

**Laidlaw Scholars Undergraduate Leadership and Research Programme**  
**Research Proposal**

**Is the *Kanun* Canon? Archaic Legal Doctrine, Blood Feuds,  
and State Authority in Albania**

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## Abstract

Throughout the acephalous societies of Northern Albania, the Kanun of Leke Dukagjini – a fourteenth-century book of customary law – has governed the possibilities and limitations of *gjakmarrja*. The prevalence of unofficial codification and the ungovernable anarchy surrounding blood-feuds intersected and challenged the government’s legitimacy and statebuilding efforts, even despite its formal prohibition of the blood-feuds. This research will examine the struggle to govern Albanian blood feuds throughout history. The blood-feuds and their attached legal doctrines serve as a site of tension between state jurisdiction and customary law, asking how institutional inaction and corruption fuels kin-based violence. To address these tensions, the paper will (1) trace the temporal roots of *gjakmarrja*; (2) examine the Kanun’s persistence against two authoritative governments and their legal practices; (3) analyze how the Kanun undermines and competes with Albania’s post-communist legal authority on violence.

## Introduction

“Here we are, still walking  
in the bloody tracks of history.

Frightened and defenceless  
we are still treading  
through the tragedies  
that the new century  
dragged in with it.  
We are still walking.

Like children we hug the new century  
and bring it new tragedy”

– My father’s poem, “Here We Are, Still Walking”<sup>1</sup>

I was nine years old when I visited Albania for the first time. After coming home from my trip, I started asking my mother – who had to miss it for work – questions about growing up there. She answered dismissively, as if to tell me that Albania – alongside being small geographically – was small to her. Instead of asking her about her experiences within the nation’s borders, I diverted to asking what experiences were so traumatizing that she had to escape them. She sat me down and told me about everything: a dictatorship that starved the country, intense regime changes, conflict that encircled every side of the border, and something that directly took the lives of many of her male friends she’d known growing up – *gjakmarrja*, the blood feuds. My mom could not count the losses on her fingers.

Through the years, I’ve asked myself: why have these blood feuds persisted? Inheriting my mother’s grief, I pursue this research not only to confront the legacies of Albania’s *gjakmarrja*, but to ascertain how state law clashes with unspoken customs, furthering the cycles of loss that have shaped many Albanian families.

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<sup>1</sup> Kasneci, “‘Here We Are, Still Walking’ in Albanian Poems of Exile”, n.p.

## Research Question & Objectives

*Overarching Research Inquiry:* How has the persistence of archaic customary law in Northern Albanian blood feuds challenged the authority of the modern state?

### ➤ Objectives

- (1) *Trace* the historical roots of the blood-feuds in Albania through the Kanun;
- (2) *Examine* the Kanun's persistence against two authoritarian states and their legal practices – (a) the Zog regime and (b) the Hoxha regime;
- (3) *Analyze* how the continued practice of the historical legal tradition in Northern Albania undermines and competes with the state's monopoly on violence.

### ➤ Theoretical Framework

- *Legal Pluralism Theory:* The analysis portion of my study will occur under “Legal Pluralism Theory” – a framework devoted to operationalizing and “typologize”-ing the dynamics between differing, often frictional justice systems in a singular state.<sup>2</sup> I intend to apply this theory to the formal and customary dynamics related to handling *gjakmarrja* spatially and temporally.

## Background

Blood feuds have existed throughout Europe both historically and – to a lesser extent – contemporarily. In Albania, reciprocal violence and blood feuds are governed by customary law, the Kanun of Lekë Dukagjini, which was crafted in the 15th century and codified detailed customs for all aspects of Albanian social organization, including personal conduct, marriage, property, and honour.<sup>3</sup> The Kanun took deepest root in Northern regions – especially toward rural and mountainous communities – where these traditions became a tool of self-governance in the absence of a strong state that could effectively administer the rule of law.<sup>4</sup>

The totalitarian-communist state had suppressed blood feuds through repression,<sup>5</sup> but when that system collapsed in 1991, it left no legitimate institutions in its wake to mediate disputes or administer justice. This institutional void prompted a drastic change in the way blood feuds operate. In classic blood feuds, only male bloodlines could be targeted – protecting women and children, as well as maternal sides of the family from being drawn in as targets of killing.<sup>6</sup> But as the Kanun was invoked with increasing frequency, both sincere misreadings and opportunistic distortions of the code emerged, with individuals citing it to justify acts of revenge far exceeding traditional boundaries.<sup>7</sup> Due to the lack of government control, thousands of citizens under the threat of *koka për kokë* (head for head) are forced to go into isolation.<sup>8</sup>

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<sup>2</sup> Swenson, “Legal Pluralism in Theory and Practice,” 439.

