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Socio-Cultural Influences and Legal Evolution in Albania: Unravelling The Status of Women from Kanun to Communism and Democracy and Persistent Gender Gaps

Women in the Kanun: Codified Subjugation

Before the establishment of the communist regime, women's lives in many regions of Albania were governed by the Kanun of Lekë Dukagjini, a custom legal code orally transmitted and later transcribed. The Kanun upheld a profoundly patriarchal vision of society, where women occupied a subordinate position from birth. Considered the property of men, first the father, then the husband, women had few rights and many duties. Marriages were often arranged, and the wife's role was closely tied to procreation and domestic management. Women could not inherit property or participate in public life. The notion of family honour was linked to the control of female sexuality, and transgressions, even suspected ones, could be punished severely, including through honour killings. While exceptions such as "sworn virgins" (women who assumed male social roles for family reasons) existed, these figures confirmed the system's rigidity rather than reflecting real openness to equality.

The Kanun of Lekë Dukagjini was applied among the Catholic population in Northern Albania from the 15th century. However, the laws attributed to Lek Dukagjini are evidently much older, possibly dating back to the time of the bronze-armoured warriors buried in prehistoric tombs (Durham, 1990, s. 80). Amid the rugged and wild northern mountains, interspersed with

deep valleys and bordering a narrow strip of flat land, the Kanun came to life, considered a worthy heir of the Gospels and the Quran, to the point that it "prevailed over the Ten Commandments of the Bible. The teachings of Islam and Christianity, the laws of Sharia and of the Church, all had to submit to the Kanun of Lekë Dukagjini" (Durham, 1990, s. 116).

The mountain Albanians always lived armed, almost in a state of nature, and were more capable of preserving actual independence even under Ottoman rule. He knew how to safeguard his religion, even though it was often contaminated by archaic elements that survived over time (Villari, 1940, s. 23).

Their life, based on freedom and internal equality within the group, rested on collective landownership, considered inalienable and indivisible. Popular assemblies, held in churchyards or at ancient shrines, involved armed men sitting in circles following an archaic but orderly ritual (Villari, 1940, s. 24).

In this system, women's roles were strictly limited. The Kanun states: "According to the law, the woman has no legal personality. She is not accepted: as judge; as informer; as juror; she has no vote, no place in assemblies; she does not inherit from relatives or husband; she is not subject to vengeance; she is accepted as mediator" (Kanun, § 1227).

The article's detailed analysis demonstrates women's complete exclusion from political, legal, and community representation processes. Even where they could play functional roles – such as mediators – they remained devoid of any formal authority. Only marginal figures like "sworn virgins" enjoyed some exceptions, but always within a profoundly patriarchal system (Kanun, § 1228).

Despite this formal exclusion, women played an essential role in daily life. They were responsible for household tasks but also for agricultural labour. "[...] You see them on the road, carrying water barrels on their shoulders or firewood. They weave linen and knit, creating with their hands the beautiful traditional clothes for their men" (Durham, 1990, s. 132). In the mountain society, women were simultaneously workers, hearth keepers, and hospitality guarantors – a central figure for the survival of both family and community (Doçi, 1996, s. 14).

This ambivalence – formal exclusion but substantial responsibility – foreshadows the tensions that would re-emerge in subsequent regimes. The misogyny codified in the Kanun was not immediately erased by political change; in fact, it continued to profoundly influence the collective imagination and family structure.

Women under Communism (1945–1991): Between Emancipation and Conformism

During the communist regime led by Enver Hoxha, Albania undertook a radical social transformation project that prominently included the formal emancipation of women. The legal system abolished patriarchal codes such as the Kanun – a set of customary norms that fully subordinated the female figure to male power – and recognised equal rights for women in marital, inheritance, and property matters. The 1976 Constitution formally enshrined gender equality, while state policies actively promoted the inclusion of women in all areas of public life. Education became universal and mandatory, and women were rapidly integrated into the labour market, particularly in education, healthcare, and light industry. Official discourse celebrated the image of the socialist woman: tireless worker, devoted mother, party companion, and a foundational element of the new collectivist society. Literacy and rural mobilisation campaigns were often led by female cadres, symbolising the regime's commitment to equitable female participation in national development (Qosja, 1998).

