

dr hab. Edyta Pietrzak prof. PŁ
Institute of Social Sciences and Management of Technologies
Lodz University of Technology

Review of the doctoral dissertation by magister Judita Krasniqi, entitled *Women's Rights Law versus Traditional Societies: Practices of Exclusion of Women from the Right to Property and Inheritance in Kosovo* prepared under the academic supervision of dr. hab. Agnieszka Rothert, prof. UW and dr. Agnieszka Bejma in the Faculty of Political Science and International Studies at the University of Warsaw.

This thesis submitted for review includes an introduction, five chapters and a conclusion in its substantive part, and consists of 220 pages. The bibliography, appendix and list of concepts and tables constitute the supplementary part, and the entire PhD thesis including the supplementary part consists of 262 pages.

This review was prepared on the basis of a letter dated 7 September 2020 from the Chairman of the Academic Council of the Discipline of Political Science, Administration and Security Studies, Prof. dr. hab. Barbara Szatur-Jaworska.

Pursuant to statutory requirements,¹ a PhD thesis prepared under the direction of an academic supervisor should be an original solution to an academic problem, demonstrate the candidate's general theoretical knowledge in a given academic or artistic discipline, and his/her ability to conduct independent academic work. Taking these recommendations into consideration, the following criteria were adopted for assessing Judita Krasniqi's doctoral thesis:

- Evaluation of the original solution to the academic problem.
- Evaluation of the author's general theoretical knowledge on issues related to the discipline of Political science.
- Evaluation of the author's ability to individually conduct academic research.

In order to assess the above-mentioned aspects, it is also necessary to make reference to questions such as the choice of topic, the significance of the subject matter, the work's objective and research hypotheses, research methodology, and structure of the thesis.



¹ Article 187.1 2. Law on Higher Education and Science of July 20, 2018, Journal of Laws of 2018, item 1668.

Evaluation of the original solution to the academic problem

Judita Krasniqi has made the topic of her PhD thesis an important and complex research problem that has not been presented in such a way so far. It falls within the area of political research and provides an opportunity to conduct analyses that greatly impact the theoretical findings in the field of Political science. For this reason, this choice of topic, and in particular the thesis's concept should be highly appreciated, and even more so, because it certainly makes an essential contribution to Political science research in the aspect of democracy studies, and in particular gender democracy studies. Both the author and her academic supervisor Prof. Agnieszka Rothert and Dr. Agnieszka Bejma should be congratulated for selecting this topic.

The issue of gender equality addressed in this thesis has key importance for the democratization of socio-political life both in the empirical and axiological aspects. Although this thesis is devoted to the issue of women's right to property and inheritance in the Republic of Kosovo, it has a universal dimension, whose local version also appeared in Poland throughout the Polish government's plans to implement the Istanbul Convention (Convention on preventing and combating violence against women and domestic violence) and related discussions. More precisely, the discussion over Article 12, point 5 of this document, which states that tradition, customs and religion cannot serve as a justification for violence against women. The main conclusion of the thesis under review is similar in tone by stating that tradition cannot justify cultural relativism, which at the same time legitimizes discrimination, and if the state permits such a situation, it is with all certainty not a democratic state.

Violating the property and inheritance rights of women in Kosovo is a precondition to violating their rights to economic independence, education and their right to develop. The author of this thesis shows that the distribution of power in patriarchal societies that assumes the submission of women and prevents them from having economic possessions, is no different than depriving them of their rights, and depriving women the right to property results in social exclusion. In such a situation, the author believes that the state is co-responsible for the development of the patriarchy, which stands in contrast to democracy.

When assessing the author's ability to pose and solve the research problem, reference should be made to her research goal. Already in the summary (pg. 17-18), Judita Krasniqi clearly indicates that the main objective of this work is to analyze the situation of women in Kosovo in terms of their property and inheritance rights and to establish a correlation between these rights and traditional rules that serve as the basis of discrimination against women in Kosovo and in the Balkans, and prevent these rights. Traditional patrilineal and patrilocal approaches to ownership demonstrate that the right to property is treated as insignificant in the case of women, because they have access to their husband's or father's possessions. However, anthropological research proves that the exact opposite is true and that these traditional practises make women their husband's possession.

