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The Main Stages of the Russian Expansion on Azerbaijan at the XVIII and Beginning of the XIX Centuries

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Abstract During practically its entire history Azerbaijan was objective involved in processes geopolitical and, foremost military and political expansion. In this article we consider the main stages of the military expansion of Russian empire in northern Azerbaijan during of the XVIII and beginning of the XIX centuries. It was in the XVIII century military-political situation on South Caucasus characterized by strengthening of activity in the region of three regional powers - Russia (only starts to gain positions in the region), as well as Iran and the Ottoman Empires (more and more losing its positions). Thus, the main focus of Russia's imperial policy in the Caucasus at the XVIII and beginning of the XIX centuries was to create a «buffer» zone, with a view to establishing a military base for opposition to the dominant in the region neighboring states: Ottoman Empire and Qajar Iran. As a result, the main victim of policies carried out by Russia in the Caucasus was, of course, the people of Azerbaijan, which lost part of their historic lands.

During practically its entire history of the Azerbaijan was objective involved in processes geopolitical and, foremost military and political expansion. Throughout history the control of Azerbaijan located on the crossroads of Europe and Asia, had been indispensable for the powers that surrounded it. In this article considered the main stages of the military expansion of Russian empire on South Caucasus during of the XVIII and beginning of the XIX centuries.

From the XVI century South Caucasus was incorporated into the Safavi state. Azerbaijan in Safavi administrative system represented as a single territorial integrity and is administratively divided into 4 beglarbegi: Shirvan centered Shemakha, Garabakh, with the center in Ganja, Azerbaijan with the center of Tabriz, Chukhursaad centered in Irevan. (Tadhkirat al-Muluk, p.100-102; Rakhmani, p.87-89) Because of unity and a significant preponderance of the Azerbaijani Turkish ethnic element within these administrative-territorial units the north-western part of the Safavi Empire named as Azerbaijan. Therefore, in the Safavi Empire, these 4 beglarbegi existed under the general name province of Azerbaijan. A striking proof of this can be modified by Nadir Shah in 1736, the administrative system of north-western part of his empire unit into a single administrative-territorial under the name of Azerbaijan. In the mid of the XVIII century, with the weakening of the Afshar’s power over the territory of Azerbaijan, the country disintegrated into some 20 khanates. (Atkin, (1980), p.11) Most of them were virtually independent, although the southern khanates still maintained tenuous links to the ruling dynasty of Iran.

It was in the XVIII century military-political situation on South Caucasus characterized by strengthening of activity in the region of three regional powers - Russia (only starts to gain positions in the region), as well as Iran and the Ottoman Empires (more and more losing its positions).

The first stage (1721-1724) the beginning Russian aggression in the South Caucasus, it is assumed as the so named Caspian campaign of Peter I. The collapse of authority in the Safavi state (in the beginning of the XVIII century), became the signal for the aggression of neighboring empires. After eight months besieged, on October 23, Isfahan (the capital of Safavi State) was capitulated and the Shah abdicated, and three days later the Afghan conqueror Mahmud ascended the throne of Safavi. For several decades Safavi prince, who escaped a massacre of their family perpetrated at Isfahan by Mahmud, continued to figure in political life. After father’s abdication shah’s third son Tahmasp to let himself proclaimed shah at Qazvin on November 17, 1722. (Savory, p.250)

In the result formed “some kind vacuum” in South Caucasus, which was used by Russia and Ottoman Empire, its tried to outstrip one another in striving to fill springing up “vacuum”. (Braun, p.199.) Thereby, as said Braun: “this collapse of authority in Iran was a signal for aggression by neighboring empires.” The first military move, however came from a power which hadn’t previously appeared around Iran’s enemies, namely Russia. (Braun, p.199) The result of this Russia military aggression was a considerable territorial acquisition of Russia in the Caspian region.

Tacking advantage of Safavi weakness Russia and Ottoman Empires made active their policy in this region. In 1721 two events occurred which greatly facilitated the carrying out of Peter I’s Caspian projects. In the first place the peace negotiations with Sweden reached a successful conclusion on 10 September (it is believed that Peter gave orders for these negotiations to be speeded up in order that he could put his Caspian plan before the Afghans or the Turks could forestall him). (Butkov, p.9) Secondly, during some collisions of 1721 in the town of Shamakha with the rebels had lootet
the shops of the Russian merchants there, thus giving Peter a pretext for his invasion. The other important reason was the growing interest shown by Ottomans in Safavi affairs and as soon as news of Mahmud’s invasion of Isfahan caused him to put his plan execution in 1722.

In July 1722, Peter marched with more than 100,000 Russian soldiers for the Caspian coast near the northeastern of the Caucasus. The expedition’s most significant achievement was the capture of the city of Derbend in September 1722. (Ashurbeyli, p. 209) Peter still wanted to acquire more territory along the coast and much inland into South Caucasus. However, a critical shortage of supplier, widespread illness (which accounted for most of the campaign’s 33 deaths) and the desire to avoid a direct confrontation with the Ottomans (who were also moving into Safavi territory) persuaded him to reduce the scale of his operations. (Babieiev, p. 109) Two weeks after the surrender of Derbend, he returned to Russia leaving behind only a small garrison. This marked the end of the first stage of the Russian campaign, although the Russian army took the other important cities of Baku and Gilan in the next few months.

When we examine the results of this campaign we see that its results fell short of Peter’s expectations. He had it is true, made a remarkable show of naval strength on the Caspian Sea and more important still, he had occupied the highly important South Caucasus towns of Derbend and Baku before the Turks could get there.

The final stage of Peter’s involvement in South Caucasus was treaty with shah Tahmasp II, a son of late Safavi shah on 1723. (Markova, p. 29) The Russia-Iranian treaty was invalidated by Tahmasp’s refusal to make the extensive concessions desired by Peter. This fact was conveniently overlooked by the Russian authorities. The province that so engaged Tahmasp called for the cession to Russia of the western and southern Caspian cost (over which he had control at that time). The bold advance of Russia in South Caucasus brought the more problem. Russia and Ottomans talked about settling their differences peacefully but prepared for war. Under the circumstances Ottomans decided that it would be easier to prevent further advance by Russia into land by invading that country itself. Already in the summer of 1723, after the arrival of Russian force, the Sultan had sent an Ottoman governor to Shirvan. To counteract the Russian move, Turkey declaration of war on Tahmasp and by subsequent to invasion of Georgia in South Caucasus and some west provinces of Iran. The Russo-Turkish tension reached a new height and threatened war. Motivated by its desire to keep Ottomans strong against Austria, France mediated and succeeded in averting a war. More important, the French conciliatory efforts produced an agreement between Russia and Turkey in regard to their conflicting interest in Iran and South Caucasus. By the agreement (signed in 1724), Russia and Ottoman empires decided to partition Safavi land. (Braun, p. 200) Ottomans was to obtain in addition to the territories already conquered (Kartli and Kakheti), Irevan, Ganja and Nakhchivian, plus large areas in south Azerbaijan such as Tabriz, Marand and Urmia. In return for this territorial gains Turkey withdrew its previous objection to the cession of territories as contemplated by Russia’s agreement with Tahmasp.

Russo-Ottoman treaty of 1724 was unfair and frankly aggressive. Both Russia and Turkey had enforced their claims by armed might on a distracted and particularly defenseless country (Safavi empire), much of which was already in the hands of a cruel usurper. The treaty was in fact, an iniquities one, and it may be regarded as the forerunner of equally wrongful partitions of Poland in the latter part of the eighteenth century. Also in the result of these invasion in South Caucasus its territory become in field of fight and Iran authority in these region declined next 14 years.

After the death of Peter I (1727) Russian interest in Iran waned, while Tahmasp and his able general, Nadir Shah began to reconquer the lost provinces. Finally Tsaristina Anna agreed by the treaties of Rasht (1732) and Ganja (1735) (Lockhart, 1938, p. 58, 86) to withdraw all Russian forces stationed in the former Safavi provinces South Caucasus.

Nadir having expelled the Afghans from Safavi empire began his military campaign against Ottomans in 1730 with the objective of recovering former provinces, especially in South Caucasus. (Azerbaiyanc tarixi, v. III, p. 349) In the resumed fighting with the Ottomans, which took place mainly in South Caucasus, Nadir won important victories and Ottomans in 1736 accepted terms for an armistice similar to those agreed at Zohab in 1639. (Lockhart, 1938, p. 107)

Thereby during first half of the XVIII century, South Caucasus became arena of fight between Iran, Turkey and Russia. Antisafavi revolts, Russia and Turkey invasion and reconquer of Nadir brought much suffered to all inhabitants of these lands. In the second half of the XVIII century this region were subdivided into several principalities (Khanates). It were Georgia (Kartli and Kakheti kingdom) with its capital at Tiflis, under the ruler Iraci II; and all the rest of the South Caucasus khanates were Azerbaijan and under Azerbaijani rulers, moreover this khanates occupied a large area with a larger total population than Georgia. Russia in the era of Catherine of the Great (1762-1796) activated its expanded politics of expansion in South Caucasus. Of the all areas of Russia expansion during Catherine’s involvement in South Caucasus was a traditional strategic one-the strengthening of Russia military position against the Ottoman Empire and uses of the South Caucasus as a commercial center for expanded trade with Asia. Moreover the Russian’s concern over the well being of their fellow Christian (Georgians and Armenians) in the South Caucasus played an important role in shaping policy toward that region. Russia had planned united Georgia lands into one state, and creation of an Armenian
state (which hadn’t own state in last four centuries) on the base of Azerbaijan-Muslim lands. These two large Christian vassal states would act as a buffer against their Muslim neighbors, and would help Russia extend its influence in South Caucasus.

Therefore at the end of XVIII century Georgia became the central focus of the Russia expansion in the region. For local rulers this period represented the continuation of long-established rivalries in which each participant strove to increase his strength often in alliance with another local rulers or interested larger states. (Atkin, (1979), p.79-80) So Russia compelled Georgia to obtain her protection and the treaty of Georgievsk was signed in 1783 (Avalov, p.51; Dubrovin, p.11; Lang, p.37), which made Georgia a Russia protectorate.

The second stage (1762-1796) the period of activation of Russian policy in the Caucasus related to the reign of Catherine II and the realization of her and Prince Potemkin (who supervising Eastern policy of Russia), plans of the final strengthening on Caucasus. It is from this time, Russian government sought to use the region directly for the military action. The South Caucasus had become, under the plans of Potemkin military and political base of Russia in the region. In reply to the attack of Agha Mohammad Khan Qajar in Georgia and some Azerbaijani khanates of South Caucasus (1795), Catherine II, in April 1796, sent General Gudovich with troops in Georgia, and General V. Zubov was ordered to march in the same direction on the shore of the Caspian Sea. The result of the Caucasus policy of Catherine II was a sharp of weakening positions of Qajar Iran and Ottoman Empire, formally destroying their claims to eastern Georgia.

The initial motive for Catherine involvement in South Caucasus in the second half of the XVIII century was a traditional strategic first the strengthening of Russian’s military position against the Ottoman Empire. In the early 1770s, during Catherine’s first war with Ottomans, the Russian army used Georgia as a base of operations for attacks on Turkish strongholds in the western Caucasus. (Atkin, (1980), p.25) Thereby Russia interest focused mostly on the use of South Caucasus as a base at operations against the Ottoman Empire and as a commercial center for expanded trade with Asia.

The 1796 expedition under the general Zubov (Ramazani, p.44) had two purposes: to establish Russian suzerainty throughout the eastern Caucasus and to overthrow Aga Mohammed. The campaign was incompetently planned and even more incompetently executed. Russian troops met with a host of difficulties but not were campaigning hundreds of miles away in Khorosan that year. The troops were called the day after Catherine’s death on November 17, 1796 and were out of the region before Aga Muhammed returned the following year.

The brief Russian presence in the South Caucasus during 1796-1797 did more to alienate local Azerbaijan rulers than to win their support. (Atkin, (1980), p.85) The actions of Russian entourage lent credence of anti-Muslim and anti-Azerbaijan hostility. Basically, all the Azerbaijan khanates would have preferred not to submit to any outside power. The foreign policy of Khanates was to play one powerful neighbors off against another. They feared the Qajars, as much as the Russians. Thus a khan might side with Russia if a Qajars treats seemed more pressing or the reverse if Russia seemed bent on controlling Khan’s affairs. For some khan, this strategy degenerated into a frantic struggle to appease both sides. Thereby victims of this struggle were peoples of South Caucasus which trying to found some balance between to unreality of keeping independence and needless fight again powerful neighbors states.

Thereby at the end of XVIII and first half of XIX centuries Qajar supreme in this region ended and all region going over Russia protection. However the struggle for supremacy in South Caucasus continued at the beginning of XIX century. The active power in this region was Russia, because Qajar and Ottomans at that time were decline.

The third stage (1801-1804) it is the beginning of open war expansion of the Russian empire in the region. Resistance to Russian occupation was only by the local mainly Muslim- Azerbaijani population, none of the neighboring states decided openly to declare war of Russia to stop its aggression at a region. At the beginning of 1801, it was declared the inclusion , the Kartli-Kakheti kingdom to the Russian Empire, Megrelia was incorporated in 1803, the next year western Georgia (Imeretia), in 1804, were also annexed Ganja khanate and Jara-Belokan area.

The South Caucasus and mostly Azerbaijan were the main arenas of Russia-Iranian war campaigns (1804-1813 and 1826-28). Iran considered many of the northern Azerbaijan khanates and also the Kartle-Kakheti (Eastern Georgia) Christian Kingdom as its traditional domain and did not want to accept the Russian Empire to replace Qajar Iran. Russia Empire had its own vision of the strategic and economic benefits to be derived from controlling the area. Mainstream of Russian imperial politics focused mostly on uses of the South Caucasus as the base of operations against neighbor Muslim states, and as commercial center for expansion trade with Asia.

So the fourth stage began with declared the first Russian-Iranian (1804-1813). In 1805 Russia occupied - Garabagh, Shirvan and Sheki khanates, in 1806 - Derbend, Quba, Baku, Lankaran khanates. In 1810 was occupied Abkhazia. The first Russian-Iranian War was completed with the conclusion of Gulistan treaty in 1813. (Sobraniye dokumentov, p.72-73.) Thus, in a short period of time - the first decade of the XIX century - the Russian Empire annexed South Caucasus’s entire territory, with the exception of Ahaltsyh pashalik and some districts of Black Sea areas, being in the hands of Ottomans, and Irevan and Nakhchivane khanates, still remain under the power of Qajar Iran.
Fifth stage (1826-1828) second Russian-Iranian war was declared. The treaty of Gulistan had left a number of vague points in terms of territorial division of the Caucasus; both sides were dissatisfied with the status quo and negotiations did not solve the problem; leading ulama and top government officials pressured the shah for holy war (jihad) against the Russians; Iran opened the new round of hostility in 1826 and was decisively defeated. In 1827, Russian troops occupied Irevan and Nakhchivan khanate. According to the terms of the treaty of Turkamanchay (1828), the Khanates of Irevan and Nakhichevan (i.e., Northern Azerbaijan) passed to Russia.

According to the Gulistan (1813) and Turkmanchay Treaties (1828) Qajar Iran finally gave up South Caucasus in favor of the Russian Empire. All war campaigns (1804-1813 and 1826-28) carried out in South Caucasus ended dramatically for its people, especially Azerbaijanis. Thus, Azerbaijan lands were division along the Araz river, which separates the two parts as a political boundary to this day. The land north of the Araz river is now the Republic of Azerbaijan, and the land south of the Araz is referred to as Iranian Azerbaijan and is under the administration of the Islamic Republic of Iran.

Sixth stage (1828-1829) of successful completion of the war with Qajar Iran allowed to Nikolay I start a war against the Ottoman Empire (1828-1829), not to recognize the inclusion of South Caucasus lands to Russia. Despite the fact that the major fighting occurred in the Balkan theater of war, the Caucasus issue also played important role. Under the terms of a peace treaty of Adrianopol (1829), the entire Caucasus, Black Sea coast from the mouth of the Kuban to the post of St. Nicholas (near Poti) finally passed to Russia. Ottomans recognized the inclusion of South Caucasus lands to Russia in accordance with Gulistan and Turkamanchay treaties. So formally and actually complete approved Russia in the Caucasus.

Seventh, the final stage was the creation by the Russian empire on the lands of Azerbaijan (Nakhchivan and Irevan khanates) new Armenian oblast (district) (March, 1828) (AKAK, v.VII, №437, p.487), a month after the conclusion of Turkamanchay treaty. The policy of the Russian empire was that, based on the Christian population (Armenians and Georgians), to oust the Muslim (Azerbaijanis), regarding them as unreliable element, considering that the creation of a new Christian state on South Caucasus will help to its strengthen in region.

Thus, the main focus of Russia’s imperial policy in the Caucasus at the XVIII and beginning of the XIX centuries was to create a “buffer” zone, with a view to establishing a military base for opposition to the dominant in the region neighboring states: Ottoman Empire and Qajar Iran. As a result, the main victim of policies carried out by Russia in the Caucasus was, of course, the people of Azerbaijan, which lost part of their historic lands.

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How to Make a Constitution? Current Developments and Debates in Turkey

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Abstract: It is common wisdom that Turkey, with its divided society, has a long but troubled history with democracy. Especially with respect to the last three decades, one should remember the making and functioning of the current constitution. Since its adoption in 1982, current constitution of Turkey has been a target of condemnations, since it had been a fruit of a military coup d’état. Falling short of the current international standards of democracy and rule of law, this Constitution has undergone seventeen amendments. A considerable number of liberalization and democratization packages to the constitution were made during the last eight years of Justice and Development Party (Adalet ve Kalkınma Partisi: AKP). With the electoral victory of the AKP on 12 June 2011, the process of the resolution for Turkey’s chronic “constitutional problem” took a new pace. As its third term has started, the AKP stated that Turkey needed an entirely new constitution and this would be done in a constitution making process, where all segments of the political spectrum would be represented. This presentation aims to explore the question of constitution making considering the most recent developments and debates surrounding the present Constitution of Turkey. For this, we will first consider the question of constitution making in terms of constitutional law, as well as political science. Then we will go on to explore the major legal and political problems in this framework.

Introduction

It is common wisdom that Turkey, with its divided society, has a long but troubled history with democracy. Especially with respect to the last three decades, one should remember the making and functioning of the current constitution. Since its adoption in 1982, current constitution of Turkey has been a target of condemnations because it had been an outcome of a military coup d’état. Falling short of the current international standards of democracy and rule of law, this Constitution has undergone sixteen amendments. A considerable number of liberalization and democratization packages to the constitution were made during the last eight years of Justice and Development Party (Adalet ve Kalkınma Partisi: AKP). With the electoral victory of AKP on 12 June 2011, the process of the resolution for Turkey’s chronic “constitutional problem” took a new pace. As its third term has started, AKP stated that Turkey needed an entirely new constitution and this would be done in a constitution making process, where all segments of the political spectrum would be represented.

This presentation aims to explore the question of constitution making considering the most recent developments and debates surrounding the present Constitution of Turkey. For this, we will first consider the question of constitution making in terms of constitutional law as well as political science. Then we will go on to explore the major legal and political problems in this framework.

1. Formal And Material Approaches to the Constitutions

Constitutions may be discussed from both material and formal sense. The discussions within the framework of material sense revolve around the issue of an ideal state design, where the rights and freedoms of the citizens are effectively protected and the state power is limited for this purpose. Formally, the question is: “how to make a constitution?” Modern political philosophy is unequivocal about it: the people should be included in the process and participation is an indispensable element in the democratic legitimacy of constitution making. The accounts on this principle are always associated with the doctrine of the consent of the governed and social contract. (Borgeaud, [1895] 1989); (Kalyvas, 2005); (Preuss, 2007) The method of involving the people may generate a further antithetical debate. The ones who defend a direct form of democracy assert the need for people’s participation in the process by means of the devices such as election of a constitutional convention and referendums. On the contrary the representative responsible elites’ approach tends to limit peoples’ presence only to the election of the representatives who will then prepare the final document. For them, constitution making is a highly technical concept, which should not be left to the ignorant hands of the ordinary people. (Butler & Ranney, 1994)

In law, the question of the legal evaluation of constituent power, the constitution making activity, is problematic and is a subject of an everlasting debate. The difficulty is about legal regulation of process of constitution making. As one commentator put it, “Studying constituent power from the juridical perspective presents an exceptional
difficulty...constituent power always remains alien to the law." (Negri, 1999) In terms of legal typology of the concept of constituent power, formalist French conceptions of “original constituent power” (pouvoir constituent originaire) (OCP) and “derived constituent power” (pouvoir constituent derive) (DCP) may be useful. The former entails the process of foundational constitutional transformations in times of revolutionary changes, such as revolutions, coup d'états and, wars. The latter refers to constitutional amendments made according to and in compliance with the procedural rules laid by the prevailing constitution. (Gözler, 1999)

From a material sense, we may list three controversial issues in Turkey as follows: 1. Secularity 2. The Kurdish issue 3. The role of the executive in the governmental system. These questions constitute the basic terms of the debate that the future constitution has to address in order to attain a high quality of democracy as underlined by the Western standards. They are also the origins of major ideological cleavages that bitterly divide the Turkish society, of which effective and consensual resolution may well contribute to a stable and robust democratic culture in the country. Yet, in this presentation I wish to focus on the form: most recent developments on the current constitution making process.

2. Brief Outline of Turkish Constitutional History

Current constitution of 1982, as well as the previous one of 1961, is not the fruit of a democratic process. Both of these constitutions were made following a military coup and the constituent power was exercised under the military rule. In both of the cases, the constituent assemblies were not chosen by the people but by the cooptation within the groups of diverse professions in the former, and by the election by the army in the latter. There were referendums in both cases. In fact, the importance of the referendum by which the 1961 Constitution was adopted was that it was the first national referendum that has ever been held in Turkey. Yet, it was flawed with democratic deficit since the Democratic Party (representing a considerable vote of the electors) was excluded from the campaign. On the other hand, the 1982 referendum was undoubtedly a farce: all the political parties were banned from the campaign, the propaganda against the draft constitution was explicitly prohibited and the secrecy of the vote was not respected.

The 1982 Constitution of Turkey has been amended sixteen times since its adoption. The most recent amendment was made through the referendum on September 12, 2010. This was the most comprehensive one among other amendments made during the AKP government and almost half of the 1982 Constitution was amended. Despite the comprehensive amendments made so far, many constitutional institutions fall short of a proper satisfaction of the needs and expectations of the society. Moreover, an entirely new constitution is needed to completely remove the traces of the 12 September 1982 coup d’état from our constitutional system in both symbolic and real terms. (Gönenç, 2011c)

3. Amendment Procedure of the Constitution as Stipulated by the 1982 Constitution

The Article 175 of the 1982 Constitution regulates the process of constitutional amendment. In this framework, a constitutional amendment project should first be proposed by at least one-third of the total number of members of the Turkish Grand National Assembly. (184 over 550)

If the amendment proposal receives a number of votes between a three-fifths and two-thirds majority of the total number of the assembly (this equals to a number of votes between 330 and 366), the President decides: either he sends the proposal back to the Assembly for it to reach a number of votes more than 366 (at least 367), or he submits the project to the referendum. If in the second consideration of the amendment, the votes cannot reach the number of 367, the project should then be submitted to the referendum.

If the amendment proposal receives the minimum number of 367 votes, either in the first consideration or in the second one, the President may still submit the amendment proposal to the referendum. If in any case, the project is submitted to the referendum, there is no quorum requirement or an enhanced majority for the adoption of the amendment.

Thus we may conclude that according to this procedural framework; the decisive actors in the constitutional amendments may be the parliamentary majority of at least 330 deputies, the President and the people.

4. The Issue of the Making of a New Constitution and Current Developments

After the general election of 12 June 2011, there are now four major political parties in the Turkish Grand National Assembly (TGNA): 1. The government party AKP (Adalet ve Kalkınma Partisi- Justice and Development Party), 2. The major opposition party CHP (Cumhuriyet Halk Partisi-Republican People’s Party) 3. MHP (Milliyetiçi Hareket Partisi-Nationalist Action Party), 4. BDP (Barış ve Demokrasi Partisi-Peace and Democracy Party)
In the run up to the election, all of these major political parties acknowledged the need for a participatory constitution making process and admitted that the new constitution should be a genuine social contract. Nevertheless, none of them offered a clear procedural model. (Gönenç, 2011b)

AKP denounced the making of the 1982 Constitution by mentioning its post-coup d’état nature. In its election manifesto it was stated: “Turkey may no longer live under a constitution that was imposed to the society by a military coup” The same document also said, that procedural framework of the current Constitution (Art. 175) for the constitutional amendment would be legitimately used for the constitution making. It was clearly stated that in the forthcoming elections the electorate would vote for the new Assembly, which would (also) be in charge of making the new constitution. Finally, the elements of “discussion”, “participation” and “consensus” were identified to be the sine qua non of making of the new constitution. (AK Parti, 2011)

As to the other parties; while MHP was completely silent on the issue, BDP said it would not limit itself to the parliamentary debates but would cooperate with the public. CHP said that an assembly formed by a 10 % threshold (which is the current electoral threshold in Turkey according to the Law on Elections. No 298 Date: 26.4.1961) would not be representative and legitimate agent to make the future constitution. (Gönenç, 2011b)

After the election, it became obvious that new constitution would be made within the framework of the Article 175. Post-election statements of AKP made it clear that the making of the new constitution would be realized within the newly formed TGNA. AKP won the election with a clear majority (almost 50 %) but the number of the deputies in the parliament is now 326, which falls short of the minimum number of votes (330) to change the constitution. It is thus apparent that AKP has to convince at least four deputies to reach that majority.

Post electoral statements of AKP lead us to conclude that it would include all segments of the society in the process of constitution making. For example, the Prime Minister Recep Tayyip Erdoğan said: “I am making this call to all opposition parties. Let’s put aside all the prejudice and pre-conditions, freely talk, discuss and make our proposals. Let’s work to complete each other and not to obstruct one another. Let’s make this constitution together.” (http://www.internethaber.com/iste-erdoganan-krizden-cikis-formulu 35561fh.htm#ixzz1qnY2TWWD. Retrieved: 15.03.2012)

The first step to this end was the convention of an expert panel formed by the constitutional law professors. The panel was convened on 19 September 2012 to discuss the various aspects of the future constitution both from material and procedural points of view. However, the convention remains inconclusive as to its role since, it was a one-time only meeting and it was purely consultative in nature.

Secondly, a Constitutional Conciliation Commission was formed in the TGNA. The Commission was formed ad hoc following an agreement between the governing party AKP and major opposition party CHP. Its task is defined to prepare the draft text of the Constitution and to steer the process. The Commission is formed by four major parties (AKP, CHP, BDP and MHP) the numbers of the members are equal: 3 members for each party. Thus both the formation and mandate of the Commission lead us to consider that the compromise is the chief basis of the current constitution making process. Same comment may be made for its working procedures. As to the quorum for example, all the above-said political parties should be represented by at least one member. Besides the by-law regulating the working procedures of the commission specified that all the decisions including the finalization of the draft text should be taken by unanimous vote. Finally in the same document, it is said that all the segments of the society should be consulted for the content of the future constitution. (https://yenianayasa.tbmm.gov.tr/calismaesaslar.aspx, retrieved: 15.03.2012)

In Lieu of Conclusion

By the observation of the developments so far, it may be well argued that the AKP government respects democratic principles in its process of constitution making. However, the uncertainty about the sustainability of this congenial approach still persists. First, the Article 175 that governs the constitution amendment process gives much of the strategic advantage to AKP, in the final decision. The governing party has to find only four deputies to reach the 330 votes and these need not be from CHP. The difficulty with AKP majority in the TGNA in terms of constitution making is the 10% threshold in the current electoral system. This is the basic reason of the overrepresentation of AKP in the assembly, and even if it may be acceptable for a daily politics of the country this serious flaw in the current electoral system renders the status of the current parliamentary majority in doubt as a legitimate agent for the constitution making.

One may mention the referendum, which may give the final word to the people and thus alleviate the above-said flaws. Yet, the legal framework of referendum is even more problematic. Indeed, there is no quorum or an enhanced majority for the approval of the final text. This leaves the door open for an organized minority to adopt a proposal, which
is not supported by the majority of the whole voters. Recalling that half of the voters have recently voted for AKP, the party would meet no difficulties to have its draft adopted in a referendum however contentious that draft may be.

Thus, we may safely conclude that AKP has opted for the Article 175 as the procedural model, rather than election of a constitutional convention, to control the final stage of the making of the new constitution. This generates serious doubts concerning the sincerity of the earlier statements and actions of the governing party as regards the participatory constitution making.

Bibliography


Legal Perspectives on the Intersections of Religion, Race and Gender – Problems and Solutions

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Abstract: The paper analyses the intersections of religion, race and gender from a legal perspective. Existing legal scholarship in this area has provided a number of accounts, reporting mainly from European jurisdictions, as well as from the jurisprudence of the European Court of Human Rights. The aim of this paper is to first explain how law has contributed to the exclusion of individuals linked to a specific religion, race and gender. Examples of religious discrimination claims highlight particular detriment experienced mostly, but not exclusively, by religious and ethnic minority women in the majority of jurisdictions. These instances reflect that religion is more often than not the main or sole focal point in court or legislation, whereas the deliberate or accidental effect on women and/or ethnic minorities is conveniently ignored. In its second part, the paper will then move on to elaborating potential solutions for such undesirable outcomes of law. The available legal solutions entail various advantages and disadvantages, however, a model of 'reasonable accommodation' will be proposed as the preferable answer at this point in time. Nevertheless, the paper also provides reasons for complementing legal solutions with non-enforceable measures, such as the facilitation of interfaith dialogue and the raising of awareness of equality and diversity.

1. Introduction

Broadly framed, individuals may bear separate or overlapping categories of difference from mainstream society, or from more empowered sections of society. These categories, such as, for instance, gender, race, religion, ability, class and sexual orientation, are constituting factors of personal identity on the one hand and factors subjected to societal power structures on the other hand. An imbalance of power relations in society can have severe detrimental effects on individuals who do not “fit” into the written and implicit rules prevalent in any community. Typically, the aspects of life that are affected by such rules are the provision of services, education and employment. Amongst the main aims of non-discrimination law are, therefore, social inclusion, equal opportunities, the protection of individual dignity and identity, depending on how one defines equality (Fredman, 2002: 15-23).

Categories of identity tend to appear in the area of human rights law, and when related to societal power structures, often within non-discrimination law. Most jurisdictions contain provisions protecting against religious discrimination. However, members of religious groups may, knowingly or unknowingly, sometimes also be subjected to additional, incidental forms of discrimination due to characteristics other than religion, they may necessarily or frequently share. For instance, religious adherents in one jurisdiction may predominantly share a similar racial background, or a religious requirement may only apply to male or female adherents of a religion. Such problems of multiple or intersectional discrimination grounds are not always appropriately addressed in law (Schiek & Lawson: 1-3) and pose specific difficulties that are described in the paper’s first section. In its second half, the paper then moves on to potential solutions that law may be able to offer in cases of intersectional discrimination. This paper will examine a particular case of the intersecting categories of religion, race and gender from a legal perspective. It strives to clarify the relationship between intersectionality and law, and subsequently attempts to offer some pathways towards alleviating this problem. Where used, the terms race and gender are understood to be social perceptions, rather than actual, biological constructs. In order to make the topic accessible across disciplines and borders, this paper attempts to deliver the relevant information in a non-technical language and from a general, European perspective, without focussing on one jurisdiction.

2. Legal Issues surrounding the Intersection of Religion, Race and Gender

Direct discrimination is commonly defined as less favourable actual, or potential treatment of one person compared to another, because of a personal factor that is safeguarded by non-discrimination law (Fredman, 2002: 93-95). Cases established on the basis of direct discrimination are unusual, since this form of behaviour is no more seen as acceptable in most environments and, therefore, cannot be justified unless there is a rare exception. Most case law, accordingly, surrounds the concept of indirect discrimination. This form of discrimination basically occurs, when a seemingly neutral rule, criterion, or practice places those sharing a characteristic at a disadvantage in contrast to others. Indirect
Intersectional discrimination occurs when a person experiences discrimination specifically because s/he bears more than one characteristic due to which s/he may have been discriminated against (Crenshaw, 1989: 145). From the potential victim’s perspective the severity of the interference may be increased, if more than one characteristic of their identity is detrimental (Schiek & Lawson, 2011: 2). Prominent incidents exemplifying intersectional discrimination are the debates surrounding Muslim women’s dress around many Western European jurisdictions. Prominently, since 2004 a French statute prohibits ostentatious religious dress in state schools. Similarly, Turkey and some German Länder do not permit their public servants visualisations of religious association. Muslim women who wear a headscarf are, in these cases, not discriminated against, because of being women only, since the prohibition does not affect women only and only a small percentage of women. Equally, they are not discriminated against, because they are Muslim as such, since mainstream Islam does not require its male adherents to cover their hair. Rather, the relevant individuals are affected based on being women and Muslim in conjunction.

In practice clearly more women have been affected by the rules in these jurisdictions than men. Nevertheless, it has been difficult to claim sex discrimination in such constellations due to claims that the rules are not aimed at discriminating against women, or because the claimant had not explicitly argued sex discrimination (McGoldrick, 2006: 263). Additionally, all these scenarios disproportionally affect members of ethnic minorities. In France, for instance, Christian crosses and Jewish skullcaps have explicitly been taken out of the 2004 legislation, leaving the ban applicable to headscarves, Buddhist robes and turbans only. Although there are converts or reverts to the relevant religions, even these are at times exposed to racial discrimination exactly because of the visible religious affiliation. Neither the deliberate or accidental effect on men or women respectively, nor on ethnic minorities has been acknowledged in case law or statutory law. Where a comparator is required by law, these intersectional cases are left out of full protection, perhaps also because neither a majority of the relevant sex, nor a majority of ethnic minority persons can be positioned in contrast to comparators. In the absence of alternatives, cases have to rely entirely on establishing religious discrimination. This type of discrimination is much easier justified than discrimination based on race or sex. Race and sex are so-called suspect categories in non-discrimination law, which means there is a high likelihood of these being irrelevant factors. It is hoped that at least the cases that fall under the competence of the European Union will receive a more comprehensive response before its Court of Justice, which more likely addresses issues of inherent sex and race discrimination (Loenen, 2009: 320-325). Until then the outcome is particularly problematic, because both women and ethnic minorities tend to be at a disadvantage in most societies. Exclusion is, hence, maintained and contributes to a cycle where the absence of debate on intersectionality and focus on religion in media and courtrooms may also lead to the potential victims not being aware of the importance of framing claims also in terms of sex and race discrimination.

