

“Not everything that is faced can be changed, but nothing can be changed until it is faced!”

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Introduction

Talking about the phenomenon of Blood Feud in Albania has never been easy. Depending on a speaker’s “situatedness”, the subject is likely to raise outrage, curiosity, or denial. Embodying complexity, as a Northern Albanian, as a woman, as a social scientist, and as a peace activist, my starting point, is the same as the one made by the American novelist, James Baldwin: “Not everything that is faced can be changed, but nothing can be changed until it is faced!” I am convinced therefore that we need to face with intellectual, scientific and ethical integrity the gravity of the problem, its complexity, and we need, in light of that first step, to act coherently and persistently to tackle its impact, and eventually, to eradicate it.

The gravity of the problem and its complexity have been explored, and important recommendations have been put forward, in the 3rd edition of the “Descriptive Document on the Phenomenon of “Hakmarrja” and “Gjakmarrja” to Raise Awareness among Albanian and International Institutions”, written in 2017 by Operazione Colomba. This is an extremely well researched and written document and I encourage all to read it in-depth. In my presentation, I would like to emphasise five important points:

First point

Trying to understand the phenomenon and its complexity does not mean legitimizing it. At the same time, being normative about the need to eradicate it, does not mean either demonizing a culture nor essentializing it.

The Kanun, the customary law, that supports the phenomenon of vendetta and blood feuds should be neither mystified nor disrespected. It has to be understood for what it has been: an important regulatory mechanism for communal life, a law of the community, as many similar ones have existed and continue to exist throughout the world.

At the roots of the word “community”, we find the words “common” and “munus”. Munus means both “gift” and “obligation”. To be in a community in other words is at the same time a gift and a debt, and communities are mostly inclined to maintain their social harmony, punish everyone breaking its law, and restore social harmony. These regulatory mechanisms have had an important role in Albanian history, but that is exactly the point: no law has ever been written on stone, but in history. And the basic definition of history is CHANGE.

Second point

The phenomenon of blood feuds itself is also constantly changing, adapting to new socio-economic and cultural contexts. New disputes are created, such as complicated land and property disputes, and disputes related to human trafficking, debts, and car accidents.

Children and women are also being killed, and often decisions to retaliate instead of being well considered and deliberated, are taken impulsively and indiscriminately. Likewise, the knowledge of the Kanun among Albanians is ironically rather low.

More than acts of 'honor' embedded in some kind of communal logic therefore, blood feuds have started to resemble acts of desperation and have shattered lives, as whole families are being confined losing all of their rights, subsistence, mental health and social standing in their communities.

Third point

For the reasons mentioned above, rather than conceiving and approaching the phenomenon of blood feuds as a quasi-mystical, ethnic, exotic or primordial problem, the State and all the other social actors have to frame and tackle the problem as a social and as a current problem, which needs a serious, but also a timely and creative response.

What can the State do very concretely? Serious prevention to start with. Given that most of the causes of blood feud are known, and are related to property, trafficking, gun availability, corruption, poverty and deep inequality, patriarchy, and lack of education, the State has to tackle these problems to the best of its ability, by contributing to the economic and cultural development of society and to the delivery of high-quality public services.

Furthermore, to tackle the phenomenon, the State has to start urgently a long-term national strategy and establish a Coordinating Council as stipulated in the law 9389 of 2005. It is unacceptable that still today the data available on the phenomenon varies considerably, depending on the source, and that the work of the State and other social actors remain uncoordinated, or that they are on a different page relating their understanding and approach to the phenomenon. A statistical database with standard criteria for identifying families involved in blood feuds and a Co-ordinating Council therefore that follows a coherent national strategy and a unified approach are the absolute starting points.

The legal approach followed by the State, while important, is not sufficient in its current form. Imposing tougher penalties on offences committed in connection with a blood feud has an important function and sends an important message, but does not solve the conflict, does not restore relations in the community and leaves unattended the victims' families completely.

Paying attention to the victims and the community in the Albanian context of family vendettas is essential to reducing the tensions between the families involved and thus avoiding the continuation of the feud. But paying attention to the victims of vendettas is also a basic obligation of the State, especially ensuring their right to safety and access to basic services (hospitals, work, schools, etc.).

In the beginning I mentioned that Albanians have become famous for their use of the Kanun, but very few of them are actually knowledgeable about it. It is my (perhaps controversial) opinion that instead of ignoring the Kanun, the State needs to promote the 'good knowledge' of Kanun by its legal experts, schools of law, and the like. The more people will know and

understand its content and put it into a historical context, the better able they will be to fight the phenomenon of blood feuds. How will that come about?

Fourth Point

Here I come to my main point: the use of “Restorative Justice” in relation to the phenomenon of blood feuds. Restorative justice is a paradigm of justice applied currently in every democratic State, but which has its origins in all the Aboriginal and Indigenous communities of the world. At its core restorative justice has a few interrelated features:

1. It starts considering the harmful act according to its life-related context and not according to the definition of the law. Crime is therefore according to the restorative paradigm “a break in human and social relations”.
2. Once we accept this as a starting point, restorative justice calls for the involvement in the justice process of all the relevant stakeholders, offenders, victims, and communities. A third party -that is not a judge- but a mediator supports these stakeholders to go through their conflict.
3. Finally, what drives this justice process is not the punishment of the offender, but the reparation and restoration of the harm towards the victim and the community.

