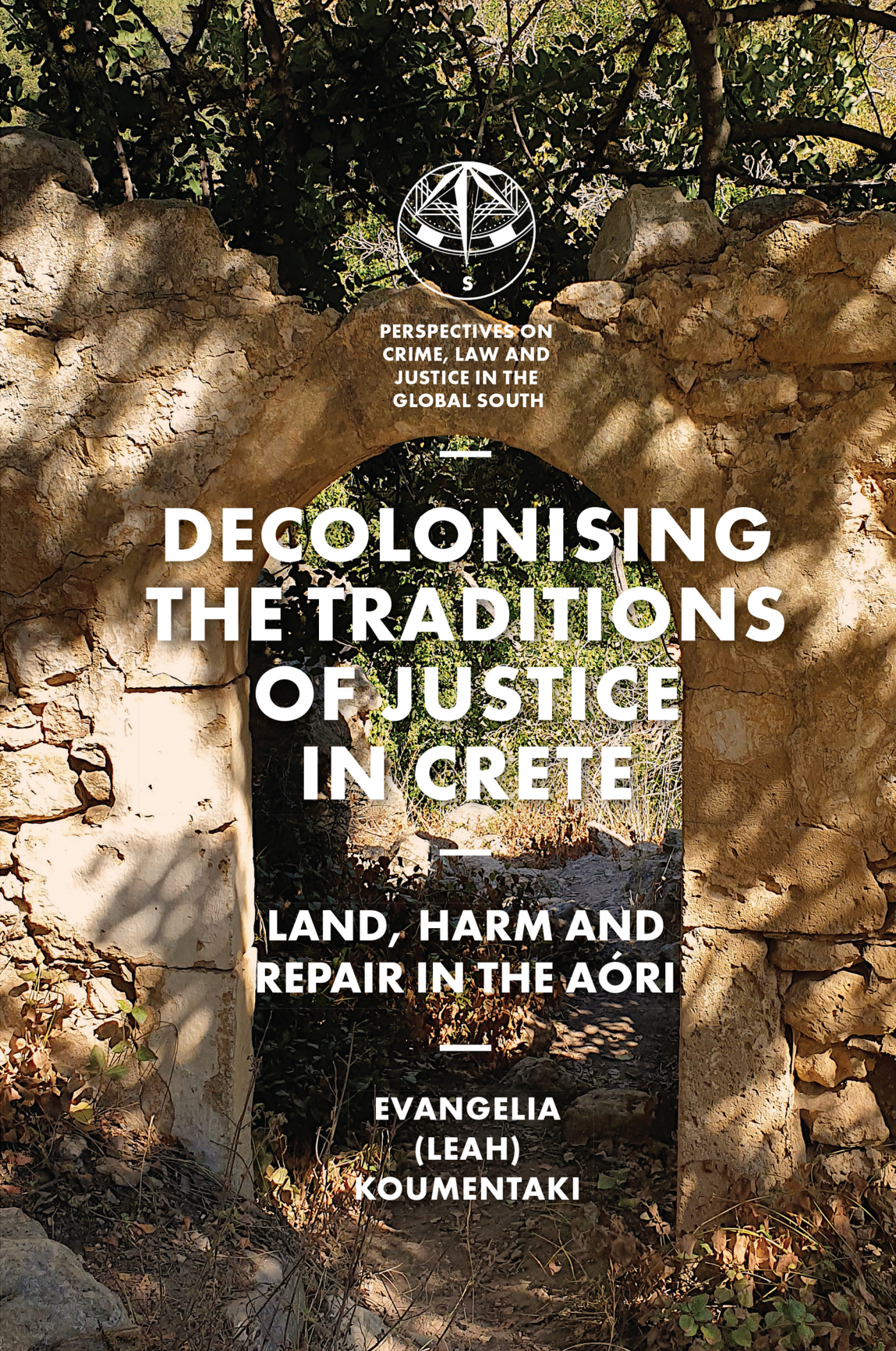


PERSPECTIVES ON CRIME, LAW AND JUSTICE IN THE GLOBAL SOUTH

DECOLONISING THE TRADITIONS OF JUSTICE IN CRETE

LAND, HARM AND REPAIR IN THE AÓRI

EVANGELIA (LEAH) KOUMENTAKI

Decolonising the Traditions of Justice in Crete

PERSPECTIVES ON CRIME, LAW AND JUSTICE IN THE GLOBAL SOUTH

Series Editors: Prof Kerry Carrington and Prof Máximo Sozzo

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Decolonising the Traditions of Justice in Crete: Land, Harm and Repair in the Aóri

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United Kingdom – North America – Japan – India – Malaysia – China

Emerald Publishing Limited
Emerald Publishing, Floor 5, Northspring, 21-23 Wellington Street, Leeds LS1 4DL.

