

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

Blood-Feuds, Legal Pluralism, and State Authority in Albania

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Finally, I claim all possible biases as my own.

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 blood-feuds, also referred to as *gjakmarrja*. The prevalence of unofficial codification and the anarchy surrounding blood-feuds intersected and challenged the government's legitimacy and statebuilding efforts, despite the state's formal prohibition of the blood-feuds. Thus, the blood-feuds and their attached legal doctrines serve as a site of tension between state jurisdiction and customary law, asking how institutional inertia may fuel kin-based violence. This research will examine the struggle to govern Albanian blood feuds throughout history using a legal pluralism framework and a mixed-methods research design. In this study, I will argue that blood-feuds persisted despite formal prohibition, as suppressing the practice of *gjakmarrja* cannot be likened to displacing the norms of the Kanun. To address these tensions, the paper (1) traces the temporal roots of legal pluralism; (2) examines blood-feuds' persistence against multiple regime types; (3) analyzes how the Kanun competes with Albania's post-communist legal authority on violence. What this design finds is a *de jure-de facto* tension where criminalization of blood-feuds does not result in sustainable deterrence.

Introduction

Honour, the way it is perceived and valued amongst people, is one of the most foundational aspects of Albanian culture. In order to preserve individual dignity at a time where Ottoman occupation threatened self-determination, many communities in the Northern highlands came to rely on a body of customary law traditionally attributed to the nobleman Leke Dukagjini. His words became a durable alternative to imperialism, creating a set of norms that regulated conduct amongst the people and left out the will of the occupier. One such doctrine allocated honour to blood. Where blood was unjustly spilled, the aggrieved family was given the right to avenge it. This is *gjakmarrja*, the blood-feud, within the customary code titled the *Kanun of Leke Dukagjini*. Regardless of knowledge transmission, whether oral, textual, or even generational memory, the Kanun has outlasted every political order Albania has known since.

The central puzzle attending this study is the persistence that accompanies Kanun-based practices. Albania's history since its independence is a history of successive attempts to build a centralized state, with each claiming a monopoly on force. And yet, across all political periods, the Kanun – however true-to-text – and blood-feuds continue to appear. The puzzle is why formal prohibition, however severe, has proven insufficient to end the practice of blood-feuding. In this study, I will argue that blood-feuds persisted despite formal prohibition because suppressing the practice of *gjakmarrja* is not the same as displacing the norms of the Kanun which fuel its practice. Across every regime examined, the state spent resources proving that they were capable of driving blood-feuding out of visible life, when there should have been an emphasis on building rule-of-law infrastructure with enough legitimacy to circumvent the social field's dependence on the Kanun. As I will substantiate, this is a pattern in which the state's formal legal decisions have repeatedly left space for competing legal authority to endure.

First, I will review existing literature concerning the theoretical framework – Legal Pluralism Theory – Kanun, and *gjakmarrja*. Second, I will outline the specific qualitative and quantitative methods utilized to answer this inquiry. Third, I will analyze the Kanun as a primary text, following a clause-by-clause close-reading of *gjakmarrja* provisions. Fourth, I will conduct a historical regime analysis of five-periods in Albanian statehood to ascertain the relationship between the Kanun,

blood-feuds, and state authority. Fifth and finally, I will analyze how the Kanun competes with Albania's contemporary legal authority on violence.

1. Literature Review

The question of customary law running parallel to state authority is not only academically significant – this inquiry also concerns Albanian public safety, order, and justice. This review of the scholarship will confront my central research inquiry using both theoretical and empirical works across varying disciplines. First, I will lay out the framework of analysis – legal pluralism theory – and reconstruct its central premises. Second, I will assess its practical applications in post-conflict and transitional states and outline the typological strategies towards state-building. Then, I will assess existing literature on the *Kanun* and *gjakmarria*. Finally, I will identify crucial gaps using a synthesis of all of the reviewed works and propose bridges towards addressing them.

1.1 Theoretical Framework: Legal Pluralism Theory

As established by preceding sections, the scholarly authority on this research is legal pluralism theory. Griffiths (1986) began the conversation through his definitional work, which sought to establish a descriptive, sociological conception of legal pluralism, which broke precedential biases towards legal centralism.¹ The author argues that legal pluralism is not just deviance from the centralized state policy – which he, instead, refers to as “weak” or “juristic” pluralism – but is the “empirical fact” of social life, where multiple legal orders coexist within the same social field, independent of state recognition – what he coins as “strong” pluralism.²

Merry (1988) refines Griffiths' weak/strong pluralism dichotomy in two ways relevant to this study. First, she distinguishes “new” legal pluralism in modern unified states from “old” colonial-era coexistence of legal systems – situating Albania's case within the former category.³ Second, she cautions against treating non-state normative orders as inherently benign⁴ – a caveat that becomes analytically significant in the Albanian context, where the Kanun's post-communist revival produced distortions exceeding its own traditional boundaries. Critically, Merry (1988) further argues that the relationship between state and non-state law is constantly shifting as political conditions and state capacity change.⁵

This theoretical baseline and its subsequent improvements have shifted the focus from looking inwards for answers on accurate social observation towards looking outwards. Here, we can identify the “semi-autonomous social field” (SASF) as a foundational concept to build a sociological framework of law in society.⁶ The SASF is defined as a social unit that has rule-making capacities and the means to induce or coerce compliance, yet is simultaneously vulnerable to external rules and decisions emanating from the larger social matrix.⁷ Within this descriptive model, law is redefined as the self-regulation of any such social field. Because every society is composed of a “chaotic tangle” of multiple, overlapping SASFs

¹ John Griffiths, “What is Legal Pluralism?” *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1-55, <https://doi.org/10.1080/07329113.1986.10756387>

² Griffiths, “What is Legal Pluralism?” 3.

³ Sally Engle Merry, “Legal Pluralism,” *Law & Society Review* 22, no. 5 (1988) 869-896, <https://doi.org/10.2307/3053638>

⁴ Merry, “Legal Pluralism,” 884.

⁵ Merry, “Legal Pluralism,” 879-880.

⁶ Sally Falk Moore, “Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study,” *Law & Society Review* 7, no. 4 (1973): 719-746, <https://doi.org/10.2307/3052967>

⁷ Moore, “Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study,” 720.

– such as family orders, neighbourhoods, or religious groups – legal pluralism is recognized as a universal feature of social organization.⁸

Building upon the SASF framework, Fekete (2012) uses its application to explain the functions and dysfunctions of the rule of law, particularly in transitional post-communist contexts. Fekete (2012) emphasizes that the “effectiveness of external rules” – referring to state legislation – is not a matter of irresistible force but depends heavily on the support of the “shop floor” of society. The author utilizes Griffiths’ (1986) argument: for state rules to succeed in accomplishing rule-following behaviour, they require local support from the various SASFs that inhabit this “shop floor.” If the SASFs on the shop floor are powerful and organized around particularistic interests that resist the state – such as organized crime networks or power asymmetries – they can distort or nullify the application of formal law. Conversely, Fekete (2012) argues that a successful rule of law culture requires a “social pillar” of civic SASFs that internalize and support modern legal values.⁹ He concludes that state law will be better complied with if the legislator views these autonomous social units not merely as subjects of clientelist power, but as essential partners in strengthening the legal order.

1.2 Legal Pluralism Theory in Weak States

The transition of post-communist societies in Eastern-Central Europe provides a critical case study for how legal pluralism can distort the rule of law. Fekete (2012) argues that in this region, the rule of law is fundamentally impaired by a specific configuration of SASFs that creates an “insufficient centrality of formal law,” which alone cannot be explained by a lack of formal institutions.¹⁰

In these fragile transitional environments, the rule of law is frequently challenged by powerful, non-modern SASFs that possess the regulatory potential to resist or distort external state rules. Fekete (2012) categorizes these challenges through the lens of “internal” and “external” pluralism. Internal pluralism implies that cultural bodies within the umbrella of the state compete with one another to affirm their existence, resisting attempts to assimilate within modern law – where its practices may bear resemblance to social homogeneity to these cultural bodies.¹¹ External pluralism is the generalization of all normative orders that exist outside of the sphere of state law. What differentiates external groups from internal groups is that they can have influence on citizens while going unacknowledged by the central authority. These orders often explicitly negate the “values of legal modernity,” and their enormous financial or social influence allows them to coexist with or even capture segments of the state.¹²

While the SASFs that resist the state are excessively strong, the civic SASFs necessary to support the rule of law remain underdeveloped. In the case of Eastern-Central Europe, civil initiatives, professional interest groups, and local communities lack the regulatory potential to serve as a “social pillar” for the legal system. Because these civic fields are weak, they cannot internalize and enforce modern legal values. Consequently, formal state law often becomes secondary to unofficial normative orders in guiding actual human behaviour. Fekete (2012) concludes that strengthening the rule of law in these contexts requires the state to move away from a competitive or unilateral stance. Instead, the

⁸ Griffiths, “What is Legal Pluralism?” 30.

⁹ Balazs Fekete, “Rule of Law in a ‘Post-Communist’ Legal Pluralism,” (2012): 1-8, <https://dx.doi.org/10.2139/ssrn.2167227>

¹⁰ Fekete, “Rule of Law in a ‘Post-Communist’ Legal Pluralism,” 6-7.

