How to Feud and Rebel: 
1. Violence-values among the Chechens and Albanians*

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Abstract

This article focuses on so-called violence-values (a composite term coined by the author), the first variable of the author’s Brutalisation theory, which combines elements from disciplines ranging from anthropology to military psychology. It forms part of my ongoing research, which explores the values (norms, customs, beliefs), aims (objectives, aspirations, ideologies) and methods (targets, tactics, techniques) of violence by Chechen and Albanian separatists during the last Cold War and first post-Cold war periods, i.e. between the Soviet invasion of Afghanistan on 24 December 1979 and the attack by Osama Bin Laden’s Al Qaeda (The Base) network on the United States on 11 September 2001. Through a meticulous exposition—and comparison with international norms—of traditional morals on violence that still are salient in the remarkably similar communities of Chechens and Albanians, the author hopes to underpin his post-constructivist position that a genuine “acting-out” of norms, values and beliefs in vendettas, battles and other contests can shape one’s identity, irrespective of whether these attributes are primordial, i.e. factual, or constructed, i.e. invented.

Keywords

Chechens, Albanians, Violence-values, Identity, Post-constructivism, Local and International Norms, Customary Law, Chechen Adat, Albanian Kanun

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I. INTRODUCTION

In order to understand and resolve internal armed conflicts one must comprehend why and how people revolt, and under what conditions they brutalise, i.e. increasingly resort to terrorism, brigandry, gangsterism and other forms of violence that violate local and/or international norms. This question is crucial, as most conflicts have been internal, insurgent, and separatist in nature—not just since the end of the Cold War, but since the dawn of human history. There “always has been intercommunal strife” (Gray 2005: 19); intrastate wars “always have outnumbered interstate wars” (Smith 2003: 34). My pessimistically formulated and thereby quite testable theory of brutalisation combines theorising elements from disciplines ranging from cultural anthropology to military psychology. A broad, multi-disciplinary approach has the best chance to significantly enhance our comprehension of armed conflicts and their morally corrosive effects. The theory assumes armed non-state—and state—actors to increasingly violate international and/or local norms, in a cycle of violence involving four main variables: values on “good” and “bad” violence (variable 1); grievances leading to armed conflict (variable 2); combat stress leading to atrocities (variable 3); and new conflict grievances emanating from such atrocities (variable 4), spawning counter-atrocities and eventually hardening or debasing the original violence-values (the cycle returns to the first variable).


2 My Brutalisation theory and particularly its second and fourth variables contain elements from contrasting frustration-aggression, deprivation/grievance, deprecation/greed and new war theories, though I criticise some presumptions of these theories. The violence-value variable mainly relies on customary law and just war theories in anthropology and law. In lieu to A. H. Maslow’s human motivation theory I consider trauma, i.e. mental anguish, from extreme deprivations or devastations, like hunger, torture and rape, to engender most rebellions. Trauma from warfighting, a major consequence (or cause) of combat stress, is also called post-traumatic stress in military psychology. I have no room to elaborate on these theories here, yet will summarise some of these in my forthcoming articles in Iran and the Caucasus (vol.15).

3 For a further explanation, see “Brutalisation theory” at http://sites.google.com/site/tristansolutions. There one can download a Diagram representing a simplified model of the Brutalisation cycle with its four constituent variables.
The armed non-state actors among Chechens and Albanians are from Muslim nationalities in the former Yugoslavia and Soviet Union, relatively “under-researched” geographical regions in the field of conflict studies (corroborated by a November 2009 Google search). This compelled me to investigate the pre-1979 histories of these “rebel communities” so as to properly grasp and apply the Brutalisation theory’s first two variables. The Chechen and Albanian separatists—particularly the National Guard of the non-recognised Chechen Republic of Ichkeria (Noxçiyn Respublika Noxçiyçö, NRN) between 1991 and 1999, and the Liberation Army of Kosovo (Ushtria Çlirimtare e Kosovës, UÇK) or KLA between 1996 and 1999—lasted long enough and were successful enough to sensibly test the hypothesised brutalisations of means (increasing terrorism, banditry and other (war) crimes) and ends (radicalisation towards virulent nationalism and fundamentalism). Overall, it seems that the rebels brutalised only partially and unevenly across different factions (see, e.g., Koksidis/Ten Dam 2008). On may hope that their violence-values, if recuperated, tied to professional honour-codes and modified toward international norms, may yet prevent future wars, or make these less vicious than the last ones. However, the “fateful interactions between deprivation, honour and revenge” (Ten Dam 2009: 269) among Chechens, Albanians and any other people in turmoil seem almost insurmountable.

Much of the saliency of Chechen and Albanian violence-values can be traced to pre-1979 histories of endangered cultures and grievances, which brought about or at least solidified their distinctive traits of martialism, resistance (i.e. readiness to rebel at the slightest opportunity) and (male) egalitarianism. Paradoxically, Albanians and Chechens are known for their militant individualism despite obligations of family, clan and faith. Their cultures are remarkably similar—except for “political Islam”, which is practically non-existent among Albanians (for historic reasons that I will elaborate upon in a follow-up article). Indeed, the

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4 C. ten Dam, “Google hits for [region] conflict studies”, at http://sites.google.com/site/tristansolutions

5 The English acronym KLA distinguishes the Kosovar rebel group from the National Liberation Army (Ushtria Çlirimtare Kombetare, UÇK) in FYROM Macedonia, which I identify by the acronym NLA.

6 My second article in Iran and the Caucasus (vol.15/1) will analyse the pre-1979 histories, cultures and grievances of the Chechens and Albanians, and their (consequent) martialism, resistance and egalitarianism. It will connect the latter traits—which many of them “act out” whether based on fact or myth—to the high-intensity conflicts against the Russians and Serbs in the 1990s, and to the current state of Russian-Chechen and Serbian-Albanian affairs. I also will describe how pre-1979
“astonishing resemblance” (Fox, apud Gjeçov 1989: xix) between North-Caucasian (Chechen) and North-Albanian (Geg) customary laws has enabled me to discern five essential violence-values:

**Honour**
Whenever one’s virtue, self-worth and oath-taking as man, kinsman or warrior is insulted, violated or otherwise challenged, one is allowed, indeed expected, to strike back against the perceived culprit and those who support, shelter, or are kin to him. Barring the gravest of crimes, the culprit and his family and friends are allowed to strike back in return.

**Blood feud**
Honour-bound violence often takes the form of retribution against the perpetrator, i.e. abuser of one’s honour, and against the latter’s family, clan, village or tribe for so far these groups protect the perpetrator or are responsible for his transgression. The latter may respond in kind and thereby continue the feud, unless the original crime or violation broke a taboo, or was either too grave or not grave enough to justify a tit-for-tat response.

**Raid**
Attack on persons and properties of another family, clan, village, tribe or foreign enemy in order to survive, sustain one’s fighting skills or avenge a wrong; if revenge does not motivate the attack, a feud may still ensue if the raid is excessive, i.e. brings too many or wrongful (e.g., female and infant) deaths.

**Hospitality**
One treats one’s guest with respect and decorum, and above all protects him during his stay, as long as the guest resides in one’s house or on one’s land, and is accompanied in travel or on an errand. The guest effectively becomes kin, even if he is on the run and needs immediate protection, or is the host’s blood enemy.

**Mediation**
Anybody in a feud or any other danger or predicament can ask for mediators to arrange a temporary truce. Such mediation, often done or led by elders, priests and chiefs, can lead to permanent truces, compensations and reconciliations.

trauma’s and devastations destroyed most records, buildings and symbols of Chechen and Albanian culture and history, as a cautionary note to my efforts to trace the factual and mythologised foundations of their identities.
Though these violence-values—whereby the last four can be seen as derivatives of the central “honour” value—are derived from the Chechen and Albanian cases, they appear to characterise many or most tribal and other pre-industrial societies. Hospitality and mediation are crucial societal values of friendliness, tolerance, patience and reconciliation. The better these violence-constraints function, the less valid the Brutalisation theory’s premise of ends-and-means degeneration becomes. On the other hand, feuding, raiding and other “honour” violence tend to escalate and brutalise if the constraints prove brittle. If local norms diverge from international ones, the insurgents may already be brutal from the standpoint of international law. One also must envisage double brutalisation, the increasing violation of both international and local norms.