First edition 2026

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British Library Cataloguing in Publication Data
A catalog record for this book is available from the British Library

ISBN: 978-1-83708-235-3 (Print)
ISBN: 978-1-83708-234-6 (Online)
ISBN: 978-1-83708-236-0 (Epub)



To E., B., and Δ. (initials of natives), and the people of Galatia for their companionship and support in this journey.
To my parents and partner for never stopping believing in me.

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Contents

Introduction **1**

Chapter 1 Anthropological Explanations of Customary Law in the Mediterranean Basin, Asian, Arab and African Worlds **11**

Custom, Honour, Family and Norms in 'Traditional Societies' *12*
Blood Feuds, Vendettas and Rules of Revenge in Customary Law *18*
Resolving Disputes with Reconciliation: An 'Alternative' to Feuds *21*
Honour, Shame and Vendettas in Greece *25*
A Presentation of Crete Island *28*
Cretan Values: Honour, Shame and Egoismos *29*
Legal Traditions: From Legal Myths to Legal History *31*
Customary Law, Revenge and Ecoyeniaka in Mountain Communities *32*
Reconciliations Between Families in Cretan Mountain Villages *34*

Chapter 2 The Galatian World: Aòri, Chorio and the Values of Repair **37**

The Aóri: Mountain, Pasture and the Land That Sustains *38*
The Villages of Stefana: Kinship Territory and Domestic Interconnection *40*
Ecoyenia: The Family as Infrastructure, Not Clan *43*
Kozi: Relational Accountability, Not Prestige *46*
The Moral Architecture: Sevos, Filotimo and the Rejection of Honour *47*

Chapter 3 The(ir) Law Has No Rule Here: The Chronic Rivalry Among Cretan Highlanders and Criminal Justice Authorities **51**

Police Presence Within Galatia and the Peripheries: Policing the Underdogs *52*
Law, Justice Authorities and the Locals *61*
Modern Prison System, Rehabilitation and Locality *73*

Chapter 4 Our Laws: The Kosmos of the Galatian Justice System 79

No Criminals Here: Harms, Zemies and the Rejection of the Criminal Label *80*
From Kontra to Foniko: A Native Typology of Conflict *87*
Galatian Justice Ethos: A Culture of Accountability, Reparative Responsibility and Rejection of Retribution *91*
Antekdikisi: The Reparative Core of Revenge *94*
When Revenge is Justified: The Social Rules of Antekdikisi *97*
Who Fights, Who Protects: Family, Gender and Collective Responsibility *99*
Unsilencing Galatises: Women as Hidden Agents of Justice *101*
Culturally Rooted Deterrence: How Galatia Prevents Violence *104*

Chapter 5 'To Fix the Job': *Sasmos* and the Galatian Path of Reparative Justice 109

The Ethics of Repair: Understanding *Sasmos* in Etymology, *topos* and *chronos* *110*
Key Features of the Process of *Sasmos*: Culturally Driven Set of Criteria for Reparation *114*
From Wound to Word: The Rituals of *Sasmos* *122*
Mesites: The Orchestrators of Restoration *141*
Beyond the Binary: Relational Accountability for Pathon and Drastis *145*
Family as Shield, Not Sword: Kinship and Restorative Accountability *150*
The Galatian Community as Engines of Restoration *152*
The Limits of Community: Seyrtzides, Roufianoi and Internal Sabotage *154*
Matriarchs of Reparation: Women as the Mediators of Reparative Justice *155*
Local Authorities, Impartiality and Implicit Recognition *161*

Conclusion 167

Glossary *173*

Bibliography *183*

Introduction

Together we stand! Divided we fall.

