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### An Analysis of Reconciliatory Mediation in Northern Albania: The Role of Customary Mediators

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# An Analysis of Reconciliatory Mediation in Northern Albania: The Role of Customary Mediators

AYSE BETUL CELIK & ALMA SHKRELI

## *Abstract*

Blood feuds are still festering wounds in northern Albanian society. This study will describe the process and the mechanisms utilised by traditional mediators in resolving blood feuds in northern Albania. It will describe the practice of mediation in northern Albania, and will discuss the reasons why people resort to traditional mediators in blood feuds, what their roles are in the process of mediation, forgiveness and achieving peace and what norms or values are used to influence the parties to make peace.

AS A FORM OF ‘SELF-JUSTICE’, BLOOD FEUDS (*GJAKMARRJA*) have always been an important part of the customary laws of Albania (Mile 2007, p. 5). They usually emerge from conflicts over issues such as land property, personal offences, and might spread to other family members who are not initially involved. Stories like that of the Luci family, as reported by the BBC, are not unusual in northern Albania:

‘The only future I see for myself is being able to leave Albania and live somewhere else, far, away far from here’ (Pjeter Luci). It has been almost two years since Pjeter Luci dared venture outside the cramped house on the edge of Tirana, Albania’s capital, which he shares with his mother, Lula, and two sisters. The family were forced to flee their village in the north after a distant cousin killed four men in a bar brawl. The dead men’s relatives have all sworn to take revenge. (BBC 2008)

Blood feuds started to increase especially in the early 1990s with the collapse of the communist regime and are still a festering wound especially in northern Albanian society (Vickers & Pettifer 1997, p. 132). For example, in the first half of 1992 there were 19 blood-feud murders around the city of Shkoder (the main city in northern Albania). According to the non-governmental National Reconciliation Committee

(NRC), there are around several thousand Albanian families currently embroiled in feuds nationwide, leaving some 800 children confined to their homes (BBC 2008).

However, mediation of conflicts is also an old practice rooted in the Albanian society and prescribed in the customary laws or *Kanuns*. In a broad sense the *Kanuns* can be defined as sets of norms and rules of social activities based on specific moral concepts such as honour, loyalty, trust, belief, assurance for safety and truce encompassed in the Albanian society (Mile 2007). There were different *Kanuns*, whose sanctions were considered binding in different geographical areas (Gjuraj 2000, p. 25).<sup>1</sup> In this article, '*Kanun*' specifically refers to *Kanun i Lek Dukagjinit*, which regulated the lives of the people of northern Albania. *Kanuns* have been essential in the life of the northern Albanian society, except for the years between 1945 and 1992, when the country was under the harsh communist regime of Enver Hoxha, who banned the customary practices. Due to political unrest, economic collapse, mass emigration and migration, strikes, and most importantly as a result of the state's inability to exercise its power, customary laws regained significance in Albania after the collapse of the communist regime. These practices are especially very common in the rural mountainous areas of the country, where the power of the traditional norms had always been powerful (Voell 2004).

Although there is a Mediation Law in Albania,<sup>2</sup> mediators have been involving themselves in conflicts between families mostly on the basis of customary law. It can be argued that along with other countries where state law co-exists with traditional law, Albania represents a very interesting case 'for the study of self-governing practices, which exist parallel to the state authority' (Mile 2007, p. 5).

The approach adopted by local mediators in northern Albania has all the characteristics of mediation as defined by the academic literature on mediation and the main aim or expected outcome of this process is reconciliation between the families. Our aim in this research is to explore a little-examined area: that is, the approaches and strategies of the mediators in a society which responds to a certain extent to traditional or customary laws. There are a considerable number of case studies that have studied blood feuds, *Kanun* and resolution of blood feuds by local people.<sup>3</sup> In these studies, much has been written on the history of blood feuds, the role of the *Kanuns* and how blood feuds became an important problem in the post-communist period and created a security problem in Albania. However, there is still a pressing need to analyse the role of the local people trying to resolve blood feuds and resorting to traditional methods of mediation. This study will describe systematically the process and the mechanisms utilised in practice by traditional mediators in

<sup>1</sup>Among others they include the *Kanuni i Lek Dukagjinit*, *Kanuni i Skenderbeut* and *Kanuni i Laberise*.

<sup>2</sup>The Albanian parliament passed a law entitled 'On the Dispute Resolution through Mediation' (Law No. 9090) on 26 June 2003. The law outlines who is eligible for blood feud mediation, who can work as a mediator, and how the mediation process is conducted.

<sup>3</sup>They include, in history (Fischer 1999; Gjuraj 2000; Mile 2007), in anthropology (Schwandner-Sievers 1999, 2001; Krasztev 2002; De Waal 2005; Mustafa & Young 2008), in sociology (Grutzpalk 2002), in Albanian and Ottoman studies (Vickers & Pettifer 1997; Vickers 1999; Lawson & Saltmarsh 2000; Mile 2007), in law (Stanfield & Kukeli 1995; Oakes 1997), in conflict studies (Voell 2003; Young 2006; Elezi 2006), and in criminology (Arsovska & Verduyn 2008).

northern Albania. It will try to answer the questions of why people resort to traditional mediators in blood feuds; what their roles are in the process of mediation, forgiveness and reconciliation; what norms or values they use to influence the parties to reach an agreement; and whether they resort to *Kanuns* and customary practices or follow more of a formal procedure that is similar to the one followed by the Western mediators in the mediation process.

Data from the study come from field interviews with mediators in northern Albania. They consist of detailed case narrations by 11 mediators and semi-structured in-depth interviews with them, conducted from a wide geographical area in northern Albania, in the rural areas of Shkoder, Vau Dejes, Lezhe, Mirdite, Lac-Kurbini and Malesia e Madhe, between September and October 2007.<sup>4</sup> The interviewees were contacted through two non-governmental organisations (NGOs), the Foundation 'Conflict Resolution and Reconciliation of Disputes' and the 'Committee of Nationwide Reconciliation', working in the field of community conflict resolution and reconciliation in northern Albania.<sup>5</sup> The initial selections of mediators and contacts were made with the help of the heads of the NGOs. They were not chosen randomly but were considered by the heads of the NGOs to be the most experienced in mediation, very active mediators in their areas, active members of these NGOs, and prestigious persons due to other personal reasons.

Since mediation between families involving murder is a very sensitive issue it is kept strictly private during the mediation process. For this reason, and because of the intense feelings of the parties involved, direct observation of such mediation practices was neither possible nor allowed. Of course, this methodology has some limitations and shortcomings that need to be addressed. First, traditional mediation in Albania, in cases of murders or blood feuds, is done mostly in groups and it can take place over a period of years. Data in this study only present the cases narrated by one mediator from the wider group that was involved. However, the mediators argued that the groups they served acted in unity and the data collected from the interviews were very detailed. Moreover, this study does not claim that it is the single mediator who transforms the conflict in a short time span, but tries to incorporate the data about the other mediators and the whole mediation process as narrated by the interviewed mediator.

Secondly, three out of the 11 mediators interviewed were members of *pleqni* (Council of Elders). Mustafa and Young have argued that mediation by *pleqni*, being a paid job, can create a conflict between the experienced members who are paid double the amount given to less experienced ones. Not only would this lead to frustration during reconciliation proceedings (2008, p. 101), but also 'disputes between paid and

<sup>4</sup>All the respondents were mediators and they are all identified by the initials of their real names. The interviews were all conducted between 22 September and 31 September 2007, by Alma Shkrelly only.

<sup>5</sup>These NGOs mainly work on conflict prevention and resolution. The Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR) aims at contributing to the democratisation of Albanian society through mediation and reconciliation of conflicts and disputes arising among individuals and social groups. It has set up nine Mediation Centres in Albania where workshops are held in order to strengthen community-based mediation processes in Albanian society. The Committee of Nationwide Reconciliation (CNR) is an NGO that works toward encouraging the rule of law in Albania, has contacts with Albanian state organisations and conflict resolution groups, deals with national policy, arranges conferences and issues reports on blood feuds.

unpaid Elders often obstruct a final settlement' due to the fact that payment could only be made after a settlement was reached (Mustafa & Young 2008, p. 104). Because this study is based only on the data collected from the mediators, without observing them in practice, such possible problems could not be observed and analysed. Mediators in this study mentioned that they were asked to intervene in return for money in some cases, but they claimed that they did not take any money. (Of course, such a claim could not be verified for sure even with a participatory method.) However, we need to note that monetary gains are not the only type of gains: prestige in their communities, a non-material gain, might be more valuable to the mediators, and might be the main motivation for their intervention. Also, the almost organic link between the mediators and NGOs can entail possible problems, such as corruption and misrepresentation of 'reality'.

Thirdly, all mediators in this study were contacted with the help of local NGOs working on the reconciliation of blood feuds. One can question the almost organic link between these NGOs and mediators. It can be argued that such a link can undermine the objectiveness of the process because there is interest involved. However, these NGOs have to work with these prestigious figures whether there are personal gains or not because mediators are accepted by parties due to their personal background and it is mostly this background that persuades the parties to take part in the reconciliation process.

In what follows, we will first discuss what mediation is and how cultural contexts affect this process. Later, we will discuss the specific cultural practice employed by the Albanian mediators.

