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ALBANIA SERIES

September 1998

## Gender, Ethnicity, and Landed Property in Albania

Susana Lastarria-Cornhiel, Rachel Wheeler



Land Tenure Center

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UNIVERSITY OF WISCONSIN —  
MADISON

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# **GENDER, ETHNICITY, AND LANDED PROPERTY IN ALBANIA**

by

**Susana Lastarria-Cornhiel, Rachel Wheeler**

**WORKING PAPER, NO. 18**

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# **GENDER, ETHNICITY, AND LANDED PROPERTY IN ALBANIA\***

*by*

**Susana Lastarria-Cornhiel and Rachel Wheeler**

After more than four decades of communist government and state monopoly over property rights and the economy, Albania has moved quickly to privatize property and develop a democratic government and market economy. In the political sphere, it has recognized opposition political parties and elected legislative and executive government bodies. In the economic sector, the great majority of agricultural land has been distributed to farm families, most state-owned housing has been sold, and many industries have been privatized. Legislation passed by Parliament ensures equal rights for all Albanians, women and men, including the right to own property.

Methods used to privatize state property attest to Albania's commitment to a democratic and egalitarian society: farmland was distributed to the households working on the ex-collectives and state farms,<sup>1</sup> and housing was sold at a nominal price to the families occupying it. There are social issues, however, that influence not only the potential role of property ownership in the development of a democratic society, but also the true workability of some persons' political and economic opportunities. In this paper, we examine two of these social issues: gender and ethnicity.

It is important that attention be paid to these issues because, assuming that property ownership is a necessary condition for establishing a democratic market economy, the potential denial to exercise those rights for a significant proportion of the population on the basis of gender or ethnicity could undermine Albania's attempts to establish a democratic society and dynamic market economy based on equal opportunity.

## **1. IMPACT OF CUSTOMARY AND STATUTORY LAWS ON GENDERED PROPERTY RIGHTS**

Privatization of landed property in rural Albania officially began in 1991 when village land commissions distributed the land of the agricultural collectives (called cooperatives) among village families. According to legislation and implementing regulations,<sup>2</sup> farmland belonging to

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\* The research for this paper was implemented under the auspices of the Project Management Unit of the Immovable Property Registration System with funding from USAID.

<sup>1</sup> Not all state farm land was initially distributed to workers as private ownership; about three-fourths of it was given in usufruct. In December 1995, Law No. 8053 converted these usufruct rights to private property. In total, approximately 90 percent of all agricultural land (ex-collectives and state farms) has been distributed as private property.

<sup>2</sup> The Law on Land (Law 7501), passed by the Albanian Parliament on 19 July 1991, ordered the distribution of agricultural collective land as private property, with restrictions on land market transactions.

cooperatives was divided and distributed among village families; the amount of land a family received was determined by the size of the household.<sup>3</sup> The land was also classified according to its quality, with families receiving proportional shares of each quality.<sup>4</sup> The agricultural land privatization law and its attendant regulations clearly state that the land is being given in private property to the family. Only the name of the head of household appears on the allotment certificate (*tapi*). Thus, the privatization process allocated farmland in family ownership, not to individual persons.

The first section of this paper seeks to examine contemporary and pre-World War II Albanian norms and attitudes with regard to family property rights within the context of rapid and radical economic, legal, and social changes. The dynamic to be explored is the relationship, within the context of Albanian family property, between family ownership of landed property and the property rights of individual family members. The dynamic between market economy and family landownership and how that may affect the property rights of certain sectors of the population, both as family members and as individuals, are also to be explored. The focus is on the rural area where the majority of Albanians live and work and where legislation has established family ownership of land.

Albanian legislation recognizes both individual and family landownership rights. Some legislation, such as the Civil Code (passed by Parliament in August 1994), the usufruct law (Presidential Decree No. 7512 passed in August 1991), and drafts of the Constitution (which still needs to be approved by national referendum), recognizes private and individual property and the right of all citizens to own and inherit property. Family landownership was tacitly established, as we saw, in the Law on Land. In addition, the Civil Code classifies agricultural land as family landownership (Article 222), not to be subdivided among family members except under specific conditions (Articles 226–228). Thus, while a series of laws guarantees individual property rights to both men and women, husbands and wives, sons and daughters, some provisions within these same laws establish family (not individual) farmland ownership.

In addition to potentially conflicting situations within statutory law regarding property rights, there is the difference between every person's legal property rights and what people perceive to be the proper allocation of property rights. In other words, there is a difference between formal legal property rights and *de facto* or customary property rights. Results from several surveys and unstructured field interviews reveal that customary traditions of patrilineal inheritance and patriarchal norms, which were so fundamental to Albanian society prior to and to some extent during the socialist regime, are re-emerging as the dominant form of social structure.<sup>5</sup> While family landownership, as a tenure structure and as stipulated in Albanian statutory law, does not necessarily exclude individuals from property ownership, customary family ownership *as practiced* in Albania together with traditional norms and practices with regard to family and gender may exclude some family members from exercising influence over the use and disposition of family land; in other words, some family members may not be

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<sup>3</sup> Who constituted the members of a household, and therefore the size of the household, was determined by the persons listed for that household in the Civil Status Registry as of July 1991. Household members included all persons living under one roof and often also included male persons no longer living in the house, such as sons who had migrated out.

<sup>4</sup> This type of distribution resulted in fragmented farm holdings in the great majority of cases.

<sup>5</sup> See Section 1.6.



effective and functional owners. This situation can create a tension with regard to property rights when persons perceive that their formal, legal property rights are not recognized in practice, that is, are being denied them.

The potential of conflict around property rights, therefore, arises out of these two situations: between individual and family property systems as stipulated in legislation, and between legal and de facto practices regarding property rights. This paper does not argue that one property system is superior to another, but rather that a society that is committed to democracy and to equal opportunity should ensure that its property systems provide the *same, adequate, and secure* rights to landed property for all its members. In other words, whether landed property is owned individually or as family property is not the issue, but rather whether all persons have equal opportunity to exercise their rights to property within that system.

Family-owned land is a prevalent type of customary ownership in different regions of the world. One region where a number of studies on family landownership (e.g., Clarke 1979; Barrow 1992; Bruce 1983; Dujon 1989; Crichlow 1989) have been undertaken is the Caribbean, where it is called family land. The characteristics of family land in the Caribbean are similar to those of family landownership in Albania. In both cases: (1) land belongs to the family, not to one person; (2) there is a strong reluctance to alienate family property; and (3) family members do not forfeit their claim when they leave the land. These characteristics offer security to family members and ensure that they will not lose a basic and permanent means of subsistence.

These two family property structures differ in the subdivision of the land and in who in the family can inherit family land. Under customary rules in Albania,<sup>6</sup> landed property belongs to the family and male family members do not forfeit their inheritance claim to the land should they leave the family household. Daughters, when they marry, leave their birth family households and lose any rights to family land. Heirs are generally sons and their families, not daughters and their families. In the Caribbean, in contrast, family land is inherited by all children, both sons and daughters. Both mothers and fathers can bequeath land to their children, and both sons and daughters inherit equal shares of their parents' property (Barrow 1992; Bruce 1983).

Another major difference is in the subdivision of land. In the Caribbean, family land is not formally divided among the heirs; rather, each heir has a proportional share of the land and arrangements are made among the heirs as to who will use what part of the land (Bruce 1983). Thus, heirs who remain on the land utilize the land they need or can cultivate, sometimes incorporating shares of land of heirs who have migrated. Absent heirs, as already stated, do not lose their rights and when they return may claim their share. This system allows usufruct rights to be distinguished from tenure shares (the proportional shares) and for flexibility as conditions change for specific members. As Crichlow (1989, p. 24) concluded, "[U]npartitioned family land can serve the ideals of security and provide support for family members who most need it."

In presocialist Albania, the custom was for each male heir to receive a specific piece of land, particularly if he had his own family. This practice allowed sons to set up their own households. Following the death of the father, if several brothers continued to live under the same family roof, they might continue to farm together and not formally subdivide the land. Each heir, nevertheless, would know which part of the family property was his, could eventually subdivide the land, and knew what land he could pass on to his own heirs. It is still too early to know how

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<sup>6</sup> For a written version of one set of Albanian customary law in both Albanian and English, consult Gjecov (1989).

land subdivision among heirs will be administered in Albania—family landownership and private property have been reestablished only recently. Rules for the subdivision of agricultural land (designated as agricultural family land) are spelled out in Articles 207 and 226 of the Albanian Civil Code (1994).

In short, this comparison of family property in the Caribbean and presocialist Albania demonstrates that both systems hold family landownership as sacred and as a means of ensuring family subsistence and independence for present and future generations. Where they essentially differ is in the degree and type of control that individual family members have over family-owned land. In the Caribbean, both men and women have the same rights to family land, which is not formally and definitively subdivided among heirs. Prior to collectivization, women in Albania had some access rights to family-owned land but did not have the right to own, control, or inherit family property; sons in Albania inherited ownership rights to specific pieces of family land, property which they and their families worked and which would in turn be inherited by their sons.

## 1.1 FAMILY STRUCTURE IN TRADITIONAL ALBANIA

Customary Albanian society before, during, and even after its incorporation into the Ottoman Empire<sup>7</sup> was largely rural and based on the extended family. A person's identity, welfare, and future were determined by his or her family and the decisions made by that family. As long as the family was physically safe and its agricultural base (land and livestock) secure, its family members were provided for. The Albanian family was patrilineal and patriarchal, and the roles and status of its members were strictly sex and age segregated.<sup>8</sup> The basis of social organization in traditional Albania was patrilineal descent groups or clans, called *fis*. These *fis*, consisting of extended families living in close proximity, occupied clearly defined territories (Vokopola 1968; Whitaker 1976). Each *fis* had a different surname.

Albanian society was traditionally governed by oral customary codes, called *kanun*. The *kanun* differed slightly from one region to another;<sup>9</sup> however, they all shared many common values, norms, rules, and practices. The *kanun* regulated behavior and specified rights with regard to both personal and landed property within the nuclear family, among extended family members, within the *fis*, and with other *fis*. The regions had different historical, economic, social, and political conditions which affected these *kanun* and family landownership customs. When discussing prevalent tradition and customary practices, contemporary Albanians continue to refer to these *kanun*.

In the northern mountainous region, village economy was primarily livestock-based with minimal crop production and commercial activity. In addition, northern Albanians fiercely

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<sup>7</sup> The Ottoman Empire occupied and ruled that part of southeastern Europe which was peopled by Albanian ethnic tribes for close to 500 years. The country of Albania came into existence in 1912 as the Ottoman Empire collapsed.

<sup>8</sup> Most of the literature available in English regarding kinship, family relations, and property rights in Albania discuss customary systems in the northern region since the late nineteenth century. Because of the small amount of available literature regarding these topics, generalizations to other regions of Albania should be made cautiously.

<sup>9</sup> These different oral *kanun* were not written until the early twentieth century. The best known is the Kanun of Leke Dukagjini; others are the Kanun of Skanderbeg, the Kanun of Muse Ballgjini, and the Kanun of Idriz Suli.

resisted Muslim laws and practices throughout the Ottoman occupation. The prevalent *kanun* in the north has been the well-known Kanun of Leke Dukagjini, dating from the Middle Ages. The landownership and administration provisions of the *kanun* state that landed property belongs to the family and is handed down over generations through the men in the family—women do not inherit either land or other real property. The central region also had various customary codes including the Skanderbeg *kanun*. In the south, there was more economic activity, particularly commercial activity, and Muslim influence was stronger, penetrating traditional society there. The southern region also had several variants of the *kanun*, some significantly influenced by Muslim law, such as the Idriz Suli *kanun*. In the southern region, for example, large landowners would give part of their property to their daughters. This would suggest that in the south, in the majority of households with little land to distribute, only sons inherited land even though daughters may have had some inheritance rights.<sup>10</sup>

The heads of clans and of the household itself were all men (Whitaker 1976) and were referred to as “the brotherhood” (Begolli 1994). Marriage practices were exogamous; to marry within the group was considered incestuous (Durham 1928). Thus, a man married a woman from another *fis* who was usually also from another community. Since the *fis* is traced only through the male line vertically (up from son to father and uncles to grandfather) and horizontally (across brothers and their children), relations through the mother are not considered blood ties. According to Durham (1928), disregard for the mother’s side of the family would sometimes result in marriages between close relatives such as first maternal cousins.

Residence patterns were patrilocal, that is, the groom and his bride resided in the home of the groom’s father until the time that the new couple had the resources to establish their individual household. Generally, one of the sons inherited the family home. In previous generations, particularly in the north, sons would separate from the father only with his consent or after his death. Households, therefore, were often large families: father and mother, their married sons and their families, as well as unmarried sons and daughters. If the father’s widowed mother lived with them, the family could consist of four generations. Thus, the household was an extended family, both vertically (consisting of several generations) and horizontally (several married brothers living under the same roof). While vertically extended households are still common, it is now rare to encounter several married brothers and their families living together.<sup>11</sup>

What was of basic importance in this social structure was the primacy of the family (as opposed to the individual) and its patriarch (eldest male as ultimate and only authority). According to customary norms, individuals did not have a civil, juridical, and social personality but through the head of the family; the family was considered the cell of society, not the individual. In addition, within the family and the *fis*, only the male blood line was of significance in defining the social units: the male members of the *fis* belonged to “the branch of blood.” The women belonged to “the branch of milk,” vessels for the production of male heirs (Backer 1983).

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<sup>10</sup> Customary practice in Macedonia, which was also under the Ottoman Empire for several centuries until the 1910s, is similar in that both sons and daughters have had legal inheritance rights, but in practice sisters give up their right to family property and brothers effectively inherit all of the land and real property.

<sup>11</sup> During the communist period, new couples found it beneficial to register their marriage in the Civil Registry Office of the local *komuna*. The couple would then be eligible to receive social benefits as a separate family.

## 1.2 WOMEN'S STATUS IN TRADITIONAL ALBANIA

Traditional patriarchal values and norms in Albania segregated behavior, privileges, responsibilities, duties, and rights by gender and recognized only male authority. The head of the household (the patriarch) demanded absolute respect; his power was granted by the fact that he was to act in the best interest of the family at all times, as stipulated in the *kanun* (Gjecov 1989, p. 16). His authority also derived from his economic power as the dispenser of family earnings and his duty to be fair toward all (Begolli 1994). The strength, power, and legitimacy of the patriarch was based on the fact that his decisions and actions ensured the well-being of the family and, therefore, of all its members.

