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Past and Present Land Tenure Systems in Albania: Patrilineal, Pariarchal, Family-Centered

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Land Tenure Center

AN INSTITUTE FOR
RESEARCH AND EDUCATION
ON SOCIAL STRUCTURE,
RURAL INSTITUTIONS,
RESOURCE USE,
AND DEVELOPMENT

UNIVERSITY OF WISCONSIN —
MADISON

PAST AND PRESENT LAND TENURE SYSTEMS IN ALBANIA: PATRILINEAL, PATRIARCHAL, FAMILY-CENTERED

by

Rachel Wheeler

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PAST AND PRESENT LAND TENURE SYSTEMS IN ALBANIA:[1] PATRILINEAL, PATRIARCHAL, FAMILY-CENTERED

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PART 1 INTRODUCTION

1.1 MOTIVATION FOR STUDY

Since the beginning of the transition in Albania in the early 1990s, increasing interest regarding individual rights to property has emerged from a variety of institutions such as local women's nongovernmental organizations (NGOs), the Tirana University's faculty of sociology, some governmental departments, and foreign assistance programs. Particular concern in the time of transition has been given to women's rights and access to land and property. This has also been an issue of concern in other countries in transition such as Ukraine[2] and Slovakia,[3] where the collapse of communist regimes has left families and individuals suspended in precarious social structures which are bombarded with new norms, rules, and ideals that claim to represent the ideology of market capitalism.

It has become apparent through a number of surveys[4] and fieldwork from independent and government-funded research[5] that the traditions of patriarchy and patrilineal heritage, which

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[1] This paper presents the results of a sample survey of rural families conducted in 1995 as part of the research activities of the Project Management Unit (PMU) of the Immovable Property Registration System (IPRS) in Albania. The survey on Intra-Family Rights to Land and Property was prepared as a cooperative effort between an Albanian NGO, the Independent Forum for Albanian Women (IFAW), and the PMU. The author would like to thank the IFAW for their cooperation in the analysis of results; especially useful were the field observation reports, written by interviewers, which served as secondary sources of information to the analysis. This report is a follow-up to the one that was submitted to the PMU/IPRS by the IFAW. The first report (1995) is available in Albanian and can be obtained from the PMU.

[2] Discussed in Kupryashkina (1996).

[3] Discussed in Belajova and Fazikova (1996).

[4] A Land O'Lakes survey, carried out in 1994, analyzed the structure of decision-making in the household. The Albanian Institute for Popular Culture has continued to document the evolution of Albanian society, emphasizing in particular its patriarchal characteristics.

[5] Independent anthropologists such as Re and Gustincich (1993) and Backer (1988) brought attention to the traditional Albanian society in their documented fieldwork. Group meetings with rural village women held in late 1994 and early 1995 provided evidence and examples of the rural Albanian social structure (Wheeler 1994).

were so fundamental to Albanian society prior to—and to some extent during—the communist regime, are again establishing themselves as the dominant social structure. Although this is no surprise to Albanians, work on the issue has been so scattered and the situation so region-specific that the results cannot be generalized for Albania as a whole.

Our larger sample study seeks the answer to such generalization of traditions for two separate reasons. First, the study serves not only as social indicator but also as political measure. In the period of transition from a socialist command economy to a democratic market, it is important to see whether the ideals and protection that are promised by the new system are in fact being realized; if not, any attempt at reform is likely to be undermined from the outset. The study will help to pinpoint areas of discord between established customs and envisioned ideals. Second, by identifying the precise areas of disagreement survey results provide a more solid basis for recommending change in systems of legal and political rights.

Our survey begins with the hypothesis that conflict between old customs and new laws potentially exists. This is not an arbitrary assumption but is based on an increasing number of incidents where individual family members have been denied their property rights by means of appeal to customary practice. In Albania, the Project Management Unit (PMU) for the Immovable Property Registration System (IPRS) as well as appeals courts in both Tirana and Gjirokaster have documented a number of cases. The policy perspective, therefore, provides the more important motivation for the study, for hard data make it difficult for politicians to argue against recommending change for areas of discord.

Secondary reasons for conducting the study are to:

- provide a general source of information on contemporary attitudes toward family relations and land tenure in Albania during the transition period (this is the first study assessing attitudes toward property to be undertaken since the fall of the previous regime);
- generate household-specific data that allow characterization of households in general and across regions (the characterization includes the observation of the structure of decision making and task allocation within the household);
- give an indicator of the congruence in perceptions of the husband and wife in each family interviewed;
- indicate the extent of the reemergence of traditional tenure and inheritance practices; and
- explore regional differences in attitudes toward immovable property ownership.

It is anticipated that the survey results will have the following uses:

- serve as a basis for making recommendations for the formulation of a new family code, especially with respect to property after divorce or death of a spouse and in marriage contracts;
- explore options for inheritance procedures;
- provide material for seminars and NGO workshops; and
- contribute an example of questionnaire design and data analysis.

1.2 CUSTOMARY LAND RIGHTS AND NEW LEGAL PROMISES

The history of the family in Albania is a story of established customs and norms which evolved from a feudal and rural past and are rooted in patriarchal social relations. These mountain

customs were, and in many cases still are, a reflection of a complex code of unwritten law that was elaborated, cultivated, and practiced with specific regard to the social relations of the family. Albanian customary law is contained within various Kanun (or codes), the Kanun of Lek Dukagjini (Gjecov 1989) and Skanderbeg being the most well known.

Ethnographic studies carried out in the late nineteenth century and during the first half of the twentieth century have documented the strong clan features of Albanian communities. Besides having a strong family system as foundation, Albanian society has been characterized as patriarchal (Backer 1988), where a male head typically assumes the role of decision-maker and financial controller, and patrilineal, where membership in the family group is traced through the male line. In traditional society women gained access to property through their relationship to either father or husband in the context of the family. They had no right to property inheritance. In fact, the right to inheritance did not concern most women because they assumed they would be provided for throughout their lives. Furthermore, it was thought that if married women claimed property from their father's estate, their husband (who belonged to a different clan or *fis*) would ultimately control that piece of land, and the political structures based on localized *fis* ties would be undermined with the borders between communities becoming less distinct (Backer 1998).

Before the communist formation of large-scale cooperatives and state farms and the induced mass population movements, the rural Albanian social structure was organized along semifeudal lines. Villages were distinguished by clan and extended families living in close proximity, if not in the same dwelling unit. There was a strong sense of family and clan solidarity, and contemporary notions of individualism were alien.[6] The idea of individual rights to property held no meaning in that era; it was not a concept within the social reality of rural Albanians at the time.

This description of traditional Albanian society serves as a historical reference by which we can analyze what is occurring with regard to family and individual property rights in contemporary Albania. After more than forty years with a centrally managed, command economy and the state as sole owner of immovable property, Albania is making the transition to a market-oriented system. A key aspect of this transition is the transfer of state-owned real property, or immovable property as it is commonly called in Albania, into private hands. How these immovable property ownership rights are defined affects both women's and men's economic opportunities. Thus the rules established by the formal legal system and the beliefs governing customary access to and transfer of property—as well as the means by which they are interpreted and enforced—are important to the development of the country.

