



## THE ELITES AND THE MODERN NATION-STATE

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# POLIS

ISSN 2223-8174

No. 18, issue 1/2019

SCIENTIFIC JOURNAL OF THE FACULTY OF HUMANITIES,  
EDUCATION AND LIBERAL ARTS

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The journal has been catalogued at the National Library of Albania and the Library of the European University of Tirana, Albania.

(print ISSN: 2223-8174/ online ISSN: 2223-8174)

polis@uet.edu.al  
www.uet.edu.al/polis



Published by:  
EUROPEAN UNIVERSITY OF TIRANA / ALBANIA

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# *Literary Patronage of the Albanian Vlora Dynastic Family, 1670-1764* \_\_\_\_\_

\_\_\_\_\_ **Genciana Abazi-Egro**<sup>1</sup> \_\_\_\_\_

## **Abstract**

*The powerful Albanian Vlora dynastic family, during the 17<sup>th</sup> and 18<sup>th</sup> century built a cultural and literary patronage system, which was inherited from one generation to the next. This hereditary patronage reflected both, the features of the time and the personality of the powerful members of this family. Hysen Pasha Vlora (d. 1672) demonstrated a new perspective of urban life; he oriented the urban elite towards a new cultural model, which offered strong links with the public, but outside the umbrella of religious institutions. His son Mahmut Pasha (d. 1738), reflected his benevolent nature in his relations with poets. He contributed to the installation of the professional poet's status and the development of a court literature in Albanian language. After him, Ismail Pasha Vlora (Velabishti, d. 1764), being a poet himself, manifested a higher sensitivity to the literary environment and to the Albanian language in particular. He took on the role of the moderator in the public and cultural life in the city of Berat. This attention and support from the Vlora dynastic family towards writers and poets in particular, caused Berat to be differentiated from other Albanian cities of the time. Just like that Berat was transformed into the most important literary center of the Albanians during the 18<sup>th</sup> century. When Vlora family ruled in Berat, the Albanian literature knew great poets like Nezim Berati, followed by Sulejman Naibi. Apart from them, there were other numerous poets, such as Fejzi, Irzi, or Ismail Pasha and Ahmet Kurt Pasha themselves.*

**Keywords:** *Vlora dynastic family, literary patronage, Albanian literature, Nezim Berati, vernacular Albanian, Berat city*

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<sup>1</sup> Contact at: [genciana.egro@uet.edu.al](mailto:genciana.egro@uet.edu.al)

## Introduction

The powerful Albanian Vlora dynastic family, whose beginnings we find since the end of the 15<sup>th</sup> century<sup>2</sup>, had a strong influence both in the sandjak of Vlora, and in the center of the Ottoman Empire, Istanbul. This powerful connection with the center provided political power and constant local authority. The connection of the Vlora family with the city of Berat traces back to the transfer of the administrative center of the sandjak from Vlora to Berat, as the result of the Ottoman-Venetian rivalry in the Adriatic Sea. In this regard, the Ottoman Empire, facing a permanent risk coming from the sea, during the first half of the 16<sup>th</sup> century, was forced to reorganize the sandjaks in the Albanian coasts of Adriatic and Ionian Seas (Egro 2012: 213-4). This is the reason why the name of Vlora sandjak in 17<sup>th</sup> century and beyond is not the same with the name of its center, as is common in the Ottoman Empire, where the name of the center serves to identify the sandjak itself. This decision changed the fate of the city of Berat during the Ottoman Period. Thanks to Vlora household, a symbiotic connection was established between the two cities, Vlora and Berat, that remarked until the eve of Albania's independence, where in turns, Ismail Qemali and Syrja Bey Vlora used to be representatives of Berat in the Ottoman Parliament, during 1908-1912.

The first track of the Albanian Vlora dynastic family in Berat we find in the 17<sup>th</sup> century. This evidence is mostly related to the fact that the Berat Sharia Court (*Sicili-i Şer'iyye*) from the Ottoman Period dates to the beginning of this century.<sup>3</sup> This collection, along with political documents related to the appointments of the members of this family in the post of sandjak-bey of Vlora or the problems they had during their rule, also includes documents on inheritance lawsuits opened by members of the Vlora household, documents of marriages, but also of the quarrels that arose during the division and administration of their properties. Due to the last documents, all the members of the Berat branch of Vlora dynastic family in 17<sup>th</sup> and 18<sup>th</sup> century are accurately identified up to the construction of a complete genealogical tree (see the *Appendix*). Besides this document's collection of special importance, for the enlightenment of the cultural policy pursued by the powerful members of this family, I also used the *Seyahatname* of the Ottoman explorer Evliya Çelebi that he kept during his visit in Berat in 1760, the literary work of Berat poets living and writing under the literary patronage of these rulers, and also the inscriptions on the cult institutions, built by them.

<sup>2</sup> The first historical personality of this family is mentioned in the *Memoirs of Gjon Muzaka* (Musachi 1873: 286) and in the *Suret-i Defter-i Arvanid*, 1331-2 (İnalçık 1954: timar no. 150). It is Sinan Pasha Vlora, the son-in-law of the sultan Bajazit II and the holder of several high positions in the Ottoman state hierarchy: the *beylerbey* of Anatolia, the *beylerbey* of Rumeli, the commander of Ottoman fleet (*kapudan-ı derya*). In 1485, by the order of the sultan he was appointed the *sandjak-bey* of Vlora, with special attributes to control the shores of the Adriatic and Ionian Seas (Zamputi 1967: doc. no. 112).

<sup>3</sup> This collection is preserved in the Central State Archive of Albania (AQSH, Tirana), fondi 128.

For the “Vlora” origin/identity of this family, we are informed by the documentations about the murder of Ismail Pasha Vlora, known with *Velabishti* nickname, in 1764 where his relative link with Kapllan Pasha Vlora becomes evident (Naçi 2002: 631).<sup>4</sup> Likewise, the Vlora identity of this family has been confirmed by Syrja bey Vlora, who prepared the genealogy of the Vlora family, and the Berat branch is a part of it.<sup>5</sup> This genealogy is fully compatible with the data offered by the Berat Sharia Court on this matter, except the fact that he presents Mehmet Kapllan Pasha, as the father of Hysen Pasha. According to the Ottoman documentation the father of Hysen Pasha appears to be Ahmet Pasha.<sup>6</sup> The family connection with Ismail Pasha Vlora (Velabishti) has been confirmed also by Eqrem Bey Vlora in his memoirs (Vlora 2003: 37-8; Vlora and Godin 2010: 177). The surname Velabishti for this family has been used in Albanian historiography, firstly for Ismail Pasha due to his strong link with Velabisht, a village so close to Berat where the summer mansions of his family were located.

In the records of the Berat Sharia Court, the first to be mentioned is Hysen pasha Vlora, the son of Ahmet Pasha and the grandson of Kara Murat Pasha (Prime Minister/ *Vezir-i Azam* of the Ottoman Empire, 1549, 1555).<sup>7</sup> Hysen Pasha was killed in 1672 in the Siege of Kamenica during the Polish-Ottoman War.<sup>8</sup> The leadership of the Vlora sandjak was taken over by his sons. It was first Xhaferr Bey and then Mahmut Pasha.<sup>9</sup> Even the governing of the Vlora sandjak by this family passes to the third generation, to Ismail Pasha Vlora (Velabishti).<sup>10</sup>

The Berat branch of the Vlora family for three generations in succession and for almost a century and a half has been regularly in the direction of the Berat centered Vlora sandjak. This continuity in the government, accompanied by the strong connection they had with the center (Istanbul), strengthened its political and economic power. At the same time, it strengthened the noble consciousness of

<sup>4</sup> Concerning the date of Ismail Pasha's death, Stavri Naçi offers a contradictory attitude. In his *Pashallëku i Shkodrës* [The Pashalik of Shkodra], the date of Ismail Pasha's assassination is given August 3rd, 1674; while, *Historia e Shqipërisë* [History of Albania] gives August of 1762 (Naçi 1964: 90; Naçi 2002: 631). The year 1764 is also confirmed by the *Codex of Berat*, written by the monk Konstandin Berati: “in 1764, in August, on Tuesday, Ismail Pasha was killed in Vlora.” (Demiraj 2019: 369).

<sup>5</sup> AQSH, Fondi Syrja Vlora, dosja nr. 5.

<sup>6</sup> AQSH, fondi 128, dosja nr. 3: 99b, 195b-196a, and 220b-221a.

<sup>7</sup> The fact that Kara Murat Pasha was the brother of Ahmet, Hysen Pasha's father, is confirmed by the Ottoman documents (See: *Topkapı Sarayı Müzesi Osmanlı Saray Arşivi*, doc. no. 1289). This fact is also confirmed by Evliya Çelebi 2011 (8 kitap): 308.

<sup>8</sup> AQSH, fondi 128, dosja nr. 15: 37a.

<sup>9</sup> The other two sons of Mahmut Pasha, Bajram Pasha and Sulejman Bey, respectively enjoined the positions of the *sandjak-bey* of Delvina and the *mytesellim* of the sandjak of Vlora (AQSH, fondi 128, dosja nr. 17: 88a). Whereas Mahmut Pasha's two daughters, the eldest Rukija is married to Sulejman Pasha Biçakçiu (Elbasani), while the second one Emine, was married to Ahmet Kurt Pasha Ngurza (AQSH, fondi 128, dosja nr. 5: 30a; Naçi 1964: 105). Eqrem Bey Vlora has an inaccuracy in his memoirs; according to him, Emine is the daughter of Ismail Pasha Vlora/Velabishti (Vlora 2003: 584).

<sup>10</sup> AQSH, fondi 128, dosja nr. 3: 41b, 141b; nr. 8: 19b, 32a.



their origins, as well as the responsibilities closely associated with it. On the other hand, the inheritance of power from father to son created opportunities for them to build and apply their own policy regarding the urban and cultural development of the city of Berat.

## Berat, a public domain in the zoom of Hysen Pasha Vlora

When Evlija Çelebi visited Berat in 1670, he found the Murat Çelebi Quarter in an intensive urbanization process. Hysen Pasha Vlora<sup>11</sup> had just finished building a mosque, a clock tower, and a modern bazaar. These constructions, together with the mansions of Hysen Pasha and of the other leading elite families of the Vlora sandjak, constituted the first generation of constructions that shaped this quarter.<sup>12</sup>

Murat Çelebi quarter manifested a new expansion of this urban center from the western slope of the castle to the plain near the river Osum.<sup>13</sup> The new leading elite of Berat began to build there their mansions surrounded by gardens due to the field terrain of this area.<sup>14</sup> Vexhi Buharaja expressed the opinion that the founder of this new quarter known as Murat Çelebi, was Kara Murat Pasha (Buharaja 1995: 149). Kara Murat Pasha is the uncle of Hysen Pasha Vlora, who ruled the sandjak of Vlora during the middle of the 17<sup>th</sup> century. This data sheds light on the fact that the Albanian *Dev Kara*<sup>15</sup> *Murat Pasha*, as quoted by Ottoman sources, was a member of Vlora family. This quarter called *Murat Çelebi* proves that it was created in the first period of Kara Murat's life. The term *çelebi* in Ottoman Turkish was attached mainly to the names of the members of distinguished households, who were known for their education, but also for their noble style of life.<sup>16</sup> Indeed, Kara Murat Pasha

<sup>11</sup> Rhoads Murphey mistakenly identified Hysen Pasha Vlora. He confused him with the Deli Hysen Pasha, who also succeeded to reach the post of Prime Minister/ *Veizir-i Azam* in 1656 (Murphey 1996: 185). Deli Hysen Pasha (d. 1659) and Hysen Pasha Vlora (d. 1672) are contemporaries, but two different historical personalities.

<sup>12</sup> Construction in the Murat Çelebi Quarter continued even after the death of Hysen Pasha (1672). Only a few years later, Mrs. Aisha, together with her husband Sali Bey Bobrati, one of the dignitaries of the city of Berat, sponsored the construction of a madrasa in front of the mosque of Hysen Pasha, which was known as the *Madrasa of Sali Bey* (AQSH dosaj nr. 16 (1674-79): 57b, and 58a-60a).

<sup>13</sup> Murat Çelebi Quarter is not mentioned in the cadastral register of Vlora sandjak, 1583 (Duka 2001: 176-7). During his travel in Berat (1670), Evliya Çelebi lines up the Murat Çelebi quarter the first of the "great varosh/suburb of the city of Berat" (Evliya Çelebi 2011 (8 kitap): 307). Accordingly, the expansion of the city outside the castle walls would be occurred at the beginning of the 17<sup>th</sup> century.

<sup>14</sup> Architect Gani Strazimir says: "despite its special character, this quarter stands in full unity of composition, both urban and architectural point of view, with the city as a whole" (Strazimiri 1962: 558).

<sup>15</sup> *Kara* in Turkish has many uses: as an adjective it means „black“; as a name it means „land, soil“ In addition, it appears in the word formation and is used in the role of the prefix which intensifies the meaning as for example *karakış* (strong winter). While, when it is used as a nickname of proper nouns, it describes the quality of the character of the person in question: "persistent, crazy man".

<sup>16</sup> For the uses and semantic stratifications of this word during the Ottoman period see: Pakalın 1971: 343.

had a successful military and political career; he had been the head of the Janissary Corp (*yeniçeri ağası*), admiral of the Ottoman navy (*kapudan-ı derya*), and was twice promoted to the post of Prime Minister of the Ottoman Empire in 1649 and 1655. It was an imperial and local practice that the high Ottoman dignitaries contributed to their homeland by building religious buildings, or even more, by establishing new quarters. For the city of Berat, this tradition was continued by the first of the Köprülü (in Albanian, Qypri) dynasty, Mehmet Pasha, who, like Kara Murat, founded another quarter, leaving behind his traces in the city. During the 17<sup>th</sup> century, the expansion outside the castle of the city of Berat, had a dynamic of very active construction. As much as it had been necessary for the city to have an urban office (*mimar ağası*), which dealt with the processes of the urbanization and architecture (Evliya Çelebi 2011 (8 kitap): 306).

Hysen Pasha is the person mentioned most in Evliya Çelebi's description, due to the fact that the constructions he had built have impressed the famous traveler. Evliya Çelebi describes them in detail and mostly sets them apart not only for their refinement and elegance in construction, but also for the harmonization of the modern architecture with their functions.

The mosque stands out for the high minaret and the combination of colors, providing a calm and relaxing environment.<sup>17</sup> The clock tower is special for its architecture. The clock was brought from Transylvania, while the power of its bell could be heard up to a day away.<sup>18</sup> The market stands out for the combination of several spaces, which brought the intertwining and harmonization of commercial functions with social and cultural functions.<sup>19</sup>

<sup>17</sup> *Amma bir nazîk ve musanna' ve seramed ve şeşhane kargir minare ve bir kase-i nilgun misal müdevver kubbesi üzre la'l-gun kiremit ile mestur bir cami'-i ma'murdur. Zarafet ve letafet ve ilm-i mi'maride misli yok bir bi-bedel ve müferrih ve dîlkûşa cami'-i zibadır* (Evliya Çelebi 2011 (8 kitap): 308). Nowadays this mosque is called *the Mosque of the Clock* (Xhamia e Sahatit), due to the clock tower situated near it. About the history of this mosque see: Tütüncü 2017: 83.

<sup>18</sup> *Bu meydanda, Der asar-ı ibretnuma-yı acaibat: Ol çarşu içre bir saat kulesi var, evce ser çeküp anda Erdel diyarından gelme bir sa'ati var. Nakusu içinde on adem oturur. Vakt-i zuhr oldukda on iki kerre darb edüp sadası bir konak yerde istima olunur. Ta'bir ü tavsif ile olmaz, ta ki görmeğe muhtac bir sa'at-i ibret-nümadır* (Evliya Çelebi 2011 (8 kitap): 309).

<sup>19</sup> *Ammâ nehir kenârında henüz nev-binâ bir sük-ı rânâyı Hüseyin Paşa bina etmiş. Cümle bir kâide bir tertib bir bâzâr yeridir kim mecmeü'l-irfândir kim yüz aded dukkân-ı cedidlerdir kim esnâf-ı mütenevvie anda mevcûddur. Ortası bir meydân-ı azîm olup gûnâ-gûn eşcâr-ı sâyedârlar ile ârâste olup sâye-yi zull-ı himâyelerindeki soffalarda cümle erbâb-ı sanâyi ve erbab-ı maarif birer gûne kârgerlik ederler. Bu meydanda, Der asar-ı ibretnuma-yı acaibat: Ol çarşu içre bir saat kulesi var* (Evliya Çelebi 2011 (8 kitap): 308-9). Dankoff and Elsie edition of Evliya Çelebi (2000) has some inaccuracies concerning the description of the urban domain created by Hysen Pasha Vlora.

*The translation of Dankoff - Elsie:* Along the river is the beautiful bazaar recently constructed by Hüseyin Pasha with 100 shops, all on the same plan. It is a gathering place of the cognoscenti. Here, in porticoes under the shade of various trees, one finds all sorts of skilled tradesmen and handicraftsmen busy at work in their various professions. In the middle of this bazaar there is a large square with a marvel – a lofty clock tower. (Dankoff and Elsie 2000: 117).

*My translation is as follow:* "Along the river is the beautiful bazaar recently constructed by Hüseyin Pasha. It is a bazaar, entirely arranged [according to] a system and a plan. It is a gathering place of the

In fact, the mosque and the bazaar are among the main elements that formed an urban center in the Ottoman Empire (Ergenç 2012; see also Cerasi 1999). With the construction of the mosque and the bazaar, Hysen Pasha clearly articulated his ambitions to design an urban center in the Murat Çelebi quarter. The modern architecture of the buildings, together with the functions that they were foreseen to perform, proved that this space would serve as a new important center for Berat.<sup>20</sup> His political power, authority and ambition, Hysen Pasha demonstrated mostly through the project of his mansion with the garden, built in the Murat Çelebi quarter. Evliya Çelebi lines it up the first among the important and beautiful mansions of Berat.<sup>21</sup> This mansion, even after the death of Hysen Pasha, served as the place where the ruling caste of the city of Berat held official meetings.<sup>22</sup>

According to Evliya Çelebi, Hysen Pasha Vlora had projected the new bazaar with several centers. Besides 100 shops for manufacturing and sales, the bazaar had a square with a clock tower, a space with trees and benches and 6 coffee-houses at the exit that, alongside the indoor environments, provided space for people looking to fish or swim in the Osum river.<sup>23</sup> This concept transformed the bazaar in a meeting place for people of different social groups. Among them Evliya Çelebi distinguished well-educated people and scholars of Berat, who preferred especially two places: stone benches in the square and coffee-houses at the exit of the bazaar, by the river Osum. So, the bazaar had acquired a clear social and cultural function. Due to the spaces that foresaw non-genuine commercial activities, the bazaar created an environment for an interaction of different strata of society (Cerasi 1999: 64). In addition, commercial activity also helped the development of the communication between the city and the surrounding rural areas.

That Hysen Pasha was founding a new center for Berat is reinforced by the construction of a high clock tower with a large bell. The tower according to Çelebi was the miracle of Berat. It ruled the panorama with its height, but also with the powerful ringing that was heard one day away. In a dominant position, it

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men of knowledge [and] there are 100 new shops [and] where there are different guilds. There is a large square in the middle, decorated with imposing trees. Thanks to their shadows of stony benches, everyone, craftsmen and men of knowledge talked to one another [about different topics]. In this square, among the marvel buildings/institutions: in the middle of this bazaar there is a clock tower.”

<sup>20</sup> On the connection between architecture and urbanization see Lefebvre 1996 and 2003. On the relationship between urbanization, ideology and power in the Ottoman cities, see Biermann 1991.

<sup>21</sup> During his stay in Berat, Evliya Çelebi was stationed in the Palace of Osman Pasha. He did not meet Hysen Pasha in person. At that time, Hysen Pasha was the sandjak-bey of Hamid (Anatolia). He died two years later, in 1762, in the Siege of Kamenica during the Polish-Ottoman War. (AQSH, fondi 128 (Sixhilet e Beratit), dosaj nr. 15 (1603-1687): 37a.

<sup>22</sup> AQSH, fondi 128, dosja nr. 15 (1603-1687): 13.

<sup>23</sup> *Ve bu çarşu kurbunda cümle altı aded kahvehaneleri var. Cümlesi birer güne nakş-ı bukailemun-ı ibret-nümun kahavilerdir kim her biri birer güne nakş-ı nigarhane-i Çindir. Bir kaç şehir içre cereyan eden nehr-i [Osum] kenarına vaki' olup ba'zı yaran suda şınaverlik ederler. Ba'zılar mahi-i guna-gunlar sayd ederler. Ba'zılar niçe güne ahbab u asdika ve erbab-ı maârifler ile görüşüp bilişüp mübahase-i ilm-i şer'iyye ve fûnun-ı şiriyye görürler* (Evliya Çelebi 2011 (8 kitap): 309).

communicated not only with the people living in the Murat Çelebi quarter, but also with other residents of the city and its surroundings. This form of communication gave to the tower a symbolic value, but also a unifying function. It placed the quarter in the focus of the city, and distinguished Berat from other cities that did not have a public clock. The clock tower at that time was also a novelty for the Ottoman Empire itself. The clock tower of Berat ranks among the first in the Ottoman Empire, after the clock tower of Prizren, Banja Luka and Skopje. Although the clock as a technology was discovered in the East, the concept of the clock tower as a giant gauge of time, is developed in Europe. For this reason, clock towers in the Ottoman Empire first appeared in the Balkans, then spread during the 18<sup>th</sup> century, throughout the Ottoman Empire (Acun 2008: 325-6).

On the other hand, this new center intended to combine the commercial activities with meeting places for all social groups, aiming to set in motion the cultural and intellectual potential of the city. Evliya Çelebi distinguished the well-educated people of Berat as a clearly profiled group, consisting of “poets, orators, those who deal with rhetoric and authors of books,” a good part of whom had completed “full studies and knew the sea of meanings” (*şu'arası ve fuseha ve bülegası ve musannifin ü mü'ellifinden tekmil-i fünun etmiş bahr-i umman-ı ma'ani kimesneleri gayet çoktur*) (Evliya Çelebi 2011 (8 kitap): 309). A particular characteristic of the learned people of Berat was that they “did not bother about religious doctrine; were given to morality; they were delicate, noble, and intelligent people” (... *mezheb kaydında değillerdir. Ancak meşreb kaydındadırlar. Zarif ve necib ve reşid zekiyyü't-tab' ademleri vardır*) (Evliya Çelebi 2011 (8 kitap): 309). The elite members of Berat produced local personalities, like Hysen Pasha Vlora and a few decades later poets like Nezim Berati and Sulejman Naibi, while at the imperial level it became the source of the ruling caste with powerful personalities such as Kara Murat Pasha, the Köprülü (Qyprili) dynasty and Architect Kasem. This fact will be pointed out by Çelebi himself, who claims that from the elite of Berat “people have emerged viziers, statesmen, scholars and wise people” (*bu şehirden çok a'yan-ı vilayet vüzera ve vükela ve ulema ve suleha kimesneler kopmuşdur*) (Evliya Çelebi 2011 (8 kitap): 310).

The bazaar, clock tower and coffee-houses signaled that the final ambition of Hysen Pasha was to sparkle the urban life of the city, focused in urban elites. Such a new reality formalized and encouraged a new trend towards a cultural model providing strong links with the public, outside the direct umbrella of religious institutions. In this way, well-educated people began to orient themselves towards the public, while through intermediary social institutions such as coffee-houses, they were given the opportunity to communicate not only with each other, but also with the public. The new relationship of urban elite with these environments and social institution has had its effects on literary communication. The literature

produced here was oriented towards the vernacular Albanian used in everyday public life. Vernacular Albanian begins to become part of the literary discourse first in the city of Berat, and then in the urban areas inhabited by Albanians, in all their territories. The urban poets start to treat topics related to human life. This initiates the beginning of a new literary process in Albanian literature: writing of original literary works with clear aesthetic functions which will culminate a few decades later with the poets Nezim Berati and Sulejman Naibi (see also Myderrizi 1955).

Through the new urbanization process of the Murat Çelebi quarter, Hysen Pasha Vlora brought a new dynamic in the development of the cultural potential of Berat. He expressed his ambition to pay a special attention to the people of knowledge and culture. This cultural patronage would be further developed and perfected by his descendants, his son Mahmut Pasha Vlora and after him, his nephew, Ismail Pasha Vlora (Velabishti).

## Literary Patronage of Mahmut Pasha Vlora

The poet Nezim Berati, in his poetry publicly announces that he has a patron: Mahmut Pasha Vlora, the son of Hysen Pasha. He calls him *my lord* (imzot), and proudly claims to be in his service.<sup>24</sup>

Mahmut Pasha is the youngest son of Hysen Pasha. When his father died (1672), he was a minor and grew up under the care of his older brother, Xhaferr Bey. Xhaferr Bey also governed the sandjak of Vlora, in the '70s and '80s of 17<sup>th</sup> century.<sup>25</sup> Contemporaries introduce him as: “a man of power and from the great family, but also a man of value, fame and of great capability”.<sup>26</sup> However, there are no surviving documents proving any of his expressed activities in the field of urbanization and urban culture in the city of Berat.

Mahmut Pasha, at the beginning of 18<sup>th</sup> century started to govern the Berat centered Vlora sandjak<sup>27</sup> and will continue to preserve the administrative local authority, the political power and the great name of his family until the end of his life (1738).<sup>28</sup> Like his father, Hysen Pasha Vlora, he also demonstrated

<sup>24</sup> *Se si janë kasidetë, /zemëret dalënë vetë/për timzot, nër të dy jetë* (Nezim Berati 2009 (poem no. 5): 25-6); *Të ja bënj med'h këtë iz'har/ati që i jam hyzmeqar*, (Nezim Berati 2009 (poem no. 6):61-2).

<sup>25</sup> AQSH, fondi 128, dosja nr. 16 (1674-9): 115b, and nr. 18 (1646-1715): 32.

<sup>26</sup> An order, dated April 24<sup>th</sup>, 1688, issued by Sulejman Pasha, sandjak-bey of Shkodra (AQSH, fondi 128, dosaj nr. 3: 281).

<sup>27</sup> Mahmut Pasha Vlora had been appointed several times as a sandjak-bey of Vlora: in 1711, 1713, 1717... (AQSH, fondi 128, dosja nr. 18: 42; nr. 8: 19, 31).

<sup>28</sup> In the epitaph dedicated to Mahmut Pasha, Nezim Berati announces that he died in Hijri 1151 (1738/9). This epitaph (4 verses) we find in the autographed copy of his *Turkish Divan* (90b), preserved in National Library of Albania, Tirana (Dr. 6/28 D). The scholar Vexhi Buharaja says that the date of the Mahmut Pasha's death according to the inscription of the mosque of Velabishti village, close to

a special attention and interest for the scholars and poets of Berat. Everyone is happy with him, but especially the savant people, says Nezim Berati in the *Albanian Divan*.<sup>29</sup> However, beyond the sense of pleasure evoked to people, this relationship was based on a patronage system, which meant a special relationship between the literary master and the poet who wrote on his behalf.<sup>30</sup> First of all, this is a relationship of control and belonging. The poet writes on behalf of the patron, while the patron financially supports him. From the poetry of Nezim Berati three poems dedicated to Mahmut Pasha have survived when he was alive<sup>31</sup> and a poem after his death, as a sign of respect, honor and remembrance.<sup>32</sup> In these poems, the poet explains and lauds the personality of Mahmut Pasha, shows the respect and reputation he enjoyed and especially the skills he displayed as an administrator. Nezim Berati has praised Mahmut Pasha as a statesman, a savant, a famous commander, but also a great philanthropist. In the favor of such qualities, speak of Ottoman documents<sup>33</sup> but also the inscription of the mosque he built in Berat.<sup>34</sup>

The truth of praises and the sincerity of prayers has been very important in the relationship between the poet and his patron. In his poetry, Nezim Berati emphasizes that the panegyric poetry about Mahmut Pasha Vlora “is the truth of the poet”, which must be transmitted to the world/people.<sup>35</sup> It is precisely the lack of the truth in prayer and praise that has damaged the relationship between the poet and the later patron, Ismail Pasha Vlora/Velabishti, the son of Mahmut Pasha. In a panegyric poem sent to Ismail Pasha, Nezim Berati seeks to guarantee his patron especially to tell him that the prayers addressed to him are true, in terms of the truth of the praises and the meaning of the poems (Nezim Berati 2009 (poem no. 7)).

Mahmut pasha has rewarded the poet for his panegyric poems. Up to now, we have no concrete data on the payments or the nature of the financial benefits the

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Berat, is Hijri 1140 (1727/8). This inscription is written with ink; it is not engraved. That is enough to be suspicious about historical accuracy. On the other hand, the date given by Nezim Berati in his *Turkish Divan* bears the accuracy of a historical document.

<sup>29</sup> *Hoshnut gjithë jeta prej ti/ më përpara ylemaja* (Nezim Berati 2009 (poem no. 5): 39-40).

<sup>30</sup> On literary patronage and its dynamics see: Korshin 1974, and Griffin 1996. On the complexity of the relationship between poet and his patron in the Ottoman Empire see: İnalçık 2003, and Durmuş 2009.

<sup>31</sup> Two poems are published in the *Albanian Divan* (Nezim Berati 2009: poem no. 5, 6), while the third poem is in the manuscript of Namik Ressuli (fol. 25a), made public by Ettore Rossi (Rossi 1946).

<sup>32</sup> This poem is ranked second in the *Turkish Divan* (3b). In this manuscript the poet has recorded the epitaph written on the occasion of the death of this personality (90b), and a dedication poem (10 verses) on the construction of a bridge ordered by Mahmut Pasha (90b).

<sup>33</sup> (AQSH, fondi 128, no. 8: 19b).

<sup>34</sup> In the inscription of his mosque in Velabisht (Berat), Mahmut Pasha is described as a man possessing “the master of generosity and compassionate”. In addition, the poet informs us that when Mahmut Pasha died, the eyes of people shed blood. See: Vexhi Buharaja, *Mbishkrimet turko-arabe .....*, 3: 43.

<sup>35</sup> *Le ta shohë çarhi devar/ hakikatn e sanatqarit* (Nezim Berati 2009 (poem no. 6): 63-4).

poet Nezim Berati has received. From his poems we learn that his patron [Mahmut Pasha] has fulfilled “everything [the poet] asked for” and this has made him very happy.<sup>36</sup> However, this support has not been just a simple exchange of values or an act of charity. Along with continuous income, it provided the poet with social status and public protection. Nezim Berati clearly declares that he feels safe from the different kind of attacks, as he was under the protection of his patron (Mahmut Pasha): “My Lord is like a mountain, so I have never had any problem even the Çapari’s son is barking”. The poet spent these words addressing to one of his rival poets.<sup>37</sup>

The financial and public support Mahmut Pasha gave to the poet testifies that writing poetry in this period was gaining the status of an esteemed profession. Through writing poetry the poet Nezim Berati was able to ensure his living. According to historical data, writing poetry remained the only preoccupation of the poet in his entire life. Even the writing of poems upon request has been a widespread phenomenon. In the *Albanian Divan* of Nezim Berati we find a category of poems dedicated to certain individuals. He clearly says that these poems were written upon their special request.<sup>38</sup> On the other hand, the literature and his patron gave the poet a respectful status in society.

Such a status was reflected even in the official documents of that time where he is mentioned as *Nezim efendi Ibrahim bej* (Abazi-Egro 2013). Nezim is the literary pseudonym; while Ibrahim is the name of birth. So, the poet’s identification in the official documents is made of two parts differentiated by the use of two different titles. It is clear that the title *efendi* attached to the literary pseudonym refers to his social status as a professional poet; while, the title *bej* provides the status enjoyed by his family.<sup>39</sup>

This new status of poets was determined by many factors, but the most important were the relationship of poet with his patron and the impact of his poetry on the public. In this context, the use of vernacular Albanian played an important role in the communication that poets established with the public. So, the literature began to be widely written in the vernacular Albanian, besides the dominant languages

<sup>36</sup> *Hakikatnë ma dëgjove/ zemërënë ma gëzove/ prej tyt Zoti çdo kërkove /me t’<u> dëgjua rixhaja* (Nezim Berati 2009 (poem no. 6): 93-6).

<sup>37</sup> *Madem që të ka sa një mal / zotërinë tate ky avdall/ kurrë nukë ka atë hall /pse leh i bir i Çaparit* (Nezim Berati 2009 (poem no. 6): 145-148).

<sup>38</sup> Poem no. 15; 16; 17; 18 (Nezim Berati 2009).

<sup>39</sup> The titles *efendi* (borrowed in Turkish from Byzantine Greek) as well as *bej* (derived from Old Turkish) are civil titles meaning “gentleman” which had a very high frequency of usage throughout the history of the Ottoman Empire. However, these titles, depending on the dynamics and socio-cultural phenomena have undergone semantic changes, reducing or expanding the space of use. During the 18<sup>th</sup> century, the title *efendi* was used to mark the people of letters and clerics, thus differentiating them from the military caste. The use of the title *bej*, on the other hand, is closely related to the social status of the individual and was used both for the class of nobles and for people who had a certain influence and social authority (Lewis 1999: 687a and Köprülü 1993: 579a).

of the Ottoman Empire (Turkish, Arabic, and Persian). Thus, Albanian language became an important instrument of literature communication providing a very complex relationship with all strata of local society. In this framework, the literature responded to all the different levels and types of requirements that readers had. Poetry became part of people's lives, thanks to the vernacular Albanian they used, but also to the human themes they dealt with, such as love, friendship between people, or the pleasure of daily coffee consumption. On the other hand, this new relationship of people with literature, under the influence of the literary patronage as well, brought about the birth of new literary genres.

The genre of *divan* began to be written in Albanian literature at the beginning of the 18<sup>th</sup> century. The poet Nezim Berati, thanks to the support of Mahmut Pasha Vlora, is the first professional poet who tried to experiment with this genre in the Albanian language. He had consciously undertaken this initiative for linguistic and literary motives, articulated clearly in the introductory poetry of his *Albanian Divan*. The poet considers that writing this royal literary genre in Albanian such as the Divan is a literary challenge to other poets. This would strengthen his status as a professional poet. The second reason, according to poet, is the Albanian language. Nezim Berati is fully concerned about the situation of his native language, Albanian, being under the pressure of Ottoman Turkish; such a situation also affected the quality of his poetry. In this context, he attempts to realize the codification of literary Albanian language through writing of this genre. Nezim Berati expresses loudly this public mission through his verses, making readers part of his deep concerns and innovative ideas. In the poem dedicated to Mahmut Pasha Vlora, the poet goes further. Nezim Berati seeks to be a missionary of Albanian language as well. He claims to be so significant for Albanian language as the poet Hafiz was for the Persian and the poet Urfi for the Turkish.<sup>40</sup> This differentiation of poets according to the languages they used indicates a high degree of awareness toward the native language, especially a strong sense of linguistic belonging.

However the most successful, and longest-lived genre that gained a new dynamic in this period were the urban songs. Some of the poems to be liked by the audience were accompanied by melodies, and became part of the songs sung during various festive ceremonies (Mehqemeja 2004). Moreover, *Mahmudeja e stolisurë* (Adorned Mahmude) of the poet Sulejman Naibi has continued to be sung until the middle of the 20<sup>th</sup> century. During this process of transition these poems faced a transformation. In his anthology of Albanian literature,<sup>41</sup> Albanian intellectual Zef Jubani calls them: “poems made rhymed verses (*poezi të bamun bejt*)” (Abazi-Egro 2016)”.

<sup>40</sup> *Në kaside të farsisë, / makbul bejdet e Urfisë, / të Nefiut në të turkisë, / në shqipet zar-u-nizarit* (Nezim Berati 2009 (poem no. 6): 161-164).

<sup>41</sup> See *Raccolta di canti popolari e rapsodie di poemi albanesi tradotti nell'idioma italiano da Giuseppe Jubany albanese*, Tipografia del Lloyd Austriaco, Trieste, 1871.



## Seeking for a control on the literary life: Ismail Pasha Vlora (Velabishti)

The literary patronage of Vlora family continued even after Mahmut Pasha's death. All members of this family established their relationship with the poets and writers of Berat, and became part of the court literature. The poet Nezim Berati dedicated poems to all sons of Mahmut Pasha,<sup>42</sup> however, as a literary patron he only declares Ismail Pasha Vlora (Velabishti). The poet calls him *My Lord* (imzot) and has elaborated a rich dedication rhetoric towards him. Since the poet had both father and son as literary patrons, the rhetoric of dedication is a sufficient source to ensure the sketches of their profiles, and also some of the features of their literary patronage. In fact, the poet Sulejman Naibi is also proven to have a relationship with Ismail Pasha Vlora,<sup>43</sup> but because his literary work has failed to survive, it is difficult to understand of what kind this relationship was.

Ismail Pasha Vlora built the personality of a generous but authoritative patron. He also took the position of the judge of literary works, thanks to his capacity as a poet himself, and the great sensitivity he expressed towards poetry. According to Nezim Berati, Ismail Pasha appreciated the poets according to the quality of the poetical product. This practice, and especially the order he established has been appreciated and welcomed by all the people, mostly the savants of Berat.<sup>44</sup>

Based on Nezim Berati's poems, we understand that Ismail Pasha Vlora developed a more complicated patronage system than his predecessors. He added a new dimension to the traditional master-poet relationship; he took on the role of the moderator of the public and cultural life in the city of Berat. In his perspective, patronage besides a financial and a public support for poets, was also an institution of public responsibility. Based on this, Ismail Pasha acknowledged himself the right to intervene even through official orders in the literary life of the city. According to the poet Nezim Berati, Ismail Pasha Vlora issued an order addressed to poets misusing the word and to poets using the poem for vulgar and offensive attacks. According to this order, he demands that poets who violate the limits of satire should become the object of satirical poetry by the rest of city poets.<sup>45</sup> Nezim

<sup>42</sup> In the *Albanian Divan* the poet dedicated a poem to Bajram Pasha, on the occasion of 'Eid (Nezim Berati 2009: poem no. 10) and two panegyric poems in the *Turkish Divan* (42b and 71b); and to Sulejman bej a panegyric poem in the *Turkish Divan* (71b). Nezim Berati dedicated an epitaph to Mahmut Pasha's daughter, Rukije, in the *Turkish Divan* (93b).

<sup>43</sup> In the urban song collection of Elbasan, collected by Lef Nosi (AQSH, fondi Lef Nosi, dosja *Dokumente të grumbulluara*) there is also a song whose text is written by Sulejman Naibi, dedicated to Ismail Pasha Vlora (p. 6b).

<sup>44</sup> *Duaxhi gjithë dynjaja/ zotërinj e fukaraja/ ale-l-husus ylemaja/ daim për të bënë izqar; and Punë e ti gjithë në usul/ daj te ylemaja makbul/ sikundër të kenë mahsul/ binaen ju bën itibar* (Nezim Berati 2009 (poezia 8): 17-20, and 37-40).

<sup>45</sup> Nezim Berati, *Türkçe Divanı*, p. 7b.

Berati was enforced to react to this order, which seems to have affected him as well. Through poetry he sends direct messages to his literary master and offers guarantee to him related to the responsibility he possessed concerning the use of the word. According to him, “a good poet does not need to contaminate his mouth.” Closely related to this, the poet has also clarified his perception about the art of poetry and poetry writing mastership. In fact, the art of poetry, the word, and the meaning as a philosophic category are issues that intrigued the poet throughout his work. These reflections, with a clear poetic awareness mark the beginnings of theoretical-literary thought in Albanian letters (Rugova 1996: 38-41).

Ismail Pasha advanced further the relationship Albanian literature had established with the community in this period. From the literary work of Nezim Berati we understand that the recitation of his poems in Albanian had become part of ceremonies organized in Sandjak-bey Palace on the occasion of various celebrations. Nezim Berati has dedicated an Albanian poem to Ismail Pasha when he left for war at the head of the military troops, praising his skills as a commander, but also as a leader (*Divani shqip*, poem no. 9). This was Ismail Pasha’s first military mission as the sanjak-bey of Vlora and on this occasion the poet expressed to him congratulations and prayers. Along with this, the Albanian poetry is proved to have been part of the celebrations even during religious holidays (*Divani shqip*, poem no. 10). These cases reflect a new trend in the development of literary communication in vernacular Albanian. The new relationship of Albanian language with the official ceremonies is an indicator signaling the extension of the Albanian language functions; at the same time, it testifies the weight it was gaining in the territories administered by the Albanian local authorities.

