

**Annex Two: Title page**



**Master of Arts Thesis**

**Euroculture**

**University of Udine (First university)**

**University of Uppsala (Second university)**

**Title Thesis:**

**Albania, a place where long-standing traditions devised a nation**

The Kanun of Lek Dukagjini is alive and kicking

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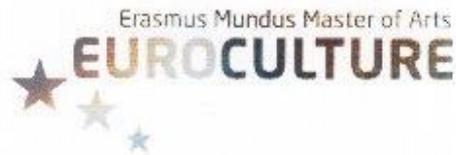
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**Udine, 31.07.2018**

## Annex Three: Declaration



### MA Programme Euroculture Declaration

I, Arjana Lugaç hereby declare that this thesis, entitled "Albania, a place where long-standing traditions devised a nation", submitted as partial requirement for the MA Programme Euroculture, is my own original work and expressed in my own words. Any use made within this text of works of other authors in any form (e.g. ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the bibliography.

I declare that the written (printed and bound) and the electronic copy of the submitted MA thesis are identical.

I hereby also acknowledge that I was informed about the regulations pertaining to the assessment of the MA thesis Euroculture and about the general completion rules for the Master of Arts Programme Euroculture.

Signed ..... *Arjana Lugaç* .....

Date ..... *31.07.2018* .....

**Abstract:** Albania is a young democratic country that is still learning how to move forward. Albania has lived under regimes not democratically chosen for centuries: the Ottoman Empire before and the Communist regime than. These impositions have not allowed it to create an identity as a nation, this is the reason why they believe into the only code not forced from the high and that dates back to the Middle Age. The Kanun of Lëke Dukagjini is a customary code of laws that has ruled Albanians lives before the Ottoman Empire conquered the country. The Kanun influences everyday life still today. Albania remains tied to old traditions but on the other hand looks at the European Union as a role model. Albania is a country in between, traditions on one hand and progress on the other. The desire to be included in the Union has dramatically increased over the last decade. In these years, the government has been trying to satisfy the applications of Brussels hoping to get the candidacy. In 2014 Albania obtained the candidacy. Through the realization of laws in all fields, the government seems inclined to reach the standards of the European countries. In spite of all these progresses and changes, for Albanian population nothing seems different and everything appear just a way to show improvement to EU and EU countries but in everyday life it seems as same as always. It seems not possible to eradicate the mentality of citizens. Gender inequality and blood feuds are still a reality. The questions that guide this research are: how is it possible that a customary law is still so strongly present in Albanians lives? Is this a possible obstacle towards the European process of inclusion?

**Keywords:** Albania, Kanun of Leke Dukagjini, law, blood revenge (gjakmarrja), identity, women, tradition

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## **Preface**

The idea of writing about this matter derives from a personal story and a personal background that involves people close to me that are still trap in traditions that don't allow them to go further. I have begun to read the Kanun years ago and I have remained shocked in knowing that a lot of actual community's practices are connected to it and they make reference to a Middle Age old code. I came to Italy when I was a little child and I didn't understand a lot of practice of Albanians as the little consideration of woman, why they are not allowed to behave as everyone else. Actually I don't know much about my origin country. I started to read trying to understand why all these things are as they are and why nobody does anything to change them. I discovered that all drift from the Kanun of Lëke Dukagjini that puts man in the foreground. That moment was the moment I knew the topic of my thesis.

For this research I would like to thank my informants at first. It was not easy for them to talk about the Kanun, about their involvement, some of them has cried during my interview and I am grateful that they have continued to help me. Then I would like to thank my family that permitted me to be here and to talk about this, it is a pleasure to grow up free. Last but not least my supervisors: they accept an unknown topic and they encourage me step by step to do my best.

## Introduction

Albania occupies a politically strategic position and despite the foreign dominations for centuries, it was able to maintain its unique culture and identity. The Albanian have been recognized as “*indigenous peoples*” with their unique language “*would place them among the oldest groups of peoples in Europe*”.<sup>1</sup> Albania, unlike others Balkan states, that have been in a state of war for years, it is characterized by the pacific cohabitation among different religions. However, what has distinguished the Albanians, without any doubt, is the customary law called the Kanun of Lëk Dukagjini. A code always auxiliary and at the same time a competitive right to the national right. Without any doubt it has helped the country during the Turkish occupation, the Second World War and the Communist regime to maintain their distinctiveness, and it has affirmed in the years a national identity.<sup>2</sup> Northern Albania is the crib of the Kanun, the mountainous nature of this region and the few infrastructures have helped to maintain it alive and away from the foreign invasions. For many years in fact, this region has lived without a state power. The questions I would like to answer with this thesis are: how is it possible that a customary law is still so strongly present in Albanians lives? Is this a possible obstacle towards the European process of inclusion? I would like to underline above all the women condition and the blood feud that, I think, are the two most important inherits among all that the code has left. Than the identity of Albanians and their desire to take part in the process of inclusion in the European Union. My hypothesis is that the Kanun is withstood such a long time for the little trust in the justice, for the fact that the only democracy that they ever known is the justice by themselves. This research question is going to answer through deductive reasoning and an explanatory case study approach, based on evaluating the Kanun, and political, juridical, historical and sociological documents. This particular research methodology has been selected in order to generate a hypothesis that which can explain a potential contributing factor to the persistence of certain parts of the Kanun. Secondly, a deductive evaluation of the various theories that will be discussed to reach the conclusion that the consideration of women and their condition and the blood feud are connected to the Kanun and are still alive, and this is one of the reason why Albania is trapped in the past even though it wants to reach European standards. I would want to succeed in effecting a qualitative research with direct interviews to a small number of

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<sup>1</sup> Dennis Hupchick. and Harold Cox, *A Concise Historical Atlas of Eastern Europe* (New York: St. Martin's Press, 1996)

<sup>2</sup> Zef Ahmeti, *The criminal law in the Kanun of Leke Dukagjini* (Switzerland: University Saint Gallen, 2004)

people in support to the other sources used. This research is going to present an overview of a little nation that dream the EU but is still tied to old traditions. The kanun of Lëke Dukagjini is an ancient code of law still practiced in Albania. Even if it is illegal the influence of it is visible still today. I would like to understand why the Kanun has resisted for so many years now, why people have prefer it instead of the unctional law. In the first chapter, to succeed in fully understanding what I mean, I am going to explain the Kanun, his origin and his pillars. In doing this I am going to use secondary sources. In the second portion, I am going to present my informants and to explain the validity and the reliability of my interviews. In the third chapter I would like to succeed in analyzing and fully explain the big plague originates from the Kanun: the blood feud. In this chapter I will use both primary and secondary sources, official documents, such as policy documents, European Union, NGO's surveys, UN documents but also my interviews and the Kanun itself. Following into the fourth chapter, I am going to write about gender equality, the situation of women today, their rights and their duties, their perceptions, their lives. In doing this I will use my interviews, the Kanun of Leke Dukagjini and official policy documents. The chapter number five will focus on the European Union and the identity of Albanians. Since the Kanun is the starting point for my study and it touches upon various concepts such as ethnicity and culture, the theoretical framework for this chapter is based on these concepts. I will describe how culture and ethnicity is socially constructed through different processes in generations. I have done a parallelism between the desire to take part in the European Union and the strong identity in contrast with the cornerstones of the Union.

# CAPTER 1. THE CUSTOMARY LAW: THE KANUN OF LEKË DUKAGJINI

## 1.1 Albania: a fast looking

The history of Albania remains a mystery for many years. For 45 years Albania follows Marxist and Leninist economic practice. Albania lives completely isolated, it had not relations with the outside world. There were no circulations of news that happened outside the country and people can not get out of the country. Religions and all traditions were banned. The Constitution prohibits the state from seeking any kind of foreign aid, including loans from various global financial institutions and no foreign direct investment in the country were allowed.<sup>3</sup> These contribute to transform the country into one of the most isolated country in the world and the reality behind the regime was inaccessible to outsiders.<sup>4</sup> Enver Hoxha turned his country into a prison nation.<sup>5</sup> A turning point was the 1990: Enver Hoxha died and the regime fell. Borders became accessible and started the greatest migration of the history of Albania. It is estimated that during the '90 one million people emigrated abroad, mainly to Greece and Italy but also overseas.<sup>6</sup> Among the years of '92 and '97, the Yugoslav dissolution produced consequences also in Albania, in fact the 1997 was characterized by revolts in all Albania.<sup>7</sup> The president Bashkim Fino guided the Country in this difficult year, in which everyday there was an homicide somewhere. Albania was not a secure place to live, people use arms as they wish and murders were uncountable during this period.

After many political and technical government (Fatos Nano, Ilir Bufi e Wilson Ahmeti) who appeared incapable to contain the wave of protests, during the Berisha Presidency and the government of Meksi Albania seemed to have a rapid development.<sup>8</sup> After a period of

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<sup>3</sup> Arjana Lugaj, *Albania looks up to the European Union like a lost son searching for his family* ( Intensive Programme thesis at Euroculture Master Programme, 2017)

<sup>4</sup> S. McClear, "Albanians and their Culture: A Study of Their Defining Character and Uniqueness" in *Crime, criminal law and criminal justice in Europe* edited by Hans-Jörg Albrecht, André Klip (U.S.A: Martinus Nijhoff Publishers, 2013), 115

<sup>5</sup> Shukran Qazimi, and Mergleda Hodo "Albania Today and then: The Drivers to Growth" in *Academic Journal of Interdisciplinary Studies*. Vol 2 No 3 ( November 2013): 413 file:///Users/arjanalugaj/Downloads/1436-5711-1-PB.pdf Date accessed: 2 April 2018

<sup>6</sup> Gli albanesi in Italia Convegno conclusivo del progetto "Aquifale" (Bari: Bari University, September 2008), 1 [http://www.caritas.it/materiali/pubblicazioni/libri\\_2008/albanesi\\_in\\_italia/scheda\\_albania\\_29092008.pdf](http://www.caritas.it/materiali/pubblicazioni/libri_2008/albanesi_in_italia/scheda_albania_29092008.pdf) Date accessed: 20 March 2017

<sup>7</sup> The albanian Renaissance. ESI. [http://www.esiweb.org/index.php?lang=en&id=311&film\\_ID=3](http://www.esiweb.org/index.php?lang=en&id=311&film_ID=3) Date accessed: 3 April 2017

<sup>8</sup> Country Profile: Albania, London, EIU. Economist Intelligence Unit, 1997. Date accessed: 3 April 2018

“stability”, when Berisha was re-elected in June of 2009, Albania fell into a political crisis again. Corruption and election fraud were the words of that moment. This was essentially a result of a young state who tries to be a democracy but this was an unknown concept for many years. Time passed and in 2003, at the Thessaloniki Summit, the European Council declared that is coming a process of enlargement of the European Union to southeastern Europe and Balkans and that the country became a potential candidate country for EU accession. Just in 2014 Albania obtained the nomination of candidate country.<sup>9</sup> The fact that the accession remains for such a long time so far did not encourage the Albanian political class to a serious and continuous appointment for the reforms. In spite of so many changes just a thing remains as a distinctive and unique feature of the society: the practice of the Kanun of Lek Dukagjini<sup>10</sup>, for many years unknown outside Albanian borders.<sup>11</sup> Margaret Hasluk who lived in Albania from 1926-1939, traveling extensively around the country described the Kanun as “an ancient law-giver of such eminence that what he said is still as sacred as Holy writ to the mountaineers of Mirditë and all the tribes to the north, including those unjustly incorporated in Yugoslavia in 1912-13”.<sup>12</sup>

## 1.2 Kanuni i Lekë Dukagjinit

The Kanun of Lek Dukagjini is a centuries-old code of behavior, governing both individual and collective behavior and diffuses especially in the North of Albania, Kosova, Macedonia and in certain parts of Bosnia-Herzegovina.<sup>13</sup> It had a particularly strong influence in northern Albania.<sup>14</sup>

The Kanun of Lekë Dukagjini (Kanuni i Lekë Dukagjinit) is the most famous and comprehensive collection of Albanian customary law. It was after Lekë Dukagjini death that

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<sup>9</sup> Marko Kmezić, “The western Balkans and EU enlargement: lesson learned, ways forward and prospects ahead”, Centre for Southeast European Studies, (Austria: University of Graz, 2015),16  
[http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO\\_IDA\(2015\)534999\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO_IDA(2015)534999_EN.pdf) Date accessed: 11 April 2018

<sup>10</sup> The Kanun of Lek Dukagjini developed in the geographical zone of Dukagjin, a mountainous region in Eastern part of Shkodër. The codification of the tribal law is attributed to Lekë Dukagjini (1410-1481), a prince and chieftain from a noble tribe, who ruled north Albania during the fifteenth century.

