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## The Phenomenon of Blood feud Among Albanians and its impact on Children

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## **Abstract**

In the middle ages the Albanian northern tribes had their own customary law that regulated their everyday life. This customary law is called the Kanun of Lekë Dukagjini. The Kanun of Lekë Dukagjini has been passed on by the old generation orally to new generations and used by highland clans in northern Albania, Kosovo and from Albanian tribes in Macedonia and Montenegro. This oral law regulates crimes, one of the consequences of which is blood feud. During the Communist Regime in Albania, from 1944-1990, Kanun was banned and has not been practiced for around 50 years. After the 90s, when the communist regime fell due to the weak state and land disputes, people in northern Albania started to use Kanun again and the blood feud phenomenon came up but this time people used it differently. Thus, previously, children and women were not affected by blood feud but after the 90s and in recent times they are threatened by it.

In this paper I will explore how we can understand the phenomenon of living law through a social analysis of blood feud, in Albania, *with a focus on children's situations*. I will concentrate a particular focus on children's situation and the role and impact of state and NGOs in blood feud. I also want to understand the social and political circumstances that impact the development and use of blood feud. My thesis utilises a two-pronged methodological approach by firstly conducting a holistic literature review which gives an analysis of similar research on the issue of the blood feud and secondly by collecting data from 17 key informants during my fieldwork in Albania and Kosovo. In order to understand the phenomenon of living law through a social analysis of blood feud, the theory of Ehrlich's living law has been applied.

The main findings; Children especially in rural areas of the north continue to be affected by the blood feud phenomenon, affecting their social, mental and educational life (school).

People living in remote rural areas of the north use living law to solve their problems rather than state law or its institutions. State has not enough experience and funds in social policies and the protection of children's rights. NGOs are the key actors that are dealing with this phenomenon and who are also assisting the country with the methods in social policies and funds to enforce laws for this sector. The political changes and the ban for 50 years in the communist times to use living law in Albania has made it to be used differently in the aspect of blood feud including children and women in revenge.

**Keywords;** Albania , Kosovo, the Kanun of Lekë Dukagjini, blood feud, children, weak state, NGOs, mediators, living law, living conditions.

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# 1. Introduction

For close to five centuries, the customary code Kanun of Lekë Dukagjini was circulated in Albania in an oral format till 1913 when initial ideas to document it through writing by Franciscan priest Shjefen Konstantin Gjeçovi, a Kosovo-Albanian writer were initiated through a collection of stories and recollections of the northern Albanian families and their practices (Sadiku, 2014, Xhaxho, 2017). According to Sadiku (2014) by 1933 the Kanun of Lekë Dukagjini was published into a comprehensive document for the first time although people still developed it by transmitting it orally from old generation to young generation and this was made to be practiced differently in different areas. According to Xhaxho (2017), he states that different authors such as Kaltcheva, 2009; Mangalakova, 2004; & Margjeka, 2015 and Sadiku, 2014 all confirm that the Kanun of Lekë Dukagjini has been governing almost every part of the social life, including the church, family, work, marriage, property, honor, and crimes, which brought about also the blood feud. One of the significant sections in the Kanun of Lekë Dukagjini is the provision on the blood feud, or in simple terms, vendetta. From the Albanian conceptualization of this practice, it has Biblical connotations which states that “Whoever sheds the blood of men by men shall have his blood shed ( Xhaxho, 2018). For in the image of God has God made men” (Gruztpalk, 2002; p117). The motivation for avenging the killing of a family member emanates from the belief that one upholds the honor of his/her family by avenging their death. This is highlighted in the code of the Kanun of Lekë Dukagjini.

Nowadays, blood feud being practiced even in areas of France, Sicily, Calabria, Italy, Greece, among the Kurd tribes in Turkey, Pashtu tribes in Afghanistan etc, is urged even more by the indifference of the respective state bodies. Blood feud has the form of a vicious circle with a series of attacks and counterattacks that may lead to the extinction of many families. The original conflict is generally forgotten. In our days, the plague still grabs the lives of men, women and children. Blood feud in Albania, as in other Mediterranean countries has as old as 2000 years roots. This tradition is even mentioned in the most historical documents. One of the most important is the so called the canon of the Mountains or the Kanun of Lekë Dukagjini. According to some scholars, it derives from the ancient Illyrian tradition and is mainly concentrated in the northern part of the country (Justice and Peace Commission report, 2010).

The Kanun of Lekë Dukagjini first started to be practiced from the highland people in northern Albania that include Kosovo, a part of Macedonia and a part of Montenegro. After the year 1991, there was intermigration and thus people moved from highlands or rural areas to urban areas and so at the same time they spread the Kanun and blood feud conflicts in different parts of Albania. Other places do not practice it much, however it is still mostly practiced in the northern Albania and partly in Kosovo (Mustafa Mentor, 2008).

In literal terms, from the Albanian perspective the term for blood feud simply implies ‘to take the blood’ and is enshrined in article 854 of Chapter 22 of the Kanun of Lekë Dukagjini which basically explains ‘besa’, or trust, as that period of freedom and security which the family of the victim gives to the murderer and his family (Resta, 2015). During this period vengeance in the blood feud is temporarily suspended until the end of the specified term. Vendetta or Blood feud or eye for an eye is more or less the same concept but in different places and countries is expressed differently ( Resta, 2015, Xhaxho, 2017).

Blood feud is a phenomenon that still affects many Albanian families that are in Albania, Kosovo, Montenegro, and Macedonia. Its consequences on the social life, education and living conditions have been evident and documented by different studies. Blood feud affects families and children who basically become isolated. This has various social and economic implications on the lives of the people in Albania (Mangalakova, 2004; Arsovska & Verduyn, 2007).

Being a customary law, the Kanun of Lekë Dukagjini has become a norm in Albania and other societies where it is being practiced. As Ehrlich (2002) says for example, the big distance from central state affects the way people view state law as they don’t interact with it that much but rather interact with their own everyday customs. This makes living law stronger. Ehrlich states that the state formal justice system in order to be legitimate it has to be based on the living law. The state law is not familiar to people and they cannot easily relate to it and state institutions that enforce it. So, in northern Albania, especially in the highlands and in rural areas where the state law cannot reach the people, the Kanun as a social norm is the predominant form of the law. Thus, the Kanun of Lekë Dukagjini merely facilitated and legitimized the actions that perpetuate blood feud. American sociologist George C. Homan claims that there are social facts as described by Emile Durkheim that apply a significant

force on individuals and their actions. Homan cites social norm as a social fact and explains that norms within a specific group undoubtedly force individuals to a degree of uniform behaviour (Homan, 1967). This can be related to blood feud which has become a social norm and is an integral part of the behaviours of the Albanian communities who in a way respond in a similar predictable manner to it on the basis that it is a customary practice. Eugene Ehrlich's living law theory underpins these assertions and demonstrates to us how we can understand what human actions look like from the perspective of norms operating in real life. Ehrlich argues for a norm-perspective on the study of law (Ehrlich 2002). Within the spectrum of the Kanun of Lekë Dukagjini, social norms and living law become an important placement in the context of my thesis. From the sociology of law point of view, we can relate this customary practice to Ehrlich's broader discussions on the living law theory.

I am intrigued by the desire to make an inquiry into *how we can understand the phenomenon of living law through the social analysis of blood feud in Albania, with a focus on children's situations*. My thesis will focus on researching various dimensions on how through the prisms of the living law the blood feud in the north of Albania and Dukagjine county in Kosovo can be explained in terms of its impact on children. The first four chapters of the thesis aim at constituting the contextual section for the research. The first chapter introduces the reader to the research problems, questions, significance and objectives of my research. Chapter two represents the background section wherein I will discuss the definitions for various concepts and contextualise the information that I will use in the research. Chapter three discusses the living law theory I will use in my thesis while chapter four provides a review of the literature. Chapter five discusses the method and data description process used in proceeding with the research. Chapter six will constitute the analytical section for the research. My concluding chapter is chapter seven where I will make key observations based on my overall thesis work.

## **1.1 Research problem & Purpose**

Blood feud has affected different categories of people including children and women. According to COI Focus report (2017), the religious institutions recorded that in Albania there were 238 families involved in blood feud, 138 isolated blood feud families and 15 isolated children that could not go to school in 2014, but the state police said that there were 122 blood feud families, 60 isolated families and 40 isolated children that could not go to school in 2017. The Ombudsman states that in 2015 there were 200 blood feud families, 60 isolated

blood feud families and 40 isolated children that could not go to school because they feared for their lives. However, despite the differences in statistics of isolated children and blood feud victims, the problem of isolated children because of blood feud in the Albanian society is still ongoing. Many children are subjected to isolation and it is very difficult for them to continue their education under blood feud conditions because their security is compromised. My thesis focuses on children because they are more vulnerable and their plight has long term implications in the development of Albania. The core problem resulting from blood feud has been its multi-faceted effects on the lives of children whose families are affected. Thus, the purpose of this thesis is to study and understand the living law through social analysis of blood feud in Albania, with a focus on children's situations. The study attempts to establish which institutions, and the roles and impact they have on blood feud, as well as how the social and political history factors impact the development and application of blood feud.

The research is somewhat an endeavour which merely intends to add to an ongoing conversation about blood feud in Albania and Kosovo. It is expected that it will contribute to the existing literature by bringing in new dimensions on blood feud and its different impacts on the Albanian and Kosovar communities. Furthermore, this research seeks to enrich students and all those interested in exploring some truly enthralling issues that underlie the connectivity between the living law and the blood feud phenomenon. The research will provide original empirical material (from interviews) and hopes that by so doing, it will arouse the intellectuals' desire within this domain of studies.

## **1.2 Aim and Research question**

The aim of this study is *how we can understand the phenomenon of living law through the social analysis of blood feud in Albania, with a focus on children's situations*. The main aim will be addressed through the following Research questions.

1. How does blood feud affect Albanian children?
2. What is the role and impact of state institutions and non-governmental organizations in the development and use of blood feud?
3. How do social and political circumstances impact the development and use of blood feud?



The first research question will be descriptive because I want to give an overview of the impact of blood feud in general and especially on children. The research questions 2 and 3 will be analytical in a way to apply theoretical perspectives of living law in order to understand this phenomenon in Albania and its connection to blood feud.

### **1.3 Background & Historical context of the Kanun of Lekë Dukagjini and blood feud**

Based on the introduction on the blood feud phenomenon in Albania and Kosovo, this section of the research is simply a contextual placement of the Kanun of Lekë Dukagjini and blood feud within the context of the study and the way it operates within these states. Thus, I will give a comprehensive background as a basis for my subsequent discussions.

During the 14<sup>th</sup> century there were three different unwritten versions of Kanunis in Albania: These were the Kanun of Lekë Dukagjini mainly used and administered in the northern part of Albania, the Kanun of Skanderbeg whose use predominantly was in central Albania, and the Kanun of Laberia administered in the southern sections of Albania (Xhaxho, 2017, Tarifa, 2008).

