

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

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RESEARCH PUZZLE

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.

METHODOLOGY

Theoretical Framework: Legal Pluralism Theory, and its typological applications developed by Swenson (2018)

Research Design: Concurrently embedded mixed-methods design

Qualitative Methods:

- *Theory-testing Process-tracing:* applying the role of Legal Pluralism Theory as a bridge into understanding the Albanian case of governing blood-feuds.
- *Semi-structured organizational and expert interviews:* reconciliation organizations, journalists, geographers, academics.
- *Primary document analysis:* constitutional texts, archives, addendums, court files.

Quantitative Methods:

- *Time series analysis:* five-political period regime analysis, and a reform-effect analysis.
- *Interpretive document coding:* measure post-communist criminal codes legal promise v. praxis in governing blood-feuds and alternative legal systems, using an interpretative coding scheme with relative weighting.

Datasets Consulted:

- **V-Dem Judicial Constraints Index** – *v2x_jucon* (1912–2025)
- **World Justice Project** – Rule of Law Indices

Limitations:

- **Data void:** lack of existing data on the blood-feuds, where it does exist are loose estimates.
- **Interpretive applications:** for the *de jure-de facto* coding scheme, would need replicability of the scheme in other countries to show generalizability.

LIMITATIONS OF REFORM

Albania has enacted two major promissory reforms, the **2013 criminal code reform** and the **2016 judicial reform**.

The 2013 reform was the most direct confrontation of blood-feuds, formally criminalizing the practice for a sentence of up to 30 years in prison.

The second reform in 2016 was focused on eliminating corruption in the Albanian judiciary. Public mistrust of institutions has been problematic in terms of individuals seeing the state as an effective means for dispute-resolution and justice. In enacting this reform, the government hoped to dissuade notions that going through formal channels of justice was fruitless for the average citizen.

In measuring the **WJP's Rule of Law index**, (namely Violence to redress grievances, judicial branch corruption, criminal system corruption, criminal investigation, and access to civil justice), across these political points, one could trace tangible improvements. However, these reforms did not yield sustained positive change – only stagnations or even further deterioration.

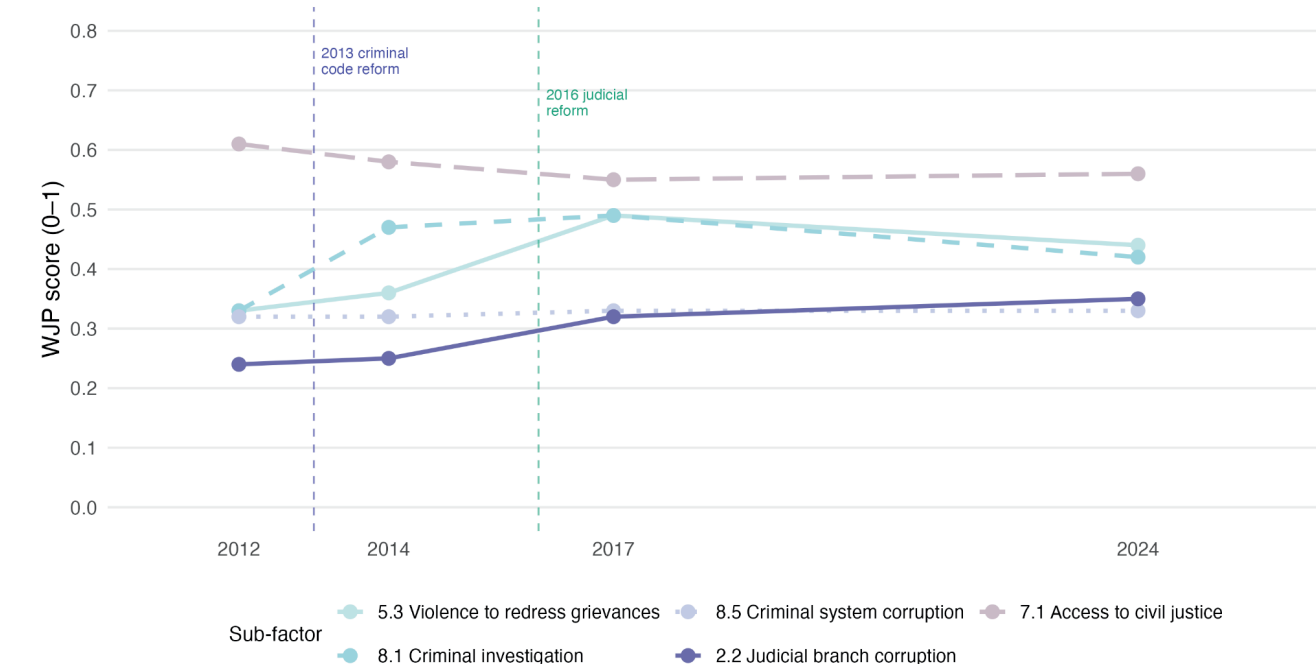


FIGURE 2. WJP RULE OF LAW ENFORCEMENT SCORES ACROSS FOUR TIME POINTS.