<sup>11</sup> Leonard, Fox, “Introduction” and “Note on Translation” in *Kanuni i Lekë Dukagjinit, The Code of Lekë Dukagjini*, Arranged by Gjeçov, (New York: Shtjefën, Gjonlekaj Publishing Company, 1989): xvi

<sup>12</sup> Arben Cara, Kanun of Leke Dukagjini customary law of Northern Albania. *European Scientific Journal* edition vol.11, No.28 ISSN: 1857 – 7881 (Print) e - ISSN 1857- 7431 (October 2015)

<https://eujournal.org/index.php/esj/article/viewFile/6383/6134> Date accessed: 1 March 2018

<sup>13</sup> Robert Elsie, *Historical dictionary of Kosovo* (Scarecrow Press;Second edition 2010), 151

<sup>14</sup> Genc Trnavci, “The Interaction of Customary Law with the Modern Rule of Law in Albania and Kosova” in *The Rule of Law in Comparative Perspective*, Sellers, Mortimer and Tomaszewski, Tadeusz, 2010. p 208

the laws were associated to the last great representative personality of the noble families in the area of Dukagjin.<sup>15</sup> It is also important to emphasize that the Kanun contains rules that are much older than Lekë Dukagjini himself,<sup>16</sup> probably, the practice of this code dates back to 2000 years ago and it increased in Albania during the Middle Age.<sup>17</sup> The code represents a set of traditional law and has been orally transmitted from generation to generation, resisting in an unwritten version for centuries and governing the most important aspects of the social structure between Albanian tribes.<sup>18</sup> The oral tradition doesn't allow to know with precision its origins, but despite the name of the code, modern scholars commonly now agree that Leke Dukagjini was not its original author and through the linguistic paleo the historical search has finally identified on an ancient tribal tradition of the Illyri, an old group of people that lived in the Balkan area more than 200 years b.C,<sup>19</sup> and precisely in the Dardanus<sup>20</sup>. The code was different by tribe to tribe, suited for the historical and social conditions, it has withstood the introduction of different religions and it permits that exemplary climate of tolerance among Islam, Catholicism and Orthodoxy of which the Albanian are always boasted. The whole law delineates the arrangement of a noble community, based on members of the families that form the Fis.<sup>21</sup> The members of this community are considered all equal, they are connect from a religious concept of the blood. They relationships is based on the value of the Besa and the same concept of authority is tied up to this value.<sup>22</sup> During the Middle Age it has been an example of modernity both for it's nature of juridical code and also for some contents as the juridical equality between the prince and the people and the refuse of slavery.<sup>23</sup> As a matter of fact, the code defines worthy of honor who "it is wise and prudent, who doesn't stamp on other people's right".<sup>24</sup> Besides the foundation of it goes around the principle of personal honour and so comes the equality of persons. Another base principle is the freedom of each person and they are allowed to act in accordance of they own honour because this, the besë, creates a situation of inviolable trust

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<sup>15</sup> Fox, "Introduction and Note on Translation" in *Kanuni i Lekë Dukagjinit, The Code of Lekë Dukagjini*, xvii

<sup>16</sup> Trnavci, *The Interaction of Customary Law with the Modern Rule of Law in Albania and Kosova*, 208

<sup>17</sup> Fox, "Introduction and Note on Translation" in *Kanuni i Lekë Dukagjinit, The Code of Lekë Dukagjini*, xvi

<sup>18</sup> Mirjona Sadiku, "The origins of the Kanun: Exploring the development of the Albanian customary law", *Cilt/Volume 3, Sayı/Number 2, Aralık (Balkan Araştırma Enstitüsü Dergisi, 2014)*, 77-95.

<sup>19</sup> Ibid

<sup>20</sup> Noel, Malcolm. "Kosovo a Short History" (New York: New York University Press, 1998), 18

<sup>21</sup> Giuseppe Valentini, *Il diritto delle comunità nella tradizione giuridica albanese* (Firenze, Valecchi, 1956)

<sup>22</sup> We can translate the word Besa with trust, but we will concentrate deeper in the following chapter

<sup>23</sup> Cristiano Orlando "L'aquila albanese alle prese con le correnti transnazionali" in *L'ABC di orgogli e pregiudizi: Albania, Balcani e Comunità internazionale* (Roma: Osservatorio sui Balcani, 2006), 93-94

<sup>24</sup> Sisto Capra, *Albania proibita. Il sangue, l'onore e il codice delle montagne*, (Milano: Mimesis, 2000) translate by me

and it will guide to a right behavior.<sup>25</sup> According to Ardian Visha, the ex Director of Foreign Affairs in the Prosecutor's Office in Tirana, the Kanun has been part of the culture and of the ordinary life of Albanians for centuries and his importance is hardly to quantify. Visha explain that many people do not wish to talk about it and I can surely confirm it because I had difficulties during my interviews.

To better understand how it has evolved and has maintained in front of the changes that centuries have set and to the relative crises, it needs to concentrate on the history.

### 1.3 Time and spatial boundaries

As we know, Albania is a small mountainous country in the Western Balkans on the Adriatic Sea. The roads are few and arduous, certainly also because of the 1997 civil war devastations, but it had also been like that time before.<sup>26</sup> The history of Albania is the history of this territory, of these natural frontiers that have allowed as much the politics of isolation, as the real autonomy of the populations of the Northern regions from any authorities, both foreigner and national.

As Father Gjergj Fishta noticed in the introduction to the Kanun, it is hard to define exactly the area in which the Kanun was observed.<sup>27</sup> Generally the Kanun has legal value among the highlanders near Shkoder. The specific characteristics of the mountainous area, as mentioned before, encouraged the implementation of the code. The preservation of autonomy and traditions was therefore related to the hard penetrability of the region, as the British writer and traveller Durham said, "The mountain tribesman has never been more than nominally conquered, empires pass over him and run off like water from a duck's back."<sup>28</sup> The Albanian novelist, poet, essayist and playwright Kadare observes: "The Kanun was stronger than it seemed. Its power reached everywhere, covering lands, the boundaries of fields; it made its way into the foundations of houses, into tombs, to churches, to roads, to markets, to weddings".<sup>29</sup>

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<sup>25</sup>Malcolm, *Kosovo: A Short History*, 18

<sup>26</sup>Antonello Biagini, *Storia dell'Albania contemporanea* (Milano: Bompiani, 2005) Also nowadays it is difficult to move in the country by car. An only road asphalted exists to connect Tirana with the south of the country, while there is not a road on near the coast. Even more difficult is to move toward the North.

<sup>27</sup> Gjergj Fishta, "Introduction" in *Kanuni i Lekë Dukagjinit*, by Shtjefën Gjeçovi, (Tiranë: Kuvendi, 2001), xxv

<sup>28</sup> Mary Edith Durham, *High Albania* (London: Edward Arnold, 1909)

<sup>29</sup> Ismail Kadare, *Broken April* (London: Vintage Classics, 2003), .27

As we have seen such law probably goes up to the Illyri, but the tradition points out it's origin in 1444.<sup>30</sup>

In 1400, the period among the collapse of Old Serbian Empire and the arrival of the Ottomans, the population of this area was free and regulate by the Kanun, and the territory was out of reach for the dominants and an agreement took place between the local population and Ottoman invaders<sup>31</sup>. The Turkish government recognized the local customary law also because it covered some areas of the legislative field which were not subject to the Islamic law<sup>32</sup>. The highlanders governed themselves by the Kanun for at least 500 years. and considered themselves in a perpetual state of war with the occupying power. The Kanun itself was an expression of the independence and autonomy of the northern Albanian clans.<sup>33</sup> They were free to practice the Catholicism, hocking themselves to help the empire in case of war. Despite their faith they often furnished people for the Ottoman army, they helped the army so much that on the door of Constantinople it was written "All the males of the Gjomarkaj, generation after generation, from the crib to the grave, they will bring the title of Kapidan (commander)".<sup>34</sup>

Albania reached and proclaims the independence in 1912.<sup>35</sup> At that time among 75-80% of the Albanian population were Muslims and 10% were Catholics, concentrated in the North. However, the Kanun was respected in all rural areas in the north in spite of religious affiliation because the Kanun itself was more important than religion.<sup>36</sup> In 1920 a meeting in Lushnjë approves a new statute, it founds a senate and proclamate the wish to fight for safeguarding the integrity and the national independence the Country will be reconstituted in its borders in 1921. Ahmed Zogu, proclaims the birth of the Republic of Albania on December 25 1924. Four years later Zog was proclaimed king and started a series of reforms in name of the modern law. He abolished the Kanun. From here the history of the Kanun is a set of rules parallel to that one of the modern State. To the constitutional monarchy it will follow the Fascism, the Communist totalitarianism and the Democratic Republic of our days. Also under the Communist regime, the Kanun was banned; the

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<sup>30</sup> Malcolm, *Kosovo a Short History*, 19

<sup>31</sup> Sadiku, *The origins of the Kanun: Exploring the development of the Albanian customary law*, 77-95.

<sup>32</sup> The survival of Kanun during Ottoman occupation, during King Zog and Enver Hoxha expresses the deeply perseverance of the self-rule among northern clans.

<sup>33</sup> Elsie, 2010:91; Trnavci, 2008:9; Trnavci, 2010: 205; Fox, 1989:xvii

<sup>34</sup> Maria Greco, *La Casa dei Gjomarkaj*, <http://www.saraci.it/shkoder/mark/mark.html> Date accessed: 24 March 2018

<sup>35</sup> Robert Elsie, *Text and documents of Albanian History*, [http://www.albanianhistory.net/1912\\_Declaration-of-Independence/index.html](http://www.albanianhistory.net/1912_Declaration-of-Independence/index.html) Date accessed: 10 July 2018

<sup>36</sup> Fox "Introduction and Note on Translation" in *Kanuni i Lekë Dukagjinit, The Code of Lekë Dukagjini*, xvii

authorities recognized the strength of the Kanun as a regional bond of opposition and therefore made customary practice and reference to the Kanun illegal.<sup>37</sup> The Kanun will be fought, it will live illegal with the growth of the legitimate coercion and it will reflower with the collapse of the systems. Many scholars affirm that the Kanun it is not currently enforced, saying this they detain themselves on the formal value of the code of Dukagjini,<sup>38</sup> as Father Gjeçov codified it since 1912.<sup>39</sup> This text was published posthumous in 1933, after the murder of father Gjeçov, and it is certainly the most complete collection available, but there is not a "The Kanun". As we have seen the particular dispositions of the code changed from feud to feud, and we are not able to establish how much is changed during the history. What is not changed are they fundamental values: the Besa, the honor, the hospitality, the blood, the equality and the social bond that spring from them. They are the essence of the Kanun, and we will see how they have survived among the impenetrable mountains of this mysterious country.

#### 1.4 Etymology of the word “Kanun” and pillars

According to Fatos Tarifa, an Albanian sociologist who work on the theme, the word kanun, the common term to define the customary law in Albania, derives from the Greek word “κανών”(canon): it means “rule”, “measure” or “norm”.<sup>40</sup> On the other hand the anthropologist Stephanie Schwander argues that the word has Ottomans influence.<sup>41</sup> In a third interpretation of the origin of the name Dr. Jonas Grutzpalk, professor at the department of Social Science in Bielefeld Germany, says that the word derives from the “canon” of Roman law. Leonard’s Fox argues that the word origins from the Greek “canon” that acquires a legal meaning during Byzantine times and it was transmitted by the Ottomans.<sup>42</sup> At least Camaj states that the old Albanian term is doke which derives from dukem and means ‘appear, behave’. Docket (plural) implies ‘a collection of laws which determine how one behaves with acquaintances

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<sup>37</sup>Clarissa De Waal, *Albania Today. A Portrait of Post-Communist Turbulence*, Centre for Albanian Studies, (London: 2005): 73

<sup>38</sup>Malcolm, *Kosovo a Short History*, 19

<sup>39</sup>Paolo Dodaj, Donato Martucci, *Il Kanun di Lek Dukagjini. Le basi morali e giuridiche della società albanese*. (Nardò: Salento books, 2014)  
Father Shtjefën Kostantin Gjeçov was born in Kosovo in the 1974. He was a Franciscan, in love with Albanian literature and culture, it directly picked up the juridical traditions in the province of Shkoder from the voice of the people. Serb authorities disapproved his activity, and he was murdered. Its work was continued by its brethren and published in the 1933.