Generally blood feud killings were entirely a norm, legitimate and a widely acceptable practice in Albanian societies in the early modern era provided they were done within the stipulations of customary law or the “Kanun of Lekë Dukagjini”(COI Focus, 2017). The Kosovar and Albanian states have since early modern times to current contemporary times acknowledged the existence of the Kanun of Lekë Dukagjini as a customary or informal law but do not officially recognize it as an official law (Bevapi2012; Korngold, 2016; Marsavelski & Sheremeti & Braithwaite, 2016). During the communist regime, 1944-1991, in Albania, the practice of the Kanun of Lekë Dukagjini was prohibited but since 1991, the prohibition no longer exists (Sadiku, 2014; 90). Traditional blood feud as enshrined in the Kanun of Lekë Dukagjini was accepted by society but it had to be carried out based on strict rules of customary law, otherwise it would turn into murders.

During the Ottoman Empire, there was no formal state power and this basically subordinated individual members' interests to the group's interests. This entailed that an individual from the group could never just act to represent himself or herself but rather represent group

interest (Gellci, 2005). This approach was mooted on links with the phenomenon of traditional blood feud which espoused so much the traditional concept of honour. Gellci, (2005) posits that it was an integral social obligation which was dictated by the norms of society. Blood feud killings were anchored and integrated in social and cultural practices that had become legitimate and a societal norm that appeared acceptable to the communities within Albania (COI Focus, 2017, Mangalakova, 2004; Joireman, 2014; Migrationsverket, 2016).

At the end of the Second World War, Albania became a communist regime under Enver Hoxha's control. During that time (1944-1990), the Kanun of Lekë Dukagjini in Albania was banned. Thus, during that time, Enver Hoxha's regime considered the Kanun of Lekë Dukagjini as an obstacle for creating the communist system, so they applied propaganda with the purpose to eliminate the tradition of highland tribes in northern Albania using the customary law which in this case is the Kanun of Lekë Dukagjini. So, the leaders of that time called the Kanun of Lekë Dukagjini as "the black spider of backwards" (Sadiku, 2014; p90). The communist regime reformed the system of education in undeveloped areas and interned the people who followed Kanun's rules and regarded them as betrayers of the Albanian nation. Also, they applied the death penalty for the convicted and extradition of their families in different areas of Albania which were involved in blood feuds. But after the fall of the regime in 1991, it started again, spreading all over the country due to internal migration and the weak state. The blood feud has since been desecrated in practice because it now includes children and women as victims and targets of vengeance. This situation is exacerbated by the fact that the period after 1991 the Albanian people had less confidence and trust in the justice system, and consequently started to take the law into their own hands (Fischer, 1999; Sadiku, 2014, Xhaxho, 2017). Blood feud, as written in the Kanun of Lekë Dukagjini, excludes children and women from vengeful actions (Mangalakova, 2004; Joireman, 2014; Migrationsverket, 2016; Korngold, 2016).

In the communist regime of Yugoslavia, the Kanun of Lekë Dukagjini was banned but still Kanun was the "living law" that Kosovo people (at that time part of Yugoslavia) used in everyday life with each other. In Kosovo between 1990 and 1997, it has been hold a campaign for the reconciliation of families in blood feud. At the beginning of this operation it was around 17,000 men that were affected by the blood feud phenomenon. This campaign was headed by Prof. Anton Cela and 500 activists so the phenomenon of blood feud was reduced.

The purpose of this campaign was the reconciliation of families in order to conserve themselves to fight against Serbs. But after the end of the war between Kosovo and Serbia, the phenomenon of blood feud returned. In Montenegro and Macedonia, there is still the phenomenon of blood feud among Albanians but it is lower than in Albania and Kosovo (Mangalakova, 2004; Kaltcheva, 2009).

Contextualising the blood feud from the living law, one can conclude that it is a societal norm practiced under the guise of the customary provisions within the Kanun of Lekë Dukagjini. The Kanun of Lekë Dukagjini has taken precedence over official state law especially in the northern part of Albania because of the way the society has accepted it as a rule of life and norm in those regions. As evidenced in the Northern part of Albania, customary practices seem to be stronger and takes primacy over national and international legislations and laws (Tarifa, 2008). For instance according to Albanian law with specific reference to article 78/a of the Criminal Code, intentional murder through blood feud is punishable by imprisonment of not less than thirty years or life imprisonment. Furthermore, article 12 states that the punishment for serious threat of retaliation or blood feud, made to a person or a minor to confine him, is punishable by a fine or up to three years of imprisonment (Criminal Code of the Republic of Albania, 1995, Xhaxho, 2017). However, because the practice of blood feud is ubiquitous and deeply rooted in the Albanian society as a customary practice than the legal provisions, it has been difficult to prevent the offenders from committing blood feud using the provisions of the law in the Northern part of Albania such as in the Shkoder county.

## 2. The theoretical framework

In this section I will firstly try to make a conceptualization of the living law and the discussions on its application in relation to my thesis. I will discuss in detail Ehrlich's disposition on the living law and other authors, in the process outlining some other thoughts and views. After that, I will demonstrate why I have chosen to incorporate these discussions in my analytical framework. Furthermore, the purpose it serves in this study. Lastly, I will bring forward some of the critics who with their text and mapping have received highlighting on the key weaknesses and strengths of the living law.

In trying to deal with, *how we can understand the phenomenon of living law through social analysis of blood feud in Albania, with a focus on children's situations*, my research is concentrated within the social and legal theory of the 'living law' as provided by Eugene Ehrlich. This is an important theory in my study because it helps me contextualise the behaviours and the structural and social relations that are embedded in everyday life in relation to the customary law of the Kanun of Lekë Dukagjini and blood feud. The living law theory is premised on the idea that social norms and culture rule everyday life and that they are separated from the legal system. According to Ehrlich, there is a difference between law as social norms and law as rules by the state, and it does not automatically follow that rules administered by the state are followed by the people (Ehrlich, 2002). The notion of law lives in people heads and can be deduced on the basis of their attitudes. Ehrlich in his living law theory recognizes that state law is important but it can not reach all the associations in the society. In this case it exists but only in statutes, and effectively, its application is sometimes only as good as its writing within the provisions of the statutes because for those people in places where state institutions are not very common, it is not something they interact with regularly or are familiar with. The living law is dependent on the societal practices and lived experiences so much that it controls itself even if in most cases it is not a written down provision as is with most legal provisions. Ehrlich (2002) details the key differences between the legal norms and social norms and claims that the centre of gravity of legal development is grounded in the society because it is the internal fulcrum for the organisation of social relationships. Taking Ehrlich's argument, the Albanians have a bias towards customary practices of the Kanun of Lekë Dukagjini because it is a lived customary practice and has become a day to day part of their existence and lives thus it is difficult for them to break away

from it (Ehrlich, 2002). It is therefore difficult for the conventional processes and laws to overcome the customary practices, especially if the enforcement and existing laws are not very strong.

Ehrlich's theoretical ingenuity is an attempt to contest the "locked" system of legal reasoning and in forms of intransigence it can be grasped better if one considers the regional, political and ideological contexts in which Ehrlich espoused the 'living law'. Using his liberal positivist posture, Ehrlich challenged the traditionalism in academia about how law is lived every day drawing upon the normative pluralism of different normative orders and the gap between practice and the legal doctrine. He challenged the principle of territoriality and premised his argument upon the seemingly antique principle of personality and secondly, the traditionally positivist, state-centred, conception of law which accentuates the importance of traditional legal norms existent in normative orders. Ehrlich submits that the domain of law is much broader than the legal provisions (Ehrlich, 2002; Banakar-Travers, 2002). In contesting the state-centred traditionalism, Ehrlich brings out the sociological concept of differentiation which results in the state pertaining to legal propositions, thus norms which are hierarchically inferior to social norms produced in normative orderings. He thereby creates the opposite forces of state law and societal law in his concept of 'living law'. He then broadens the notion of legal norm to include social norms, thereby undermining the traditional legal norms from the state; although Friedman (1953) criticizes him for not considering the changing relationships between these two norms, due to the influence of the facts of the law. Due to the subordination of state law to societal law, the state may only assist society to fuse legal norms in the inner order. Thus, if the state is not considered subordinate, the danger is state monopolisation resulting in the homogenisation of legal norms across associational lines. The state must therefore remain subordinate if pluralism is to be sustained, and furthermore the state must be supported by the norms established by inner orderings if it is to be an effective organisational structure.

There has been a recognisable gap in many instances between the living law and the formal state law, and consequently that creates a dilemma in terms of legitimacy in upholding the legal system. While social norms are part of the everyday life of the people, the formal legal systems may be detached from the communities, thus, they sometimes do not necessarily have the same legitimacy as social norms but are viewed as a forced situation on the people who can resent them by not adhering to them even if the state expects that they should be adhered

to Banakar (2006). But, the main problem in this discourse revolves around how the institutional practices influencing the normative understanding of the legal rules interpret the law. Legal developments are usually considered to have undergone stages of formal and autonomous law to substantive and material law. Thus, the fluidity with which the formal law goes through these transformative stages makes it even more complex to interpret and have a more consistent application as compared to living law.

Ehrlich's living law identifies that society consists of intermingling normative and official associations which operate through an inner order and it is therein where the living law lays. He classifies four specific facts of the law from which legal propositions are derived and which he claims to control this inner order. These consist of an operative structure which allows associations to give effect to norms within the organised structure itself. Beyond functionalism towards constructivism it is the operation of the inner order within a time reference that gives it the identity of 'law'; irrespective of acceptance of this normative order by the state. The operation of living law is also entirely contingent on the coordination of normative elements, the organisation of norms and ultimately the 'multifunctional state' politicizing the law.

Ehrlich submits that *firstly*, are these social norms which determine societal law and law within the inner order of associations; *secondly*, organisational norms must be effectively combined and coordinated with decision making norms if the traditional values of a society are to continue to be considered as 'living law'; and *thirdly*, organisational norms employ their full societal potential when pitted against the norms of the second order from the superimposing state law. The view is that the living law shifts the legal weight and gravity away from the state to the society. Although Pound (1948) accused Ehrlich of being state phobic, there seems to be validity in Ehrlich's argument especially considering how the Kanun of Lekë Dukagjini has indeed become a living law in northern Albania and in some parts of Kosovo. It is evident that in those parts of the country the customary law carries more influence as being part of the norm and everyday life compared to the state law. The fact that state law is administered by state institutions that people do not trust also affects its influence on these people.

This theoretical framework describes the theory that explains why the research problem under study exists. This is an important social legal theory in my study because it will help me

understand the peoples' behaviour and the structural and social relations that are embedded in the everyday life in relation to the customary law of the Kanun of Lekë Dukagjini and blood feud. This is important to my analytical framework because it will help me illuminate the findings. But also, in general, this theory fits to my entire project because it explains most data, and despite the fact that it cannot explain some of the findings, still, this social legal theory is relevant for my thesis.

### **3. Literature review**

The pool of knowledge about blood feud in Albania and Kosovo is vast and the most discussed topics are blood feud and modernity, the historical perspective of the Kanun of Lekë Dukagjini and blood feud, the reconciliation and mediators role in blood feud phenomenon in Albania. I decided to have these specific themes for literature review because the topics are well related to my aim of this study and the research questions. This also helped me to identify the gaps in literature. The previous literature concerning historical perspective of blood feud is discussed in the background chapter.

Consequently, I have identified four themes under which my literature review will be categorised and these are: the role of the state and NGOs, the political and social factors of blood feud, the impact of blood feud on children and comparisons between Kosovo and Albania. I think that this is an important dimension which will help me highlight the existing literature and the relevant gaps as it relates to my thesis.