The principles underpinning “restorative justice” therefore may facilitate projects of reconciliation by calling upon wrongdoers to acknowledge the wrong they have caused, offering recognition of victim suffering and reparation to the victim, providing opportunities for truth-telling and norm-clarification for all sides, and starting the process of bridge-building between divided parts of societies and communities.

The applicability of the restorative philosophy to the phenomenon of the blood feuds is striking. But so are the similarities of restorative justice with mediation as this is in fact codified in the Kanun. We can even argue that just as we see today two complementary forms of justice: the punishment oriented criminal justice system and the restoration oriented restorative justice, in the Kanun too, we have a retaliatory form of justice (expressed through vendettas and blood feuds), and a restorative type of justice, characterized by forgiveness, reconciliation, and besa (word of honour and promise). In the Kanun, these two orientations are both worthy and ‘honourable’, so much so, as to make the path towards justice seem but a sheer choice.

A mediator in the Kanun is conceived as someone who does not incur guilt, has a high moral standing and plays the role of the messenger of peace, reconciliation, God, future. A mediator treats everyone equally, does not construct a factual truth and does not engage in judgement.

A “blood feud” sounds so essentialized for its emphasis on blood relations, but the Kanun spectacularly suggests that while blood is important, brotherhood can be acquired too. Through a simple ritual where families in dispute drink each other’s blood (a drop is sufficient), they and their descendants became related to each other.

Having such a powerful and culturally significant resource embedded in Albanian society, it is incredible how “restorative justice” has not been on the agenda in a very strong and consistent way. One to one mediation between families who are the victims of blood feuds, but also the creation of a national reconciliation process through restorative justice are two possible and necessary paths to put an end to the entire blood feud phenomenon.

It is important in my opinion, that in the process of embedding restorative justice in the Albanian society at large scale, we need to be creative. We cannot not replicate tradition, but create a new approach which is anchored in the tradition, in addition to being anchored in other movements and discourses, such as human rights and peacemaking among others.

Just as the phenomenon of blood feud is changing, the means through which we tackle it should also be adapted. A young generation of mediators and peace-makers must be raised according to restorative principles. The Kanun itself in article 669 says that “the mediator may be a man or a woman, a boy or a girl, or even a priest.” The mediator cannot therefore be only the elder of the village; often there is no village left, and communities are living in the suburbs, peripheries, cities, or even abroad. Therefore, we need to be creative and expand our imagination as to who can do this task. The ‘vocation’ to undertake this role has to remain strong, but further techniques can be learned. Just like shooting a gun can be learned, making peace can be too.

To delegitimize the phenomenon of blood feuds and eventually to eradicate it, restorative justice in the Albanian context has to be steered and strongly backed by the State. Restorative justice is in every democratic state part of the justice system, recognized and embedded in legislations and justice processes.

It is important therefore for the legitimacy of the State, that the State steers this process, which has in its center the reparation and restoration of the victim and the community, as a process that is coherent with the punishment for the offender.

In this way, the State would ensure safety of the victims and to protect their human rights, but also the right of the offender to return to a normal life without fear of repercussions once he has paid his debt through his sentence. Offenders who have not been caught, could surrender themselves to enable reconciliation between the parties, which would ensure their own safety once they have served their sentences and protect their families from vendettas. Restorative justice therefore, conceived for blood feuds is in no way competing with the legal institutions, but providing the right mechanisms that support them.

Backed by the State, restorative processes could be led by highly moral authoritative figures, such as intellectuals, village elders, religious, institutional representatives, or highly trained mediators. The involvement of authoritative personalities in restorative justice anchored in the positive elements of traditional Albanian culture could encourage cultural change.

Fifth point

And here I come to my fifth and final point. It is clear that such a complex, embedded and growing phenomenon cannot be eradicated by an isolated or a one-tool approach. It needs a massive cultural shift. This cultural shift has to signify that things such as human life, human rights, forgiveness, nonviolence, and peace are superior to violence, revenge and human misery.

Changing thinking about vendetta can also be encouraged by those who have decided to forgive and to accept reconciliation with the other side. The media and the schools have an enormous role in educating the community and the future generation in nonviolence and the respect of human rights.

Positive social pressure that draws on the positive elements of traditional local culture can also be maintained through awareness raising actions. The importance of this is paramount since blood feuds are instigated often by negative social pressure and social environment. Support for those wishing to choose the path of reconciliation to put an end to a blood feud needs to be unwavering.

Forgiveness and reconciliation are considered honourable in Albanian cultural tradition, we need to make that clear and say it loud and in every possible way. Cultural contamination is necessary in this process, as it can strengthen and adapt the positive features of traditional Albanian culture to suit modern Albanian society. Cultural transformation will be enabled through the introduction of educational and cultural programmes based on the nonviolent management of disputes, education in peace, reconciliation and respect for human rights in schools, work places and our cities.

In conclusion I am convinced that we must find new ways to prevent and react to blood feuds where we mobilise the ordinary stock of knowledge on how to handle social conflicts that already exist in our society, where we nourish our respect for our justice system and human rights, but also where we use our imagination. This is extremely hard work and cannot be done without persisting and convinced commitment.