DE JURE PROVISIONS (THE IMAGINED) V. DE FACTO ENFORCEMENT (THE ACTUAL)

Throughout Albanian history, there has been an evident gap between the **imagined** legal system, and the **actual** legal system. In tracing the Criminal Code's theoretical provisions and the actual enforcement of said provisions, one can see precisely where the state is failing in governing issues of pluralism.

Figure 3 isolates the specific legal terrain of the blood-feuds, scores them on a weighted additive scale of 0–1, and matches specific laws to given WJP Rule of Law dimensions to see how far the legal code is from being actualized. The gaps are where improvements live, where the state should consider correcting its course in potential overhauls or resource allocation. Almost all dimensions are consistent with the de jure-de facto gap that is propelled by the arguments in the five-period analysis and limitations of reform sections.

Where the pattern is not consistent is the measurement of the Criminal Code provisions against the access to civil justice index. Here, we see that the “actual” access to civil justice is outperforming the “imagined,” suggesting that, once again, **the methods in which people search for justice avenues exists outside of state channels**. This is compelling, because it shows that mistrust of institutions, bureaucratic backlogs, and state incapacity can further fuel legal pluralism in the Albanian case.

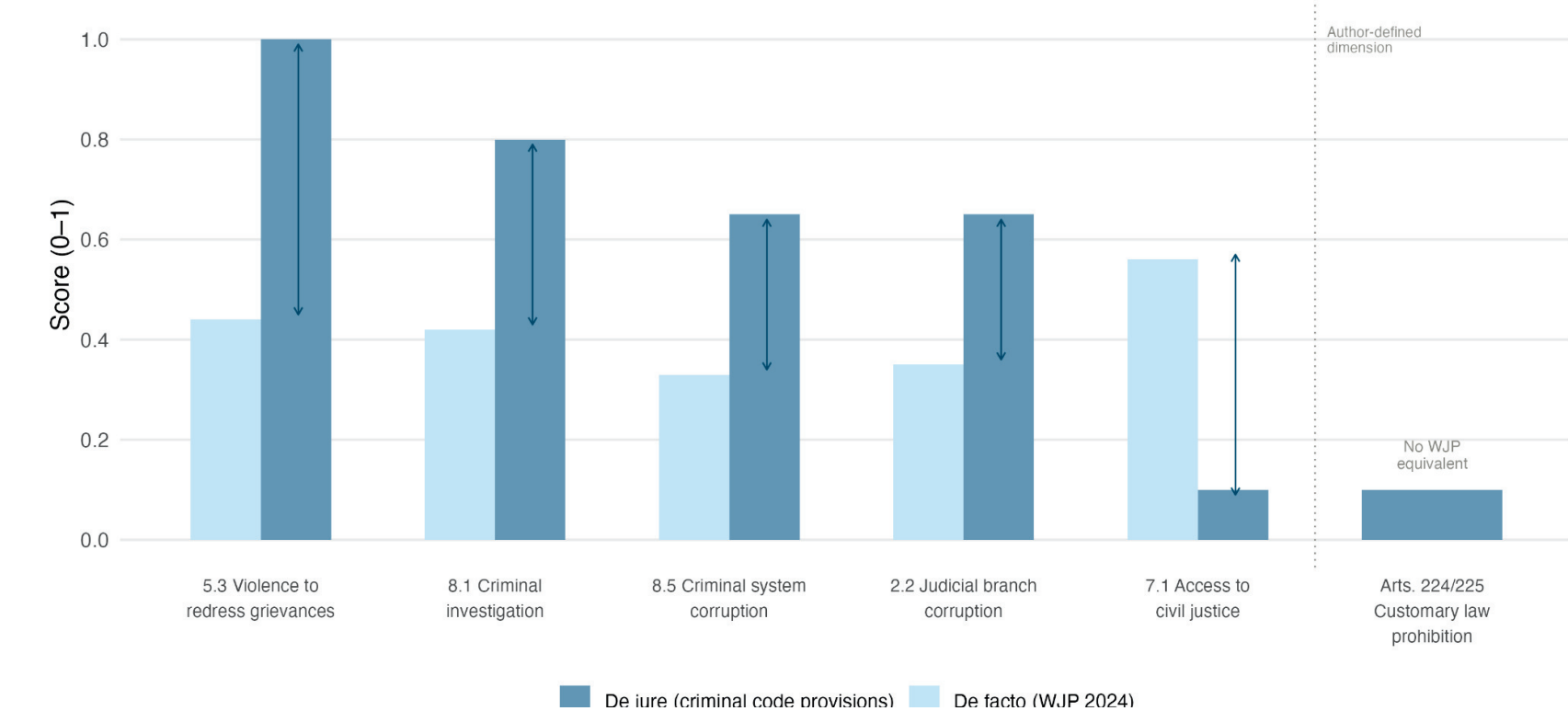


FIGURE 3. DE JURE PROVISIONS V. DE FACTO ENFORCEMENT IN THE ALBANIAN CRIMINAL CODE.

FIVE-PERIOD ANALYSIS

Early Albanian Statehood → Competitive Pluralism

Zog Regime → Competitive Pluralism