#### **3.1 The role of state and non- state actors in blood feud**

The literature on the role of state and non state actors in overcoming blood feud shows that although there have been efforts by the government to deal with the challenges associated with blood feud, most of the available literature shows the interventions by the mediators in Bathore, that is a rural area of Tirana which since the 90s has been populated from people that live by Kanun, and discusses extensively the way these mediators operate in Bathore. Cara and Margjeka (2015) and Voell (2003) demonstrate how various efforts to reconcile feuding families have been carried out. They discuss the various roles that the state has played such as supporting mediation processes through enacting legislation. These authors raise the issue of

distortion of customary norms and the negative approach to customary norms that can only create stereotypes for the society that benefits criminals. Conversely because of the possibility of distortion, customary laws are very hard to regulate especially if they are reused as in the case of the Kanun of Lekë Dukagjini in Albania.

Schwandner-Sievers, (2008) raises the issue of people in Albania not trusting in state institutions and structures to resolve their disputes. These sentiments are also echoed by Sadiku (2014) and Celik and Shrelli (2010) who go on to state that because of the lack of trust in state institutions, mediators are preferred to make interventions and succeed in resolving conflicts because they are trusted. Celik & Shkreli, also discuss the role that NGOs play in fostering reconciliation among feuding families in the north of Albania and emphasizes the strategies used in modern time by the mediators in Albania. They explain the different stages of blood feud during the time of King Zog and the Enver Hoxha era and how they minimized the problem (Celik and Shkreli, 2010).

The efforts between state institutions and non-state actors have been quiet collaborative and in many instances distinct (COI Focus report,2017). Although there have been disagreements in terms of the actual statistics of those affected by blood feud between state institutions and non-state actors, this has not stopped both sets working towards overcoming blood feud. According to Xhaxho (2017) he argues that a number of studies such as the COI Focus report (2017) do indicate that government response to the welfare of isolated children as a result of blood feud has not been effective based on the number of isolated children. According to Mangalakova (2004), children are now living in fear and they are no longer eager to attend school because of the enigma created by the blood feud. Their movement has been limited and they cannot go to places where they feel they risk being attacked.

Most of literature demonstrates some of the roles of the state institutions; however, it does not extensively discuss the impact of these roles by both the state institutions and non-state institutions on overcoming blood feud. My thesis brings different impact dimensions to the roles of state and non-state institutions in blood feud. I also tackle the impact these efforts have in children and not just the generalisation as seen in most literature. This literature is important for my thesis because it creates a basis for my analysis of various roles that state and non-state institutions play and helps me corroborate various pieces of information from my primary data with existing literature.



### **3.2 The Social and political history**

Under this theme, most of the literature focuses on the customary law of the Kanun of Lekë Dukagjini and blood feud. One of the critical aspects emphasised is the different transitions and changes that have historically happened politically and how this reduced blood feud. I have used most of Sadiku (2014), Littlewood (2007) and Joireman (2014)'s literature because it brings out various historical dimensions to both the blood feud and the Kanun of Lekë Dukagjini. All the three authors give a political historical overview and explanation of blood feud and make a comparative analysis between blood feud in the past and in contemporary time. For instance, during these different times, Sadiku (2014) illustrates various statistics that demonstrate how different places have experienced various forms of blood feud from time to time. This political perspective gives information about the origin of blood feud which he claims to have started in the Ottoman period. The analysis further makes a case about the Kanun of Skanderbeg, this is the Kanun that the National hero Gjergj Kastrioti Skenderbeu created during 1405-1468, and was applied in areas between the rivers Mat and Drini that lie in the middle of Albania. This history chart about the story of Kanun from its beginning to the communist regime gives an insight into how during the different phases the Kanun has affected the lives of the people. This stresses the importance of how politically the Kanun has evolved over time and managed to exist to date being an integral part of the practices in the target societies (Sadiku, 2014).

Another dimension is brought by Kujtim Bevapi (2012) who makes a comparative study between the Kanun of Lekë Dukagjini and the Kanun of Skanderberg. The literature demonstrates a level of differences between the two codes in terms of their geographical location and their historical placement. An important perspective to note is that the article recommends that the codes need to be aligned to recognise the rights of the people in these communities including children (Bevapi, 2012). According to Tarifa (2008), the story of the kanuns in Albania and the Kanun of Lekë Dukagjini, describing the Kanun and parts of its code was later gradually accepted and obeyed as common law in the entire area of northern Albania, in Kosova as well as in Montenegro (Tarifa, 2008).

My thesis links the various political historical and social factors to the living law and how the Kanun of Lekë Dukagjini has turned itself into a law of identity itself. The various literatures

do not tackle these dimensions although they acknowledge the code as a norm which is anchored on various customary traditions of the Albanians.

### 3.3 Effects of blood feud on children

Various authors such as Ademi (2013), Mangalakova (2004), Arsovska and Verduyn (2008), Kaltcheva (2009) and Korngold (2016), all in some way analyse the implications of the Kanuni and blood feud in modern times and its implications on the growth and development of children especially of those who are isolated and can not have access to education as well as being subjected to bad economic conditions. However, the major difference among the authors is how they differently view the future of children with blood feud problems. Mangalokova (2004) seems to place emphasis on the possible transformation and improvement of the welfare of children while others such as Ademi et al (2013), Kaltcheva (2009) and Korngold (2016) see the problem as much more deep rooted in the traditional dilemma thus needing more than just short term solutions. They all note that children are affected by blood feud and suggest that the state needs to do more.



Figure 1: Photos of isolated Children for blood feud reasons.

Mustafa and Young (2008) question the relevance of the Kanun in modern time but acknowledge that it can be very difficult to delink such practices that have existed for a long time from the people's lives. The literature, makes a case for why this practice is not good for all the people involved by highlighting the case study in northern Albania. The literature is empathetic to children and discusses how for instance blood feud should not include children but in the later years it has been more ruthless and the number of children who are victims has increased. Mustafa and Young (2008) seem to suggest that practices that endanger the lives of children should be reviewed and aligned with modern lifestyles and safeguard the lives of

children. This is however the challenge with overcoming social norms. Many times, it must do with changing the mentality and transforming the mind-set of the people.

Various authors including Mustafa and Young (2008) have demonstrated that the blood feud has an adverse negative impact particularly on the freedoms of the children and their ability to interact and develop socially. This ultimately affects them mentally and in their growth as responsible citizens when they are old. The authorities, however have not addressed the conditions and experiences of blood feud on isolated children from the perspective of the living law and in general the impact this phenomenon has on children socially. My thesis will analyse the impact of blood feud on isolated children and discuss the relevant implications.

### **3.4 Comparisons between Kosovo and Albania**

Joireman (2014) discusses how the Kanun of Lekë Dukagjini is used among Albanians in Kosovo and Albania and she identifies that the weakness of the state and judiciary has led to increase reliance on the Kanun to address conflicts, especially in rural areas. However, she does not focus on the correlation with the living law and the differences in the usage of the Kanun between Kosovo and Albania. Kosovo has made much more progress in making their new state compliant with the EU laws in order to facilitate their eventual membership and that has acted as a motivation to attempt to eradicate completely blood feud. Joireman (2014) also discusses about the reconciliation period that took place in Kosovo in 1990 which made the Kosovars to be more united.

Littlewood (2002) brings in the aspect of trauma from blood feud in Kosovo and Albania as well as the number of people that have been involved in blood feud over the years. However, he does not talk about the differences of using living law in Albania and Kosovo. In essence, he gives a historical descriptive overview of both countries in relation to blood feud. Kaltcheva (2008) brings a similar dimension to Littlewood's (2002) discussion though he himself aligns more towards talking about clans and families in Kosovo that have been in blood feud with each other and the struggles for wealth, power and status after the independence. He also tackles some historical aspects as relating to reconciliation. The reconciliation that took place in Kosovo played an important role in reducing the phenomenon of blood feud compared to Albania where similar reconciliation never happened. Thus, my

thesis discusses the differences between Albania in terms of their interventions and why blood feud in Kosovo seems to be lower than it is in Albania, particularly in explaining the impact of blood feud on isolated children.



*Figure 2: Photo courtesy of the Kosovo Oral History Initiative  
Exhibition recalls 1990-1991 blood feud reconciliation campaign*

While most of the literature tackles the blood feud and the Kanun of Lekë Dukagjini from historical aspects and its related impacts on children, women and victims of blood feud, it does not highlight the way the phenomenon have affected the isolated children. My research tackles blood feud from a theorized and empirical convergence in which my focus is on how the living law can be analyzed in the blood feud phenomenon. I bring a different dimension which uses Ehrlich's living law theory and present my findings based on how its application influences the customary practices and laws thus inducing the blood phenomenon situation in Albania. My thesis makes use of the existing discussions by different authors as highlighted in literature to build my arguments on the phenomenon.

## **4. Methodology**

In this section I will discuss and clarify the methodological selections that have guided this study. After that I will delve into the material, reliability, limitation and delimitation. In order to answer to my research questions, I have used the qualitative method, in particular the *ethnographic* approaches in which I have engaged in social spheres and direct human interaction with some of the study subjects, especially the isolated families (see Blommaert & Dong, 2010: 8). I felt these methods were appropriate for me to understand the setting in which my study was placed. My study also took an explorative approach in which primary sources were the key data sources supplemented by the use of secondary data and document review which enabled me to have an account/background to the Kanun and blood feud. It was important to apply this qualitative method because it enabled me to use varieties of data sources to ensure that the main issue under investigation was not assessed through one single particular lens but rather a multiplicity of perspectives allowing for multiple facets of the phenomenon to be revealed and understood. This somehow helped me to increase the reliability of the research findings.

Though, there exist some traditional prejudices against the ethnographic method related to the fact that sometimes one can be led into certain biases especially during the interaction with subjects in particular, having to do with emotions. I remained focused and immersed in the idea of enduring objectivity. Apart from allowing me to have a deeper interaction and understanding of my subjects under study, the method suitability to sociological studies was very important for me as it was compatible with my study.

### **4.1 Data Collection**

Some of the interviews I took lasted 30 minutes, while some of them lasted almost 1 hour. I chose those groups of people because I thought they would give me their perspectives on the topics I had chosen. Their perspective was important for my project because they provided answers to my research questions. The interviews helped me to understand the role and the impact of the local and central state, NGOs, isolated families, volunteer teachers and religious institutions involved in blood feud phenomenon. This diversity of interviews helped me to

lessen on possible data biases, by interviewing different NGOs, state institutions, religion institutions, isolated families that have different positions in the blood feud phenomenon.

All my field work was done within the city of Peja in the county of Dukagjini in Kosovo and the City of Shkodra, in northern Albania, where this phenomenon is prevalent. In collecting data, I conducted semi-structured individual interviews. I conducted a total of 17 interviews, 9 in Albania and 8 in Kosovo. I will not use their names but, I will identify them by their organisations. All my interviews were conducted within three weeks in February 2018. I interviewed 3 teachers that have been working with isolated children in order to get their views on the role of the state and NGOs in dealing with the situation of isolated children, as it relates to their role as teachers. The teachers helped me to understand the role that the state and the ‘second chance’ program was playing in helping the isolated children and the difficulties and experiences encountered in doing their work and if the state supported them or not. I also wanted to know the challenges and situation of the children who are isolated in terms of being afforded education.



