Петар Крстев

Цената на амнезијата
Интерпретација на вендетата во Албанија

Сепак, има нешто од Албанецот во сите нас.
Ихаб Хасан, 1993: 143

Толкување на Албанија


Пéтер Красцев

The Price of Amnesia
Interpretations of vendetta in Albania

Still, there’s a little of the Albanian in all of us.
Ihab Hassan, 1993:143

An interpretable Albania

The Albanians are descended from the ancient Illyrians, from whom they inherited their language, customs and, to some extent, traditional legal systems. What is really disturbing about Albanian history is that even apparently trivial statements like this cannot be ventured without raising the spectre of “mythologisation”. We know almost nothing of the Illyrians, except that they populated the Western end of the Balkan peninsula until the 5th or 6th Century AD. Then all trace of them is lost, like the Traks, Avars, Visigoths, Daks and numerous other tribes and tribal alliances of the period. However, not only is this origin myth treated as authentic in historical writings about Albania today (Pollo-Puto, 1981:240; Skendi, 1967:115; Logoreci, 1977:16), but a number of well known Western scholars have also adopted this national romanticist position uncritically (Jelavich, 1977:223, Schevill, 1991:34; Costa, 1995:1). Sceptics remind us that the debate on Illyrian origins was suppressed in the 1950s by the dictator Enver Hoxha, about whom we know for sure that ancient history was not his strongest expertise (Lubonja, 1999:2).
I don’t wish to, nor could I, take a stance on the intricacies of the question of Albanian ethno-genesis. With this example I simply wish to illustrate the almost limitless possibilities offered by Albanian history to all those who wish to reinterpret and/or reconstruct the past for whatever reason, and how suited it is to manipulative agendas. In the course of time it is only the intentions of the interpreters, expressed in metaphors, that changes.

At the beginning of the Twentieth Century it was not only arrogant foreigners who thought that “the country is merely a geographical expression” (Woods, 1911:87). Even committed Albanian patriots were compelled to recognize that at the time of the declaration of independence in 1912 Albania did not dispose of even the most fundamental institutional frameworks of statehood. Mitat Frashëri, who is considered the father of Albanian nationalism, admitted openly and frankly that the nation had to be forged out of a conglomeration of tribal clans (cited in Labonja, 1999:1). From Germany to Macedonia, every Central and Eastern European nation that arrived belatedly at the question of statehood was confronted with the problem of creating national identity: the essential issue was to identify their own “nation specific” characteristics which differentiated them from their neighbours, the “others”.

Nor was this issue easily resolvable for the Albanians. The country’s population were part Muslim, part Catholic and Orthodox Christian – on the basis of religion, therefore, Albanians could consider themselves as appertaining to the Serbs or Italians or even the Turks. (In one of his poems, Vaso Pasha, the great poet of rilindja, the “national renaissance”, attempted to overcome the problem with the following formula: “The religion

За Албанците, ова прашање немаше лесно решение. Населението во земјата беше делумно муслиманско, делумно католичко и православно-христијанско - па така, врз основа на религијата, Албанците може да се сметаат за дел од Србите или Италијанците, па дури и Турците. (Во една од неговите песни, Васо Паша, големиот поет на rilindja, „националната ренесанца“, пробува да го надмине проблемот

не сакам, ниту пак можам, да заземам став за најсугерираните точки на прашањето за албанската етногенеза. Со овој пример јас само сакам да ги изустривам речиси бесконечните можности што албанската историја им ги нуди на сите оние кои од која било причина сакаат да го репертуираат и/или реконструираат минатото, и да покажам колку таа е подложна на манипулативни агени. Со текот на времето се менува само намерата на толкувачите, изразена во метафори.

На почетокот на двадесеттиот век, не беа само арогантните странци оние кои мисле дека „земјата е само „географски израз““ (Вудс, 1911:87). Дури и преданиите албански патриоти беа приморани да признаат дека кога се донесуваат Декларицијата на независноста во 1912, Албанија не располагаше ни со најновите институционални рамки на државништво. Mitat Frashëri, кој се смета за татко на албанскиот национализам, отворено и искreno призна дека нацијата се формирала од конгломерат племенски кланови (изирирано кај Лубоња, 1999:1). Од Германција до Македонија, секоја централно и источноверска нација која со задонување стигнала до прашањето на државништво, била соочена со проблемот на создавање на националниот иденitet: основната цел е да се идентификуваат сопствениот карактеристики „специфични за нацијата“, кои ги диференцираат од нивните соседи, „другите“.

антничката историја не му била најака страна (Лубоња, 1999:2).
of Albanians is Albanian-ness”). Linguistic unity, as a theoretical
case, falls at the Shkumbin river; the inhabitants of the northern
and southern banks barely understand each other in prac-
tice (the normalisation and unification of the language is sim-
ilarly credited to the “linguistic labours” of Enver Hoxha).²

Nor was reference to a common (national) past a viable option
since Albanian history, unlike that of the other Balkan peoples,
could not be made to fit the pattern of wanderings-settlement-
consolidation—(imperial) golden age—decline—Turkish oppression—
independence, which facilitated the ideological
legitimisation of the existence of the new state in those other
Balkan countries. The consequences of this were that Albanians
never constructed a mythological-historical narrative of the type
“we came from somewhere, our goal is ahead of us”, and so the
nation’s existence lacks the kind of historical teleological stamp
which informed the awakening of national consciousness in the
neighbouring countries.