¹¹ Andras Sajo, “Pluralism in Post-Communist Law,” *Acta Juridica Hungarica* 44, no. 2 (2003): 1-20, <http://dx.doi.org/10.1556/AJur.44.2003.1-2.1>

¹² Sajo, “Pluralism in Post-Communist Law,” 18.

legislator must view autonomous social units as essential partners, manufacturing a partnership that supports civic SASFs in realizing their own goals while fortifying the overarching legal culture.¹³

1.3 Typological Applications of Legal Pluralism

The final section of this review transitions from the descriptive sociological “fact” of legal pluralism to its active applications in policy, particularly within the context of post-conflict state-building. Geoffrey Swenson argues that while legal pluralism is a dominant feature of most legal orders, it remains dramatically under-theorized in international relations and development policy. For judicial state-building to be sustainable, it must move beyond simple recognition of pluralism toward an informed strategy that matches policy interventions to the specific relationships between state and non-state actors. To clarify these relationships, Swenson (2018) proposes four distinct archetypes of legal pluralism that categorize how state and non-state systems interact.¹⁴

The first is the “combative” type of legal pluralism. In this archetype, the state and non-state justice sectors are overtly hostile and do not recognize each other’s right to exist. Each system seeks explicitly to undermine, discredit, or destroy the other, a dynamic often found in states facing active insurgencies or parallel state-building enterprises. The second is the “competitive” legal pluralism. This archetype is the “default condition” in most post-conflict settings. While the state’s formal authority is not directly challenged, deep tensions exist, and non-state actors retain substantial autonomy and legitimacy independent of the state. Both systems respect each other’s right to exist but compete for resources and social authority. The third is “cooperative” legal pluralism. Here, non-state authorities still maintain significant autonomy, but they have largely accepted the state’s normative legitimacy. Both systems are generally willing to work together toward shared goals, and clashes are typically limited to specific social values rather than existential questions of power. The fourth is “complementary” legal pluralism. In this highest-capacity archetype, non-state mechanisms, such as alternative dispute resolution or arbitration, operate under the “umbrella” of state authority and depend on state courts for ultimate enforcement.¹⁵ Just as Swenson establishes typological archetypes, he also offers five strategies states may take in handling legal pluralism: bridging, harmonization, incorporation, subsidization, and repression.

As this study will demonstrate, Albania’s relationship between the Kanun and state authority has moved across these archetypes depending on the political regime in power – shifting from near-combative suppression under Hoxha to competitive coexistence in the post-communist period.

1.4 Existing scholarship on the *Kanun* and Gjakmarria

The Kanun of Leke Dukagjini was the primary customary legal code governing social life in Northern Albania. First diffused orally across centuries and codified posthumously by Shtjefen Gjecovi in 1933, the Kanun constitutes a comprehensive normative order covering personal conduct, marriage, property, hospitality, and honour – with particular elaboration of the rules governing reciprocal violence and blood feuds.¹⁶ Cara and Margjeka (2015) argue that the Kanun served as one of the most important mechanisms through which Albanian communities maintained cultural and social cohesion under Ottoman domination – functioning precisely as Moore’s (1973) SASF, generating compliance through community enforcement instead of typical state sanctions.¹⁷ The Kanun’s deepest roots took hold in

¹³ Fekete, “Rule of Law in a ‘Post-Communist’ Legal Pluralism,” 7.

¹⁴ Geoffrey Swenson, “Legal Pluralism in Theory and Practice,” *International Studies Review* 20, no.1 (2018): 438-462, <https://doi.org/10.1093/isr/vix060>

¹⁵ Swenson, “Legal Pluralism in Theory and Practice,” 444-445.

¹⁶ Shtjefen Gjecovi, *Kanuni i Lekë Dukagjinit* (Hylli i Dritës, 1913).

¹⁷ Cara and Margjeka, “Kanun of Leke Dukagjini Customary Law of Northern Albania,” *European Scientific Journal* 11, no. 28 (2015): <https://ejournal.org/index.php/esj/article/view/6383>

Northern Albania's "acephalous", mountainous communities – which Scott (2009) defines as places where geography and clan structure made centralized state administration functionally impossible, further rendering customary self-governance as the best alternative for many Albanians.¹⁸

The most substantial ethnographic documentation of *gjakmarrja* in its contemporary form is provided by Mustafa and Young (2008), whose fieldwork in the Shala Valley of Northern Albania examines how the Kanun is actively deployed in modern feud narratives. Their findings reveal that the Kanun is a living normative resource, challenging previous iterations of literature which implied that it was a static historical document.¹⁹ This addition to the field showed that the Kanun's ever-changing interpretations means that it can be invoked selectively and interpreted variably depending on the social position and interests of those invoking it. Mustafa and Young (2008) document significant variations in how community members understand Kanun-based obligations, finding that diverse and sometimes contradictory understandings of the code coexist within the same communities. What makes this finding so significant is that it demonstrates that practices of *gjakmarrja* are actively being negotiated by the SASFs – which is consistent with Webber's (2006) argument that even informal legal orders involve conscious human agency in settling normative disputes.²⁰ The Kanun's authority, as Mustafa and Young (2008) conclude, derives from social legitimacy within Northern Albanian communities – a legitimacy which is prone to fluctuations, and one which has never been fully displaced by the state.

The collapse of the communist state in 1991 produced what scholars broadly describe as a dramatic revival of *gjakmarrja* – though the precise scale remains contested due to the absence of reliable official counts, the existence of *gjakmarrja* itself is a significant indicator of institutional capacity. Mahan (2022) documents how the post-communist institutional void created conditions in which the Kanun re-emerged not in its traditional form but in a distorted version exceeding its own historical limits.²¹ Classic Kanun blood feud practice confined legitimate targets to adult males of the offending bloodline – protecting women, children, and maternal relatives from retaliation. The post-communist revival saw these protections systematically violated, with targeting expanding beyond traditional boundaries as sincere misreadings and opportunistic distortions of the code proliferated in the absence of state or community authority capable of enforcing traditional limits.²² Korngold (2016) estimates that more than 1000 Albanian families became entangled in blood-feuds following 1991 – a figure that, even if approximate, is a signal of the scale of the post-communist erosion.²⁴

1.5 Modern State Responses to *Gjakmarrja*

Formal state responses to *gjakmarrja*, documented across several institutional sources, paint a picture of persistent enforcement failure. The Immigration and Refugee Board of Canada (2008) provides

¹⁸ James Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (Yale University Press, 2009), chap. 2.

¹⁹ Mustafa and Young, "Feud Narratives: Contemporary Deployments of the Kanun in Shala Valley, Northern Albania," *Anthropological Notebooks* 14, no. 2 (2008): 87-107, <https://hdl.handle.net/2144/4349>

²⁰ Jeremy Webber, "Legal Pluralism and Human Agency," *Osgoode Hall Law Journal* 44, no.1 (2006): 167-198, <https://doi.org/10.60082/2817-5069.1316>

²¹ Isabella Mahan, "Justice in Hybrid-Democracy: Blood Feuds and Albania Post Communism," *Themis: Research Journal of Justice Studies and Forensic Science* 10, no. 1 (2022): 149-162, <https://doi.org/10.31979/THEMIS.2022.1007>

²² Mahan, "Justice in Hybrid-Democracy: Blood Feuds and Albania Post Communism," 159.

²³ Mustafa and Young, "Feud Narratives: Contemporary Deployments of the Kanun in Shala Valley, Northern Albania," 185.

²⁴ Danielle Korngold, "Gjakmarrja as Conflict, the Potential for Informal Peace Education, and Transforming Attitudes in Albania," (2016): 1-19.

an early systematic survey of Albanian blood-feud dynamics in the post-communist period, documenting the emergence of families using isolation as a primary survival strategy.²⁵ What this looks like is thousands of Albanians effectively imprisoned in their own homes under the threat of *koka per koke* retaliations – broadly translated into head for head. The Human Rights Council (2011) report by the Special Rapporteur on Extrajudicial Executions characterizes blood-feuds as a significant ongoing human rights concern and notes the Albanian state’s failure to prosecute feud killings effectively despite formal criminalization.²⁶ The 2013 amendment to the Albanian Criminal Code – formally, adding Article 78(a) to criminalize blood-feud murder with a mandatory minimum of thirty years imprisonment represented the most explicit formal state response to date.²⁷ However, the UK Fact-Finding Mission (2023) concludes that a large gap persists between the government and the public sphere regarding empirical information on active blood-feuding, suggesting that over a decade after criminalization, the enforcement deficit documented by earlier scholarship remains structurally unresolved.²⁸ Taken together, this body of scholarship establishes a pattern consistent with an enforcement gap. Simply, the Albanian state has repeatedly attempted to assert legal authority over *gjakmarrja* through formal prohibition, and has repeatedly failed to close this “gap” between law on paper and law in practice.

1.6 Identifying the Gaps

Despite this substantial body of literature, significant analytical gaps remain in the field. Existing theoretical and empirical studies of *gjakmarrja* focus predominantly on the post-communist period, treating the revival of blood-feuds as a byproduct of the 1991 institutional collapse without situating it within a broader history of the legal competition across successive, often destabilizing political regimes. As a result, ethnographic studies document the Kanun’s contemporary deployment without diagnosing a broader historical causality. The inverse problem holds for legal pluralism studies – with an emphasis on Swenson’s (2018) typological framework and Fekete’s (2012) transitional pluralism analysis – as they have yet to be applied to the Albanian case in a longitudinal cross regime analysis. This study addresses these gaps by applying the archetypes and frameworks across one century to produce the first systematic legal pluralism analysis of how the Kanun has challenged Albanian state authority across the full arc of modern Albanian political history.