Figure 3: Photo of a volunteer teacher helping isolated children

I interviewed 7 state employees, 2 from central state and 4 from local state in order to understand what the state was doing in supporting the social welfare of the isolated children and if they had any programs directed towards dealing with the issue of isolated children. They also helped me to get more information on what the government was doing, especially the municipality, in dealing with the isolated children’s situation.

I also interviewed 2 mediators who gave me insights on their role on the reconciliation process and they provided some information for my research question which sought the

factors for blood feud but also assisted me to get more information for my research on the role of the state and NGOs. I also needed to understand what was being done to reconcile feuding families and how these activities used to fit in with state interventions.

The 2 blood feud victim families that I interviewed provided me with information about their own experiences with blood feud and this information contributed to answering the question on social factors of blood feud. At first it was difficult to meet because they did not want to meet people they did not know and I had to find a gatekeeper to make the meeting possible. They asked to be given money in order to give the interviews so I decided not to interview many of them as that was not ethical to my project.

I interviewed 2 people from the NGOs to understand their role and the collaboration with the state. I furthermore interviewed 1 representative from a religious institution to get an overview on their role on blood phenomenon but also information to collaborate with what the other interviewees were stating on the role of the state and NGOs.

All my interviews were recorded and afterwards I transcribed the data I collected. Thereafter I created categories and identified themes within which my analysis was going to be framed. This process was important because it enabled me to develop segments from the interviews which I could incorporate in the main content.

## **4.2 Reflection on the fieldwork**

As an Albanian citizen it was much easier for me than an outside researcher to gain access to strategic interviewees. The gatekeepers helped me identify and get linked to important interviewees who could give important perspectives on my research areas. First, I identified and contacted some people that had been working with a similar topic as me. These include researchers, reporters and NGOs. They became my gatekeepers who helped me to have access and be able to interview the targets of my project.

Being an Albanian and having familiarity with the language and culture and going there to collect data was something special and helped me to smoothly conduct my data collection process without facing any major challenges. It gave me an opportunity to not just interview

people but also understand their situation deeper and what they wanted to put across. I was able to observe their body language and emotions which depicted to what extent they really connected to the problem of blood feud and this was important because it helped to provide valid data for my project. Going back to Albania after a long time not being there and seeing the situation from the filter of a researcher was interesting and also painful. The interesting part was that you go home and you have the network that will help you in gaining interviews but also people think that you are there to find valid data in a way to help Albania and so it gives you prestige to be in that position. The painful feeling was when I met those families affected by blood feud and observing their living conditions and the depression that it had afflicted on those families. After living in Sweden since 2010 and going back to Albania naturally you could see that there was not much that the state was doing to improve the lives of the families affected by blood feud and development generally was moving at a slow pace. This situation made me have painful feelings too.

Being a male and talking freely with their women was difficult because in Albanian tradition men talk with men and women talk with women. So being a male in interviewing isolated women was very difficult since the discussion was affected by this Albanian social fact. Furthermore, both heads of family I was going to interview were drunk and due to that it was very difficult to have a good interview and help me with more valid information that could correspond to the aim of my study. Thus, being an insider is a strong point for my project but also another way around, for example, what for me as an insider could make sense, cannot be the same for an outside researcher.

### **4.3 Secondary data / Materials**

The processes of finding documents were rather uncomplicated. I have used the Google scholar search to find all the material on blood feud and used Zotero to sort the data. The choice of what have been relevant documents for my study was made by me, myself, and it was based on what I thought was necessary in understanding *the phenomenon of living law through social analysis of blood feud in Albania, with a particular focus on children's situations* and contribute to my research questions of how blood feud impacts Albanian children and what is the role and impact of state institutions and non-governmental organizations in blood feud? Furthermore, I also used the documents to answer the question of how the social and political history impacts the development and application of blood feud. In view of the foregoing, my selection has been strategic rather than random and my role in it



has been very active. In order to maximize the possibilities to get as much usable material as possible from each document I have chosen to use a strategic selection rather than a random selection. The study used a lot of documents from various sources on blood feud and the Kanun of Lekë Dukagjini and these were cast in the following categories: 24 academic articles, 13 Academic books, 2 Television documentaries, 3 newspaper reports and 8 policy papers focussing on Albania and Kosovo. The reason why I have chosen these materials is to have a wide array of sources and cover different perspectives on the matter as it relates to my aim. I believe that the documents that have been chosen are the most relevant and linked closely to my purpose and questions in mind. In total, I have used 49 documents but chosen to base the study specifically on 35 documents, because they are more relevant to the research questions and the aim I was tackling.

#### **4.4 Data Analysis**

Most of the data analysis was done using the thematic analysis method where each theme gotten from the interviews is interpreted, analysed and segmented to provide responses to the aim and research questions that I had developed. This is within what Corbin and Strauss (2008) considered the detailed investigation and analysis of the data process to reach conclusive finding in qualitative analysis. It also helps to explore and develop the data empirically so that it has a scientific dimension.

I started the data analysis concurrently as I developed my fieldwork activities particularly aspects of identifying themes, concepts and topics during the beginning of my qualitative interviews, observations and ethnographic notes. These were the basis of my analysis which I further consolidated as I conducted the various interviews. My approach during the analysis is that I utilised my ethnographic notes. For the Interviews that I had recorded, I spent some time repeatedly listening to them and transcribed them thereby being able to separate the useful data that I could use for my analysis to answer my research question.

Analysis of research findings remains one of the least developed and most difficult aspects of doing qualitative studies (Yin, 2003). Marshal and Rossman (2011) postulate that, the process of bringing order, structure and interpretation to a mass of collected data is messy, ambiguous, time consuming, creative, fascinating and does not proceed in a linear fashion. In dealing with this challenge, I will depend mostly on the *Categorical Aggregation* technique in

providing linear and organized analysis for the data collected (see Stake, 1995). This technique was first advanced by Robert Stake (1995) used in case analysis where, the researcher seeks collection of instances from the data while hoping to construe relevant meaning from these instances. Although this method is mainly used in case analysis, I found it suitable for the organisation of my data because it helps me to categorise themes and data by aggregation. Furthermore, Creswell (2007) describes it as an informative technique of drawing meanings across multiple instances of the data. I drew up 3 categories based on the data I collected and in relation to my research aim and questions. It is through these themes that the data I got from the interviews were coded against the indicators. These 3 categories were the basis upon which my findings were contextualised and fitted in. 1. *Effects of blood feud on children*; 2. *The role and impact of the state and NGOs in blood feud phenomenon*; 3. *Social and political circumstances on the development and use of blood feud*.

#### **4.5 Reliability and validity**

In the qualitative research the basic meaning of reliability is when the research is reliable and possible to be repeated with the same result. On the other hand, validity checks if the study measures what it claims to measure (Eliasson 2006:14). These are two important concepts which are relevant, although emphasis is placed on reliability when it comes to qualitative research. Transparency is one way of achieving reliability (Eliasson 2006:15-17). Thus, this formed the core research basis for my choices.

There is always contestation among researchers on the generality and validity of research. Yin (2003) presents a simple explanation of the difference between an analytical generalization and statistical generalization. While statistical generalization is mostly used during the quantitative research, he describes analytical generalization as using previously developed theory as a template against which empirical results are compared. Nevertheless, my study has the aspiration of generating a general claim that can be used in other situations that have similar experiences on blood feud. I hereby keep in mind that, situations in different territories in general may be different in terms of how blood feud impacts children but there are always general claims that are always linked to the phenomenon. My study hopes to help and generate general claims that can be used especially in areas affected by blood feud such as in the Balkans region. The extent of blood feud differs from place to place and thus making

a general claim may prove to be difficult but there are aspects such as how it impacts isolated children that can be generalised and be applied in different scenarios. For instance, if we establish that in Albania, isolated children are socially affected because of blood feud, another country with isolated children resulting from blood feud could also have similar results and use the findings to create their own hypothesis.

#### **4.6 Ethical concerns**

There are a lot of ethical issues that I had to consider during the study because of my relationship with the population under my study. I was cognisant of the fact that I would have biases because I come from Albania thus I made sure that I prevented any emotional overlap and remained objective during the conduct of my study. Before the study, I informed all the interviewees in time about my study, its scope and how I was going to use the findings and the distribution. I availed them the necessary information of what I expected from them and ensured that none of it breached their privacy and confidentiality. For those who requested to remain anonymous, I ensured that I kept their identity unknown. With the aim to preserve their anonymity, every person is referred to by the name of the agency, organisation or the profession they have and certain information about their life was avoided. I also stated to them that they had the right to stop the interview if they chose to.

There are some ethical considerations that I considered and these include informed consent and also to be part of the research and understand what that implied with the interviewees that I was going to record and transcribe the interviews. Secondly, many aspects hinge on the children, thus it was very important to formulate the questions in a very neutral and inoffensive way as much as I could to the interviewees. Other aspects that I had to consider bordered on the sensitivity of my study politically. I ensured that my study was not influenced by any political biases and inclinations. Thus I remained neutral and assessed every situation from an apolitical position. I was asked to pay the blood feud families I intended to interview, however I could not pay them because it is unethical. Commodification of the interviewees, skewed and biased samples, can become coercion due to money and generally undue inducement. Money maybe is more attractive to lower income individuals and this may end up getting one wrong interviewees, a skewed sample and disproportionate burden on the socioeconomically disadvantaged. So, I decided against interviewing more than two families and only interviewed those that were not asking to be paid.

Due to ethical considerations, I could not interview children but instead I interviewed their parents in their homes and observed their everyday life which gave me a perception of the social life of the children and their feelings on the actual situation they were enduring as a result of the blood feud. I could have done more interviews with the state employees, for example, the police, however after being in the field I understood that government would say the same thing again and again on how they think they are reducing the blood feud phenomenon. Therefore, I decided against doing many interviews with interviewees from the same categories. Basically, I could have interviewed more people but after interviewing 17 people and all my three research questions were answered, I felt that interviewing more people would not provide any new findings. It was enough data that I had collected from 17 interviewees which gave different dimensions to my research.

#### **4.7 Limitations of the Study**

The study encountered some limitations in terms of the interview sample as children could not be interviewed and the number of isolated families interviewed was quite small. It limited my data because I could not get directly the children perceptions of the impact of blood feud on them but instead I got the perceptions of parents with blood feud impacts on their children. Secondly, despite using ethnographic methods, the time I spent with the interviewees was not long enough to fully observe and immerse myself in their experiences. Their experiences on the impact of blood feud on them are valid because they provide answers to my aim and research questions.

However, despite these limitations, there are more important aspects that helped me to successfully conduct my research. For instance, despite not interviewing the children, the information I got from the isolated families gave me an insight on the deep situation of isolated children and even though I interacted with them only for a short time, I was able to see their anguish and feel the pain they used to go through.

## 5. Analysis

This section is a presentation of the empirical and theoretical analysis of my research findings as I attempt to find appropriate answers to explain the aim and the answers to my research questions. The aim of this study is *how we can understand the phenomenon of living law through social analysis of blood feud in Albania, with a focus on children's situations*. The first research question is *how does blood feud impact Albanian children*, the second is *what is the role and impact of state institutions and non-governmental organizations in the development and use of blood feud* and the third is *how does social and political circumstances impact on the development and use of blood feud?*

In this section I will discuss and present the various findings and analyse the materials simultaneously subdivided into 3 main themes. First is the *effect of blood feud on children*, second is *the role and the impact of the state and NGOs on blood feud phenomenon* and the third is *social and political circumstances on the development and use of blood feud*.