#### *Mediation and cultural conflict resolution methods*

Mediation is a 'third party intervention to bring conflicting parties together in a neutral and unthreatening setting, to help them analyse the deeply rooted or underlying causes of their conflict, to facilitate unhampered communication between them and to encourage creative thinking about possible solutions' (Avruch 1998, p. 85). According to Bercovitch, mediation process can be seen as an extension and continuation of conflict management, being a non-coercive, non-violent, voluntary and non-binding form of intervention (1997, p. 129).

In many societies there are various culturally legitimised forms of behaviour dedicated to the resolution of conflicts, the settlement of disputes and the allocation of responsibility. They are often the principal means by which disputes are settled, conflict resolved and the moral fabric of the community maintained (White 1998, p. 188). For Laue (1981, p. 71), one of the most important things for the intervener is his or her acceptance by the parties in conflict. It is mostly the norms or laws (as well as expected benefits) that determine the interacting parties' motivation to seek assistance from a third party, as well as the third parties' motivation to intervene in a conflict (Wall *et al.* 2001, p. 373). Scholars note a difference in the styles of mediators in traditional and Western societies since

every social system, whether a society or an organization has a culture with rules about how conflicts should be managed. In many small traditional societies the goal is to heal the rupture

that the conflict may have caused and to ensure that cooperative relations within the community are sustained. . . . [I]n highly differentiated societies, especially in Western societies, the judicial system tends to focus on the disputants and strives to determine who is right, discover or construct a mutually acceptable agreement between the disputant. The mediation process nevertheless, tends to be different in large relatively bureaucratized societies, than in small, traditional societies. Disputes tend to be treated in relative isolation, the mediator roles tend to be professionalized and the value of mediator neutrality is emphasized. (Kriesberg 1998, p. 240)

Similarly Cohen, comparing mediators in low context,<sup>6</sup> individualistic cultures (LCC) and high context, collectivist cultures (HCC) argues that the mediators in LCCs are expected to be impartial and trained professionals. They are not expected to preach, but to provide services for the parties such as assisting communication and creating alternative options. On the other hand, the mediators in HCCs do not have a professional role. They mostly have social status given by birth, and are chosen among local notables. During the mediation process, HCC mediators are expected to separate the adversaries, meticulously protect their honour, save face and restore equilibrium between them, if necessary even by supporting the weaker party (1996, p. 108).<sup>7</sup> Thus, from one culture to another, the roles and expected forms of behaviour and attitudes of the mediators change according to the established norms of the society and how society sees the conflict and the individual in society.

Mediation is an especially difficult process between parties who have experienced crime towards each other in societies where 'honour' and 'social harmony' are highly valued. In most cases of mediation, the mediators operate in environments that consist of disputing parties, their constituents and other constituents (Bercovitch & Wells 1993, p. 4). However, in cases where the social norms are more repressive on the individual and there are more parties to address during the mediation process, the mediator's behaviour is shaped by the specific characteristic of the environment, the parties involved, and the issues and the nature of the dispute. As argued by Grutzpalk, mediation of honour killing needs to address the fact that 'not only physical harm must be repaired by blood, but also the harm to one's honour. This can make vendetta [honour killing] more complicated and the regulating effect may be lost' (2002, p. 118).

We argue that the mediation process conducted by the local mediators in northern Albania is a culturally specific form of 'Victim-Offender Mediation' (VOM)—a process where the mediator aims to achieve justice through apologies and reparation

<sup>6</sup>In the LCCs (such as Australia, Germany, the United States) conflicts are seen as legitimate struggles of competing interests, and are handled either in a problem-solving manner, minimising subjective desires and needs, or through adversarial techniques of open confrontation. Debate, challenge and refutation, and controversy carry no threat to the ego (Cohen 1996, p. 114). However, in HCCs, where the community is valued more than the individual, conflicts are mostly seen as results of violations of collective expectations and can be resolved by relationship-oriented and implicit communication procedures.

<sup>7</sup>Saving face refers to maintaining a good image, often in spite of adverse circumstances. It is highly valued in HCCs. Cohen points out that the more traditional, collectivist honour-based cultures are meticulous about 'protecting the face of the parties and prefer to communicate elliptically and nonverbally' (1996, p. 114).

in cases where murder is involved.<sup>8</sup> In this process, the role of the community becomes much more complex than a simple mediation between individuals since the community can also become part of the reconciliation process, directly or indirectly. Depending on the need of the victim, the outcome of the mediation can be either reparation or apology (Marshall 1999, p. 26). Paying attention to the relationship between parties is another important aspect of VOM. The parties in VOM (unlike most other forms of mediation) are not to be considered balanced or equal. When the offender admits an offence, he takes the responsibility to make a good action towards the victim. This even applies in cases when the offence has arisen out of a dispute or fight with the victim, and in which the victim may have been equally at fault or even more (Marshall 1999, p. 24).

Practices such as VOM are based on the need for engagement between two or more of the various parties and they aim to achieve restorative justice (Marshall 1999, p. 7). The highlight in victim–offender mediation is on the victim’s suffering and how the offender may make reparation for this. Such a method is very effective (or more effective than in the formal courts) in countries where ancient traditions and norms are used to manage conflicts (Marshall 1999, p. 15). In many cases, the outcome that mediators seek in these processes is ending the violence; however, very often mediation also aims at restorative justice, which usually has the ideal goal of reconciling the disputing parties (Estrada-Hollenbeck 2001, pp. 79–81). Restorative justice, in opposition to retributive justice which punishes the wrong doer without addressing the root causes of the problem, is a mechanism

to attend fully to *victims’ needs*—material, financial, emotional and social (including those personally close to the victim who may be similarly affected), to prevent re-offending by *reintegrating offenders* into the community, to enable offenders to assume active *responsibility* for their actions, to recreate a *working community* that supports the rehabilitation of offenders and victims and is active in preventing crime, [and] to provide a means of *avoiding escalation* of legal justice and the associated costs and delays. (Marshall 1999, p. 6, emphasis in original)

Therefore, it is both *restorative* (of relationships), *reparative* (of the injustice done to the victim and society) and *preventive* (of possible new conflicts).

Mediating blood feuds is complex and difficult because it is not only the victim and the perpetrator who are at stake, but also their status and ‘honour’ in society. Mediation involves a circle of relatives, supporters and significant other people of the parties. This community also serves as a basis for involvement and intervention since they are also affected by the act of offence. The extent to which these person-centred networks can be effective, of course, changes from one case to the other (Marshall 1999, pp. 27–29).

Many scholars who have studied the roles played by mediators have listed the following as some of the types of assistance that mediators offer to the parties in any

<sup>8</sup>Reparation is an essential element to achieve justice in VOM (Marshall 1999, p. 27). It may be in the form of financial payments, work for the victim, work for a community cause selected by the victim, specific undertakings (such as attending a counselling course), or a mixture of these (Marshall 1999, p. 11).

mediation process: providing space for communication; providing information; helping adversaries to begin negotiations; helping to penetrate emotional barriers; helping to stall deterioration; face-saving; changing procedures; helping to invent new options; representing persons not represented in negotiations; constructing deals; adding resources; generating pressure for an agreement; and rallying support for an agreement (Kreisberg 1998, pp. 231–34).

Several scholars have argued that in order to categorise the roles that mediators play we should look at the mediation strategies they adopt in different conflicts or different contexts. Bercovitch and Huston for instance, state that the practice of mediator revolves around the choice of strategies and techniques that the mediators will use to reach the outcome they have identified for the process (2000, p. 174). Kolb defines strategy as ‘an overall plan, approach or method a mediator has for resolving a dispute . . . it is the way the mediator intends to manage the case, the parties and the issue’ (Kolb 1983, p. 24, cited in Bercovitch 1997, p. 136).

Mediators’ strategies are intended to change, modify, settle or resolve a conflict in cases where the parties cannot reach an agreement on their own. Bercovitch and Houston, working on a framework developed by Zartman and Touval, elaborate their own list of mediator strategies, which mediators use to affect certain aspects of conflict or the kind of interaction between parties (Touval & Zartman 1985; Zartman & Touval 1985; Bercovitch 1992, p. 16). Callister and Wall (1997) also provide a culture-sensitive list of 38 techniques of mediation, many of which are similar to the techniques described by Bercovitch and Houston (2000).<sup>9</sup> Callister and Wall (1997) devised a culture-sensitive list of 38 techniques of mediation, many of which are similar to those of Bercovitch and Houston. However, Callister and Wall added more techniques to the list after a study of Japanese culture. Most of their techniques come from community and organisational mediation whereas Bercovitch and Houston (2000) analysed international mediation cases. Since Callister and Wall’s list is more comprehensive and better suited for community mediation, we have applied theirs in our analysis.

The outcome of mediation differs according to what is expected from the process. As an outcome, mediators in traditional societies usually aim for reconciliation between the parties. Galtung defines reconciliation as ‘the process of healing the traumas of both victims and perpetrators after violence, providing a closure of the bad relations’ (2001, p. 3). Lederach identifies four major concepts or components of reconciliation: truth (acknowledgement, transparency, revelation and clarity); mercy (acceptance, forgiveness, support, compassion and healing); justice (equality, right relationships, making things right, restitution); and peace (harmony, unity, well-being, security, respect) (1997, p. 27). These elements of reconciliation are inter-related and play an important role in the successful outcome of mediation especially in cases where a crime has been committed. Mediators in these cases can facilitate the steps towards reconciliation since they can work on building mutual trust between the disputing parties and can help to reach the goal of restoring justice and a peaceful solution to the conflict (Estrada-Hollenbeck 2001, p. 81).

