

WOMEN IMMURE AND MECHANISMS OF THE FORCE IN THE LAW OF ALBANIAN MEDITERRANEAN SOCIETY

Prof Assoc. Lavdosh Ahmetaj^{1*}

Vice Rector Aleksandër Moisiu University of Durrës

***Corresponding Author:-**

Abstract:-

The force of custom masterfully knew how to harmonize the elements of the family through the harmonious combination of customary law mechanisms, just as the code of faith, a code that expresses a very strong family relation, and precisely between the little brother, to whom he had fallen and "right" to face the challenge of life. This is expressed through the "institution" of the wall, which is perfected in a certain historical context, found in the Ballad of Dukagjini, introducing a new element: the woman seems aware of her mission, and at the same time she knows that as the face of the walling institution, which is shown through its dialogue with the builders of the castle. The feminine deenization, in the construction of the castle, is treated not merely as symbolic of the violent resistance, but above all as a symbolic of institutional resistance, to build where the Albanian family will be born and develop, there is also the residence of the state. The main motive of the ballad "Sister and brother" is the "incest ban" analyzed not as episodic events of society but as a public phenomenon and as a social concern and phenomenon that has disturbed in certain historical circumstances the Albanian family and society, in the legend of this ballad, we may have to do with ancient subtypes that remember the difference between horizontal marriages and those within a womb.

Key words:- Resistance, institution, symbolic, habit, faith, public, incest, divinity

1- Introduction 2- Family functioning through the code of the covenant 3- The phenomenon associated with something divine 4- Symbolism of the mother's milk 5- Avoiding incest 6- The difference of age in marriage 7- Incest phenomenon 8- Selling of a woman 9- Renaissance of life 10-Way of blood repayment and convenience 11- Legal position of woman 12- Conclusions

1- INTRODUCTION

In the system of Albanian customary law, the mode of family functioning constitutes one of its most interesting institutions¹. There, in the legal form, we find a wealth of study material, whose research helps explain a number of issues, but above all clarifies the controversy of the view that Albanians are an unorganized and tribal².

By exploring Albanian customary law in this regard, I was thinking of treating the woman's wisdom conceived as an expression of the force of law through the penetration of her legal mechanisms, treated in different forms and ways. Looking at this problematic, not by chance, the existence, the resistance and the functioning of the Albanian castle walls was clothed with the right to sacrifice a woman who, of course, had to be alive³. This finding as dramatic as dignified reflects the resistant way, the invasive waves of time and the lack of state as a regulator of relations in the Albanian medieval society⁴.

2- Family functioning through the covenant code

In order to conceptualize the transformation as a phenomenon in Albania, moreover related to the medieval Albanian woman, it seems that philosophical sentiment is reflected through the idea of Nietzsche, to return to the graves of the fathers and there, we will find two systems of values, the nobleman, which we need to refine it by cultivating it permanently and that of the slave, which we must shun, so that in view of it, strong resistant walls are linked to the most important element of the family, the woman, and treated through symbols, such as RING⁵. While the way and the possibility of how the walls can stand, the constructor's imagination and builders have been taken from the "holy"⁶ (for Rozafa), or by a bird (for the Golden Bridge).

This mysterious as well as functional mechanism is dealt with in the territory of Kosovo; there is a new element expressed through the third bride, who had dreamed that she would wallow⁷, thus, by focusing on the most fragile element of the family, epic, taking the subject from customary law has been able to raise in art the most fragile element but also the most significant structure of the Albanian family⁸. Consequently, the epic masterfully knew how to harmonize the elements of the family through the interplay of the customary mechanisms of customary law⁹, just like the code of the covenant¹⁰, the code that enabled the existence of a very strong family relationship, and precisely between the little brother who had fallen and "right" to face the challenge of life. This mechanism seems to have worked to express the challenges of the life of the Albanian family, which has worked through the labyrinths of the Albanian spiritual life. But the functioning of the Albanian family emerges even more clearly in the conditions of a history of dangers that the family's existence came from abroad, but also from outside the ethnic Albanian, expressed through the history of invading wars.

This is expressed through the wall, which, in its dialectic, as a spiritual phenomenon, is perfected and has acquired elements of a certain historical period, a tendency which appears in Ballad of Dukagjin^{11,12}; here is the impression of introducing a new element: the woman becomes aware of her mission and at the same time she knows how to face the interlocking institution, which is shown through her dialogue with the builders of the castle through this lecture¹³.

But even though the event is dramatic, what is shown by a woman who knows it will be called "unfortunate," but by studying carefully the chosen motive and element, ethnography as a science, but spiritual creativity finds the possibility of the sacrifice of a woman, but with a special quality. Naturally the question arises: - Why will a sacrifice be made and why is the woman, and in any case the husband, not found to be in a hurry?