This paper attempts to evaluate whether Albanian rural social structure has changed to the extent that individual rights and protection of those rights have become important policy questions. If the evaluation suggests that rural Albanians retain the set of family-oriented norms and beliefs that are based primarily on patriarchalism and patrilineal inheritance, we must address the following questions: How appropriate is the mixture of western law that emulates individualistic notions of property rights with the customary family-tenure system of rural Albania? What are the likely problems which could emerge during the transition given a

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[6] "Individualism" as an alien concept in pre-industrial societies has been discussed by many social theorists. Weber (1950) in particular presents many examples in his theory of the evolution of western society.

potential conflict between family notions of ownership, on the one hand, and individual notions of ownership, on the other hand?[7] This paper discusses five broad issues: the contemporary importance of family ownership; the role of the patriarch; the contemporary inheritance procedures; the vulnerability of specific groups of women; and the structure of the Albanian family.

PART 2 SURVEY METHOD

2.1 THE SAMPLE

It was decided that the best way to obtain an empirically based understanding of contemporary attitudes toward family relations and land tenure in Albania was to select a sample that included an equal number of male and female respondents. With the family as the basic unit of analysis, the interview technique involved talking with the head of the household and the spouse or, if the head or spouse were not present, the operational head (with respect to decision making and farm activities) and an adult of the opposite sex who resides in the house. The data can be analyzed in a variety of ways: the couple can be used as a dyad of analysis; the males and females can be used as separate samples; or the individual can be used as the unit of analysis and thus the total number of respondents as a single sample. An effort was made to interview the woman and the man separately; this approach attempted to reduce the influence of either interviewee on the other (which is especially relevant to the women's response since they are expected to agree with their husband). This method of interviewing allows for analysis of perceptions, such that we can see what the men and women perceive to be their individual roles in decision making and management. A consistent noncongruence of perception within the dyad may provide insight into regional variations in tradition, or it may suggest sectors where individual rights are being restricted. Whatever the consideration, it is important to disaggregate the data in search of areas of significant discord because this will help in formulating sensible policy recommendations.

A purposive, stratified sample was selected. Since traditional attitudes and customs are frequently cited as differing among regions in Albania, it was decided that the questionnaire be administered in three districts that can be characterized as having differing strengths of traditionalism: (1) Puka, in the northern mountains; (2) Lushnja, on the west fertile plains; and (3) Vlora, on the coastal plains.

Each district was divided into two or three general levels of topography (fields, hills, and mountains), and, within each district, three *komuna* were chosen that represented the varying topographies.[8] This selection process tried to control as much as possible for topographic influence. Two villages in each *komuna* were chosen according to both their accessibility for interviewers and their distance from each other, that is, the villages were not adjacent. At the

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[7] An analysis of the current formal legal framework concerning rural farm families in Albania is available in Lastarria and Wheeler (1998).

[8] Albania is divided into 36 administrative districts. These districts are divided into *komuna*, which are then divided into villages (about 3,000 villages).

village level, 10 households were randomly sampled. The only exceptions to this method were in the mountain villages of Puka, where the houses are so scattered and the weather was so bad that the interviewers were unable to follow random sampling procedures. With budget and time as constraining factors, 360 questionnaires were administered in 180 households in 3 districts; 120 individuals (60 households) were interviewed in each district. (For a list of districts, *komuna*, and villages sampled, see Annex 5.1.)

Two other constraints worked against strict random sampling in the villages: (1) the survey was conducted in the winter, making it difficult to access some mountainous villages due to bad weather and bad roads; and (2) the interviewers,[9] being women, faced certain limitations in their work such as not being able to stay late in the villages and not being able to travel alone. It was thought crucial to have female interviewers, however, because previous fieldwork experience had indicated that women feel less inhibited when talking with female interviewers than with men.

The questionnaire was designed after extensive fieldwork and discussion on the subject of rural families and property in Albania. Therefore, the codes to many of the questions reflect a range of expected answers. The rationale for many of the questions concerning inheritance and the status of women was the thinking of a group of women who attended a series of focus-group meetings in Tirana. The questionnaire was pre-tested both on the women in the focus group and in a variety of villages in Tirana and Lushnja.

The size of the sample and the method of sampling do not allow the results to be expanded to the national or even the district level. However, the results do provide a wealth of data from six villages in each of three districts, which will allow speculation of the occurrence of similar data trends in other areas of each district and in similar regions of the country. Results will also allow us to compare the characteristics observed in one district to those of another district.

2.2 CHOICE OF DISTRICT

The districts were chosen according to historical traditions and customary bias. Puka is located in the north, in the Albanian Alps, which form the highest mountain range in Albania. Villages in the northern areas typically consist of a scattering of houses that are far apart from each other and accessible only by rugged footpaths, which are often not passable in bad weather. When houses are found in clusters, they are usually inhabited by families of the same clan. Good quality agricultural land in this area is minimal, and farms are small with high levels of land fragmentation. This makes farming very difficult since the use of large machinery is not cost-effective on such small plots. In the northern areas, the infrastructure such as roads and access to markets and telephones is relatively undeveloped. These constraints encourage subsistence farming rather than cash-crop production.

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[9] The four female Albanian interviewers were trained rigorously; they had a clear understanding of the issues being dealt with and were genuinely interested in the survey. Controls were made during the interviewing process and during data-inputting and cleaning. For these reasons any results that are not concordant with commonly held expectations are due to one or both of the following factors: (1) the observations of real situations at the time of interview and thus a need to revise expectations; or (2) the small possibility that the sample chosen was atypical of the area(s) it intended to represent.

This area is commonly cited, both in ethnographic literature and by Albania people today, as having maintained more tribal customs than the other districts due to its mountainous location and relative isolation from outside influence. Field trips to the area certainly provide evidence of cultural patterns that are distinct from other districts. For example, a trip to the village of Dushe in Puka took the research team to a two-room house where an older man and his wife live with their son, daughter-in-law, and three young grandchildren, who compose a separate family and reside in the basement below. These claustrophobic living arrangements were encountered on visits to other villages in the district, as was traditional dress, particularly for women, who wear brightly colored woven aprons and headdresses over meticulously plaited braids. In contrast, widows cover themselves in black, a tradition that is strictly adhered to in the north.

Lushnja was chosen to represent the central plains region of Albania, a district well-distinguished for its high levels of agricultural activity. Lushnja is located on the west coast of Albania, just south of Kavaja district. Plains dominate the topography of the district, which supports highly intensive and diversified agriculture. Main crops in Lushnja are wheat, maize, alfalfa, and vegetables, with olives and fruits also being grown in the foothills. The primary livestock are cattle, sheep, chickens, and goats. Main agricultural output comprise grain, milk, meat, and eggs (the coastal belt in Albania records higher yields of wheat, dairy, and meat).

Its central location, better infrastructure, and higher levels of urbanization suggest that older, patrilineal traditions may be relatively weak compared to Puka. The same can be said of Vlora. Field observations indicated that in the sample villages of Lushnja and Vlora, the Kanun of Lek Dukagjini, for example, was not explicitly recognized. However, it was noticed that the people in both areas rigidly upheld certain traditions that are reminiscent of Kanun law and similar to attitudes displayed in the north. For instance, one of the more important virtues a man can possess is that of honor (in a couple of cases, the villagers thought that honor was more important than life itself). Villagers are eager for their daughters to marry at a young age since they risked remaining unmarried if they waited. The interviewers also came across many discussions of the role of matchmakers in marriages, in which case the marriage was arranged. These incidences suggest that Albanian traditions still held strong.

The district chosen to display southern characteristics is Vlora. The topography in this district is various—fields, hills, and mountains. Hilly lands are probably the predominant type. An exception to this classification is the *komuna* of Himare, which lies along the coastal plain to the west in the district. Traditionally Vlora is known for its high level of dairy production (the highest in Albania) and for its high level of tree-crop production. Tree crops, mostly olives, account for about 30 percent of the total cultivable land in Vlora. Other typical crops are wheat, maize, sunflowers, and some vegetables. Animal farming is predominantly comprised of sheep, goats, and cows. Fishing is also an important activity, which provides many of the coastal *komuna* with a substantial source of income. Also, Vlora was chosen due to its high levels of migration to Italy and Greece. Remittance income accounts for a large part of total household income in the district.