Although the Constitution of the Republic of Kosovo ensures equality before the law for women, discrimination against women resulting from culture and social mentality, level of education and poverty, and also traditions and religions, can be observed. Nevertheless, of the factors mentioned, cultural factors have the greatest influence on discrimination.



Moreover, Judita Krasniqi presents the research questions along with the work's objective (p. 20), which contribute to building the research hypothesis. The main research question set by the author is as follows: What is the role of the state and society in discrimination in terms of women's right to property and inheritance, and how does this role impact the position of women in society? Supporting question: How does tradition customary law affect the lives of people in democratic countries that strive for gender equality under conditions influenced by a strong tradition? These questions lead to making the research hypothesis that patriarchal society decides to discriminate against women by means of delaying the implementation of provisions of equal ownership and inheritance. Therefore, as the author argues, the patriarchy is not a situation in which society finds itself, but rather a state in which it decides to remain.

Based on the reasons provided above, the choice of the area of research and the work's topic should be clearly assessed positively.

Evaluation of the author's general knowledge on issues related to the field of Political science

The thesis being reviewed deals the issue of women's rights as human rights, and therefore certainly finds itself within the sphere of Political science. The author is fully aware that the topic of the work may not be a typical issue addressed by political scientists, and clearly states in the introduction that gender equality is one of the fundamental issues in democratic systems (p. 12).

However, it must be noted that this thesis being evaluated extends far beyond the fields of Political science and public administration, hence it is interdisciplinary in the full sense of the word. It refers to history, legal studies, anthropology, sociology and psychology in the broad perspective. Their common point is the approach and feminist theories that operate within the related disciplines mentioned. She starts with Mary Wallstonecraft's famous work entitled *Vindication of Women's Rights*, according to which one's right to property is the precondition of civil rights and the right to vote. Furthermore, she refers to contemporary authors addressing women's rights to property including Rae Lesser Blumberg and Rebecca Cook. Although the bibliography, which mainly refers to political theory, law and political philosophy, includes the work of authors including: John Locke, Immanuel Kant, Hugo Grotius, Thomas Hobbes, Plato, Aristotle, John Stuart Mill, Karol Marks, Adam Smith, Pierre-Joseph Proudhon, George Newcombe, Hannah Arendt, it clearly goes beyond these fields, thus witnessing to the interdisciplinary foundation of the dissertation. The author must have such knowledge in order to plan, carry out necessary research, draw conclusions from it, and finally incorporate this entire process in an academic thesis.

This work is of great cognitive significance. It can be used by researchers, academic institutions and non-governmental organizations that deal with human rights and women's rights in Kosovo. The author provides many valuable materials and conclusions in this regard.



Evaluation of the author's ability to conduct independent academic research

I had the impression that this work is well thought-out after reading it for the first time. The table of contents indicates the work's division into chapters, sub-chapters and fourth-order references. The author starts with an abstract, and continues with a list of tables, graphs and abbreviations, followed by a detailed introduction, which contains the most important information pertaining to the choice of topic, its research area and separate specific areas, the work's objective, a review of the concepts and methodology applied, and a summary of the research findings.