3- The phenomenon associated with something divine

Because gods have used the symbolism of a woman or a bride as a more divine and noble symbolism in terms of the opportunity to be sacrificed in the service of something very important, such as the construction of a castle, which in the references history should be seen and treated not merely as symbolic of violent resistance, but above all as symbolic of institutional resistance, to build where the Albanian aristocratic family will arise and develop, there is also the residence of the state. Not surprisingly, Sami Frasheri, in his assessment of the woman, judged that if I was to give the case to the woman's appreciation, she would erect a seaside in the center of the city, a manifestation of a meaningful assessment, for

¹ - Mark Tirta, **Albanian Ethnography**, Tirana 1999, pp. 110

² - Some foreign scholars have maintained an underestimation of the scale and causes of the development of Albanian society in antiquity (and later). In some cases, have denied them any role in the history of the ancient world or have minimized it. Some authors reach to include the Illyrians in the category of happy peoples who have no history. According to F.V. Walbanic: "South Illyria in the 3rd and 1st centuries BC".

Announcement in the I Parliamentary Assembly (brochure, 1972), State and Law History in Albania, Tirana, pp. 7).

³ - **Issues of Albanian Folklore**. "Special and Common Interballkanic Elements", Tirana 1988, pp. 140.

⁴ - Rok Zoizi, Albanian Ethnography II, **Dukagjini or Leknia**, Tirana 1963, pp. 21, 31, 38, 49

⁵ - Spiro Shkurti, Albanian Ethnography XII, **Myths, rituals and popular beliefs**, Tirana 1982, pp. 40-42

⁶ Cited work Spiro Shkurti, Albanian Ethnography XII, Tirana 1982, pp. 40

⁷ - **Issues of Albanian Folklore**. "Special and Common Interballkanic elements", Tirana 1988, pp. 141.

⁸ - Mikel Petrushi, Albanian Ethnography II, **Kumbaria**, Tirana 1963, pp. 270

⁹ - Rok Zoizi, Albanian Ethnography I, **Albanian ethnography and the work done in this field**, Tirana 1962, pp. 3-16

¹⁰ - Mikel Prenushi, Albanian Ethnography II, **Spiritual Culture**, Tirana 1963, 243-245

¹¹ - Qemal Haxhihasani: "*Albanian ballads of sister and brother reenactment and its ties*", Tirana 1982, pp.

¹²

¹³ *For a day, let the boy drink it, swirling, and barking it, and putting it on the beetle, let it shrink (L.A)*

the mother, who is the sacred institution of government and the state, because the state men of the state of being statehood are taken to the family.

By looking carefully at Albanian constructions, they have the function of resistance, but also the ideas to break away from a simple life. This tendency is very legible when we think and see that the Albanian forts in their depth have a very interesting structure. I have had the opportunity to observe the Castle of Ali Pasha in Tepelena, in Himara (Porto Palermo), which in the internal structure has an institutional function, carefully divided into organized facilities with a certain function in the structure of a labyrinth¹⁴.

But could Ali Pasha Tepelena build that resistance without the mother's symbolism, ANESA?

But while it should be noted that the little bride reflects a stoic stance that harmonizes with noble behavior, addressing her father-in-law with the monumental words: "to bring the bread of boys who work in the castle"¹⁵, with a rare workmanship look other motives, through the demand that he has, after wallowing, to leave out his right eye, right leg, and right breast, since the cry of the son is able to calm down. So even after the bridegroom, the little bride has in mind the mission of motherhood.¹⁶

These verses in their rationality give the subject the attributes of a family who is conscious of being sacrificed in the function of a national public service, but always concretized with the conscience and the castle construction, because it would only be in it would be safe for her children to grow up. Moreover, the Albanian family seems to have conceived the sense of family inheritance, not only from the biological point of view, but above all of an intellectual and educational continuity, while the bride is aware that, even after the bridging, the children should be raised and wounded with the family feeling, through the eye and right hand left out of the immurement¹⁷.

So the energy energized in dignity seems to have been able to process and give the spirit of building a family that had well-defined functions and attributes, which had become a noble mason. That, though we are sorry, as a fussy man, dictated by the force of custom, which is too harsh¹⁸, intrigues motives that relate to the castle building, which should resist the times, in order to carry out its mission with all the attributes of a resistant institution¹⁹.

4- Symbolism of mother's milk

But, meanwhile, the builders' concern is expressed in the spirit of curses that would leave the builder's soul behind the bride's wall, expressed through the swinging wall that was being built. Dukes as if from the depth of the human instinct triumphs the reason of the force to survive. Then the epic literature motivated by the customary force creates the possibility of dialogue between the builders and the bride, which would also feel pain behind the wall, because her brother, who was in the curbs, could also pass on the bridge and could cause his death. Then the pain of the brother turns the curse into a voluntarily accepted sacrifice for her sister love for her brother. In the empirical studies of the Albanian customary ethnography, woman appears to us as the main element of the motive for life, this value is shown through the rite for the breast milk of the lehani, which according to an early habit when milk was absent, after eating bread and onion, they shone early in the morning as soon as the sun was born, absorbed with limestone of the arches or cubes of the castle. This white water believed it was the milk of the mosaic, which meant that the spirit of creativity had managed to find the mechanism of life in customary law through a mummified woman, but with a qualitative change, which in this case, through the symbolic of mother's milk for children, shows the continuity of life, a mission that is embodied through the symbolism of women.