3. Dealing with Intersectional Discrimination Scenarios – Potential Solutions

The previous section showed that, arguably, non-discrimination law does not always provide individuals at the intersection of categories, such as religion, race and gender, with appropriate protection, if it requires the claimant to provide a comparator, or does not acknowledge dimensions other than religion. There are a limited number of strategies, within law and non-enforceable measures that appear promising in order to improve safeguards. Amongst these options, law can respond to discrimination by introducing a duty of reasonable accommodation. Such a duty basically compels the authority in question to evaluate the manner and extent to which it can accommodate individuals’ needs, for instance, those of employees, or users of public services. Importantly, a duty to accommodate shifts the burden of proof in alleged discrimination cases to the authority or person accused. So far, a duty to accommodate only exists in relation to disabled persons in Britain, but unlike in a few other jurisdictions, for instance, Canada and the USA, not concerning other discrimination grounds. Such an extension of the duty to accommodate personal requirements would open the possibility for those alleging discrimination to determine which facets of their identity are affected by the interference under dispute. Thus, individuals so far excluded from legal protection due to an absent comparator would have enhanced chances to successfully pursue their claim. It appears there are mainly political hurdles to overcome, if such a duty was also to be
introduced to a wider spectrum of non-discrimination factors.

Accommodating individual needs is, nevertheless, not unproblematic and therefore subject to criticism. Regrettably and foremost, accommodation is by nature reactive and thus fails to consider discrimination before it occurs. Due to this technicality, structural conditions and underlying causes that facilitate inequality are not addressed effectively (McColgan, 2008: 27-28; Vickers, 2008: 221). It is also argued that accommodation as regards religion, specifically, could unduly favour the relevant individuals over others, who may have competing interests (Allen & Moon, 2000: 601; McColgan, 2008). A third set of critical points involves the detriment to the entity that holds the duty to accommodate. In particular, hardships may include financial and practical limitations, as well as negative reactions from other individuals (Vickers, 2008: 222). Despite these tangible problems associated with a duty to accommodate religious requirements, there are a number of advantages that appear to outweigh the points criticised. Firstly, the problem of reactiveness, rather than proactivity may partially be remedied by the accommodation duty being imposed for the first time on many public and private entities, thus creating a publicity tool and signalling to the public that accommodating individuals is not a favour but an expectation. Secondly, indeed, conflicts between rights are at times inevitable in accommodation scenarios, however, can be resolved by defining what is reasonable. In any case the same dilemma emerges when part of the justification for indirect discrimination involves the rights of others. Thirdly, the seemingly harsh requirement to accommodate can be, if necessary, moderated by applying a lower standard of justification than is required for indirect discrimination (Vickers, 2008: 224). As long as the accused person or entity can show an actual effort to accommodate and that the obstacles to accommodation are tangible, the duty will still provide considerable protection (Vickers, 2008: 222-223). Fourthly, and most relevant for this paper, a duty to accommodate as regards all discrimination grounds comprises an infinite range of personal requirements, thereby being widely inclusive, for example, also of religious practices that may be tied to a region or minority within a minority. In such cases religion, race and gender identity may more likely overlap in ways not commonly known. Finally, accommodation can be fundamentally useful in cases where distinctions between direct and indirect discrimination are blurred and may result in unnecessary disputes, for instance, over the meanings of religious symbols, instead of addressing the actual issues of disadvantaged and excluded religious groups (Hepple, 2011: 43). In parallel, where gender or sex discrimination is alleged, reasonable accommodation can avoid compartmentalising issues as male of female and thus prevents stereotyping. On the basis of these reflections, a duty to accommodate appears a predominantly advantageous legal option to tackle intersectional discrimination.

Another potential method to tackle intersectional discrimination by legal means is the explicit recognition of the problem in conjunction with the option of establishing a discrimination claim based on either characteristic. In the British Equality Act 2012, Section 14 would have accounted for dual discrimination, where discriminatory treatment occurs, due to a combination of two characteristics and this treatment is different to the one experienced by someone who does not share either factor. Under this provision, discrimination only needed to be shown regarding one characteristic. Section 14 has, however, not entered into force due to objection from the new government at the time. The same fate was faced by the so-called public sector duty, also introduced by the Equality Act 2010. This duty was aimed at reducing effects of socio-economic disadvantage by mainstreaming (in this context basically a strategy which strives for taking into account and embodying equality from the beginning, not in hindsight, when establishing policies, or making decisions), extinguishing discrimination and advancing equal opportunities, to even entertaining good relations between those who share a discrimination ground and those who do not. Since this would have applied to all functions of public authorities, it potentially had significant effect on advancing inclusion, also benefitting those at the intersection of discrimination grounds. In this regard, it would have been particularly interesting to see, how frequent and successful Section 14 and the public sector duty were to be invoked in court. The fact that the Conservative party government has prevented the entry into force of both above rules, reflects the political nature of the subject of non-discrimination and also the general difficulty to advance this area of law. Currently, such measures therefore appear to be ahead of their time.

Complementary, non-enforceable measures beyond law, can significantly contribute to construct a society that endorses non-discrimination more comprehensively in the first place. Educating society is a key factor in the battle against discrimination, given that stereotypes and corresponding prejudice are the root causes of discrimination (Tahzib: 29-34). There is a multitude of options available to convey the message of non-discrimination to the public. Fruitful advances are particularly thinkable through the means of interfaith dialogue, as well as general and targeted publicity and training in relation to equality and diversity. Limits to such measures are, necessarily, financial restraints and individual choice not to participate in any such activities or learning processes. Accordingly, education as regards non-discrimination ought to commence and be integrated at the earliest point in a person’s life, for instance, within the preschool and primary school curriculum. Early intervention and awareness, though not based on a full understanding, can still pave the way for a critical mindset. In view of the significance of an inclusive society, it is necessary to engage and coordinate legal and non-legal tools to combat all forms of discrimination. Thus, individuals would expectably also be
more sensitised to identify and understand intersectional discrimination.

4. Conclusions

Where discrimination affects individuals at the intersection of two or more characteristics, law has until now faced several obstacles in offering comprehensive protection. This paper illustrated this issue, using the example of cases where religion, race and gender typically overlap, but focus on religion only. The result is that already disadvantaged individuals may suffer further exclusion and marginalisation, accidentally, or under the cover, of an examination based on religious discrimination. Legal options to solve such a dilemma are limited, however, exploring the concept of reasonable accommodation appears to be a valid and promising choice at this point. This is particularly the case, because political obstacles to more effective responses are currently hard to overcome. Although reasonable accommodation is not a clear-cut solution to intersectional discrimination, its advantages are promising, especially if efforts are made to provide additional, coordinated activities, in particular interfaith dialogue, publicity and training in relation to equality and diversity.

References

Bailiff Office in Albania and Changes in the Form of Organization, Under the Administrative and Implementing Reforms in Law

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Abstract This paper identifies and addresses the important factors underlying of the bailiff office in Albania and changes in the form of organization, under the administrative and implementing reforms in law. The paper also introduces with the changes in national law, private or state organizational form. The Bailiff Section in Albania serves two key roles as part of the Judiciary. Both roles help to ensure that justice is fairly administered and carried to its proper conclusion. The Bailiffs and their assistants serve summonses and other important legal documents on parties as required by a Court or Tribunal, or as requested by a person who is a party to litigation, for example, a court or tribunal hearing which parties are required to attend clearly cannot proceed unless there is proof that the parties concerned have had the summonses to attend properly served on them in a manner specified by law. The judicial power is one of the important part of the legal state. As stated in the Albanian constitution, one basic principle is: equality and control between governments. Our paper research will analyze the justice reforms in Albania; will analyze bailiff organizational management (private or state form).

Keywords: Justice legislation, bailiff private and state services, changes in administrative services, bailiff law.

1. Introduction

The Bailiff Section in Albania plays an important role in promoting full compliance with Court and Albania judgments and orders, for example, if a judgment debtor who has been ordered to settle a debt, or a person who has been ordered to vacate premises, fails to do so, application can be made to the Bailiff Section to take the appropriate steps to try to recover the debt or deliver the premises to the applicant. A civil case relates to the legal rights and obligations between two or more persons or institutions. In the event that the parties concerned cannot resolve a dispute themselves, either party may start a civil litigation. This is done in order to seek an independent and impartial tribunal’s or court’s determination as to whether one’s legal rights and obligations are being infringed, and if so, to obtain appropriate compensation and remedy. Civil litigation should be distinguished from criminal litigation. The main difference is that civil litigation is normally undertaken by an individual to seek monetary compensation, to recover properties, or to enforce obligations, while the criminal litigation is instituted in the name of the Government (i.e. the Vlore region Special Administrative Region during 2009-2011 years) to suppress crime and to punish criminals.

2.1 Literature Review and Hypotheses

The Bailiffs office are appointed near the district Court and as such are required to conduct their duties of office in accordance with relevant legislation and court decisions of all process and execution of matters coming before them will be handled in an ethical manner in accordance with legal provisions and without favor to any party and in an impartial manner. Execution must be defined and supported by a clear legal framework that defines the powers, rights and responsibilities of the parties. Service and execution of all process will be attended without delay and fees charged will be only that which is allowed by law. Multiple attempts at service and execution will be made at no additional cost to the client, so as to effect service/execution or until it can be confirmed that the matter cannot be brought to conclusion. Only in this way will facilitate execution of court decisions and other judicial titles, becoming more efficient and with acceptable cost, benefits of legal decisions.

1. Process that requires service, after being filed and sealed by the Court of issue, should be forwarded to the Bailiffs Office (Albania Bailiffs Office). The person who has obtained a court decision or as it’s called the creditor, in order to materialize his right must in accordance with Article 515 of the Code of Civil Procedure, choose one of two services the public one or the private bailiff service, in addition the creditor shall provide a) Executive title (original or notarized and b)
execution order only in original also the payment of the fee issue in the execution, which will be returned to the person lodging documents and only where is appropriate, the person's attorney, who represents the creditor party 1] [2] [3] [4]

2.2 Bailiff office and services. Correct address of service

2.2.1 General functions and Administrative compatibility.

Ensure the address of service is correct and complete and if the action is hand written, all details are legible. Include with the process a note giving any information that may assist in the speedy location of the person to be served, such as: Directions to the address of service, if the address is known to be difficult to locate. Information, if known, as to when is the most likely time to find the Defendant at a given address. Any information that may assist the bailiff to locate the defendant without undue delay. Bailiffs often can not judicial decisions; because they have difficulty in obtaining information on the debtors' property may be seized. Need a complement to the legislation to establish a clear system for collecting information on the property of debtors. This system should then be applied. Further, it would be necessary to improve the postal system, so that once the bailiff to take the right information, to communicate by mail with the parties.

Time Frame to effect service of process

The Bailiffs Office, within the jurisdiction of any district court of first instance, makes the local level of organization and administrative subordination of the General Directorate. Bailiff offices are legal persons and comprised of the president's office, bailiffs, administrative and technical staff. Each bailiff office receives the necessary procedural steps for effective execution of executive titles. But the entry into force of the law no.10 031, date 11.12.2008 “For Private Bailiff Service” brought an important innovation in the field of execution of court decisions, that as a private bailiff performs the function in the whole territory of the Republic of Albania without limitation territorial powers by district court. Normally service is affected and the completed affidavit of service is returned to the Plaintiff within 15 working days. Bailiffs' service fees must be paid before execution of the decision began as a fundamental condition laid down by:

Article 515 of the Code of Civil Procedure “Putting in execution” (Amended by Law No. 10 052, dated 29.12.2008 Article 17)
the execution order is executed by the bailiff service, public or private, by a bailiff, at the request of the creditor.
The creditor, in addition to execution, must submit:

a) execution order (original);
b) payment of the fee issue in the execution;
c) where appropriate, the person's attorney, who represents the creditor party”. [A receipt for fees will be returned to the person lodging documents.

When not properly fulfilled the above documents for executing the order of execution, the bailiff leaves the applicant a 5-day deadline for filling the gaps. When the applicant does not meet these deficiencies within the prescribed period, the documents are returned to him. When shortcomings are avoided in due course, demand for executing considered registered by the date, is submitted to the bailiff. Putting in the execution of an enforcement order is made within 15 days from the date of submission of the creditor.

H 1. The Bailiffs Office organizes service of process covering all Court Districts within the greater surrounding areas.

The person who has obtained a court decision or as it's called the creditor, in order to materialize his right must be in accordance with: Article 515 of the Code of Civil Procedure, choose one of two services the public one or the private bailiff service, in addition the creditor shall provide a) Executive title (original or notarized and b) execution order only in original also the payment of the fee issued in the execution, which will be returned to the person lodging documents and only where is appropriate, the person's attorney, who represents the creditor party.

2.2.1 General functions and Administrative compatibility.

The Albanian Court obliges the institutions to pay reparations and money back to employees Bailiff Office and legal
institutions will need to make better accounts before dismissing their dependents. There are innumerable cases where employees wander through the doors of the courts to obtain redress unfair break from work and after he won the trial must wait for months until receiving the money. But there are some decisions of the Supreme Court that regulate this practice. The Court had to examine some typical case for which has come to the conclusion that the unreasonably long judicial issue in these cases as well as time of employees that have earned this right by a court decision is a violation of a right constitution. In most cases, the indemnity institutions drag their former employees on the grounds of limited funds. Based on this fact, the lack of funds can’t be used by institutions as an argument for profitable of the debt of employees if the court concluded that he was dismissed from work without the right.

2.3 Albanian justice and European Convention of Human Rights

State authorities can not cite lack of funds as an excuse for not respecting a financial obligation that comes from a court decision, cited in most of the arguments with which the Court justifies its decisions. The event that has set in motion the Constitutional Court dates back to the city of Albanian region. In spring 2008 a citizen of the Inspectorate dismissed the National Urban Construction district court addressed the claim that during her discharge violated procedures are provided in the Labor Code. Court decides in favor of former employee forces to indemnify him in five months’ salary and a bonus for seniority for a period of six months and a half. After receiving the execution order of execution of some office notes that they could not impose Urban Construction Inspectorate to pay the fine and issue bailiff’s office in Tirana.

[Albania Civil Code, USAID and MOJ, year 2010 pp 23, 24, 26]

Tab 1 Judicial proceeding under EC and HR, Albania report year 2008-2010

Set the excessive length of judicial proceedings in violation of the European Convention on Human Rights and the rejection of the argument of lack of funds to indemnify the employee is considered a support to hundreds of individuals who continue to wander through the doors of the courts, and a message clear to the judicial power to court proceedings concluded in time. According to the Albanian Court, the lack of money can’t be used as an argument by the institutions not to pay damages to workers unjustly dismissed from work. (For example: Review of the case has as starting point a judicial process in some Albanian offices where worker sue the institution for two years but with time could not obtain indemnity. The court had decided to pay indemnity to the employee for five violations of the provisions of Labor Code during its break from work. Unreasonably long judicial processes or the implementation of the decision of the court regarded as violation of right to a fair trial by prejudice to the Constitution EU calls on all political parties to urgently proceed with the appointment of a new People’s Advocate. Political stalemate should not prevent the adoption by the Parliament of the reforms and measures in the interests of Albania and its citizens - is quoted by the EU delegation in Tirana. Part of the application has also been taking

H2.EU stalemate is hampering the work of institutions for private and public bailiff sector.

The escalating political situation in the country which brings delay in undertaking important reforms to the country viewed with concern by representatives of the European Union Delegation in Albania. In a response of EU delegation notes the absence in the operation of some institutions because of the political stalemate. Among these institutions, the changed stated (public and private sector and its function) that because of the dispute is not doing its replacement with a new name.

The European Union is very concerned about the impact that has political stalemate in the functioning of the influences of institution. European Union calls on all political parties to urgently proceed with the appointment of a new People’s Advocate. Political stalemate should not prevent the adoption by the Parliament of the reforms and measures in the interests of Albania and its citizens - is quoted by the EU delegation in Tirana. Part of the application has also been taking
measures by the government to implement anti-discrimination law including financial and human support for protection forms.

Tab 2 The indicators of distribution cases by bailiff general office. [Series 3 is showing the advantages of private bailiff sector under EU suggestions.]

H 3 Improving Management and Performance in Albania, between private and public bailiff sector.

Court enforcement officers face inadequate incentives and oversight in performing their work. The System for Enforcing Agreements and Decisions (SEAD) Program supports the work of government, legislators, the courts, and the business community to introduce different incentives in the enforcement process, and to improve the management of courts and enforcement bailiff offices drawing on the experiences of Kosovo’s regional neighbors. The SEAD will work to support Albania’s efforts to find sensible, workable solutions to the problems of enforcing civil court judgments. [SEAD internet link, Albania year 2011, pp2]

3. Improving Information and Methods in the Collection Process

The procedural code and insufficient resources in the courts create problems in collecting court judgments. The Systems for Enforcing Agreements and Decisions (SEAD) Program will support the efforts of government and legislators to improve legislation; the ability of courts to gather information from other government agencies, from debtors, and from third parties; and to bring new vigor to court orders. The SEAD Program will also work to improve working methods within courts so that cases, orders, and information are better used. The Bailiffs Office, within the jurisdiction of any district court of first instance, makes the local level of organization and administrative subordination of the General Directorate. Bailiff offices are legal persons and comprised of the president's office, bailiffs, and administrative and technical staff. Each bailiff office receives the necessary procedural steps for effective execution of executive titles. But the entry into force of the law no.10 031, date 11.12.2008 “For Private Bailiff Service” brought an important innovation in the field of execution of court decisions, that as a private bailiff performs the function in the whole territory of the Republic of Albania without limitation territorial powers by district court. Normally service is affected and the completed affidavit of service is returned to the Plaintiff within 15 working days. Bailiffs’ service fees must be paid before execution of the decision began as a fundamental condition by:

Article 515 “Putting in execution [Amended by Law No. 10 052, dated 29.12.2008 Article 17]
The execution order is executed by the bailiff service, public or private, by a bailiff, at the request of the creditor. The creditor, in addition to execution, must submit:
  a) Executive title (original or notarized);
  b) execution order (original);
  c) payment of the fee issue in the execution;
  d) where appropriate, the person’s attorney, who represents the creditor party”. [A receipt for fees will be returned to the person lodging documents.

When not properly fulfilled the above documents for executing the order of execution, the bailiff leaves the applicant a 5-day deadline for filling the gaps. When the applicant does not meet these deficiencies within the prescribed period, the
documents returned to him. When shortcomings are avoided in due course, demand for executing considered registered by the date it is submitted to the bailiff. Putting in the execution of an enforcement order is made within 15 days from the date of submission of the creditor. [Amended Low No 10052, Article 17]

Tab 3 The distribution of executions of an enforcement order, year 2010, Albania Region

3.1 Institutional centralized and needs for decentralized in Albanian low bailiff service

Examples of decentralize the bailiff system and services conditions that may motivate democratic decentralization include: 1) increasing urbanization that local conditions more complex and less easily controlled from the center; 2) collapse of a centralized regime; c) lack of central resources to meet local needs; and concern over human rights and governmental accountability. Institutional Albanian forces, in the middle between local and central forces, are a critical entry point for policy change. Crises in institutional performance can serve as a valuable springboard for redefining institutional relationships and systems to support the democratic decentralization objective.

Examples of institutional forces, for example, include: 1) political will as manifested by a vision for change, leadership commitment, and the consensus of the bailiff offices in Albanian governed; 2) policies and actions that enable and facilitate innovation, especially at sub-national levels; 3) genuine autonomy at the local government level;

In some cases, decentralizing may not be possible in a democratic way. It may be necessary for a national leader, who might have been elected, to use undemocratic means to decentralize. It is not always possible to decentralize political structures in a totally democratic manner, particularly in the relatively short time within which donors provide resources and require results. In the cases where democratic practices may be created in an autocratic manner, the strategy of Another area for further work is to look empirically at the effectiveness of (1) various entry points, (2) narrow versus wider interventions, and (3) interventions in the upper half (decentralization) of Figure 3 versus the lower half (democratic local governance).

We want to emphasize here again, that in the report the above mentioned subcomponent has been assessed positively until the end of 2005. Despite the above, we want to stress that Public Administration Department, despite the reform in the Human Resource Management field, proposes, manages and implements two other very important fields of the reform in the public administration, such as: the reform in the remuneration field and the reform in the functional and structural review of the public administration institutions. We want to put emphasis on the fact that these two directions of the reform, are being brought forward by the Public Administration Department, as it was done before.

Tab 4 Structural Office. MO Justice, no. 166, date 02.11.2011

| Directorate General, Bailiff Council which consists of the Secretary-General of the Ministry of Justice, General Director of the Bailiff Service, Personnel Director, Chairman of the Bailiff's Office in Tirana, and an adviser to the Minister of Justice. Bailiff offices in each judicial district, which consists of: a) Head of office. b) Bailiff administrative roles c) staff support. Structure of the Directorate General and bailiff offices, their organizational determined by the Minister of Justice, upon proposal of the Director General. |

Conclusions and recommendation

Democratic bailiff local services in Albanian government, legitimacy with citizens, communities, and the organizations in
civil society that represent them, shared values and ethics that define the operating principles of how government relates to target systems are the middle three. In all of these scenarios, some initial steps have been taken toward democratic practices and there is interest in making the entire governance system more democratic. Different presenting conditions require different strategies. For example, expecting a country that is moving from authoritarian rule or that has recently and tentatively established a democratic political system to decentralize and to do so using democratic practices is expecting a lot.

Bailiff is created with a single goal that the execution of judicial decisions, executive and other judicial titles or not, this is also his mission. His organization was originally that a centralized body. Changes are in force of Law no. 10 031, dated 11.12.2008 "On the private bailiff service."

Change which was also reflected in the Code of Civil Procedure, Article 515 of its predicted (section on) that: the creditor already given opportunity to choose between state services and private bailiff. Currently in Albania have a bailiff system "mixed" state where living with the Bailiff offices. A "such mixed system" exists in various state of members of the Europe. The need for reform of bailiff services and privacy services, improve of the Bailiff logistic which was not as effective and attractive in the results of state direction Four years have passed from the first licensing of private bailiffs and time shows that the service provided, due to improved competitiveness and comes as the benefit of the interests of the Albanian citizens, who now can materialize their right, with a court decision that the final forms. The privatization of the bailiff service as a result of free market competition is a response that we let the recent years, in which the extension will be able to show, the balance between demand and supply for these services.

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NATO–EU Enlargement Policy

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Abstract NATO and EU are both significant part of the European Security Architecture. Within Europe, both NATO and the EU have sought to promote democratic standards in the defense and security sphere and have placed this among the criteria for accession candidates. Between these two Organizations has similarities but there are differences, which will be addressed more extensively in this paper. The first part of this paper aims to present the criteria of enlargement in both organization, the differences and contrasts in the process of NATO-EU enlargement, which have an overlap in terms of their membership; disparities and similarities that exist in the enlargement process according to the criteria for accession in both organization; challenges and prospects of further enlargements of EU and NATO. The other part of this paper will be focus on the consequences of NATO-EU enlargements on regional dimension.

Key words: NATO, EU, enlargement, regional, integration

Introduction

Two decades since the fall of the Berlin Wall and the collapse of the bipolar system have seen the rise of a number of new security challenges: international terrorism, proliferation threats, cyber attacks and fears regarding energy security. The EU and NATO faced the challenge of defining its new role in this security dimension. These new challenges are tackled both at North Atlantic Treaty Organization (NATO) and at the European Union (EU).

NATO and the EU have undertaken global commitments and responsibilities, mostly individually or through join actions or in partnerships under the umbrella of International institutions. Both the powerful organizations have proclaimed as their headlines the protection and the maintenance of the security and the stability everywhere.

NATO and EU are both significant part of the European Security Architecture. EU has contributed mainly in the stabilization and the security in the economic, political and social fields, on the other hand NATO has been the security organization concerned with military capacity to undertake crisis management operations of peace and security.

Between them exists considerable overlap on the political decision, in the membership and a common idea for the democratic and liberal values.

This paper has as its main focus the recent trends in the enlargement policies of the two organizations. Between these two Organizations has similarities but there are differences, which will be addressed more extensively in this paper. The first part of this paper aims to present the differences and contrasts in the process of NATO-EU enlargements; disparities that exist in the enlargement process according to the criteria for accession.

The other part of this paper will be focus on the consequences of NATO-EU enlargements on regional dimension.

The history of EU enlargement

The European Union is the most important development in the history of Europe since World War Two. Nothing else has had such a broad, deep, and long-lasting effect on the lives of European citizens.

The EU has gone through seven previous rounds of enlargement. From the original six members of France, Germany, Italy, the Netherlands, Belgium, and Luxembourg, 21 new states have joined over the course of the last 30 years, with the population about 501,064,211 people. (See map below)

1 http://en.wikipedia.org/wiki/Enlargement_of_the_European_Union
Who can join EU? Enlargement criteria

According to the EU treaties, membership of the European Union is open to "any European State which respects the values referred to in Article 2, and is committed to promoting them" (TEU Article 49). Those values are: "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities".

Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate’s ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

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2 Consolidated version of the Treaty of European Union, Title VI: Final provisions
3 This is based on the 1993 “Copenhagen criteria” agreed as it became clear many former Eastern Bloc countries would apply to join
In December 1995, the Madrid European Council revised the membership criteria to include conditions for member countries integration through the appropriate adjustment of its administrative structures. Since it is important that European Community legislation be reflected in national legislation, it is critical that the revised national legislation be implemented effectively through appropriate administrative and judicial structures.

Finally, and technically outside the Copenhagen criteria, comes the further requirement that all prospective members must enact legislation in order to bring their laws into line with the body of European law built up over the history of the Union, known as the *acquis communautaire*.

Nonetheless, the reasons for integrating these new states into the EU remain the same as those on which the EU was founded: ensuring peace and prosperity on the European continent. EU enlargement promises benefits for both, old member states and the new members.

The EU points to five particular benefits of enlargement:
- The extension of the zone of peace, stability and prosperity in Europe will enhance the security of all its peoples.
- The addition of more than 100 million people, in rapidly growing economies, to the EU’s market will boost economic growth and create jobs in both old and new member states.
- There will be a better quality of life for citizens throughout Europe as the new members adopt EU policies for protection of the environment and the fight against crime, drugs and illegal immigration.
- The arrival of new members will enrich the EU through increased cultural diversity, interchange of ideas, and better understanding of other peoples.
- Enlargement will strengthen the Union’s role in world affairs - in foreign and security policy, trade policy, and the other fields of global governance.

### The history of NATO Enlargement? Enlargement criteria

The dissolution of the Soviet Union and Warsaw Pact raised a series of questions concerning the future of NATO. This new reality clearly put forward the Atlantic Alliance new challenges. One of which was the opening of its door, as well as the construction of a new Europe of democratic values, bringing Eastern European countries closer to the West, disappearance of the Iron Curtain that was decided with the Yalta agreement.

NATO’s “open door policy” is based upon Article 10 of the Washington Treaty, which states that membership is open to any “European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area”.

Article 10 of the *North Atlantic Treaty* describes how non-member states may join NATO:

> The Parties may by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.  

Countries that have declared an interest in joining the Alliance are initially invited to engage in an Intensified Dialogue with NATO about their membership aspirations and related reforms.

Aspirant countries may then be invited to participate in the Membership Action Plan (MAP) to prepare for potential membership and demonstrate their ability to meet the obligations and commitments of possible future membership. In principle, participation in the MAP does not guarantee future membership, but it constitutes the key preparation mechanism.

Countries aspiring to join NATO have to demonstrate that they are able to fulfill the principles of the 1949 Washington Treaty and contribute to the security in the Euro-Atlantic area. They are also expected to meet certain political, economic and military criteria, which are laid out in the 1995 Study on NATO Enlargement.

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6 Nato and EU Enlargement: Challenges for the New Europe-http://jsis.washington.edu/cwes/file/nato_and_eu, p.6
6 The North Atlantic Treaty, Washington D.C-4 April 1949, p.2
7 http://www.nato.int/cps/en/natolive/topics_49212.htm
The enlargement of the Alliance is an ongoing and dynamic process. Since the Alliance was created in 1949, its membership has grown from the 12 founding members to today’s 28 members through six rounds of enlargement in 1952, 1955, 1982, 1999, 2004 and 2009.\(^8\) (See the map below)\(^9\)

Similarities And Differences

Enlargement of NATO and the EU reflects the fundamental changes that have occurred in the security environment in Europe. Between EU and NATO enlargement processes has similarities but there are differences in the same time. Both NATO and the European Community (EC), now the European Union (EU), had their origin in post-World War II efforts to bring the stability to the Europe.

EU and NATO are created at approximately the same period of time. NATO in 1949 and the European Coal and Steel Community in the year 1951, accompanied by the creation of the European Economic Community or ‘Common Market’ in 1957.

NATO’s original purpose was to provide collective defense through a mutual security guarantee for the United States

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\(^8\) http://www.nato.int/cps/en/natolive/topics_49212.htm

and its European allies to counterbalance potential threats from the Soviet Union. The European Community’s purpose was to provide political stability to its members through securing democracy and free markets.

Today NATO and the EU are two important institutions of the European Security Architecture. Naturally, the new security environment has changed and in these conditions, both organizations have changed the way of addressing their problems. The EU has mainly contributed in stabilizing the economic, political and social sphere and NATO’s role has been more visible for military aspect of crisis management, through peace operations.

Among these organizations there is an overlap of membership, in political decisions and on the idea of democratic values and freedom. As for the membership, the main difference is in the United States participation in NATO as the main leader in one side and Turkey's membership on the other side, as the most powerful state in NATO, and quite pessimistic perspective of EU membership for Turkey (Hopkinson 2001, p. 67).

Significant differences are in the nature of their organization. EU is a unique international organization, partly supranational, partly intergovernmental. Its members are engaged in a close economic, social and political union. The EU is divided into several "pillars" and the other is an intergovernmental organization under the control of the Council of Ministers. The EU has a parliament and legislative powers. (Hopkinson 2001, p.67).

NATO on the other hand is an organization that is mainly related to military security with some additional objectives. It is fundamentally an intergovernmental organization, run in principle by the Council of Ministers in which all are equal. In the last years, strategic Alliance concept has changed, moving from an organization that deals primarily with territorial defense of its members in providing of a wider security across the European area. After the end of the Cold War, the EU started to work in a new role in "hard security" in the military field, despite the modest engagement and cooperation with NATO.

We can say that both the EU and NATO have similar parallel objectives. For both common is securing peace and strengthening the stability in Europe.

EU-NATO doors are open, but not all EU-NATO member countries are pro the enlargement. Some fear that shifting attention from their problems in the problems of other countries (new members). Others fear the loss of any sense of cohesion. Others may be concerned about diminution of their influence in the Union and in the Alliance. An EU enlarged with 35 members would create problems with regard to the governance and procedure which can not be achieved agreements required for this purpose. Effective management of an enlarged EU on foreign policy issues of defense and security would be this hard. The risk of enlargement may weaken the internal structures of the EU and NATO, making decision making more difficult and reducing their efficiency.

A common element of EU enlargement and NATO is the principle of partnership (Serfaty, 1997 p.1). Enlargement of the two organizations provides an opportunity and in the meantime a possible risk. The opportunity consists in expanding with democratic countries and strengthening security and stability in Europe as a whole. The risk is mainly deal with the efficiency of the organizations.

Decisions taken by EU and NATO have a connection with one another.

- None of these organizations can not ignore what makes the other in terms of reforms carried on by each institution.
- None of these organisations can not be indifferent to the interests and aspirations of countries that respond to the requirements for membership determined by the two Organizations.

**Why to join?**

The motives of the candidate countries applying for EU-NATO membership are largely the same for all countries who wish to join. First and foremost they want to be part of the western world and the ideals and values they represent. This is seen more in a symbolic way as a model of civilization. We have seen that the same countries that wish to be member of the EU, seek to be in part of the Alliance, like Montenegro, Serbia, Macedonia, Kosovo, Bosnia and Herzegovina.

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Another important reason for becoming member of EU/NATO is the economy security, which means the increase in exports, a common market, such as Albania, Montenegro and Serbia and security reasons as is the case in Bosnia and Kosovo. "Serbia shadow" is present and an immediate membership in the EU and NATO will finally ensure these countries (Peterson, 2011, p. 69). However we can say that states know very well the difference between the protection offered by the EU and the protection offered by NATO. For those NATO is the only institution that offers military protection they need. EU follows NATO especially for soft security issues, which may also affect the integrity and independence of these states.

Different states see the membership in the EU and NATO as a possibility to avoid all kinds of conflicts with members and with third countries. Aspiring countries are obliged to resolve all ethnic and territorial conflicts before the membership. In other words, membership helps countries in terms of their foreign and defence policy.

The candidate countries are well informed that EU-NATO membership also brings great responsibilities before them. Criteria for EU membership are defined in the European Council decision in Copenhagen in 1993, which opened doors to new members. While the criteria for expanding NATO are defined in the study of NATO's 1995 enlargement and those associated with the rule of law, democracy, free market economy, human rights and respect the rights of minority. Conditions for EU membership are defined in the Copenhagen criteria. In 1995, NATO's membership was defined in the study of NATO's 1995 enlargement and those associated with the rule of law, democracy, free market economy, human rights and respect the rights of minorities.