### 5.1 Social factors & Children

Biordi and Nicholson (2005) state that the socially isolated children are not always confined to a place or home bound but in many instances that is typically the case. They state that environments such as rural areas and unsafe areas with high levels of crime can contribute to isolation. My findings confirm this submission. According to Biordi and Nicholson, children who are isolated are affected socially in so many ways because they cannot interact with other children, which consequently affects them psychologically in their development. Children who are isolated often develop disturbing behaviour and have challenges connecting with their peers. They develop disturbed social behaviour which sometimes appears to be strange. Social development has a critical growth period in children. For instance, according to Xhaxho (2017) in his paper to the graduate school, argues that social interaction provides sensory stimulation, which leads to the creation of short- and long-term memories. Memories are important because they reinforce behaviours or actions in new social situations. Emotional instability is also very common among isolated children. A child may be fearful of a situation, whether it is one-on-one or among a group of people, but this is only one emotion that is close to the surface. Other emotions that occur when an isolated child is around other people include anxiety, stress, and apprehension. These basic emotions may compound to create

panic attacks, depression and other issues. Their sensory and social deprivation causes them to be severely delayed in their language acquisition, putting them at risk for being permanently socially disabled (Biordi and Nicholson, 2005, Xhaxho,2017)

According to the Save the Children report (2012), there are several Albanian children who drop-out of school due to several reasons that are non-school related such as residence disparities, emigration, number of children in the family, parents' educational level, patriarchal mentality, gender discrimination, unemployed parents, schooling cost, violence, bullying and blood feud leading to isolation. These reports collaborate with my findings in which one of my interviewees, a volunteer teacher, stated that there are those children who just never attend schools even without being affected by blood feud and the details of these remain very scanty.

Although, the national school drop-out rate has been decreasing since 2011, the statistics do not illustrate some inequities and inaccuracies especially as pertaining to those children who just do not attend school because of other factors including blood feud related factors (COI Focus report, 2017). Further findings show that there are children who are seemingly registered at the Education Directorate and yet they do not actually attend school in reality. The volunteer teacher established that a number of parents would want their children to go to school and interact with other children in a good learning environment but because they are confined and isolated, they cannot manage to do so. Even when they seek to access education from their homes, there are still other challenges including transport concerns and access by the volunteer teacher to attend to classes because the areas are in the remote parts of Albania (BBC, 2017).

In my interview with the Shkodra education directorate, the person responsible for the latter stated that the major concern for the isolated children is their security concerns which still remain a hindrance to their access to education, thus, they avoid going to school due to insecurity or fear of being attacked. Statistics indicate that at least a minimum of 2 children have been killed due to blood feud since 2012 (COI Focus report, 2017). According to the interviewed families, security concerns for isolated children have regularly been raised by the affected families, who are afraid and instead choose to keep their children indoors instead of risking them to attend public schools. Thus, these children and their families' decisions to go or not go to school are not necessarily influenced by the existence of the state legislation that

guarantees them protection but the practices and norms that are pervasive in their communities dictate their fears and misgivings. According to Ehrlich (2002) in his living law theory, society consists of intermingling normative and official associations which operate through an inner order. He states that the order of such associations consists of an operative structure which allows associations to give effect to norms within the organised structure itself. Therefore, any transformative action needs to deal both with normative practices pervasively intermingling within the Albanian society and consider harmonization of state law and customary practices that tackle specifically social perspectives of the issue of isolated children.

According to one teacher I interviewed who has been volunteering and conducting home based teaching there are a lot of children who have no possibility to further attend the school even with the *second chance* program because the program did not have the same impact as when children are taught in a school environment as they don't teach beyond primary school and do not get the same attention and interaction as their friends who attend normal school environment. Their development is inhibited by factors such as lack of confidence and social interaction.

The findings also show that there are particularly remarked differences in terms of social impact for isolated children in rural areas and those in urban areas. The most affected are those in rural areas. According to a volunteer teacher, the isolated children in urban areas in northern Albania are in a better setting because the schools are closer to their locations and despite security concerns, they do not face the same gravity of risk as the rural areas children. Rural areas are also faced with infrastructural problems which make it hard for home based teaching programs to be very successful. Thus, even volunteer teachers face transport and accommodation problems which complicate their reach to deliver programs for isolated children. Sometimes teachers need to use boats or walk home because some of the places are inaccessible.



*Figure 4: Another volunteer teacher going to highlands to isolated children*

## **5.2 The impact of blood feud on children**

My findings show that, blood feud has consequences on the living conditions of those that are affected. This is because most blood feud victims migrate, hide, or isolate themselves within their houses which mean that they can no longer work or be productive to bring income to their households. Others lose their jobs and become less useful to their families economically because they can no longer contribute to various tasks such as agriculture and other economic initiatives thus they end up becoming very poor. These factors tend to influence the negative effects on their pursuit for education and employment. Regrettably this accelerates poverty, alcoholism, violence and other social ills that affect their lives and society at large (Tushi, 2004)

According to one of my interviewees, the volunteer teacher, she stated that most of the affected families were in deep seated poverty situations which made it even more challenging for them to come out of isolation and overcome their status quo. Sometimes these people, especially in rural areas, cannot even afford to pay for electricity and buy food. Due to difficult living conditions and extreme poverty, sometimes even when children complete high school, parents are unable to send them to universities because they cannot afford the relevant fees. The affected families live in very poor conditions and depend mostly on income from social welfare which is less than 1500 SEK per month and usually these amounts should take care for at least 6 members of the family.



Blood feud phenomenon clearly affects the productivity of the people who are affected in rural areas because they fear to go out and get involved in everyday life. The situation leaves them in a position where they are not able to access similar opportunities with other citizens of Albania who are not affected by blood feud. According to an interviewee from the Peace and Justice NGO, one of the factors, especially in the northern region where blood feud is predominant is that the area is quiet mountainous, with little infrastructure and there is a dearth of opportunities for work which partly encourages people to engage in blood feud because they quarrel over property. My interviews showed that most of the people involved in blood feud are unskilled and uneducated. Thus, apart from blood feud in those areas, there is a general isolation of the places and the living conditions are very poor to encourage productivity. Generally these poor living conditions and lack of skills is exacerbated by the fact that most of the people in those areas lack education. According to a study conducted by the justice and peace commission of Albania, isolated families live in extremely hard conditions and have to cope with various economic exigencies and mostly the women and children are the most affected (Justice and Peace Commission report, 2010). The hard conditions make them fight over property and land and that has partly contributed to blood feud among families. Moreover, the country has other pressing social and economic problems which include the high rate of unemployment and organized crime. These compound the situation of those who are isolated because of blood feud. The economic situation of self-imprisoned families progressively deteriorates and becomes worse because they cannot be productive within their communities. Despite females being exempted from previous acts of revenge, this time blood feud does not spare them from suffering because they have to earn a living for the entire family. Children cannot attend school as their parents fear that they will be kidnapped for trafficking. The result is increased illiteracy and a growing propensity to take revenge. Thus, the predominantly affected societies in Northern Albania are poor (Albanian Institute for Public Affairs, 2013).

Based on my interviews with the mediators, notwithstanding that most blood feud victims already live in very difficult circumstances such as either living in the mountains or as displaced families from mountainous areas to urban areas, also the families are poor and in most cases not educated. Lack of education tends to exacerbate their situation because they have low capacity to manage the problems through legal channels, through justice; they rather use alternative forms of revenging such as blood feud. This phenomenon thrives in

communities where a lot of people are uneducated because they believe that in order to defend themselves; they have to take the law into their own hands because they don't believe in the justice system and they don't have much knowledge about it and do not have access to it. They use the customary provisions as a basis for applying blood feud even when in most situations, they interpret it in a different way.

The problem is compounded by the fact that new land ownership conflicts emerged because of inequitable redistribution of land after many years of communism. As Ehrlich (2002) suggests the power of established customs and traditions combined with the pressure within communities to take up unresolved feuds and acts according to the old Kanun rules reignited blood feud. The communities were also for long periods predominantly sustained on traditional forms of institutions of justice and governance. The poor national police and the judicial system rather paved the way for self-administered justice and unlawful executions. The families affected by blood feud have faced increasing poverty which has bred a lot of illegal activities and organized crime, including forced prostitution of women. The practice has even spread to the lowlands because many people have migrated to cities in search of a livelihood (Albanian Institute for Public Affairs, 2013; Tepshi, 2015).

My key findings herein show that blood feud has impacted the living conditions of the affected families with a multiplicity effect on children who live in fear and isolation and cannot go to school. Children are bearing the effects of crimes committed by their relations. Blood feud rather increases the cycle of poverty within families because there is no possibility of development for all family members and their offspring who are confined and live in fear.

### **5.3 The role and impact of the state and NGOs**

In pursuit to answer the second research question, I sought to find evidence within the data that portray the role and impact of the state and NGOs in blood feud. My interviewees expressed different views on the involvement of state institutions in blood feud. This section will help me to explain the role and impact of the state and NGOs in addressing the problem of blood feud. By understanding the interventions being fostered by the state and NGOs, it will help my research to establish what sort of efforts and impacts are being made to solve the problem of blood feud. This will directly deal with the research question of the role and

impact of the state and NGOs. The materials I used are from the secondary data, while my interviewees are the primary sources.

#### **5.4 The role of the Police**

My interviewees generally thought that the police have played an indirect role in dealing with the phenomenon of blood feud. Their interventions have not been effective enough to stop the blood feud, vandalism and threats among feuding families because of the weakness that the police have as an institution as well as the perception held by the people in the affected areas. An interviewee from the National Council for Civil Society in Albania acknowledged that since the post-2010 era, the police have attempted to put in place positive pressure to influence and control criminal activities that lessen the blood feud, but their efforts have not made much impact. According to the interviewee from the National Council for Civil Society, actual police interventions have included attempts to control the families that are confined due to fear of blood feud.

The people (that follow Kanun) have more trust in their traditional forms of mediation and interventions than in state institutions. Two major reasons are attributed to this mistrust. *Firstly* according to my interviewees, the people in the target rural areas rarely see the police, thus, they tend to have doubts about the help that they can get from the latter. They interact more with the traditional establishments such as elders, mediators and religious gurus. This reaffirms the notion that Ehrlich (2002) espouses about norms being stronger under living law compared to state legal provisions and how these norms are reinforced and become stronger than state driven legal systems. The further distances from administrative centres where they can interact with state formal institutions and laws make them not only unfamiliar with the state laws and institutions but also tend to make the living law much stronger in these communities where customary law is prevalent. The communities in Shkodra have very little interaction with the state institutions because they are not easily available, however their norms have been easily passed on by many of their generations and have become more pervasive in the society. Thus, it is this disposition that challenges institutions such as the police to make any meaningful impact because they should gain acceptance and legitimacy first over the existing social norms. This is confirmed by another one of my interviewees who suggests that it is difficult to change the mentality of the people in rural areas and the highlands because they clearly do not have any confidence in the police but in their own

traditional set ups which they have grown up with and interact with. *Secondly*, the impact of the police in dealing with blood feud is affected because the targeted communities are not very accepting to police interventions due to previously bad experiences with the police, according to an interviewee from the National Council for Civil Society in Albania. These experiences made them lose confidence in the police and other state institutions. This perception reinforces their trust in local traditional mechanisms to resolve their problems. The Albanian police have now realised that they have to work with traditional forms of mediation for the blood feud because they themselves have been seen to aggravate the situation due to mistrust and the lack of confidence the people have against them. Thus they support measures that are being undertaken to deal with blood feud at community level through existing local mediation strategies

Based on the analysis of the interviews and the evidence presented from the secondary data, the police have not made much impact in reducing blood feud. The impact could be seen to be a negligible impact which was being made by the police in addressing blood feud issues. People do not trust the police. The police is not a suitable body to solve conflicts involving the living law. As in Albania, the people that live in rural areas and highlands in northern Albania still use the Kanun norms and not the police to solve the conflicts between each other. And, although the police are engaged in various interventions to reduce the problem of blood feud, there is no doubt that there could be more impact in their interventions. However, this research did not find enough evidence from the data collected showing much of their impact.