## Concluding Remarks

During the 17<sup>th</sup> and 18<sup>th</sup> century Albanian dynastic family of Vlora built a cultural and literary patronage system, which passed through from one generation to the next. This hereditary patronage reflected both, the features of the time and the personality of the powerful members of Vlora family. Hysen Pasha Vlora (d. 1672) demonstrated a new perspective of urban life; he oriented the urban elite towards a new cultural model, which offered strong links with the public, but outside the umbrella of religious institutions. His son Mahmut Pasha (d. 1738), reflected his benevolent nature in his relations with the poets. He contributed to the installation of professional poet’s status and the development of a court literature in Albanian language. After him, Ismail Pasha Vlora (Velabishti, d. 1764), being a poet himself, manifested a higher sensitivity to the literary environment and to the Albanian language in particular. He took on the role of moderator in the public and cultural life in the city of Berat.

Thanks to the patronage institution, the Vlora family became the heart of cultural and literary changes in Berat during the 17<sup>th</sup> and 18<sup>th</sup> centuries. The impact of this active role appears clearly in three aspects:

- the factorization of the Albanian language;
- the development of a classical court literature;
- the institutionalization of the professional poet's status.

During the literary patronage of the Vlora family, vernacular Albanian began to gain special attention and its usage began to gain a certain linguistic and literary conscience. Moreover, the concern about the situation of Albanian language is one of the main reasons pushing the poet forward to write a *Divan* in the native language. Nezim Berati, with his *Albanian Divan*, attempts to give authority and prestige to Albanian language. This initiates the beginning of a new literary process in Albanian literature, the writing literature with clear aesthetic ambitions. Albanian was written for liturgical and religious services by Albanian Catholic authors of the 16<sup>th</sup> and 17<sup>th</sup> centuries (Buzuku, Budi, Bardhi and Bogdani), whereas Albanian in Vlora's period acknowledged another level of its usage: the poetic and literary level. In the middle of 18<sup>th</sup> century Albanian further advanced its status. The recitation of Albanian poetry began to be part of official ceremonies in Berat, such as the launch of troops to military campaigns or religious celebrations.

Secondly, the installation of the patronage institution brought the development of a classical court literature (*divan literature*) in the Albanian language. In this period, poets wrote *Divan* in Albanian, they also wrote poems with clear social functions such as *qasida*, the emergence of which necessitates the presence of a ruler to whom the poems are dedicated. Along with these genres, a rich dedication rhetoric appeared and developed, which with the poet Nezim Berati gains its highest expression. The cultivation of these genres became a clear expression of the practices of charity, but in turn they enabled poets to openly show the problematics of relations with their patrons.

Thirdly, sponsoring the poets' creativity by the patrons brought the birth of the professional poet who ensured his living by writing poems. During the period of literary patronage of the Vlora family in Berat a dynamic literary environment is created through poets of all levels. In addition to great poets such as Nezim Berati, and after him Sulejman Naibi, there are also many other minor poets, such as Fejzi, Irzi, or Ismail Pasha Vlora, and Ahmet Kurt Pasha (Ngurza). This literary dynamic life differentiated Berat from the other Albanian cities, and transformed it to the most important literary center in Albanian lands, in the 18<sup>th</sup> century.



## About the Author

Genciana Abazi-Egro is the professor of *Literature History and Discourse Analysis* at European University of Tirana, Albania. Senior researcher at the Institute of Linguistics and Literature at the Albanian Academy of Sciences (2001-2016). She is the author of the two critical textual editions of the 18th century Albanian Literature.

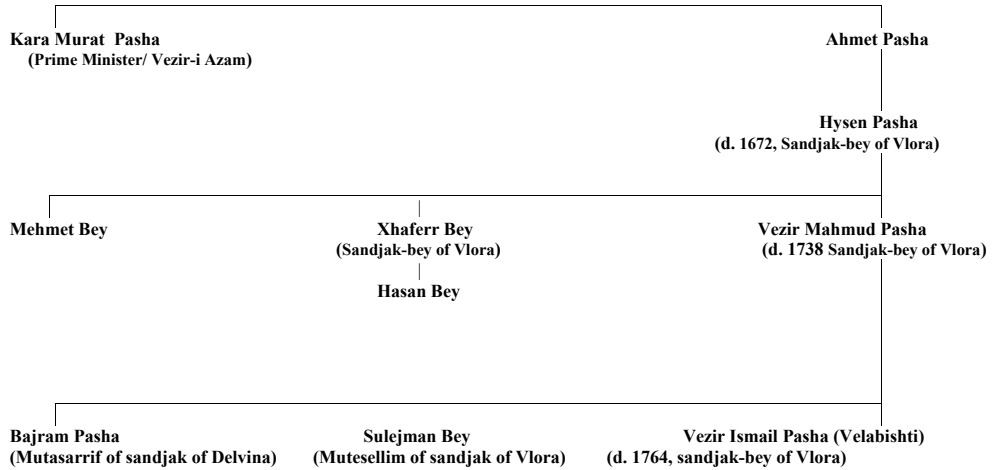
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## Appendix

### Genealogy of Vlora family, Berat branch





# *An Elite of Transition. The National Party from Wallachia (1838-1840)\**

*Cosmin Mihut*<sup>1</sup>

## **Abstract**

*From the years of the Russian occupation (1829-1834), the power of words and the political rhetoric started to exceed the traditional framework, becoming in time the main horizon of affirmation, reproduction and legitimation of power in the Principalities. The traditional structure of the public space, of symbolical averment of the princely power, started to erode allowing the emergence of a public political language that 'freed' the political act from the narrow framework of boyar bargains, mediations, conspiracies. Being at the border of tradition and modernity, the practices of the National Party had features specific to both, combining new ideas with older practices and vice-versa. Unlike previous political groups, which extracted their power legitimacy through patronage over society and by managing the social relations (controlling offices), this group differentiated itself by using a public discourse, built on rational criteria (law, liberty), which offered the group a shared identity, appropriated in a political project.*

**Keywords:** *transition elite, public space, ideological identity, National Party, political practices*

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<sup>1</sup> Contact at: [mihut.cosmin@yahoo.com](mailto:mihut.cosmin@yahoo.com)

\* "This article was co-financed from the European Social Fund, through the Romanian Operational Programme (OP) "Human Capital", project POCU/380/6/13/123623 <<Doctoranzi și cercetători postdoctorat pregătiți pentru piața muncii!>>"



## Introduction. Methodological aspects

The research of a theme of political history, of the National Party from Wallachia, in this case, offers all the ingredients necessary – documentary, methodological, analytical, contextual – for a better understanding of the transition to modernity in the Romanian case. The elements of factual nature, internal or external, insufficiently known, or biographical, prosopographical justify a new reading of the published sources and, of course, additional inquiries in the archives. In their turn, the discursive-ideological aspects or those concerning the modern public space, the new forms of political legitimacy guide the attention towards some methodological clarifications, regarding the political groups, especially. Also, concerning the latter, today's historiographical context presumes a few conditionings and difficulties somehow discouraging at first glance. The study of political history went in a shadow cone for a while, its capacity to capture the features, the profile of an epoch was contested in a period (the 2000s) in which the Romanian historiography of the modern era was dominated by orientation that privileged the mentalities, the imaginary, imagology, the history of symbols and rituals or of mores (Mitu 2000, Boia 1997, Boia 1999, Nicoară 2001, Neumann 2006, Grancea 2003).

However, political history doesn't have to be perceived only as a series of facts, whose causal connections and consequences are empirically ordered by the historian, based on some interpretation schemes, usually of Marxist inspiration. In this regard, it's necessary to operate a separation from the approach of the Romanian historiographical current which appeared in the 1960s, prolonged until the 1990s, which reconfirmed to a certain degree A. D. Xenopol's conception regarding the importance of the cause-effect relation in understanding the political history. Under the influence of his observations regarding the national character of the opposition of the great boyars towards the 'Turkish pressure', the 'Greek and Russian elements', despite the 'narrow spirit' of the boyar elite in the case of social aspects, the historiographical landmarks of the relation between social and national arose (Xenopol 1920: 7). In this interpretation key, the emergence of the National Party was considered a reflection of a historical process of growth of the Romanian society, generated by the need of emancipation. From this point of view, the political history was understood as an organic evolution process (Platon 1995). The political acts were, from this perspective, determined by social forces, meaning the conjugated efforts of some individuals with common feats, from a certain social category, based on an alleged strategy of political ascension, legitimated through an ideology.

From this methodological point of view, the National Party was a historical given, an instrument of the political struggle for national emancipation, whose emergence was dictated by the economical and ideological evolution of the Romanian society. In its turn, the latter was the object of a modernisation process, linked, in the view

of some historians, to the wish of state consolidation, accomplished by its separation from the Ottoman political system and the reformation of institutions, manifested by a part of the boyars in early 19<sup>th</sup> century. This type of approach excludes from the start alternative variants of the historical course, subjecting it to an objective evolution, of a path to progress, in which tradition is instrumentalized by modernity and assimilated through a process that excludes historical discontinuities. Or, the National Party from 1838-1840 represented a moment of rupture from the political practices of early modernity. It can't be explained through an evolutionary and implacable process of modernisation of the Romanian society, which would've determined changes in the political act. It's necessary to analyse the activity of the National Party in the internal and external context in which it took place, taking into consideration the human element, the aspirations, visions and interests of its members and leaders, and not as an episode in an eventual historical series. The political history cannot be seen as a flow of events in a single direction, an 'accumulation of facts and ideas animated by the obsession of sense [...] a cursive and coherent narrative' (Barbu 2001). Thus, the political actions of the National Party members led by Ion Câmpineanu cannot be organised teleological because they maintain their 'autonomy' and have their own meaning.

Relevant for the methodological orientation of our paper is the distinction which Pierre Rosanvallon makes between the history of politics that operates 'the recovery of the chronological unfolding of events, analyses the functioning of institutions, unravels the mechanisms of public decision making' (Rosanvallon 2013: 39) and the history of the political, focused on the power confrontations in the society, taking into account the personal rivalries, some 'intellectual confusions' and the struggles that follow the diffusion of ideas, symbolic representations and practices, specific in the transition to modernity (Rosanvallon 2013: 12). Unlike the classical history of the political ideas, in which the political programs and actions are seen as the expression of gradual, progressive, cultural, social and institutional accumulations, of what the old historiography calls 'the spirit of the age', the new history of the political accentuates two factors: the power and the politics through which it can be conquered maintained and legitimated. Starting with a series of elements from the sphere of politics, illustrated in the Romanian historiography by the studies of some authors like Barbu (1997), Antohi (1999) and Alexandrescu (2011), our paper searches to establish to what extent the motivations of the political group led by Câmpineanu were ideological, as well as to discern the manner in which new principles served to legitimate a project of renewal of the political power.

Thus, the study of this political group from Wallachia, active between 1838 and 1840, had as starting point the interest concerning the manner in which solidarity was built around a small number of deputies from the General Assembly, whom, in 1837, vehemently opposed the adoption of the additional article to the Organic Regulation. This stated that any change of the Organic Regulation had to be preapproved by the

suzerain and the protective Courts, thus cancelling the statue of autonomy granted to the Principalities by the Russo-Turkish Treaty of Adrianople (14 September 1829). Our research starts from a few important questions: what kind of group was this, one specific to boyar politics, a secret society, a parliamentary group or modern political party? Or, maybe a synthesis of all these? Did it have an ideological identity and promoted a regime of ideas, a policy of principles shared by its members or their motivations were dictated by interests, opportunism or political ambitions? To reach some conclusions in this regard, we will analyse the political practices of the group and their manifestation in the public space.

The documentary sources reveal a political group, whose program was drafted in November 1838 in *Actul de unire și independență* [*Act of union and independence*] and in *Osăbitul act de numirea suveranului rumânilor* [*Different act for the appointment of the Romanians' sovereign*], different, in its political practices, from the ones specific to early modernity. The articulation of ideas in a public discourse, with certain ideological insertions, individualizes it in relation with the boyar political act, conducted in solidarity, usually outside the public place, through scheming, conspiracies, petitions, deals, avoiding individual political responsibility.

Starting from these preliminary observations, we aim to clarify the extent to which the features of traditional boyar politics blended, in the case of the National Party, with elements of political modernity. In order to explain the manner in which this group tried to legitimize itself, searching a validation in society and, implicitly, support for its discourse, we analyse the relations between politics and public space in Wallachia. The extent to which the public space offered possibilities for open manifestations, prestige, notoriety and, eventually, support and legitimacy, can be determined by analysing the conduct of those implicated and the reactions of the Romanian society.

## **‘The political men’ of the National Party and the public space**

The way in which a modern public space was structured in the Principalities (starting from the years of the Russian occupation of 1829-1834) influenced the political practices of the Wallachian deputies engaged, from 1837, in a struggle to defend the rights of the country, trying to legitimate themselves in the society through a certain type of discourse. In the study of this connection between politics and public space, two methodological approaches are especially useful: the sociological one and that proposed by the ‘new cultural history’. The sociological perspective, illustrated by Jürgen Habermas (2005), assigns to the public space the meaning of a ‘public political sphere’ in which a critical rational exercise of the institutionalized power is manifested by informed citizens. This space of

dialogue and exchange of ideas is defined, in his vision by intellectual, rational and critical practices based on two types of communication: direct, in salons, cafes, reading cabinets, libraries, theatres and indirect, mediated by text, through reading (Habermas 2005: 91). On another hand, the methodological suggestions coming from the 'new cultural history', focused on the analysis of symbols, representations and the social, cultural and political practices of the society, warn about the fact that the great political themes can remain 'captive' in the sphere of an elite. Also, in the case of the public critical debate, mentioned by Habermas, one can observe the influence of mores, habits, traditions that generate a certain social conformism. This perspective is structured around two major concepts: representation and political culture. Roger Chartier (1989), one of the initiators of this direction, places the notion of representation (the way in which people perceive and represent through words the world they live in) in the centre of a re-evaluation of the relation between social structures and cultural practices. At the same time, it follows the links between the book production (the author accentuates the importance of the representations and cultural practices built around the books and the circulation of the printed word instead of the simple book circulation) and the exercise of power (Chartier 1989: 1505-1520). Another author whose work fundamentals this methodological approach, Keith Michael Baker (1990), starts from the premise that 'people are aware of their existence through language and are, to a certain extent, constrained by it', in order to show that the notion of political culture is constituted in the field of the discourse and political language, elaborated during the political action. Unlike Habermas, for Baker the notion of public has valences of common interest a common good, represented by those who assume to speak in the name of the entire community, using expressions as 'common will' or 'public conscience'.

The approaches of the 'new cultural history' and the concept of political culture prove their methodological utility for the study of the National Party from Wallachia because they offer a grid of interpretation through which we can better understand the objectives, the intentions and also the manner in which this group politically represented (understood) the Romanian society.

Unlike the period previous to the Organic Regulation, when the main political practices of opposition to the Prince were the memoirs addressed to the Great Powers, anonymous petitions thrown in the court of the Metropolitan church of the foreign consulates (Păun 2008: 157) or communicating the objections in the Divan by a person of moral authority and prestige (the Metropolitan or the great ban), who justified his position by drafting a document (Ploscaru 2013: 279), the critique that the group led by Ion Câmpineanu addressed to the Prince Alexandru Ghica (1834-1842) came out of the confines of these petitionary demarches, entering an emerging public space.

Without being a fully functioning social reality, the public opinion slowly was becoming a referent for the political act (Ploscaru 2013: 75) and was the *milieu* in which the National Party built its legitimacy. Of course, the meaning of these two concepts – modern public space and public opinion – has to be correlated with the specific of the Romanian society, in which public communication through words with public addressability was a rather recent inurement.

In this period, the discussions and debates from the General Assembly were not publically presented through press, which is the mirror of the power's official discourse. In a modern parliamentary regime, the press has the role to present to the community of citizens the debates of those elected, a decisive aspect in the formation of an informed and advised public opinion, the only one capable to rationalize the formation and expression of the common will (Saminadayar-Perrin 2007: 15). As a French contemporary, close to the National Party, Felix Colson, observed, the Wallachian deputies had 'a special parliamentary language', in which eloquence was of secondary importance because the decisions were prepared in advance in secret meetings and in the meetings of the Assembly they only voted for or against a resolution (Colson 1839: 86). The great issues, continued the French, were approached with great reluctance in public, a Wallachian exposed an opinion only after 'long nights of meditation and many delays' (Colson 1839: 87).

The manner in which the discussions took place in the Assembly was similar to a sitting room conversation, as Edouard Thouvenel, traveller in 1839 Wallachia, noted:

'the room where the Assembly met is small; in the back, the chair of the president rises; the great boyars occupy the places on the benches on his right and the deputies of the counties those on his left. Orators do not go up to a tribune to express their opinions, among them a familiar conversation is established rather a solemn discussion' (Bușă 2006: 820).

Thus, there were no discourses to print in the official journal. However, information about some attitudes in various issues discussed in the Assembly reached the public space, especially through the deputies that, in 1837, fought against the additional article. Renouncing the old practices, the members of the National Party were accused of 'making propaganda on the population' by using 'the great words – nationality and independence', reaching more and more 'sensible ears' (Nesselrode, 21 March 1839, *Letter to D. Tatișcev*: 86).

Understanding the transformations in the political communication after the application of the Organic Regulation is easier with a methodological approach coming from the sphere of the 'new cultural history' of the political, which suggests the study of the political horizons of persuasion in correlation with the relation between the spoken word (political rhetoric, discourses and debates in

the Assembly, writings (proclamations, political programs) and images (paintings, heraldry) (Escudier 2010: 64).

Defined as a fundamental unit of the political action, ‘meaning to say something about something, addressing it to someone, to an individual or to a group, in order to determine it to take action towards a specific finality’ (Escudier 2010: 64), the political persuasive capacity had, in the period we analyse, an important role, because it became decisive in creating solidarities around the project of the National Party. In close connection with the ideologization of the political language, a process specific to the transition to political modernity (Arend 2000: 175), the political persuasion was channelled, in the case of the National Party, through a series of arguments transposed in a national discourse, but also through the cultivation of the image of the ‘political man’, selfless fighter for the political awakening of his motherland and for the political affirmation of the nationality, with which Ion Cămpineanu identified himself. The Wallachian deputy, ‘took in his hand’ the mission to defend the country’s rights, and his words were ‘the substance that awoke Romanians from the lethargy state they were in’<sup>2</sup>.

Condemning the way in which the Porte and Russia violated for centuries ‘the most holy liberties’ of the country, which they declared in public, the members of Cămpineanu’s political group tried to mobilize the political men to support a project that aimed to achieve a ‘free and independent country’ (Bodea 1967: 216). The invocation of the motherland, a concept that galvanized the spirits (Mihai 2010: 83) and allowed the transgression of social borders, legitimized the political association of men from different social categories, whom the tradition placed in a certain social and power hierarchical relation, strengthening the hypothesis that this group was one attached to a patrimony of ideas, representative for a new type of solidarity, eminently political (unlike the model of social solidarity specific to the traditional community) (Ploscaru 2013). For adopting this strategy, the members of the National Party were accused of making ‘propaganda in the society’ by using the ‘big words of nationality and independence’ to address the more and more numerous ‘sensible ears’ (Nesselrode, 21 March 1839, *Letter to Tatişcev*: 86). The issue also drew the attention of Pavel Kiselev, who, in 1838, warned the Prince about the deputies that, using the public credulity, made ‘declamations which propagated subversive ideas’ in the capital and in the districts (Ghica, 7 July 1838, *Letter to P. Kiselev*).

The traditional ‘father, pillar of the country’ and exemplary patriot, who ensured protection for the community, was being replaced in the perception and conscience of some people with the ‘political man’, characterized by the courage, determination, boldness, willingness to sacrifice that he showed in his fight for

<sup>2</sup> The effect of Cămpineanu’s ‘words’ was observed by Ion Ghica, his nephew and collaborator, who, towards the end of 19<sup>th</sup> century, noted that many young people who lived and ‘idleness and dissolution, and I could cite illustrious names today, left the parties and the novels and ran under the banner of Cămpineanu, started to study seriously and brought important services to the country’ (Ghica, 1881, 167).

the political awakening of the motherland. The modern patriot was orientated towards political activism and assumed the idea of personal sacrifice. Besides these features, the men of the National Party were known for their interest in literature, translations, theatre and Cămpineanu was perceived as a true patron of arts, which were means of accumulating prestige and legitimacy.

The traditional, 'official' profile of the patriot is sketched by the Prince in an Address to the General Assembly from 2 July 1840. On this occasion, he appreciated the 'special epoch for the community' and draw the attention to the path that the deputies had to follow in their work, because the common good could only come from 'hearts permeated by the sanctity of truth' and not from the 'bad impulses of the crafted patriotism' (*Address to General Assembly* 1898: 94). Alexandru Ghica insisted on the true qualities of a good Romanian, who pursues the 'happiness and praise of his kin', conducts his activities with 'all the necessary tranquillity and impartiality' (*Address to General Assembly* 1898: 89), and cherishes the interest shown always by the two Courts for the 'protection of our institutions, whose precious keeping was entrusted to us'. From this point of view, it was valued the patriotic collaboration of the deputies who fulfilled their duties responding to the trust that the government placed in their characters. The Prince opposed this image to the model of 'political man' illustrated by some deputies, especially by Ion Cămpineanu, who, despising the 'undeniable uses and good things' established by the agreements of the two Courts, produces turmoil in the Assembly and 'without shame, called themselves abroad organs of Wallachia' (*Address to General Assembly* 1898, 94).

Unlike the model of the patriot defined by the Prince, for the members of the National Party to be a good Romanian meant to assume the political fight for the national emancipation, ignoring the inconveniences that could appear, accepting the personal sacrifice for the motherland, as it is mentioned in *Act of union and independence*: 'from now on we will sacrifice our life and status for the independence of the nation' (Bodea 1967: 218). However, this feature of the modern political man is strengthened by the members of the group through a ritual formula that reminds us of the boyar brotherhoods from previous times, by taking on oath on the bible in the presence of a bishop (Bodea 1967: 218).

## Ideological identity and legitimacy issues

In the first years of the Organic Regulation, the internal political context allowed Russia to exert an ideological control in the Principalities, but, as the reforms projected were being applied, and the imperfections of the system started to be perceived, a certain interest towards the ideological influences from Western Europe gradually appeared. The attempts of the Russian officials to gain the sympathy of the

‘cultured opinion’ and to prove that under the protection of the Petersburg Court the Principalities were ‘on the path of civilization and integration in the modern world, were only partially successful (Cornea 2008, 372). The discontent of a part of the political elite with the system, which bore the signs of a classicist modernity and was strongly influenced by the political culture from Russia, became more and more prominent as the diffusion of ideas got better and the connections with European cultural environments multiplied, after 1834 (Antohi 1999: 51-64). Ideas of the moderate liberalism started to permeate ‘the young spirits’ despite the authorities’ efforts to block their infiltration, unfolded through gazettes, theatre, cultural societies and through other forms of culturalization which the state, under the watchful eye of the Russian officials, initially encouraged. Although censorship functioned, foreign gazettes still reached some readers through the foreign consuls from the capital. Of course, this interest for European ideological influences was also due to the fact that many boyar sons were sent abroad to study (especially in France), where they usually came in contact with the cultural and sometimes even with political environments.

This situation can be observed in the case of the National Party. For example, changing the name of the General Assembly into National Assembly in the *Act of union and independence* represents an element that, put in relation with the use of the phrase ‘Romanian sovereignty’, can suggest the fact that the members of the National Party claimed to have a representative character, articulating their agenda of the requested political rights in strong connection with the principle of collective sovereignty (Escudier, 2010, 65). Representing a loan<sup>3</sup>, without equivalent in the Romanian political culture of the period, the concept of national sovereignty was acclimatized and used in their political program to ensure a character of legitimacy for the demarches of Câmpineanu in front of the governments from Paris and London, in 1839. The reports of Robert Colquhoun, the British general consul from Bucharest, who supported this demarche, sustain the hypothesis according to which the members of the group mandated Câmpineanu to present the ‘perpetual interference of Russia, on every occasion, until the destruction of any shadow of autonomy in the Principality. They also considered themselves representatives of the country, a quality derived from their status as ‘members of the National Assembly’ (Bodea, 1967, 216). Besides, the constitution programme drafted on 5/17 November 1838 stated the principle of national representation, mentioning that ‘all the Romanians without distinction are represented’, and the members of the ‘national representation’ enjoyed immunity.

The analysis of the political persuasion used by the National Party reveals, however, some contradictory features. So, the leaders of a political group that

<sup>3</sup> In the first half of the 19th century, words and concepts from the western Europe cultures that did not have a semantic equivalent in the Romanian language started to be used in the Principalities, a phenomenon specific to the processes of linguistic transformation that took place in this period (Antohi, 1999, 152).



constructed their legitimacy in the name of modern political principles, used, during the electoral campaign of 1837 for the General Assembly a few arguments that placed them in the proximity of traditional practices.

In order to obtain the votes of some boyars from several counties for their candidates, the members of the group tried to convince them in private conversations and not in electoral meetings (Rückman, 10 January 1837, *Letter to A. Ghica*), that the Prince and his government intended, at Russia's suggestion, to eliminate some indemnities they received and to free their Gypsy slaves without any compensations (Ghica, 1 July 1838, *Letter to P. Rückman*). They tried to win votes by promising that the men they supported will not accept the smallest violation of the boyar rights (Ghica, 7 July 1838, *Letter to P. Kiselev*). This inadvertence between the national discourse, transposed, in 1838, in a project of emancipation based on the natural and imprescriptible rights of the nation, and the promise, in a private conversation during an electoral competition, to protect the 'boyar rights' that could have ensured the votes of certain wealthy land owners, anchored in tradition, show a political group specific to the transition to modernity, with its particularities and incoherencies, for which the traditional methods of politics coexist with modern political principles.

The criticism of the Prince and his administration, followed the older coordinates of the social vices of the boyars, pride and corruption, of which the 'fathers of the country' were accused before (Ploscaru 2013: 253), but was articulated on a new perception, that of the citizen's duty to unselfishly serve his motherland, dedicating all his energy and sacrificing his wealth, tranquillity and even his life in its name. The accusations the members of the National Party brought to the Prince were, first of all, regarding the neglect of the administration, in which he introduced the members of his family and all his 'creatures', entrusting of the leadership of some counties to some inexperienced young men and the establishment of arbitrary in the justice system (Colquhoun, 22 April 1839, *Letter to Palmerston*: 45). The old and condemnable sin of embezzlement was illustrated in the case of Alexandru Ghica by the hoarding of some monastery estates, which 'grabbed' by him, were illegally leased. Members of the National Party had information about an estate of a monastery dedicated to Mount Sinai initially leased for 25 000 Turkish piasters a year, was later subleased by the Prince's men for 384 000 Turkish piasters a year for 15 years (Colquhoun, 22 April 1839, *Letter to Palmerston*: 45).

As it is stated in *Act of union and independence*, one of the responsibilities which the members of the group assumed was to ensure if the state's finances are used for the good of the state. Thus, they observed how the faulty and interested use of the state funds, as a consequence of the corruption in the administration encouraged by the Prince, had direct consequences on the works of public interest. In the entire Principality, the roads and bridges were totally neglected, and the wood pavement constructed on the most circulated streets of the capital during Kiselev's

administration was in a deplorable state. Also, they reproached the Prince that for seven years, important funds were allocated for building schools in counties, but the education was in equally bad state as it was previously (Colquhoun, 22 April 1839, *Letter to Palmerston*: 45).

Besides the critique assumed by the National Party and expressed in the Assembly, in speeches and documents, another way through which it tries to weaken the Prince's legitimacy was through anonymous pamphlets, with larger circulation in a developing public space. Persuasion is now being added to some traditional forms of solidarity, gaining more members to a group that did not extract its power from the control of administration, for example. A means through which the National Party reached a larger number of people was, as mentioned above, the pamphlets. One of these, entitled *Du prince de Valachie, de sa famille, de son election et des appuis qu'il a en Russie* (1838) attacked the Prince contesting his legitimacy, his capacities and those of the members of his family places in high offices. Although in more categorical words, the anonymous text follows the coordinates of the National Party's discourse against Alexandru Ghica, bringing forward, in an ironic key, his main 'sins': pride, incompetence, cupidity, lack of integrity and nepotism (*Du prince de Valachie ...*, 1838).

The text reveals some arguments used by the National Party to weaken the legitimacy of the Prince, written in a satirical tone and included in a depiction full of spicy details, true or not, in order to discredit Alexandu Ghica in the public space. First of all, his brothers are being ridiculed, Mihail, great vornic (minister of interior), was called 'a *parvenu* nobody' and was nothing more 'comical than to observe his incompetence', although he considered himself 'a universal man'. Costache, great spatar (commander in chief of the local militia), 'lacking in talent and character, is always pleased with himself, full of vanity and prejudices, considers himself an accomplished warrior'. In his turn, the Prince was criticised for his arrogance, 'often sitting quietly on his throne, in the middle of his Court, without saying a word', 'incapable to admit his mistakes', correlated with his lack of education, 'although he considers himself an educated man', and with his weakness for flattery, 'he loves to be admired [...] completely lacking in integrity and spirit of justice' (*Du prince de Valachie ...*, 1838).

If, in the case of his brothers, the pamphlet questioned their capacity to exert their high offices, for Alexandru Ghica the text questions his right to occupy the throne. In this regard, the circumstances in which he obtained the support of Kiselev for this position are depicted. Kiselev preference for him is explained, according to the pamphlet, by the fact that he knew Ghica's character and by the influence of Catinca Ghica, the beautiful and spiritual wife of his brother Mihail, with whom the Russian official was *en liaison* during the time he administered the Principalities.

Thus, the idea that Alexandru Ghica was an illegitimate Prince, ‘appointed through a Firman’ and not elected by an Extraordinary General Assembly, as the Organic Regulation stated, who cannot be recognised and a ‘legal and national Prince’, as the *Actul de unire și independență* mentioned is expressed in an ironical key, through a simple, accessible language, suggesting that he own his position to an adultery. The Prince was also accused of ‘wining on his side’ the ‘incorruptible consul of Russia, Piotr Rückman’ by meddling in the ‘foul intrigues of his marriage, which cost him many thousands of ducats’ (*Du prince de Valachie ...*, 1838). Again, the anonymous author of the text uses real, known information for which he offers an explanation meant to discredit the Prince. In this case, Rückman who was well passed the years of youth fell in love with the young and beautiful wife of a local boyar, and the Prince allegedly intervened with all his power and influence in her divorce process and ensured a quick new marriage.

Real or only presumed, the implication of Alexandru Ghica in a marriage that astounded and produced unrest in the society could only damage his public image. This matrimonial alliance accomplished with the Prince’s support was seen by contemporaries as the main reason for which Piotr Rückman, ‘untamed lion’ until then, ‘became a lamb’ towards Ghica<sup>4</sup>, and would generate some inconveniences for the Russian official culminating with his relocation from the post in Bucharest, in 1839 (Cernovodeanu 1997: 249).

Also, the text approaches the situation of the deputies that opposed to the adoption of the additional article in the agitated sessions from July 1837, which Alexandru Ghica presented as ‘revolutionaries’, assuming the merit of maintaining order in Wallachia, in the eyes of the Emperor (*Du prince de Valachie ...*, 1838). All these arguments lead to the conclusion that the text was written by someone close to the National Party with the purpose of spreading a set of ideas, exposed in an accessible yet vehement language that condemned the Prince.

Finally, the contesting attitude manifested in the political confrontation with the Prince of a group of men who proposed an alternative discourse had as main goal the access to the state’s institutions. In this regard, Ion Câmpineanu affirmed on many occasions his intention to leave behind the conflict with the Prince if he would listen to the advice of those from the National Party and would allow him to ‘lead the country’s administration’ (Colquhoun, 19 December 1838, *Letter to Palmerston*: 174). If they would have reached this understanding, Alexandru Ghica would have had the support of the ‘weight and influence’ of the National Party, working together to prepare the means necessary of his liberation from his state

<sup>4</sup> The effect of Câmpineanu’s ‘words’ was observed by Ion Ghica, his nephew and collaborator, who, towards the end of 19<sup>th</sup> century, noted that many young people who lived and ‘idleness and dissolution, and I could cite illustrious names today, left the parties and the novels and ran under the banner of Câmpineanu, started to study seriously and brought important services to the country’ (Ghica, 1881, 167).

of 'slavery' towards Russia (Colquhoun, 19 December 1838, *Letter to Palmerston*: 174). The proposition of a political man who saw 'the fall of the system established by Russia, who felt the 'chain with which it was bound to the Principalities' and was prepared to do whatever was in his power to destroy this chain met the Prince's weakness of character.

Thus, the image of Alexandru Ghica was antithetic to that of Câmpineanu, defined by courage, determination, firmness, valour and willingness to sacrifice with which he tried to accomplish the assumed national objectives. In other words, the members of the National Party claimed to be 'men who renounced honours for militating only for independence and liberty' to form, through their energy, the public opinion (Bodea 1982: 136). For Câmpineanu and his group to form the public opinion meant also the cultivation of new forms of communicating with society – press, literature, saloons, theatre, cultural associations, through which they gain prestige and, finally, legitimacy.

## Conclusions

The members of the National Party used ideological elements to legitimize the right to a free political and social life, going beyond the stage where the origin of the language and the people, the existence of the ancestors' borders and the treasure of their glorious facts were the main arguments. This 'community of ideas' of a group that tried, in the legal framework of the Assembly, to fulfil 'its holy duties', was the base of the development of an ideological identity for the National Party, later transposed in a political program through which Ion Câmpineanu was mandated, in 1839, to present the situation of the country to the governments of Paris and London.

Despite the coexistence of old and new political practices, subjected to a thorough analysis that does not compare it with the national project from 1848, the program of the National Party led by Ion Câmpineanu represents a moment of rupture, an important stage in the edification of the modern Romanian political culture, especially through its attempt to rearticulate the political system according to a set of principles, taking into consideration the power relations in society. Certain traditional political practices (invoking the capitulations, defending the rights of the boyars, spreading rumours, secret meetings, oaths on the Bible in the presence of a high-priest) were combined, in this case, with elements of modernity (publicly protesting against the violation of the country's rights, invoking the concept of nation in a political sense and the use of ideological arguments, drawing the attention on the need to respect the international law). By the means through which they carried out their activity and the principles invoked, the members of

the national party showed their capacity to act in the sense of modern politics, but, on another hand, they used elements of the political vocabulary specific to the boyar memoirs (without modern discursive and ideological elements).

However, unlike the political groups specific to early modern period, the National Party was formed around a patrimony of ideas, which were the base of a program with national objectives, that legitimated their attempt to obtain power. This involved the adoption of a new body of laws, 'public and civil', as an alternative to the Organic Regulation instituted by Russia, through which they tried to rearticulate the political system in effect. The attempt to weaken the legitimacy of those who controlled power – the Prince and the Russian consul – through 'inherited' or modern means, represented key elements in the public discourse of the National Party, along with the ideas and principles that substantiated their political project.

## About the Author

Cosmin Mihut is an assistant lecturer at the Faculty of History from 'Alexandru Ioan Cuza' University, Iași, Romania. He is specialized in the modern history of the Romanians, mostly on the first half of the nineteenth century. His interests lie in the history of politics, from a methodological perspective that focuses on the study of political facts, on the characters involved, in the context of the transition from a traditional elite (boyar) to a modern one; in the history of the political, in the sense defined by Michael Foucault, Pierre Bourdieu, Jacques Le Goff, Pierre Rosanvallon, meaning the study of legitimacy and the symbolic power exercise forms, focusing on the groups and structures of power that activated in the Principalities during first half of the nineteenth century, as well as on the manner in which they were formed, in the context in which the Romanian national discourse started to take shape and of the movement of national emancipation; in the history of international relations, concerning the politics of the great powers in the 'Eastern Question' and, with the delimitation of the 'Romanian Question' within it, in the history of the relations between the Principalities and the great powers.

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# *The Wind of “Illiberalism” that is Blowing Around Post-Communist Countries: Solutions Must Come from Within*

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*Florian Çullhaj*<sup>1</sup>

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## **Abstract**

*A peculiar phenomenon that characterizes today’s Illiberal governments is that their advent to power is a legitimate process within the democratic rule; particularly, in post-communist countries like Hungary or Poland where constitutions and functional institutions stabilize and promptly certified by the European Union. In this paper, we set the scene for an ongoing theoretical debate developed between authors who stand for the liberal values priority and others who stand for democratic values priority. We think that the widespread eruption of illiberalism ensues from the decoupling of liberalism from democracy. Drawing on existing studies, the paper traces the essence and the unfolding of illiberalism, focusing the discussion towards other non-EU countries like Albania; to explore to what extent the country’s internal developments fit patterns of Hungarian-Polish model. We argue that the best solution to overcome illiberalism must come from within, similar to the Macedonian example.*

**Keywords:** *Illiberalism, post-communism, liberal values, Albania, democratic ethos*

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<sup>1</sup> Many thanks to colleagues who commented on drafts. Mistakes remain mine.  
Contact at: [florian.cullhaj@uet.edu.al](mailto:florian.cullhaj@uet.edu.al)



## The methodological and theoretical approach

This paper aims to explain the rise of illiberalism in the Balkan and in Central Europe (here and after CE). It is rooted in qualitative studies drawing information from a variety of primary and secondary sources such as books, journal articles, periodicals, papers, and internet sources. For quantitative indicators, it uses data from Freedom House, Eurobarometer and BTI report. Briefly, the research questions that we will try to answer along this paper are as follows; how can we account for the illiberal turn in post-communist countries, is it much more a democratic or a liberal backsliding? To what extent the country's internal developments fit patterns of Hungarian-Polish paradigm; what about the ambiguous role of the International community?

Furthermore, our analyses will draw upon Alessandro Ferrara's 'maximalist' conceptualization of a 'democratic ethos'. As he puts it, 'the formal definitions of democracy, such as Schumpeter's competitive elitism, are vulnerable to 'trivial emulation': no parameter is immune from being formally satisfied yet substantively deprived of all meaning' (Ferrara, 2014, p. 4). Different regimes can set up false elections to increase their reputation by adding aspects of democratic suitability. Therefore, normative political theory elucidate significant criteria based on which we can measure and evaluate the authenticity of democratic entitlements.

The paper proceeds in five sections. First, we survey the literature on the ongoing theoretical debate between scholars who attempt to explain the current situation of post-communist countries emphasising the backsliding of liberal values, and other who uncover this deterioration through the decrease of democratic values. Second, we delve in a comparative analysis of data generated by international institutions about the current state of democracy in the Balkans and CE countries. Third, we critically assess the role of the EU in supporting 'strong leaders' as a potential condition to backsliding. Fourth, we investigate the impact of Edi Rama's political style, and its influence on the government institutions, the media, civil society, and the linkages among them. Finally, we shortly evaluate the lost 'constitutional moment' of Albania's society to accomplish Ackerman's 'dualist democracy' as an alternative element for democratic consolidation. In conclusion, we summarise implications of the Albanian case for wider debates about democratization from within, as well as, at what extent, Albanian case, compares to the paradigmatic cases of Hungary and Poland.

## Illiberal Democracy or Undemocratic Liberalism? Exploring theoretical background

Twenty years ago, Fareed Zakaria authored an essay in the *Foreign Affairs* magazine, entitled *The Rise of Illiberal Democracy*; an early version of his influential 2003

book, *The Future of Freedom*. According to Zakaria democracy was progressing, but not in its virtuous way. His idea was to take the defence of the individual not only against the abuses of tyranny but also against the abuses of the democratic majority. Zakaria has made a remarkable situation about this growing new phenomenon, for the alienation of the nature of democratization from within. According to him, 'democracy is flourishing; constitutional liberalism is not'. At that moment, he wrote; 'from Peru to the Palestinian Authority, from Sierra Leone to Slovakia, from Pakistan to the Philippines, we see the rise of a disturbing phenomenon in international life - the illiberal democracy' (Zakaria 1997, p 22). According to Zakaria, in the new democracies of mid-1970, the most important goal was the introduction of free election, as the cornerstone of a functional democratic system, but they had failed to build up liberal institutions that could guarantee constitutional and institutional limits on political elites. Founded on inductive observation, the main idea of Zakaria stated that liberalism in today's consolidated democracies is authentic, while in post-communist countries it's not. Therefore, the problem today is not with democracy because it 'has become a regime without antagonists, an unquestioned *horizon* (Ferrara 2014, p. 2) Here, what faces problems is the liberal paradigm. The latest translates into a decrease in control over executive power, the limitation of judicial independence, media, civil society and human rights violations by the state. (Greskovits 2015; Bermeo 2016; see also Canetti et. al 2018; Dawson and Hanley 2016). In short, there is a risk of illiberalism, but not of democratic breakdown.