II. CONCEPTUALISATIONS

My focus on norms of “good” and “bad” violence allows me first to introduce my post-constructivist (or post-primordialist) proposition that one’s belief in and activation of such norms help to shape one’s identity. It also turns an otherwise elusive “identity” into a sensible and applicable concept. In conjunction I argue that one should not define central concepts like “nationalism”, “modernity”, and “terrorism” and other forms of (political) violence by empirical, changeable phenomena. Motives and goals alter over time, and these should be reserved for empirical “sub”-concepts. These arguments I present below.

Conceptualising Identity

Identity seems a useful concept to many, particularly anthropologists: it is “more open and flexible than the narrower concept of ethnicity, which tends to overemphasise only one particular type of bond” (Duijzings 2000: 19). Some distinguish between primordialism (inherent identity), instrumentalism (rational identity, rationalism) and constructivism (social identity). Primordialism refers to the belief that “biological and even genetic foundations”(Harvey 2000: 40) fixate ethnic groups as mankind’s most elemental communities. Primordialist Johann Gottfried von Herder (1744-1803) first coined the term “nationalism”—though the “academic world” has “failed to agree on a definition” (Alter 1989: 7). Georg Wilhelm Friedrich Hegel (1770-1831) famously supplanted

Herder’s unique characteristics of an *ethnie* or ethnic community “whose members share a sense of common origins” (A. D. Smith 1981: 66) with historic forces of human consciousness leading towards absolute knowledge. Constructivism once narrowly meant Jean Piaget’s *social learning* theory developed through clinical research (free-ranging interviews) in the early 1920s. This theory posits that children construct meanings by internalising, typically through group pressures, experiences and knowledge-structures from metaphysical beliefs and accepted scientific truths (for first pioneering results, see Piaget 1959). Instrumentalism looks at the usefulness, i.e. explanatory and predictive powers of theories, not at their validity, i.e. correct, “true” depictions of phenomena. As such, it is a utilitarian epistemology. As an ontological theory of human behaviour, however, instrumentalism is hardly distinguishable from constructivism (Bollerup/Christensen 1997)—unless the former presumes purely rational cost-benefit constructions. Yet even if “most behaviour is rational”, many “spheres of human activity are not open to economising behaviour because they are controlled by a culture of norms” (Bruce 1993: 203,204). Especially institutional “family norms”, “governmental laws, and church commandments” (Zey 1998: 3) constrain rational choice. Indeed, instrumentalist and constructivist approaches often appear to apply obtuse, ill-delineated and interchange-able terms and premises, partially because their common “identity” concept seems so opaque. Rogers Brubaker and Frederick Cooper criticise both “strong” (primordial) and “weak” (constructivist) conceptions (Brubaker/Cooper 2000: 6-10, 10-11). They note particularly (ibid.: 1) that “the prevailing constructivist stance on identity—the attempt to soften” the term, to acquit it of the charge of “essentialism” by stipulating that identities are constructed, fluid, and multiple—leaves us without a rationale for talking about “identities” … . If identity is everywhere, it is nowhere”.

Primordialism may seem more clear-cut, better falsifiable. Bronislaw Malinowski saw primitives as “survivors of prehistoric times” (Leach 1977: 13). Yet most anthropologists abandoned this deterministic notion since the 1980s. Apart from nationalist scholars, few anthropologists adopt Clifford Geertz’ “Rousseauian primitivism” (Dean 1999: 10), or Pierre Clastres’ nostalgic depiction of pre-industrial peoples as “living fossils” (Clastres 1998: 113). Derluguian (2005) and many other scholars stress “how commonly traditions are invented” (Hobsbawm/Ranger 1999: 263) by political elites to construct nation-states, while in fact “most states … were not homogeneous, and could … not … be equated with nations” (Hobsbawm 1990: 17). Indeed, “nations” or peoples with
supposedly common traits and roots were imagined communities to begin with (Anderson 1991: 5-7). Some constructivists suggest that “illusory” identifications inevitably lead to armed conflict and brutality. Valery Tishkov's demodernisation thesis of societal degradation away from universal, civic and class-based realities and values, posits that ethno-nationalists conduce an “abuse of history” for “self-destructive political projects” leading to despair, apathy, societal stress and a “disregard for human life and common decency, that so easily develops”(Tishkov 2004: 15,21). Likewise, the enactment thesis of reinvented “traditionism” assumes that separatists use “local constructions of identity and history” to justify and glorify violence, even if these constitute survival strategies by endangered communities (Schwander-Sievers, apud Schmidt/Schröder 2001: 97). Crucially, however, I neither support nor reject a priori the premise that nations, ethnicities or smaller groups have primordial, i.e. true genetic, kinship, cultural or other roots. The ethnic group is a “collectivity within a larger society” having a “real or putative common ancestry” whereby many, most or almost all members are conscious of their common history and follow common rules and customs (Schermerhorn 1970: 12; italics added).

I do not take for granted, as so many constructivists and instrumentalists appear to do, that all nationalist and other “in-group” identifications are inherently delusional, irrational, intolerant and/or aggressive—though these identifications often tend to grand myth-makings about the self and hostilities toward the caricatured, demonised other. Such tendencies are empirical regularities rather than universal certainties. Though Benedict Anderson seeks to divest his imagination concept of negative connotations of aggressive falsity, fabrication, intolerance and violence, he assumes that “all communities larger than primordial villages of face-to-face contact (and perhaps even these) are imagined” (Anderson 1991: 6). However, it may be possible that some nations are approximately primordial in the factual sense—like, remarkably, the Chechens and Albanians to a high degree. Anthony D. Smith says: “There is an important difference between groups which have a rich culture and many cultural differentiating dimensions, as well as a firm belief in and knowledge of their origins and history, and those that have a very recent and shallow culture and a shadowy sense of their history” (Smith 1981: 66-67).

There is something to be said for following the neo- or post-primordialist viewpoints and arguments of Smith, Schermerhorn and others. Hence it is crucial to investigate subjective “myths, memories, symbols and values” to account for “how and why some ethnie were able to per-
petuate their cultures, albeit with changes, over centuries, even millenia, while others ... fell into near-oblivion” (Smith 1986: 3-4).

Even if the identities of Chechens, Albanians and other peoples are mythical in the historical sense, they may be factual in the cultural sense if these peoples actually adhere to and behave according to the values, norms and rules contained in their self-perceived identities. If one insists on applying the identity concept, one could best define it as a self-perception among (large) groups of people that they share common traits, whether based on myths, hard facts or embellished facts, as long as they practice, i.e. act out, these traits—like martial bravery. If people declare that they share certain characteristics, norms and customs, yet structurally and consistently fail to live up to them (not always easy to determine by outside observers), then one should consider these part of a “false” identity, or not part of their identity at all. If one adopts this conceptual argument, the distinction between neo-primordialism and neo-constructivism becomes thin, indeed. Actually, it rather seems to fit or resemble the behaviourist view that one should “objectively observe the behaviour of organisms”, in this case, humans. Piaget’s constructivist epistemology—“to know is to construct or to re-construct the object of knowledge”, i.e. “to know is to produce something in thought” regarding the perceived phenomena (Piaget 1969: 356)—arguably is an offshoot of the behaviourist paradigm that organisms learn to act more effectively and efficiently through an interchange between stimulus and response. Yet early behaviourists—and positivists believing that humans could objectively grasp phenomena—often ignored intervening mechanisms like group pressure and groupthink, one reason why Piaget came forward with his theory. Be as it may, the behaviourist basically does not care whether any organism acts on false or true (either correctly or wrongly processed) information (stimuli), and whether any self-conscious, sentient organism acts on false or true self-perceptions—as long as it responds, i.e. acts in a certain way that can be explained. Perhaps this is the right approach to take regarding identity.