Women were relegated to an inferior status, with few if any social rights, and their treatment and behavior were governed by the *kanun*. For example, according to the Kanun of Leke Dukagjini, women were regarded as servants of all the males in the family: "small wineskin which bear burdens and hard work." Thus, a husband had the right "to beat and bind his wife when she scorns his word and orders" (Gjecov 1989, p. 44). Men had ultimate control over their wives and unmarried daughters, including the power to reprimand them severely for failing to observe the rules established by society (Hasluck 1954).

Despite the appearance of homogeneous customs, adherence to and belief in this patriarchal structure has varied and continues to vary within Albania. While urban areas and southern Albania have been less patriarchal and more open to the idea of gender equality, the northern mountainous region has maintained much of the *kanun's* norms and practices (Del Re and Gustincich 1993).

Survival of strongly gender-segregated roles is also visible in the ethnic Albanian areas of former Yugoslavia such as Kosova and northwestern Macedonia. Reineck (1991) documented that ethnic Albanian women in the Kosova region still (at least up until the late 1980s) uphold their honor through proper decorum, such as a quiet, controlled demeanor as well as an enthusiasm for performing domestic labor. The patriarchal nature and traditional family practices of Albanian households in contemporary Macedonia have also been documented (Grossmith 1976, 1977).

## 1.3 CUSTOMARY PROPERTY RIGHTS

Two kinds of property have existed in the extended Albanian family: (1) property that belonged to the extended family as an entity and (2) the personal property of individual family members. Land and houses were considered family property and therefore belonged to the family as a whole. Whitaker (1976) observes that "there was no testamentary law since the individual possessed nothing to will. Inheritance was by the family and not by the individual." But in reality only men were considered functional owners and had control over real property. According to Begolli (1994), since only men were considered to be true (blood) family members and exercised rights to and control over family property, women had rights only to personal property.

Within this customary tenure system, family members had rights to landed property through their relationship to the family head. Anything that the head of the family, typically the husband, acquired became the property of the family and was used for 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 own. This system of beliefs enhanced the strong sense of community that has formed the basis of family solidarity and has also extended to the whole *fis* structure.

The Albanian woman did not have the right to inherit from her father (Gjecov 1989, p. 28) nor from her husband (Gjecov 1989, p. 52)—neither the house, nor the land, nor household items. As the Dukagjini *kanun* states: “The Albanian woman does not inherit anything from her parents—neither possessions nor house; the *kanun* considers a woman as a superfluity in the household” (Gjecov 1989, p. 28). The fact that daughters could not inherit any property assured their birth families that they would not claim any part of their father’s estate, particularly once they married. It was thought that if a married woman claimed property from her father’s estate, her husband (who belonged to another clan) would consequently control that piece of land. It was also believed that political structures based on localized clan ties would become undermined, since the borders between local communities would be less clear. Similarly, if a wife was entitled to her husband’s property, a woman of “foreign” blood would have reason to interfere in village affairs—an unthinkable idea in traditional Albanian society (Backer 1983).

In Begolli’s (1994) description of customary Albanian law in Kosova and northern Albania in the 1950s and 1960s, a woman’s personal property usually consisted solely of gifts; such as clothing and gold which she received from both her own family and that of the groom during her engagement and at her wedding. These items were considered of limited term value because, in practice, clothes eventually deteriorated and gold was sold when times were hard (Reineck 1991).

The father’s estate, therefore, was commonly divided equally among his sons. If a man had no sons, usually all his property went to his closest male relatives, most often his brothers or male cousins (Durham 1928; Gjecov 1989, p. 52). Thus, only those men who were directly related to the patriarch (e.g., sons and brothers) or related through a male relative (e.g., sons of a brother or sons of sons, but not sons of daughters) could inherit landed property.

Sale of landed property was also regulated by the *kanun*. The household head first offered land for sale to the closest male relatives on his father’s side. If no male relative agreed to purchase the land, then it could be offered to the neighbor, and then to anyone else in the village. If no one in the village bought it, the owner was free to sell to any buyer (Gjecov 1989, p. 104).

The situation of women without husbands could be quite tenuous because of their lack of property rights and their economic dependence. A widow had the right to remain in her husband’s house and on his land, provided she did not remarry, until her eldest son reached the age of fifteen (the age to carry arms), at which time he had the right to inherit and manage the property. A widow with no children would return to her birth family, perhaps to live with one of her brothers, and she would be allowed to take with her the personal property she was given during her engagement and wedding (Begolli 1994). As Durham (1928, pp. 73–74) observed at the beginning of this century:

Should a man leave a wife [without] children she is of no account and must leave the house and return to her father’s house.... If the widow has a daughter and no son she has the right to remain a hundred days in the house, then if the heirs order her to leave she must go, but her daughter remains as part of the heir’s household.... In practice the widow may remain in the house as “levirate wife”.... A married daughter has no right to anything whatever of her father’s property; she no longer belongs to his house.

This description of Albanian women's condition up to the 1940s draws a very bleak picture of their prospects to gain ownership rights to land or to improve their status. Some women, however, were able to escape the limitations imposed on persons of their sex. Definition of gender within a society, after all, is not based solely on sex; cultural norms and practices also determine gender. In Albania, this was illustrated by the existence of *virgjerasha*, vowed women. Women theoretically did not possess honor, could not participate in blood feuds (also known as prestige games), and could not inherit property from their fathers; these privileges were reserved for men. However, Albanian cultural practice did allow certain women to become men in the cultural sense. Usually this would occur under particular circumstances, such as an unmarried daughter in a family without a male heir. *Virgjerasha* dressed and behaved like men and swore perpetual virginity (Begolli 1994). These women were thus considered to be men and allowed to participate in blood feuds, represented their family's name in public space, and inherited their family property (Durham 1928). Only by swearing herself to virginity and becoming a *virgjerasha*, therefore, was an Albanian woman allowed to claim some rights that only men had. By entering into and supporting the male prestige structure, these women shunned all elements of femaleness (Shryock 1988). The Albanian female virgin became culturally male.

#### 1.4 PROPERTY RIGHTS AND GENDER AFTER PRIVATIZATION

The remainder of this first section on customary and statutory property rights describes the gender-differentiated effects of recent property privatization and customary family and tenure practices. This description is based on an examination of the legal basis for privatization, the actual process of distributing and conferring property rights to agricultural land, some field notes from unstructured interviews, and the results from two recent surveys. The objective is to explore women's current rights to landed property (both legal and de facto) as compared to men's and to investigate women's prospects for gaining the same property rights as those held by men, whether it be to family or individual property.

As described previously, when agricultural cooperative land was distributed in the early 1990s, land was given as private property to village families. Only one name was listed on the property title (*tapi*) given to the family: the head of household. One would expect the majority of household heads to be men, but would also expect a good proportion of households where the husband had died or left. When we visited villages and looked at the distribution process in 1992 and 1993, however, we found that very few women were signing the *tapi*.

Reviewing the documentation of several villages we found that only between 1.6 and 3 percent of the *tapi* were signed by women. An exception was a mining village within Tirana district (central hills region) where 15 women out of the 204 families (7 percent of the families) had signed the *tapi* as representative of their families. This high number is due to the fact that there are many widows in the village because many of the men had been killed in coal mine accidents.

Inquiries into the structure of the female-headed households we encountered revealed that they do not have an adult male—no husband, father, nor adult son. These women are widows who either live alone, with an adult single daughter, or with young children. The low number of female-headed households reveals the customary nature of Albanian families and their continued patriarchal character. When the family patriarch passes away, it is customary for one of his sons

to assume the position of family head. Thus, women seldom assume headship of the family. In addition, divorced and single (never married) women above a certain age are rare in Albania.

These scattered cases regarding the land distribution process suggest prevailing gender differences with regard to who has rights to family property. Conversations with villagers, both men and women, as well as with Albanian social scientists, further reveal contemporary thinking with regard to this issue in rural Albania. The following section, taken from conversations and informal interviews in three different regions (south, central, and north), illustrates that while this gender difference is prevalent throughout Albania, there are regional variations.

## **1.5 REGIONAL VARIATIONS REGARDING WOMEN'S STATUS AND PROPERTY RIGHTS**

As already mentioned, Albania is considered to have three geographic regions, which correspond to different cultural and social structures, particularly to the level of adherence to traditional norms and behavior. Topographical and agricultural differences can also be found.

### **1.5.1 Northern region**

The northern region is dominated by the mountainous area bordering the republics of Montenegro and Kosova (of Yugoslavia). There is little arable land and the families are more dependent on livestock than on crops. The Dukagjini Kanun was, and apparently still is, the observed *kanun* in this area (Del Re and Gustincich 1993). Some villages (traditional summer grazing areas) were established between 80 and 100 years ago as a result of hiving-off from the villages of origin at lower altitudes. Although summer grazing areas were communally owned and used, the people who established villages on them divided the land among themselves when they decided to live there year-round.

Typically the villages consist of a scattering of houses that are far apart from each other and accessible only by rugged footpaths which are often not passable. When houses are found in clusters they are usually inhabited by families of the same *fis*. Good quality agricultural land in this area is minimal and livestock (cattle, sheep, goats) is the principal activity. Infrastructure in the northern areas, such as roads, access to markets, and means of communication is relatively undeveloped. These constraints discourage commercial farming.

Distribution of land in these villages was not done according to the 1991 Law on Land (Law 7501), but rather families usually took the land that they or their forebears had owned prior to collectivization. Through the mid-1990s, *tapi* had not been issued in the entire *komuna* of Kelmend, for example, because land distribution was at variance with the law and the District Land Commission did not permit their issue. The elders and district agronomists interviewed believe that the conflict between the community and the District Land Commission will eventually be resolved and *tapi* will be issued in the names of family representatives, which are always the eldest male of the family. Villagers feel that security of tenure comes from the knowledge by all members of the community as to who the rightful owners of land are rather than from having an official *tapi*.

The northern mountainous region of Albania is commonly cited, both in ethnographic literature and by Albanian people today, as having maintained more Albanian traditional customs than the other regions due to its location and relative isolation from outside influences. Women

wear traditional dress such as brightly woven aprons and headdresses over meticulously plaited braids, while widows saturate themselves in black.

The custom of inheritance in the villages of this northern area is for the land to be passed on to sons or to other male relatives. Villagers affirmed that, according to the *kanun*, daughters can inherit only personal property. (Several villagers remarked that in the cities and larger towns on the coast, both daughters and sons inherit landed property.) Usually, if there are no sons, then nephews (sons of father's brothers) and grandchildren (of deceased sons) inherit the land. A common division process among heirs is for the oldest son to divide the land and for the youngest brother to pick first which parcel he wants. If there is a disagreement among the brothers, then the village elders generally decide how the land is to be divided. When brothers continue to live together under one roof, the land is farmed together. If a brother moves out and sets up his own household, he is assigned his own land.

Since land customarily comes into a household through the husband, it belongs to his family. When he dies or if the couple divorces, the wife has no claim on the land, except to support her husband's children while they are young. To the people in these northern mountain villages, the concept of women's owning, inheriting, or buying land is foreign.

### 1.5.2 Central region

The central region of Albania is distinguished for its high levels of agricultural activity. Plains dominate the topography of the district with highly intensive and diversified agriculture. Main crops are wheat, maize, alfalfa, and vegetables, with olives and fruits also being grown in the foothills. Its central location, better infrastructure, and higher levels of urbanization suggest that patriarchal traditions may be relatively weak compared to the northern region.

Interviews in several central districts, however, seem to indicate that attitudes regarding women's and men's property rights are similar to those in the north. In a village of Tirana district, for example, an interview with an older couple who have several grown children reveals customary attitudes toward both family property and the rights of individual members. When we arrived at the family's home, the father and the younger daughter, who is not married, had just finished plowing the 1.5 hectares they received from the land distribution process and were planting the fields. Father and daughter do the field work while the mother takes care of the animals.

The villager and his wife have three children, two daughters and one son. The older daughter is married and lives elsewhere; the son works as a driver in Tirana. When asked what will happen to the family farm when he dies, the villager insists that, according to his will, all of his property (land, animals, house and everything in it) will go to his son. His daughters, including the one who works in the fields with him, will receive nothing. If his son wishes to give his sisters some property (if, for example, they are very poor), he has the right to do so. The younger daughter appeared to have no objection to her father's plans for passing on all the land to her brother.

In another central region village, we interviewed a family composed of a husband and wife, two sons, and three daughters. This family received 13 *dynum*<sup>12</sup> of land, including an olive

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<sup>12</sup> One dynum is approximately 0.1 hectare.



grove, in the distribution process. The house garden is planted with vegetables; the wife manages this plot and she and her daughters put in most of the work, though the husband and son help. The other land is planted with wheat; the husband manages those parcels and the whole family works on it. The two younger children take care of the goats. The older son is working as a driver in Italy. Of the three daughters, the eldest is married and the other two are still at home.

When the wife was asked her opinion about the inheritance law (that spouse and all children inherit equally), she said that only sons should receive land because daughters will marry. But if a daughter marries a poor man, her family can help her with products from its farm. Even if the man is rich, his house, land, animals, olive trees, and everything on the land will pass to sons and their families, not to daughters. One of her daughters, when asked, agreed that she has no rights to her birth family's land.

When presented with the hypothetical case of a widow with young children, the daughter said that she should be allowed to keep her husband's land to support herself and her children, with the help of her husband's family, until the children are old enough to manage the farm, at which time they would take over its ownership. A widow with no children, however, cannot stay on her husband's land, but must return to her birth family. The father agreed with his wife and daughter. He said that his sons, even the one in Italy, are the only ones who have inheritance rights to their family land. He will work the land while he can; otherwise he will hire someone to work the land until his sons take over the farm.

### 1.5.3 Southern region

The topography in the south is varied: fields, hills, and mountains. Agriculture comprises both crop and tree production as well as livestock, particularly dairy production. Fishing is also an important activity which provides many of the coastal *komuna* with a substantial source of income. The women of the south in general are frequently cited as being of "stronger character" than other women of Albania. They are considered, and consider themselves, more independent than women in other regions and as having an equal status with their husbands within the household.

Women from a village in the southern district of Korça, for example, affirmed that the man, as husband and father, is head of the family in formal occasions and for official reasons (such as signing of documents). They also state that in reality, however, the whole family, particularly the wife, participates in the decision-making. When husbands and sons migrate to Greece, the wife or mother takes over management of the farm. She is *de facto* head of the family and makes the decisions. With regard to landed property rights, these women in southern Albania feel that all family members, daughters as well as sons, wives, and husbands, have equal property rights to family-owned land. Citing the case of a recent divorce in the village, the couple divided all their property, including the land—the woman received 4 *dynum* of land. However, they acknowledged that in practice when a daughter marries and leaves her family, she leaves her rights to her birth family's land behind. In other words, she cedes her shares to her brothers.

