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SCHOLAR RESEARCH BRIEF:
LEGAL ASPECTS OF THE JEWISH PRESENCE IN ALBANIA

The fact that the number of Jews in Albania after the Holocaust was bigger than before is not widely known. The rescue of Jews in Albania was due to many factors, including the refusal of local government authorities to obey to Nazi requests. Most importantly, it was the result of a particular institution in Albanian customary law – the *besa* or *ndore* – which triggers a special duty to protect someone in need, and which supersedes any other positive or customary legal rule or authority. Thanks to the IREX grant the author was able to research and explore legal aspects of the century-long history of Jewish presence in this small European country. While the subject requires further research, some of the current findings are presented herewith.

RESEARCH IN CONTEXT

Author received a Short-Term Travel Grant to conduct research on legal aspects of the Jewish presence in Albania. A predominantly Muslim country, Albania was among the very few places in Europe where Jews found shelter and safety during the Holocaust. Hence, the topic is of much interest and importance not only for historic purposes, but also for lessons that can be drawn in the present day world.

The existing literature and sources are scattered. A few books have been published on the topic. One still unpublished, however, - Josef Jakoeł's "Izraelitët në Shqipëri" [Hebrews in Albania], Tirana, 1990 -stands out as the first serious attempt to research, collect and publicize the little known Jewish-Albanian century-old relationship.

Archival records and documents on the subject have been found in Ragusa, Venice, Vatican, Tirana and New York. The French scholar Gilles Veinstein has done major work on XVI century Jewish-Ottoman legal relations in Albania.

Historically speaking, the interaction between Jews and inhabitants of what is today Albania commences rather early when, reportedly, a Roman ship carrying Jewish slaves sank off the Bay of Saranda. The survivors were able to find refuge on shore and, eventually settled in Onhezm (present day city of Saranda), bringing with them Jewish customs, laws and religion.

The most direct evidence of a significant Jewish presence in the Eastern shores of the Ionian Sea is the Saranda Synagogue of V-VI Century A.D. Apparently, Saranda Jews became a rather dynamic community as they were able to establish and maintain ties with sister Jewish communities on the Italian side of the Adriatic/Ionian sea, more precisely at Lecce, in Puglia, as well as Calabria.

It is likely that a new wave of Jews from Sicily came to the Albanian shores after 1258 AD when Manfred Hohenstaufen of Sicily conquered Vlora.



Monumental grave in Tragjas i Vjetër, Vlora, 1900 circa, showing the Star of David on each side.

The first evidence of a Jewish presence in Albania during the Middle Ages comes in 1281 C.E. through a document from Ragusa archives describing commercial contacts between a Venetian subject and two Jews of Durrës. Jewish communities were prominent in the trade of salt, grain and other commerce. They were engaged in financial transactions and credit agreements and lived in their own neighborhoods [Judaica Durrachii] holding the status of *morantes* or *habitatores*, not *cives*.¹

There is no precise account of the Jewish population in Albania. According to one statistics of the 1890s there were a total of 15,000 Jews in what was then Albania. More precisely, there were 4,000 Jews in Kosovo including the district of Luma; 5,000 in Northern Albania, including Shkodra, Dibra, Struga, Kavaja, Elbasan, Tirana, Kruja and Gucinje; and 6,000 in Lower Albania, i.e. Janina, Çamëria, Himara, Pogoniani, Zagori, Kolonja, Anaselica, Mallakastra, Skrapari, etc. Out of a total population of 1,530,000, the size of the Jews in Albania was approximately 1 per cent.

RESEARCH PROCESS AND RESULTS

During his visit the author conducted archival and on-site research. Albanian state archives have important sources about Albanian-Jewish history. An archival guide, published in 2008, contains significant information mostly in the period of WWII years.

Author visited the site of the Jewish Synagogue in Saranda and other Jewish sites in the Vlora and Elbasan district.