A woman from Galatia

This book tells a story that has never been told: the story of the customary justice system of the mountain communities of Crete and of the people who have preserved it for generations. The natives in Galatia and the villages of Stefana, as I will address them. Before telling you the story, however, I should clarify that I chose to 'study' 'my people', to observe my cultural community and to understand why and how they perform a customary justice practice called *Sasmos*.

The natives in the storytelling have a long Cretan family heritage which goes back to the first inhabitants of the villages, preserving a cultural and historical continuity and attachment to the land while retaining a cultural living. They represent what we literally name as indigenous to the land. The difference from me as a *ντόπια* (local), according to the Greek clarifications, is that, although I am of Cretan descent, I was not born on Crete, and neither is my current official residency on the island, compared to the 'natives' in Crete that hold an 'indigenous' status in Galatia. Both of my parents were born and raised on the island of Crete, coming from families that have a long Cretan heritage that dates long back in the island's history. Although I am not a 'native' as textbooks identify my status, I am a typical Cretan woman; I am 'one of us', as we say to refer to Cretan islanders born from parents of Cretan descent, living on the island, in most cases in their birth village or having moved out of the island.

I was raised under the Cretan dogma of respect and relational solidarity while I speak the Cretan dialect. I have lived my life between the Greek capital and my paternal village, during our childhood, summers, holiday breaks and while studying at the University of Crete. Crete was my childhood home; it was home during my primary school years, my undergraduate studies and it was where I started my professional career. Crete has been and still is my 'Home'. Despite recognition of indigeneity and nativeness status, all the Cretans of Cretan origin are called 'locals', equal to 'native', by the inhabitants of the island and we are introduced to others as Cretans, no matter the place of residency. We are all united by *Cretanhood*, a cultural identity distinct from other cultural groups in the Hellenic territory and culture.

Decolonising the Traditions of Justice in Crete: Land, Harm and Repair in the Aóri, 1–10
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doi:10.1108/978-1-83708-234-620261001

As a Cretan woman who was clearly accepted to communicate the legal history and knowledge of her ancestors, when entering the fieldwork, I considered myself someone from within yet an outsider. By being a formal resident of the place of his study, Harlem, Kenneth B. Clark (1965) presents himself as an 'involved observer' in Dark Ghetto, because of his personal and lifelong experiences which he summarised in his work. He claims that the 'involved observer' has similarities with that of the 'participant observer'. Meanwhile, when the sociologist Val Colic-Peisker (2004) studied Croatian migrants in Australia, as a Croatian migrant herself, she adopted a status of a 'halfie', which refers to being 'part of the research group and simultaneously distanced from it' (ibidem: 93). Despite the observers' role in the field varying enormously (Flick, 2014), my status presented a more complicated situation. My status was framed by my cultural identity as a local called to observe the same cultural group, but at the same time, I was an outsider for the highlanders in the area of study. Although my upbringing included the same cultural values and I had spent half my life on another area of the island, while having ancestral links, I had never visited the area under study before, nor had any family living in the specific mountain region. My paternal and maternal lands were not in the geographical territory I was curious to explore. Based on my family's heritage, I was an *outsider* yet not a *xenos (foreigner)*, among the villagers, because anyone who is not from the village is an outsider, and natives are inclined to distrust any type of 'outsider'. Paradoxically, as a Cretan, I was both an insider and an outsider: I belonged to the general Cretan community, yet I was also an outsider participant-observer to the villages I was aiming to immerse myself in for a considerable time. My goal was to understand how and why this mountain community, located in one of the most visited 'modern' tourist destinations in the Global North, preserves a customary justice system, despite the Greek state's imposition of a Western modern practice of justice and control. Clark's 'involved observer' assumes a level of immersion that does not capture the cultural specificity of my position. Colin-Peisker's 'halfie' comes closer, but it was developed in a migration context, not an intra-cultural one. Neither fully captures my status: a Cretan woman studying Cretans, yet an outsider to the specific mountain community of Galatia. I therefore propose the term *cultural participant observer*.