<sup>40</sup>Fatos Tarifa, *Of Time, Honor, and Memory: Oral Law in Albania*. 23/1 3-14 (Michigan: Eastern Michigan University, 2008), 7-8

<sup>41</sup>Malcolm, *Kosovo a Short History*, 20

<sup>42</sup> Fox, “Introduction and Note on Translation” in *Kanuni i Lekë Dukagjinit/The Code of Lekë Dukagjini*, xvi-xx

and strangers' and this term indicates the archaic nature of such rules.<sup>43</sup>

The Kanun of Lekë Dukagjini contains 1262 articles and has 4 pillars: Honor (Nderi), Hospitality (Mikpritja), Right conduct (Sjellja), Kin loyalty (Fis). According to the following subjects: the Church, the Family, Marriage, Livestock and Property, Work, Transfer of Property, the Spoken Word, Honour, Damages, the Law Regarding Crimes, Judicial Law and an appendix with examples of laws applied. The Kanun provided a complete moral and legal framework for social interaction, covering all areas of everyday life from dispute settlement procedure to rules of marriage, division of property, blood feud etc<sup>44</sup>.

The most actual problem surely concerns if the Kanun is currently adopted or not. The negative hypothesis would certainly have been incontestable from a formal point of view because the Kanun was abrogated by the King Zog. To me, it seems not useful to apply the formalism. The Kanun is law as an interiorised norm by the people and it is not recognized because imposed by the system but just because it is felt right. So I can affirm then, that it still exists if, instead of the formal principles of validity, we base the study on the principles of effectiveness. The Kanun has had a profound influence on Albanian culture and civil law, and even though the Kanun is not legal today, it can be surely affirmed that it is widely respected and still practiced with certain changes in parts of Albania and Kosova.<sup>45</sup> As the UN Human Rights Council reported "Under the regime of Enver Hoxha, the Kanun in Albania was banned, but after 1991 it returned in a most brutal form not only in the North, but also in the South, and in the central parts."<sup>46</sup> The Kanun is probably most known, for its law regarding crimes and in particular the blood revenge, "blood is paid for with blood"<sup>47</sup> that we will see and analyse in the third chapter.

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<sup>43</sup> Martin Camaj, "Foreword" in *Kanuni i Lekë Dukagjinit, The Code of Lekë Dukagjini*, Arranged by Gjeçov, Shtjefën, Translated with an introduction by Leonard Fox. (New York: Gjonlekaj Publishing Company 1989), xiii-xv

<sup>44</sup> Clarissa De Waal, *Albania Today. A Portrait of Post-Communist Turbulence*, 72-73

<sup>45</sup> Genc Trnavci, *The Interaction of Customary Law with the Modern Rule of Law in Albania and Kosova*, 201-202

<sup>46</sup> The Kanun in present-day Albania, Kosovo, and Montenegro, International Centre for Minority Studies and Intercultural Relations (IMIR). 2004 [http://kenner.kprdsb.ca/FOV1-000585DC/RThompson/The\\_Kanun.pdf](http://kenner.kprdsb.ca/FOV1-000585DC/RThompson/The_Kanun.pdf) Date accessed: 13 March 2018

<sup>47</sup> Shtjefën Gjeçov, *Kanuni i Lekë Dukagjinit*, (vepër postume), Përmbledhë e kodifikue prej A. Shtjefën Gjeçov, me parathënë t' A. Gjergj Fishtës, e biografi të A. Pashk Barshit, no. 5156, (Shkoder: Dielli: 1930), 172

## CHAPTER 2. INTERVIEWS

“intellectual understanding is one of the best versions of the Golden Rule: Listen to others as you would have others listen to you.”<sup>48</sup>

I have lived and talked to many Albanians about the application of the kanun and about its observance for so many years. What had struck me is the fact that, despite, a lot of things were changed and that a lot of laws were not applied, it seems that it still influence the social relationships of the citizens. I have chosen to associate this part to a qualitative method because I think useful the people's opinion to strengthen my thesis that the kanun influences in consistent way the social life of the people and to understand the reason why it is still a consistent part of Albanians lives. Only a qualitative research is able to allow to understand their thought and their experiences tied to the kanun. Therefore, in order to reach the aim with this thesis, I have conducted semi-structured interviews with Albanians.

I have used both primary and secondary sources. As primary sources, I have used the Kanun of Lekë Dukagjini and collected data through interviews, as secondary sources I have used books and articles.

By using semi-structured interviews I could collect profound information since it allowed the informants to talk about the matter in their own words and give their opinions in their own time. The interviews provided me with information about the informants' own practices, opinions, behaviors and feelings.<sup>49</sup>

All the informants were asked the same questions and in some cases there were asked some other questions in order to get a deeper understanding of the informants' answers.

It was easy for me to get in contact with potential informants for my study since I grew up in Albania, but even though in some cases to go deeply with questions was hard because they didn't want to answer to deep questions tied to the blood feud (gjakmarrja). Some of the informants are practicing the blood feud and I just ask general questions because they were clear that they didn't want to talk about their personal involvement.

All the informants are, in some way or another, known to me and they were selected based on the following criteria: sex, age, nationality and some because of their involvement to the Kanun. I was interested in studying how the informants relate to the Kanun in their everyday life and how they observe it about the gender equality and the blood revenge; it was therefore

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<sup>48</sup> Wayne C. Booth, Gregory G. Colomb, Joseph M. Williams, *The Craft of Research third edition*, (Chicago: The University of Chicago Press, Ltd., London, 2008), xvii

<sup>49</sup>Tim May, *Social Research: Issues, methods and process* (Buckingham: Open University Press: 2001), 148.

important that some of the informants were married, and some of them not married. This way, married informants could tell me about their own experiences of engagement rituals, and unmarried ones could tell me in which way they think they are going to marry (if they want to), in a traditional or “European”<sup>50</sup> way. In order to study if there were any interesting gender differences, I chose to interview both women and men.

I decided to interview eight Albanians (i.e. four women and four men: four born before the end of the Communism and four after to compare differences) in order to compare their answers. I chose to use all the collected data in my analysis to see if there were any gender and generational differences.

## **2.1 Presentation of Informants**

Four of the informants are women and four of them are men; they are between the ages of 19 and 60.

Below I have given a short presentation of the informants. In order to obtain the informant’s confidentiality, I have used fictive names instead of their real names in the thesis.

*Nikoll is 25 years old, unmarried, he is engaged with a 18 years old girl from a village close to Nikoll’s one, he was born in Dukagjin, now he lives in Shkoder. He is involved in a blood feud*

*Luan is 27 years old, unmarried. He was born in Bajze and went to University in Tirana. Now he lives in Tirana.*

*Nik is 58 years old, married and has 6 children. He was born in Shkoder and now he lives there. Involved in the Kanun*

*Sokol is 60 years old, married and he has 4 children. He was born in Kelmend and he still lives there.*

*Rita is 19 years old, she is single and she studies as a healthcare assistant at the University of Shkoder. She was born in Koplík.*

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<sup>50</sup> By “European” it means the marriage choosing their own partner by themselves

*Arjona is 22 years old. She was born in Shkoder and she is engaged with a man who lives in the United States of America.*

*Marjana is 31 years old, married and has two children. She was born in Shkoder. She has been married for nine years.*

*Ela is 59 years old, married and has 5 children. She was born in Bajze, she has been married for 37 years.*

## **2.2 Procedure**

I contacted the informants previously in order to ensure that they were helpful to participate in my study. When this was confirmed, I decided a day for the interviews. All the interviews were conducted via Skype during the second week of April. The interviews were carried out in Albanian. I know the language since I am Albanian and it is my mother tongue.

Each interview lasted for approximately one hour. I took notes in order to facilitate the transcription. The first idea was to use a tape recorder, but early during interviews I noticed that the interviewees were felt uneasiness to be recorded so I have preferred just to take notes while they spoke.

Before I conducted the interviews I informed about the purpose of the interview, why I wanted to interview them, that I were the only one who were going to know the material and that the information was going to be deleted as soon as I finished the thesis. I also informed the informants that they were anonymous in the sense that I were not going to use their real names or any information that could reveal their identity and this was the only way to ask interview the informants personally involved to the blood feud. This was important also for the others since it allowed them to talk in confidence because anonymity offers more confidentiality. Here, it is important to mention that all the quotes have been translated by me from Albanian to English exactly as the informants answered and without changing their meanings.

## 2.3 Analysis, Reliability and Validity

At first I transcribed the data from the interviews in order to simplify the analysis of the informant's answers. When I compared the informant's answers, I looked for similarities and differences of particular significance<sup>51</sup> to compare with the selected sections family, marriage and blood revenge in the Kanun and in nowadays articles and books. I know that there are various factors that affect the credibility of a research and it is important to be critical and the more objective as you can when examining the data. Two of these factors are the reliability and the validity.

*Reliability* means how a study can be reproduced over and over again with the similar results under constant conditions.<sup>52</sup> I believe that my study is reliable since it can be reproduced with similar results if the same method and procedure is used. However, it is important to emphasize that a qualitative method is difficult to reproduce with the same results since the premises cannot be the same but in this case I strongly believe that my study respect all the conditions of reliability. My pre-understanding of the Albanian culture and the fact that I have Albanian origin, is an advantage since I have a profound knowledge of the topic. This has facilitated the understanding and the interpretation and analysis of the data. I also know somehow the informants and speak their language; this affects the reliability because they have been more open with me during the interviews, but I have also been able to understand and comprehend the informants' answers in a way that someone who do not have the cultural background and the language knowledge cannot.

My results are based on the collected data and I have quoted some of the informant's answers in order to support my hypothesis.

*Validity* means whether the results of the study correspond to reality, in other words, validity implies that the research provides appropriate and credible conclusions based on the accessible data and "most importantly, the conclusions that should not be drawn from it".<sup>53</sup>

I conduct eight interviews so it is not possible to generalize about all Albanians, on the other hand, my collected data can show some tendencies on how Albanians relate to the Kanun and the presence of people directly involved in it show the persistence of it. Nevertheless, my

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<sup>51</sup> Judith Bell, "Doing your Research Project" *A guide for first-time researchers in education, health and social science*, (Open University Press: 2005), 203.

[http://elearning.ufl.udn.vn/home/esp/pluginfile.php/3274/mod\\_resource/content/1/Judith%20Bell%20-%20Doing\\_Your\\_Research\\_Project.pdf](http://elearning.ufl.udn.vn/home/esp/pluginfile.php/3274/mod_resource/content/1/Judith%20Bell%20-%20Doing_Your_Research_Project.pdf) Date accessed: 23 March 2018

<sup>52</sup> Dan Kalof and Dietz, *Essentials of Social Research*, (Open University Press:2008), 156.

<sup>53</sup> Ibid. 117-118

discoveries can help me to strengthen my hypothesis or to understand something new.

### CHAPTER 3. THE BLOOD REVENGE (Gjakmarrja)

The Kanun of Lek Dukagjini is the most representative and unique characteristic of the Albanian society, mostly unknown and misunderstood outside Albania's borders.<sup>54</sup> As already mentioned, nowadays, the Kanun is discussed above all for the blood revenge (gjakmarrja). To understand this, we need to start from some key concepts of the Kanun, as the Honor values and the Besa.

This Kanun organizes the rules upon which the culture is based, primarily focusing on the notion of honor.<sup>55</sup> The British political journalist Noel Malcolm sums up this concept: "The foundation of it all is the principle of personal honour. The equality of persons comes next. From these flows a third principle, the freedom of each to act in accordance with its own honor, within the limits of the law, without being subject to another's command and the fourth principle is the word of honor, the besë (besa), which creates a situation of inviolable trust".<sup>56</sup>

The "Besë" is the most sacred thing to Albanians, is a sacred promise. A man's "besë" is a word of honor that "goes beyond the grave". "Besë" is an untranslatable term in other languages. The word that more it draws near it is trust, but inside the Kanun it is used in another meaning, and points out the truce granted to whom kill someone. To understand the meaning and the importance of this concept in the Albanian culture it is important to know the legend of The dead brother,<sup>57</sup> of which Ismail Kadare compiled a version in his "Kush e

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<sup>54</sup>Jana Arsovska, "Understanding a 'Culture of Violence and Crime': the Kanun of Lek Dukagjini and the Rise of the Albanian Sexual-Slavery Rackets," *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 14/2, (2006):165

<sup>55</sup>Ibid

<sup>56</sup>Noel Malcolm, *Kosovo: A Short History*, 18

<sup>57</sup>Giovanna Nenci "La leggenda del fratello morto nella tradizione orale albanese." *Arbitalia*, (2006) [http://www.arbitalia.it/cultura/interventi/2006/nanci\\_leggenda\\_fratello\\_morto.htm](http://www.arbitalia.it/cultura/interventi/2006/nanci_leggenda_fratello_morto.htm) Date accessed: 18 March 2018

Protagonist of this ballad is a matriarchal numerous family, composed by an elderly mother, many male children and a daughter. A series of deadly events cause the complete destruction of it. A youth came from far to ask the girl's hand. The mother and the brothers are opposed to the wedding because contrary let the young girl to go far from the family. Only the smallest of her brothers is favorable to the marriage and, to convince the mother, he promises her that he would have brought his sister back home in any moment. But sudden all male dead. The mother, completely alone, tormented by the pain for her loss and for the distance with her only daughter she goes on the grave and she invokes the promise that the smallest child has done her and she curses his default.