So something else was needed in Albania at the end of the last
century. The solution was found in the idea that Albanians had
inhabited their territories from ancient times and that their de-
cendants could be thanked for having preserved ancient tradi-
tions, institutions and legal systems. For having, in other words,
remained untouched. In an extremely simplified form, what
makes an Albanian Albanian is resistance to all the attempts to
introduce foreign institutions throughout history: Albanian only
feel at home (i.e. in Albania) within their own “natural” institu-
tions. And this interpretation of history and identity cannot be
separated from the peculiar status of the North Albanian moun-
tain territories. There, tribal social relations survived right up
until the middle of this century when the communists came to
power. Custom law remained in operation in the highlands, and
it was this “living”, in vivo, tradition that proved too strong a
of May 1996. This fact was known to foreign observers but they shrank from proposing sanctions, anxious as ever to uphold “regional stability”.

The “banks” functioned well for a while. People liquidised their assets in droves and invested every penny in the state-sanctioned network. Those who invested in the first few months actually made a killing. Then the money ran out and people, having sold off their houses and herds, became increasingly restless. From February 1997 they took their demands for reimbursement violently to the streets. The rest is history, displayed on TV screens around the world: the protest spontaneously into a civil war, hysterical masses broke into barracks, raided weapons stockades and wreaked havoc. The state collapsed in days because its main pillars, the state security, fled abroad with their stolen money. Bands of pro-Socialist rebels from southern Albania reached Tirana and found the northerners disorganised and demoralised: not a soul supporting Berisha’s Democratic clan, itself of northern origin, since they too had lost heavily on the pyramid schemes.

A tenuous peace was finally reached through foreign intervention. New elections were called and won by the Socialists, and a new parliament was sitting by the summer of 1997. The MPs had barely sworn allegiance to the national constitution, which closely followed Western models in every respect, when the vendetta story related above took place.

All this was considerably more complicated than this brief sketch suggests, of course, but a number of inferences can nevertheless be traced. We have a multi-party democracy in which the main determinant of party preference is tribal loyalty rather than ide-
logical orientation: the majority of northern Gegs support Berisha’s Democrats, the southern Tosks stick with Fatos Nano’s Socialists. We have a democratic electoral system whose results are decided by the long arm of the secret police, a Western style state institutional framework which supports itself not through tax, but a private banking network. We have a banking system which itself operates as a pyramid game. And finally we have members of parliament who swear allegiance to the constitution but resolve their differences on the basis of the “medieval” Karun of a certain Lekë Dukagjini.

The simulacrum of western democracy, we might say with Baudrillard, is a mere surface, an appearance, beneath which lurks an entirely other reality: up to a certain critical point everything appears authentic, but should power slip away for a moment the tenuous membrane breaks and the “real essence” emerges. Romantics would say the surface is broken by the “soul” of the Albanian people, which cannot endure the oppression of imposed institutions and rises against them whenever possible. That the “real essence” is freedom-loving and will not suffer the shackles of external oppression. Like it or not the tradition is stronger than compulsion exposed from outside....

However absurd this national-romantic position sounds, it is difficult in practice to find rational arguments against it. In the case of Albania it is as if the violence really was driven by some blood-propelled tradition, as if the slightest perturbation of the central institutional structures were enough to overmaster the crowds and carry them off on the most irrational rioting sprees. No social psychologist could explain why it is that at decisive moments the majority of the country’s population choose the most destructive behaviour possible. Why was it, for example, in 1991 that old but otherwise entirely innocent country mansions had to be destroyed under the pretext of “democratic revo-
lution”? What was the reason behind the crowd’s ruining the buildings of the Tirana University and even knocking tiles from the walls of Chemistry Department in the course of the 1997 disturbances?

It is not easy to observe the irrational or inexplicable reactions of a society from the outside without transgressing the relevant game rules of political correctness. One such experiment, the film Lamerica by Gianni Amelio, was a failure in ethical terms, despite its success at the box offices. The reason was not because the Albanians represented in the film were reminiscent of bugs, something Mario Varga Llosa also took exception to in a public declaration. Nor because Albanian patriots, with the writer Ismail Kadare at their forefront, were deeply outraged at the spectacle. The film was ethically problematic because the genuinely nightmarish Albanian reality was used as a mere pretext, a backdrop, for the reworking of a mediocre salvation story (the legend of Saint Christof). When the film did try to unravel the complexities behind irrational crowd behaviour, it didn’t manage to rise above standard Western clichés.

The postmodern theorist quoted beneath my title, Ihab Hassan, is considerably more elegant than Amelio. It is perhaps no accident that of the few thousand peoples he observes the Albanians as examples to illustrate the fusion of reality and phantasmagoria of which he speaks. Because from there to irrational action is a direct line. But Hassan continues as follows: “We mistake our personal blueprints for maps of reality” (Hassan, 1993, 143). And it is difficult to argue with this even if the question of proportions – who mixes what up and to what extent – remain unclear.

And it is at least as difficult to find a rational explanation for the phenomenon of the Albanian vendetta, which disappears peri-
In the aftermath of a crisis in the country, the people look to their leaders for guidance and direction. The Albanian informants – peace-makers; those both “in blood” and reconciled; spectators – compared the growing wave of vendettas that has flooded the country since the beginning of the nineties to an epidemic. Nobody understands why, nobody knows the precise rules or methods, but if the situation seems to demand it, they are supposed to act according to the laws of blood feud. Or to be more precise, according to how they imagine these laws there and then. This perplexity, this rootlessness, is best illustrated by the parliamentary vendetta story, which is a mere simulation, a parody of a vendetta, considered to be traditional due to sheer ignorance. What is most depressing about the story is probably not that Mazrek, the lawyer, did not base his attempt to exact atonement on the law of the state, but that he fulfilled a blood contract in full awareness of his own ignorance: he accepted that he was playing according to an unknown set of rules. Since he vaguely remembered that according to some law he is required to kill, the other law could never give him adequate satisfaction. And if he, the elected, doesn’t know the rules, what can be expected of the ordinary North Albanian voter?