What was the acknowledged privilege of my status? Being Cretan, raised under the same cultural rules and values, I was able to decipher 'the meaning' in the wording of our peculiar dialect and expressive cultural character for communicating their legal knowledge. Early anthropologists' communication with native and indigenous groups was based on native translators who would attempt to simply translate between languages, while others invested in learning the local language to further their investigations. Before I started my fieldwork, I had a call with one of the first western ethnographers who told me that *knowing the language is the most essential part when doing ethnography*, projecting their pride of being able to speak even the ancient local dialect. Frankly speaking, I am not aware of the ancient dialect, nor is my father, who was born and raised in a time in Crete that the ethnographer would only read in the books for a culture they aim to 'study'. Their declaration left me with the impression that knowing

the language is, indeed, essential, particularly for those who decide to interact with their 'subjects'. Language competence was added to my research toolkit as I worked to advance my novice status as a researcher. Later in the field, I realised how wrong they were, carrying a colonised notion of doing ethnography. For example, when I started my fieldwork, during the first interviews, I mixed Greek and Cretan wording, with more weight on Greek legal language to inquire about issues of crime, victims and killings. Although the terminology I was using was familiar to the villagers, with linguistic drops from the Cretan dialect, I was also very familiar with projected body expressions and speaking tone when Cretans do not agree with an expressed opinion. The moment villagers started adopting my wording, it became apparent that they were being polite and to avoid offending me, they preferred to follow my linguistic standards. An indifferent detail for a stranger, however important for my research as my knowledge of this tiny peculiarity of our cultural behaving unfolded: firstly that narrators less comfortable with the stigma embedded in the spoken terms were withholding stories and information, and secondly it unearthed a different system of classification of 'crime', that I will present in Chapter 4, one of the major discoveries and contributions of my ethnography.

Last, although I was 'speaking' both the language and dialect, my family background and my social network on the island were a contributing factor for securing reliable sources more than knowing how to speak for collecting information. Cretans operate under the philosophy of 'who you know' and family legacy. In other words, family surnames are essential to who we trust to reveal sensitive information. Having strong social networks and cultural relational ties, especially on the island, is a key characteristic of the Cretan culture, because it is our code of trust, solidarity and rapport. Coming from families that were never involved in hostile interactions, on the contrary, with strong representation in resistance groups and wars, advocated to establish a genuine relationship with the villagers to grant me access to lived secrets and experiences hidden from outsider observers. Simultaneously, my gatekeepers, coming from my local affiliations, granted me access to credible mediators who in other circumstances would not have agreed to share their experiences. Having knowledge about our culture and norms, therefore, I realised that language is a form of communication with a deficient view of the true meaning behind a speaking interaction. Language skills can help you communicate; nonetheless, they are not a green pass to actually voice the voiceless if you do not share similar cultural identities to reflect their struggles instead of your understanding of their perceived struggles. My shared cultural identity became the light that illuminated, rather than obscured, their localised lived experiences through my northern training. Herein lies my 'privilege': I do not simply 'speak the language', my cultural identity unites me with the villagers. My shared *Cretanhood* decoded the meanings of specific words, body expressions, gestures and behaviours to assist understanding and empathising with their lived experiences. Being a Cretan enabled me to go beyond 'giving voice' to the villagers towards 'studying' a distinct ethnos by 'living' with them, which consequently led to amplifying the 'silenced', not the 'voiceless', rather than speaking for them.

Ethnographic research emerged as the most suitable methodological approach to fulfil the aims and objectives of my doctoral study. My research was aiming to investigate the Galatian customary justice system, with particular focus on *Sasmos*; the restorative process at its heart, as well as the surrounding norms, values and practices that make it possible. Specifically, I was looking to determine if the historical and socio-cultural factors leading local communities not to rely on the formal criminal justice system; the types of crimes for which *Sasmos* is applied and the role of key actors (such as families and mediators) in *Sasmos*. Ultimately, it aimed to examine, through the views and reflections of villagers, if and how the Cretan reconciliation process impacts the lives of victims, offenders, their families and communities. These few lines reflect the aims and objectives directing my research operation and methodological approach. The scope was to conduct a comprehensive and systematic analysis of *Sasmos*, whereby I achieved by delivering the first extensive documentation of the Cretan customary justice system, including its restorative paradigm *Sasmos*, its retributive logic (*antekdikisi*), its indigenous deterrence practices and its relational values of repair.