Naturally, I do not deny the usefulness, indeed obligation, to establish whether perceived commonalities of a (group of) people are factual, embellished or invented—if only to counter gross misrepresentations by political entrepreneurs. However, my post-constructivism establishes that the question of whether and to what degrees a (group of) people observably act according to the precepts contained in these commonalities is of at least equal importance.
Conceptualising Tradition and Modernity

Generally it is “advisable to strive for precise, tight definitions of key concepts” (Bufacchi 2005: 197). Unfortunately, many scholars do not expressly define concepts like modernity, nationalism, ethnicity and identity, perhaps because they believe the concepts to be too abstract or self-evident to merit circumscription. Indeed, identity, modernism-modernity, and traditionalism-tradition concepts do seem ill-defined in much of the anthropological and sociological literature. Often the modern is obliquely identified with “dynamic”, “democratic”, “egalitarian”, “secular”, “scientific”, “industrial”, “advanced” or “progressive”—in short “Western”. These adjectives do suggest a forward-looking mindset, yet entail empirical regularities in the Western world, not universal characteristics across the world (Shils 1968: 7-9). Typically, “modernity” is too easily assumed to be a uniquely or originally Western phenomenon, something to do with the “inwardness, freedom, individuality” in the “modern West” born out of the “momentous transformations of our culture and society over the last three or four centuries”, particularly the Enlightenment and the French and Industrial Revolutions (Taylor 1989: ix). Anderson objects to the “Eurocentric provincialism” among scholars believing that “everything important in the modern world originated in Europe” (Anderson 1991: xiii); but he still views nationalism as a “modern” phenomenon (objective modernity) of supra-kinship yet primordial imaginings (subjective antiquity), centred and conceptualised in Europe during and after the 18th century—despite his focus on Southeast Asia and the Americas (ibid: 3-7). Similarly and like many others, Anthony Smith obliquely defines modernity as the complex of “revolutions of industrial capitalism, the bureaucratic state and secular mass-education” in post-mediaeval Europe, whereby the nation is a modern variant of ethnie—at least according to “ethnic-genealogical” nationalists at the expense of “civic-territorial” nationalists (Smith 1986: 3, 4). Eurocentric myopism and obtuseness typify these concepts, being both lay “categories of practice” and scientific “categories of analysis” (Bourdieu): if lay meanings are widely known and accepted, few bother to formally (re)define these. That is why I circumscribe modernity and traditionalism as forward-looking and backward-looking mindsets respectively, that may occur in and characterise any culture, society, country, region or locality at any time or designated period in

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8 He suggests that in many cases nations are historically, primarily based on single, identifiable ethnie or ethnic communities (see preceding sub-section Conceptualising Identity).
human history. Even terms like “culture” and “society” need not be overly vague container concepts. Thus Louis Dupree defines culture as “the way people live; the totality of their tool-kit, material and non-material”; society is the “action component, people who live in a certain way, using part ... of the available tool-kit” (Dupree 1997: 74-75).

One must continuously modify empirical definitions of “main” concepts if one wishes to encapsulate any new trend. Instead, one should construct one’s main concepts as ideal-types or Gedankenbilder and classify their real-time, fluctuating manifestations as sub-types (Weber, apud Shils/Finch 1949: esp. 90). One should above all separate the universally possible action (method) from the temporarily existing thought (objective). These distinctions are fruitful, even regarding “essentially contested concepts” involving “endless disputes about their proper uses on the part of their users” (Gallie 1956: 169).

III. VIOLENCE-VALUES AS SHOWN IN LOCAL AND INTERNATIONAL NORMS

Mindsets, norms and customs may shape what is “good” and “bad” for us: “A society’s ... norms, practices, and institutions ... affect what groups and individuals fight about, [and the] ... ways to pursue their goals in disputes” (Ross 1993: 2). Action seen as “offensive by one ... group may be viewed as ... heroic ... by another. But when two such groups ... are incorporated within ... a single political domain ..., irresolvable conflict may result” (Leach 1977: 12). Violence-values within and across cultures may be incompatible, and clash with Western principles, which may not be superior or applied consistently. Whatever the faults of relativism, it does dispense judgment and objectify comparison. Remember Colonisation and slavery: “Our soldiers overseas, rejecting the universalism of the mother country, apply the numeros clausus to the human race: since none may enslave, rob or kill his fellow-man ..., they lay down the principle that the native is not one of our fellow-men” (Sartre, apud Fanon 1965: 13). Thus, the “native laughs in mockery when Western values are mentioned” (ibid.: 35). On the other hand, tradition may be misused by “native” leaders to “justify, excuse and direct [excessive] violence” (Schwander-Sievers, apud Schmidt/Schröder 2001: 97).

Local versus International Norms

Current international law allows little if any room for local customary and written law. Many treaties are about combating, outlawing, and abandoning “unacceptable” customs, like the 1926 Slavery Convention (amended 1953); the 1956 Supplementary Slavery Convention seeks to abolish all attendant “institutions and practices”, like debt bondage, serfdom or using women as properties (art. 1). The 1966 Covenants on Civil and Political Rights and Economic, Social and Cultural Rights prohibit any “restriction upon or derogation from any of the fundamental human rights” by the state’s “law, conventions, regulations or custom” (art. 5.2). Many traditional norms clash with international norms of gender equality. The 1993 Declaration on the Elimination of Violence against Women declares that states cannot “invoke any custom, tradition or religious consideration” (art. 4) to justify violence against women or refrain from condemning and eliminating this practice. Such confrontations are inescapable if one adopts universal and egalitarian norms. Yet local variations of or deviations from these norms are not necessarily inferior; one must seriously and open-mindedly study these first before one can judge. I myself do not deny the possibility of common morals; otherwise one can never judge one another. Even so, one must strike a balance between local-informal and international-formal norms. My approach is universalist yet independent from treaties that insufficiently appreciate non-Western norms, which uphold human rights in different forms, or represent different yet equally valuable rights. Generally, one should uphold “value freedom” (Wertfreiheit) during research, by separating “establishment of empirical facts” from value-ideas (Wertideen) and value-judgments, i.e. “evaluations of the unsatisfactory or satisfactory character of phenomena” (Weber, apud Shils/Finch 1949: 1, 11). Objectivity is a distant ideal, yet one can and must seek to approximate it.

International Norms of Violence

International law constitutes, to a larger extent, a set of codifications of customary principles of proper violence in wars, other armed conflicts and “light-intensity” peacetime confrontations. These principles both

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10 In a future publication titled “Violence-values among the Chechens and Albanians in vendettas, political rivalries and armed struggles against the Russians and Serbs”—which will incorporate my three articles in Iran and the Caucasus (vol.14/2 and vol.15/1-2)—I will discuss just-war, just-revolt and other humanitarian principles, as well as equivalent human rights norms, more fully than I can do here.
Western and non-Western cultures developed, and often but imperfectly practised in their societies. Most relevant are the justice-of-war (jus ad bellum) principles of just cause, legitimate actor, last resort, probability of success and proportionality of ends, and the justice-in-war (jus in bello) principles of proportionality of means, non-combatant immunity and double effect\textsuperscript{11} or double discrimination (Johnson 1975; Paskins/Dockrill 1979; Walzer 1980; Elshtain 1992; Crawford 2003). These “just war” principles—erroneously considered to originate solely from Christian and Western-secular thinking (Johnson/Kelsay 1990; Kelsay/Johnson 1991; Kennedy 1999)—are partly codified in international humanitarian law, especially in the 1899 and 1907 The Hague Conventions and the 1949 Geneva Conventions.\textsuperscript{12} However, both Western and Eastern “just war” traditions are state-centric, and unsurprisingly abhor any planned insurrection or spontaneous uprising. To this day few government representatives and judicial scholars are ready to extend the jus-ad-bellum principle of “legitimate actor” to armed non-state actors. Nevertheless, the “just revolt” proposition has gained ground ever since John Locke formulated the “right of resisting” in 1679 when the state repeatedly and arbitrarily endangers people’s lives, possessions or other basic rights, with no chance of judiciary or legislative redress (Locke 1679: 45, 49, 452-453, 460, i.e. §208, 209, 222). Nowadays some people regard “just revolt” as an unfettered democratic right to overthrow a government or drastically alter a state and society (revolution): “Even if a tyrant would allow us to live, but not under institutions of our own choosing, we may justly fight to free ourselves” (Crawford 2003: 14). Even the Preamble of the Universal Declaration of Human Rights implies this right, when it states that if “man is not to be compelled to ... rebellion against tyranny and oppression, ... human rights should be protected by the rule of law”.\textsuperscript{13}

I will focus on those traditional violence-values among Chechens and Albanians that correspond—or contrast—with the main “just-war” principles of “customary humanitarian law”, and with the prohibitions

\textsuperscript{11} St. Thomas Aquinas: “Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention” (Summa Theologica, IIa-IIa, q.64, art.7).