Author visited the abandoned old village of Tragjas in Vlora district, which was burned down by Italian and German occupying armies respectively on August 7, 1943 and April 6, 1944. There is no information that Jews were sheltered in Tragjas at that time. Author identified a monumental grave, in very good conditions, which, most likely, belonged to some mid-to-high level Ottoman official, called Alem Mehmet probably originating from Tragjas. The monument had prominent engravings of the Star of David on each of its four sides and a detailed inscription in Ottoman language stating as time of death the year 1324 after the Islamic Calendar, approximately year 1906 C.E. Near it was the grave of a certain Mehmet Ali, who was described by one local as the son of Alem Mehmet. Its inscriptions are in modern Albanian.

Author researched information on Albanian families who saved Jews during the Holocaust. Author visited the village of Trevllazër, about 10 miles north of Vlora. During WWII at least two Jewish families from Vlora, the Kohens and the Sollomonis, were hidden at Trevllazër. Author visited the remnants of a stone house in Trevllazër where the Sollomoni family was hidden during the Holocaust. The owners intended to rebuild the house and turn it into a museum.

According to Dr. Anna Kohen of New York, the Kohens had been unable to identify their rescuers thus far. Author was able to get some solid leads in that direction.

Ottoman Law

Albanian National Archives contain documents confirming a Jewish presence in the country since Ottoman occupation.

The Ottoman Empire offered a relatively friendly environment to the Jews.

Former American Minister to Albania, Herman Bernstein (1928-1933) was the first American and foreign diplomat to research and engage in issues of Jewish presence and heritage in Albania.

In Mr. Bernstein 's private archive at YIVO in New York we found six Ottoman documents related to the Jews of Elbasan and Berat.

Among other Ottoman documents, the Vlora Sidjil retains primary importance. Thoroughly studied by Gilles Veinsten, it contains judicial decisions of the Vlora Court from the XVth Century. They include around 200 documents, which refer to about 150 Vlora Jews, a fact that shows the strong economic and legal connections as well as the significant economic power of the Jewish community of Vlora.

With the arrival of Sephardic Jews escaping Inquisition in 1492 Vlora became a "predominantly Jewish town" where Jews constituted between one third to more than half of the entire population.

The Sidjil shows that the court docket involved mostly commercial disputes, credit agreements, tax misdemeanors, criminal misdemeanors, real property transactions, family law, including marriages, dowry, custody, gifts within the family, inheritances, etc.

The parties in disputes were mainly Jews versus Moslem or Christian subjects, but interestingly,

Case law: A Vlora Jew, Dina was the daughter of Jakov and wife of Dan. Another Vlora Jew fell in love with Dina and decided to kidnap and marry her in Ottoman court. Three months later Dina escaped and went back to her first husband. First, they asked the kadi to annul the forced marriage, which was approved. Next, Dan presented a question before the rabbinic court in Salonika seeking an opinion on the validity of their first, regular marriage. The responsa of the rabbinic court chaired by the very eminent rabbi Samuel de Medina, ruled that their first marriage under Jewish law

there were disputes where both parties were Jews. The same thing applied for witnesses.

Jewish Law

Sources of Jewish law in Albania include responsas of Salonika rabbis, various archival documents and most importantly, the Kevodi Hachamim by Rabi David Messer Leon of Mantova in Italy.

During the Ottoman Empire, legal conflicts between Jewish subjects were generally resolved within the community through local rabbinic courts, as mentioned above with respect to Vlora. Matters that could not be resolved locally would be referred to the Rabbinic Court in Salonika, which served as some sort of Supreme Court in the Southern Balkans, and which was composed of very prominent rabbis.

An interesting case in XVIth Century Vlora was that of Dina, which involved a conflict between Jewish law and Sharia law [see box].