The PhD candidate has decided to divide her thesis into five chapters. In the first chapter, she presents the theoretical aspects of property law starting from the social contract to the first wave of feminism, when property law was regarded as the foundation of women's rights and their participation in socio-political life. The goal of this chapter is to set the theoretical foundation for further discussion and the presented research findings. The second chapter extends the topic of the first chapter by introducing international legal solutions concerning women's rights to property and the international system of human rights and protecting women's rights contained, *inter alia*, in the Universal Declaration of Human Rights, the European Convention of Human and Fundamental Rights, the International Covenant on Civil and Political Rights, the Framework Convention on Protecting National Minorities, the International Convention on the Elimination on All Forms of Racial Discrimination, the Convention on Children's Rights, the Vienna Declaration, the Beijing Declaration and the Convention on the Elimination of All Forms of Discrimination Against Women and attached protocols. The feminist approach that dominates throughout the work does not make a distinction between women's rights and human rights. In this chapter, interesting empirical data is also presented that depict traditional, patriarchal society and examples in which women's rights are violated in the name of cultural relativism. The third chapter outlines the history of women's rights in Kosovo by starting with the *Kanun of Leke Dukagjini* and ethnographic sources devoted to traditional forms of functioning of Albanian women in society, through women's rights in the former Yugoslavia, the war in Kosovo in 1999, to the current situation. In the fourth chapter, Judita Krasniqi addresses the issue of property and inheritance rights of women in Kosovo beginning with the administration of the United Nations Interim Mission in Kosovo after 1990, when the property rights of women were officially introduced into the Republic of Kosovo's laws and were guaranteed in the Constitution. The analysis of wartime rape as an instrument of crime presented in the third sub-chapter is particularly interesting. The role of the state and civil society in the system of protecting the rights of women in Kosovo is shown here. Chapter five, concluding the dissertation, presents the practises of excluding women from the right to property and inheritance, and contains data and arguments already provided in previous chapters, however they are shown in such a way as to highlight the discrimination of women in Kosovo by means of statistics and specific practises of exclusion and discrimination. This chapter also contains moving interviews with Kosovar women who have experienced the violation of their rights to property and inheritance. The thesis ends with the research findings.



When referring to the methodological reflection applied in the thesis, it should be noted that it does not give the same potential as has in the research topic. If I were to point out an area of this thesis under review, which is otherwise very good, that could be thought out and elaborated more carefully, it would be its research methodology. I drew attention to the following shortcomings: In the first chapter, the author conducts a detailed analysis of the categories of property rights, makes use of several philosophical theories and concepts, and in order to interpret them, employs certain hermeneutic methods, however she fails to mention this. The feminist theories that are abundantly cited are not named anywhere, meanwhile the research is mainly based on liberal and multicultural feminist theories. The author presents an interesting chronological and content-related compilation of selected authors including Marry Wallstonecraft, Carol Pateman, Susan Okin, Simone de Beauvoir, Harriet Taylor Mill, Nira Yuval Davis, and Martha Nussbaum, at time juggling last names, but without providing first names or incorrectly spelling last names (pp. 29, 30). With reference to the following chapters which also present empirical data, Judita Krasniqi writes that she employs both qualitative and quantitative methods, however she fails to identify them. She refers to analyzing documents such as the traditional Albanian codex *Kanun* as a source of tradition for Kosovar Albanians, and examines other more contemporary legal documents and treaties, and with all certainty uses the historical method.

In order to reveal the correlation between the oppositional functioning of traditional societies and system of human rights, which restricts discrimination against women based on traditional practises, she compares these analyses of documents with interviews conducted with Kosovar experts in women's rights. However, she does not write which method she employed when conducting the interviews, although their record indicates that they are most likely non-standardized in-depth interviews based on the ethnographic interviewing techniques and as the author herself admits, they are of crucial importance to the work and confirm the research hypothesis.

As a result of my obligation as a reviewer, it should also be mentioned that the objective and main themes are repeated several times throughout the thesis. Unfortunately, it is not exactly clear if this is the result of editorial inattention or the desire to strengthen the hypotheses and research results.

General remarks

I would like to draw attention to the issues that were presented in Judita Krasniqi's work in a new and original way, often polemical in relation to current stances, those that develop topics that have not been addressed so far in subject literature, or are simply worthy of emphasis. There are several issues that are, in my opinion, particularly worth mentioning. They include conclusions based on the research, among which, the most important are:

- Women's rights are human rights, and one cannot be regarded in separation from the other, which the author emphasises several times in the work. This may not be a particularly revealing conclusion, but one that is still worth mentioning. The right to property is just as essential as the right to life, and they cannot be considered separately. Historically, the right to property was linked with the right to vote, and therefore, it determined the horizon for women's civil rights. Property rights are therefore a tool for women to attain equality. Excluding them from the right to property is also a way of denying them of the right to equality.