## **5.5 The role of the central Government and Municipality**

The Albanian central government has always recognised that the problem of blood feud is prevalent in the Shkodra region. As part of their interventions, they initiated some collaboration with the Norwegian professionals in 1996 to develop alternative interventions that would improve the administration of justice and support the reconstruction of the Albanian justice system. However, this program did not quite have much impact because of the deep seated mistrust the people have towards the authorities and rather they prefer to seek interventions from lay mediators who they are more comfortable with than the justice system which they believe is compromised.

(Gjoka & Paus, 2006). According to one of my interviews with mediators, this program rather created a lot of opportunities for dealing with blood feud outside of the formal state institutions including making strides in the usage of the mediation approach which led to an increase in cases being referred to this alternative system. And since then, laws on mediation have been passed to facilitate these efforts (Cerekja, 2014). For instance, one of the important state laws provides that anybody fit and over 25 years can serve as a mediator, in Albania, as long as they have no criminal record. However, preference is given to reputable elders to preside over any mediation (Mustafa & Young, 2008:100-101). The state laws as well as the Kanun of Lekë Dukagjini suggest rules on the process of conflicts and disputes resolution, as well as they give guidance on settling disputes by using mediation and conflict resolution strategies. Other strategies that have proved to be effective include exchanges of commodities and money. Religious leaders are also an option that is commonly used because people have confidence in them and can trust them to resolve their. These options are available in every part of Albania where blood feud exists. The important finding on this perspective is that the acceptance of alternative forms of mediation shows a correlation between customary law and practices and the peoples' biases towards those customary laws as opposed to state law and its related authorities and institutions. The reasons for this are mainly because, customary law has become part of their social norms and has turned itself into living law by virtue of its integration and longevity amongst the people as a way of life.

Government has directed its effort towards engaging with non-state actors when it comes to mediation efforts on the feuding families by devising various programs to tackle the issue. Some of the activities have included holding of various meetings with NGOs and during these meetings they have always been challenged to explain the paradox that the threat of blood feud poses and its contribution to crime. Despite admitting the challenges posed by blood feud, according to my interviewee from Shkodra municipality, the government does not fully put interventions that will deal with the problem of blood feud conclusively. Through the municipalities though, government in Shkodra is using international NGO methods to handle the protection of children rights and implementing activities for social service, public health and support of the youth. Each municipality has been starting new projects in supporting and protecting children rights. Though sporadic, the municipalities have been developing projects which have been supporting and protecting children rights, however they do not have much experience and money to do the work so they basically collaborate with international NGOs such as Save the Children, UNICEF and other such organizations to support children in

different ways. These institutions work within the framework of the law which focuses on the protection of children in each municipality. According to my interview in the Shkodra municipality, the central government however does not support their budgets for these kinds of activities and this affects the extent of the impact they can have. However, the biggest challenge is that they are not well funded and lack the experience to carry out various programs. Although the laws provide for the protection of children's rights, still a lot of children are still living in isolation due to blood feud and despite these efforts to protect children rights by different NGOs and government, isolated children because of blood feud do not get any special attention based on the activities of the NGOs and government. Thus, most efforts support children in general but do not specifically tackle the challenges associated to isolated children and blood feud.

Despite the fact that there is a law and projects about the protection of children in each of the municipalities, the central government still does not provide enough budget support to implement this law but rather, the municipalities wait to get support from international NGOs to carry out the work on this project. This tends to affect the impact that they have in their interventions because they face various financial challenges which hinder their work (Albanian Institute for Public Affairs, 2013). According to the Directorate of Education, the Government also had a program called the *second chance* which was intended to help provide education to isolated children due to blood feud in their homes, however the program was halted because there are no children in the county of Shkodra that are not going to School because they are threatened from the phenomenon of blood feud. This program was held until June 2017.

The interviewed representative of the education directorate indicated that teachers from rural areas of Shkodra county were recruited and taught isolated children within their residence. These teachers were paid by the state before the program ended. This intervention is backed by the law which was passed in 2012 legalizing home based teaching. The state avails certificates to families affected by blood feud with children between the ages of 6-16. Although they do all this, they have not made direct interventions that deal with blood feud as a criminality on its own but they recognize its presence and effect, thus, they attempt to put in place mitigation measures (Albanian Institute for Public Affairs, 2013; Operazione Colomba, 2015). However, the number of isolated children that have not access to school has remained contentious because government disputes that the numbers are accurate. They see blood feud

to be far less than projected and that is why they have even ended the *second chance* program in 2017.

However, the statistics about isolated children that have no access to schools are not quite accurate, it is difficult to categorically state if it was a good decision for government to end the *second chance* program. In my findings, I have not been able to find specific government programs currently running that are directly intended to overcome blood feud. Thus, I can state that most of the efforts of the central government and the municipalities are indirect interventions that have a connection towards the general welfare of the people in the target communities such as the provision of education and policy direction towards access to education. The more direct program was the *second chance* program and somehow it had a direct overarching impact on blood feud, though negligible. Most of the government interventions are not specifically targeted at dealing with blood feud.

According to my interviews with the NGO's, the government and NGOs are both supporting each other so that they help the families affected by blood feud and improve their situation. They are collaborating with each other for example on issues of protection of children rights, but still support their idea of the state as weak and inadequate. NGOs are trying to fill in those gaps by supporting the protection of children rights, providing food, clothes and transportations for isolated children threatened by blood feud to be able to go to and return from school in Shkodra. There have been efforts by government directed towards supporting NGOs to bring about reconciliation among feuding families by providing informal channels and mechanisms for reconciling the families. For instance, the peace missionaries, NGOs, collaborate on many of their activities to fight blood feud with the state and local authorities, the Church, the police, the judiciary, students, and many other strategic institutions. They embark on efforts that are linked to widespread campaigns to raise public awareness of the need to give up blood feuds. They also organise many open community meetings and rallies with the common message to abandon "self-imprisonment" of the innocent relatives of people who commit blood feud crimes. During these activities, police and state officials are involved in the campaigns and they encourage people to have confidence in the police and the judicial system in dealing with those who commit murder and other crimes instead of resorting to vengeance (Operazione Colomba, 2015). In order to end the feud, the mediators bring together the offender who has already been punished and the affected family and mediates so that the two can come to a good understanding. The mediation efforts have shown to be a

more popular option than the courts and state institutions as they are an effective way of resolving the problem. Restorative justice is highly appreciated in Albania because it strives to build cordial relationships among feuding parties and does but just focus on the outcome of the crime but tries to restore relationships. It is also less formal and procedural thus appropriate and less expensive for the communities. It is more integrative of the Kanun of Lekë Dukagjini practices. According to Ehrlich, ‘the state was not the source of order of law in society but instead in how society organised the legal order through social networks (Banakar and Travers 2013, 43). So, from the discussion above, people dealing with the blood feud issue, chose the living law to approach on reconciliation processes instead of state institutions. The reason for this is that, for them is more applicable and natural to choose the traditional way instead of state institutions.

## **5.6 Role of Migration and blood feud**

Migration is related to the role of NGOs and state because NGOs have been implicated in giving false certificates in a way that helps them to seek for asylum in Europe and the state of feeling unsecure and not protected by the state institutions make that this people migrate in other counties where they feel secure and aim for a better future.

My interviewee from the NGO called Peace and Justice in Shkodra, stated that many of the families that have been affected by blood feud have fled abroad because they feel that the state does not protect them and offer any form of support. So, those who are in a good situation run away from Albania in search of a better life in the Western Europe and sometimes living as illegal immigrants. Based on this interview, state institutions have not done enough to protect the citizens and those who can run away decide to move to other locations where they feel more secure. Migration is playing an important role in changing family structures and it is an outlet to avoid blood feud, however, sometimes those who commit murder are sometimes followed to their new bases and vengeance carried out. Families that relocate get exposed to different cultures and lifestyles and that can change the way they perceive blood feud. When they move to other locations, extended families are separated and that can contribute to reducing blood feud because of different exposures that the victims experience and sometimes because they cease to be in contact with the feuding rivals. However, the Telegraph in England reported a case of one Albanian man who ran away from Albania after accidentally killing someone and started living in West London with



the Albanian community; however information filtered back in Albania that he was living there and the family of the murdered victim followed him and killed him. Recently, a 28 year old man has been murdered in Albania in the name of blood feud. His father in 2000 had killed 2 persons and in 2014 he was arrested. His son in 2014 had applied for asylum in Sweden due to blood feud but his application has been refused 2 times, so he went back to Albania. In April 2018, he was murdered for blood feud reasons (The Telegraph, 2010; Balkanweb, 2018).

So even if one migrates elsewhere, possibilities of being followed are still there. Although according to a volunteer teacher, these migrations have shattered the consolidation of the family and it is one of the ways in which people are able to find solace and seek a better education, life and comfort in other countries. But the dark side of these migrations is that sometimes the people who seek to go away fall prey to criminal activities. Sometimes they are given fake documentation and when discovered, they are deported back to Albania where they have to get back to the life of fear and confinement. Families need to forgive each other and understand the value attached to their family relationships.

According to the NGO employee, close to 100 people that fled from Albania going across Europe were issued fake documentation and some of them were deported back to Albania. And for most of them, they had to prove that indeed they were affected by blood feud and needed the police to legitimize their claims. The change in setting contributes to changes in perception about the living law for many Albanians who migrate because they flee away from blood feud. When they go to places where blood feud does not exist, they in most cases live freely and without threat because the customary law used mainly in the locations where they are coming from cannot be applied elsewhere.

In the Northern Albania, the practice of blood feud has transformed itself into the identity of law which at one time it was quite pervasive because of the customs practiced in those communities such as in Shkoder. Migration plays an important role in separating feuding families and because they tend to migrate to countries where blood feud is not prevalent, they end up not being able to apply it. As indicated earlier, there are cases where feuding families have taken their blood feud to new locations but these do not lead to isolation as those involved run away or return to Albania (COI focus report, 2017).