Another important source of Jewish law in Albania is the well-known Rabbi David Messer Leon. His work Kevodi Hachamim contains important information on the Jewish community of Vlora during the first half of the XVI Century. Upon his arrival in Vlora in 1510 Rabbi David found a heterogeneous community composed of four different congregations: the Apulians, the Romaniots, the Catalans and the Portuguese. Commissioned by the Apulians for one year, Rabbi David served as the de facto chief rabbi of the community. He was able to bring Spanish and Portuguese Jews under one synagogue, but during his second year in Vlora, a conflict erupted between them. At this time, Rabbi David served the Apulian congregation only. As a result of the conflict, the Portuguese community left the Sephardic Synagogue triggering some sort of *erga-omnes* ex-communicating provisions as a sanction. In other words, the question was whether the Portuguese Jews would be banned from all Jewry by leaving the common synagogue? The dispute boiled down to matters of rabbinic jurisdiction and ordination. The Ashkenazi tradition, where Rabbi David belonged, followed stricter rules as opposed to the Sephardic tradition. To resolve the dispute, first, Rabbi David was “approached” by the Catalans to mediate, but he declined. Then, a prominent leader of the Portuguese Jews recommended that Rabbi David “officiate an annulment” of the Sephardic decision during Yom

Kippur, thus “resolving the matter by law”. He agreed and invited Sephardic leaders to attend, but they refused. As a third step, he convened a special rabbinic court composed of three members. The court heard the Portuguese side, but reserved its decision until hearing the other side. However, Catalans again refused to appear. This prompted Rabbi David to nullify Catalans’ ban in their absence and the written decision was sent to them. However, once again the Catalans refused to comply and sent back their written response on the matter, drafted by a certain Meir ibn Verga, a former student of Rabbi David, who had disagreed with him on other doctrinal matters. This unprecedented challenge obliged Rabbi David to undertake his fourth action of this dramatic Yom Kippur day of 1512 C.E. He demanded a direct and public apology by ibn Verga. But the latter once again refused. Finally, the Catalan leaders pressed ibn Verga to personally appear and apologize for his conduct. Clearly, the dispute transformed from one related to excommunication to an issue of contempt of court. The Kevod Hachamim contains Rabbi David’s lengthy legal opinion, where he set out the facts, his decision, and the reason behind it. Interestingly, while this important source is generally known in Hebrew studies, it is completely unknown in Albanian legal studies, perhaps because up to date there is no translation available.

Trevllazër, Albania. Remnants of house where Vlora Jews lived in 1944. Its owner, Kaçandon Dule, wants to turn it into an Albanian-Jewish Museum



Albanian Law

During WWII Albania saved not only all of her own small Jewish population, but also Jews from neighboring Serbia, Macedonia, Greece and many other countries. This was related to several factors. First, the policies of Albanian King Zog prior to WWII, who adopted a positive stance towards European Jews and apparently intended to settle many in his country. Second, the Albanian administrations under both Italian and German occupation refused to follow instructions against Jews and, in many cases, positively assisted them. Third, the impact of Albania's Unwritten Laws, including the concept of *Besa*, or as it is being interpreted recently, the Code of Honor.

Positive law's impact was displayed in liberal regulations on immigration of Jews to Albania, including a settlement project in mid 1930s. For example, King Zog personally saved the Weitzmann family of Vienna, Austria. Government documents during WWII relate to the plight of immigrant Jews, where often recommendations were made to keep them in Albania and not to deport them back. It should be noted that during the Italian occupation of Albania, both Italian and Albanian authorities turned a blind eye on all Jews immigrating to Albania, and in some cases even positively assisted them.

The unwritten law operated through its institution of *Besa* or *ndore*. *Besa* usually is the general truce established after or during a blood feud or an internecine conflict. In our context, *Besa* applies in conjunction with the concept of *ndore*, which is defined as the vow of protection extended under very unusual circumstances to someone who is defenseless and in danger for his/her life and who seeks safety, assistance and safeguard (*ndore*) from another person. The request itself triggers a duty to protect. The person receiving the request is obliged to give full and complete protection (*ndore*) to the needy individual, whose status is therefore elevated to that of guest. If this duty to protect is violated and the person in need suffers harm, the violator faces very serious personal and societal consequences. Indeed, harm done to someone's household may be forgiven, but harm done to the guest is unpardonable.