In the night her child risorge and it undertakes a ride toward the country in which his sister lives, to bring her to their mother fulfilling the promise assumed in life. The girl, unaware of the death of her brothers, comes back to the mother's house. Then the brother lets the sister alone to go to their mother, while he returns in the grave. The daughter declares to the mother to have been brought back at home by the smallest brother and the elderly woman, stunned, she confesses her the truth.

solli Doruntinën”. The legend, ends explaining the meaning of this important concept. The Besa is the center of a political system based on the trust that the Albanians have in their neighbor, not being able to have such trust in the political institutions. On it the social bonds are plotted, its violation puts in danger the whole community. To it, it is connected also the hospitality, other basic value of the civilization of the Kanun. The Kanun says "The house of the Albanian belongs to God and the guest."<sup>58</sup> The Kanun has very high standards for hospitality.<sup>59</sup> “A man is answerable, too, for his guest, and must avenge a stranger that has passed but one night beneath his roof, if on his journey next day he be attacked. The sacredness of the guest is far-reaching”.<sup>60</sup> The actual wording of the Kanun is somewhat dire, “if your hospitality is violated, the Kanun gives a choice of two paths: [potential] ruin or dishonor”. Also, “an offense against a father, a brother and even a cousin without heirs may be forgiven, but an offense against a guest, it’s not forgiven”.<sup>61</sup>

The violation of besa and of the code is the same thing and it means the dishonor. In this sense the world Honor (Nderi), the Word of Honor (Besë), and Hospitality (Mikpritja) were indissoluble elements of people’s lives. Honor, Besa, and Hospitality were the pillars that formed the lifeworld of the northern Albanian highlanders. Honor represented their supreme moral value; Besa was their true religion,<sup>62</sup> and Hospitality their most sublime virtue.<sup>63</sup>

When I asked Sokol about the besa and so about the honor, he said:

“If a man gives his word (besa) you know that you can be counted upon. A man lives for the honor, I can’t walk keeping my head down”.

The importance of the honor in the Albanians, especially in those of the north, is what drives so many families to stay tied up to the ideas written in the Kanun.<sup>64</sup> The blood is therefore the ordering symbol that discloses the nature of the relationships among the Albanians. In the Kanun the term "blood" is often translatable with "human life", especially in the inherent parts to the Gjakmarrje. And the function of the Gjakmarrje is in

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<sup>58</sup>Gjeçov, *Kanuni i Lekë Dukagjinit*, Art.96 §602

<sup>59</sup>There exists a lot of literature, above all written by foreign travelers in the eighteenth, nineteenth, and early twentieth centuries up to the Second World War. See Shpëtim Mema (1987) and Allcock and Young (1991). Lord Byron (look at his poem Childe Harold, 1812-18). Other renowned figures include Baron Franz Nopsca, Edith M. Durham, and so on.

<sup>60</sup>Tarifa, *Of Time, Honor, and Memory: Oral Law in Albania*, 6

<sup>61</sup> Gjeçov, “Kanuni i Lekë Dukagjinit” Art.96

<sup>62</sup> Justin Godart, “L’Albanie en 1921,” Presses Universitaires de France, Paris:1922. “La Besa c’est la religion albanaise, c’est la religion du peuple” p 75

<sup>63</sup>Tarifa, *Of Time, Honor, and Memory: Oral Law in Albania*, 8

<sup>64</sup>Mikołaj Szoltyssek, Sebastian Klüsener, Radosław Poniak, Siegfried Gruber, “The Patriarchy Index: “A New Measure of Gender and Generational Inequalities in the Past.” *Cross-Cultural Research* 51:3 (2017): p 228-262, <https://doi.org/10.1080/1081602X.2014.1001769> Date accessed: 17 March 2018

effects above all that to defend any man, of any social condition. In fact “Only blood is able to pay the blood,” and “the debt of the blood is not extinguished with the fine”,<sup>65</sup> to avoid that who is in a disadvantaged economically situation abdicates the justice, and, in this way, he jeopardizes his honor. According to the Kanun, there is a big variance between retaliation (hakmarrja) and blood revenge (gjakmarrja). The retaliation exists in case of someone steal at the fortune of someone else. The victim has the right to steal at the thief’s fortune, “stealing for stealing”.<sup>66</sup> The nature of the blood feud is set up on the right to revenge the death of own blood relatives.<sup>67</sup> An important thing is that the goal of the blood revenge is not a punishment for the murder but reparation for the honor.<sup>68</sup> At the time of Lek Dukagjini, when the state and its organs didn't exist, the justice was stipulated by the Kanun, that it means that the injured part was forced to make justice itself. The damaged part won't resort in revenge against the assassin during a certain period of time (the duration of "besa", 24 hours), during of which the assassin, protected by "besa", as all the members of his family, can move freely.<sup>69</sup> Therefore the Kanun determines that the injured person has the right and the social obligation to take revenge, but only on the base of the Kanun’s procedure. The execution cannot be made without the knowledge of the fis.<sup>70</sup> The fis is the most important reference group for the people. It is a community-based blood relationship.<sup>71</sup> A UN Human Rights Council report, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum: Preliminary note on the mission to Albania in a section titled ‘What is a blood feud?’ stated that: “A blood feud generally begins with an argument, usually between two men whose families are neighbours or friends. The argument may have any cause: an accident, a perceived insult, a property ownership disagreement, a conflict over access to electricity, water or fuel, and so on. The argument escalates into a physical fight, and one man kills the other. The victim’s family then feels that it is “owed blood” by the killer’s family. This debt and the related loss of honour can only be satisfied by

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<sup>65</sup>Gjeçov, “Kanuni i Lekë Dukagjinit,” art. 126

<sup>66</sup> Ibid. art 112, §768

<sup>67</sup> Ibid. art. 125

<sup>68</sup>Malcolm, *Kosovo A Short History*, 22

<sup>69</sup> Gjeçov, “Kanuni i Lekë Dukagjinit,” art. 122

<sup>70</sup>Chiara Dellavalle, “Il Kanun. L’Albania tra futuro e passato.” Translation by Arjana Lugaj, *Periodico bimestrale dell'Istituto Euroarabo* di Mazara del Vallo, n.13, (2015) <http://www.istitutoeuroarabo.it/DM/il-kanun-jalbania-tra-futuro-e-passato/> Date accessed: 29 April 2018

<sup>71</sup> Stéphane Voell, “The Kanun in the City. Albanian Customary Law as a Habitus and Its Persistence in the Suburb of Tirana, Bathore” *Anthropos Institut* Bd. 98, H. 1. (2003): 92-93, <http://www.jstor.org/stable/40466137> Date accessed: 1 May 2018

taking the life of a member of the killer's family."<sup>72</sup> The procedure of the revenge has precise rules. It is necessary to follow these rules, doing so it often results difficult or impossible for the revenge. Therefore the executions often are delay until an appropriate moment it is found. It is possible that this moment is not found for a lot of generations, because every wrong decision brings to catastrophic consequences for the whole tribe of the performer. Accordingly this conducts to another path "the institution of the forgiveness and the reconciliation" that it is the most important institution of the Kanun.<sup>73</sup>

### 3.1 The blood revenge today

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in a Preliminary note on the mission to Albania (February 2010) stated that: "The blood feud phenomenon re-emerged at the end of the communist era and increased significantly with the 1997 breakdown in law and order. The absence of effective official responses to criminality encouraged the citizenry to revert to traditional mechanisms to obtain justice. Suggestions that the criminal justice system is still so inefficient and corrupt as to necessitate continuing resort to blood feuds to achieve justice appear, however, misplaced. While the justice system does suffer from serious weaknesses and considerable corruption, there is no evidence that a perceived law and order vacuum explains a continuing attachment to the practice of blood feuds."<sup>74</sup>

In an interview with the BBC World Service, Ismet Elezi, professor of law and specialist in the Kanun, said that his survey conducted among Albanians, few people under 35 know exactly what the Kanun states, but they invoke it as an excuse to kill.<sup>75</sup> My interviews show that it is true that many people don't know everything about the Kanun, but the blood revenge has particular rules and it is difficult that people invoke it just to kill. "A murder is a murder, not everyone respect every rule of the blood revenge but it is clear to everyone the difference between it and a murder" Marjana says

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<sup>72</sup> Philip Alston, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum: Preliminary note on the mission to Albania", *UN Human Rights Council* (15–23 February 2010), [http://www.ecoi.net/file\\_upload/470\\_1277466564\\_a-hrc-14-24-add9.pdf](http://www.ecoi.net/file_upload/470_1277466564_a-hrc-14-24-add9.pdf) Date accessed: 15 May 2018

<sup>73</sup>Zef Ahmeti, *The criminal law in the Kanun of Leke Dukagjini* (Switzerland: University Saint Gallen, 2004).

<sup>74</sup> Philip Alston, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum: Preliminary note on the mission to Albania" [http://www.ecoi.net/file\\_upload/470\\_1277466564\\_a-hrc-14-24-add9.pdf](http://www.ecoi.net/file_upload/470_1277466564_a-hrc-14-24-add9.pdf) Date accessed: 15 May 2018

<sup>75</sup> M. Mortimer, A. Toader 'Blood feuds blight Albanian lives' *BBC World Service News* (Shkodra, Albania 23 September, 2005), <http://news.bbc.co.uk/2/hi/europe/4273020.stm>. Date accessed: 1 May 2018

A Foreign and Commonwealth Office (FCO) letter from the British Embassy Tirana, dated 12 June 2014 stated: “Previous Country Information Guidance on blood feud in Albania cited a 2002 NGO report in which it was claimed that “most of the houses in Northern Albania look like fortresses built of stone, with small apertures serving as windows. Even to date many Albanians shut themselves inside their houses where they remain isolated for life in order to escape from blood vengeance.”<sup>76</sup>

When i asked about isolation Nik answers: “When you are involved in a blood feud you need to be careful, you can’t go out freely and it is not fair for your children but a man has to do the best to preserve his honour and when your children will get older they will understand.”

According to the European Commission the blood feud phenomenon exists not only in Shkoder, there are certain cases reported also in the Tirana region.<sup>77</sup> The Albanian state tried to control this parallel/concurrent juridical code but this is tied up with the trust in the legal system.<sup>78</sup>

Luan said: “I don’t trust the lawfulness, there is so much corruption that there is not a real justice.”

The State seems not to succeed in engraving in a decisive way on this social scourge and today, in the zone of Shkoder, there are hundreds of families whose masculine members live as prisoners in the houses to escape to the death. A reportage of Aljazeera illustrates: “The stories we had heard were disturbing: there were families who had lived in hiding for decades, teenagers who had never been to school, frustrated men who had turned to alcoholism, high levels of domestic violence and incidents of suicide”<sup>79</sup>.