**Interpretations of the Kanun**

But what in fact is this Kanun which even the Prime Minister of the country alludes to in his condemnation of Gafur Mazrek MP? Can the “true essence” of Albanian society, which only rises to the surface when other powers are waning, be uncovered perhaps in these ancient “blood laws”? Interpretations of the Kanun abound. "The Kanun is the expression and reflexion of the Albanian character, a character which
The most likely probability is that one of the descendants of the Dukagjini family issued his own *kamun* following the example of the sultans. The example of Ottoman rulers did not stop the common collections of laws under the title *kamun*. The idea behind these was to adapt the traditional laws governing tribal relations to changing circumstances, in certain instances, to the demands of the ever-growing territories of their state, and this was a part of the great institutional transformations of the Fourteenth Century (Shaw, 1991:23). Although these laws counted as the lower rungs of the *sheriat* (Holy Law), in common legal practice the provisions of the *kanuns* prevailed since religious law could not be extended to every province (Schevill, 1991:227). Nor is it accidental that the birth of the Dukagjini *kamun*, and numerous other minor *kanuns* associated with the names of other aristocratic families, is placed in the Fifteenth Century, the period when Mohamad II ("the Conqueror") was

The most likely probability is that one of the descendants of the Dukagjini family issued his own *kamun* following the example of the sultans. The example of Ottoman rulers did not stop the common collections of laws under the title *kamun*. The idea behind these was to adapt the traditional laws governing tribal relations to changing circumstances, in certain instances, to the demands of the ever-growing territories of their state, and this was a part of the great institutional transformations of the Fourteenth Century (Shaw, 1991:23). Although these laws counted as the lower rungs of the *sheriat* (Holy Law), in common legal practice the provisions of the *kanuns* prevailed since religious law could not be extended to every province (Schevill, 1991:227). Nor is it accidental that the birth of the Dukagjini *kamun*, and numerous other minor *kanuns* associated with the names of other aristocratic families, is placed in the Fifteenth Century, the period when Mohamad II ("the Conqueror") was
strengthening tradition through an accumulation of *kanuns*. These cannot be considered as legal reforms *per se*, but rather as an attempt to insert a recent ruler into tradition through the re-assertion of customary law in his name. This is what happened in the case of Lek Dukagjini, whose name has survived whether in fact he existed or not: the laws bearing his name were regarded as official by the inhabitants of the North Albanian highlands right up until 1912, but to this day the mountain people cite his name when retribution is underway.

**Gjeçov: the future encoded as the present**

What the world today knows in its printed form under the name of the Lek Kanun (Kanun i Lekë Dukagjinës), is actually a compilation dating from the early twentieth century and edited by the aforementioned Franciscan monk and freedom-fighter, Shitjeq Gjeçov with the barely disguised objective of providing his hitherto widely dispersed tribal people with a national identity. The following definition can be read in the chapter about the family: “The family consists of the people of the house; as these increase, they are divided into brotherhoods [vllazni], brotherhoods into kinship groups [qinini], kinship groups into clans [fis], clans into banners [falamur], and together constitute one widespread family called the nation, which has one homeland, common blood, a common language, and common customs (Gjeçov, 1989:14).

In North Albania Gjeçov found a “traditional society” capable of preserving the “real essence” of Albanian-ness because of its relative seclusion and the fact of having remained virtually untouched over five hundred years of Ottoman occupation. He had good reason to think so, even from an objective point of view, because, on the one hand, the sheriat was both willing and able to co-
habit with local legal systems and, on the other, the northern Albanian highlands were one of those “islands” within the Ottoman empire where the Turkish powers were neither willing nor able to establish administrative control – where they treated the inhabitants as a nomadic tribe and they were satisfied with lump tax payments (Shaw, 1991, 150-151; Vickers, 1995, 5).

Gjècòv therefore discovered a metaphor for “nation generation” independent of historical teleology and religious differentiation: “blood”, which was also the basis for the “blood laws” – blood feudlum, clan-family-relative relationships, and could at the same time be used to express national connectivity “through blood”. The extent to which he succeeded in realising this metaphor amazed me once again on my last visit to Macedonia in May 1999. When I asked the intellectual head of a Kosovar refugee family how they were getting along with the Macedonian Albanians who had taken them in, he simply replied “Like family. After all we’re the same blood, aren’t we?”. In fact they had met for the first time and were not related.

Today we would regard the Kanun as a remarkably competent piece of ethnographic-anthropological work wherein traditional social institutions are described with textbook precision. The first and most fundamental structuring principle is the notion of blood relations, family and extended family ties, the laws governing the relationship between them and the laws governing closed relations of agriculture and production. The law therefore regulates which reproduces the most fundamental structures of traditional society, and therefore traditional cultural identities, throughout the world. The aim is not only to conserve this cultural identity and to hand it down to later generations but also to separate it from the identity of neighbouring cultures.
Во Кануношт од Гецов, Лек Дукаажини се појавува како еден вид албански Моисееj, чии учена се зачувани во секундата на племенската елита и старешините во вид на изреки и ритуали. Принатот на Гецов кон оваа, условно земено, Торг, е оној на вистинскиот Талмудист, кој „живекува“ законо од правилата расфрани низ светот текст, користејќи најразлични херменетички норми: го реконструира „античкиот устав“ врз основа на сопствените емпирични набљудувања и ги опкружува цитатите од делото со сопствени толкувања – со други зборови, на текстот му го дава динамизам кој ги одружува во живот сите постоечки обичаји на право. Во фуснотите повлекува паралели со Законите на Ману, Риското право, законите на грчкиите градови-дружини, Десетте Заповеди. Овие служат, од една страна, да го зголемат престигот на Кануношти, а од друга, додува ненамерно, да покажат дека неговата интерпретација на обичајното право е заснована на неговото познавање на сите овие други законо.