\textsuperscript{12} See The Hague Conventions of 1899 and 1907 (http://avalon.law.yale.edu/sub ject_menus/lawwar.asp), and Geneva Conventions of 12 August 1949; Additional Protocols of 8 June 1977 (www.genevaconventions.org).

\textsuperscript{13} Preamble Universal Declaration of Human Rights, U.N. General Assembly Res. 217 A(III) 10 Dec 1948.
against so-called *gross human rights violations* (GHRVS)\(^{14}\) that endanger the life and integrity of the person. These GHRVS, codified in human rights law, particularly concern torture and ill-treatment (including slavery), extrajudicial executions, disappearances, and arbitrary arrests and detentions without trial (Jongman/Schmid 2000), but also forced deportation, expulsion, political murders and mass killings up to genocide and crimes against humanity (Shelton, apud De Feyter et al. 2005: esp. 14, note 12). Individual insurgents may commit gross violations, yet human rights law does not hold rebel groups collectively accountable; only humanitarian law does so, including the 1949 Geneva Convention, particularly its Additional Protocol II and Common Article 3 on “armed conflict not of an international character” (Zegveld 2002: esp. 15, 38, 53, 227). Human rights law arguably covers a broader range of violence than humanitarian law: “Genocide and crimes against humanity ... involve widespread and intentional targeting of civilians ... outside an armed conflict” (Meernink/King 2004: 148). Yet “ethnic cleansing”, i.e. violent expulsion of an ethnic group, also occurs in wartime (Jongman 1999: 60). Be as it may, the main Geneva out-of-battle provision on humane treatment prohibits acts that roughly correspond to GHRVS: “a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; b) taking of hostages; c) outrages upon personal dignity, in particular humiliating and degrading treatment” (C.art. 3.1; esp. artt. 4 to 6 Protocol II). It also prohibits summary executions (C. art. 3.1(d)).

### IV. Chechen and Albanian Violence-values: Norms and Practices

Most traditional societies conform to a predominant religion, state, emperor, nation, ethnicity, tribe, i.e. kin group without residential unity (“ethnic” if with perceived common ancestry), clan, i.e. kin group with residential unity, extended family, and nuclear family. Arguably the “key ... is kinship, that reciprocal set of rights and obligations, which satisfies and ... limits an individual’s ... role” (Dupree 1997: 181; 183-192). Chechen and Albanian individualist tendencies strain against these constraints, particularly the religious ones. This confirms Malinowski’s invalidation of the classic-ethnographic belief that the individual is “completely dominated by the group” and “obeys the commands of his community” with “passive obedience” (Malinowski 1966: 3-4).\(^{15}\) Never-

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\(^{14}\) Treaties nor jurisprudence come up with one single formulation of “gross”, “severe”, or “massive” GHRVS.

\(^{15}\) Yet my findings on Chechen and Albanian violence-values do not support Malinowski’s advice to discard “clan-solidarity” as a concept (Malinowski 1966: 16).
theless, the religion of Islam (“submission”), its Sunni (“customary”) and Shi’a or Shi’i (“follower(s) of ‘Ali”) branches, its cross-cutting mystical-ascetic Sufi movement, and particularly the Naqshbandiya, Qadiriya, and Bektashiya Sufi orders (first two dominant among Chechens; third one influential among Albanians) are integral to their secularised societies and independence struggles. Islamic tenets, precepts and convictions do not solely drive the proponents of Islamic holy war (jihād, “strive, effort”) among those following the purist, orthodox-Sunni Wahhabiya and Salafiya schools.

Here I describe particular violence-values among Chechens and Albanians, focusing on their age-old sanctions against “immoral” behaviour, on “what happens when an individual decides not to conform to custom” (Leach 1977: 8). Though it is undoable to fully suspend judgment—which shows how difficult it is to uphold Weberian Wertfreiheit—their checkered humanitarian and human rights records become apparent. Comparisons of local norms with international norms are inevitably incomplete (though insightful), if only because local Mountain Laws vary amongst themselves. Thus, each North-Caucasian (Chechen) clan had its “own version of customs and traditions” (Jaimoukha 2005: 86). Their norms were primarily recorded in Russian, Chechen or other indigenous languages. Luzbetak’s monograph (1951) extensively describes Chechen and other North-Caucasian violence-values in English, though its scope narrowly lies on marriage and nuclear-family norms. J. G. von Hahn was one of the first to codify and translate Albanian norms (Albanesische Studien, Jena, 1854). Yet Albanian customary law has “never been recorded in its entirety” (Fox, apud Gjeçov 1989: xix). In 1913 Shtjefën Gjeçov, a Franciscan Albanian priest, wrote down the first authoritative kanun (“law, rule, rod”) text from the best preserved kanun code of Lek (Lekë) Dukagji(i)—the main rival and ally of the 15th-century anti-Ottoman rebel leader Gjergj Skanderbeg (Kastrioti), who developed his own code—among the large Catholic Mirditë tribe (ibid.: xiii,xvii; Hasluck 1954: xi,13-15). Despite similarities in martial culture and customary law, close scrutiny of Chechen and Albanian violence norms unveils intriguing differences, which I analyse within

16 My next article in Iran and the Caucasus (vol.15/1) on Chechen and Albanian histories, cultures and grievances will provide a meticulous exposition on Islam and its branches, schools and tenets most salient to these communities.

17 Experts differ on which one of several 15th century Lek (Lekë) Dukagjins was the author of the Kanun. Most deem Dukagjini’s Kanun geographically dominant, and ascribe it to the Dukagjini of 1410-1481, Skanderbeg’s military deputy yet political superior.
four clusters: religious and secular norms; customary “mountain law” and blood-revenge; hospitality and defiance or “spite”; solidarity and reconciliation; and gender discrimination and violence.

Chechen Violence-values

The codes of honour (nokhchalla) from the customary “law of the mountains” (Arab. ‘ādāt [‘ādat], pl. “customs”) of the Chechens—who call themselves the “people” (Nokhchi), and designate themselves “our people” (Vainakh) together with the kindred Ingush (Galgai) and minorities, like the Akkin in Dagestan and the Christian-Orthodox Kists and Batsis (Batsbis, Tsova-Tush) in Georgia—have made them, according to themselves and many observers, hospitable, tolerant and non-aggressive to (non-aggressive) outsiders. At the same time Chechens consider themselves to be the toughest and most freedom-loving people in the world; neighbours—including Russians—tend to confirm this, though in less flattering terms. Love of freedom (marsho), pride, and honour (ezel or namus) make their grudges long-lasting, unbending. In my forthcoming papers in this journal I will assess whether such honour codes are indeed “remnants of a highly developed ancient civilization” (Gammer 2006: 3-4) and whether these have indeed helped them to survive—and avenge—devastations (i.e. extreme deprivations), like Stalin’s February 1944 Deportation; I will analyse also the interplays between these honour-codes and combat stress factors (see the Brutalisation theory’s third variable) in the latest Russo-Chechen (and Serbo-Albanian) wars. For now I presume that these codes have real, if perhaps embellished historical roots. Suffice to say here that inter-clan competition has helped to sustain their traditional violence-values, particularly those concerning blood-feuds (kanly, chir). This competition grew together with Chechnya’s population, increasing the number of clans (gar, neqi) from fifty-nine to a hundred during the first half of the 19th century, and to hundred-and-seventy (hundred in mountains, seventy on

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18 I define Nokhchi as “people” and Vainakh as “our people”. Scholars disagree on how to translate these terms. I designate Nokhchi for Chechens, and Vainakh for all Nakh-speaking peoples, including the Tsova-Tush.