Effects of NATO-EU enlargement on regional dimension

About two decades ago, South-East Europe (SEE) was perceived as a region dominated by conflicts, policy stagnation and unwillingness for cooperation. Today, the region seems a safer and more secure place to be: the main conflicts are eliminated, some countries are already members of NATO and the EU, and things seem to be getting better. It was a long and difficult road that made all this possible (Shalamanov 2011, p.27).

The question of NATO and EU enlargement could be considered as the most controversially discussed European security issue after the end of the Cold War. Now, ten years after the first NATO-enlargement towards Central and Eastern Europe and five years after the biggest enlargement wave in EU history, it is time to take stock of the results. What has been achieved by these enlargements?

The EU and NATO have made regional cooperation a prerequisite for progress towards the accession. EU membership perspective has been the main stimulus for regional cooperation so far and it will remain for the future as well.

It can hardly be disputed that considerable progress has been made within the region and that it is now on the path towards the EU and NATO full-fledged membership and associated with major EU and NATO policies. Basic stabilisation has been achieved, giving way to development and EU/NATO integration process (Knezovic 2007. p.136).

While stabilisation required a regional context, integration is essentially a bilateral exercise. As a good example to show to the EU that it can significantly contribute to its overall goal of regional stabilization is Croatia.

Three elements of the EU-NATO policy in the region

- First, both NATO and EU have offered these countries a common future. Both countries are at the same level of relations with EU and NATO.
- Second, both NATO and EU have taken an active role in the state building processes that these status are going through.
- Third, both NATO and EU have intervenaded militarily or set up a military presence in these countries.

The fact that EU and NATO have expressed their readiness to eventually accept these countries as full members has had a strong impact in the domestic policies of both countries and their relations with the neighbours. The promised common future has proved to be a guiding light for the state building processes in both countries.

NATO and EU have served as guarantors of their territorial integrity and security in a neighborhood where such a security has proved to be a luxury. Obviously this has helped the state making process by allowing the governments of these countries to focus on their domestic problems.

NATO and EU play vital roles in the daily progress of the state making process. They supply economic and technical assistance, (Rakipi, 2008, page 186-1995).

It is evident that the situation with enlargement after the global financial crisis is very complicated. The EU is setting more and more new criterias and barriers for the candidates. Now the main priorities are: a successful exit from the crisis, competitiveness, cohesion and development. Nevertheless it is sounds logic that an enlarged Union is a stronger Union.
and consequently stronger NATO partner. NATO-EU relationships are becoming more significant. NATO remains vitally important, but it will increasingly need to share centre stage, in particular with EU. The enlargements of EU and of NATO with the Balkan countries are two mutually complementary processes. No doubt in the midterm all countries situated in the Balkans will be somehow integrated in the United Europe (EU) – an area of security, justice and rule of law, and prosperity.

So definitely there is a proof that the countries from the region, some faster and some slower are moving towards the EU and NATO membership. When speaking about the EU and NATO accession it seems obvious and broadly accepted that the most of the countries first join NATO and then join EU (Kzenovic 2007, p.136).

Conclusions

The enlargement of NATO and the European Union towards the east has been a significant dimension of the transformation of Europe since the Cold War. Within Europe, both NATO and the EU have sought to promote democratic standards in the defence and security sphere and have placed this among the criteria for accession of candidates. Enlargement processes in their entirety are positive, are historic and of unique character. They create a sense of community integration and security for States. Enlargement processes are essential for countries that belong to both organizations and for the applicant countries.

The enlargement of NATO and the EU is not without cost, some political, some economical and some military. But of course much larger would be the costs of closing doors of the both organizations. A policy of delaying the enlargement could do more harm than good. From the stability and security of the area will benefit the current members of NATO and EU and the applicant’s states as well as those states who are outside the borders of the enlarged structures. NATO-EU relations aimed at promoting and projecting effective civil-military security beyond the Euro-Atlantic area.

Naturally NATO-EU enlargement process has been contested, but despite the objections, NATO-EU’s policy of open doors has been functioned and continues to remain so by being sure that this is the only way of creating an united Europe without dividing lines, democratic and free. NATO-EU membership has helped countries to overcome difficulties, to enter on the reform path towards progress.

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Amendments of European Convention on Human Rights, Protocol No.14

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Abstract: Human rights are defined as those rights which are fundamental to our nature and without them we cannot live as human beings. This article is focused on the European Convention of Human Rights as a very important international treaty. The effective machinery of European Convention of Human Rights, in an unique and unprecedented way has provided its data regularly to solve individual requirements and also in the overall impact on international law and practice. The article is compiled in two parts: the center of the first part is the European Convention of Human Rights in chronological flow and the second part is a detailed treatment of Protocol No. 14. The European Convention on Human Rights has always been a dynamic act, reflecting the needs of time. Proof of such dynamism is the large number of protocols that have entered into force and continuous improvements. The purpose of Protocol No. 14 was to extend the effectiveness of the Court to act and short proceedings.

Keywords: European Convention of Human Rights, European Court of Human Rights, Protocol, Procedure, European Union, Law.

1. Introduction

The present article aims as well as describing the current amendments concerning European Convention on Human Rights (ECHR) as at explaining the Protocol No.14 System and possible effectiveness it brings de jure and de facto to the European Court of Human Rights (Court of Human Rights). The amendments of Convention on Human Rights incorporated to the original text on one hand have determined a set of fundamental rights and freedoms and sanctioned their violations and by the other hand have changed the mechanism of the Court of Human Rights. The Protocol No.14 introduces three significant changes in the Court of Human Rights’ handling of cases consisting of: the “single-judge formation” entity, the expansion of the powers of three-judge Committees and the addition of a new admissibility criterion for individual applications.

The subject of the first chapter is a brief summary of ECHR and its amendments, from the obligatory minimum standard of rights to the changes such amendments define to the protection of Human Rights. The second chapter clarifies the factors which raised the need of Protocol No.14 and the major reforms it proposed and also focuses on the long time it took from the adaption to the entry in force.

The interpretation will be mainly based on the acts of Council of Europe (COE) as the ECHR and its amendments, counting in total 14 Protocols, and advisory opinions of these amendments and in particular Protocol No.14; in addition, the entrance into force and the implementation of Protocol No.14 is considered in the light of Russian Federation position on this Protocol, from the objections to withhold its consent, to the recommendation of the adaption of Protocol No.14bis, which did not require unanimous ratification and the final ratification of Russian Federation.

The amendments are explained by taking into account the original objective and purpose of ECHR and how protocols have tent to improve it by affecting the institutional, procedural and jurisprudential aspects of the original system.

Based on this approach, present article will show amendments of ECHR and their central issues.

2. ECHR

The impetus for an international agreement for the protection of human rights and fundamental freedoms came as a regional response to the sensitive situation after the Second World War and the need of institutionalising common values in Europe. The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the “European Convention on Human Rights”, was opened for signature in Rome on 4 November 1950; it entered into force on 3 September 1953. It is a convention of COE and the latest has 47 member states.

The ECHR jointly with its amendments presents a set of rights and freedoms against which no reason of state may prevail, prohibitions of certain treatments or punishments and also establish the mechanism for their guarantee and

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1 European court of Human Rights The ECHR in 50 Questions, available at echr.coe.int/NR/rdonlyres/5C53ADA4-80F8-42CB-B8BD-CBB781F42C8/0/FAQ_ENG_A4.pdf, retrieved on 07.03.2012.
sanction. The ECHR gave effect to certain of the rights stated in the Universal Declaration of Human Rights thus, this declaration and its aim are evoked in the preamble of the ECHR.²

2.1 Amendments of ECHR

The development of the ECHR created under the COE is clarified by considering the collision between the enthusiasm and reluctance. While at the first Session of the Consultative Assembly of the COE on 17 August 1949, as a representative of the United Kingdom, Winston Churchill declared the hope that a European Court might be set up, before which cases of the violation of the rights founded on the decisions of the United Nations at Geneva might be brought to the judgment of the civilised world,³ the British firmly opposed any attempt to establish binding legal obligation, centralized institutions, individual petition, or compulsory jurisdiction.⁴

Despite of objections and debates the ECHR has followed a path characterized by the fulfilment of its primary aim; the institutionalizing and protection of fundamental rights and freedoms. As a living instrument reflecting the dynamism of european society and attempting the maximum efficiency of its bodies the ECHR has been amended by 14 Protocols.

Amendment as a simple term means the act of changing a text or another act, whereas in reference to the amendments of ECHR, it includes the 14 Protocols which have brought changes to the originally act. Although states would bind themselves by conventions to guarantee the fundamental freedoms collectively, within the framework of a Council, by a certain procedure and under the control of a Court of Human Rights⁵, the amendments on the original text have sometimes leaded to discussions depending upon the political sensitivity such as Protocol No.14.

2.2 Protocols

After the adoption of the ECHR the recognition for a need to a protocol sometimes was immediate and sometimes it took years. A proof of evidence for the immediate recognition of need was Protocol No.1 which entered into force in 18 May 1954; it took years from the idea to create a single Court of Human Rights to Protocol No.11 which entered in force in 1 November 1998.

The protocols containing additional provisions have acted in two main directions; while some of them have recognized additional rights, the others are dedicated to procedural matters. The protocols are binding only on those states that have signed and ratified them. The states must also take their measures to guarantee the implementation of the dispositions of ECHR and when requested any High Contracting Parties shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention⁶. High Contracting Party may take measures derogating from its obligations under the ECHR in foreseen cases.⁷

Some of the protocols have added fundamental rights such as: the right to peaceful enjoyment of property, the right to education and the right to free elections by secret ballot, Protocol No.1; no deprivation of liberty for non-fulfilment of contractual obligations, right to liberty of movement and freedom to choose one’s residence, prohibition of a State’s expulsion of a national, prohibition of collective expulsion of aliens, Protocol No.4; abolition of the death penalty, Protocol No.6; the right of aliens to procedural guarantees in the event of expulsion from the territory of a State, the right of a person convicted of a criminal offence to have the conviction of sentence reviewed by a higher tribunal, the right to compensation in the event of a miscarriage of justice, the right not to be tried or punished in criminal proceedings for an offence for which one has already been acquitted or convicted, equality of rights and responsibilities as between spouses; a general prohibition of discrimination, Protocol 12; banning the death penalty in all circumstances, Protocol 13. Though

⁷ Ibid Article 15.
Protocol No. 2, Protocol No.3, Protocol No.5, and Protocol No.8 had been an integral part of the Convention all their provisions are replaced by Protocol No. 11. The Protocol No.9 has been repealed and Protocol No.10 has lost its purpose as from the date of entry into force of Protocol No.11.\(^8\)

As a matter of principle, death penalty seemed contrary to the convention as inhuman and degrading treatment and this was reflected in two protocols, in Protocol No.6, abolishing the death penalty in time of peace and Protocol No.13, abolishing death penalty in all circumstances.\(^9\)

Notwithstanding the importance the protocols brought to ECHR, Protocol No. 11 and Protocol No.14 resulted in considerable changes to the act itself and the mechanism of Court of Human Rights.

2.3 Protocol No.11

The original system in the determination of applications consisted of three institutions: the European Commission of Human Rights, the Court of Human rights and the Committee of Ministers of the COE. The three organs worked together in a multi-phase procedure. In view of the increase in the number of applications and the growing membership of the COE the Recommendation 1194 (1992)\(^10\) of the Parliamentary Assembly recommended that the Committee of Ministers:

- take the necessary steps to reform the control mechanism of the ECHR without delay;
- give clear preference to the proposal to create a single court as full-time body in place of the existing Commission and Court;
- refrain from opting for a temporary solution that would further delay the necessary reform.

The entire system was streamlined by Protocol no.11 which entered in force in 1 November 1998. It created a new institutional system for determining applications, built upon the institutional, procedural and jurisprudential heritage of the original system\(^11\). Protocol No.11 established a new full-time Court of Human Rights with judges in respect of each state party. The protocol changed the composition of the Court and its organization, defined the Status of the judges, introduced the Registry of Court and detailed the procedure for the determination of applications. Though the former admissibility was retained, due to the importance of the determination of applications, provisions of procedure have been supplemented by Rules of Court. The Committee of Ministers has the duty to supervise Court’s judgements execution.\(^12\)

Protocol No.14: Major Reforms

The reform brought by Protocol No.11, was followed by a significant increase in the Court’s caseload. Barely ten years after the reform, Court of Human Rights delivered its 10,000th judgment, output which shows that more than 91% of the Court’s judgments have been delivered between 1998 and 2011.\(^13\)

The European Court on Human Rights’ excessive caseload manifests itself in two areas in particular; processing the very numerous individual applications which are terminated without a ruling on the merits and processing individual applications which derive from the same structural cause as an earlier application otherwise called repetitive cases.\(^14\)

These figures lead to the urgent measures to be taken. In order to improve the efficiency and effectiveness of the Court of Human Rights Protocol No.14 intended to change more the structure of the system than its functioning. This protocol

\(^8\) List of the treaties coming from the subject –matter: Human Rights (Conventions and Protocols only) available at conventions.coe.int/Treaty/Commun/ListeTraites.asp?MA=3&CM=7&CL=ENG, retrieved on 03.03.2012.
introduced changes in three main areas\textsuperscript{15}.

Firstly, it reinforced the Court’s filtering capacity in respect of the mass of unmeritorious applications. Such change would be possible by making a single judge competent to declare inadmissible or strike out an individual application. Secondly, in art.35 ECHR it was inserted a new admissibility criterion concerning cases in which the applicant has not suffered a significant disadvantage. Under this new admissibility criterion, the Court of Human Rights shall declare inadmissible any individual application submitted under the art. 34 if it considers that applicant has not suffered a significant disadvantage, unless respect for human rights as defined in the ECHR and the protocols thereto requires an examination of the application on the merits and provided that no case may be rejected on this ground which has not been duly considered by a domestic tribunal.\textsuperscript{16} As a third important change were the measures for dealing with repetitive cases as a competence of the committees of three judges. If the question raised by the case is the subject of the well-established case-law of the Court of Human Rights, it will help to the rapidly of judgement.

Besides the mentioned key issues, in the text of the protocol were also foreseen procedures for compliance of the Court’s final judgment, a single nine-year term for judges as a guarantee to their impartiality, encouragement of friendly settlements and requirement for judgement interpretation. Another amendment of interest to be found in Protocol No.14 was a possible accession of the European Union (EU) to the ECHR. The EU had the necessary competence to accede as a party to the ECHR with the entry into force of the Lisbon Treaty, on 1 December 2009.\textsuperscript{17}

3.1 The Position of Russian Federation on Protocol No.14

The entrance in force of the protocol was conditioned to the expressed consent of all Parties to be bound by the Protocol\textsuperscript{18}. This condition explains the fact that Protocol No.14 was opened for ratification in Strasbourg on 13 May 2004 and entered in force on 1 June 2010. Russian Federation was the last state ratifying it on 18.02.2010.

The position of Russian Federation constitutes a situation of controversy from the signature to the ratification of Protocol No.14. When signing Protocol No. 14 the Russian Federation declared\textsuperscript{19} : “The application of the Protocol will be without prejudice to the process of improving the modalities of functioning of the Court of Human Rights ... with the understanding that procedural rules relating to examination of applications by the Court of Human Rights must be adopted in the form of an international treaty subject to ratification or to any other form of expression by a State of its consent to be bound by its provisions”.

3.1.1 Main Objections and the Ratification

When the Protocol was presented to the State Duma\textsuperscript{20} as the competent body for ratification, it withheld consent. Although their objections seemed to be not exhaustive some of them were specified as following\textsuperscript{21}:

- The finality of decisions by single judges on admissibility could jeopardise the principle of equal access to the Court, which would be incompatible with the Russian justice system (right to a fair trial).

\textsuperscript{15} ibid
\textsuperscript{16} European Conventions on Human Rights, as amended by Protocols Nos.11 and 14, Council of Europe Treaty Series No.5, available at echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A0/0/CONVENTION_ENG_WEB.pdf retrieved on 03.03.2012
\textsuperscript{20} The State Duma of the Federal Assembly of the Russian Federation, status para.1, available at politika.su/e/fs/gd.html
The new admissibility criterion requires not only a procedural but also a substantive assessment of applications. This increases the chance that applicants’ rights will be infringed at an early stage of proceedings.

If the EU were to become a party to the ECHR, non-Member States of the EU would not have the same opportunity to bring cases before the Court of Human Rights as EU Member States.

It is unclear how the proposed changes to the judges’ terms of office would help the efficiency of the Court of Human Rights.

The absence of a guarantee that a Russian judge would be a member of the Court hearing cases against the Russian Federation.

Through the chairman of Duma commented the protocol as different from Russian court procedure\(^2\), the facts showed the refusal was a response to perceived discrimination against Russia. Russian Federation is one of the largest providers of cases\(^2\) to the Court of Human Rights and most of them are decided in favour of citizen. The causes of the friction between Russian Federation and the Court of Human Rights have been the permanent violation of ECHR and non-execution of Court of Human Rights decisions.\(^2\)

Such a case was Burdov v. Russia No.2\(^2\) that exhausted the patience of Court of Human Rights. The Russian judge on the Court of Human Rights asserted to Russian Constitutional Court that failure to the court decision execution within the sixth months could lead to termination of Russian membership to the COE.\(^2\) Although not immediately, and despite the debates of Russian Federation to achieve a more favourable judgement on Yukos’ application\(^2\), the State Duma voted on 15 January 2010 on ratification of Protocol No.14. As Russian Federation joined the other 46 member states, Protocol No.14 entered in force on 1 June 2010.

The system has been in full operation since June 2010 and is proving to be very effective. In 2011 the number of striking-out and inadmissibility decisions has increased by 31% compared to 2010, but the backlog continues to rise.\(^2\)

### 3.2 Protocol No.14bis

Protocol No.14bis was a result of the non-entry in force of Protocol No. 14. It was binding only to the parties that ratified it and was applied on temporary basis from its entry in force on 01 October 2009 to the entry in force of Protocol No.14.

Protocol No.14bis allowed the application of two procedural elements of Protocol No. 14 with respect to those States that express their consent\(^2\):\(^2\)

- A single judge will be able to reject manifestly inadmissible applications, whereas now this requires a decision by a committee of three judges.
- The competence of three-judge committees is extended to declare applications admissible and decide on their merits where there already is a well-established case law of the Court.

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\(^2\) December 21, 2006 Duma gives it the European Court, available at kommersant.com/p732043/r_500/State_Duma_European_Court, retrieved on 17.03.2012.


\(^2\) Bowring, Bill, The Russian Federation, Protocol No.14 (and 14bis), and the Battle for the Soul of the ECHR, Goettingen Journal of International Law 2 (2010), 607 available at birkbeck.academia.edu/BillBowring/Papers/268313/The_Russian_Federation_Protocol_No_14_and_14bis_and_the_Battle_for_the_Soul_of_the_ECHR retrieved on 20.02.2012.


\(^2\) Case of BURDOV v. RUSSIA (No.2), 33509/04 (2009), Court of Human Rights


\(^2\) Ibid 612


Conclusion

The ECHR is an international treaty signed and ratified by the 47 member states of the COE. It contains minimum standards and protects basic human rights and fundamental freedoms of everyone within the jurisdiction of any member state. There have 14 protocols amending ECHR in both recognizing additional rights and improving procedures.

Clearly, the entry into force of Protocol No.11 and Protocol No.14 has brought considerable changes to the original system. The first created a new full-time Court of Human Rights and the second introduced changes to the structure of the system in three main areas (a single judge is competent to declare inadmissible or strike out an individual application, added a new admissibility criterion, took measures for repetitive cases).

Protocol No.14 was objected by Russian Federation and the Duma explained some of the reasons to the objection. Although Russian Federation attempted to consider the protocol not in accordance of russian court procedures and not clear to all changes, it appeared this objection was the result of the tense situation between the state and the Court of Human Rights. The ratification of Protocol No.14 by Russian Federation, leaded the protocol’s entry into force.

The ECHR should be adapted to the need of time and contain the necessary measures in protection of human rights and fundamental freedoms.

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Accession by the European Union to the European Convention on Human Rights and the second introduced changes to the structure of the system in three main areas (a single judge is competent to declare inadmissible or strike out an individual application, added a new admissibility criterion, took measures for repetitive cases).

The ECHR should be adapted to the need of time and contain the necessary measures in protection of human rights and fundamental freedoms.
Moroccan Minors and the Internal Frontiers of Undocumented Migration  
(Turin, Northern Italy, 2003-2009)

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Abstract: Illegal migration to Turin (one of the biggest industrial centres of Northern Italy) is related to the masculine collective ideal among minors and young migrants from Khouribga (Chaouia-Ouardigha, Morocco). This contribution will assess the impact of Italian legal protection’s system of undocumented minors and securitization policy on their lives. By a long process leading to ‘Pacchetto Sicurezza’ in 2009 (a set of legislative measures aimed at controlling migrant’s flows across Italian external/internal borders) illegal migration has become a criminal offence, a sort of ‘moral death’ normalized by media and technocratic services. This legal exclusion has become a social experience in migrant daily life. My ethnographic data were collected from 2003 to 2009 in the assistance centre for minor undocumented migrants, which in 2003 Turin municipality opened up in Porta Palazzo, an historical migration neighborhood with the largest open market in Europe. Here, I worked as a social operator in a multidisciplinary team (socio-anthropological and ethno-psychiatric) and I met young Moroccan migrants, mostly under age, refusing Municipality dorms and living in occupied houses, garages or illegally rented houses and prison as well. This allowed me to get acquainted with their suffered trajectories among different institutions and with their strategies to counter the legal criteria fixing the status of both undocumented migrants and minors. It is by following these subtleties and the ways they were manipulated by social workers and young migrants alike, that I will try to describe the subjective and material frontiers and the associated marginalities in this border-town context.

Keywords: Illegal Moroccan migration; Unaccompanied minor subjectivities; Structural Violence; Social Suffering; Social and Moral Death.

1. Introduction

The following observations are the fruit of ethnographic research conducted during 2003-2009. Turin, an industrial city in the north of Italy, was where the survey was effectuated; in those quarters of Porta Palazzo, where the most extensive, European, open-air market is found; that is, within the confines of an urban context between the Barrier of Milan periphery and the central zones of the Roman Quadrilateral. It is an area often defined as a ghetto; the crossroads for streaming and exchanges. Historically, it was dubbed a privileged ‘migratory arena’ at the time of the exodus from the south of Italy in the sixties and towards the end of the eighties from ‘Third Party Countries’.

It was a survey carried out under the supervision of the Ethno Psychiatry Clinic Centre F. Fanon and occurred during those years of my occupation as a social operator at the Foreigners’ Office for Minors – Municipality of Turin. Initially, my work was indoor. This was ensued by my attendance required principally outdoors whilst occupied in the public project of outreach. Thanks to my daily presence in the streets and the square of Porta Palazzo. In this manner my path intersected with that of ‘unaccompanied foreign minors’; clandestine emigrants hailing from Khouribga and from contiguous countryside-areas in Morocco; in the region of Mid Atlantis, where a part of my research was carried out during the summer months of 2007.

With this contribution, my intention is to demonstrate how the entirety of national, juridical-level, emergent discussions - which culminated in the 2009 Security Package - is productively interwoven with the rhetorical forms related to the ambience of Turin’s public Assistance. Moreover, the weight of political, anti-immigration rhetoric, by now normalized in Italy for decades, has to be taken into consideration.

This theoretical and praxis system has contributed towards determining a sort of ‘moral economy’ (Thomson, 1971; Scott, 1983; Fassin, 2009) reception, which has interpreted behavioural patterns and forms of sufferance by minors in a culturally unambiguous manner (Kleinman; 1980); rarely reflecting on the context of their origin. Within this framework it will be seen that some have emerged among the categories and the forms of migrant, existence classification.

1 It is about the project named “The window on the Square”, financed by the fund of Intervention for Drug Fighting, which came under Regions jurisdiction ex art. 1 – Law 18/2/1999. The outreach work consists in the presence of social workers directly on the street, where those people to be involved in the project are. In this specific case, the multi-tasking, professional team (educators and mediators) got in touch with the unaccompanied minors at their aggregation areas.
At the one extreme you find skilled migrants, who are capable and deserving. At the other extreme there are the ones devoid of prerequisites; those judged as being incapable and affected by culturally-justified, presumed ‘syndromes’. It is almost like dealing with tangible, essential entities.

By describing legalization procedures in the ensuing paragraphs, I’ll show how they contribute towards determining the condition of illegality (De Genoa, cit. in Mezzadra S.; 2004) of these youngsters that crossed my path, especially so with their delicate passage from minors to their becoming of age.

Moreover, life stories demonstrate how clandestine migration could become a strategy (Bloch, Zetter; 2008). Thus the fact of being youngsters or minors can be considered as an incentive towards migration even without documents.

However, there rarely exists full awareness of the consequences and of that which clandestine migration implies in everyday life. In fact, arrival-context exclusion and the need to hide migratory-project failure, fuel a sentiment of social and moral death (Kleinman; 2011). There is that immaterial mourning of severed bonds with derivation; the impossibility of representation and of planning themselves within the future for fear of risking expulsion, under the condition comparable to that which Sayad has efficaciously defined as ‘the double absence’ (1999).

2. ‘Unaccompanied’ minors and their legalization procedures

Unaccompanied minors2 fall under the guardianship and rights foreseen by the United Nations Convention on the Rights of the Child (CRC) and national law. The phenomenon is concerned with those minors to be found in Italy devoid of assistance or representation by their parents or other adults legally responsible for them. This is a relatively recent phenomenon in both Italian and European contexts. In fact, it has been ongoing with a certain consistency ever since the nineties, even though the first under-aged youths as ‘unaccompanied minors’ had been crossing the European borders already during the eighties.

At a European level the initial definition of this concept dates back to 1997 (EU Ministry Council, Resolution 26 June 1997). In Italy it was promulgated in 1998 via the Testo Unico (T.U.) on immigration 286/98.

Reasons for engendering migratory desire in numerous Moroccans, who arrived in Turin, emerge in correspondence to the acceleration of the development process under way in Morocco in the eighties. This was the follow-up of a massive inundation of emigrants; former phosphate mine-workers of the OCP3. According to my interlocutors, passports were issued to the said workers by their own government as a means of contextual facilitation out of the so-called ‘phosphate crisis’. During the emigration years, the pioneers were mostly males, who sought economic-cultural opportunities. This had transformed into an integral part of the masculine, collective-imaginary ideal and a kind of ritual-passage for the minors (Van Gennep; 1909) with age maturity. On the arrival of unaccompanied minors in Turin - subsequent to their initiation of the journey towards their Italian destination - they experience other forms of ‘initiations’ and the redefining of the self; inclusive of those germane to contact with Institutions and procedures foreseen for their legalization.

The character of ‘urgency’, which generally distinguishes related social interventions to the migratory question also of minors, is one of the reasons that led to the creation of the Foreigners’ Office of Minors in 1992. In fact, ‘public concern’ cyclically oscillates between requests for more intense guardianship with regard to minors and appeals to the police for the intensification of control and security for the sake of citizens. Mediatory battles often raise the alarm due to the so-called ‘baby-pusher’ or ‘Mickey-mouse’; notorious for this individual’s capacity to dodge threats within the entrails of sewers and to be in and out of manhole covers along the embankments of the Po River.

Legalization procedures require a sort of training that bears accurate techniques that hit the person’s integrity; beginning with his body (Mauss, 1934). It may be asserted that the required ability of the unaccompanied minor is that of being able to adapt; to be malleable towards the social paths from time to time provided by the regulations for the expected result of being issued with a Foreigners’ Permit of Stay. This initiation is ulteriorly complicated by the fact that

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2 According to the 2nd Save the Children Annual Report on foreign minors in Italy (2010), “there are at least 4,438 unaccompanied foreign minors on the Italian ground nowadays. 90% of them are male, mostly (85%) between 15 and 17 years old, but there are also minors 12, 13 and 14 years old. The largest group is that of Afghan minors (20%), followed by minors from Morocco (14.7%), Egypt (11%) Albany (9%), Bangladesh (5%), Somalia (3.9%), Kosovan Republic (3.8%), Palestine (3.1%), Eritrea (3%).” (http://www.savethechildren.it/IT/Tool/Press/Single?id_press=285).

3 The Office Cherifien des Phosphates was the Body in charge of extraction and export of these minerals. It was established in 1920 and operational immediately. In 1921, the extractions in the mines next to Khouribga had their beginning (Specialistic Graduation Thesis in Anthropology, Alice Rossi, 2008).
society as the ‘trainer’ is not that of the minor’s derivation. Therefore, the question of ‘categorical deception’ emerges instantly (Kleinman; 1980), i.e. of univocal reading risk of adaptability, capability and goal achievement concept. The provisions concerning the reception of over-fourteen-year-old minors were named ‘Bassa-Soglia’ (Low-Threshold) for that specificity of their ‘easy access’. These have been activated since the first years of the existence of the Office and with time have been extended in line with migratory streaming. This is about structures more similar to the dormitory than the reception centre, and very distant from the typology of the foreseen minor community that prioritizes Italians. Since the initial opening years of the Office, the minors spontaneously presented themselves at the counter once a week; at times already with the name of the Turinese Operator written on a piece of paper carried on their person right from their departure. A waiting list in order of arrival existed with priority granted to those who, guesstimated by operators and mediators, were eligible regarding the criteria of First Aid; usually based on their physical conditions and age. Those designated on the list often had to present themselves at least three times – once a week – prior to being accepted in order to access the dormitory. Unemployed minors were granted shower coupons and were provided with indications for canteens. In addition, they were given a written invitation by the Office to subject themselves to a tuberculosis examination; obligatory also for adults before accessing dormitories. Exigency, at least initially, was represented by the ‘body’, interpreted as a biological entity, which speaks for itself. It can be stated that incommunicability through languages was filled in an unambiguous manner by the interpretation of body language. It was as if biology were in turn immunized by ‘social construction processes’ (P. Farmer in Annuario 2006, p. 23). Employed minors had to adhere to set clock-in/out times. During the daytime they could remain on the premises solely in a case of illness. Their intention of sleeping out had to be communicated each time or face exclusion from the structure. The said rules continued to be respected even in 2004 when, instead of direct access, only the provision of First Aid had been maintained. An apposite team, provided with active telephonic communicability around the clock, had been set up with warnings deriving from the police as well as from private citizens.

Even today legalization praxes still foresee, apart from domicile, other requisites in strict adhesion to legislative indications indispensable for the issuing of a Foreigners’ Permit of Stay. With the Bossi-Fini Law of 2002, the said criteria had become determinants; above any reflexion of subjective and cultural differences of minors and of the type of offered provisions guaranteed by several entities. Since 2002 the issuing of a Foreigners’ Permit of Stay at the age of 18 years has been foreseen only for those, who had been admitted to a social and civil integration project by a public or private entity for at least three years (art. 32 of T.U. 286/98, paragraphs 1-bis and ter, law 189/02). This implied a certain margin of discretion with the application of this regulation on the part of various Police Headquarters; with notable discrepancies on a national scale.

Currently, further to compulsory education and courses of professional qualifications run by the Region, employment continues to be provided through the formula of the ‘borsa formazione lavoro’ (job formation stock-exchange) renamed as ‘tirocinio formativo’ (formative training) during these years. This latter-mentioned formula lays down the regulation that the minor be required by the public entity directly (413.17€ per month for 30 hours a week; at about 3€ an hour). In exchange the employer, who is not required to disburse money, should guarantee formative vocational-training with the objective and promise of employing the minor; even though there is a dearth of cases of this really occurring. On a very similar horizon to that of the so-called ‘Workfare’ (Wacquant; 2004, p. 105), formative training financed by either the Municipality or Europe – as was given inception with the Equal Palms plan (2005-2007) – continue to guarantee unskilled labour at zero cost; at least so for the employer. This proceeds with a paucity of contractual power, if not any power at all, on the part of the subordinate youngster; dependent on employment promises the Bossi-Fini law has transformed into a determinant element for the issuing of ‘non luogo a provvedere al rimpatrio-assistito’ (no cause for the provision of

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4 The ‘Low-Threshold’ methodology arose within the projects related to drug-addiction and it is related to the interventions of damage reduction, widely adopted in Northern Europe, which, at least in Italy, may lend themselves to economical and political exploitations. Generally speaking, in the social sphere, Low-Threshold services include an extremely heterogeneous service range, their common feature being appreciable threshold lowering, in terms of reduction of users selection procedures (Specialistic Graduation Thesis in Anthropology, Alice Rossi, 2008).

5 The issue of a Foreigners’ Permit of Stay at the moment of the majority was regulated, at the beginning, by Art. 32 T.U. 286/98: its first paragraph states that a Foreigners’ Permit of Stay for studies, work etc. may be released to minors, in any way under guardianship, in accordance with Art. 2 Law 184/83. On the contrary, paragraphs 1-bis and ter, introduced by Law 189/02, provide for the issue of that Foreigners’ Permit of Stay to minors having been in Italy for at least three years and who had taken part in an integration project for at least two years. The coordination between these two measures – specifically whether they had to be interpreted as being alternative or contrasting – created significant cases at the T.A.R., State Council and Supreme Court. Save the Children Report, 2007

6 Art 33, paragraph 2-bis, T.U. 286/98.
assisted-deportation) on the part of the Committee of Rome. In a paradoxical and contradictory manner through abusive procedures of an administrative type – like circular No.300 of 2000 – the employment of minors has been allowed and disallowed over the years with consequences leading to the favouring of clandestine economic forms.

3. Clandestine lives

Stories dealt with in this paragraph are evidence of legal exclusion risk from legalization procedures for the large part of migrant minors of the over-fourteen-year-olds represented. As will be seen, these are the legal prerequisites of that sense of social and moral death (Kleinman; 2012) often shared by minors and youths steeped in clandestine conditions. There exists a sort of ‘geography of being without documents’ (Bloch, Zetter; 2008); that is, a map of safe and prohibited places within the construction of social networks. My work between 2003 and 2007 got me involved in a project of outreach in Porta Palazzo; finalized within having had to reach minors not acceding the institutionalized ‘Bassa-Soglia’ (Low-Threshold) provisions. There exist places perceived as being safe (some streets and houses, the mosque, etc.); and other dangerous ones controlled by the police or economically abusive terrain similarly ‘guarded’.