While in the central and southern regions the various *kanun* are not generally recognized as official traditional law as in the north, it was noticed that people in both regions upheld certain traditions that are reminiscent of *kanun* law and similar to attitudes displayed in the north. For instance, informants consistently maintained that one of the most important virtues a man could have was that of honor. In a couple of cases the villagers thought that honor was more important than life itself. Villagers were eager for their daughters to marry at a young age, since there exists

the risk of their remaining unmarried if they wait. Some discussions described the role of middlemen in arranged marriages, suggesting that marriages are still decided by parents. These incidences imply that some Albanian traditions still have a strong influence.

## **1.6 SURVEY RESULTS REGARDING CUSTOMARY PRACTICES AND ATTITUDES**

This section presents results from two 1995 surveys regarding different aspects of property rights as determined and affected by customary practices, particularly the role of gender in the customary family property tenure structure. The two random sample surveys were administered in 1995 under the Project Management Unit (PMU) of the Immovable Property Registration System (IPRS) project and include data on attitudes and practices regarding women's status and intrahousehold property rights. In early 1995, the Independent Forum on Albanian Women (IFAW) received funding from the PMU to interview husbands and wives in three districts representing the three regions (north, central, and south) of Albania. Both husband and wife in each household were interviewed; if the household head was widowed or the spouse unavailable, another adult of the opposite sex in the household was interviewed. A total of 360 questionnaires in 180 households were administered (120 individuals or 60 households in each district).<sup>13</sup> In late 1995, a baseline survey carried out by the PMU gathered data on numerous aspects of agricultural land and property rights. This survey was implemented in 5 districts in the 3 regions to 792 households. Only one person, the household head in the great majority of cases, was interviewed.

### **1.6.1 Household head and property ownership rights**

Concerning property rights in the household, the IFAW survey asked both husband and wife who owns the land. A special effort was made to suggest that the answer could include more than one person. The results, displayed in Table 1, indicate that the majority of respondents in all three districts identify the head as the owner of family land.

The term owner was left undefined; therefore, it is difficult to know how respondents interpreted its meaning. For instance, is it based on family-ownership norms, where the head is the representative owner, or has there been a shift in attitudes such that the respondent believes that the head as an individual has principal ownership rights to the property? Another questionnaire item suggests that the head is a representative owner: when respondents were asked if land is personal property, the majority, 93 percent, considered only jewelry and clothes as personal belongings.

The results from both Table 1 and the question on personal property appear consistent when viewed in the context of the traditional family structure: 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 the head is responsible for representing the interests of the family. However, if we consider that Albania is undergoing dramatic economic, social, and demographic changes, particularly with the introduction of a market economy, this interpretation may be misleading.

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<sup>13</sup> Data analysis of the IFAW survey was done by Rachel Wheeler; a more complete reporting of this survey, the data, and its analysis can be found in Wheeler (1998).

**TABLE 1. Owner of land by region and by gender of respondent (%)**

OWNER OF LAND	REGION AND GENDER OF RESPONDENT						
	PUKA (NORTH)		LUSHNJA (CENTRAL)		VLORA (SOUTH)		ALL DISTRICTS
	(male)	(female)	(male)	(female)	(male)	(female)	(total)
Head of household	91	80	97	95	96	98	93
Whole family	2	3	0	0	0	0	1
Other	7	17	3	5	2	2	6
Total	100	100	100	100	100	100	100
(n)	(57)	(59)	(59)	(59)	(59)	(60)	(353)

Source: IFAW Intrahousehold Property Rights Survey, 1995.

Fieldwork and case evidence from the Appellate Court in the capital city of Tirana suggest that in cases when the family structure becomes unstable due to divorce, family break-up, or inheritance divisions, men typically claim sole, and individual, rights 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 that 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 denying women rights to family property and giving men more individual rights than women.<sup>14</sup>

**TABLE 2. Gender of household head and of property titleholder by region**

REGION	HEAD OF HOUSEHOLD				PROPERTY TITLEHOLDER			
	Male		Female		Male		Female	
	(n)	(%)	(n)	(%)	(n)	(%)	(n)	(%)
Puka (north)	57	95	3	5	51	100	0	0
Lushnja (central)	59	98	1	2	38	100	0	0
Vlora (south)	59	98	1	2	24	100	0	0

Source: IFAW Intrahousehold Property Rights Survey, 1995.

The survey data strongly suggest that the patriarch is still an important pillar of rural Albanian family life. Table 2 gives some indicators of this according to region. From 180

<sup>14</sup> In these court cases, family members needed recourse to formal law. Since the survey interviewed only “stable” families, the results may hold only in stable family situations, where ownership rights of individuals are only hypothetical. If a sample were taken including couples going through divorce, the results may be different. Follow-up studies should address this issue.

households, 175 (97%) claimed to have a male head of household. Usually this person was the oldest male in the family. In the 5 female-headed households, the women were widows. The gender of the person whose name is specified on the property title deed (*tapi*) indicates who represents the family in the public sphere; as Table 2 shows, 100 percent of the titles from the 113 households that actually possessed property titles specified only a male name, usually the current head of the household.

The PMU survey conducted in late 1995 in rural communities of 5 districts shows similar results. Out of 792 households, 52 percent (409 households) reported having received a title for their farmland. Table 3 reveals that the great majority of the households are headed by men and that most titleholders are also men, as heads of family.

**TABLE 3. Gender of household head and property titleholder in 5 districts**

GENDER	HOUSEHOLD HEAD		TITLEHOLDER	
	No.	%	No.	%
Male	734	93.3	387	94.6
Female	53	6.7	22	5.4
Total	787	100	409	100

Source: PMU Baseline Survey, 1995.

The distribution of agricultural land in 1991 to village families, formalized with the Law on Land (Law 7501), gave every family member equal rights to family land. However, only the head of the family was specified on the property title. In itself, this does not present a problem, since traditionally it is the head's responsibility to act in the interests of the family. Fieldwork prior to the surveys, however, showed that cases are emerging where the head has acted irresponsibly and had either given away the land or sold it using the justification that he is the legal owner as specified in the *tapi*. With this potential concern in mind, the IFAW 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.

Data analysis (Table 4) shows that there is a significant difference between male and female responses (significance level = 0.029) in the IFAW survey with regard to the titleholders' property rights: 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 while male respondents say that no extra rights are conferred upon the signer. This difference in perception regarding equality of rights suggests that, in practice, women experience fewer rights to property than men.

**TABLE 4. Belief regarding property rights of titleholder by region and by gender of respondent (%)**

RIGHTS OF TITLEHOLDER	REGION AND GENDER OF RESPONDENT						
	PUKA (NORTH)		LUSHNJA (CENTRAL)		VLORA (SOUTH)		ALL DISTRICTS
	(male)	(female)	(male)	(female)	(male)	(female)	(total)
<b>Has more rights</b>	12	44	32	35	4	0	23
<b>Does not have more rights</b>	88	56	68	65	96	100	77
<b>Total</b>	100	100	100	100	100	100	100

Source: IFAW Intrahousehold Property Rights Survey, 1995.

It is interesting to note the regional differences between men's and women's perceptions. 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 specified on the title deed has more rights, that is, rights relating to management and decision-making over that property. By performing a two-sample difference between proportions test, we found the difference between the responses of males and females in Puka to be significant ( $Z_p = 2.945$ ). However, there is no significant difference between men's and women's responses in the other districts. These differences across regions may be explained by the greater inequalities between men and women in the northern as compared to the southern areas.

### 1.6.2 Inheritance rights

Formal legislation in Albania today provides men and women with equal property rights. The emphasis on rights of individuals is implicit in the 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 many people ignore these legal provisions for equality of rights. Traditional patrilineal norms regarding inheritance are so strong that demanding a share of inheritance remains outside the reality of most rural people, particularly 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 rights as defined by law, not only for the reason already mentioned but also because they do not see a need: they will marry and have access to the husband's family property. Field observations indicate that daughters take a passive role in property acquisition by leaving their legal share of property to brothers; their opportunity to acquire some rights to landed property, such as use rights, comes with marriage when they move to their husband's family home.

In addition, for those women or men who would potentially want to demand a share of family property, lack of knowledge of supporting laws and procedures deters their making this demand. Even if the law were known, many individuals would not demand their formal rights since the traditional ramifications of doing so (such as expulsion from the village or family, public shaming, or violence toward the demander) would outweigh the benefits of possessing some property.

The IFAW survey results demonstrate that the majority of rural people do not know the content of the law regarding their legal rights to landed property. From the total respondents, 99 percent stated that they had no knowledge of formal law. Concerning attitudes with regard to inheritance, results from the survey confirm the prevalence of traditional patrilineal inheritance practices. Of the total respondents, 63 percent said that sons and 26 percent said that another male relative would inherit the farm.<sup>15</sup>

When disaggregated by region (Table 5), both male and female respondents in Puka have a clear preference for sons to inherit while in the other two regions both sons and male relatives comprise the great majority of preferred heirs. Daughters are seldom considered heirs.

**TABLE 5. Heir preference (%) by region and by gender of respondent**

HEIR PREFERENCE	REGION AND GENDER OF RESPONDENT						ALL DISTRICTS (total)
	PUKA (NORTH)		LUSHNJA (CENTRAL)		VLORA (SOUTH)		
	(male)	(female)	(male)	(female)	(male)	(female)	
<b>Sons</b>	83	80	46	39	67	62	63
<b>Daughters</b>	12	14	5	7	5	5	8
<b>Male relatives</b>	3	6	39	46	28	33	26
<b>Other</b>	2	0	10	8	1	0	3
<b>Total</b>	100	100	100	100	100	100	100

Source: IFAW Intrahousehold Property Rights Survey, 1995.

To further explore these preferences, the sample was split according to whether the families had only daughters (19 families, 10.5%) or only sons (42 families, 23.3%). The incidence of families with only daughters was low; therefore, the extent of statistical analysis that could be performed was limited. The frequencies, however, from this group and an analysis of their family structures prove highly interesting. Simple frequency calculations show that of the total respondents (38 respondents in 19 “only daughter” families), 15 (39%) said that when both parents died they would give the land to male relatives, and 23 (61%) said they would give it to their daughters. This shows a clear shift in attitude from the traditional system where, if a family had only daughters, they would give the land to male relatives. Further analysis shows that the 15 (39%) respondents who said that they would give the land to male relatives had almost identical family structures: all except one were composed of two generations where the parents were relatively young and their children were all below age 16. This suggests that parents would leave the property to male relatives as guardians until the daughters are old enough to take responsibility for the farm. There appears to be some indication, then, that discrimination against daughters is not as strong as customary law would suggest, particularly in families with no sons.

<sup>15</sup> The survey question was: “Who will inherit the farm after the death of both parents?”

When the group of 42 families with only sons<sup>16</sup> was analyzed, 19 percent of the respondents (16 persons out of 84) 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 curious given traditional customs of male (sons') inheritance. But, again looking at the family structures of these cases, they were predominantly composed of two-generation families where the sons were very young. In a couple of cases, adult sons had migrated.

Although the results of this analysis suggest some change in the inheritance practices of families, when a family has both sons and daughters, traditional inheritance practices prevail and sons, not daughters, have the right to inherit. In families with only daughters, however, the daughters, rather than a male relative, are likely to inherit. This could be indicative of a general concern with keeping property within the immediate nuclear family rather than allowing the extended family to assume those rights.

An interesting variation in regional attitudes with regard to *equal* inheritance rights between sons and daughters was found in the IFAW survey (see Table 6). For the sample as a whole, a significant difference (chi-sq. = 9.229, significance level = 0.0024) between male and female responses was found: a higher percentage of female respondents believe sons and daughters should have equal rights. Cross-tabulations by district, however, suggest that the significant difference comes from Puka alone.

**TABLE 6. Inheritance rights of sons and daughters by region and by gender of respondent**

SONS' AND DAUGHTERS' INHERITANCE RIGHTS	REGION AND GENDER OF RESPONDENT					
	PUKA (NORTH)		LUSHNJA (CENTRAL)		VLORA (SOUTH)	
	(% male)	(% female)	(% male)	(% female)	(% male)	(% female)
<b>Equal rights</b>	39	86	29	27	22	23
<b>Unequal rights</b>	61	14	71	73	78	77
<b>Chi-square and significance</b>	28.816; 0.000 (DF=2)		0.0421; 0.837 (DF=2)		1.0397; 0.595 (DF=2)	

Source: IFAW Intrahousehold Property Rights Survey, 1995.

The observed significance levels suggest that in Puka attitudes regarding equal inheritance rights are dependent on the gender of the respondent, while in Vlora and Lushnja responses to the question are independent of gender. Performing a two-sample difference of proportions test for female respondents and taking "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 "yes" category, we find a significant difference ( $z/p = 3.407$ ,  $p = 0.0000$ ).

These results seems to contradict what one would expect given the strong traditional norms of the north. For instance, one would expect that due to strong patriarchy in this region, both

<sup>16</sup> The general preference for sons is hinted at by the number of families with only sons (42) as compared to those with only daughters (19). It is not uncommon for a mother to bear children until a son is born.

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, 45 percent of women respondents in Puka said that the person who is named on the title has different rights than the rest of the family, whereas in the southern districts the name on the title did not imply different rights. This difference in the autonomy of women in different regions may explain why women in the north express a desire for equality in inheritance for their sons and daughters—as a way to counterbalance wives’ lack of autonomy with respect to husbands. An alternative explanation may be that women in the north experience greater vulnerability than those in the rest of Albania when the men in the household emigrate to find employment in the cities.

The PMU survey (in five districts) also asked household heads<sup>17</sup> their opinion regarding who in the family should inherit the land. Table 7 gives the results by district. Results shown confirm that there is a strong preference, particularly in the north, for bequeathing land to male relatives; only 13 percent preferred to have all family members inherit the land.

**TABLE 7. Heir preference (%) by district and region**

HEIR PREFERENCE	DISTRICT AND REGION						TOTAL No. AND %
	KUKES (NORTH)	LUSHNJA (CENTRAL)	TIRANA (CENTRAL)	GJIROKASTER (SOUTH)	KORÇA (SOUTH)		
Youngest child	2.2	2	2.8	9	5.3	30	4%
Eldest child	2.2	0.4	2	0	0.8	8	1%
Males	91	67.5	83.2	74	80.5	613	77.5%
All members	3.3	18.5	12	13.5	7.5	99	12.5%
By law	1	11.5	0	3.6	6	41	5%
Total no.	90	243	214	111	133	791	100%

Source: PMU Baseline Survey, 1995.