<sup>9</sup>For details of Callister and Wall’s list of the strategies and their relevance to the Albanian context, see Table A1 in the Appendix.



*Blood feuds in northern Albania and the customary law (kanun)*

Different historical periods and political regimes have shaped the character of Albanians today as well as their traditions related to family, community, conflicts, regulations and justice (Fischer 1999). From the fifteenth century until the beginning of the twentieth century Albania was ruled by the Ottoman Empire. However, during this period, the Ottoman system allowed some freedom to the clans under its rule, which let Albanians to keep their own self-administration in exchange for paying fixed tributes to the Ottoman-appointed lords (*bajraktarë*)<sup>10</sup> (Vickers & Pettifer 1997, p. 132). In the fifteenth century, blood feud was considered an adequate tool for restoring justice in the communities in the absence of an Albanian state (Fischer 1999; Mile 2007, p. 24). The endemic feuds were widespread as families, tribes and kin groups used them to regain their honour in the community. However, serious social and economic hardships resulted, not only from the deaths of many young men, but also from others (male family members and relatives of the offender) going into hiding, sometimes for several years, in order to escape being killed (Vickers & Pettifer 1997, p. 132).<sup>11</sup> In the fifteenth century, an Albanian prince, Lek Dukagjini, who collected and codified the mores and folkways of northern Albanians, could not prevent the blood feuds, but he did stipulate some rules in an attempt to control and discourage them.<sup>12</sup>

Under the Ottomans, neither the higher strata of the elders and *bajraktarë* (considered as the high social strata of the highlands) nor the Ottoman rulers were interested in controlling, ending or eradicating blood feuds.<sup>13</sup> According to Mile this was because the *bajraktarë* benefited financially from the blood feuds in the form of fines, and the Ottoman authorities, through the *bajraktarëve*, had found a less costly way to govern the highlands without having to impose direct rule (2007, p. 8). This situation continued until the rule of King Zog (1928–1939). King Zog managed to reduce considerably the number of blood feud murders through the strategy of weakening the highlanders' institutions, especially that of *bajraktarëve* (Mile 2007, p. 35). However, these attempts to weaken the customary law were considered as external to the legal system of highlanders, and they achieved only minimal results (Mile 2007, p. 36). Thus, until 1944, the beginning of communism, the *Kanun* was still essential to the life of northern Albanian society.

In 1945, at the end of the Second World War, the country became a republic under the communist regime of Enver Hoxha, which continued to use the Criminal Code of 1928 adopted by King Zog. In this code a revenge murder (and the blood feud was

<sup>10</sup>*Bajraktarët* were military leaders of their clan/tribe and were appointed by the Ottomans to this office, not by their compatriots. *Bajraktarët* held civil and administrative powers. It was their duty to recruit troops for any battle that the Ottomans intended to fight. In peacetime *bajraktarët* exercised civil duties, such as collecting taxes.

<sup>11</sup>Women, however, were held in such low esteem that they were exempt from all feuds, as was a potential victim caught while in the company of a woman. Children of both sexes were also immune from the killing (Vickers & Pettifer 1997, p. 132).

<sup>12</sup>The unwritten law of the Albanians had been in place long before the fifteenth century when it was codified by Lek Dukagjini. Nevertheless the *Kanun* is attributed to him, and it is now recognised as 'the Code of Lek Dukagjini' (Mile 2007).

<sup>13</sup>Albania proclaimed independence from the Ottoman Empire in 1912 (Vickers & Pettifer 1997, p. 132).

considered as one form of revenge) was labelled a 'qualified murder', thus deserving severe punishment (Mile 2007, p. 36). However, by the early 1960s, the communist regime did better than King Zog in terms of diminishing the power the *Kanun* had on the population. Besides educational, organisational and judicial measures, the communist regime applied severe punishments, such as very long prison sentences, deportation and the death penalty for blood feuds (Mile 2007, pp. 36–39).

After the end of the communist regime in Albania in 1992 and the following several years of social and political disorder, the state lost control in many parts of the country (Voell 2003) and customary practices regained popularity especially among the rural population. By mid-1993 the Albanian government had become conscious of the highly negative impact of blood feud killings on its international reputation. Considerable resources were therefore channelled into improvements in policing (Vickers & Pettifer 1997, p. 132). Very often, however, state institutions are accused of not having the presence and strength to regulate the life of the people in Albania, thus stimulating the revival of the *Kanun* life in rural areas (Hata 2006, p. 45; Immigration and Refugee Board of Canada 2006).

The link between weak state and extra-legal practices became more noticeable in the events of 1997 when the number of murders in general and blood feud murders in particular reached a peak.<sup>14</sup> In Shkodra district (which includes the urban area of the city of Shkoder and the rural areas) for instance, out of 76 murders in 1997, 32 were blood feuds. With the strengthening of the state apparatus and the increasing of security, the number of blood feuds declined significantly in 2006, when out of nine murders, only two were blood feuds (Mile 2007, p. 45).

*Kanun* is composed of decrees which regulate all aspects of life, including but not limited to the arrangements of marriages, the boundaries of fields and the payment of taxes (Vickers & Pettifer 1997, p. 132). In a broader sense, it can be defined as a set of norms and rules of social activities, based on specific moral concepts such as honour, loyalty, trust, belief, assurance for safety and truce, encompassed in the Albanian society (Mile 2007, p. 55). Thus, the code is a mixture of legal and social norms and social sanctions.

One can find in the Code of Leke Dukagjini norms regarding family life, marriage, property, *besa*,<sup>15</sup> weddings, work, the church, and murder, as well as sanctions such as the death penalty, blood feud, expulsion, fines, the burning of houses, *sodumja* (destruction of plants, meadows and gardens through burning or weeding out), *leçitja* (ending of social relations with the punished person) and *faqja e zeze* ('black cheek'—dishonour within the community) (Mile 2007, p. 55). The *Kanun* has a highly complex legal code which is arbitrated by a Council of Elders (Vickers & Pettifer 1997, p. 132).

<sup>14</sup>In 1997, due to the breakdown of pyramid investment schemes the country entered a phase of social–political instability in which angry victims of the schemes attacked and looted the military arms depots. These events placed a large number of arms in the hands of civilians (Vickers & Pettifer 1997, p. 132) and 'more than 3000 people were killed and many more injured' (Lawson & Saltmarsh 2000, p. 6).

<sup>15</sup>*Besa*, meaning truce, according to the *Kanun of Lek* is 'a period of freedom and security which the family of the victim gives to the offender and his family temporarily suspending pursuit of vengeance in the blood feud until the end of the specific term' (Fox 1989, p. 166).

The Code is a complete description of highlanders' life and customs. It contains, either directly or indirectly, references to honour in all of its articles. There is a whole chapter on personal honour, and although there is no definition of honour in the *Kanun*, there is an article which explains when a man is dishonoured. According to the *Kanun* 'A man is dishonored: (a) If someone calls him a liar in front of a group of men; (b) If someone spits at him, threatens him, pushes him, or strikes him; (c) If someone reneges on his promise of mediation or on his pledged word; (d) If his wife is insulted or if she runs off with someone; (e) If someone takes the weapon he carries on his shoulder or on his belt; (f) If someone violates his hospitality, insulting his friend or his worker; ... (h) If someone does not repay a debt or obligation' (Fox 1989, pp. 130–32).

Similar to legal codes, *Kanun of Lek Dukagjini* states that everyone has to be treated equally in order to be fair to and acceptable by all the people. According to the Code of Lek Dukagjini the only means that the highlanders have for controlling blood feuds is reconciliation (*pajtimi*). However, in Article 969 the code has certain provisions for reconciliation. 'Reconciliation of blood is accomplished in two ways: (a) Through intercession by friends of the family of the victim and by the parish priest; (b) Through a general amnesty declared by the Chiefs House of Gjomarkaj, and the man of the Banner (*bajraktar*). In this case the House of Gjomarkaj receives 500 grosh for each murder' (Fox 1989, p. 182).<sup>16</sup>

The Albanian *Kanun* also has its own prescription for mediation processes (*ndërmjetësim*), the mediator's role and the mediator's honour. In article 965 of the *Kanun*, it is stated: 'The one who endeavors to bring about reconciliation between the family of the victim and the family of the offender is called a "mediator of blood" (*shkues i gjakut* or *ndërmjetës*)' (Fox 1989, p. 182). Article 667 refers to the mediator as the messenger, who 'does not incur guilt and is not considered culpable' (Fox 1989, p. 138).<sup>17</sup> In Article 669 it is specified that the mediator 'may be a man or a woman, a boy or a girl, or even a priest' (Fox 1989, p. 138), but the role of the mediator has been usually taken on by the respected (male) elders of the tribes and villages (Young 2006, p. 6).