Hereafter, Norberto Bobbio in his book *Liberalism and democracy* points out the early separation between liberalism and democracy. In fact, for two centuries liberal non-democratic states and non-liberal democratic states have existed. Thus, in the nineteenth century, the liberal nation-states recognized their citizen's fundamental rights, but not political rights, and moreover did not recognize any rights to the *other people*. In the twentieth century, Nazism and Fascism came to power with a democratic method, obtaining most of the electoral consents to set up a totalitarian regime. Communist advent also meant the birth of states that started as egalitarian democracies but that did not allow civil and political liberties, except on a purely formal level and devoid of real contents. Liberal states evolution in a democratic sense, the defeat of totalitarianism, and later, the failure of communism has led us to believe that by now, could no longer exist liberal but not democratic states and democratic, but not liberal states (Bobbio, 2006, p. 60). However, we deemed necessary to investigate this paradigm in the light of what has happened in recent decades. Certainly, the attempts of non-democratic liberalisms have failed, but in recent times there has been a revival of somehow an opposite phenomenon that is, illiberal democracy, which is the result of a long-lasting process

In the following, Alessandro Ferrara develops an alternative and a novel outlook on this topic. (Ferrara, 2011, Seminar, *Democracia e Liberalismo*; Maestri & Compagni) According to Ferrara, back in the 17<sup>th</sup> and 18<sup>th</sup> century, individuals understood democracy as the political system where they were the authors of the laws they obey. To the question, what distinguishes a legitimate government from an illegitimate one that depicts by an arbitrary use of force, the answer is, the consent given by the governed. This standard could be found in the heart of John Locke's liberalism. However, this is not enough because history is full of examples when enlightened elites or benevolent despots – who may grant certain freedom to the people – ill-iterated this concept and ended up abusing with power. On the other side of the argument stands Rousseau. For him, the idea of a fully democratic society based solely on consent/acceptance of the governed was not enough, because he perceived democracy as an expression of laws which project people's active will. Accordingly, today's Liberal-Democracy incorporates the intuitions of these two philosophers.

Whereas, about democratic essence, Ferrara argues that in today's democratic systems people's power illustrates much more in a technical sense, as entitled to sovereignty and not an *ethos*. In Ferrara's analysis, liberalism's essence is the *sense of limits in the exercise of power*, but not those kinds of limits understood in Machiavelli's perspective. On the way that others must subject to the Prince guidance, that the Prince itself should not force his own people beyond a certain limit, this kind of limits stands on *prudential* principles, and not on *normative* ones. The latter converts into rights but also in other forms.

Furthermore, the author addresses the usual criticism raised toward Liberalism. Through a detailed and comprehensive analysis of a plethora of authors such as Rawls, Duwei, Hegel, Mead and Croce, Ferrara traces the social grounds of Liberalism. He argues that Liberalism does not rise and fall on the idea of an individualistic conception, an atomistic system of values where individuals come prepared and enter society as rational entities maximizing only their utility and so without any reference to others. This is just one line of thought within the school of Liberalism because it can accept a bulk of notions about the individual, including the intersubjective notion of the individual as one developed at the intersection of reciprocal interaction networks. (Ferrara, 2011) On the other hand, Democracy does not have this sense of normative limits because it enjoys unlimited sovereignty of people's majority who can vote for everyone. In contexts of poor liberal culture, yesterday the people voted for Hitler [while today is Orban, or Kazinsky or Trump, or Erdogan, or Salvini, or Rama]; therefore, democracy becomes self-destructive.

In a nutshell, according to Ferrara, the heart of liberalism is the sense of *limited power based on normative principles* which must operate upon any power. To conclude, Ferrara argues that democracy today is a legitimized system without any

other counter regime. He scrutinizes democracy as *openness*, (Ferrara, 2014) and it is functioning depends on persons inner ethics/culture. In the heart of democracy is the opening to new other forms, at the same time not crystallizing solid forms of its models.

Whereas, Jan-Werner Müller poses a conceptual critique of Zakaria's thesis. Namely for Müller:

what governments like those in Poland, Hungary, and Turkey are proposing is something very different. It is one thing to criticize materialism, atheism, or even individualism. It is something else altogether to attempt to limit freedom of speech and assembly, media pluralism, or the protection of minorities. The first is a disagreement about different political philosophies that can justify democracy. The second is an attack on democracy's very foundations.... Instead of describing them as 'illiberal, we should be calling them what they really are: 'undemocratic'. (Müller, 2016, p. 2; For a more detailed conceptual critique on Zakaria's essay see also Müller, J. 2008.)

This clash between popular will and administrative power highlights a double tendency that according to the German political scientist Yascha Mounk, triggers the crisis of liberal democracy; on the one hand 'illiberal democracy', on the other 'anti-democratic liberalism' Accordingly, people who freely express themselves to limit others freedoms, while courts and other unelected bodies protect liberal rights. According to Mounk the idea to impose liberalism from above will not save us from the dictatorship of the majority. 'It is not a sustainable solution. We often see that individual rights prevail at the cost of the majority's vision of the population. One of the results is that the population does not feel heard and the populists vote. They say: institutions don't give a damn about us, so let's throw them down. In the long run, it ends up weakening liberal institutions. The problem with undemocratic liberalism is that it doesn't help, it's unstable'. (see Mounk's interview by Anna Momigliano, 11 May 2018; see also Mounk, 2018)

Whereas, Sheri Breman, in her paper *The Pipe Dream of Undemocratic Liberalism*, provides the grounds of each concept on historical analysis. She argues that the concepts have displayed their pitfalls when states tried to carry out them separately. The fact that democracy and liberalism are not indivisibly linked is proven by the historical existence both of illiberal-democracies and of liberal-nondemocracies. However, in today's new democracies highlighting the disjunction between liberalism and democracy can easily lead to new confusion. It is not a contingency that post-communist countries that hold free and fair elections are much more liberal than those that do not, and countries that protect civil liberties are much more likely to hold free and fair elections than those that do not. This is the result of

powerful intrinsic connections between electoral democracy and liberal order. In the end, Breman acknowledges for an interweaving of liberalism and democracy, however, she pushes for the extensions and furthering people's empowerment with democratic elements. As she put it:

Zakaria and others are right to worry about the rise of illiberal democracy. Without the rule of law and other basic liberal protections, democracy can easily lend itself to populist or majoritarian abuses. In the rush to condemn illiberal democracy, however, many have jumped to the conclusion that limiting democracy is the best way to defend liberalism. This is incorrect. Historically the two have developed together, with illiberal or failed democratic experiments often being part of a long-term process through which liberal-democratic institutions, relationships, and norms have gradually replaced those of the old regime..... Fighting back against the populist tide and avoiding illiberal democracy therefore requires finding ways to remove the barriers that have weakened contemporary democracy and to encourage greater citizen participation. This will require making governments and other democratic institutions responsive to the majority of the people, rather than to only a narrow elite, or to markets, unelected bureaucrats, or corporate interests. Far from seeking to restrict democracy, we should be revitalizing it instead. (Berman, 2017, p.36-38)

Whereas, according to Harvard theorists Stephen Levitski and Daniel Ziblat, in their book *How Democracies Die*, many observers in the United States find comfort in the United States Constitution designed precisely to counter and curb demagogues like Trump. Hence, two basic rules strengthened the system of check and balances in the United States, to the point that today supposed as for granted. The rules consist of *mutual tolerance* or an understanding that the competing parties accept each other as legitimate rivals and *forbearance*, or the idea that politicians should exercise moderation in establishing their institutional prerogatives. (my emphasis). In a nutshell, the authors point out that Donald Trump does not foresee the collapse of American democracy, what remains most worrying is the political legacy he will leave behind.

The debate between these authors explaining the recent backsliding of liberalism in consolidated democracies as well as in post-communist countries still continues. On one hand, Zakaria Bobbio, and Ferrara augmented for liberal values importance while, Müller, Bernman, Mounk, Levitski and Ziblat stressed for democratic value importance. As issued from authors analysis, almost each one of them argued that today is a futile endeavour to divide democracy from liberalism or vice-versa. Notwithstanding this, Zakaria provides a wide comprehensive analysis in explaining the current situation in post-communist countries. As he

puts it, 'Democracy without constitutional liberalism is not simply inadequate, but dangerous.' (Zakaria 1997, p. 42).

In the following, we will enter the empirical comparative analyses of data provided by international institutions that yield trends, and figures of illiberal uprisings.

### *The empirical background*

In 2018 Freedom House assessed the degree of freedom of 195 countries and 14 territories using two scales, one referring to political rights, and the other to civil liberties. This scale builds on a total of 25 indicators. The methodological approach assumes that freedom is best guaranteed by the principles of liberal democracy. The ten indicators that measure political rights refer to the electoral mechanism (universal suffrage, the regularity of procedures), pluralism and participation (presence of organized parties, access to elections of opposition forces and minorities, electoral choices not conditioned by any political authority, economic, religious), governmental activity (government free from conditioning, not involved in pervasive corruption, responsible before the electorate). The fifteen indicators that test civil rights related to freedom of expression and religion (independent media, the educational system not conditioned by indoctrination, the possibility of public and private discussion), freedom of association (public demonstrations, non-governmental organizations, trade unions), the autonomy of the judiciary and investigative power (independent judiciary and free from political and criminal conditioning, democratic control of police forces, mechanisms of coercion, equality of treatment), individual rights (freedom of residence and employment, access to the educational system, property rights and freedom of trade, criminal conditioning, gender equality, equal opportunities, economic exploitation). The calculation of scores measures the indicators (for example, the democratic nature of the electoral process can range from 0 to 12). The sum of the scores of the ten indicators of political rights and fifteen measures of civil liberties stands on a scale ranging from 1 (for the highest score) to 7 (for the lowest score). The average of the two scales defines the degree of freedom: free state (average from 0 to 2.5), partially free (3.0-5.0), not free (5.5-7.0). ([www.freedomhouse.org](http://www.freedomhouse.org))

The result of the survey conducted in 2018 shows that Albania has the score for both political and civil liberties for several years (equal to 3.5/7.0). Totalling a value of 6.5/7.0 for civil liberties a 7.0/7.0 for political rights, today Russia classifies as a non-free country. In Russia over time the democratic environment has blatantly deteriorated, passing from the 3.5 scores of 1995 to the current 6.5, following a growing control over the media, increasingly invasive propaganda of state television, and the introduction of movement restrictions for citizens.

The Russian matter is important because today the illiberal authoritarianism of Putin stands for the predominant model of European neo-populism. Accordingly, the Hungarian parliament approved a series of restrictive measures including the restriction of freedom of expression, homeless' criminalization, the ban on emigration for graduates for less than ten years. Simultaneously, some constitutive elements of liberal democracies namely the separation of powers, and the control over the constitutionality of law are in jeopardy. Thus far, Hungary has an average score of 2.5/7.0 but with a downward trend followed by Turkey 5.5/7.0 and India 2.5/7.0. Not to mention China 6.5/7.0 which in many ways preceded the Putinian model. Even in Poland, where a visceral anti-Russian feeling persists, the nationalist right of Jaroslaw Kaczynski, promise to realize an electoral democracy that closely resembles Putin's plebiscitary.

According to Transformation Index BTI 2018, the democratic backsliding of the region 'can best be described as 'illiberal drift,' in part because of the institutions essential to democracy is not destroyed or fundamentally questioned, but are rather, over time, re-interpreted and subject to changes, that pull them increasingly further away from the understanding of institutions that led the democratization processes of the 1990s and the eastern enlargement of the EU in the early 2000s.' (BTI 2018) Even though there is a significant variation between the countries the internal situation is the same. To name a few, attacks on the media and judiciary are still high, ethnopolitical divisions in Bosnia and Kosovo are deepening and the government interference influenced the democratic quality of elections in many countries in the region. (BTI 2018).

Briefly, according to BTI findings, countries in Central Europe and South-East Europe have moved away from the transformation as conceived in the context of the EU project. The elites increasingly take part in conflict, and the guiding principle of liberal democracy has been less able to bridge and moderate political divisions. This drift takes off from 2015, particularly in Hungary, Northern Macedonia, and Poland. In the end, according to BTI, 'methods inspired by Orbán and populist political style have spread to other countries, even if the elites are not consciously considered imitators they still lack of the ability for an integral transformation into illiberal democracy'. (<https://www.bti-project.org>)

## **The arduous pathway of Albania's liberal-democratic consolidation. Explaining the ambiguous role of Internationals**

In present days, Democracy is clearly a phenomenon of different dynamics which interactions for consolidation determine its result. Given that democratization is a controversial issue, the path leading to a full achievement

appears contentious. Guillermo O’Donnell and Philippe Schmitter (1986, 8), define democratization as:

‘...the process whereby the rules and procedures of citizenship are either applied to political institutions previously governed by other principles (e.g., coercive control, social tradition, expert judgment, or administrative practice), or expanded to include persons not previously enjoying such rights and obligations (e.g., nontaxpayers, illiterates, women, youth, ethnic, minorities, foreign residents), or extended to cover issues and institutions not previously subject to citizen participation (e.g., state agencies, military establishments, partisan organizations, interest associations, productive enterprises, educational institutions, etc.). As is the case with liberalization there does not seem to be any *logical sequence* to these processes, although some same regional and temporal patterns can be discerned. *Nor is democratization irreversible*.’ (emphasizing mine)

The path towards democratization might not necessarily lead to ‘complete’ democracy. It could end up in what O’Donnell and Schmitter named, ‘dictablandas’ or ‘democraduras.’ Dictablandas, is a combination of the Spanish words dictadura (dictatorship) and blanda (soft), or differently ‘titular democracy’ or ‘liberalized authoritarianism.’ Respectively, when authoritarian regimes allow little space for liberal activity, but on the other hand, blocking democratization process by way of not ‘altering the structure of authority’; providing no accountability toward citizen or subjecting their authority to competitive elections. Whereas, ‘Democraduras’ or ‘limited democracy’ emerge when authoritarian rulers seek to halt democratization by keeping ‘contentious issues off the agenda of collective deliberation’ and ‘continue old, or even create new, restrictions on the freedoms of particular individuals or groups.’ (O’Donnell & Schmitter, 1986, p. 9).

Today’s Albanian political reality well fits to these categories. Due to the long-lasting authoritarian culture of the political elites, the process of democratization and consolidation ended up much more in a *democraduras* than in a *dictablandas*. Political elites blocked democratization by capturing the electoral process altering it in a mere façade, recycling themselves in an endless course. The policy of expelling citizens from free deliberation depicts the elite’s current action, therefore, citizens felt powerless in organizing themselves to face ill-governance. In this equation, the role of the internationals – the most trusted institutions from Albanians – shifts in structuring a *stabilocracy* for Albania and not a functional democracy. (Demiel & Primatarova, 2012; Çullhaj 2017 p. 123-4; see also Bieber 2018).

Along these three decades, internationals felt exhausted from the strong polarization of internal political environment and elite’s immature and irresponsible



way of dealing with politics. Therefore, international primary concern remains regional stability, and not democratic consolidation within the country.

In recent years, the EU thwarted internal democracies in some Western Balkan countries by backing the so-called ‘strong leaders’ but, this remains an unproductive strategy because they continue to generate instability at the local level. Consequently, the EU must adamantly evaluate its relationship with this category of leaders, because they openly abolish the embryonic liberal values in the states where they govern. (Cianetti et.al p.246) These leaders enjoy attention and support from the EU but slowly and quietly mistreated independent institutions, and free media in their respective countries. The case of Northern Macedonia is the most representative of this phenomenon. It took more than two years – as everyone listened to the recordings of a corrupt government spying on its citizens and forcing on courts and media – to make the EU aware that the ‘strong leader’ Nikola Gruevski was no longer a factor of stability but instability in Northern Macedonia. (Gjuzelov, B. & Hadjievska, M. I. 2019) Therefore, we come to agree that the EU and the International community proved to be apathetic promptly addressing these developments, pursuing their guaranteeing and *stabilocratic* attitude. Nevertheless, the change came from within. It was the civil society, and opposition parties that carried the main burden of highlighting the acute problem with democracy and liberal principles’ application. (see Draško, G. P, Fiket, I. & Vasiljević, J. 2019)

In the same way, in Albania, the pressure for establishing the rule of law must come from within, from anyone that feels politically unrepresented and economically exploited. On the other hand, after the EU last election results and the heterogenic political configuration of each member state, rapprochement with the EU is no longer a guarantee of enhancing Albania’s democratic quality. The country’s democratic consolidation is not necessarily in line with European integration. (Richter. S, & Wunsch, N. 2020)

As an example, we assess the recent European Commission report on Albania. Despite flagrant scandals with wiretapping and direct undisputed involvements of senior politicians, in collaboration with gangs for vote-buying, the EU report revealed highly neutral in its outlook. These phenomena coupled with the absurd positioning of Albania’s Chief Provisional Prosecutor, discontinuing the investigation of such a delicate matter, provoked opposition MP to burn their parliamentary mandates. The commission’s comments on these phenomena are as follows:

‘Albania has continued to make progress on its EU reform agenda throughout the reporting period. Strong polarisation persisted in the political sphere. Parliamentary activities were affected by a prolonged boycott from opposition parties, which then

also relinquished *en bloc* their parliamentary mandates in February 2019. More than half of the relinquished parliamentary mandates have now been reassigned by the Central Election Commission and the quorum for the full functioning of Parliament is maintained. Main opposition parties decided not to register for the local elections, which are scheduled to take place on 30 June 2019. The main opposition parties’ disengagement has negatively affected the efforts for a bipartisan electoral reform despite the majority’s efforts to move forward. Opposition parties should constructively re-engage in the democratic institutions’. (EUROPEAN COMMISSION Brussels, 29.5.2019 SWD (2019) 215 final Introduction p 1).

According to this report, it is clearly ‘the fault of the opposition forces’ concerning the internal political situation. However, despite EU perspective on the matter it does not mean that we should give up on integration. On the contrary, once again we must understand that transformation towards a more liberal, democratic, pluralistic society change adamantly must come from within. It’s imperative to clarify to the EU and to International community that Edi Rama is no longer a factor of stability but of instability. In the light of recent developments exhibited by the newspaper BILD<sup>2</sup> there is no longer any justifiable excuse for the abnormal political situation in the country. In synthesis, Northern Macedonia example and current political situation in Albania reinforce the belief that change literally must come from within. In the following, we will discuss some causes that brought to the populist advent in the Balkan and CE states.

## **The populist outbreak and the dissent for liberalism in the region**

The migration and refugee’s crisis caused an unprecedented and unpredictable increase of populism in CE, as well as a new form of violent polarization of political discourse. This new phenomenon threatens one of the essential aspects

<sup>2</sup> The German newspaper Bild has published several other recorded conversations, which are part of the so-called 339 file that the prosecutor’s office is investigating. Three of these recorded tapes involve Prime Minister Edi Rama, former socialist energy minister Damian Gjijknuri and candidate for mayor of Lezha, Pjerin Ndreu. In the first conversation, Rama is listened to while talking to Arben Keshi, an interior ministry official. During this conversation, with Keshi, who was at one of the polling stations during the 2017 elections, Rama asked if he “reached the goal”. On the second tape, former minister Gjijknuri tells Keshi that he would send “a couple of troubled kids just in case”. The second conversation involves the socialist deputy and candidate for the municipality of Lezha in the upcoming local elections, Pjerin Ndreu. In this conversation, Ndreu states that “every vote must be verified”. Meanwhile, Prime Minister Edi Rama announced that he had decided to press charges against German journalist Peter Tiede for leaked confidential information related to an ongoing investigation. The country’s Prime Minister also said that these tapes were leaked not to do justice, but to use them as a tool of blackmail and defame the country before a pending decision by the European Union on the opening of accession talks. Prime Minister Edi Rama recently promised to sue German investigative journalist Peter Tiede following the disclosure of the above-mentioned wiretaps. <https://balkan.eu.com>, Accessed on 09/09/2019

of liberal democracy, namely its ability to apiece conflict through dialog. This new development jeopardizes some fundamental hypotheses of the liberal model, based on tolerance, respect for cultural diversity, and pluralism as the cornerstone of democratic societies. Populism in CE demonstrates its own traits, but in the first place, it is a rebellion against the dangers of immigration and multiculturalism and an accommodating stance towards Putin's Russia. Whereas, populism in the Balkans does not share these exact features with CE countries, according to Nancy Bermeo the most unifying contemporary characteristics for backsliding of both regions is the model of *executive<sup>3</sup> aggrandizement*. (Bermeo, 2016) Executive aggrandizement occurs when current political élite concentrates political power by invalidating or neutralizing constitutional and institutional check and balances, mechanisms that liberal democratic constitutions specifically put in place to make sure the accountability of the political executive. Consequently, Bermeo defines democratic backsliding as 'the state-led debilitation or elimination of the political institutions that sustain an existing democracy. (Bermeo, 2016 p. 5) These governments capture and use existing institutions and regulatory mechanisms instead of committing in openly undemocratic manoeuvres. The political executive identified as the sole repository of the democratic mandate and international checking constitute the anti-people establishment. (See Khaitan, 2019; Hanley S & Vachudova M, A. 2018) The model of *executive aggrandisement* paradigm primarily incorporates States which previously assumed to be consolidated, long-established democracies or relatively homogenous democracies. However, it competently resembles the current situation in both regions, accordingly let us briefly explain region's propensity towards illiberal democracy.

In 2018, in the *Journal of Democracy* Jacques Rupnik published an article titled *Explaining Eastern Europe: The Crisis of Liberalism*, examining the liberal model adopted after 1989. The focus of his analysis expands into three aspects, namely; 'the rule of law, the recourse to nationalism, and 'culture wars.' Summarizing, according to Rupnik, in countries such as Poland, Hungary (we observe analogous tendencies in Slovakia, Croatia and Albania) the first attack aimed at constitutional courts, since such bodies supposed to hinder the expression of popular sovereignty and establishing a sort of 'legal impossibilism,' (Rupnik, 2018) According to Albania, the scenario differs in its configuration but not in its essence, as long as it yields the same results. Consequently, using the justice reform as an excuse, the government-backed by the internationals introduced a wide-ranging top-to-bottom reform pushing the system in a juridical collapse, as several judges of Constitutional Court and Higher Court resigned due to the vetting process. This manoeuvre caused a tremendous political impact, as the opposition forces felt politically powerless

<sup>3</sup> References to the "executive" mean the political executive leadership, usually comprising the prime minister and his top ministers

against government’s power abuse. As long as no higher justice institutions subsist to judge political disputes, the opposition called for mass mobilization and protest to hold back governments power misuses.

The other aspect raised by Rupnik, is the media, which constantly finds itself at the centre of government attacks followed by civil society, two alternative powers which might play the role of a real and autonomous opposition. In 2017 Hungary passed a law which forces organizations of civil society to divulge the names of their foreign donors. While, now in Albania, concerns continue over the possible approval of the new package of amendments, the so-called ‘anti-defamation package’, for amending two important laws on the Albanian media. This reform empowers ‘a state administrative body to regulate the content of online media outlets, while at the same time not address the widespread problem of hidden propaganda and disinformation, sponsored by the government, local government units, and political parties’<sup>4</sup>, thereby effectively breaking international standards, and the principles safeguarded by the Constitution. (Surowiec & Štětka, 2020)

Albanians public discourse keeps regretting the lack of civil debate on the eve of elections processes. The idea of political conflict as having an intrinsic value begets questionable, as long as it elicits strong polarization in social relationships. Of course, for those in political contest compromise appears less possible if they continue to carry out victories. But what this conflict really stands for?

The Right-wing rejects Left’s-wing governing twisted vision on democracy because the Left-wing defends democracy fighting for preserving of the *status quo*, through Bermeo’s model, pretending to protect Albanian society from slipping

<sup>4</sup> Ten human rights organizations in Albania on Friday denounced the Prime Minister’s initiative to “regulate the online media”, calling it “a censorship package”. The Albanian Center for Quality Journalism, Media Look, the Albanian Institute of Science, the Albanian Media Council, the Albanian Media Institute, the Association of Professional Journalists of Albania, BIRN Albania, Civil Rights Defenders, Res Publica and the Union Of Albanian Journalists urged the Socialist Party-led government to withdraw the proposal, arguing that current laws on defamation are sufficient. “We encourage the government of Albania to withdraw these two bills and call on parliament not to approve them,” the statement reads. “These drafts laws risk the increase of censorship and self-censorship in the local media and could contribute to further setbacks on media freedom and freedom of expression in Albania, which, based on the June 2019 assessment of seven international organizations, is ‘deteriorating,’” the statement adds. The government of Prime Minister Edi Rama claims the country needs “to discipline” the online media in order “to improve the quality of the information and public discourse”. This draft law gives the Complaints Council the power to oblige electronic publications service providers to publish an apology, remove content or insert a pop-up notice if they are found to have violated provisions on dignity and privacy. This council has the power to fine media up to 8,300 euros for such violations. A second law subjects online media to the Telecommunication and Postal Authority, AKEP, which will have the power to insert pop-ups on websites if they have been found in breach of the law by the Complaints Council. Failure to comply with AKEP would result in fines up to 830,000 euros. These draft laws, in an unprecedented way in democratic countries, seek to impose a regime of administrative control on the online media,” the rights organizations say. <https://balkaninsight.com/2019/07/19/censorship-bill-albania-rights-organizations-slams-anti-defamation-package/> Accessed on, 05/12/2019

into chaos. Whereas, for the Right, the struggle for breaking the *status quo*, and at the same time *executive aggrandizement* Leftist statecraft is precisely in defence of democracy

Moreover, in the last seven years, for the Left-wing, Albania's democratic quality has been the latest concern as demonstrated by the empirical data previously illustrated. Today the political system appears procedurally democratic but, state institutions such as the justice system, the media, civil society or other independent institutions acts under the direct control of the *executive*, which exploits them to control the state apparatus as well as the opposition. Synthetically, a society is democratic to the extent that it allows the state to fulfil its duties, but for society's own good. Any resistance to this process is not a democracy, is populism, is in contrast to democracy is illiberal. (Galston, 2018)

The Right-wing struggles for restoring the system to its normalcy by addressing the most pressing issues of today's political system that created current political stalemate. Therefore, to prevent the possibility of personal, bureaucratic and majoritarian tyranny, and then to set a common space for dialogue and compromise, change must transpire. This implies reasoned discussion, legitimizing popular will, and commitment to follow the best practices of democratic principles.

Furthermore, the Constitution of the Republic of Albania makes it clear that the country is a multi-party democracy. Both the preamble and Article 9 of the Constitution confirm the multiparty nature of the Republic of Albania. Furthermore, on 23 January 2008, the Parliamentary Assembly of the Council of Europe (PACE) adopted Resolution 1601 (2008) on 'Procedural Guidelines on the Rights, and Responsibilities of the Opposition in a Democratic Parliament'. The resolution emphasizes the role of the political opposition as 'an essential component of a functioning democracy' and supports a certain institutionalization of the rights of the parliamentary opposition, creating a set of guidelines through which member states' parliaments are invited to take as an example. According to the Council of Europe, democracy without opposition is dysfunctional. Summing up, since the advent to power Left-wing political activity dwells in neutralizing opposition actions. This behaviour contradicts with the letter and spirit of the Constitution and the principles of Resolution 1601 (2008) of the Parliamentary.

Modern authoritarians try to control the outcome of the election with less obvious methods to preserve the democratic veil. Even if they enjoy a vast majority of votes to legitimise their government, still fear free and fair election, as it remains a powerful tool for democratic renewal even in politically troubled environment like Albania. However, one of the disadvantages of democracy is that it often promotes the opinions of the most extreme members of society. Outside of material

incentives like the *spoil system*, most people are not so interested in politics, and Left-wing governance in Albania has deepened this practice. (Marchenko, 2016; Çullhaj 2017; Bieber 2018)

In the following, we will investigate the paradigm of 'dual democracy' presented by Bruce Ackerman and why Albania lost the possibility to fulfil such Democratic standard.

## **Ackerman's 'dual democracy' and Albania's lost 'Constitutional Moment'**

Yale professor Bruce Ackerman's three-volume work, *We, The People* became known in the 1990s in political-constitutional theory and deliberative democracy through the establishment of two concepts, namely, 'dualistic constitution' and 'dualistic democracy'. (Ackerman, 1993) 'Dualism' in Ackerman's idea is the distinctive contribution of the United States to other states for the democratic theory and practice. It refers to a 'binary' scheme of the legislative process based on a two-tiered conception of the common involvement of citizens in national politics.

Ackerman's 'dual democracy' is deliberative only in exceptional cases, those few moments when people talk, when they are so engaged in political issues that they reach what he calls a 'constitutional moment.' According to Ackerman, American politics suffers from all the most 'normal' shortcomings of a democratic system, namely, the public go on uninformed, ignored, and detached from policymaking, leaving interest groups to bid on the interests of 'Normal politics'. But in rare cases, the system moves to the second level of dualistic democracy: the 'promulgation of the highest laws' when the elites, and the people reach a common judgment through a 'deliberative plebiscite.' Because of a crisis or a political issue, people wake up and behave much more like ideal citizens. They meet in public debate, seriously consider the opponent's views, and finally reach a new consensus. (Ackerman, 1993)

According to Ackerman, there are three 'constitutional moments' of historical significance in the United States: The Foundation, the Reconstruction, and the New Deal, each of which mark the beginning of a new constitutional regime. What legitimise change in each case is not the observance to the formal rules, to the constitutional change process. Rather, it is the participation of a committed citizenry, as the latest ensures that the constitutional changes produced by these moments yields the wishes, and considerations of the people. From this analysis Ackerman develops a dualistic theory of judicial review. Respectively, when people return to their private activities, and resume normal politics, it is the Constitutional Court in charge to safeguard the results of 'superior people's

legislation' from ordinary politicians and from normal politics; hence exercising a 'guardian function' in this case. Ackerman's normative theory of constitutional legitimacy attempts to explain how Constitutional transformations occur in the US and how to justify it in theoretical terms. Ackerman's argument is not only explanatory but also normative. These transformations disclose their justification prospect in the light of a democratic theory that emphasizes the legitimacy of collective discussion. Constitutional moments form a 'high legislative act' because people engage in a broader and more informed process to reach a new consensus. The defects of democracy under so-called 'normal politics' are part of what gives higher status to 'constitutional law'. Process informality is part of what shows that a superior legislative process is underway, a conscious 'revolutionary' process.

In the last years, Albania finds itself many times in a 'constitutional moment' where citizens tried to become more involved in politics. However, the current executive show no will to cache this moment because of its low political credentials, and the only way to cope with this defeat is through intimidation towards citizens and anyone who thinks differently. Therefore, we can affirm that Albania's executive forfeits the chance to accomplish a 'dualist democracy in the best interest of future generations.

## Conclusions

In this article, we examined the effect of internal and external factors to understand whether and to what extent they cause today's 'democratic backsliding' in Albania. We have looked, especially through the perspectives of backsliding in Hungary and Poland, which depicted the pattern of democratic erosion in the region and beyond.

We also explored scholars' theoretical debate and conclude that today is a futile endeavour to divide democracy from liberalism or vice-versa. However, as Zakaria elaborated, executives embraced democracy as a procedure rather than relying on liberal values, as a result, they shifted in authoritarianism. Furthermore, violating freedom of expression or check and balances denotes rejecting constitutional liberalism in Bermeo's model of *executive aggrandisement*.

Also, we examined 2019 data generated by International institutions regarding Albania's democratic progress compared to other CE countries. These findings confirm the stagnant and at some point, deteriorating tendency of democratic process in Albania, classifying the country as a mere *façade democracy*.

We also critically examined the role of the EU in supporting 'strong leaders' in the Balkans, and elsewhere. We conclude that transformation towards a more liberal, democratic society change adamantly must come from within, through the empowerment of civil society organizations and a free media. Following the

Macedonian example with Nicola Gruevski, it is mandatory to clarify to the EU and to International community that Edi Rama is no longer a factor of stability but of instability.

Moreover, we explored whether and how Rama's power concentration is putting Albania on a path to democratic backsliding similar to what has happened in Hungary and Poland. Even if, Rama, in contrast to Orban does not offer an articulated vision of his illiberal democracy that involves centralising state power and stripping away checks and balances, he materialises this vision directly through his political deeds. In a nutshell, it is worth noting that Rama's power amassed particularly in the state, in economy, in politics, and the media, reflects the same tendencies of power structures put into place by Orban, since 2010. Since 2013, there is no question that Rama thwarted liberal-democratic norms in areas such as interference in the justice system, equality before the law, manipulation of the state administration and accountability to the media.

Finally, we shortly evaluated the lost 'constitutional moment' of Albania's society to accomplish Ackerman's 'dualist democracy' as an alternative element for democratic consolidation. We came to the conclusion that Albania's executive fails to accomplish a 'dualist democracy' in the best interest of future generations.

In the end, the schism that is taking place in these countries, between democracy and liberalism, shows how difficult it is to build a *democratic ethos*. For Darhebdorf, after the 1989 'revolution', to build a civil society with a liberal tenet will take sixty years, and this prognosis today is more than accurate. Moreover, as Zakaria pointed out, 'constitutional liberalism leads to democracy, but democracy does not necessarily lead to constitutional liberalism', (Zakaria 1997: 27-28). Or as Ferrara accurately elaborated, it is easy to export the 'movements' that define democracy, but not the culture that transforms it into a distinctive form of political and social life. Consequently, the structure of procedural democracy is simple to implement, but we cannot tell the same for its liberal basis. (Ferrara, 2014).

## About the author

*Florian Çullhaj*, Ph.D., is a political scientist educated in Albania and Italy, with over ten years of teaching experience. Currently, he is a full-time Lecturer at the European University of Tirana and visiting Lecture at the University of Rome 'Tor Vergata'. Florian's research focuses on; political culture, theories of democracy, political liberalism and authenticity. Florian is the author of the book, *Democratization from Within: Political Culture and the Consolidation of Democracy in Post-Communist Albania*, (Editor: Nuova Cultura, Collana: Crossroads No. 81, Rome, 2017), as well as of several articles published in national and international journals.



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# *Within the paradigm of security studies*<sup>1</sup>\_\_\_\_\_

\_\_\_\_\_ *Vilma Spahiu, Blendi Lami & Kristaq Xharo*<sup>2</sup> \_\_\_\_\_

## **Abstract**

*Security studies curriculum remains an important commitment to lecturers and academics. As the security process is becoming increasingly asymmetrical, the concept of security is constantly changing. Security is not considered only a military or diplomatic dimension, but a comprehensive process. State institutions are supposed to cooperate at local, national and international level to meet the needs of the population to mitigate and prevent security threats. Therefore, education and qualification of those dealing with security enables analysis, expertise, management and leadership. Security study programs are part of a dynamic trend in universities, colleges, military academies and other research institutions. They have transcended the traditional concept, as it was applied during the Cold War. It is encouraging, but also challenging, that the European University of Tirana is successfully developing advanced modules on security studies. These are programs where the field of security is integrated not only with international relations and political science, but also with strategic studies, crisis and conflict management, negotiation, international organizations, history, geopolitics, philosophy, methodology, etc. The paper concludes that the old curriculum in the security field in Albanian universities and institutions, focusing on traditional concept of territorial security, is challenged by the trend of innovative universities such as European University of Tirana, offering contemporary programs in this field.*

**Key words:** *Security studies curriculum, comprehensive process of security, international relations, contemporary programs*

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<sup>1</sup> The paper reflects ideas and proposals in the framework of a broader project with the same title, which was prepared to assist the European University of Tirana in preparing the university curricula in the domain of security.

<sup>2</sup> Contact at: [vspahiu@uet.edu.al](mailto:vspahiu@uet.edu.al); [blendi.lami@uet.edu.al](mailto:blendi.lami@uet.edu.al); [kristaq.xharo@uet.edu.al](mailto:kristaq.xharo@uet.edu.al)

## Introduction

Security is considered one of the areas with the fastest growing interest in the social, political, economic, military, environmental and academic context. It has occupied a central place in matters of international interaction. The environment is changing so fast that states that were not previously exposed to threats are becoming more vulnerable and others with their elimination appear safer. More than ever before, national or international structures, large corporations, but also non-governmental organizations feel the need for analytical, research, and recommendatory skills and capacities that help understand and influence, by evaluating and designing operational and strategic tactical analyzes. In countries with stable economic levels, security has become a priority, while in countries with poor economic performance security is closely connected with the idea of survival.

Security is like a mirror reflecting the threats. Threats to security are not part of a limited approach to protecting territorial integrity from armed threats, a feature of this field before the Cold War. The traditional approach focused mainly on state actors and their military capabilities. But over the past few decades, especially after the Cold War, the concept of threats, and with it the contemporary definition of security, have expanded to include objects and entities that transcend geographical and analytical boundaries. We have embarked on the principle of *multiple security*, says Stefan Walt, a professor of international relations at Harvard University. This concept is based on the assumption that in a globalized world, “security can no longer be thought of as a ‘fixed-outcome’ game involving only states.” (Walt, 1991: 211-239) Like threats, security is now expanding to other dimensions that highlight aspects that include human, national, trans-national, environmental, and trans-cultural security that cannot be achieved without good governance at all levels and that guarantees security through justice for all individuals, states and cultures. UET, as an academic forum of the Anglo-Saxon model follows the contemporary line of the security concept.

Security studies as an academic paradigm explore the framework of threats and the evolution of the concept of security in an increasingly uncertain world. The need to understand the changing global security landscape with increasing threats, sophisticated terrorist attacks in urban areas globally, nuclear ambitions, the growing threat of cyber attacks, the resurgence of ‘empires’, the dangers the failure of new democracies, ‘fragile’ states, violations of individual rights, full of other aspects - has never been greater. “In this environment, security studies appear as an academic field that aims to provide genuine analysis and forecasts for every actor who feels or engages in security issues.” (Collins, 2014: 15). Security studies increasingly refer to:

- basic values of the community;
- strategies implemented by the actors, which are perceived to threaten these

fundamental values

- formal and informal tools and instruments that threaten the community
- assumptions that security experts assess for the resources and skills they need to maintain and protected; and
- best methods to organize, educate, train and develop the most effective capacities.

In the West, prominent university institutions, academies, colleges, research institutes, cover, study and anticipate developments in the field of security. They are inclined to offer to decision-making institutions, commissioned or even independently, scientific analysis and recommendations on the dynamics of developments. The security curricula that are organized scientifically, analyze security issues at all levels, from individual to trans-national. “. . . in a deeper context, they [security studies] integrate issues of international relations, diplomacy, geopolitics, strategic leadership strategy, crisis and conflict management, elements of state power, etc.” (Collins, 2014: 18). European University of Tirana (Universiteti European i Tiranës - UET) follows a curriculum that has already gained great reputation and is considered ambitious at the most prominent western universities. The universities of Harvard, Oxford, London King’s College, Paris School of International Affairs, US Defence University, US War College, Copenhagen University, Georgetown University, Johns Hopkins University and dozens of others, implements such curricula and serve as reference points for other university institutions.

Security studies in our country are following similar strategy in compiling the curricula, as Albania faces the range of threats, which is already as widespread as in other parts of the globe. The threats are almost common in specific areas. Therefore, academic institutions in the West remain a reference for the context of studies. But, unlike the risks of evolving threats, the space of the security studies in our country is dominated by two main features. Firstly, it’s the pressure from the traditional concept, focusing only territorial security. And secondly, it’s the dominance of the concept of training and not education and qualification. Those few state institutions with a long tradition in security issues seem to be dominated by the traditional concept and coping with risks through training and courses, bypassing thus the proper education. “Training by means of short courses cannot replace education. Training is a process that successfully solves current problems, but only education provides opportunities to prepare for the present and the perspective.” (Xharo, 2013: 23). The positive trend is the re-establishment of the Security Academy, which trains public safety specialists. It is not just the academic institutional gap, but rather the contemporary approach that has positioned the European University of Tirana as a unique auditorium for the study of security issues.

Finally, the contemporary concept of security today challenges not only academic institutions but it is equally important for decision-making institutions. Currently there are more actors facing security concerns than few years ago. “Cycles of strategies, manuals of doctrines, tactics are shortened every day and the need for more knowledge is a permanent dilemma.” (Baylis, 2013: 121). There is a chain of institutions – up to the highest levels of the political hierarchy - that should be focused on security issues and should have the qualified staff with the necessary academic knowledge for dealing with such issues. Security threats have evolved and are difficult to cope with. Confronting them is strongly related to the knowledge to understand and evaluate specific situations with a contemporary mindset. UET has the capacity and responsibility to respond to current needs and challenges, by preparing specialist who can succeed in such areas.

## Methodology

There is also a more extensive way of looking at the concept and security process. “In the modern security system, the feeling acts as a phenomenon, which includes not only the military aspect, but also emphasizes other areas which position the state in their field of interest. Under these circumstances, it seeks to achieve stability, equilibrium, a balanced environment, which ensures continuous development without complications,” (Collins, 2014: 135). says Alan Collins in *Contemporary Security Studies*. Classical theories, liberalism and neo-conservatism, English school, constructivism, securitization and Copenhagen school, critical theories and British school, post-structuralism and Paris school, identity, geopolitics and insecurity are some of the theoretical foundations for the analysis of contemporary security studies and reference for producing efficient contemporary curricula.