So, in the two examples shown, I think the creative spirit has been rationalized by an unusual workmanship and not by chance, that for the continuance of life, at the epicenter of life is placed the most important element of the family, the woman, but with a change very large, from the point of view of the attributes it carries in the instinct²⁰ and its conscience. So distinguish those elements that carry a social life with all the attributes of a civilized society for the time, so it is possible to find the material and theoretical arguments to say that the Albanian society apart from the rough elements which dictated the time and the circumstances, has in its content elements of an organized and intellectually sufficient society to understand the tendency of an organized and motivated family for life.

In family dialectics, in certain reports of the historical and social developments of Albanian society, we can conclude that there is an interesting development at the time of the Ottoman invasion^{21,22}, so the detachment of the boys from the family and their integration into military life, coupled with the robbery, the purchase of women in the conditions of the

¹⁴ - History of the State and of Albanian customary law, Tirana 2005, pp.

¹⁵ - *Issues of Albanian Folklore*, Volume I, Tirana 1982, pp. 142.

¹⁶ - While with special respect and attention is centered on the Albanian ballad the bride, which seems to be much mentioned, but changes the interpretation in the special Albanian regions. So, in the case of the onomastics, in the Albanian ballad of Elbasan's sword, the little bride is called the "bun", in that mirditore "Gjina Vida", in Malesia e Madhe, Shkodër, the little brother is called "Baca Gjergji", son in a sermon by Dukagjini, "Miri", in Opar "Tefik" (*Issues of Albanian Folklore*. Tirana 1982, pp. 143. *I want to look at her. With the help of his hand, With the help of his legs to shake, With the help of his nurse to send ...*

¹⁷ Cited from Family Functions in Albanian Common Law!!!!!!

¹⁸ - State History in Albania, Tirana 2005

¹⁹ - Kolë Luka, Albanian Ethnography II, **Research about Vileti as the earliest medieval institution in Albania**, Tirana 1972, pp. 82-89

²⁰ - Llambrini i Mitrushi, Albanian Ethnography, **Woman at the stage of pregnancy**, Tirana 1972, pp. 109 - 111

²¹ - Abaz Dojaka, Albanian Ethnography X, **The marriage settlement in Albania**, Tirana 1981, pp. 5-7 ²¹ - Qemal Haxhihasani: "Albanian ballads of sister and brother reenactment and its ties", Tirana 1982, pp.

²²

functioning of feudal law but with clear anarchic elements were important factors of the social relations of the feudal political system, of the incest phenomenon²¹.

Referring to the researcher Qemal Haxhihasani, regarding the dynamism of the Albanian family as a result of the influence of the historical conditions, we can say that with the development of the society and especially the overcoming of a social political system assigned to the other, in the family, both in structure and in the position of its members. It is recognized through the epic the right of marriage to purchase and to robbery²³. Different forms expressed in Albanian ethnographic studies developed under certain historical conditions and their localization in certain areas according to the possession of one or other situation are apparently indicative of the subject's antiquity.

5- Avoiding incest

The study of the Albanian family leads to a phenomenon of interest, which is not only subject to ethnography and customary Albanian law, but also to that of the neighboring peoples who have dealt with artfully. The main motive of the ballad "Sister and brother's birth" is "stop of incest"²⁴, analyzed not as episodic events of society, but as a public phenomenon and as a social concern and phenomenon that has disturbed in certain historical circumstances the Albanian family and society. Attention is drawn to the opinion that in the legend of this ballad, emphasizes Qemal Haxhihasani that may have to do with ancient subtypes, recalling the distinction of horizontal marriages, marriages since in the womb. The spaces that are able to capture the spread of this subject with the stabilized Balkan forms, as well as the signals given by Scandinavian waters, Danish, Irish legends etc, are of interest to the thesis of the origin of the central motive, the incest banning, from the substrates of this stage of social development²⁴.

So this passage must be accepted gradually and through the psychological and social developments that the Albanian society has passed in parallel with the societies of the neighboring countries. Arguments from ethnographic studies, ballads²⁵ and juveniles, which should be observed in its development are reinforced through customary law, namely in family norms; in the time of antiquity, differed in the Venetian tribe, said Herodotus, generally women's buying and with the money earned from the sale of beautiful girls, became a dowry for other girls²⁶. Married and robbery marriages are characteristic forms of monogamous marriages, indicative of a society that had long overcome the form of married couples and was at such a stage when the family order was fully subject to ownership relationships. So private property was also the foundation of family relationships²⁶. Marriage was considered an important event for the spouses and the future of their family. This is the testimony of the ceremony that took place on this occasion. At the wedding were summoned guests, family members and relatives²⁷. Law norms taught man's power over his wife and father over children. This power was vast. The father decided to marry his children when they reached the age of theirs. He also had the power to sell his children, into slavery to creditors, when they did not have other options for paying off debts²⁹.