2. Methods

2.1 Research Design

This study employs a concurrently embedded mixed-methods design in which secondary quantitative data is integrated within a predominantly qualitative framework. The qualitative methods that constitute this research are archival analysis, institutional document coding, and semi-structured organizational interviews. When put together, this methodology becomes the primary mode of inquiry, where interpretive questions of how and why the Kanun has persisted across successive political regimes can be answered. Quantitative governance indicators are incorporated as secondary contextual evidence to

²⁵ Immigration and Refugee Board of Canada, “Issue Paper: Albania Blood Feuds,” (2008): 1-25, https://www.ecoi.net/en/file/local/1148361/1684_1243258524_http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf.

²⁶ Philip Alston, “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mission to Albania,” *United Nations General Assembly*, (2011): 1-23, <https://docs.un.org/en/A/HRC/17/28/Add.3>.

²⁷ Assembly of the Republic of Albania, “Albanian Criminal Code,” *Euralius: Consolidation of the Justice System in Albania* (1995): 1-130, <https://euralius.eu/index.php/en/library/albanian-legislation/category/10-criminal-code>.

²⁸ Government of the United Kingdom, “Report of a fact-finding mission: blood feuds, Albania,” *GOV.UK*. (2023): <https://www.gov.uk/government/publications/albania-country-policy-and-information-notes/report-of-a-fact-finding-mission-blood-feuds-albania-january-2023-accessible>.

operationalize the institutional conditions under which customary law persists, becoming the primary objective in this study instead of testing pre-existing causal hypotheses.

This study does not claim to establish an ironclad causality between institutional weaknesses and the persistence of gjakmarrja practices. Rather, it identifies associative patterns and offers interpretive explanations for the co-occurrence of governance deficits and customary law persistence across five political periods. Causal claims would require a comparative research design with controls for confounding variables far beyond the scope of this research.

1. Qualitative

The methods employed for this research were predominantly qualitative, due to measurement issues and the gaps in accumulated data that result from them. Two interrelated reasons arise for qualitative methods being appropriate to this inquiry. First, reliable counts of blood-feuds in Albania are sparse. When data was found, it could not be used without the risk of furthering possible subject-reporting bias. This means that all quantitative methods are constrained from the outset, as any explanations that are drawn from erroneous data cannot be used to represent the whole of blood-feuds. The second justification is that even when data did exist, it could not capture what the inquiry aimed to answer – what social, legal, and historical logics are operating beneath the surface of blood-feuds – without stretching the numbers out of proportion. Qualitative methods in this research became the more appropriate avenue, as the inquiry is interpretive rather than purely enumerative – focusing on the “how” and “why,” rather than “how many.”

Theory-testing process-tracing for within-case analysis. By applying legal pluralism theory to a within-case of blood-feuds, I have identified a causal mechanism to trace in the empirical record across five periods. If the theorized mechanism operates as predicted, evidence should show that the Kanun’s persistence correlates with periods of state weakness or illegitimacy rather than with the absence of formal prohibitionist strategies.

Semi-structured organizational and expert interviews. All historical research benefits from triangulation, enhancing the validity and credibility of findings and simultaneously reducing biases of the researcher. Insights will be sourced from representatives of reconciliation organizations, journalists, academics, and geographers.

Primary document analysis. I gathered documents from government archives and used them as a vantage point for cross-referential inferences. To be more specific, I compiled letters, addendums, proposals, the *Kodi Penal*, and a copy of the Kanun of Leke Dukagjini itself.

2. Quantitative

Despite the limitations in quantitative methods at the disposal of this study, they were still utilized to supplement and support its methodological rigour. All quantitative methods listed rely on drawing inferences between datasets against the qualitative findings.

Longitudinal visualizations. Since this research is temporal in nature, it was necessary to weigh in the regime as an explanatory benchmark for fluctuations in sub-factor indicators throughout time. I used the judicial constraints index from the Variations of Democracy Institute to track changes.

Time series analysis. Taking note of the critical junctures in Albania’s 21st century state-building, I used the World Justice Project sub-factor scores to see if changes could be traced before, during, and after institutional reconfigurations and reforms.

Interpretive document coding. Utilizing selected articles in the Albanian Criminal Code and the World Justice Project sub-factor scores, I compiled points of comparison between legal provisions (the

imagined) and their results, using the WJP (the actual). Then, I configured a weighted additive equation to score the legal provisions to establish a binary presence/absence criterion:

$$S_d = \sum_{i=1}^4 w_i c_i = 0.10c_1 + 0.35c_2 + 0.35c_3 + 0.20c_4$$

This yields a *de jure* score per dimension, plotted against the corresponding WJP sub-factor score. Refer to Appendix A for the specific scoring criteria, and weights.

2.2 Limitations

Several limitations attend this study's methodology. The V-Dem judicial constraint index for the early twentieth century, including the pre-Zog and Zog periods, are derived from sparser historical documentation than later periods and, accordingly, carry greater measurement uncertainty. The World Justice Project indices reflect aggregate expert and household perceptions of legal institutions broadly, rather than blood-feud specific enforcements; the inferential connection drawn in this study between weak rule of law scores and Kanun persistence is argued analytically rather than demonstrated statistically.

Nevertheless, datasets assisted this research greatly. The V-Dem and WJP datasets were selected over other composite governance indices (some being the World Bank's WGI, Fund for Peace's FSI, the BTI, and ICRG). The chosen datasets' disaggregated sub-indicators – particularly the parsimonious emphasis on judicial constraints – provide conceptual alignment with legal pluralism theory, and temporal alignment with the period-based research design. QoG was excluded as a non-independent repackaging of the same source data.

In terms of the methodology itself, the *de jure* coding scheme presented in Appendix A reflects single-coder interpretations. While the rubric and criteria are made fully transparent to support replicability, the inter-coder reliability cannot be made completely objective. Finally, as previously noted, the absence of reliable empirical counts of active blood-feuds constrains this research to associative and interpretive claims rather than causal or fully enumerative ones – a constraint inherent to the subject matter rather than a remediable limitation of this study's design.

3. Analysis

3.1 Formal Kanuni Provisions of Gjakmarra

The core structural foundations of the Kanun assured that authority was diffused across the people using it – more specifically, only those included in “agnatic patrilineality” were able to establish self-sovereignty and reap the benefits of using the Kanun.²⁹ Under the Kanun, women had almost no rights. The oldest men or patriarch were *Zoti i shtëpisë* – House-Lords – who held unadulterated power over essential household decisions. If someone passed, assets would be transferred beginning from the eldest man, but women would not be recognized in inheritance.³⁰ The doctrines that follow from this foundation are largely male-centric. To reduce the Kanun's treatment to a single undifferentiated rule, would be a dismissal of its operation as a layered system of liability, reciprocity, and threshold conditions.

The Kanun did not invent the practice of blood-feuding, but it was able to act as a governing body to sanction and justify its use in vendetta.³¹ One major consideration is that blood-feuding liability being confined to men reinforces the code's patricentricity throughout. On closer reading of its sanctions,

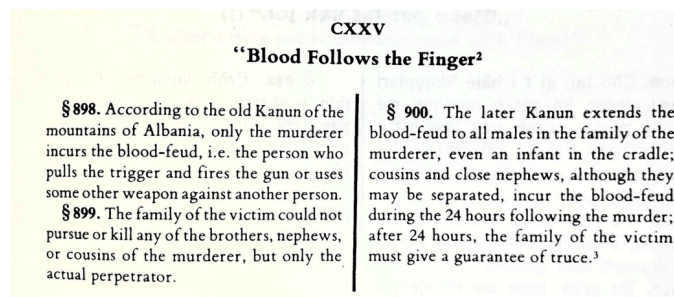
²⁹ Edvin Zhllima et al., “Unlabeled Class: Albania's Gender Gaps in Land Ownership and Inheritance,” *Feminist Economics* 29, no.2 (2023): 32-63, <https://doi.org/10.1080/13545701.2022.2125167>

³⁰ Zhllima et al., “Unlabeled Class: Albania's Gender Gaps in Land Ownership and Inheritance,” 33.

³¹ Lumturije Kurtishaj, “Canon and Blood-Feud,” *Journal of Positive School Psychology* 6, no.5 (2022): 5664-5670.

despite misconceptions of the Kanun as a one-dimensional code, the Kanun reveals an internal tension between restraint and escalation.

The Kanun's earliest articulated principle of blood-feud liability is one of narrow individual responsibility, overriding the role of the collective. §898 restricts the blood-feud strictly to the perpetrator: "only the murderer incurs the blood-feud, i.e. the person who pulls the trigger and fires the gun or uses some other weapon against another person." §899 reinforces this boundary explicitly, by prohibiting the victim's family from pursuing any other family members.



Reproduced Text 1. Sourced from my scans of Fox's (1989) English translation of *Shtjefën Gjeçovi's* formal codification of the *Kanun of Leke Dukagjini*.

However, this individualized model is complicated by §900, which extends liability to lineal and collateral male kin. There is an observable juxtaposition between §898-899 against §900. These three laws provide a restrictive, perpetrator-focused doctrine and a collective, bloodline-wide doctrine, which blurs the hierarchy of liability and creates a narrow temporal window of action, until revenge can no longer be enacted. Placing time constraints on the individual to act in the retribution of blood, and broadening the scope of retribution only allows for hasty decisions to be made. This internal doctrinal tension is worthy of noting, due to post-communist distortions of the Kanun which are shown to abandon the temporal boundary altogether, ignoring the timely dimensions of a truce codified within §900.

