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41/2023

2023

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## **David Stanfield's contribution to the comparative study of the Canon of Lekë Dukagjini and the Canon of Dagestan**

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**Abstract.** The Albanian monumental work The Canon of Lekë Dukagjin, or the Albanian Canon, is among the unique works with a humanistic spirit of the European Renaissance period, but also of the entire Albanian ethnoculture. The interests of foreign scholars in the study of this important document are early, but they will intensify especially after its publication as a book in 1933, to continue to the present day. In addition to Europe, studies on the Albanian Code will be "relocated" to the United States and Japan. In 1996, an interesting study by the Albanian professor Muharrem Dragovaja was published, entitled "Comparative study of the Code of Albania and Dagestan", which provides in detail comparative data on the main customary rights of the Code of Lekë Dukagjini in Albania and the Code of Dagestan in Dagestan. A valuable contribution to the coming to light of this study, undoubtedly has David Stanfield. In his comparative study between the Code of Lekë Dukagjini the Code of Dagestan, Professor M. Dragovaja, where he has examined aspects related to: Family, Marriage, Inheritance, Property, Border, Land Market, Honor and Blood feud etc., where, he has drawn some important findings. The comparisons drawn in this study give readers the opportunity to draw "conclusions about common curious elements that have evolved into customary rules of conduct and customs in mountainous Christian and Islamic communities from countries as far away as the Caucasus and the Balkans.

**Keywords.** Code of Lekë Dukagjini, Dagestan, David Stanfield, Muharrem Dragovaja, Shtjefën Gjeçovi

### **Introduction**

Albanian Customary Law - The Albanian Code, known worldwide as the Code of Lekë Dukagjini, was compiled and codified by Shtjefën Gjeçovi (1874-1929). It was published in 1933, after the death of its codifier. The publication was made under the auspices of Father Gjergj Fishta, a Franciscan priest and well-known Albanian writer, as well as other Franciscan priests of Albania, who had their headquarters in Shkodra.

In the thirties of the last century (XX), but also earlier (at the end of the XIX century), apart from Gjeçov, for the study of the Canon of the Mountains (Kanuni i Maleve), we have the interests and efforts of others. These efforts come mostly from foreign scholars, who were mainly guides, diplomats, or even scholars, who will leave visible traces in Albanian ethnography and albanology. In this case we should mention JGV Han, Edith Durham, F.

Nopça, N. Jokl, Margaret Hasluck, Milan Shuflai etc., by foreign scholars, then Lazer Mjedja, Kole Ashta, Eqrem Çabej, Benedikt Dema etc., from the Albanian scholars.

However, the interests for the study of the Albanian Code, but also of the multidimensional work of Gjeçov, will never stop. However, they will intensify after the Second World War, especially in the last decades of the twentieth century and in these two decades of this century (XXI). In addition to Europe, studies will be relocated to the United States and Japan. This has caused the Code to be translated into many languages of the world, Italian, English, German, French, Spanish, Serbian, Macedonian, Norwegian, etc. One of the most famous translations remains the English one, of 1989 in New York. The brilliant translation of the American professor Leonard Fox, while confronting the Albanian version with the English one, has aroused extraordinary interests of the academic and diplomatic world for the study of this monumental document of the traditional culture of Albanian customary and legal law. The studies of the Code are of the most varied, but comparative ones dominate.

Being an important document, studies for the Code continued and continue even now. One of the interesting studies is that of Muharrem Dragovaja, where the author makes a comparative study between the Code of Lekë Dukagjini and that of Dagestan, which we will address in our paper.