Security issues are increasingly occupying an important place, getting gradually aligned with strategic documents, which capture a spectrum that reflects from territorial security to the preservation of integrity, increasing prosperity to the protection of freedoms and human rights. Classical and modern authors, schools and theories would serve as the basis for security studies. Hobs, Lock, Montesquieu, Buzan, Weiver are some of the most prominent representatives who have configured the contemporary security studies. The curricula of the programs aim to provide an in-depth study of theories of security studies that can provide an original way of looking at our national and regional issues in relation to security issues. In particular, it should be said that this space has become a key forum in which social constructivist approaches have challenged traditional approaches, offering some new approaches to the analysis of international politics. (Collins, 2014: 431).

The methodology of this research aims to provide recommendations for the steps – along a challenging process - in order to answer the questions the security academic institutions in Albania are facing nowadays. This methodology enables the transition from the research question to the study project and clarifies the issues related to the realization of the research. The main components of the strategy used in this study are: determining the purpose of the research and research questions, methods / options for conducting the research, data collection, data processing, causal links between variables, for ensuring the veracity and validity of the study findings.

In this framework, the old curriculum in the security field in Albanian universities and institutions, focusing on traditional concept of territorial security, is challenged by the trend of innovative universities such as European University of Tirana, offering contemporary programs in this field.

## Overview of Security Studies

### *The dawn and development of the discipline of Security Studies*

“... I think that the biggest failure of culture is the failure of the imagination. It is very difficult to think outside the box: to think outside the cultural, institutional, political and religious context, where all of us are imprisoned within its walls . . . The victory smiles on the one who predicts change, and not on those who expect to they adapt themselves after the event happens” (Tofler, 1980), says Alvin Toffler, American writer, futurist, and businessman known for his works discussing modern technologies, including the digital revolution and the communication revolution, with emphasis on their effects on cultures worldwide.

Academic studies on security issues seem to have their beginnings in the 1940, and of course World War II offered a catalytic impact in this regard. As the scholar William Fox wrote in his early work in this field, during the mid-1950s, “... it was expected that fifteen years of world war, but also of post-war tension, with problems of national security at the centre of public and governmental interest, would have an impact and would leave dominant traces in research and scientific activities.” (Fox, 1954: 279). David Baldwin, another well-known security researcher, goes so far as to describe these early years as “ . . . the most exciting and creative period in the history of security studies” (Baldwin. 1995: 278-88). This period marked the creation of new schools with a focus on national security. Because security studies were not conceived as a separate academic discipline at the time, a number of researchers alluded that it failed to appear directly as a clearly defined discipline. For a relatively long time, it encountered more than any



other discipline with “interweaving”, but also “interference” with other disciplines of political, diplomatic, military and social sciences.

At the same time, an immediate agenda of the ‘security dilemma’ which had previously spiralled the world out of control and brought about two catastrophic conflicts, motivated a tendency to recognize and develop research in the areas of national and global security. As part of this effort, the integration of the military aspects with other non-conventional techniques created a special interest in the academic world. In parallel to these developments, perhaps and similarly, intellectual efforts have been made to examine security issues even more deeply than military ones, but also in other national objectives, such as economic prosperity and individual freedom.” (Ibid).

The concept that national security issues need to be studied in a more systematic and rigorous way, began to crystallize perhaps in the late 1940s. And this was a view that would evolve into a genuine science, with a fairly dominant position. Of course, the beginnings were not easy, and Brodie was quite right in saying that “. . . just as the need to train our military leaders in the scientific study of strategy has been quite costly in war, so is this process reflected in our efforts to recognize, understand and develop security issues” (Brodie, 1949: 468). Brodie’s quoted article coincided with the creation in 1948 of the RAND Corporation in California, an organization funded by the US government, which was the first of its kind dedicated to systematic and rigorous studies of strategic security issues. At this initial phase, the political influence during the years of the Cold War could not be denied. It is important to mention the contributions of main scholars in this field, such as Alexander George, Herman Kahn, Andrew Marshall, Thomas Holbah and Albert Wohlstetter, who created the foundations of security as a genuine scientific discipline.

### *Evolution of Security Studies after the Cold War*

The creation of RAND Corporation and the publication of the Brodie article marked the formal beginnings of national security studies as a field of academic studies. (Walt, 1991:11-39). Security studies at the time focused directly on issues related to the use of armed force in international politics. The focus of this research, of course, could not be detached from the beginning of the nuclear age. The emergence of nuclear weapons would remain a hot topic not only by policymakers and diplomats, but also by academics. Nuclear weapons seemed to be a “game changer” in the true sense of the word, potentially transforming behaviour and costs of war. As Richard Betts noted, “... their appearance proved entirely the academic goals, precisely because there was very little empirical evidence to work with it . . . but nuclear warfare was more theoretical than empirical. This had never happened,

except for Hiroshima and Nagasaki, where there was no issue of revenge, there was no vague outline of historical evidence to complicate elegant abstractions . . ." (Betts, 1997: 14).

National security researchers of this period, the so-called the "golden age of security studies", offered a number of possible approaches. Based on the assumption that all political decision-makers seem to have behaved rationally - an assumption directly influenced by the realist theory of international relations, which were prevalent at the time - they suggested that a country's nuclear capabilities could to be organized in such a way as to discourage other actors from engaging in a nuclear exchange, and vice versa. During this period, reflecting the concern of security researchers on nuclear weapons, Henry Kissinger would argue ". . . on the possibility of controlling and limiting nuclear war." (Kissinger, 1999: 22). This line of thought has a considerable impact, but was also disputed for decades. Even a third generation of knowledge in the field of national security studies, which emerged in the early 1960s, could not be detached from the influence of the idea of gun control perspectives in the nuclear age. (Bull, 1961: 33).

Although most security studies during this "golden age" were presented by American institutions, a large number of researchers also appear in other western or even eastern countries. They managed to shift the debate to the supranational level and influence the key intellectual debates of the time. However, by the mid-1960s, the "golden age" of national security studies seemed to be rapidly coming to an end, with two overwhelming developments contributing to its "failure."

As decades of declining tensions between the United States and the Soviet Union diverted researchers' attention away from the focus on military threats, researchers faced a broader theme of security challenges which, in addition to those of a military nature, also focused on developments and economic impacts. Meanwhile, two other phenomena seem to have encouraged this new focus. *The first* is related to the view that Vietnam had exposed some of the limits of American power internally (due to the deep divisions caused by this conflict) and externally (giving a blow to the idea of the American "invincibility"). *The second* was related to the fact that predictions of withdrawal from aggression, prevalent at the time, would have global effects on security issues.

The decline of many economic indicators in this period stirred up great interest in the economic dimensions of security. The so-called "oil shock" in 1973 reaffirmed this interest by showing the degree to which national security could be jeopardized by the use of "economic weapons", in this case not only against a single country but also the entire West. (Knorr and Trager, 1977: 34). The study of security issues in the 1970s seemed to have greater attention to the economic dimensions of security. The main exponents of the concept of interdependence were Robert Keohane and Joseph Nye, who in their classic study in 1977, "Power and Interdependence",

argued that the national security of any country is as “sensitive” and as tangible as the security of others countries. (Keohane and Nye, 1997: 29).

During this period, efforts to develop more sophisticated theoretical approaches to international security studies were increasingly evolving. It's worth mentioning the work of American political scientist Kenneth Waltz, who in 1979 in his study *Theory of International Politics* suggested that . . . “to understand domestic developments and seek to analyze trends of each state is indecisive as long as these issues were not related to the dynamics of global developments, specifically those of the security issue. In an international anarchist political environment, the relationship between the external and internal environment is essentially predetermined on the one hand to balance influential powers in the international system and on the other hand to allocate additional resources for national security.” (Waltz, 1979: 274). The clarity and accessibility of Waltz's theories of structural reality appealed to national security researchers this trend, as they were focused to highlight the tensions of the Cold War, especially between the United States and the Soviet Union.

Graham Allison is very often cited during this period. In his study on the Cuban Missile Crisis “The Essence of Decision”, he states that decisions and actions in the field of national security are ultimately the product of complex international political processes. Consequently they lead to compromise, conflict, and confusion of individuals with different interests and unequal influences. National security decisions simply cannot be understood, nor can they be foreseen, without giving due consideration to those who “participate” and to “what role they play.” (Ibid, 275). The resurgence of superpower tensions in the 1980s shifted the focus of post-national security studies to issues related to the use of armed force in international politics. However, unlike the beginning of the Cold War, where studies in this area were quite theoretical, security studies during this period took a firm analytical turn, directly related to the de-classification of a number of documents that were used as empirical basis.

And again, as in the 1970s, the academic focus of these works shifted away from the study of military threats. A period of euphoria ensued, and a large number of scholars went so far as to proclaim the obsolescence of the main concept of war. The main proponent of this view was probably Francis Fukuyama, who in 1989 claimed in the pages of the American magazine “The National Interest” that the “end of history” (Fukuyama, 1989: 3-18) had come and, according to him, the collapse of the Soviet Union had resulted in the triumph of democracy as a dominant ideology in international politics. Faced with no competitors, and with a political ideal that simply could not be compared, Fukuyama argued that humanity had reached the peak of its political development, and preached that the main concept of war would become a thing of the past in this new democratic world (Fukuyama, 1992:

33). Reflecting the existence of a similar sense of optimism and euphoria among politicians, many prominent figures of this period would announce the prospects for a new world order, which was being established on the eve of the end of the Cold War (Bush, 1990).

On the other hand, as in the 1970s, once again, the interest of economic dimensions in national security began to revive. At the time, “globalization” replaced “interdependence ... as a new quiz among international relations scholars.” (Keohane and Nye, 2000: 104-119). Accordingly, national security researchers began the debate on the merits attributed to threats of a transnational and global nature. This debate was especially sharpened over the issue of whether global environmental degradation poses a threat to national security. Led by researchers such as Robert Kaplan, with the famous essay “Coming Anarchy”, they predicted that with the advent of another model, state authority would be questioned, especially when it came to increasing the level of environmental degradation (Kaplan, 1994: 44-76). Another group, represented by Marc Levy, suggested that it is better not to consider the environment as a national security issue, as there is little or no direct link between environmental problems and violent conflicts (Levy, 1995: 35-62). Other scholars, such as Alan Dupont, have been instrumental in this debate, seeking a middle ground between these two schools of thought, arguing that environmental problems should be considered national security issues, because they create conflict within and between states, and threaten human survival (Dupont, 2001: 14-16).

Finally, we can note that the study of security issues has evolved considerably as an academic endeavour, since its inception in the 1940s. During this period, the nature and purpose of this field has been significantly modelled by real-world developments. The beginning of the nuclear era in the 1950s gave the study of national security issues a broader focus. In contrast, the experience of the Vietnam War, in the late 1960s and 1970s, but also the end of the Cold War in the late 1990s seemed to offer to a considerable extent a sort of pessimism in these studies. However, the study of security issues has been adapted to these circumstances, in order to face the new international challenges.

## Security Studies in Albania

### *Security Studies during the Cold War*

Security studies in our country failed to follow the trend of curricula that were developed in Western countries. They retained the traditional features within the framework of defence studies with the main focus on the armed forces. In our country, security studies are currently following a process of development

and consolidation. With few exceptions, the development environment of these studies is lacking and there is lethargy of the institutions responsible for security. From an institutional point of view, the situation of education and studies does not respond satisfactorily to the general status in which our country finds itself and is required to engage, both at the regional level and beyond, in alliances or forums. Studies and academic security works are becoming increasingly rare. Instead of deepening and expanding contemporary curricula, those few institutions engaged in education in this field were prejudiced, and were led towards an outdated concept of security, where security was seen as a phenomenon that took place only inside the courtyard of military barracks. To operate with the same standard as our partners, but also to harmonize the way of acting at the national level, the only way to face multidimensional challenges in the field of security remains education, qualification and training with contemporary programs. Academic institutions have a primary role not only in conducting these studies, but also in creating a warm, cooperative and intellectual environment and climate for such development.

In the period 1945-1990 security studies are not properly addressed in the academic studies (Ribaj, 2012: 10). It was almost the same trend with other countries in the West and East, where the study of war and defence captured the whole context of issues that are clearly categorized today within the security studies. The study on the war, internal defence and security were the domains of academic institutions of military education such as the United High School and the Defence Academy as well as the High School of the Ministry of Interior.

The curricula that were developed in these institutions had three features: the political (ideological) content, the general culture and the professional part. Eastern school was the main reference point, and in the second half (after the 1970s) there was a tendency to provide a unique national physiognomy. Candidates were selected to engage in future positions within the structures of the security institutions. Similar to today's system, after the 1970s all three levels of study were adopted: university level (United School of Officers and the School of the Ministry of Interior), postgraduate level (Defence Academy) and doctoral level and scientific research (Defence Academy).

Until recently, the only academic institution that had as its object of study in the field of security and defence was the Defence Academy "Spiro Moisiu". This institution represented at the same time the highest educational institution in security structures. Since the late 1970s, based on a decision of the Council of Ministers (Agolli, 2012: 10), postgraduate qualifications began at this Academy, which focused mainly on research studies in the field of defence. Candidates from other structures, such as the State Police, the Intelligence Service and even the Ministry of Foreign Affairs, were pursuing qualification courses at this institution. This period corresponds to the time when in other countries (west or east) defence

studies were identified with security studies. At the same time, the Defence Academy had the attribute of awarding scientific titles and degrees.

### *The evolution of Security Studies after the Cold War*

Security studies in our country followed three main directions. First, with no consolidated institutions and a legacy of security studies, the aim was to prepare candidates in Western countries. The USA, Germany, Italy, England were the main countries that contributed in the preparation of specialists for security issues. Second, the emergency related to security issues, forced our Western partners to engage directly with Albanian specialists to provide consultancy and prepare strategic documents. Thirdly, in the near future, our country would have to prepare specialists for its needs. This process was oriented in two directions: a) in direct training at all levels up to those of decision making and b) in the orientation for contemporary security curricula. To this end, after the 1990s, there was a tendency to introduce a broader spectrum than the field of defence into the field of study. It was about security studies. Cooperation with institutions in the West, mainly German, American and British ones, aimed to give academic institutions the nature and content of these countries that were at the forefront of theoretical thought (Hasani, 2014: 53).

In the 2000s, Albania seemed ready to implement Western countries' curricula, as it was also influenced by integration objectives in the North Atlantic Alliance. This led to the expansion of the field of study within the legal framework: from defence to that of security and defence, i.e. the transition from the traditional concept to the contemporary concept of security. According to the programs, the candidates were becoming familiar with theoretical concepts on international relations and the dimensions of national, regional, European and global security, on geopolitics, on public relations, with international institutions, etc. These concepts were intended to train specialists in national security institutions and experts at public authorities operating in the field of national security, such as international profile bodies (UN, NATO, EU, etc.) (Xharo, 2013).

Furthermore, some of the graduates were supposed to form the elite of future researchers, lecturers and analysts on national and international security issues. Previous 40 years of experience and current cooperation with Western counterpart institutions served as guarantors of the success in fulfilling the objectives in this area. But, despite the above, the process was constantly interrupted for subjective reasons and the interference of political preferences, creating a vacuum in these studies.

Due to the cessation of studies in a number of state academic institutions, a considerable number of qualified pedagogical staff was laid off. Regarding security structures, this was a wasted investment both financially and professionally. A commendable effort to fill this gap in the state educational institutions for the

Security studies was made by the Security Academy, with advanced programs and a contemporary concept. Perhaps a coordination of this institution with other university educational institutions (public or non-public) in the field of security studies can create more opportunities to ensure the coherence and continuity of studies in this field and the creation of a dynamic agenda in the security studies. Of course, in the context of the liberalization of the educational process, a number of other non-public educational institutions covering studies in this field should be considered. However, in the current period, these institutions are limited due to specifics, staff and interest.

Qualitative training in the context of security studies occurred mainly after 2006 when private academic institutions implemented successfully security curricula. Some of them did not manage to create continuity. It is encouraging, but also challenging, that the European University of Tirana has been successfully developing advanced security modules in the first cycle and full study programs in the second and third cycle, over a period of several years. These are programs where the field of security is integrated not only with international relations and political science, but also with strategic studies, crisis and conflict management, negotiation models, international organizations, history, geopolitics, philosophy, methodology, etc. These programs are similar to the most prestigious universities in the west. Students are provided with theoretical capacities in security issues at all levels. The university curriculum is challenging, with an integrative philosophy with all the institutions and structures dealing with security issues.

Students from the country, but also from Kosovo, Macedonia and Albanian territories have attended these programs and conducted in-depth studies on security issues at the individual and community level, at the national, regional and beyond. Programs in security studies provide knowledge and experience for candidates aspiring to professional careers in analysis, consulting, security policy counselling in institutions, or in government service functions focused on diplomacy, foreign policy, conflict resolution and prevention, management of emergencies and disasters, intelligence and defence, and even engagements in international governmental or non-governmental organizations. This field is also adapted for candidates seeking professional academic research in the third cycle of studies, or as public intellectuals, experts or journalists engaged in security policy.

## **Findings and recommendations**

This paper aims to explore the evolution of discipline through analysis, current developments and expected trends, and through assessing the impact of these studies in the security environment. It suggests and recommends ways and opportunities to organize curricula as effective as possible in the service of security

issues. Based on this goal, a number of programs and curricula were analyzed focusing on the object and purpose, method and dissemination in comparison with contemporary experiences and trends in the study of the degree of public perception and its role and then through analysis, treatment and attracting different opinions to reach effective suggestions. The study addresses the basic question of how security studies align with current national security needs and future trends. The following are some key findings:

- The concept of security is at a modest level of recognition and in an initial stage. State institutions have a limited knowledge of the concept of security and the traditional concept still dominates. Only a very limited number of academic institutions develop part-time curricula, and only the European University of Tirana conducts full-time security study curricula.
- The main strategic documents have significant limitations. They are prepared by foreign specialists and consequently carry difficulties in applying the methodology to national specifics. There are still shortcomings in coordinating the drafting of strategies between institutions. The Foreign and Defence Ministries 'clash' over their leading role, while other institutions are almost avoided.
- There is a gap in the preparation and participation of security specialists in the analysis, drafting and presentation of strategies, doctrines and plans for the implementation of security issues.
- Security measures do not precede security risks but rather are a reflection of threats. Official propaganda to present a 'gray' view of the environment has not previously managed to raise the awareness of the public.
- Only the European University of Tirana develops complete programs according to contemporary standards for security studies in the second and third cycle. Launched in 2009, they have been consolidating and evolving for more than 8 years, reflecting on contemporary trends and current and future needs of the country.
- Curricula for security studies follow the best experiences of the most prominent western universities. The most significant influence derives from Anglo-American universities, such as Oxford, King's college, Yale, Kansas, Michigan etc., which serve as an important reference for organizing the curriculum. They continue to adapt and evolve periodically.
- Participants are from Albania, but a significant number come from the Republic of Kosovo, Macedonia and other Albanian territories. Their interest in security issues is growing.
- UET has the experience and capacities to develop first level programs with specific modules, but also with second and third cycle programs.



## Recommendations

- It is necessary that the contemporary concept of security extends beyond academic curricula. This can be done in many different ways and ways. UET can contribute not only through master's and doctoral programs, but also through courses, workshops, conferences with participants from all fields.
- Security curricula should be linked with the development of security threats. UET offers the most qualitative curricula of the contemporary concept of security. However, it can be deepened by reflecting the specifics of security threats at national and regional level.
- Security studies are currently found in the first, second and third cycles of education. But they are limited regarding their scope. Only a few academic institutions develop them. The need for security is much broader. In addition to the institutions in Albania, there are also study centres with special focus on security even in Kosovo. Coordination between them is an opportunity to further enrich such studies.
- Cooperation with specific security institutions can be an opportunity to conduct more effective studies in the area of security. There should be cooperation with state actors, but also with the religious institutions, the civil society and other actors who are not integrated in the formal structures.
- Security curricula need to reaffirm the specific issues of our nation. Organized crime, the fight against narcotics, environmental protection, identification and preservation of national assets, elements of individual action or terrorist groups and groups of religious extremists and others may be the subject of analysis and development in security curricula.
- The popularity of security curricula is an urgent need. It is essential to understand that security is a matter for everyone - from the ordinary citizens to the highest personalities, from students to academics – all can be actors for securitization.
- Official state structures usually address security issues in a separate manner. National Security Council, the Security and Defence Commission and other institutions are formed on the basis of the traditional security concept. The need for a reconceptualization of security issues is a priority.

## The need for a dynamic security studies agenda

The time has come for the concept of security to evolve over this scenario. In an international anarchist political environment, the relationship between the external and internal environment was essentially predetermined - on the one hand - to

balance powerful powers in the international system and - on the other hand - to allocate additional resources for national security.<sup>3</sup>

Currently, the interest of studies in security issues has begun to revive. It's the time when "globalization" is replacing "interdependence" ... as a new quiz among international relations researchers.<sup>4</sup> In line with this, security researchers are in the midst of a debate on how to deal with a wide variety of threats that are constantly changing. Robert Kaplan, in the famous essay "Coming Anarchy", predicts that with the emergence of this diversity, the formal authority is being put in a dilemma . . .<sup>5</sup> The concept and environment of security are in constant, rapid and uninterrupted evolution. Scenarios are constantly changing and the security process is becoming increasingly difficult. The most effective way to predict the future is to prepare for change. Academic forums are at the forefront of analysis, evaluation and opportunities for solutions. In the West, prominent institutions: universities, academies, colleges, institutes are committed to studying, explaining and anticipating developments in the field of security. They offer to the decision-making institutions scientific analysis and recommendations on the dynamics of developments.

Like the concept, security studies have been expanding and deepening, and today they cover territories of complex issues, nationally and internationally, with impacts on community survival. These complex issues range from traditional concepts, mainly related to sovereignty and elements of military power, and are further developed in the causes and consequences of conflicts in and between states, economic capacities, ethnic, religious and ideological conflicts, energy, scientific and technological resources. They continue to threaten human security and the stability of states from political and environmental degradation, infectious diseases, climate change to the activity of non-state actors. The most typical demonstration of the evolution of the security concept is NATO's New Strategic Concept, adopted at the 2010 Lisbon Summit, where the basic vision of the alliance relates to "human security."<sup>6</sup>

In contrast to the lack of any strategy or vision based on national interest in the training of security specialists, the assistance provided by Western allies in preparing a number of security experts is a special contribution. The Marshall Centre and some of the most famous colleges in the U.S., and NATO countries have been major contributors for more than 20 years, preparing experts in the field of security. Through training and qualification programs in Western institutions, investments were made in intellectual resources, which could serve in the future to

<sup>3</sup> Kenneth Waltz, *Theory of International Politics*, (New York: Random House, 1979)

<sup>4</sup> See Robert O. Keohane and Joseph S. Nye Jr., 'Globalization: What's New? What's Not? (And So What?)', *Foreign Policy*, Issue 118, Spring 2000, pp.104–119.

<sup>5</sup> Robert D. Kaplan, "The Coming Anarchy", *The Atlantic Monthly*, vol.273, issue 2, February 1994, pp.44–76.

<sup>6</sup> New NATO Strategic Concept Tirana 2010

create the basis for genuine analysis, studies and evaluations in the field of security. It is also a fact that, due to lack of ideas, vision, attention or interest, some of these investments have failed to achieve the desired results.

To operate with the same standard with our partners, but also to harmonize our operations at the national level, the only way for those who are engaged in security issues remains education, qualification and training with contemporary curricula. Academic institutions have a primary role not only in what we have emphasized since the beginning, i.e. security studies, but also in bringing an intellectual environment closer to these issues. It is quite significant what Freedman states: “Certainly, if security studies exist and evolve, they must be embedded in the university system. Although security studies are part of relevant policies and theories of action, they must first and foremost be intellectual fields and disciplines that will be able to reflect on state performance.”<sup>7</sup> Recognizing security risks and challenges is more difficult than preparing to face them. And the confrontation cannot be realized with slogans or pompous conferences but with contemporary curricula.

This is a direct contribution to the security environment, an environment that should interest us all. We cannot be safe when we do not understand how to guarantee security. We cannot tackle scenarios and security challenges in a dilettante and delirious manner. Seen in this light, challenges to future security studies could be reflected in the following questions: Which relevant developments in the field of security, such as uncertainty, risks, threats, etc. will dominate studies in this field for the next 20 years? Which topics and will prevail in the field of security for the next decades? Which disciplinary perspectives are identified in the face of security studies? And what are the challenges for the future of studies in this field?

However, there is optimism that the field of security studies will expand further to address many emergency issues. “... the threats based on emergencies and disasters with the potential to cause a high degree of damage in a short period of time have been added to the menu of possible solutions for security researchers.”<sup>8</sup> The study of security issues will adapt to these circumstances, to face new challenges.

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<sup>7</sup> Friedman “Next Hundred Years”. Tirana 2010

<sup>8</sup> Christian Enemark, *Disease and Security: Natural Plagues and Biological Weapons in East Asia*, (London: Routledge, 2007), p.1.

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# *The Importance of the Judiciary for the European Integration of EU Candidate Countries: The Case of Albania* \_\_\_\_\_

\_\_\_\_\_ **Klodian Rado**<sup>1</sup> \_\_\_\_\_

## **Abstract**

*All Western Balkan countries currently holding the EU Candidate Country status, namely, Albania, Montenegro, FYROM, Serbia, and hopefully in the near future Kosovo, are in a critical stage of the EU integration. From their institutions are required serious reforms, and some of these reforms are necessary for almost all the of above countries.*

*The focus of this paper is Albania. After the approval of the EU Candidate Country status, each branch of the Albanian government is now facing new legal challenges. However, at this stage, particularly after the vetting process, the central role passes to the judiciary, which should and could turn into a real “engine” of the EU integration. The new role of the Albanian judiciary for the EU integration should primary be understood and recognized by judges themselves, as well as academics and the public. Judges in particular, should know what instruments are available there, in order to best perform their new task.*

*This paper initially aims to clarify the new role of the Albanian judiciary, as the “engine” of the EU integration, in order to raise awareness not just to judges, but also to academics and the public. Then, it will present what practical instruments can and must be used by the Albanian judiciary in order to best achieve the required EU integration. Examples of such instruments are: the preliminary ruling; principle of supremacy; principle of direct effect; principle of indirect effect; and most importantly, EU remedies in national courts. The paper will analyze each of*

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<sup>1</sup> Contact at: rado@euralius.eu

*these instruments and will display precisely how Albanian courts can use them in favor of their citizens, and for achieving higher EU integration. In conclusion, the article suggests that although significant constitutional and legal reforms are needed, the existing constitutional and legal framework of Albania allows the judiciary to perform its new role as the “engine” of the EU integration.*

## Introduction

In a world that is rapidly becoming ever more global, one of the most important political and legal consequences of this process seems to be the globalization of public institutions, including the judiciaries. International tribunals and national constitutional/supreme courts, including the lower courts, are increasingly being more active in communicating, collaborating and referring to each other's decisions, by playing a crucial role in shaping states and societies (Slaughter, 2000). Indeed, the most advanced form of judicial cooperation is certainly the partnership between national courts of EU Member States (MS) and the Court of Justice of the European Union (CJEU). (Slaughter, 2003, p.194).

The aim of this paper is to shed light on the active and important role of the judiciaries of EU Candidate Countries for the European integration of their countries, with a primary focus on Albania. After the EU Candidate Country status of Albania, each branch of the government is facing new legal challenges. The legislative and executive have and will always have an important role in the further EU integration of Albania, however, at this stage the essential role passes to the judiciary. The Albanian judiciary ought to turn into the “engine” of the EU integration, but in order to achieve this, a new role should primarily be recognized, understood and used by judges themselves, as well as accepted by academics and the public. Judges in particular need to know what instruments or mechanisms are available there, in order to best perform their new task.

First, this paper clarifies the new role of the Albanian judiciary as the “engine” of the EU integration, in order to raise awareness not just to judges, but also to academics and the public. Then, it presents practical instruments that can be used by the Albanian judiciary in order to best achieve the required EU integration. The paper analyzes each of these instruments and shows how Albanian courts can use them in favor of their citizens, and for achieving deeper EU integration. Finally, the article analyzes constitutionally all the above mechanism, and suggests that the existing constitutional and legal framework of Albania allows the judiciary to perform its new role as the “engine” of the EU integration. However, for better results, important constitutional and legal reforms are necessary, and a short taste of them is given.

## The New Role of the Albanian Judiciary After the EU-Candidate Status

After the official approval as EU Candidate Country, Albania enters in a new important stage of EU integration. So far, this process was attributed only to the legislative and executive branches. However, the central question is, whether and to what extent the Albanian judiciary can and ought to play a role in the EU integration of Albania.

In fact, this question would sound strange or even meaningless if addressed in the European context, because it would be: Can the CJEU and the courts of Member States (as holders of judicial power) play a role in further integration of the EU? The answer to that is: Not just simply “Yes”, but the CJEU is widely-known as the most pro-European EU institution, and along with the courts of Member States are rightly regarded as the “engines” or the “heart” of EU integration. (De White, 2013)

National judges of Member States under the blessing and guidance of the CJEU, besides their domestic duties, are also transformed into European judges to guarantee individual rights under EU law. This irreversible trend of “Europeanisation” of national courts is also expected to occur for the courts of EU Candidate Countries, such as Albania. The Albanian judiciary, in other words, courts and judges of all levels have the greatest burden to help the integration of their country into the EU. From them is required to become the “engine” or the “heart” of Albania’s EU integration. They ought to understand this and to act as soon as possible.

Rightly one could ask: Can the Albanian courts take over their shoulders the EU integration? The public trust in them is really low; they have lack of infrastructure; the budget of the judiciary remains the lowest in the entire Europe floating well below 1% of the total government budget; or even worse, Albanian judges may lack comprehensive understanding of EU law!

These are all valid concerns and need to be adequately addressed. Albanian judges have lots of real difficulties. However, there is a way to start the positive transformation. First, Albanian judges should understand and be aware of their new role after the EU Candidate status of Albania. They are now the guarantors of the implementation of EU law in Albania, and at the same time, they can be considered as “the local branch of the EU judicial power”. In particular, after the Lisbon Treaty, the EU judiciary is constructed as a two-tiered structure in which the supranational and national courts are connected to each other by a reference system and not appeal. In other words, the exercise of judicial power at the EU level (supranational) is entrusted to the CJEU, whilst at the state level is entrusted to national courts. Same as other national judges of Members States and Candidate Countries, Albanian judges are not merely judges



of their country, but they are also EU judges, guarantors of the EU legal order. They are entrusted with the “sacred” duty to protect individual rights arising from EU Treaties and the Stabilization-Association Agreement (SAA) with Albania.<sup>2</sup>

Practically, if Albanian judges would face an incompatibility between the Albanian law (of whatever rank) and EU law, naturally they have a duty to set aside the Albanian law, and to apply with supremacy the EU law. Some possible cases that they may face are: custom laws hindering the free movement of goods, services, or capital originating from the EU; legal acts establishing discriminatory taxes or tariffs on goods, services or capital originating from the EU; property laws that impede EU citizens to own land in Albania if they do not invest the double or triple of its value; etc. This idea may prompt sharp criticisms from pro-sovereignty scholars; however, EU law supremacy is not an innovation deriving from the SAA and EU Treaties. On contrary, it is settled directly by the Albanian Constitution since 1998, acknowledging that “norms issued by an international organization have supremacy in case of conflict with the law of the land”. (Albanian Constitution, Article 122/3).

The central question remains: What practical instruments can and should use Albanian judges for promoting and intensifying the EU integration? This is not an easy question and requires a lot of expertise. In this article based on my own personal previous expertise as judge and academic, I am trying to bring some practical solutions. It is there where the paper now turns.

## Practical Judicial Instruments for the EU Integration

The most important question for the purpose of this paper is practical. What concrete instruments can Albanian judges/courts use in order to best achieve high EU integration in practice? To respond to this question, we will have to first look at the judicial branch of the EU and the instruments used by the national courts of Member States for the EU integration of their countries.

The Judicial branch of EU is comprised by two components, the Court of Justice of the European Union (CJEU; the ECJ before the Lisbon Treaty),<sup>3</sup> and the judiciaries of the Member States. (Chalmers, 2010). The CJEU has always been considered a very pro-EU institution because of its leading role in promoting further EU integration, (Alter, 1996). and through the “Europeanization” of national judiciaries. (Slaughter, 2003, p.194) The CJEU, since the very first years of its existence, and through its bold and creative interpretation of the EU Treaties in its judgments, started the process of relying on national courts to nationally

<sup>2</sup> SAA entered into force on 1 April 2009. For further key dates in Albania’s path towards the EU see the official website of the European Commission [Online] Available at [http://ec.europa.eu/enlargement/potential-candidatecountries/albania/eu\\_albania\\_relations\\_en.htm](http://ec.europa.eu/enlargement/potential-candidatecountries/albania/eu_albania_relations_en.htm) [accessed 18.09.2014].

<sup>3</sup> CJEU and ECJ are not exactly same institutions. For further explanation see Article 19(1) TEU.



implement the EU law, by enhancing their roles and transforming them into EU courts. This process, which led to the actual complex judicial architecture of the EU, was not a simple and immediate process. To the contrary, it was a continuous development that was done through different legal instruments at the same time.

The most important tools used by the CJEU and the national courts of the Member States are: *preliminary rulings*, *the principles of supremacy* and *direct effect*, *the principle of indirect effect*, and *EU remedies in national courts*. With just one exception, namely the use of preliminary ruling procedure, these instruments are exactly the same instruments that can be also used for the EU integration by the judiciaries of Candidate Countries, including the Albanian judiciary.

### *Preliminary Ruling*

*Preliminary ruling* was and still remains the most important procedure that enables the CJEU to provide rulings on the interpretation and validity of EU law,<sup>4</sup> at the requests of national courts and tribunals. (TFEU, article 267). Article 267 of the Treaty on the Functioning of the European Union (TFEU) states that, where a question of EU law is raised before a national court or tribunal, that court or tribunal may, if it considers a decision on the question is necessary to enable it to give judgment, request that the CJEU provide a ruling. {TFEU, Article 267(2)} Moreover, it further provides that, where a question of EU law is raised before a national court against whose decision there is no judicial remedy under national law, that court must bring the matter before the CJEU. {TFEU, Article 267(3)}

However, for the purpose of this article, the question remains whether the courts of Candidate Countries, including Albanian courts, can use this instrument. In my view, at this stage of integration, unfortunately, the courts of candidate countries cannot directly use this instrument. The above article of TFEU and the jurisprudence of the CJEU show that only courts of Members States can use the preliminary ruling procedure.<sup>5</sup> Nevertheless, what Albanian courts can certainly do, is to use the preliminary ruling procedure to the Albanian Constitutional Court arguing that a particular law is against the Albanian Constitution and the EU law. (Albanian Constitution, Article 145/2). Regrettably, the statistics of the Albanian Constitutional Courts show that yet this instrument remains underexplored and underused by the Albanian judiciary, even for pure domestic constitutional issues, and almost never or very rarely is being used for an EU law issue.<sup>6</sup> (Rado, 2006)

<sup>4</sup> After the Lisbon Treaty the right to give preliminary rulings is placed from the ECJ to the CJEU.

<sup>5</sup> There is not a single case that the CJEU has ever accepted a preliminary ruling application from national courts of Candidate Countries.

<sup>6</sup> Statistics of the Decisions of the Constitutional Court of Albania 1998-2014 show that the number of preliminary ruling cases is very low, about 1-2 cases per year. See the official website of the Constitutional Court of Albania [Online] Available at [http://www.gjk.gov.al/web/Decisions\\_92\\_2.php](http://www.gjk.gov.al/web/Decisions_92_2.php) [accessed 11.09.2014].

## *Principle of Supremacy and Direct Effect*

It is widely accepted that the most famous and popular principles known as great inventions of the CJEU are the *principles of direct effect* and the *supremacy of EU law*. These two central principles were not directly expressed in the Rome Treaty, but were introduced for the first time in the 1960s by the Court, through two oft-cited judgments, *Van Gend en Loos* (Van Gen den Loos, 1963, 26/62) and *COSTA v ENEL*. (Costa v Enel, 1964, 6/64)

The principle of direct effect was first introduced in the case of Van Gend en Loos. The CJEU argued that EU law formed *a new sovereign legal order*, and that it did not fall within traditional international law. It asserted that EU law—in this case Article 28 TFEU—“must be interpreted as producing direct effect and creating individual rights which national courts must protect.” (Van Gen den Loos, 1963, 26/62). The first corollary of this ruling is that, through the doctrine of direct effect, the CJEU established *a new legal order* with a powerful authority that should be applied directly by the national courts. (Ibid, 26/62).

In addition, through this case was created *a new system of individual rights* that should be protected before the national courts. (Chalmers, 2010, p.269)

The principle of direct effect was not the only instrument used by the CJEU to transform national judiciaries and the entire national and EU legal order. Only one year after the invention of the direct effect doctrine, the Court revealed another, even more important principle in the *Costa case*: (Costa v ENEL, 1964, 6/64) *the principle of the supremacy of EU law*. According to the Court, “the precedence of Community law is confirmed by Article [288 TFEU], whereby a regulation ‘shall be binding’ and directly applicable in all Member States.” (Ibid, 6/64). Thus, it seems that the *Costa* decision suggests a hierarchy of legal acts that is of constitutional importance for all MS, and for the EU itself. This principle, although not very welcomed by MSs, was addressed by the Constitutional Treaty (article 1-13) and, after its failure, became part of Declaration 17 of the Lisbon Treaty.<sup>7</sup>

The duty of national judiciaries to apply EU law not only directly, but—more importantly—with precedence given to national laws, means that they must apply it even when it is not in compliance with national law. It is interesting to note that the primacy principle reached its maximum point, particularly with the case of *Internationale Handelsgesellschaft*, where the CJ famously ruled that EU law takes precedence over all national laws, including their national constitutional laws. (Internationale Handelsgesellschaft, 1970, 11/70). Although the most extreme form of the primacy principle, as ruled in the above case, was not accepted by most of the MS’ constitutional courts, (Chalmers, 2010, p.269) this principle is

<sup>7</sup> According to this Declaration attached to the Treaties; “[T]he Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of the Member States”.

still essential because, generally, the primacy of EU law is almost always accepted. (Gauweiler v Treaty of Lisbon, 2009, BvE 2/08)

Both principles, especially when used together, transformed and enhanced the roles of national judiciaries. Bound by a duty to use the principles of direct effect and the supremacy of EU law, national judges are vested with a new power to protect the Union's legal order. Constitutionally, this means that they are obliged not only by their national constitutions to protect their national legal order, but also by the EU constitutional principles of supremacy and direct effect to protect the EU legal order. Ultimately, as each Member State now has two interlocking constitutions—national and EU constitutional acts<sup>8</sup>—national courts are the first institutions obliged to safeguard both of these legal orders.

The new constitutional roles of the national judiciaries in both legal orders not only enhance their power, but also transform them in a very fundamental manner. National judges no longer have only their internal constitutional and legal duties to consider. As with CJEU judges, it is their duty to know and directly apply with precedence EU law, and probably interpret and apply EU law even more often than the three Union-level courts do.<sup>9</sup> As Advocate General Tesauro rightly states, “the national court is the natural forum for Community law. (Tesauro, 1993). However, the strongest sign of the transformation of national judiciaries was given by the General Court (GC),<sup>10</sup> which made a bold declaration of constitutional importance, saying that, “when applying [EU law], the national courts are acting as Community courts of general jurisdiction.” (Tetrapak, 1990, T-51/89)

Exactly same arguments can also be made for the EU candidate countries, including Albania. Albanian courts have now two interconnected constitutions—Albanian and EU constitutional acts—to safeguard and they are the first institutions obliged to protect and guarantee both these constitutional orders at national level. In order to do this, they need to use the instruments of supremacy and direct effect of EU law. These combined principles empowered Albanian courts—and courts of other candidate countries—with a constitutional competence that they did not have, *the right to review the compatibility of national law with EU law*. In concrete cases that come before them, Albanian judges relying on direct effect and the supremacy of EU law can set aside national laws that are contrary to EU laws. This process vested them with the power of *judicial review of national laws from the EU law perspective*. The ability to review the compatibility of national law with EU law in a decentralized manner by all national courts of Member States and Candidate Countries, including Albania, although never directly provided by their constitutions, is a significant power granted by the EU through the CJEU.

<sup>8</sup> TEU, TFEU and Charter of Fundamental Rights of the European Union.

<sup>9</sup> CJ, GC and CST.

<sup>10</sup> Then the Court of First Instance.