Гецов гледа дека кодификацијата на „само-репродуктивните механизми“ на традиционалното општество, земени сами за себе, не би му биле дозволни. Функционирането на едно само-регулирачко општество, практично кажано – одружувањето на правото, може да го гарантираат или структурите на моќта, или некој вид на метафизички систем (вера, култ, религија, итн), или пак двете дејства заедно. Мора да постои елита со официјална дозвола да допуснува пресуди преку регулацијата на деловните прашања, ведетите, венчавките и извршувањето на казни во случаи на недолично однесување.

Судејки според Кануношт, во Северна Албания постоела униктна институцијализирана репрезентативна демокрација. „Локалната самоуправа“ (Селските Старешини и Пониските Старешини) имале моќ на вето врз „обласните совети“ (Водачите на Замишниата); и самоот „Градонашалник“ (Знаменосцот) одвреме-навреме бил властел на оваа обласна власт.

In the Kanun compiled by Gjeçoj, Lekë Dukagjini appears implicitly of course – as a kind of Albanian Moses, whose teachings are recorded in the memories of a tribal elite and Elders in the form of proverbs and rites. Gjeçoj's approach to this virtual Torah is that of the true Talmudist, who "draws out" laws from the rules scattered through the holy texts by employing various hermeneutical norms: he reconstructs the "ancient constitution" on the basis of his own empirical observations and surrounds quotes from the work with his own interpretations, in other words he gives the text the dynamism which keeps all custom laws alive. In footnotes he draws parallels with the Laws of Manu, Roman Law, Greek Polis Law, the Ten Commandments. These serve, on the one hand, to increase the Kanun's prestige, and on the other, albeit unintentionally, to illustrate that his common law interpretation is based on an acquaintance with these other laws.

Gjeçoj could see that the codification of the "self-reproductive mechanisms" of traditional society, taken on their own, would not be sufficient to his purposes. The workings of a self-regulating society, that is to say the upkeep of the law, could be guaranteed either by the structures of power or by some kind of metaphysical system (faith, cult, religion, etc.), or by the two working together. There had to exist an elite officially sanctioned to adjudicate over the regulation of business affairs, vendettas, marriages, and the imposition of penalties in the case of improper behaviour.

To judge on the basis of the Kanun, a unique institutionalised representative democracy existed in North Albania. The "local self-government" (Village Elders and Minor Elders) had the power of veto over the "county councils" (Chiefs of the Banner); the "Lord Mayor" himself (the Standard Bearer) was not immune from censure by his lesser colleagues or by the people. These
positions are filled by popular vote and the elected can be recalled at any time. The “parliament” or “senate” (Assembly), in which these representatives are joined by the “media” (Heralds) and “tax collectors” (Imposers of Fines), sits periodically. In especially important cases, a sort of “National Resident’s Committee” gathered a representative from every household for discussion. It is difficult to judge in retrospect how well this model functioned, or indeed whether it existed at all and was not merely an fabrication of Gjećov’s dream of popular representation, but it is a fact that these local institutions were also mentioned by other contemporary travellers.

Assembly sessions were strictly regulated. If a single member of Albania’s current parliament had known these rules, the recent fiscal could have been avoided. Hajdani would have been obliged to pay Mazrek five sheep for the slap in the face: the latter in turn would have paid the former 500 currency for his public offence – the two would have thought better of their behaviour in no time. Under the circumstances, however, the following amendment should have been invoked: “If a person shoots at another in the course of an assembly, his house is burned, he is executed by the assembly and his blood remains unavenged” (Gjećov, 1989:202).

When it comes to the metaphysical guarantees of the laws, Gjećov is evidently perplexed. The Franciscan priest’s Kamun includes examples of severe punishments for violence committed against religious persons, but his Christian principles of love and forgiveness are understandably ill at ease in these surroundings of vendetta and revenge. He cites a precedent from the previous century. Two young men stole butter from a Franciscan monk. The village chief gets word of it and is on the point of executing them when the priest pardons them. What is unusual about this is that in the Kamun theft is not a capital offence (“only blood
requires blood", or infidelity in exceptional cases), yet the Christian feels obliged to give forgiveness a chance.

Aside from this, Gjërov succeeds in suppressing his conscience, and doesn't mix Christian morality into his ethnographic observations. He managed this by simply omitting the sacred in his descriptions of societal-hierarchical relations amongst clans and tribes, the practises of hospitality, the taking of oaths, the means and reasons for revenge. The punishment is always mundane rather than celestial, and the mountain people are not motivated by heathen beliefs but by a kind of daily routine, a simple fidelity to the law. This solution is about as honest as can be expected from someone in his situation: it is true that he opens the Karun by discussing the legal position of the church and church figures - he describes numerous cases affecting priests in an introduction giving precedents for the work - but there is no sign that he intended any special role for Christianity in the ideology of the future Albanian state.

Durham: the present as key to the past

Gjërov found the key to future national integration in the North Albanian present and a vision of secular constitutional monarchy opened up before him in consequence.

Edith Durham arrived in Albania from just such a secular constitutional monarchy, Great Britain, so it is not surprising that she views the research terrain through an entirely different optic. She spent many long years in the Albania countryside and to this day she is remembered as the "queen of the mountain folk". Durham herself also declares that she found the "land of the living past" on this territory, a kind of reservation where the origins of European civilisation could be approached as an in vivo tableau, inscribed in the Balkans. In her two main works, High Albania (1909) and Some Tribal Origins, Laws and Customs of
Péter Krasztev: The Price of Amnesia

the Balkans (1928), she holds up a picture of society in its “infancy” to the reader. “For folk in such lands time has almost stood still. The wanderer from the West stands awestruck amongst them, filled with vague memories of cradle of his race, saying: “This did I do some thousands of years ago; ... so thought I and so acted I in the beginning of time” (Durham 1985:1). The “western traveller” here, Gulliver in Twentieth Century incarnation, can experience live ancient forms of medicine, the sick, treating wounds, the healing powers of holy places, communications (calling across from hilltop to hilltop), art (folk songs and handicrafts), superstition (heathenism, prophecy) and councils.