### 1.6.3 Marriage and property rights

Traditionally, when daughters marry, they leave their family home and their rights to the family farm. The IFAW survey results in Table 8 regarding a married daughter’s rights to her birth family property indicate that people still hold with this tradition: the majority of respondents (77%) claimed that married daughters are not entitled to family property. Not one respondent from Puka, male or female, thought that women are entitled to some family property upon marriage. Lushnja displayed more positive responses than the other districts with regard to married daughters’ entitlement to family land.

<sup>17</sup> Respondents in the IPRS survey are overwhelmingly male (94%).



**TABLE 8. Daughters' rights to birth family property upon marriage by region and by gender of respondent**

DAUGHTERS' RIGHTS	REGION AND GENDER OF RESPONDENT						TOTAL
	PUKA (NORTH)		LUSHNJA (CENTRAL)		VLORA (SOUTH)		
	(% male)	(% female)	(% male)	(% female)	(% male)	(% female)	
<b>Entitled</b>	0	0	29	25	15	12	13
<b>Not entitled</b>	100	100	71	75	85	88	77
<b>Total</b>	100	100	100	100	100	100	100

Source: IFAW Intrahousehold Property Rights Survey, 1995.

The PMU survey contains information on the practice of allocation of farmland to family members at the time they marry and set up a separate household. While the number of these subdivisions of family land is not numerous, it does suggest that practice conforms to the attitudes reflected above. Table 9 provides frequencies on the number of marriages and subdivisions that occurred in the PMU sample households between 1991 and 1995.

**TABLE 9. Marriages and land subdivisions since 1991, by district**

DISTRICT (REGION)	MARRIAGES	LAND SUBDIVISIONS AS RESULT OF MARRIAGE		
		Son	Daughter	Other member
<b>Kukes (north)</b>	24	0	0	1
<b>Lushnja (central)</b>	91	10	1	0
<b>Tirana (central)</b>	101	11	0	4
<b>Gjirokaster (south)</b>	30	0	0	0
<b>Korça (south)</b>	48	4	1	0
<b>Total</b>	294	25	2	5

Source: PMU Baseline Survey, 1995.

From a total 294 marriages, there had been only 32 land subdivisions, 25 of which were due to marriage of a son. Only two land subdivisions were made when daughters married. These findings support the thesis that the traditional practice of daughters moving away from their birth home and not being entitled to their birth family's land is still prevalent. These findings support the observation that a person's rights to birth family land continue to be dependent on traditional marriage practices which in turn are governed by gender.

While the distribution across districts is thin (because there were so few subdivisions), Table 9 suggests that rural families in Gjirokaster and Kukes are not subdividing land when their children marry while, in the other districts, subdivision because of marriage occurs more frequently (between 10% and 15%). The small landholding size in Kukes and Gjirokaster and the

low level of farm activity, together with high out-migration, may explain why subdivision is not common.

**TABLE 10. Wife's right as equal owner to family land, by region and gender of respondent**

WIFE HAS RIGHT AS EQUAL OWNER	REGION AND GENDER OF RESPONDENT						TOTAL
	PUKA (NORTH)		LUSHNJA (CENTRAL)		VLORA (SOUTH)		
	(% male)	(% female)	(% male)	(% female)	(% male)	(% female)	
<b>Yes</b>	100	97	76	81	93	65	85
<b>No</b>	0	3	24	9	7	35	15
<b>Total</b>	100	100	100	100	100	100	100

Source: IFAW Intrahousehold Property Rights Survey, 1995.

IFAW survey results on beliefs concerning a wife's right to her husband's land support the cultural norm that a woman's rights to landed property is through her relation to either husband or father. Within a family ownership model she has some access rights to property, but not full ownership rights. While Table 8 showed that all the respondents from Puka did not allow the daughter to take family land, Table 10 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 appears to recognize and protect a wife's rights to family land.

#### 1.6.4 Decision-making authority over property rights

Ownership rights include the rights to sell, rent out, bequeath, use as collateral, determine use, and construct buildings, among others. Respondents of the PMU survey were asked who in the family has decision-making authority over these rights.<sup>18</sup> As the results on inheritance and land subdivision have suggested, the head of household (over other family members) has exclusive right to make decisions with regard to land and its use. There is some variation between regions, however. The proportion of respondents in Kukes that gave decision-making power with regard to all these rights to the household head was consistently higher (between 65% and 70%) compared to other districts. Taking two property rights as examples, the rights to sell and to determine use, illustrates these regional differences. The right to sell is a very different ownership right from the right to determine use: the former is a one-time, permanent decision while the latter is periodic and temporary and does not imply loss of the land.

How are these rights distributed among family members across districts and within districts? Table 11 reveals that across districts, the household head has the strongest rights (except in Lushnja), particularly in Kukes and Gjirokaster, while husband and wife were most frequently mentioned in the southern districts, Korça and Gjirokaster. The rights of all family members are strongest in the central region districts, Lushnja and Tirana. Percentage differences between the

<sup>18</sup> The question asked: "Who in the family has the right to decide: (1) sale of land, (2) rental of land, (3) bequeathal of land, (4) using land as collateral, (5) use of land, and (6) building on land?"

two rights are evident in some districts such as Gjirokaster where the household head decides on how to use the land, but both husband and wife decide on sale transactions.

**TABLE 11. Family members' rights to sell and to use land by district and region (%)**

FAMILY MEMBER	KUKES (NORTH)		LUSHNJA (CENTRAL)		TIRANA (CENTRAL)		GJIROKASTER (SOUTH)		KORÇA (SOUTH)		TOTAL	
	Sell	Use	Sell	Use	Sell	Use	Sell	Use	Sell	Use	SELL	USE
Head	66	70	39	40	44	41	43	66	31	46	43	48
Head and spouse	10	9	19	11	11	13	50	25	38	21	21	15
Sons	2	2	0.5	0.5	6	7	1	5	2	3	2	3
Daughters	0	0	0	0	0	0	0	0	0	0	0	0
Whole family	19	17	51	49	39	39	5	4	29	30	34	33
Family and kin	0	0	0	0	0	0	1	0	0	0	0.1	0
Region tradition	2	2	0.5	0	0	0	0	0	0	0	0.5	0.3

Source: PMU Baseline Survey, 1995.

Within districts, rights to decide on sale and use of family land in Korça are most evenly distributed among household head, husband and spouse, and the whole family. In Kukës, by contrast, the household head holds these rights to the exclusion of most other members. In Tirana and Lushnja, the household head shares these rights with the whole family. And in Gjirokaster, either household head or husband and wife exercise these rights.

## 1.7 CONCLUSIONS

Thus far, the data available to us show that customary attitudes and practices with regard to landed property prevail, though with regional variations. Land is considered family land (i.e., belonging to the family), administered by the household head (who in Albania is generally the husband or oldest male person), and passed down from one generation to another through the male bloodline. The data also indicate that women, as either daughters or wives, have access rights to use, live on, and work the land, but generally do not have control rights (e.g., right to sell or inherit) to family land. Most of the data available, however, refer to persons' attitudes and beliefs regarding property rights. And as we saw, some of the data appear to be contradictory or ambiguous.

What is lacking at this point is an information base on what people are actually doing with regard to land and property rights: Are family farms being conserved as whole units or are they being fragmented among heirs or even sold? Are daughters and wives inheriting rights to land; if so, what kind of rights are they inheriting? How is land inherited by absent sons being

administered? Are there conflicts regarding property rights within families? Are the regional differences that emerge from the data we have due to the local customary differences or to the socioeconomic differences that the country is undergoing?

Case studies that permit a deeper scrutiny of these issues are needed to answer these and other questions so that policy and programmatic recommendations can be made to: (1) resolve some of the contradictions and conflicts that currently exist in the legislation; (2) determine if new legislation and norms for verifying and transferring property rights are needed; and (3) design education and outreach programs on property rights, property transactions, and registration of transactions.

The next section uses the PMU survey data to look at the differences between farms managed by men and those managed by women in an attempt to glean some insight into whether differentiated property rights have an impact on farm management. The working thesis is that customary bias against women's owning landed property affects production on the family farm, particularly when female farmers' property rights are neither clear nor secure.

## **2. GENDER AND MANAGEMENT OF FAMILY FARMS**

This section explores one aspect of the potential conflict between customary landownership and individual property rights within the context of agricultural production in a market economy. Given that agricultural production within a market economy involves transactions such as credit and investment, which are based on property rights, and that customary tenure in Albania places the control of landed property in the hands of selected men, do family farms managed by women operate under different conditions than those managed by men? More specifically, do female managers have the same access to production factors (land, credit, labor) as male managers? Are female-managed farms as market oriented as male-managed farms? Do women farmers have the same level of tenure security as men farmers? Do family farm enterprises managed by women face constraints different from those managed by men? The issue of women farmers and the particular problems they may face is valid since women manage a significant number of family farms in Albania. As family members migrate or search for off-farm work and leave the farm operation to women, the problems that women face as owners and farm managers become of greater concern.

The PMU baseline survey data do not permit a satisfactory exploration of these questions since women farm managers were not identified or interviewed; therefore, the answers to these questions will, of necessity, be inferred. The overwhelming majority of the survey respondents were men (94%); only 48 (6%) of the nearly 800 respondents were women. Consequently, very few women managers were able to provide their answers on different issues such as agricultural input availability, constraints, labor allocation on farm, and tenure security.

A summary look at the employment sectors (Table 12) in which family members of the PMU baseline survey work shows that 39 percent work on the farm. Division of work by gender in rural Albania is by task and product; most family members engage in agricultural work, but women are more likely to be responsible for farm processing, subsistence crops, and dairy production while men work mainly with cash crops, land clearance, and irrigation.

**TABLE 12. Employment categories for all household members**

<b>EMPLOYMENT SECTOR</b>	<b>NUMBER</b>	<b>PERCENT</b>
<b>Agriculture</b>	1,550	38.9
<b>(On-farm all year)</b>	(1,273)	(32.0)
<b>(On-farm 6 months a year)</b>	(132)	(3.3)
<b>(On-farm 3 months a year)</b>	(145)	(3.6)
<b>Off-farm private sector</b>	100	2.5
<b>Off-farm state sector</b>	156	3.9
<b>Student</b>	759	19.1
<b>Emigrant</b>	96	2.4
<b>Retired/pensioner</b>	495	12.4
<b>Housewife</b>	250	6.3
<b>Minor (under age 6)</b>	538	13.5
<b>Soldier</b>	38	1.0
<b>Total</b>	4,022	100.0

Missing data = 40.

Source: PMU Baseline Survey, 1995.

The relevance of work to intrafamily property rights may have legal implications: officials of the Ministry of Agriculture, Ministry of Justice, and the PMU have been discussing a definition of the farm family for purposes of land transactions procedures,<sup>19</sup> for credit collateral policy, and for the creation of a new family code. Some of the debate has stressed that a definition of a farm family must incorporate “those individuals who are dependent on the land for a means of economic survival.” If this kind of definition is used, it will be interesting to observe whether those family members who participate in and depend on agricultural activities are able to protect their legal rights on this basis. In other words, involvement in farm activities may provide some family member with greater ownership rights to landed property.

Albanian women have always been involved in farm work, including much of the hard, manual field work. Women’s participation rate in the agricultural labor force in state farms and collectives increased during the 1960s and 1970s, eventually surpassing men’s participation rate by 1981 (Sjöberg 1991, p. 117). Currently, wives, daughters, mothers, and daughters-in-law work on the family farm. In the PMU sample, women make up 49 percent of household members and similarly account for about half of the labor force on the family farms: of the 1,273 persons who work all year on the farm, 51 percent are women, and 52 percent of the 277 persons who work only part of the year on the farm are women.

Disaggregating the employment information by gender and family position (Tables 13 and 14), we can make some generalizations regarding who is involved in farm activities. A comparison of male heads of household (husbands) and female spouses (wives) shows that more wives (50%) work as full-time farmers than husbands (44%), and that four times more husbands (17%) work off the farm than wives (4%).

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<sup>19</sup> That is, a definition that works within the context of the Buying and Selling of Agricultural Land Law.

**TABLE 13. Employment categories of husbands and wives**

EMPLOYMENT SECTOR	HUSBANDS		WIVES	
	Number	Percent	Number	Percent
On-farm all year	323	44	352	50
On-farm part of the year	58	8	51	7
Off-farm all year	121	17	29	4
Emigrant	11	2	0	0
Retired	210	29	131	19
Housewife	1	0.1	129	18
Missing data	10	1.5	9	1.3
<b>Total</b>	<b>734</b>	<b>100</b>	<b>701</b>	<b>100</b>

Source: PMU Baseline Survey, 1995.

**TABLE 14. Employment categories of sons, daughters, and daughters-in-law (between ages 15 and 60)**

EMPLOYMENT SECTOR	SONS		DAUGHTERS		DAUGHTERS-IN-LAW	
	No.	Percent	No.	Percent	No.	Percent
On-farm all year	266	43	134	48	111	58
On-farm part of year	69	11	59	21	18	9
Off-farm all year	77	12	7	3	11	6
Student	73	12	45	16	0	0
Emigrant	64	10	2	0.7	14	7
Retired	3	0.5	0	0	2	1
Housewife	0	0	27	10	36	19
Minor	2	0.3	1	0.4	0	0
Soldier	33	5	0	0	0	0
Missing	32	5	3	1	1	0.5
<b>Total</b>	<b>619</b>	<b>100</b>	<b>278</b>	<b>100</b>	<b>193</b>	<b>100</b>

Source: PMU Baseline Survey, 1995.

Table 14 further demonstrates that, proportionately, more women than men in the sample households work on their family farms. While 48 percent of daughters and 58 percent of daughters-in-law also work on the farm, only 43 percent of sons do. Conversely, a larger proportion of sons work off the farm, have emigrated, or are soldiers.<sup>20</sup> What becomes very

<sup>20</sup> Although the number is probably very small, the survey data did not specifically code sons-in-law living in the household.

evident is the valuable contribution both daughters and daughters-in-law make to the family farm labor force.

## 2.1 INCIDENCE AND TITLE STATUS OF FEMALE-MANAGED FARMS

While the great majority (93%) of the households in the sample are headed by men,<sup>21</sup> only 45 percent of these male household heads are full-time farmers. The other farms are managed by either another male family member such as the eldest son or by the head's wife, daughter, daughter-in-law, or mother. Thus, most of the female-managed farm households have men as the culturally recognized household heads.