6- The difference of age in marriage

The Albanian writing also introduces unwanted marriage between an old man and a young girl: "Elder Qefanak's Marriage," which he had never seen before, but through the words of the province he learned that he was a peaceful man and rich²⁸. While at the time the brothers had come to take it, there seemed to be some kind of protest of the bride, which was reflected through the bride's asphyxiation. The elder was willing to forgive the big one alone for the bride to save her life. While on the other hand as to show the qualities of the young girl, she shows that many chicks have begged²⁹. But even though had a lot of demands on the girl, it still reflects the mother's insistence that she had decided to give the girl to Gjeto Basho Mujit because he was of good quality by the mother of the girl.

Ethnographic studies, however, give us the opportunity to understand more than that, thus reflecting the contradictions between Elder Qefaqa and the illness of the bride, and flips and fell by the horse of marriage, which being not in a spiritual state, to face the created system from a marriage, which was contrary to her will, was caused

In these conditions, Elder Qefaqa addresses the Christians: who removes the *bride* off³⁰ and in return for pain relief, he would pay three hundred ducats and this would make him proud and dignified in the face of social opinion. It seems the disagreement between the unwanted marriage and the ambition and pride of Elder Qefali, who does not want to be insulted by the day before dawn. But as deeply in the conscience of the girl, who was pressed by the law of wild habit³¹, deep in the spirit it feels insulted and suppressed, which causes asphyxia and health problems. Drama that has to do with a moral code of the family, which should be implemented in any condition.

²³ - Canon of Lekë Dukagjini, Shkodër 1933

²⁴ - Abedin Caushi, Albanian Ethnography V, **Engagement**, Tirana 1974, pp. 235-237 ²⁴ - Referred to Engels's work "**Origin of family, private property and state**".

²⁵ - Kolë Luka, Albanian Ethnography V, Ballad of Lul Frangut, Tirana 1974, pp. 109 ²⁶ - **The History of State and Law in Albania**, "Family Norms", Tirana 2001, pp. 27.

²⁶ - The subject shown by Herodotus shows that marriage was associated with dementia as a necessary condition for its affiliation.

²⁷ - Cited to the work of Dojaka, "**The Settlement of Marriage**", Tirana 1981, pp. 7-9 ²⁹ - **History of State and Law in Albania**, "Illyrian Law", Tirana 2002, pp. 28.

²⁸ - **The Epic of the Kreshniks and Legends**, "**The Elder Qefanak's Marriage**", Tirana 1937, pp. 194.

²⁹ - **The Epic of the Kreshniks and Legends**, "**The Elder Qefanak's Marriage**", Tirana 1937, pp. 193

³⁰ - **The Epic of the Kreshnik and Legend**, Tirana 1937, pp. 196

³¹ - Albanian Ethnography II, **at the wedding at the girl's house**, Tirana 19163, pp. 248 ³⁴ - Cited work from the Epic of the Kreshnik, Tirana 1973, pp. 198.

Looking at the dynamism of the development of family development, the customary subject, which has now become a powerful institution, also affects a problem that is even more sensitive than that. Through the conversation between daughter and mother, it seems the biological development of the young girl and her concern to become a mother. It started, to become a mother, your body has grown, your breast has started to grow, you are grown (mother), and now you are going to get married³⁴.

So the biological dynamism and natural development of the family, which is one of its most important functions.³²

7- Incest phenomenon

The medieval customary of Albanian cannot bypass a very difficult time of the Albanian family, just as it might be incest, and the avoidance of incest could not come from the warning of fat birds or from the presence of extraordinary natural phenomena, but there is the possibility to talk between the kidnappers and the girl³⁶. So in essence, Albanian epic or popular intelligence has come to think through one's mind to avoid one of the phenomena that have occurred and have appeared in the Albanian family in particular and the Balkans in general.

If we look at the phenomenon of incest from the historical point of view, I think this phenomenon has been treated by Greek antique literature, and moreover, in Aristophanian studies this seems to have been a concern for the Hellenic family³³; I treat this in the form of the fact that in the Albanian and the textbooks, it seems to be a special merit of Hellenic society, but when I treat it through what is called Albanian customary law, I do not believe it is far from historical but artistic, the issue of incest, to draw some conclusions of civic interest, but also scientific. For the fact that, as it is probable, in the Albanian ballad this problem occupies a considerable place.

The treatment of incest, or the fight to prevent incest, in Albanian customary law, shows the development of the Albanian family, but above all the transition of society to a socially developed stage, meaning from a material or historical point of view, the family had overcome gradually the development processes, as in all societies mature from the social and economic point of view.