This external observer, with her somewhat trivial social Darwinist style, searches for common roots, a common past, which, once it is known and acknowledged, will provide the key to true understanding of the region. Durham made this observation at least fifteen years before a great number of his compatriots, among them Robert Seton-Watson, the outstanding historian, who produced the following words of wisdom only after the horrors of World War I: “The past as a key to the present - this is true of every country and period. The present as a key to the past - this is peculiarly true of Central and South-Eastern Europe.” (Seton-Watson, 1923:16)

Unlike Gjeço, Durham was paid relatively little attention to the kinship structure and family relations (she also mentions that the Albanians are not always themselves [Durham, 1985:21]) and to economic questions, but she was extremely detailed about the pagan background to the blood customs and about the mountain peoples’ ignorance of religious matters in general, which Gjeço either didn’t notice or tactfully

bania, 1909) и Родови корени, закони и обичаи на Балканои (Some Tribal Origins, Laws and Customs of the Balkans, 1928), таа на читателот му го отстинува општеството во своето „детство“. За луѓето во ваквите земји, времето се настапи и да застанати. Скидният од Запад стои меѓу нив вдлана, немонает со бледите сењава на колевката на неговата раса, и си вели: Вака правев јас пред изиданици години;... вака мислев и вака чинев на почетокот на времето“ (Дурам, 1985:1). „Западниот патник“ овде, тој Гуливер инкарниран во 20-тиот век, може во живо да ги искуси пратарите форми на медицината (гледањето на болниот, лечењето на раните, лековите моки на светите места), комуникацијата (довикување од рид на рид), уметноста (народни песни и ракотворбите), суеверното (паганство, претскажување) и советувањата.

Овој надворешен наблудуваач, со нејзиниот донекаде тривијален општествен дарвинистички стил, ги бара заединчивите корени, заединчкото минато, кое, кога еднаш ќе биде осознаено и признато, ќе й го даде ключот за вистинското разбиране на регионот. Дурам ја направила оваа описувања најмалку петнаесет години пред голем број нејзини земји, меѓу нив и Роберт Сетон - Вотсон, иноверечки историчар, кој ги изврши овие мудри зборови дури по укажите на Правата Светска Војна: „Минатото како служба за сегашноста - ова е точно за секоја земја и секој период. Сегашноста како служба за еден или - ова е посебно точно за Централна и Југозападна Европа“ (Сетон-Вотсон, 1923:16).

За разлика од Гечов, Дурам обрнува многу малку внимание на родинската структура и семејните врски (тяа споменува и дека Албанците не се секога си пријати во себе) (Дурам, 1985:21) и на економските прашања, но е мощна детаlка за паганска заданина на крвните обичаи и незапознаноста на планинците со религиозните прашања воопшто, што Гечов или не го забележал, или обирно го одминал. Двете
overlooked. Both books written by this English scientist lady mention that: “It is said that Pope Paul II (1464) excommunicated him [Lekë Dukagjini - P. K.] for his most un-Christian code” (Durham, 1928, 66; 1985:27) and she also quotes certain Marcus Crisius, a Catholic Missionary in 1653: “It’s incredible how ignorant the people now are of religion,” although she doesn’t provide a source for (Durham, 1928:24). “The teachings of Islam and of Christianity, the Sheriat and the Church Law, all have to yield to the Canon of Lek” (Durham, 1985:25).

“The most important fact in North Albania essential is blood-vengeance”, writes Durham, “which is indeed the old, old idea of purification by blood. [...] All else is subservient to it”(Durham, 1985:31). What this means exactly we can only intimate from her later books: she describes only the more theoretical aspects. She does state directly, however, that blood feudalsim is in itself a religion: ”it is an offering to the soul of the dead man”(Durham, 1928, 162). Her introduction to the metaphysics and the historical scope of vendetta begins with the allegation that the belief is still alive and well in Albania that a murdered soul can find no rest until blood is spilled in return (Durham, 1928, 163). And with this Durham begins the mental gymnastics with which she attempts to insert Albania into the general framework of world history. She probes into the etymology of the English expression “bloodthirsty”, she cites instances of the blood vendetta motif in Greek tragedy, Homer, Shakespeare and other renowned authors, as well as in Scottish folk ballads. She calls up endless examples of blood-drinking and beheading, headhunting, and ritual cannibalism from Serbian, Bulgarian, Montenegro and world history. She draws parallels between these and various gestures that still exist, surviving from older blood sacrifice customs (Durham, 1928, 155-179). All of this gives a certain credibility and presentable pedigree to the Albanian blood laws: the Albanians too, it turns out, are due a respectable place amongst the nations of the world who can boast a written history and stable institutions.
the outside world is that they are now living in the “past of others”. Best, therefore, to leave them in peace and not expose them to the gratuitous interference of the Great Powers, because upsetting the “natural balance” can only be a source of bitterness and suffering for the people living there. At this point the two romantic visions - that of Gjegjov and of Durham - meet for a moment: both of them nurse the hope that this merciless but “authentic” legal system may one day serve the purpose of serving the people of human society, the former tried to direct this force inwardly towards “their own”, the latter externally - towards her own “Great Power” government.