For purposes of this analysis, we classified the 792 families according to the gender of the farm enterprise manager. Since the PMU survey did not identify who in the household manages the farm, we used the amount of labor allocated to the farm to determine the person most likely to be managing the farm enterprise day-to-day, particularly crop production. This breakdown<sup>22</sup> resulted in 165 (21%) female-managed and 629 (79%) male-managed farms. The distribution of these households across districts is significantly uneven: as the column percentages in Table 15 show, the highest incidence of female-managed farms is in Tirana (28.5%) and Kukes (24.7%) districts, and the lowest incidence is in Lushnja district (14.3%).

**TABLE 15. Distribution of farm managers by gender across districts**

FARM MANAGER	KUKES (NORTH)		LUSHNJA (CENTRAL)		TIRANA (CENTRAL)		GJIROKASTER (SOUTH)		KORÇA (SOUTH)		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male manager	67	75.3	209	85.7	153	71.5	89	79.5	109	82.0	627	79.2
Female manager	22	24.7	35	14.3	61	28.5	23	20.5	24	18.0	165	20.8
<b>Total</b>	89	11.2	244	30.7	214	27.0	112	14.1	133	16.8	792	100.0

Pearson Chi-square value: 15.86749; DF: 5; significance level: 0.00723.

Source: PMU Baseline Survey, 1995.

<sup>21</sup> There are only 53 (6.6%) female-headed households in the entire sample, which is consistent with Albanian practice of a son's assuming family authority when the father dies. The majority (60%) of the female heads are over 60 years old and 81 percent are widowed. Only 11 of them (17%) work on the farm and the majority (72%) are retired.

<sup>22</sup> The breakdown was done by assuming that the person who works full-time on the farm is the manager. If both a man and a woman in a family work full-time on the farm, it was assumed that the man was the manager. If no one worked full-time, then the person who worked the most time on the farm was coded the manager, always assuming that if both a man and a woman in a household work the same amount of time, the man is the manager.

Explanations for these differences among districts is suggested by their different agricultural and economic situations. Agriculture is strong in Lushnja: most of the land is on a fertile plain with extensive irrigation infrastructure, and the per capita allotment of land per household during the distribution program was considerably higher (4.1 *dynum*) than in the other districts (which ranged from 0.4 *dynum* in Kukes to 2.6 *dynum* in Korça). There would be good reasons in Lushnja, therefore, for the family to exploit the holding intensively, investing much family labor in the farm enterprise. Tirana District, on the other hand, while also having good soils and irrigation, contains the capital (and largest) city of Albania, which offers off-farm work (temporary and permanent) to people from the surrounding villages. Since it is generally men who migrate in search of work, women are often left in charge of the farm. In Kukes, farm holdings are tiny and the land is mountainous. In addition, families in Kukes have experienced a permanent loss of their members, particularly adult children, to migration (mostly to cities within Albania) as they look for work opportunities.

With regard to title documentation from the land distribution program, 88 of the 165 households in the subsample of farms managed by women had received a *tapi* for their land. As Table 16 shows, 6 of these 88 households are headed by women; thus the farm manager and the *tapi* holder are one and the same person. In all the other households, the *tapi* are in the name of the male household head or another male relative. In these female-managed farm households, the male head (154 out of 165 households) is either retired (38%), has a government job (29%), or works off the farm for a private enterprise (16%). A small number (4%) have emigrated. In most farms managed by women, consequently, the person responsible for agricultural production is not named on the title document. This may impact negatively on women farmers' ability to engage in market activities such as credit, investment in farm improvements, and land transactions (leasing, sales).

**TABLE 16. Titleholder in female-managed farms by family position and gender**

	HEAD	SPOUSE	FATHER	SON	TOTAL
<b>Male</b>	74	1	2	1	78 (92.9%)
<b>Female</b>	6	0	0	0	6 (7.1%)
<b>Total N</b>	80	1	2	1	84
<b>Percent</b>	95.2	1.2	2.4	1.2	100%

Source: PMU Baseline Survey, 1995.

## 2.2 DIFFERENCES BETWEEN FEMALE- AND MALE-MANAGED FARMS

This analysis begins with differences in household composition between female-managed and male-managed farms and continues by looking at different aspects of agricultural production, investment, household labor allocation, and decision-making power. As Table 17 suggests, the structure of both types of household is similar with regard to overall size and age structure. There



are no significant differences in the mean household size and in the mean number of children (between 0 and 20 years of age) between female-managed and male-managed farm households. Neither is the dependency ratio (number of persons younger than 15 or older than 60 relative to the number of working-age persons aged 15 to 60) significantly different.

**TABLE 17. Characteristics of female-managed and male-managed farm households**

HOUSEHOLD TYPE	FEMALE-MANAGED FARM HOUSEHOLDS		MALE-MANAGED FARM HOUSEHOLDS	
	Mean	Standard deviation	Mean	Standard deviation
Household size	5.0	1.81	5.1	2.11
No. of children	2.2	1.55	2.1	1.59
Dependency ratio	1.02	0.93	1.08	0.99
No. of adult women	1.8	1.01	1.7	0.91
No. of adult men	1.7	0.95	1.8	1.08
Gender ratio	1.25*	0.95	1.07*	0.59

\*Analysis of variance shows significant difference at 0.01 level.

Source: PMU Baseline Survey, 1995.

The gender structure of the households would also appear to be the same for both types of household: the mean numbers of adult men and of adult women per household are not significantly different. The gender ratio (adult women to adult men within a household), however, is significantly higher for female-managed farm households, suggesting that the farm operation may depend more on female labor on female-managed farms than on male-managed ones.

Comparison of the farm operations of female-managed and male-managed farms shows that there are also significant differences with regard to farm size and level of fragmentation (see Table 18). The average size of holding for male-managed farms is 2 *dynum* larger than female-managed farms, a highly significant difference. This difference is most likely explained by the fact that in those districts where the proportion of female-managed farms is highest (Tirana and Kukes), the mean size of farm holding is much smaller than in the other districts: between 0.3 and 0.6 hectare as compared to 1.0–1.7 hectares. Male-managed farms are also more fragmented.

Allocation of family labor to the farm operation also differs significantly between the two groups. While both types of household have almost the same number of persons between the ages of 15 and 60 (defined as the available family labor force), the number of persons allocated to work on the farm is smaller on female-managed farms. Not only are there fewer full-time farm laborers on female-managed farms, the ratio of total family labor working on the farm to that of available family labor is also significantly smaller. In 45 percent of these households, women managers work the farm without the help of other household members. Very few farms, including female-managed farms, had hired help on the farm.

**TABLE 18. Farm characteristics of female-managed and male-managed farms**

FARM CHARACTERISTICS	FEMALE-MANAGED FARMS		MALE-MANAGED FARMS	
	Mean	Standard deviation	Mean	Standard deviation
Size of holding	9.2*	7.52	11.3*	9.03
Number of parcels	4.1*	2.08	4.6*	2.21
Available family labor	3.2	1.49	3.3	1.66
No. of full-time farmers	1.2*	0.99	1.7*	1.54
Total family farm labor	1.3*	0.92	1.8*	1.47
Farm labor ratio	0.45*	0.24	0.57*	0.38

\*Analysis of variance shows significant difference at 0.01 level.

Source: PMU Baseline Survey, 1995.

### 2.2.1 Farm enterprise type

What types of farm enterprise are these women managing? As with male-managed farms, agricultural production is mostly for home consumption; relatively few households reported selling any of their production. However, as Table 19 shows, the proportion of male-managed farms selling some of their crop production is significantly higher. For livestock and tree production, cross-tabulation shows no significant difference: very few of both types of farm sold any of their products. One can conclude that male-managed farms are more likely to market agricultural products, particularly crops, than female-managed farms.

**TABLE 19. Production destination in female-managed and male-managed farms**

TYPE OF FARM	FEMALE-MANAGED		MALE MANAGED		P. CHI-SQ.	SIG.
	% home	% market	% home	% market		
Crop production	76	24	68	32	3.93	0.05
Livestock products	81	19	76	24	1.83	0.18
Livestock Production	57	43	57	43	0.00	0.99
Tree products	97	3	97	3	0.01	0.92

Source: PMU Baseline Survey, 1995.

### 2.2.2 Source of household income

Related to the question of agricultural sales is income source for these rural households. Table 20 shows that crop production is the main source of income for a higher percentage (53% versus 32%) of male-managed farm households. This, however, does not mean that land is underutilized in female-managed farms: in both types of household, only 8 percent are leaving any of their parcels uncultivated. Thus, while it appears that gender of farm manager does not affect whether

land is being worked, agricultural production on farms managed by men is more likely to find its way to the market than from female-managed farms.

**TABLE 20. Main income source for female-managed and male-managed farm households**

		CROP PROD.	ANIMAL PROD.	GOVT. JOB	PRIVATE JOB	REMIT- TANCES	SOCIAL BENEFITS	OTHER SOURCES	TOTAL
<b>Female- managed</b>	<b>N=</b>	52	8	39	31	5	26	4	165
	<b>%</b>	31.5	4.8	23.6	18.8	3.0	15.8	2.4	20.8
<b>Male- managed</b>	<b>N=</b>	331	72	48	23	37	113	3	627
	<b>%</b>	52.8	11.5	7.7	3.7	5.9	18.0	0.5	79.2
<b>Total</b>	<b>N=</b>	383	80	87	54	42	139	7	792
	<b>%</b>	48.4	10.1	11.0	6.8	5.3	17.6	0.9	100

Chi-square = 100.09; significance level < 0.0001.

Source: PMU Baseline Survey, 1995.

An interesting question would be why women farmers place less of their production on the market. Do women encounter problems placing their products on the market? Or do they not need to sell their production because cash income is forthcoming from other sources? Off-farm income (government and private sector employment) is the main income source for 44 percent of female-managed farm households but for only 11 percent of male-managed farm households, suggesting that off-farm income is a significant factor. The survey data do not permit examination of market constraints.

### 2.2.3 Investments and constraints in agricultural production

Are levels of farm investment different in female-managed and male-managed farms? Do female-managed farms face constraints different from those managed by men. On the issue of investment, the survey inquired about different types of investment since 1991 in the farm operation such as purchasing a tractor or other farm machinery, buying farm animals, planting fruit trees, and constructing farm buildings.<sup>23</sup> Only 17 percent of all sample households had made any farm investments, with no significant difference between female- and male-managed farms in this respect (see Table 21).

<sup>23</sup> Positive answers to these questions were simply coded 1 and then added to yield a number for each household that reflects the number of farm investments they had made since 1991; this process yielded values that ranged from 0 to 3.

**TABLE 21. Agricultural investment and constraint indices in female-managed and male-managed family farms**

	FEMALE-MANAGED	MALE-MANAGED	TOTAL FARMS
<b>Investments (range 0–3)</b>	0.20	0.19	0.19
<b>Constraints*</b>			
<b>Fragmentation</b>	0.15**	0.07**	0.09
<b>Input prices</b>	0.15**	0.26**	0.23

\*Each constraint is coded: no = 0, yes = 1.

\*\*Analysis of variance shows significant difference at 0.01 level.

Source: PMU Baseline Survey, 1995.

Credit availability may be one reason for these low investment levels: only 11 percent of the households had applied to a bank for credit after 1991, and only about a third of these actually obtained a loan. Once again, there was little difference between female-managed and male-managed farm households.<sup>24</sup>

In addition to lack of credit, farmers in Albania face many other constraints: over 90 percent of all the farms encountered difficulties in farming. The most often cited constraints are: too little land, fragmentation of holding, water shortage, high input prices, and lack of tractors. While in response to most constraints there is little difference between female-managed and male-managed farms, some responses are significantly different. As Table 21 reveals, female-managed households cited fragmentation to be a constraint significantly more often than male-managed farms, while male-managed farms were more likely to cite high input prices as a constraint. The latter is consistent with the previous finding that male-managed farms are more market oriented, while female-managed farms produce more for family consumption.

The problem of fragmentation is more difficult to explain, particularly since male-managed farm holdings are significantly more fragmented than female-managed farm holdings (see Table 18). This may indicate that women find managing fragmented holdings more problematic—if they are also responsible for household maintenance and reproduction, farming on multiple parcels, particularly if they are located far from the house, may account for a greater tendency to consider fragmentation a problem. It should also be recalled that female-managed farms have significantly less family labor allocated to farming, further decreasing the time available for farming scattered parcels.

## 2.3 CONCLUSIONS

This section has shown that a significant proportion of farms are managed by women (21%) and that almost all of these women do not hold title to the land they are working. These farms are smaller and have a significantly lower proportion of family labor allocated to farming. The data

<sup>24</sup> If one relates gender of respondent (not farm manager) to credit, none of the female respondents who applied for loans was successful, while a third of males respondents who applied received formal credit.

analysis also demonstrates that farms managed by women are less likely to engage in cash-cropping and face different farming constraints than those managed by men, and that these households derive most of their income from off-farm sources.

What is not clear is whether family farms managed by women are different because women do not have clear property rights and therefore are constrained in commercial production, or whether these farms are considered of secondary importance within the household's income-generation scheme and therefore are of marginal interest. The fact that extremely few women were interviewed makes reaching any conclusions difficult. As concluded in the first section of this paper further studies need to be done, case studies that interview women within the context of their lives, as both daughters and wives, farmers and housewives, land users and property holders.

In the next section, the status and rights of ethnic minorities are discussed to examine the potential impact of ethnicity on property rights and to determine the risk of ethnic conflict such as has been experienced in other Balkan states.

### **3. ETHNIC CLEAVAGES IN CONTEMPORARY ALBANIA**

Contemporary Albania presents an interesting example of how the transition from a closed communist regime to a more democratic open society brings a mixture of old and new political, social, and ethnic cleavages into prominence.<sup>25</sup> This section focuses primarily on ethnic cleavages that have come to light since the collapse of the communist system. The analysis involves a review of the limited literature addressing the origins and settlement patterns of the Albanian people and the migration and settlement patterns of other ethnic minorities residing within the country. The national minorities are small as a proportion of the Albanian population; however, they are diverse in origin and culture.

Research on ethnic issues facing contemporary Albania is sparse and much of it is based on limited fieldwork observations or single case studies. Any attempt to generalize the results is severely restricted. We can, however, utilize the existing research to highlight basic trends. We define the term "ethnic" as a set of sociocultural characteristics that distinguish one group from another. Although it is acknowledged that the origins of differentiation between particular groups may be racial and biological, a more informative analysis of the differences in contemporary Albania focuses on cultural differences. A general finding of the current research indicates that in contrast to many other contemporary Balkan states, such as the former republics of Yugoslavia, Albania is relatively homogeneous ethnically and there appears to be no major concern regarding potential ethnic conflict (Miall 1995).