19 Chechen ezel is used for “honour” as a direct translation (E. Souleimanov, email 07-03-2008).


plains) by the 1990s—mostly due to ambitious sub-clans declaring themselves teips or *taips*.²²

**Religious and Secular Norms**

The *nokchalla* codes and *adat* laws still inform anarchic violence-values. During the height of the anti-Russian rule of Imam Shamil in the 1840s, Islamic rules and laws (Shari‘a) were strictly imposed in the North-Caucasian territories he controlled. Yet Shamil “had little success” with Chechens, most of whom “went on smoking, playing music and dancing” (Gall/De Waal 1997: 33). Vainakh customary law was Islamicised later, and “remained largely based on the pre-Islamic value system” (Zelkina 2000: 41). The Shari‘a altered and marginalised the *adat* only among Dagestani and Chechen lowlanders. Vainakh codes did not distinguish between “accidental and deliberate crimes and imposed shared responsibility” on “family, tribe and ... *tuqum*”, i.e. multi-tribal commune (ibid.: 44).²³ Islamic law appears more advanced, promoting individual guilt and responsibility, proportionate punishment of deliberate crimes only, and legal process. Only under these conditions did Shari‘a allow blood-revenge (*kanly*). Yet ancient pagan customs and laws (*lamkerst*)—that unlike *adat* sanction *kanly* on elderly, women and children—have become rare. One needs to contrast Islamic law with *lamkerst* rather than *adat*. The latter formally allowed blood-feuds “against the offender and all his adult .. male relatives”, yet in practice these only targeted the immediate family, i.e. “offender, his father, his sons, and ... brothers” (Souleimanov 2007: 28). Already by the late 19th century only a few “Vainakh mountain societies” followed *lamkerst*; yet a lingering “opposition” continues to exist “between *adat* and *lamkerst*” (Jaimoukha 2005: 124, 139).

Actually, both Chechen and Albanian mountain laws heavily circumscribe vigilante justice, and primarily concern direct perpetrators, instigators and accomplices—as in Western and Islamic law. Moreover, elder-led councils preventing, judging or resolving feuds do constitute legal process.

Since Shamil, Sufis conducted a ruthless, pan-Islamist holy war (*gazavat*) against the Russians, undermining the tolerant tradition of Che-

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²² *Taip* derives from Arabic *tā‘īfa* (“community, group”); perhaps the term is “relatively recent” (Wood 2007: 13, note 4)—or a new label for an ancient phenomenon. I prefer to translate the terms *neqi* and *gar* as “clan”, and the term *teip* as “tribe”.

²³ I translate *tuqum* (Persian *tuxm* for family, clan) as multi-tribal commune; others translate it as multi-village commune or tribal confederation.
chen Sufism. Nakshbandi Sheikh Uzun Haji, who helped the Bolsheviks to defeat Denikin’s White Army during 1919-1921, promised to “weave a rope to hang students, engineers, intellectuals and ... all those who write from left to right” (Broxup-Bennigsen 1992: 115). Yet Chechens, apart from those belonging to strict Sufi orders, like the Vis Hajji, secularised under Soviet rule. Neither Islam nor adat constituted “a big factor in the 1991 nationalist movement and there is a huge ignorance” (Gall/De Waal 1997: 34) about both—though separatists resuscitated aberrant or conflicting tribal and religious values, leading to unintended tensions. Thus, to “beat a man in public for a crime” under Shari‘a was “against Chechen tradition, ... it humiliated him” (Lieven 1998: 366).

Mountain Law and Blood Revenge

Chechen chiefs, elders and tribal councils upheld adat, maintained order, (re)distributed lands, and protected their communities from external threats; elders were primarily chosen for their legal knowledge and chiefs for their military skills. Assembly-councils and elder-councils (mehq-quel, akhsaks) could decide over life and death, even in matters not concerning crimes and violations: thus, the last man arriving at battle exercises was reportedly “pushed down a cliff” (Jaimoukha 2005: 90); the said custom became legendary, or at least rare, by the 19th century. Yet these councils did not decide on all matters. Disputants could select non-elders as judges, and provided (male) relatives to take an oath in court; the graver the alleged crime, the greater the number of (con)jurors. Judges punished “ordinary” crimes, like theft, by fine or banishment, not by beatings, mutilation or death as possible under Islamic law—though the latter sanctions were possible for intra-community crimes. Women could not be witnesses or (con)jurors, or two of them counted for one male (Luzbetak 1951: 154-156). North-Caucasian mountain law condones banditry and robbery through nabeq (raid) to sustain martial skills and livelihoods given the scarce lands and commodities (Zelkina 2000: 17-20, 42, 44-45). Nephews reaching adulthood had the right to steal the required gift (“usually a horse”) from their maternal uncles if the latter refuse to abide by this custom (Jaimoukha 2005: 84); apparently the nephew had no right in this instance to take lethal revenge. However, boys reaching adulthood generally have the right to avenge their killed fathers and relatives. For centuries “boys are encouraged to develop into great warriors and robbers” till they hardly see the difference between the two, robbery being a “national virtue” (Luzbetak 1951: 148).
While Albanian avengers could act suddenly and within twenty-four hours without requiring consent, Chechen avengers had to declare their feud in assemblies, and notify the offender’s family or clan, who were given one day to go into exile if they opted so. Also unlike Albanian customary law, the “offender” was immediately presumed guilty and liable for execution if his family or clan handed him over rather than face exile or bloodshed. The defendant only could avoid severe punishment for a severe crime if he and a required number of conjurors took solemn oaths. Generally, Chechen councils possessed more powers than their Albanian counterparts to distinguish between proper kanly (usually not allowed among relatives) and crime, and determine the sanctions in each case, even down to the particular means avengers were allowed to use. Despite these restrictions, Chechen feuds could last for decades, just like Albanian ones. Haji Mohame, born Wilhelm Weisserth, recalled how one blood-feud was resolved in 1994 only after twenty-three years; during that time “Soviet law gave the men ten years in jail, but when … released, it began again” (Lieven 1998: 26, 28).

Hospitality and Defiance

The home was sacred, representing the universe held together by the primary hearth-chain (tovkhanan z’ee). Hospitality even forbids killing a guest who is a blood enemy. The host has to protect the guest with his life, in his home and on the road to the next destination. If the guest is harmed or killed, he must avenge him—though the culprit could forestall this by paying hefty compensations to the victim’s family and host. Mutual hospitality (kunak; contract offering each other lodging and protection) is a prime North-Caucasian “Mountaineer” norm to forestall violence, intimately connected to freedom: Chechen hosts greet guests with marsha vogiyla (khö), “arrive/enter in freedom (a free man)” and marsha goyla, “leave/go in freedom” (Gammer 2006: 4; Souleimanov 2007: 27,34-5; Jaimoukha 2005: 110, 134-136, 247. Chechens can be notorious bandits—certainly from a Western perspective. Yet “once you are under the protection of your Chechen hosts you are completely safe” (Gall/De Waal 1997: 29). Actually any traveller “who knows the language and customs” was “safer amongst them than in … Cossack settlements” (Baddeley 1908: 104-105; xxxvii). In highland Chechnya “you were as safe as—even safer than—in the most civilised countries of Europe” (Baddeley 1940: 9).

The North-Caucasian tribal system engenders “extreme vigilance over one’s freedom and … rejection of any authority external to the kin
The Chechens’ famous defiance hardened after Stalin’s 1944 Deportation. Survivor Aziz Jebrailov: if “one of us was offended we never forgave it, so they rarely touched us. .... We always struck back” (Gall/De Waal 1997: 74; also 70,193). Solzhenitsyn called them the “one nation, which would not give in, would not acquire the mental habits of submission” (Solzhenitsyn 1992: 401-405). Such defiance practically ensures incessant violence in societies where people frequently take oaths constituting honour. Blood feuds reportedly exterminated “entire villages and communities” in the 19th century, according to (biased) Russian reports, and reached a new crescendo during 1920s and 1930s despite Soviet efforts to eradicate the custom (Gammer 1994: 21; idem 2006: 147 and note 24). By the 1950s not “many fall victim to the ... vendetta—but what power the fear of it has all around” (Solzhenitsyn, ibid.).

Solidarity and Reconciliation

Apparently inter-group solidarity worked better to curtail internecine warfare among Chechens than mediation and reconciliation mechanisms. Men’s Houses and Unions were once formed to face common threats, organising games to instil a sense of supra-clan identity; blood feuds were suspended. Another bonding mechanism was sworn friendship or “blood brotherhood” by public oath-taking on the heart-chain (potent pre-Islamic symbol across the Caucasus) or other sacred objects, sharing milk in a bowl with a golden ring or, like the Albanians, mixing or drinking each other’s blood. Unlike Albanians, Chechens frequently became blood brothers just to cement a friendship.25 Till the 1990s hospitality was central to the “Chechen code of chivalry”, which “taught to protect the weak and refrain from ... quarrels” (Jaimoukha 2005: 8-9 [1st quote], 85,90 [2nd quote], 92-3, 95, 136-137). Nowadays, fewer people abide by hospitality, mercy and reconciliation. Pre-Islamic rituals did halt blood-revenge, like the killer or violator giving blood-wite or “blood money”; touching the heart-chain in the victim’s house; showing contrition by visiting the victim’s grave; or “touching the breast of a victim’s mother”(or sister), thereby joining her clan (milk-brotherhood); the latter ritual had become rare by the late 18th century (Zelkina 2000: 44). Once, touching or suckling the breast of any woman offered protection and kinship. These rituals are nearly extinct. Fewer

24 On obeying their seniors: “I do it of my own free will” (Gammer 2006: 6).
25 For a detailed description of similar customs among the Dagestanis, see Luguev 2003.
feuds are resolved through financial compensation (once deemed humiliating) or peace-making; forgiveness has lost the esteem it once had.