In *Reproduced Text 2*, §901 addresses the case of mutual killing, holding that when two men kill each other in the course of an argument, the blood-feud is no longer active.

§ 901. If two men kill each other in the course of an argument, the law that states "a head for a head or blood for blood" has been fulfilled, since both are dead.

Reproduced Text 2. Sourced from my scans of Fox's (1989) English translation of the *Kanun of Leke Dukagjini*.

By establishing a ceiling of limitations, this provision operates as a proportionality clause. It treats reciprocal deaths as doctrinally self-resolving, closing the feud without requiring more blood to be spilled. This is a notable counterpoint to the popular characterizations of *koka per koke* as an open-ended cycle of violence. Within the Kanun, proportional exchanges such as these are understood as an end in themselves, not a mechanism to perpetuate violence.

A third dimension concerns what circumstances are sufficient to trigger blood-feud liability. §914 establishes that killing as a response to threats or beating will also incur a blood-feud, while §915 extends this threshold even further, whereby killing someone who mistreats you without reason likewise creates a condition that is sufficient for liability.

§ 914. If someone threatens you or beats you and you kill him, you incur the blood-feud.

§ 915. If someone mistreats you for no reason and you kill him, you incur his blood.

Reproduced Text 3. Sourced from my scans of Fox's (1989) English translation of the *Kanun of Leke Dukagjini*.

When reading these provisions together, one can observe how the thresholds for triggering *gjakmarrja* are lowered – whereby liability attaches to killings arising from perceived provocation or mistreatment, with no codified requirement of proportional severity between the initiating offense and the killing itself. Returning to Mahan's (2022) work, this low evidentiary threshold demonstrates where “sincere misreadings” can occur within the Kanun, creating distortions that are not related to a departure from the code, but instead an individualistic interpretation of pre-existing ambiguities.³² This means that the provisions on *gjakmarrja* broadly demonstrate that the Kanun does not fall into either a purely restrictive or retributive design. Instead, the code is structured around narrow procedural boundaries. Although its provisions are precise on paper, it leaves many significant interpretive gaps when applied in practice. These gaps are where this study argues successive Albanian regimes have each, in distinct ways, failed to definitively close.

3.2 The Kanun At Odds With Early State-Building

Before turning to the regime-by-regime account, it is worth establishing a formal measure against which the Kanun's persistence can be read. This section's central claim is that no regime, however coercive, succeeded in building rule-of-law infrastructure legitimate enough to displace the Kanun's claims on authority; judicial constraint on executive power is a useful proxy to measure exactly this, since it captures the degree to which legal bodies were empirically capable of checking the state's own exercise of power. A judiciary that cannot constrain the executive is, functionally, indistinguishable from no judiciary at all.

Judicial constraints become a proxy once removed from the Kanun's domain, as it measures the judiciary's capacity to check the executive, not its capacity to adjudicate disputes between citizens, which is the specific function the Kanun performed and by-which the state failed to credibly replace. Both the Kanun and the state's judiciary are analogous – a judiciary too subordinated to constrain its own executive is unlikely to have possessed the independence necessary to adjudicate citizen disputes with any greater legitimacy. *Figure 1* traces this contest in formal terms across the full period this study examines, plotting Albania's judicial constraints on the executive from 1912 to 2025 using the V-Dem dataset's *v2x_jucon* index.³³

³² Mahan, “Justice in Hybrid-Democracy: Blood Feuds and Albania Post Communism,” 159.

³³ Michael Coppedge et. al. “V-Dem Country Coding Units v16” *Varieties of Democracy (V-Dem) Project* (2026): <https://www.v-dem.net/data/the-v-dem-dataset/>

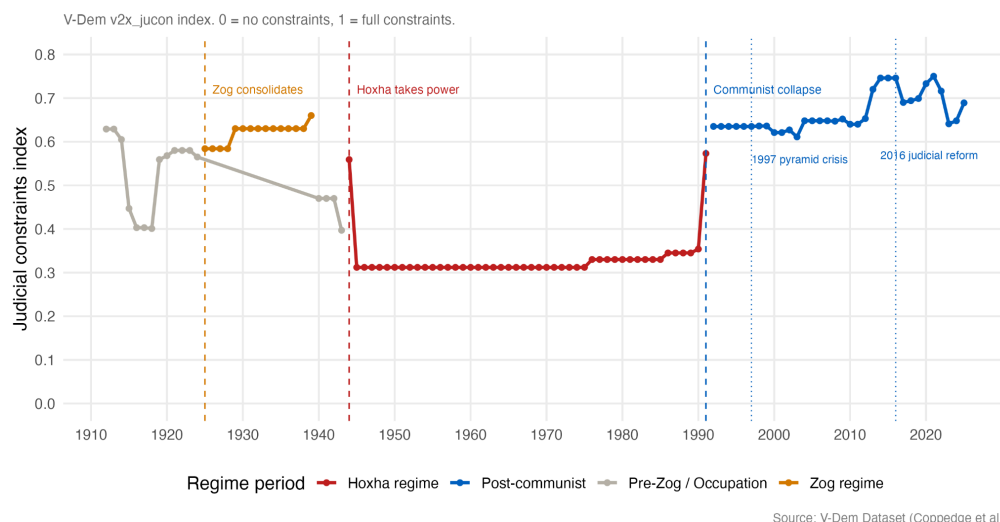


Figure 1. Judicial constraints on the executive measured across Albania's regime changes, 1912-2025.

Read alongside the regime-by-regime analysis that follows, its fluctuations offer a formal proxy for the state authority the Kanun persistently operated alongside, and, at critical junctures, in place of it.

Early Albanian Statehood (1912-1922)

Despite the formal declaration of Albanian Independence in 1912, many substantive obstacles faced the infant Albanian state. Interconnected issues within and outside of its borders – namely issues in state-building, the Great War, and the Balkan Wars – converged to create high political instability in which several actors struggled to establish their authority.³⁴ The historical conditions which caused the difficulties to instate central authority only bolstered competition amongst neighboring states, the Great Powers, and “internal” actors such as local leaders, communities, and semi-autonomous societies. The struggle to instate a central authority began with whoever could seize a monopoly on violence.³⁵ This was an assumption affirmed in “Balkan national historiographies” that emphasize “the paligenetic function of violence” – whereby a new and decadent nation-state could be rebirthed through the cleansing catalyst of violence.³⁶

One part of the competition to establish a state was located within the Great Powers' overreaching diplomatic missions. In December 1912, the first meeting gathered to vote on whether or not “autonomous Albania” was to have sovereignty or remain under Ottoman suzerainty.³⁷ What followed were several months of near stalemates on deciding the Albanian frontiers. The resolution proposed by Sir Edward Grey was riddled with contradictions between the problems it claimed to solve – lack of clarity on the ethnographic boundaries of the disputed territories – and its *Realpolitik* deadlock.³⁸ The diplomatic

³⁴ Andrew Park, “International Commissions, the Birth of Albania, and Sir Edward Grey's Preventive Diplomacy during the Balkan Wars, 1912-1913,” *Diplomacy and Statecraft* 31, no. 1 (2020): 22-43, <https://doi.org/10.1080/09592296.2020.1721056>

³⁵ Bego di Fabio, “Violence and State-Building After the Great War: Italian, Yugoslav and Endemic Challenges to Albanian Projections,” *Qualestoria*, no. 1 (2020): 71-97.

³⁶ di Fabio, “Violence and State-Building After the Great War: Italian, Yugoslav and Endemic Challenges to Albanian Projections,” 73.

³⁷ Park, “International Commissions, the Birth of Albania, and Sir Edward Grey's Preventive Diplomacy during the Balkan Wars, 1912-1913,” 24.

³⁸ Park, “International Commissions, the Birth of Albania, and Sir Edward Grey's Preventive Diplomacy during the Balkan Wars, 1912-1913,” 25.

paralysis determined whether any single authority could plausibly claim the coercive legitimacy necessary for statehood.

While the Great Powers debated frontiers in London, the highlands themselves were governed by an entirely different logic of order: a logic of independence, away from the Ottoman sanction or central Albanian statehood. In the mountainous north, where the new state's writ was thinnest and least contested by force, the *Kanun of Leke Dukagjini* continued to function as the operative legal command.³⁹ The vacuum that Great Power indecision and internal faction competition left unfulfilled at the level of the state was, locally, never a vacuum at all. It was operative territory, governed by this customary code whose legitimacy long preceded and would long outlast the diplomatic wrangling in Western Europe. This aligns with Moore's (1973) SASF dynamic between social sphere and state. A unit possessing its own rules and compliance-inducing capacity, remains vulnerable to the larger social matrix surrounding it. The highlands under the Kanun functioned similarly, where it was self-regulating but struggled to repel state claims on its territory.

The contest for a monopoly on violence at the national level coexisted with – and was arguably prolonged by – a fully articulated and locally legitimate alternative monopoly, operating in the territories where the state struggled to reach. Referring back to Swenson's typology, this is the opening condition for what would become a case of competitive legal pluralism.⁴⁰ two systems, state and non-state, each claiming jurisdictional power over the same territory and the same question – who has the right to authorize violence – with neither party able to impose itself over the other.