A commonly cited social cleavage within the dominant ethnic Albanian population stems from a linguistic and cultural differentiation between ethnic Albanians living in the North and South of the country. Nowadays this distinction is exacerbated by political interests (Vickers and Pettifer 1997). Of these ethnic groups, the Greeks have been and are likely to continue to be the only minority in Albania large enough to have any substantial political, economic, and social

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<sup>25</sup> For a detailed analysis of cleavage theory in contemporary Eastern Europe, see Kitschelt (1992) and Von Beyme (1996). Hugh Miall (1995) applies cleavage theory directly to contemporary Albania.

influence. This potential ethnic tension is heightened by the southern location of the majority of the Albanian Greeks, close to the neighboring Greek state, which has in the past claimed part of the territory they occupy. However, as discussed below, this potential influence continues to be restrained by the lack of attention provided to ethnic minorities in current Albanian governance.

Apart from Greeks, the ethnic minorities in Albania include the Vlachs, Slav-speaking groups (Macedonians, Serbs, Montegrins), Gypsies, Armenians, Jews, and the Cham.<sup>26</sup> The minorities' historical settlement patterns and their position in contemporary, post-communist Albania is also described. Some consideration of the ethnic minorities' status under communism is necessary to fully understand their positions in present-day Albania.

### 3.1 ETHNIC ALBANIANS OUTSIDE ALBANIA

The issues of ethnic identity, nationalism, and social and geographical mobility of ethnic Albanians living outside of the Albanian state are not discussed in detail. This is a subject that is attracting ever-increasing attention, particularly with regard to Kosova and Greece.

In 1992, Albania had a population of about 3.4 million, and it estimated that in 2000, this will be 3.9 million.<sup>27</sup> It is also estimated that an additional 3 million Albanians live outside of the country,<sup>28</sup> in Italy, Greece, Turkey, and the United States, and especially in the former republics and provinces of ex-Yugoslavia, such as Kosova, Macedonia, and Montenegro. In the early 1980s, it was estimated that about 8 percent of the Yugoslav population was comprised of Albanians, 70 percent of whom resided in Kosova (a province of Serbia). Historically Kosova has experienced marginalization from Serbian society and has become the Balkan "flashpoint" of 1998.

Ethnic pressures also mark Albania's relations with the former Yugoslav republic of Macedonia, where Albanians make up the biggest and most vociferous minority, accounting for 23 percent of the state's 2.1 million population.<sup>29</sup> A recent article states that "in the turbulence that followed the breakup of Yugoslavia, the large ethnic Albanian populations in Serbia and here [FYROM] are viewed by governments and political analysts as time bombs waiting to explode" (*New York Times*, 5 May 1997).<sup>30</sup> The flood of illegal Albanian emigrants into Italy and Greece have also caused concern and unrest within the recipient countries. "The massive influx of thousands of illegal Albanian economic migrants into Greece has contributed to the rising crime rate and reinforced negative attitudes toward Albania among the Greek public."<sup>31</sup>

Although ethnic issues within Albania are not causes for immediate concern, it should be remembered that nearly half the ethnic Albanian population resides outside of Albania, and as a

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<sup>26</sup> The Chams comprise an Albanian-speaking minority in Greece, which the Greek government does not recognize. The Chams (those expelled from Greece after World War II) still have their claims on their lands in Greece and this is likely to remain an issue in Greek-Albanian relations.

<sup>27</sup> See tables, in Vickers and Pettifer (1997), from the Directorate of Statistics in Tirana.

<sup>28</sup> *Financial Times*, Country review, 2 October 1995.

<sup>29</sup> See *Financial Times*, 2 October 1995.

<sup>30</sup> FYROM is the acronym for the Former Yugoslav Republic of Macedonia.

<sup>31</sup> *The Independent*, 30 June 1993.

small central-Balkan country Albania is very sensitive to external developments, which are essentially beyond its control, but which could sharply affect the internal situation at any time.<sup>32</sup>

### 3.2 HISTORY OF THE ALBANIAN PEOPLE AND SETTLEMENT PATTERNS

The *Encyclopedia of World Cultures* (1992) identifies the name “Albanian” as deriving from the ancient town of Albanopolis, mentioned by Ptolemy in the second century B.C. and located within present-day Albania. “Illyrian” is the name for the population that lived partly on modern Albanian territory from the time of the Iron Age; it is sometimes used in Albanian literature as a designation for “ancestral Albanians.” *Shiqptare*, meaning “sons of the eagle,” originally the self-designation of the northern highlands only, is the modern Albanian ethnonym for all Albanian people. Similarly the word *Shqipëria* is used by Albanians to refer to their country whereas the rest of the world uses the word “Albania.”

Archaeological and prehistoric evidence for Illyrian settlements on Albanian territory dates from the second millennium B.C.<sup>33</sup> After 168 B.C., Illyria belonged to the Roman Empire. From the fourth to the sixth centuries the Illyrians suffered Hun and Gothic invasions, and from the sixth century Slavs began to settle on Illyrian territory. In Kosova the plains settlers withdrew into the mountains, thus laying the historical foundations for the present-day territorial disputes between the Serbs and the Albanians in ex-Yugoslavia. From 750 A.D., the area was under Byzantine rule, and from 851 to 1014, it belonged to the Bulgarian Empire. Before becoming part of the Great Serbian Empire in 1334, the region was subjected to the Normans and the Neopolitans. At the end of the fifteenth century, the Ottoman Empire absorbed the territory for about four and a half centuries. Finally, in 1912, Albania declared its independence in conjunction with an agreement reached among the western powers to recognize Albanian sovereignty. This independence was short-lived; the French, Italians, and Germans fought over the area during the two world wars. In 1946, Albania was declared the People’s Socialist Republic under the National Liberation Front headed by Enver Hoxha.

Coon (1950) presents an interesting ethnographic account of the racial and cultural characteristics of the Northern Albanian Ghegs. Like the account given above, Coon hypothesizes that except for the lowlands along the coast, the tribal area was probably uninhabited, or nearly so, until the second half of the first millennium B.C. Illyrians moved down from the northwest, following the mountains, and settled. However, Coon also believes that some Thracians may have entered from the east, and a few Goths straggled into the country around the source of the Drin River. He states that no real addition to the basic Illyrian population took place until the sixteenth century. Thus Coon provides a different time reference to the Illyrian settlement than that given by the *Encyclopedia of World Cultures*. Interestingly, he believes that the “Northern Mountaineers” origins stem from Bosnia: “[A]t that time Turks massacred whole villages.... To replace the nearly exterminated population, immigrants arrived from the land which the first ancestors of the Ghegs had come—Bosnia” (Coon 1950, p. 99).

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<sup>32</sup> For discussion of areas of tension between Albania and other nationalities outside Albania, see Zickel and Iwaskiw (1992), and Vickers and Pettifer (1997).

<sup>33</sup> See *Encyclopedia for World Cultures* (1992).

Certainly Coon's results do not invalidate the previous account; however, they highlight the little discussed "Bosnian" angle, which may be of particular interest when attempting to explain ethnographic differences between the Northern Mountain Albanians and the rest of the population.

### **3.2.1 Linguistic subdivision and differentiation of social organization among the dominant ethnic group**

In 1992, ethnic Albanians were estimated to account for 90 percent of the population. A more recent estimate states that they make up 97 percent of the population.<sup>34</sup> Among the dominant Albanian ethnic racial group there are two major subgroups, the Ghegs and the Tosks. There is a frequently cited, and often observed, difference between two distinct types which stems from geographical, linguistic, and cultural differences. The two distinct dialects, whose names are also the names of the two main regional groups in Albania, comprise the most obvious difference: Tosk, influenced by Turkish, roughly to the south of the Shkumbin River; and Gheg, with mainly Romance, Greek, and Slavonic influences, to the north. The Ghegs account for slightly more than half of the resident Albanian population (Zickel and Iwaskiw 1992).

Although the Tosks and the Ghegs are members of the same ethnic group, the differences in their lifestyle, language, and regional identity present a potentially destabilizing political and social cleavage, which was apparent during the communist period and has recently become an instrument of electoral manipulation. Well into the twentieth century, clans exercised extensive local authority, particularly in the north. Under the reign of King Zog I (1928–39) some progress was made toward bringing the clans under government control and eliminating blood feuds.

As early as the late 1940s, the communists imposed controls intended to eliminate clan rule entirely. Clan identity was seen as a major impediment to the creation of a truly communist state. Blood feuds were repressed and, in general, ethnic differences were officially ignored in an attempt to develop a national and cultural socialist solidarity. However, north-south differences lingered and were implicit in some of the communist policies. Enver Hoxha came from the south and was a Tosk. He received most of his support from the south and frequently positively discriminated toward people of Tosk origin. For instance, most party and government executives were Tosk-dialect speakers. Also the adoption of a "standard literary Albanian language" based on the Tosk dialect meant that the Ghegs became relatively disadvantaged educationally.

Social organization of the two groups is also distinct and has been documented by a variety of researchers (Durham 1928; Whitaker 1976; Hasluck 1954). Due mainly to their greater isolation in the mountainous areas of the north, the Ghegs retained their tribal organization and customs much more firmly than did the Tosks. The northern codes of behavior adhered to a set of unwritten tribal bodies of law, or canons.<sup>35</sup> These intricate codes specified comprehensive systems of behavior and appropriate social relations, from the institutions of marriage and property to the particularities of how to treat household guests and the types of punishments given to offenders of the canons. The isolation of the Ghegs from outside influences induced them to hold fast to tradition. Pride, honor, and dominance characterized the Ghegs' male.

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<sup>34</sup> See *Financial Times*, Country Survey, Monday, 2 October 1995

<sup>35</sup> The best known of these canons is the Kanun of Leke Dukagjini; it is also the only one written down in the early part of this century (Gjecov 1989).



Historically the Tosks have been less isolated, due mainly to their geographical location. Contacts with invaders and foreign occupiers have left an influence and, before 1939, some Tosks had traveled abroad. The clan system among the Tosks began to disappear after independence was achieved in 1912.

Post-communism has brought some evidence of reemerging cleavages based on the north-south distinction. As Miall (1995) notes, regional differences underlie the main cleavage between the Democratic party and the Socialist party. North-south differences have historically found a reflection in political parties. The south was always a stronghold for the Albanian Party of Labor. Recent electoral results indicate that it remains a bastion for the Socialist party. The Democratic party, in contrast, found its strongest support in the northeast, home of Sali Berisha, the ex-leader of the Albanian Democratic party and the previous president of the country. A clear regional difference in voting patterns also appeared with the distribution of “yes” votes in the referendum on the Constitution of October 1994.<sup>36</sup>

On the issue of Ghëg-Tosk divide, Miall (1995) concludes that although some negative attitudes and mistrust persist between southerners and northerners, organized conflict between north and south is unlikely because intraregional differences act as a constraint to organized conflict. “The most important cleavages seem to be a stronger nationalism in the north, and a readiness to embrace modernisation in the south. An increase in uncontrolled migration could intensify north-south mistrust, especially if a land market allows people from the north and south to buy land in each other’s regions” (Miall 1995, p. 30).

### **3.3 GENERAL ETHNIC GROUP STATUS UNDER COMMUNISM**

During the forty-year tenure of Albanian head of state and communist party leader, Enver Hoxha, the country was criticized by various foreign governments for pursuing policies that clearly violated the rights of the ethnic minorities within the country. Athens in particular repeatedly displayed annoyance with what it termed the “denationalisation” program directed against the Greek minority. Other points of criticism focused on the disadvantages in the education system and the intolerance of the Albanian state toward any kind of religion. Under communism other ethnic minorities faced similar experiences. The Greeks appeared to suffer the most due primarily to the decision to abolish religion in 1967. As in most countries with Gypsy populations, the Roma Gypsies remained marginalized.

Under communism any separate organization by a minority was not allowed. Hoxha followed a policy of what amounted to tokenism, with a few favored members of the minority taking prominent positions within the system. The unifying complaint of all minorities was the lack of access to education in their own respective languages. The policy of having a common language cannot necessarily be interpreted as discrimination against minorities per se, but rather it is reflective of the overarching pursuit of socialist unity. In some selective areas a primary education in Greek was available, but the actual content was identical to that taught to ethnic Albanian children. Whole areas of Greek history, literature, and culture were excluded, and “the

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<sup>36</sup> The distribution of “yes” votes in the referendum on the constitution, November 1994, was radically skewed toward the northern districts (where Sali Berisha’s roots are).

role of the Illyrians in the ancient history of the region was exaggerated to the detriment of that of the Greek colonists from Corinth and elsewhere” (Vickers and Pettifer 1997).

With the exception of access to education in their own languages, the minorities were treated similarly to the ethnic Albanians.

### 3.4 THE GREEK MINORITY

The Greek minority, Albania’s largest, has deep roots in the country’s two south-easternmost districts, Sarande and Gjirokaster, in an area many Greeks call Northern Epirus.<sup>37</sup> Estimates of the size of the Greek minority vary and are hotly contested between the Greeks and Albanians. The estimate depends largely upon how Greek status is defined (whether by blood ancestry, by use of Greek as a mother tongue, or by religion). The Albanian census of 1989 estimates a population of about 60,000, using Greek parenthood as a criterion. Greece claims a figure of 200,000–500,000, though it is unclear how this is reached. Similarly Zickel and Iwaskiw (1992) state that estimates of the Greek population vary from 1 percent of the total (official Albanian census), to 8 percent (data published by U.S. government), to 12 percent (from the “Epirot lobby” of Greeks with family roots in Albania). A recent *Financial Times* article (1995) estimates the Greek population at 2 percent of the total.

Vickers and Pettifer (1997) trace the contemporary importance of the Greek minority in Albania to its historical territorial claims and experience under Albanian communism. Prior to 1945, considerable migration through Albania led to a substantial mixing of the Greek and Albanian populations. “The ancient Greeks colonised the Albanian coast and Greek-speaking peoples lived in southern Albania in Strabo’s day” (Miall 1995, p. 14). Enver Hoxha himself was born and raised in Gjirokaster, a southern town with a substantial Greek minority. He was, therefore, well aware of the importance of minority issues in Albanian politics.