However, despite the existence of a published version, interpretations of *Kanun* abound. Many argue that Lek Dukagjini devised rules to regulate the population under his rule in the fifteenth century (Arsovska & Verduyn 2008; Mustafa & Young 2008), 'and it was gradually accepted as common law in Shkodra, Gjakovo, Kosovo, Montenegro and Macedonia' (Krasztev 2002, p. 42). There are also arguments that 'one of the descendants of the Dukagjini family issued his own *Kanun* following the example of the [Ottoman] sultans' (Krasztev 2002, p. 42). Whatever the source, today's *Kanun* is a set of customary laws, 'believed to be passed from generation to generation, codified in common proverbs and sayings' (Schwandner-Sievers 1999, p. 138),

<sup>16</sup>This second prescription was applicable at the time when the *Kanun* emerged, but nowadays it does not apply to the practice. Mile states that the only concrete sanction against the blood feud (itself a sanction) was the provision in the code of a large amount of money (*grosh*) and goods that the family of the offender (*dorerasi*) had to give to the family of the victim and to the authorities (*bajraktari* and the council of Elders) for the spilled blood. Also the reconciliation process required money, thus raising considerably the financial cost of taking blood (Mile 2007, p. 31).

<sup>17</sup>The *Kanun* refers to mediator as '*ndërmjetësi*', meaning the middle man.

compiled by a Franciscan monk, Shtjefen Gjeçov, in 1933 (Krasztev 2002; Schwandner-Sievers 1999; Mustafa & Young 2008).

However, the communist regime's strong repression of the customary law interrupted the centuries-old practices, even though 'single copies of Gjeçov's printed *kanun* were hidden from the communist authorities' (Schwandner-Sievers 1999, p. 138). After the communist regime's collapse, blood feuds were adapted to circumstances (Schwandner-Sievers 2001, p. 97) rather than following the textual tradition, and there are 'often multiple and contradictory understandings of *gjakmarrja* [blood-feud]' (Mustafa & Young 2008, p. 96). These contradictory interpretations also stem from the fact that it is mostly the elders and the descendants of the *bajraktar* families who claim to know the 'old *kanuns*' and their memories of *kanun* are somewhat 'shattered, or actually completely reinvented' (Schwandner-Sievers 2001, p. 103) as a result of factors such as communism, globalisation, and 'modernisation' (Arsovska & Verduyn 2008, p. 234). Consequently, according to Krasztev (2002, p. 41), people act 'according to how they imagine these laws there and then'; and there are various examples 'of continuing evolution [of *Kanun*'s rules] to fit the contemporary situation' (De Waal 2005, p. 89).

This has led some observers to suggest that the mediators' knowledge and interpretation of *Kanun* are questionable. Schwandner-Sievers argues that *Kanun* 'is promoted and interpreted differently by specific interest groups to deal with present day conditions' (1999, p. 134). Similarly, other studies (Schwandner-Sievers 2001; Krasztev 2002; De Waal 2005; Arsovska & Verduyn 2008) found that *Kanun* has been adapted to new circumstances and that the knowledge of *Kanun* among Albanians is not high. It is mostly the elders who know and follow the *Kanun*, but 'unfortunately, the information these elders have, after fifty years of communism, may be inaccurate or they themselves may already be senile' (Schwandner-Sievers 1999, p. 138). Schwandner-Sievers (1999) argues further that elders lost their enforcement power and that their legitimacy is problematic in northern Albania. Similarly, Mustafa and Young argue that 'conflict management may be better accepted from neutral intermediaries who must not be state officials or even local Elders as they may be heavily invested in existing sets of relations by their kin affiliations and interests' (2008, p. 104).

Although it is hard to consider the mediators in this study as 'senile', similar to the findings of other studies, we would concede that their knowledge of *Kanun* is doubtful. The age of mediators in this study ranges between 50 and 74. All the mediators stated that they started to become involved in mediation in the early 1990s, and thus they are experienced in peacemaking. However, similar to the situation described by Schwandner-Siever, only eight out of 11 mediators claimed to have read the published version of the *Kanun*. Moreover, they stated that they were not strict in following the written version because 'things have changed over the centuries': not only because not all the families they mediated believed in *Kanun*, but in cases where the families believed in the *Kanun* practices, most of them did not live in rural areas anymore. In the urban areas, the mediators believed, conditions have changed, including a decrease in the numbers of people living in big extended families. They also claimed that the motives for killing were now very different from the time when *Kanun* was written. Whether these claims are true or not, it would not be wrong to argue that the written *Kanun* is not known in detail or followed strictly, but that, rather than seeing their role

as problematic as their critics suggest, the mediators that we interviewed believed that this century-old practice needs to be adapted to the new conditions of contemporary life.

*The nature of the blood feuds and mediation by local people*

Blood feuds emerge for several reasons. According to mediators in northern Albania most cases involve disputes over land ownership that arose as the result of the redistribution of land after the collapse of the communist regime. Redistribution and privatisation of land were carried out differently in the northern highlands from other areas of the country, where land was distributed per person. In northern Albania, however, redistribution was implemented by village land commissions,<sup>18</sup> and this produced some discrepancies between the documentation of the new ownership and what in fact is owned (Stanfield & Kukeli 1995).

The 27 cases narrated in this study also include ten blood feuds resulting from spontaneous fights over material issues or insults; another five are as continuations of previous fights; two related to car accidents; a further two to accidental shootings; five to honour offences; and three to business disputes. Although all cases include an understanding of breach of honour by one of the parties, the cases described as honour offences in this context mostly stem from cases of adultery, beatings, swearing and maltreatment of women. As can be seen from this break-down, blood feuds in the northern Albanian society can result both from immaterial sources, such as broad understandings of 'honour', and disputes over material resources such as money and land (the loss of which can also be considered as a part of 'honour' in society).

In community mediation in northern Albania, mediation springs either out of the necessity for the offender's family to reconcile with the victim's family, prevent revenge or more bloodshed, or from mediators' will to prevent the feud and to reconcile the families. In northern Albania in cases of killings, intentional, accidental or due to instant fights, the mediators usually do not intervene directly. One of the parties, usually the perpetrator or his family, requests the mediators to intervene in order to avoid blood feuds and vengeance. The third parties usually accept to mediate if they know who perpetrated the crime. The purpose of this intervention is to achieve forgiveness for the blood, reconciliation between the families, and stopping an ongoing feud or avoiding vengeance. In response to a question of how mediation is carried out, a mediator described the following steps as: 'we study the situation; we get the group of mediators together; we ask for the union of the tribe or kin in a collective meeting; we go and give our opinions in the meeting with all the tribe or kin members'.<sup>19</sup>

<sup>18</sup>The Restitution of the Land Code necessitated the re-establishment of the pre-communist Council of Elders (*pleqni/pleqesia*) and the Headman (*kryeplak*). In theory the Code's rules were followed exactly: each clan in a village elected a representative to sit on the council, and those in turn chose the headman of the village among them, regardless of political affiliations. Some villages for example chose a descendant of a former *bajraktar* or similarly a prosecuted family descendant to be headman (Mile 2007, p. 40).

<sup>19</sup>P.T., personal interview, Bajzë, Malësi e Madhe, September 2007.

Acceptance of the mediators by the parties and their social prestige derive not only from the *Kanun*, but mostly from their background, family origin,<sup>20</sup> their long experience, and the reputation they have gained in the community. In this study four of the 11 mediators came from Muslim backgrounds and seven were from Christian (Catholic) backgrounds. However, it is important to note that religion does not affect their role as mediators because they mediate in Muslim and Christian families with the same principles. A Muslim mediator is respected in a Catholic family and vice versa, and they mostly mediate in groups, which are always formed of mixed religions.<sup>21</sup>

Mediation in Albania is usually done in groups. Mediators act individually but also as a group to influence the parties. 'Sometimes we are leaders and initiators and sometimes we are participants and contributors to the mediation initiated by someone else' suggested one mediator.<sup>22</sup> Because it is a group decision to forgive the blood of family members, group mediation is needed. The purpose and value of the group mediation can be summarised as follows:

Mediation with a group has more value than mediation as an individual, especially when the members of the group are selected people, because the family who has to forgive says 'oh well all the important people came to ask me to forgive the blood'. Also people can change their minds and when you are mediating as an individual that is risky. It is important to find the person that is more acceptable by the parties. The family feels more respected and honoured when many important people come to ask for forgiveness. The family members can forgive easily and they feel more comfortable with themselves to forgive in this situation. Religious figures also are important to be included in the groups.<sup>23</sup>

The mediators believe that they need the group format and some also favour this over individual mediation based on their religious and traditional learnings:

Mediation is done in groups because '*Trimi I mirë me shokë shumë*'—'The good and brave man has many collaborators'. You cannot have good results if you are alone, even God has the disciples to help him (from a Christian point of view).

In the resolution of conflicts, I personally collaborate with many *struktura*,<sup>24</sup> from the most reputable people in a neighbourhood/village or the headman of the neighbourhood or village; however the *bajraktar* is the one who has a great amount of importance and value since the

<sup>20</sup>These mediators were members of the 'leading families', that is, they were either from the '*Bajraktar*' families or members of '*pleqnia*', elders of the village in the past. Four mediators in this study were descendants (sons or grandsons) of the *bajraktars*' families, one was from a family who was prosecuted during the communist regime, three came from a family whose fathers or grandfathers were traditionally part of the elder groups of villages.

<sup>21</sup>This is also due to the fact that Albania's population is mixed in terms of religion. According to Antonia Young (1997), it is composed of approximately 71% Muslim (55% Sunni Muslim and 16% Bektashi, of which about 5% are Shiite), and 29% Christian (19% Orthodox and 10% Catholic). Gjuraj argues that the kinship system established in Albania played down religious differences and that 'people (are) more loyal to the customs and habits of the clans in which they lived than to their personal religion' (2000, p. 24).