The unresolved contest between authorities only deepened in the years that followed. Wied's departure in 1914 left no functioning central government at all,⁴¹ and by 1916 Albania had been carved into competing foreign occupation zones – Austro-Hungarian, Italian, French, and Serbian-Montenegrin – with no Albanian authority mediating among them.⁴² The state-level vacuum characterizing 1912-1914 only intensified, while customary authority in the highlands continued operating with even less competition from a center that, for these years, scarcely existed. Albanian statehood itself remained an open question at the Paris Peace Conference, where partition among nations was actively discussed.⁴³ It was not until the Congress of Lushnje in January 1920 that Albanian delegates reconstituted a provisional government and rejected partition outright.⁴⁴ This reclamation of an early Albanian statehood was more consequential, at least substantively speaking, than Vlore had been in 1912. This instability is legible in *Figure 1* itself, as judicial constraints fluctuate sharply across these years – climbing after 1912, collapsing during the 1914-1918 occupation years, and recovering only unevenly by 1920 – a record of unconsolidated authority baked within early Albania. While jurisdictional boundaries between state and customary authority were shifting, the changes in these boundaries still overlapped with an underlying thirst for who could seize the monopoly on violence.

The Zog Regime (1922-1939)

³⁹ Mirjona Sadiku, "A Tradition of Honor, Hospitality and Blood Feuds: Exploring the Kanun Customary Law in Contemporary Albania," *Balkan Social Science Review* 3, no.1 (2014): 93-115.

⁴⁰ Swenson, "Legal Pluralism in Theory and Practice," 444-445.

⁴¹ James Tallon, "Albania's Long World War I," *Studia Historyczne* 228, no.4 (2014): 438-455.

⁴² Tallon, "Albania's Long World War I," 439.

⁴³ di Fabio, "Violence and State-Building After the Great War: Italian, Yugoslav and Endemic Challenges to Albanian Projections," 76.

⁴⁴ di Fabio, "Violence and State-Building After the Great War: Italian, Yugoslav and Endemic Challenges to Albanian Projections," 76.

It was Ahmet Zogu who emerged from this contest of shifting and overlapping authority, who would attempt to resolve the tension decisively in the state's favour. Albanian infrastructure continued to develop under formal state control through the exertion of his authority. Despite the installment of formal infrastructure, these changes came with the consequences brought forward by authoritarianism. For example, Zog required legitimacy for his installment and maintenance as a supreme leader, becoming Mussolini's appendage to achieve this legitimacy.⁴⁵ Consequently, Albania's long-fought status as a sovereign country was once again facing existential threats as it became a geopolitical apparatus for Italy to use at-will.

In order to further consolidate Zog's authority, political dissent was suppressed, leading to unspoken grievances and brewing resentment amongst the Albanian public. The regime's ambition to suppress discourse extended to the legal sphere, where they sought to silence any and all alternative practices of law outside the *Kodi Penal*. But, much like the case in early Albanian statehood, the Kanun persisted. Even though the administration used [re]education and road-building to erode Kanuni traditions, these enforcement strategies proved ineffective in rural-acephalous communities. This gap in enforcement allowed for more "true-to-text" blood-feuds to persist as a parallel social order, where the state lacked the proper resources to strike down the Kanun in practice. This is Fekete's (2012) "shop floor" problem, illustrated by the way that state rules cannot succeed without "buy-ins" from the SASFs of the highlands, and Zog's regime never secured its "buy-in" in the rural North.⁴⁶

Where the Zog regime failed to contain the Kanun's reach reflected the limit of competitive pluralism underneath a resource-constrained state. As will be established, the regimes that followed fit within Swenson's combative archetype. As Swenson identifies, there can be no competition between legal systems if the means of competition have been eradicated.

3.3 Occupation and Totalitarian Suppression

Italian Occupation (1939-1943)

When Italy successfully invaded Albania in April of 1939, an addendum was drafted by the Viceroyalty, targeting blood-feud offenses as a way to "establish normal and forceful measures for the elimination of offenses."⁴⁷ This directive was drafted as a means of reforming the *Kodi Penal*, hardening and rewriting the criminalization clauses – specifically focusing on blood-feuding, as the provisions were practically non-existent, previously categorized alongside murder charges.

The addendum's articles were numbered from one to four. First, the offense of murder "committed for reasons of 'blood-taking' was now punishable by death," upgraded from lengthy prison sentences. Second, for all other offenses provided for under the *Kodi Penal*: where the motive is that described in the preceding article (referring to *gjakmarrja*), the penalties fixed by law are increased by one-half to two-thirds. This applies across the board to any other Penal Code offense once "blood-taking" is established as the motive, effectively creating a standalone aggravating-motive category. It should be noted that Zog's Penal Code – specifically articles 48, 49, 52, 59, 63 – allowed reduced sentences for diminished mental capacity, intoxication, provocation, or general mitigating circumstances. The third article of this addendum explicitly strips those protections away specifically for *gjakmarrja* motivated killings – and also removes the accomplice-liability discount under Article 65 of the Penal Code. The

⁴⁵ Peter Tase, "Italy and Albania: The political and economic alliance and the Italian invasion of 1939," *Academicus International Scientific Journal* 6, no.1 (2012): 62-70.

⁴⁶ Fekete, "Rule of Law in a 'Post-Communist' Legal Pluralism," 7.

⁴⁷ A decree from the Viceregency regarding the legal classification of crimes related to blood-feuds, 1939, P.161 D. 310, Katalogu Arkiva, Directorate of Archives, Tirana.

fourth and final article closes the loophole of article 259 – the close-relative exemption for harboring offenders – at least insofar as it now creates a mandatory 3-12 year imprisonment term when tied to a blood-feud killing, regardless of the kinship exemption in the base article.⁴⁸

Under the puppet fascist regime, the dynamic of Albania's previously competitive pluralistic legal system changed. Based on Swenson's typological conceptions, there is an observable regression into the combative pluralism after Zog's expulsion and Mussolini's exertion of power. Since Italy had the resources, it was better able to enact repressive practices against blood-feuding and other material Kanuni practices.⁴⁹ From here on, a pattern of repression was established, one which would continue in the succeeding decades from the regime that inherited a destabilized Albania.

The Hoxha Regime (1944-1991)

When Enver Hoxha entered government and the Communists seized power, they strayed from previous attempts to fold customary authority into the machinery of the state. Instead, the new government opted for outright elimination of any external powers, seizing a monopoly on violence and beginning his totalitarian reign. This came with harsh, omnipresent enforcement against the practice of blood-feuding, though not against the Kanun's underlying legitimacy.

Perpetrators in blood-feuding would be tried and imprisoned under the dictatorship, but with one key exception that differentiates regular murder cases. Interviews conducted with the Nationwide Committee of Reconciliation indicate that revenge killings carried out under communism were not met with the state's harshest available penalty – the death penalty. This is precisely because such killings were understood by the state as driven by "Kanun mentality" aside from ordinary criminality. Punishment instead fell on local officials, who faced dismissal and possible incarceration for failing to persuade citizens that only the state held the right to exact retribution. This was an additional enforcement mechanism aimed at the surrounding community's continued deference to Kanun authority.⁵⁰

Faced between the self-sufficiency of customary honour and the near-certainty of state-sanctioned violence, families largely complied with the dictatorship during its reign.⁵¹ Let it be clear that this compliance was secured through the fear of consequence rather than through any campaign to shed the Kanun.

Where the regime failed was in their assumptions that forcing citizens to comply by use of force could remove generationally engrained norms. Displacing *gjakmarrja* as part of a set of normative behaviour only dissociated it from social life. To resolve the practice altogether would have required at least one of two assurances: first, convincing the communities who previously practiced the Kanun that its claims on their obligations were no longer legitimate, or second, constructing a rival source of authority capable of adjudicating the same disputes over honour, property, and injury with comparable legitimacy. The regime did not attempt the former, and, as the exploration of its foundational documents will demonstrate, could not feasibly achieve the latter.

This incomplete closure is legible through the texts supplied by the regime. Hoxha's 1946 address to the Constituent Assembly – a speech dedicated to establishing a Founding Constitution – demonstrates the difficulty in resolving the practice of the Kanun permanently. Here, one can observe how ambitious Hoxha was in one of the first instances of his plans for a unified Albania. The speech takes the form of a

⁴⁸ A decree from the Viceregency regarding the legal classification of crimes related to blood-feuds, 1939, P.161 D. 310, Katalogu Arkiva, Directorate of Archives, Tirana.

⁴⁹ Tase, "Italy and Albania: The political and economic alliance and the Italian invasion of 1939," 63.

⁵⁰ Gjin Marku, in discussion with the author, Tirana, AL, July 2026.

⁵¹ Gjin Marku, in discussion with the author, Tirana, AL, July 2026.

sequence of governmental pledges, organized under policy headers which promise impractical and unclear agenda items: “the financial problem,” and “the social question” – rather than providing structural guarantees or defined procedure from the beginning.⁵² In terms of promises for strengthened justice institutions, Hoxha’s speech lacks specificity. He pledges that his government commits only to, broadly-stated, “important changes,” with the aim to provide judges who will apply the law “in the new spirit.”⁵³ His phrasing appears as a promise to reform without a vision of what reformed adjudication looks like in actuality, or through which regulatory bodies such a reformed justice system could be enacted. Despite the ambition of the 1946 address’ socio-economic programs, this moment produced no measurable rule-of-law sureties that could plausibly compete with the Kanun.