In 1912–13, Greece claimed much of the “Albanian” adjoining territory known as “Vorio (North) Epirus” on the basis of decisions taken by the Ambassadors’ Conference held by the great powers.<sup>38</sup> Under the Protocol of Florence in 1913, Albania was given its present boundaries, within which there was said to be a Greek minority of 35,000. As early as 1944, Hoxha was careful to build a constituency within the minority; in March 1944, he commented: “The people of the Greek minority have proved themselves up to the mark, have fought loyally and have defended the interests of Albania against Greek reactionary circles.”<sup>39</sup> However, Vickers and Pettifer (1997) point out that Hoxha’s early writings indicate that he was unaware of the divisions in the Greek resistance movement and failed to anticipate the outcome of a Greek civil war.

During the Greek civil war, Hoxha’s main concern was limiting any influence the royalist right-wing movement in nearby Greek Epirus might have on the Greek minority. Between 1944

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<sup>37</sup> Northern Epirus is a strategic piece of territory the size of Delaware facing the heel of Italy just below the narrowest point in the neck of the Adriatic Sea. Because of its location at the gateway to the Adriatic, it was made a part of Albania in 1913 so that none of the surrounding empires could gain a monopoly on access to the Adriatic.

<sup>38</sup> See Vickers and Pettifer (1997, pp. 187–90) for a detailed description of this.

<sup>39</sup> Enver Hoxha, *Two Friendly Peoples* (Tirana, 1985), p. 41.

and 1949, the Albanian communists assisted the Greek left in the civil war mainly by providing safe refuge within Albania to the forces of the Democratic Army. The already existing Greek minority greatly increased with the addition of a number of left-wing Greek exiles. These exiled refugees presented a cadre of trained professionals and managers that were quickly utilized by Hoxha as technocrats especially in Tirana and Vlora. They also proved to be an asset in Hoxha's dealings with the culturally conservative majority in the rural areas of the south.

Owing to the incidences of 1945/46, when the Chams<sup>40</sup> were driven out of Greece to Albania by forces loyal to the royalist wing, the favorable treatment of the Greeks did not last long. In retaliation Hoxha put an end to any further refuge in Albania for members of the Greek left. Vickers and Pettifer (1997) interpret these events as forming the basis for the policy toward the minority as it subsequently evolved under communism and post-communism.

There are competing interpretations concerning the fate of the Greeks under Albanian communism. Gage concludes that the Greeks were more numerous than other minority groups and more outwardly religious served to exacerbate the discrimination they faced under communism, especially with the introduction of an atheist state in 1967. The Greek minority was subjected to comprehensive repression, such as closure and subsequent demolition of many churches, burning of religious books, banning of any religious celebrations or holidays, and the general violation of human rights.<sup>41</sup> Gage (1993) reports that under communism, "Hoxha's regime maintained an extensive gulag of twenty-nine prisons and labour camps throughout Albania that were kept filled with more than thirty thousand enemies of the state year after year. While ethnic Greeks in Albania were estimated to be about 10 percent of the population of 3.5 million, the proportion of Greek prisoners in Albania's gulag during the Hoxha years averaged 40 percent" (Gage 1993, p. 19).

After Hoxha's death in 1985, there appeared to be little formal change in the position of the minority under his successor, Ramiz Alia. However, the presence of the *Sigurimi* became less pervasive in the late 1980s, and mobility across the border for purposes of tourism and health care became available to certain members of the Greek minority.<sup>42</sup> Although much of the literature addressing the Greek situation under communism points to the human rights violations imposed upon the Greeks and the vehement discrimination they faced, Miall's observations temper this view: "[T]he Albanian view is that Hoxha, who came from the south, was relatively well-disposed towards the Greek minority, offering them schooling in Greek and a measure of political representation; the repression the minority suffered was no different from that experienced by the general population" (Miall 1995, p. 15).

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<sup>40</sup> Chameria is a region in northwestern Greece; prior to World War II, this region had a significant Albanian population, which fought with the other Albanian regions against the Turks at the beginning of the twentieth century. In 1913, the London Conference of Ambassadors allotted the region to Greece; in the 1920s, the Greek government set about trying to deport Albanian Muslims in order to give their lands to the Greeks. In 1944, in an attempt to establish an ethnically pure border region, the Greek government unleashed a reign of terror in Chameria and some 35,000 Chams fled to Albania. This forced movement of an entire population has left a lingering sense of injustice in a substantial Albanian community.

<sup>41</sup> See N. Gage (1993) for an descriptive opinion on the treatment of the Greeks under Albanian communism.

<sup>42</sup> The *Sigurimi* refers to the secret police force that existed under the Albanian communist government.

### 3.4.1 The Greek minority post-communism

Due to the immense social, economic, and political turmoil in the early 1990s, many of the restrictions on cultural and religious activity began to disappear. Key to the formation of a Greek civil consciousness in the early years of post-communism was the breakdown, at the end of December 1989, of the security system that had prevailed along all Albanian borders for at least a generation. This led to an immediate exodus of hundreds of Albanians into Greece and other countries. The subsequent contact with Greeks living across the border promoted the formation of various social and political organizations. In February 1990, a human rights group known as OMONIA was founded to promote the interests of the Greek minority.<sup>43</sup>

Nevertheless, relations with Greece deteriorated sharply following the end of communism. A radical wing of OMONIA called for revision of the border; the chair of OMONIA called for autonomy for “Northern Epirus” on the basis that the rights provided for under the Albanian constitution were highly precarious. This latter proposal was rejected, thus spurring the radicals in OMONIA to call for *Enosis*, “Union in Greece.” The situation worsened in 1993, when the Albanian government expelled a Greek priest on the basis that he was preaching *Enosis*. Ethnic Greek village leaders were harassed and some Greek schools were closed. Greece responded with the expulsion of over 2,000 ethnic Albanians from Greece into Albania, where the Berisha government allowed them to stay. In 1994, Greek-Albanian relationships again deteriorated when an unidentified group attacked an Albanian military post in Peshkopi, killing two Albanians. The Albanian government retaliated by arresting five leading members of OMONIA; Greece responded with a further expulsion of 70,000 illegal Albanian immigrants and vetoed an EU loan to Albania of 35 million ECU. The OMONIA “five” were charged with treason and espionage and were convicted. According to some international observers, the televised trials were little more than traditional political show-trials. The historical link between the Greeks and the Serbs for the partition of Albania resurfaced.

Thus at the end of 1994 the political position of the Greek minority remained insecure and entangled with international intrigue. Strong pressure from international organizations such as Amnesty International and various Greek groups caused the release of the OMONIA five in 1995. Bilateral relations improved with a change of government in Greece in late 1995. There was a general improvement in the Balkan atmosphere following the Dayton peace agreements. The Serbs became the target of international censure and the Greeks may have decided to reduce their hopes for annexation of southern Albanian territory. In March 1996, a “New Friendship and Cooperation Agreement” was signed, which included setting up a number of joint commissions to address issues of border security and education, among others.

Despite these possible conflicts, both Albania and Greece have common interests in avoiding a conflict. Albania cannot afford to alienate Greece, which is host to 300,000 Albania migrants who send back a significant contribution to Albanian income—about \$400 million a year. Also, Albania is eager to achieve further integration into European economic and political structures, and policies of ethnic tolerance clearly serve to boost its chances. Thus Albania needs good relations with Greece for both economic and security reasons. Greece, on the other hand, is

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<sup>43</sup> Vickers and Pettifer claim that the early character of OMONIA was Marxist in orientation and welcomed ethnic Albanians in communal living arrangements (1997, p. 193).

interested in seeing the Albanian economy stabilize to avoid becoming flooded with more Albanian refugees. They also have a keen interest in supporting the Greek minority in Albania.

A recent study by Miall (1995) claims that relations between Greek-speaking and Albanian-speaking populations are good in both towns and villages. He found no evidence of interethnic hostility at grass-roots levels. Although Greek speakers sometimes perceive that they suffered discrimination in the past and feel a grievance over education, Albanians tend to deny that Greeks were treated worse than anybody else and feel that they already have better schools.

The report of the High Commissioner on National Minorities stated that Albania meets OSCE standards on minority protection, though the closing of schools has been a specific source of tension. The minority's main educational demands have been for more teaching in Greek at the secondary and higher levels and the opening of religious and private schools.

### **3.4.2 Recent fieldwork**

The increase in the unemployment and inflation rates and the general deterioration in living standards since the fall of the communist regime have affected the Greek minority as much as anyone else. However, generally speaking, the material situation of the Greek minority in Albania has improved substantially following the end of communism, for they have been able to migrate and acquire working visas for Greece much more easily than ethnic Albanians. The Greek minority is also better placed than other ethnic groups with respect to obtaining remittances from abroad. It is likely that if intergroup conflicts develop, it will be the Albanians rather than the Greeks who will feel aggrieved. Albanians generally have larger families than ethnic Greeks. Since they are predominantly Muslims, they stand very little chance of obtaining a working visa for Greece. Thus it is typical to witness obviously different living conditions between the two groups in the South. The relatively poor living conditions of the ethnic Albanians has led to resentment against Greece and the Greek minority.

Fieldwork observations by Di Paolo (1995) confirm the relatively advantageous position of the Greek minority in southern Albania. His case study, which compares economic and social indicators of three areas in Gjirokaster, describes some ethnic tensions, varying standards of living between ethnic groups, and differences in the relative dependence upon land as a means of survival. In the fertile Dropulli plain, occupied predominantly by the Greek minority, "villages seem desolate and land is abandoned" (ibid.). Di Paolo explains that this is due to the relative ease at which the Greek minority can obtain work visas for Greece. The family economic strategy follows a model of "maximum investment in immigrating to Greece and the minimum investment in the use of their land."

In contrast, Di Paolo (1995) found that the strategy for economic survival is different in some villages on "the other side of the river." In the village of Suha, the population is predominantly ethnic Albanian. They have more difficulties in emigrating than the Greek Albanians and thus land necessarily becomes the most important basis for survival. Unfortunately the land in the mountains is stony and difficult to cultivate compared to the expanse of abandoned land in the Dropulli plain. It is sadly ironic that the families least interested in cultivating land are those with the better quality land. Vickers and Pettifer (1997) see this a direct result of the land redistribution policies carried out under the Berisha government that essentially favored the Greek minority over the ethnic Albanians.

### 3.4.3 Land distribution and the Greek minority

It has been suggested that Berisha's land privatization program was a cause of considerable tension between the Greek minority and the ethnic Albanians in the early 1990s. Many southern ethnic Albanians considered Berisha's land program to display excessively favorable treatment of Greek villages. The frequently cited reason for this is that the ethnic Albanians from the Greek minority areas lacked political influence in Tirana. As southerners and Tosks they were viewed as having an affinity with communism whereas the Greeks were largely anticommunist. Berisha may have felt that a generous treatment of the Greeks' claims would help settle some political issues and would encourage more visas and investment from Greece. However, in reality we observe, on the one hand, land-hungry Albanians who rely on farming as a means of subsistence and, on the other hand, land-rich ethnic Greeks who have no incentive to farm due to more attractive income opportunities in Greece.

### 3.4.4 Future concerns

From this brief analysis of the situation of the Greek minority in Albania, it is possible to discern a few areas of potential concern. First, it has been noticed that following a new "Friendship and Cooperation Agreement,"<sup>44</sup> there has been no obvious attempt by the Albanian government to boost Greek-language education in Albania. Second, there exists potential social conflict with regard to the discriminatory issuance of visas and the "unfair" distribution of land.

At the economic level, the expulsion of a substantial number of Albanians from Greece after the OMONIA trial will have serious long-term effects on the economy, for remittances constitute a large part of gross domestic product (GDP), and on the welfare system. From the Greek side, there seems to be a growing intolerance toward large-scale immigration. So the future of the whole community is unclear and will depend primarily on the state of bilateral relations and on other regional conflicts, including Kosova, where the Greek-Serbia alliance may produce suspicions within Albania..

## 3.5 THE VLACHS

After the Greeks, the Vlachs are the largest minority. The number of Vlachs living in Albania is not precisely known. Winnifrith (1995) approximates 50,000, whereas Vickers and Pettifer (1997) estimate around 80,000. The Vlachs are predominantly transhumant shepherds and are distributed widely in villages and towns in the south and southeast of Albania (mainly Korça, Gjirokaster, and Vlora). They are Greek Orthodox. They have taken opportunities to work abroad through contacts with Vlachs in other countries and have improved their standard of living.

The Vlachs in Albania form part of a large linguistic group, scattered throughout the Balkans, which speaks a derivative of Latin language. For this reason they are sometimes thought of as a Romanian minority (there are Vlachs who believe they came from southern Romania, where a dialect is spoken similar to that of Vlach). Winnifrith (1995) postulates that the Vlachs may derive from Latin-speaking groups left behind when Slav invaders broke through the frontier of the Eastern Roman Empire on the Danube in the seventh century. In the late

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<sup>44</sup> This was signed in 1996 by the Greek President Kostas Stephanopoulos and President Berisha.

Ottoman Empire, many Vlachs lived in the high mountain areas throughout the Balkans as shepherds and transporters of goods. However, due to economic changes most have moved down to cities or villages and given up transhumancy.

In Albania, following World War II and the closing of the border, the Vlachs found themselves trapped and forced to give up their pastoral migrations. “The destruction of the Vlach’s traditional patterns of pastoral life by collectivisation caused them to be relatively assimilated under communism” (Vickers and Pettifer 1997, p. 201). As a result of this change many Vlachs were obliged to find work in the new industrial centers in southern Albania. Unlike the Greek minority, who had irredentist backers in a neighboring state, the Vlachs lacked this support and thus did not pose the same threat to the established Albanian culture. They also lacked a strong religious identity that might limit their assimilation into an officially atheist state. They did, however, suffer cultural restrictions similar to other minorities under communism; for instance, their language had no official status.

Since 1990, the Vlachs have begun to reassert their identity. A Vlach association was formed in 1990, and a Vlach congress was held in Tirana in 1992. Many Vlachs now live in the towns in Albania and are practically fully assimilated. Many are successful professionals and the younger generation is losing the Vlach language. There is no education in Vlach, which until recently was not a written language.

Miall (1995) found that some Vlachs feel that they have more respect now than in the communist time and they now have full human rights and freedom to organize. The main demands of the Vlachs are to “enjoy all ethnocultural rights like all the ethnic communities of other European countries” and to have conditions that will enable them to “learn their own language and develop their religious and cultural ceremonies in the same language.” Miall (1995) found evidence of intermarriage between Orthodox Vlachs and Moslem Albanians, thus suggesting a high level of tolerance between the two groups.

Vlachs are divided into those who accept a Romanian origin and those who deny that origin. This division has led to a split in the Romanian cultural movement. There are now two Vlach associations, which are trying to resolve their differences. Romania supports those who believe their origins are Romanian while Vlachs in the south are prepared to accept a Greek identity. In general, the Vlachs in Albania consider themselves Albanians as well as Vlachs. Miall (1995) encountered no evidence of interethnic tension or conflict between Vlachs and Albanians. He also found no signs of resentment or discrimination directed against the Vlachs.