In confrontation to the institutionalized procedures described by me, the street with its regulations and codes, represents an alternative for those coerced to acquit the migratory warrant of having to earn, even if illegally so; even without documents and various foreseen criteria.

‘All those deriving from the countryside areas in proximity of Khouribga, Ben Iklef, were minors between fifteen and seventeen years of age. During the afternoons, they mingled along the main street that runs into the square. It is here where the principal, commercial activities are expressed in the forms of small food markets, Moslem butcheries, kebab shops and bars frequented chiefly by Moroccans. Street economy is vented in various activities. Apart from peddling and the abusive sale of telephone cards, there is also the sale of home-made bread; baked by Moroccan women, who often display this together with mint. Like all illegal merchants, their presence is highly mobile. With each alarm signal in correspondence with the arrival of traffic police, the women wrap up the bread and disappear with the same speed with which they ‘decorated’ their clandestine stalls. There appears to be no recognizable ‘look-outs’, but warnings of the arrival of police or of traffic police control can be effectuated by anyone, who has the interest of guarding such commercializing at heart. There are always those that think of others."

The group of street youngsters, who gradually ‘root themselves’ within the planning headquarters named ‘Halting Point’ for its function of ‘offering respite’ from the frenzy of clandestine street-work, had reached the network of their relatives; above all their fathers, who had already immigrated in the eighties. These children substituted their fathers, uncles and cousins; performing the tasks of guaranteeing recoveries towards the original family. This latter-mentioned aspect continues to reinforce and build the male role and ideal of the successful migrant; thus more appetising for the already-arranged marriage with compatriots by the original family still residing in Morocco.

Still today, the map pertinent to transits and the supportive network established by already allocated migrants - especially family members - constitute one of the cardinal elements on which they activate the prospect of expatriation (Van Der Erf R.and Heering L. 2002; Persichetti A. 2003). This is in agreement with the giving of form to hijra (departure, exit, emigration) in accordance with recurrent and repetitive modality.

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7 With Art 5 D.L. 13 April 1999 no. 113, some amendments to the Immigration T.U. were introduced. They refer to powers and functions of the Committee for foreign minors, at Art 33 D.L. no. 286, which was introduced in 1994, with the “Martelli Law”. Its scope was to monitor and regulate the reception and temporary stay in Italy procedures for foreign minors within programs of solidarity and temporary reception; proposed by voluntary organizations, local agencies (for one, the summer stay for Ukrainian children hit by Chernobyl radiations, etc.). […] While, within the period of the Martelli Law, the treatment of unaccompanied minors came into Judicial Authority trusteeship from the previous Police jurisdiction, with the new functions foreseen for the Committee, a central agencie, a semantic and political shifting of the “reception” concept has occurred on the administrative level. “Through appropriation or extension of the lawmaker’s power to an administrative body, from now on the Committee of Rome shall decide on the subject of assisted repatriation” (pp. 83, 84, Specialist Graduation Thesis, Alice Rossi, 2008).

8 Based on data provided by 2008 and 2009 Reports of the Inter-institutional Observatory on Foreigners in the Province of Turin, there appears to be a preponderance of unaccompanied minors between the ages of 15 and 18 and of male gender.

9 From the notes of my work diary, May 2004.
Within these life stories relatable to numerous minors there is the recurrence of recounts concerning the journey with similar modalities; at least so for those, who today have reached the age of about twenty-five years and hailing from the countryside areas around Khouribga at the beginning of the two-thousands:

'We all arrived in the same manner; that is, with a false passport. For a fee of 4000 € at that time, they pasted our photograph in the place of that of a son; we used to get our documents in Khouribga, where you can find everything. Like-wise as with the guy that stamped your passport to leave Ceuta (reference to my research conducted in Morocco, 2007) you also bought the customs officer. He tells you to pass from a certain hour. For example, he says: “Pass through between two and four o’clock. I will be there and for me there’s no problem (...).” All of us arrived here between 1999 and 2001; paying, but it’s safer. Those from Casablanca and Tangiers take risks. It’s dangerous under a truck, in a ship; there are more dead than alive’. 10

Frequently, once the migrant youths arrive they have gone to live the quarters of Porta Palazzo, where a thick network of compatriots live and run various types of commercial activities:

‘...if you stay here you really don’t miss Morocco; in fact it’s like being in Morocco. Everyone speaks darija (Arabic dialect). You have the mosque, the market with koshered meat, fresh bread sold by the ladies even on a Sunday11’.

Within the group, which has gradually become rooted at Halting Point, lots of them have inherited the commercial activities of their fathers; wandering about market places in all of Piedmont Region and Valle d’Aosta Region in order to sell little objects for domestic use. And if the opportunity presents itself, they commit a ‘compensating’ theft as a result of the poor profit obtained with the official activity; nevertheless, even this being illegal in the absence of a licence. Both these activities were perpetrated in a group; with the function of welcoming and of showing the ropes to the new arrivals. A day of this type for these jobs meant that they had to get up at dawn to board a train towards the Towns of the Province and follow the weekly time-tables in order to head where there are open markets. Often life projects in Turin, even now, make provision for the maximum exploitation of the ambiguity of that ‘active process of migrant-work inclusion through its clandestineness’ (De Genova, cit. in Mezzadra S.; 2004).

4. Fariq: blessings and curses

Fariq was amongst the first Moroccan street minors known in 2004. He was fifteen at the time and had left Morocco and his mother, who had divorced his father by the time he was born and with whom he lived. His departure and stay in Italy should have allowed him to be of economic assistance to his mother as he was the only male child. Once arrived in Italy, in 2001, Fariq had always felt a sense of responsibility towards his mother; openly blaming himself for his father’s abdicating of his paternal duties. On several occasions it was written in my notes about Fariq saying that he did not feel well and that he felt hammering in his head. The sense of guilt Fariq was living with regard to economic failure was probably imputed to the failure of a hammering warrant to be resolved; that of sending money to his mother abandoned to herself. All this weighed heavily on his self-perception; no longer the son, who ought to be maintained, but the family man, who has to provide maintenance for the family in a distant land. His existence was hanging in the balance between the desired adult immigrant status of responsibility and precariousness of the new situation in Italy. The question of earning for Fariq was connected to a symbolic universe and of values relative to the parental warrant with the possibility of freeing himself at any cost. Since prerequisite forms and time required for legalization would not have permitted Fariq the ‘quick buck’ he had dreamt of, he resorted to the world of illicit economy (in Arabic: haram, impure) towards success. This put him in the position of having to live an ulterior conflict to conceal from his mother and himself; that is, the fact that in order to conform to the parental migratory warrant, implies instead an illicit choice of conduct. The threatening sense of risking fragmentation with relations of origin persists, as in this case. But also respect for the newly built relationships because of the possibility of being arrested and deported, fuel the condition of social and moral death that characterises the lives of unaccompanied minors. Almost in a prophetic manner the juridical label of unaccompanied minors appears to define that sense of solitude right from the beginning. To lots of them this is their common, daily path they routinely trace also as adults.

10 A fragment of Zakaria’s story, from the notes of my work diary, November 2008.
11 A fragment of Mohamed’s story, from the notes of my work diary, November 2008.
Even though Fariq’s way could guarantee his formal legalization in the terms of the law, the situation precipitated exactly when the attainment of a Foreigners’ Permit of Stay for those of age appeared to finally be possible and within reach. One of the last episodes that contributed to signify his dissociation with Porta Palazzo and his regularization, had been his escape from Turin following ‘some business to settle’ with a few of his compatriots emanating from a money dispute12.

When he reappeared to pay us a visit, his physical aspect was demoralising; he was emaciated and down-and-out. He endeavoured to regain his legal situation but, as a consequence of his having become of age in the meantime, there existed no possibility at all. In his story, there are recognizable moments of repetitive and re-proposed fragmentations that describe a sort of traumaphilia (Beneduce; 1998) tied to the migratory process.

Fariq’s biography evidences the tension of a periodic compulsion towards the ‘destruction’ of contacts and relationships with persons and contexts filled with affection. To this end, he engages perversive reactions of specular eschewal and separation; almost as if to exorcise the fear itself of separation and solitude.

Another essential aspect is associated with clandestine economy (A. Colombo; 1998) that as a social buffer, exercises the function of welcoming the ‘excluded’; he who is ‘extraneous’ to the criteria of the law and he who in any case believes he will return ‘home’ and maintains that the ‘under aged’ has to be exploited to the full.

In my collection of biographies of these years, stories of daily clandestineness are evident; the recounts and memories of violent inscriptions within the bodies like ‘incarnate memories’ (Beneduce; 2001). In the form of scars, cuts and in gestures, incorporated at a less visible level, the ‘visions of the world’ emerge; tightly interwoven with the conditions common to clandestine migrants; juridical state and forma mentis transmitted from father to son.

The cultural uprooting and mass emigration to which Khouribga and its surrounding countryside have been subjected to are the derivations of most Moroccan immigrants in Turin. These places are at the base of tragedies and epic success stories of ostentatious opulence by those who had made it. These latter-mentioned aspects and the forlorn hope of a better future are in agreement with the instillation of the desire that destroys the possibilities and motivations of living in their own country. The young child migrants, those deported to their patria, the potential ones waiting for the right moment and the right truck are defined as being harrâga (from the verbs to burn, cut, depart); those that cross the borders and the confines of the law, burn (Vacchiano; 2007).

5. Conclusion

Safety, Employment and Emergency: the reasons for State Violence and the Perpetual Present

With the passing years the possibility of a rapid overturning between the illicit and the eligible subject has been taking shape in a normal and legal manner through the recurrent tightening of legislative criteria. Within discussions and prescribed indications the reformulation of that which Fanon defined as ‘the height of bad faith’ (1956, p. 50) – wherein the colonized black is remonstrated for his inertia - has been effectuated in a different way from operator to operator.

The procedures of introducing minors into the various reception centres are the first step to the legalization process. Normative and social discipline imply in a paradoxical manner per se a state of exception (Agamben, 1995) that concerns both the revocability pertinent to inclusion criteria relative to reception norms, and the suspension of the legitimate order within the forms of deportation and detention in CIE (Centres of Identification and Expulsion) 13.

During the last Berlusconi government, the so-called ‘Security Package’, Law 94-2009, was promulgated, as a sign of the general atmosphere of Zero Tolerance and criminalization of misery (Wacquant; 1999) which characterised the global politics. As a result of one amendment14, the criteria foreseen for the issuing of a Foreigners’ Permit of Stay to an unaccompanied foreign minor at eighteen years of age have sanctioned the exclusion of over-fourteen-year-old minors without requisites from the legalization process; those minors usually devoid of parental references securing their well-

12 As a matter of fact, in order to clear an obviously huge debt, he appropriated a large amount of cocaine to sell, thinking of not being discovered. When the legitimate owners became aware of the trafficking, they chased him down the district streets, threatening him with knives and axes. He took refuge in the mosque, looking for protection from the Imam who, also in Turin, still plays the role of conflict mediator. The boy was not injured, but he had to leave town and stay away for months (notes, July 2007)

13 Foreseen since 1998 with the T.U. (Art 12), they were initially called CPT (Temporary Stay Centres). They are structures meant for all those foreigners ‘subject to measures of expulsion or of a turn-back with coerced accompaniment to the border, not immediately executable.’(Alice Rossi, Specialist Graduation Thesis, 2008, p. 82)

14 Amendment No. 18.22 to the Bill A.S. 733.
being and maintenance. Only during the course of 2011 following the L. 129/11, did the application of the normative reintroduce the possibility of predominantly inclusive, alternative criteria in line with the variable amendment outlined by me during the course of the last decade.

During this stretch of time in Italy a changeable development has been manifest in the legalization process of the migratory phenomenon characterised by that which is at stake; employment!

The case of the massive availability of low-cost work-force has always been evident. This is indeed appetising to the market particularly so in virtue of the ‘flexibility’ of the type of ‘inclusion’ legally foreseen and contemporarily also of the possibility of exclusion; this too a norm at the level of legislation. Under this perspective the Italian normative has contributed towards a recourse to clandestine economic forms on the part of minors; discouraging them from entering the legal market; the access to which is often preceded by years of underpaid work; as in the case of formative training.

Due to its characteristic of being extraneous to the migratory influx regulations, the phenomenon of minor, illegal immigration escapes the control at border entrances into Italy. Simultaneously, this practice is subject to multiple forms of legislative guardianship and cyclical, emergency states. This widens the margin of legitimately permitted action and fuels economic assortments around racist and security alarms of migrations. The lives of Porta Palazzo’s unaccompanied minors evidence various forms of resistance, which vary in accordance with each individual’s social networks, informal and institutional support within the new arrival context and, above all, parental guaranty and symbolic efficacy of the latter-mentioned responsibility.

‘The term relative to sin, haram, is connected to mahram, incest and to harem. Moreover, in the familial ambience, the term is deducible to hasciuma, that is ‘shame’; viewed in relation with parental-judicial power in retrospect of the warrant of the journey and its failure or success. In this case, shame/hasciuma is the sentiment the minor experiences with transgressions perpetrated by him from his distant home, Morocco. Particularly so, the mother can condition the life of her immigrated boy by means of a curse/sakht. On the contrary she can grant him a blessing/rda; the parental warrant the child has to try and obtain, fulfilling the parental mandate. Nonetheless, the paradox is that in order to get an rda numerous minors and youths enter the arena of haram with a consequent and frequent loss of self-respect. In that which seems a sort of family economy, not only in the material sense, the immigrant, in this case the minor, takes on the figure of the goat as if in synthesis the logic is that of if something should happen to let it happen the youngest15.’

In fact, in order to fulfill his desire of satisfying his parents, the son courts sin; breaking down barriers dividing that which is pure from the impure. Far from home, the two become addled with the legitimating of a new subject; he has to be productive, being an adult, responsible and male.

The fact of not having valid documents inundates personal and emotional space (Bloch, Zetter; 2008) with trans-objective resonances involving family and friend relationships in Turin as well. The impossibility of projecting the future anchors lots of clandestine minors and youths to the present; having to confront not only the stigma of illegality but also precarious conditions.

‘You learn how to become invisible16 to the eyes of the State and society. Some of them stay suspended between being without documents and being marginalized; a sort of double life, where the perception of frozen time prevails.

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The Holy See and the Crimean Crisis (1853-1856): The Menacing Savoy’s Expansionism

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Abstract: At the beginning of the Crimean War, the Holy See played a major role in the international policy debate. The Pope Pius IX took an ambiguous policy by putting pressure on the continental powers to declare war against the Orthodox Russian Empire of Nicholas I, but at the same time he didn’t want that Austria took part in the war. The apparent contradictory papal policy hides a coherent project: defeating Russian Empire, its expansionism and asserts the Roman’s superiority over the orthodox faith, but at the same time Austria must not act because Vienna is the order’s guarantor in Italian peninsula. If Austrian Emperor goes to war, he’ll remove his men from the Lombard-Venetian front sending them to the east and, especially, this situation can be an opportunity for the Kingdom of Sardinia’s expansionism or for Italian revolutionaries to destabilize the peninsula and also Holy See’s territorial integrity. This is the position of the pontifical diplomacy at the beginning of the War.

Il cardinale Giovanni Maria Mastai Ferretti era salito al soglio pontificio il 16 giugno del 1846, eletto al quarto scrutinio con 36 voti su 50 cardinali presenti al Conclave. Il nuovo papa, che sceglieva il nome di Pio IX, aveva solo 54 anni e il suo pontificato, terminando nel 1878, sarebbe stato uno dei più longevi con ben 34 anni di regno. L’arco di tempo compreso tra queste due date è storicamente rilevante e, indubbiamente, di fondamentale importanza per la storia europea, ma in particolar modo per quella della penisola italiana. Il suo pontificato attraversò fasi concitate, come i moti rivoluzionari del 1848-'49, la Guerra di Crimea del 1854-56, le guerre garibaldine, l’unificazione italiana del 1860-61 e infine la presa di Roma del 20 settembre 1870 con l’interruzione del Concilio Vaticano I. Pertanto è inevitabile, vista l’abbondanza di eventi che si intrecciano agli anni di regno, chiarire la posizione di Pio IX nella delicata “Questione Orientale” e precisare la politica della Santa Sede di fronte a un conflitto militare, diplomatico, etnico ma con forti valenze religiose, in quanto alleò paradossalmente le nazioni cristiane all’Impero Ottomano di fede islamica, contrapponendole ai russi cristiano-ortodossi.

Un aspetto di notevole importanza è quello relativo all’ecumenismo che contraddistinse il pontificato di Pio IX, infatti, nonostante le travagliate vicende temporali, profuse attivamente il suo impegno perseguendo con instancabile fiducia l’unione ecclesiale. Di cruciale importanza fu la lettera del 6 gennaio 1848, Litterae ad Orientales in suprema Petri sede, indirizzata ai patriarchi greco-ortodossi, che inaugurava una nuova fase dei rapporti religiosi tra Chiesa Occidentale e Orientale.

Prima di procedere con l’analisi dei tentativi di dialogo tra le due confessioni cristiane è necessario puntualizzare che quando si parla di chiesa ortodossa, relativamente al periodo preso in questione, è inevitabile il riferimento all’Impero zarista in quanto l’identità nazionale russa si fondeva all’appartenenza religiosa alla confessione greca. Essere russo significava essere ortodosso, per questo motivo la Polonia - cattolica per antonomasia - venne considerata un corpo estraneo all’impero. Lo Zar, tuttavia, attuò una politica di tolleranza religiosa nei confronti dei latini, lasciando libertà di culto. Tale linea non può essere considerata alla stregua dell’apertura ecumenica di Pio IX, bensì prodotto di una oculata scelta politica che tenne conto dello schiacciante tasso di cattolici in Polonia, i quali, se non tollerati, avrebbero potuto destabilizzare il potere russo. Pertanto l’obiettivo principale fu quello della tolleranza e, allo stesso momento, della sottomissione dei capi religiosi al potere zarista, prassi tipica della religione ortodossa. Inoltre si cercò di ridurre al minimo gli interventi di Roma, per il timore che potesse strumentalizzare le chiese indigene per la sovversione nazionale. Questa la situazione dei delicati rapporti tra Roma e San Pietroburgo ai prodromi della I Crisi d’Oriente. L’iniziativa unionista di Pio IX, incontrò la ferma resistenza della confessione ortodossa, espressa aspramente nell’Enciclica dell’Una, santa, cattolica ed apostolica Chiesa agli ortodossi di ogni regione del maggio 1848. La risposta greca fu firmata da Antim I.


patriarca di Costantinopoli (considerata la nuova Roma). L’atto fu sottoscritto da tutti i patriarchi e dai sinodi vescovili, i quali, in blocco, rifiutarono l’apertura pontificia in nome di quel “filioque” che dal 1054 aveva provocato il “grande scisma”\(^3\). Il cattolicesimo venne considerato eretico e i fedeli tacciati di proselitismo\(^4\). La risposta dei patriarchi greci trovò ampi consensi in ambito slavofilo e in particolare modo in Russia:

«È venuto il turno dell’ortodossia, il papa dunque siede ripiegato nel suo angolo, Roma o Gaeta pari sono, debole e malinconico. Sono di turno nel mondo le razze slave! Grande momento questo, da noi previsto ma non da noi preparato» (Tamborra, 1992).

La posizione dello Zar fu ben chiara e la contrapposizione con Roma insanabile\(^5\). Davanti al rischio di una guerra imminente e dovendo assumere una netta posizione, la Santa Sede si mostrò turcofila, poiché l’Impero Ottomano, nonostante fosse di fede islamica, non rappresentava ormai da tempo alcuna minaccia per la religione cattolica, mentre la politica spregiudicata di Nicola I continuava a impensierire Pio IX. Il vero nemico da combattere diveniva dunque il panslavismo\(^6\) zarista, con tutte le sue implicazioni di ordine temporale e spirituale. A tale proposito il prof. Antonello Biagini nota:

«In questo momento giovava più all’Europa cristiana di portare aiuto alla Porta piuttosto che ai cristiani ortodossi, comodo paravento delle mire russe» (Biagini, 1970).

Il punto di vista della Santa Sede nel corso della Guerra di Crimea è evidente nelle pagine del quotidiano gesuita «La Civiltà Cattolica»: le lucide analisi degli inviati e gli articoli, vagliati dal pontefice, costituirono l’occhio ufficiale di Roma. Fu la rivista che più di ogni altro riuscì a carpire gli eventi e fare un quadro - certamente non imparziale - della travagliata situazione venutasi a creare a est. Con lucidità la rivista mise immediatamente in luce le posizioni della Santa Sede, attribuendo le cause della I Crisi d’Oriente esclusivamente alla politica spregiudicata di Nicola I, il quale, dietro al pretesto religioso, aveva celato il reale obiettivo dell’espansionismo russo:

«Questo disegno così grandioso sta per essere messo in opera, né si crede remoto il tempo che i lavori cominceranno ad intraprendersi. I lavori saranno diretti da quattro colonnelli [...] seguiti da tre corpi di truppa» («La Civiltà Cattolica», 1853).

«La Civiltà Cattolica» segui le vicende con meticolosa attenzione e gli inviati permisero di monitorare la politica militare russa, contribuendo a comprendere maggiormente le strategie di Pietroburgo in quegli anni caotici per il continente. I cattolici cercavano di analizzare la condotta russa, in particolare nel Cauca e nel sud-est europeo. In questa propaggine territoriale le truppe di Nicola I ingaggiarono frequenti scontri con le popolazioni autoctone. Il pretesto ufficiale fu quello di dover difendere i confini dell’esteso impero, ma gli inviati compresero subito che la principale causa di tale aggressione zarista, oltre al consolidamento delle frontiere, era quella di ottenere la supremazia in questa zona. Tale estensione avrebbe permesso a Pietroburgo non solo di assoggettare le tribù ribelli, ma di aprire alla propria influenza la “via delle indie”. A differenza di altri organi di informazione e portavoce ufficiali, la rivista gesuita, mise quindi immediatamente in risalto l’ambiguo e gravissimo atteggiamento militare russo ormai vicino a un’aggressione ai danni di Costantinopoli\(^7\).

\(^3\) Alla frase “[...] Lo Spirito Santo che procede dal Padre”, contenuta nel symbolum niceano, la Chiesa d’occidente aggiunse il termine ‘filioque’, sostenendo che lo Spirito Santo deriva dal Padre e dal Figlio. Il rifiuto della modifica da parte dei greci, portò allo scisma.

\(^4\) A. Tamborra, op. cit., p. 20.

\(^5\) La Civiltà Cattolica commentò: “Gli orgogliosi patriarchi per mantenersi all’altezza usurpata si appoggiavano sulla spada di Cesare, riuscendo così a reprimere la ribellione dei propri fedeli senza però rendersi ben conto che di fatto si erano consegnati nella mani di Cesare”. Lo Zar fu considerato un despotà anticristiano al quale si sottomisero incondizionatamente tutte le chiese ortodosse a causa del loro distacco da Roma.

\(^6\) “Il panslavismo – affermò «La Civiltà Cattolica» - è l’idea di unificare in un sol colpo società religiosa e politica della razza slava, per rendervi politicamente dominante sulle altre. E questa l’idea si viene talmente incarnando nelle popolazioni or greche o slave confinando con l’impero che in prova di queste simpatie i paesani del Danubio e gli Slavi Ungheresi serbano in loro case il ritratto dell’imperatore russo, come il capo o il protettore massimo del loro scisma religioso contro il latinismo”.

\(^7\) Gli scontri principali furono nella gran Celenia, nel Weden e nel Daghistan contro Celeni e Iaulizi. Scontri sanguinosi in cui i russi riuscirono, di misura, ad avere la meglio, consolidando il controllo nelle regioni remote.
Altro punto di vista particolarmente saliente per poter comprendere la posizione romana, è quello del Nunzio Apostolico a Vienna, Michele Viale-Prelà. Tra le nunziature, quella austriaca fu la più importante nel corso della delicata Crisi Orientale. La notevole rilevanza della personalità di Viale-Prelà non può essere compresa se non letta alla luce degli interessi della Santa Sede, la quale ebbe nel suo Nunzio - come scrive Francesco Dante- una pedina di inestimabile valore nello scacchiere orientale. L’obiettivo dell’emissario pontificio era quello di monitorare attentamente la politica interna ed estera dell’Impero giuseppino, cercare di comprendere gli interessi austriaci e le strategie della Hofburg. Nel capire il perché di tanto interesse di Roma nei confronti dell’Impero Asburgico è necessario cambiare scenario e ricollegarsi alla penisola italiana. Nello stivale l’Austria era divenuta la garante principale dello status quo. I continui tentativi di insurrezione erano stati stroncati nel sangue dalla truppe di Vienna. Lo stesso Pio IX, intorno alla fine del 1848, aveva avviato dei contatti segreti con Francesco Giuseppe, invocando il suo aiuto e il suo intervento contro la Repubblica Romana e stabilendo degli ottimi rapporti con la corte di Vienna. Monitorare l’Austria, adesso, avrebbe significato comprendere la sua strategia e la futura politica nella penisola italiana. Il Nunzio Apostolico, oltre ad aggiornare continuamente la Santa Sede, avrebbe dovuto condurre una pressante opera di dissuasione nei confronti dell’Imperatore asburgico, poiché, se l’Austria fosse intervenuta militarmente nella Questione Orientale, avrebbe dovuto inevitabilmente spostare le proprie truppe da ovest a est e ciò avrebbe provocato lo smentimento delle difese sul Lombardo-Veneto e sul resto dell’Italia e soprattutto avrebbe dato l’eventuale opportunità, al Regno di Sardegna, di intraprendere una politica espansionistica che si sarebbe potuta ritorcare proprio contro i territori della Chiesa.

La politica di Pio IX fu lungimirante nella lettura delle possibili conseguenze di una avventata e aggressiva scelta politica di Vienna: si cercava di scongiurare l’impegno armato austriaco per poter salvaguardare l’integrità dello Stato Pontificio. Da questo punto di vista si comprende la contraddittoria posizione della Santa Sede: da una parte si considerava inevitabile la guerra all’”Autocrate”, poiché una sua sconfitta avrebbe ridimensionato sia le sue aspirazioni che quelle ortodosse ma al conflitto avrebbero dovuto partecipare tutte le potenze europee eccetto l’Austria che avrebbe dovuto concentrare le proprie attenzioni nella penisola italiana proteggendo anche il lo Stato della Chiesa da paventate insurrezioni o minacce sabaude.

L’ambiguità della posizione della chiesa non sorprende, poiché risulta assolutamente consequenziale ai propri interessi. In tale ottica, l’atteggiamento della Santa Sede fu quello di una grande potenza, ossia la potenza dei calcoli cincini, finalizzati al raggiungimento dei propri tornaconti. «La Civiltà Cattolica» sintetizzò in Pietroburgo e nella figura di Nicola I i mali contemporanei da estirpare. Questi i motivi che portarono alla esplicita posizione in favore della Sublime Porta che, dalla testata, fu considerato un impero evidentemente in crisi, ma in cerca di una salvifica alleanza con le potenze cristiane d’occidente.

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8 Nato in Corsica, a Terra Vecchia, presso Bastia il 29 settembre 1798, venne nominato Nunzio Apostolico e Arcivescovo di Cartagine il 12 luglio 1841 da papa Gregorio XVI. Nel giugno del 1845 fu inviato a Vienna, dove nacquero rapporti di consonanza con il Metternich, in virtù dei quali il rappresentante pontificio divenne particolarmente gradito al governo austriaco. Nunzio Apostolico in Austria dal 1845 al 1856.

The Russo-Japanese War in Russian and Japanese Public Opinion and Historical Research

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Abstract This research is aimed to analyze the perception of the Russo-Japanese War of 1904-1905 and its consequences for Russian and Japanese public opinion and research. During the study it proved out that the cultural differences, mutual misunderstandings, and wrong interpretation of each other’s intentions could lead to unresolvable deadlocks, which affect political, economical and cultural relations. Besides, the interpretations of this conflict by officials and its vision by common people have a great impact on the outcome of the war and are also subject of this study. Finally, this research focuses on the territorial issue, which has been dominating the Russo-Japanese relations for centuries and continues to block any attempts of rapprochement on political and in many cases on economical levels.

Key words: Russo-Japanese War, territorial issue, public opinion, Far East.

“Again war. Again sufferings, necessary to nobody, utterly uncalled for; again fraud, again the universal stupefaction and brutalization of men.”
Leo Tolstoy

1. General outlook on the territorial issue

Two decades after the demise of the Soviet Union, Russia’s political, economic as well as ideological future remains uncertain, and the historical question of Russia’s identity in the world gathers growing importance. As 100 years ago the discussions of Russia’s being a western or eastern country are continuing to interest scholars and common people. Japan is another important world power, whose development was more constant, rapid, and less affected by foreign invasions. Despite huge cultural and historical discrepancies, their growth is characterized by some important similarities, very well analyzed by Cyril E. Black in his book “The modernization of Japan and Russia: comparative analysis”, which reveals political, economic and social features in common. Nevertheless, Russia and Japan still have some crucial unresolved problems regarding the “Northern territories”, which are sensitive to both populations and are considered to be a question of “national pride” in both countries and an important card in the political game but mainly (which is rarely articulated by both governments) the economic worth of the sea, washing these territories with its endless fish resources so attractive to all. In a book, written by a group of Japanese historians of the beginning of XXth century they claim that Russians have failed in colonization of Sakhalin (Sakhalin) island and the Northern territories, further stating that “The Japanese and the Japanese alone have in their power to get the utmost use of the natural resources of the island”, considering the possibility of making the Okhotsk sea a “Japanese lake” and taking the trade of Kamchatka in their hands. Nevertheless they conclude in the propaganda key that Japanese “value Sakhalin for sentimental more than for any other reasons”, comparing it to Alsace-Lorraine for a “patriotic” Frenchman (Maruya, 1904, 256). In fact vast territories of Russia, poor administration and undeveloped transportation system delayed the economic growth and repopulation of the island. Therefore, before the Soviet period it remained a backward province of the enormous Russian Empire. Unfortunately, even now country’s officials keep forgetting about people actually inhabiting these territories, still little have been done for the economic progress of these lands, their huge distance from the central government conditioned their destiny in both positive and negative way: giving them relative freedom and depriving them from most technological achievements and attention from the Russian government.

This situation affects both Japan and Russia’s foreign policies and the question of any Russo-Japanese conflict and their relations cannot be studied outside the territorial issue. Lack of understanding and limited personal interactions affect also populations’ perception of each other: Japanese still consider Russia and Russians as “big and aggressive”, trying to offend small innocent Japan, while Russians see their territorial demands as an attempt to invade Russian Far East (though these fears are rather small and less relevant in comparison to the fear of the rapid growth of Chinese population and its economic progress). In this context seems interesting to analyze the origin of these misunderstandings, which lies in history, culture and wrong interpretations of each other’s intentions, which became
dramatically evident during the Russo-Japanese war of 1904-1905 but had started long before then.  

2. Russo-Japanese War of 1904-1905 and its literary and historical interpretations

Russo-Japanese War of 1904-1905 is an event both of high importance and of a very controversial interpretation for modern Russian historians as well as their Soviet predecessors.

This conflict was traditionally ignored by Soviet and Russian scholars as a “shameful” page of Russian history. Difficulty in interpretation of economic, political and social impacts of these events on Russia and its history had led to the complete ignoring of Russo-Japanese war at all levels either in research or in school program, where it is usually mentioned briefly in the list of historical dates in the end of a manual. At the same time, the events of the War were very romanticized by various authors in their novels and even poems dedicated to that period, such as “Port-Arthur”, a novel by Aleksandr Stepanov, “Tsushima”, by Aleksey Novikov-Priboy, “Servitude: A tragedy of years ago”, by Valentin Pikul. These novels naturally deal with personal tragedies and emotions rather than serious historical analysis. One can observe even stronger tendency to present the war in a romantic and heroic light in the post-war Japanese literature as it made part of an important state propaganda of Shintoism ideology, which intended superiority of the Japanese nation and the divine origin of the Emperor. Japanese novelists Shiba Ryotaro,11 author of “Saka no Ue no Kumo”, the story of the destruction of the Baltic fleet during the Russo-Japanese War, combined in his work historical fact and literary fiction to “restore” the gaps in the Japanese official military history of the campaigns. Surely the Japanese high command’s decision to perpetuate myths about Japan’s wartime performance contributed to the historical “gaps” and that subject merits further treatment. One of historians working on the problem was Sandra Wilson, a prominent American historian, her research on The Russo-Japanese War in Cultural Perspective 1904-05 offers an excellent analysis of the sharply divergent reactions to the war of the Japanese establishment and marginalized ideologues of the extreme right- and left-wing persuasions. She notes that “Later Japanese reconstructions of the total conflict ignored such unpleasant realities as that the government consciously supported the metamorphosis of a costly and divisive struggle into ‘Japan’s Good War’ by manufacturing a series of national and military myths that endured through World War II” (Wells, Wilson, 1999, 53).