If there is a comparison to be drawn thirty years later, the 1976 Constitution of the People’s Socialist Republic of Albania is a suitable artifact. It is significant because it fails differently. Where the 1946 speech was observably thin in its explanations, the 1976 constitution is vast and seemingly complete, with 115 articles, a full chapter of enumerated civil rights and an Attorney-General’s office empowered to protest unlawful acts across Hoxha’s state apparatus. With only a glance, it would be fair to assume that the 1976 constitution builds a more substantive legal architecture for the nation. However, this will be proven demonstrably false when the contradictions of guarantees are highlighted. Article 3 declares the Party of Labour “the sole leading political force of the state and of the society” and claims to apply “Marxism-Leninism” as a benchmark for the state’s dominant, foundational ideology.⁵⁴ What results from the ideological emphasis is a subordination of every organ within the constitution to a central government, which includes the courts by default. Article 3 is later contradicted by Article 107, which asserts that “the court is independent in the judgment of a case, it takes its decision on the basis of the law alone.”⁵⁵ By having both Article 3 and Article 107 in effect, one observes that the courts become foreclosed and subsequently exploited by a constitutional loophole. A court subordinated to centralized state control in Article 3 is not going to be independent in Article 107. Another contradiction emerges elsewhere. Article 52 guarantees classic civil liberties such as freedom of speech, association, and assembly.⁵⁶ Only for Article 54 to prohibit any organization or “propaganda” deemed outside of state interests, using broad terms such as “anti-socialist” or “anti-democratic” to leave to the state’s discretion in defining.⁵⁷

Moreover, the 1976 Constitution’s courts were not oriented towards adjudicating between citizens’ competing claims in the manner similar to a dispute-resolution body. A functional body would need to substitute for the Kanun and provide protection. Instead, Article 105 defines the courts’ purpose as protecting the “socialist juridical order” and educating “the masses of working people to respect and implement socialist law.”⁵⁸ This article converts the courts into operating on an ideological mandate on a macro-level, disallowing impartiality from the court authority and eroding civilians’ trust in juridical institutions to keep them safe outside of its ideology. When reading the two artifacts in tandem, one can trace a persistent, ever-developing gap between formal legal promises and substantive legal practices.

⁵² Ismail Badiou, Hoxha, Enver, “Speech to the Constituent Assembly on the Presentation of the Resignation of the Government,” *Marxists Internet Archive*, (2010).

⁵³ Ismail Badiou, Hoxha, Enver, “Speech to the Constituent Assembly on the Presentation of the Resignation of the Government,” *Marxists Internet Archive*, (2010).

⁵⁴ Enver Hoxha, “Draft - Constitution of the People’s Socialist Republic of Albania” *Albania Today*, (1976).

⁵⁵ Hoxha, “Draft - Constitution of the People’s Socialist Republic of Albania,” n.p.

⁵⁶ Hoxha, “Draft - Constitution of the People’s Socialist Republic of Albania,” n.p.

⁵⁷ Hoxha, “Draft - Constitution of the People’s Socialist Republic of Albania,” n.p.

⁵⁸ Hoxha, “Draft - Constitution of the People’s Socialist Republic of Albania,” n.p.

This gap becomes significant, as it can show that neither document functioned as a legitimate rule-of-law substitute which might have displaced the Kanun's authority. Instead, one can see that the state achieved an institutional vacuum dressed in legalese and enforced through state-sanctioned violence.

This trajectory complicates the application of Swenson's typology to the Hoxha period. Combative pluralism requires the denial of the other's right to exist altogether. Hoxha's regime pursued combative-level coercive force against the Kanun's material practices, but the courts' differential treatment of Kanun-driven killings may suggest that the state's legal praxis was unable to deny the Kanun's causal reality, even if it was actively working to eliminate its expression in the social sphere. Therefore, the Hoxha regime is best categorized as combative in method, while remaining unable to escape an implicit acknowledgement of a normative order that exists outside of state paternalism. Even when a regime approximates Swenson's most confrontational archetype, closing the space for legal pluralism requires more than suppression of practices.

The vacuum left by Hoxha's totalitarian dictatorship explains why the Kanun's underlying logic was able to survive, even if its practice all but vanished in his near five-decade rule. Since the state could not offer a substitute in its place, and Kanun's norms remained in the generational consciousness, *gjakmarrja* was bound to relapse when the threads holding its prohibition together loosened. Only the gap between forceful suppression and a mentality that lingered – described as persisting orally for forty-five to fifty years before reconcilers began intervening after 1990 – could explain the speed and force with which *gjakmarrja* re-emerged in the years following the regime's collapse.⁵⁹

3.4 Post-Communist Transitions, Reforms, and Distortions of the Kanun

The Hoxha regime's collapse removed, seemingly instantaneously, the mechanism of force that had been keeping *gjakmarrja* out of sight. This also meant a reversion from the combative archetype Hoxha had pursued, back to the competitive condition that had characterized every prior period of state weakness. Once again, nonstate authority asserted jurisdiction which was without contest by a state barely intact.

The transition years brought forward an annihilation of the institutions Hoxha's state had erected, however hollow these structures had been. Judicial authority and their courts ceased to function and were overburdened, the rigid police state collapsed alongside the broader breakdown of the centralized government, and the 1997 Pyramid-Scheme Crisis pushed what remained of formal governance capacity into a free-fall crisis.^{60 61} Into this institutional vacuum, families in the north needed to return to the Kanun – as it was the only locally-legitimate mechanism of dispute resolution that still stood. As a result, blood-feuding surged. Whether *gjakmarrja* was enacted to remedy a generational conflict, or to avenge relatives who got

“It was 1997, and anarchy reigned in Albania.”

Nikoll Marku, 83, is serving a 25 year prison sentence after retaliating for the killing of his son, who was murdered by a neighbour over a tree branch that protruded onto their property. He recalls government inaction and the neighbour's lack of willingness to reconcile.

Through his story, it can be inferred that distortions of the Kanun did not always equate to needless escalation – in his case, it meant restraint. He recalls that “I should have killed his 16-year old son [according to the Kanun] but I spared the child.”

⁵⁹ Aleksander Bojaxhi, in discussion with the author, Tirana, AL, July 2026.

⁶⁰ Adelina Nexhipi, Nexhipi, Erjon, “From Reforms to Ruin - The Pyramid Schemes Crisis and its Impact on Albania's Transition,” *The Journal of European Economic History* 54, no.2 (2025): 43-86

⁶¹ Vincenzo Mattei, “Albania: The dark shadow of tradition and blood feuds,” *Al Jazeera*, (2016).

caught in the crossfire of the financial crisis, it was clear that the suppression created a relapse for the blood-feuds.⁶² As per the argument advanced earlier, the resurgence of blood-feuding is the predictable consequence of the totalitarian government which forbade material practices of the Kanun, while never attending to the intangible normative logics that fuelled its use. Once the coercive force sustaining the suppression broke down, no other power with a monopoly on violence remained to prevent the mentality preserved beneath four decades of brewing tension.⁶³

Mhili Zefi, 50, lives in isolation after an entanglement in two feuds: the first inherited from his father two decades ago, now nearing resolution through a council of elders, and a second opened in 2009 after a dispute with a different family. Even as the first nears its end, the second keeps him confined.

“The wound is still bleeding for the other family,” he says, “My children know they have to keep an eye when walking around in the streets.” The burden rests on Mhili’s wife, who works double-shifts to sustain the four families entangled across both feuds. Despite hiding for twenty years, Mhili’s future seems uncertain. He is mandated only one hour of time outside under an informal truce. And even that freedom is limited, since employment remains closed and precarious to anyone marked by a blood-feud.

What has reemerged since the early 1990s is inconsistent with a clean-cut restoration of the Kanun. Returning to the gjakmarrja laws from earlier, §898 and §899’s restriction of liability has been overwritten by contemporary practices, widely documented as extending targeting beyond this narrow, individually culpable class. This means kin – women and children – and guests of the home can be implicated in a blood-feud, even if it was traditionally forbidden.⁶⁴ Post-communist practice has also, in many cases, abandoned the proportionality ceiling in §901, with revenge acts surpassing the temporal requirements to reconcile.⁶⁵ ⁶⁶ What results are blood-feuds that go from days to years to resolve.

The state’s most direct legal response to this resurgence came only in 2013, when Albania’s revised Criminal Code formally criminalized

blood-feud murder as an aggravated offense carrying up to a 30-year sentence.⁶⁷ A further judicial reform effort followed in 2016, aimed more broadly at strengthening the independence and capacity of the courts.⁶⁸ If both reforms are taken at face value, they represent a clearer legislative directive than previous historical attempts.

The World Justice Project’s Rule of Law Index offers a means of testing whether either reform produced durable institutional change. The WJP sub-factor scores measure granular aspects of a nation’s overall legal performance – including violence to redress grievances, criminal investigation capacity, access to civil justice, and corruption in the criminal system and judicial branch. These scores are drawn from how citizens and legal professionals experience the system in practice, rather than from what the criminal code may promise on paper. I hypothesize that if the 2013 and 2016 reforms had resolved the

⁶² Merita Meçe, “Living in uncertainty: Resurgence of blood feud in Albanian post-socialist society and its consequences on children and young adults,” *Contemporary Readings in Law and Social Justice* 9, no. 2 (2017): 28-38, doi:10.22381/CRLSJ9220172

⁶³ Andi Balla, in discussion with the author, Tirana, AL, July 2026.

⁶⁴ Edlira Baka Peco, “Blood-Feud - Internally Displacing Because of Life Security Threat,” *Mediterranean Journal of Social Sciences* 5, no.4 (2014): 509-515.

⁶⁵ Peco, “Blood-Feud - Internally Displacing Because of Life Security Threat,” 511.