Even though there are articles in the criminal code<sup>80</sup> to eradicate the blood feud, State bodies have not yet been able to make proper assessment of the situation, an example is the fact that

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<sup>76</sup> Home Office, Country Information and Guidance Albania: Blood feuds Version 2.0 6 (July 2016): 11 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565464/CIG-Albania-Blood-feuds-v2-July-2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565464/CIG-Albania-Blood-feuds-v2-July-2016.pdf) Date accessed: 15 May 2018

<sup>77</sup> European Commission, Albania 2014 Progress Report, Enlargement Strategy and Main Challenges 2014-2015, (08 October 2014): 46 [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-albania-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf) Date accessed: 15 May 2018

<sup>78</sup> Dritan Mustafaj, Translated by Arjana Lugaj, “Kanuni i Leke Dukagjinit: nga e shkuara nga ditet e sotme.” *Albinfo.ch* (April 2015) last access 13 Mars 2018 (<http://www.albinfo.ch/>)

<sup>79</sup> Simon Hipkins, “Sisters of the Blood Feud: Revenge Killings in Albania.” *Aljazeera*, (2017) <http://www.aljazeera.com/programmes/witness/2017/06/sisters-blood-feud-revenge-killings-albania-170608075424669.html> Date accessed: 28 November 2017

<sup>80</sup> Article 78/a Murder for Blood Feud ‘Intentional homicide for blood feud shall be punishable by imprisonment of not less than thirty years or life imprisonment;’ Article 83/a ‘Serious intimidation for revenge

there are no reliable statistics on this. As a matter of fact, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in a Preliminary note on the Mission to Albania (February 2010) stated that: “There are deep discrepancies in the statistics concerning blood feuds and related killings. At one extreme, media reports have referred to hundreds of blood feud killings per year and thousands of children living in isolation. At the other extreme, according to Government statistics, such killings fell steadily from 45 in 1998 to one in 2009, while the number of isolated children ranges from 36 to 57 countrywide, of which 29 to 45 are in Shkodra. The variation depended on whether the sources were police, education or ministry officials. Families in isolation were estimated to be from 124 and 133 countrywide.”<sup>81</sup> On the one hand the statistics by the NGOs state that is “estimate not more than 350 families and between 80 and 100 children to be in isolation nationally. However, another prominent organization estimates some 9,800 blood feud killings since 1991, dropping to a figure still in excess of 30 in 2009. By its calculations, there are 1,450 families and 800 children in isolation.”<sup>82</sup> On the other hand, the Albanian media speaks very few times about the Kanun. According to some data made public by the authorities, there are around 200 the families, among Shkodra, Puka and Malesia e Madhe that are involved in the blood revenge, among them 120 live confining in the houses for years.<sup>83</sup> More recent data gathered by the Ministry of Justice indicate 50 cases of revenge and blood feud killing in the period from January 2010 to June 2012. A total of 24 cases were filed in 2010, 17 cases were filed in 2011, while the first six months of 2012 registered 9 cases. From the point of view of the Government there is a trend of reduction of blood feud crimes during the last years. However, it is unclear to what extent the statistical data provided reflect the actual situation of blood feud-related killings in the country.<sup>84</sup>

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or blood feud, against a person in order to have him immobilized within the house is punishable by imprisonment up to three years; ‘Article 83/b Incitement for Blood Feud ‘Inciting other persons for revenge or blood feud, when it does not constitute other criminal act[s], is punishable by imprisonment up to three years.’ in Kathleen Imholz, trans by Alba Jorganxhi, “Blood feud, A crime on the increase.” *Open Data* (2011) <http://open.data.al/en/lajme/lajm/id/78/Blood-feud-A-crime-on-the-increase> Date: accessed 23 March 2018

<sup>81</sup> Home Office, Country Information and Guidance Albania: Blood feuds Version 2.0 6 (July 2016): 12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565464/CIG-Albania-Blood-feuds-v2-July-2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565464/CIG-Albania-Blood-feuds-v2-July-2016.pdf) Date accessed: 15 May 2018

<sup>82</sup> Ibid

<sup>83</sup> Marjola Rukaj, “Albania: se il Kanun degenera.” *Balkanicaucaso* (31/07/2012) <https://www.balkanicaucaso.org/Seenet-II> Date accessed: 24 April 2018

<sup>84</sup> Home Office, Country Information and Guidance Albania: Blood feuds, Version 2.0 6 (July 2016): 12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565464/CIG-Albania-Blood-feuds-v2-July-2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565464/CIG-Albania-Blood-feuds-v2-July-2016.pdf) Date accessed: 15 May 2018

To sum up, according to the United Nations “Blood feud killings also continued to occur, although the lack of reliable data renders it difficult to refer to concrete figures and the dynamics of the phenomenon.”<sup>85</sup>

Clarissa de Waal, a Cambridge-based anthropologist who has conducted a research in Albania, in an article on BBC report that: “blood feuds were linked to a concept of ‘neighbourhood opinion’ strong in Albanian communities, families often get involved in blood feuds because if they did not avenge their loss they would be perceived as cowards locally”<sup>86</sup>

Luan said “I don’t think the gjakmarrja is the answer but if someone kills your brother the self revenge is the only way. You can’t go out and see everybody looking at you thinking that your brother didn’t deserve the revenge for you. They just think that for you your brother wasn’t important and that you are a craven. We live for our honour, we are not animals, we are persons.”

One thing is for sure: the blood revenge did not disappear even though certain people are preserved by the blood revenge, like women, children, and priests.<sup>87</sup> We will see better in the next chapter why women are preserved.

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<sup>85</sup> Christof Heyns, United Nations General Assembly. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum Follow-up to country recommendations: Albania 23 April 2013. [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf) Date accessed 15 May 2018

<sup>86</sup> Julie Vullnetari, Commentary on the March 2011 Country of Origin Information (COI) report on Albania, Sussex Centre for Migration Research, University of Sussex. Olsi Vullnetari MA, Independent Consultant, May 2011 <http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Evaluation-of-the-Country-of-Origin-Information-Report-on-Albania.pdf> Date accessed: 15 May 2018

<sup>87</sup> Gjeçov, *The Code of Lekë Dukagjini/Kanuni i Lekë Dukagjinit*, §897

## CHAPTER 4: WOMEN CONDITION

Historically, Albanian society was based on a kinship and there was a particular emphasis of the masculine pride. Besides these traditional kinship structures they practiced the justice in relationship to the honor of collective lineage and they constituted guilds of collective labour and shared economy.<sup>88</sup>

Still today Albania is a patriarchal society. Patriarchy is a social system based on male authority. In this type of society, men are seen superior than women. In special way in the North, people live in patriarchal communities following the law of the Kanun. The interesting part in this kind of society is that patriarchy is not seen as a negative thing by women themselves.<sup>89</sup>

“I think it is right that the male is the head of the family, the woman has to stay in her position and she has not to decide things that don’t concern to her” Ela says.

This chapter shows the context of a candidate country to the European Union in which the phenomenon of gender inequality is deeply-rooted. This low position of women is partly connected to the lack of working opportunity for women after the fall of the communism in the '90 but most of all to the persistence of the customary law broadly mentioned.<sup>90</sup> To better understand this gender gap we need to know some notions of Albanian history. Women had difficulty throughout the history and were isolated for many years now. In the pre-communist Albania (and, particularly, in the highlands of northern Albania), female condition was subject to the norms of the customary law (Kanun). Women don't receive any inheritance, they don't have the right to choose their own husbands so they don't enjoy equal rights. Since the start of the Communist regime the country started to change. The communist regime tries to eradicate the misogynous mentality of the traditional society, allowing the entry of women in the arena of politics and allowing them to work. The government of Enver Hoxha recognises the formal equality of the rights and the duties enacted by the Code of

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<sup>88</sup> Karl Kaser, *Patriarchy after patriarchy: gender relations in Turkey and in the Balkans, 1500-2000* (Münster: Lit Verlag, 2008)

<sup>89</sup> Liza Iessa, *Albanian Migrant Women: relation between migration and empowerment in the case of Albanian women* (Wageningen: University of Wageningen, 2014)

<http://edepot.wur.nl/307382> Date accessed: 14 May 2018

<sup>90</sup> Ibid

Family in 1982.<sup>91</sup> In 1990 the Communist regime falls and this has a lot of consequences: the possibility to work falls and the division of gender roles makes women inferior to men, both in private and public sphere.<sup>92</sup>

#### 4.1 Women in the Kanun

The reasons of Albanian women oppression has deeply roots and lies in the very distant past: in the 15th century when the Kanun made its way to people. As we already mentioned the Kanun regulates all aspects of everyday life, from the behavior at home and outside to marriage, blood revenge and so on.<sup>93</sup>

The Kanun is a code of honor for men, all the laws aim to safeguard this important concept. The honor is something to protect at any cost. The kanun provides different types of honor: personal and familiar level and social level. The Kanun defines the duties of the women: “to preserve the honor of her husband, to serve her husband in an unblemished manner, to submit to his domination, to fulfil her conjugal duties, to raise and nurture her children with honour, to keep clothes and shoes in good order, and not to interfere in the betrothals of her sons and daughters.”<sup>94</sup> About the women rights, the Kanun sums them up with a sentence: “The wife has the right to ask her husband for sustenance, clothes and shoes.”<sup>95</sup> Within the Kanun the domestic violence is seen as a social justice to keep the men honor when it is “appropriate”. Although the husband has not the right to kill her, but “to beat and bind her if she scorned his words and orders.”<sup>96</sup> According to the article 31 the father of the future bride puts among the folds of the nuptial outfit a bullet, underlining the power that he is given to her husband to kill her bride if she commits adultery or if she betrays of hospitality.<sup>97</sup> Furthermore, the Kanun describes “the rights of young men and women” about the choice of husband or wife. If the young man has no parents, he has “the right to concern

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<sup>91</sup>Robert Schwanke, “The party of labor of Albania and the law: historical and political background” in *Ruling Communist Parties and Their Status Under Law*, ed. Dietrich André Loeber, (Dordrecht: Martinus Nijhoff Publishers, 1986), 209

<sup>92</sup> Liza Iessa, *Albanian Migrant Women: relation between migration and empowerment in the case of Albanian women* <http://edepot.wur.nl/307382> Date accessed: 14 May 2018

<sup>93</sup> Clarissa De Waal, *Albania Today. A Portrait of Post-Communist Turbulence*

<sup>94</sup> Shtjefën Gjeçovi, *Kanuni i Lekë Dukagjinit*, art 18 § 33

<sup>95</sup> Ibid, Art 13 § 35

<sup>96</sup> Ibid, Art 28

<sup>97</sup> Ibid, art 31

himself with his own marriage”.<sup>98</sup> The young woman, on the other hand, has no right to decide about her own marriage even if has no parents, “this right is held by her brothers or other relatives...she must go to the man to whom she has been betrothed”.<sup>99</sup> In the marriage section, there are two interesting parts: “A woman does not incur blood” (“Grueja s’bjen në gjak”)- a woman transfers blood to her parents<sup>100</sup> and “A woman is a sack, made to endure” (“Grueja asht shakull per me bajtë”).<sup>101</sup> The first part considers blood revenge that does not include women. According to the Kanun, “A woman does not incur blood” means that “the blood of a woman is not equal to the blood of a man” and therefore her parents “incur the blood of her husband”. The Kanun also states that “if a woman is disgraced because of her husband’s guilt, her parents demand satisfaction from him”<sup>102</sup> and that “her parents are responsible for every dishonorable act committed by their daughter in her husband’s house or elsewhere”;<sup>103</sup> “A woman is known as a sack, made to endure as long as she lives in her husband’s house. Her parents do not interfere in her affairs, but they bear the responsibility for her and must answer for anything dishonorable that she does”.<sup>104</sup> The section of the marriage also describes the part about the inheritance and makes clear that the woman doesn't inherit from her husband, neither from her father “a wife does not receive a share of inheritance either from her parents or from her husband”.<sup>105</sup> Only the males can inherit.<sup>106</sup> According to the Kanun, the reasons for this are the following: “ To prevent her sons from settling in the home of her uncle who has no heirs; to prevent the woman’s parents from settling in the home of her husband who leaves no heirs; to prevent the clan of one Banner from mixing with the clan of another Banner”.<sup>107</sup>

## 4.2 Women condition today

The Albanian people have been so strong to resist and to defend their traditions throughout

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<sup>98</sup>Ibid, §30

<sup>99</sup>Ibid,§31

<sup>100</sup>Ibid,art 28

<sup>101</sup>Ibid,art 29

<sup>102</sup>Ibid,art 28

<sup>103</sup>Ibid,art 28

<sup>104</sup>Ibid,art 28

<sup>105</sup>Ibid,art 41-42

<sup>106</sup>Ibid,art 41 § 108

<sup>107</sup>Ibid, §91

the foreign occupation even if Albania is in a strategic position.<sup>108</sup> An obvious corollary is the subordination of women within the context of an openly "protective family and household environment".<sup>109</sup>

After the fall of the Communism a lot of laws were introduced on the human rights, but these had a little impact on the social position of women. Since the liberalisation of the market, women became more dependent on men. From a socialist society in which all people worked, especially the lack of job opportunity became a social problem for women. From the liberalization of the market the women became more employees on the men.<sup>110</sup> During the regime both men and women worked and they maintained the family, the welfare and the well-being of the nation<sup>111</sup> but, despite this, there was no changes in the domestic sphere; women were inferior to men. This is one of the reason why women are marginalized till our days despite many so called regulations 'pro-women'.<sup>112</sup> Women have very few employment opportunities, but the problem is more depth, rooted in the mentality of people. However, the mentality of Albanian youth about gender relations is changing.<sup>113</sup>

The rights of women are recognized by the Albanian constitution on integrity of human dignity, human rights and freedom but in practice women are not equal to men. Even if Albania officially prohibits gender discriminations and despite the high-level of the female education, there is still a problem with gender equality in all the spheres.<sup>114</sup> As the advocates of human life reports, also the Albanian government noticed the little consideration of women in public spheres and that this drift from the Kanun, to solve these problems it developed a National Strategy on Gender Equality and Domestic Violence for 2007-2010.<sup>115</sup> But women can never reach equality in communities where the Kanun is still practised. In the customary law, sex differences are absolute. Biological determinism is very strongly present in Albania;

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<sup>108</sup> Mathias Lerch, "Patriarchy and fertility in Albania", *Demographic Research*: Vol. 29, Article 6 Research Article. (July 2013): 136-137 <https://www.demographic-research.org/volumes/vol29/6/29-6.pdf> Date accessed: 25 April 2018

<sup>109</sup> Halpern, J.M., Kaser, K., and Wagner, R.A, "Patriarchy in the Balkans: Temporal and Cross-Cultural Approaches." *The History of the Family – An International Quarterly* 1(4) (1996) doi:10.1016/S1081-602X(96)90011-1. Date accessed: 24 April 2018

<sup>110</sup> Calogero Carletto, Benjamin Davis, Marco Stampini ,Alberto Zezza, "A Country on the Move: International Migration in Post-Communist Albania", *Center for Migration Studies of New York*, Vol. 40, No.4, (2006): 767–785

<sup>111</sup> Marina Calloni, "Albanian Women after Socialism and the Balkan War: Athena, Advanced Thematic Network" in *Activities in Women's Studies in Europe. The Making of European Women's Studies*, eds. R.Braidotti, I.Lazaroms, E.Vonk, (2002): 49-60.

