

Title: Trapped into inherited norms: Victimization of children and young adults because of vitalization of blood feud in Albanian post-socialist society

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Abstract

This paper examines how the failure of the Albanian state during the harsh period of transition from totalitarian regime to open market economy led to the resurgence of the customary law (Kanun) and the self-justice which negatively impacted children and young adults. Being trapped in chaotic explosion of old norms implemented without traditional rules and adapted to circumstances this target group has been exposed to various psycho-social and life threatening risks which forced them physically transfer them to other parts of the country or abroad. Using secondary data, empirical evidence and qualitative desk research this paper concludes that victimization of children and young adults due to the existence of a parallel social system which is manifested in hostile act of blood feud should be eliminated. It should be a national concern to safe young generation from replication of violence, crime and hate.

Key words: Customary law (Kanun), blood feud, children, young adults, migration.

1. Introduction

The fall of the totalitarian regime in 1991 and the collapse of the Albanian state created an order vacuum (Smith 2008) confronting Albanians with rapid changes which placed them in unsustainable social positions. Prolonged and extremely difficult transition path to democracy in Albania featured weak state institutions, lack of rule of law, widespread corruption, insecurity, injustice and inequality (Kopsaj 2016; Lawson & Saltmarshe 2000). To fill in the gap created in their social and institutional life, Albanians revitalized the Kanun, the customary law along with the blood feud (De Waal 2005; Krasniqi & Boman 2012; Muharremi & Buçaj 2016). The Kanun governed the social behavior and everyday life of the Albanian highlanders for centuries (De Waal 2005; Krasniqi & Boman 2012), while blood feud was deeply rooted in their dignity (Tepshi 2015).

During the years of socialist system (1944-1991), the Albanian government suppressed the Kanun and its influence (Arsovska & Verduyn 2008; Celik & Shkreli 2010; Korngold 2016; Tepshi 2015), while blood feud was almost eradicated due to low enforcement and severe sentences (Arsovska & Verduyn 2008; De Waal 2005; Jashari 2009). But upward revaluation of Kanun during post-socialist period and the chaotic deviation of its rules from traditional blood feud to a modern one is a serious distressing phenomenon for the Albanian society. The 2014 Progress Report of the European Commission on Enlargement Strategy and main challenges 2014-2015 showed that blood feud social plague is prevalent in the Northern part of Albania and it is spread in other parts of the country due to internal rural-urban

migration (European Commission 2014). As a result, it is transformed from a local problem to a national one (Peço 2014).

Even though data about its scale are limited and inconsistent, estimates show that about 1,000 families are involved in it (Korngold 2016). Some argue that blood feud phenomenon is declining for several reasons including people who have fled the country over years, entire families have been wiped out (Korngold 2016; Peço 2014; Vathi 2010) or mediation mechanisms have been effective.

This paper aims at discussing how the failure of the Albanian state during the years of transition to market economy has impacted young adults and children who are pushed to cope with the old norms such as blood feud by physically transferring its negative consequences in other parts of the country or abroad through forced migration. Its main research questions are: *a) How did the failure of the Albanian state during the years of transition from totalitarian regime to open market economy impact children and young adults? b) What strategies did they use to escape from resurgence of customary law?* This paper is based on secondary data sources drawn by various surveys and case studies conducted in Albania during post-socialist period and literature review.

2. Theoretical framework of social disorganization and ‘culture conflict’

Scholars argue that personal revenge is the only mean available to restore justice and honor in subcultures where the rule of law is weak or people do not rely on the criminal justice system (McCullough 2008). Social disorganization is defined as the inability of the local communities to solve the common problems of their residents or realize their common values (Bursik 1988). Social disorganization theory says that socially organized communities are characterized by solidarity, cohesion and integration which help them combat crime and deviant behavior. These characteristics lack in disorganized communities with high crime rates and violence (Kubrin 2009). Social disorganization is viewed as a property of the community not individuals while community characteristics increase levels of social disorganization by reducing social control (Kubrin 2009).

But cultural conflict also disorganizes the cultural system resulting in social disorganization (Sutherland 1939). Culture conflict theory states that societies have conduct norms that vary from one culture to another (Gabbidon 2010). They are passed down to community members as other cultural traits (Brown, Esbensen & Geis 2013). Violation of these norms activates group reaction. Conduct norms are controlled by those who are in power and decide which type of behavior can be considered as crime (Gabbidon 2010). The conflict of values or behaviors rooted in one subculture with those of the society at large can cause crime or violence (Brown, Esbensen & Geis 2013).