The women of Vlora and of the south in general are frequently cited as being of “stronger character” than other women in Albania. They are considered, and consider themselves, as having more independence and as having an equal status with their husbands in the household. This may not be universally true, however. The towns and villages tend to have a mixture of both Muslims and Christians. The mountain zones in Vlora are characteristically Muslim and the

traditions in the villages are often cited as differing from other areas. For instance, people in the mountains are more concerned about their daughters marrying at a young age and will often withdraw them from school to fulfill plans for their arranged marriages. Fieldwork found that many Vlorans characterized these "mountain" families as having higher levels of patriarchalism than other families in the district.

2.3 CONSTRAINTS AND INFLUENCING FACTORS ON THE STUDY

The survey was undertaken between February and April 1995. The weather in Puka did not permit earlier interviews. In fact, the weather in all the districts was cold and rainy throughout the interview period. Agricultural activity in all the districts was low, as were sales. It is likely that the results would be different if the survey had been conducted at a different time of the year because of the varying stages in the production cycle, which affects the amount of on-farm work activity and the level of migration.

Seasonal migration flows were high at the time of the survey, the typical months of migration being March and April. This was especially true in Vlora, where many young men travel to Greece and Italy, and in Puka, where, in some cases, half of the village had migrated to Tirana or other cities. This is reflective of a national phenomenon of increasing migration since 1991. It has been estimated by the International Monetary Fund[10] (IMF) that over 25 percent of national income comes from remittances sent from relatives living abroad. In Puka, the nature of migration is different since people tend to migrate to other cities in Albania, rather than abroad, in hope of finding employment. Due to the higher levels of out-migration prior to and during the survey period and considering the characteristics of the people migrating, there was a higher percentage of older people relative to young persons, particularly in Puka.

[10] This estimate was obtained through discussions between the author and IMF representatives in Albania in 1995.

PART 3 DATA ANALYSIS: RESULTS AND DISCUSSION

This part of the paper is organized into five sections. Each section presents a discussion focusing on a particular feature of traditional customary norms that is commonly cited as being characteristic of Albanian society, especially prior to 1945. The discussion of pre-1945 traditional society in this paper relies on the limited amount of ethnographic literature available on the subject, on the contemporary publication of the Kanun of Leke i Dukagjini (Gjeçov 1989), and on the memories of the many Albanians with whom I have worked and spoken.

During this survey the interviewers made extensive field notes, which are used as one source of secondary information. Another source of secondary information is a series of focus-group meetings held with village women from the Tirana district. These women were identified as key group leaders in a Land O'Lakes Dairy Project.

A discussion of the data analysis of the recent PMU/IFAW survey is also presented. The results are taken as indicative of currently existing values and norms in areas of rural Albania and are evaluated according to their (dis)similarity to older traditional values. In this way we are able to observe which values are finding continuity in contemporary Albania and which are not. The data will also be able to highlight areas of potential conflict between the common culture and the intended legal culture, which has been initiated as part of the package of market and democratic reforms.

3.1 CHARACTERISTICS OF THE DATA

The total survey sample consisted of 353 respondents and 180 households.[11] Broken down by sample districts, 118 respondents were interviewed in Lushnja (59 men and 59 women), 119 were interviewed in Vlora (59 men and 60 women), and 116 were interviewed in Puka (57 men and 59 women).

In the total sample, 19 families had only daughters, 42 families had only sons, and 10 families had no children at all. A detailed observation of the composition of the families in the sample indicated that the incidence of female-headed households was very low. It was also rare to observe cases of families where two married brothers would be living together. In other words, horizontal family extension was unusual.

The majority of the questions were hypothetical by nature, requiring a subjective response. Much of the data then has qualitative, binomial characteristics. The statistical analysis includes: frequencies and percentages in total, for men and for women, and by region; chi square test statistics; cross-tabulations; and two-sample difference-of-proportions tests. Measurement-of-agreement tests are performed on some of the data concerning inheritance, decision making, and farm responsibilities.

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[11] In seven households only one person was interviewed rather than two because the head of household was a widow or widower. These cases provide interesting observations on the attitudes of widows and divorcees.

3.2 FAMILY AND INDIVIDUAL OWNERSHIP MODELS

According to customary law, immovable property belonged to the family as a unit. The head of household, usually a man, was considered to be the "representative" owner of land and other immovable properties. He was representative owner in the sense that he would have sole right to decide on transactions and sales, have the final decision on how land should be used (even though other family members were active in the decision-making process), and represent the family's property interests in the public sphere. His name alone would appear on property or transfer deeds. All family members, however, had rights to immovable property and the produce of the land in accordance with a traditional view of the head as a "benevolent" family figure. The Kanun states that the obligations and duties of the head of the household include the following: "to look after the interests of the members of the household" and "to work wisely and intelligently inside and outside the house, and not lead the house to destruction or distinction."[12] The head's traditional ownership status was a function of fulfilling his obligations to act in the interest of all family members.

Women, like other family members, gained access to immovable property through their membership in the family unit. Anything that the head of the family, typically the husband, acquired became the property of the family and was used to the benefit of the family. Hasluck (1954) states that every individual was encouraged to feel that all property and all concerns of the family were his/her own. This system of beliefs enhanced a strong sense of community that has formed the basis of family solidarity and has also extended to the whole *fis*[13] structure. Traditionally the patriarchal family as opposed to the individual represented the most important unit in the Albanian social system, particularly in the North.

Concerning this potentially dichotomous property relationship between the household head, on the one hand, and the family, on the other, the survey posed the question: "Who do you consider to be the owners of the land in this household?" A special effort was made to suggest that the answer could include more than one person (this was implicit in the use of the word "owners" rather than "owner"). Despite this, however, the results (displayed in Table 1) indicate that the overwhelming majority of respondents identify the household head as the owner of family land.

The term "owner" was left unspecified; therefore, we do not know how it was interpreted by the respondent. For instance, is it a reflection of continuing "family-ownership" values, where the head is the representative owner, or has there been a shift in attitudes such that people really believe the head *as an individual* has the main ownership right to the property? A follow-up question asked: "What do you consider to be personal property as compared to family property?" Land was specified as one of the categories and was suggested to the respondent. However, no one in the sample, not even household heads, considered the land as their personal belonging. The majority of respondents, 93 percent, considered only jewelry and clothes as personal

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[12] See Gjeçov (1989), Book Two, *The Family*, Article 21, point 5.

[13] *Fis* is an Albanian word referring to a clan or extended family that has blood connections.

belongings. It would appear, therefore, that household heads are representative owners of immovable (real) property.[14]

TABLE 1: Owner of land, by gender of respondent and by district

	PUKA				LUSHNJA				VLORA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Head of household	52	91	47	80	57	97	56	95	58	96	59	98	329	93
All family	1	2	2	3	0	0	0	0	0	0	0	0	3	1
Other	4	7	10	17	2	3	3	5	1	2	1	2	21	6
Total	57	100	59	100	59	100	59	100	59	100	60	100	353	100

The seemingly contradictory results of Table 1 and the question on personal property are difficult to explain. They appear coherent when viewed in the context of the traditional family structure, where individuals see themselves as part of a unit, their property rights being a function of that unit. The head of the household is considered to be the owner in the sense that he is responsible for representing the interests of the family. However, when we view these results in the context of a transition and a rapidly changing social structure, the results are not so straightforward.