⁶⁶ Vincenzo Mattei, “Albania: The dark shadow of tradition and blood feuds.”

⁶⁷ Government of the United Kingdom, “Country policy and information note: blood feuds, Albania,” UK Immigration and Visas, (2024).

⁶⁸ George Wilson, “Country Report: Albania - 2016 Reforms,” *Stanford Law School and Policy Lab*, (2021-2022): 1-10.

structural conditions enabling the Kanun's resurgence, these sub-factor scores should show a sustained rise following each reform and hold that gain over time:

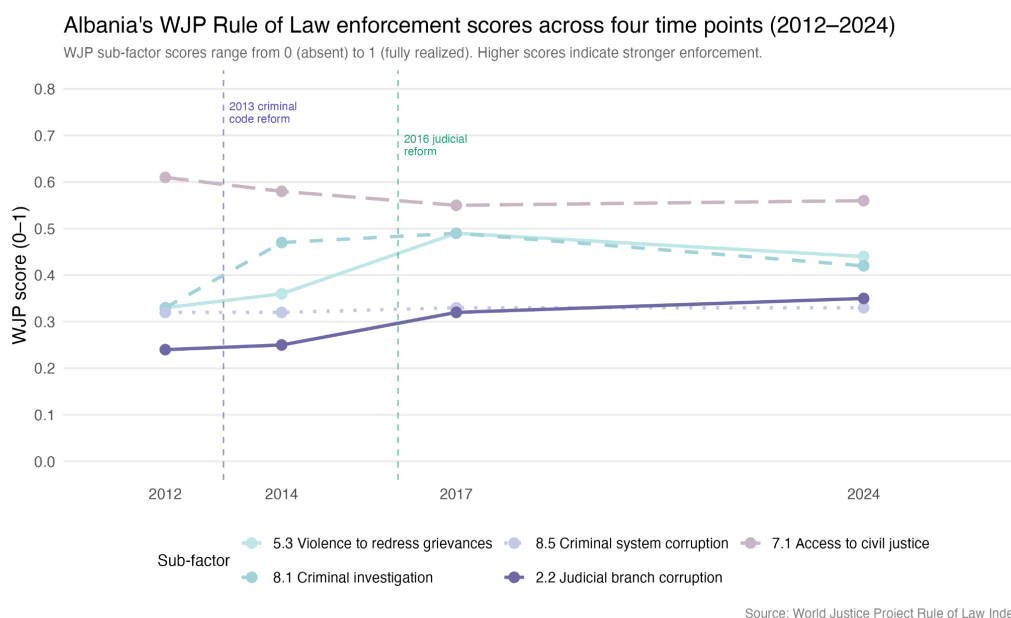


Figure 2. Most positive WJP sub-factors peak in 2017 and decline by 2024, and the inverse is true for negative scores. Neither reform – whether specifically focused on the blood-feuds or broader judicial issues – resolved the structural conditions enabling the *Kanun* to persist.

Instead, when the data is visualized, it shows closer to the opposite pattern. Violence to redress grievances and criminal investigation capacity climbed through the years surrounding the 2016 reform, but by 2024 they were in decline again. Access to civil justice follows an even starker pattern. There is an observable decline in 2012, before flattening rather than recovering. Criminal system corruption registers almost no movement at all across the twelve-year window regardless of either reform. Only judicial branch corruption seems to have improved, but even its trajectory is lagged and unclear whether it shows continuity attributable to either reform specifically.

Figure 2 shows how patterns this paper has traced throughout regimes continue to occur. Reform efforts that produce a temporary peak in enforcement capacity are evidence of formal legal commitment unaccompanied by practical implementation. Promissory language is not enough. Regardless of their stated ambitions, neither the 2013 criminal code reform nor the 2016 judicial reform resolved issues of legal pluralism with the Kanun and the state. Formal law has, once again, outpaced formal capacity, and formal capacity has once again failed to override the customary order operating beneath it.

3.5 Legal Pluralism and the Limits of State Authority in Governing Gjakmarrja

The preceding sections have traced a persistent gap between what Albanian law has sought to do, and the empirical effect across more than a century. As established, the legal theory-to-practice gap in governing gjakmarrja remained even after the dictatorship fell. The gap has been measured directly rather than only narrated. *Figure 3* presents an original *de jure-de facto* coding scheme, developed for this paper.⁶⁹ This coding scheme scores the Albanian Criminal Code's legal provisions against

⁶⁹ Refer to Appendix A for details on weighted scaling for the interpretive coding scheme.

blood-feud-related conduct, alongside the corresponding empirical enforcement scores drawn from the World Justice Project’s (2024) Rule of Law Indices used in *Figure 2*.⁷⁰

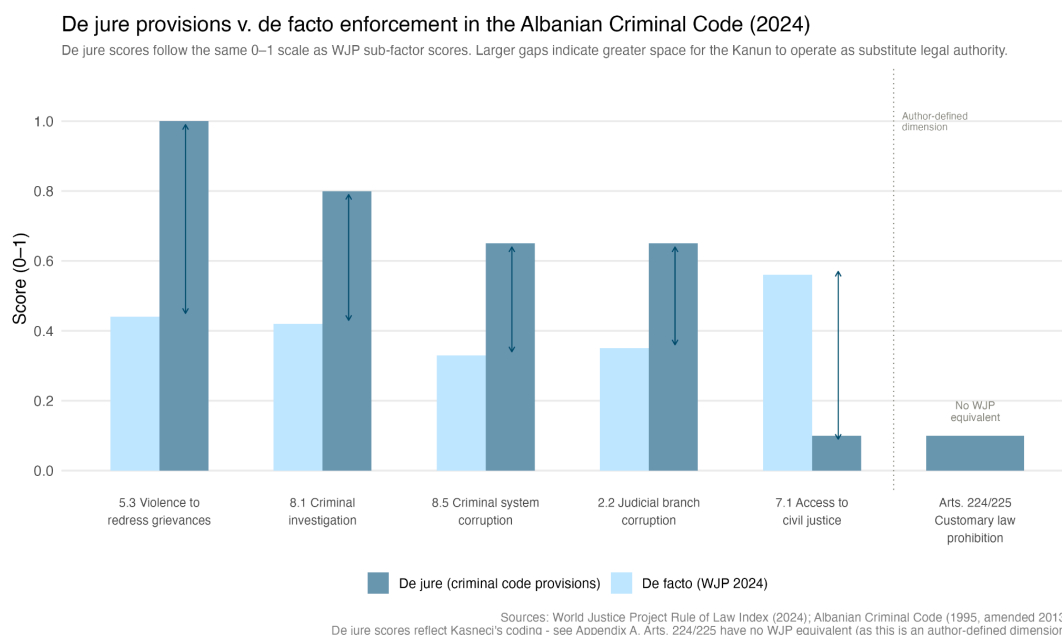


Figure 3. The gap between each pair of bars is the enforcement deficit. A larger gap between *de facto* and *de jure* indicates greater space for the Kanun to operate as a substitute legal authority. See Appendix A for *de jure* scoring justifications.

Instead of relying on governance indices as proxies for the state’s general institutional capacity, *Figure 3* isolates the specific legal terrain of the blood-feuds, its cognate offenses, its formal criminalization, and the lived enforcement of such criminalization. The pattern across every comparable dimension is consistent with this gap.

One dimension appears as an outlier, one which requires attention. On access to civil justice, the relationship between the *de jure* and *de facto* inverts. The Criminal Code’s score falls to only 0.10, whereas the empirical, *de facto* score rises to 0.56. This is the only instance across the entire coding scheme where lived practice outperforms formal code. What can be interpreted from the inversion is that legal pluralism lives between this gap, as it shows how the state does not have a grasp on civil mediation. Even though the Criminal Code makes no clear provision for civil avenues through which feuding families might resolve disputes, citizens’ access to some functioning mechanism of civil dispute resolution is measured much higher than anticipated. The likeliest explanation for this phenomenon may be that individuals access organizations that administer justice outside of the state’s channels as a way of empowering themselves when the state has backlogs, or fails to grasp the public’s trust.⁷¹ Some examples of alternative means of attaining justice are through reconciliation organizations and their designated mediators, elders, and extra-legal social services.

⁷⁰ World Justice Project, “WJP Rule of Law Index 2024,” *World Justice Project*. (2024): <https://worldjusticeproject.org/rule-of-law-index/global/2024>

⁷¹ Stephen Golub, “Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative,” *Carnegie Paper* 41, (2003): 1-52.

The Nationwide Committee of Reconciliation, the leading body coordinating reconciliation efforts, reports 270 families currently entangled in active blood-feuds.⁷² This figure is smaller than Korngold's (2016) cumulative estimate of over 1000 post-communist feuds, but it is still consistent with the Committee's account of feuds ending over time through reconciliation or emigration.⁷³ Among the 270 families, 151 children who do not attend school have relocated to urban centers under assumed identities to avoid detection. Reconciliation, and where it succeeds, proceeds outside of state channels. The Committee has adopted a process whereby the state is left out – due to the fact that mediation by-design “is strictly a traditional process.”⁷⁴ Even where the state has already begun prosecution, families often pursue reconciliation in parallel to mitigate sentencing outcomes. This is evidence that customary and formal authority are being strategically navigated by families choosing between them.

