqe." "Gjorg Berisha has taken back his brother's blood." (2020: 6) As one informant told me, communal pressure plays a role in compelling an individual to continue with the blood feud:

"People talk, and they talk a lot. They say 'oh look, [this guy], two years ago, they killed his brother, and he never took revenge. He's a weak guy. He's a garbage guy. If he's a good guy, a strong guy, a guy with a good identity, he will take revenge.'"¹¹

In order to rectify this communal pressure and to truly equalize the removal of one's sense of honor, a gift of sorts serves the symbolic purpose of repaying the blood taken. "In every case when you are going to be reconciled," Mila said, "it is a symbol to take something back, sometimes money, sometimes raki. It's a gift, but it's very important this gift." Sometimes the gift takes the form of an act, wherein an individual is injured by the victim's party. "I know some cases where the family of the victim asked the perpetrator to wound himself, as a sign, just to have some blood. It's a gesture, just to reconcile," Mila said. In such a case, the forgiving party needs "to be cleaned of the shame of the blood which [the other has] taken." While the gift often, though definitely not always, takes the form of money, similar to "when the Kanun was in power [and] there was a fixed amount of money how to pay for a person killed [blood tax]" as Mila stated, it is much more than an economic exchange.

The symbolic as opposed to economic purpose of this gift to reconcile blood becomes apparent in a story that Mila related to me revolving a reconciliation process he oversaw in a village outside of Shkodër. Mila was accompanied by a German historian who was conducting research in Albania, and the two were staying with a family who were implicated in a blood feud. To arrive at reconciliation, the opposing family were requesting a sum of 6,000€ to settle the matter. The German historian, concerned for the safety of his host family and apparently looking

¹¹ Interview with FK, June 3, 2021

to be charitable, offered to pay the opposing family the sum of money. “I went to the family and said I have this money, from the German,” Mila said. “They didn’t accept. It doesn’t matter the source of the money, it’s a question of honor.” In essence, the money coming from any source wouldn’t make up for the blood that has been lost.

The gift, in this process of achieving reconciliation and forgiveness, symbolizes what has been taken away, thereby returning to the point of equilibrium. While there is a sense of “self-interest” in the sense of Mauss’s conception of the gift, in that one is removed from the suffering that accompanies being implicated in a blood feud, the gift is not one that needs to be reciprocated, because it doesn’t put one in a position of debt. (Mauss 2010: 4) The same applies for Bourdieu’s interpretation of the gift, because it is not “the act of honor [that] is completely constituted as such only by the *riposte*,” but rather the restoration of honor and the end of reciprocity. (1990: 100) The *riposte*, the counter-gift, equalizes what has been taken away, thus ending the cycle. This is how the “endless funeral feast” comes to an end. There is no “improvisation” which instills a sense of “charm,” as Bourdieu calls it, as the gift needs to be negotiated and satisfactory to the victim’s family. (1990: 99) While the gift given, in this case like Bourdieu’s “counter-gift,” is different, in that it is not blood that is given back but something else, the gift must be symbolically the same. (1990: 105) However, like Mauss’s observation that that “one must give back to another person what is really part and parcel of his nature and substance,” the gift given in the process of reconciliation represents the blood that has been taken back and, in essence, is symbolically imbued with the blood of the individual giving it. (2010: 16)

While there is perhaps more that can be gleaned from these two approaches, the argument regarding the symbolic value of the Kanun and the process-oriented nature of reconciliation of blood feuding is clear. As opposed to state-imposed legal systems, which as have been established, remove the localized aspects that enter that revolve around criminal cases, both approaches seek to reconcile these cases with intimate inclusion of the involved parties

along with individuals with whom they trust. For the victim's family, situational authority is established throughout as they essentially control the process of reconciliation in their providing a truce and stating the required repayment, through the symbolic gift, for the dishonor and anguish that has been wrought by the loss of life. Furthermore, these approaches to reconciliation point to preference for process as opposed to outcome, as each ensure that all parties involved can regain a point of equilibrium. This is further indicated to the conclusion to Mila's story about the family in blood feud and the German professor. From the victim's family, the individual who was obliged to take back the blood was a nine-year-old boy. While the gift was established as being attempted to attain, the family refused to fully reconcile until the boy turned eighteen and decided for himself that he could forgive. "They could not make the decision without him," Mila said. The practice of blood feuding, therefore, seems to demand that all parties reach satisfactory justice, through the process of reconciliation, before the case is considered close.