<sup>112</sup> Ibid

<sup>113</sup> Ibid

<sup>114</sup> Marina Calloni, Albanian Women after Socialism and the Balkan War,

<sup>115</sup> The advocates of human right 2009 <http://www.stopvaw.org/albania> Date accessed: 15 May 2018

the way in which we were born is unchangeable.<sup>116</sup>  
“I am aware about woman limits, it is normal, women and man are different” Sokol said

Within the kanun acts of domestic violence, where deemed 'appropriate' are seen as a form of social justice to maintain the order of a protection of property in which women are a part, even today this is a common thing, obviously less present than before. The violence against women was used to maintain the hierarchy, in this way man could stay at the top of the pyramid. This violence is seen often as normal in this kind of society ruled by the kanun.<sup>117</sup> The Committee on the Elimination of Discrimination Against Women stated, “...gender-based violence still remains an important issue in the country as it is under-reported...”<sup>118</sup> The Albania Helsinki Committee report of April 2017 states, ‘Often times, violated women do not report the violence used on them to competent authorities or withdraw their referrals due to the economic insufficiency to make a living or due to social mentality.’<sup>119</sup> The 2014 edition of the Social Institutions and Gender Index noted that ‘Women have the same right to initiate divorce as men; however, divorce carries a high social stigma for women’<sup>120</sup>.

To reinforce this thesis, Marjana said “Woman in Northern Albania will never ask for divorce, it is a shame for her parents.”

A culture of patriarchy still remains in the hole Albania, not only in the North.<sup>121</sup> Marriages, especially in the communities of mountains, are still combined. On June 2015 the Executive Director of AWEN said "society in general does not approve forced marriages" and that they are not a "widespread phenomenon". She also stated that it is a "well known phenomenon in the country, especially in rural and remote areas" and that girls in these areas are "very often

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<sup>116</sup> Liza Iessa, *Albanian Migrant Women: relation between migration and empowerment in the case of Albanian women* <http://edepot.wur.nl/307382> Date accessed: 14 May 2018

<sup>117</sup> Genc Burazeri, Enver Roshi, Rachel Jewkes, Susanne Jordan, Vesna Bjegovic, and Ulrich Laaser. “Factors associated with spousal physical violence in Albania: cross sectional study” , *Primary Care*, Vol. 331, (2005): 197-201

<sup>118</sup> OHCHR. Committee on the Elimination of Discrimination Against Women considers the report of Albania, (8 July 2016) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20263&LangID=E> Date accessed: 15 May 2018

<sup>119</sup> Albanian Helsinki Committee. ‘Report on the situation of respect for human rights and freedoms in Albania during 2016, (April 2017) [http://ahc.org.al/wp-content/uploads/2017/04/Albanian\\_2016\\_Human-Rights-Report\\_AHC\\_ENG.pdf](http://ahc.org.al/wp-content/uploads/2017/04/Albanian_2016_Human-Rights-Report_AHC_ENG.pdf). Date accessed: 15 May 2018

<sup>120</sup> OECD Development Centre. Social Institutions and Gender Index, (2014) <http://www.genderindex.org/country/albania/> Date accessed: 17 May 2018

<sup>121</sup> Sadita Kushi, “Gendered legacies of Communist Albania: a paradox of progress”, *50 50 Gender, sexuality and social justice* (2015) <https://www.opendemocracy.net/5050/sidita-kushi/gendered-legacies-of-communist-albania-paradox-of-progress> Date accessed 19 May 2018

forced into marriages because of [a] patriarchal mentality and poverty".<sup>122</sup> The Executive Director at HRDC also noted that "forced marriages are a product of society, which nurtures it". The Executive Director at HRDC explained that HRDC does periodic monitoring of court decisions of the Tirana District Court, on the issue of protection orders and divorce, and has found that "a great part of marriages are conducted through mediation [with] third parties without the consent of the wife/daughter" (HRDC 30 June 2015).<sup>123</sup>

"The HRDC Executive Director indicated that Article 130 of the Criminal Code for offences of forced cohabitation, marriage, and divorce, provides "minimum penalties for offenders (with a fine or imprisonment up to 3 months)". The same source also noted that "the fact that such issues are not addressed [by] the responsible bodies testifies not only to the low level of awareness that women/girls [have] but also their lack of belief in institutions responsible for tackling this problem".<sup>124</sup>

"It is normal, you know, when you want to marry family is the most important thing. If the future wife's family is a good family, obviously, she is too. You can learn to love, you don't need it before. If you are a good Albanian and you respect traditions everything goes well. Here women knows their duties. In the Western World people get married for love because they think that men and women are the same and they divorce after 3 months, in Albania this doesn't happen." Nik said.

The manifold aspects of the Balkan patriarchy were understood and explain very well in the book of Kaser that wrote: "it is insufficient to understand patriarchy simply as the rule of the father, the eldest, or the husband", but that it is instead necessary to look to all of what the patriarchy involves and the way according to which it acts: i.e. inheritance rules, child obedience, marriage arrangements, residence at marriage, the presence or absence of institutionalized sexual asymmetries, and the obedience of women."<sup>125</sup>

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<sup>122</sup> Ibid

<sup>123</sup> Home office Country Policy and Information Note, "Albania: Women fearing domestic abuse", (December 2017 published in February 2018): 49  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/671397/Albania - DV - CPIN - v2.0 December 2017 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671397/Albania - DV - CPIN - v2.0 December 2017 .pdf) Date accessed: 15 May 2018

<sup>124</sup> Immigration and Refugee Board of Canada. "Albania: Forced marriages of women, including those who are already married; state protection and resources provided to women who try to avoid a marriage imposed on them" (2010-June 2015 published the 13 August 2015) <https://www.ecoi.net/en/document/1012480.html>. Date accessed: 15 May 2018

<sup>125</sup>Karl Kaser, *Patriarchy after patriarchy: gender relations in Turkey and in the Balkans 1500-2000*, 33

The 2014 edition of the Social Institutions and Gender Index stated: 'According to the World Bank's Women, Business and the Law report for 2012, women and men have the same rights to be the "head of the household" or the "head of the family", and there is no legal requirement for women to obey their husbands. According to ACPAR [Albanian Coalition for the Preparation of Alternative Reports], it appears that in practice, men are usually recognised as the head of the family, and women defer authority to them, including in regard to decisions relating to children.'<sup>126</sup>

"It is normal that my husband it is the household. I can't be the household, it would be a shame for the women but in special way for her husband, that would means that he is not a real man. it is normal that husband and wife talk together but the household? No no." Ela said Using this approach, in Kaser it is easy to understand the problem of the patriarchy from more angles and the roots of this that was found on the historical relationships – i.e. a form characterized by interlocking relationships of patrilinearity, patrilocality and a patriarchally oriented common law.<sup>127</sup>

The Albanian patriarchy, that as it explained in Kaser, is the same that involves all the Balkans and it is defined "as a complex of hierarchical values embedded in a social structural system defined by both gender and age linked to a system of values orienting both family life and broader social units [which] not only divide and ascribe position by gender, but also allocate to males the predominant role in society."<sup>128</sup>

In Albania is common to hear that a women belong to the father first and than to the husband even if "The official Convention on the Elimination of all forms of Discrimination against Woman (CEDAW) report notes that women may have to seek permission from their husbands or family before travelling within Albania or abroad, placing effective de facto limits on their access to public space and freedom of movement. The CEDAW report states that in rural areas in particular, married women report needing to seek their husband's permission before leaving the house."<sup>129</sup> Courtship or dating are still a little known concepts in the North Albania. Few couples gotten

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<sup>126</sup> OECD Development Centre. Social Institutions and Gender Index; (2014 edition Albania) <http://www.genderindex.org/country/albania/>. Date accessed 17 May 2018

<sup>127</sup> Mikołaj Szołtysek, Sebastian Klüsener, Radosław Poniak, Siegfried Gruber, The Patriarchy Index: A New Measure of Gender and Generational Inequalities in the Past. *Cross-Cultural Research* 51:3, (2017): 427 <https://doi.org/10.1080/1081602X.2014.1001769> Date accessed: 24 May 2018

<sup>128</sup> Ibid

<sup>129</sup> OECD. Social Institutions and Gender Index, (Albania 2014) <http://www.genderindex.org/country/albania/> Date accessed: 28 May 2018

married for love and also those don't have the possibility of held "normal" dates, they see each other hidden from parents or only chat through cellular. Girls have less chances to socialize than boys and they cannot go out freely especially in the evening. The situation is changing above all because schools are in the cities and there they can live more free but a lot of girls hide boyfriends in order to ensure their good reputation, but most of all they ensure their fathers' reputations. The Committee on the Elimination of Discrimination Against Women stated "...mechanisms of redress are not well known, and there is a fear of bringing shame to the family and fear of reprisal by perpetrators."<sup>130</sup>

"Boys can always do what they want and they make the same things that a lot of girls do, the only difference is that we have to hide every little thing that in other places is normal. So many girls don't go out with boys because they don't want to ruin their reputation. A girl is allowed to go out only with her future husband. I know they are stupid traditions, but they are our traditions." Arjona said.

According to the Kanun, marriage is "to form a household, adding another family to the household for the purpose of adding to the work force and increasing the number of children".<sup>131</sup>

In Kaser writers continue this thesis saying that one of the methods that it strengthens the patriarchy is to estrange the woman from her house, since every bride moves into the home of her husband's family. All of my female interviewees have done this and even those who are not married yet are planning to do this. In this sense Backer and Young define this concept with 'patrilocality' and it is related to male inheritance. Only men, as a matter of fact, can receive inheritance because it is tied up to the blood and this is connected to the surname. Males receive the last name of their father and they maintain it for the whole life, women have to change their and they receive the husband's surname once gotten married.<sup>132</sup> Related to this I remember something that my mother told me since I was a child: "Women born in the house of others, they will go to their home the day they will marry."

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<sup>130</sup> OHCHR. *Committee on the Elimination of Discrimination Against Women considers the report of Albania*, (8 July 2016) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20263&LangID=E> Date accessed: 15 May 2018

<sup>131</sup> Shtjefën Gjeçovi, *Kanuni i Lekë Dukagjinit*, §28

<sup>132</sup> Backer, B., 'Mother, sister, daughter, wife: the pillars of the traditional Albanian patriarchal society', In: *Utas, B., Women in Islamic societies: social attitudes and historical perspectives*, J-Store (1983): 48-65

During the 90' Susan Pritchett Post, a writer, interviewed older women during her trip around Albania. Her interviews help to understand as the influence of the kanun has never faded away even if the laws were supposedly banned. To quote one of her interviewees:

“When I joined the family (married) there were twenty people in the house ... I gave birth to a total of eleven children... the first eight were born one and a half years apart ... When I was pregnant I had to keep my pregnancy secret from the people in the house and from my husband... It was considered shameful to be pregnant. I ... returned to work just three days after the birth of each child ... When our daughters grew up and the time to marry them came, only my husband had the right to decide on such a problem. I was not asked at all to give my opinion about my daughters' marriages.”<sup>133</sup>

The situation is changed since then but as an interviewed of mine said:

"I can decide a lot of things that my mother could not do, when I got married my mother just helped me to prepare the trousseau. For the choice of my daughter's husband I recommend my husband, she saw the boy that has gotten married and she approved him." Ela said.