In essence, migration has contributed to the reduction of blood feud because it separates feuding families. Migration has reduced the number of children that due to blood feud in Albania have no access to education. Thus, the role and impact of migration on blood feud can be said to be positive although more of the asylum certification has been a failure due to fake certificates issued and corruption. People who move away from Albania because they are running away from blood feud are able to relocate to areas where they find new customs. They manage to adjust and start to live the same way the people they find. This reaffirms the notion of living law which discusses norms as an everyday part of life of the people. When people change the environment and social climate, they encounter different meanings and interpretations to life and customs, thus, they adjust to fit into the situation. It is these norms that are embedded in the Albanian society which are difficult to change because they have for long periods interacted with the people, so those who move away integrate easily into the societies they migrate, while those that go to the North of Albania are easily swallowed up into existing practices within those areas (COI focus report, 2017).

## **5.7 Non-Governmental Organisations**

According to my findings, there have been several non-state actors who have been involved in fighting the phenomenon of blood feud. Most of these are registered institutions that work to bring about reconciliation of feuding families especially in Shkodra, Puke, Tropoja and other places within the Northern Albania. According to my interviewee from Peace and Justice NGO, there are many organizations that have tried to implement activities to reduce blood feud but which have been hindered by law enforcement agencies on grounds that they use inflated numbers of those affected by blood feud issues. The State have stopped them from carrying out those activities because they say that the statistics they use on the prevalence of blood feud are not a true reflection of the actual levels of existing blood feud. For political reasons which include maintaining a good posture in the international community and portraying a good governance record, the police have always disputed the statistics of the NGOs stating that the numbers were being inflated to get funding for the NGOs and thus they insist that the blood feud phenomenon is much lower than that projected by the NGOs. The NGOs on the other hand argue that police and the state deliberately reduce the statistics because they want to portray a picture that blood feud is low in Albania so that they can gain integration in the EU. These antagonistic positions have led to polarization of efforts by both the state and the NGOs in dealing with blood feud (COI focus report, 2017).

However, there have been more engaging efforts by NGOs that support isolated children such as Operazione Colomba and Papa Xhovani, sponsored by the Catholic Church. Some of their direct interventions include providing food, clothes, renovating their houses and transporting children of isolated families to school to protect them from blood feud. Other NGOs interventions include holding March pasts within Shkodra demanding for an end to blood feud. The dynamics in the work that NGOs do in the area of blood feud become intricate especially because these organizations compete for resources and some of them with government. This in the end creates cold relationships between the NGOs and the government (Operazione Colomba, 2015).

While the NGOs seem to be doing a lot more compared to the government in terms of dealing with blood feud, the regrettable situation is that some of the fake documents sometimes given back to immigrants were issued through some local NGOs that corruptly benefitted from these transactions. They made fake certificates which showed that some families are in blood feud with the other families with the aim that these families being granted asylum. Some of the people involved were arrested in 2011 (UK Home Office Country Information and Guidance, 2016).

This created mistrust and questioned the integrity of NGOs. Although evidence from my interviews shows that NGOs made more impact than government, they still did not do much in dealing with blood feud. The findings show that because of their informal nature, the people easily related to the NGOs than to state institutions. This is because NGOs use approaches that can resonate with the lives and customs of the people thus drawing closeness to the community and their practices. These practices tend to grow into 'norms' within their own communities as compared to the legal state institutions which are influenced by the state and sometimes political decisions and are far away from some of the people who are situated in remote distances, further away from the central state administration (Ehrlich, 2002).

## **5.8 Religious groups**

According to an interviewee from a religious organisation, the impact of religion in these areas is quiet huge particularly in influencing mediation processes in blood feud. He stated that people in Albania fear God very much and then they fear the law, thus religious

institutions are drawing a lot of authority within these communities which gives them more legitimacy to make interventions that have more impact. Religious groups provide support to isolated families such as food, education and also are part of the mediation and reconciliation process. The interviewee further indicated that in Shkoder, religion is very strong and the faith among religious communities keeps them united. This finding suggests that traditional and cultural disposition of the people has to be part of the reform process if the mentality has to change. Customary and religious practices have become a norm and pervasive in these communities thus, to change these norms more and transform state provisions to take precedence over these norms is very difficult.

In concluding my findings for the research question 2, my major findings are as follows: *Firstly* both the state institutions and non-state actors acknowledge that blood feud is a problem particularly in the Northern Albania and they both have made efforts towards overcoming the problem. However the major differences arise in terms of the emphasis that each of these groups place towards overcoming the phenomenon. While government does not see the phenomenon as a major priority as demonstrated by them halting the *second chance* program, non-state actors have various interventions that focus on reconciling the families. *Secondly*, the police realize that they are not affirmed in the same breath as informal institutions because of the social norms and the affinity by the local populace to incline themselves more towards customary laws and traditional establishments. Thus, they have rather taken a periphrastic role and opted to offer support to informal institutions such as NGOs that seem to have more legitimacy and acceptance from the local people. As described in the earlier sections of my findings, the state institutions and non-state actors have each played different roles, at times supplementary and collaborative efforts that have all contributed towards overcoming blood feud. The living law as an informal law seems to gain more favourable attention in all the roles that are being implemented by both government and the NGOs. There is a realization by both the state and the NGOs that customary practices are pervasive in these communities such as in Shkoder and thus to deal with blood feud even the approaches should be conformed to the more acceptable traditional forms of institutions such as the ones used in mediating over blood feuds.

## **5.9 Social and political circumstances**

This section attempts to answer the third question which focuses on the political and social factors of blood feud. The section uses both secondary and primary data sources in answering the question of what the social and political circumstances on blood feud are. The section will help us to discuss and understand the social and political circumstances and understand their perspectives from the context of the living law.

### **5.10 Political circumstances on blood feud**

The Kanun of Lekë Dukagjini is the most common version of customary law which came into being before Albania's occupation by the Ottoman Empire in 1384. The Kanun had become pervasive in the territories from the Shkumbin River to the north of Albania. This ancient constitution has been regulating not only the community life, but also the private lives. The norms were passed on from generation to generation by an oral tradition and were decreed by the council of the elders. It is considered that the Code was rationalised by despot Lekë III Dukagjini (1410 – 1481). This code was compiled throughout the centuries chiefly by adding new norms. The text was systematised into 12 sections which according to Sadiku(2014) include the Church, Family, Marriage, House, Cattle, and Property, Work, Loans, Pledge( Final paper Ravbar pdf 90%) ,Honour and Damages, the Kanun against Harm, the Kanun of Judgement, Exemption and Exceptions (Sadiku, 2014). All these aspects became highly integrated as part of the lives of the Albanians such that these practices became predominantly the governing provisions of their daily lives alongside the formal law. As Ehrlich (2002) observed, ingredients that affect our daily life such as commerce, customs and usages of all associations, not only those that the law has recognised but also of those that it has overlooked and passed by tend to be the premises of people's behaviours. Thus, the Kanun of Lekë Dukagjini ascribed to the demands and lifestyle of the people in Northern Albania and they found it more desirable to adhere to as opposed to the state law.

When the communist state took the reins of power in 1944, it did not take into consideration the extent to which the Albanian traditional justice impacted on various facets of the people's social life especially in the remote areas where customary law was predominantly the

governing statutes and had great prominence. All these aspects were overshadowed by the desire of the government to create a strong centralised state anchored on law enforcement, state authority and other measures of authoritative nature. These measures reduced murders resulting from blood feud and revenge. According to Gellci (2005), criminal codes of 1952 and 1977 criminalised the revenge killing as aggravated homicide for which the sentence was up to death, thus during the communist regime cases of blood feud were almost inexistent

According to my findings, one of the key factors that have had great influence on blood feud and the way people have used living law in Albania is the political changes. At a time when Albania was a dictatorial regime from 1944-1990, blood feud was strictly halted and strict measures against people who were involved in blood feud were taken. Sadiku (2014: 89) identifies historical explanations responsible for the decrease of blood feud during that period. She alludes the harshness of the fascist legislation that didn't leave any space for self-justice and the efforts made by Albanians to be a united force against it which made them to refrain from killing each other as a key factor in blood feud reduction. Albania was conquered by Italy at that time and therefore in Albania there existed the Fascist Party that was a fascist organization that was active during World War II. It had nominal power in Albania from the year 1939 until 1943 when Italy capitulated to the Allies. In order to overcome fascism, Albanians needed to be united and fight the common enemy and this was also similar in Kosovo where blood feud reduced even up to date partly because of the unity among the Kosovo people. Sadiku (2014) states that as a consequence, the freed areas in Albania from the fascist state were characterized by a limited number of murders while in the territories occupied by the fascist enemy (Italians), revenge killings remained widespread and they were frequently incited by the invaders.

The Kanun was used in Kosovo and was not interrupted in its application due to any political regime as in Albania. Kosovo practiced the Kanun all the time, and when they were part of the Yugoslav regime it was a living law that Kosovo-Albanians applied in their day to day activities (Hoxha & Maksutaj, 2017). During my interview with the Director of the State-Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues in the Prime Minister's office in Kosovo, he indicated that there is no evidence of isolated families because of blood feuds in Kosovo. The isolation of children only happens for a short period of time of 1-2 weeks and after that it is not directly linked to blood feud. Even after the war between Kosovo and Serbia there have been cases of blood feud but it has not reached the

point that the children become confined and no longer go to school. Thus, there is no home based teaching program in Kosovo to teach isolated children like in Albania. Children and women are not directly affected by blood feud although there are some cases in Kosovo when one person has gone on to revenge at another family who has killed one of his relatives or close family members. According to one teacher in Peja city, in Kosovo, there is a case when two families were in blood feud with each other and their children went to the same school so the headmaster of the school decided during the reconciliation period to separate the children and transfer one of them to another school in order to prevent conflicts between the children.

Another key difference between Albania and Kosovo emanates from the fact that in Kosovo due to migration abroad and integration in contemporary/modern life which is more urbanised, they have nuclear families and small family units such that if one person has killed someone, the feuding will not involve the entire family but directly fall on the responsible person. This is different from the situation in Albania where families are extended and every member becomes affected by blood feud if one of them commits a murder. According to the interviews, another difference is that the reconciliations also take a shorter period of time in Kosovo than in Albania because they easily accept what has happened and show willingness to accept monetary compensation than revenge. The reconciliation in Kosovo it can take even 48hrs while in Albania it could takes years and sometimes people never forgive. Paying for blood is also applied in Albania, but in Albania it is very difficult to make compromises with payment because most of them think is not honourable to pay for the blood, also since some of the families who are in blood feud for a long time are very poor to make the payment and compensation. It has been suggested by an interviewed mediator and other interviewees in Kosovo that one of the reasons for this situation in Kosovo where feuding families can reconcile very quickly is that many Kosovars live abroad and this factor has affected their consciousness on valuing their own life and also after the conflict with Serbia, people are more aware and united so they see each other as brothers and sisters and do not want to fight with each other anymore.

Further evidence also shows that Kosovo which was part of the Yugoslavian Republic has lived with the Kanun of Lekë Dukagjini and just like Albania, they have in some parts of their country used it actively to govern their lifestyles. Nevertheless, its application by the two countries has differed because in Albania under the Enver Hoxha's regime it was not used that much and people lived under the state law, however after the regime collapsed there was

absence of state and people resumed to use the living law but this time not as it is written in the Kanun of Lekë Dukagjini, but in their own style. The major differences in application of blood feud between Albania and Kosovo could be emanating from the fact that for 50 years Albania had broken off from using the Kanun of Lekë Dukagjini during Enver Hoxha's 50 year rule and they had to adjust to state law and that created possibilities of distortion when they resumed using it thus interpreted in own way. While in Kosovo, it was consistently applied in the same manner that Albanians have used from the beginning.