<sup>22</sup>N.L., personal interview, Vau Dejës, Shkodër, September 2007.

<sup>23</sup>A.I.M., personal interview, Ura e Shtrenjt, Shkodër, September 2007.

<sup>24</sup>Institutions, or institutional structures, such as the headman of the neighbourhood or village.

past times. These are very influential people and this very fact has to be exploited because the mentality of the highlander is such that they respect them a lot. So, it is necessary to collaborate with people especially with the ones who are predisposed to positively help. The members of the group are considered equal to each other (*'I barabartë mes të barabartëve'*) however somebody should be the organiser—we are all mediators, we all do the job and the result or decision has to be collegial.<sup>25</sup>

However, in some family cases the mediator intervenes alone and keeps even the intervention secret from the rest of the community.<sup>26</sup> These are mostly cases 'about honour (specifically the honour of women), [and] it is better to mediate alone because certain things might have happened and that is better to keep them private and in the family'.<sup>27</sup>

The party or family that requires forgiveness in almost all of the cases is isolated, confined within their houses,<sup>28</sup> and thus they send someone else like a woman, a distant relative or a close friend to request the intervention of mediators.<sup>29</sup> If there are murders by both parties the request comes from the family who carried out revenge, who killed last, since they feel that they became equal after having taken revenge. The victim's family rarely comes to ask for the mediators' intervention, but sometimes it happens because they might have received death threats from the perpetrator's family.<sup>30</sup> Table 1 presents the parties' motivations to ask for mediators' assistance as narrated by the mediators themselves.

In most cases, the offender had already received punishment from the state, but what makes the traditional mediation still worthwhile in the case of blood feuds is that this process prevents the possible spill-over of the feud to other family members, who act to protect their 'honour'. Punishment by the government in these cases does not necessarily provide the feeling of justice and restitution of 'honour' in society. The general view of the mediators was that while the government takes care of the perpetrator, they do not take care of the security and the safety of the family (or kin) members who might be targets of vengeance from the victims' family. Table 2 lists the reasons why most locals refer to local mediators in these cases.

In the eyes of people in northern Albania, courts only punish perpetrators but it is the mediators who try to reconcile the parties and prevent further bloodshed: 'The court has its own duty and we have our own duty. The court doesn't solve the conflicts; it only gives a decision or punishment or sentence according to the proofs presented there. We don't call the murderer's party criminal'.<sup>31</sup>

The mediators also point out another difference between their process and the court process: 'If you try to solve a problem through court you do not have a good relation with anybody, if you solve it through reconciliation you can still be in good relations.

<sup>25</sup>A.K., personal interview, Shkodër, September 2007.

<sup>26</sup>F.L., personal interview, Bushat, Shkodër, September 2007.

<sup>27</sup>N.L., personal interview, Vau Dejës, Shkodër, September 2007.

<sup>28</sup>After a killing has happened, accidental or not, usually the killer's family or kin or tribe confines itself immediately in order to escape revenge.

<sup>29</sup>N.L., personal interview, Vau Dejës, Shkodër, September 2007.

<sup>30</sup>F.L., personal interview, September 2008.

<sup>31</sup>A.K., personal interview, Shkodër, September 2007.

TABLE 1

MOTIVATION FOR ASKING THE ASSISTANCE OF THE TRADITIONAL MEDIATOR (ACCORDING TO THE MEDIATORS INTERVIEWED)

<i>Reason for request</i>	<i>Mediator</i>
Hereditary traditions (being a member of a leading family in the village or area)	A.I.M., F.L., K.B., Y.M.
Perception of the mediator as being trustworthy, reliable and honest; having a good reputation with the public	A.I.M., N.L., P.T., P.G., Y.M.
Being neutral and impartial	A.I.M., N.L.
Not working for money or not having a monetary interest	A.I.M., N.L., P.T., Y.M., G.M.
Perception by the public of the mediator as capable, wise and skilled	A.I.M., N.L.
Having a long experience of and dedication to the issues	N.L., P.K., P.G.
Mediators' acquaintance with the parties	P.K.
Religious reasons (intervening only for God's sake and to keep peace in the community)	P.T., Y.M., G.M.
Invitation by other parties	K.B.

TABLE 2

MOTIVATION FOR ASKING FOR THE ASSISTANCE OF THE TRADITIONAL MEDIATOR AS OPPOSED TO GOING TO THE COURTS (ACCORDING TO THE MEDIATORS INTERVIEWED)

<i>Category</i>	<i>Reason</i>	<i>Mediator</i>	<i>Total</i>
<i>Disadvantages of courts (material and procedural)</i>	'Our method of mediation and resolution of conflicts is more stable and complete than the way used by the state law'.	A.I.M.	A.I.M., A.K., P.K., X.G., Y.M
	'The court does not play any role in the relationship between the families'.	A.K.	
	'The court involves a lot of tiredness, it tires the parties'.	P.K.	
	'The court entails a lot of expense'.	P.K.	
	'The court never leaves the parties in good relations'.	P.K.	
	'We reconcile the parties or families, the courts do not'.	A.K., X.G., Y.M.	
<i>Lack of trust in the government/courts and trust in the mediator</i>	'We are perceived as trustworthy and honest'.	N.L., Y.M.	A.I.M., N.L., P.K., P.G., K.B., Y.M.
	The strength of the <i>Kanun</i> — 'People come to me because the <i>Kanun</i> is dominant, and not the state law'.	A.I.M., Y.M.	
	Lack of trust in the rule of law— 'People do not trust the courts'.	P.K., P.G., K.B., Y.M.	
<i>Tradition/kanun power</i>	'Tradition is stronger than the state laws and you cannot apply the laws without taking tradition into consideration'. 'Conflicts that are generated by tradition should also be solved using the traditions of the country'.	A.I.M., P.K., P.G., K.B., G.M.	A.I.M., P.K., P.G., K.B., G.M.
	'Because of this inherited customary idea not to go to the courts'.	A.I.M.	



In the court there is always a guilty person, but in reconciliation [or reconciliatory mediation] there is no guilty person'.<sup>32</sup>

### *The mediation process*

In this section we describe the mediation process used by our respondents with reference to the list of techniques provided by Callister and Wall (1997).<sup>33</sup> We also describe the context-specific techniques in northern Albania.

After a murder happens, the perpetrators' family, relatives or kin contacts a mediator. The mediator may already have his own group or he forms a group from appropriate people who can be influential in the resolution of the conflict (technique 9). This group always meets separately with each of the parties, specifically the members of the victims' family and the members of the perpetrators' family (technique 1). They listen to their points of view about how the conflict erupted (technique 2). First, they listen to the offender's family since they are usually the party requesting mediation and then they also gather information from others, such as people in the community, friends and relatives (technique 6). In such cases they first try to understand the situation and analyse its causes (technique 8). They try to analyse the characteristics of the parties, including family ties, area of origin, religion and economic situation, in order to gain access to the victim's family (technique 23); they try to think who could be a good collaborator to prevent vengeance or stop a feud, and then help the parties reconcile with each other. In order to decide how to intervene they also gather information from other third parties (technique 15); however this technique is used all through the process and not only at the beginning. Very often the mediators have to wait to intervene until the feelings of the victims' family have somehow been appeased (technique 7). It is, thus, a strategic decision to wait for the right time to intervene.

In cases where mediators do not know either party, they always use another third party or a secondary party from the community, such as a relative, a close friend, in-laws, a neighbour, or a co-worker of the family members of the victim, who is willing to help in order to gain entry to the family of the victim (technique 8). Once they gain entry to the family of the victim through another third party or secondary party, mediators try to negotiate reconciliation between the parties. In meetings they state the other family's point of view to the victim's family (technique 10), not at all justifying the murder, but mostly justifying their requests for *besa* (technique 1a). The mediators usually call for empathy by putting a positive face on the disputants and praising them or their family members (technique 12). They always ask the victims' party to 'forgive the blood' of the other party (technique 33). Thus, they treat the victim's family with tact and show even more respect, since they are expected to forgive.<sup>34</sup>

The mediators try to educate, persuade or advise the disputants individually as to how they should think about the adversary party (technique 3). Very often mediators argue for concessions, and they sometimes specifically propose certain concessions

<sup>32</sup>P.K., personal interview, Mirditë, September 2007.

<sup>33</sup>See Table A1 in the Appendix. Technique numbers refer to the list in Table A1.

<sup>34</sup>Xh.G., personal interview, Shkodër, September 2007.

mostly to the victims' family members (technique 7). In order to convince the parties to make concessions the mediators identify similarities and interdependency in the disputant's goals, fates and needs as well as the costs and benefits of disagreement and agreement, especially in cases where the parties are part of the same kin group, or they are in-laws or neighbours (technique 16).

It is very common for mediators to have a drink with any of the members of the families in feud during the process of mediation, and they use this as an opportunity to discuss issues such as concessions or ways to get out of the conflict without causing further harm (technique 18). These meetings take place in informal settings such as the houses of the victim's family, or in the house of the perpetrator, when the mediators visit in order to keep them informed about the steps and stages of the mediation (technique 10a). In this way they channel information between the parties. These meetings happen sometimes also in coffee shops, especially when the mediators are acquainted with the parties or after a certain time has passed in trying to reconcile the parties. Mediators, in talking to the perpetrators, try to persuade them to make an apology for what happened so that they can pass it to the victims' family members who, in many cases, are resentful and ready to take revenge (technique 4).