Nonetheless, this book is not a simple documentation of restorative *Sasmos*. My intention indeed was to uncover the lived meanings of *Sasmos*, those aspects that define what it truly is for the people who practice it. Achieving such insight required a 'method of discovery', as Fielding (2008) describes ethnography: a method that examines behaviour and social interactions within naturally occurring environments. Nonetheless, after some time in their lives, I discovered how standardised methodologies minimise any research prospects and outcomes when research is conducted with people who have non-fixated rituals and knowledge. That unique moment I embraced Linda Tuhiwai Smith's (2021) statement about research being the 'dirtiest' word in the vocabulary of indigenous people. Cretan highlanders do not differ from other indigenous peoples in relation to their experiences with other researchers in indigenous lands with exotic Others. The 'dirty' meaning of research is embedded in their attitudes against 'intellectuals' and vocalised retaliations such as: *another researcher* who *[she] will use us, take what she wants and leave like previous researchers had* or that they were *sick of another 'expert' who knows everything from books*, while others showed a disbelief because *how is possible this girl who has no similar life experiences as us will be able to understand 'us'*. However, there were others who were very curious *why a criminologist is interested about our style of justice*. Truthfully speaking, my initial methodological approach mirrored the 'dirtiest word' when I anticipated minimal involvement in village life and believed that I could conduct the research as a typical participant observer, relying primarily on my western training. I was arrogant in the sense that I 'knew' what methodological tool was best for my people. However, once welcomed into the communities, it became clear that simply documenting villagers' lives from the sidelines would not grant access to sensitive information about killings and mediating. I had assumed that my researcher role – defined by formal training – would be sufficient. Yet, as fieldwork progressed, it became evident that a written account of cultural practices, as Jacobson (1991) might define ethnography, by participating

in their lives or eating their food or dancing with them or observing their rituals, was no longer aligned with my academic ethos. Instead, my direct engagement with the villagers shifted the direction of the research. I moved beyond a detached 'study' and 'doing' towards something more immersive and transformative. The villagers, in their own way, invited me to *live* their cultural life with them, not just to study them for understanding their restorative practices. They invited me to search the Cretan legal knowledge, wherein *Sasmos* is only a part of it to understand their version of doing justice restoratively. Therefore, this book is not merely about *Sasmos*.

The more I was associating with the villagers, observing their reluctance to follow rigorous interview protocols and orders, withholding sensitive information or rejecting a passive participation in this process of knowledge production, the more I was convinced that I was trapped into the rules of universalised research protocols and institutional ethical research processes that fail to acknowledge cultural diversity. My lived experience with Cretan highlanders unravelled how Western methodological praxis and textbookification of research order for a rigorous practicing under a series of rules that leave no space for 'methodological deviance' (Koumentaki, 2025b, p. 208). Even feminist research praxis before the transformative interventions of feminists of colour, indigenous scholars and Global South feminists often universalised women's experiences, thereby silencing the cultural, social and ethnic heterogeneity of both the 'researched' and the researchers (see Mohanty, 1984; Mama, 1997; Mohanty, 2003; Tamale, 2020; Smith, 2021). Hidden behind the western bureaucracies of knowledge production, my colonised mind ignored the knowledge systems of my people, anchored to cultural standards and historical practice. Finding methodologies rooted in indigenous knowledge systems is crucial when engaging with indigenous communities (Kovach, 2009). Additionally, grounding my research exclusively in Eurocentric frameworks and methodologies was not merely ethically problematic, as Chilisa (2020) argues in her critique of colonial research paradigms, but also methodologically limiting for encapsulating the actual choreography of Galatian justice. Therefore, capitalising on my cultural knowledge of the role of our philoxenia, oral tradition and storytelling my simple participant observation was transformed into a daily functioning in their cultural ecosystem to work together in the labyrinth of their customary justice that *Sasmos* is part of.

My approach became a 'living' ethnography, a way of documenting ethne's lives with culturally appropriate methodologies rooted in their traditions of knowledge. Abstaining from the traditional ethnographic praxis, a living style of ethnography repositions community members as co-participants rather than subjects and adapts research methods to suit cultural expectations. Shifting, for example, from structured interviews to informal storytelling and focus group-style discussions (*circles of discussions*) that mirror native practices of storytelling and transmission of oral knowledge. Ethical conduct, too, is guided by local standards; trust is earned through relationships with respected community figures and adherence to values like *mestiko* (secrecy), rather than through formal consent documents alone (for more about my research approach, see Koumentaki, 2025b).