Fieldwork and case evidence from the Appellate Court in Tirana suggest that in cases when the family structure becomes unstable due to divorce, family break-up, or inheritance disputes, the male(s) typically claim(s) sole, individual right to the property. They do this by appealing to selective attributes in the family ownership model such as the centrality of the male as a figure of authority and "formal" owner and the system of inheritance, which is defined only along the male line. In cases such as these, traditional norms that once related to families are manipulated with the aim of giving some men more individual rights than women. In these cases, family members need recourse to formal law. As the survey interviewed only "stable" families, the sample may be biased with regard to the results on family versus individual ownership preferences. This should be addressed in a follow-up survey.

3.3 ROLE OF THE PATRIARCH

Historically, authority within the Albanian family was strictly divided along the lines of generation and gender. High importance was given to the patriarch, who represented the family in the community and controlled decision making within the family. Within families the head of

[14] This is actually a very complicated result. Recent fieldwork evidence and study have shown that, in cases of divorce or family break-up, family property invariably becomes the property of the oldest male. Therefore, this interpretation may hold only in stable family situations, where individual ownership rights are only hypothetical. If a sample were taken of couples going through divorce, I imagine the results to this question would be very different.

household, the patriarch, had authority over all family affairs. "According to this Kanun individuals who are part of a family do not have a civil, juridical and social personality, but through the head of the family who is the equivalent of the *pater familiae*" (Re and Gustincich 1993). When choosing the head of household, primogeniture was taken into account, but knowledge of the law as well as a general administrative ability accounted for more. Duties included the allocation of tasks to family members, management of property and animals, and control of family accounts. Albanian patriarchy has been expressed as strong male authority. The traditional head of household demanded complete respect; his authority derived from an obligation to act in the best interest of the family at all times. His authority also derived from his economic position as dispenser of family earnings and his pledge to be fair toward all (Begolli 1994). The head of the family had sole right to buy and sell property.

Looking at the contemporary situation, we find that the Albanian family has retained many of its patriarchal characteristics. In general, every family has a patriarch. The patriarch is not necessarily chosen according to the requirements of customary law, but more along the lines of age and gender; usually the oldest male will assume the role. The prescriptions for the head of household in customary law seem to indicate that the head of household is the person who manages the operations of the farm. Now this is not necessarily the case since the head of household tends to be the oldest male even though he no longer manages the farm

The survey results show the average age of the head of household to be 48 years old with no significant difference across regions. Since the position of head of household is a function of age, the relatively young average age of the household heads seems to be indicative of younger and more nuclear families.

The IFAW/PMU survey data strongly suggest that the patriarch is still an important pillar of Albanian family rural life. Table 2 gives some indicators of this according to region. From 180 households, 175 (97%) claimed to have a male head of household. Usually this person was the oldest male in the family. The gender of the person whose name is specified on the property title deed (*tapi*) indicates who represents the family in the public. Table 2 shows, from the 113 households that actually possessed property titles, 100 percent of the *tapi* specified only a male name, usually the current head of household.

TABLE 2: Gender of head of household and of property titleholder, by district

	HEAD OF HOUSEHOLD				PROPERTY TITLEHOLDER			
	Male		Female*		Male		Female	
	No.	%	No.	%	No.	%	No.	%
Puka	57	95	3	5	51	100	0	0
Lushnja	59	98	1	2	38	100	0	0
Vlora	59	98	1	2	24	100	0	0

* These five women household heads were all widows.

The distribution of agricultural land to village families in 1991, formalized with the passage of the Law on Land (No. 7501), theoretically gave every family member an equal right to a share of land.[15] However, only the head of the family was specified on the property title. In itself this does not present a problem, for traditionally it is the head's responsibility to act in the interests of the family. Fieldwork prior to the survey, however, showed that cases are emerging where the head has acted irresponsibly and has either given away or sold the land using the justification that he is the legal owner as specified by the *tapi*. With this potential concern in mind, the survey attempted to observe whether the respondents believed that the signature on the *tapi* gave that person more rights to the land and property than the rest of the family members. If so, then policy recommendations may have to be formulated concerning the protection of other family members' rights. The tables below address this question.[16]

TABLE 3: Belief regarding property rights of titleholder, by gender of respondent

	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
Confers more rights	15	16	28	32	43	23
Does not confer more rights	79	84	68	68	147	77
Total	94	100	96	100	190	100

N_{male} = 94; N_{female} = 96; chi-square value = 4.7; df =1; significance = .029.

Table 3 shows that while only 23 percent of respondents believed that the person named on the *tapi* has more rights than other family members, there is a significant difference between male and female responses (significance = 0.029): women respondents are significantly more likely to state that the signature on the *tapi* confers more rights to the signer than to other members of the family. Male respondents, on the other hand, indicate that no extra rights are conferred upon the signer. The previous section showed that individuals do not regard immovable property as personal property; however, the result above suggests that rights may not be equally distributed among family members—at least the perception of equality of rights is not congruent between men and women.

Table 4 presents the results of Table 3 broken down by region.

[15] See D. Stanfield and A. Jazoj (1995).

[16] The total number of respondents answering this question varied in each district according to whether the family had a *tapi* or not; in Lushnja, 19 couples answered; in Vlora, 24; and in Puka, 51.

TABLE 4: Belief regarding property rights of titleholder, by gender of respondent and by district

	PUKA				LUSHNJA				VLORA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Confers more rights	6	12	23	44	6	32	7	35	1	4	0	0	43	23
Does not confer more rights	45	88	29	56	13	68	13	65	23	96	24	100	147	77
Total	51	100	52	100	19	100	20	100	24	100	24	100	190	100

In Table 4 it is interesting to note the male/female differences in perception among regions. For instance, in Puka there is a vast difference between the male and female responses, with 44 percent of the women and only 12 percent of the men believing that the person whose signature is on the title deed has more rights because of that signature—that is, rights relating to management and decision making over the property written on the deed. A two-sample difference-between-proportions test found the difference between the responses of males and females in Puka to be significant (Zp = 2.945). However, there is no significant difference between men's and women's responses in the other districts. The generally significant perceptual difference between male and female responses displayed in Table 3 is, therefore, solely due to the respondents in Puka. These differences between men and women in different regions and between woman responses across regions may be explained by the greater inequalities between men and women in the northern as compared to the southern areas.

Taking the couple in each family as the unit of analysis, we find the following levels of agreement:

TABLE 5: Couples agreeing that titleholder has or has not more property rights, by district

	AGREE YES		AGREE NO		TOTAL
	No.	%	No.	%	
Puka	5	71	25	45	30
Lushnja	2	29	8	14	10
Vlora	0	0	23	41	23
Total	7	100	56	100	63

In Puka, there are only 2 couples among the 25 women and 8 men who agreed that a signature on the property title confers more rights. In this case it is more interesting to look at the nature and reasons for disagreement between the couples. In Lushnja and Vlora, the nature of

disagreement between the couples did not follow any obvious or unequal pattern, but in Puka, of the 20 couples that disagreed, 15 of the disagreements took the form that the husband said that the signature did not confer more rights but the wife said it did. This may relate to the different perceptions that women in Puka have of their husband's position in the family, as compared to women in the more southern districts. It may also reflect the higher level of "subjective" subordination that women in the north feel. The men, on the other hand, feel that the name on the *tapi* does not confer more rights. This may be explained by the common practice of dividing family land among adult sons, thus implying that the head has some customary restrictions on how he chooses to use the land.