Finally, by effectively using the instruments of supremacy and direct effect, the CJEU has made national courts of both Member States and Candidate Countries its allies in the enforcement of EU law at the national level. As some scholars rightly argue, it is national courts—not the CJEU—that decide what the concrete consequences are when a Member State or a Candidate Country fails to fulfill its obligations under EU law. (Lang, 1996)

In addition, it is the national courts' duty to decide whether a rule of national law should be applicable in individual cases or, as explained above, by setting it aside if it is not compatible with EU law. As widely admitted, the jurisdiction of the CJEU is quite limited at the national level. Thus, it is the national courts' duty, in other words the duty of the Albanian courts, as *EU courts of general jurisdiction* to apply EU law whenever appropriate. (Tetrapak, 1990, T-51/89)

### *Principle of Indirect Effect*

Another instrument used by the CJEU to enhance the power of national courts and to transform them into EU courts is the *principle of indirect effect*. Through this doctrine, the CJEU compelled national courts to interpret, as far as possible, national legislation in accordance with the spirit and aims of EU law. The *indirect effect doctrine* began with the *Von Colson case*, in which the CJEU suggested that national courts are required to interpret domestic law in accordance with relevant Directives. (Von Colson, 1984,14/83)

After *Van Colson*, and in subsequent cases, the Court expanded the doctrine of indirect effect. (Chalmers, 2010, p.294) This principle was required to be used by national courts, not only regarding their national laws implementing Directives, but to all national legislation, which should be interpreted in light of EU law. (Marleasing, 1990, C-106/89) Although some have supported the strengthening of the indirect effect doctrine, others are opposed to doing so. (Chalmers, 2010, p.296). They argue that this doctrine is not only uncertain regarding its limits but, knowing that EU law is so wide-ranging, it is very difficult to be used fully and effectively by all national lawyers or judges. (De Burca, 1992, p.215). In regard to these critics, the CJEU has recognized that the indirect effect has its limits and does not suggest *contra legem* interpretations of national law or require that national laws be given meanings contradictory to their ordinary meanings. (Wagner-Miret v Fondo de Garantia Salarial, 1993, C-334/92). Despite this, however, the CJEU has in recent years not only recognized indirect effect as a paramount principle but has begun expanding it further. (Pfeiffer and Others v Deutches Rotes Kreuz, 2004, C-397/01)

From the perspective of Albanian courts, the consequence of all of the above is that, wherever the executive or legislative have failed to apply EU law or to

correctly implement a Directive, again, according to the CJEU, national courts have to fill the gap. (De Burca, 1992, p.217). Through the instrument of indirect effect, national courts of Members and Candidate states, including Albania, are entrusted with another power—the power to interpret national law in accordance with EU law. This new instrument, also granted to Albanian judges, is not only what some scholars call a strengthening of the “national courts’ interpretative duty.” (Chalmers, 2010, p.295) To the contrary, in addition to their power to interpret national laws in light of Albanian constitution, Albanian courts are vested with the power to interpret national law in the light of the EU legal order and its principles. It is very likely that this new power will remind them that their duties are not only national, but are also EU duties, under the *principle of sincere cooperation*. (TEU, article 4(3))

Finally, the indirect effect instrument has not only enhanced the power of national courts of Members and Candidate States, including Albania, but has also aided in their transformation from merely national institutions into EU courts of general jurisdiction. The CJEU, by granting them the power to not only directly and with supremacy apply EU law, but also to interpret existing national law in the light of EU law, made national courts more than just national institutions. At the very least, by using the indirect effect doctrine, the CJEU required national judges, including Albanian judges, to be aware of their dual role as national judges and guardians of EU legal order within their jurisdiction. Although some might consider this dual role of national courts to be a corollary of the principle of sincere cooperation between EU and Member State/Candidate Country institutions, (Ibid, article 4(3)) it is difficult to deny at least their local national role as *de facto* courts of the European Union.

### *EU Remedies in National Courts*

Although the *supremacy*, *direct effect*, and *indirect effect* instruments were used by the CJEU to empower and transform national courts, this would have little substance if no remedies followed. (Chalmers, 2010, p.276) In this vein, one of the most powerful tools used by the CJEU to Europeanize national courts is the *EU remedies*. In cases such as *Rewe* (Rewe, 1976, 33/76) and *Francovich*, (Francovich, 1991, C-6/90) the CJEU increased the power of national courts by allowing for damages to be awarded against national governments when an individual had suffered loss because of a breach of EU law, or due to non-implementation of a Directive.

Although there are at least four known circumstances where a right to EU remedies exists, (Chalmers, 2010, p.268) our focus will be mostly on the state’s liability for damages where a serious breach of EU law has led to a loss for the

individual concerned. This category of EU remedy in particular embodies the strongest example of the role of national courts as EU courts, by guaranteeing EU rights for individuals.

It may come as a surprise to Albanian and other Candidate States, however, that state liability includes not simply the executive and/or legislative institutions of the Member/Candidate States, but also the acts of judiciaries. (*Köbler v Austria*, 2003, C-224/01) Although all kinds of state liability for breaches of EU law are important—be it from the executive, legislative, or judiciary power—for the purpose of this paper it is the last form that will be focused. State liability caused by national judiciaries—in our case from Albanian courts—on one hand, and the right of individuals to ask for EU remedies in the same national courts on the other, is the highest form of showing the dual role of the national judiciaries and their judges. In these circumstances, they must take up the EU mantle, setting aside their national roles and interests, and even making decisions against higher national courts that make decisions in violation of EU law.

To better comprehend the complexity of the dual role of the national courts from an EU remedies prospective, it is important to view both the doctrine and jurisprudence of the CJEU. The Court, based on previous case law stemming from *Francovich* (*Francovich*, 1991, C-6/90) and *Brasserie du Pecheur* in particular, (*Brasserie du Pêcheur/Factortame III*, 1996, C-46/93 & C-48/93) indicating that states are liable for the acts of all of their institutions, made another step forward by introducing the liability for rulings by national courts.

In an extremely important judgment, *Köbler v Austria*, the CJEU interestingly and challengingly ruled that the Member States were liable for EU law infringements even when are made by the national courts, including the courts of last instance. (*Köbler v Austria*, 2003, C-224/01). The same argument is certainly valid even for Candidate Countries, including Albania. Although this idea may come as a surprise and raises important constitutional questions about the principles of legal certainty and traditional judicial hierarchies within the national level, yet the CJEU was determined to continue its process of transforming national courts into EU courts. In the long run, reparation for the effects of an erroneous judicial decision could be considered to enhance the quality of a legal system and the authority of the judiciary within Member States or Candidate Countries, including Albania.

Although a very challenging judgment, *Köbler* was reaffirmed and developed further by the CJEU a few years later in the *Traghetti* case. (*Traghetti del Mediterraneo v Italy*, 2006, C-173/03). The Court not only re-stated that the *Köbler* ruling applied to all national courts, including the courts of last instance, for a manifest infringement of, or refusals to apply, EU law, but that it also applied to poor interpretations. As some scholars rightly argue, this indicates that the liability test will turn from *fault-based tests* to *competence-based tests*. (Chalmers, 2010,

p.312). Such a development affects not only Member and Candidate States, but national courts and judges as well. They should not only deliberately and manifestly adhere to EU law, but should also increase their knowledge of EU law, in order to interpret it in a reasonably competent way. This is another fundamental reason why Albanian judges can no longer explicitly or implicitly deny/resist learning and correctly interpreting the EU law. The consequences of such Eurosceptic actions would fall firstly upon them.

In conclusion, the Europeanization of national courts, in other words the use of national courts for EU integration, by enhancing their powers and transforming them from merely domestic institutions into EU institutions as well, was not done solely on the merits of just one instrument, including the EU remedies. The CJEU, in a very courageous and effective way, mostly through the preliminary ruling procedure, used the above principles of supremacy, direct/indirect effect, and EU remedies, in an overarching manner. Through these legal tools the CJEU made national courts its allies in the enforcement of EU law at the national level, transforming them into *EU courts of general jurisdiction*. (Tetrapak, 1990, T-51/89). This is the de facto legal status that Albanian courts are having at the moment, a status that will progress more with the further EU integration of Albania.

## **The Constitutional Framework of Albania and the New Role of the Judiciary**

Rightly one can ask: It is all fine acknowledging the new role of the Albanian courts/judges, and the practical instruments that they can use for the EU integration, however, are these actions compatible with the Albanian Constitution? The short answer is “Yes”. Nevertheless, the aim of this article is to respond to the above question in more details. In order to do this, the paper will shortly analyze one by one all the above instruments.

***The preliminary ruling procedure*** – the right to request that the CJEU provide a ruling where a question of EU law is raised before a national court - is the only instrument that Albanian judges, including judges of other Candidate Countries, cannot use in the same manner as the judges of Member States. This instrument according to the so far jurisprudence of the CJEU and Article 267 of the TFEU seems to be reserved only to Member States. (TFEU, 267(2))

However, Albanian courts can certainly use the preliminary ruling procedure to the Albanian Constitutional Court if a particular national law is incompatible with the Albanian Constitution and EU law. (Albanian Constitution, 145/2). They have to bring explicit constitutional arguments and supplement them with



EU law arguments. If the matter is clearly against EU law but no argument can be made regarding the Constitution, then the Albanian judges can use the other instruments, such as the *supremacy principle* and/or the *principle of direct/indirect effect*. In this way, they set aside the Albanian national law, and directly apply with supremacy the EU law.

***The principle of supremacy and direct effect of EU law*** – are two legal instruments that are compatible with the Albanian Constitution and can even derive from it. Although the Albanian Constitution does not explicitly mention EU and EU law no-where in its text, yet, it gives a unique place and hierarchy to international law and law of international organizations that Albania is part. If EU would at least be considered as an international organization with which Albania has ratified international agreements, or is partially or fully part of it, then the *principle of supremacy of EU law* derives directly from the Albanian Constitution. Article 122/2 states that “an international agreement ratified by law has priority over the laws of the country that are incompatible with it”. More interestingly, it goes further by admitting that: “The norms issued by an international organization have priority, in case of conflict, over the law of the country when the direct application of the norms issued by the organization is expressly contemplated in the agreement ratified by the Republic of Albania for participation therein”.(Albanian Constitution,122/3). The same can be claimed for the principle of direct effect of EU law. The above article of the Albanian constitution admits the “direct application of the norms issued by the organization” when, as in the case of EU law, it is expressly contemplated in the ratified agreement. (Albanian Constitution,122/3). A broad interpretation of these articles can lead to the conclusion-which I also hold- that EU law can be considered above the Albanian Constitution.

***The principle of indirect effect of EU law*** – is an instrument that does not derive explicitly from the Albanian Constitution. However, judge’s duty is to interpret the law, and according to Albanian Constitution “Judges are independent and subject only to the Constitution and the laws”. (Albanian Constitution, 145/1). Thus, nothing stops them to interpret national legislation in accordance with the spirit and aims of EU law.

Through the *indirect effect* instrument whenever the executive or legislative have failed to apply EU law or to implement it correctly, Albanian courts have to fill the gap. (De Burca, 1992, p.217) National courts of Members and Candidate States, including Albania, are entrusted with the power to interpret national law in accordance with EU law. Besides their power to interpret national laws in light of Albanian Constitution, Albanian courts are vested with the power to interpret national law in the light of the EU legal order and its principles. The power to

not only directly and with supremacy apply EU law, but also to interpret existing national law in the light of EU law, make Albanian courts stronger and remind us that they are more than merely national institutions. Albanian judges have a dual role, as both national judges, and also guardians of EU legal order within Albania, and the Albanian Constitution certainly does not prohibit them to be so.

*The EU remedies in national courts* – is certainly the most important instrument that Albanian courts/judges need to understand and apply correctly. It may be a new concept from an EU perspective, but it surely is not new for the Albanian Constitution. According to Article 44: “Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he has been damaged because of an unlawful act, action or failure to act of the state organs”. (Albanian Constitution, 44)

Unfortunately, until today it is not widely applied, and almost not even thought to include remedies and compensations against an unlawful act, action or failure to act of courts.<sup>11</sup> If Albanian courts/judges, individuals, academics, however, will start to think and use this instrument for EU remedies, then it is very likely that it will revolutionize the entire judicial system. Besides remedies for breach of EU law, it may also be expanded to remedies for breach of national Constitution/laws, and it will indeed raise more awareness and responsibility to Albanian judges.

It is entirely constitutional that Albanian judges to start using the instrument of EU remedies in national courts. Understandably, to do this, they should increase their knowledge of EU law, in order interpret it in a reasonably competent way. This is another reason why Albanian judges ought to learn and correctly interpret the EU law. Otherwise, the consequences of misapplication of EU law would have direct consequences upon the Albanian taxpayers and judges themselves.

## **Constitutional Reform Recommendations for EU Integration of Albania**

Although the Albanian Constitution clearly allows the use of all the above EU integration instruments by Albanian courts, yet, significant changes and constitutional reforms are still needed. It is the time that the Albanian Constitution recognizes the special place of EU, EU institutions and EU law in its content. In addition, Albanian Constitution can explicitly state the supremacy and direct effect of EU law, in order to make it more visible and understandable to both, public and courts. Another significant positive Constitutional change would

<sup>11</sup> As far as I am aware of, based on my experience as judge and academic, there is not a single case for remedies and compensation against an unlawful court decision, action or failure to act of courts. Moreover, even in the scholarly Albanian literature, this idea was never discussed, and is almost entirely new.

be the explicit right and duty of courts to use the indirect effect instrument, in other words, to compel national courts to interpret, as far as possible, national legislation in accordance with the spirit and aims of EU law. Last but not least, the Albanian constitution should explicitly recognize the EU remedies in national courts, for a manifest infringement, refusals to apply, or poor interpretations, of EU law. Ultimately, another step forward would be introducing the liability for both EU and national constitutional/law infringements, even when are made by the national courts, including the court of last instance.

## Conclusion

Indeed, the “Europeanization” of the Albanian judiciary and judges is not an easy process. Difficulties have encountered states much more consolidated than Albania; therefore, active participation of many actors is a necessity. At first, this operation starts with Albanian judges of all levels. In the consciousness of each of them should be imbibed once and for all the principle: “Before being an Albanian judge, I am now a judge of the European Union”. This is not only a privilege. It is a Constitutional and European duty for every single Albanian judge of any level. However, to help establish this European mentality to the Albanian judges, deep and urgent actions are needed in the Albanian School of Magistrates curriculum and law faculties. EU law and the practice of the CJEU should become the core of the educational programs of existent and candidate judges. In addition, the study of European law must become the core of all law schools.

Other actors who can and should contribute to the process of “Europeanisation” of the Albanian judiciary are the legislative and executive branches. They should not only improve the physical/material infrastructure of courts, and urgently increase the budget for the judicial branch (at least at the levels of neighbour Balkan countries); but also they should adopt legislative acts in favour of the process of “Europeanisation” of the Albanian judiciary.

However, a much stronger voice in this process is expected and should come from the EU institutions, including the bilateral Council of Stabilisation and Association. The focus of these actors should be directed to the Albanian judiciary as the only EU local body, which is *de facto* and *de jure* responsible for the application of the SAA and EU legislation in Albania. Considering Albanian judges as “agents” of the EU in Albanian soil, European institutions should do more to guarantee their training with EU law, as well as the consolidation of their independence and accountability.

Last but not least, the “Europeanization” of the Albanian judiciary and its transformation into the “engine” of EU integration, is not limited just at the above

actors. Rather, are Albanian citizens, media and civil society, who have to support and reinforce this process. Everyone should realize that since the entry into force of the SAA, and particularly after the EU Candidate status, the rights of every individual in Albania are regulated not only by national legislation, but also by EU law. Everyone should agree that the EU institutions in Albania, are not those of Brussels, but are precisely the Albanian courts of all levels. If lawsuits based on EU rights would be more frequent, Albanian judges would have no choice, but to find and apply EU law more frequently, by transforming themselves into the expected EU integration “engines”.

## About the author

Dr Klodian Rado is a former judge, academic, and trainer of judges in the Republic Albania. His education includes: Ph.D. Osgoode Hall Law School, York University, Canada; Magistrate Judge – School of Magistrates of the Republic of Albania; LLM – King’s College London, UK; Graduate Diploma in Justice Administration – York University, Canada; LLM – University of Tirana, Albania; LLB – University of Tirana, Albania

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Stabilization-Association Agreement with Albania

**National Legislation:**

Constitution of the Republic of Albania

# *Confronting the Gender Identity with Party Identity: The Challenge of Political Discourse for Woman* \_\_\_\_\_

\_\_\_\_\_ *Miranda Çili - Prifti*<sup>1</sup> \_\_\_\_\_

## **Abstract**

*Communication is a process of relation. It is well known that to communicate does not mean only to give a message but also to enter in a relationship, in which all perform their own roles and try to create their own image. In this relationship, public (political) communication plays a special role, which in Albania is generally rude and aggressive. Political situation referring to communication is almost, all the time, in a kind of pressure especially during the local elections and parliamentary ones too. Political sides in Albania use special language instruments adding patriarchal and aggressive elements during their debates and discussions. The identification with the party identity is seen as the only way, which can ensure a place and a chair for a woman in a politics driven by man. Taking this role for a woman, means having a lot of courage.*

## **Introduction**

The Albanian transformation, or as it is known in our local terminology as “democratic processes” it did happen between a short time, mainly in 1990, as a consequence of total degradation of economic situation and under the strong influence of changes in Eastern Europe. Albania was the last country in Eastern Europe, which in December 1990 allowed political pluralism, and the creation

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<sup>1</sup> Contact at: [miranda.prifti@uet.edu.al](mailto:miranda.prifti@uet.edu.al)

of other political parties, and abandoned the socialist path of building social and economic order. So, as in many Eastern European countries and in Albania, after the '90s, the communist dictatorship collapsed and the liberal system (known as democracy) was established. This system established in the early 1990s in Albania has been recognized and propagated mainly as a liberal democracy, which continues to be considered today. It is true that the new democratic institutions that were established in the early 1990s were not perfect, but it is also true that they did not improve greatly over time. (*Daci, 2011*) The events that took place during the latter years proved that we haven't had and we will not have liberal doctrine implemented in this country. This is confirmed by the fact that, the political class in the country, it is not adapted to changes and it isn't characterized by the character of dialogue relations. This observation is based on the data we have from the beginning of '90s until now days, where we have the same political participants both on the left and on right side. Since its beginning, human society has gone through many stages of development, which have been in harmony and interdependence with historical, political, or even economic developments. The relationship reports, that the existence between the society and these occurrences, also the reciprocal connections of humanity with the historical changes caused by wars or revolutions, have brought social revolution. Each period requires its own people, new people, to respond to its pace. The quantitative and qualitative changes during the historical revolutions and the social-cultural evolutions, are made from all the society not only from men.

Of course, the public life of our country has not lacked women, who if we turn back in '70s, were called a great force of social life. The numerical ratio has not changed much from year to year, but nevertheless their presence has been present and useful. To be questioned was their voice, the positions that they have held, and their presence in the media and in public life. Our political culture has created an imbalance between the two genders: men and women for not having equal opportunities and chances in decision making.

The socialist system in Albania required that woman had to be a good housewife and a good mother which sacrificed for her family. In this way, the woman's identity was connected mostly with their gender roles. But we also emphasize that this system even it didn't prohibit feminism it did not encourage female values, but rather emphasized that women should follow the male model. The socialist state never encouraged women and made them aware of their inner freedom, moreover discussing the power of males in their houses. The collapse of the socialist system, constricted Albanian society find the "right" way to function, both politically and economically.

In today's Albania, we can say that strong patriarchal attitudes coexist and often mix with each other with modern attitudes. In most cases, it is difficult to

determine what the logic is when we try to understand the reasons why women are both encouraged and discouraged for a certain process.

When a woman enters in politics path, things change and it happens that what we see is the opposite of what has been preached, the opposite of what has begun to be and to be merely the female facade of male power, or in other words to be or considered as an instrument of the authoritarian rule of a leading man. So this way of entering politics or decision-making, the woman is in danger of becoming the victim of the opposite of what emancipation as a process would bring to her. *And she's just playing the role of being the "mannequin," the "toy," the "instrument," the substitute for runaway men, or the "voice" of what the party leader, the ruling leader, thinks ' (Përnaska, 2017)*

This happens because the society itself, which is still has a slightly patriarchal mentality, also a male environment, as well as male competition, makes it feel and require from them (women) a protection of a different male-dominated nature that is dominant in politics. Then this brings a slightly excessive-fidelity of women to him, to this leader, as having an opportunity that other women do not have makes them more careful and committed to being at the forefront of tasks and works, which are "imposed" by the male figure of the leader. *"This behavior of them makes you think that these women consider this opportunity lucky, even inclining to consider the party as their common home, making you think that they are more inclined to "play theater" in the political scene by implying at the same time that they have easily accepted the fact of considering or being a facade not only a symbolic one but also a slightly "erotic" one. (Përnaska, 2017)*

Also, the fact that no woman is a party leader, is another indication that female sex feels inferior in politics, and to compensate her "handicaps" of the Albanian mentality, she is forced to use the language of men to find the "right" place in the political environment. It is worthy to mention here the case of LSI party, which since 2017 has a woman leader, Mrs. Monika Kryemadhi, the first woman leader of a political party in Albania. She came in that position after the ex-leader was elected as the president of Albania Republic, who in the same time is her husband.

The lowest number of women in Parliament was in the 1991-1992 legislature, in the early elections. The post-1990 transition brought an increasing number of women ministers. We mention here with some 20-22 such (named Panariti, Ymeraj, Pati, Pronjari, Dade, Meksi, Çeço, Shuli, Leskaj, Trashani, Bregu, Godo, Kodheli, Kumbaro, Harito, Gjermeni, Gjoshja, Nikolla, Ikonomi, Felaj, Xhaçka and Manastirliu). Another feature for the composition of government cabinets during 1997 - 2005, it is important to mention the fact that we have a number of somewhere around 2-3 women politicians who circulate in cabinets, but without expanding the number of women competing for high-ranking positions. *In this period it is worth mentioning the attempts even though without success in electing*

*a woman Prime Minister, where two female politicians, Meksi and Çeço, competed for this high rank position but lost the race against the male politicians, Majko and Meta.* (<http://isp.com.al>)

During 2005-2013 there was a woman at the head of parliament, the most important constitutional institution in the political system. Jozefina Topalli is the only female, who was the Speaker of the Assembly not only in the last 25 years, but in the entire history of Albanian parliamentarism.

## **Democratic transformation and the transition of society**

Building a democratic regime after 1990 has put the Albanian citizens to face the challenge of building a liberal democracy with functioning institutions, which means that in addition to the formal legal structures building, citizens should be active participants in the process. (Danaj, 2008: p. 27)

Not only Albanian political reality, but also the political environment, is generally defined by a strong masculine presence, considering it as a profession for men. Referring to Albanian reality, representation of citizen groups in the Albanian parliament is very low. Feminism is an ideology that was born later and tries to analyze the social position of women, explaining their important role in the story and providing the basis for reform and progress of women in all areas of society. (Harrison & Boyd, 2003: p. 296) However, this does not mean that “feminism” has emerged and exists as an ideology or practice in any political party and even less on political parties.

The elections of 2009 in Albania, as well as local ones in 2011, were seen as a good opportunity to increase the number of women representation in parliament. However, it did not reach the objectives set by law for the gender equality in the parliament.

The decision of defining the numbers of women in parliament found a wide public consensus although many doubts raised in the process of selection of women who would vest the political costume. The leaders of political parties, in order to fulfill the required criteria of 30% of the candidates, were looking for young women in politics and in the field of civil society or other areas less connected to politics.

One of the main purposes of the quote was to guarantee the representation of both genders in selected structures. However, Albania since the beginning was faced with the mindset that what we wanted was the result of a prejudice, because in reality there was no inequality between women and men. It was enough for women to compete and the mission was completed. (Women Network “Equality in decision-making”, 2010, p. 5)

Although Albania has made progress in terms of the legal framework towards the increasment of the participation of women in politics and decision-making,

the current situation shows that women are still underrepresented (Albania Institute for Social Innovation, 2013). There are some reasons for the low rate of representation of women in parliament but the main one is the traditional culture and prejudice against women. On the other hand, the researchers think that there are a number of other obstacles that women must overcome.

Obstacles are the same everywhere in the world, for example the lack of support from family, political party, the difficulty of finding financial resources, or lack of confidence. When men aim a political career, it is easy but when it comes to women, they must find a balance between professional career and life in general. In today's world, there are two "laws" about the "iron lady", which clearly describe the situation of the penetration of women in the political elite:

Firstly, whatever the position or political privilege, there are always more men than women who compete for the same position or privilege, even when women have them compete harder to grasp and secure it. *Secondly, the higher up in the hierarchy to positions, much less women will have them* (Chapman, 1993).

'In the Albanian reality due to lack of the participating tradition of women in politics, communism heritage, frustration regarding the policies, lack of space for socialization that provides paid employment outside the home, and personal life social activity, due to poverty; traditional structure of Albanian family that sees women as being humble to the will of husband, make the woman invisible and underrepresented.' (Danaj, 2008: p 29) All these factors or causes have made possible the creation of today's political culture. A culture that is not in their favor has created an imbalance between the two genders: to have equal chances and opportunities in decision-making and in hearing their voice from all.

## Communication and political language today

Communication is part of every activity and a part of people's daily life too. Based on how important communication is in people's life, it is inalienable to think that communication is unavoidable in both lives of organization and in leadership process too. Communication is important not only in the leadership functions, but also successfully completing all social functions. With political communication, people will understand not only verbal or written declarations, but also visual components as for example the way they dress, their make-up, and hairstyle, so that with all these elements of non-verbal communication, it can be said, that they create an "image" or a political identity (McNair, 1995).

A good political communication is important not only for high-ranking political functionaries in a party, but also important and significant as the foundation of achieving the objectives of a party, by being communicable with people in the

future elections in Albania. To understand the political communication (language of power or the language of those who fight for power), that is a communication of action and that is referred to what Edelman (1985) has called symbolical politics, we should consider the political reality, which is called by Edelman as double reality (instrumental dimension and the expressive one).

The public political communication has been dominated more from the emotional arguments, which have made it hard to transmit the written political message between parts. Furthermore, sometimes, it has transmitted the wrong message. It seems that public political communication is used to rude arguments in a striking and shocking language against the political opponent, a manner of speaking which comes directly from the mouth of those who are government officials actually. Since the elections of June 2009 to 2013, the language spoken between the deputies of the leading party and those in opposition, it has been rude. Both parts have used epithets. Those epithets, if used by ordinary people in their daily life, would have been very offensive. Generally, in massive population, these insults do not pass without physical confrontation among them, especially between emotional people. As in politics, addressing a lot of accusation against moral, family members are becoming now a usual phenomena. It seems that it does not bother anyone because it is considered as part of doing politics and your duty too. In fact, anyone who enters public space to express his/her, thoughts should take in consideration the risk of being disparaged because of the manner of speaking or thinking (Fuga, 2010).

Political language is a specific one, which has its rules, its codes, and its temperament of transmitting the message to the public. The range of speaking in politics is much diversified. Speaking a little and saying a lot; speaking a lot and saying nothing; confessing; telling things by hiding the essence; making high praising by hiding the anger; smiling by camouflaging the hate; complicating the phrase by hiding the thought; building half-truths; and by appearing transparent, are all political instruments of expressing.

Infinite style (incomplete style) has become an evidential feature of Albanian politicians, which has turned the evasive speaking into their goal. The worst is that some features in the way of speaking have been practiced as a style of acting. In other words, there are some politicians who work the same way they communicate.

Referring to writing, it is hard to tell the authentic style of their, because integral materials published by politicians are very little. Verbal reality of Albanian politics is built frequently on weak unclear and unstable concepts. It neither has clear thoughts, nor complete and well-formed, and as a result, surely this will lead to ambiguous ideas, terms, and semantic evolution.

Albanian politics has elaborated a hermetical speaking style in order to protect it from confrontation and responsibilities, so that the political battle between

the main parties in the lack of identical true program and the clear position has resulted in fight of closed phrases, jokes, irony, and allegory, which really have no relation with the essence of doing politics, but have a big emotional impact in the electorate. It seems like that a silent deal is written between professional politicians and electorate. Politics produces empty phrases and electorate values, not the essence of discussion, not what the politicians say, but the way they say it, who made the most elegant irony, who made the most effective joke. Orwell (1946) in the middle of the 20th century characterized the formal language of politician in a brilliant manner as “*Words that are gathered together as horses of cavalry hear the call of horn in the same line and always the same lines ready for march*”.

Different authors agree on the fact that political language is the main tool of doing politics. It is used depending on certain political interests and may be clear or unclear depending on how true they are. The latest situation of politics in Albania has showed the features of political language, a language which has always been connected with the left or the right wing (even though in certain cases, there has been strong tied political interests), the conflict between both parties has continuously been present and what this has identified, is the lack of clarity.

## **The challenge of political discourse for women**

Democracy is communication, collaboration, and dialog. In this relationship undoubtedly the political communication occupies a special role. Communication is a process of relationship and it is known that to communicate does not mean just to give a message, but to create a connection where everyone participating has a role or even an image. We all are conscious of a mess in nowadays lecture and language facts heterogeneity. Language is not only a function of the speakers but also it belongs to all communities. Language policy is the main tool used of policy making. It depends on certain political interests and can be clear or unclear according to the authenticity of these policies. The range of political speech is diverse. Talking less and saying a lot, talking a lot and say nothing; complicating phrases in order to hide the opinion, composing incomplete truths, smiling while chewing hatred, all these are a range of expressive policy tools.

The style *non-infinito* (unfinished style) is made as an evident feature. The speech of Albanian politicians who have returned with the purpose of an evasive speech, undefined. However, political communication professionals know that the “abc” is the political communication: a good politician should carefully select/implic the words that he/she says, because they might take not only the meaning that the speaker implies, but also the meaning of those who hear it. (Fuga, 2005; p. 63).



The political situation in Albania recently has revealed exactly the criteria of political language, a language which has been generally associated with the ideology of the left or the right wing (eventhough in some cases, there have dominated close political interests) and the conflict between the parties has been continuously present, and the lack of clarity of language is more evident.

Since the elections of June 2009, the political language among deputies in parliament has been fierce. From both sides epithets are used, that if they were used by people who do not have a political role, they for sure would be considered as insulting words. Whosoever appears in the public space to say his/her opinion should be willing to endure the remedy of words that could hurt. (Fuga, 2011) Moreover, in the public political communication has dominated with more emotional arguments, which have further hampered the political message transmission between the parties or not to say that is not what actually should be aired. Usually, these insults between people don't pass easily because they can bring physical altercation between individuals and so they can crash again.

While it is seen that although the Albanian politics is "violent" women still approach and they cannot be there in any way for beautiful and soft things, because now they have to do with laws and decisions, because in the hands of this policy is the life of the state. It is clear that the environment (parliament) which absolutely can't be for beautiful things, especially when the situation aggravates and insults take place as it often happens in Albanian political environment.

If women in politics face the dilemma of "To feel like a woman or thinking like a man" for men it's easier to "overcome every time the rainbow" (Buzi, 2009:).

The political situation, in terms of communication, is almost in a kind of tension all the time with rude words and even more during elections, whether parliamentary or local ones. This conclusion is based on a strong conviction if we referred to communication of women in politics. Obligated to obey the orders of the chiefs (heads of parties), women politicians have changed the way of communication to the public. They no longer characterize the fragility or use soft tonality to absorb a little bit of conflict. Now, in the parliament or in the press conference rooms, strong phrases, the most serious charges, and harsher vocabulary are usually used by women. Especially when talking against each other, women cannot realize "smoothing" policy.

We have already seen ladies who have spoken with no suitable policy to their rivals and accusing them. We all are convinced that those publicly articulated, was not their true attitude and thought, but a task that was given by the respective heads, to throw mud on the opponent. And why not, to gain time on television and newspaper pages.

It is not normal for Albanian society, guided by an old antifeminist bias that comes from "the time of Freud", according to which "The destiny of the female is the anatomy" (Tushi, 2008). In Albanian society, at all dimensions it has prominent

women and strong ones, there are women who would make a good turn to Albanian politics. Today probably they are out, as there are many respected men but in a historical perspective, women in this country have been able to walk in the path of emancipation, which makes it believe that even nowadays would be brave ones to go in that route (Zaimi, 2010).

Politics, language, and thinking have been often the main subjects in Orwell's works. Staying away from politics is impossible. All things are connected to politics and the politics itself is all a lie, a mountain filled with lies, folly, and hate. When the usual atmosphere generates, the language suffers. Language of corruption, as Orwell (1946) says, comes out from economic and political reasons.

Referring to communication, the political situation is in a kind of pressure all the time and even more during the elections not only the parliamentary elections, but also in the local ones. Very strong and rude words are used. What has been observed in political communication analysis of female politicians is that except speaking, they use also the body language, like facial mimicry and other gestures which are often borrowed from the leaders who govern actually (Dhima, 2013). Obligated to obey their chiefs (party leaders), women in politics have changed the way they speak in public. They are not any more characterized by fragility or the soft tonality. In order to amortize the conflict, they are turned in "political suicide."

'And this means that more or less in every country in the world, not only in Albania, the model of women's growth is being maintained, growing or being introduced within a male model which has grown over time. But there is no masculinization, there is simply a follow-up of the procedure of a path that some others once opened before it. So they found a ready-made model. This is the ready-made model, the career model is the model of successful men and they have followed the kind of model that has been offered to them.' (Dode, 2017)

Actually, in the Albanian parliament or in press conferences, tough phrases, strong accusations, and the smoothest vocabularies are used by female politicians, especially when they speak against each other. Women cannot realize the "softness" of politics. They could not even bring some "femininity"; but the worst was that they were "unfeminine." Women are ordered in front of each other and the accusations against the other political camp are prepared usually by the other women in the opposite camp. Female politicians are those who try to imitate men. Moreover, intellectual women in politics or in media are wilder than a considerable part of men. The couples inside the Democratic Party and Socialist Party, as Topalli-Ligori, Pernaska-Felaj, Doda-Shkreli, Vokshi-Xhacka, Bregu-Kodheli, etc., have often been in the skies of smooth and strong debates.

In these debates, the insults oriented to the same gender have been present, even when their sentences start with the phrases "... as a woman and as a mother..." (Vangjeli, 2010).

On the top list stands surely the speaker of the parliament, Mrs. Jozefina Topalli. This is because of her presence in public, her nature and her tonality have always been in high frequency and masculine. All have seen respected women who speak with inappropriate tones and who accuse their opponents in political life for their private life. Despite their soft voice pronunciation, words have been always very spicy. It is known that what is articulated from their mouth is not their real thought, but a duty given by their party leaders, who throw mud on the rivals. Why not for earning the television time and the press pages?! In this aspect, even the media has played its role in the change of communication because the political parties have the priority of showing the problematic aspects and conflicts in the media.

What it hurts is that (even though for a long time, it seems all normal as normal that the contrary would surprise us) female elites cannot make the difference. In this point, not only for political cases, but also nor for personal principles “fight.” It never has been heard that a deputy opposes her own party leader.

Mrs. Kodheli (2017) says of women’s political communication: “First of all they try to imitate their bosses in politics who show arrogance and think that this is the best example and they think also that in this way they can please the bosses, without actually thinking that they are there to represent the people, to represent a certain category which they pretend to represent”.

Neither when they use offensive vocabulary, nor in the name of dividing the power and balancing the power (check and balance), nor in the name of ethics (that woman that has a family just like you). In contrary, they attack with the same hate even with the same words (to pamper the “chief” sensibility).

## **Masculism, the consequence of this challenge**

### *Jozefina Topalli a case study*

For the first time in its history, the Albanian parliament finally elected a woman, Mrs. Josefina Topalli, as the Speaker of the Parliament (Londo, 2005). Mrs. Topalli always thought that such responsibilities men hold without any complex, women may hold too and being a woman has neither helped nor has hampered her work.

*Like quite a few others, I have been wrong when I tried and suspected often that Mrs. Topalli, unconsciously, was incomprehensible and unnecessary, even unwise, rides in politics, while she did not transmit as a female the role of a gentlewoman, a wise politician, the “opponent of the opposition”, as promised a Parliamentary Head, that with wisdom and kindness manages to bring in masculism Parliament, understanding, giving peace and good faith, to tame tempers , as a “Mother Teresa” policy (Blushi, 2009).*

Obviously, work and tough fight on top of manly Parliament of Albania has become “more determined” against vandalism, banality, and words of hatred gestures. *I'm not an “iron woman”, the information you gave me regarding the chair that I have, tells me that the path we have taken, it is difficult, but the only one possible*” (from the words of the Mrs. Topalli, voting session request for her removal, November 13, 2006). From observation and comments, it appears that the institution of laws, often “make the law”. The controversial language used in Parliament of Albania, a northern dialect pronounced often outrageous and with nervousness grade, remembered her reaction to the Assembly Hall, on July 22, 2008:

In contrast, we have seen more than once that she plays the role of a woman—man, often wild, stubborn, and intolerant. How is it possible, asked the Assembly men, who she said “chased me” whenever given the opportunity!

Down in the population, everyone was talking about Mrs. Topalli, for the loss of control in a fierce debate with Mr. Balla. She was also remembered for the sudden outbreak in 2005, in a statement she made on TV Klan, three days before parliamentary elections on July 3, 2005 (Myftaraj, 2006).

*Topalli politically knew to impose herself better than everyone, always hard and tough counter, of course not by chance, but deliberately which excluding the outer side of her, even with her flamethrowers vocabulary, vulgar and dialectical (Probably, in Albanian masculine military policy, it has a high importance!), she has made it possible, with an admirable tenacity targeted now giving herself a secure future for tomorrow.* (Blushi, 2009).

If it was considered the “forbidden” and reflected conversion of the examples above about Mrs. Topalli, we can really argue that her presence in political environment could not feminine more her role, in a very masculine Albanian politic, in the fight for political survival. In an interview with the journalist Mr. Sokol Balla conducted for this study, he describes her profile as the only lady in charge of a government in Albania, but her mission for gender equality is partially realized. “Today, Mrs. Topalli is equivalent to a man at the head of the Parliament, but to get there, she had to give up her gender”, Balla said.

Mrs. Topalli, as well as other women in politics, knows that it is hard to have a future if you will behave differently in politics: as a “housewife” crestfallen, like a good wife, wise and gentle, but they should create a parable of male/female in the party/politics. After only such an image can provide continuity and security guarantees for militants or anyone else that tomorrow will be accepted as a worthy successor.

Another opinion, this time a female one, in a letter of 2006, has justified its change due to the extremely difficult challenge facing the “Complexion to be vigilant and sleep, turns in the defense of making goal at your gate. Shame and

anger that awaken to a woman the insults of men, kill the beauty and the beast awaken. An injured woman is a woman less, a necromancer more”, says in a written letter Mrs. Rudina Xhunga, for Mrs. Topalli, at the time of the second motion of no confidence for the Speaker of the Parliament (Xhunga, 2006).

Regarding the brutality and severity of her vocabulary, it has justifying opinions that disrespect is absolutely an inevitable behavior in the hall of the Parliament, where the rules are often not respected by some deputies, who have turned insults and swearing into a working style. However, this does not justify the brutal gestures or words used by the only female with high and accurate profile in the political scene. There is no value to this behavior that she makes it many times, even without reason. Outgoing resembled a woman affected by severe vocabulary of Albanian men politicians. Now, it seems like a voice among them and provokes their voices be stronger. Despite the content of rude is also the dialect pronounced, which makes communication very difficult. The researcher thinks that she uses a dictionary somehow rough after proper forms to establish authority in the district where she works and interacts every day.

Though to put a little powder on her portrait, in its image of a man -woman, we emphasize that Mrs. Topalli you can see her across the country and the world, as an international class politician, as a woman with refinement, dedicated, dignified, determined, always elegant, with a perfect model of success and policy today! Looks quite different from the shape in the Parliament sessions!

When calculating the percentages of female participation in politics, the percentage of its masculinity should be taken in account because the predominant profile of an Albanian politician cannot possibly defeat male features: severe behavior and communication, profile noticed in various media debates of both genders (not talking about their behavior in the Parliament Hall).

Today, it seems that the trends are towards describing women as housewives, romantic, good cook even as politicians and government manager. This Hegelian dualism seems to sculpt a new characterization in his hierarchy of modern women, masculine female who is physically a female and has a male ideology (Konomi, 2010).

There has been a tendency for many years in the Balkan countries, that had a masculine policy, therefore has long been masculine and women have brought and continue to bring their model but also must be prepared to become part of real political view, who will do even encounters when is important. In approaching the problem this way, it is emotionally difficult to explain the situation that created polarization between “feminism in politics” and “masculine women”. Perhaps, it will take time to understand the true implications of this bipolar symmetry.

Masculine is a person who rises in the morning and late in the day celebrate his personal ego gender while female masculinity would determine the wish to suppress

the feminine side of a woman and to excite to her the manhood masculinity in a husband or a male. Feminism in politics firstly, should be seen as a main supporter of social gender equality and then as anticorruption policy articulation as well as those with social character, but we should beware against corruption of women because their purity will be destroyed forever. Feminine masculinity has long begun appearing in the media and politics. Not rarely we see a woman who speaks in political shape, stylistically as a male politician (Konomi, 2010).