#### **Comparative study of the Code of Albania and Dagestan**

During my research on the Code of Lekë Dukagjini and its echo in the world, I found an interesting research, prepared in 1996 by the Albanian professor Muharrem Dragovaja, entitled *Comparative Study of the Code of Albania and Dagestan (Dragovaja, 1996)*. A valuable contribution to the publication of this study, undoubtedly has David Stanfield (Land Tenure Center, University of Wisconsin, Madison), who, as seen in the preface to this study, had worked for two years in Albania in land registration and in the land market program. Meanwhile, as we learn from his explanation, in April 1996 David Stanfield visited Dagestan as a participant in a Conference on Conflict Resolution, organized by the "International Alert". During the preparations for the conference, Professor David Stanfield had to read about the history and ethnography of the region, in which case he had some interesting ideas, in this case the idea of a comparative study between the customary traditions of the Albanians of Northern Albania and Caucasian inhabitants, namely those of Dagestan. "Around the end of the first millennium BC, a number of tribes from Dagestan helped to form a large state in the eastern Transcaucasia, known as Caucasian Albania, followed by 2000 years of occupation and subjugation by powerful neighbors. There seems to be no connection with Albania in the Balkans, although Justinian, an Illyrian (the ancestral culture of Balkan Albania) was emperor of Constantinople in 527-565 AD when Caucasian Christian Albania was at its peak (**Edwin E. Jacques, 1995**), *Albanians: An Ethnic History from Prehistoric Times to the Present*; McFarland and Company, Jefferson North Carolina and London, pp. 151-152), "he writes in the foreword to the comparative study, prepared by Professor Dragovaja (**Dragovaja, 1996**).

However, in addition, the American professor then read the Code of Lekë Dukagjini, translated into English by Leonard Fox and published in New York by Gjonleka Publishing in 1989, where he noted "on the surprising similarities between customary laws in Northern Albania and those of the peoples of the Northern Caucasus, although as he says "no one in Albania or Dagestan could support the thesis of cultural existence between the two Albanias" (**Dragovaja, 1996**).

However, the American professor's curiosity would be aroused again during a conference in Dagestan when a participant, from a mountain village there, would mention that

that day was the 3000th anniversary of the founding of the village where he was born and still had a home. Out of curiosity, the professor would ask her about the customary rules of life in the mountains and his words, because she had recalled the terms used in the Code of Albania. Although anthropologists and sociologists, as well as other participants in that conference (especially Mamaikhan Aglarov, Enver Kisriev, Robert Mirzoev and Tatyana Barannikova) had joked with his research, about such a connection he was looking for between Albania and Dagestan, however, afterwards, they had given him some books in the Russian language, dealing with the culture and customary laws of the mountain villages in the Caucasus. Since he himself did not know the Russian language, after his return to Albania, he would meet Professor M. Dragovaja, one of the founders of the Department of Geodesy at the Polytechnic University of Tirana, who, in addition to knowing Russian well, he was also an expert known of the Code of Lekë Dukagjini. With the Albanian professor, at that time retired, Professor David, after discussions about his experiences in Dagestan, but also about what he had seen, he proposes to the Albanian professor to read the Russian texts that he had brought from Dagestan, which was agreed Professor Dragojeva. He also agreed to compare the ideas expressed in these texts on customary law with those of Code of Lek Dukagjini regarding land, family relations, inheritance, land transactions and "honor", etc. (**Dragovaja, 1996**), which happened within a short period of time, when Professor Dragojeva also completed his study.

We must say that Professor Dragojeva's comparisons, published in the study in question, "leave the reader to draw conclusions about common curious elements that have evolved into customary rules of conduct and customs in the Christian and Islamic mountain communities from places as far away as the Caucasus". and the Balkans", will be stated in the preface of the study, David Stanfield, written on December 12, 1996 (**Stanfield, 1996**).

### **Comparative findings between the Code of Lekë Dukagjini and the Code of Dagestan**

For the effect of comparing the Code of Lekë Dukagjini (CLD) with the Codes of Dagestan (CD), in the absence of a systematic material, in the study prepared by Professor Muharrem Dragovaja, entitled "Comparative study of the Code of Albania and Dagestan", except The Code of Lekë Dukagjini, prepared and codified by Shtjefën K. Gjeçovi, published in Shkodra in 1993 and the one published in Tirana in 1989, used the auxiliary literature given by Professor David Stanifield, which he had brought from Dagestan as: "Iz istori i prava narodov" Dagestana, AS Omarov, Dagenstani Branch of the Narodov Academy of Sciences SSSR, Mahaçkalla, 1968, "Dagestan bstostave kavkazskoi Albanii", MRGosanov, Chair of History of Dagestana, DGPU , MAAgllarov, Institut Istorii, Iazika i Literaturi im G. Cadasi, Moskva, 1988. Also, as the author informs us, the work or research study of Omarov was used, which, according to the author, is considered the best source, which, as he says, consists of a collection of scientific articles compiled by various authors at different times and in different areas of Dagestan. For the effect of comparison with the Code of Lekë Dukagjini, the author of the study, in this case Prof. Dragovaja, has taken on the general characteristics of the customary rights of that country.