The fact that Kanun as a living law was 50 years dormant in Albania during the communist regime, it means that it was no longer practiced during that era. After the fall of the regime when people started to use it again, they interpreted and used it differently from its initial conception. They developed their new ways of understanding it because it had not been active for many years. In Kosovo, the Kanun was never interrupted and it was often used which helped it to develop over time and adapting well to the cultural, social, political and lifestyle changes the Kosovo society was going through. Thus, while it continued to be a living law in Kosovo, in Albania it had ceased to be such until its return in 1991 and people had to re-orient themselves with its practice. Most of the people that practiced the Kanun were very young when it was interrupted and its reintroduction meant that the younger generation had to make their own understanding of it in Albania.

These dynamics shaped the differences that we see between Kosovo and Albania in terms of the application of the Kanun and its consequences on blood feud. So, the social climate and political changes affected the application of the Kanun as a living law and how the people use it. Due to the changing social conditions in Kosovo, the living law and related customary practices also experienced a natural transition which responded to the prevailing circumstances and this helped to reduce blood feud. While in Albania this was not the case because while during the communist rule, there was a stoppage in the application of blood feud, it was not a natural process but rather state induced which people never made a decision on but was forced on them by state pronouncements. Thus, after the collapse of the regime in Albania, blood feud returned and was even reused differently because people had not naturally abandoned it. It was so pervasive as a living law and its resurfacing was always imminent once the system had collapsed.



Both the social and political environment had impacted on the application of blood feud and related factors stemming from the style of governance by the central government. However, this is not to say that state law took precedence over the customary practices but rather it was the state machinery that was used to impose the law on the people. Of course, as explained, there were also other circumstantial factors that led people to stop blood feud but however, fear of the communist system and its state machinery was a major factor above all. This point is supported by the return of blood feud after the fall of the communist regime in 1991.

*Firstly*, the findings indicate that because of the pervasive nature of the customary practices and their entrenched beliefs in the Kanun of Lekë Dukagjini, despite the government trying to identify the families that are affected by blood feud to mitigate their situations, it may appear as though those who are affected by blood feud violence and threats are still reluctant to respond positively to interventions by the authorities because they are not familiar with state authorities and prefer dealing with traditional institutions within the confines of the Kanun of Lekë Dukagjini (COI Focus report,2017).

Secondly, after the 90's, when Albania switched to a democratic state, many people left the country and the state was almost non-existent. Land disputes constitute one of the main reasons that started the conflicts with each-other and degenerated into blood feud. During the communist regime, all the agricultural land became corporate property. But, from the beginning of 1991, when the communist regime fell, the new government turned it from corporate property into private property, and this is one of the underlying causes of blood feud which reignited blood feud after 1991. The people started to fight over property including the agricultural land. In most rural northern parts of Albania, customary provisions in sharing property were used, however in most cases misunderstandings started to arise among families over the sharing of property and this somehow reignited blood feuds (Colin & Douglas, 2000).

The use of the customary law of the Kanun of Lekë Dukagjini in the sharing of the property and resolving various disputes in the Northern part of Albania was appropriate because the people in those areas were more familiar with the Kanun than formal state law. Its existence for many years and having governed the people through various historical eras, has made the Kanun a strong part of the people's tradition and everyday living norm which has been

handed down from one generation to another. The longevity of the Kanun of Lekë Dukagjini and its familiarity within the Northern parts of Albania make it stronger in those areas than the formal state law which is administered by state institutions that people have little or no trust in.

## 6. Conclusion

The findings show that in rural areas in Albania isolated children are more unsafe and this isolation affects their social life and psychologically their development. Thus, these children grow up with fear, anxiety and stress so all of those factors make them not to have the same development as the other children that are not involved in blood feud. Then, also education in those rural areas is more difficult because still children fear of being attacked. There is also bad infrastructure which makes teachers to have difficulties to be present in those areas timely. The *second chance* program that was home teaching it was helpful for those children could not stay back in lessons but still was a very basic program and it was not as the same as children who would be taught in the class and get the same attention in a school environment. So, their development is inhibited by factors such as lack of confidence and social interaction. Also, there are particular differences in terms of social impact for isolated children in rural areas and urban areas with the most affected being those in the rural areas because in urban areas the schools are near their location and children feel more secure to attend education while in rural areas the school in some villages could be far away from their location. That situation increases the fear of their parents to send them to school. Furthermore, transportation is a hindrance for the teachers that work in those areas. These factors made the *second chance* program to face many challenges, especially in rural areas.

Further to this, isolation make families affected by blood feud lose their jobs and not be able to contribute in agriculture or the other businesses the family may own and the longer the period they are isolated, it makes them to fall in more poverty. Those factors tend to have negative effects on their pursuit for employment and education. This situation tends to create a number of social challenges including mental health issues, violence, abuse of drugs, alcohol and drug addiction among children and women. Blood feud has impacted the living conditions of the affected families with a multiplicity effect on children who live in fear and isolation and can not go to school. Children are bearing the effects of crimes committed by their relations. Blood feud rather increases the cycle of poverty within families because there

is no possibility of development for all family members and their offspring who are confined and live in fear.

People who live in highlands or rural areas do not have much contact with the police in everyday life. They trust more the Kanun than the state law. As Ehrlich (2002) says that the living law is stronger in places which are far away from the central government. The people interact more with the customary practices than the state law and thereby they are closer to those practices that form part of their everyday lives. The bad experiences that people have had with the police in the past also make them not to trust it anymore and to not have confidence in them solving their conflicts but would rather chose to have their conflicts resolved in a traditional way. Thus, the impact of the police on blood feud phenomenon has not been so much present in a way to help those families that are threatened by blood feud.

Reconciliation of families that is done by mediators or religious members goes hand in hand with the system of justice. There are two ways to reconcile the blood feud families by taking the blood or by paying the family that has been damaged. Thus, the important finding is that the acceptance of alternative forms of mediation and the people biases to use more the customary law approach than the state law and state institutions is quite evident.

The Government and municipalities do not have much experience in protecting children rights and providing social help, and they have implemented the law about it but they do not have money to make that law to be enforced. Basically, the municipalities are using the International NGOs' facilities and their methods to provide those services to protect children and families in financial problems. The biggest challenge is that they do not have funds and they do not have experiences to carry out those programs. One of the programs held by the Directorate of Education in Shkodra is called the *second chance* program where they provide home based teaching for isolated children but it was halted because according to the Directorate of Education there are no more isolated children that are threatened by blood feud. However, the volunteer teacher that has been working with those children holds a different view about it and says that the *second chance* program should have continued because there are still isolated children who need it. The isolated families that I have interviewed had the opinion that the central government and the municipalities have not done much to help those families to overcome their difficult situations that blood feud have caused.

I also found that due to blood feud, a lot of people sought asylum to go to other countries where they would be safe. However this issue had its own problems because many people that applied for asylum were issued with fake documentation and were sent back to Albania. Some of the mediators in Albania were getting money from these people issuing them fake documentation, even to families not at all threatened by blood feud.

Some NGOs have tried to increase the number of isolated families in order to get funds from different international NGOs for their own interests, whilst the government agencies give a reduced number of isolated families so as to portray a picture that blood feud is low in Albania and give a positive picture to the EU showing them that Albania is making good progress in human rights and justice. Some of the local NGOs for example such as Papa Xhovani that is sponsored by the catholic church is supporting isolated families in different ways like transportation, food, clothes, a task which has to be also undertaken by state institutions. So, these families can more easily relate to NGOs than to state institutions because they feel supported by them.

Religion also plays an important role because in those areas people fear God more than the state law, but they also have played an important role by supporting those families by providing them with food, education and reconciliation process. Thus, in general, religion has been of great support to the isolated children and their families.

The political circumstances have their own impact on how the people have applied blood feud. For instance, during the communist regime the Kanun was strictly banned and after the regime fell, people started to use the living law differently due to the state which was weak and people did not have trust in it. Political circumstances that have occurred over the years have had an impact on the ways of the use of the living law and its development as regarding blood feud. Being suppressed for 50 years during the communist regime in Albania, when reapplied it adversely affected the social life of children, filling them with the fear of blood feud. My findings show that political changes constitute a major factor in the living law in Albania today. The lack of state or a weak state made it impossible for people to believe in the state, but to put justice in their own way. If we look at the political changes that have occurred in Kosovo and how living law is supposed to exist there, we understand that the use of living law has been all the time in use and has been developed simultaneously with the people. There has not been the same suppression as in Albania, but there was the rule that Kosovar Albanians had their own coexistence with each other, so in the sense of blood feud

this continuous use of the living law has made the changes that living law has in Albania be not the same, thus, not isolating children for blood feud reasons.

The critical question is why women and children have been affected by the new version of living law in Albania during the last 25 years and to date, when they were never involved before in the practice of blood feud. My hypothesis is that this low cultural and ethnic behaviour has been more seen in the new version of living law that has developed during new circumstances. Since the families involved in blood feud feel that society does not care or is not willing to help them, they continue with the only law they trust in, ie the living law, even if they all know that this is not the best way to solve the problems, but the only law they can rely on.

Thus, during 50 years under the communist regime people in general in Albania were isolated. I hereby mean that they did not have the right to pass the Albanian border and they were also oppressed and the Kanun was strictly banned. So my hypothesis is that physical and mental oppression led to deviance. The same thing happened to the living law itself, so by oppressing people to not use the Kanun for 50 years, it misled them in deviance interpretation by including children and women. I came to this conclusion by interviewing people in Kosovo and understood that the development of Kanun there had not been oppressed, and therefore the development of living law had followed the development of their living conditions and situation, thus, the living law has developed side by side with the circumstances it has been applied in the society.

From this study we understood that living law is the only 'law' that people, especially those in rural areas, use instead of the state law. Political circumstances have a direct effect in the way people interpret and use the living law. The state weakness makes the living law take control in the society, and this happened in Albania in 1991. If it is never interrupted, as in Kosovo, the living law will develop over time by well adapting to the cultural, social, political and lifestyle changes the society in the country will go through.

This study in the light of applied theory and methodology could not provide quantitative data that could help us to know more about the isolated families and the theory could not explain everything for my material but still it was a valid theory for my project.

Based on my findings, and because this study is not extensive in these areas due to the limitations of the study, I hereby suggest to do more studies in the implication of blood feud in gender perspectives why and how the blood feud phenomenon is different in boys or girls, and in women too. It is also suggested to make a comparative study between Albania, Kosovo, Macedonia and Montenegro about the blood feud phenomenon and to conduct ethnographical studies on the isolated families in rural areas that are affected by blood feud.

It is also necessary to conduct a qualitative study about the real number of isolated families and children because this data is really missing and different NGOs and state agencies have different numbers of them. It would have been better for state representatives to be in remote mountainous and rural areas to help these people from the social and health point of view as well as regarding life insurance. In these remote areas the state should think about making projects for the development of these areas, starting with the infrastructure, living conditions and education of these people.



This picture was taken from Wikipedia. It shows Albania and some of the provinces that once were part of it, but that nowadays are our neighbours, namely Greece, Macedonia, Kosovo and Montenegro.

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