The losers of the triumphant project

It was Mehmet Shehu, the general of the National Liberation Army, who first realised in 1945 that in order for Communist powers to expand into the territory of North Albania, that is to enforce their own model of modernisation there, they did not need to destroy the local system and to wait until the local people were ready to “aspire to” another social system. Instead they simply had to do away with those who were acquainted with the customary laws and who oversaw their execution. The northern mountain dwellers were, nevertheless, a thorn in the side of the Communist Partisans. Not only because the local bajraktars (standard-bearers) supported the non-communist (“nationalist”) rebels, but also because they didn’t make any attempt to drive out the 45,000 German soldiers ordered into North Albania to liquidate the Partisans in November 1943 (Vickers, 1995:154). In reality one can only surmise what is hidden behind the official Albanian historical account, which remembers only that “the National Liberation Army provided a variety of administrative services for the newly liberated territories” (Pollo-Puto, 1981:240). Reginald Hibbert, one of fifty British officers ordered into Albania who fought the war to the end on the side of the Communist Partisans, remembers that after the battle of Dibra,
In the course of field-work in Albania in 1997 my most shocking experience was not that the locals have not preserved their own folk music, dance and handcraft traditions, but that they have no memory of their own predecessors, of the clan or tribe to which they belonged only 50 years earlier, and of how, or more particularly when, their current settlements were established. Durham, on the other hand, had even jotted down origin myths which were well known to the village peoples (Durham, 1985, 68-9). In Kalcë, a Catholic settlement situated high on a cliff, the
locals could only tell me that their ancestors arrived anything from 80 to 300 years ago, but they knew for sure that they were fleeing a vendetta. Of course there was one event that the older among them remembered clearly: the Partisan advance on the territory in 1944...

I made many attempts to stimulate the remnants of the beliefs that Durham had described in such detail seventy years earlier. At the time of my arrival in Laç I had the opportunity to speak to a gathering of a recently pacified family, five of the twenty male members would have been potential murderers in the town a week earlier. I asked them if they believed in the afterlife, and they replied that, yes, the priest teaches you that it exists. “So what happens if your victim caus you in the next world and asks what he did to deserve it?” After brief consideration, a middle-aged man replied: “He would understand, he too would know that I was only fulfilling my obligations.” Wherever I asked about the soul I received even less informative answers than this, and it is my conviction that this is not because the people find their superstitions and “backwardness” embarrassing (they talked openly about other customs, which they themselves consider shameful in front of outsiders, such as the haggling over bride price that precedes marriage), they had simply nothing to say about the issue.

My supposition is that the Partisan massacre, unimaginable and wholly inexplicable within the framework of local custom law, unleashed such a shock that it produced total amnesia in the survivors. The hierarchic tribal relationships disintegrated, the new authorities introduced general compulsory education which dismembered spiritual belief with the idea of social redemption, and replaced the traditional vengeance mechanism with everyday arbitrary terror: the meaning of the old stories was lost or forgotten and their place was taken by the exteriority of time and history. The place which Durham and Gjecov had envisioned as an anthropological reserve dissolved into a ghetto state – the
highlands had finally been “civilised”. And more importantly, everything came into state ownership so property disputes ceased to exist forthwith. In the general chaos of the end of the dictatorship, a number of scraps of memory floated to the surface, which (and this is no doubt understandable) were not concerned with a democracy which had never existed, nor with the more mundane manual activities of baking bread and preserving foods, but rather with the “ancient law” which had to be brought into effect so that some sort of order could be restored.

I am inclined to believe what I was told by my informants in agreement with the official line: that the vendetta system disappeared during the decades of dictatorship. In early 1997 I spoke to a policeman in the village of Torovici who told me his father had been murdered in 1946. He grew up fatherless and joined the police in 1990, acquired a gun and shot his father’s murderer. He still serves the law, but he couldn’t tell me which law, since, he said, he wouldn’t act to prevent a vendetta’s fulfilment even if he shared a bedroom with the murderer. This, according to the policeman, is the order of things. Why should he think any differently? In that same year a representative of his area attempted murder in the country’s parliament, driven apparently by a blood vendetta.

Since the early 1990s a wave of vendettas has flooded North Albania: partly because the memory of unavenged affairs of the past decades were rekindled, partly because the arguments that arose around re-privatisation led to new cases requiring blood revenge. It may be that the dissolution of strong centralised authority, the collapse of central institutions simulating governmental activity, led to a revival of their virtual “real essence”, which would never disappoint them and which presented some sort of safety. Except that when they finally reached the point of healing their decades-long grievances in the “old way”, they found themselves embroiled in a tradition about which nobody knew
The inhabitants of the highlands probably trust the state even less than the church. These people see little difference between the Communist powers of the past, who instilled fear and disrupted their ancient relationships, and the impotent government of the present. Power has always been alien, nothing good has
Интерпретации за иднината

Сепак, здравият разум не ни дозволува да се отказваме от обидата да го рационализираме и огромното количество нрационалност в Албанија. Не верувам дека верига на обичаите правило некако ги потпишава овие акумулирани нрационални реакции и дали правните обичаи преставуваат само траги од некоја инертна нрационалност.

Од друга страна, пак, скоро е сигурно дека обичајното правило, според својата природа, вклучува нејасни и нрационални елементи. „Правилата кои изгледаат нрационално, застарено и мистериозно...на втор поглед се покажуваат како запитници на чувството за идентитет на заедницата“ - ова е формулатата на Калм Карамајк во негоата споредба на обичајното правило кај Евреите и Ромите (Карамајк, 1997:281). Полетер О. Вејрок оди уште понатаму и вели дека нрационалните елементи во обичајното правило нрационално не можат да се објаснат, бидејќи „еден единствен елемент од правото може да ја растури логиката на целото“ (Вејрок, 1997:230).