Conclusion

As my talks with both Marku and Mila concluded, both expressed some optimism that the practice of blood feuding was receding. For Marku, this was due to judicial reforms and actions by the state to provide more equitable justice (however, as some conversations I had with acquaintances in Shkodër indicate, there are still a considerable number of issues with corruption and ineffective legal systems). For Mila, despite no longer working in the reconciliation process, he said he wasn't aware of many cases still ongoing and remarked that through his outreach with school children to teach and learn about the transmission of the Kanun, many took a critical view of it as no longer being relevant.

However, for Mila, something troubling did emerge from this outreach. He provided an open-ended questionnaire to high school students in Shkodër, Tiranë, Lezhë, Berat, and Gjirokastër, covering a wide geographical and demographic survey of Albania. In this questionnaire, the question was posed "if somebody killed your brother, or relative, or a member of your family, will you take revenge?" Mila responded,

"Maybe 52% of the group said yes. And it was not enough for them to answer yes, but to explain, 'I will fill the head with bullets.' My god, it was very hard for me to see. Just adding more information. Even in Berat, in the south. Everybody blamed the Kanun, but everybody says, 'I will revenge.' We asked, 'Do you respect the Kanun?' No. 'Would you take revenge?' Yes. But it's complicated now. There's something deeper, it's not just a north Albania problem, it's more of an Albanian problem. But it's not only an Albanian problem. In Greece, for example, I read somewhere, after 103 years, in Crete, there has been revenge. Or in Turkey, the same situation. It is a Mediterranean problem." (The case of revenge killing in Crete is explored in Vlachadi et. al. 2013)

Beyond the obviously disturbing aspect of Mila's observation here, there is the implication of a problem inherent and primordial to the region and the individuals who occupy that region. It is

something that harkens back to the stereotypical viewpoint that often plagued the study of blood feuding in Albania in connection to further problems in the region, encapsulated in an article published in *The Telegraph* about the subject, stating that “vendettas.... are not unusual in the more hot-blooded corners of the Mediterranean: similar tales can be heard among the Mafia clans of Sicily and Corsica, and throughout the Balkans from Croatia to Crete.” (Freeman 2010)

The interpretation that these actions are inherent to a group of individuals by virtue of their regional location or their ethnic grouping not only fails to assess the underlying dynamics which motivate them, but also fail to see that it is a widespread phenomenon. Blood feuding and retributive killing has been observed in numerous non-Mediterranean contexts, such as Iraq after the collapse of state institutions (Carroll 2011) and among the Svans of Georgia during the decline of the Soviet government (Jalabadze 2012). Revenge more generally, to equalize an egregious offense that has been received, the root of blood feud and vendetta, is such a commonplace theme in that has been treated in literature, arts, media and occupied the news the world over that it would be ludicrous to say it is an inherent reaction to a specific grouping or region of people.

Instead, where it arises as a localized phenomenon, as is the case in the reemergence of blood feuding, it is imperative to look further and to ask why it is being used as recourse instead of less violent methods. This is precisely what I have intended to begin here in the context of Albania. Through my research and analysis, it appears that in the lack of trust and integrity in the Albanian legal system following the collapse of the totalitarian, communist dictatorship, there was a void in achieving satisfactory justice that still lingers to this day. Because in the collective memory of Albanians there existed a comprehensive legal structure, the Kanun, that symbolically came to represent all that was lacking in the contemporary judicial system, this preconceived idea of justice, even if the exact tenets were lacking, offered satisfactory recourse in the case of significant offenses. The concept of blood feuding, incorporated into the idea of the Kanun’s

legal system, provided a strategic outlet which afforded individuals control over a process of achieving satisfactory justice that institutionalized judicial systems could not offer.

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