Despite this reality, Albanian women should continue to be in politics considering that it will come a day when the laws of this country will be implemented. However, what it has been seen in common is that we all converge at one point, with speculation or political abuse of the women and their role and also with the conviction that the masculine dominance of Albanian politics has no desire and willingness to free the path for women, even in a near future. In a stricter way, it can be said that the debate is expected in certain situations, but that depends more on the individual person and how he/she expresses his/her communication.

## Conclusion

Democracy is fragile and not consolidated in Albania. We had to move from one regime to another. We have learned or we are learning let us say a lot from the whole political class, whether by their mistakes or by being able to create a voice of its own, but on the other hand this is not only reflected in our public culture, but also it has a tremendous impact in Albanian society, since we are, as citizens, very connected or engaged with daily politics. Often conflictuality and aggression in politics can affect the level of aggressiveness and conflict in Albanian society. Both are very connected, so at the moment that politics gives positive models of cooperation, a model of discussion with arguments, not aggressive conflict model, all this is followed by the Albanian society and thus promotes positivity, bringing a more humane development of problem-oriented for solving them, rather than division or aggression in general.

Political arena has historically been a domain of men not only in Albania, but also all around the world. As a result, women find it difficult to develop their self-confidence to be a candidate in public posts. History of power is also a masculine history, even though during the last century, all around the world, there is a wide movement of women for being even those part of the government and this is the most natural thing in a society.

Even in Albania, the attitudes are being changed and becoming more admitted toward the engagement of women in politics. Goals are considered even the organization forms of women beginning from non-profit organization up to

coalition and networks. Communication is in the epicenter of political process. Communicating is becoming a strong weapon in prognostication of image of political parties, government, organizational, and cooperative. Even communication is not only becoming a challenge that makes the difference among the institutions of all specters, but also among political parties, especially during the electoral campaigns, promoting the programs, visions, ideas, politics, and their recourses in a most efficient way. Political situation in this place referring the communication is in a kind of pressure even more in the periods of parliamentary or local elections. The researcher thinks that probably the use of a tough language is the right way to put the authority in the circle of people one acts and interacts every day. Political women know how difficult it is to have a bright future, if they would behave in politics improperly, as obedient “housewives”, as good woman, quiet woman, or goodhearted. Instead, they have to create the image of woman converting itself in man in a political party or politics. But the conflicts like the political language are both parts of doing politics, without which a democratic state cannot exist.

So we need some time, we all need time, the problem is that we think we need time and meanwhile as we are thinking we are staying in the same place. This should not happen because it means that we have lost a lot of energy. Today it is a little different but again it is not enough. Albania still has a lot to learn. This is our political culture, we have a very limited political culture and we have a few years in which we are making a movement in the transition or in achieving our things in politics. So it's a normal thing.

## About the author

PhD. Miranda Çili - Prifti is a Lecturer at Faculty of Humanities, Education and Liberal Arts, Department of Humanities and Communication. Miranda has received a “PhD” in Political Communication, in July 2018 at European University of Tirana.

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# *Knowledge, Power and Freedom: Case of the Albanian Society* \_\_\_\_\_

\_\_\_\_\_ *Viliem Kurtulaj*<sup>1</sup> \_\_\_\_\_

## **Abstract**

*At the core of this article are three key concepts: knowledge, power, and freedom. The backwardness of Albanian society, compared to other developed European societies, has urged me to seek and understand how the relationship of Albanian society with these three concepts stands. For a society, it is essential in which concepts it raises its existence and vision, and how much it respects those concepts. Although the everyday life of people of a society has to do with the practical side, it is difficult to find a developed society that does not initially embody the theories and concepts upon which it has chosen its own existence. The way we understand concepts determines how we respect those concepts. For this reason, it is important to understand how Albanian society conceives the concepts of knowledge, power and freedom, how it interacts with these concepts, and how these concepts relate to each other in Albanian society. This article uses qualitative methods, mainly a review of the literature of Foucault, Kant, Lyotard and Heidegger that relates to the concepts of knowledge, power and freedom, using these concepts to understand how the relation of Albanian society with such concepts is.*

**Key words:** *knowledge, power, Foucault, freedom, philosophy, Albania*

## **Introduction**

This aim of this article is to understand how the concepts of knowledge, power and freedom stand in a certain context, such as Albanian society. The concepts of

<sup>1</sup> Contact at: [viliem1988@caesar.elte.hu](mailto:viliem1988@caesar.elte.hu)

knowledge and power in this paper have Foucauldian meaning. Knowledge does not only mean formal knowledge that can be produced by defined methods in scientific institutions, but the whole range of knowledge that can be produced by any agent or institution in society. Knowledge can be produced in different ways. Knowledge produces power and power can produce knowledge (Foucault, 2009). This means that what I'm doing through this paper is *nolens volens* not only a production of knowledge, but also an exercise of power, however small it may be. It is difficult to prove what Foucault claimed, that any discourse produces power, but I do agree that discourses produce power. One can say that there are powers which are not produced at all by discourses, but by force. Actually, there are several definitions concerning the term "power", which differ from one another. As I mentioned above, in this paper the concept "power" has Foucauldian meaning. *Tipari i veçantë i pushtetit qëndron në faktin se disa njerëz mund të përcaktojnë në mënyrë pak a shumë të plotë sjelljen e njerëzve të tjerë – pak a shumë, porse kurrë krejtësisht dhe as nëpërmjet forcës. Njeriu i rrahur e i lidhur me pranga i nënshtrohet, sigurisht, forcës që ushtrohet mbi të. Forcës, por jo pushtetit.* [The special feature of power lies in the fact that some people can more or less fully determine the behaviour of other people - more or less, but never completely or even by force. The beaten and chained human is, of course, subject to the force exerted upon him/her. Force, but not power.] (Foucault, 2009, p. 157). Another feature of power is that it is found everywhere because power may be produced at any time, at any point within each relationship. Power relationships can be seen as a net, where points from where power is exercised can be anywhere, and points over which power is exercised can also be anywhere. As Foucault said, *pushteti është kudo... sepse vjen prej gjithandej* [power is everywhere... because it comes from anywhere] (Foucault, 2011, p. 123). Freedom on the other hand is important for the relationship that society creates with the power.

## Knowledge in the Albanian Society

I do not undertake to regard the relation of the Albanian society with power, knowledge and freedom as special or unique, nor to generalize it to other societies and cultures. Maybe societies with similar characteristics produce similar relations with these concepts. This may be caused because when the discourse gets institutionalized in society, it produces truths for whole society and each truth is accompanied with power. According to Foucault (2009), in any society the multiple relations of power permeate, penetrate, characterize and shape the social corps. As such, they cannot be separated, neither to take place, nor to function without production, accumulation, circulation and functioning of a discourse with truth's

allegation. There is no functioning of power without a certain economy of true discourses, which operate within this power, launched by it and through it. Power cannot be exercised, except by producing its own verity or truths. These truths can be produced by individuals or institutions. The following is a passage from Foucault that shows human's relationship to knowledge and power.

*Njeriu është njëherësh objekt dhe subjekt i dijes, ose më saktësisht: njeriu është një subjekt, i cili, subjektin e vet e merr si objekt të dijes.... Pushteti ushtrohet mbi njeriun si objekt... vetëm përse arrin ta prodhojë atë si subjekt.* [The human is at the same time, both, subject and object to knowledge, or more precisely: the human is a subject, who takes her/his own subject as the object of knowledge.... Power is exercised over human as object... as far as it can produce him/her as subject.] (Foucault, 2011, p. 17).

A typical element which can be easily noted in the Albanian society, in its relation with knowledge, is that “everyone knows everything”. I need to clarify that, when I talk about the Albanian society and its relation with knowledge, I mean the society in general, let alone the exemptions which certainly exist. This is easily ascertainable. For instance, suffice to go out on the street and ask people, e.g. about politics or international relation. It is likely to not receive any answer “I do not know”. Almost all respond by claiming that they know the answer of the question you are asking about. If this example it seems not enough, insignificant, or just accidental, let's switch on the TV. There are the same persons who, every evening, discuss in TV studios about all sorts of topics. These people “twig” about politics, economy, sport, astronomy, criminology, diplomacy, fashion, gastronomy, sex, medicine, literature etc. Apparently, no one refuses the invitation to appear on television or in any other possible media or public space to talk. The point is that everyone denies saying “I do not know!”.

Actually, if in TV studios would be invited and appeared only persons who officially represent the power (the government bodies), probably the society could easily create an impression that the media agenda is dictated by the power. Consequently, the media would lose credibility. To avoid or prevent this situation, on TV studios and other conventional media, appear those who are known as analysts. These analysts claim to be independent and to some extent represent the public opinion, public concern, public voice, or public interest. Moreover, these analysts are almost the same persons everywhere on media and they are in total less than a dozen people. Often, they indirectly protect the interests of a power body, such as a political party, a business firm, etc., under the “guise” of someone not officially related. In the best case, if we take for granted their independence and impartiality, they still harm the representation of public interest and the

creation of public opinion. Talking and writing about every topic, they pretend to be omniscient and thus most of their analyses are weak and ordinary. In this way, they contribute in misinformation or malformation of public opinion. In fact, the main problem here stands elsewhere. Because they are the same small group of people who appear everywhere in the media as the representatives of the public voice, in this way they make the privatization of the public discourse. The public interest can be privatized through the privatization of its voice. The privatization of the public discourse by a small group of people may make this discourse no longer protect the public interest but some specific private interest. So, the privatization of the public voice in the media happens in the name of the protection of public interest.

But the aforementioned examples have a reason for their occurrence, which has deeper roots in the Albanian social culture. I bring here another example, which is actually similar to one of the examples I presented above. If one goes out in some city in Albania and asks random people for some directions to get to a certain destination, probably people will try to show it even if they have no idea about it. At any rate, we (the Albanian society) find it very difficult to say “I don’t know!”. This phenomenon is caused because of the nature of relation of the Albanian society with knowledge. It seems that the real relation of the Albanian society is not with knowledge itself, but with the pretension for knowledge. This happens because in this relation of Albanians with knowledge, is embedded what is called “moral”. The relation of knowledge with moral within the Albanian society is conditioned by “shame”. But, we as society, are not ashamed that we do not know, because if we would be ashamed of it, we would try to change it and learn those things for which we are ashamed of. So, we are not ashamed of ourselves, but of others.

Being Kantian means following certain principles, which emerge from our inner consciousness, despite any experience, interest, desire or external condition we may have to the contrary (Centre for the Study of Language and Information, Stanford University, 2016). Behaving according to Kantian ethics means that your action is objectively necessary in itself apart from its relation to a further end. This is what is called “the Categorical Imperative” (Doody, 2014). Considering the shame as an “aKantian” term, we associate it with the external reaction of showing ourselves as ignorant. So, we lie in order to avoid the shame that comes from being ignorant in front of others. We do not consider the fact that the true relation with morality stands in not lying. Indeed, lying to look knowingly is immoral. People on the street answer the question, however, because they are ashamed of looking ignorant, even if it costs a lie. So, in the Albanian society, the relation “citizen - knowledge” is indeed a “citizen – (external) shame - knowledge” relation. Responding to the question asked by another person about “x” direction or place, without knowing the answer, we probably lie her/him by showing the wrong direction. This means



that to avoid any appearance as ignorant, we do an immoral act by lying. In this way, our relation with morality is disingenuous. We associate morality only with the relationship with the external subjects, by excluding ourselves. Not being ashamed of ourselves, we do not consider ourselves subjects but objects without thought and personality. Morality or shame does not exist for us, despite everything we may have done, as long as others are unaware of it. This means that the element of morality between the Albanian society and knowledge stands only in terms of appearance as a moral person, and not being really such. We could be ashamed of anyone except of ourselves.

The importance of being moral in front of others can also be understood by giving another example. In many cases this phenomenon feeds another phenomenon in Albania called “feud”. A significant proportion of murders for blood-taking in Albania are done because if the family cannot take the blood back, it may be ashamed in front of others, in front of the society. The family somehow becomes ashamed for not being able to take back the blood of their murdered family member. The family who does not take back the blood is considered in the surrounding community as a family without honour, immoral, and who does not deserve respect. The family to whom the member was murdered, may not believe in the feud values and may consider unjust the blood-taking. They may forgive the other family for the murder of their family member, but to avoid being ashamed in front of others and not respected by the society, the family is somehow “forced” to murder in order to take back the blood, and to restore the family honour and moral.

## **Freedom as a Characteristic of Human**

It is important to note that the aforementioned phenomena may derive from the fact that culturally the Albanian society is not a free society yet. Freedom in general has been often considered that kind of freedom which suits more to the animal nature than human nature. If for the other creatures on earth, freedom is the possibility of survival or blooming everywhere, the meaning of freedom for humans is something else, much more than that. The human freedom is not merely the possibility of fulfilling her/his own desires, because desires may be appetites, and appetites are determined. What is determined, is defined, and therefore cannot be essentially free. The human freedom is precisely to overcome determination, which means to overcome desires and appetites. Appetites can be biological desires or needs. The desire to be well fed, to have sex, to have a comfortable life full of pleasures and joy are the same desires that any animal may have. But human freedom cannot be compared or equalled with freedom of other creatures such as animals.

The human is free when s/he asks and acts beyond her/his own desires (appetites), even when these acts may counter her/his own appetites. The human is an active being in the world because s/he is free. The human is a world-maker. The human makes the world even by denying herself/himself, society, nature, etc. When a human has nothing more to deny, s/he equates herself/himself. As the result of two different essential characteristics of freedom that the animal and the human have, or rather the non-freedom of animal and the freedom of human, animal adapts to the world, whilst human makes the world. The animal is passive in the world; the human is active in the world. Consequently, the more a person adapts to the world, the less “subject” s/he is.

Using the terms of Heidegger, the categorization of *non-living things*, *living beings* and *humans*, is as follow: The *inanimate* is the stone which is non-world (Weltloss); stone is in the world but does not enter into relationship with the world, so the world does not exist for it. *Alive* is the animal who is in the world but s/he is almost non-world or poor-world (Weltarm). The animal is enclosed within instincts and redeemers in the world. While *the human* is in the world, enters into relationship with the world and makes the world. Human goes out into the world and takes the world inside herself/himself. Hence, there is the world of the human in the world. (Feraj, 2011).

Because the human is a being with thoughts and does not act just instinctively, we could see him/her as a project in the world; as the project to realize herself/himself and the world; as a project that makes history and does not only fits to history. For a human to be, s/he must be “free” according to the concept of freedom I presented above. The human cannot fulfil this concept of freedom without the denialism of herself/himself. So, to be free is the ability, the courage, the willingness to say “no” when needed and to act accordingly. The human says “no” (denies) to the nature, objects and subjects that surround her/him; says “no” to different political and economic systems; and can go so far as to deny herself/himself, which means the suicide. An animal cannot deny herself/himself and commit suicide. Even the scorpions, who allegedly commits suicide, do not do such a thing because they are immune to their own venom (Cobb 2010). Animals cannot make hunger strikes or commit suicide because they do not negate themselves, because the denial of the self is an action that goes beyond the freedom nature of the animals.

The human, as *modus* is not defined only with the unification and connection of a spirit with a body, whose idea s/he is, but also with the power of expression and production that constitutes this modification. So, a human from another human differs through the power with which s/he develops the forms of her/his own expression of actions and thoughts; with the ways of experiencing the phenomena of nature and society; and with the way how s/he expresses what her/his body and mind experience. (Kullashi, 2005).



## The Power-Knowledge relation

The relation of a society with knowledge implies in this relationship another concept, which is “the power”. Focusing on the power, referring to Foucault, there are two different theories on how people conceive the power.

According to him, the first theory is the classic legal theory. This theory says: *Pushteti është diçka konkrete që çdo individ e zotëron dhe të cilin ai e jep në një çast të caktuar, të tërin ose pjesërisht, duke ndërtuar kështu pushtetin, ose sovranitetin politik.* [The power is something concrete that every individual possesses and which s/he gives it in a certain moment, fully or partially, building in this way the power, or the political sovereignty.] The second theory is the general Marxist conception of power or as we might call it otherwise the “economic functionality” of power. *Roli i pushtetit është, në thelb, sa ruajtja e raporteve të prodhimit, aq dhe riprodhimi i sundimit klasor, i cili bëhet i mundur pikërisht në sajë të zhvillimit dhe të modaliteteve të shfrytëzimit të forcave prodhuese.* [The role of power is, in essence, the preservation of production reports as well as the reproduction of class rule, which is made possible precisely thanks to the development and modalities of the use of productive forces.] (Foucault 2009: 86-87). Apparently, in the most eastern European societies, the second definition of power seems more acceptable, more compatible, and much closer to the reality. Mainly, in totalitarian societies, but also in autocratic or semi-democratic societies, it seems that power follows more or less the same logic. To illustrate it, I bring below another example from the Republic of Albania during the period of communist regime of 1945-1991. At that time, the Political Party which was in power and the only, “knew” everything, and so it became a common expression in society “the party knows it” for any issues discussed.

Seeing from the perspective of Lyotard, I can say that the narrative of the Labour Party of Albania was the absolute meta-narrative in the society at that period (1945-1991). When I say it was the absolute meta-narrative, I do not mean that it was the absolute narrative. I mean that it was absolutely the prevalent narrative but not the only. According to Lyotard, meta-narrative does not eradicate completely the micro-narrative, but the micro-narrative, from a serious, alternative and threatening narrative, repeals and returns to the reflective of the brilliance of the meta-narrative. Consequently, the micro-narrative turns to non-threatening, not serious and somewhat amusing (Lyotard, 2011). This was precisely what happened in Albania during the 1945-1990 period. There were micro-narratives in the society, but they did not pose a threat to the meta-narrative, on the contrary, they mostly were necessary for the existence of the meta-narrative. The micro-narratives that threaten the power, got eliminated. To illustrate it, I can give here another example from Albania at that time. Everywhere in the country were allowed to live some



few families who more or less did not agree with the communist system and the power, or somehow opposed it. These families were known in public with the term “kulak”. Originally, kulak means *a peasant in Russia wealthy enough to own a farm and hire labour. Emerging after the emancipation of serfs in the 19th century the kulaks resisted Stalin’s forced collectivization, but millions were arrested, exiled, or killed* (Lexico, Oxford University). The same process happened in Albania. But some few “kulaks” were allowed to keep some of their own properties, the products of which were not enough to afford a normal life. Despite that the (party) state allowed them “to be”, these families lived in a deep poverty that indirectly showed the greatness of the power and the consequences of those who did not obey and act according to the party. So, the micro-narrative was allowed as far as it did not threaten the power, but on the contrary, showed its greatness.

Another example are the fictive elections during the dictatorship regime in Albania and maybe in other dictatorship countries. In every (fictive) electoral process, in the announcement of the election results by the state, the voting results were always around 99% pro the ruling party. There was always around 1% against. That one percent who was against (most likely, at the ballot box might not be found even a single vote against) were necessary for the power. Even if they didn’t exist, they must be created. That one percent is the micro-narrative. For any eventual problems or threats that might arise, for any unpleasant suddenness that might appears, the enemy was found or invented, and this enemy was represented by that one percent of votes in the elections who were against the party and consequently the country. So, the meta-narrative of the power, even when it could wipe out any micro-narrative, did not do it because did not need such an action. On the contrary, it could damage it. The micro-narratives were allowed as long as they were not threatening, but they just served, indirectly and inadvertently, to the meta-narrative.

We can note a similar logic of the power even if we refer to Foucault as well, in his book “*Historia e Seksualitetit 1*”. He exemplifies the exercise of power through the discourse about sex. According to him, *që nga shekulli XVIII seksi s’ka reshtur së nxituri një shumëfishim të përgjithshëm ligjërimor. Dhe gjithë këto ligjëtime mbi seksin nuk janë zhvilluar jashtë fushës së pushtetit e as kundër tij; përkundrazi, në vatrën e ushtrimit të tij dhe si mjet i këtij ushtrimi.* [Since the eighteenth century, sex has not stopped stimulating a general diversification of discourses. And all these discourses about sex are not developed beyond the scope of power, nor against it; on the contrary, in the hearth of its exertion and as a tool of this exertion.] (Foucault, 2011, p. 61).

So, the meta-narrative includes within itself and in its service the narrative about sex as well. The power expands its own control branches through the discourses of sex because the society is very sensitive when sex is the matter of the discourse. The power needs to modify its discourses (meta-narrative) occasionally because

discourses, as much as silences, are not subjects of power once and for all, nor directed against it.

*Ligjërimi mund të bëhet njëherazi mjet dhe efekt i pushtetit, por po aq pengesë, digë, thep qëndrese dhe pikënisje e një strategjie të kundërt. Ligjërimi përçon dhe prodhon pushtet; mund ta përforcojë atë, por, po ashtu, mund ta minojë, ta zhveshë, ta dobësojë dhe t'i presë rrugën. Po ashtu, heshtja dhe sekreti mund të strehojnë pushtetin, të rrenjosin ndalimet e tij; por po aq mund t'i shprishin zaptimet dhe të sigurojnë zona pak a shumë të errëta tolerimi. [The discourse may become simultaneously the tool and the effect of the power, but the same an obstacle, a barrier, a resistance bead, and a starting point of a contrary strategy. The discourse conveys and produces power; it may strengthen it, but also can undermine, divest, weaken and break off its road. Also, the silence and secrecy can shelter the power, instil its prohibitions; but equally could touse its conquests and secure, more or less, dark areas of tolerance.] (Foucault, 2011, p. 131).*

Concerning the “righteousness” and “justice” in Albania, which except any contextual explanation that we could do, seem to stay very good on the “couch” that Foucault has created. I believe that the following approach of Foucault describes properly how the power understands “righteousness” as a concept, and “justice” as a system in Albania, but not only.

*Qysh nga Mesjeta, roli thelbësor i teorisë së të drejtës është fiksimi dhe përcaktimi i legjitimitetit të pushtetit... Funkzioni kryesor i ligjërimin dhe teknikës së të drejtës ka qenë shkrirja, ose tretja e faktit të sundimit (domination) në gjirin e pushtetit, reduktimi dhe maskimi i këtij fakti, për të nxjerrë në pah, në vend të tij, dy gjëra: nga njëra anë, të drejtat legjitime të sovranitetit dhe, nga ana tjetër, detyrimin legal për t'iu bindur atyre... E drejta... përcjell dhe vë në veprim forma marrëdhëniesh që nuk janë vetëm marrëdhënie sovraniteti, porse edhe marrëdhënie sundimi. [Since the middle ages, the essential role of the theory of the righteousness is the fixation and determination of the legitimacy of power... The main function of narrative and the technique of righteousness has been to melt or to digest the fact of domination within the power gulf, the reduction and the camouflage of this fact, to highlight, in its place, two things: on the one hand, the legitimate rights of sovereignty and, on the other hand, the legal obligation to obey them.... The righteousness... forwards and actuates forms of relationship which are not only sovereignty relations, but also the relations of domination.] (Foucault, 2009, pp. 98-99).*

Referring to Foucault, *subjugated knowledges* are those knowledges that power has to make silent, in order that its own discourse to be prevalent in society as long as possible. According to him, with *subjugated knowledges* we understand two things. First, there are those kinds of buried historical knowledges, camouflaged under

functional coherence or under formal systematization. They are historical knowledge blocks, which were as present as kept hidden within the functional and systematic complexes, knowledge blocks that the criticism reached to highlight, of course only through erudite work. Second, there is a whole lot of knowledges, which are usually excluded or disqualified as non-conceptual knowledge, knowledge of insufficiently processed, classified as naive knowledge, low on the hierarchy level, knowledges that are developed and articulated under the level required by scientific knowledge, etc. (Foucault, 2009). There were exactly these two kinds of knowledges which were subdued and suppressed by the power in Albania during the period of communist regime 1945-1991. Erudite knowledge encompassed these two kinds of knowledge within its own meta-narrative, using them in its own function. The erudite work turned completely into the service of the power, in the service of the prevailing discourse. "The truths" were set by the party and scientists had only one task: to prove or justify them. The education sector fully underwent to power and its own propaganda. In totalitarian societies, the education sector is subjugated by power and its propaganda, while in democratic societies, the education sector is influenced or shaped by the power or system. Of course, the level of subordination of the education sector by the power in totalitarian societies cannot be compared with the level of influence of the education sector by the power in democratic societies. For instance, in the communist totalitarian countries, schools propagated communism, socialism, class society etc. Schools in the capitalist countries mostly propagate the democratic values, values of capitalism, free market, private property, etc.

During the communist period, education in Albania was used as an instrument of propaganda by the state-party, supporting the ruling class and promoting the Marxism-Leninism ideology. After 1991, when Albania started its democratization process, this feature of education as an instrument of propaganda, became weaker. In democratic systems, the power cannot have much control over the education system, especially over the university, therefore cannot directly use it for propagandistic purposes. In this respect, the power is more interested in keeping universities silent in producing the truths which may question or shake the truths of the power. So, the best propaganda for the power, is the silence of the university.

By propagating a certain form of system or governance, they propagate in the service of the power who leads the system. This kind of education system seems best explained by Foucault in his inaugural lecture held at College de France in 1970, summarized in his book *L'ordre de discours, 2 Lectures form Puissance et connaissances, Omnes et Singulatim*, translated into Albanian as *Pushteti dhe Dija*:

*Çdo sistem edukimi është një mënyrë politike për të mbajtur ose ndryshuar përvetësimin e ligjërimeve, me dijet dhe pushtetet që bartin në vete. ... Tek e fundit, ç'mund të jetë tjetër një sistem arsimimi në mos një ritualizim i fjalës, një cilësim dhe ngulitje e roleve*

*për subjektet folëse, themelim i një grupi doktrinar së paku i përhapur, shpërndarje dhe përvetësim i ligjërimet së bashku me pushtetet dhe dijet e tij?* [Every system of education is a political way to keep or to change the acquisition of discourses, with the knowledge and powers they carry within themselves. ... After all, what else can be an education system if it is not a ritualism of word, a specification and inculcation of the roles for the speaking subjects, the foundation of a less widespread doctrinal group, the distribution and acquisition of the discourse along with its own powers and knowledges?] (Foucault, 2009, p. 47).

The disqualified discourses and knowledge, which circulated in the Albanian society in the period 1945-1990, were also suppressed to the point that were not a threat to the power and had no strength to set against it. Any discourse, even unqualified, which circulated in the Albanian society and conflicted with the system, or more specifically with the power, got destroyed or disappeared (often not fully) immediately. The pressing or swallowing of these two knowledges or discourses by the prevailing discourse, allows the latter to be so as long as this *status quo* does not change. The activation of these subjugation knowledges abrogates the tyranny of the global and comprehensive discourses, along with all their hierarchies and privileges of theoretical vanguards. The combination, seemingly paradoxical, of sunken knowledge of the erudite with unauthorized knowledge from the hierarchy of scientific cognition is the yardstick which gives the decisive force to the discourses' criticism. (Foucault, 2009).

One of the apparatuses of power exercise, that has recently begun to operate in Albania, because in many other countries has been functioning since a long time, is the use of psychoanalysis. It seems that psychoanalysis is perhaps one of the best disciplines captured by power and put into its own service. *Psikanaliza është: teknikë mjekimi, teknikë korigjimi dhe diapozitiv vërtetësimi.* [Psychoanalysis is: treatment technique, correction technique and authentication diapositive.] (Foucault, 2011, p. 20). The psychoanalyst is the one where people with life dissatisfaction, confess and huff their problems. It is a good way of diverting the huff of social discontent, from power to the psychoanalyst. People, after they have talked and huffed to the psychoanalyst, feel calmer and more relaxed, and have less rancour to react or inveigh against the power. In addition, they also receive pleasure from the confession. It is the satisfaction that comes from the truth of pleasure, from knowledge, from disclosure, from its discovery, from the glamour as we bring it out in the light, from the interest of others to it which enables our impact on them; pleasure from saying, from the expression of it, from the affirmation in the confidential form, from the triumph when we entrap it: the satisfaction of a special type, which gives us the true discourse on pleasure (Foucault, 2011).

On the other hand, through psychoanalysis, the power not only builds a

canal to huff the rancour, the discontent, the hatred, the energy of people, but also creates a disciplinary institution. From the discontent citizens to deviants, delinquents and criminals, after huffing to the psychoanalyst, they take advices from the psychoanalyst on how to be calm, quiet and patient in accordance with the norms and laws. So, more or less, what the power wants is imposing of its own norms through the laws and psychoanalysts, and keeping of the discontent people in composure. Let's make noise just at the psychoanalyst. By doing this, the power also guides the desires of its people. S/he who hears is not just the owner of the right of pardon, or the judge who declares us innocent or guilty; s/he must be the owner of the truth. Psychoanalysis (Freud's and Lacan's) says that the law is also the structurer of desires, and formative of the subject (Foucault, 2011). Assertion-confession of the truth thrusts into the heart of procedures of individualism through the power. *Perëndimi e bëri rrëfimin një nga teknikat më të vlerësuarat për prodhimin e së vërtetës. Qysh nga kjo kohë, shoqëria perëndimore është shndërruar në shoqëri të pazakontë rrëfimesh.* [The Western made the confession one of the most appreciated techniques for the production of truth. Since that time, the Western society has become an unusual society of confessions.] (Foucault, 2011, p. 88).

According to Foucault (2011), the era of oppression begins in the XVII century, the feature of bourgeois societies, and from which, perhaps, we are not yet fully liberated. It seems that to achieve the control of reality, discourses had to be controlled. Although Europe had about three centuries that used this control of discourses, in Albania seems that the power began to use this technique of exertion in the first half of the 20th century, with the coming to power of King Zog. The power began to subjugate the discourses, and where it failed to do so, it exerted its domination by physically eliminating the owners of the discourses.

In fact, despite the differences of ages and objectives, the image of the power still has remained drowned from the shade of monarchy. In the space of political thought and analysis, "the head of the king" is not cut yet. This explains the great importance that continues to be given within the theory of power, to the problem of righteousness and violence, to the law and illegality, to the will and freedom and, above all, to the problem of the state and sovereignty, although the sovereignty does not refer anymore to a person who leads, but mostly to a collective entity (Foucault, 2011).

Oppressive, controller and supervisory features of the power in Albania during the communist era 1945-1991 – but also after '90s, in addition to the implementation of a communist dictatorial system, were also, but not only, attributes of the continuation of the power that was appeared, or rather was invented, in Europe over the XVII-XVIII centuries, which Foucault would call it *the disciplinary power*. This type of power gets exerted continually through surveillance and not occasionally through the systems of taxation, collection and

other chronically obligations. This disciplinary power implies a fine and material control of space and time (Foucault, 2009). Another characteristic of the power until a few years ago, not only in Albania, but almost all in over the world, was also the death penalty known as the capital punishment. Long, the right of life and death has been one of the characteristic privileges of the sovereign power. From this perspective, the right of life and death does not appear as an absolute privilege, but conditioned by the sovereign protection and its survival insurance. “The right” named as the right of “life and death”, in fact, it is the right to *give* death or to *leave* life. However, despite nowadays that the death penalty is abolished in many countries, the power continues to have the features of the sovereign power. The sovereign power has already changed its way of exercise but not its logic. The right of death begins in this way to dislodge or to start relying on the new requirements of the power, which takes the life in administration, and to respond to the power requirements. Sovereignty, presented now as a necessary complementary element of a more essential power, which is exercised over the life positively, takes in charge its management, its growth and its multiplications, exercises on it the precise controls and global adjustments. From the moment when the power gives itself the functions of life administration, what makes much more difficult the implementation of the death penalty is not the birth of humanitarian feelings, but the necessary reason of the power and its exercise logic. So, we can say that the old right to *give* the death or to *leave* the life is replaced by the power which *grows* the life or *let* you dying. This is the bio-power, which was one of the ways of the power exercise in Albania during the communist totalitarian period, and is also a way of power exertion in capitalism. Body disciplines and population adjustments are the two poles around which the organization of power over the life unfolds. According to Foucault (2011), there is no doubt that the bio-power has been one of the necessary elements of the development of capitalism, which could not ensure its sustainable growth and expansion without the controlled insertion of troops into the production apparatus, and without the adjustment of the population phenomena with economic processes.

## Findings

Power relationships can be seen as a net, where points from where power is exercised and over which is exercised can be anywhere. Knowledge defines in some way how powers are exercised in a society. The human is at the same time, both, subject and object to knowledge, and consequently to power. In the relationship of Albanian society with knowledge, one can easily notice the fact that everyone denies saying “I do not know!”. The relation of knowledge with moral within the

Albanian society is conditioned by “shame”. But, we as society, are not ashamed that we do not know, because if we would be ashamed of it, we would try to change it and learn those things for which we are ashamed of. So, we are not ashamed of ourselves, but of others. We associate morality only with the relationship with the external subjects, by excluding ourselves. Not being ashamed of ourselves, we do not consider ourselves subjects but objects without thought. The element of morality between the Albanian society and knowledge stands only in terms of appearance as a moral person, and not being really such. We could be ashamed of anyone except of ourselves.

The privatization of the public discourse by a small group of people may make this discourse no longer protect the public interest but some specific private interest. So, the privatization of the public voice in the Albanian media happens in the name of the protection of public interest.

Human freedom is not merely the possibility of fulfilling her/his own desires, because desires may be appetites, and appetites are determined. What is determined, is defined, and therefore cannot be essentially free. Human freedom is precisely to overcome determination, which means to overcome desires and appetites. The human is free when s/he asks and acts beyond her/his own desires (appetites), even when these acts may counter her/his own appetites. The human cannot fulfil the concept of freedom without the denialism of herself/himself. The human is free as far as s/he can deny herself/himself and be a world-maker.

The micro-narrative, during the communist era (1945-1991) in Albania, was allowed as far as it did not threaten the meta-narrative, which was represented by the power, but on the contrary, showed its greatness. During the communist era, the erudite work in Albania turned completely into the service of the power, in the service of the prevailing discourse. “The truths” were set by the party and scientists had only one task: to prove or justify them. The disqualified discourses and knowledge, which circulated in the Albanian society in the period 1945-1990, were also suppressed to the point that were not a threat to the power and had no strength to set against it.

In democratic systems, the power cannot have much control over the education system, especially over the university, therefore cannot directly use it for propagandistic purposes. In this respect, the power is more interested in keeping universities silent in producing the truths which may question or shake the truths of the power. So, the best propaganda for the power, is the silence of the university.

The law is the conditioner of actions, but over time it becomes the structurer of desires as well. What the power had installed in Albania before the communist regime, got strengthened during the communist regime, and continued its influence in the post-communist era. This was a combination of the disciplinary power - which had already knocked with delay in the backward countries of Europe - with

the sovereign power and the bio-power. These types of power exercises continue also nowadays to be applied - but of course in different ways - to almost all capitalist countries. But, regardless of the way it is exercised or functioned, which in dictatorial regimes is different, the exercise of power still operates under the same logic.

## About the author

2011-2013 MSc in Political Theories, University of Tirana; 2014-2017 MSc in Public Administration, Hacettepe University and Ghent University; 2016-2017 Assistant Lecturer, Department of Political Science, European University of Tirana; 2018-Present PhD Candidate, Doctoral School of Education, Eötvös Loránd University; 2019-Present Diplomat at the Embassy of Albania to Hungary

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# *The Transition of Albanian Art and Culture Facing the Future Challenges* \_\_\_\_\_

\_\_\_\_\_ **Ermir Nika**<sup>1</sup> \_\_\_\_\_

## **Abstract**

*After the end of the communist regime in Albania, culture and its institutions were the areas which had to suffer the most extreme damages and transformations. It was not only the way of thinking for a new way of managing, but its infrastructure as a whole, on a regular basis has suffered from considerable damages. In a different point of view, there was also a further considerable departure of individuals and the artistic community with the phenomenon of emigration. In these conditions, the first step that was taken was the drafting and implementation of legislation through which cultural and artistic institutions could operate, as well as free private initiatives. Firstly was first introduced the concept and were taken steps for drafting an intellectual property legislation, the law on cinematography, theater, cultural heritage, libraries and the book, in accordance with the recommendations of the expert representatives of the European Union authorities. Further, the first efforts were made by setting up working groups to draft the first strategic drafts on art and culture as well as medium and long-term budget projections. Consequently, the first effects of a cultural policy aimed at implementing a new administrative-legal platform were felt. This policy would firstly respect the principles of decentralization and secondly the cooperation with the homologous structures of the countries of the Balkan region and further with those of Europe and beyond. The various phases of the reform did not always brought the expected expectations with the projected objectives. As a result, the transition to art and culture institutions lasted somewhat longer than in different sectors of Albania's socio-political development.*

**Keywords:** *Ministry of Culture, Cultural Policy, Copyright, Movie, Theater, Art, Book, Library, Cultural Heritage, Archives*

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<sup>1</sup> Contact at: [ermir.nika@uet.edu.al](mailto:ermir.nika@uet.edu.al)

## General view of art and culture in the transition period

The collapse of communism in 1990 involved Albanian culture in the same process of reforms and transformations, which the whole Albanian society has gone through. During this process, Albanian culture has experienced the following major developments:

- Its de-ideologies and breakaway from “socialist culture” created during the communist regime, whose major goal was the ideological and cultural public manipulation through cultural products.
- Decentralization of cultural life and aversion of state control over the free creativity of cultural subjects
- Preparation of the necessary legislation governing the activity of the cultural entities in the Republic of Albania.
- Reform of the country’s cultural institutions and providing opportunities for their operation under the market economy principles
- Fostering a supportive climate for artists’ creativeness, by financing their projects through state and private donors
- Reform of the state administration, starting with the Ministry of Culture so that it would be capable of mapping up efficient cultural policies to the benefit of culture and arts in the Republic of Albania.
- Protection of cultural heritage, making it available for tourism
- Setting up cultural industries and their support
- Embarking Albanian culture into the European integrating processes.

The cultural policies targeted at meeting these goals have been only partially successful. Along these years of cultural transition, Ministry of Culture, as the main institution in devising cultural policies has not been coherent in its work. Due to the frequent changes of the Ministry’s Principals and the lack of a technical administration in particular, the policies of this Ministry have often been contradictory. It has failed in establishing a professional administration, capable of shaping sustainable development policies in the field of culture. The frequent political changes at the administration have made impossible the setting up of a team with cultural experts in this Ministry.

Likewise, the major cultural institutions have been only partially reformed and some of them bear still signs of the mode of operation of communist times. They have failed in management policies and most of them even today continue to be state – funded in full. Although there have been several experimental interventions into their organization, most of these institutions have not yet found the ways and means to foster competition and artistic quality through modern management.

The quality of the realization of artistic projects is quite inferior with a few public benefits only. Consequently, their impact in the cultural life is not to the required extent.

The major cultural institutions have been bundled in Tirana; in fact, it is only this city that boasts of a relatively rich cultural life. In several other cities and towns, the cultural institutions are in a much more serious state than those in Tirana. There is also a poor theatrical life in other cities, although at some of them there are theatres, which once used to have a some bearing in the cultural life of these cities and other cultural institutions. The public participation is at desperate levels. Almost in all cities there are cultural centers with effective activities. Nonetheless, their reform is also indispensable, since several of them operate like the “Palaces of Culture” of communist times.

The protection and restoration of cultural heritage has been and remains one of the areas, whereby part of projects in the field of culture are focused. Some of the major projects are pinpointed in the revitalization of some major archeological sites, as the Park of Butrinti or Apollonia, and in rescuing the museum values in the towns of Gjirokastra and Berat. Of significance in this respect is the promulgation of Butrinti Archeological Park and the town of Gjirokastra, as cultural premises under UNESCO’s protection. The town of Berat is also under the process of completing the file to be included in the list of UNESCO’s cultural heritage. The Government’s program for the promotion of cultural tourism is also important. This will produce mutual benefits for the utilization of the country’s natural beauties and the revitalization of the cultural heritage. Still, several important centers are in danger. The process of registering and cataloguing the country’s cultural heritage has not still concluded; meanwhile, legislation in this field is still incomplete.

Establishing an effective cultural market remains still one of the major issues of Albanian culture. The Government has adopted a couple of laws in favor of creative industries. Their worldwide success is based on an effective combination of creative skills, business and the application of state-of-the-art techniques. The sophisticated technology is entering Albania rapidly and this makes these industries quite competitive.

The media is playing a significant role in disseminating cultural information. The major distributing media for cultural information in Albania are the printed press, radio–television and Internet. However, the overwhelming part of cultural entities have discontents concerning media activity for the distribution of cultural information. On their part, the cultural entities devote very little attention to the process of distributing the information on their cultural products.