8- Selling of a woman

The ethnography science has mentioned one of the injuries of the Albanian family through the sale of a woman, which is the most widespread and complex, which is apparently derived from economic factors coupled with a poverty that forces the head of the household to make the most sublime act, selling one of the most important family members. This tendency is most readable when we think that the mechanism of social inequality functions in the family, seeing even more from the functioning of the family in the focus of customary law mechanisms. In this form, the ballad knew how to deal with the mother-in-law conflict, or the physical contrasts between the ugly husband and the beautiful woman, coupled with the reactions of the woman's sale to the foreigner (the Jewish, the Turkish).

But the Albanian family has seriously disturbed the debt system, which in the ballad is expressed through inheritance to the hero from his father and in some cases from the cost of foolish women³⁴. The focus of this focus on interest is a significant example of the continuation of the tradition of evolution under the influence of historical-social conditions until later, as may be the case of a variant recorded in 1970 in Mat, where the category social life of the hero has turned in line with the worldview of time: "The poor farmer remains indebted". But with interest in how the family worked when it was facing a debt, it shows that the ballad helps us in the most perfect way to understand the family's confrontation with the debt system.

For the debt repayment, the hero (head of household) is obliged to sell real estate, the land together with its products, in such a situation, associating it with movable property, such as livestock, poultry and everything else, so that the family was morally dismissed in the face of the debtor³⁵.

So, the phenomenon of a woman's sale is born out of a dream, sometimes it seems suggested by the parents, the society surrounding the family or by the bride, but in many cases this phenomenon is driven by the husband himself⁴⁰. But the woman's sale had moral and psychological consequences, especially in the Albanian mountain community, which faced the family and the public's opinion in an unusual and extremely delicate difficulty. This is how the epic of the soldiers expresses. "Where is the big rainbow / The man shites his wife". While balancing the woman's selling phenomenon, customary norms have been used, through covenant as a code, which together with other concepts form the ethical structure of the canon³⁶. The hero of the ballad, who has inherited a debt from his father, repairs it through friends and relatives of the family, but on the condition that he will repay the debt by giving a pledge to repay the debt within the due time because "Legally understood in the people as an oath of truce⁴²". So, ethnographic and epic studies are being used as a first subject, which is intertwined and intertwined with artwork with ethnographic subject, perfecting it through

³² - The family was a community of people with a blood link on the male line or united with the mother. Within the family lived several generations, who were the householder's sons, with their wives and children (State and Law History in Albania, "The Family and Its Role in the Tribal Society", Tirana 2001, pp. 240). ³⁶ - *They were quarreling / as sibling with siblings / both started crying / When Gjon, quince sprout / where he fell, drop the pomegranate*

³³ - Aristophanes, **King Oedipus**, Tirana 1990 "preface"

³⁴ - *Issues of Albanian Folklore, Volume I, "Albanian Balade of Sisterhood Recognition with Brother and Its Friendships"*, Qemal Haxhihasani, Tirana 1976, pp. 150.

³⁵ - Albanian customary law, "Family morale", Tirana 2000 40 - *Issues of Albanian folklore*, Tirana 1976, pp. 154.

³⁶ - Kazuhiko Jamamoto, **The ethical structure of Albanian customary law**, Tirana 2008, pp. 19 ⁴² - Same, pp. 19

customary law, which has worked with the attributes of the family regulator and the Albanian society, with the idea of balance of situations and the normal functioning of the family³⁷, thus amortizing the possibility of the unbundling of the Albanian family, which is considered the basic cell of the Albanian society even in the primitive conditions. Dialogue between vendors and buyers is dealt with through expressions and normative formulas⁴⁴.

While the epic solution comes from the intervention of lucky birds, who have the ability to warn the ugly phenomenon of incest, or else in other sources of world historiography we find the term defecation in the blood. At the moment of the meeting between a couple falls a white dove, while, in some other cases, the dove is replaced by a star disconnected from the sky³⁸.

So it seems that the conscience of the Albanian family was able to function in order to prevent incest and divine elements, to make the phenomenon more dramatic, but above all to give some dramatic grades and the solution is more efficient and the effect of diffusion, the spread of impressions and responsibilities in the society is broader and more valued, from the point of view of social awareness to the function of a family with a natural normality.

While fraternal recognition is made possible through questions addressed by the boy, the constant element intertwines with the identification of the hero, as the boy was taken to the string at the age of 12, consequently the time had done his work on age changes and bodily development, but there is still a chance to identify the boy through specific signs found in his body, such as a sign of horse eating, burning on the right, forehead marks, lack of a finger on his feet. But what could lead to incest closes with the accompaniment of a joy of knowing the brother to his sister, this joy of revelation, which is one of the most interesting moments of re-creation and family reunion. The epic of the warriors unfolds in this form: "Here is the lord and the lord are standing, the husband in the throat has taken", while below the idea of recognizing and preventing the incest is expressed with a meaningful formula: "Point me to me. I took my sister for a wife, so this was the thing, that we were sister and brother"⁴⁶.