Една перспектива препорачува интелигентен консенсус меѓу нрационалното и нрационалното: одредени елементи на обичајното правило да се интегрираат во правниот систем, бидејќи правната мусначија која ќе се добие може да е полесно прифатлива за људето. Погаа ги имаме спектакуларно навиците, како Тимоти Робертсон (Робертсон), кои сметаат дека можат да го променат „прастарото правило“, барем во полето на „алтернативно решавање на конфликтите“, и тврдат дека Конституцијата е доволно флексибилна со време да се припособи на изменените потреби и да ги навикне Албаниците на идејата ever come of it for them, not even when they get to elect their own representatives.

Interpretations for the future

However, common sense will not allow us to abandon the attempt to rationalise even the staggering amount of irrationality that is at stake in Albania. I don’t believe it’s worthwhile inquiring as to whether or not the bizarre custom law has in some way elicited these accumulating irrational reactions or whether the blood customs are just the traces of some inherent irrationality.

It’s almost certain, on the other hand, that customary laws, by its nature, includes blurry and irrational elements. “Rules that have appearance of being irrational, antiquated and mysterious... turn out on closer inspection to serve the community’s need to preserve its sense of identity”, is Calum Carmichael’s formula in his comparison of the custom laws of Jews and Roma (Carmichael, 1997:281). Walter O. Weyrauch goes as far as to say that the irrational elements of the custom laws cannot be explained rationally because “a single element of a rule of law may destroy the logic of the whole” (Weyrauch, 1997:230).

One perspective essentially recommends an intelligent consensus between the rational and the irrational: certain elements of the custom laws can be integrated into the legal system, since a legal mutation arrived at in this way might be more easily accepted by the people. Then there are the spectacles: a rare, such as Timothy Robertson, who see an opportunity to apply the “ancient law”, at least in the field of “alternative conflict resolution”, arguing that the Kamun was flexible enough to adjust to changing demands over time and to accustom Albanians to the notion of respect for the rule of law: that it represents, in other words,
the essential features of democratic values (Robertson, 1999, 5-6). This is not even remotely the case of course: even in Gjeço’s well-groomed version the kanun is merciless and discriminatory, but this kind of “marriage” has nevertheless been attempted elsewhere. A well known example is the failed Californian attempt to insert the Romani Kris (Roma law) into judicial practice. Canada has had a little more success, where Native Americans operate their own legal systems in harmony with those of the state, but the state bears an economic burden to that end, employing national forces of law enforcement, social workers and native born lawyers and administrative workers (Lee, 1997:389-390). The difference is simply that all this takes place within the familiar register of cultural autonomy, for which no precedent exists in Albania. And given the economic climate, the maintenance of such an infrastructure would probably prove even more hopeless.

When I asked Bedri Çoku, the head of national penal institutes, for his private opinion about capital punishment, he replied, a little nervously, that I would not understand, but in his opinion Albania is the only European country where it would be a mistake to repeal it. I imagine that no greater compromise than this can be arranged between European legal norms and the tribal custom laws. And still this won’t solve the problem of blood feudality.

To my mind, suggestions to escalate and expand systems of educational services are little more than variations on the naive solutions. In practise this will officialise the work of peace-making, turning mediation into a kind of paid job. Ultimately Ndrek Pjetri and other self-appointed peace-makers simply want a stable income paid by the state or a foundation. In 1995 a Peace and Reconciliation Studies Centre was opened in Shkodra but, after a short uncertain existence, it was closed again during the
chaos of 1997. This method similarly fails to account for the irrationality of the vendetta phenomenon: everyone “in blood” knows consciously that killing is wrong, but they do it anyway. The mythology of pride is much stronger than some abstract morality: even Communist brainwashing was unable to clear it out of men’s minds. I doubt that today’s enlighteners will have any more success than their earlier colleagues.

What can be seen to work in practice I would define as the “substitution of mythological structures”. In her travel writings Edith Durham gave her attention to one form of this. In the village of Vukli she became acquainted with a certain Padre Giovanni, an “Albanianised” Italian priest, who, besides the practice of his calling, also acted as doctor and judge among his flock, “who have made a small corner of the of the world the sweeter for his presence”. Durham finishes her story with this remark: “Vukli ... was free from blood within the bariak [sic!], but one of the few cases of blood was at once laid before him for his opinion” (Durham, 1985:90).

Eighty years later in the lonely mountains above Rodon Bay I met “Father Jack,” a Jesuit priest from southern Italy, who was given this name because the locals found the original “Giacomo” too long. This was the village of Bizë, which, along with its environs, was declared a closed military zone during the Hoxha era. Nobody was allowed set foot inside the area except the soldiers stationed there, and the local population lived in perfect isolation, catering for the occupants of the barracks. In 1991 it occurred to somebody in the Vatican that these people had once been Catholics and so the Padre was sent, and in four years he had worked a terrible miracle: he built a road, a school, a maternity home, and, finally, a church, with the help of volunteers from all over the world. One of the local farmers proudly showed me sausages hanging from his rafters – in Italian which they
had also learnt during the padre’s sojourn. This, it turned out, was the first time he had ever preserved food. In the past if they "accidentally" came across meat they’d cook it straight away. They had been baking bread only from the day Father Jack built a "lodge" and showed them how to make the dough rise. Within forty-five years, therefore, the inhabitants of the Rodon peninsula had lost not only their customs, their traditional cosmology, their religion, their folk beliefs and medicinal knowledge, their handicraft (famously beautiful kilim used to be woven in the area), but they had also forgotten the essentials for the most elementary subsistence. But it is all slowly coming back with Father Jack, people are gradually recovering from their amnesia. One thing has not returned, however: the vendetta. Or as Durham would have put it: the padre “have made a small corner of the of the world the sweeter for his presence”. The only problem with this particular method are that it works in entirely isolated territories and it requires a Father Jack, of whom, to the best of my knowledge, there is only one.