Krug et al (2002) defined violence as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a

high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation". They applied ecological model to explore how individual's behavior is influenced by violence which is the product of multiple levels and complex linkages. This ecological model has identified four levels. The first level deals with the individual and his characteristics that increase person's likelihood to become a victim or a perpetrator of the violence. The second level of the model explores social relationships and how they influence risk factors for violent behavior. The third level examines community contexts where social relationships are embedded and seeks to identify the characteristics of the settings that associate a victim or a perpetrator of the violence. The fourth level of the model examines large societal factor that influence violence rate including cultural norms that support violence (Krug et al 2002).

But the wish to avenge in a modern society is considered archaic and a leftover of an old epoch (Waldmann 2011). Violent self-help is illegal and illegitimate because it is the responsibility of the criminal justice authorities to prosecute law violators and criminals (Arsovska & Verduyn 2008).

3. Traditional Kanun of Lekë Dukagjini and blood feud

The Albanian Kanun of Lekë Dukagjini is a moral code that provided a complete legal framework that covered all areas of everyday life (De Waal 2005) strictly governing social behavior and social interactions in the Northern Albania (Elsie 2011; Korngold 2016) through the Ottoman rule (Muharremi & Buçaj 2016). This collection of orally transmitted customs, rules and norms is attributed to an Northern Albanian Medieval ruler called Lekë Dukagjini (1410-1481) who is credited with codifying them (Elsie 2012; Boman & Krasniqi 2012). Written as a full document for the first time in 1929 (Sadiku 2014), the Kanun contains 12 volumes and it is divided in 1263 paragraphs (Muharremi & Buçaj 2016).

The Kanun has three main pillars: honor, truce and hospitality (Korngold 2016; Mile 2007). It deeply emphasizes the concept of honor (Malcolm 1998; Muharremi & Buçaj 2016; Schwander-Sievers 2008) and depicts it as a semantic field where incommensurable social processes get a common expression (Shryock 1998). According to paragraph 597 of the Kanun, honor has no price (Muharremi & Buçaj 2016). A man with honor protects himself, his kinship, his guests, and his property including women. A dishonored man is dead. Therefore, he has the moral obligation and the right to avenge his honor (ARsovska & Verduyn 2008). The Kanun helps resolve conflicts between two families or large groups (Iseni, Seza & Beadini 2013). Paragraph 669 of the Kanun states that a dishonored man can re-establish his honor through blood feud known as self-justice or dispute settlement based on mediation (Muharremi & Buçaj 2016).

Blood feud was one of the criteria to assess an Albanian man of honor (Oakes 1997). Viewed as a moral obligation for Albanian highlanders guided by precise rules (Durham 1928) it was one of the main reasons of their homicides that affected their lives from birth to death (Durham 1909). According to the

Kanun, blood feud targeted male bloodline following a certain procedure including the involvement of the village elders, formal announcement, the use of specific rhetoric and an extension of truce for thirty days (Immigration and Refugee Board of Canada 2008).

4. Twisted version of the Kanun and new incarnated blood feud

The collapse of the long totalitarian system in 1991 in Albania brought various rapid changes in lawless transition society which made people angry, lost and confused trying to associate themselves with different laws to avoid anarchy (Arsovska & Verduyn 2008). The absence of an effective state to regulate socio-economic, legal and land ownership rights caused by post-cooperative problems (Council of Europe 2010; De Waal 2007; Lawson & Saltmarshe 2000; Muharremi & Buçaj 2016) and lack of trust in Albanian justice system recalled the customary law and increased the trust in the Council of Elders for conflict resolution (Young & Mustafa 2008). This was very important in the northern highland of the country because it served as a framework to fill the dangerous vacuum (De Waal 2004).

The resurgence of Kanun and the revival of blood feud created a parallel social system over years especially in the northern part of the country. It created tension between formal and informal (customary) justice system (Korngold 2016), deviated the principles of the old Kanun (Kopsaj 2016) and subverted traditional blood feud (Mangalakova 2004). The dynamic nature of Kanun showed that it tried to be adapted to new circumstances rather than to be closely linked to its textual tradition (Schwandner – Sievers 2008). Increased number of people involved in blood feud approached the Council of Elders rather than the justice system authorities because they considered them more experienced in conflict resolution (Young & Mustafa 2008). Thus, after 1991, the situation in northern Albania did not have any big difference with that of one hundred years ago where the Council of Elders administered the law (Durham 1909).

New incarnated blood feud of post-socialist era differs from the traditional one and covers issues which go beyond the impetus of tradition (Korngold 2016). According to the traditional Kanun, blood feud as a violent conflict was limited to the bloodshed of men excluding women and children less than 16 years old (Council of Europe 2010; Korngold 2016; Muharremi & Buçaj 2016). But the new incarnated blood feud made them permissible targets (Korngold 2016; Mangalakova 2004). Different from their subordinated role assigned to the old Kanun, women and girls in transition society became instruments of revenge. They were kidnapped, raped and forced to be involved in prostitution (Korngold 2016). There were cases when two or three people were killed for one life taken (Immigration and Refugee Board of Canada 2008).

