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In 1991, Albania shifted from severe communist rule to a regime claiming to be democratic. However, to this day, Albania maintains undemocratic elements. This paper analyzes the impact of hybrid state capacity in the context of state-led justice and the implications for citizen compliance. Albanian culture possesses a deep history of reliance on Kanun and traditional justice in conjunction with the state's inconsistency and unreliability. It further establishes the disconnect between people and the state. Despite attempts to progress towards modernity, traditions of blood feuds reemerged with the movement away from communism. The failure to properly transition from authoritarianism to democracy and establish a legitimate judicial system left citizens to pursue their own means of justice. Albania's case emphasizes the necessity of strong state institutions or else citizens are forced into destructive survival justice.

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Introduction

At this moment, thousands of Albanians sit trapped in their homes, unable to step foot outside for fear of being murdered due to blood feuds, often so old no one remembers why it started. While seemingly Shakespearean in the drama attached to cowering for safety in one's home, Albania's failed attempt of democracy left its citizens without security. This paper examines the impact of Albania's weak post-communist regime on state-led justice, contextualized by the expansive presence of blood feuds. Addressing the acknowledgment yet failing to rectify Albania's issue forces a destructive survival existence for its civilians. This paper examines the impacts of blood feuds and the legality surrounding them, solutions posed to the issue thus far, and how Albania's hybrid state emphasizes the destructive nature of the feuds and, finally, policy recommendations to reach a substantive conclusion to the phenomenon.

Blood Murder in Modern Albania

Existing for centuries, Albanian tribal law, or Kanun, developed from spoken traditions to a written text to address life aspects. While addressing issues such as household economics, land disputes, work, or marriage, the *Besa* (personal honor) and *nderi* (family honor) hold core importance throughout the tradition and serve as a foundation of personal and social interaction (Sadiku, 2014). Kanun remained prominent for centuries, often standing as the only trusted or reliable base for society to mold itself off. However, in the face of an oppressive government, Kanun's meaning became mutated, amplifying difficulties in transitioning to a more democratic regime structure at the end of the 20th century.

The crux of transitioning Kanun into modern society rests on the issue of blood feuds and murder. Book ten, section three,

specifies how a family unit is supposed to react in the case of murder: Undertrial law, the principle of *Koka për kokë* (head for a head), culminating in the practice of taking the life of a relative of a murderer as revenge, or *Gjakmarrja* (Sadiku, 2014). As women are seen only in their value as mothers, they, along with children, are excluded from being viable targets. Instead, men bear the feuds' full weight, which often lasts until every male member of a family line is dead. In Kanun's view, *Gjakmarrja* provides an opportunity to restore the honor lost with their relative's death. As familial honor spans generations so too may blood feuds, with some lasting for hundreds of years (Mentor & Young, 2008).

While Kanun provides the relevant historical backing to *Gjakmarrja*, the practice no longer consistently adheres to the conditions set in the traditional text. With the combination of mistrust in the government and police and the new adaptations of freedom in decline in oppression at the end of communism, Kanun reemerged as a prominent power source in Albanian society. However, the utilization of ancient traditions has now shifted into a new, increasingly dangerous reality for Albanian society. As of 2014, as many as 3,000 Albanian families were estimated to engage in blood feuds, leading to over 10,000 deaths (Immigration and Refugee Board of Canada, 2015). Thousands of more families are trapped in their homes or forced to flee Albania to avoid death, with men, women, and children now fearing their lives (UN New, 2010).

The state recognizes the presence of blood murder among its people, evident through the specific addressing in criminal statutes. Albanian criminal law creates a distinction between premeditated murder and murder due to blood feud. Premeditated murder comes with three levels of punishment. First, "simple" premeditated murder is punishable with fifteen to twenty-five

years imprisonment. Second, premeditated murder committed “for interests or revenge” is punished with no less than twenty years to life. The harshest punishment comes for premeditated murder committed due to a blood feud, which shall be punishable to no less than thirty years or life imprisonment (Criminal Code of the Republic of Albania, 2015).

Beyond the crime of murder, the Albanian justice system developed grounds to prosecute the practice of *Gjakmarrja* through preventative sentencing. The first statute states that those found to be a “serious threat of retaliation or blood revenge” are eligible for up to three years imprisonment. Further, those found to be inciting others to take up retaliation or blood revenge, yet not resulting in murder, shall be eligible for up to three years imprisonment. Beyond criminal sentencing, as of 2013, local education authorities are required to ensure all students trapped in their homes due to fear of the threat from blood feuds still receive an appropriate education (Criminal Code of the Republic of Albania, 2015).

The incorporation of blood feuds into official laws indicates an acknowledgment of the issue of *Gjakmarrja* in their society. However, they offer no substantive solutions to the problem. Prevention through harsh sentencing is ineffective against individuals willing to die for their family’s honor. The weak attempts made by the state represent a failure by the justice system. Thousands of citizens are left with nowhere to turn, trapped between tradition and a state they continue to distrust.