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<sup>133</sup> Antonia Young, *Women who become men: Albanian sworn virgins*, (New York: Oxford International Publishers 2000), 62-63

## CHAPTER 5: EUROPEAN UNION AND IDENTITY

“Albania has a lot of serious problems. Problems connected with democracy, independence of institutions, justice, corruption, free vote, the poverty and the mangle of the environment. We need you”<sup>134</sup>

Ismail kadare

### 5.1 The desire to take part in the European Union

In 1990, in concomitance with the dissolution of the Communist regime, from Tirana raised the slogan "we want Albania with the rest of Europe", a clear and precise message that expresses the desire of the Albanian citizens to come back to Europe after half century of isolationism.<sup>135</sup>

Recalling their own history, the Albanians recognize their roots in Europe. With this new awareness, they inhale to reproduce in the country the social structures, politics and economic of the countries of western Europe, hoping that this involves a substantial improvement of the economic situation.<sup>136</sup> A worrisome aspect is the lack of a suitable information around the dynamics of the process of association and the structures of the European Union, of which the political class and the media are responsible. The national public opinion overestimates the ability of the European Union to resolve the problems of the country, also because of the populism messages of the political class that exalt Europe without, nevertheless, facing with the implications of the process of integration.<sup>137</sup> Nevertheless, in Albania as in other ex communist countries the lack of trust in the political class, corrupt and incapable to resolve the problems of the country, hinders the consolidation of an organic and transparent relationship among governed and rulers. The state is perceived by the Albanian citizen as a

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<sup>134</sup> Ismail Kadare, “Europa, l’unico stato naturale dell’Albania”, in Albania News, (9 ottobre 2012) translated by Arjana Lugaj. The original one “L’Albania ne ha tanti di problemi gravi. Problemi legati alla democrazia, all’indipendenza delle istituzioni, alla giustizia, alla corruzione, al libero voto, per non parlare della povertà e del massacro dell’ambiente. abbiamo bisogno di voi” <http://www.albanianews.it/notizie/europe/2728-kadare-europa-unico-stato-naturale-dell-albania> Date accessed: 15 march 2017

<sup>135</sup> Mirela Bogdani, Albania and the European Union. European Integration and the Prospect of Accession, (Tirana, 2004), 105

<sup>136</sup> Frank Cass, Region, State and Identity in Central and Eastern Europe ,ed. Judy Batt *Kataryna Wolczuk*. (London: Routledge, 2002), 4

<sup>137</sup> Mirela Bogdani, Albania and the European Union. European Integration and the Prospect of Accession, 106-107

failure.<sup>138</sup>

## 5.2 The European Process

The relations among Albania and Europe started in the 90'. In 2003 the European Union expressed the desire of an enlargement in the Balkans. Time passed and only in 2010, Albania obtains the Visa Liberalisation, in other words Albanians, could move freely, without a visa, all over Europe.<sup>139</sup> Furthermore, the very favorable geographic position of Albania and the rich natural resources possessed by the country made Albania a very attractive market for the foreign investors. Its geographical position increases foreign investment and tourism, and this increases the sense of belonging to Europe.<sup>140</sup> Thanks to the concrete support of the World Bank, Albania has underlined notable progress in different fields, from the transports to the agriculture energy, environment and health. After a series of difficulties and 3 rejections, in 2014, Albania gets the status of candidate country.<sup>141</sup> The document of the European Commission was very dry and divided into 6 points. The first one was a compliment, the others were a list of goals to pursue: beside the proverbial recommendations on justice, corruption, organized crime and guardianship of the minorities they detach the explicit references to the cultivation of the drugs. The Albanian parliament with 140 votes in favor out of 140 seats, the long-awaited reform of the judiciary finally was changed. The Albanian Constitution assumed a new face. The constitutional reform requires a radical change of the entire judicial system. All judges and prosecutors in operation will be subject to a check of their personal assets, as well as that of the professional activity. A big part of the Albanian population, in fact, is considered favorable to this turning point for the fact that the Albanian judicial system has always been corroded by corruption (91% of population agree the reform).<sup>142</sup> This unanimity demonstrated the strong will to fight corruption but also the dialog among the parties for the very first time. Moreover, the approval of all these changes was a result of strong international pressure. Albanian lawyers are preparing the text of the reform, which had a construction process that

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<sup>138</sup> Ibid. 107-108

<sup>139</sup> Political and economic relations. European commission delegation of the European Union to Albania, 2016 [http://eeas.europa.eu/archives/delegations/albania/eu\\_albania/political\\_relations/index\\_en.htm](http://eeas.europa.eu/archives/delegations/albania/eu_albania/political_relations/index_en.htm)

<sup>140</sup> Marsida Bandilli, "Albanesi faccia a faccia con l' Europa", 2015

<http://www.cafebabel.it/societa/articolo/albanesi-faccia-a-faccia-con-leuropa.html>

<sup>141</sup> Allargamento dell'Unione, European Parliament

[http://www.europarl.europa.eu/atyourservice/it/displayFtu.html?ftuId=FTU\\_6.5.1.html](http://www.europarl.europa.eu/atyourservice/it/displayFtu.html?ftuId=FTU_6.5.1.html)

<sup>142</sup> Osservatorio Balcani e caucaso. Transeuropa <https://www.balcanicaucaso.org/aree/Albania/Albania-si-riforma-la-giustizia-173149>

lasted nearly 20 months, they have been joined by experts of the European Union and the United States<sup>143</sup>. The High Representative for EU foreign policy Federica Mogherini and enlargement Commissioner Johannes Hahn justice reform visited the Albanian parliament stated: "We congratulate the people of Albania, its leaders and all political forces that have shown maturity and responsibility in taking this historic decision."<sup>144</sup> The implementation of the law is visible through in the economy of the State that, thanks to the international help, reduced the high government debt ratio (over 70 % of GDP) and the budget deficit.<sup>145</sup> To sum up Albania Government has made significant efforts in recent years to improve the state situation, to fight the corruption and the Kanun but it is not enough. The state of law in Albania still results precarious. This is referable to the weakness of the institutions appointed to the application of the law, even though improved during the time, a limited administrative ability has remained. The diffused corruption in the public life, doesn't go down despite the judicial reform and the promises sorts to the European Union.<sup>146</sup> The Albanian citizens consider the law and his+ application as something negotiable, rather than obligatory. Accordingly, the Albanian government is forced to face the unsolved problems of the public order and the crime, tied up particularly to the ancient and persistent practice to make justice by yourself. The gender equality is still distant to reenter in the European standards. What it seems clear enough is that you cannot impose Albanians the laws, you must form the civic conscience of the citizens, but this is impossible to be taught to a state that knows only dominations and impositions.

### 5.3 The identity

The central thesis of Berger and Luckmann is that the reality or rather the whole phenomena as we recognize as independent from our wish, is socially built. The analysis of the trials through which this happens, is precisely the field of study of the sociology of the culture.

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<sup>143</sup> "L'Albania approva la riforma della giustizia e fa felice l'Ue L'Huffington Post". CEST Gruppo espresso, 2016 [http://www.huffingtonpost.it/2016/07/22/albania-riforma-justizia\\_n\\_11131426.html](http://www.huffingtonpost.it/2016/07/22/albania-riforma-justizia_n_11131426.html)

<sup>144</sup> Albania: Ue, leader politici mostrato maturità con sì riforma [http://www.ansa.it/europa/notizie/rubriche/altrenews/2016/07/22/albaniaue-leader-politici-mostrato-maturita-con-si-riforma\\_74fa79b2-001d-4101-b5ee-98898b85881b.html](http://www.ansa.it/europa/notizie/rubriche/altrenews/2016/07/22/albaniaue-leader-politici-mostrato-maturita-con-si-riforma_74fa79b2-001d-4101-b5ee-98898b85881b.html)

<sup>145</sup> Albania: varato credito Fmi da 331 mln di euro, 2014 [http://www.ansamed.info/ansamed/it/notizie/rubriche/politica/2014/04/04/albania-varato-credito-fmi-da-331-mln-di-euro\\_23400d70-a121-4788-bb76-bf48f982646d.html](http://www.ansamed.info/ansamed/it/notizie/rubriche/politica/2014/04/04/albania-varato-credito-fmi-da-331-mln-di-euro_23400d70-a121-4788-bb76-bf48f982646d.html)

<sup>146</sup> European Commission, Albania. Stabilisation and Association Report 2003. Second Annual Report , (Bruxelles, 2003), 6

Knowledge should analyze “what people ‘know’ as ‘reality’ in their everyday [...] lives”<sup>147</sup> , how this appears and how it connect itself to the social reality in which people. Knowledge is connected to a relatione between the individual and the society. Through the interaction of the human being and the socio cultural word around him, the culture is built and mantained ina a dialectal process to different levels: externalization, objectivation and internalization. According to Berger and Luckmann society is a product of human activity; society is an objective reality and the human being is a product of society.<sup>148</sup> According to this study we can say that the Kanun is a product of Albanian people, the Kanun made the society, the society is the reality so the Albanians are a product of the Kanun. To understand the social constructions processes of the reality we need to start from the basis: for example from the existence of a reality around us that we take for granted.

The reality of everyday life shows itself as an inter-subjective world shared with others . This inter-subjective world is constructed by the objectivation of subjective processes. This means that we all share a commonsense knowledge about the self-evident routines of everyday life.<sup>149</sup> To well understand the externalization process we can use Berger and Luckmann’s own words: “social order is a human product, or, more precisely, an ongoing human production. It is produced by man in the course of his ongoing externalization. Social order is not biologically given or derived from any biological data in its empirical.”<sup>150</sup> Some institutions are the base of the social order in society. According to Berger and Luckmann, all “human activity is subject to habitualization”.<sup>151</sup> Furthermore, Berger and Luckmann state that institutions always imply control on human behavior.<sup>152</sup> In our case the Kanun is the institution. The generation who has created an institution understands it as it is, but for the following generations it acquires an objective meaning. For children the transmitted world by the parents is not fully transparent; they had no part in shaping it and it therefore confronts them as a given reality. The legitimating formulas have to be consistent and comprehensive in order to convince the next generation.<sup>153</sup> During my interviews the male informants respond that they believe in the values of the Kanun as they parents told them to do and that they are proud to be Albanians. Sokol and Nikoll explained:

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<sup>147</sup> Berger L. Peter and Luckmann, Thomas The Social Construction of Reality: A Treatise in the Sociology of Knowledge. (1967): 15

<sup>148</sup> Ibid. 61

<sup>149</sup> Ibid 37

<sup>150</sup> Ibid 69-70

<sup>151</sup> Ibid 70

<sup>152</sup> Ibid 72

<sup>153</sup> Ibid 79

“This is a great nation. My people have gone through so much and we are still here. They changed our borders, they have done what they wanted with us, we were isolated from the rest of the world, but still, my nation is a candidate country to the European Union. I am proud of who I am, I am proud of my culture!”

Baumann thinks cultures as something helpful and useful. They can be created, changed and transformed.<sup>154</sup> Cultures are made by humans and they are products of human power, desire and will. Obviously ethnicity is connected to culture. Baumann believes that ethnicity is the same as cultural identity, or to better explain that the idea of ethnicity is based on blood, this invokes biological ancestry and made the present. In other words, the idea of ethnicity is related to ‘roots’, where persons come from, a kind of natural identity.<sup>155</sup>

The identity of the individuals is made in strength of a whole characteristics that fixes their affiliation to the social group. This whole characteristics is subject to vary in relationship to the material conditions of life or to the psychology and the experience of the single persons. It represents in last analysis a process of construction that Tabouret-Keller characterizes in the following way: “At any given time a person’s identity is a heterogeneous set made up of all the names or identities, given to and taken up by her. But in a lifelong process, identity is endlessly created anew, according to very various social constraints (historical, institutional, economic, etc.), social interactions, encounters, and wishes that may happen to be very subjective and unique”.<sup>156</sup> Identity is what made every individual unique, nevertheless, the elements that define it, as language, religion, social condition, ethnicity, nationality, can correspond to more affiliations, creating a complex variation of socio-cultural and linguistics that characterizes every community. The numerous affiliations don't dress in people the same importance and however not in the same moment, besides, the language, the nationality, the religion, the social condition, the ethnic characteristics are perceived by the people as an only identity. In a period countersigned by fast communication and the information, by the changes of the models of consumption and by the increasing mobility of the people and marked by the weakening of the social relationships, by the decline of value and the institutional structures, the human being has to cohabit and to face an emotional dimension of

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<sup>154</sup> Baumann, *Contesting culture: Discourses of Identity in Multi-Ethnic London*, 13

<sup>155</sup> Gerd Baumann, *Multicultural Riddle. Rethinking National, Ethnic, and Religious Identities*, (England: Routledge, 1999), 20

<sup>156</sup> Andrée Tabouret-Keller, “Language and identity”, in *The Handbook of Sociolinguistics* edited by Florian Coulmas, (Oxford: Blackwell, 1998), 316

insecurity and, however, of changing, he tries to be tied up to what he knows.<sup>157</sup> The language to fix the identity of the individuals expresses and together it offers the mean to create the bond among individual and social identity<sup>158</sup> The male informants want to maintain their identity as Albanians connected to the Kanun. They believe it is connected to their ethnic identity, that is, according to Baumann the idea that ethnicity appeals to blood from the past and that present day identities follow from this biological ancestry.<sup>159</sup> They are proud to have such a complete code of laws, the female informants instead are more likely to change. As Baumann points out that cultures are results of validations of the past; the making of culture is thus not a hurriedness, but a project of social continuity in moments of social changes,<sup>160</sup> in this case, the integration process.