9- Renaissance of life

The motive of the unfortunate and ultimate tragic love of young people, regarding the trees or flowers sprout from the tombs of lovers, is found in our ballad: "Lover Imeri and white Bagzadja"; in the center of this ballad is a woman whom her parents have fostered in her absence, at the time her daughter loved another. But the young men had pledged to be faithful to death. The subject develops through the match between the boy and the brothers of the girl, who follow him to put the honor in the country. Only one who survived the murder of the boy survived in this war. While on the other hand, the girls had died, whose tombs were close to each other, and among them had a tree sprouted. While the trees, which were an apple and a pear, hugged among them, the tombs of the two young men yield their fruits. But in this song we also have a blackberry, which made it impossible to rip the two fruits between them.

I think that from the point of view of artistic and conceptual values, there would be no apparent distinction to express the Albanian artistic spirit with a more rational motive, ie, the dispersal of blood, or, as Engels emphasizes, in the work his "The Origin of Private Property and the State", the filth in the blood, I think that the contributions of the Albanian folk art in the service of the Albanian nobility are considerable.

⁴⁶ - Qemal Haxhihasani: "*Albanian ballads of sister and brother re-enactment*", Tirana 1972, pp. 163.

While the scholar F.Xh. Cajllid finds a lot of affection in the main lines of the subject, which tells him in the commentary of the ballad "Konti Brend", says that in a beautiful Napolitano-Albanian ballad we find some features of the ballads of the Albanian north. A young boy wanted a maiden to marry her, but her mother, her father and her brother disagreed. But the boy through the conversation with the mother then the father of the girl makes beautiful gifts, but even though the gifts are not rejected, the brother does not agree. Then the solution is done through the boy's initiative, kidnapping the girl and fleeing the horse, which is followed by the uncle, daughter and daughter of the girl. He is killed and fallen by the horse and with him the dead girl. So, through this episode, it seems to be a contradiction between the conservative family and the love between the two youths, which is solved by kidnapping, but still a temporary solution for these reasons:

Firstly, family organization is still patriarchal, which creates the possibility of primitive organization to establish "honor in the country"³⁹.

Secondly, this patriarchal organization rules and functions a tribal mentality that destroys and destroys, at the embryonic stage, the formation of a family, which seeks to build on the foundations of love⁴⁰.

Thirdly, I think this patriarchal tendency should be thought of in its medieval temporality⁴¹, which over time will not find a way to develop.

Fourthly, family functioning should be viewed in relation to time⁴².

³⁷ - Academy of Sciences of the Republic of Albania, Institute of History, Albanian Ethnography, Adelin Caushi, **Marriage-Engagement**, Tirana 1974, pp. 242-243 ⁴⁴ - *Issues of Albanian folklore*, Tirana 1976, pp. 154.

³⁸ - The dove is a figure that is widely used in Albanian folk songs "A white and white dove came", "O dove, o dove". But looking at the issue I'm addressing, I think that symbolism is masterfully used in the function of a notice, which is about avoiding a shame in the Albanian family (incest). If we make a comparison between the treatment that Aristophanes did to "King Edip," regarding incest as a phenomenon and the role of deities to avenge, destroying the place where the incest phenomenon had occurred.

³⁹ - Abas Dojaka, Albanian Ethnography X, Tirana 1981, pp. 3-14

⁴⁰ - Albanian Ethnography II, **Spiritual Culture**, Tirana 1963, pp. 248-249

⁴¹ - Abas Dojaka, Albanian Ethnography X, **Marriage settlement in Albania in the XIX century**, Tirana 1979, pp. 4-13

⁴² - Albanian Ethnography II, **Spiritual Culture**, Tirana 1963, pp. 248-249

This idea is conditioned by the history of the Albanian society, so in the special conditions of the Albanian society, which has to do with the medieval period in the Albanian territories, consequently the family was obliged to preserve those medieval mechanisms that imposed itself on the social and political system. Thus the functioning of canonical legal mechanisms up to the beginning of the twentieth century XX⁴³, is indicative of the fact that a natural economy was functioning, which at the same time constituted the institutional basis of canon law norms.

10- Way of blood repayment and convenience

Consequently, following carefully the dialectics of the Albanian society, arguing with the interference of the money elements in the closed natural economy, the change of the mentality of the society and of the canonical legal mechanisms⁴⁴. Thus, it cannot be explained otherwise the trend that, from the first half of the 19th century, money was introduced into the natural economy and consequently we have the change of the way of the atonement of the blood, which means the mentality of the family changed, which meant that the family functioned according to the rules of a market where the money relationship had begun to dictate. Consequently, we should not be surprised that the Albanian epic has clearly the sale of family members, which is also dictated by extreme poverty, but what must bother scientific thought is to explore through time factor, to the truth.