These norms have been triggered in other situations, where protection was extended to soldiers of an ex-occupying army. For example, assistance was given to the Greek population (and

soldiers) suffering from famine of 1941-43; to Italian soldiers after the surrender of September 1943, to the Çam people belonging to the Albanian minority of Greece in 1944-1945; to the Kosovars in 1999.

During WWII, events in Vlora as reported by Jakoel reveal the application of Albanian customary law in very difficult life situations. Albanian unwritten law affected the realm of positive law, as evidenced, inter alia, by the refusal of the Albanian administration to comply with German demands against the Jews and in the refusal of the Vlora government authorities to harm local Jews. In addition, Albanian customary law and the duty of protection were displayed in many instances of safekeeping of assets of Jews.

In this unique relationship of mutual trust and cooperation with Albanians, local Jews played their part in an exemplary manner. At a significant and critical historical moment, German officials in Vlora in 1944 tried to recruit Pepe Levi, a local prominent Jew, into spying on his fellow Albanian citizens. After considering such tragic proposal, Pepe Levi took a life or death decision and flatly refused to assist the Germans or to do any harm to his Albanian fellows.

After deliberating with other Jewish elders, Levi resolved that "regardless of the danger they were facing by the Nazis, Albanian Jews would never backstab the Albanian people, who were protecting and saving them, and with whom they had lived together for over 100 years" [Josef Jakoel, Izraelitët e Shqipërisë, 1990, p. 70.

CONTINUING RESEARCH

The topic remains very much in the focus of the author. Albanian Archives contain further documents that are either unexplored or little explored. Other previously unknown examples of the unique application of Albania's customary law in protecting the Jews of Albania may be brought to light.

Sites of Albania-Jewish history are also of great interest. Author visited several of them during his stay in Albania.

The Saranda Synagogue is of paramount interest for Albanian-Jewish relations due to its age and proximity to the city's other monuments and to Butrint. The site remains the focus of systematic research from teams of archeologists from Albania and Israel.

Further research and investigation should continue in the city of Vloora and its surrounding villages, such as Tragjas and Trevllazër.

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Author was invited twice to lecture on the topic. Firstly, jointly by the University of Korça and Kristal University in the city of Korça at the end of July 2009. Secondly, the author was invited to lecture on the topic in the city of Saranda by the Institute for Çamëria Studies in their annual summer school program. Both lectures were well attended and author received positive feedbacks from many participants.

RELEVANCE TO POLICY COMMUNITY

In analyzing the reasons for the protection of Jews of Albania, the first in line would be the impact of Albania's customary law and its institutions such as *Besa* and *ndore*.

The unique role of the Albanian administration during Italian and German occupation should be comparatively viewed with other occupied countries during WWII. In some instances Quisling administrations took advantage of the war and German occupation to commit ethnic cleansing and genocide against their own Jewish communities and other ethnic minorities.

Thirdly, the rescue of the Jews in Albania was an outstanding act of personal and collective courage. As Johanna Gerechter Neumann put it: "this was an act of personal courage", because "they simply placed their belief in the necessity to help those in need above their and their family's safety".

What can be learned from this experience in terms of policies that can be shaped and applied elsewhere?

The most important lesson is that, because certain moral values are universal and belong to the whole human civilization, it derives that moral codes similar to *Besa* or *ndore* are common to other civilizations in one form or another. The question is to search, identify and creatively apply them to each particular situation in relevant places.

For example, two issues presenting real challenges before policy-makers are human trafficking and the situation in the Middle East. As we know, various policies and strategies have been used without much success. Perhaps, the creative use of positive examples of customary law and inter-faith tolerance that in one form or the other exist everywhere may help in developing and shaping better strategies that would focus on addressing the roots of the problems, highlighting common ground, building trust and bridges and working together for a better future.

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ENDNOTES

This is a summary of a larger article. All references and footnotes will appear upon its publication. For questions or more information, please contact the author through IREX.



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