In Russia it is possible to point out two periods of a relatively high scientific interest to this topic from the part of scholars: the period right after the War, analyzed by its witnesses and contemporaries, such as historical and critical comments of General Kuropatkin, one of the main figures of the events or “The price of blood” diary of Commander Vladimir Semenov, written during the blockage of Port Arthur and the voyage of Admiral Rozhdenshtvensky’s fleet, the book was translated in most European languages. The second wave of interest occurred in the beginning of XXIst century, 100 years after the Russo-Japanese War and is marked by works of Vitaly Elizariev, Soviet and Russian scholar, who has lived in Sakhalien since 1949. In his work “The Russo-Japanese war and its consequences on colonization of Sakhalien” he analyzes how the wrong interpretation and falsification of Sakhalien and Kuril’s history affects perception of many historical facts. Aleksey Shishov devoted many years of research to the topic of the Russo-Japanese relations. In 2001 was issued his book “Russia and Japan. The history of conflicts”, followed by a book “The unknown pages of the Russo-Japanese War”, issued in 2004. In this research he not only analyses the reasons for the conflicts, mentioned

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10 Sakhalin is a strategically important island in the Far East for Russia as for Japan, belonging nowadays to the Russian Federation. Japanese settlement on Sakhalin island dates to at least to the Edo period. Otomari was established in 1679, and cartographers of the Matsumae marked the island on maps, and named it “Kita-Ezo”. Japan unilaterally proclaimed its control over the whole island in 1845, but its claims were ignored by Russia, as it considered itself the first to start colonization of the island. The Treaty of Shimoda of 1855 acknowledged that both Russia and Japan had joint rights of occupation to Sakhalin, without setting a territorial demarcation. As the island became settled and inhabited in the 1860s and 1870s, this ambiguity of the frontier led to increasing friction and quarrels between settlers. Attempts by the Tokugawa Shogunate to purchase the entire island from the Russian Empire failed, and the new Government of the Meiji period was unable to negotiate a division of the island into separate territories. In the St.Petersburg’s treaty Japan agreed to give up its claims on Sakhalin in exchange for undisputed ownership of the Kurils (Hawes, 1903, 44). Then, following the Russo-Japanese war in 1905, Japan regained control of Sakhalin Island south of 50° latitude. Japan then took control of the entire island after the Russian Revolution of 1917 but abandoned control of the island in 1924. Finally, at the end of World War II, the Soviet Union took control of the entire island, along with the Kurils and forced the Japanese population to leave.

11 Ryōtarō Shiba (司馬 遼太郎 Shiba Ryōtarō) born Teichi Fukuda (福田 定一 Fukuda Teiichi, August 7, 1923–February 12, 1996) in Osaka, Japan was a Japanese author best known for his novels about historical events in Japan and on the Northeast Asian sub-continent, including the Russo-Japanese War. He is also known as an outstanding essayist, picturing Japan and its relationship to the rest of the world.
above, but raises also the issue of cooperation between the Japanese spies and Russian revolutionary movement, aiming to destruct the country from the inside. It is not much lack of scientific interest as certain indifference of the main part of Russian population to the topic due to the huge distance from the Far East, that make this question understudied in Russia. Despite this relative indifference to the subject by Russian scholars, at the international level some interesting studies have been made, though mostly by American and Japanese historians (Sandra Wilson, David Wells, Koto Hoshino, John Albert White, Cyril E. Black). Japanese historians were also highly engaged in the propaganda of the war before it had started. Thus, Koto Hoshino in his volume “The Mission of Japan and the Russo-Japanese War” along with the message of Japanese nation’s superiority, gives some clear-cut reasons (from Japanese point of view) to start war with Russia, he also notes that “Ten years ago China labored under the illusion that Japan was merely aping civilization and suffered an ignominious defeat at her hands in consequence; and it looks as if a similar revelation and fate were now awaiting Russia.” and concludes “It comes upon her (Japan’s) as a personal and a social duty to fight Russia” (Hoshino, 1904, 31).

3. War propaganda and Peoples’ attitude to the war

In Japan, conviction on the necessity of the war was widespread among the population, unhappy with the government slow to react to the unacceptable reinforcement of Russia’s economic and political positions in Korea and Manchuria. Kota Hoshino in his work on Japan’s mission assumes that “...young and old were all united as one man ready to go forth to battle. The press without any discordant note joined in one universal appeal to arms as the only arbiter of the long continued dispute. All the political parties became loyal supporters of the Government’s policy of war. When asked for the war bonds to the amount of yen 100,000,000, the people responded with an offer of yen 450,000,000” (Hoshino, 1904, 50). Of course one can be rather skeptical regarding this blind support from the part of Japanese. So, it seems important to take into consideration the very character of a Japanese person, formed and influenced by Buddhism, Confucianism and Shintoism ideologies. It explains their patience, tolerance, ability to face any difficulty with dignity, which they proved once again to the world after the tsunami and earthquake on March 11th 2011. But it also explains their awe and respect for those, superior to them in the hierarchy. Therefore, the orders from the above are blindly followed not because of fear, but because of deep respect and conviction that this is the right thing to do. Thus, along with impressive financial support, various charity and ‘work relief’ associations were organized in Japan for the war time such as “Tokyo Kobayashi-ku Nursing Place for Young children of those serving in the front”, “Osaka Women’s Charity Society”, “Association for the relief of those serving in the Army and Navy”, the “Ladies’ Patriotic Society” and so on. All these organizations provided moral as well as financial help to the soldiers and their families, taking care of the children, providing widows and wives with work.

In Russia, the situation was quite different. The country was deeply unstable and shaken by internal troubles and problems. The population was deeply unsatisfied with the political and the economical situation in particular. The war was imposed on the weakened country, the decision to start it had been taken by few ministers in St. Petersburg, who understood nothing or very little about the situation in the Russian Far East to say nothing about the Far East in general. These ministers persuaded Tsar to start the war and insured him in victorious outcome. Even in the face of repeated setbacks, Nicholas II maintained a steadfast confidence that Russia would ultimately triumph. Throughout the first summer of the war, many Russians shared this confidence. An “informant” who was sent to Russia by the Japanese reported in July 1904 that the ruling class of Russia, though experiencing deep humiliation from the defeats, expected final victory. Even a chairman of the Committee of Ministers Sergei Witte, who would emerge as the strongest proponent of peace, initially shared this expectation. In June he talked with the British Ambassador, Sir Charles Hardinge, about the terms that a victorious Russia would impose upon Japan.

Moreover, official newspapers and magazines, which underwent strict censorship and were basically controlled from above, staunchly supported the War despite all the battles lost and pitiable condition of Russian troops. Thus, the biggest magazines gave “encouraging” comments:

“Let us earnestly pray God for those who have laid down their lives for the sacred Fatherland, without doubting for one moment that the Fatherland will give us new sons, equally virtuous, for the further struggle, and will find in them an inexhaustible store of strength for a worthy completion of the work,” writes the St. Petersburg “Viedomosti”.

Another important Russian journal “Russ” insists that a mature nation will draw no other conclusion from the defeat than that it should continue, develop, and conclude the strife; therefore it concludes that Russia should find new strength; new
heroes and the spirit will arise\textsuperscript{12}. Nevertheless the public opinion was already impossible to change. One of the brightest representative of Russian thought and literature and a progressive aristocrat in his book-essay on the Russo-Japanese war “Bethink yourselves”, where he strongly criticize a new war and actions of both government, writes: “People enthusiastically admire the martial spirit of the volunteers who, having come unexpectedly upon fifty of their fellow-men, slay all of them, or take possession of a village and slaughter all its population. News about these crimes is reported in pompous telegrams to their chief director, the Tsar, who, in return, sends to his virtuous troops his blessing on the continuation of such deeds”. Unlike the intellectuals, common people were rather indifferent to the war and the situation on the front. This proves the so-called “Bloody Sunday”, the tragedy that burst out on 5\textsuperscript{th} of January 1905, in front of the Winter Palace, the residence of Tsar Nicolas II, when a peaceful manifestation of workers, calling for tsar’s protection from exploitation from the part of the plant owners was violently shot down. Among the political and economic demands of the workers the Russo-Japanese war was not even mentioned.

The proof of this nonchalance can be observed in a research, carried out by an Italian scholar Antonello Folco Biagini, in which the testimonies of the events confirm country not being ready to conduct the War. Thus, Colonel Paolo Ruggeri Laderchi, Italian attaché in Saint Petersburg at that time, who carried out this mission from the year 1901 to the year 1909 describes carefully all the events of the War as well as the political and military conditions of the parties concerned, paying much attention to the internal conditions of Russia on different stages of the War and right after it. Being in Saint Petersburg, he is well aware of the immense internal problems of the tsarist Russia and until the beginning of war hopes for the possibility of a peaceful solution and predicts a dramatic end for Russia in case of War. He also notes that the very attitude of Russian population to the war with Japan is rather indifferent. “Big, but not immense (disappointments of war), for the reason of the press censorship, an exaggerated national pride, the distance from the battlefield, internal disorders and the very Russian character, in a sense indifferent to anything” (Biagini, 1977, 32). Indeed, Leo Tolstoy in his “Letter to the Russo-Japanese war” heavily criticize the war in general and the hypocrisy of the governments, officials and press from the both side “under cover of patriotism ” (Tolstoy, 1904, 126).

4. Conclusion

Nowadays, the interpretation of the war remains controversial. If you ask a common Japanese about the Russo-Japanese War, he would probably have a mixed feeling between the pride for his country and the injustice of the peace terms\textsuperscript{13}, while a common Russian person, especially someone from the European part of Russia, would hardly have any opinion or give any comments on the topic. Even though with accelerated development of the Asian countries the question of domination in the region cannot be taken in consideration, the territorial issue continues to be the deadlock of any negotiation between two countries and remains for the generations to come to resolve and to reevaluate.

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\textsuperscript{12} “Russ” and “Vedomosti” are two major Russian magazines in the beginning of XX\textsuperscript{th} century.

\textsuperscript{13} Witte, Russian foreign minister managed to make peace without cession of Northern Sakhalien and without paying any money to Japan, while Japan initially expected to obtain the entire island or 600 million dollars for the return of the northern part.
European Macro-Regional Strategies and Approaches: Baltic Sea and Danube Experiences and the New Perspective for Adriatic-Ionian Cooperation

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Abstract European Union aims to extend the stability and democracy area within and outside the current EU borders. To this purpose the reduction of inequalities between different regions represents one of the Union main goals. The Macro-Region strategy represents an innovative pragmatic model of multilevel governance that involves in an open and shared dialogue all of the actors according to an integrate approach: EU, States, regional and local authorities and the civil society. The authors trace the European legislative path in this field highlighting how the strategy could represent the sunset of the sector-based approach in the resolution of Macro-Regional urgent issues.

European strategies and policies

Since 1986 the European regional strategy has been aimed to the achievement of a concrete economic and political cohesion. With the adoption of the Single European Act (SEA) in 1986 it occurred formally the overcoming of the Community conceived as a simply free trade market area, through the introduction of a specific title dedicated to the Economic and Political Cohesion, in the perspective of the recognition of regional dimension as a fundamental element of European policy. In this occasion it has been stated that the Community “shall aim at reducing disparities between the various regions and the backwardness of the least-favoured regions”.

From then on through an articulated politic and legislative path, in which the European Community (later the “Union”) acts with its own institutions, it has been modeled a strategy that has defined progressively its goals and aims in harmony with the other European policies. This path is complex and started with the creation of the European Regional Development Fund in 1975, the reform of Structural Funds in 1988, the institutionalization of regions at European level, the constitution of the Committee of the Regions and lastly the Lisbon Treaty and the re-launching of the new Europe 2020 Strategy that introduced a third dimension of the regional policy: the territorial cohesion. This goal strengthens the idea of a more integrated regional policy, able to pay attention to every potential and effective admission in EU, highlighting the issue of territorial evolution in Europe and the Union’s external borders. In a nut shell Europe 2020 targets are: i) to fully use the strength of each territory within a perspective of a sustainable and balanced development of the whole European Union; ii) to manage concentration: cities increase innovation and productivity but also pollution and social ostracism; iii) to better link territories with the aim to let people live where they want and to guarantee them accessing public services, efficient transportation systems, trustable energy nets and broadband internet; iv) to develop new cooperation instruments between countries and regions through a transnational cross-border perspective for the resolution of those issues whose nature and dimension exceed the national area. The European strategies for Baltic Sea and Danube Region represent two practical examples of this new approach. Europe 2020 strategy orients the

16 Ibid., Article 130A.
17 For a critical approach to the borders meaning and significance see: Topaloglou L., “Border Regions Typology”.
18 For more details about Europe 2020 targets visit the following website: http://ec.europa.eu/europe2020/targets/index_en.htm.
future of European policies toward the promotion of sustainable growth, innovation and occupation and to this purpose it promotes a more integrated territorial cooperation. This target is financed by European Regional Development Fund (ERDF) and provides support to the cross-border, transnational and interregional cooperation. The financial fund of these programs is equal to the 2.5% of total resources provided for the 2007-2013 period. In addition to the group with juridical personality in charge of strengthening the transnational cooperation (GECT), there are other instruments to promote regional development across the EU external borders, in collaboration with potential and effective candidate countries and extra-EU countries. In fact, for the 2007-2013 period the European territorial cooperation’s target (former INTERREG initiative) covers three types of programs: 52 cross-border cooperation programs within the EU borders for a contribution of 5.6 billion of euros; 13 transnational cooperation programs that cover wide range of cooperation areas such as Baltic Sea, Alps and Mediterranean regions financed with 1.8 billions of euros; the regional cooperation program together with three linking programs (Urbact II, Interact II e ESPON) addressed to all member countries for the information and best practises exchange between regional and local bodies of different countries (445 millions of euros). In particular cross-border cooperation aims to reduce the lack of territorial balance through specific strategies defined in detail for each of the 52 programs. The number of issues undertaken is wide and it covers entrepreneurial support, the development of an integrated natural resources management, the improvement of connections between rural and metropolitan areas, a better access to transportation and communication networks, the improvement of a shared use of infrastructure and equal access to job opportunities. With regard to the transnational programs, it is also scheduled a strong collaboration between regions of different European countries on communication nets, flood management, connections for international trade and development of a sustainable market. Lastly, interregional cooperation works at pan-European level, improving links to develop good practice and to facilitate the exchange and the transfer of information and results between regions with successfully experiences.

Therefore, the reduction of inequalities between different regions represents the main goal in a Union that aims to extend the stability and democracy area and the reached economic level beyond the current European borders. The gap between regions is determined by different factors such as pre-existent disadvantages caused by the geographical and geopolitical isolation, recent economic and social transformations, the inheritance of central economic planning systems as well as a combination of these and other factors.

The impact of these obstacles is observable in different manifestations such as social marginalization, scarce instruction quality, high unemployment and lack of suitable infrastructures. The resolution of such issues represents the European cohesion policy’s goal that is focused on three main purposes: territorial cooperation, regional convergence and solidarity, regional competitiveness and employment.

**Macro-Regions**

With regard to regional policy, two terms have recently polarized the debate within European context: territorial cohesion and multi-level governance. In fact, both of them are included in the “Territorial Agenda” adopted by Member States in 2007, in the “Green Paper on Territorial Cohesion” published by the Commission in 2008 and in the “White Paper on Multilevel Governance” approved by Committee of the Regions in 2009. This is the political climate in which a new European regional strategy has been planned. The European strategy for Macro-Regions, in experimental phase, represents an innovative approach for a closer interregional cooperation within and outside EU borders.

The pilot experience of a Baltic Sea region strategy introduced in practice the concept of Macro-Region defined in this occasion by European commission as “an area including territory from a number of different countries or regions associated with one or more common features or challenges.” Macro-regions do not have an independence status or ad hoc institutions nor they overlap with regional or national existing identities. The geographical borders of these regions

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21 See: Herrschel T., “Borders in post-socialist Europe”.

22 See: Muñoz J., “Institutional trust and multilevel government”.

23 For an overview about the European Neighbourhood and Partnership policies see: Canciani, E., “European Financial Perspective”.

24 For an history about the meaning and significance of state borders and their changes over space and time compare also: Anderson J., “Borders, Border Regions and Territoriality”.

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can vary depending on the type of issues existing at Macro-Regional level. For instance, some regions could overlap. Therefore, a region could be part of one or more Macro-regions simultaneously.

The EU Strategy for the Baltic Sea Region launched by the European Commission in June 2009 – and confirmed by the Council in October – is today considered as a model for other potential Macro-Regional approaches. For a second region that develops around the Danube, the European Council asked in June 2009 to the Commission to elaborate a strategy within the end of 2010. Successively, the Commission adopted in December 2010 the document known as “EU Strategy for the Danube Region”. Those steps inspired the debate about other potential Macro-regional areas internal and external EU borders. This happened for the North Sea-English Channel region, for the Alpine region and for the Adriatic-Ionian area. Similar considerations have been advanced for Mediterranean Sea which represents a fundamental strategic area for EU.

The European Commission played an active role in the elaboration of a Macro-regional strategy and now it suggests this strategy as an innovative pragmatic model for other regional areas. This kind of approach represents a concrete and original example of multilevel governance that involves in an open and shared dialogue all of the actors: European Union, States, regional and local authorities and the civil society according to an international and interrelated approach. The need to rationalize and optimize the management of some common resources (as, for instance, the energy), or the need for coordinating the efforts for the resolution of common issues (such as the fighting against the organized crime), are at the base of the Macro-Regional model, that identifies in the integrated approach the key of transnational and cross-border territorial cooperation.

For instance, the promotion of economic and political stability, as a premise to the integration, is placed at the basis of the project launched for the Adriatic-Ionian region\(^2\).\(^5\).\(^6\)

The eight AII (Adriatic and Ionian Initiative that includes today Albania, Bosnia-Herzegovina, Croatia, Greece, Montenegro, Italy, Serbia and Slovenia) member countries\(^7\)\(^8\) established several goals at the base of their cooperation: the creation of a prevention system to fight Adriatic Sea environmental pollution, the construction of a coordinated system for civil defence in the management of fires and natural calamities, the rural development, the intensification of trade relationships and the creation of an efficient tourist service network. Cooperation is also aimed to the valorisation of cultural identities of all member countries and to the rationalization of human and financial resources.

In the AII project the multilevel approach is integrated with a multidimensional orientation aimed to develop the involved territories through the harmonisation of economic, cultural, social and institutional cooperation. The declared purpose of the initiative is finalized to integrate the existing European strategies for Macro-Regions with the Adriatic-Ionian Region strategy, bringing a significative contribution not only for the region itself but also for the whole European Union’s territory.

Adriatic-Ionian regional cooperation could be materialized in the third example of Macro-Regional approach, able to provide a concerted solution of common issues due to the interaction and the open comparison of different actors at European, governmental, regional, local and civil level.

Regional European actions for Baltic and Danube Macro-regions before and after the enlargement process in EU

The European Council adopted the European strategy for the Baltic Sea region\(^9\)\(^9\)\(^10\) (SUERMB) on December 2009, confirming the conclusion dated 26 October of the same year. The strategy schedules an integrate structure for the resolution of common issues\(^9\)\(^9\)\(^10\)\(^11\)\(^12\) (as, for instance, the urgent environmental matter), involving the Baltic Sea area. In the conclusions the Council confirmed its will to give impulse to the economic, social and territorial progress of the region, highlighting that these goals should contribute to the growth of competitiveness of the whole Union. To this purpose the Council invites all actors involved to act fast in order to assure a full realization of the strategy which would represent the first concrete approach of Macro-Regional type. In order to reach the fixed goal the Commission has been asked by the

\(^{25}\) For more details about Adriatic-Ionian Initiative visit the AII website: www.aii-ps.org

\(^{26}\) At the time of the foundation, the countries were six (Albania, Bosnia-Herzegovina, Croatia, Greece, Italy and Slovenia), today eight (plus Serbia and Montenegro). Visit the Italian Foreign Affairs Ministry website about the International Organizations: http://www.esteri.it/MAE/EN/Politica_Estera/Aree_Geografiche/Europa/OOII/.

\(^{27}\) For a complete overview of the region’s policies see Galbreath D. J., “Continuity and change in Baltic Sea region”.


\(^{29}\) See: Bengtsson R., “EU Strategy for Baltic Sea”.

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Council to present a “strategy state of the art” report within June 2011. The Baltic Sea is surrounded by eight EU member States and Russia\textsuperscript{30}. The strategy for the Macro-region aims to coordinate together the actions of States, regions, EU, pan-Baltic organizations, financial institutions and NGOs for a sustainable and balanced development of the region. To this purposes there have been developed a communication and an action plan including 80 high profile projects, some of which have already started. The four strategy pillars are aimed to make this part of Europe more: sustainable from an environmental point of view, prosperous, accessible and able to attract capitals and resources, safe and protected. The idea of elaborating a specific strategy for the region is dated 2004, when European Union reached the number of 25 member countries for a total of 380 millions and 800 thousands of inhabitants. Since then, eight of nine coast side Baltic Sea countries are EU members. The Macro-Region’s concept took place from the “bottom”, since it has been carried out by the countries of the Baltic area. National governments and a euro-parliamentarian intergroup submitted to the Council and the Commission a new strategy for the development of the area. The environmental threats escalation, the discrepancy in the economic growth and the insufficient accessibility to an efficient transport net, represented the principal issues to be solved urgently.

These kind of challenges could be faced only through an active collaboration of all the interested countries within the frame of a more vast European cooperation. The strategy - now in its implementation phase - generated concrete actions optimizing and rationalizing the use of financial and human resources and achieving positive results. It is worth underlining that there were used no additional financial or human resources as well as new legislation or ad hoc institutions. It is important also to highlight that there have been tested new successful working methods repeatable for other European Macro-Regions.

The strategy could represent the sunset of the sectoral approach in the resolution of Macro-Regional urgent issues shared by the EU members. The enthusiasm generated by the new approach gave impulse to European Commission’s initiative that in a communication of December 2010, "EU Strategy for the Danube Region", drawn the guidelines for a Danube region strategy. Member States embraced this strategy during the General Affair Council on 13 April 2011 (Council Conclusions).

The Danube region includes 8 EU member countries (Germany - Baden-Württemberg and Bavaria- Austria, Hungary, Czech Republic, Slovak Republic, Bulgaria and Romania), and 6 extra-EU countries (Croatia, Serbia, Bosnia-Herzegovina, Montenegro, Moldova and Ukraine). The strategy is open to other regional partners and it should be compatible with Black Sea perspectives\textsuperscript{31}, in which flows into the Danube. The region, that counts more then 100 millions of inhabitants and it represents one fifth of EU’s area, has been subjected to several changes. Thanks to the last two enlargements in 2004 and in 2007, the Danube became the most international river in the world and for a considerable part of it a European Union’s space. The region presents a very high potential and in order to respond to new challenges it is mandatory outlining a new perspective that intensifies the efforts to resolve with a sustainable approach the economic crisis and the geopolitical tensions and national conflicts\textsuperscript{32}.

More urgent challenges are linked to the environmental protection, the socio-economic development and the transport and safety corridors modernization. Moreover, more efforts must be done to improve energy systems and connections, research and innovation systems and to optimize the utilization of the enormous fluvial patrimony of the area.

The Danube represents a strategic and central area both for neighbour and Asian countries. A European strategy for the whole region is an integrating part of Union’s main goals in harmony with Europe 2020 strategy’s previsions. The strategy is focused on life quality improvement for citizens and it aims to create a better link between inhabitants, their ideas and needs. Within 2020 nobody should be forced to leave his/her region in order to get better instruction, occupation and prosperity perspectives. The strategy should be able to allow this region to fully enter in the 21st century, making it more safety, trustee and eventually of the most attractive European areas.

\textsuperscript{30} For an elaboration on EU-Russian Borders see: Kononenko V., “New departures on the EU‐Russian Border?” For further perspectives about the Baltic States and region in the European and international relations see Smith D.J. (ed.), “The Baltic States and their Region”; about the concept of the Baltic region as “hinge” between EU and Russia, particularly see inside, Holtom P., “The gatekeeper "hinge" concept and the promotion of Estonian, Latvian and Lithuanian new / postmodern security agendas” pp.313-322.

\textsuperscript{31} See: Asmus R. D., “The Black Sea and the Frontiers of Freedom”.

\textsuperscript{32} About the national minorities' factor - mainly the Hungarian minorities - in the Danubian region, see Romsics I., “Geopolitics in the Danube Region: Hungarian Reconciliation Efforts, 1848-1998”.  

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European strategy for Adriatic-Ionian region

Right after 1989, while in central Europe it has been opened a new phase aimed to overcome the cold war’s effects, South Eastern Europe has been overwhelmed by the conflicts conflagration in Yugoslavia and by the financial and institutional crisis in Albania. Ten years later, European Union promoted an action aimed to support the end of wars in western Balkans with a “Stability Pact for South Eastern Europe”33 (today “Regional Co-operation Council”).34

Within the Pact cooperation, during the Tampere Meeting held on October 1999, Italian government presented enthusiastically the new Adriatic-Ionian initiative.

However it would be necessary to wait until may 2000 to see officialised the initiative, when in Ancona - during the Adriatic and Ionian Sea Development and Safety Conference - gathered Prime Ministers and Ministers of Foreign Affairs of the six coast countries (Albania, Bosnia-Herzegovina, Croatia, Greece, Italy and Slovenia). At the end of the Conference Ministers of Foreign Affairs undersigned the “Ancona Declaration”35 in which it has been affirmed the importance of regional cooperation as an instrument to promote economic and political stability in the Adriatic-Ionian area. In 2002 Serbia-Montenegro entered in the initiative and after the scission (2006) both States decided to keep the membership.

Today AII’s composition is unchanged for a total of eight members. The initiative, that has been supported in particular by Italy and Greece, was born from the observation of the existence of interregional and transnational issues that bonded together Adriatic Sea side countries. Therefore these countries not only share a common historic and cultural heritage but they also share huge responsibilities for the protection and the control of their own Sea. Common problems mean long term solutions decided and achieved by all parts involved. The interested countries provided and scheduled a stronger commercial, rural, cultural, environmental and touristic cooperation.

This idea is linked to the awareness of markets interdependence36 and to the necessity of involving in all actors to give a strong impulse to the Europeanization process with respect to national and regional specificities. Another incentive came in 2004 when Slovenia became a European member.37 Simultaneously also other east side AII members (Albania, Bosnia -Herzegovina, Croatia, Montenegro and Serbia), although following different times and modalities, started an approaching path towards EU in the frame of the Stabilization and Association Process and in the perspective of a future European integration.

All executive body is the Adriatic-Ionian Council composed by Foreign Ministers of member States that is summoned by rotation at ministerial level at the presence of European commission. Council’s agenda and priority discussions are prepared during periodic meeting between Senior Officials. Every year is inaugurated a new presidency according to a perspective of direct and active participation of all State members. Italy succeeded Greece in 2009 until May 2010, when it has been Montenegro’s turn. Currently is Serbia that holds the presidency. In June 2008, on Regione Marche recommendation, it has been inaugurated in Ancona the Permanent Secretariat. Aim of the Secretariat is to guarantee continuity in the passage of presidencies and to assure a “project oriented” trend, acting as a catalyst of member States proposals.

All was born from the idea that only a shared dialog between all parties can contribute to the creation of a long-term agreement. To this purpose the goal is focused on the involvement of local bodies and civil society, to create a strategy that doesn’t need new funds, new institutions or legislation (according to the Macro-regional approach experiences), but able to optimize the existing resources through new and stronger synergies between actors. In this way the active participation of Universities, Chambers of Commerce, SMEs, industrial districts, regions and the scientific and cultural world is of fundamental importance for a positive result of the initiative. Of great interest in this regard is also the UniAdrion project that covers a university virtual network connecting athenaeums and research centers of the whole region and supporting researchers, teachers and students mobility within All States. Another important cooperation channel is represented by the Chamber of Commerce Forum of Adriatic-Ionian Region38.

The initiative’s targets and intervention sectors can be catalogued in five macro-areas that represent a general cooperation frame open to successive developments: SMEs, tourism, rural development, culture and inter-university cooperation, environmental and fires protection. Obviously, the next step for All is the elaboration of an integrated

33Visit: http://www.stabilitypact.org
34Visit: http://www.rcc.int/
36 On the markets and stock markets interdependence see: Égert B., “Interdependence between Eastern and Western”.
37 To this regard see: Mihelj S., “Symbolic borders of Europe in Slovenia”.
38 For more details visit All website www.aii-ps.org.
European strategy for the Adriatic-Ionian Macro-Region composed today by European and pre-adhesion countries. The goal is focused on the constitution of the Macro-Region in 2014 in order to try to include it in the European strategy for 2014-2020\(^39\). Last presidency passage held in Brussels, on recommendation of Mercedes Bresso, President of Committee of the Regions, represented an important opportunity to give visibility to the initiative in the European frame.

The proposal of European Strategy is based on 2020 goals: sustainable growth of marine patrimony, SMEs and commerce, seas and fish protection and cooperation between coast guard and civil defence. In the Italian strategy for the Macro-region is scheduled also a “Baltic-Adriatic corridor” to make one day the Adriatic Sea the connection between Indian and Chinese products that go up towards Europe. Adriatic-Ionian basin today represents a “close sea” and the perspective is that it will become a European “internal sea”. European countries that are All members received officially mandate by all initiative’s members to advocate Adriatic-Ionian’s cause in the European context. In February 2011 the President of Marche Region, Gian Mario Spacca, has been nominated speaker for the opinion’s formation on Adriatic-Ionian Macro-region by the Politic Commission of territorial cohesion of Committee of the Regions. In October the Committee asked for the extension of the integrated policy to the Adriatic-Ionian basin in order to reach the goal of territorial cohesion contained in the Lisbon Treaty.

European commission is in charge of starting in 2012 the debate on the region’s maritime strategy. The goal of a European’s recognition of the cooperation started eleven years ago is estimated for 2014, when it will be scheduled the alternation at European executive level of Italy and Greece. The Region presents all required elements to act as a Macro-Region to improve an integrated approach able to face common challenges. The surplus value of the All strategy is represented by a strong political signal addressed to Western Balkans countries for a concrete collaboration towards a future integration in the European house to which they naturally and historically belong. European future goes through Balkans\(^40\) and in a Union that pretends to be a model of integration and cooperation for the construction of a peaceful area, Adriatic-Ionian Macro-Region represents an important chance to assure stability in all European and extra-EU countries.

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Online Articles


Genesis and Consolidation of the National States of England and France 16th to 17th Centuries

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Abstract
This article is the result of research into the genesis and evolution of the modern state in England and France between the end of the Middle Ages and the close of the 17th century, in a Europe ripped apart by religious wars and dynastic crises, a Europe in the midst of the colonial 'adventure', torn between scientific and philosophical development and religious obscurantism. During a time when decisions by Popes end one war and start another, when Paris is well worth a mass and sometimes not, when the Turks threaten Catholic Europe from the East and when the Hapsburgs rule an empire where "the sun never sets", new powers rise from the ashes of the former giants of Europe, with the small United Provinces, densely populated France and insular England fighting the Crowns of Spain and Portugal and their respective professional armies for the dominion of the world. From an examination of macro-systemic and specific studies by current day professors, which focus primarily on economic and political issues but also on social and military matters, I have tried to present a clear, chronological reconstruction of how Valois, the Tudors, the Stuarts and the English revolution contributed to the creation of the national monarchy and the evolution of the idea of the state, a state which at the dawn of the 16th century is the private concern of the king and his circle of aristocratic warlords, and which, by the end of the 17th century, is governed by tried and tested bureaucratic systems.

Keywords: Valois, Tudor, Stuart, England, France

1. Introduzione
Il 1492 è generalmente riconosciuto dagli storici, con la concordanza del 1453, come la chiusura del Medio Evo. Questo non significa che processi politici, economici, militari, sociali, e tanto meno del campo della mentalità (Pitocco, Francesco, 2000), trovino una netta cesura nell'anno della scoperta dell'America, della fine della Reconquista e della morte di Lorenzo de Medici, detto "il Magnifico".

Passando ora all'aspetto politico-istituzionale, che è quello che maggiormente interessa il lavoro in questione, Francia e Inghilterra presentano ancora alcuni elementi tipici dello stato medievale, ovvero della monarchia feudale (De Benedictis, Angela, 2001). Questi caratteri hanno un'origine lontana, nell'Europa dei franchi Carolingi: il re concede il beneficio a un aristocratico (il vassallo), il fondus, e questi, in cambio, gli giura fedeltà e gli mette a disposizione i propri uomini in armi in caso di necessità bellica (buccellarii). Si fonda in questo modo un rapporto di reciprocità, contro il modello di potere assoluto e tirannico orientale sull'antico esempio dei persiani achemenidi: questi utilizzano dignitari eunuchi per gestire le satrapie, cosicché non avranno figli né dinastia per poter cercare di rendere la carica ereditaria.

Nel sistema carolingio, il territorio nominalmente sottoposto all'autorità regia risulta essere frammentato in una costellazione, più o meno grande anche a seconda del maggiorascato, di feudi, dove i vassalli esercitano potere di natura pubblica sotto mandato regio, non ereditario (Montanari, Massimo, 2002).

2. Una società ancora medievale
Lungo è il cammino istituzionale che separa il regno dei Carolingi dalla Corona dei Valois, all'inizio dell'Età Moderna: dopo una guerra secolare con l'Inghilterra dei Plantageneti e dei Lancaster, la Francia è un regno libero e formalmente unificato, anche se territorialmente non corrispondente a quello dell'attuale nazione (manca la Borgogna, ad esempio). In

1 Ringrazio la professoressa Sharon Powell per la traduzione.
2 La caduta di Costantinopoli per opera dei turchi ottomani.
3 In particolar modo Pipino il Breve e suo figlio Carlo I, noto ai più come “Magno”.
4 Termine genericamente utilizzato per indicare la proprietà terriera, “potere fondiario” per l'appunto.
ogni caso privilegi, esenzioni e margini d’autonomia dell’aristocrazia di origine feudale e delle città, i due grandi vuoti nell’autorità regia, sono sopravvissuti alle guerre medievali.

Il metro della ricchezza continua ad essere la terra, anche se l’ordinamento gerarchico della società sta progressivamente evolvendo dagli ordini ai ceti: questo significa che francesi e inglesi non saranno più ripartiti in base all’ordine, ovvero inseriti nella tripartizione tra oratores, bellatores e laboratores. Questa divisione, che pretende di allineare la gerarchia terrestre a quella celeste prima che Newton “laicizzasse” le meccaniche mondane, prevede che l’appartenenza a un ordo piuttosto che a un altro sia dovuta al ruolo occupato all’interno della società, all’onore, alla stima, al lignaggio, alla dignità, troppo spesso determinato già al momento della nascita e immutabile nel corso della vita (Mousnier, Roland, 1984).