The style of ethnography villagers require is a culturally responsive and participatory research approach that rejects the traditional, distanced role of the researcher in favour of active engagement, mutual respect and reciprocity between researcher and community. Rather than simply observing or documenting, I co-created knowledge alongside participants, immersing myself in the rhythms of daily life, cultural values and social dynamics. I was not the 'expert' in this relationship and never aimed to be. They hold the knowledge that my role aimed to share with others outside of the island. They were leading the knowledge production, and I was following. We agreed to a trustworthy collaboration, without hierarchical roles, to reveal the secrets of their justice making.

Research scholarship describes such non-hierarchical relationships as 'collaborative ethnographic research' (Campbell and Lassister, 2015, p. 46) or a collaborative relationship throughout the stages of my research process (Oakley, 1981). I prefer the word companionship to illustrate how the villagers and I were accepted as two actors in the same process for knowledge production: actors whose relationship is characterised by acts of solidarity. As such, the researcher and bearers of knowledge are not separate units, instead their relationship takes a reciprocal form of knowledge production. In other words, to produce knowledge, two accounts are required: a narrator to talk about life experiences and a *mesiti* (mediator) to communicate and amplify those life experiences for generating knowledge without bias. Moreover, our companionship was built on exchanging stories anchored in honesty and clarity, disclosing the reasons of my presence in their communities was there to learn and not to project my knowledge on them. In putting aside, the 'authoritative expert' (Campell and Lassiter, 2015, p. 44), to become the 'mediator', I was focusing my efforts on reflecting their frank narrations instead of my personal reflections. As a mediator, therefore, my role demanded starting a truth-seeking procedure in order to reflect the reality of the field and limit the influence of my personal prejudices Abstaining from the arrogance of the 'expert' or the 'expertise' of the researcher, I became Evangelia who was respecting the years of native knowledges and epistemologies to capture the spirit of customary justice in Crete for understanding the operations of this justice system and forward the reasons it exists. Values of respect, humility, gratitude and honesty influenced my work in the field and my relationship with the natives. Projecting my personality in the field, as my primary tool for gathering information, enabled frank discussions as the locals appreciated my honesty and, with my respect, humility and lack of subjective attitude towards their way of life, I gained their mutual respect and rapport. A female villager once told me: *they [villagers] are not open to everyone. You reap what you sow. You treated everyone with respect and offered a smile, hence they offered you friendship [for life]*. A friendship that we embrace until today, 7 years after the end of my research; a companionship that produced the content of this book.

But how is possible for a woman to study them was always the question I had to endure when I was speaking about my companionship with Galates, and the one the natives had to politely answer when outsiders were curious about my life with them despite the well-masked racism and sexism embedded in the question.

Much has been written about the challenges female researchers face in male-dominated fieldwork settings, and I do not wish to dismiss those accounts. In my case, however, gender was not a barrier. My cultural heritage advocates conducting ethical research based on the cultural rules and norms of the community (see Koumentaki, 2025b). Additionally, although it has been argued that mountain villages of Crete demonstrate a concrete male dominance in village life (see Herzfeld, 1985; Kalantzis, 2020), I never personally experienced any difficulties in the field due to my gender. Villagers were open and happy to participate in the study; they never expressed an unwillingness to talk with me or exclude me from any 'male activities', such as accompanying them to their pastures or gatherings of male companionship, because of my gender. On the contrary, they prompted my involvement in all activities with a different companion every time to *see our lives from different perspectives*, as they said. Even in *Sasmos* processes happening during my fieldwork, I was not excluded because of my gender, as someone might assume because of the invariably rendered villages of male dominance and patriarchal and sexist accounts of past research about the role of women in customary justice. My lack of affiliation (*hatiri*) and bonding with the disputed parties in fact limited any chances to observe a *Sasmos* proceeding due to the sensitivity of procedural steps to anyone who is not associated somehow with the injurious conduct. Overall, I was always welcomed to join them in their village activities despite previous research projects on the island, sharing a similar focus with mine, female researchers have highlighted specific issues raised by their gender when conducting their investigations (e.g. Makris, 1992). During my study, despite most of the interviewees being male, and possessing strong masculine personalities, they nonetheless perceive women as the foundation of their families and society and leading figures of societal prosperity. Different gender identities do not automatically trigger hierarchical relations or power dynamics, which is a standard when doing research. Neither gender drives ethical research as Global South feminist researchers have pointed out. To name few, Chandra Talpade Mohanty (1984), Amina Mama (2007), Sylvia Tamale (2020) and Linda Tuhiwai Smith (2021) have argued that equitable and ethical research depends not simply on shared identities but expands to include reflexivity, cultural awareness, accountability and respectful engagement with participants. In conducting research, a set of factors and behaviours will contribute to the ethical and valid production of stories. Gender matters in several contexts, but in my case, other factors such as my general gaze in the field as Evangelia, and/or our shared *Cretanhood* and companionship in this research, overrode gender barriers. Mediators who have never associated with any researcher, male or female, decided to speak to me because of my respectful stand not because I am a female; likewise, neither interview declines occurred because of my gender. I will agree, therefore, with Global South feminist researchers who have argued that gender alone is insufficient for an equitable and ethical research; cultural competency and respect are equally critical alongside, or even prior to, gender in ethical research.