While the functioning of an authoritarian hierarchy in the Albanian family cannot be overlooked, at least through the blood mechanism, but also through the Albanian Epic of the Kreshnik⁴⁵. Thus, referring to Kadare, in the *Broken April*, the blood feud episode, expressing the relations between Gjogu and his father, regarding his authority in serving the canon law norms. The father, according to Kadare, forced Gjogu to go into the mortal process, immediately after blood feud. This, according to me, has an important function because the functioning of the state as a regulator functioned institutionally, because it had a tragic consequence in the case of not recognizing Gjogu by the opposing tribe, the blood had to expand and not expand narrowing, in the manner prescribed by the reformed customary code "*finger for finger and not blood for the tribe*"; considering in this respect the functioning of the Albanian family, I think that it should have been active in decision-making because it is not explained how many times it was necessary to change the codes of functioning of the society in relation to the development of economic and political factors was present the functioning of the messaging system, with the representation of the owner of the house or with the "bean master". In this context, I would say that Albanian evolution should be seen in certain reports, but taking as a reference point the family, which was the barometer of the Albanian society, which means that the changes were in reciprocal relations. Reforming customary law creates the opportunity for us to better understand the functioning of the family; Scanderbeg canon clearly states the fact that the possibility of blood feuds by grandchildren is excluded from the mother's point of view, which means that the blood feud mechanism was not able to expand the social area of blood supply to the female line.

11- Legal position of woman

This has to do with the problem of legal capacity, which depended on the legal position of every member of the family and of the sex, especially in the position of the woman. As subjects of civil law in property and liability relations, the housekeeper had few restrictions on the legal relationship for lending of items of everyday use, but not for real property. In this respect, the sale and purchase of family members, especially of women, also explains, but this right differs in certain reports. Thus, in those cases where the woman was in the position of the householder, she was more entitled to civil action. In this context, the Muslim right was different, which admitted that a woman could only perform legal acts through a guardian and gained legal capacity to act after marriage or when she was an age who had no hope of marrying. But with the admission of women's right to work, gradually the legal capacity of women to take on obligations (when she was a housewife) went on expanding, both in the field of property, inheritance, etc. relationships. However, in addition to the domestic legal position, the sex criterion always remained a restrictive and distinctive criterion for the legal capacity of women. But it should not be underestimated the influence of Muslim law, whereby the woman was excluded from all social functions, was also strong over the customary rights of the southern area⁴⁶.

The northern society reflected in the Albanian epic is characterized by marked patriarchal wastes⁴⁷. While the small, typical monogamous family, consisting of mothers, brothers, women, sisters, and very rarely father, appearing in epos, has had a patriarchal governance system, leading the greatest, god of the house, with the ultimate right to economy and family members. Obedience to the Patriarch was the fundamental norm of the patriarchal morality of the mountain society. These norms and patriarchal concept of this society also determine the position of women in the family and in the husband's tribe. But the most favorable right was a mother, who enjoyed a great authority not only on women but also on

⁴³ - Abas Dojaka, Albanian Ethnography X, **Marriage settlement in Albania in the XIX century**, Tirana 1979, pp. 4-13

⁴⁴ - Albanian Ethnography II, **Reconciliation of blood**, Tirana 1963, pp. 249

⁴⁵ - The family in the general sense where they are distinguished: the head of the family who is the householder and the members. The householder is normally the oldest of the family or another who is judged by the family council as the most knowledgeable and wise. The lord of the house has the real right to the rule that he exercises directly, even by giving heavy bodily punishment. From him derives every right, and every act of family member arises, so he must be an example in every field of life. The lord of the house represents the family in all external affairs against the tribe and against the baulk, it belongs to the administration of the common property, may sell or sell, but when it comes to objects of great value, it must have approval of other family members (Giuseppe Sastelletti, Salvador Vilari: customary law, society, law, Tirana 2009, p. 176).

⁴⁶ - Sheriat law!

⁴⁷ - Albanian ethnography II, **Godmother in the highlands Kagjovës**, Tirana 1963, pp. 252

her children. Occasionally, the mother in Albanian epos appears authoritative and intelligent, fair and stoic⁴⁸. So, in the Albanian epic, they are clearly visible on both sides, as respecting mother's authority, and on the other hand the respect and care that surrounds the mother not only of the boys, but also of the grandchildren and the nipples of the male line feminine, an expression of an Albanian patriarchal system.

The mother's personality is also expressed in the care of the marriage of her grandchildren and grandchildren, this is expressed through the imposition of her will, as the greatest, in accordance with her right conferred on the customary law institution the framework of power of the patriarchal family leader⁴⁹. But according to historical conditions and circumstances, this role is shifted from father to daughter, in the conditions of a single-parent family and to cope with the created situation, he could not bring a single girl to the brink of trouble, not only because she was engaged and could endanger her life, but the honor and authority of the tribe could not allow it. But this situation is solved by the girl himself: "Come on, father, do not be narrow, for a warrior today you have your boy and i do not have my father to go with you, father, you do not know that the day has comes out"⁵⁰.