L’aristocrazia è un ordine chiuso, quello dei bellatores, che fonda il proprio prestigio sociale sul lignaggio, sulla proprietà della terra e che combatte le guerre del re militando nella cavalleria pesante, completamente corazzata e quasi invulnerabile ai colpi del nemico; uso il termine “quasi” in virtù delle eccezioni costituite da Agincourt, Stirling Bridge e delle altre battaglie in cui la fanteria è stata in grado di distruggere i centauri (Hall, Bert, S., 2006).

Il passaggio all’Età moderna, in un percorso lungo, discontinuo e differente a livello territoriale, accompagna quello alla società per ceti, determinati in base all’attività produttiva, per cui trova finalmente affermazione sociale quello che oggi chiamiamo “ceto medio” o “borghesia” e che fonde le sue fortune sul denaro cumulato attraverso il commercio, anche sulle lunghe distanze, l’attività bancaria, creditizia e assicurativa. Si ricordino a tal proposito i Fugger fiamminghi o i Fugger che avevano un Potosí alle spalle a differenza del suo rivale, è costretto a imporre una forte tassazione ai suoi sudditi. Nel Medio Evo ha un Potosí alle spalle a differenza del suo rivale, è costretto a imporre una forte tassazione ai suoi sudditi. Nel Medio Evo invece ricava ricchezza dall’agricoltura, attività apprezzabile perché condotta “alla luce del sole” come vuole Marco Tullio Cicerone, e la ostenta scialando, per cui cede ai poveri una parte del suo cibo e spende i suoi beni tra la costruzione di chiese e l’evergetismo, mentre si occupa della giustizia e si pone quindi in un rapporto paternalistico coi suoi sottoposti.

Moderno e medievale a diretto contatto quindi, bellatores in decadenza e borghesia in ascesa, finiscono per trovarsi in contrapposizione, mentre la Corona aumenta il controllo sull’intera nazione e i contadini restano muti a subire il peso soverchio di dazi, gabelle, decime, balzelli e corvées o si sollevano, per essere falciani come fili d’erba dalla cavalleria. Ma vediamo alcune tappe di questo percorso, calandoci per un momento nella storia evenemenziale.

3. Francia, XVI secolo

Conclusa la guerra dei Cento anni e ottenuta l’obbedienza della rivotosa aristocrazia feudale, la Francia di Luigi XII (regno 1498 - 1515) entra nell’Età Moderna coinvolta nelle Guerre d’Italia (1495 - 1559) aperte dal suo predecessore Carlo VIII, che occupa Milano dei Visconti e Napoli degli Aragonesi. Come abbiamo già visto la Francia sta compiendo lentamente i primi passi per evolvere in uno stato moderno e colui che li muove per primo è Francesco I (regno 1515 – 1547), noto per essere caduto prigioniero alla battaglia di Pavia (1525) contro il tercio spagnolo di Carlo d’Asburgo (Carlo I in Spagna dal 1516 e Carlo V nel Sacro Romano Impero dal 1519, fino all’abdicazione del 1556). Le guerre moderne sono straordinariamente costose, richiedono fanterie mercenarie e artiglierie all’avanguardia, per cui il re di Francia, che non ha un Potosi alle spalle a differenza del suo rivale, è costretto a imporre una forte tassazione ai suoi sudditi. Nel Medio Evo i contadini sono strappati ai campi appena prima della “giornata” (nel senso che Niccolò Machiavelli attribuisce al termine), tenuti in linea dai “serragenti” e dai nobili, lanciati al massacro nello spettacolo grandguignolesco della battaglia, per poi smobilitare e tornare ai campi al termine dello scontro; nel XVI secolo gli eserciti sono costituiti da professionisti, spesso mercenari in grado di eseguire formazioni di fanteria complicate e ben disciplinate, che devono essere arruolati e mantenuti, costituendo un carico pesante per le casse dello stato (Parker, Geoffrey, 2002). La tecnica (oggi chiamata “tecnologia”), nel frattempo, evolve in continuazione e le Corone devono finanziare la ricerca nel campo della chimica, della siderurgia e della meccanica per ottenere la miniaturizzazione delle componenti dell’artiglieria, riducendone il peso e il costo ma mantenendone intatto il potenziale offensivo, fino a produrre armi individuali per la fanteria: è il caso degli archibugi e dei moschetti, mentre i turchi ottomani continuano ad affidarsi a bocche gigantesche quanto inefficaci. È tradizione (diritto consuetudinario) che il re rispetti la legge, ad esempio in base ai precetti degli specula principis: fin dai

5 Si ricordi l’ordo della Roma Antica, l’ordo equestre ad esempio.
tempi della Grecia Arcaica solo il tiranno è *legibus solutus*.\(^6\) Tuttavia il re di Francia è l’unto a Reims per volontà divina, per cui si eleva al di sopra della legge; fa eccezione la tassazione e il sovrano non può imporre nuove forme di prelievo senza aver convocato gli organi di rappresentanza. Nel regno del giglio questa è costituita: dagli Stati Generali, dove il re è al cospetto dei nobili, del clero\(^7\) e del terzo stato\(^8\); dal Parlamento, sul quale può impris pori per mezzo del *lit de justice*, tuttavia come misura straordinaria. Possiamo ricordare come il Parlamento nasca nel Medio Evo con una funzione meramente consultiva, in base al principio dell’*auxilium et consilium*, strumento pratico che serve al sovrano per governare, privo di qualsiasi funzione limitativa. Nel XVI secolo è in ambito fiscale che i consigli collegiali, che vengano chiamati *Cortes*, *Parlement*, *Parlement o Reichstag*, secondo il regno, trovano il modo di vincolare il re e il suo potere alla loro volontà, chiedendo diritti e rappresentanza in cambio della concessione di tassazioni straordinarie (Goubert, Pierre, 1992).

Per cui la guerra moderna e la relativa tassazione costituiscono il primo problema, non indifferente, cui il re di Francia deve far fronte. Al tempo stesso il sovrano deve confrontarsi con le classi più potenti e ricche: i nobili, che possiedono feudi con ampi margini di indipendenza, castelli con artiglieria ed eserciti propri, i borghesi e il patriziato urbano. Parigi deve essere in grado di imporre la propria volontà in tutti gli angoli del regno, anche i più remoti, quando le distanze sono grandi, le strade e i funzionari relativamente pochi, e i nobili gestiscono secondo arbitrio il potere di banno, di costrizione sugli uomini: spesso è la distanza dalla capitale la vera fonte di autonomia e privilegio.

Il genio del re sta nel creare un alto Consiglio degli aristocratici, così da porli al suo servizio, e nel vendere titoli nobiliari: in tal modo i borghesi non solo si nobilitano (nobiltà di toga, uomini nuovi), ma si configurano come un’alta nobiltà. In tal modo i borghesi non solo si nobilitano (nobiltà di toga, uomini nuovi), ma si configurano come un’alta nobiltà. Parigi deve essere in grado di imporre la propria volontà in tutti gli angoli del regno, anche i più remoti, quando le distanze sono grandi, le strade e i funzionari relativamente pochi, e i nobili gestiscono secondo arbitrio il potere di banno, di costrizione sugli uomini: spesso è la distanza dalla capitale la vera fonte di autonomia e privilegio.

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Tra il 1584 e il 1598 è la cosiddetta “Guerra dei Tre Enrichi”, combattuta tra il re Enrico III, cattolico moderato, Enrico di Guisa della Lega, cattolico intransigente e inviso al re, e Enrico di Borbone-Navarra, ugonotto erede al trono. Pugnalato a morte il sovrano, nel 1589 Enrico di Borbone-Navarra è riconosciuto legittimo monarca col nome di Enrico IV e nel 1593 ottiene il riconoscimento dell’abiura da parte di Clemente VIII, tappa imprescindibile per poter pacificare il regno: per entrambi “Parigi è valsa una messa”. Le tensioni e gli odì della nazione sono ora veicolati contro la Spagna, in una ennesima guerra tra le due monarchie più potenti d’Europa (Stolleis, Michael, 1998). Nel 1598 il re, relapse dopo aver cambiato confessione per ben 6 volte, concede libertà di coscienza in tutto il regno agli ugonotti, oltre ad alcune piazzeforti e alla libertà di culto all’interno di determinate città: è l’Editto di Nantes. Il potere del re è debole, il paese in rivolta e questi è costretto a scendere a compromessi, concedendo agli ugonotti ancora in armi la possibilità di costruire piazzeforti per proteggersi da eventuali ripensamenti dei cattolici: sarà Richelieu a imporre il volere di Parigi e ad abattere a colpi d’artiglieria le fortezze dei protestanti, esemplare il caso di La Rochelle. Durante le guerre di religione la monarchia Francese è stata minata nel potere, nell’autorità e nella tassazione, con intere regioni che si sono sollevate contro la sua autorità, con invasioni straniere ed è stata spesso costretta a siglare tregue, convocare gli Stati Generali e ricorrere a ingenti prestiti. Con l’Editto di Nantes si chiudono ufficialmente le guerre di religione in Francia e il XV secolo.

4. Inghilterra, XVI secolo

Facendo un salto cronologico e superando la Manica, il secolo XVI si apre col regno di Enrico VIII Tudor (1509 – 1547, della dinastia frutto del compromesso tra Lancasterr e York alla fine della Guerra delle Due Rose), che governa su di un’Inghilterra la cui nobiltà è stata forzata alla sottomissione dal padre, anche se lo stesso non si può dire per la Scozia e l’Irlanda.

L’Inghilterra ha già una prima forma di divisione dei poteri e di limitazione delle funzioni col re, l’alto tribunale della Camera Stellata e il Parlamento, che si divide nelle due camere dei Pari e dei Comuni, e che vuole promulgare le leggi oltre che approvarle. Il re è primus inter pares, non legibus solutus ma vincolato nel suo arbitrio alla Magna Charta Libertatu, concessa nel 1212 da Giovanni Senza Terra, e a una lunga sedimentazione di atti e petitioni.

Enrico VIII è alleato della Spagna, sposa Caterina d’Aragona (figlia di Isabella di Castiglia e Ferdinando d’Aragona) e muove guerra a Francesco I di Valois, in nome di rivendicazioni dinastiche non risolte in una guerra lungo un secolo. Risente tuttavia dei medesimi problemi economici del collega rivale e pone una tassazione straordinaria, col Parlamento che risponde bloccandogli l’erogazione dei fondi (1525) a riprova del fatto che l’Inghilterra è pervasa fin dall’epoca dal principio del No Taxation Without Representation. L’importanza del denaro per la conduzione dello stato moderno è sottolineata dal fatto che la finanza, e con essa il fisco, è il primo aspetto del regno ad essere unificato, mentre Enrico VIII cerca fonti autonome di entrata secolarizzando i beni del clero, come vedremo a breve.

Sono Thomas Whosley e Thomas Cromwell a segnare il primo passaggio dalla monarchia feudale allo stato moderno, occupandosi dello sviluppo dell’amministrazione e della burocrazia, limitando attraverso l’attività dei funzionari il ruolo e l’arbitrio del re, potenziando le camere: la gestione della res publica non deve essere discrezionale né un affare privato del re, che deve rendere conto alle camere e servirsi dei burocrati per gestire il regno, governare per mezzo di atti legali, potenziando i vincoli con cui si opporranno ai sovrani per vie legali e non con le cariche di cavalleria tipiche del Medio Evo, mentre essauriranno la nobiltà locale dell’antico potere pubblico, schiacciata dall’alto dal re e dal basso dai burocrati, funzionari, amministratori: gli storici la chiamano “rivoluzione dei Tudor”. Ai nobili non resterà che sfogare l’aggressività che risponde bloccandogli l’erogazione dei fondi (1525) a riprova del fatto che l’Inghilterra è pervasa fin dall’epoca dal principio del No Taxation Without Representation. L’importanza del denaro per la conduzione dello stato moderno è sottolineata dal fatto che la finanza, e con essa il fisco, è il primo aspetto del regno ad essere unificato, mentre Enrico VIII cerca fonti autonome di entrata secolarizzando i beni del clero, come vedremo a breve.

Un particolare della società inglese: il ruolo di ceto medio, che si oppone al potere del re e dell’alta aristocrazia, è ricoperto dalla gentry, la bassa nobiltà che possiede la terra e che siede alla Camera dei Comuni, che lavora nell’amministrazione e che riproveranno protagonista della Rivoluzione Inglese, che gestisce banche e commerci, che non ambisce ad accedere all’altissima nobiltà come avviene in Francia. Di contro, ad esempio, la bassa nobiltà spagnola, Ambisce ad accedere all’altissima nobiltà come avviene in Francia. Di contro, ad esempio, la bassa nobiltà spagnola,

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10 La formula cuius regio eius religio, in vigore dalla pace di Augusta del 1555 per l’Impero, non avrebbe alcun senso in una Francia con un unico sovrano.

11 Creata dal padre Enrico VII la quale, al pari del tribunale di Parigi con medesima funzione, contribuisce a strutturare un sistema verticistico di aule per privare i vecchi feudatari del potere di esercitare la giustizia nei loro territori.

12 Distingue appunto tra pubblico e privato, a differenza di quanto avviene ancora con Enrico VII.
costituita dagli *hidalgos*, vanta titoli e patenti senza avere più terre o fondi\(^{13}\) e imbraccia la spada: combatte le guerre del re o si imbarca per il Nuovo Mondo per portarvi la parola di Dio e l’acciaio di Toledo\(^{14}\), soprattutto per mezzo dei cadetti, esclusi dalla successione per via del maggiorascato di origine salica (Elliott, John, H., 1987). La nobiltà anglosassone è un ordine estremamente ristretto, diviso in fasce verticali, con redditi sproporzionati tra quella altissima e quella bassa, mentre le casate nobiliari più prestigiose si uniscono con le politiche matrimoniali, lasciando l’amore alle canzoni cortesi e generando bastardi per via della lussuria.

Oltre alla guerra alla Francia l’altra grande controversia internazionale nella quale si inserisce Enrico VIII è l’annullamento del matrimonio con la consorte, dalla quale non ottiene un figlio maschio,\(^{15}\) che gli viene negata da papa Clemente VII, per il quale Londra “non è valsa una messa”. Enrico VIII, con l’*Act of Supremacy* (1534), rompe qualsiasi legame col potere temporale di Roma e si nomina capo della chiesa anglicana, pur senza aderire alla riforma protestante. Si tratta infatti di un cambiamento d’autorità, non di dottrina, anche se in questo modo preclude l’Inghilterra all’esercizio delle funzioni dell’Inquisizione romana, che a breve entrerà in funzione con le bolle *Inter Multiplices* e *Licet ab Initio*; tuttavia la Chiesa di Roma lo considera uno scismatico che, in quanto tale, muore scomunicato. Re Enrico non cede, basandosi sulla convinzione che l’autorità venga da Dio e non dal papa: questa presa di posizione gli consente anche di tassare il clero, archivando così un privilegio medievale.

La vera adesione dell’Inghilterra al protestantismo inizia con Elisabetta I\(^{16}\) (regno 1558 – 1603) dopo il breve regno di Maria Tudor ( sorella di Enrico VIII) detta “la Sanguinaria” e moglie di Filippo II di Spagna (regno 1556 – 1598); è curioso notare come Maria sia consigliata dal cardinale Reginald Pole, che dalla Chiesa di Roma è considerato al limite dell’eresia, mentre in Inghilterra è ritenuto un cattolico intransigente. Elisabetta abolisce e perseguìa il cattolicesimo, mantenendo il consenso governando nel rispetto del Parlamento e in virtù del proprio carisma personale. La sovrana si inserisce all’interno di una lotta politico-religiosa europea, schierandosi contro la Spagna cattolica, contro Maria Stuart di Scozia e le sue pretese al trono, contro il papa Pio V Ghislieri\(^{17}\) e supporta i protestanti delle Province Unite\(^{18}\) e i calvinisti di Francia. Elisabetta, tuttavia, si limita generalmente a inviare aiuti economici e l’Inghilterra, essendo un regno insulare, non deve armare centomila uomini come Filippo II, potendo così sottoporre la popolazione a una tassazione meno dura e ricavandone fondi da investire nell’armamento delle caracche e delle caravelle.

Dato così l’isola di una flotta\(^{19}\) e attacca i ricchi convogli castiglani servendosi delle navi corsare. Non dobbiamo inoltre dimenticare come nel 1600 (come anno e non come secolo) nasca la *East India Company*: l’Inghilterra legittima la sua potenza marinaresca e commerciale con la forza delle sue flotte, non curandosi del Trattato di Tordesillas\(^{20}\) e trasformandosi progressivamente nella prima potenza commerciale e coloniale del Mondo, fino al primo quarto del XX secolo.

Non dobbiamo comunque pensare a un’Inghilterra pacificata: continue sono le sollevazioni di Irlanda e Scozia, nobili, contadini, cattolici, tuttavia non c’è unità di intenti né coordinamento e Londra è celere nel reprimere per lo meno i moti, ricordando all’aristocrazia come questa abbia bisogno dell’appoggio della Corona per evitare e/o soffocare le periodiche insurrezioni dei villani, mentre i castelli e le rocche cadono sotto i colpi dell’artiglieria regia.

Da un punto di vista strettamente economico, ma che comporta importanti trasformazioni e agitazioni sociali, ricordiamo che la moneta diventa gradualmente il metro della ricchezza, coi ceti medi che investono nei commerci di respiro Mondiale e, in particolare, gli *yeomen* acquistano le terre della Chiesa (espropriate in seguito alla riforma) e della Corona (vendute per cercare fondi) e le gestiscono col sistema delle *enclosures* che, tuttavia, non è questa la sede per descrivere. Possiamo ricordare come si tratti di un metodo di razionalizzazione della produzione agricola, rappresentato fisicamente dalle recinzioni, che aumenta la resa dei terreni e di conseguenza gli investimenti sugli stessi, mentre comporta per i contadini l’evizione (espropriazione) dell’incolto e delle terre comuni, alimentandone il malcontento; in ogni caso aumentando la produzione agricola aumenta la popolazione, che può fornire manodopera a basso costo per

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13 Conclusa la Reconquista la monarchia non ha più terre da strappare ai mori per concederle ai nobili.

14 Hernán Cortés, conquistatore del Messico azteco, è un *hidalgos*.

15 In un’Inghilterra appena uscita da una guerra tra casate non è prudente non avere un erede da imporre sul trono.

16 Figlia di Anna Bolena, mentre il predecessore Edoardo VI è figlio di Jane Seimour.

17 Papa inquisitore, che nel 1570 scomunica Elisabetta; lo ricordiamo anche per la battaglia di Lepanto del 1571.

18 Si ricordi la guerra degli Ottant’anni, dal 1568 al 1648 (Parker, Geoffrey, 1977).

19 Che nel 1588 sconfigge l’*Invincibile Armada* di Spagna: si ricordi che Guglielmo d’Orange riuscirà a sbarcare sul suolo britannico solo nel 1692.

20 Che nel 1588 sconfigge l’*Invincibile Armada* di Spagna: si ricordi che Guglielmo d’Orange riuscirà a sbarcare sul suolo britannico solo perché chiamato dai Comuni.
l’industria, che produce tessuti a buon mercato, in quantità e qualità concorrenziali, esportati lungo le rotte commerciali delle Compagnie (Deane, Phyllis, 1990).

5. Francia, XVII secolo

Tornando al continente: se Francesco I ha avviato il processo di trasformazione della Francia da monarchia feudale a stato moderno, il XVII secolo vede il trionfo dell’assolutismo e dell’autorità del re sui poteri e le autonomie locali, sull’aristocrazia terriera e sul patriziato urbano. Nel 1610 Enrico IV viene assassinato e seguono Luigi XIII (regno 1610 - 1643) e Luigi XIV (1643 - 1714), con il ruolo cruciale dei due primi ministri (governo di gabinetto) Armand Richelieu (carica 1624 - 1642) e Giulio Mazzarino (carica 1642 - 1661).

L’Europa, dalla Defenestrazione di Praga del 1618 alla pace di Westfalia del 1648, è strappata da una nuova guerra di religione, l’ultima e probabilmente la più violenta della storia, che si combatte per la maggior parte sul suolo dei principati del Sacro Romano Impero e coinvolge Spagna, Francia, Danimarca, Svezia, Polonia (Parker, Geoffrey, 1984). È curioso notare come la Francia sia una potenza cattolica, retta da un cardinale, retta da un cardinale, eppure tra il 1636 e il 1648 combattie al fianco delle potenze protestanti e coordina i propri eserciti con quelli svedesi di Axel Oxenstierna (morto re Gustavo Adolfo in battaglia) per vincere gli spagnoli a Rocroi e concludere la guerra a proprio favore. Come abbiamo già visto per il relapso Enrico IV, infatti, la religione passa in secondo piano rispetto alla ragion di stato, come ricorda Niccolò Machiavelli nel suo Il Principe (Machiavelli, Niccolò, 1513) e giudizi di valore quali “giusto” o “sbagliato”, principi morali e religiosi sono sacrificabili da un principe che deve essere uomo e bestia, furbo come la galete e forte come il leone. Luigi XIII, con Richelieu alle sue spalle, è tanto furbo da supportare i protestanti imperiali proprio mentre repreme gli ugonotti francesi, quando è alleato coi turchi ottomani che i cristiani li scorticano vivi: la politica del cardinale è aconfessionale, sconfigge i nemici interni ed esterni della Francia a prescindere dal loro credo.

Con la Pace di Westfalia la Francia ottiene l’Alsazia-Lorena e la divisione delle sorti della Spagna dall’Impero, che si sono unite nel 1519 nella figura di Carlo V23 accerchiando la Francia e aprendo un contenzioso che proseguirà a fasi alterne tra il 1495 e il 1700.

Il ruolo di Richelieu e Mazzarino testimonia l’importanza del Consiglio nobiliare e del primo ministro, paragonabile al duca conte Olivares di Spagna, che consente alla monarchia di avere un presa assoluta sul regno: questa scatena, nei primi 75 anni del XVII secolo, ben 20 rivolte nobiliari e centinaia di duce conte Olivares di Spagna, che consente alla monarchia di avere una presa assoluta sul regno: questa scatena, nei primi 75 anni del XVII secolo, ben 20 rivolte nobiliari e centinaia di rivolte contadine, dal nome Jaques attribuito ai contadini, come Fritz ai tedeschi, Charlie ai vietnamiti e Tommy agli americani, nel corso di guerre successive.

21 Fanno fede i miseri resti di Marco Antonio Bragadin, governatore di Cipro torturato e scuoiato nel 1571.

22 Persa poi da Napoleone III a seguito della rota di Sedan, 1870, ricostruita a seguito della sconfitta tedesca nella Prima Guerra Mondiale, ripresa contro i panzer tedeschi nel 1940 e definitivamente riottenuta alla conclusione della Seconda Guerra Mondiale.

23 Questi ottiene per via dinastica: Castiglia e Leon, Navarra e domini americani dalla nonna materna, Isabella di Castiglia; Aragona, Catalogna, Valencia, Baleari, Sicilia e Regno di Napoli dal nonno materno, Ferdinando d’Aragona; Sacro Romano Impero dal nonno paterno, Massimiliano I d’Asburgo; Borgogna, Savoia e Fiandre dalla nonna paterna, Maria di Borgogna.

24 Rivolte contadine, dal nome Jaques attribuito ai contadini, come Fritz ai tedeschi, Charlie ai vietnamiti e Tommy agli americani, nel corso di guerre successive.
servo del diavolo e non merita alcun tipo di quartiere. Inoltre le monarchie nazionali spremono i propri sudditi e mobilitano eserciti mercenari in continuazione, anno dopo anno, nonostante le sconfitte e gli annientamenti, eserciti che si muovono come le falangi del Leviatano e che uccidono gli uomini, stuprano le donne, distruggono le case e rubano tutto quello che trovano (ce lo ricorda Alessandro Manzoni in I Promessi sposi): Machiavelli, in De L’arte della guerra, sottolinea come siano assuefatti alla violenza, vivendola costantemente nella loro esistenza e non occasionalmente come i coscritti. In queste continue condizioni di privazioni, di carestie e pestilenze, di leve forzate, di stermini sistematici, la popolazione insorge in continuazione con l’appoggio dei sovrani stranieri e rivali del proprio, per poi essere caricata e massacrata. Gli eserciti regolari ormai sono imbattibili da bande di irregolari, se non in presenza di una particolare vocazione guerriera della popolazione e di vantaggiose condizioni geografiche.25

In ogni caso, a metà del XVII secolo, riscontriamo un’irrequietezza comune in buona parte d’Europa e qualcuno ha cercato le cause in un deus ex machina ultramondano, nelle macchie solari che causerebbero un abbassamento della temperatura e un impoverimento dei raccolti (Mousnier, Roland, 1993). La rivoluzione più importante, di fatti, avviene in Inghilterra, che non è coinvolta nella Guerra dei Trent’anni e nelle sue violenze. In ogni caso a Londra il dissenso trova voce legalizzata in Parlamento più che sulle lance dei nobili e i forconi dei villani.

Comunque la seconda metà del secolo vede l’affermarsi dell’assolutismo. Luigi XIV prende la corona che è ancora un bambino e fino al 1661 sparisce il potere con la regina madre e col cardinale Giulio Mazzarino, che si chiama contro le mazarinades oltre alla Fronda e alla Fronda nobiliare: l’antica e prestigiosa nobiltà di spada insorge contro la perdita dell’autorità nei confronti della nobiltà di toga e chiama in soccorso la Spagna, fatto questo che compatta il popolo francese e pone il re in condizione di piegare la rivolta (Goubert, Pierre, 1987).

Nel 1661, morto Mazzarino, Luigi XIV chiama i tre più alti nobili del regno e fidi consiglieri e li informa che da quel momento governerà da solo, col loro mero consiglio, e gli storici gli attribuiscono la frase “l’état c’est moi”: non ci sarà un successore del cardinale. La nobiltà, sconfitta in ogni forma di ribellione, che siano i Devoti o la Fronda, viene rinchiusa nella “prigione dorata” di Versailles e trasformata in una strana sorta di cortigiani e servitori, che fanno a gara per offrire l’aceto al re, appena sveglio, per fare le abluzioni: gli antichi vassalli-feudatari sono ora sudditi. Quasi come fosse una sommossa dei “Jaques” viene repressa con estrema durezza e l’intero corpo sociale è costretto all’ordine, alla sottomissione; ma non perdoneranno i nobili per averli abbandonati agli esattori, per aver scialato a corte il frutto del loro lavoro e delle aspre tassazioni. I protestanti, altra forma di particolarismo e fonte di possibile dissenso, già privati delle piazzeforti da Richelieu26 vengono colpiti con la revoca dell’Editto di Nantes da un re forte, per mezzo dell’Editto di Fontainebleau (1685), ottenendo così anche l’appoggio del clero cattolico (Goubert, Pierre, 1966). La supremazia europea della Spagna viene archiviata a Rocroi (1643) e Dune (1658), mentre la Castiglia collasa sotto la pesante tassazione, il drenaggio dell’argento del Potosì da parte di pubblicani e mercenari, il continuo stato di guerra e il calo demografico per un regno relativamente poco popoloso (Elliott, John, H., 1991).

L’intero territorio nazionale francese viene forzato all’obbedienza e sottoposto al minuzioso controllo degli intendenti, una catena di clientele di burocrati27 togati che si estendono dal re agli angoli più remoti del regno; le città, altro grande fattore d instabilità, sono private dell’artiglieria e sottoposte al controllo di un governatore, un intendente del re (la carica di intendente è stata introdotta da Enrico II) da questi nominato e da questi stesso revocabile. Gli Stati Generali non vengono più convocati dal 1614 fino al 1789 e il sovrano, com’è uso già dal XVI secolo, dispone ormai di eserciti propri e non deve più ricorrere alle truppe dei nobili per muovere guerra a uno stato rivale o a un aristocratico riottoso (Mousnier, Roland, 1974-1980).

In Luigi XIV è la massima espressione assolutista dello stato moderno, con un forte sistema verticistico e la soppressione di qualsiasi forma di contropotere e di differenza religiosa: decide il re in base al proprio arbitrio, soppontenendo la nazione in un rapporto paternalistico, tirannico per gli oppositori, che vi vedono un palese abuso di potere, mentre non deve scendere a compromessi con la rappresentanza beneficiando di tassazioni indipendenti, la taille. In virtù della salus popoli il re amministra la cosa pubblica come un pater familias, per volontà di Dio in persona

25 Si veda l’Afghanistan che non è stato piegato da Alessandro Magno, dagli inglesi in più occasioni, dai russi e oggi dall’esercito più evoluto e potente di tutti i tempi.

26 La tolleranza religiosa è una concessione del sovrano e non una conquista del popolo, che viene privato degli strumenti militari che lo avevano messo nelle condizioni di contrattare.

27 Ricordiamo che il termine “burocrate” deriva da “bureau”, ufficio, per indicare funzionari preparati per adempiere al ruolo di amministratore, tecnici della gestione della res pubblica che vivono dello stipendio “statale”. Discorso analogo vale per il termine “nobiltà di toga”, dove “toga” è associato alla laurea, indicando personale istruito per ricoprire il proprio ruolo istituzionale.
(riprendendo Paolo di Tarso, in opposizione al concetto di “meretrice di Babilonia” espresso nell’Apocalisse), senza la mediazione della Chiesa (con l’Altissimo) o della rappresentanza (col popolo).

In ogni caso la Francia mantiene ancora alcune caratteristiche di una monarchia feudale, con l’80% della popolazione costituito da contadini: per il vero colpo al privilegio, alle immunità e al potere arbitrario della nobiltà, del clero e della Corona dobbiamo attendere la Rivoluzione del 1789 (Mousnier, Roland, 2002).

6. Inghilterra, XVII secolo

Tornando dall’altro lato della Manica: in Inghilterra avviene il cambio di dinastia e gli Stuart cercano di reintrodurre l’autoritarità nella gestione del potere, ma si chiamano contro due rivoluzioni, dove un re ha perso la testa e un altro il trono. Nel 1603 muore Elisabetta I “la vergine”,²⁸ ovviamente senza eredi, e sale al trono Giacomo I Stuart (regno 1603 - 1625), già Giacomo VI di Scozia. Al pari dell’erede e figlio, Carlo I (regno 1625 - 1649), Giacomo cerca di ripristinare il potere assoluto e arbitrario del re, che è tale per diritto divino e non per volere del Parlamento (e, di conseguenza, della nobiltà e della gentry), principio che specifica chiaramente in un trattato scritto di suo pugno (Kishlansky, Mark, 1999).

Il re medievale, ce lo ricordano Bloch e LeGoff, è una figura di confine tra il potere spirituale e quello temporale, unto del Signore, con una valenza mistico sacrale e magico sacerdotale. Impone le mani e guarisce dalle scrofole, dall’epilessia per mezzo dei cramp rings, in Inghilterra in quanto erede di Edoardo il Confessore e in Francia di Clodoveo, re convertito e poi canonizzato (Bloch, March, 1924). Il re è l’unico legittimo portatore dell’autorità, gestisce il suo regno come fa il padre coi figli ed è sempre giusto (di qui il mito di Robin Hood e di Bianca di Castiglia), sono i suoi consiglieri ad essere malvagi e iniqui. Tuttavia l’Inghilterra moderna, nel corso della sedimentazione legislativa di atti, petizioni e chartae (l’Inghilterra ancora oggi non ha una costituzione), anticipa in qualche modo elementi fondativi delle nostre carte costituzionali, espressi in maniera strutturata dal pensiero illuminista immediatamente successivo: il contratto sociale di Jean Jaques Rousseau, la divisione dei poteri di Montesquieu, il governo di consenso di John Locke.

Il re non può imporre la propria volontà arbitraria ma deve rispettare la legge, così come promulgata dal Parlamento, né può abbracciare e adottare un culto diverso da quello di stato: Carlo I è un sovrano criptocattolico, che prende posizioni assolutiste e il Parlamento non glielo perdona (Russell, Conrad, 1993). Nel corso della guerra di Scozia è costretto a convocarlo in due occasioni: il Parlamento breve del 1628, che risponde con la Petition of Right al tentativo regio di arrestarne i membri, e il Parlamento Lungo dal 1640, con la Grande Rimostranza. Le richieste del Parlamento di nominare nuovi consiglieri regi, che non siano scozzesi o irlandesi ma uomini di fiducia del collegio stesso,²⁹ non vengono ascoltate e i Comuni temono che il re possa cercare un colpo reazionario: tra il 1642 e il 1649 è la Rivoluzione, che spaccia le camere tra l’alta nobiltà, fedele al re, i ceti medi e la gentry minore, che costituisce la fazione nota appunto come Parlamento, alla quale si unisce la Scozia. Problemi religiosi, politici e sociali hanno contrapposto re e Pari, in favore degli antichi privilegi, ai Comuni, fieri oppositori dell’assolutismo (Manning, Brian, 1974).³⁰

Thomas Fairfax, e Oliver Cromwell dopo di lui, arruolano e comandano in battaglia gli Ironsides della New Model Army, che vince in più riprese i realisti (si veda a riguardo la battaglia di Naseby). Infine il re è catturato e decapitato: la pars melior del terzo stato inglese e la bassa nobiltà hanno dimostrato che il sovrano non è voluto da Dio ma accettato dal popolo, che può ribellarsi contro il Leviatano di Thomas Hobbes.

Tra il 1649 e il 1660 è l’interregno, ma alla morte di Oliver Cromwell il figlio non ha altrettanto carisma per reggerlo,³¹ diviso tra le tendenze più radicali dei livellatori, agitatori e quintomonarchisti, che rischiano di intaccare gli interessi della gentry,³² mentre l’esercito si configura come una forza politica con precise rivendicazioni, che fa e disfa il Parlamento, e il governo finisce nuovamente nelle mani di un re, per giunta Stuart: Carlo II (fratello di Carlo I, regno 1660 - 1685).