As documented by a variety of ethnographers (Hasluck 1954; Durham 1928), traditionally when a head of household died, the position would be filled by an adult male of the house who possessed the qualities required for that position, usually the eldest son. The position would be filled by a woman only in the case of a widow without sons or when the widow had sons who were too young to take on the responsibility. The survey results indicate a clear break with this traditional custom, with a high percentage of respondents stating that the wife would become head when the existing head dies. Table 6 shows the general survey results for the whole sample. The no-significant chi-square result indicates there is no difference between the responses of men and women on this question.

TABLE 6: Family member who will become head of household (when current head dies), by gender of respondent

	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
Wife	120	72	121	70	241	70
Son	47	27	51	29	98	29
Daughter	2	1	1	1	3	1
Total	169	100	173	100	342	100

Missing observations: 11.

N_{male} = 167; N_{female} = 172; chi-square value = 0.522; df = 2; significance = .77028.

Table 7 breaks down, by region, who will become head of household when the existing head dies. In the overwhelming majority of the households, as shown in Table 6, respondents indicated that either the wife or a son would become head of household.[17]

[17] In Lushnja, 2 men and 3 women said that the daughters would become head of household, thus making up the total percentages for respondents in Lushnja.

TABLE 7: Persons who will become head of household when current head dies, by gender of respondent and by district

	PUKA				VLORA				LUSHNJA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Wife	29	55	19	35	40	71	45	75	51	86	57	96	241	71
Son	25	45	35	65	16	29	15	25	6	10	1	2	98	29
Total	54	100	54	100	56	100	60	100	57	100	58	100	339	100

Missing observations: 24.
Chi-square = 71.079; df = 4; significance = 0.0000.

Table 7 highlights an interesting aspect not captured in the previous table. Although there is no significant difference in responses between men and women, there does appear to be a significant difference between regions. Puka shows a stronger adherence to what is expected traditionally, that is, more individuals in this district believe the son will become head of household. Within each district cross tabulations of sex of respondent against response to question indicated that Puka was the only district showing significantly different responses between males and females (chi-square = 4.125, df = 1, significance = 0.04225).

3.4 INHERITANCE RIGHTS OF SONS AND DAUGHTERS

"The Kanun recognizes the son as an heir, but not the daughter"
(Ch. 8, Art. 88, Gjeçov 1989)

The historical literature dealing with inheritance appears to present an anomaly. On the one hand, ownership of all the possessions of the family was held in common by all family members. Whitaker (1976) observes that "there was no testamentary law since the individual possessed nothing to will. Inheritance was by family and not by the individual." On the other hand, the Kanun recognizes the son as the heir, but not the daughter: "Inheritance belongs to a descendant by affiliation or by blood, and not to one related by milk, nor to the children of the daughters" (Gjeçov 1989, p. 52).

This apparent anomaly collapses when we realize that the Kanun defines the family as composed only of those members related by blood, not by branches of milk. The bloodline was relevant only through the male. Thus only the male bloodline was of significance in defining transfer of ownership of family land; women were considered as a "superfluity in the household" (Gjeçov 1989, p. 28).

With this explicit male bias in the inheritance system, the way that women gained access to immovable property was through their relationship to the family unit. Anything that the head of the family, typically the husband, acquired became the property of the family and was used to the benefit of the family. As a rule women were excluded from the inheritance of land and houses, receiving only their dowry or personal property.

Statutory legislation in Albania today provides men and women with equal property rights. This is arguably one of the rationales behind the land distribution process of 1991, formalized with the passage of the Law on Land (No. 7501). The emphasis on individual rights is also implicit in the property ownership and inheritance sections of the Albanian Civil Code (1994). Fieldwork observations and findings from a set of focus group meetings have shown, however, that these legal provisions for individualistic rights generally go unrealized. This is due to a variety of reasons. First and most important, it appears that traditions linger such that demanding a share of inheritance remains outside the reality of most of the rural Albanian population, especially women. This is because the family still acts very much as a unit and property is seen to belong to that unit. Women, especially, are unlikely to demand their share, not only for the reason already mentioned but also because they do not see a need since they will become a member in their husband's family and have access to his family's property. Second, for those women or men (that is, younger single men who have inheritance rights unequal to those of older named brothers) who would potentially want to demand a share of family property, lack of knowledge of supporting laws and enabling procedures deters them from making this demand. Third, even if the law were known, many individuals would not demand their rights, for the traditional ramifications of doing so would outweigh the benefits of possessing some property.[18]

The survey results clearly reflect the fact that the majority of rural people have no idea of the content of the law regarding their legal rights to land and property. From the total respondents, 99 percent stated that they had no knowledge of the formal law. Concerning the nature of inheritance systems, results from the survey confirm a reemergence of traditional patrilineal inheritance. Of the total respondents, 62 percent said that sons would inherit the farmland after the death of the parents. Table 8 shows these results disaggregated by region. There certainly appears to be a preference for bequeathing land to sons.

TABLE 8: Heirs to the farm, by district and gender of respondent

	PUKA				VLORA				LUSHNJA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Sons	49	83	47	80	40	67	37	62	26	46	23	39	222	63
Daughters	7	12	8	14	3	5	3	5	3	5	4	7	28	8
Male relatives	2	3	4	6	16	28	20	33	22	39	27	46	91	26
Other	1	2	0	0	0	1	0	0	6	10	5	8	12	3
Total	59	100	59	100	59	100	60	100	57	100	59	100	353	100

Table 8 shows that both male and female respondents in Puka have a clear preference for sons to inherit, 83 percent and 80 percent, respectively. This can probably be explained by the

[18] By traditional ramifications, I mean a range of factors that include excommunication from the village or family, public shaming, or violence toward the demander.

stronger traditions prevalent in that region. Although the table clearly suggests that patrilineal inheritance systems are prevalent in Albania today, there is reason to believe that this system is not as strong as it used to be. This is seen in that 37 percent of respondents stated that inheritance would go to someone other than son(s). This statement can be explained if we disaggregate the data. The sample was split according to whether the families had only daughters (19 families) or only sons (42 families). The incidence of families with only daughters was low; therefore, the extent of statistical analysis that could be performed was limited. However, the frequencies from this group and an analysis of their family structures prove to be highly interesting. A simple frequencies output shows that of the total respondents (38 in 19 only-daughter families), 15 said that, when both parents died, they would give the land to male relatives, and 23 said they would give it to the daughters. This shows a clear shift in attitude from the traditional system, where if a family only had daughters they would give the land to male relatives. Further analysis shows that the 15 people who said they would give the land to male relatives had very similar family structures—in fact, almost identical: all except one family were composed of two generations where the parents were relatively young and their children were all below 16 years of age. This suggests that parents would leave the property to male relatives who are acting as guardians until the daughters are old enough to take responsibility for the farm. There appears to be some indication then that traditional discrimination against daughters is not as strong as it used to be.

When the group of families with only sons was analyzed, it was found that from the 42 couples (84 individuals interviewed), 16 respondents said that on the death of both parents they would give the farmland to male relatives. Although this is a small number, it nonetheless appears strange given traditional customs of male (sons') inheritance. Again, by analyzing the family structures of these cases, we found that they were composed predominantly of a two-generation vertically extended household, where the sons were very young. In a couple of cases the sons had migrated. Given this consideration and the similar structures of the respondents' families with only daughters who said they would give the farmland to male relatives, there is reason to assume that, contrary to expectations, discrimination against daughters in households where there are only daughters may well be a custom of the past. The inheritance patterns that emerge from a general, aggregated analysis may in fact be simply a reflection of a type of family structure and its life-cycle stage rather than evidence of discrimination.