There is a substantial progress in the field of legislation on culture. The Ministry of Culture has referred to the Parliament and adopted the major laws in the cultural area. Some of them are the Copyright Law, (2005), the Law on the Cinematography,

(1996), the Law on the Scenic Arts (2000), the Law on Libraries (2000), the Law on the Museums (2005), the Law on Cultural Heritage (2003, amended in 2006) and the Law on the Books(2006). One of the important steps in the field of legislation has been drafting the Copyright Law and setting up the relevant structures for its implementation. In 2007, the Ministry of Culture opened the Copyright Protection Office; the latter has taken over the implementation of this Law throughout the territory of the Republic of Albania. ( «INTAT GIS». Archived *from the original on 1996-2018.*)

The Ministry of Culture bears the major responsibility for the promotion of culture at home. It is the major institution that implements the major projects in the field of culture, while working together with the actors operating in the area of culture, as the subordination institutions, the country's cultural and artistic associations, foundations and producers at various fields. In line with the Government's Program, the Ministry of Culture draws up the country's cultural policies and overhauls their implementation. Likewise, the Ministry of Culture prepares the Draft-Laws and refers them to the Parliament. There are four Directorates in the Ministry, covering the work and projects in the cultural area: The Directorate of Letters and Arts, the Directorate General of Tourism and National Culture, which does also encompass the Section of Cultural Heritage, the Juridical Directorate and the Directorate of International Projects and Relations.

The decisions for the project approval submitted to the Ministry of Culture are taken by the Artistic Council, a body composed of six artists and experts of various genres. The following subordinating institutions account for a major part at the country's cultural life:

- The National Films Center
- The National Theatre
- The National Gallery of Figurative Arts
- The Theatre of Opera and Ballet
- The National Museum of History
- The National Library
- The Institute of the Monuments of Culture
- The National Children Center
- The Cultural Centre “ Pjetër Arbunori”

These institutions are autonomous in their activity, while relations between them and Ministry of Culture are governed by law and embodied in each institution's Statute. They have an annual budget allocated by the Ministry of Culture, which serves the performance of artistic projects and salaries' funding. Nevertheless, the reform of these institutions is a “Must”, since some of the reforms unveiled there

have not as yet yielded the expected results. Their major concerns are failure in having a modern management at these institutions, so as to enable them for a better orientation to market economy, lack of the esthetic and artistic contemporaneous values of their creativeness. Other institutions dealing in part with culture and arts in Albania are the Ministry of Foreign Affairs and the Ministry of Education and Science. Looking at culture in line with European concepts and standards, - as a measurement unit of a country's immaterial well-being, and as a tool vigorously helping the country's democratic development, it is already an accepted fact that in Albania, there are still low levels of culture as a whole and the cultural policy and reform, in particular. Both in the official presentations and media debates, there is a confusion in defining European parameters in the cultural area on issues such as: public or private; national or international; traditional or innovative; cultural diversity or monoculture; centralization or decentralization; consumption or production and others. Lack of adequate funding and the minimum levels of percentages allocated to cultural budget, as compared to the European average have dictated the fact that the present day cultural policy relies on the demand rather than on supply. There have been no open, public and all-inclusive debates to date on the problematic of European integration in the field of culture. No harmonization is noted in this regard among the decision and opinion-making structures, as the Ministry of Culture, Ministry of Education and Science, The Parliamentary Commission on Education and Culture, the Ministry of Finances, the division of Local Government at the Ministry of Interior, the Ministry of Justice, the advisory offices at the Presidency and Prime Ministry, the art and cultural NGO-es, the local authorities and others. The state administration has been powerless in assessing the effectiveness of its own actions and services, since an institutionalized dialogue between the public and private sector is not still in place, whereas the public opinion's role is at its lowest levels, when it is admitted that it is the public opinion in Europe that makes the final assessment of any cultural policy. Consequently, the current situation is being confined simply to a commercial demand for cultural production, narrowing down considerably the scope of cultural projects and events. The limitations maybe seen in the type of cultural actions, the implementing instruments and adoption procedures. The cultural goals have been almost replaced with sheer commercial goals, under the principle that it is only that sort of art to survive which earns money, stripping arts off their spirit and history. Even those attempts that place cultural policy only at the focus of arts and artists have caused the underestimation of society creative potentials and of the positive effects stemming from the existence of a creative society. The attention shown in practice to what is called legitimate or cultivated culture has ignored traditional folk cultures, the urban folk cultures related to the youth, cultures of minorities and emigrants, as pivotal parts of European cultural diversity.

Today, there is a passive consumption rather than an active participation at cultural events. It is not seldom that some exalted situations of professional artists overshadow the works of a more inferior level, which make, however, the vital element at the social and noncommercial level. Referring to the copyright field, as one of the primary areas of the negotiations on the Stabilization and Association Agreement between EU and Albania, there is already an imbalance, which permits the pirate copies of imported materials or domestic authors to create deterring and unfavorable conditions for the national cultural creativity and production. There is no evidence and naturally no coordination or support to assist the diaspora, neither are there subsidies for emigration, as for instance constructing internet sites on the Albanian culture, libraries, on-line book shops, and fostering a much more active stance in the field of culture by our diplomatic representations abroad. The new realities of Albania's European integration process and the inner developments of the Albanian culture itself dictate the changing of the dynamics of the cultural policy in terms of the country's cultural integration to Europe, international relations and cultural cooperation. This is explained with the fact that cultural life today is increasingly displaying a European consciousness, as compared to the international consciousness noted after 91ies. Consequently, cultural reform imposes not only the appliance of a new structural mechanism, but also a fundamental review in terms of policy guidance and reformulation of the cultural goals in Albania. Albanian culture has stepped up its contacts with Europe, both in the institutional and individual aspect; besides, it is increasingly assimilating European developments. The geographical space of the spread of Albanian culture is steadily expanding. This development has had a direct impact not only in the cultural field, but also in the administrative, economic and technological areas. There is a growing awareness that if Albania is to keep her own place in the cultural map where it intends to be integrated, then it has to make new efforts to solidify its own cultural values; the starting point in this respect is the approach in favor of inter - actions among national, regional, European and wider cultural developments.

The cultural policy is going to face the challenges of European integration in reforming the cultural governance; this would depend, to a large extent, on the way of achieving the social consensus, mobilizing the human resources, managing the cultural dimension and the impact of communication revolution, ensuring employment opportunities in the field of creativity, facing the new dynamics of cultural exchanges and cooperation with European countries and finally, the way how would be culture used in view of Albania's social cohesion to the EU.

Different data indicate that the reading level has substantially declined. It is almost an all-accepted fact that this reading decline started in the 90ies. There are many factors explaining that. The new communication technologies in the 90ies

came through in Albania, which considerably reduced interest about books. Till then, access to TV programs was restricted on the account of ideological reasons; therefore, reading books was one of the opportunities of spending the leisure time in a cultured way. The massive widespread of satellite dishes in the aftermath of 90ies oriented the people towards TV programs; hence, a part of cultivated public, changed from a book-reader into a viewer of televised programs. The reading decline is also explained with the fall of employment level in the domains of intellectual work and due to occurrence of narrow specialization of professions after 90ies. Economic reasons are also another factor adding to the said decline in book reading. Unlike TV culture, which until a few years ago was received free of charge or at a very low price, the written culture is expensive. The book prices, compared to the population financial level are still expensive and even unaffordable for a part of this population.

The level of written press reading does also indicate the low reading level. According to a poll conducted by the Media Institute, only 26, 68 per cent of the people read everyday a daily newspaper, whereas 74 per cent of the people do never read any newspaper. The age-group structure of book – readers is also a matter of concern. The medium and old ages prevail over the mass of readers, whereas the youth read very little or not in the least.

### **Monitoring reading habits against unstable terrain**

While creating a new vision on public libraries, the managers and their staffs are faced with a series of challenges related to the perfect command of technical and professional knowledge they need for the development and promotion of new computer – based technologies for the library services. They should know, better than now the multifaceted funding opportunities and financial strategies, by acquiring more dynamic managing skills and attitudes. From the perspective of defining the service policies, they should develop and determine a clear meaning of the potential contribution of public libraries on such fundamental social issues, as life-long learning, social all-inclusiveness and democracy. Likewise, they should be able to define and improve the delivery of library services, including the electronically - provided services. From the technical viewpoint, they should increasingly know better such aspects as access to Internet sources, description and indexation of these resources, digitalization, digital saving, fulfillment of access requirements, permission and the access rights into the telecommunication waves and infrastructure.

It goes without saying that as in other countries, the music impact on the population is larger than in other arts; therefore, music assumes a significant



role as a spiritual nourishment, for the education of citizens, their emancipation and improvement of life quality. After the collapse of communism, several cultural centers where music was produced and taught( infrastructure) changed their destination or went even to ruins. Some symphonic orchestras and other musical formations in some of the major country's cities, as in Shkodër, Tiranë (Philharmonic), Fier, Elbasan, Vlorë were disbanded. (*Raport mbi politikat kulturore në Shqipëri*, Shtëpia Botuese “Onufri Tiranë” 2002.)

Currently, there exists a fund of creations and interpretations, covering every musical genre and form. The central musical institutions in Albania are the Theatre of Opera and Ballet, the Symphonic Orchestra of the Albanian Public Radio & Television, the Academy of Fine Arts, and the Ensemble of Folk Songs and Dances. Besides, there do also exist dozens of other private and state musical formations in Albania, acting not only in Tirana, but also in Durrës, Korçë, Fier, Vlorë, Shkodër, and elsewhere. They have been set up thanks to individual initiatives and in the form of associations, producing a considerable concertal life, financially sponsored by the Ministry of Culture, foreign and domestic foundations and other projects as well.

The creative industry contributes to Albania's economic development. This business benefits hundreds of jobs and considerable revenues. For this reason, the cultural policies in the musical field should pursue the following goals:

The musical cultural industry should have the attention of the Ministry of Culture; besides, it should have development and partnership programs with the Ministry of Finances, and the fiscal system should be different from that of commercial business.

The new developments in Albania, the reform of all life sectors make it also necessary for the strategy on culture to seek support for projects aimed at setting up orchestral groups, particularly symphonic orchestras in the major country's districts and cities. The local initiatives should back up these projects and have a part- time financing through cultural funding provided by the Government, the municipalities, the business and various financial bodies. A significant development in this respect would be the establishment of a philharmony of young artists in Tirana, which would be attached to the International Cultural Centre; that might be permanent or non-permanent, financed through projects launched by organizations or private individuals for young musical artists. This musical ensemble would engage and employ school graduate musical producers, soloists, administrators and managers.

In these ambiances and rooms, dozens of graduate students should also conduct the teacher's role for the passionate folks, who want to learn to play musical instruments, or follow various musical teaching and training courses.

The local authorities are the major players in envisaging the musical culture and its promotion. Decentralization is considered as the major priority in the cultural

domain. Despite their limited budgets, they possess a high degree of autonomy. Local cultural commissions have been set up and attached to local representations. The decisions have to be taken at the point of delivery, i.e. the cities should take over the major responsibility for their own musical cultural life. Likewise, most of cultural institutions would have links at national, regional and local levels.

The major institutions of state - owned musical culture should foster the projects designed to extend their own activities at the country's regions, while designing, within their own terms and possibilities, flexible artistic and interesting programs for the public.

## **The copyright and related rights**

There is an almost complete legal frame in Albania; this frame relies on the standards defined by the international community.

The level of copyright protection in the field of music in real terms is still extremely low.

This is an evident fact and is expressed not only in the discontents of Albanian and even foreign authors from the unlawful use of their own creative works ( the phenomenon of piracy) but even in the reports of international bodies.

However, a relevant structure is in place now at the Ministry of Culture, namely the Juridical Copyright Directorate, which is tasked to strictly apply the law.

The two most noticeable effects from failure to apply the law in this respect are as follows:

- Ignoring the property right
- Affecting market rules

Media, radio and television are significant show instruments and promoters of musical arts and the artists who produce them. Albania's positive experiences are welcome in this respect. However, in separate radio or television channels there are often promoted anti-values imposed by the informal commercial market or the cultural level of this media owners, distorting or educating badly in this way the viewers and their followers.

The national mentality on music intends to boost cooperation with the media, by promoting joint sensibilizing programs in censuring the anti - values. Likewise, while encouraging the media to deliver periodically all the musical genres and forms with an impact on the public cultural and musical education. Another goal of this Strategy is to encourage the media debate on the criteria related to the musical programs, making a clear distinction between the true values and their opposites.

Prior to 90ies, it may be said that there was no market for visual arts in the real sense of the word. The whole artistic activity was governed strictly by the communist regime; whereas the orders, purchases, and the destination of works were entirely determined by state structures. The competition and exhibition opportunities were decided from above. The Association which brought together the visual artists was the League of Writers and Artists, an ideologically conditioned and controlled institution. During the communist dictatorship, arts were regarded merely as propaganda instruments to the service of the ruling Party, whereas the artists as state employees, hired or given a fixed salary only to illustrate the glory of the Party leadership and the achievements of socialism! In almost every country's town there were art galleries or cultural centers, whereby the exhibition of art works was aimed mainly at the people's visual obsession with the communist dogma.

After the 90ies, although with hesitant steps, first, a fragile arts market started to be outlined, although the mechanism of arranging supply and demand were not in place yet. The first private Art Gallery.

"Te - Gi" was set up in Tirana in 1993, as a pioneer in this field. Meanwhile, the artists started to sell on their own the art works in different ateliers. Still, there can be no talk of a true domestic market, since the major sale volumes apply to foreigners (Embassies, tourists and others). Several things have changed in the course of these years; yet, even nowadays is hard to provide a definition of the situation of private market for visual arts. It may be said that visual artists do not produce their own works "for the market" but they are setting up this market by virtue of their quality. Despite the boom in quantity terms on the part of private art galleries and the space of private exhibitions, the market remains occasional in its own calendar, confused and sporadic, and refractory towards the inter-active and synergic opportunities with the institutions, quasi informal and a far cry concerning the public participation by and large. Nevertheless, the galleries have turned to be communication centers, whereby the artists and their works attempt to find out, create and reach the buyers, the collectionists and the public. (Albania: Bureau of Democracy, Human Rights, and Labor, 2006». *U.S. Department of State. 6 March 2007*. Retrieved 20 December 2010.) Among the major reasons for the lack of public interest for artistic products the following may be singled out:

- The weak exhibition infrastructure,
- The low purchasing population power (despite the steady growth of per capita personal incomes, Albania remains still among the poor countries), the still unsatisfied basic needs (housing, employment and others),

The inadequate artistic education (no attention at all or very little attention is devoted to the subject matters of arts or the history of visual arts at the school curricula).

The lack of serious media and critic's attention towards the exhibition events is another strong reason explaining why a genuine visual art market fails to be shaped and promoted. It is very encouraging that some newspapers and televisions are very sensitive and active in this regard; however, they confine themselves in announcements or panegyrics and do not contribute to the proper extent in cultivating a critical opinion and a value selection.

The lack of effective associations of artists has caused a low negotiating level with the privates and lobbying impotence with politics. The League of Writers and Artists (set up in 1952) has lost its own function long ago, whereas the various groups and associations emerging during these years have failed to impose themselves.

### **Efforts to build a system of stable values on arts and cultures in the optics of market economy**

Viewed from the perspective of cultural governmental policies, the visual arts have not had an economic approach to date. Their products have been regarded at random as "tourist" categories of "works of art" and they have missed their affirmation as "cultural goods" or as "services". In the governing vision (both central and local) they have remained as "permanently subsidized" sectors, justifying this with the non-profit and non-viable nature of the works of art. It is only recently, that thanks to the awareness that the creative sectors are vigorous instruments for a sustainable development and the synergies of cultural tourism, the social and economic added value provided by visual arts has begun to be considered. They are seen as catalysts for the dynamisation of those cities that intend to turn into "creative cities" and are at the frontline of distributing the following values to the community: belonging, tolerance, freedom and justice. The studios and galleries rank among the SMEs with the most innovative behaviors, and they merit a more adequate fiscal treatment, reducing in this way the costs for their full formalization.

While having a good tradition in arts and culture, the major cities, as Tirana and Durrësi, followed by Vlora, Korça and Shkodra are also at art market frontline. If Durrësi and Vlora are tourist cities and they are enlivened largely in spring and summer, the case of the capital is very telling. Tirana's population has quadrupled within a decade, as an outcome of geographical demographic displacements. Today, Tirana has a population of about 1 million. These figures may increase more sharply in the years to come, overtaking any prediction. The demands for cultural products and services keep on increasing with each passing day, thanks to the growth of per capita incomes and the extra-economic needs. Therefore, a more consistent and flexible supply, a more effective and stable cultural infrastructure and larger attention to the variety of artistic presentations are indispensable in

meeting the needs of a growing population, which becomes increasingly more willing, more sensitive and more receptive to artistic products and activities.

The dual «symbol - commodity» nature of artistic products make the art market an counter- typical market, a *contre - marché*. It is hard to make the quality comely with commercial values and even harder to measure them. The Albanian market has had to get in terms right from its very beginnings with this contradictory feature of artistic product. As a “symbolic commodity” it serves as a status symbol, lending social prestige to its possessor. The economic function, closely connected with the symbolical function regards the artistic product from the perspective of the exchange value and profit chances. Referring to the above – mentioned observation on the art infrastructure and the need to further expand the activity of domestic artistic market, the cultural strategy aims at the following:

The legal definition of property rights, extending it to the *droit de suite* ( - the right of the author or its family members to receive after selling it a percentage of profits from every subsequent hand-over of the property). Likewise, this requires setting up a database and a stricter listing of the works of art by artists and gallery owners.

The further improvement of the legal frame on the artist’s status, clarifying his own rights and obligations. It should also be considered the possibility of accommodating the *free lance status for artists in Albania*. Visual artists do not comply with the models of the labor market, insurance system and social contributions to date. Their voluntary contribution as self – employed maybe facilitated by the state via specific fiscal techniques.

The conventions helping the young artists to overcome the entry barriers. Apart from the work over their artistic project, the young artists have to collect a related capital (credibility, acquaintances with gallery owners, critics, collectionists and others.) in order to be able to take an active part in the artistic community life. The state may intervene in this *trade off* (in – between the time & resources allocated to the artistic work and time & resources devoted to market affirmation) by promoting the projects of the most promising young artists via fellowships, public orders, and others as well as by increasing the exhibition opportunities for them. The effectiveness of this state intervention depends a great deal on the partnership with the market: the State should not be arbitrary while lending direct support to artists, but it should cooperate with the market and the critics for their selection.

The direct support is the best way for that. The state could finance the galleries( chiefly the National Gallery of Arts) in employing artists who would produce and present the works. The amount of this financing should be adequate so as to meet the needs for creativity, producing, showing and promoting their works. This mode of support would substantially update the status of young artists, associating them in the public’s eyes with a respected institution. The state could also offer this support in

the form of returned loans, on the revenue basis, after submitting the piece of work or as a warranty against losses. This system should not be closed up to itself, (keeping a group of artists working solely on the basis of direct subsidies) but it should be time conditional with the approachment of artists to the market. When an artist becomes capable of ensuring a certain amount of incomes from the market, or when this support extends for long and without any expectation in time, then the public money should be offered to somebody else. (Politikat kulturore në Shqipëri Shtëpia Botuese “Naim Frashëri” Tiranë 2001, f. 232. ISBN 99927-38-26-X)

The improvement of the exhibition infrastructure. The system of public art galleries has 12 local galleries (Durrës, Shkodër, Fier, Pogradec, Korçë, Vlorë, Berat, Elbasan, Gjirokastër, Kukës, Dibër, Lezhë) with around 5.000 art works in their funds. These institutions, with some exceptions only, leave much to be desired in terms of their physical state, the hall conditions, inadequacy of personnel, the administrative and maintenance capacities of local government. They suffer likewise from lack of selection of works available (most are doubtful since they come from socialist realism).

The National Art Gallery cannot meet alone the needs of contemporary works, since its spaces could hardly “shelter” the permanent museum funds. Albeit and growth of the number of private galleries, the opening of a hall at the Academy of Arts and the commitment of the National Museum of History and the International Cultural Centre, which have made some of their halls available, the exhibition needs are much larger. It is necessary that the capital should have a public gallery and to this end the Tirana Municipality should cooperate with the Ministry of Culture, to make that possible as soon as possible.

Artistic education in the field of visual arts is still at a low level. This sort of education is still schematic at the general educational system and follows on the tradition of artistic education of the previous system. Therefore, it should be reconceived and this reconception should start with the school texts up to the training of the teachers of these subject matters. Likewise, the artistic schools should be entirely reformed, since most of them have turned into institutions of cultural regress and intellectual backwardness.

## **Cinematography after the fall of the dictatorship and the first tendencies for reform and integration**

With the major paradigm shift of Albanian society at the debut of 90ies, the film makers were undoubtedly the first to seriously think and invest in changing the system of the operation of the cinematographic activity and culture in Albania.

Convinced that even some of the major relying principles of the operation of this activity have fallen short, both as an instrument and institution in assisting the political education of the masses, they started the switch to the new system and philosophy, whereby the individual, competition of values, the market of ideas and products, European integration and the product commercialization constituted its mainstays. Thus, in 1993, the process of drafting the Law “On the Cinematography” started, which was adopted in the Parliament and was decreed by the President of the Republic by mid – 1996. This Law prescribed the political, economic and commercial reform of the structure and functions of cinematographic activity, which has been realized through the former Kinostudio “Shqipëria e Re”( Albafim Studio ).

Regarded and admitted by all that the reform provided in this Law and the actions for its enforcement present the best pattern for the restructure of cultural activities and institutions at home, albeit the high enthusiasm and dynamics of its implementation, it turned out to be a fragmented and unpurified process, both in terms of time and its process.

Hence, April 1997 marks the founding of the National Cinematographic Center, as the institution responsible for the administration of public policies and funding, supportive of the independent cinematographic production, completed in 2005 even with the function of administering the cinematographic production prior to 90ies.

The National Cinematographic Center has scored admirable results in recycling the new cinematographic production in the reformed system, not only in maintaining the continuity of the film culture, not only in international promotion of the artistic product, but also with the growth of the total budget allocated to domestic films, thanks to steadily getting foreign co-producers, whose participation on one hand helped to recover the weak state budget, but on the other hand, it introduced a qualitative gigantic stride forward, in terms of the technical services and an unprecedented dimension of the international product distribution.

Apart from innumerable direct participations by our film makers and their movies to the international film festivals and the numerous prizes awarded even in Cannes, Venice, Thessaloniki, Cairo, and elsewhere, only in 2007, the National Cinematographic Center has also conducted several state promotion events of Albanian movies abroad, as in Prague, London, Athens, Paris and Rome.

Although the most recent accomplishments of Albanian cinema are strengthening the film making culture in Albania, still the Albanian film is suffering from fixed artistic forms and schematics, on the account of an alleged modernization of expressive means. The producers attach little attention to scripts and its cultivation. (Albania: Bureau of Democracy, Human Rights, and Labor, 2006». *U.S. Department of State. 6 March 2007*. Retrieved 20 December 2010).

Whereas in USA, the production cost for the script accounts for 10 % of the film budget and in Europe 2 %, in Albania this amounts only to almost 0,5 %.

While most of the budgets allocated to the overall National Cinematographic Center activity for the season 2006 - 2007 amounted only to 142.000.000 lekë, the approved budget for project financing in 2007 is only 72.000.000 lekë. The opposite has occurred in regard to long films with an amount of around 3.5 million Euro being allocated to this sort of film making in 2007. Let us underscore that this relationship, whereby for each financial unit from Albanian public funding there are about two units allocated by foreign funding sources indicates on one hand the success of the integration of our own producers into the international co-production market, placing Albania first in the region, but on the other hand, it marks a much higher effectiveness in terms of public funding use. (Programi analitik i Ministrisë së Kulturës 2005 -2013)

The above overview clearly indicates that while the number of readymade projects and those in process, the capitals ensured by alternative sources of financing are considerable and successful, the National Cinematographic Center budget available to their support is extremely low, endangering in this way not only their fulfillment, but also the loss of developing pace of Albanian cinematography, the loss of co-producers and large financial amounts already ensured through the foreign financial sources.

Meanwhile, due to the inaccurate prediction of developments, the terms of the said law, but also due to the lack of attention and interest on the part of responsible institutions, not only are we far away from having the same pace, but the distribution structure and the network of auditoriums for film projection is being seriously damaged, reducing drastically the number and quality of cinema services at home. This is the reason that Albania is still among the few European countries not still member of one of the most power centers of supporting the cinematographic activity, i.e. “Euroimazh.”

The appearance in the projection market of the network of Millennium cinemas marks undoubtedly a momentum of enthusiasm; however, it is not sufficient and almost monopolistic. Distortion in favor of other economically profit-making events from inherited halls, lack of facilitation fiscal policies in this field have produced the rapid collapse of some other private and alternative enterprises, at some major country's cities.

On the other hand, the boom of televizive operators into the market, product trading for family consumption formats, the unlimited piracy of domestic and foreign movie production and the major electronic consumption of film works have struck sharply the culture of movie - viewing at large cinema screen; it has equally demotivated the world of free enterprise in this area. Besides, there is no initiative in the field of public cultural education over the necessity of a selective knowledge and consumption of the cinematographic product.



The newly- signed Memorandum between the National Cinematographic Center and the National Council of Radio & Television and the setting up of the Albanian Copyright Office are only the first steps towards disciplining and gradual eliminating this badly enrooted phenomenon. Linking this initiative with other interested entities is expected to produce the proper spirit and network for a better organization and results.

While the said law does not provide for any significant change or reform concerning the functions of the National Film Archives (NFA), the period in – between was not associated with substantial changes of this institution, apart from the continued funding, conservation and maintenance. Even some initiatives on fund digitalization or involvement of Archives into commercial operations now are either blocked, solid or frozen, pending the drafting and adoption of sub-legal and administrative acts. The low investment level for the NFA, the non-permission of utilization of the revenues for technological renewal and enrichment of archive funds have overshadowed considerably the activity and factorization of this Archive into the country’s cinematographic activity.

## **Theatrical stage and the atmosphere around it**

State support in the field of theatre is seen not only as being supportive of financial policies on theatre, but also in the steps made for legal reforms in this domain. Theatre has got problems concerning legal adjustments, infrastructure, professionalism and financing of theatrical activities. The problems that creativity in this domain exposes remain even today unresolved, both legally and conceptually or financially. The treatment of producers and actors is at undesirable levels. The policies to date have been spontaneous and there has been a lack of understanding among the community of artists and producers. There exist more or less 23 state – owned theatrical groups in the 10 major cities of the country, with eight drama, eight comedy and seven children theatres. A good part of these theatres are inactive and the number of performances put on stage is extremely low. Likewise, the number of viewers is very small. The most active theatres are the National Theatre, Theatre “Petro Marko” in Vlorë, Theatre “Skampa” Elbasan, and the Theatre “Aleksandër Moisiu” Durrës. The treatment of theatrical activity lacks a managerial vision and the idea of value return. As to the latter, the preference for theater festivals rather than direct support for theatre production is noticed. The local government has not been active in support of the theatrical activity, being simply an employer for inefficient theatres serving simply as decoration. (Politikat kulturore në Shqipëri Shtëpia Botuese “Naim Frashëri” Tiranë 2001, f. 232. ISBN 99927-38-26-X)

The failure of initiatives in establishing private theatre companies indicates the lack of any sort of balance in market and at the same time, it indicates the lack of clear policies in this field, with deficiencies reflected to the uncompetitive artistic quality and the lack of alternative theatres.

## **Cultural heritage and endangered space, the role of institutions and developments perspectives**

Cultural heritage is a treasure of generations and our major obligation to the past and to the future, the material and spiritual continuity of nation. As such, cultural heritage is an ongoing challenge in the wake of the national and state attention, designed to retain the imprints of the century – long creative genius and convey that to the future. The Albanian cultural heritage is rich in values. It encompasses archeological, urban, historical and engineered values. Likewise, it entails the movable heritage, archeological and monumental objects, books and documents, numismatics, almises and fire guns, artistic products and precious goods.

The spiritual heritage includes the language, oral and musical folklore of all genres, traditions and beliefs of all sorts and crafts.

The Albanian heritage reflects the millennium – old history of the Albanian people. It finds its expression among the archeological ruins and inhabited houses. They date back to pre-history up to the last century and they number in over 2400 objects of a broad range, about 200 cult monuments, 600 antic and medieval monuments (fortresses, ruins, sites, bridges, water mains) and the rest are folk constructions divided into categories. The List of monuments is open to further ameliorations according to the legally defined parameters. Most of the monuments are to be found in the towns of Gjirokaštër, Berat, Korçë, Shkodër. The monumental sites in Butrint, Apollonia, Durrës, Voskopoja, Gjirokastra, Berati, and others are renowned not only on national, but also on international wide scale. The state institutions legally entrusted to take care of monumental heritage are the Institute of Archeology, the Institute of the Monuments of Culture, 8 Regional Departments for the Monuments of Culture, and the National Centre of the Inventoried of Cultural Assets. Apart from the constructions and construction ensembles, the specialists of the monuments show attention even to the graving of wood, stone, metals, ceramics, afrescoes, and iconostases, other major assets of the Albanian nation. (*Raport mbi politikat kulturore në Shqipëri*, Shtëpia Botuese “Onufri Tiranë” 2002).

Nevertheless, monuments are suffering the devastating effects of natural occurrences and the human devastating interventions. From the year 1990 until the year 2000, there was no adequate financing for the monuments. During this

period, a series of monuments have been damaged irretrievably. Still, this stage, has not come simply due to lack of financing. The crisis was also caused due to the decline of the institutional authority of the Institute of the Monuments of Culture, causing the loss of control over the territory on the part of the state, due to the less relations with international partners; to shortcomings at the scientific activity of the institution; departure of specialists and lack of institutional reform. This entire crisis produced a genuine emergency concerning the monuments; the latter are in danger also due to the lack of vision concerning them. (*Law no. 27/2018 "On Cultural Heritage and Museums"*)

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# *Third party interference in the civil process*

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*Tanusha Selimi*<sup>1</sup>

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## **Abstract**

*In this article it is treated the litigation and procedural steps in relation to the third person and the interested person in the Civil Litigation. Depending on the importance of the object of the claims examined in the court, the third or interested person should be part of the trial, in cases where they have a legitimate interest and without whom we cannot have a fair trial. At the end of the trial, the decision is applicable by the third and interested parties, as it is for all the litigant parties in the process.*

**Key words:** *Third party, interested party, trial subjects, civil litigation, litigation, claim...*

In the civil litigation, for the final settlement of the case, in addition to the interested parties, there are other persons interested in the completion of the litigation between the parties. Any person, for whom a decision shall be given in a lawsuit filed between other persons may be relevant to his interests has the right to participate in this trial conducted between other persons. These are called third parties. This participation of other persons is called intervention. An intervention by a third person complicates the process, or may harm the interests of one or the other party, or even both. This intervention is allowed only when there is a legitimate interest, claim of ownership, that the object of the lawsuit belongs to him, that there is a legitimate interest in favor of one or the other party, that his interest is direct that the trial ends in favor of one or the other party.

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<sup>1</sup> PhD Candidate, European University of Tirana

The third person at the moment of intervention in the process acquires the features of the subject of the legal-civil procedural relationship. His intervention can be made in the preparatory session, or during the trial of the case in which he has an interest, but until the moment when the judge ends the trial. As a rule, the intervention of a third person can be done only during the trial of the case in the first instance, but exceptionally it can also be done in the Court of Appeals, where the third person has the right to object the final or enforceable decision of the court, when his rights have been violated (articles 457 and 503 of the Code of Civil Procedure).

Thus, the provisions of the Code of Civil Procedure provide for the possibility of anyone to intervene in a civil litigation that takes place between other persons, when there is an interest in this. Interference in the civil litigation process can be done on the initiative of the third person to protect his right, or to assist one party in this process and this is otherwise called ***voluntary intervention or participation***. On the contrary, the intervention of a third person can be done even without his initiative, when one of the parties summons the third person to trial and this type of intervention is called ***forced intervention***.

We have voluntary interference, when the third person intervenes in the case among others to protect his legal right against two parties, which is called ***main intervention or with independent search***, or to support one of the opposing parties, which is called ***accessory interference or without independent search***.

This classification is important, both because of the procedural position of each type of intervener, and for the procedural consequences that arise.

## **Voluntary Intervention Or Participation**

Anyone can intervene in a case that is being tried among other persons, when there is a legitimate interest to protect. But if this interest is shared with one of the litigants and pushes the third to join him - giving him any protection and support - we have an accessory intervention without independent searches. Whereas, when his interest is opposite with both parties, as the third party claims for himself in whole or in part the thing or the right, for which a lawsuit is developed between the two litigants and it is the opposite interest that pushes him to participate in the trial, then his intervention is called the main intervention or with independent searches. For accessory intervention, the law does not require any other condition, except the interest that the third person must have in the case and that must be common with one of the litigants, although with this intervention the third person also protects a right of his and brings help to the defense of one of the litigants.

The interest is common, when the legal relationship of the third person with the litigant who helps them is related to the object of the lawsuit. This interest is different and diverse. Thus, there is an interest to intervene in a lawsuit that is tried between the testamentary and the legal heir, the person to whom a log has been left by will, or has an interest to intervene in the lawsuit for the search of the thing raised by a third person against its buyer, the seller of this item. With the accessory intervention, a new person is added to the litigants, but nothing changes in the initiated civil litigation. The decisions and evidence taken, as well as other procedural actions performed until then have an effect on the accessory intervener. His procedural activity may replace that of the party who assisted him, but may not be in conflict with him.

The court decision also has an effect on the accessory intervener, both in terms of his relations with the supported parties and with the other party. Unlike the main intervention, or with an independent search in the accessory (secondary) intervention, which in the literature is also called the usual intervention, the interest of the litigant as a third person is not directly related to the search for the object of the lawsuit in the trial, for e.g the item, but relates to the manner in which the case was resolved by the court. The third person who makes accessory interventions, who has been denied part of the process, can file a separate complaint (Article 194/2 of the Code of Civil Procedure). The participation in the process as an accessory intervener, the third person is accepted by the court with an intermediate decision (article 194/1 of the Code of Civil Procedure). The accessory intervener may leave the trial at any time without legal consequences and with the consent of both parties, may replace the assisting party, when this will go out of the trial, but the decision is not given by the court in his name as intervener, but has effect on his relationship with the party.

In the main intervention the law requires an interest of the person who intervenes in a case adjudicated among others, but this interest should not be shared with one of the litigants, but contrary to the interest of both litigants (Article 189 of the Code of Civil Procedure). For example, the third person who claims that the item in question is his property and, therefore, intervenes in the trial to seek recognition of the right of his ownership on the items, consequently the overthrow of the plaintiff and the obligation of the defendant to hand over the item to him at trial.

The main intervention is a right, which is recognized to a third person to prevent the damage that may come to him from the victory of one of the parties and to avoid a new unnecessary lawsuit, which could be filed against the winning litigant, or the issuance of conflicting decisions. The main intervention causes the change of the initiated trial, because in the review of the initiated lawsuit a new lawsuit is added, related to the first one, where the main intervener is the plaintiff

and the first two litigants - the plaintiff and the defendant of the initiated lawsuit - are both defendants.

In order to accept the main intervention in an initiated trial, certain conditions must be met:

- a) That the main intervener to be a third person, which means not to be a party to the initiated trial;
- b) That the main intervener has a claim that is incompatible with the plaintiff's claim in the initiated trial;
- c) That the trial, in which he intervenes to be ongoing, that is, the lawsuit - the object of the trial - to be also dependent before a court and especially before the court of first instance;
- d) Intervention is always a voluntary intervention;
- e) It is with independent searches by the parties in the process;
- f) The third person has his interest in the object of the lawsuit, or that is related to the conclusion of the trial;
- g) The main intervener, like the plaintiff, must submit to the court a written request, which is notified by the court to the parties.

The claim of the main intervener must be incompatible with the claim of the plaintiff in the initiated legal process and the plaintiff in the initiated legal process and must remain so. In order for his request to be accepted, the judicial investigation must not have been completed, otherwise he must file a separate lawsuit. When he meets all the conditions, the main intervener acquires the quality of a party in the judicial process and, as such, enjoys all the rights and obligations of the litigant party.

## Forced Intervention

This includes summoning a third person by the parties and the court. In our literature is accepted the notion of forced intervention, not so much to understand the interference of third parties in the civil process against their will and, much less, to participate strongly against their will, than to distinguish between intervention of third parties in the process on their own initiative. Even according to the Code of Civil Procedure of the year 1958, in addition to voluntary intervention, the intervention of a third party was recognized, not on his own initiative, but at the invitation of one party and, in some cases, at the request of the court itself.

***Summoning of the third person by the parties.*** Either party may summon a person to the trial, with whom it deems it has a common case, or from whom

a guarantee or compensation relating to the conclusion of the case may be sought. The summoning of a third person is allowed, until the civil court process is completed. The summoning of a third person is allowed, until the civil court process is completed. The summoning of a third party by the interested parties may be made when one of the following circumstances is competing:

1. The summoning of the third person, when the case under trial is shared with him. The case is common, when the plaintiff and the defendant are in conflict with each other over a legal relationship that is shared with a third party and this conflict could make the third party co-litigant with the plaintiff or the defendant. So the summoning of the third person is a co-litigation summons with the plaintiff or the defendant. So the summoning of the third person is a summons made to this person, who may have been such, but did not want to, or perhaps could not be forced to be co-litigant with the plaintiff, or the defendant. For example, the creditor files a lawsuit against the debtor, the borrower files a lawsuit against the main lender. The plaintiff can summon as co-litigants the guarantors and the defendants, as the plaintiff creditor and the defendant debtor are in dispute between them for a legal relationship, which is common with the guarantor as a third person. The summoning of the third person can be done to join as co-litigants in the process with the plaintiff or the defendant. For example, the creditor files a lawsuit against the debtor, the borrower files a lawsuit against the main lender. The plaintiff may call as co-litigants the guarantors and the defendants, as the plaintiff creditor and the defendant debtor are in dispute between them for a legal relationship, which is common with the guarantor as a third person. The summoning of the third person can be done to join as co-litigants in the process with the plaintiff or the defendant, when the conditions provided in article 161 of the Code of Civil Procedure compete.

2. Summoning a third party by the parties to ask him for a guarantee, or compensation in case the party loses the case. This summons of the third person is called denunciation of the lawsuit (*litisdenuntatio*). The purpose of denouncing the lawsuit is to summon a third party to give this case to intervene to assist the party in his defense. For example, the defendant in a claim for an item purchased by a third party summons it only to defend it against the plaintiff's claims. The denunciation of the lawsuit may be accompanied by a claim for compensation, in case the lawsuit is lost. We said that the summoning of the third person to the trial is made when the party summoning him will ask him for a guarantee or compensation. But the guarantee is different from the compensation. The guarantee is in those cases when the party calling the third person is in a lawsuit as the holder of a right that has passed from the third person and is opposed by the other party. For example, the seller is obliged to transfer the sold item, free from any ownership right, to other persons. The compensation that the party has the



right to receive from the third person, in case he loses the case, for example, when the guarantor is sued to pay the creditor a debt of the debtor, he has the right to summon the debtor to demand compensation from him for what he owes to the creditor by decision. It is also a compensation, when a person pays the damage caused by the fault of other persons and, when this plaintiff, as obliged by others, has the right to summon to trial the person who caused the damage to claim this compensation in case he is obliged to pay the damage by a court decision.

The denunciation of the lawsuit is made with a request that is communicated to the third person and the opposing party. The third person agrees to intervene in the trial to assist the party summoning him in its defense, because it has an interest to oppose in any way the claims of the opposing party and thus will escape the obligation to compensation the summoning party. But there are also cases when the third person may refuse to be summoned to court, opposing the obligation alleged by the summoning party. The other party may also oppose the summons of the third person. In any case, these allegations are taken into consideration and decisions are given, which refuse the participation of the third person in the trial. The summons of the third person can be made, when the case has not ended in the trial of the first instance. A third person may also summon a third person, denouncing the lawsuit. Usually the denunciation of the lawsuit is done by the defendant, but it can also be done by the plaintiff. For example, when he is prevented from taking over the purchased house, he summons the third party and the seller.

***Summoning the third person by the court.*** It is provided the possibility for summoning the third person by the court, when it deems that the trial can take place in his presence, the resolution of the case. This too is a kind of forced call. This happens in those cases when the third person has a certain interest in the case at trial, but has no knowledge and, neither party summons him due to the competition of their interests. For example, in a claim for property, the court may summon the tenant, because he has an interest in knowing about the ownership dispute and how to decide not to pay the rent incorrectly, i.e. to the person he has paid it so far, in case the other party wins the lawsuit.