The treatment is analyzed with all the possible elements that the epic brings, in the service of the way the family functions through the relevant mechanisms, this gets true when the study looks at the harmonization of other institutions, in the service of the most scientific breakdown of the family, in keeping with the progress of time, which enriches and refines the family institution. The treatment is in this form because the Albanian epic could not find the dialectics of the family directly, but always through the artistic processing is given enough material to understand the relationships with the other disciplines, which help in the even more scientific sense of mission that the Albanian family has. Through art, Albanian society, the subject from far away has adapted a national social thinking with a new subject, but always remains coherent. Thus, the ideal to protect the homeland through the mechanisms and rules that work in the harmonization of society and the family seems to accompany the family in successive generations to preserve the ethnic identity, constitute the ideal energies of Albanian society.

Firstly, we can say that the Albanian family is expressive of an institutional functioning, based on the codes of a patriarchal organization.

Secondly, patriarchal functioning could not rule out the respect of women in the family, reflected in the expression through the institution of "Mother", but also in the image of a young girl with all the attributes of a respectful value.

Thirdly, on the other hand, we have the family crisis through the sale of various family members, forced by economic conditions, through debt. In this context, the artistic mechanism creates the possibility of excluding sales through the help given by friends and relatives of the householder or tribe.

Fourthly, the idea of avoiding incest is created as an ugly phenomenon, a fact that is made possible over generational recognition, but although trends of this phenomenon appear in Albanian society, due to difficult situations created through migration or the incestation tendency that the Albanian ballad has avoided through the mechanism of sister and brother recognition through the recognition of body signs or family mores became possible.

12- Conclusions

Finally, the analysis we have undertaken would be inadequate if we do not attribute another element of family functioning, which is precisely the rite of immuring, to show a special function of the family, namely that of resistance to the timing of the time which have faced the challenge of family existence and consequently ethnic Albanian; this should be evaluated from the study point of view also for another fact related to raising the awareness of the woman; it draws attention to many artistic and historical pains, the dialogue between women with the builders of the castle, the one aware of what he / she will do (the wall) talking to them, while the other hand, the craftsman should not curse even for the fact that in this bridge or castle will fight or will pass her brother in emmigration.

The immure habit has been fierce, but over time it has passed on the sacrifice of livestock and poultry, while the immure of the living man was replaced by the "immure of his shadow". This habit was used in the construction of the Gjirokastra Bridge, on the Drino River, even in the second half of the XIX century, according to the myths there they have bored an immure of the body of a sick man. While in the Berat Bridge, over the Osumi River, they walled an immured bust of a young girl.⁵¹

But using the method of comparison between the bride in the Greek and Albanian ballads, the difference is qualitative. So, if the Greek bride enters the foundation with the motive to look for the ring, she is very naive, she does not seem to have strong motivations to sacrifice, nor does she know if she should be sacrificed for a special ideal.

As the Albanian bride, as we have shown above, was aware of her mission, while she was very proud of her father-in-law and asked her that she needed to serve lunch to the workers at the place where she worked for opening the foundations of

⁴⁸ - Natasha Pano: *Albanian women in legendary heroic epic*, Tirana 1986. Symposium "Heroic Albanian Epic", on October 20-22, 1983, pp. 363.

⁴⁹ - *Albanian customary law*

⁵⁰ - Natasha Pano: *Albanian women in legendary heroic epic*, Tirana 1986. Symposium "Heroic Albanian Epic", on October 20-22, 1983, pp. 363.

⁵¹ - People have also kept this practice, as proverbs say: "he is frightened of his shadow", judgments upon which the people judge the cowards. But, however, the custom passed into a significant superstition and exerted a great influence on the conscience of Albanian society. His violation was considered a sacrilege that brought after the death of the first man behind the building of the new house (Issues of Albanian Folklore, Volume I, Tirana, 1982, pp. 142).

the castle. This element gives the family institution more social content, where the tragedy is intertwined and accompanied by a festive element

Bibliography

- [1]. Issues of Albanian Folklore, Volume I, Tirana, 1982.
- [2]. Issues of Albanian folklore, Volume II, Tirana 1986.
- [3]. Fatos Arapi: Song of the old Albanian, Tirana 1986.
- [4]. The Epic of Kreshnik and Legend, Volume II, Tirana, 1937.
- [5]. Albanian Ethnography IX, Tirana 1980.
- [6]. Albanian Ethnography, Tirana, 1962.
- [7]. Albanian Ethnography II, Tirana 1963
- [8]. Albanian Ethnography III, Tirana 1962
- [9]. History of Law in Albania, Tirana 2001.
- [10]. Ramadan Sokoli: Folklore Tracks, Tirana 1981.
- [11]. Gjergj Zheji: Cycle of Kreshnik, Tirana 2006.
- [12]. Ismet Elezi: Customary Law in the Comparative Plan, Tirana 1994.
- [13]. Edith Durham: Balkan Concerns Tirana 1991.