Gender Discrimination and Violence

Unlike other Mountaineers (and Albanians), Chechen women could divorce (kebin) their husbands—though they lose the kalym (bride-price or dowry paid by groom’s family) if their husbands did not rape or otherwise cruelly treat them. They also could remarry, and “exact revenge” (Souleimanov 2007: 29). Yet Chechen girls had “little to say about their future husbands” (Luzbetak 1951: 77, note 7; 81, 88-91; 108-109 (kebin as “divorce”); 132-134; 190 (kebin as “dowry”). Moreover, brides had no right to break off engagements. Abductors could force women to marry them, though risking a blood-feud with the woman’s family—and the husband if the woman was already married. Still, bride-capture often was symbolic as the “woman would give her consent” (Souleimanov 2007: 38). Widows of deceased husbands “could only remarry one of the brothers [levirate], or any other member of the taip” (Jaimoukha 2005: 84). As elsewhere “household and agricultural work were left to the women-folk or to slaves, ... mostly prisoners of war”; though Islamism brought a number of rights, Dagestani women fared worst: if “she became a bent and wrinkled hag, what matter? God was great, Muhammad His Prophet, women plentiful and polygamy no sin—her lord and master married another” (Baddeley 1908: xxxiii, xxxvii). Widows could replace their deceased husbands as family-head, while among Chechens only eldest sons or the “most capable and respected” could inherit this all-powerful position, which even allowed selling one’s children into slavery (Zelkina 2000: 14-15; Luzbetak 1951: 183-184). Chechen women had to do most work as well (men only did ploughing and other seasonal tasks), and were not allowed to travel unaccompanied. Yet beyond puberty they had more rewarding lives, participating in Sufi rituals, like the loud zikr (prayer, “remembrance”), intermediating or stopping violence by their presence (typical across the Caucasus), and as mothers educating their daughters and young children. Unlike Dagestani women, they were not obliged to undergo the virginity test at weddings, wear veils and “hide from men”—though male-female and husband-wife contacts remain restricted. A married woman was keeper of the hearth. To “have a lover was not ... a shame” and husbands were “flattered that other men admired their wives” (Jaimoukha 2005: 84). Yet husbands still could kill their wives and lovers if caught (rarely done

26 Yet Luzbetak (1951: 181) was sceptical of such “sexual laxity” reports.
since the Russian conquest). Adulterous men were fined or banished, while women were divorced, cast out penniless, and once also were mutilated (ears, nose cut off). Rapists were killed; victims were not ostracised but could not marry if unmarried.27

Nowadays women assume “leading roles” as family providers and professionals (journalists, civil servants) because men have had to “take up arms or ... go into hiding” during the latest Russo-Chechen wars (Jaimoukha 2005: 95). Yet blood-feuds perpetuate uneven female-male work distributions, as men have to be “on the lookout, ... hiding, ... away from home” (Luzbetak 1951: 160-161). A man’s excuse that “he can’t work because he’s feuding” is rather lame.

Albanian Violence-values

The honour (besa) codes from the customary Kanun or Laws of the Mountains of the Albanians—who call themselves Shqiptare (“those who understand”) rather than Albanoi or Arbëresh (Malcolm 1998: 29-40),28 yet are divided between the ultra-clannish highland Gegs centred in northern Albania and Kosovo and the semi-clannish lowland Tosks centred in southern Albania, including the small Çam and Lab tribes (Babuna 2000: 67)—have made them, according to themselves and numerous observers, hospitable and friendly toward strangers. These honour codes, whether or not being “remnants of a highly developed ancient civilisation” or having other historical roots,29 revolve around an oath also called besa (oath-of-honour, a vow on one’s life) and may engender (excessive) violence, like blood (gjak) revenge, as well as hospitality, peace and reconciliation. Many Albanians proudly nurture martial traditions, like the early 20th-century resistance by the kaçak (outlaw, bandit, rebel; from Turkish “fugitive”), which, with their concomitant violence-values, arguably helped them to overcome severe deprivations, like Cubrilovic’s uncompleted 1937 plan to ethnically cleanse Kosovo from all Albanians (Cubrilovic 1993a,b; idem 1994). However, such histories of “heroic resistance” do not necessarily signify unfettered cohesion and solidarity among the thirty or so “clans” or

27 Female infidelity “punished with divorce, mutilation, and death” (Luzbetak: 152). Most “serious sex offences” were “rape and incest” (ibid.: 169); it remains unclear whether incest and homosexuality were “punishable with death” (ibid.: 171) among Chechens too.

28 Latin Albania denotes “mountainous land”. Origins and meanings of Alb- and Shqip- roots are obscure.

29 See my next article on Chechen and Albanian histories, cultures and grievances in Iran and the Caucasus, vol. 15/1 (forthcoming).
“tribes” (fis) (Malcolm 1998: 14, 16-17; Hasluck 1954: back map; Inalcik/Mann 1986: 651-652).\(^\text{30}\) To this day peripheral communities, like the Slavic Muslims (Goranci) and Turkic- and Slav-speaking Albanians, fearing feuding, discrimination and repression, hide their differences from the majority Muslim and Albanian-speaking Albanians, or assimilate with the latter (Duijzings 2000: 24, 35).

Religious and Secular Norms

Ancient Greek and Roman accounts speak of Illyrians involving in human sacrifice, head-hunting, skull-drinking, mutilation of prisoners and cannibalism. Until the early 20th century, men in some Albanian tribes kept tufts of hear on their otherwise bald heads so as to allow possible victors to carry off their cut-off heads and thereby their souls; head-hunting allegedly continued until the early 1950s (Hutton, apud Hasluck 1954: xii). The Kanun—still superseding Islamic, Christian, and modern-secular norms—disallows such violent rituals. Most Kanun variants uphold individual responsibility (just like the Shari’a), i.e. the “blood for blood” (gjak për gjak) principle that “one must not kill two or more people in avenging ... a single individual” (Camaj, apud Gjeçov 1989: xiii).

The Kanun competed and intermingled with Shari’a, Church doctrine and “modern” nationalism. At courts, assemblies and private gatherings people took oaths—and transgressors asked absolution—on the Gospel, Koran, sacred object or at a holy place. Ancient oaths on a rock, a stone-and-earth on a shoulder, or on the head(s) of one’s sons, remained widespread (Gjeçov 1989: §531-537, 541-542, 553, 556, 565, 592(d,e)).\(^\text{31}\) The famous nation-builder Abdyl Bey Frashëri and his brothers Naim (poet) and Sami (writer and newspaper editor) grappled with these rival forces of tribalism, religion, and nationalism. The Frashëri brothers carried through a plan for Albanian autonomy, i.e. a single province (vilayet) and reform within the Ottoman Empire, at the second meeting of the Prizren League in October 1879. Abdyl called for full independence in February 1880, and formed a provisional government in January 1881.

His modernist faction won out over Muslim traditionalists who domi-

\(^\text{30}\) The term fis is translated as both “clan” and “tribe”; scholars do not identify separate Albanian terms for these two referents. Oxford Albanian-English Dictionary (1999): “fis: 1. clan, tribe 2; (Colloq.) ethnic group, nation, nationality”. The known data on the numbers, denominations and other characteristics of the Albanian clans seem rather outdated and confusing given the dual translation of fis as either “clan” or “tribe”.