Italian Occupation → Combative Pluralism

Hoxha Regime → Combative Pluralism

Post-Communist Transitional State → Competitive Pluralism

What does this tell us? The Albanian state has yet to attempt other approaches towards confronting legal pluralism aside from repression. Sometimes this repression succeeded, other times it failed. This is due to the dependence on state capacity and resources at the state's disposal at the time of governing the presence of alternative justice systems. Simply put, repression is not sustainable and does not displace the underlying logics of the Kanun, allowing it to continue when that repression inevitably falters.

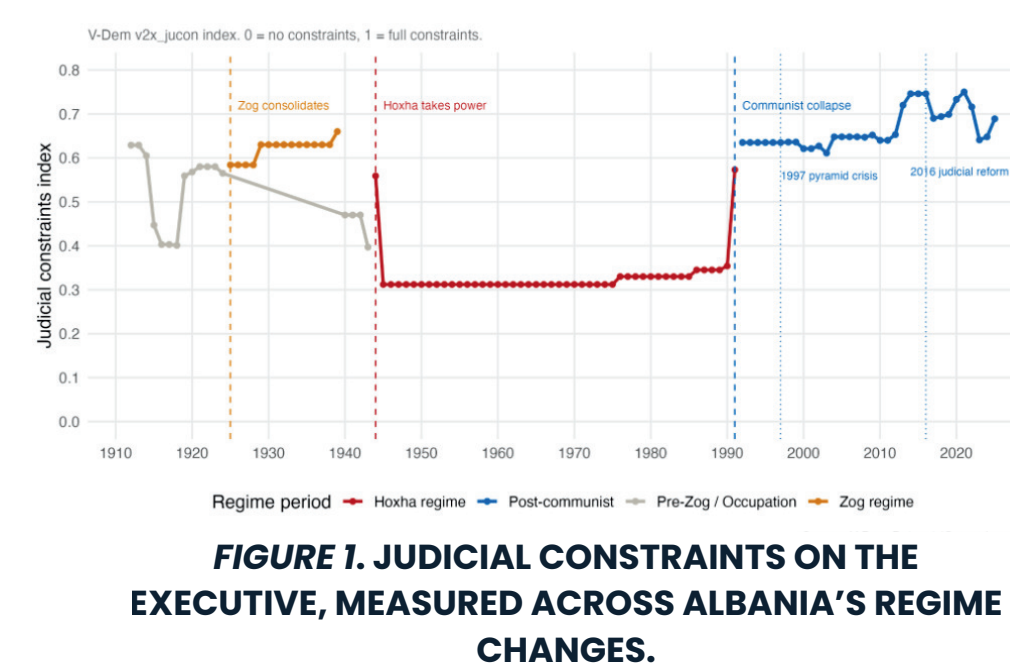


FIGURE 1. JUDICIAL CONSTRAINTS ON THE EXECUTIVE, MEASURED ACROSS ALBANIA'S REGIME CHANGES.

CONCLUSION

Future inquiries should be directed towards...

- **Replication.** This study should be extended outwards, outside of the Albanian case to further theory-test the efficacy of a de jure-de facto interpretation.
- Substantiating the **Kanun-as-institution claim**, especially as a way of better understanding customary legal institutions as fluid and changing depending on social circumstance.

Policy recommendation...

- The Albanian government must move towards a **harmonization** strategy instead of repression when handling legal pluralism. This means engaging reconciliation bodies directly with the state, without requiring the state to legitimize *gjakmarrja* itself. This strategy is more useful for the Albanian case because it is not contingent on utilizing excess resources, but relying on capacity that the state already has.

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LINKEDIN