Although the above discussion and analysis suggests some change in the inheritance practices of families with only daughters, it was observed that when a family has both sons and daughters, males typically have the first right to inherit. This result suggests that daughters are discriminated against when they have brothers; however, when they have no brothers, they are likely to inherit. This could be indicative of a general concern with keeping property within the immediate family rather than allowing the relatively more dispersed extended family to assume those rights (this will be discussed in section 5).

A hypothetical question was asked of the entire sample population*:* "Who will inherit the land if there were only daughters in the household?" The respondents were given the choice of three answers. The results, shown in tables 9 and 10, again suggest that there has been a shift in traditional mentalities—the reemergence of patrilineal inheritance extends only to the direct family; that is, when there are only daughters in the house, inheritance does not appear to extend to individuals outside the immediate family, even if they belong to the *same fis.*

Table 10 shows the results broken down by district.

TABLE 9: Heirs to land if family has only daughters, by gender of respondent

	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
All daughters equally	46	77	58	59	104	66
Male relatives	9	15	5	5	14	9
Daughter who cares for parents	5	8	35	36	40	25
Total	60	100	98	100	158	100

N_{male} = 173; N_{female} = 175; chi-square = 6.954; df = 2; significance = 0.03.

Missing data = 37.

TABLE 10: Heirs to land if family has with only daughters, by gender of respondent and by district (%)

	PUKA		VLORA		LUSHNJA	
	Male	**Female**	**Male**	**Female**	**Male**	**Female**
All daughters equally	28	47	68	77	41	51
Male relatives	23	15	3	0	0	0
Daughter who cares for parents	47	33	29	23	59	49
Total	100	100	100	100	100	100

The problem with this question is that it was largely hypothetical since only 19 of the families in the sample had only daughters. When we analyzed the "only daughters" cases, we found that the majority of the respondents said they would leave the land to the daughters equally with no obvious difference among districts. However, when the cases for families with "only sons" was analyzed, there was an even split of answers between "all daughters equally" (19 males and 19 females) and "daughter who cares for parents" (19 males and 20 females). Only four people said that in the absence of sons, they would leave the land to male relatives. This may show a difference between responses to real and hypothetical situations. Again, we see a reluctance in contemporary mentality to leave property to relatives outside the nuclear family. Puka indicates a higher incidence of respondents who say they would leave property to male relatives, which may be due to its stronger traditional norms.

An interesting variation in the regional answers was noticed in response to the question, "Do you think sons and daughters should be entitled to equal inheritance?" The chi-square value indicates a significant difference between male and female responses, with a higher percentage of female respondents stating they believe sons and daughters should have equal rights.

TABLE 11: Opinions on whether sons and daughters are entitled to equal inheritance, by gender of respondent

	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
Yes	52	30	80	45	132	37
No	124	70	97	55	221	73
Total	176	100	177	100	353	100

N_{male} = 176, N_{female} = 177; chi-square value = 9.229; df = 1; significance =.0024.

When these data are disaggregated according to district, shown in Table 12, it becomes apparent that the significant difference in Table 10 may be coming from Puka alone.

TABLE 12: Opinions on whether sons and daughters are entitled to equal inheritance, by gender of respondent and by district

	PUKA				VLORA				LUSHNJA			
	Male		Female		Male		Female		Male		Female	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Yes, equal rights	22	39	50	86	13	22	14	23	17	29	16	27
No, not equal	35	61	8	14	47	78	46	77	42	71	43	73
Total	57	100	58	100	60	100	60	100	59	100	59	100

When cross tabulations for gender of respondent and rights to inherit were performed by district the following results were obtained:

	Chi-square	DF	Significance
Puka	28.816	2	0.000
Vlora	1.0397	2	0.595
Lushnja	0.0421	2	0.837

The observed significance levels suggest that in Puka the answers of respondents to the question, "Do you think sons and daughters should have the rights to equal inheritance?" is dependent on the gender of the respondent. In Vlora and Lushnja, however, this was not the case, the significance levels suggesting that sex of respondent and response to the question are independent. Performing a two-sample difference-of-proportions test, taking females and "yes" answers as the focus category, there is a significant difference between female responses in Puka and female responses in other regions (Z/p = 7.97, p = 0.00000). Also analyzing male and female

responses in Puka alone and focusing on the category "yes," we find a significant difference (Z/p = 3.407, p = 0.0000).

These results seem to contradict what one would expect given the traditional customs of the north. For instance, one would expect that due to strong patriarchalism in this region, both women and men would prefer to leave property to sons. One explanation of this apparent anomaly may come from the different levels of autonomy that women have in different regions. For instance, of the women respondents from Puka, 45 percent said that the person who is named on the title has different rights than the rest of the family because of the signature (see Table 2), whereas in the southern districts the signature on the title did not imply different rights. This difference in the autonomy of women in different regions may explain why the women in the north express a desire for equality in inheritance between sons and daughters as a way to counterbalance their lack of autonomy with respect to their husbands. An alternative explanation may be that the rate of change of societal structure has been relatively greater in other districts because a substantial portion of men, particularly sons, of working age are leaving to find employment in the cities.

3.5 PROPERTY RIGHTS OF DAUGHTERS, WIVES, WIDOWS, AND DIVORCEES

"It is the issue of women and family honor that is sacred to an Albanian"
(quote from male interviewee in Lushnja)

In patriarchal systems women tend not to have inheritance rights to land from their birth family or their husband. This is due to a system of exclusive male inheritance rights and to the need for each clan to protect its property for economic and defense purposes. In Albania, exclusion from the control of immovable property traditionally left women unable to accumulate wealth or to gain any economic independence. Female-headed households were very rare in pre-communist Albania since widows and divorcees (which were extremely rare) were expected to move back to their parents' house. The only exception, mentioned in the Kanun and documented by a variety of anthropologists, was that of an older single female who took the oath of virginity, in which case the woman was allowed rights similar to those of men.

3.5.1 Daughters

"A wife does not receive a share of inheritance either from her parents or from her husband...to prevent the clan of one Banner mixing with the clan of another Banner" (Ch. 8, Art. 88, Gjeçov 1989)

Traditionally when daughters leave their family to marry, they leave their access rights to the family farm behind. The survey results indicate that people still hold with this tradition. Table 13 reports the results to a question regarding informal customary law: "Are women entitled to take their share, in cash or kind, of family property upon marriage?" While the majority of respondents (77%) claimed that women were not entitled, there are regional differences. Not one respondent from Puka, male or female, thought that women are entitled to some family property upon marriage. Lushnja displayed more responses where women were entitled to land than the other districts.

TABLE 13: Opinions on daughters' rights to family land upon marriage, by gender of respondent and by district

	PUKA				VLORA				LUSHNJA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Entitled	0	0	0	0	9	15	7	12	17	29	14	25	47	13
Not entitled	57	100	58	100	50	85	53	88	42	71	42	75	302	77
Total	57	100	58	100	59	100	60	100	59	100	56	100	349	100

Missing observations: 4.

3.5.2 Wives

Table 14 reveals respondents' beliefs concerning a wife's right to the husband's land. The results support the general findings reported in section one: that a woman's relation to immovable property is defined by her relation to either her husband or her father. Within a "family ownership" model, she always has some rights to property. It is simply that the property to which she has rights pivots on the institution of marriage. While we saw in Table 13 that all the respondents from Puka did not allow the daughter to take family land, Table 14 shows that the majority of respondents believe that she becomes an equal owner of her husband's family land. In this sense, the family model protects the wife's rights.