\(^\text{31}\) References to Gjeçov’s paragraphed (chapter) provisions I identify by CLD, the abbreviation of the book’s English title, The Code of Lekë Dukagjini.
nated the League’s founding meeting in June 1878. Yet Naim Frashëri tried to use the syncretic Bektashi Sufis to overcome Muslim-Christian divisions (Duijzings 2000: 80-84, 114-116, 157-175). Secular nationalism spread haltingly, as most elders and commoners sought self-rule based on seriat (Shari’a) and Kanun. After 1881, when Ottoman forces crushed the Prizren League, Albanian insurrections exhibited Islamic-fundamentalist and patriarchal tendencies well into the 20th century. Yet contrary to Chechens in the pre-Soviet period, holy wars characterised by violence against “unbelievers” never took root: “Albanians have never been good believers … Their faith lies in a high traditional morality, not in religious dogmas” (Krasniqi 1994: 16).

Mountain Law and Blood-Revenge

Albanian chiefs, elders and (juror) councils were responsible for justice, order and community protection, sworn to duty, tell the truth, and equally treat accusers and accused—who swore to accept them as judges, often being allowed to select them. Elders chose male jurors (porotë, poronikë), though parties could object to the selections; both elders and jurors had investigative powers: few accepted besa at face-value, however esteemed. The accused possessed few practical rights: “if one of the jurors refuses to swear, the defendant loses the case” (Code Lekë Dukagjini [CLD], §§1066, 1067). Mountain law mainly differs from “modern” law by the absence of imprisonment: councils can only punish adults by fine, banishment, ostracisation, property destruction (an Ottoman invention), or execution. It extensively allows private retribution, particularly for “violated hospitality, [violated] weapons, and adultery” (CLD, §922)—prime taboos. Elder-councils determine what is a crime and what is proper blood-revenge, yet the distinction is contentious. Any man whose honour is violated should either forgive or retaliate. Revenge within the first twenty-four hours (offender’s family can protect the offender) should not trigger counter-revenge. Otherwise the attacker may “incur blood” from those he attacked, generating a cycle of violence. There is “no legal recourse for … offense” (dishonour): “no appeal is made …, no judgment is needed, no fine is taken” (CLD §595, 599). Some ancient norms were crafted to prevent the blood-feud spiralling out of control, like “blood follows the finger”: vengeance can only be against the actual perpetrator, and “blood is paid for with blood”, i.e. if enemies kill each other instantly, their families cannot avenge them (CLD, §§870-873 [24-hour rules], 897-898, CXXV, CXXVI).

Western law forbids anybody taking the law into one’s own hands. In contrast, Mountain law conditionally sanctifies both revenge and ban-
ditry: “robbery from another tribe with which no besa [truce] exists is rather a virtue than a crime” (Durham 2000: 204). Thus, in the 1980s and 1990s gun-toting youngsters rediscovered Kanun’s lesser concept of ndera (honour-as-prestige; (social) value; profit) so as to justify their self-serving depredations. Gun culture and private justice-cum-violence do reinforce each other; weapons are so revered that victors cannot take these from the vanquished and killed, on penalty of incurring a double blood-feud, one for the killing, one for weapon theft (CLD, §847; Schmidt/Schröder 2001: 105, note 12, 113-114 [ndera]). Nevertheless, the Kanun discourages theft, highway robbery, group raiding, and rebellions. It imposes stiff penalties (steep fines, banishments, etc.) on those transgressing strict rules of council judgment, possession, property, and safety for travellers and messengers. This reflects a history of endemic stealing and strife among destitute Albanians, just like among Chechens. One cannot plunder livestock without provocation (avengable dishonour) or even for debt collection (CLD, §§790-800; Chapter 21 “Theft”; CLVIII “Messenger”).

Spite and Hospitality

An aggressive violence-value is inat, “spiteful defiance” (Arab. ‘inād iḍ.), the refusal to acknowledge any mistake, compromise, or back down. This inat for centuries fuelled intra- and inter-clan feuds (F. Schmidt 1996: 50,52). This often involved a besa to martyrdom, i.e. “resistance until death”, also against external enemies, like the Serbs well into the 1990s (Di Lellio/Schwander-Sievers 2006: 526). All of the consequent violence could have been a lot worse, i.e. widespread if not for hospitality. The guest (mik) must respect the sanctity of the home, and announce himself in the courtyard. The host has to protect him even if they are blood enemies. If the guest is harmed, killed, or dishonoured (insulted, robbed), the host must avenge him—even if the perpetrator is a close friend or kinsman. If the guest misbehaves, the host is held responsible and must pay crippling damages to the injured party. If either guest or host gravely misbehaves, a judicial council can punish either by (at least) fines. If either betrays hospitality—the guest murders the host or vice versa—the village council executes the “traitor”. Despite hospitality’s sacredness, nothing is taken for granted and guests are not allowed to carry weapons. Public assemblies keep the peace by an oppo-

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32 I make the link between besa, blood-feud, and inat.
Solidarity and Reconciliation

Next to hospitality, ritualised mediation and reconciliation are the other great “conflict-inhibitors”. Reconciliation is sealed with the prime (surviving) contenders becoming “blood brothers” by drinking drops of each other’s blood; this binds their families into a new brotherhood or clan, rendering future feuds unlikely. Reconciliation normally starts with a truce “temporarily suspending pursuit of vengeance”; indeed, to “agree with a truce is the obligation of an honourable man” (CLD, §§854, 855). Yet it is “rare that a truce is given for violation of hospitality”, and if “the honour of a mediating household, village, clan or priest’s parish is offended, each must exact vengeance” (CLD, §§650; 671-674). Rejection of a mediator’s or guarantor’s reasonable proposal or interjection in a fight—which women often (are allowed to) do, like their Chechen counterparts—can constitute an avengable offence. Therefore, reconciliation attempts in an honour-sensitive society can easily escalate conflicts. Only if both sides respectfully refuse the mediator’s offered solution, can the latter honourably defer the case to more senior “men of wisdom” (elders, clan-chiefs) who can force an end to feuds and disputes if (village) assemblies agree to it. In 1990, 2,000 Kosovar families reconciled or postponed their feuds through beselidhje (oath-binding) in order to better resist Milosevic’s regime in Serbia, releasing twenty thousand people from self-imposed confinement (official 1987 estimate: 10,000 people of 900 families confined). Yet feuding resurfaced in northern Albania after a forty-year Communist clampdown. Tens of thousands are condemned to virtual house arrest for

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34 Godparents (CLD, §§705 etc.) and “blood brothers” ($704; $988-990) cannot marry females of each other’s families, neither their descendants. During an early truce the “murderer” is obliged to attend the victim’s funeral ($856-7)—like among Chechens who visit the victims’ grave (see Chechen Solidarity and Reconciliation).

35 Schwander-Sievers (2001: 106): “Feuding was just suspended, both among Gegs in Albania during 1997 to fight the Tosks, and in Kosovo from 1990 to counter the Serbs”. Such suspensions invalidate, or at least form exceptions to, Kalyvas’ proposition that “actors take advantage of the war to settle local or private conflicts” within or across ethnicities (2003: 476). Still, I admire Kalyvas’ refusal to be drawn solely to either the deprivation (grievance) or depredation (greed) conflict theories, focusing instead on the “interaction between political and private identities and actions” (ibid.: 475).
years or decades, including 1,200 children—threatened by a blood-revenge that once targeted adult males only, and accepted truces and “blood monies” or financial settlements. This signifies a “double brutalisation” of local and international norms. Though most women and children still are spared, the prohibition against targeting them is corroding. Feuds have affected 20,000 and killed as many as 9,500 people between 1991 and 2008, not counting the dozens killed abroad among the thousand(s) who tried to escape feuds. Firearms looted during Albania’s 1997 unrest between Gegs and Tosks increased blood revenge to several killings per week in mid-1998. In Tirana (a quarter of the country’s population and growing) or elsewhere, a full-blown Geg-Tosk war is unlikely given mixed marriages and internal migration. However, brutalised blood-revenge perseveres, despite heightened penalties (twenty-five-years to life imprisonment) and misgivings by the younger generation.36

Gender Discrimination and Violence

Equalitarian violence-values—even low-born had the conditioned right to avenge high-born wrongs (CLD, §§868, 1156-1157)—did not provide equality or privilege to women except special protection. One even could not kill female killers as they cannot “incur blood”, though Kanun law generally treated and punished men and women as equals (Hasluck, apud Bohannan 1967: 385,394). The head of the household was the eldest or wisest male, his power over people, lives and possessions nearly absolute. Women and children could not vote, take oaths or act as jurors or informers in courts. Women did most of the work, were forcibly married without much choice apart from self-imposed virginhood (dressing like and conversing with men), lived isolated lives (not allowed to go out on their own), and were dependent on husbands and male relatives for health, livelihood and relaxation if any. Among Albanians, unlike Chechens, flirting and adultery brought the worst shame on women and the worst feuds among men. Adulterous women could be shot. Ancient, now defunct “gender laws” were as harsh as Chechen lamkerst-norms: women were burned alive or tortured to reveal their lovers; later they were executed or banned. Ironically, nowadays feud-induced house-ar-36 BBC’s Summary of World Broadcasts (SWB), EE/8538/B1: Belgrade home service (hs), Yugoslav News Agency (YNA), 7 Apr 87; EE/8711/A2/1: Rilindja, 23 Oct. 87; Schmidt, “Kosova from Tirana’s perspective” RFE/RL Newsline, 17 June 1998 (www.rferl.org); Robert Slagt, “Eeuwig dreigende wraak (Eternally threatening revenge)”, NRC Handelsblad (Dutch newspaper) 11-12 Aug. (Saturday Supplement); Dan Bilefsky, “In Albanian Feuds, Isolation Engulfs Families”, NYT 10 July, 2008.
rests have “inverted traditional gender roles …, as … women became … breadwinners … while … men were forced to stay home and do the housework”.

