

# **Beyond the Formal Constitution: clan culture and the tyranny of Albania's ancient laws**

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# Rrafsh (the 'Accursed Mountains')





# The Kanun of Lekë Dukagjini

- honour, a word of honour (*besa*)
- hospitality (*mikpritja*)
- proper conduct within the limits of the law (*sjellja*)
- loyalty to one's clan (*fis*)

# The Kanun's peculiarities (i)

Book 1 The Church (§17(1)8)

Book 2 The Family

Book 3 Marriage (§57, §88)

Book 4 House, livestock and property

Book 5 Work

Book 6 Transfer of property

Book 7 The spoken word (§520, §565)

# The Kanun's peculiarities (ii)

Book 8 Honour (§594, §598, §600, §602)

Book 9 Damages

Book 10 The law regarding crimes (§782)

Book 11 Judicial law

Book 12 Exemptions and exceptions

‘Whatever he did, he could not escape its definitions. It was no use deceiving himself. The Kanun was stronger than it seemed. Its power reached everywhere, covering lands, the boundaries of fields. It made its way into the foundries of houses, into tombs, to churches, to roads, to markets, to weddings. It climbed up to mountain pastures, and even higher still, to the very skies, whence it fell in the form of rain to fill the watercourses, which were the cause of a good third of all murders.’

*Ismail Kadare, Broken April (London, Vintage Books 2003)*



## Blood feuds

§822: ambush

§844-6: formalities

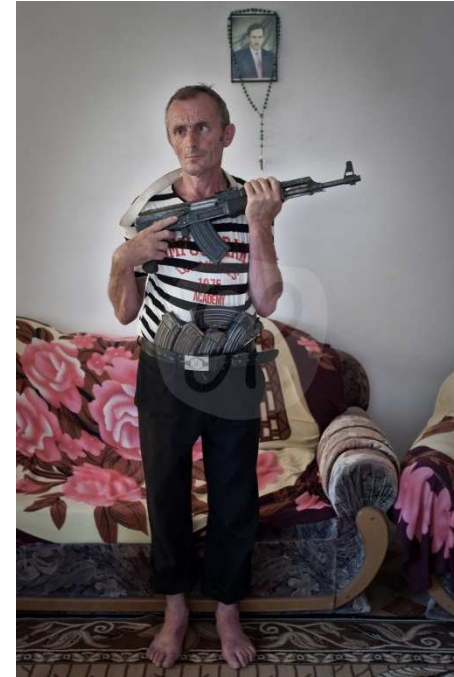
§887: value of a man's life

§897: no women & priests

§917: blood is never unavenged

§§988-990: blood brotherhood





Locked in





# Sworn virgins



It is the fashion among journalists and others to talk of the ‘lawless Albanians’; but there is perhaps no other people in Europe so much under the tyranny of laws. The unwritten law of blood is to the Albanian as is the Fury of Greek tragedy. It drives them inexorably to his doom. The curse of blood is upon him when he is born, and it sends him to an early grave. So much accustomed is he to the knowledge that he must shoot or be shot, that it affects his spirits no more than does the fact that ‘man is mortal’ spoil the dinner of a plump tradesman in West Europe. The man whose honour has been soiled must cleanse it. Until he has done so he is degraded in the eyes of all – as outcast from his fellows, treated contemptuously at all gatherings. When finally folk pass him the glass of rakia behind their backs, he can show his face no more among them – and to clean his honour he kills. And lest you that read this book should cry out at the ‘customs of savages’, I would remind you that we play the same game on a much larger scale and call it war. And neither is ‘blood’ or war sweepingly to be condemned.’

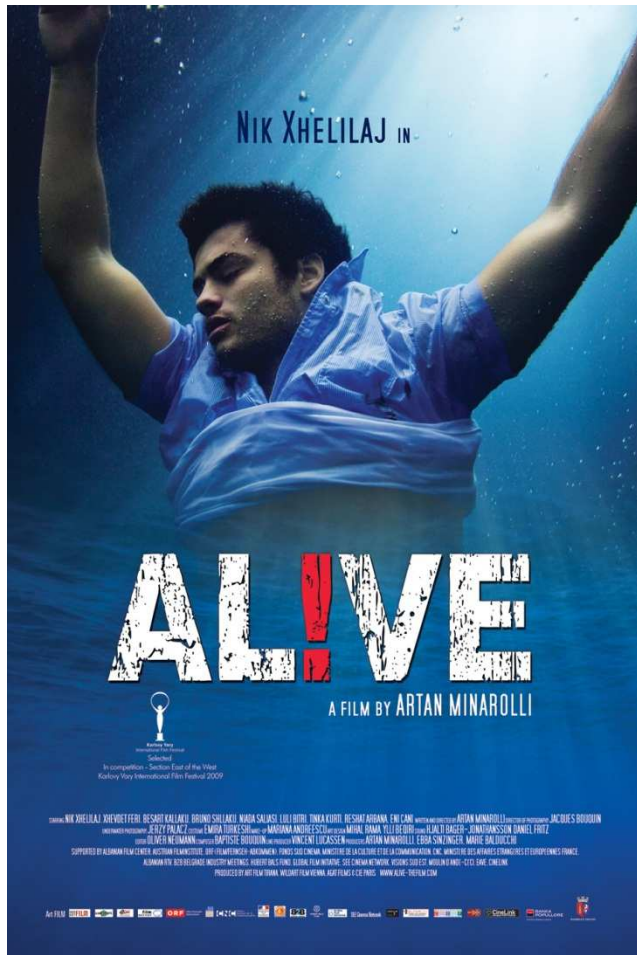
*Edith Durham, High Albania (London, Edward Arnold 1909)*

# Breaking the cycle of death?

- King Zog; Enver Hoxha
- Anton Çetta as a lone rider (Deçan, 1 May 1990)
- Governments have paid fairly little attention to enforcement
- UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions - Report on Albania (A/HRC/14/24/Add.9, 20 May 2010)
- Part of the problem: clan culture at the centre
- Trafficking, organised crime and corruption

# Impact of Europeanization?

- ‘guaranteeing democracy ...
- ... through the stability of institutions ...
- ... and the rule of law’
- The problems of the Kanun (esp. blood feuds, rights of women and children) should be tackled in Chapter 23 monitoring (judiciary, fight against corruption, fundamental rights and EU citizens’ rights), but is EU conditionality strong enough to break clan culture/power of custom?



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