However, this façade of progress concealed numerous structural and psychological contradictions. Although women accessed professions and public spaces in unprecedented numbers, they remained bound to traditional domestic expectations. The so-called "double burden" – a full working day followed by unpaid domestic labour – became the silent norm of the female condition. Gender studies, such as those by Silvia Federici, highlight how unpaid care work constitutes a systemic form of female exploitation, and this applies even to communist regimes that formally proclaimed equality (Federici, 2014). In Albania, this dynamic was acutely evident in both rural and urban families, where changes in public roles did not correspond to a redistribution of domestic power.

Feminist thought, when deviating from party ideological orthodoxy, was suppressed as petty-bourgeois deviation or a manifestation of bourgeois individualism. State-sponsored women's organisations, such as the Albanian Women's Union (Bashkimi i Grave të Shqipërisë), functioned more as ideological megaphones of the Party of Labor than as instruments of actual structural change. These bodies were engaged in mobilisation, ideological education, and monitoring of women's moral behaviour, but rarely questioned the patriarchal assumptions underlying family organisation or implicit social hierarchies.

Psychologically, many women experienced a deep internal conflict. Social psychology speaks of cognitive dissonance: women were encouraged to assume new public and productive roles while still being bound to traditional private obligations, producing a fracture between imposed identity

and lived reality. Community psychology, on the other hand, suggests that the regime's collectivist and top-down approach – in which the individual was subordinated to the group and the party – stifled authentic bottom-up empowerment, preventing the formation of an autonomous and reflective female subjectivity (Prilleltensky, Nelson, 2002, s. 55–57). Even individual narratives were channelled into a pre-established political language, reducing female experiences to symbolic functions.

Women's voices were thus present in public discourse but rarely autonomous or critical of the system. The hegemonic, patriotic, and productivist language marginalised relational, emotional, and personal concerns, relegating these dimensions to the private sphere, often pathologised as "female weakness". It is not surprising, then, that many women, despite achieving unprecedented levels of education and visibility, did not develop a full awareness of themselves as rights-bearing subjects but remained identified with roles imposed from above.

Despite these tensions, the period left an ambivalent but significant legacy: generations of educated women, with increased presence in the public, health, and education sectors, free access to abortion and contraception, and a certain degree of trust in state institutions as instruments of social protection. However, these achievements were often superficial and functional to regime stability, as genuine transformations of power relations within the family and society did not accompany them. Socialist paternalism, while removing formal legal barriers, maintained many symbolic and material mechanisms of subordination. Moreover, the absence of an autonomous critical feminism limited women's ability to negotiate new cultural meanings of gender.

With the fall of the regime and the onset of democracy after 1991, many of the gains achieved proved fragile and difficult to sustain. Market liberalisation, mass unemployment, migration, and economic privatisation disproportionately affected women, leading to a re-feminisation of poverty and the resurgence of patriarchal norms in new neoliberal forms (Pojani, 2006). Furthermore, the fragmentation of the social fabric and the crisis of public services weakened social capital and solidarity among women, making it harder to form independent feminist movements.

In summary, Albanian communism produced a forced and contradictory modernisation of women's conditions: formal but not always substantial emancipation; visible public participation but often without real agency; liberation from the Kanun, but not from patriarchal control logic, merely relocated from the family sphere to the state sphere.

Women in Democratic Albania (Post-1991): New Rights, Old Challenges

The post-communist transition marked a significant turning point in Albania's institutional and social history, introducing pluralistic forms of government, a new Constitution in 1998, independent institutions, and a legal framework progressively harmonised with the European Union's acquis. In this context, women's legal emancipation formally accelerated. The country adopted a series of legislative measures to promote gender equality, including Law No. 9669/2006 "On the Prevention of Domestic Violence", Law No. 9970/2008 "On Gender Equality in Society", and Law No. 10221/2010 "On Protection from Discrimination". These laws aimed to build a legal architecture aligned with international standards on human rights and equality, supported by the ratification of fundamental international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as the adoption of Council of Europe instruments and the EU Gender Strategy.

Gender representation quotas were also introduced to ensure women's participation in political and decision-making processes, with initially positive effects: the number of female MPs in Parliament gradually increased, reaching 33% in 2021. However, studies by UN Women and the Council of Europe indicate that this presence does not always translate into real decision-making power, as many elected women remain bound by patriarchal party logics or are assigned to low-impact positions.