To close, the storytelling in the following chapters is not just the narration of a Cretan woman conducting collaborative research with her fellow Cretans. Living ethnography appears as an approach that breaks free of the homogenised

western research model, inspired by indigenous research yet adjusted to Cretan rules and epistemologies. Nonetheless, my doctoral journey was a self-awareness process, a catharsis from the colonial notion of *Cretanhood*, a self-decolonisation achieved through my 'living' style of ethnography. My journey of self-decolonisation towards cultural embrace resembles the myth of the Minotaur. For example to achieve a nuanced glimpse into the cultural life of a mountain community, I was invited to trace Ariadne's thread through a labyrinthine network of social, historical, cultural, environmental and obscured colonial elements, all converging at the symbolic centre of the labyrinth. The objective, however, was not to escape the maze. Rather, it is to inhabit the perspective of the native inhabitants by relinquishing my own privileges and walking the corridors of the labyrinth alongside the Minotaur, the natives. One day, I asked a young shepherd how he responds to accounts that project *Sasmos* as a process of covering up criminal behaviours and those who name them 'criminals'. He instantly replied, *those who are outside of this way of life [shepherd's life] can say whatever they like, when they walk a mile in my shoes, ask them again*. This is what I did, I removed mine to walk in theirs to know their justice making. Walking down the corridors of the labyrinth, I discovered the layered conditions that perpetuate the Minotaur's existence in a marginalised and geographically removed region, far from the Europeanised face of the island, from which the labyrinth continues to shield them. Upon reaching the heart of the labyrinth, where the Minotaur resides, I came to understand that the Minotaur is not the 'wild', 'barbaric', 'non-modern' or Other 'monster' often portrayed through Eurocentric and Hellenistic frameworks. Rather, the Minotaur embodies a cultural distinctiveness that both preserves and affirms its historical identity. In my labyrinth journey, I discovered that although the villagers tend to act according to characteristics of 'patriotic localism', that they are accused for, to my eyes, it is not due to feelings of superiority towards the rest of the Cretans, but instead, it is a constant acting which is rooted in: the history of their ancestors and the image they want to project to the 'outsiders'; their eternal attempt to keep alive their culture and cultural character, together with the image of being those 'who even Turks could not enslave'. Similarly to when archaeological heritage becomes sites where local communities assert agency against external control (see Hamilakis, 2002, 2006), the Galatian labyrinth, far from being a site of exclusion and cultural confinement, becomes a space of cultural maintenance and resistance, shielding their identity from the colonial modernising forces that have reshaped much of the island. This is where my sympathies lie; I could not be less supportive of these people who not only advocated to embrace my cultural heritage but also are fighting against the odds, by being the outliers of an outlier culture, to maintain their cultural identity and cultural autonomy. It is neither my responsibility to say whether this is wrong or right, nor to fight against the social injustices they accept from 'outsiders'. My responsibility however is to unmask the lens of social injustices imposed on them and those who sponsor their cultural annihilation. My responsibility is to show that the so-called monster stands not as a *dropi* (embarrassment) of Greek culture, but as a symbol of endurance and defiance against the Western colonial tsunami that has swept through and altered the island's cultural landscape and