²⁸ Di qui la colonia Virginia; la regina ha ufficialmente scelto di non trovare marito per non legare l’Inghilterra a una potenza straniera, come aveva fatto invece Maria Tudor.
²⁹ Anche in Francia il popolo si rivolta contro i consiglieri del re e non contro il re stesso, ma è comunque un reato di lesa maestà e i colpevoli vengono squartati.
³⁰ Riuniscono le classi medie, i mercanti, la bassa nobiltà, anche se la maggior parte del “quarto stato” è contraria alla guerra, dovendo sostenere leva e pressione fiscale per cambiare padrone.
³¹ Oliver è una figura che si avvicina al cesarismo, che fa leva sul prestigio e sul carisma per guidare la nazione in tempo di crisi politica e istituzionale.
³² Questa ha cercato a più riprese di mediare tra le parti in causa, per evitare sia l’assolutismo che possibili derived sociali della rivoluzione.
Giacomo II (altro fratello di Carlo I, regno 1685 - 1688) torna sugli stessi passi del fratello decapitato, mentre in Francia stava trionfando l’assolutismo di Luigi XIV e quello di Federico Guglielmo Hohenzollern in Prussia, e viene rovesciato con la Gloriosa Rivoluzione del 1688, che cede senza colpo ferire il trono a Guglielmo d’Orange, già Stadhouder d’Olanda. Il Parlamento, in fermento dopo la rivoluzione e l’interregno, non accetta un nuovo sovrano criptocattolico e teme, per giunta, la congiura papista. È curioso notare come l’anno successivo venga approvata dal parlamento la Bill of Right, che anticipa di cento anni precisamente la rivoluzione francese e la Dichiarazione dei diritti dell’uomo e del cittadino. In questo modo è riconosciuta la libertà d’uomo e di opinione, e costituito il governo di gabinetto: non è più il re a gestire direttamente il potere esecutivo ma un governo nominato con il consenso del Parlamento e retto da un primo ministro eletto, seppur con un suffragio molto ristretto.

Il regicidio è in un certo senso frutto dell’evoluzione del pensiero medievale attraverso l’Umanesimo, il Rinascimento e la Rivoluzione Scientifica, che collociamo tra la metà del XVI e quella del XVII secolo, tra Copernico e Newton. Isaac Newton, noto ai più per la teoria della caduta dei gravi e per l’aneddoto della mela, dimostra come l’universo sia regolato da leggi meccanicistiche, misurabili con la scienza e ripetibili, sottoponibili al calcolo razionale. Il metodo scientifico propugna l’osservazione diretta a contatto con la realtà, lo studio empirico dei fenomeni, privo di qualsiasi principio d’autorità e di veto, contro la Scolastica, Aristotele e il sistema tolemaico, contro le verità rivelate e immutabili della Bibbia, contro la censura dell’Inquisizione. Il pensiero scientifico moderno dimostra che non esiste una corrispondenza tra le dinamiche celesti e le meccaniche terrestri e secolarizza così il mondo e le sue autorità, per cui la società terrena non è l’immagine di quella ultramondana e così salta la tripartizione e la monarchia di diritto divino. Il re è un funzionario, non è sacro né inviolabile, ed è legittimo ribellarisi al tiranno, come sostiene Locke, contro il pensiero cristiano che si riferisce a Paolo e che considera l’autorità terrena voluta da Dio, anche se ingiusta e che, in tal caso, sarebbe una punizione divina per i peccati dei sudditi. È interessante osservare come gli Stuart siano gli ultimi monarchi a imporre le mani per guarire dalle scrofole, anche se cambiano la formula in “il re ti tocca, Dio ti guarisca”, mentre in Francia la tradizione si estinguerà con i Borbone, precisamente con CarloX, detronizzato dalle Trois Glorieuses del 1830, che si rifanno nel nome e nei fatti al 1688.

7. Conclusione

La Spagna è divisa tra l’alta nobiltà e le Cortes, ognuno coi propri privilegi o fueros; mentre gli stati preunitari italiani sono “calpesti e derisi”; l’impero è diviso da centinaia di principati e tre confessioni religiose; la e sette Province Unite mantengono un governo federale retto da due Stadhouder, ma senza una guida forte e unitaria che accompagni il passaggio allo stato moderno; la Polonia è retta da una Dieta fin dall’estinzione della dinastia degli Jagelloni, che mantiene il re debole e privo di esercito, impedendogli di stabilire una solida successione dinastica e di perseguire una politica coerente; la Russia è aggiogata al potere dello zar e dell’alta nobiltà terriera: mentre, in conclusione, l’Europa è ancora divisa tra autocrazie, privilegi e repubbliche, Francia e Inghilterra sono i primi stati in senso moderno, l’uno contrattualistico e l’altro assolutistico, a sviluppare appieno l’unificazione legislativa, amministrativa, con un centro coordinatore dell’intera nazione e gli antichi privilegi e autonomie feudali in progressiva scomparsa.

Bibliografia


33 Fatta esclusione per i cattolici, mentre Luigi XIV revoca l’Editto di Nantes.
34 Considerata come l’atto fondativo dell’opinione pubblica, che ha addirittura il diritto di criticare il potere, mentre le gazzette diffondono notizie relative all’operato del governo, contro gli arcana imperi.
35 I bellatores, oratores e laboratores li ritroviamo negli Stati Generali di Francia, solo che nel 1789 il Terzo Stato è costituito da ceti medi, borghesi, notabili.
36 Cattolicesimo, luteranesimo e calvinismo; i potentati sono un migliaio nel XVI secolo, 350 prima di Napoleone, 39 dopo il Congresso di Vienna.
Marin Barleti’s Masterpiece, The Siege of Shkodra: A Historical Review

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Abstract: “The Siege of Shkodra” is regarded by Albanians as the first work of Albanian history by the first known Albanian author. The book was written in Latin in 1504 and was finally translated into English in 2012. The work describes the 1478–9 Ottoman siege of Shkodra, described by Franz Babinger as “one of the most remarkable episodes in the struggle between the West and the Crescent” (363). The work is organized into three large chapters called “books”; Book One is introductory with attention to the situational background and the origins of the Turks; Book Two describes the massive Turkish attack and the heroic Albanian and Venetian defense; Book Three describes the sultan halting the attack, conquering smaller nearby citadels, and returning to Istanbul, where he soon would sign an accord with Venice, which ceded Shkodra to him as a prerequisite for peace.

Keywords: Shkodra; warfare; Ottoman Empire; Marin Barleti; Albania

1. Introduction

The Siege of Shkodra is both an event and a book. The event (1478) gave birth to the book; the book (1504) gave immortality to the event. The Shkodrans had been attacked unsuccessfully by the Ottomans in 1474—an unlikely defeat for the Turks, frustrating Mehmed II and his plans to march on Rome. Four years later, Mehmed sent an enormous force led by two commanders (the pasha of Rumelia and the pasha of Anatolia) and also went personally to ensure triumph. After heavy bombardment and five successive ground assaults, the Ottomans failed to take the Shkodra fortress. The warriors on the walls were invincible. Stunned by what Ottoman chronicler Tursun called “a merciless bloodbath, unprecedented in history,” the sultan was forced to halt the attack and develop a new strategy: he would conquer the smaller citadels in Shkodra’s vicinity (Žabljak, Drisht, and Lezha), leave a siege force at Shkodra to starve the besieged into surrender, and return to his palace in Istanbul. The besieged did not surrender, but were informed that a Venetian delegation had signed a peace treaty with Mehmed, a treaty which ceded their city to the Ottoman Empire. The Shkodrans had to choose emigration or subjugation; most chose emigration (Nadin, Migrazioni).

Marin Barleti, a Shkodran priest known also as Marinus Barletius or Marino Barlezio, was an eyewitness of the event and later wrote De obsidione Scodrensi (The Siege of Shkodra), dedicating it to the Venetian Senate in gratitude for receiving his beleaguered Shkodran compatriots into the bosom of the Republic. With the Ottoman Empire now pushing towards Rome and Vienna, The Siege of Shkodra captivated the attention of a large European readership obsessing over the possibility of what they had considered impossible—the Ottoman conquest of Western Europe (Elsie 35).

Barleti wrote a second book, The History of Scanderbeg, a seminal source of history about the premier Albanian hero. This book was larger than The Siege of Shkodra and became better known, more widely dispersed, and more influential because of Scanderbeg’s unique role in history. Arguably, however, The Siege of Shkodra was Barleti’s masterpiece, being written with the credibility of an eyewitness and with the passion of an exiled Shkodran citizen. Barleti wrote The Siege of Shkodra in Latin and it was translated into several European languages in the sixteenth century. In 1962—fifty years after Albania’s independence from the Ottoman Empire—the first Albanian version was published, a translation by Latin scholar Henrik Lacaj with historical comments by Aleks Buda. Surprisingly, no English version was produced until 2012, translated and edited by the author of this article. The following review and excerpts have been prepared in advance of publication of this English version (most quotations herein are from the yet unpaginated manuscript currently at press).

2. Barleti’s prefatory note to the doge of Venice

In the preface of The Siege of Shkodra, Marin Barleti addresses the work to the doge of Venice, Leonard Loredan. Herein, Barleti honors the Senate who decided to harbor the Shkodrans after the siege; then he expresses his motivations for writing. He begins thus: “When something unusual occurs in the history of mankind, something exceedingly bitter and heavy, and for which to mourn, something we can assume has happened either to show the frailty
of man or to awaken a kind of compassion toward one another, then, usually, certain people emerge who not only have observed the bitter event with awe and pity, but who also attempt to pen it into life."

Barleti then continues by suggesting that those who suffer deserve assistance, and that future generations should learn about the adversities of the past so that “their eyes will be opened wide enough to recognize how best to wield the helm that steers the affairs of men.” Barleti explains how he felt the moral obligation to “immortalize [the events of the siege] with a literary monument” but how inadequate he felt to actualize a work worthy of literary excellence. He nearly did not proceed, preferring to be silent “rather than to batter the ears of readers with an unrefined, unlovely book.” In the end, however, he labored on, persuaded by his conviction that it was his holy obligation to his fatherland and to his compatriots.

Marin Barleti was a Catholic priest. His work is filled with references to Holy Scripture and examples of the passionate Christian faith of his people. He tells the doge, “Here at the start I shall affirm that God gave the triumph to our faithful citizens when all hope had been lost.” Though living in exile, though his city was now in the Ottomans’ hands, and though the Shkodran churches were now being transformed into mosques, Barleti still views the bitter events as a triumph: first because the besieged repulsed the direct attacks of the Turks and only abandoned the city when Venice had ceded it to Mehmed II, and second because the Shkodrans had succeeded in delaying the Ottoman advance upon Christian European heartlands (Shpuza 218; Freely 137).

3. Book One: the situational background

Book One (one of three long “chapters” or “books”) provides background information according to the author’s understanding of history. Barleti attempts to handle the controversial origin of the Turks, conceding the existence of several differing points of view. He then discusses the Turks’ early conquests and how they amassed “unusual power,” becoming so mighty that “they could afford to battle their neighbors with impunity.” Then Barleti discusses the line of sultans from Osman to Mehmed II “The Conqueror,” the archenemy of his beloved city. Barleti describes the aftermath of Mehmed’s conquest of Constantinople by saying: “Concerning the horrors that followed, no man can express the massacre and bloodbath he unleashed against men and women of all ages! How many women and girls were violated! How many temples were desecrated! What unimaginable evil and crime was done out of spite and in order to blaspheme our true religion! No man can conjure the words to describe what happened there. No oratory can convey it, not even the oratory of tears.”

Book One continues with a summary of Mehmed’s conquests of Christian lands and his intention to “become lord of the entire world.” Crucial to the work at hand, Barleti points out that in order to realize his intention, Mehmed first needed to conquer the Albanian lands, because “no other land was more suitable, advantageous, and propitious to allow him to achieve his purpose and completely fulfill his dream.” The final significant stronghold in Mehmed’s way was Shkodra (Shpuza 222; Jacques 191). Barleti, therefore, concludes Book One with a history of Shkodra and its environs in order to explain why Mehmed would esteem it so highly. Barleti seems to admit that he shines brighter as a storyteller than a pure historian, so he concludes Book One by saying, “Now I shall attempt with all my being to bring to fruition what I have resolved to do…. I will be faithful to set forth everything I was privy to, all that I saw with my own eyes, everything I experienced myself.” This eyewitness experience—a rare look at fifteenth century siege warfare from inside a besieged fortress—sets Barleti’s work apart from his other works and distinguishes it as a gem of world historical literature (Martin-Leake 249).

4. Book Two: the sides battle

Book Two contains the bulk of Barleti’s material and describes the siege in detail. It opens with a brief account of the failed Ottoman siege of 1474—a conflict treated at greater length by Barleti’s contemporary George Merula in his text, “The War of Shkodra” (included in the new English and Albanian editions of The Siege of Shkodra). In the spring of 1478, Ottoman raiders were sent in advance of the main armies to blitz the countryside around Shkodra and induce panic. Many of the local women and children were sent to the seaside regions for greater safety, while villagers and the Shkodran citizens began to fortify their city with fresh passion. Barleti records, “They rested neither day nor night but worked constantly, body and soul, to properly complete all the work needed to bear the brunt of so great a war, not merely as if the enemy were right there in front of them, but because they were indeed.”

Soon, warriors began to amass in the environs of Shkodra. Davud Pasha of Rumelia arrived with an alleged “25,000 horses and 12,000 camels weighed down with munitions, bronze for artillery, and other military tools—all of which were unloaded around the hill.” Far from being passive and fearful, the Shkodrans began to attack the intruders and their tent
camps with guns and guerrilla attacks. By June 8, the pasha of Anatolia had arrived—Mustafa Bey—with many thousands of riders divided into battalions. “The city,” says Barleti, “was abuzz with great crowds of barbarians. The influx was unceasing.”

On June 15 five thousand janissaries arrived. Barleti pauses here to describe how janissaries were conscripted and trained, being “snatched away from their [Christian] parents” and trained rigorously for service as the sultan’s elite guard (Mikaberidze 273). Their arrival was met with “an explosive tumult of applause” because it signaled the imminent arrival of the sultan.

Three days later, a small delegation from the sultan requested an audience with the besieged, urging them to surrender. The ultimatum was simple: surrender and be rewarded or resist and be tortured and killed. The Shkodrans replied by affirming their faith in Christ as opposed to Muhammad and their allegiance their Venetian commander as opposed to the Turkish sultan. In no uncertain terms, the Shkodrans affirmed that there would be no negotiations, no compromises, and no surrender.

The Turks, therefore, continued to prepare their assault structures, casting cannons on site and building gabions and defensive structures in preparation for a massive attack. Ten thousand more camels arrived with metals and munitions. On June 22, the first two cannons became operational and fired stones weighing up to 288 pounds. More and more Ottoman soldiers flowed in to the Turkish camp as the Shkodrans watched incredulously from their parapets. Daily cannon fire would now continue unabated to ensure easy access through the outer walls.

The first days of July marked the grand arrival of the sultan and his chariots, military troops, and “grandiose accoutrements.” Barleti records that when he first viewed the Shkodran fortress, he exclaimed, “Oh, what a brilliant and lofty place the Eagle has chosen for herself and as the nest for her eaglets!” Barleti notes that by this time, so many Turks had arrived that “one’s eye could scarcely spot the narrowest gap between tents.” He cites “credible sources and those who previously served in the sultan’s army” who reported that “about 350,000 people may have participated in the siege of Shkodra.” Figures like this have often been criticized by historians as exaggerations (Babinger 359-368), but perhaps not grossly so, because the Ottoman chronicler Kivami records 100,000 Turkish soldiers being involved in just one of the general attacks of this conflict (Pulaha 119).

One of the most thrilling portions of Book Two is Friar Bartholomew’s speech to raise the morale of the Shkodrans who were understandably disheartened by the enemy hordes gathering beneath them. Bartholomew had fought well under Scanderbeg’s leadership before taking holy orders and commanded enormous respect on account of both his reputation as a soldier and his role as a spiritual shepherd. The friar first appealed to their faith, claiming that they had been assembled by the will of God so that their religion would “emerge unharmed and secure the height of radiance.” Then, lest they entertain thoughts of surrender, he argued that the sultan could not be trusted: “Do you really think, O Shkodrans, that after you surrender, he will pardon you? Do you think that the soulless Ottoman will leave you uncathed and untouched now that you have so played and pounded him [four years previously]? … What think you? Shall he absolve you of all that blood? Will he let you simply walk away, without exacting retribution? Certainly not! He will carve up your flesh as a butcher slaughters the sheep. He will tear you limb from limb.” Bartholomew assured them that God was on their side, employing a string of Biblical examples of how God had saved his people from ruthless enemies and impossible situations—for example, the children of Israel from Pharaoh’s oppression in Egypt and Daniel from the lions’ den. He urged his people to be steadfast in prayer and confession and claimed that their destiny was nothing less than to “preserve the Catholic faith and all Christendom.” The friar affirmed that, though fewer in number, they were far superior warriors. Furthermore, their citadel was unassailable, being so well positioned on a precipitous hill. He asserted that ten of his men could “easily repulse a thousand attackers.” He concluded with a vision of eternal glory awaiting those who would strive well and die “for the faith.” The Shkodrans responded to the friar’s speech with renewed unity and an iron resolve.

Meanwhile, the Ottomans continued to bombard the walls with cannon fire. At this point in the text, Barleti begins giving daily tallies of the cannon shots against the city: thirty-six shots on July 2, thirty-five on July 3, two more artillery installed on July 4, forty-seven more shots on July 5, and so on. On July 6, the Ottomans introduced a new weapon into their arsenal—a “kind of cannon that they call a mortar, … able to shoot fireballs onto the housetops in order to set the city ablaze.” Barleti describes the shrieking noise and comet-like appearance of this projectile and tells how difficult it was for the citizens to extinguish the fires caused throughout the city. Another mortar was soon introduced, firing 865-pound stones that exploded upon impact. Barleti writes, “Even though the centuries before us may boast of their manifold inventions, this creation of our age, along with others like it, surpasses them all.” Soon the Ottomans were firing eleven cannons, the largest of which shot 935-pound stones that were nine handbreadths in diameter. The threat of the Turkish artillery was so deadly that Shkodran sentries in the castle towers would order the church bells to be rung any time they
The Turks, frustrated by their failed attempts to infiltrate the citadel, found comfort in a small victory on Lake Shkodra. By July 11, the outer walls were damaged enough that the sultan ordered the first of what would become five ground assaults. The sultan "unleashed the janissaries, azaps, and other soldiers to assault from all directions. They came relentlessly, day and night, approaching the blockades with ladders and thatched panels, constantly assuming new positions." Amazingly, the garrison held. "In place of battlements," says Barleti, "there was bravery. They stood there as men among the barricades, face forward into the fray. Each one had decided (for necessity makes even the fearful courageous) to die heroically rather than to fall into the hands of the enemy and be killed by him ingloriously."

After the first general attack failed, the Turks increased their bombardment and also sent soldiers to set fire to the redoubts by climbing the hill and throwing torches upon them. The Shkodrans resisted this tactic by lining up gunmen and shooting the fire throwers. So new were guns to the history of warfare that Barleti pauses, again, to describe them for posterity: "It has a long, narrow barrel and is loaded with a kind of ball made from lead containing powder and other explosive substances. It can be lit by one person alone. The shot discharges from the barrel, flying and spinning—and killing."

The Turks, frustrated by their failed attempts to infiltrate the citadel, found comfort in a small victory on Lake Shkodra. The locals had been raiding the Turkish tents from their villages beyond the lake. To counter this, the Turks had been constructing galleys near the Buna River. Finally, they completed construction and sailed into the lake to clash with the locals and halt their guerilla raids once and for all. One of the Albanian vessels was captured along with eight men, who were promptly impaled on stakes near present-day Shiroka.

Now the Turks were firing nearly two hundred cannonballs daily. The sultan launched a second ground assault, which also failed. Barleti records that "many Turkish soldiers were killed, many others were wounded, and many turned around and retreated in shame. So the Shkodrans reaped a triumph (though it cost them much blood)." A third ground assault followed, "a gruesome clash" at the main gate of the city that was punctuated by abundant arrows and lighting-like artillery blasts. Barleti summarizes his tally of enemy fire to date by claiming that, by July 21, the cannons had fired "a full 2,539 times, not including the 110 shots of the mortars and the 10 flaming cannonballs." Despite this barrage and the three successive ground attacks, the Shkodran garrison still held.

Incredulous, the sultan convened his council and persuaded his commanders to launch another assault immediately. He stirred up their spirit of revenge by recounting "the hundreds and thousands" killed four years previously. Of course, Barleti was not present at the council meeting and has obviously invented the sultan’s speech based on the hearsay of his informants and his own imagination; nevertheless he attributes the following words to the sultan: "You must … impose retribution for the previous catastrophes. Feed upon the blood of the Christians as much as you can, because this is what our canon teaches. We must engage all our energies and weapons so that not one Shkodran will be left alive." Whether or not the sultan used such invective is disputable, but at the least, Barleti reveals the indisputable depth of animosity between the two sides.

The Turks pressed upon the base of the hill for a fresh, fourth attack. At dawn, as the Christians were praying in their churches, the Turks launched their assault. The battle began well for the Turks, who managed to climbed the bulwarks and raise their ensign. The sultan began to exult in what he thought was victory, but the Shkodrans became even more intent on repulsing the attackers, and did so by means of various weapons including burnt lime, flaming reeds, wooden lances, and urns filled with heavy stones. The Ottoman generals authorized retreat but this infuriated the sultan, so he ordered them to renew their attack under menacing threats should they fail. "So numerous were the arrows," says Barleti, "that the heavens were darkened." Again the main gate area became the epicenter of the battle; it was the key to victory. Again the Turks wrested control of that zone and raised their banners. Again Mehmed believed he had triumphed. However, deeper within the castle, "a crowd of strong men and boys" was standing ready to reinforce the first compromised position. These men "could hardly wait and were burning with desire to storm the barbarians." Finally the trumpet beckoned them. They stormed the enemy, drove them back, and chased them to their camps—another triumph for the besieged! The Shkodrans’ rejoicing was short-lived, however, as they began gathering and burying the corpses and scattered limbs of their fallen comrades. Four hundred of the besieged had fallen, whereas twelve thousand of the enemy had perished.

The sultan "fumed in anger for two days and two nights in his pavilion, ... seething hate and malevolence toward the Shkodrans." He convened his council again and advocated a fifth (and eventually final) assault, arguing that the Shkodran garrison must certainly be exhausted and easy to defeat. He summoned the soldiers and rallied them for an unprecedented surge, promising spoils and rewards to his men in case of triumph. They approved his words and began preparations for another clash. The Shkodrans intercepted these plans and began making their own preparations for a renewed defense.
Five days later, on July 27, all the Ottomans began swarming the castle base yet again. Friar Bartholomew emerges here again as a prominent figure. Together with the captain of the horsemen, Nicholas Moneta, he began to crisscross the city examining the fortifications and exhorting the people to resist to the very end. Bartholomew prayed aloud to God and to the Virgin Mary, begging for divine aid and deliverance. Barleti describes the frenetic preparations of the besieged, making special mention of the women, who “by every measure kept pace with the men in zeal, alertness, and indefatigable labor to prepare everything needed to protect and preserve their fatherland. Naturally being the more delicate sex, the women deserve special honors for such actions. They climbed the fortifications alongside the men and fought bravely with the enemy; many of them were killed by the artillery.”

Just prior to the grand battle, Jacob Moneta volunteered to lead the first unit forward. His request was granted and he gathered his men and rallied them with another brilliant speech recorded by Barleti. Moneta pleads, “Men, lift up your eyes upon your families and your fatherland, which must this day be protected…. Have mercy upon your wives and the children you have reared and taught with such toil, zeal, and care! Do not relinquish them into bondage and exile, for the barbarian has no compassion or mercy at all…. Our cause is God’s. We fight for justice, for divine precepts, for faith and fatherland, for our altars and hearths, and for our children! … Break the momentum of the weapons and warfare; crush the military means of the enemies. O women and maidens, strike them with stones—and aim well! And young men, rush out upon the Turks! For behold! They are breaking; they are retreating; they are departing!”

Barleti’s account of the fifth ground assault is so detailed and gruesome that the Italian artist Giuseppe Lorenzo Gatteri created a thrilling etching depicting the scene in 1860, entitled ITurchi respinti da Scutari. The clash caused heavy losses on both sides. The cannons began firing at full capacity, but with less caution, resulting in several instances of friendly fire that killed many Turks. The battle raged so fiercely that Barleti says, “Had it been possible for someone to look dispassionately upon the ruination at the great gate, he would have testified that the sight was not at all less grotesque than the many different tortures described at the bottom of hell.” The advantage teetered back and forth between the Shkodrans and the Turks, but in the end, the Shkodrans prevailed and sent the Turks to flight, “killing and hacking them all the way back to their pavilions.”

The sultan was forced to order retreat. He spewed out “unmentionable words against the great Lord, who had not fulfilled his desires and did not permit him to conquer the world as he had once allowed Alexander, king of Macedonia, and Julius Caesar. Then he added that if God wanted to continue being his rival, he should become content to rule the heavens.” Book Two concludes with the sultan being “seized by a terrible madness” and retreating to his pavilion for two whole days, accepting no visitors. Meanwhile the Christians rejoiced and observed three days of holy ceremonies in thanks to God, “singing hymns of devotion to the Savior of humanity.”

5. Book Three: the sultan backs down

Book Three begins with the sultan calling a third council meeting in which he made known his desire to assault the citadel yet again. This time, however, a respected council member, Ahmet Bey, persuaded the sultan to alter his strategy, noting the defeated morale of their troops and the dread that had overwhelmed the camp. The better plan, argued Ahmet, was to conquer the smaller fortresses in Shkodra’s vicinity—Žabljak, Drisht, and Lezha—and then to leave a small army to keep Shkodra constricted. He urged the sultan to build mighty towers on the shores of the Buna River to block Venetian galleys situated on the Adriatic coastline from aiding the besieged city. Ahmet guaranteed the sultan that, with such a strategy, Shkodra would “fall effortlessly into [his] hands.”

The sultan agreed and wasted no time in attacking Žabljak, which capitulated immediately. The men of Drisht “were more manly and strong,” having caused problems for the sultan throughout the campaign by coming to Shkodra’s aid by raiding the Turks and their supplies. Precisely at a time when a majority of the Drishtan warriors (approximately eight hundred) were away from their fortress on such a raid, the sultan besieged Drisht, cutting off the warriors’ path of return to defend their city. For sixteen days the Turks pounded Drisht’s walls and on September 1, with little resistance, they entered the city, took three hundred prisoners, and executed them all in sight of the Shkodrans. Finally, the Turks marched on Lezha, which had already been abandoned.

The sultan then set off for his palace in Istanbul and “cursed Shkodra up and down. He had subdued countless kings, princes and peoples with the greatest of ease, but in Shkodra he had lost all those heads; he had sustained so many strong blows; and now he was departing with disgrace and shame.” Barleti suggests that the sultan regarded his defeat as a dark premonition that either his empire or his life was about to come to an end. “Verily,” says Barleti, “in this he was not mistaken: before much time had elapsed, he set off for a campaign over in Asia and passed from this life.”
6. Conclusion

Book Three (and the entire work) concludes with a description of the Shkodrans’ mixed emotions: “They had been exhilarated by the indescribable joy of triumph, [but] realized that they were surrounded just the same.” Days turned into weeks and weeks into months, with no relief from the Venetians (Babinger 365). Food became so scarce that the Shkodrans resorted to eating mice and dog gut sausages.

On December 20, the Shkodrans learned that a Venetian emissary was on his way to Istanbul to negotiate peace and lift the siege: “Shkodra would be ceded to the sultan and the citizens would not be harmed in the least but would be allowed to leave freely with all their families and goods. If they desired they could live under the rule of the sultan, or they could go wherever they wished.” Venice would harbor them if they chose emigration. This news brought both relief and a dilemma—abandoning their fatherland would be an excruciating decision. The Shkodrans “expressed many different opinions” about what should be done. Flor Jonima, captain of the guards and a man who enjoyed great respect among the citizens, made a strong appeal to his compatriots that they should indeed choose emigration to Venice over subjugation to the Turks. With remarkable passion and persuasion, he reminded the Shkodrans of the sultan’s ire and lust for revenge. He reminded them that their fatherland was already destroyed. He described the intolerable realities of cohabitation with the enemy: “We are of different blood, we have different customs, different laws and codes, different prerogatives and institutions…. In these things we are as far removed from them as people are from wild beasts…. Can you endure your children growing up and being educated in all this muck of vices, in the midst of all these heinous customs? Do you think your children will become good and honorable people in the midst of such a heavy plague, in this great puddle of perversity? … Who will give us justice? To whom will we go for help and support? They will be both the offenders and the judges.” Then Jonima bolstered their confidence in the benevolence of the Republic of Venice (Čoralić 101). The Shkodrans unanimously approved his counsel and finally relinquished their beloved city.

Barleti closes his masterpiece by painting two final images: the “barbarians” entering the citadel with raucous celebrations and the Shkodrans embarking on ships and sailing off to Venice. The Shkodrans “had fought so bravely for so many years for the majesty of Venice and for its holy possession. They had spilled their blood for her, sacrificing their parents, children, fatherland, life, and possessions. For the glory of Venice they had defeated such a menacing enemy. Under the shadow of Venice they would enjoy contented and joyful days until they would die, and there they would conclude their glorious lives as the mighty men that they were indeed. The End.”

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Arberesh Contribution in the National Movement for the Unity of Italy

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Abstract: The favorable geographical position between Italy and Albania has led to the maintaining of friendly relations between these two neighboring countries, in spite of their inheriting different traditions and cultures. At the time of Garibaldi, Italy's remarkable figure considered as its national hero, the links between the two peoples separated by the same sea grew further. This strengthening of bilateral ties came as a result of the deepening of Albanian emplacements on several Italian regions. In Italy, the Arbereshes gave an important contribution to the unity of their second homeland in 1860-1871. In this study will be demonstrated their contribution in the effort for the unification of Italy and will be treated the mutual respect between the two neighboring countries, a respect expressed not only through mere words, but through the concrete assistance Garibaldi wanted to provide through a Balkan expedition in favor of freedom and independence of peoples, among which was to be included also Albania. Bilateral ties were further strengthened as a result of Garibaldi’s approach. In letters sent to De Rada, Dora d’Istria linked the triumph of Garibaldi’s movement to the Albanian liberation movement. Also Garibaldi himself, in his proclamations, declared to owe much to the "brave generous Albanians". Relying on this proclamation, he clearly expressed his respect and appreciation for the Albanians. Garobaldi’s opinion on the bravery of Albanians is reinforced in the letters written by him to D’Istria. She would state: "Garibaldi is the best judge on the issue of heroism". He had seen the Albanians in the Italian colonies on the battle fields and wrote: “The issue of Albanians is mine; I would certainly be happy to use whatever is left of my life in favor of that brave people. The support of many courageous patriots helped Garibaldi, as he passed to the south of Italy, welcomed by the Arberesh fighters in the area with an unprecedented enthusiasm...

Keywords: Garibaldi, Mazzini, Italy’s unity, Arberesh, Freedom and independence.

1. Introduzione

Nel 1814 si è svolto il Congresso di Vienna (Rich,2006) dando fine ad un lungo periodo di turbolenze in Europa. I rappresentanti diplomatici dei potenti paesi, vincitori nella guerra contro la Francia del Napoleone, pongono due principali problemi che avrebbero portato la stabilità in Europa. Principalmente evitare una nuova rivoluzione e preservare la pace tra gli stati maggiori. A quell'epoca i paesi più potenti erano la Russia, l'Inghilterra, l'Austria e la Prussia. Le loro richieste sono state focalizzate ad espandere ulteriormente i loro territori e per questo motivo gli interessava un equilibro europeo senza un conflitto armato. Il Congresso di Vienna si è svolto con lo scopo l'equilibrio europeo ed l'eliminazione della politica espansionistica, ma non poteva realizzarsi per quanto le decisioni presi, parlavano in modo diverso.Così la Prussia decise di tenere la zona di Reni, il Belgio e Lussemburgo sono stati dati ai Paesi Bassi, il Regno di Piemonte in Italia ti tennero Genova, la Russia decise di prendere la Finlandia e gran parte della Polonia e altre parti di rimasti alla Prussia e Austria. La Germania divenne una confederazione di 39 stati, ecc...


2. La partecipazione degli albanesi d'Italia nel movimento politico italiano negli anni (1820-1848)

Gli italiani progressisti, vedendo la situazione in cui si trovava loro patria, si assunsero la responsabilità di salvarla realizzando il sogno di vedere il loro paese unificato. Nell’Italia del tempo l’obiettivo era la creazione delle condizioni favorevoli alla costituzione di uno stato unito e politicamente indipendente. Così nel maggio 1812 (Bandi, 1974) viene

2.1 La partecipazione degli albanesi d’Italia nella società “Nuova Italia” di Giuseppe Mazzini

di realizzare l’unificazione d’Italia, ma, secondo lui la forma più adeguata della guida d’Italia unita sarebbe stata la costituzione della Repubblica unitaria. 

Lui era contro la monarchia perché secondo lui “la libertà d’Italia non poteva venire da quelli che l’ho avevano smarrito dal loro paesi”. Una nazione – commentava lui – se è tale da vero, così se ne ha una religione, una lingua, comuni abitudini, non può essere solo che un organismo unitario. Salvo questo, il federalismo – continuava Mazzini – manteneva i privilegi d’aristocrazia, mentre l’unitarismo supporta un grado d’uguaglianza più ampio, e così essa porterà un rinsascimento morale e conoscenza sociale del popolo. 


Nel luglio 1837 nella regione di Castrovillari scoppiò una rivolta armata contro il regime borbonico, alla quale parteciparono anche molti albanesi. La distruzione di questa rivolta portò molti arresti, uccidendo e impignorando molti partecipanti. Dai tribunali borbonici furono uccisi anche Degnigno Bota e Francesco Francese da Cerzeto, Costantino Pugliese da San Basilea ecc. Il ruolo degli albanesi d’Italia nel periodo del Movimento Rivoluzionario in Italia era stato assai importante. Tale cosa viene mostrato dalla partecipazione di molte regioni popolate dagli albanesi nella lotta rivoluzionaria degli anni 1848-1849, e negli anni successivi, movimento che comprese tutti i popoli europei. L’insurrezione italiana fu allargata su tutto il paese e in particolare nelle province di Toscana, Firenze, Milano, nel Regno di Sicilia e in Lombardia ecc. Lo scopo della rivoluzione italiana era di lottare contro i feudali e di liberare il paese dagli occupatori stranieri; la cosa che faceva gioire il popolo italiano senza distinzione era il ritorno di Garibaldi dall’America, il quale ha abbracciato questa lotta.