Notably, the Committee reports that EU membership prospects have not altered the lack of institutional trust. The practice of blood-feuding ends only through reconciliation or emigration, “thereby preventing the victim's family from locating the family liable for the blood debt.”⁷⁵ Families reconcile according to the Kanun, in the Committee's words, “while the state is viewed as a mechanism corrupted by a deep-seated graft.”⁷⁶

In applying Swenson's typology, one can see how competitive legal pluralism becomes a signature of the Albanian state's struggle to rid of *gjakmarrja*. Although Swenson's model does not predict that a weak state simply fails to enforce its laws uniformly, it does predict that where two systems maintain independent, locally legitimate claims to authority over the same territory, the state's formal choices become part of the terrain where competition lives on.⁷⁷ The Criminal Code's 1.0 score on violence and its 0.10 score on customary-law prohibition express the same underlying strategy, whereby the state has consistently found it easier to punish *gjakmarrja*'s violent consequences after the fact rather than using preventative measures to dispel the ever-lasting mentality left by the Kanun.

Conclusion

This study has set out to answer a specific inquiry concerning the persistence of blood-feuds despite multiple kinds of regimes in power. The answer can be seen in the gaps between the state's idealized policy and the policy's actual impact. Across time, each failure took a distinct shape. Early Albanian statehood failed in the absence of any central authority – furthered by diplomatic stalemates, struggles to achieve operative jurisdiction, and, consequently, no monopoly on force. Zog's regime failed by resource constraints, where prohibition existed but enforcement did not. The state could not penetrate rural, acephalous communities, leaving “true-to-text” blood-feuding to persist as a parallel social order. Both the Italian occupation and the Hoxha dictatorship failed to build reliable rule-of-law infrastructure. Even though blood-feuds halted, the impermanence of their power structures left a vacuum once the dictatorship inevitably fell apart. The post-communist state failed by its omission to include civil-justice mechanisms under the umbrella of the state as part of its reforms. Even though a severe criminalization may deter, it will never, as this research has demonstrated, amount to the equivalent of confronting why these practices persist at the root.

⁷² Gjin Marku, in discussion with the author, Tirana, AL, July 2026.

⁷³ Korngold, “Gjakmarrja as Conflict, the Potential for Informal Peace Education, and Transforming Attitudes in Albania,” 3.

⁷⁴ Gjin Marku, in discussion with the author, Tirana, AL, July 2026.

⁷⁵ Gjin Marku, in discussion with the author, Tirana, AL, July 2026.

⁷⁶ Gjin Marku, in discussion with the author, Tirana, AL, July 2026.

⁷⁷ Swenson, “Legal Pluralism in Theory and Practice,” 444-445.

Across every regime examined, Albanian state authority has struggled to close the gap between what the law claims and what its institutions deliver. As I have argued, the Kanun's survival across more than a century of rapid regime change is a story of how repeated criminalization of a phenomenon will not remove its existence, so long as the conditions for why the violence occurs remain legitimate. So long as the state legislates around legal pluralism rather than through it, legal pluralism will persist in the spaces where the state struggles to reach.

Future inquiries may extend the legal pluralism framework comparatively to Kosovo and Montenegro, where customary law follows related but distinct trajectories under their own post-conflict transitional states. In drawing comparisons, they can be used to test whether the gap between promise and practice can be generalized beyond the case of Albania. I offer the *de jure-de facto* interpretation with caution, understanding that further replication is required.

One inquiry specific to the Albanian case merits careful attention beyond a comparative extension. An account of gjakmarrja's pre-1945 institutional structure eroding into an unstructured "reality you could not choose" after 1990 suggests the post-communist distortion this paper has traced may reflect the specific loss of the Kanun's own regulatory apparatus for managing feuds once they began. If it is acceptable to refer to the Kanun as an institution, future research warrants more investigation to see how an anarchic "institution" devolves into an anarchy of its own. Future research must confront why the Kanun failed to fully reconstitute its own historical capacity for self-limitation after 1990.

This study's findings also point toward a different way of conceptualizing beneficial policy for the Albanian case. Of Swenson's five strategies for engaging a non-state justice sector, this paper's regime-by-regime analysis has documented how the Albanian state has relied on repression primarily. Zog's suppressions, the Italian addendum's harsher penalties, Hoxha's brutality, and the 2013 reforms were all efforts to eliminate the Kanun's authority outright. Notably, Swenson's framework identifies repression as least likely to succeed in isolation, since repression "alone, even when backed by force, is unlikely to be sufficient for the state to consolidate a monopoly on legal authority" absent an accompanying source of legitimacy.⁷⁸ Instead, I propose the use of a *harmonization* approach, engaging the reconciliation bodies directly with the state, without requiring the state to legitimize gjakmarrja itself. This approach could introduce a level of subsistence and mutual dependence between state and civil justice organizations, while also not bleeding the state of all of its capacity. This is a tool that the Albanian case has yet to test, and should be implemented as a way to break the cycle of repression that has not proven effective for over a century.

⁷⁸ Swenson, "Legal Pluralism in Theory and Practice," 448.

Appendix

A. *De Jure Interpretive Coding Scheme and Scores*

A(1) Scoring Equation

Each criminal code dimension d is assigned a *de jure* score using the following weighted additive equation:

$$S_d = \sum_{i=1}^4 w_i c_i = 0.10c_1 + 0.35c_2 + 0.35c_3 + 0.20c_4$$

$S_d \in [0,1]$ is the *de jure* score for dimension d

$c_i \in \{0,1\}$ is a binary criterion score (1 if criterion is met, 0 if not)

w_i is the weight assigned to criterion, subject to $\sum_{i=1}^4 w_i = 1$

No *de jure* coding scheme exists for the Albanian criminal code for my specific research inquiry. This lack of data makes it exceedingly difficult to analyze governance strategies against the blood-feuds, as the problem of ineffective governance is an implementation gap as much as it is a design issue. Thus, it was necessary to create an interpretive coding scheme that could directly parallel the *de facto* component of Figure 3, if I wanted to display the implementation gap as it exists.

A(2) Criteria and Weights

<i>Criterion</i>	<i>Symbol</i>	<i>Weight*</i>	<i>Rationale</i>
<i>Does the provision exist?</i>	C_1	0.10	A threshold condition – necessary but not sufficient for effective governance.
<i>Is the provision specific to the blood-feuds?</i>	C_2	0.35	Addresses state failure to distinguish customary violence from ordinary violence, central to the legal pluralism argument.
<i>Does the provision mandate prosecution?</i>	C_3	0.35	Addresses primary enforcement failure mode. Discretionary non-prosecution in communities where the Kanun has authority.
<i>Are there enforcement mechanisms or penalties in the provision?</i>	C_4	0.20	Supports formal deterrence theory, weighing is reduced due to the overlap with the third criterion

* The relative weighting of each criterion is dependent on resolving whether there is a deficit between the law's provisions and their actual enforcement in the WJP sub-factors.

A(3) Article Scoring and Dimension Aggregation Coding Table

Dimension	WJP sub-factor	Relevant article(s)	C_1	C_2	C_3	C_4	S_d	<i>De facto</i> (WJP 2024)
Order & security	Violence to redress grievances (5.3)	Art. 78(a) (blood-feud murder, 2013) Art. 83 (homicide in excess of self-defence) Art. 83(a) (threat to blood revenge, 2001) Art. 83(b) (incitement to blood-feud, 2007) Art. 300 (failure to report a crime) Note: Arts. 20 and 24 create potential liability exemptions – see footnote *	1	1	1	1	1.00	0.44
Criminal justice	Criminal investigation effectiveness (8.1)	Art. 78(a) (blood-feud murder, 2013) Art. 79 (murder under qualifying circumstances) Art. 300 (failure to report – family exemption limits investigation reach)	1	1	1	0	0.80	0.42
Criminal system corruption	Criminal system free of corruption (8.5)	Art. 319 (active corruption of judges/prosecutors) Art. 319(ç) (passive corruption of judges/prosecutors)	1	0	1	1	0.65	0.33
Judicial corruption	Judicial branch corruption (2.2)	Art. 244 (active corruption of public officials) Art. 319 (active corruption of judges/prosecutors) Art. 319(ç) (passive corruption of judges/prosecutors)	1	0	1	1	0.65	0.35
Civil justice	Access to civil justice (7.1)	Missing feud-specific civil provision***	1	0	0	0	0.10	0.56
Customary law prohibition	No direct WJP sub-factors – author defined dimension**	Art. 224 (founding unconstitutional associations) Art. 225 (distribution of unconstitutional writings)	1	0	0	0	0.10	<i>N/A</i>

1 = criterion met

0 = criterion not met	See A.2 for relative weights
* Article 20 (extreme necessity) and Article 24 (voluntary relinquishment) are general criminal liability defenses not specific to blood-feuds. They are excluded from coding scores but noted as potential legal ambiguities – as in, either provision could, in principle, be invoked by a defendant to contest criminal liability in a feud killing, partially undermining the otherwise strong Order and Security score.	
** These provisions formally prohibit unconstitutional organizations and writings but have never been applied to the Kanun or <i>gjakmarrja</i> practice by Albanian courts. The Kanun has no formal organizational structure or centralized distribution network, making Arts. 224-225 structurally inapplicable to customary law as a diffuse social practice. The state's non-application of these articles to the Kanun represents a deliberate legal pluralism – criminalizing the violent manifestations of the Kanun (Arts. 78(a), 83(a)(b)) while tolerating it as a cultural system. No WJP sub-factor directly measures this dimension; it is included as an author-defined legal pluralism indicator.	
*** General tort law applies by default; Art. 300 family exemption further limits civil reporting pathways	

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