Di Paolo (1995) documents the cases of two villages in Gjirokaster where Vlachs of Greek origin reside. An important difference between the villages is their relative composition of Vlachs and ethnic Albanians. In the village of Stegopolli, 80 percent of the population is Greek-Vlach and 20 percent is ethnic Albanian while the reverse is true in the village of Suha. Interestingly, Di Paolo observes land conflicts in the former but not in the latter. In Stegopolli, prior to 1946, the land belonged to “rich Albanian owners” who have made and continue to make restitution claims on their old properties. Since the Vlachs comprise the majority of the population in this village and the land commission of 1991/1992 was constituted mainly of Vlachs, these restitution claims were not recognized. Further, the commission did not allow the ex-owners to take the legal land allotment from within their former properties. The ethnic Albanian villagers decided not to sign their title deeds but instead accepted land in usufruct with the presumption that one day they would acquire the right to their old lands. Thus land conflicts

have arisen and “today this conflict is becoming worse.” As a result, many of the Vlachs feel insecure over their future land rights. In Suha, however, where the population is predominantly native, land has been distributed equally and according to the law. The findings of this case study prove complex to explain because one could erroneously interpret the land problem in Stegopolli as an ethnic problem. However, knowledge of a multitude of other land problems in Albania suggests that the conflict may be between old village families and newcomers, regardless of their ethnicity. Di Paolo (1995) explains the lack of conflict in this village as a result of the history of landownership in the village.

### **3.6 THE SLAV-SPEAKING MINORITIES**

The Slav-speaking minorities—Macedonians, Montenegrins, Serbs, and Bulgarians—are among the most isolated inhabitants of Albania. They live mainly in the remote northwest mountains and near the shores of Lake Ohrid and Prespa.

#### **3.6.1 The Macedonians**

The Slav-speaking Macedonian minority is concentrated in villages in the area to the south of Peshkopi (approximately 3,000, who speak Macedonian and Serbian) and on a strip on the western shore of Lake Prespa (about 4,500, who speak a Macedonian dialect closer to Bulgarian). The northern group are Moslems; the group near Lake Prespa are Orthodox.

“The northern group have good relations with the neighbouring Albanian villages. Their main concern is difficulty of finding jobs and the limited size of their land holdings” (Miall 1995, p. 19). Their main demands concern better access to Macedonia, that is, free visas, free car insurance, and the right to study in Macedonia. There is no real prospect of a school in the Macedonian language in this area.

“The southern group live in an isolated area of compact settlement along lake Prespa where several villages form a group of almost entirely Macedonian-speaking villagers. This group has ready access to Macedonia and members go there to work” (Miall 1995, p. 19). The Slavs located in this area are better known as *Gorani*, or sometimes *Bulgareci*, since they speak what is in essence a dialect of Bulgarian. This group has residual elements of population dating back to the medieval Bulgarian and Serbian empires in the Balkans. They had no independent organization under communism and suffered cultural discrimination. Today they are somewhat better off than ethnic Albanian villages. They have their own primary school taught in Macedonian and their main demand is for secondary school to be taught in Macedonian. Relations with Albanians are good and there is intermarriage.

Like the Serbs and Montenegrins, some Bulgareci eventually crossed into the Former Yugoslav Republic of Macedonia to find work after the collapse of communism in Albania. “In 1991 Radio Korça began broadcasting in Macedonian for several hours a day, and in September the Ministry of Justice approved the creation of a political association for the Slav-speaking community, at first called Bratska and later named Prespa” (Vickers and Pettifer 1997, p. 205). The main demand of the organization relates to education in Slav language. It has been said that one reason why the Albanians may resist the emergence of substantially independent “Macedonian” political culture is because many Albanians think of communism as a Slav



phenomenon, a belief that cannot be overemphasized (*ibid.*, p. 206). Miall (1995) found no signs of interethnic conflict involving these groups and ethnic Albanians.

### **3.6.2 The Montenegrin Serbians**

The estimated size of this group is hotly contested between Albania and Yugoslavia. Belgrade estimates the figure to be around 45,000, while the official Albania census puts estimates at around 100. The position of this minority is delicate due to the bad relations between the two governments.

About 2,000 Serbs and Montenegrins have traditionally lived in and around Shkoder. Most of this community arrived in Albania only in the Zogist period after 1926 and between 1938 and 1948. Relationships with Serbia and Montenegro were much better under Zog than at other periods and migration across borders was possible. Many of this minority left Albania after the end of communism and went to Yugoslavia. However, the only place the Yugoslavs offered them to live was Kosova. Due to problems in Kosova, they chose to return to Albania. The chief grievances of this minority are the lack of schooling in the Serbian language and the lack of official recognition of the minority. An association was set up in 1991 to campaign for the community's rights.

## **3.7 THE GYPSIES**

The Gypsy population has been estimated at around 50,000. Gypsies fall into two distinct groups: Yvgjet and Roma. The Yvgjet are lighter-skinned and mainly speak Albanian. The Roma are darker-skinned and speak a distinct language.

The Yvgjet believe they came to Albania from Egypt hundreds of years ago. They have lived a settled life for many decades and report that they have the same education as Albanians. They are Moslem. In the south there is evidence of intermarriage and reports of no discrimination. The Yvgjet in Tirana complain of prejudice by the majority and believe they face discrimination in access to housing and education.

The Roma are considered by the great majority to be a "lower caste" in Albanian society. They have always suffered a great deal of discrimination and prejudice, and this has not changed under post-communism. They are frequently referred to as "blacks." Miall (1995) cites a survey of Albanian opinion on the environment that showed 35 percent of Albanians consider the Roma as "an environmental problem." There is little intermarriage between Romas and any other ethnic group. They have access to limited education and suffer severe discrimination in housing. During the communist time they were the poorest members of society and discriminated against severely. The Roma are divided into four tribes and it is reported that there is mutual hostility among them. They are not organized, so any form of organized ethnic conflict between them and the Albanians seems improbable.

Vickers and Pettifer (1997, p. 202) observe that there has been "no easily identifiable change in the position of the Roma since the end of communism, except that the collapse of the planned economy has tended to encourage traditional Gypsy trades."

### 3.8 THE ARMENIANS AND THE JEWS

“There are about 800 Armenians in Albania” (Vickers and Pettifer 1997, p. 206). They are located mainly in Tirana and Vlora. Many of them came to Albania after the genocide in Antolia during World War I. During World War II many of them supported the partisans and thus gained favor in the eyes of Hoxha. For this reason they were spared much of the discrimination that other minority groups faced during communism. Most Albania-Armenians are highly educated and the community belongs to the Orthodox tradition. Inter-marriage is generally confined to Orthodox Albanians. In 1993–95, many leading members of the community emigrated to Greece after having made close links with the energetic and wealthy Armenian community in Thessaloniki.

Albania’s Jewish community has never numbered more than 1,000 during the twentieth century. It was centered in Vlora where there has been a Jewish settlement since late antiquity. During the German occupation the Jews went into hiding, sheltered by Albanian families, and thus the community survived almost intact. Nearly the whole Jewish population migrated to Israel in 1991; this was for economic reasons and not because of persecution from the Albanians.<sup>45</sup>

## 4. CONCLUSIONS

Property systems in Albania until the late 1940s were based on patrilineal, family-property tenure. This traditional concept of family property considered the family to be the owner, and a person’s right to family property was determined by gender and family position. Within Albania’s patrilineal social structure, family-land tenure bestowed greater property rights to male family members, particularly household heads, than to women and junior men, regardless of ethnic background.

Privatization of socialist and state property since 1990 has created a legal property structure based on private property, equity with regard to both gender and ethnicity, and market principles. Within this private property system, legislation recognizes both individual and family property. While family-property legislation supports some aspects of customary family property, it also recognizes that all family members have the same and equal property rights. Unfortunately, some provisions of the legislation on family property (confined to agricultural land) contradict other property legislation such as inheritance codes. In addition, some family-farm property provisions are ambiguous (e.g., no definition of the farm family is provided) and incomplete (e.g., how family-farm property and family members’ ownership rights will be handled in land transactions). Property legislation is ethnic neutral in the sense that it neither makes reference to nor bases restrictions on ethnic affiliation.

Traditional norms regarding family, gender, and male dominance appear to have survived forty years of socialism and equity policies.<sup>46</sup> Attitudes regarding family property and women’s rights to landed property have also remained largely unchanged. In part, this may be due to the

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<sup>45</sup> For further reading, see Harvey Sarner, *The Jews of Albania* (New York: Brunswick Press, 1992).

<sup>46</sup> This gender bias persists in spite of several decades of universal education and gender equity policies.

fact that private property in Albania historically existed only under patriarchal society. Another possible factor contributing to this return to customary norms is a rejection by the population of the socialist state and its policies, including policies that promoted gender equality.<sup>47</sup> Analysis of unstructured fieldwork and two survey data sets has revealed that while, there is some regional variation, in practice and in attitude a large proportion of Albanian families continue to observe customary norms regarding property. For example, attitudes regarding inheritance show an overwhelming preference for sons and other male relatives as heirs over wives and daughters. And allocation of family land to married children occurs when sons marry; it seldom happens for daughters.

Thus, while statutory law guarantees all Albanians equal rights to property ownership, equal inheritance, equal education, and, in general, equal opportunities in the new Albanian society, the survival or resurgence of customary attitudes and practices with regard to family landownership and property rights may effectively restrict these rights for some persons, particularly women.

Two types of conflict, therefore, have emerged with regard to intrafamily property rights: (1) conflict between legislation that recognizes equal property rights for all Albanians and customary tenure practices that deny some family members, particularly women, equal ownership rights to family property; and (2) contradictions between certain legislative provisions regarding individual and family property rights.

To understand the emerging land-tenure structure and its potential impact on the land market and agricultural production, one needs to consider customary family norms, attitudes, and practices. One conclusion from the analysis presented in this paper is that there are actually three tenure structures: the formal or statutory tenure structure, the historic customary structure, and the structure currently being formed by practice. This last form appears to be a combination of the statutory and the customary, in varying combinations, as families work out the tension between individual private property and family property and between customary family-land tenure and the legal property structure. While the development of a market economy and the commercialization of the rural economy are crucial, social factors such as gender, and ethnicity to a lesser degree, will also influence how this tension is resolved.

It is clear that where traditional norms are still observed, *de facto* property rights in land and inheritance practices conform to Albanian patrilineal custom, regardless of formal legislation. This is not to say that customary practices are immutable, since there are instances where customary rules and behavior have changed, mostly as a result of strong pressures from outside—such as Muslim customs in the south during the Ottoman Empire and the Catholic church in northern Albania which repressed some of the more extreme customs (as documented by Durham 1928). Recent fieldwork and survey results also suggest that some attitudes such as extension of family property rights to family members beyond the nuclear family are changing, resulting in less strict adherence to customary norms. In this case, the diminishing occurrence and role of the extended family with the consequent growing importance of the nuclear family structure contribute to these changes in customary tenure practices.

What is not clear is what will happen to family-farm property as land becomes an asset and land transactions increase. The opening of land markets will almost certainly expose the tensions

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<sup>47</sup> While there is little written in English regarding the status of women during the socialist period, Gjergji (1975) and Fistani (n.d.) have made some reference to the issue.

between customary law and formal legislation and the contradictions contained within formal law. The family as a social unit has given Albanian society a strong basis to withstand invasions (both military and sociocultural) from surrounding countries over the centuries. And family property has played an important role in strengthening this family unit. There still exists a strong commitment to the family unit in Albania, and individualization of property rights may be socially and culturally unacceptable to many Albanians, particularly in rural areas where a family's identity is closely tied to the land. The reality of a market economy, however, may cause traditional family ownership to evolve into a more individualized form.

Nonrecognition of equal rights for family members other than the household head presents a problem, for example, when the farm manager is not the household head, particularly if the manager is a woman working under the gender biases of a patriarchal society. As results from one survey revealed, 21 percent of farms are managed by women; yet in only 7 percent of these farms is the woman the titleholder. As market and land transactions become more common, lack of clear ownership rights will put these women farm managers at a disadvantage because they will not be able to participate in commercial transactions, thus compromising their production potential. Effective ownership rights of family members need to be explicitly recognized and protected if they are to efficiently manage the family farm enterprise. Recognition of equal ownership rights for all family members would be consistent with the intent and spirit of property legislation in Albania and with the country's efforts to work toward a democratic society.

With regard to the ethnic question, Albania is relatively homogeneous ethnically compared to other Balkan countries. The Greek minority appeared to fare worst under the communist regime; this was primarily due to conflict with the Greek Orthodox church after the pro-atheist campaigns of 1967. Although other groups faced discrimination in education, there does not appear to be substantial evidence that they were treated worse than ethnic Albanians. Pastoral and nomadic groups such as some Gypsies and the Vlachs were required to settle in towns and collectives during the communist regime and subsequently were relatively well assimilated. The Roma Gypsies were perhaps the only group to remain consistently marginalized from larger society and this seems to be the case even today.

Most minorities in contemporary Albania appear to be equally affected by the turbulent economic, social, and political transitions that are under way. The Greek minority is the only ethnic group relatively large and politically organized enough to potentially be an unstable group in the south at present. This minority, along with some others such as the Serbian and Montenegrin Slavs, holds a relative advantage in being able to alleviate some of these transition costs by accessing alternative sources of income outside Albania. This advantage could be the source of social unrest, particularly when it is compounded by the fact that many of the migrants are leaving good land uncultivated inside Albania. This is of particular concern in the southern districts where there is evidence that due to the political climate at the time of the land distribution, some of the Greek minority received better quality lands than ethnic Albanians. These ethnic Albanians do not generally have alternative income sources and thus rely on subsistence farming as a survival strategy. The visual presence of good quality uncultivated land creates social tension in this area.

In summary, it is difficult to determine whether potential land conflicts between ethnic groups are directly attributable to ethnic differences or whether they are the result of policies pursued under both communist and post-communist regimes. For instance, under the communist

regimes ethnic minority groups were obliged to settle on land or relocate to land that formerly belonged to ethnic Albanians; these groups are still considered newcomers with lesser rights to redistributed land. One study of two villages with mixed ethnic composition in the southern district of Gjirokaster provides some evidence that land conflicts are based on historical ownership rights rather than on ethnic differences (Di Paolo 1995). Further case studies should be undertaken to more fully understand the dynamics of these relationships and to better anticipate areas of conflict.

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