- The role of the state is to eliminate discrimination and to attempt to change patriarchal norms. The state possesses an institution and legal apparatus for this purpose to a greater extent than non-governmental organizations, and should use its authority to guarantee its citizens equal rights. Being discriminated against by society, and not being protected by the state is therefore double discrimination. The state, which fails to take action to change the situation of women and to end discrimination procedures, is not a democratic state.
- The analysis of wartime rape committed against Kosovar women during the war of 1998-1999, based on Nira Yuval Davis's theories and directly pointing to the fact that wartime rape and sexual violence committed in times of armed conflict is a systemic instrument of crime, is very interesting. The topic is so important that because of the double victimization of victims, this issue has been addressed in the public sphere and academic analysis, particularly in Poland.
- The next important analysis presented in the thesis concerns the tension between legal regulations the Republic of Kosovo has decided to adopt, and social tradition, which results not only from the *Kanun* codex in force in Kosovar society, but also, and perhaps most importantly, the double morality, which also applies in Western societies that are to be an example for young democracies in this respect. Here, I am thinking of the analysis of the period of the United Nations Interim Administration Mission, during which due attention was not given to the question of implementing a gender-sensitive approach in the Republic of Kosovo despite being required by international law.

While presenting various stances that appear in literature and analyzing the problem of women's rights to property in the Republic of Kosovo, Judita Krasniqi attempts at the same time to present her own point of view on the issue at hand, which should be evaluated positively. In view of the several uncertainties that appear while reading this thesis, I would like to pose the author the following questions:

- When Kosovo declared independence in 2008, it started to aspire to the group of democratic states and obliged itself to respect human rights. Gender equality in the Republic of Kosovo is legitimized by the Constitution of the Republic of Kosovo of 8 April 2008, and also the Constitutional Framework on Provisional Self-Government in Kosovo of 2001 issued by the United Nations Interim Administration Mission and the Law on Gender Equality of 2004, which simultaneously provided the foundation for equal treatment of women and men, an example of which is Atifete Jahjaga, the President of the Republic of Kosovo between 2011 and 2016. Women in Kosovo are also guaranteed in the election act 30% of the seats in the national and local parliaments. Despite these regulations, as your research indicates, women's right to property are violated for cultural reasons. What are your recommendations for the state and suggestions to change this situation of violations against women's rights in Kosovo? Can anything be done to improve the depicted situation? If so, what in particular?
- The work deals with the topic of Albanian women's rights in the Republic of Kosovo, and it is worth remembering that this state is inhabited by Albanian and Serbian (minority) populations. Therefore, we are dealing with two different cultures and religions. The vast majority of Albanian women are Muslims, while Serbian women – Orthodox Christian. How does the confession of the female citizens of Kosovo influence women's rights to possess?



– The conclusion presents thought on the correlation between discrimination against women's right to property and domestic violence. Could I ask you to develop and present this in the context of the research findings?

Conclusions

The overall evaluation of Judita Krasniqi's PhD thesis entitled: *Women's Rights Law versus Traditional Societies: Practices of Exclusion of Women from the Right to Property and Inheritance in Kosovo* leads to the conclusion that it represents a high standard and significantly broadens knowledge in the field of Political science. The PhD candidate demonstrates her ability to originally formulate and solve a research problem and her general theoretical knowledge in the field of Political science and public administration. This work also demonstrates that she is able to conduct independent academic research. Therefore, I acknowledge that this thesis under review meets the statutory requirements and may constitute the basis to confer a PhD degree in political science and public administration. I request that this thesis be permitted to be defended publicly.

dr hab. Edyta Pietrzak prof. PŁ



Institute of Social Sciences and Management of Technologies
Lodz University of Technology