In his comparative study between the Code of Lekë Dukagjini and Code of Dagestan, Professor M. Dragovaja, where he has considered aspects related to: Family, Marriage, Inheritance, Property, Border, The Land Market, Honor and Murder or Blood feud, he has come to these interesting conclusions and draws the following conclusions:

- The influences of Islamic Sharia in the Code of Lekë Dukagjini are less than in the Code of Dagestan. He proves this by judging that the differences observed between these two Kanuns are based on that. According to the author, these changes reach up to 30 - 35%.

- If in the Code of Dagestan there are changes in the treatment of issues in the border villages, the Code of Lekë Dukagjini has a wider scope, not only in northern Albania but also outside the state borders, where Albanians live.

- The rights of the individual in the family, village and flag are equal in the Code of Lekë Dukagjini, while in the Code of Dagestan the socio-economic situation of the family and consequently of the individual is taken into consideration.

- The owner of the house, elected by the family, has full powers according to the Code of Lekë Dukagjini, while in the Code of Dagestan he appears in the role of advisor.

- According to the Code of Dagestan she enjoys the right of inheritance in the ratio 1 to 2 versus male.

- In the Code of Lekë Dukagjini there is no right of personal property within the family, while in the Code of Dagestan personal property is allowed.

- According to the Code of Lekë Dukagjini, robbery of women, polygamy are considered illegal and marriages within the tribe are not allowed, even if distant, while in the Code of Dagestan, marital relations are allowed even between second cousins.

- According to the Code of Lekë Dukagjini, the soul, honor and in particular the friend cut in the besa are never forgiven, while in the Code of Dagestan they can be regulated with fines, in kind rewards or money.

- In the Code of Dagestan there is a lot of talk about the measures taken in cases of beatings, while in the Code of Lekë Dukagjini the beating of men is categorically prohibited.

- According to the Code of Lekë Dukagjini, a woman is killed without shedding blood when she does not preserve her honor and breaks her friend in besa, while in the Code of Dagestan, as a rule, murder is prohibited in such cases, but the children are left to the husband.

- The Code of Lekë Dukagjini restricts blood feuds, since in the first hours the village intervened by "giving the small 24-hour promise to reduce the tension and", immediately after that, the one-month "big promise" for the settlement of families in conflict, while, according to the Code of Dagestan, the killer's house is subjected to violence and robbery for three days, which increases hostility.

- In order to maintain the purity of the tribe, the property according to the Code of Lekë Dukagjini is sold to the brotherhood at a reduced price, while the Kanun of Dagestan does not pay attention to this issue.

### **Conclusion**

Muharrem Dragovaja's study "Comparative study of the Code of Albania and Dagestan", provides comparative data on the main customary rights of the Code of Lekë Dukagjini in Albania and the Code of Dagestan in Dagestan. This marks an important contribution to the comparative studies of our Albanian customary law with the customary rights of other peoples, in this case with the customary rights of Dagestan.

Professor Dragojeva's conclusions regarding the comparisons between the Code of Lekë Dukagjini and that of Dagestan, among others, are a good proof that the Code of Lekë Dukagjini continues to arouse interest in other areas, especially that of comparison between him and the Codes of other countries of the world. The comparisons drawn in this study give readers the opportunity to draw "conclusions about common curious elements that have evolved into customary rules of conduct and customs in mountainous Christian and Islamic communities

from countries as far away as the Caucasus and the Balkans" (**Stanfield, 1996**), as stated in the preface of this study, the professor of the University of Wisconsin, Madison, David Stanfield, who is also the creator of the publication of this very valuable work related to the Albanian Code and its comparison with that of Dagestan.

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