Mediators always back up their techniques with a rationale and explanations, referring either to specific cases, to the parties' characteristics, or to their general understanding of cases of murder (technique 20). All mediators adapt their techniques and especially their speech according to the characteristics of the parties (technique 12a), and that is why the groups they form for the intervention are diverse in terms of mediators with different beliefs concerning religion and their attitudes to customary laws and area traditions.

There are cases when the mediators make an effort to create more direct channels of communication between the parties and to improve relations (technique 7). For example, in one case, mediators convinced some members of the offender's family to visit the father of the victim in hospital. In some cases, mediators may also seek to create their own relationship with the parties by visiting their house often, not with the purpose of directly asking for concessions, but mostly to create an atmosphere of trust which might lead to future concessions (technique 4a).

At the beginning of mediation for murder cases, the mediators ask for *Besa* (truce) (technique 1a), which is considered a smaller concession in comparison to forgiveness of the blood. They sometimes ask for *besa* more than once. The purpose at first is to let the victims' family calm their feelings. Then during the *besa* time mediators try to push for reconciliation or forgiveness, through widening the network of the people who can help the reconciliation of the parties.<sup>35</sup> They argue that the purpose is to work with honesty, to try to achieve reconciliation and not to dishonour anyone.<sup>36</sup>

To encourage the victim's family to forgive, mediators start by praising the victim, his family or the kin members who are being addressed, while not disregarding the qualities of the adversaries (technique 27). Sometimes they have to be vague when talking about issues related to the murder (technique 37), or to use selective information to create tolerance (technique 11a). They believe that when dealing with a

<sup>35</sup>N.L., personal interview, Vau Dejës, Shkodër, September 2007.

<sup>36</sup>P.T., personal interview, Bajzë, Malësia e Madhe, September 2007.

case involving a murder if a mediator starts investigating too deeply they do harm. They believe that in such cases it is impossible to establish guilt or to accuse one guilty party or person.<sup>37</sup> They very often refer to other cases of a similar nature and how people behaved in those situations (technique 26), and also point out the costs of non-agreement such as the possible spillover of the conflict to younger generations (technique 32). When the parties are still hostile they make specific statements to calm the disputants (technique 30), expressing optimism about the situation (technique 5a), and refer to specific moral principles and Albanian societal norms (technique 28). Such norms are prescribed also in the *Kanuns*, such as ‘being a man of honour’, ‘being a man of *besa*’, ‘the one who forgives is stronger and braver than the one who kills’ as well as religious principles such as ‘Jesus Christ forgave the people who crucified him, so you should forgive as well, if you are true believers’.<sup>38</sup>

In order for their intervention to be more fruitful (especially when it is not an honour case related to a woman) mediators often also involve third parties, usually the uncle (*daja*), the brother of the victim’s mother, to their meetings (technique 36). These meetings are mostly visits to the homes of the victim’s family members. They also instruct the family members on how to educate, persuade or advise one or both disputants on how they should think or act (technique 31), or have them criticise the parties’ behaviour (technique 38). The advising and educating technique is used in many of the cases, whereas the criticising technique is used more rarely, mostly in cases where the behaviour of the disputants becomes an obstacle to the mediation process or reconciliatory outcome. When parties do not find a point of agreement on who is right the *Beja* (oath) is used in some cases (technique 2a). Sometimes in a conflict, there are no facts concerning who committed a killing or caused the death of a person, or whether the killing was planned or spontaneous. In those cases the accused has to take an oath declaring they are not guilty. This type of technique was used in two of the cases narrated by the mediators. However, some of them say they do not like to use it as a technique since they are afraid that people are not sincere: ‘I try to reconcile the parties without resorting to *beja* because if one lies, he or she has to be accountable to God’.<sup>39</sup>

Various outcomes of the intervention of the mediators may be identified: the victim’s family can forgive the perpetrator and reconcile with the other family; they may only forgive the other family without forgiving the perpetrator; they may wait to take revenge; or they may not do anything at all, neither forgiving nor taking revenge. As prescribed in the *Kanun*, forgiving the blood and reconciliation with the offender’s family might require the payment of blood money by the offender’s family to the victim’s family (technique 3a). Generally it is the perpetrator’s family that offers to pay blood money and it is the mediator who proposes this to the other family. If the victim’s family accepts, then the mediators calculate the amount of compensation according to the *Kanun*. In order to reach a peaceful and attainable outcome mediators negotiate on behalf of both parties. First, they decide arbitrarily according

<sup>37</sup>However, this needs to be taken with caution. As will be argued later, some cases need to establish the guilty party and when ‘guilt’ and the ‘guilty one’ are disputed, mediators can also ask for *beja* (an oath to tell the truth).

<sup>38</sup>A.K., personal interview, Shkodër, September 2007.

<sup>39</sup>F.L., Bushat, personal interview, Shkodër, September 2007.

to the *Kanun* and then they negotiate with both parties. Some mediators do not become involved in establishing the amount of the blood money; in some cases parties ask for a certain amount and mediators do the calculations according to the *Kanun*, and then negotiate it with the parties. Some mediators do not try to convince the disputants to use money payments in cases of murder because they consider it as 'selling the blood', and only use it in cases that involve injuries. Blood money in injury cases is for the living expenses of the victim during the period the injured person is out of work.<sup>40</sup>

The outcome of the mediation process is finalised with the 'meal of the blood' where the parties have a meal together in the house of the offender as a sign of reconciliation between the families (technique 14a). The formalisation of the successful outcome is completed through signing an agreement or an *Akt-Pajtim* (Act of Reconciliation) (technique 19). In some cases however (10 out of the 27 cases studied), the parties did not want to formalise the reconciliation with a signed agreement.

Usually some time after the mediation is completed and an agreement is reached, the reconciliation is finalised with a reconciliation ceremony, sometimes held on a religious holiday, depending on the parties' religious affiliation and attachment.<sup>41</sup> The ceremony is performed as prescribed in the *Kanun*: it starts with having a coffee at the house of the family who forgave and continues with having a meal (the 'meal of the blood'—*Buka e gjakut*) at the family who was granted forgiveness of the blood. It is a very emotional moment and 'when parties meet each other on the day of the reconciliation ceremony they even cry'.<sup>42</sup> *Kanun* also prescribes that after the blood money has been paid and the meal has been eaten, one of the members of the victim's family, the father or the brother usually has to make a sign of the cross on the door of the offender's house as a sign of 'reconciled blood'. This is, of course, a practice of the Catholic families. Except for the very last practice of the cross on the door, the other practices and the rules of these processes prescribed in the *Kanun* are also followed by Muslim families and families of different religions.

#### *To forgive and reconcile*

There are various societal values that the mediators in Albania stress during the mediation process. They try to convince the parties to forgive by resorting to these social values:

The social value and norm that we mostly appealed to was 'forgiveness'. It is in the tradition of our people to forgive; it is also in the *Kanun* that 'it is braver to forgive than to kill'. So the idea of forgiveness is honourable and brave (*burrnore*), divine and humane.<sup>43</sup>

The one who forgives remains noble (*burrnor*); the ones that forgave remained with noble inheritance; in every way the one who forgives is more highly esteemed [by the society].<sup>44</sup>

<sup>40</sup>K.B., personal interview, Shkodër, September 2007.

<sup>41</sup>Y.M., personal interview, Stongolem, Shkodër, September 2007.

<sup>42</sup>Y.M., personal interview, Stongolem, Shkodër, September 2007.

<sup>43</sup>A.K., personal interview, Shkodër, September 2007.

<sup>44</sup>A.I.M., personal interview, Ura e Shtrenjte, Shkodër, September 2007.

The one who forgives is 'twice an honoured man' and 'it is honourable to forgive because you gain the respect of others'.<sup>45</sup>

The one who forgives is braver than the one who kills.<sup>46</sup>

To forgive is the biggest bravery for a man.<sup>47</sup>

Mediators frequently emphasise these norms to convince parties to forgive rather than taking revenge by killing. However, many studies show that forgiveness is difficult to accomplish when, in fact, customary laws ask 'to avenge owed blood with more blood' (Mustafa & Young 2008, p. 101). Before forgiveness takes place a certain amount of blood needs to be shed. It has also been the case that when and if reconciliation takes place, this could be a result of such factors as social pressure or as part of national campaigns 'for self-reform and modernity' (Clark 2000, p. 63). Clark, for example, showed that in 1990, Anton Çetta, a living legend inside Kosovo, in order to convince the people to seek reconciliation, used arguments like taking revenge is suicide, that the country had other problems to deal with, that it was more important to be united than to take revenge, and that such 'medieval practices' needed to be left behind in order to become part of Europe (Clark 2000, p. 62–63). Therefore, referring to social norms such as honour and bravery and to divine rules may help parties to forgive, but they themselves cannot always be the only means for forgiveness.

Forgiveness is also only one element of reconciliation as an outcome. Reconciliation implies a new relationship that emerges between the two conflicting parties. In Assefa's words (2001, p. 340), this relationship comes as a consequence of processes such as acknowledgement, sincere regret and remorse, readiness to apologise, readiness to let go of anger, commitment by the offender not to repeat the act, sincere efforts to redress the grievances and compensate the damage caused to the extent that this is possible, and entering into a new mutually enriching relationship. This is echoed by one mediator: 'Reconciliation is when you see the parties together; when they visit each other, have meals together'.<sup>48</sup> In most cases, in blood feuds, this is a hard task. Even though forgiveness of blood is needed to stop violence, forgiveness by itself is not sufficient for reconciliation. If the victim's party 'forgives the blood' mediators can ask them to reconcile with the offenders' family. For the victims' family this is the most difficult task because it implies that they become very close, like a family, with the offender or his family.