Nevertheless, the implementation of these legal tools has proven inconsistent and often fragmented. Domestic violence remains one of the most widespread forms of human rights violations against women in Albania. According to the 2018 national survey by INSTAT and UN Women, about 1 in 2 women reported experiencing at least one form of violence (psychological, physical, sexual, or economic) during their lifetime, often at the hands of intimate partners. The phenomenon is further exacerbated by social stigma, unequal access to justice, and the lack of preparedness among institutional actors in handling gender-based violence cases. Although shelters and emergency hotlines exist, they are underfunded, geographically limited, and often inaccessible, particularly in rural areas where support structures are nearly absent or heavily dependent on NGOs and international funds.

Economically, women continue to face systemic barriers to equal labour market participation. Wage discrimination, difficulty accessing credit, exclusion from land ownership (especially in rural areas where assets are traditionally registered in the male head of household's name), and lack of accessible care services (nurseries, paid leave, elder care) severely hinder women's ability to achieve economic autonomy. The UNDP 2023 Gender

Inequality Index still places Albania below the EU average in women's economic empowerment, with a score of 0.456 (compared to the EU average of approximately 0.25), indicating significant disparities in economic and political participation.

Moreover, traditional gender roles continue to deeply influence family and social dynamics, imposing a double responsibility on women and limiting their decision-making power both privately and publicly. The patriarchal organisation of the family and the intergenerational transmission of traditional social norms reinforce male dominance, making it difficult to dismantle inherited cultural models.

Social psychology helps explain how implicit biases, cultural prejudices, and intergenerational attitudes silently but effectively obstruct women's advancement in educational, professional, and decision-making spheres. Qualitative studies conducted by UNDP and local NGOs, such as GADC (Gender Alliance for Development Center), show that even among young adults, stereotypical views of gender roles persist, with the concept of "femininity" still anchored in notions of docility, care, and subordination. Educational campaigns aimed at challenging such stereotypes – including school programs and public communication campaigns – have proven essential in reducing social tolerance of gender-based violence and promoting alternative models of masculinity.

Community psychology, on the other hand, emphasises the crucial role of bottom-up movements, participatory processes, and civic activism. In the absence of strong institutional welfare systems, women's networks, local women's councils, informal support platforms, and advocacy initiatives have emerged in recent years as mechanisms of social resilience.

Another transformative factor is economic migration. The absence of male family members due to emigration to Greece, Italy, or other EU countries has led to a reconfiguration of family roles. The IOM (2014) report and subsequent analyses by UN Women (2022) show that, in many cases, Albanian women have had to assume new responsibilities: managing finances, making decisions about children's education, and administering complex social dynamics in the absence of their spouses. This change has led to a silent subversion of traditional gender hierarchies in specific contexts, though not always accompanied by institutional recognition or adequate structural support.

From Legal Frameworks to Cultural Change

Law can impose equality, but alone it cannot erase centuries of cultural conditioning. In this context, social and community psychology offer essential

tools: media campaigns highlighting positive female role models, school-based interventions to deconstruct stereotypes, training programs for public officials, and community awareness activities. At the local level, women's NGOs and community support networks are becoming key elements in protecting and empowering women, especially in rural or isolated areas. Restorative justice – still in its experimental phase – offers a promising approach to family conflicts using culturally sensitive tools that prioritise mediation over punishment.

Conclusion: Between Symbol and Substance

The journey of Albanian women, from systemic subordination codified in the Kanun, through the forced emancipation of communism, to the challenges of modern democracy, is marked by fractures and continuities. Each system offered opportunities but also imposed limits: if the Kanun excluded women entirely, communism included them without genuine autonomy; democracy formally recognises them but does not provide structural support. The challenge remains both cultural and normative: legislative change must be accompanied by deep transformations in social values, education, and institutions. Only through an intersectoral approach combining rights, culture, and social psychology can equality become a lived reality.

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Abstract

This article traces the evolution of women's roles and rights in Albania through three fundamental historical phases: the period governed by the Kanun, the communist regime, and the post-1991 democratic transition. Drawing on legal sources, socio-political transformations, and contributions from psychological and social sciences, the analysis highlights the normative and cultural shifts that have shaped Albanian women's path toward equality. The paper emphasises how each phase has produced different forms of subordination and opportunities, and how law, without profound cultural change, is insufficient to ensure genuine empowerment.

Keywords: Kanun, women's rights, Albanian law, communism, gender equality, social psychology, legal reform

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