## **The Procedural Rights Of The Third Person**

As long as the court decision has effect on the third person, it is understandable that he has procedural rights that the parties also have, so he enjoys the status of a party. According to Article 195 of the Code of Civil Procedure, the third person has the right to perform all procedural actions that the parties have the right to perform, except those that constitute disposition of the object of the lawsuit. The

third person, who has intervened voluntarily (main or accessory intervener), as well as the person summoned to court by one of the parties, with the consent of both parties can take the place of the party for which he has intervened. Such intervener does not have the quality of a party, but has its procedural position, as he is the supporter of the party who joined him in the trial. He is in the position of co-litigant and his procedural actions have the same effect as the procedural actions of the party joining him. He can carry out procedural actions independently of the party to which he has joined, even against his will, when in these actions he intends to prevent making a decision on behalf of the party he assists. For example, he has the right to object a decision of the opposing party even if he has been accepted by the party that has joined him, to appeal against a court decision even if the party does not exercise the right to appeal. With the consent of both parties, the third person, whether he who has intervened himself or who has been summoned by one of the two parties, may take the place of the party for which he has intervened, and this may arise from the trial. The decision taken by the court after any kind of intervention has an effect on the intervener, both in terms of his relationship with the person who summoned him or for whom he intervened to help him, as well as in terms of his relations with the opposing party.

### **The Withdrawal From The Trial Of One Of The Parties, When It Is Replaced By A Third Person, Who Has Intervened Himself Or Has Been Summoned To Trial**

With the consent of both parties, the third person who has been summoned by one of the parties to the trial or has intervened himself may take the place of one of the parties who has summoned, or for whom he has intervened. But not every third person who has intervened, or been summoned, can take the place of the party, and that this will come out of the trial. Thus, the withdrawal of one party from the trial and its replacement by the third person must occur in those cases in which the party is in the trial for a right that has passed from the third person and is opposed by the other party, namely, in the cases in which the party summoning the third person to the trial would require a guarantee from him. For example, the item sold by a third party, and not in the cases where the party would ask a compensation if the case was lost. The following conditions are required for the withdrawal of one party from the trial and its replacement by a third person:

1. Obtaining the consent of the other party, or rather the lack of opposition of the other party to this replacement.
2. Requesting a third party to replace the out-of-court party.
3. Consenting of the other party to be replaced by the third person

The other party's objection to the replacement of the opposing party must be justified, and not without cause, or out of resentment. The acceptance of the party being replaced by the third person, as well as the acceptance of the third person to replace the party is free, so it is left to their free will to accept or not the replacement, without being of their own will.

Even the exit of the party from the trial, as well as its replacement with the third person must be allowed by the decision of the trial and it has effects against the party that has left the trial, and can be executed against it.

# *The Model of Polycentric Urban Regions is a necessity for the smart, sustainable and comprehensive development of Albania and the acceleration of its EU integration processes* \_\_\_\_\_

\_\_\_\_\_ **Gentian Kaprata** \_\_\_\_\_

## **Abstract**

*Albania has been trying for 30 years to transition from a socialist Stalinist country of central planning economy to a liberal democracy with a free market economy. Along this journey, Albania has been facing strong demographic changes, especially those related to external and internal emigration. These have produced a demographic-territorial model formed by two main components: overpopulated territories and underpopulated territories. This model impairs in many respects the quality of urban, territorial and spatial life of citizens, but also has negative implications for the basic sectors of national and social development. On the other hand, the EU also views and evaluates negatively the phenomenon of concentration of population and economy in some particular cities and the decline of other cities of its member states or the entire European Union. In this sense, it finances specific projects through which it aims to make a more balanced demographic and economic distribution in its territories. Regional development is one of the specific goals of the EU, which is heavily funded by its political institutions. The model of Polycentric Urban Regions, and 'polycentrism' at different territorial levels is one of the ways in which various experts and researchers estimate that a more balanced demographic and economic distribution can be achieved. European empirical studies also show that this has happened in practice in many of the most developed regions of*

*the European Union, but also in other developed parts of the globe. For many reasons, Albania needs to define a political approach that considers polycentric development and the model of Urban Polycentric Regions as the model of demographic-territorial development of the future. From such a political initiative, Albania will reduce the damage produced by the current territorial model in the spatial, territorial and urban structure of the country. Another benefit would be the positive effect of the European polycentric and regional model of Urban Polycentric Regions in the basic sectors of national and social development. Such a model would serve Albania in its integration processes in the European Union.*

**Key words:** *transition, European integration, demographic concentration, urban abandonment, polycentric development.*

## Introduction

The demographic-territorial model is a very important and contemporary topic in the institutions of the European Union and beyond. It appeals research in numerous areas of territorial, economic and political development, and also has the focused attention of policymakers in EU member states and political institutions. Meanwhile, for 30 years, Albania aims to transition to a country of liberal democracy and free market economy, and to integrate into the EU. This means that for Albania it is of special and immediate importance to undertake in-depth studies on its current demographic-territorial model and the possibilities of its adaptation to the demographic-territorial models of the member states and the EU itself.

In this article, we will first introduce the demographic and urbanization dynamics during the transition years. As it will be presented, these dynamics have been massive and on the verge of an exodus. It is these dynamics that have shaped the demographic-urban model of today's Albania, which is characterized by the concentration of population in the country's capital and two or three other large cities while depopulating other territories of the country. This model produces a lot of spatial, territorial and urban harm and at the same time has negative impacts on the most important sectors of national and social development.

The problem of population concentration in large cities is also a problem for the EU. In this context, the political institutions and technical organizations of the EU have in their interest this basic issue of spatial and economic developments and in response have accepted regional and polycentric development. Various researchers funded by EU political institutions have studied in theory the model of Polycentric Urban Regions, but also empirically where it is applicable in the spatial structure of the EU and other countries or regions.

Further in this article we will present Albania's need for the model of Polycentric Urban Regions and the spatial, territorial and urban benefits that will come from it. The European model based on large-scale polycentrism and especially the model of Urban Polycentric Regions will help Albania also in the implications of the demographic-territoriality relationship in the basic sectors of national and social development. Moreover, undertaking such a model would help Albania in the EU integration processes.

## **Demographic and urbanization dynamics in transition Albania**

The demographic-territorial dimension of Albania during the 30-year transition has undergone extraordinary changes (Faja, 2008; Aliaj, 2008; Fuga, 2004, 2012). The territorial model of transition, which in this article we have called the model of concentration-abandonment of territory by the population, was shaped as a product of two strong demographic dynamics that have affected the country during the transition years: population dynamics of the country and redistribution of the interior of population across the national territory. The population of Albania, in the years of transition, has decreased significantly from 3,182,417 inhabitants in 1989 (INSTAT, 2014) to 2,845,955 inhabitants in 2019 (INSTAT, 2020). This population decline has come from two main factors: first, from the declining fertility rate; and second, as a consequence of international external migration (King and Vullnetari, 2003; Vullnetari, 2007, 2012; INSTAT, 2004; 2014). The birth rate would start to decrease in the 60s of the last century (INSTAT, 2014, p. 41; INSTAT, 2014, P, p. 19), but in the second decade of the transition Albania went down to last place in Europe in terms of increasing the level of demographic growth (Eurostat, 2019).

The decline of Albania's population is also due to external migration, which has been continuous and at a considerable pace. Only in the first decade of the transition, 1991-2001 a number between approximately 710 thousand-750 thousand Albanians left the country (INSTAT, 2004; King and Vullnetari, 2003; King, 2010, Vullnetari, 2007, 2010, 2012). Whereas in the second decade of the transition, 2001-2011, another 573 thousand more people left the country than entered it (INSTAT, 2014; Vullnetari, 2012). The situation of high migration is evident in the following years, 2011-2019. In total, there has been about 250 thousand more Albanians that have left Albania than those that have returned, during these years (INSTAT, 2015-2020). So, during the transition, 1990-2019, a figure of about 1.2 - 1.5 million Albanians, or about 40% of the total population or 50% of the population living in Albania, have left the country (INSTAT, 2014, 2015-2020; WB, 2018; BSH, 2018).

The main and most important contributor to the territorial model of transition is internal migration, which in these three decades has been generated in the size of an exodus (Fuga, 2004, 2012). During the first decade, as a result of this migration, the level of urbanization of the country increased from 35% in 1989 to 42% in 2001 (Faja, 2008; Misja dhe Misja, 2004; INSTAT, 2004). Over the period 1992-2000, internal migration involved 1,357,750 internal migrants, or almost 40% of the year 2000's population, at an annual average of about 150,750 people (Vullnetari, 2007). Thus would begin the identification of the three main components of the territorial model of concentration-abandonment of the territory by the population, territorial congestion in the Tirana-Durrës Region and Fier-Vlora Region and territorial underpopulation in the region that includes the other eight regions of the country. Even the second decade of the transition would be affected by the same massive internal migration bubbles and this would bring that in 2011 for the first time in the history of Albania the urban population was higher than the rural one, including about 54-58,2% of the total population, while in rural areas about 46% -41.8% of the total population (INSTAT, 2014; INSTAT, 2014, RU). The same trends of internal migration are observed in the third decade of transition, 2011-2019.

The inter-regional migration scheme is based on the four main lines of population displacement, where the first three are destined for the Greater Tirana-Durrës Region, and the fourth line for the Small Fier-Vlora Region (INSTAT, 2014; Vullnetari 2012). What highlighted the two main features of the territorial transition model, 'concentration' in the central region and 'abandonment' in the northern and southern region, and demographic differences between districts of the same region, cities of the same county and between urban and rural inhabited centres. As a product of these dynamics, in 2019 Tirana occupies about 31.8% of the total population, continuing to be the most populous region of the country, and three times the counties of Durres and Fier that follow it in size, each of which includes 10.2% of the total population (INSTAT, 2020). As for the other counties, five of them occupy 2-4.3% of the total population (INSTAT, 2020), suffering continuous losses of the pertaining population. Although they include a higher percentage of the country's population, further losses were suffered by the regions of Elbasan, Korça and Shkodra (INSTAT, 2015-2020). The largest population declines were recorded in Gjirokastra with 3.3%, Debar with 2.6% and Berat with 2.5% (INSTAT, 2020).

## **Demographic-territorial model of Albania of transition and its damages**

Demographic and internal migration dynamics of the country during the three decades of transition would shape the territorial model of concentration-

abandonment of the territory by the population. It consists of three main components, which are existing historical urban situations and have evolved rapidly over the years of transition.

The first component is the physical territorial and urban union between the two central regions, Tirana and Durrës, which in this paper we have described as the Greater Tirana-Durrës Region. This region has been strongly attacked by expected internal migration, which has brought about tremendous changes in terms of demographics and level of urbanization, and remains in ongoing territorial structuring (INSTAT, 2004, 2014, 2015-2020; King and Vullnetari, 2003; Vullnetari, 2007, 2012). In the first decade an idea was created that this region could include the region of Elbasan, but over the years, as a result of the continuous loss of population in favour of Tirana and Durres, the region of Elbasan is joining the third component of the territorial model (INSTAT, 2014, 2015-2020).

The second component of the territorial model of transition is the territorial region that includes the regions of Fier and Vlora, which in this paper we have called the Intermediate Region Fier-Vlora. This region is considered as ‘intermediate’ because of the difference with the Greater Tirana-Durrës Region, which has an area about 1.8 times smaller and a population about 2.5 times higher, or a population density about 4.5 times higher than Fier-Vlora. Due to the acceptable ratios of population and territorial area, versus national ratio, respectively of 16% and 17%, this is a region of the “Ideal Type” for a Utopian territorial model. However, in recent years this region is also experiencing population decline in favor of the Tirana-Durrës Region (INSTAT, 2018; 2019; 2020).

And finally, the third component that in this paper we have called the Abandoned Region, which consists of the eight northern and southern counties of the country that have suffered depopulation. This region has been subject to large population losses as a result of outbound internal and external migration (INSTAT, 2004, 2014, 2015-2020; King and Vullnetari, 2003; Vullnetari, 2007, 2012). This region, although it has an area about 8 times larger than the area of the Greater Tirana-Durrës Region, has a smaller population. In addition to the fact that it has suffered a mass abandonment during the transition, the density of 8 times lower than that of the Greater Region, has led us to describe in this paper as the Abandoned Region.

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fact that it has suffered a mass abandonment during the transition, the density of 8 times lower than that of the Greater Region, has led us to describe in this paper as the Abandoned Region.

The territorial model of transition has brought tremendous urban, territorial and spatial damage and detrimental implications to the most important sectors of social and national development. First this model destroyed the spatial structure of the country. Today, only the region of Tirana can be considered 'urban dominance', the regions of Durrës and Vlora 'intermediate', while the other nine regions are assessed as 'rural dominance' (INSTAT, 2014, RU). As a result of this demographic projection in the territory, only ten inhabited centres in Albania can be considered as cities, and they are Dajti, Durrës, Elbasan, Farka, Kamza, Kashari, Paskuqani, Shkodra, Tirana and Vlora (INSTAT, 2014, RU). The Greater Tirana-Durrës region includes seven of the Albanian cities, while the Tirana region alone includes six of the ten cities in Albania (INSTAT, 2014, p. 45).

The structure of the demographic distribution across the national territory harms the country both in relation to global warming and in relation to land protection. If we make a projection of the framework defined by the European expertise in the field, it turns out that the concentration of population in the region of Tirana produces increased potential impacts, reduces adaptive capacity to them and consequently increases potential vulnerability of the country to climate (EU, 2012). The territorial model and the dynamics of internal migration that shaped it have also influenced the degradation of the national land fund in Albania (UN, 2019). Territorial model of transition has affected the deterioration of the general urban situation, and in particular: the urban quality of living (Mercele, 2019), clean air and water (Numbeo, 2019; Aliaj, 2008, Fuga, 2012), skewed reports between built and open urban areas (BB, 2007; Aliaj, 2008), lack of engineering and social infrastructure (IHS Alumni et al., 1998; WB, 2007; Alia, 2008; Fuga, 2012), housing stock (IHS Alumni et al., 1998; Misja and Misja, 2004; Aliaj, 2008).

The territorial model of transition has also produced negative implications in many sectors of social and national development. The way of construction, urban and territorial development (IHS Alumni et al., 1998; Fuga, 2012, 2019; Aliaj, 2008), which produced this territorial model has strongly impacted the social cohesion of the country by producing a high level of atomization of Albanian society (Muçaj, 2015; Duma, 2014; Fuga, 2004). Today's society is consisted of individuals and families with separate interests and often conflicting with the rest of the community, and is stratified into two classes and five categories in relation to their relationship to governance. It is these relations that influence the formation of the "partitocratic" structure of the political system and the "chiefocratic" political system of the Albanian transition parties (Fuga, 2004, 2019; Gjura 2015; Duma, 2014).

The territorial model of transition has its implications in shaping the economic model of the country that relies on the consumption of imported products financed generally by remittances and not on the production of domestic products and goods (Civici, 2013; Fuga, 2004, 2019; Duma, 2014). This economic model is a product of the “divorce” between the two basic components of the development of the productive economy (including the agricultural one): natural resources, which generally extend to the elements of the territorial abandonment component of the territorial model; and human resources that would bring to use and productive efficiency these natural resources, which are generally accumulated and “superimposed” in the territory of the territorial concentration component.

These implications of the territorial model to these and other sectors of social and national development, have produced at the end of this 30-year period a very serious fact for the country. Today, the Albanian citizen is excluded from every social and national aspect of development (Fuga, 2004, 2019). The situation in which each sector of social and national development is put, such as spatial, territorial and urban developments; social, political and cultural developments; developments in the national and family economy, pushes Albanians to leave Albania en masse by depopulating it.

## **Demographic concentration as one of the issues of concern to the EU**

The phenomenon of increasing the level of urbanization is a global and contemporary phenomenon. The fact that about 1.3 million people, every week, migrate to urban areas or are born in these territories, proves this intense global phenomenon (Aliaj, 2008). Muçaj in 2013, reflecting the phenomenon of rural-urban migration and the rapid increase in the level of urbanization would underline that “Contemporary age is an urban age” (Muçaj, 2013, p. 217). However, this dynamics of the demographic-territory model is not assessed as a positive phenomenon. If these population growth trends in urban areas continue in this rhythm, in 2050 developing countries will have to expand every week with a new urban extension as a city larger than today’s Tirana (Aliaj, 2008, p. 86).

Urbanization, as a demographic and territorial process, includes increasing the number of urban centres as a point of social concentration, increasing the size of cities individually and increasing the total population living in cities (Muçaj, 2013, p. 217). The phenomenon of rapid urban growth is not a uniform phenomenon worldwide. London, the city of a developed country, took about 130 years to move from 1 to 8 million inhabitants, and this happened during the Industrial Revolution, where time itself sought, supported and justified this degree of urbanization. It took Bangkok only 45 years, Dhaka 37 years, and Seoul 25 years, for a similar

increase, while there are cities in the Middle East that doubled their population in just 10 years (Aliaj, 2008, p. 80). Tirana has also doubled its population and tripled its built-up area in just one decade (IHS Alumni, et al, 1998; Faja, 2008; Aliaj, 2008), while it has tripled it in the three decades of transition (INSTAT, 2020).

Forecasts show that by 2030 61% of the world's population will live in cities (Muçaj, 2013, p. 222). This global problem worries today all international institutions, which seek to find solutions that are as sustainable, comprehensive and, above all, smart. This becomes very worrying, also for the fact that “the main increase of the population growth projection is expected to happen in the urban areas of the poorest countries of the world” (Aliaj, 2008, p. 86). Aliaj would underline that “Unlike the migration patterns of the population in developed countries, which are expected to be relatively more gradual, migration in the developing and transition world is happening with dramatic growth and a massive scale” (Aliaj, 2008, p. 87). Aliaj would present the concerns widely expressed at the World Urban Forum in Vancouver, Canada, in 2006, on this serious issue and the need to address it (Aliaj, 2008, pp. 84-87). Muçaj also has this concern, who would underline that “In the second half of the 20th century, urbanization included underdeveloped countries in the South of the world where giant cities are being formed” (Muçaj, 2013, p. 222).

The European Union has identified the problem of concentration of population, and in this sense of the economy in its specific regions and therefore has undertaken policies to achieve what it considers “territorial cohesion” (Davoudi, 2003, p. 990). EU ministers at the Rotterdam Ministerial adopted the ‘Urban Acquis’, which lays the foundations for the development of a more coherent urban policy approach. The most pressing problem that was widely identified and addressed by the ministers of the member states in Rotterdam was precisely that of the concentration of population and economy. The ‘Urban Acquis’ document agreed at this meeting would highlight the concern that “Economic activity and population in the EU is highly concentrated in the central area or the Pentagon, which lies between North Yorkshire in England, Franche-Comte in France, Hamburg in northern Germany and Milan in northern Italy. This area covers 18% of the territory of the EU15 area while it accommodates 41% of the population, 48% of GDP and 75% of research and development expenditures” (EU, 2004). In political terms, the objective of this ministry is to achieve balanced development by “reducing existing inequalities; preventing territorial imbalance and by making it more coherent; both in sectoral policies that have a spatial impact and regional policies” (EU, 2004).

Although the EU is one of the largest and most economically strong regions in the world, it still suffers from large regional disparities. Of the EU's gross domestic product (GDP) 50% is produced in 20% of its territory housing 40% of its population. This area, in the center of Europe, is referred to in the ESDP as

a “pentagon defined by the metropolises of London, Paris, Milan, Munich and Hamburg” and is considered the “only area of global economic integration” in Europe (Davoudi, 2003). Referring to Davodi in 2003, “The lack of other such areas is seen as a disadvantage for Europe’s future economic competitiveness, when [it] is compared to other large trade blocs such as the US. The creation of new areas of economic strength capable of competing globally is therefore considered a necessity for the future growth of the European economy” (Davoudi, 2003, p. 990).

## **Regional and polycentric development a European political approach**

Polycentrism is another very important and widespread concept in the European Union (Kloosterman and Musterd, 2001; Davoudi, 2003). Davodi in 2003 would indicate that “EU Commissioners and their member states’ associates promote the concept of [polycentrism] as a socio-economic policy goal” (Davoudi, 2003, p. 879). In line with the philosophy of creation and development, the countries of the European Union ascribe great importance to the formulation of sectoral and cross-sectoral policies based on this theoretical concept and planning practice. While the European Union sees its future in two main concepts: softening the importance of borders between member states; and strengthening links between cities to create political and economic regions (Aliaj, 2008).

This is clear from many European Union documents but the most fundamental of them is the ‘European Union Territorial Agenda 2020; Towards an Inclusive, Smart and Sustainable Europe of Different Regions’, agreed at the Informal Ministerial of Ministers for Spatial and Territorial Planning, held on 19 May 2011, in the town of Godollo, Hungary. The ninth point of this strategy would emphasize the importance of the regions. “Regions may need outside help to find their way to sustainable development, with particular attention to the lagging regions. Regional interdependencies are of increasing importance, and this requires ongoing networking, cooperation and integration between different EU regions at all relevant levels” (EU, 2010). In point 17 it would be underlined that “Increasing the interdependence of the regions generates the demand for better connection at the global, European and national level. The integration of barriers at the local and regional level can result in an underutilization of human, cultural, economic and ecological resources of the regional borders and an increase in their peripheral position and social exclusion” (EU, 2010).

“EU spatial development literature and policy papers are replete with references to polycentrism (see, for example, ESDP, 1999; CEMAT, 2000; Norvison, 2000)” (Davoudi, 2003, pp. 979). Territorial planning based on the concept of Polycentric

Urban Regions is already an important feature of regional development strategies in many European countries. The main goal of the EU to increase its economic competitiveness in the world market is based on this concept of spatial development while acknowledging the promotion that the EU makes to polycentric spatial development throughout Europe (Davoudi, 2008).

In short, the EU has turned the issue of spatial development based on the regional model into an important agenda, but some open questions also remain. According to Davoudi in 2003, some of these essential questions are “Is balanced regional development achievable within the framework of current EU policies? If not, what can cities and regions do to stay or become competitive? Do PURs [Polycentric Urban Regions] offer a better chance for cities in the [EU] peripheral regions to become more economically competitive? If so, can political interference turn a number of neighboring cities into a genuine PUR?” (Davoudi, 2003, p. 991). These questions raised by many spatial development researchers, and presented by Davoudi in 2003, although widely addressed, are still under discussion, but what can be said is that this territorial model is the model of the future of the European Union and its country members.

### **The model of Polycentric Urban Regions (PURs) in European theory and practices**

The terms ‘polycentric development’ and ‘polycentrism’ are widely used in European development theories and are applied at different territorial and urban scales, starting at the local scale of cities, meaning urban polycentrism, where within a city there are several development poles; to reach the European level, where different regions develop in economic and social relations with each other to form a large Development Region (Meijers, 2006, p. 246; Kloosterman and Musterd, 2001, pp. 623, 627; Davoudi, 2003, 2008). The concept of polycentrism is not a new concept, and different variants of it can be found in the literature of the early 20th century in the conceptualization of urban spatial structure and especially in the work of urban sociologists of the Chicago School (Davoudi, 2003, pp. 979).

PURs have been created over time through the growth of other urban centres located close to cities and traditional residential centres, which over time have created a polycentric urban model (Meijers, 2006, p. 249). Further development of this model leads to a regional city consisting of an important city and its small suburban satellites (Aliaj, 2008). As Meijers would point out, “It is widely known nowadays that all post-industrial cities are in fact polycentric. However, polycentric urban regions are composed of several such polycentric cities. As a result of this

process, among other things, growing connections, and scaling up of business activity and people's daily lives, they have combined or 'mixed' functionality and morphology in urban systems of large regions "(Meijers, 2007).

PURs represent spatial scale polycentrism of the inter-urban region, which includes several polycentric cities and which should be relatively independent of each other (Davoudi, 2003, 2008). According to Davodi in 2003 the main goal of PURs, and polycentrism at all levels where it is applied is decentralization. Cities cannot be analysed or studied in isolation, because every human community is connected to other communities in many ways through many actors (Davodi, 2003). These connections include flows of information, capital, goods and people, which travel through infrastructures such as roads, railways, waterways, airways and growing telecommunications. Recent urban studies aimed at explaining the economic, social, and cultural functioning of cities highlight precisely the importance of these relationships (Davoudi, 2003, 2008; Meijers, 2007).

PURs can be defined as a grouping of historically different cities and administratively and politically independent of each other located in close proximity to each other, well connected through infrastructure and in the absence of domination of one city in political, economic, cultural or other aspects (Kloosterman and Musterd, 2001, p. 623). Whereas Parr in 2004 introduces some conditions that define and outline a Urban Polycentric Region. A UPR, according to Parr, can be differentiated from a region of a different type because its constituent cities are more clustered, located not far from each other, about 1 hour drive from each other. They should also not be too close to each other, as in the case of the inhabited centres of a polycentric city. Another characteristic of the UPR, according to Parr, is that none of the cities that shape it dominate others in terms of population, or in other political, social and economic terms. The level of interaction of UPR residential centres and their specialization is higher than in other regions that cannot be considered as polycentric (Parr, 2004, pp. 233-240).

These definitions of Parr for Polycentric Urban Regions show that in reality such regions of different sizes can be found developed. Consistent with this argument Parr would underline "The concept of polycentric urban region (PUR) has gained considerable value over the last decade. However, a certain level of ambiguity continues to surround the concept. Define a set of conditions that will need to be met before it can be said that a PUR exists. PUR is in contrast to other types of region, and the various forms of PUR have been little studied. There are ongoing considerations for the potential economic benefits of PUR. This is followed by a discussion of the extent to which the concept of PUR has emerged as a focus on urban and regional policies" (Parr, 2004).

Such clusters of regional cities are not always referred to as PURs; in general, policymakers often refer to them as 'urban networks' or 'city networks' (Meijers,

2007). The network metaphor is made to emphasize the assumption or strong and complex relationships desired between cities and such coherence and unification of the region. The inclusion of the concept of Urban Polycentric Regions in the 'European Spatial Development Perspective,' although in different terms, can be considered an acceleration of its speed towards Europe (EU, 1999, pp. 20-26; Meijers, 2007). PUR planning in EU countries is a planning of a new scale, because it has not been widely used before, but has been taken very seriously in planning practice (Meijers, 2007).

Characteristics of development according to the model of PURs we will present two examples from lowland countries. First, the Flamad Community Ministry of Flemish Structural Spatial Plan for 1997 introduced the Fleming Diamond concept which included Brussels, Antwerp, Ghent and Leuven, as an international competitive urban network. This paper suggests that urban networks "complementary and coherent entities" should replace the "traditional historical hierarchy of cities" (Meijers, 2007). As Meijers writes quoting from page 49 of this document "The importance of a city is no longer determined by the number of its population and the area of territory it includes, but by the position of the city in the world or European network of cities" (Meijers, 2007).

Such urban networks were introduced in Dutch planning, for the first time in the Fifth Memorandum on Spatial Planning, of the Ministry of Housing, Spatial Planning and Environment, in 2002 (Meijers, 2007). Referring to page 33 of this paper, Meijers would defend the thesis that "networked cities do not duplicate each other, but explore challenges to complement each other and coordinate the division of labour. Amsterdam, Rotterdam, The Hague and Utrecht together with other cities in the Delta Metropolis have much more to offer when taken together than when taken individually and there can be increased development in a more coordinated and coherent way" (Meijers, 2007). Moreover, "it is not a single city, but a metropolitan area and urban networks that provide a wide range of living / working environment systems, services, parks and transportation" (Meijers, 2007).

Examples of PURs are numerous and widely distributed in North-Western Europe. Meijers would list some of them, along with the authors who have studied them, such as large-scale PURs including the Randstad region in the Netherlands, which serves as a classic example of the PUR prototype, but also the RheinRuhr area and Central Belgium. or 'Flamad Diamond' are also often mentioned in studies (Meijers, 2007, p. 6). Meijer also mentions the northern part of Italy, specifically the Veneto region which has been identified as PUR, to move on to large Asian examples such as the Kansai Area or the Perla River Delta, or the San Francisco Bay Area classified as such, also (Meijers, 2007, p. 7). A large number of Polycentric Urban regions of a more modest extent are widely found around the world, but they are not presented in the literature with the definition of being a PUR.

## **PUR a model to be implemented in Albania of the future**

Meijers would make a comparison between these two systems of spatial structure and would present that the model of “central cities”, or “hierarchical cities” in the spatial structure of a country, emphasizes: centrality, dependence on size, tendency towards supremacy, flows of a bias of exchanges, dependence of economic functions in relation to the scale and territorial distribution of the population (Meijers, 2007). Whereas the “network model”, or the model of RPUs, in contrast to the first, emphasizes: articulation, neutrality to size, tendency towards complementarity, specialization of residential centers, two-way exchanges, more balanced distribution of urban population across the territory (Meijers, 2006, 2007; Parr, 2004). It is precisely these characteristic differences of each territorial model that also produce the differences between the impacts of the territorial model on the basic sectors of social and national development.

One of the most harmful features of the demographic-territorial model of transition is demographic monocentrism at all three levels: urban, regional and national. As we presented earlier, today’s territorial Albania is a concentrated demographic concentration in the Greater Tirana-Durrës Region and a territorial extension abandoned by the population in the rest of the country (INSTAT, 2014; INSTAT, 2014, RU; INSTAT, 2015-2020). The same concentration is noticed in the urban scale. All Albanian cities, especially large ones, are presented with a high level of demographic concentration in their centre and a gradual decrease in the suburbs (BB, 2007; IHS Alumni et al., 1998; Aliaj, 2008). Earlier we also presented the major harm to the quality of urban life of citizens and the detrimental implications in the most important sectors of social and national development that the territorial model of transition produces. In this sense, not only do we need a territorial model different from the one we have allowed to develop so far, but we also need this new model to “fight” the demographic concentration characteristic of the old model.

The European territorial model RPU presents us with an extraordinary opportunity regarding the redistribution of the population across the territory, at both levels. Starting with the urban scale, if we refer to Davodi in 2003 “Until the 1970s, the conceptualization and evaluation of the internal structure of cities were based on monocentric models of the city tested mainly in American studies on this issue” (Davodi, 2003, p. 981). The monocentric characteristic of Albanian cities before and after the Second World War (Faja and Alimehmeti, 1983) was completely acceptable, as a similarity with other European and American cities of the same period of time (Parker, Burgess and McKenzie, 1984; Hoyt, 1962). However, this remains a characteristic of transition cities (Misja and Misja, 2004;



Faja, 2008; Aliaj, 2008; Muçaj, 2015) and as we presented earlier it damages in many spatial, territorial and urban aspects of citizens' lives. In this sense, the polycentric urban model that introduces the PUR at the urban scale, will help in a demographic distribution in several centres of the same city.

Another characteristic of monocentric models of spatial structure is the hierarchy of cities. In the theoretical sense, city relations are often treated as hierarchical even in the Western world (Meijers, 2006; Davodi, 2003). The idea of city hierarchy according to the importance they have, has dominated academic thought in the spatial organization of urban systems for many decades in the last century (Parr, 2004). However, over time the popularity of the 'central cities' theory declined and significantly increased the idea that hierarchy could not explain the patterns found in practice (Davoudi, 2003). From the early 1990s onwards, research and studies warn of the development of a new model of spatial organization, which is generally referred to as the "network model" (Meijers, 2006, 2007). According to Meijer in 2007 "This [network] model is essentially the opposite of the central cities model [city hierarchy], or in other words the hierarchical dimension of urban systems" (Meijers, 2007).

The most enduring feature of the urban structure of the Albanian territorial model has been the hierarchical development of cities in the spatial structure of the country (Misja and Misja, 2004). This urban phenomenon has been dominant since the beginning of the Albanian state and the most developed cities of that period were Shkodra for the northern part of the country and Korça for its south-eastern part (Konica 1993, pp. 63, 65). During the period between the two world wars, the main Albanian cities were Shkodra, Korça, Elbasan, Gjirokastra and Tirana (Faja and Alimehmeti, 1983; Misja and Misja, 2004). After the Second World War, cities such as Durrës, Tirana, Fieri, Vlora, Elbasan, rose in the hierarchy of the urban structure (Faja, 2003; Misja and Misja, 2004). The territorial model of transition, too, is totally based on a hierarchical structure and the main weight is borne by Tirana which is the only 'big' city, while Durrës is a 'medium' city and Elbasan, Shkodra and Vlora are considered as 'small cities' (INSTAT, 2014, RU, p. 43). Meijers in 2007 would point out that "The importance of a city is no longer determined [in the PUR model] by its population and the area of territory it covers, but by the position of the city in the world or European network of cities" (Meijers, 2007), and this fact would bring innovation for the Albania of the future that aspires to the physical integration of its inhabited centers in the European and world network of cities.

Another dimension where the demographic concentration of today's Albania is expressed is the concentration of cities in the central region of the country, and specifically in the Greater Tirana-Durrës Region. Assessed according to EU standards and methodology, in terms of urban-rural division, the urban structure

of the country consists of only ten cities (INSTAT, 2014, RU, pp. 33-37), although according to the territorial divisions the administrative-territorial structure of Albania consists of from 61 municipalities (QBZ, 2018). Eight of these ten cities that Albania has belong to the Greater Region Tirana-Durrës and the Small Region Fier-Vlora, which are its 'concentrating' components. Only the Greater Tirana-Durrës Region includes seven of the Albanian cities, while only the region of Tirana, as the most urbanized element of this region, includes six cities out of ten that Albania has, which is in line with the hypothesis of the territorial model of transition. A demographic deconcentration in the national dimension, throughout the process of implementing the European model of PUR, would improve this standard as well.

As Davoudi would introduce in 2003, one of the most important features of the PUR model is the balancing of the spatial extent of residential and population centres across national territory (Davoudi, 2003). Davoudi in 2003 would introduce that "the focus of studies on polycentrism [at various scales: from city level to regional and national level] is set in explaining trends in decentralization" (Davoudi, 2003, p. 984). Davoudi and other authors (Kloosterman and Musterd, 2001; Parr, 2004; Meijers, 2006, 2007) talk about a broad set of decentralizations, including political ones, but in this paper we are only talking about decentralization or the distribution of inhabited centres and demographics across the national territory.

One of the basic characteristics of the 'network model', or PUR, is that cities in the same region have complementary relations. Meijers in 2007, while presenting his assessment of the PUR would underline that "it refers to the situation in which different cities [of the same region] perform different roles and are mutually beneficial" (Meijers, 2007, p. 121). He would also point out that "Cities in the network do not duplicate each other, but explore challenges to complement each other and coordinate the division of labor" (Meijers, 2007, p. 5). Thus, different centres of a polycentric city, different cities of the same PUR, and PURs of the same state, do not function 'as clones' of each other competing in the same fields or economic sectors (Meijers, 2005, 2006, 2007). In short, there are two characteristics of economic poles, of an urban or territorial entity depending on the degree, and they are: complementarity and specialization.

Such a concern is widely observed in Albanian cities where the economy generally relies on the same economic sectors, and especially on retail trade in goods and services (Civici, 2013; Fuga, 2004, 2019; Duma, 2014). Undertaking a process for the implementation of the polycentric model of different scales would bring about the change of this harmful situation for the economic development of cities and the whole country. This feature helps a lot the cities of the same Polycentric Urban Region and the Polycentric Urban Regions that will shape the territorial

Albania of the future not to compete with each other by harming themselves. They will specialize according to the natural and cultural characteristics of each city, to create a functional and complementary unity between the cities of each region and between the regions of the whole country. The specialization of urban economies is another basic feature of the network model or polycentric developments of different spatial scales (Meijers, 2007; Davoudi, 2003).

Both of these features of the network model: complementarity and specialization, working together produce synergies for residential centres, regardless of their urban and territorial scale (Kloosterman and Musterd, 2001; Meijers, 2005). Meijers in 2005 would find that complementarity is a phenomenon that should be positively assessed and when two or more cities ‘complement’ each other, then the citizens and enterprises of one city can benefit from the various functions offered by another city in the same region (Meijers, 2005). According to him, the developed economy and the prosperity achieved as a result of this synergy is much greater than the multiplier of the economic development of all residential centres taken together. As Meijers would point out in 2007 “In this way, companies, citizens and tourists can choose from a larger, more specialized and diverse collection of urban functions” (Meijers, 2007).

The last argument, but no less important is the process of Albania’s integration into the European Union. EU integration is an aspirant of the Albanian people who was introduced in the days of student protests against the communist regime (Biberaj, 2000; Gjura, 2012; Meksi, 2015), with the slogans ‘We love Albania like all of Europe’. For more than three decades, Albania has been aiming to complete the stages of EU integration, and this requires that many of its policies and strategies be anticipated and preceded by the principles and approaches of this large family (Krasniqi, 2009, p. 235; Duma, 2014; Çili, 2013). Strategies and policies related to the territory and its administration should also go in the general context (Aliaj, 2008). In short, while there are so many other benefits, the fact that this is a territorial model widely developed in European Union countries, and seen by its policies as a model to be reinforced; adds the reasons why Albania should be considered as the ‘Ideal Type’ model of spatial, territorial and urban developments of the future.

## Conclusions and recommendations

Strong migratory movements have accompanied the Albanian transition and have played a very important role in shaping the urban, territorial and spatial structure of the country. External migration has significantly reduced the overall level of the resident population of Albania, and has influenced, together with other factors,

in reduction of the growth rates of population. Internal migration is generally expressed in two directions: from a northern and southern region to the central regions, and especially Tirana and Durrës; and from a rural area towards urban areas of the same region. It has served as the main “actor” for the formation of today’s demographic-territorial model, which is presented as a dichotomy between its two forming components: “concentrating” and “abandoned”. The “concentrating” component consists of the Tirana-Durrës region, where the current municipality of Tirana includes six of the ten cities in the country (defined according to the EU standard), and about 30% of the total national population. This model, which in this paper we have called the model of concentration-abandonment of the territory by the population, damages many aspects of national welfare and development.

Albania of three decades of transition towards liberal democracy and free market, while traveling towards European integration, must have a different approach to spatial and territorial developments. With the aim of many potential benefits, in many sectors of citizen welfare and national development, Albania must embrace a political approach aimed at developing a new demographic-territorial model. The model of Polycentric Urban Regions is a very favourable European model for the Albania of the future. This model has been successful in the practice of European and Western countries, and is seen by the technical expertise and political elite of the EU as the best model to be followed by its member countries.

The European territorial model of the PUR essentially has the territorial concept of “polycentrism” at different urban and territorial levels: local level developments (polycentric city); regional developments (regions with several polycentric urban centres); and national level (several polycentric regions within the same state). This basic feature of the PUR model combats the most damaging feature of the territorial model of concentration-abandonment, which is the concentration at all urban and territorial scales. The European model of PURs also combats two other features of the territorial model of the Albanian transition: the hierarchical structure of cities; and their development according to the same model. The PUR, first, balances the hierarchical placement of cities in the spatial structure of the country, producing similar cities in territorial and demographic dimension, but different in economic dimension. This comes, first of all, as a result of complementary relations between the network cities (PUR model), or relations where city developments complement each other, mitigating and neutralizing the harmful competition between them. And secondly, as a result of the development of cities based on their different natural and cultural specifics, which is also a consequence of the PUR model. In the PUR model, the economy and development of cities - which are no longer in a hierarchical scheme where all cities “work” in the service of one or two other cities, but in networks of mutual interaction - produces a national development synergy. This is what the national

structure of Albanian cities need, because the synergistic economy is much larger than the sum of the economies of cities outside the PUR model.

There are two recommendations presented in this paper. The first addresses the expertise and researchers in the fields that affect the territorial and economic developments, who should further deepen this very broad topic and little addressed in Albania. Among many others, two can be the main contributions to this topic: first to deepen the theoretical knowledge on RPUs as a theoretical and practical model in developed western countries; and secondly, to study the governance policies that need to be undertaken in order to turn this model of the Ideal Type for Albania into a practical model of the future. Both of these present the limitations of this paper. First, it is a necessity to conduct further studies on RPUs and the values of this demographic-territorial model, to understand the benefits of undertaking initiatives and efforts to implement in Albania. Including here as well, the fact that it is possible in practice, to realize and implement this theoretical goal. The second need for further studies presents the most important limitations of this paper. It lacks concrete proposals on public policies to be pursued for its implementation. As it is understandable, in the Albania of liberal democracy and market economy, it is impossible in many dimensions of economic and political rights of citizens to aim for a demographic deconcentration through coercive or enforced means.

The second recommendation is addressed, first to the political parties and further to the governments and legislators to consider, evaluate, weigh politically our proposal, and incorporate it in their political approaches. At the same time to find concrete opportunities to finance more in-depth studies on this very complex but also promising subject.

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- parties. This participation of other persons is called intervention. An intervention by a third person complicates the process, or may harm the interests of one or the other party, or even both. This intervention is allowed only when there is a legitimate interest, claim of ownership, that the object of the lawsuit belongs to him, that there is a legitimate interest in favor of one or the other party, that his interest is direct that the trial ends in favor of one or the other party.