Another possible variation on the mythological substitution theme, using “domestic materials”, is besë. Besë, which means an “oath for peace”, is a kind of ceasefire which may be declared if the community (in the widest sense) feels threatened by common danger of some kind. This is a phenomenon which Otterbein believes is observable in every society where blood customs are in operation (Otterbein, 1996:495). According to certain reports from Kosovo, when the Serb authorities began to step up terror in 1990 a young activist couple appeared advocating reconciliation among the 20,000 or so who were in blood at the time, in the name of concertation against their common enemy (Young, 1999:10). In the same period another charismatic figure, Anton Çeta, came to the fore at the head of a similarly successful reconciliation movement. The besë declaration is not without problems of its own, however. One obvious drawback is that a great cataclysm is required for the blood-letting to be reinstated and
even then it only delays, at best, the commencement of the next wave of vendettas. Other limitations are broached in Stephanie Schwander-Sievers' outstanding study on the more significant instances of besë, in which she reaches the conclusion that these never extend to the entire population and that they serve the interests of the prevailing administration in particular, which gradually diminishes the effectiveness of besë over the course of time (Schwander-Sievers, 1999:9-11). Her opinion is supported by other research which shows that even the large scale reconciliation in Kosovo did not extend to the entire population (Malcolm, 1998:20).

Which leaves the obvious rational solution: the organisation of a state, strong and centralised enough, on the one hand, to disarm the populace and organise an effective (and less corrupt) police force and judicial system, and, on the other, to use the mechanisms of just redistribution to convince people that representative democracy and the rule of law are worthwhile. A number of examples from the last century illustrate this: something of this kind has happened in Greece, Serbia, South Italy and numerous other countries in the Mediterranean area.

By contrast this kind of power has remained absent in Turkey, for example, Egypt and a number of Arab states where, despite the centralised state authority, legal homogenisation has not extended respectively to the Kurds and to various nomadic ethnic groups. And it would be unjust to leave Finland out of this list, where they have been grappling with blood feudual customs that immigrated with the Roma since the Sixteenth Century (Grönfors, 1977), or even Great Britain, where the customary legal systems of "travellers" (this group are considered to be Roma, although in reality their ethnicity is difficult to determine) and of various immigrant groups, Pakistani in particular, appear to be equally uncontrollable. Nor is there a single developed de-
postponed ever since. This is a problem that is not only a political issue, but also a social one. The emergent Albanian community resident within its borders from reverting to blood vendettas to sort out their disagreements sooner or later, which only goes to show that the dispossession of the Krumat, real or imagined, have become the ineradicable core components of a national and regional identity.

However, these examples are not the only cause for scepticism. There is little chance of a rational solution for a community whose historical experience makes Orwell’s nightmare play like a popular opera, and who have practically lost their past and whatever sense of security they knew in solidarity and regulatory law through violently induced amnesia. As long as identity remains so strongly tied to “blood” only transitory or specious solutions can be found: the firm ground presented by the unified value system of Communism, which, after all the brainwashing, may have been accepted voluntarily, has slipped out of the people’s feet and ever since they are desperately grasping after any system of rules that might create order in their lives. All the time I was amongst them I had the distinct impression that they weren’t comfortable in their own skin; as though their pious self-detested the stronger “blood tradition” self and the weakest, law-abiding, self was unable to deal with the other two. When they talk to strangers they are deeply ashamed of themselves because they are confronting the world which their satellite dishes beam into their houses, and which they know regards them as savage and barbaric. And perhaps what bothers them most is that they are unable to simply slough off this skin which they were born into, this tradition of murder which they start practising immediately for as long as they remain unpunished for it. If anybody were to be as optimistic today as the Anglo-Saxon travellers cited above, who emphasised at every step that the tradition would die out with the consolidation of power relations, they will look as smugly naive in sixty years time as those travellers from the turn of the Century look today.
Превод од унгарски: Стивен Хамфрис
Превод од англиски: Саше Тасев

Notes

1 Moderate scepticism in this issue is evinced by Miranda Vickers (1995:1) and Peter Bartl. An outstanding account of the construction of the idea of Illyrian-Albanian continuity by German philosophers and linguists can be read in the latter’s book (Bartl, 1995:18-19).

2 My thanks to fats T. Labonja and Bashkin Shehu for bringing these facts to my attention on a number of occasions in their writings and conversations.

3 I owe the precise details of the story to Arton Puto.

4 This mechanism is described in Calum Carmichael’s study (1997:271). In this article he argues convincingly that although written (Judaic) and unwritten (Gypsy) law differ fundamentally from one another, in the constant practicality and timeliness of their mechanisms (Talmud, krise) the similarities are many. Gjegjov concludes just such a timely intervention with his reconstruction of the Kanun text.

5 I first heard Timothy Robertson’s lecture entitled *Custom and Law in a Time of Transition* at a conference. I owe thanks to Stephanie Schwandner-Sievers for making the manuscripts of the conference available to me.

6 David Noble, a practicing lawyer, gave an impressive lecture on this theme in Bad Hormburg at a conference organised by the International Association for the History of Crime and Criminal Justice on *The History of Vendetta*, in June 1999. Unfortunately he didn’t supply a text.

7 Ndrek Petri, the professional peace-maker in the Shkodra area mentioned previously, has collected a dossier of documents relating to Albanians living abroad, the majority concern North Albanians in vendetta cases.
References

Schwandner-Sievers, Stephanie: Arenas of Power and Conflict: Between
"Reforms" and "Traditions". Paper presented at the conference Custom and Law in the Time of Transition at University of London, organized by the School of Slavonic and East European Studies and The British Albanian Legal Association, manuscript, 1999.


Young, Antonia: Chaos or Control: Can the Kanun Contribute to Coping with Contemporary Conflict. Paper presented at the conference Custom and Law in the Time of Transition at University of London, organized by the School of Slavonic and East European Studies and The British Albanian Legal Association, manuscript, 1999.