TABLE 14: Belief regarding a woman's right as equal owner of her husband's family land, by district and by gender of respondent

	PUKA				VLORA				LUSHNJA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	57	100	56	97	55	93	39	65	45	76	48	81	300	85
No	0	0	2	3	4	7	21	35	14	24	11	9	52	15
Total	57	100	58	100	59	100	60	100	59	100	59	100	352	100

3.5.3 Divorcees

" Women make the house and destroy it."
(Albanian proverb)

In customary law, and anthropological accounts of Albanian society, not much is said concerning the rights of divorcees. This is probably because divorce was such a rare occurrence. Fieldwork observations shed some light on traditional opinions of divorcees. "Divorced women are often an embarrassment to their birth family." However, divorced men are typically not attributed any

fault. Usually the only option left to divorced women is to return to their parents' home or to live with their brother(s). This depends on whether the family will take them back and often times if they are accepted they are treated badly. Divorced women can keep the personal gifts they received at the time they married but none of the real property. Divorced women are essentially left with nothing of any long-term economic value.

In the survey questionnaire, different categories of widows and divorcees were differentiated based on attitudes that emerged from a series of focus group meetings with a group of women from the Tirana district and from other fieldwork. This research suggested that from the women's perspective, it is their participation in the family unit **plus** their relationship to their husband that provides them with a definite relationship to land. This means that certain categories of women are particularly vulnerable in situations where there is no spouse to support them. For instance, in the case of divorce, the women face traditional restrictions on their rights to land and property, which vary depending on the degree of fault the women carry (whether their behavior as viewed in the community was the cause of the divorce) and whether or not they have children.

General observations from the data show that 82 percent of total respondents believe that *divorced women without children and considered at fault* have no rights to land or property whereas 86 percent of the sample believe that *divorced women with children and not considered at fault* should have equal land and property rights with their husbands. *Divorced, at-fault women with children* also appear to retain equal or some of their rights because of the dependent children (74% of total respondents indicated they should have rights equal to the husband's). However, responses from Puka suggest that fewer interviewees relative to Vlora and Lushnja think divorcees should have equal rights. Fieldwork and discussions with interviewees showed that people feel a social obligation to look after the interests of children. The status of the wives appears to rate third place.

An interesting regional variation is observed comparing *at-fault divorcees with children* and *not-at-fault divorcees with children.* No statistical significance was observed between regions concerning not at fault divorcees with children. However, when we performed a difference-of-proportions test within the different regions between the two questions when involving children , that is, at fault or not at fault (with "equal rights" as the focus category), Puka presented highly significant results: $n = 115$, $Zp = 7.24$. The degree of fault attached to divorcees in Puka is a significant factor affecting the level of their rights to property. If they are at fault, they have fewer rights. In Vlora and Lushnja, there is no significant difference, perhaps indicating that in these districts the existence of children is more important for determining property rights than the degree of fault.

Concerning the rights of *divorced women considered not at fault and with no children,* there was regional variation in response. In total, though, 53 percent of respondents accredited them with some rights; 24 percent, with equal rights to the husband; and 20 percent, with no rights. Interestingly, although previously rights depended on whether the divorcees had children, here we see some tolerance for women without children due to the belief that they are not at fault. Table 15 displays the results for this category of divorcee.

TABLE 15: Level of ownership rights attributed to not-at-fault divorcees without children, by gender of respondent and by district

	PUKA				VLORA				LUSHNJA				ALL DISTRICTS	
	Male		Female		Male		Female		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Main rights	0	0	4	7	0	0	0	0	1	2	6	10	11	4%
Equal rights with husband	7	12	13	22	11	19	8	13	22	37	24	4	85	24
Some rights	26	46	23	39	35	59	40	67	34	58	27	46	185	52
No rights	24	42	19	32	13	22	12	20	2	3	2	3	72	20
Total	57	100	59	100	59	100	60	100	59	100	59	100	353	100

Regarding divorced men, the results show that in all categories (at fault, not at fault, children, no children) they usually have the primary right, and sometimes equal rights with the wife, to land and property after divorce.

By differentiating between different categories of divorced women, it appears that the overriding factor affecting the woman's access to land and property is the existence of children and not necessarily the degree of fault she carries. Children provide, therefore, an economic security for women facing divorce. The results of the survey show a clear discrimination against different categories of divorced women. Contrary to what is described in the ethnographic literature, where divorcees are left without anything, contemporary attitudes appear to subject women without children to customary codes, and even then their rights depend on the degree of fault they are perceived to carry. Since guilt is often a subjective concept and is probably gender biased within the traditional Albanian context, there is a justified need to focus legislation on protecting the rights of these women and their children. Similarly, the rights of widows and of older single women depend very much on their situations.

In the past, divorced women had no rights to either their children or the land. They would return to their birth family, leaving their children and property rights with their husband. The survey results suggest that in contemporary Albania, divorced women retain responsibility for the care and maintenance of their children and that this may influence their greater access to family land than was customary under traditional divorce procedures.

3.5.4 Widows

By tradition, when the head of a household died his widow would manage the property until the sons were old enough to manage it, after which she would retain use rights to the land. In the cases where the widow had no children, the property would be given to her late husband's male relatives and she would be expected to return to her parents' house. In the survey the majority of respondents stated that a widow without children has the main ownership rights to land and property. If the widow has children, then she has equal property rights with her children. There did not appear to be striking differences in responses between regions.

3.6 STRUCTURE OF THE RURAL ALBANIAN HOUSEHOLD/FAMILY

The Kanun of Leke Dukagjini considers the family—"a group of human beings who live under the same roof, whose aim is to increase their number by means of marriage for their establishment"—as the basic and most important unit in the social and public order since the beginnings of Albania's recorded history (Vokopola 1968). The traditional household was embedded in a kinship structure that strongly emphasized relations between male blood relatives. In a broader sense the Kanun conceptualizes the family as sharing a "common homeland, common blood, common language and common customs" (Gjeçov 1989, p. 14).

The household unit was customarily based on a marital link, and the descendants of a married couple would live under the parents' roof. In this way extended families, often composed of several brothers and their descendants, would form a single residential and economic unit (Whitaker 1976). The typical family, at one point in its life cycle, included several men related by blood (father and sons or brothers) with their respective wives and children. Thus, the household would often consist of several families extended both horizontally and vertically.

Since the collapse of the communist regime in 1991, observations are frequently made concerning the changing structure of the Albanian family. The general claim is that the traditional extended structure has been evolving into a more nuclear one. Massive national and international migration flows, higher monetary incomes, and contact with western culture are some factors that may be causing this change.

The prototype of the household cycle in contemporary rural Albania seems to follow this pattern: a son and his wife will live for a time with his parents following marriage, both participating in the farm operations and domestic chores. While they live with his parents, they are part of the same farm-family economy. They may share living space with other brothers and their wives. The survey data, however, indicate that this will be only temporary while the young couple accumulates resources to live on their own. It is also common that when a son is ready to start his own family, the father will give him a section of the family property on which to build a house. The couple's decision to establish a separate household may depend on a variety of factors—migration to a town, the marriage of a younger brother, economic circumstances, the decision to begin a family, and the father's gift of some land.

The PMU/IFAW survey provides evidence that while vertically extended households are still common in rural areas, it is now rare to encounter several married brothers and their families living in the same house. The data in Table 16 provide information on vertically extended families and reflect the common practice of husbands and wives moving away from the husband's family home when they decide to start a family of their own.