However, the opportunities even for educated, urbanised women in post-war Kosovo are limited; their vital contributions as teachers, nurses and intermediaries to the underground “parallel structures” and later insurgency of the 1990s are being ignored (Di Lellio/Schwander-Sievers 2006: 521-522).

Chechen, Albanian and International Norms Compared

Age-old Albanian Kanun and Chechen Adat rules focus on private violence between individuals, families, clans and tribes, rarely between kingdoms and states. This makes it difficult to locate norms equivalent to “just-war” principles. In spite of that I have been able to identify Chechen and Albanian jus-ad-bellum (-like) and jus-in-bello (-like) norms by looking at violence and punishment provisions for individual and collective authorities. Similarly, I have been able to compare relevant Chechen and Albanian violence-values with international principles prohibiting in-battle and out-of-battle violence against the rights to dignity, liberty, safety, and life.

When comparing Chechen, Albanian and international norms some fundamental patterns emerge: 1) Chechen and Albanian violence-norms resemble each other much more than either resemble international norms; 2) Adat and Kanun laws hardly deal with supra-local violence; provisions dealing with external threats and atrocious violence, like genocide, are rare or non-existent; 3) Customary terminologies are unfamiliar to the Western reader; local violence-norms cannot be easily coupled to or equated with humanitarian and human rights norms.

Most jus-ad-bellum and jus-in-bello norms lack concrete benchmarks, or are incumbent-biased: “legitimate actions of the ruler become the criminal acts of the ex-ruler” (Leach 1977: 16). Some principles, like non-combatant immunity, involve lucid thresholds so long as its determinative element—like non-combatancy—is clear. Significantly, Chechen and Albanian understandings of non-combatancy closely concord with international ones: both forbid targeting women, children, elderly and priests, as those cannot or should not carry arms. The legitimate-actor

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38 See Tables I, II (downloadable), at http://sites.google.com/site/tristansolutions.
39 Rebels naturally tend to regard “their” ex-rulers as legitimate. Whether incumbent power (as such) is “good … or bad … depends entirely upon one’s point of view” (Leach 1977:17).
norm is unproblematic only if one recognises that other non-state institutions can be as legitimate as a state: a village, clan, tribe or supra-tribe assembly can declare a feud, war or other hostility in certain cultures—as among Chechens and Albanians, though their tribal institutions often compete with state authorities. However, most “just-war” norms lack clarity. Theorists circumscribe the proportionality of ends as “the actor weighting the costs of just conflict to the costs of not entering such conflict, even if one is likely to win”. It does not contain a formula to measure these costs, let alone pinpoint justifiability. Decisionmakers and observers interpret such norms differently, in an ad hoc manner, on a case-by-case basis, or through diverging morals. Fortunately, codifications and interpretations of “just-war” principles in humanitarian law make them a bit more concrete.

Finally, Chechen and Albanian customs primarily violate the dignity, equality and humane treatment of women. At least until recently, women have been shielded from feuds and external aggression. Yet husbands, fathers and other male relatives can use domestic violence with few restrictions. Even enlightened patriarchy often constitutes structural violence (Galtung 1969: 170) against women. Vicissitudes of armed conflict often lead to more beatings, rape and other humiliations. Only inter-male violence are amply ruled by restrictions—hospitality, timing and manner of attack, truces, reconciliations—somewhat resembling humane-treatment and cease-fire Geneva provisions, apart from hostage-taking and combatant status. Many Chechens and Albanians regard all male adults as potential combatants whom one can attack, abduct and put to work at homes, fields or frontlines. They effectively deny the state a monopoly in either peace or war.

V. CONCLUSION: (RE)APPRAISING LOCAL VIOLENCE-VALUES

 Violence-values arguably reflect scars of past conflicts and function as defence-mechanisms against future ones. Western researchers often have difficulty assessing such “primitive” codes and customs on their own merits. John Baddeley speaks of the “brave and cruel, treacherous and cunning” Chechens, with “their own peculiar code” in which “cattle-lifting, highway robbery, and murder were ... counted deeds of honour” (Baddeley 1908: xxvii). J. H. Hutton regards Albanian customary law as “primitive enough ... to be compared with the customary law of tribes much less civilised” (apud Hasluck 1954: xiv). Until recently Western scholars differentiated between modern “laws” and traditional “customs”, and refused to consider customary, unwritten rules as laws
at all (Leach 1977: 6). They yet have to look beyond their own value-system when observing physical and “structural violence”. While it is “difficult to assess Albanian society ... according to Western norms” the International Crisis Group (ICG) judges that “illegal or criminal behaviour cannot be condoned”, and one should not legitimise a culture with “unacceptable dimensions” (ICG 2000: 18, 19, 21). It implies that Albanians should eventually conform to Western culture. Such Western bias extends to local customs and aspirations generally. Albanians frustrate such expectations, their attitude being the same as the Chechens’ who do not “give a damn what anyone else ... thinks”; after “their experiences of the past two centuries ... they owe no moral obligation to any other people, state or set of laws” (Lieven 1998: 353). Likewise, North Caucasians generally are unlikely to embrace “our” penal laws and principles: “perhaps no adats are so unchangeable as those regarding blood-feuds” (Luzbetak 1951: 56). One should seek the best combination of Western and local values, whereby international law might accept or adopt beneficent Mountain laws. This would avoid misguided condemnations of rebels as “terrorists”, “bandits” or “barbarians”, which only make them defensive and unwilling to adhere to international norms (let alone their own). Some “traditional” violence actually may conform to humanitarian and human rights norms, but in guises we are unfamiliar with. If some actions do violate international norms, these may follow local norms that are as valuable and ethical.

Chechen and Albanian customs may seem far removed from Western preconceptions of right and wrong, yet similarities emerge after closer examination. A. R. Radcliffe-Brown’s distinction between public delicts against society and private delicts against individuals and small groups is a useful tool to distinguish between primary and secondary morals. Yet many (including Radcliffe-Brown and Edmund Leach) wrongly presume that pre-industrial societies “reverse” the contents of these categories, with homicide and theft as private delicts amenable to feuding, arbitration and compensation, and religious and sexual transgressions as public delicts requiring severe punishment by high authorities (Leach 1977: 22-24, 31-32).

Yet Luzbetak (1951: 137; see 175, 179, 189-191) notices enhanced women and other rights through “Islamic and Russian influence”. Leach’s lecture II in his book (1977) is based on A.R. Radcliffe-Brown’s “Public and Private Delicts in Primitive Law”, Encyclopaedia of the Social Sciences, 1933. However, arbitration of blood-feuds is not “simply to restore peace” (Leach 1977: 24); Chechen Adat and Albanian Kanun mediators and judges do “adjucate about ... rights and wrongs” and do “inflict penalties” (ibid.), also in feud-cases.
execution, banishment or other severe penalties against adultery—but many of their laws punish “unjust” or “excessive” killings and thefts as well: these laws strictly curtail the vaunted feuding and raiding customs. Western observers overlook underlying commonalities between modern written law and traditional customary law because the latter’s authorities, tribal elders and patriarchs, dispense justice instead of civic courts and police. Still, a fundamental difference remains the large space accorded in traditional societies for people to take the law into their own hands.

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