The decision to forgive or to reconcile comes in a slow and gradual way and slowly when the circumstances become appropriate. At the beginning they did not say 'yes' until they were calmed down and appeased.<sup>49</sup>

Since honour is perceived as one of the most important values in the society, the victim's family, whose 'honour' is violated through the crime, believes that in order to continue to live in society, a mechanism is needed to bring back the 'lost honour'.

<sup>45</sup>N.L., personal interview, Vau Dejes, Shkodër, September 2007.

<sup>46</sup>P.T., personal interview, Bajze, Malesi e Madhe, September 2007.

<sup>47</sup>P.K., personal interview, Mirdite, September 2007.

<sup>48</sup>P.K., personal interview, Mirdite, September 2007.

<sup>49</sup>A.K., personal interview, Shkodër, September 2007.

Forgiveness, by itself, unfortunately cannot achieve this. It has to be known by society that, by forgiving, the victim's family does something that has a high value in society, and thus, allows the perpetrator to regain the 'honour' to co-exist with the victim's family.<sup>50</sup> It can be argued that the ceremony that takes place after forgiveness plays this role to some extent. Openly granting an individual forgiveness (which is also a high religious and societal value) brings the 'dishonoured' family's lost honour back. Thus, an individual act becomes part of the public and restores the social harmony by restituting peace in society.

Truth is a difficult part of the reconciliation process. Mediators argue that they do not try to do fact-finding in order to talk to the parties. 'In a reconciliation you do not analyse why and how one was killed'.<sup>51</sup> The reasons for this, as another mediator explains, are that:

In many cases the parties do not want clarification of the situation. If you open that discussion you are lost, so never touch it. You should say that you only want to reconcile . . . You should not try to find/accuse the guilty one. The parties in conflict should always be considered innocent. Of course one person is guilty but you do not have the right to say that someone made this mistake.<sup>52</sup>

Thus, mediators take into consideration that it is difficult for the parties to talk about an event that took the life of one member of their family. Moreover, in some cases, where both families become perpetrators, it becomes harder to talk about the 'guilty party'. On the other hand, it is also obvious that the perpetrator's initial request to reconcile with the victim's family is a sign that 'guilt' is already 'owned' by the perpetrator. Also, resorting to *beja* (technique 2a) by the mediators, even though they claim that they do not focus on truth, can be taken as a sign that they, in fact, do so in some cases, at least for the process to succeed.

Mediators' understanding of justice is also worth explaining. Mediators argue that justice has to do with procedures, not necessarily with the outcome: 'we treat parties the same'.<sup>53</sup> Creating equality and the correct relationships between the parties are also considered as part of justice: 'For me the parties are equal; I try to reconcile them and I also tell them to be careful not to repeat the same mistake'.<sup>54</sup> Mediators reiterate that it is important for them as mediators not to judge the parties:

In reconciliation you cannot judge whose fault it was. You are intervening to get *besa* or to ask for forgiveness, and not to use a scale to establish how guilty each of the involved persons were, because in this way the conflict escalates and becomes even worse.<sup>55</sup>

It is only through reparations as an outcome (which usually takes the form of blood money) that one can talk about a reference to justice as the outcome of the mediation

<sup>50</sup>The same argument can be found in the work of Sharon Lang (2002) who studied the *Sulha* process in Palestine. Interestingly, *Sulha* is a very similar process to the local mediation in northern Albania. For a detailed analysis of the *Sulha* process, see Lang (2002).

<sup>51</sup>A.K., personal interview, Shkodër, September 2007.

<sup>52</sup>P.K., personal interview, Miredite, September 2007.

<sup>53</sup>A.I.M., personal interview, Ura e Shtrenjte, Shkodër, and F.L, personal interview, Bushat, Shkodër, September 2007.

<sup>54</sup>P.T., personal interview, Miredite, September 2007.

<sup>55</sup>N.L., personal interview, Vau Dejes, Shkodër, September 2007.

process. In some cases blood money is given to the victim's family as a condition of forgiveness; in some cases it is not asked for at all; and in some cases money is given voluntarily to the victim's family.<sup>56</sup> Blood money is given for various reasons: 'the money is only an economical assistance to the family who lost a working father or son',<sup>57</sup> or 'this money is like a guarantee because if they [the victim's family] get the money, it restrains them from another revenge killing. In cases of another killing they have to give the money back, thus blood money serves as a guarantee'.<sup>58</sup> If blood money cannot be provided due to economic difficulties, mediators encourage the perpetrator's family to take care of the victim's family and honour their forgiveness: 'It was the honour, honesty or nobility of this family that they did not ask for any reward or money but you should do something to reward them, to show your gratitude';<sup>59</sup> 'the one who is forgiven remains always in debt'.<sup>60</sup>

From the above quotations, one can sense that justice as an outcome is not valued by the mediators. However, mediators' perceptions about justice need to be elaborated in more detail. It is obvious that mediators start with the assumption that there is harm done to a party, which needs to be restituted/restored or compensated. After all, this is the main objective of the peacemaking. Therefore, there is an already-accepted guilt and a process that indirectly addresses this fact. What the mediators argue is that they do not try to assess the harm like courts do, and for some long-lived blood feuds it is hard to find 'a guilty one'. Mediators are more interested in restoring the relationship and establishing peace so that social harmony is not undermined. Such an approach, however, does not necessarily indicate that they sacrifice justice for the sake of peace.

As Lederach argues, there does not need to be a dichotomy between either justice and peace or between justice and mercy. Justice is often assumed to require determining the truth and punishing the guilty party, and can be perceived as something to be given up to establish peace. Mercy, on the other hand, implies forgiveness. Peace processes need 'to pursue justice in ways that respect people, and [at the same time] to achieve restoration of relationships based on recognizing and amending injustices' (Lederach 1995, p. 20). Thus, Lederach argues that the outcome of peacemaking, that is peace and reconciliation, involves the identification and acknowledgment of what happened (the truth), an effort to retribute the wrongs that occurred (justice) and the granting of forgiveness for the perpetrators (mercy). Thus, through transformative peacemaking individuals are empowered and the community is nurtured (Lederach 1995). Harm is indirectly recognised and relationships are transformed into a peaceful, or at least to a less destructive form. Therefore, by emphasising restorative aspects and starting the process by accepting a socially degrading offence, mediators aim at justice and peace at the same time. They may not bring justice and peace by punishing the guilty party but they help to restore justice (by indirectly acknowledging the wrong action), sometimes restituting the loss directly (by

<sup>56</sup>N.L., personal interview, Vau Dejes, Shkodër, September 2007.

<sup>57</sup>Gj.M., personal interview, Lac Kurbini, September 2007.

<sup>58</sup>A.I.M., personal interview, Ura Shrenjte, Shkodër, September 2007.

<sup>59</sup>P.Gj., personal interview, Lezhe, September 2007.

<sup>60</sup>A.I.M., personal interview, Ura e Shtrenjte, Shkodër, September 2007.

means of blood money) or indirectly (through the perpetrators' blood meal) and by healing relations.

Mediators refer often to peace and its elements: harmony, unity, well-being and security as future outcomes and incentives for achieving reconciliation. One of the mediators argued, 'I use only words of peace to make the parties reconcile'.<sup>61</sup> Mediators often repeated '*pushka asht damtore nuk bjen mire*—the gun is harmful, it doesn't bring anything good'.<sup>62</sup> It is important to note, however, that peace in this context refers to societal harmony; not finding one's inner peace by reconciling.

The whole procedure of intervention to prevent a feud or to reconcile the families in a feud is based upon old practices which are prescribed in the customary law (the *Kanun*), and most mediators claim that they operate according to the *Kanun* rules. However, the effect of *Kanun* on parties depends on the acknowledgement of this practice by the parties as well. Mediators pointed out that in families where *Kanun* is used and acknowledged, they refer to *Kanun* and '*burrni*' (manly honour or honesty); otherwise they refer to God,<sup>63</sup> and resort to purely religious teachings.

One mediator stated that he uses more reference to God and only formally refers to the *Kanun*;<sup>64</sup> and another also reported that he referred more to Shariat Law<sup>65</sup> and less to the *Kanun*.<sup>66</sup> From the accounts of the interviewees it is noticeable that there is a strong reference to God. One mediator stated that 'reconciliation is achieved only on God's behalf',<sup>67</sup> another mediator argued: 'A person should forgive the blood: for the sake of God and faith and for the sake of the children'.<sup>68</sup> Mediators often persuade families to reconcile by stating that their words were 'only for the mercy of God'.<sup>69</sup> That is why they sometimes also refer to the Christian understanding of forgiveness to persuade the parties to forgive: 'I gave the example of Jesus, that God has said to forgive; God has said that to commit suicide is a crime, so what about killing the other; are you a man of God? Do you go to mass? Then you will go against God?'<sup>70</sup>

### Conclusion

It has been almost a decade since Lawson and Saltmarshe argued that 'when a state is reconstituted under the circumstances of transition from totalitarian rule, it comes as no surprise that in the absence of effective rule of law the customary law which was in use prior to communism should re-emerge' (2000, p. 137). Further, they suggested that

<sup>61</sup>P.T., personal interview, Bajze, Malesi e Madhe, September 2007.