TABLE 16: Generations of families living in the same house, by district

	PUKA		LUSHNJA		VLORA	
	No.	%	No.	%	No.	%
One generation	8	14	1	2	0	0
Two generations	48	80	45	73	42	70
Three generations	4	6	14	25	17	28

Four generations	0	0	0	0	1	2

The northern areas of Albania have historically retained stronger patriarchal family traditions and customs than the rest of Albania. In the ethnographic literature this is attributed to two factors: (1) mountainous topography, which kept the people in this region isolated from outside influences; and (2) the need to retain strong family ties as a means of protection against invasion. With this in mind one would expect to observe the highest incidence of three and four multigenerational households in Puka, the most northern and mountainous village in the sample. Surprisingly though, Table 16 shows that Puka had the fewest multigenerational households. This may be explained by the high outflow of migrants to nearby cities where employment opportunities are better. The results indicate that the average family size in all districts was not significantly different: five members in Puka and Lushnja, and six members in Vlora. Frequencies of various age groups among districts showed little variation.

The changing structure of the Albanian family, that is, from the extended family to the more nuclear one (and from the horizontally extended family to the vertical one), is also a result of the perceived benefit of family members from possible social assistance programs of the state.[19] The interviewers were told in informal discussions that this was a common reason for family children to leave the parents' home and set up their own household. A careful review of the survey data indicated that while it was common for two married couples of different generations to be living in the same house, it was not common for two married couples of the same generation to do the same. That is, the data indicated a very low incidence of married brothers living together.

Section 3 on inheritance preferences also provides supporting evidence for this change toward a more nuclear family. Particularly in families with only daughters, we observed a preference for keeping property within the nuclear unit, and in this way the economic interests of family members, in terms of property, appear to become more localized (given that daughters tend to marry and stay within the village).

PART 4 DISCUSSION AND CONCLUSIONS

This paper has used data from the IFAW/PMU survey with the purpose of understanding contemporary property tenure systems in Albania in relation to what they were before the advent of communism. Where possible I have used my knowledge of specific situations as well as observations from field visits and group studies to support, expand, or clarify statistics. In fact, the statistics taken on their own do not display the intricacies and richness of the farm-family social and economic situation. Case studies, particularly in the areas of inheritance, decision making, and migration, would provide a wealth of knowledge not fully explored in these statistics.

As the results have shown, the traditional concepts of family ownership, where the family is the owner and a person's right to property is determined by his or her position in the family,

[19] The social assistance programs, given to family units, were set up under the communist regime.

appears to have survived the communist period. The rural Albanian family has retained many of its patriarchal characteristics. Typically there exists a male household head in every family (97% of households). Questions regarding choice of heir show an overwhelming preference for sons. We also see that daughters still have no claim to family land.

Although customary tenure forms appear to have re-emerged, the results also present clear evidence that these customs are not as strong as they use to be. For example, we see that when families have only daughters, respondents prefer to leave the property to them as opposed to a male relative. Evidence that values are changing also comes from the response to the question, "Should sons and daughters have equal inheritance rights?" to which 37 percent of the sample said "yes." The property rights of women such as divorcees and widows in vulnerable situations now seems to be defined by the existence of dependent children, whereas in the past their status was regulated by the amount of fault the woman carried in the case of divorce.

It is also interesting to see that when the head of household dies, it is usually expected that his widow will take his place as head of household. Even if her position as head is symbolic rather than operational, the fact that she is expected to take her husband's position, if only as titleholder, is a clear shift from what has been traditionally prescribed in the literature and the Kanun.

Perhaps the most interesting change that the results highlighted is the change in family structure. It appears to have become more flexible as it responds and interacts with changing property relations, residence patterns, and mobility and migration. The household structure does not typically resemble the extended patrilocal family structure of the past. The contemporary household has become more nuclear, with minimal horizontal extension. Changing economic opportunities, such as higher monetary income, and increased migration opportunities, are perhaps the primary reasons for this shift in family structure.

There are some foreseeable problems that the results highlight. First, the almost complete lack of knowledge of formal law implies that equitable and individualized property rights as specified in the law will remain dormant in their usage. It is important that efforts be made to disseminate information on legal rights and laws as relating to property if the ambitions of a market economy are to be realized. However, saying this, the survey results imply that even if people did have knowledge of individualistic legislation, it may be irrelevant since the "family" tenure model is still very dominant in the rural areas. This should not draw us to the conclusion that legislation based on individual rights is unimportant. It clearly is important, especially in the case of divorcees and children who are unfairly removed from inheritance. In addition, if people have knowledge regarding formal laws, then they are able to take advantage of them. That is, the family model may be the dominant one simply because people are unaware of their individual rights.

Protection of women in vulnerable situations should be discussed and included in the New Family Code since it appears that traditional attitudes are determining these women's property rights rather than concerns about equality as stated in legislation. The results would also be enriched with a comparison to a similar urban study.

In conclusion, this IFAW/PMU survey has provided a source of data that has until now been unavailable. It has provided insights into intrahousehold property relations in rural Albania which are in some respects different from previous research. These divergences are likely to be a

result of a country's responding to both the opportunities and the difficulties of transition to a democratic society and market economy. Albania is not only undergoing a political and economic transition but is also experiencing a cultural change. In terms of research, perhaps the most important lesson from this study is that it is no longer possible simply to regard historical, ethnographic studies of Albania as realistic overviews of customary law and regional customary distinctions prevalent in Albania today.

PART 5 ANNEXES

ANNEX 5.1 LIST OF DISTRICTS, *KOMUNAS*, AND VILLAGES IN THE SURVEY SAMPLE

DISTRICT	*KOMUNA*	VILLAGE
Puka:	Blerim	Blerim Epare
		Kulumbri
	Lufe-qerret	Lufe
		Dushe
	Fushe-arrez	Fushe-arrez
		Bicaj
Lushnja:	Bubullime	Bubullime
		Pirre
	Karbunare	Kasharaj
		Karnunare e poshtme
	Divjake	Xeng
		Divjake
Vlora:	Llakatund	Ceprat
		Risili
	Qender	Zvërnec
		Nartë
	Vllahi	Vllahi
		Koculi

ANNEX 5.2 OWNERSHIP RIGHTS ATTRIBUTED TO DIVORCEES

5.2.1 Level of ownership rights attributed to at-fault divorcees without children, by gender of respondent and by district

	PRIMARY RIGHT		EQUAL RIGHT		SOME RIGHT		NO RIGHT	
	M	F	M	F	M	F	M	F
Puka	0	0	0	0	2	1	55	58
Lushnja	0	0	3	3	14	23	43	32
Vlora	0	0	1	0	5	9	52	51

5.2.2 Level of ownership rights attributed to at-fault divorcees with children, by gender of respondent and by district

	PRIMARY RIGHT		EQUAL RIGHT		SOME RIGHT		NO RIGHT	
	M	F	M	F	M	F	M	F
Puka	0	0	38	38	11	17	7	4
Lushnja	1	2	42	42	14	15	2	0
Vlora	0	0	52	50	5	9	2	1

5.2.3 Level of ownership rights attributed to not-at-fault divorcees without children, by gender of respondent and by district

	PRIMARY RIGHT		EQUAL RIGHT		SOME RIGHT		NO RIGHT	
	M	F	M	F	M	F	M	F
Puka	0	4	7	13	26	23	24	19
Lushnja	1	6	22	24	34	27	2	2
Vlora	0	0	11	8	35	40	13	12

5.2.4 Level of ownership rights attributed to not-at-fault divorcees with children, by gender of respondent and by district

	PRIMARY RIGHT		EQUAL RIGHT		SOME RIGHT		NO RIGHT	
	M	F	M	F	M	F	M	F
Puka	0	0	56	53	1	0	0	0
Lushnja	11	16	46	41	2	1	0	0
Vlora	2	1	56	54	1	4	0	0

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