Path to Solutions

While acknowledging the problem of blood feuds, evident in the distinction in criminal statutes, there are yet appropriate preventative initiatives or policies to protect the vulnerable communities. As commonplace in the global political sphere, non-

state actors have taken steps to assist in the rectification process. As shown by the continued threat of violence due to the feuds, all attempts thus far—whether by the state, non-state, or individually sourced—are insufficient in power.

In the absence of explicit or effective action by government avenues with force, the Ministry of Education shoulders much of the potential for actionable preventative measures. While it is unclear the extent of policy implementation, the Ombudsman strongly recommended utilizing the close relationship of teachers in the community. In essence, the plan seeks to educate on the importance of tolerance and blood feuds' harmful effects. Further, teachers must report students trapped by fear of the feuds yet lack established and clear reporting avenues. Ultimately, as summarized in the United States State Department Human Rights Report in 2017, the efforts to support and protect families and prevent deaths lacked effectiveness and commitment (United Kingdom Home Office, 2020). Even though judicial leadership claims to prioritize effective change to address blood feuds, those implementing change dismissed the preventative potential instead of pursuing concentration on the prosecution of such crimes post facto.

Albania illustrates the commonplace reliance on NGOs by transitioning states. Organizations took the initiative where the burgeoning state did not possess the capacity nor civilian trust. Of such organizations, Operazione Colomba directly involved communities stricken with a history of blood feuds. Through monthly demonstrations, the organization provides an opportunity for dialogue between locals to address blood feuds and the consequences. The group connotation attempts to satiate the animosity among groups and look for solutions to *Gjakmarrja* as a whole. Outside support also emphasizes the use of mediators to

prevent conflicts and de-escalate existing feuds. Mediators may be religious elders, community members, or trusted organizers. In Kanun's tradition, community mediators held sole power to bring blood feuds to a conclusion without violence. While their efforts continue, NGO representatives report a lack of responsiveness from public prosecutors or local government (UK Home Office, 2020). Those working in the communities emphasize the necessity of addressing blood feuds, for they firmly believe that it will never stop if they do not address the problem head-on.

Faith-based organizations and local religious leaders work within the affected communities to support victims as they pursue reconciliation. Inter-denominational groups band together to encourage change among the communities. For example, in 2012, the Northern Albanian sect of the Catholic Church issued a letter excommunicating anyone who commits blood murder, demanding they only may return with repentance for their violent acts (UK Home Office, 2020). In 2014, the Pope's visit to Albania spurred a push to repent through prayer to reconcile with blood feuds' pain and violence. While well-intended, the attempts towards peace by religious groups often fall short of calculable change, representing weak pursuits to change centuries of history through a single prayer or visit to confession.

Despite the progress via alternative routes to solutions, many individuals remain deadlocked with no solution but to attempt relocation. Some families find refuge in another city within Albania. However, as modernity amplifies the threat of violence via the inescapable nature of interconnection, many families have no alternative except to flee their home and country. Yet even relocation does not guarantee their safety. In the words of the Organization for Security and Cooperation in Europe (OSCE) representative, "the blood feud mentality,... does not

know any limits of time and place” (UK Home Office, 2020) A family or individual may go through the turmoil of moving within Albania or even abroad, yet still face danger as pursued across country lines.

Not only are the blood refugees subjected to the emotional toll of relocation and the knowledge that they may not be free of danger, but the financial burden often cripples the poor rural Albanians. The cost of re-establishing one's life in a new city or country may be too much for a low-income family to bear. The larger metropolitan regions have a higher cost of living than the rural-born Albanians cannot afford. Financial stability often is out of the reach of these refugees. Finding gainful employment is, at times, impossible as their experience does not translate to the urbanized environments. Further, many cannot receive the necessary government service to support and protect their families as they must register in the new community where they reside (UK Home Office, 2020).

Additionally, some experts assert that the decline in blood deaths does not result from progressive policy due to potential victims' relocation (UK Home Office, 2020). In the absence of support from, and trust in, government entities, families took action to separate themselves from danger, leaving their homes. While the numbers of blood feuds thus fall, creating the resolution's appearance, the reality shows that Albania failed its people once again.

Ultimately the case of Albania's reaction to blood feuds represents the importance of not only a robust and democratic government but the necessity of citizen's trust in their government. Albania's people experienced decades of failures by many regimes, coupled with the constant fear of the death of themselves or a loved one. The incongruence of productive and legitimate

justice and the existence of expansive crises such as *Gjakmarrja* show that the political failures of hybrid states span into civilians' lives.