### 5.3.1 The religion

It is not possible to face a discourse about Albanian identity without turning the look to the neighbor countries, populated by minorities that feel themselves Albanians because they speak the Albanian language and in general to the whole Balkan area.

Today's day the Balkans are inhabited from dominant ethnic community and they have reached, for this motive, a certain political stability, but any country of the region can tell itself ethnically homogeneous. In this heterogeneous and separated picture there are Albanians, that are beyond the borders in Montenegro, in Serbia, in Macedonia and in Greece, where they are meaningful minorities or straight majorities, as in Kosovo. The isolationism perpetuated by the Communist regime has inevitably conditioned the perception that the citizens of the Republic of Albania have of itself. Still today they feel a sense of isolation. For this motive, it appears forced to speak of a commune Balkan identity and to think about the Balkans as to an unitary partner-cultural order, of which Albania is an important part.

A fundamental part of the identity is the religion. Albania, as mentioned above, is heterogeneous, they are divided in Muslims and Christians, but unlike the neighbors the cohabitation among the two religions has always been pacific. Still before the installation of

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<sup>157</sup> Bauman Zygmunt *Liquid Modernity*, (London: Cambridge, Polity Press, 2000)

<sup>158</sup> Andrée Tabouret-Keller, "Language and identity", in *The Handbook of Sociolinguistics* edited by Florian Coulmas, (Oxford: Blackwell, 1998), 320

<sup>159</sup> Gerd Baumann, *Multicultural Riddle. Rethinking National, Ethnic, and Religious Identities*, (England: Routledge, 1999), 19-20

<sup>160</sup> Baumann, *Multicultural Riddle. Rethinking National, Ethnic, and Religious Identities*, 31

the communist regime, the religious scenery was characterized by a mutual tolerance. The conversions and the mixed marriages are very diffused phenomena. Nevertheless, Albanian religiousness is characterized by a scarce fervor. In fact, the greatest part of the Albanian were converted to Islam, following the Ottoman occupation, only for political and economic opportunism.<sup>161</sup> Religion has not been an element of national cohesion in the history of the country, nevertheless, it has not been an element of

of division, because it has never assumed the forms of the religious integralism. As a matter of fact, the religious fragmentation, unlike the other countries of ex Yugoslavia, it not corresponds to an ethnic division. The belonging to the Albanian ethnic group is depending from other factors as the blood and the territory.

The religious affiliation, has not been generally object of exploitation in the political life, for example the supporters of the ex President Berisha were Catholics, even if he is Muslim.<sup>162</sup>

Contrarily, the religion has been enslaved to a nationalism based on the exaltation of the blood and the territory.

All my informants agree that the religion is just a construction, what they make them Albanians is the language, their common roots, the blood.

A peculiarity that unites all the Albanian people in Albania and scattered in the rest of the Balkans is the Kanun, considered above the religion.

## CONCLUSIONS

When I have begun to write the thesis, I was convinced that the motive for the fact that the Kanun still came practiced was the lack of trust in the justice. It is strengthened that the corruption in Albania is to high levels and people don't trust the State, of this I have personally had test of it.<sup>163</sup> Also the Institutional Review Board(IRB) reported on 10 September 2015, that: "According to the 2013 Swedish Migration Agency's Lifos report, sources consulted by Lifos for the report did not share a common view of the Albanian police to handle blood feuds. Some sources acknowledge the progress made by the police in its

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<sup>161</sup> HALL Derek, *Albania in Europe: condemned to the periphery or beyond?*, in DAWSON A. H. (edited by), *The Changing Geopolitics of Eastern Europe*, Frank Cass, London, 2002, p. 107

<sup>162</sup> Luca Zarrilli, *Albania. Geografia della transizione*, (Milano: Franco Angeli Editore, 1999), 138-140

<sup>163</sup> Arjana Lugaj, *Albania looks up to the European Union like a lost son searching for his family* ( see interviews)

work, while other sources still identify serious deficiencies with regard to capacity and prevalence of corruption.”<sup>164</sup> It is important to underline that also people involved in blood feuds, not turn to the Albanian authorities for protection because of the lack of trust in the police.<sup>165</sup>

Nikoll stated “You can’t go to the police, the blood feud it is a personal thing and even you are not agree, I think this never happen, but even if so you can’t go, they won’t do nothing. They can’t do nothing, they know what a blood feud is”

According to the Swedish Migration Agency this tendency not to go to the police relates “ to its capacity, as well as on the typical mechanisms of blood feuds which implicate that police protection does not solve the blood feuds as such.”<sup>166</sup>

The corruption of the various governments and of the police has not certainly helped to establish a climate of trust and to leave the disputes in the hands of the legislation, but step by step, going deeply in my research and with my interviews I’ve noticed that the reason why the Kanun is still alive and that it withstood a long time is very more depth. The kanun cannot die and it won't happen because it represents the only independent tradition that the Albania has ever had. To the Albanians it is not permitted to create traditions by themselves, if we go back in time, before the communism of Enver Hoxha, before the Ottomans, we will be in the Middle Age, the only period of freedom for the Albanians. As we already know during the Middle Age the Kanun has found space to divulgation in Albania and, since then, the dominations have prevented the country any national tradition naturally developed. It is this ancient legal code that defines the Albanian character, even today. It prevented assimilation throughout history. For centuries, the Kanun of Lekë Dukagjini has strictly governed all important aspects of social life in Kosovo and in the regions of Northern Albania.<sup>167</sup> Syrja Pupovci wrote an introduction to the 1972 reprint of the Kanun in which it is postulated, “The preservation of customary law was one of the most important elements in helping the Albanian people to maintain their individuality under Ottoman domination”. The Code of Lekë Dukagjini is the body of “customary law” under which Albanians, particularly the

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<sup>164</sup> Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E.

<http://www.refworld.org/docid/560b8f094.html> Date accessed 12 June 2018

<sup>165</sup> Ibid

<sup>166</sup> Ibid

<sup>167</sup> Teuta Vodo,. The Albanian judicial system in front of the customary law: path dependency and critical junctures ECPR Panel: State practices Dublin / Ireland, Universite Libre de Bruxelles (2010)

northern clans, have conducted their lives. For at least four centuries, the Kanun has been an internationalized form of social law. It has been a symbolic framework in which it is possible to find the basis of the ethnicity and of the culture of Albanian people. It helped people to a social response to the external factors, as well as a strategy for preserving their own identity.<sup>168</sup> Albania is not able to live without its Kanun and for how much runs away from it, something of it will always remain because it is the only way to preserve the origins, the only thing that makes Albania a nation, the only thing that somehow it concerns the whole albania, from south north, from west east and also out of his borders. The Kanun gives to Albanians an identity. As the former Albanian Ambassador to London, Pavli Qesku, states, “the Albanians respect the law when the law is part of their own *raison d’etre*, when the law emerges as an intrinsic part of the Albanian community, as an inner requirement for an orderly life”.<sup>169</sup> Albanians have not contributed to the creation of the rule of law and still today they are not direct involved in the process of the reconstruction of the country.<sup>170</sup>

The missed popular sharing of the fates of the nation is not due only to the authoritarianism of the political class, but also to the motivational crisis of the same population that, it has lost a consolidated system of values of reference, and that it is now between the progress and the tradition without a real guide.<sup>171</sup>

Albanians live in a position of dependence towards the West, feed a depth contempt for the own past, but they preserve with pride their own identity. Also intellectuals, that should develop a fundamental role in the process of maturation of the civil society, don't reflect on the past of their own country because of the tribe culture that doesn't admit criticisms towards

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<sup>168</sup> Teuta Vodo,. *The Albanian judicial system in front of the customary law: path dependency and critical junctures* ECPR Panel: State practices Dublin / Ireland, Universite Libre de Bruxelles, (2010)

<sup>169</sup> Pavli Qesku, *The Albanian Implosion*, (February 27, 1999) ch. 11, <http://www.albania.mcmail.com>. Date accessed: 29 June 2018

<sup>170</sup> Cristiano Orlando, *L'aquila albanese alle prese con le correnti transnazionali*, 137

<sup>171</sup> Ibid, 139 “Il popolo è stato sicuramente protagonista delle vicende che hanno fatto cadere il regime comunista, in particolare grazie alle proteste degli universitari di Tirana, ma una volta ucciso il gigante, una volta fatto crollare il grande Hoxha di bronzo sul suolo marmoreo di piazza Skanderbeg, si è fermato. L’atavica disaffezione degli albanesi verso la forma statale di organizzazione sociale ha subito ripreso il sopravvento ed è esplosa con virulenza e accanimento: la maggior parte della popolazione non aveva nessun interesse nel continuare a sopportare sacrifici e privazioni per tentare di costruire pietra su pietra un paese che potesse avviarsi verso un solido futuro, ma aveva solo voglia di riprendersi nel più breve tempo possibile e con il massimo della voracità tutto ciò che lo stato le aveva negato o sottratto per quasi cinquanta anni, vale a dire benessere e libertà” translated Arjana Lugaj “People has surely been protagonist of the events that have made the fall of the Communist regime, particularly thanks to the protests of the students of the University of Tirana, but once killed the giant, once made to collapse the great bronze Hoxha on the marmoreal ground of Skanderbeg plaza, it is stopped. The atavistic disaffection of the Albanians toward the government form of social organization has immediately regained the upper hand and it is exploded with virulence and fury: the greatest part of the population didn't have any interest in bearing sacrifices and deprivations to try to build stone on stone a country that could set out toward a solid future, but it felt only like recovering in the briefest possible time and with the maximum voracity all of what the state had denied it or subtracted for almost fifty years, or rather wellness and freedom”

parents. The civil society, has not to terms with the past yet, a necessary job of historical analysis to definitely close a chapter and working towards the future.<sup>172</sup>

There is no religion or dreams above the Kanun. Only if Albanian people will succeed in finding a correct equilibrium between tradition and progress and if they will succeed in taking the best of the Kanun, the strength to go on, to leave the past in the past they can tell them ready for the European Union.

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<sup>172</sup> Claudio Bazzocchi, *Intervista sull'Albania. Dalle carceri di Enver Hoxha al liberismo selvaggio*, (Il Ponte:Bologna, 2004)

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## Interview Guide

### Questions

- o Age
- o Sex
- o Where do you live in Albania?
- o Do you like the life in Albania?
- o Are you married? If so for how long have you been married?
- o Do you want to marry?
- o Do you have children?
- 1. Have you heard about the Kanun of Lekë Dukagjini?
  - o Do you ever read the Kanun of Lekë Dukagjini?
  - o Do you know any rules of the code? If so how do you know them?
  - o Do you like these rules?
  - o Do you consider yourself following these rules?
- 3. What is your definition of marriage?
  - o What is marriage for you? What does it mean to be married?
  - o Could you describe place, rituals and ceremonies of an Albanian marriage? Do you know where these rituals came from?
  - o Do you think that any of these rituals/ceremonies/traditions that you have described derive from the Kanun?
- 4. How did you meet your husband/wife?
  - o What did you take into consideration before you got married to him/her? What was important about him/her?
  - o Were these your own preferences or do you think that any of these derive from the Kanun?
  - o Did you have the right to decide to whom you want to marry?
  - o In which way do you want to get engaged? Do you know if you can chose your own future husband/ wife freely? If not, why? Is it related to the Kanun?
  - o Did was there a matchmaker involved when you get married?
- 5. What about the Europea Union?
  - o Do you think Albania is ready to take part in?
  - o What do you think of the Albanian politics?
  - oDo you trust in State justice?
  - oWhat do you think of the blood feud?

oAre you or anyone do you know involved in a blood feud? If so do you have fear of the police?

oDid you killed anyone? If so why?

oWhat your wife think of this?

oWhat do you think of the bood feud involvement?

oWhat do you think of patriarchy?

oWhich are the duties of a wife and which of a husband? Do you know they derive from the Kanun?

6. How are inheritance issues/rights handled in your family?

o Will you inherit from your parents?

7. How do you define your identity?

o What is the identity for you?

o What makes you Albanian?

8. What does it mean for you to be Albanian woman/man?

o Do you think that your origin affect your role as a woman/man?

o Does it affect your rights, responsibilities and duties? If so, why?

9. Is there anything you would like to add?