Currently, there are no exact data about the total number of people involved in blood feud and related killings for four main reasons: definitional differences; underreporting; limited coverage of issues;

incentives to overstate (UN General Assembly 2010). More than two decades after Albania changed its political system, blood feud exists and one of its root causes is the non-enforcement of the law No. 9389 dated 4th May 2005 on “Establishment and Functions of the Coordinating Council to combat blood feud” and lack of approval of three by-laws as per Article 7 of the respective law (People’s Advocate 2014). The Albanian government systematically underestimated blood feud considering it a local problem concentrated in the northern highland of the country (Kopsaj 2016). This attitude is also backed up with the lack of precise data about this devastating phenomenon (People’s Advocate 2014).

5. Consequences of blood feud on children and young adults in transition

Revitalization of Kanun has regressive consequences for the Albanian society, in general, and children and young adults, in particular as they are trapped in cycles of violence, hate and isolation. It has violated the right to life which is enshrined in the Article 21 of the Albanian Constitution, in various articles of the Albanian Criminal Code and in other international documents where Albania is a signatory party and has ratified them respectively, the UN Universal Declaration of Human Rights and Fundamental Freedoms (1948) and the European Convention on Protection of Human Rights and Fundamental Freedoms of the Council of Europe (1950). Various sources indicate that homicides for blood feud increased over years. According to the 1998 Albanian Human Development Report, they represented 73 percent of all murders conducted in 1997 (Muharremi & Buçaj 2016). Only in Shkodra region in the northern part of the country, in 2008 they represented 23 percent of the total number of murders of the year (Kopsaj 2016).

As a result, a high number of children and young adults have lost a father or a relative. The loss of the main breadwinner of the family has increased family’s impoverishment because other young male adults who are alive cannot go out to work. They are confined at home from fear of revenge. Confinement of children and young adults at home due to life insecurity from blood feud forced them to grow and develop in a context of hate and violence. This negatively influences on them because it establishes a norm that the response to murder is more murder (People’ Advocate 2014; Social Research Center & INSTAT 2003). Moreover, children do not enjoy their childhood. They do not participate in socio-cultural events. Instead, they learn how to use guns and protect themselves (Peço 2014). But their confinement at home negates them various constitutional rights including the right to vote, education, health care services, freedom of movement, free expression of opinion and so on (People’s Advocate 2014).

Research indicates that blood feud is contextualized in urban areas due to the pressure of the inherited norms. Many northern Albanian families have left their homes and migrated to urban and southern parts of the country. 27.4 percent of the respondents settled in Bathore area (part of Tirana district) confirmed that they left their home to escape conflicts and blood feud problems (Peço 2014). But

urban and southern Albanians derogatively call northern highlanders ‘Chechens’ or ‘Malok’ (those who come from mountains) and blame them for high crime in the country because of the application of Kanun (Schwandner-Sievers 2008).

Escalation of fear and socio-psychological drama that these people carry with them due to blood feud has driven them to take a decision to leave the country. According to the Government of Albania (2005), there are 50,000 Albanian migrants in United Kingdom. Statistics show that the majority of them come from northern Albania. They are young males aged 20-30 years whose primary reason for migration has been life insecurity due to blood feud (Vathi 2010). According to the European Asylum Support Office (2013), the highest asylum seeking case load was from the applications from northern Albanians because of the existence of the parallel social system manifested in hostile act of blood feud (about 30 – 80 percent of the applicants).

Almost 25 years in transition, justice system in Albania has not convinced northern highlanders to approach it even though the Albanian criminal code foresees a punishment of no less than 25 years or life imprisonment for blood vengeance (EASO 2013). Research shows that 80 percent of young adults do not trust Albanian justice institutions (JPCA 2010).

Conclusions

A range of factors contributed in the resurgence of the customary law (Kanun) during the years of transition in Albania where the most important ones are weak state, lack of rule of law, corrupted justice system and non-enforcement of the law. This parallel social system incarnated in hostile act of blood feud brought a range of consequences on children and young adults denying their human rights. Many of them chose to physically transfer it to other parts of the country carrying with them fear, trauma and hate. The others decided to leave the country due to high life insecurity. But blood feud should not be seen as an isolated social phenomenon. It is spread in other parts of the country and should be seriously taken by the Albanian government, various duty bearers and civil society organizations in order to be eliminated.

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