<sup>3</sup> Immigration and Refugee Board of Canada, “Issue Paper: Albania Blood Feuds,” 4.

<sup>4</sup> Mahan, “Justice in Hybrid-Democracy: Blood Feuds and Albania Post Communism,” 150.

<sup>5</sup> Mustafa & Young, “Feud narratives: contemporary deployments of kanun in Shala Valley, northern Albania”, 99.

<sup>6</sup> Immigration and Refugee Board of Canada, “Issue Paper: Albania Blood Feuds,” 7.

<sup>7</sup> *ibid*, 7.

<sup>8</sup> Human Rights Council, “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mission to Albania”, 6.

Though the Albanian Criminal Code formally criminalized murder from blood feuds as a punishable offense for 30 years in 2013,<sup>9</sup> there still remains a large gap between the government and the public sphere regarding empirical information as to how many blood feuds are active.<sup>10</sup> This tradition rapidly devolved after 1991 into an anarchy that struggles to be governed.

## Methodology

The methodologies used for this research are predominantly qualitative, due to the gaps in accumulated data and measurement issues. If reliable counts of blood-feuds do not exist, quantitative and statistical analysis is constrained from the outset. Even when data does exist – prosecution rates, for instance – it would not capture what the research aims to answer: the social and legal logic operating beneath the surface figures. Qualitative methods in this research are more appropriate as they are best suited to the inquiry because the question is interpretive rather than enumerative – focusing on the “how” and “why,” rather than “how many.” This project’s methodology will nonetheless incorporate quantitative data synthesis for secondary analysis, to create a concurrent embedded design.

Type of Work	Explanation
<b>Remote Work (in Canada)</b>	
1. Literature Review	The literature review will be split by focus: (1) historical; reviewing past regimes and the way they handled <i>gjakmarrja</i> and the Kanun, (2) socio-legal; post-communist policy being at-odds with modern blood feuds.
2. Institutional and Legal Analysis	The proposed project combines institutionalism/non-institutionalism and its effects on a nation with developing internal state legitimacy. Applying the Legal Pluralism Theory as a framework to existing literature on <i>gjakmarrja</i> will assist with descriptive inferences necessary to draw proper conclusions.
3. Longitudinal Data Visualizations & Descriptive Statistics	To supplement the qualitative work, this research will employ quantitative data synthesis as contextual scaffolding. Using datasets available, the project can use their insight to create secondary data analysis for triangulation purposes.
<b>Field-Work (in Albania)</b>	
1. Organizational Interviews	Through the assistance of contacts through my supervisor, Dr. Robert Austin, and Albanian historian Dr. Artan Hoxha, I will be conducting interviews from professionals ranging between experts of policy and law, scholars, NGOs, and chairmen of reconciliation organizations.
2. Library & Archival Analysis	Reconciliation organization records, ethnographic records, and state archives on policy, law, and media will be used to triangulate as documentary evidence for the interviews. These can be sourced from many repositories, some being:

<sup>9</sup> Assembly of the Republic of Albania, “Albanian Criminal Code,” 30.

<sup>10</sup> Government of the United Kingdom, “Report of a fact-finding mission: blood feuds, Albania, January 2023”, 11.



## **Interdisciplinary Focus**

This study interacts with many scholarly fields: history, political science, sociology, peace and conflict studies, and critical legal realism, with a regional focus on Eastern Europe. It pairs well with my programs – Peace, Conflict, and Justice and Women and Gender Studies.

## **Research Supervisor**

Professor Robert Austin – Director of Hellenic Studies and Hungarian Studies and Associate Director, Centre for European and Eurasian Studies – has dedicated his academic and professional career to interrogating politico-historical phenomena in Albania and state-building in the Balkans at-large. He will [and has] assist[ed] in supplying organizational contacts, liaising communications with historians and potential interviewers, and providing necessary literature.

## **Potential Impact**

This research addresses gaps in understanding how legal pluralism operates in post-authoritarian contexts where state legitimacy remains fragile. Through the examination of the Kanun's persistence across three political regimes, this study will contribute empirical evidence to state-building scholarship while offering practical insights for protecting Albanian citizens trapped in cycles of violence. The first intended impact is suggesting pathways for the Albanian government to strengthen and build legitimacy across institutions, capable of handling blood feuds while addressing the root of the problem aside from mere criminalization. The second intended impact is presenting my findings to reconciliation organizations to help frame their advocacy when working within the Albanian government's channels. By demonstrating how institutional weakness enables customary law to fill governance voids – which leaves families vulnerable to distorted interpretations of the Kanun – this research undeviatingly supports SDG 16 (Peace, Justice, and Strong Institutions).

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