<sup>62</sup>Y.M., personal interview, Stongolem, Shkodër, September 2007.

<sup>63</sup>Even though in the *Kanun* there are some references to God, most of it is composed of traditional rules of a patriarchal nature.

<sup>64</sup>Y.M., personal interview, Stongolem, Shkodër, September 2007. In the *Kanun* there are many references to God, especially as a reference to the Catholic religion.

<sup>65</sup>Fox (1989) argues that in times of the Ottoman Empire in the Balkans, the *Kanun of Lek Dukagjini* was influenced in certain parts by the Shariat Law used by the Ottomans. Thus, overlaps in practice can be found here as well.

<sup>66</sup>Y.M., personal interview, Stongolem, Shkodër, September 2007.

<sup>67</sup>Gj.M., personal interview, Lac Kurbini, September 2007.

<sup>68</sup>P.K., personal interview, Miredite, September 2007.

<sup>69</sup>P.T., personal interview, Miredite, September 2007.

<sup>70</sup>F.L., personal interview, Bushat, Shkodër, September 2007.



customary law substitutes for the role of the state in providing security and regulating society and the economy in the shadow of fears of gang leaders. It is not surprising that, following the events of 1997, and in the absence of a strong state which can protect its citizens, scholars like Lawson and Saltmarshe would argue that the return of customary law is 'recognized as unsatisfactory and (is) essentially disliked by many as being retrograde' (2000, p. 146). However, more than 10 years later and after improvements in democratic stabilisation and a decrease in crime rates,<sup>71</sup> there are still unanswered questions about why northern Albanians would still resort to local mediators, what these people would bring to the locals through their practices, and what the outcome of such processes would be.

This study was an attempt to answer these questions. The long-practiced blood feuds and their mediation stem from the *Kanun* tradition and its interpretation by the locals. As Schwandner-Sievers argues it is almost a 'magical word that is referred to today in the North, when people want to legitimize physical violence and killing and to claim self-regulation and the monopoly of violence in opposition to the state' (1999, p. 134). However, it is also interesting to note that both crime (blood feud) and reconciliation or mediation stem from the traditional understanding of 'honour' and the teachings of *Kanuns* that was passed on from generation to generation. Thus, *Kanun* is both the source of and a recipe for conflict. That is perhaps why for almost six centuries and despite a law on mediation, *Kanun* triumphs over any other method to overcome blood feuds employed by local mediators in northern Albania. What makes the practice of *Kanun* through local mediators different from mediation carried out by some gang leaders in the late 1990s (Lawson & Saltmarshe 2000) is that it is now mostly institutionalised through local NGOs. Resorting to civil values such as trust and emphasising peace and forgiveness, these local mediators in fact help the stabilisation of the system and prevent further bloodshed. Even though previous research shows that there are various problems in resorting to such mediators (for example corruption, the mediator's desire for financial gains, and inadequate knowledge of *Kanun* to resolve conflicts) which can possibly result in the failure of peace processes (Schwandner-Sievers 1999, 2001; Mustafa & Young 2008), this study shows that mediators still address important conflicts in northern Albania, but they now adapt the *Kanun* to new situations, although practicing similar methods for transforming conflicts.

Albanian community mediation bares similar characteristics to VOM approaches in a high-context culture where honour is one of the most valued norms in the society. It shows the complexity of the mediation process in cases where severe crime is involved, and how the behaviour of the mediator is shaped by the specific characteristic of the environment, the parties involved, and the issues and the nature of the dispute. Albanian VOM makes sense only by studying the complex mediations at three levels: individual to individual; individual (perpetrator) to family; and family to family; and by taking into consideration the social norms in which the crime took place. It is only through this triangular relationship that the

<sup>71</sup>According to the Global Peace Index 2008, Albania scores 1 (most peaceful on a 5-level scale) in organised crime and 2.75 (moderate) political stability. For other scores, visit the website at: <http://www.visionofhumanity.org/gpi/results/albania/2008/> (accessed 18 May 2010).

mediation process becomes easier and this complex relationship is only accessed by 'insider-partial' mediators whose acceptance and power come from their social and historical background.<sup>72</sup> Local mediators intervening in the blood feuds in Albania mostly come from the families of the *bajraktar* and *pleqnia* who have established prestige and trust in the society, or from those who were prosecuted during the communist regime and gained prestige through their sufferings in those years.

Following several techniques, some of which are similar to those followed by many Western mediators, and some that are context-specific techniques (such as *besa* and *beja*), mediators try to reconcile the parties. Different from the Western understanding of VOM, however, 'guilt' and 'responsibility' do not necessarily become the focus of the mediation process. More importantly, this process focuses indirectly more on the social harmony than the individual act itself. Even though blood feud is an act of killing someone, the process does not necessarily focus on such issues of why killing happened, but on how to restore the honour of the family and its loss through this process. That is why it can be argued that Albanian mediators, without knowing, abide by the Restorative Justice principles, which have the characteristics of 'making room for the personal involvement of those mainly concerned (particularly the offender and the victim, but also their families and communities; seeing crime problems in their social context; and [adopting] a forward-looking (or preventative) problem-solving orientation [and] flexibility of practice (creativity)' (Marshall 1999, p. 5). Such a process, in fact, transforms conflicts into less destructive or more peaceful relations and restores harmony at the societal level and trust and justice at the individual level.

It is also important to note that Albanian mediation combines and encourages multi-religious practices, an unusual practice in the rest of the world. Not only do Catholics and Muslims co-exist but they also accept a mediator from the other religious domination, listen to their advice, socialise with them and join their ceremonies during the long process of mediation. Moreover, long years of coexistence and practices and teachings of the *Kanun* have been passed on to the generations in a way that both religious communities replicate similar mediation processes.

Last, but not least, local mediators can be seen not as competing with the legal institutions of the state but as providing mechanisms that support legal action. The mediators mostly deal with cases where the offender has already been punished by the state. This study shows that the reason why northern Albanians choose this method is not necessarily because they do not trust the state institutions, but because they prefer this system, focusing on the relations between the people in society, and not on the outcome of the crime as something to be punished.

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<sup>72</sup>Insider-partial mediation is mediation that is carried out by a person who is already involved in the conflict (someone who is an 'insider'), and, at least to some extent, is aligned with one side or the other (hence, someone who is 'partial'). Although this kind of mediator is common in many developing nations, it was first identified in the conflict resolution literature by Wehr and Lederach (1996, p. 56) and on the basis of their work in Central America (Maiese 2005).

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### Appendix

The following tables provide information on which techniques mediators used in each of the cases they described in their interviews. Table A1 shows cases where techniques generally used in mediation processes (as categorised by Callister and Wall 1997) were used by our respondents. Table A2 shows cases involving Albanian context specific techniques used by our respondents.

TABLE A1  
GENERAL GROUP MEDIATION TECHNIQUES USED BY CUSTOMARY MEDIATORS IN NORTHERN ALBANIA (ADAPTED FROM CALLISTER & WALL 1997)

Techniques	Case number																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
1. Meet separately with disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
2. Listen to other's point of view	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
3. Educate	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
4. Get an apology	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
5. Put disputants together	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
6. Gather information	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
7. Argue for concessions	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
8. Get a grasp of the situation	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
9. Provide objective data	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10. State other's point of view	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11. Criticise	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12. Call for empathy	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13. Meet together with disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14. Mediator assists	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15. Gather information from third parties	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16. Cite dependency	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17. Structure	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18. Have a drink with disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19. Formalisation	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20. Provide logical explanation	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21. Seal the agreement with a drink or other means	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22. Have assistance from a third party	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23. Analyse the disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
24. Call for a break	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
25. Threaten	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
26. Provide an example	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
27. Praise disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

(continued)

TABLE A1  
(Continued)

<i>Techniques</i>	<i>Case number</i>																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
28. Cite moral principle	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
29. Reconcile	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
30. Relax	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
31. Have a third party advise one or both disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
32. Note cost to third party	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
33. Obtain forgiveness	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
34. Meet with third parties present	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
35. Quote law or rule	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
36. Written agreement	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
37. Being vague	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
38. Have a third party criticise	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
39. Separate disputants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

TABLE A2  
CONTEXT SPECIFIC GROUP MEDIATION TECHNIQUES USED BY CUSTOMARY MEDIATORS IN NORTHERN ALBANIA

Techniques	Case number																										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
1a. <i>Besaz</i> (truce)	*	*			*	*					*			*	*	*			*		*		*	*		*	
2a. <i>Beja</i> (oath)	*											*		*		*				*		*		*		*	
3a. Blood money-retribution	*	*	*	*										*		*			*		*		*		*		*
4a. Relationship with the parties	*	*	*	*	*							*		*		*			*		*		*		*		*
5a. Expression of optimism	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
6a. Reference to God	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
7a. Wait for the right time to intervene	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
8a. Usage of a secondary or other third party to gain entrance to the parties	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
9a. Collect a group of influential people	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10a. The mediator provides information to the parties	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11a. Use selective information to create tolerance	*						*					*							*		*		*		*		
12a. Mediator adapts his speech according to the character of the parties	*										*							*		*		*		*		*	
13a. Take specific actions	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14a. The 'meal of the blood' or <i>Buka e gjakut</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*