Weak State Repercussions

Throughout the 20th century, Albania underwent a series of authoritarian regimes, from the Nazi occupation in World War II to the oppressive communist rule of Enver Hoxha. Leading up to the fall of the Soviet Union, so too communism's grip on Albania began to weaken. The 1980s brought severe economic downturns, ailing infrastructure, and severe shortages of necessities, amplifying the weakening of communism due to financial crises, massive public protests, and strikes in the late 1980s (Arhsien & Howells, 1981). In 1990, student protests at the University of Tirana made global news headlines, forcing the government to finally acknowledge that change, or at least its appearance, was necessary (Abrahams, 2015). The new year brought a transition to a market economy and inklings of a developing multiparty system. The year 1991 brought the first elections. However, nationwide strikes followed (Abrahams, 2017). Each election year—1992, 1997, and 2001—brought strikes. Not until 2005 did Albania experience their first nonviolent change in power. Among all occupying powers, there remained expansive policy to suppress the Albanian people's progression, culture, and freedom. Due to the government's long-held mistreatment, a strong distrust of, and inability to rely on, the government took root in Albanian society. Now amplified by the current democratic aspects' weakness, Albania represents a hybrid-democratic regime, emphasized by the justice system's failures.

Political scientist Zinecker (2009) addresses the relevant form of hybrid regime to Albania in the context of “Civilized-

ness,” or, in this case, lack thereof. The first criteria address the aptitude of state institutions to protect the entire country. As evident in the absence of protection for more rural, mountainous communities, Albania falls short of the first requirement. Second, the state does not possess the capacity to guarantee public security. Finally, the state lacks the structural protections against violence and violent crimes. Due to Albanian politics' tumultuous past, the transition to democracy needed to be surefire and confidence instilling. Instead, the vulnerable communities are left in limbo between no foundational stability and no government to support their newfound freedom. The purgatory state created by the hybrid government shows the disconnect between the attempted reality the new regime envisioned and the fact their people face (Zinecker, 2009).

The state's failure to create a strong central power possessing the necessary components to ensure justice created a forced reality for the citizen population. Due to the absence of reliable security forces to end the violence, communities are forced into destructive and violent states of survival. As the civilian class never experienced functioning government within their country, the default is to revert to semblances of power dynamics familiar to them. The former communist regime forced such oppression; the people knew no other reality than survival. Now, they are in a newfound survival created by their own right, impossible to escape without intervention. While dissimilar in the regime structure's direct intention, the newfound hybrid democracy reinforces the dismissal of individual life and value, now through neglect rather than explicit intent.

Moving Forward

Many states transitioning from authoritarian rule experience aspects of undemocratic failures of the state. After the Bosnian War, Serbia faced extreme global backlash due to the inability, or unwillingness, to bring Serb war criminals to the International Tribunal for the former Yugoslavia (ICTY). Simultaneously, Serbia expressed intent to seek accession to the European Union. So, as part of the requirements for candidacy eligibility, the EU required cooperation with the ICTY (Subotic, 2011). While dissimilar in the type of threat of violence, Serbia's case exemplifies the capacity to utilize the EU's attractive influence power over developing European states.

Suppose the EU deploys similar tactics during the candidacy process for Albania. In that case, the state may have a strong enough incentive to invest sufficient resources in the necessary reforms to begin the appropriate healing process for Albania. Reports assert that accession holds status as a primary motivating factor for Albanian leadership to rectify domestic issues (UK Home Office, 2020). Through the encouragement of reaching EU standards additional, the state may achieve more permanent reforms. As identified in the attempted avenues to address blood feuds, many potential plans exist yet remain uninitiated. Through reallocating resources to instigate the projects, such as education reform, community discourse, or therapeutic practices, actionable change may transpire.

The most pressing concern of addressing blood feuds must address the issue with urgency and force to prevent needless violence while lasting solutions develop. Currently, the majority of state or police action addresses the issue once the violence has occurred. Developing policy integration techniques to satiate the immediate threat protects the civilian population and thus, begins

the process of rebuilding trust in government institutions. Stabilizing the concerns of violence also provides time to plan initiatives to bring permanent change to community engagement.

As customary with Kanun, community members are a crucial aspect of mediation and rectification of family honor (Sadiku, 2014). Thus, as plans for restoration develop, leadership, whether governmental or through NGOs, may encourage community members to engage with the newfound investment in their security. By ensuring temporary security by investing in protective infrastructure, communities receive the opportunity to heal centuries of violence and feuding and shift to the modern era, free of primitive violence. However, the solutions cannot occur except in tandem. If one aspect falls short or is ignored by leadership, the coinciding action too will fail.

Conclusion

The deep-rooted history of Kanun justice and blood feuds in Albania will not fade from prominence quickly. Thus, the state must utilize its power to provide temporary protections while permanent mindset adjustment takes root. The state failed to sufficiently transition to a productive regime, leaving the civilian population to suffer the consequences. Without alternative options or a state which they can trust, the divide between community and state widened, leaving a severe gap that must be rebuilt. At the core of the Albanian case of blood, feuds is the reality that a failure to provide the basic standards of justice and protection undermines the entirety of the potential for progress. Through progressive reform on all levels, the attempts towards peace may transform from hypotheticals to realities improving, and saving, the lives of thousands.

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