3. Il contributo degli albanesi d’Italia nel movimento rivoluzionario del 1860

I legami albanesi-italiani furono forzati di più nei periodi successivi. Nell’epoca di Garibaldi, noto personaggio d’Italia distinto quale eroe nazionale, i legami tra i due popoli che si bagnavano dallo stesso mare furono rafforzati molto. Quello che univa due popoli era l’abbraccio della questione di libertà e l’indipendenza dei popoli dei Balcani contro la Turchia. Questo fatto è fortemente sostenuto anche dal grande Garibaldi, il quale combatteva alla libertà dei popoli non solo per l’indipendenza, ma anche che ormai un personaggio quale Garibaldi stava influenzando l’avvicinamento dei popoli bagnati dallo stesso mare. Garibaldi guidò la rivoluzione degli anni 1848-1849, periodo che è nominato dagli storici italiani come “la prima guerra per l’indipendenza”. A lui si unirono non solo i rivoluzionari italiani ma anche gli albanesi che combatterono unitamente nella difesa della questione della libertà. Movimenti rivoluzionari furono riscontrati su tutta l’Italia ma, con tutti gli sforzi, non arrivarono ad eliminare del tutto le classi dirigenti reazionarie. Le forze reazionarie portarono in fronte i cosiddetti “liberali” di Cavour, cui aveva assegnato quale suo scopo finale l’unificazione d’Italia sotto lo spettro della Monarchia di Piemonte quale “un elemento turbolento” e lo arrestò e dopo costrinse ad abbandonare il paese. Lui visse quale un emigrante all’USA, China, Perù ecc., e ritornò nel paese nel 1854 dove comprò un pezzo di terra con il’aiuto degli amici e suoi risparmi, lavorando successivamente come un semplice contadino. Mentre a capo del nuovo governo piemontese, l’unico tra gli stati italiani che conservò la monarchia, fu eletto Camillo Benso Conte di Cavour. Cavour era il figlio più piccolo di una vecchia famiglia signorile, entrato da giovane nella carriera militare da suo padre,
ma che l’abbandonò presto. In età adulta si dedicò alla politica. Con orientamenti politici moderati, privo di una simpatia chiara per la rivoluzione e romanismo politico di mazzinisti, ha fatto alleanza con le correnti moderate del sinistro e loro più noto rappresentante Urbano Rataci.

Il politico piemontese aveva assai chiaro lo scopo dell’unificazione d’Italia, che al principio lo vedeva sotto il Regno di Piemonte. Quello che aiutò di più la diplomazia piemontese era il peggioramento di relazioni tra gli austriaci e russi. La Guerra di Crimea (1853-1856) portò una situazione favorevole che Cavour poteva far alleanze possibili. Lui fece con Inghilterra e Francia il Trattato del 1855, secondo cui il Piemonte partecipò a fianco di inglesi, francesi e turchi nella guerra di Crimea contro la Russia. Fece alleanza con Napoleone III. L’incontro avvenne nel 1858 nel villaggio di Plombier della Francia. Nel caso della vittoria il Piemonte lascerebbe a Francia le regioni di Savoia e Nizza, il paese di nascita di Garibaldi, mentre il Piemonte acquisirebbe la regione Lombarda. Di nuovo, secondo questo accordo dopo l’espulsione degli austriaci, gli stati italiani costituirebbero la confederazione sotto la presidenza di Papa. Questo accordo fu siglato dal matrimonio della principessa Clotilde, figlia del re Vittorio Emanuele II e il principe Jeronim Bonaparte. La guerra tra l’alleanza franco-italiana e l’Impero Austriaco finì con la disfatta degli austriaci. La vittoria di questa coalizione portò movimenti rivoluzionari in Italia, che non furono ammessi dalla Francia, la quale non desiderava un’Italia unita e forte militarmente e politicamente. Questo causò che molto presto la Francia gettò via l’alleanza con Italia firmando un patto di tregua con gli austriaci. Furono incontrati in Villarfranca e decisero che la Lombardia veniva unita al Piemonte, mentre il Veneto passava all’Austria. Questo atto non era improvviso per Garibaldi perché lui non aveva creduto mai che l’Italia potesse essere liberata dalla Francia e per questo motivo criticava aspramente la politica di Cavour. Secondo Garibaldi l’unificazione d’Italia poteva essere raggiunta solo con la mobilitazione di tutto il popolo italiano in una risurrezione generale. Trovato sotto una tale situazione Cavour nel 1859 invitò Garibaldi a Torino per discutere a proposito della lotta contro l’Austria. Garibaldi, il quale viveva tranquillamente e semplicemente sua vita nelle sue proprietà in Caprera, gettò via le cattiverie sofferte dalla Monarchia di Piemonte, e prese il comando degli alpini, con il grado di generale ha raggiunto una grande vittoria in Varese ed entrò trionfalmente in Como.

Questo accordo, raggiunto tra Cavour e Garibaldi influenzò nel creare un clima unitario di tutte le forze partitiche contro l’Austria. Vedendo i successi di Garibaldi, Napoleone III, il quale giocava il ruolo di devoto alleato, decise che la Lombardia veniva unita al Piemonte, mentre il Veneto passava all’Austria. Questo atto non era improvviso per Garibaldi perché lui non aveva creduto mai che l’Italia potesse essere liberata dalla Francia e per questo motivo criticava aspramente la politica di Cavour. Secondo Garibaldi l’unificazione d’Italia poteva essere raggiunta solo con la mobilitazione di tutto il popolo italiano in una risurrezione generale. Trovato sotto una tale situazione Cavour nel 1859 invitò Garibaldi a Torino per discutere a proposito della lotta contro l’Austria. Garibaldi, il quale viveva tranquillamente e semplicemente sua vita nelle sue proprietà in Caprera, gettò via le cattiverie sofferte dalla Monarchia di Piemonte, e prese il comando degli alpini, con il grado di generale ha raggiunto una grande vittoria in Varese ed entrò trionfalmente in Como.

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A loro fianco, nel mezzo dei repubblicani di Sicilia si trovarono anche due tra le personalità note degli albanesi d’Italia e soprattori principali della spedizione di “I Mille” Francesco Crispi. La preparazione per la rivolta fu effettuato nel villaggio di Piana degli Albanesi, che si distingueva per l’aiuto dato alle forze garibaldine. Agli Albanesi di Piana degli Albanesi esistono molte valutazioni che provengono dalle figure quale G.C. Aba.

Lui era partecipante nella spedizione dei “I Mille” ed ha scritto riguardo alla popolazione di Piana degli Albanesi “Sono gente orgogliosa, onesti, fieri della loro origine. Nelle loro canzoni hanno conservato vivo il sentimento di quattro secoli fa e sognano ancora che uno dei loro sangue potrà un giorno portarli nella loro vecchia patria, lontano”. Molti albanesi aiutarono Garibaldi, fecero da guida nelle vie che lui non le conosceva. Così afferma Garibaldi nei suoi ricordi. Lui scrive “La popolazione di Piana e Parco ci ha aiutato tanto, come supporto e aiuto pratico”. Oltre Garibaldi, per il ruolo di Piana ed altri insediamenti degli albanesi scrive anche Dora D’Istria. Lei scrive “La piccola città di Piana, il centro più grande abitato dagli albanesi di Sicilia occupa un grande posto nella insurrezione. Anche gli albanesi di Lungro aiutarono Garibaldi e il suo movimento per la libertà e indipendenza. I forti legami italiani ed albanesi vengono mostrati tramite l’espressione del rispetto e venerazione alla figura di Garibaldi: “Figli guerrieri di Epiro (Albania), successori di Skenderbe, Marko Bocaro segnarono in marmo l'ora, data in cui furono onorati a mostrare una testimonie di venerazione verso il liberatore di Sicilia e Napoli” (D'Istria,1923). Oltre gli albanesi di Piana, anche gli albanesi di Sicilia parteciparono al risorgimento italiano, tra i più noti nei documenti dell’epoca sono: la giovane ragazza da Piana Giovanna Peta, la quale fu la prima che portò la bandiera tricolore d’Italia unita, Francesco Peta capo comitato segreto a Piana, Piero Piedescalli, Antonio Petruta, Giovanni Suli, Giuseppe Benici, Giovanni Carnesi, Nino Stati, Filippo Carini, Salvatore Mocia, e molti altri da Piana: Giovanni Dosrsa, Luca Cucia, Stefano Vacarao, Nicola Mustacia, Antonio Matralano, molti altri da Palaco Adriano e Mezziovio (Kamsi,1927). La notizia per la rivolta in Sicilia si diffuse molto presto in tutta l’Italia. Garibaldi, di andare avanti a suo progetto, deve avere forze sufficienti militari, cosa che ha raggiunto fino a un punto con il supporto offerto dalla popolazione volontaria italiana ed albanese, ma quella non bastava, e per questo motivo chiese aiuto al Regno di Piemonte. Lui prese una risposta negativa da Cavour, non procurando un aiuto militare, e non si fermò qui, lui ha provato con gli amici di convincere Garibaldi di rinunciare alla spedizione. Ma Garibaldi non si fermò e il 6 maggio 1860 con i suoi “I Mille” è partito dal porto di Genova e dopo 5 giorni sbarcò a Marsala di Sicilia, raggiunse vittoria a Calatafimi, entrò trionfalmente a Palermo dove è pronunciato quale “dittatore di Sicilia”, arriva una vittoria a Milano, entra a Napoli, a Castelfidardo, a Volturno. A Parma Garibaldi costituì un suo governo con tre albanesi tra i membri: Pasquale Scura, Luigi Guria, Francesco Crispi. Anche se non ha avuto il sostegno del Regno di Piemonte, Garibaldi continuò sua spedizione verso la Sicilia a travolgere il regime borbonico e dopo entrerebbe trionfalmente a Napoli. Nell’agosto 1860 Garibaldi lasciò una chiamata a cui furono risposto anche molti albanesi i quali aspettavano lo sbarco dei liberatori nel Sud.

Tra le figure principali del movimento era Domenico Damisi, il quale scriveva a suo fratello: “Caro fratello, io vi trovo in Sicilia da un mese e mezzo circa. Per che cosa e quale motivo non c’è bisogno scriverlo perché lo sai già benissimo. Arriveremo anche il prossimo, e per lo stesso motivo ... Tu sei pronto ad aspettarci bene. Prima di me arriveranno tre miei stretti amici: Antonio Plutinio, Francesco Stocco e Ferdinando Bianchi. Questa lettera verrà essere consegnata a te tramite uno di loro. Prova d’incontrare e riunire molta gente armata, perché serviranno alla nostra guerra. Inviterà a prendere parte di questa spedizione verso la Sicilia a travolgere il regime borbonico e dopo entrerebbe trionfalmente a Napoli. Nell’agosto 1860 Garibaldi lasciò una chiamata a cui furono risposto anche molti albanesi i quali aspettavano lo sbarco dei liberatori nel Sud.

Da San Benedetto Ulano sono iscritti 500 persone da 2.500 abitanti che aveva tutto il villaggio, da Lungro sono partiti 500, da Spezzano Albanese 130 uomini, un numero considerevole dei volontari andarono dal villaggio di Firmoia, Frascineto, Cassano ecc.

Il contributo degli Albanesi si mostra anche nell’accoglienza e supporto dato a Garibaldi e sua a guerra dagli albanesi di Calabria. L’arrivo di Garibaldi in Calabria venne accolto con entusiasmo da abitanti di Lungra e Spezano Albanese. Secondo i dati solo dai villaggi albanesi di Cosenza sono uniti 1300 albanesi armati circa. Il primo corpus che venne fondato nel 1860 era composto solo dagli albanesi i quali costrinsero le truppe bomboniere ad arrendersi. Un altro elemento che deve essere evidenziato, oltre la partecipazione degli uomini albanesi nel movimento per l’indipendenza, è

1 Francesco Crispi (4 ottobre 1819- 12 agosto 1901) era Primo ministro dell’Italia durante gli anni 1887-1891 e 1893-1896.
anche la partecipazione delle giovani donne quale Pasqualina Toscarelli da San Benedetto. Ella ha combattuta assieme con altri guerrieri a Napoli, a Volturlo e cade eroicamente in Comptonese. Secondo Dora D’Istria le donne albanesi rompono le prime il giacito sotto le idee garibaldine senza aver paura dai maledizioni dei preti cattolici reazionari. Questa affermazione di Dora D’Istria esprime chiaramente l’opinione che non solo gli uomini ma anche le donne albanesi muniti di forte sentimento di coraggio, desiderio per la libertà hanno aiutato alla realizzazione degli scopi garibaldini. Non deve essere dimenticato anche il contributo degli albanesi d’Italia del Sud dove possiamo ricordare il nome di un personaggio importante chiamato Angelino Milano. Lui fu distinto per l’attentato compiuto contro il Re di Napoli, Ferdinando II. Suo gesto coraggioso ha afferrato tutta l’Italia del tempo. Questo atto compiuto da un albanese mostra il gran ruolo che hanno avuto gli albanesi nella politica dell’epoca.


Caserta, 20 ottobre 1860.


Il progetto di Garibaldi era visionario, ma le forze reali alla sua implementazione erano deboli. Oltre questo fatto la Serbia e la Grecia erano deboli dal punto di vista militare, e per lo più, loro aspirazioni proibirono l’unione delle forze bancaniche. La Grande Porta fu preoccupata da un’insurrezione dei popoli di Bancani, cui verrebbe supportata dalle forze garibaldine. Per questi motivi essa prese misure allocando la riva albanese, e nello stesso tempo firmò l’alleanza con l’Austria a proibire questo movimento rivoluzionario. Il progetto garibaldino, su queste circostanze non fu realizzato (Raça,1990). Le circostanze balcaniche e quelle internazionali non erano a favore d’Albania, la quale era minacciata da poteri bancanici. Tale pericolo aveva osservato anche Garibaldi il quale consigliava i popoli balcanici “di essere alleati e di dimenticare i litigi e le rotture nazionali e religiosi”. Il tentativo fu provato di nuovo dalle forze garibaldine alla realizzazione di spedizione nei Balcani. All’inizio 1867 alcune forze garibaldine, guidate da Ricoti Garibaldi (figlio di Giuseppe Garibaldi), dovevano sbarchere in Grecia e, passando tra Epiro, di intraprendere delle azioni contro l’Impero Ottomano. Ma, questo progetto fallì, perché non ha trovato supporto dalla Grecia, e neanche dalle forze internazionali, e nello stesso tempo non è stato ben organizzato e coordinato e non ha trovato supporto anche dai popoli balcanici. Il progetto di Garibaldi rimase semplicemente in lettera e non fu messo mai in azione. Come conclusione dell’argomento, noi possiamo affermare che gli albanesi d’Italia dettero un importante contributo tramite loro partecipazione nella lotta all’unificazione d’Italia. Dall’altra parte, per tale contributo dato, loro furono apprezzati anche da Garibaldi stesso, il quale non smentì di ricordare le capacità militari e politiche della popolazione degli albanesi d’Italia. Ed era esattamente questo contributo dato che inspirò Garibaldi di aiutare Albania e gli albanesi di raggiungere la liberazione dagli occupatori ottomani. Dall’altra parte Garibaldi era un protettore della causa di libertà dei popoli e in questo caso proteggeva fortemente l’idea per la liberazione i questo popolo coraggioso citata assai chiaramente nella lettera scritta da Garibaldi per Dora D’Istria, e che secondo lei “Garibaldi era il più bravo giudice alla questione di coraggio”. Lui aveva osservato gli albanesi nelle colonie d’Italia, nei campi di battaglia e scriveva: “La causa degli Albanesi è anche la mia; di sicuro io sarei felice usare tutto che mi è rimasto nella vita a favore di quel popolo coraggioso”.

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From the London Conference to the London Secret Pact: The Policy Followed by Italy Towards Albania

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Abstract The purpose of this paper is the analytical representation of the historical framework, political and diplomatic policy that has accompanied the Italian towards Albania during the years 1912-1915. The paper should be understood as an intention to give a full interpretation of a given historical period, the first in a particular context, the policy followed by Italy towards Albania. This will be achieved through an analysis that is intended to be deployed in an organic way of important documents and to better understand the broad policy framework of that time. The period from 1912-1915 coincides with the acquisition of independence of Albania and where Italy stood as a balance to the power of the Austro-Hungarian. During this period the Italian politics ranged between two poles, one side of the partition of the Albanian territories and from the other side for its independence, but always with a higher interest rate, to influence or to protect the small country of Albania.

Key Words: London Conference, London Secret Pact, Italy, Albania, diplomatic policy.

La questione albanese nella politica estera italiana

Il movimento nazionalista nei Balcani nel periodo che va dal 1800 al 1913 aveva come obiettivo la separazione dei paesi di quest’area dall’Impero Ottomano e la conseguente affermazione della loro indipendenza.

Proprio grazie all’azione di movimenti nazionalisti, l’Albania riuscì a proclamare la propria indipendenza il 28 novembre 1912; il raggiungimento di questo traguardo fu però accompagnato da numerosi avvenimenti interni ed esterni. A tale proposito un importante avvenimento esterno fu il Congresso di Berlino del 13 luglio 1878, convocato per la sistemazione della penisola balcanica ed ebbe come fine quella di realizzare in questa penisola un assetto consono alle esigenze di stabilità dell’Europa e in tale ottica impedire anche la caduta dell’impero ottomano.

A Berlino, dunque, le grandi potenze dovettero comunque prendere atto dell’inarrestabile processo che stava cambiando la geografia politica della penisola balcanica e tenere il dovuto conto (Sandro 1929, pagg.11-12). Fra le regioni che anche dopo il Congresso di Berlino rimase sotto la sovranità ottomana, la più occidentale era l’Albania, una regione, che come dice l’autore Biagine, “era di grande rilevanza strategica, essenziale per il controllo dell’intera penisola Balcanica” (Biagini 1998, pagg.35-37).

Tuttavia, il Congresso di Belino del 1878, anche se dopo molte discussioni, assegnò al Montenegro, alla Serbia e alla Grecia alcuni territori albanesi, mentre la parte del territorio che il trattato di Sant Stefano aveva assegnato alla Bulgaria passò sotto il dominio ottomano (Vlora 1973, pag.21).

Contro queste decisioni della Conferenza si formò nel gennaio del 1881 un governo provvisorio Albanese e, che chiese una propria autonomia del paese rispetto all’Impero Ottomano, ciò però provocò una violazione reazione dei Turchi che mossero, con ingenti forze, contro gli Albanesi al fine consolidare il loro potere; ottenendo come risultato invece il rafforzamento dell’aspirazione all’indipendenza degli Albanesi. Ad Istanbul invece si formò a questo scopo comitato per la difesa dei diritti della nazione Albanese di cui facevano parte i fratelli Abdyl e Sami Frashëri (Schmit-Neke 1987, pagg.24-25).

Iniziarono così i primi movimenti nazionalisti albanesi che, per difendere e promuovere i propri interessi nazionali, si unirono a Prizren (Kosovo) il 10 giugno 1878 e fondarono la Lega Albanese, che aveva due grandi ruoli: politico e culturale. Il primo consisteva nell’unire i territori in uno stato autonomo, fuori dall’Impero ottoman, secondo nello sviluppare la lingua, la letteratura, l’educazione e la cultura Albanese.

Altro evento importante fra quelli, che alimentò sempre di più il movimento nazionalista Albanese, fu anche l’arrivo al potere in Turchia nel 23 luglio 1908 dei Giovani Turchi (nome dei nazionalisti turchi aderenti al “Comitato Unione e progresso” che, sollevatisi contro Abdul Hamid, nel 1908, l’obbligavano a dimettersi e misero fine all’autocrazia del Sultano), i quali iniziarono a portare Avanti un programma di riforme istituzionali, attraverso le quali miravano a togliere agli Albanesi quei privilegi e quella sostanziale autonomia che aveva consentito per secoli un equilibrio tra sottomissione al potere centrale e relative libertà locali (Kristo 1964, pag.18).
Fu in conseguenza di quest'avvenimento che all'interno del paese venne a crearsi un gruppo di deputati albanesi che, sotto la guida di Ismail Qemali già presidente per breve tempo, del parlamento ottomano, durante il tentativo “contro-rivoluzionario” del 1909 (contro le riforme intraprese dai Giovani Turchi), chiese con determinazione al parlamento di Istanbul di riconoscere tutti i diritti della nazione Albanese con la concessione immediata dell'autonomia amministrativa.

I movimenti di unione tra gli Albanesi sono a questo punto molteplici ma il migliore e più efficace è fornito, di nuovo, dagli errori dei Giovani Turchi i quali utilizzarono, con brutalità, la gendarmerie per ostacolare la campagna elettorale e l'esercizio del diritto di voto.

La rivolta armata Albanese conobbe ovunque successi. Così anche in Albania crebbe e si consolidò quel movimento d'identità nazionale, favorite anche dall'aiuto e dall'esperienza degli Albanesi della diaspora, in particolare quelli della comunità Albanese in Italia, i quali parteciparono a pieno titolo e con particolare dedizione, al Risorgimento italiano e alla costituzione del nuovo stato unitario (Stavro 1956, pagg.24-25).

Si può accentuare un altro avvenimento esterno che spinse l’Albania sempre di più verso la sua indipendenza e cioè la guerra italo - turca del autunno 1911 e le due guerre balcaniche.

Nell’autunno del 1911, la situazione politica nei Balcani si presentava complessa e articolata; alla fine di settembre l’Italia dichiarò guerra all’Impero ottomano per definire il contenzioso sulla Libia. Questo conflitto che impegnò la Turchia accese forti speranze nei popoli balcanici che intravidero così ulteriori possibilità affinché la potenza ottomane potesse essere ulteriormente indebolita, se non esclusa dal contesto balcanico (Bandioli 1939, pag.81).

Figura 1: La carta geografica dell’Albania in 1912

Attese e speranze furono ben sintetizzate dalla dichiarazione del re del Montenegro fatta al barone Squitti, ministro plenipotenziario dell’Italia, a Cetinje nell’ottobre 1911, secondo, cui era giunto il momento per avanzare un’azione “concorde di tutti gli stati balcanici con l’Italia”.

Questo fu avvenimento che infissere un duro colpo, morale e materiale, alle armate del Sultano, favorendo la nascita di un’alleanza balcanica in funzione anti-turca (Stavro 1956, pagg.24-25).

Pertanto proprio in seguito a tale alleanza anti-turca si arrivò alle due guerre balcaniche del 1912-1912, che concessero questi popoli la piena indipendenza dalla Turchia, la quale vide ridotto il proprio dominio europeo alla sola Costantinopoli.

L’Impero non sarebbe certo crollato definitivamente, il suo indebolimento in Europa avrebbe acceso gli appetiti della Serbia, del Montenegro e della Grecia sui territori di quella provinciale, L’Albania appunto, che non aveva ancora ottenuto uno statuto internazionale riconosciuto. Gli Albanesi erano perfettamente consapevoli, come lo saranno in alter

Di fronte a questo pericolo Austria e Italia si trovarono concordi nel proclamare la necessità dell’autonomia e integrità dell’Albania, dandone comunicazione ai gabinetti europei. Nello stesso tempo a Valona il 28 novembre 1912 nel giorno che sarebbe divenuto la data più importante per l’Albania un’assemblea nazionale, composta di delegate di tutte le regioni, a capo di Ismail Qemal Bej, (Bej si chiamavano i signori feudali dell’Albania) proclamò l’indipendenza del paese, assumendo lo stesso Ismail Q. Bej il governo provvisorio. L’Italia propose allora la formula: “L’Albania agli albanesi” (Bandioli 1939, pag.81 e Swire 1937, pagg.108-109).

I dirigenti albanesi cercavano nelle grandi potenze un aiuto per la difesa sterna e interna. All’interno, il nuovo governo formatosi, si doveva confrontare con i turchi che si trovavano a Valona e con le forze di Esat Pasha Toptani che era un grande feudatario della zona di Durazzo e dirigeva una parte dell’esercito turco nella zona nel nord dell’Albania. Dall’esterno, la situazione era più drammatica, perché gli stati Balcanici della Serbia, del Montenegro e della Grecia non riconoscevano l’indipendenza Albanese. Il nuovo governo, infatti, era riconosciuto solo dall’Austro-Ungaria e dall’Italia, il
quale già dal 1896, con l’accordo di Monza chiedevano mantenimento dello “Status quo” del paese, oppure, in caso di material impossibilità, per la complete autonomia del paese (Fischer 1996, pagg.16-18).

Come detto, concludendo, questi furono gli avvenimenti più importante al interno ed al esterno, che portarono l’Albania al raggiungimento della propria indipendenza. La conquista dell’indipendenza fu una degli avvenimenti più importanti nella storia del paese, perché fu il frutto degli sforzi e delle guerre secolari dei movimenti nazionalisti albanesi.

Questa data segnò una svolta storica per il popolo Albanese perché, da una parte, portò alla fine della dominazione durata cinque secoli dell’Impero Ottomano, mentre all’altra si crearono nuove condizioni affinché il paese potesse uscire dalla propria arretratezza nella quale lo aveva lasciato l’occupazione Ottomana.

Questa dichiarazione dell’indipendenza fu importante non solo perché segnò la fine della dominazione ottomana, ma perché segnò una barriera forte contro gli obiettivi e contro gli appetiti delle monarchie dei paesi confinanti, che cercavano sempre la divisione dell’Albania. Questa sarà la situazione dell’Albania fino ad arrivare nella Conferenza di Londra del 1913.

La Conferenza di Londra e l’atteggiamento dell’Italia

La Conferenza di Londra, che si tenne tra il 1912 al 1913, aveva come obiettivo quello di discutere i problemi derivati dalle guerre balcaniche. Tale Conferenza, riunitasi a Londra il 17 dicembre 1912, investì pertanto anche la questione Albanese, raccomandando, il 28 dicembre dello stesso anno, la costituzione di un’Albania autonoma e sovrana sotto la garanzia delle grandi potenze.

Per l’Albania l’acquisizione di quest’affermazione non fu di certo facile: dovevano affrontare i suoi numerosi problemi interni, ma anche scontrarsi con gli interessi imperialistici degli stati confinanti. Così, mentre il piccolo Stato fu appoggiato dall’Austria e dall’Italia cioè dalla Triplice Alleanza, che, come citerò oltre, non fu dall’inizio tale, si trovò ad avere contro la Serbia, appoggiata dalla Russia, che tentava di difendere il più possibile gli interessi dei paesi slavi aspiranti alle terre albanesi, e la Grecia appoggiata dall’Inghilterra e dalla Francia, che cercava in tutti modi di ottenere almeno un pezzo dei territori Albanesi.

Pertanto, sulla questione dei confine dell’Albania, furono presentati, alla Conferenza degli Ambasciatori tenutasi a Londra il 23 dicembre 1912, i tre progetti che seguono: il primo, attribuito ai Paesi dell’alleanza balcanica, riduceva l’Albania ad una striscia di terra lunga oltre il mare, poiché Valona e Durazzo dovevano essere assegnate rispettivamente alla Grecia e alla Serbia; il secondo, attribuito alla Russia, ricalcava il precedente pur assegnando all’Albania una maggiore estensione territoriale; il terzo, attribuito all’Italia e all’Austria, e dunque alla Triplice Alleanza, rispettava i confine etnici e geografici che erano, in definitive, quelli tradizionali dell’Albania provincia Turca (Busch-Zanter 1939, pag.44).

Bisogna precisare però che la questione Albanese era destinata a diventare, oltre che un elemento della controversa situazione balcanica, anche un altro fattore di antagonismo tra Austria e Italia per il controllo dell’Adriatico (Zamboni 1970, pagg.16-17).

Di conseguenza, considerando questo e facendo riferimento a ciò che si è detto in precedenza, mentre per l’Austria il controllo sull’Albania significava avanzare verso il mare Ionio e verso l’Egeo, e dunque potenziare il volume dei traffici e degli scambi commerciali, per l’Italia, l’Albania rappresentava innanzitutto, e a prescindere da questioni di carattere economico, un elemento fondamentale nell’ambito della politica di sicurezza nazionale, essendo il “confine” Adriatico difficilmente difendibile nel caso in cui le coste albanesi fossero avute una grande Potenza.

In tale quadro l’Italia non poteva limitarsi a una funzione passiva di vigilanza, doveva controbattere l’influenza austriaca, almeno nella zona di maggior pericolo per essa (Biagini 1998, pagg.34-38).

A tale proposito queste due grandi potenze l’8 maggio 1913 stipularono un trattato segreto; il quale precisava che: “Si riserva il diritto di tenere la propria autorità sul territorio dell’Albania”, ma anche l’ordine e tranquillità doveva essere riportate in Albania. Tuttavia questo trattato non fu mai reso concreto, poiché furono aperti i negoziati della Conferenza di Londra, ma anche perché la maggior parte del territorio Albanese era occupata dai paesi vicini (Puto 2009, pag.64-67).

La situazione all’interno del paese non si presentava molto instabile: da una parte la Turchia che rimaneva ostile al governo di Ismail Qemal Bej, il governo provvisorio uscito dal Congresso di Valona, dall’altra Esat Pascià Toptani che aveva formato un governo d’opposizione a Durazzo e che aveva come principale obiettivo quello di ribaltare il governo provvisorio di Ismail Bej Qemali (Duka 2007, pagg.36-38).

Come conseguenza di tale situazione venutasì a creare, del difficile processo di costituzione e di unificazione dello Stato, la scelta di un principe per il paese assunse un carattere di urgenza e di priorità. A tale proposito i possibili candidati furono il principe Gugliemo di Wide, il principe Rolando Bonaparte e, sostenuto da alcuni nazionalisti albanesi, Fuad d’Egitto particolarmente vicino alla posizione italiana (Fischer 1997, pagg.21-23).
Bisogna precisare intanto, che alla Conferenza degli Ambasciatori a Londra, li sembrava irrealizzabile il processo di unificazione dell’Albania, essendo l’Albania, lacerata e confuse tra i poteri attribuiti al governo provvisorio di Valona (Ismail Bej Qemali) e quelli esercitati da Essad pascià a Durazzo.

Per risolvere la presente situazione, la 28 novembre 1913 in occasione del primo anniversario della dichiarazione d’indipendenza, le grandi potenze, dopo aver esaminato tutta la situazione creatasì, le richieste fatte al governo provvisorio di Valona e le posizioni pro e contro l’Albania dagli altri stati, decisero che “L’Albania sarebbe divenuta un principato autonomo sovrano sotto la garanzia delle grandi potenze” (Annuario di Politica International 1940, cap.XIV).

La stessa Conferenza scelse per l’Albania la forma del Principato Sovrano, autonomo ed ereditario in linea di primogeniture, escludendo ogni effettivo legame di sovranità della Turchia su di essa (art.1 e 3). Il controllo dell’amministrazione internazionale composta dalle delegate delle sei Potenze e di un delegato Albanese, i cui poteri dovevano durare cinque anni (art.4 e 5).

In seguito col protocollo di Firenze (17 dicembre 1913) furono definite le frontiere dell’Albania; il Montenegro vide frustrate le sue aspirazioni su Scutari, la Serbia non ottenne l’accesso al mare, ma ebbe Prizren, Ipek, Giakova, Prilep, la Grecia non ottenne, come sperava tutta l’Albania meridionale, ma ebbe Janina (Giannini 1940, pagg.14-15).

Il 10 aprile 1914 una Commissione internazionale, incaricata dalla Conferenza degli ambasciatori a Londra, approvò a Valona lo Statuto dell’Albania, in 216 articoli (Giannini 1940, pag.16).

In conformità a tale Statuto, l’Albania fu proclamata il principe costituzionale ereditario, sotto la garanzia delle sei Grandi Potenze (art.1); fu eletto al trono il principe Guglielmo di Wied (Lui appartenente a una famiglia della Prussia renana, nipote della regina di Romania e sposato con una Schönburg-Waldenburg (Busch-Zanter 1939, pag.46) (art.7); la nazione fu dichiarata indivisibile ed il suo territorio inalienabile. Le frontiere dovevano essere quelle determinate dalle sei Grandi Potenze e non potevano essere cambiate o rettificate se non in virtù di una legge e di una previa approvazione delle sei Grandi Potenze.

Le sei Grandi Potenze riconobbero da subito l’Albania come Stato de jure, ed in seguito la riconobbero anche come tale la Romania, la Bulgaria, La Serbia e la Grecia (Busch-Zanter 1939, pag.17; Sonnino, a cura di P.Pastorelli, vol.II, pagg.10-11).


La presenza di un principe straniero al vertice dello Stato Albanese aveva lo scopo, tra gli altri, di consentire un costante controllo della politica interna del nuovo Stato da parte delle grandi potenze e, al contempo, di garantire la stabilità in un’area politicamente difficile, attraversata com’era da interessi diversi e contrastanti.


Il 7 marzo 1914 il Principe sbarcò a Durazzo e nell’aprile dello stesso anno assunse la pienezza dei poteri salendo al trono. Egli era un militare, un uomo di forte onestà e con un forte senso di responsabilità nei confronti del compito che si apprestava a svolgere, ma privo del concetto della diplomazia e degli intrighi.

Anche per queste motivi la sua permanenza al trono fu piuttosto breve, dopo soli sei mesi, anche in conseguenza dell’eronea scelta di confidare i dicasteri dell’Interno e della Difesa a Essat pascià Toptani, scoppio; a Durazzo una rivolta istigata proprio da quest’ultimo, subito seguita da un’altra che, su pressione di Greci, investì il sud del paese. In conseguenza di ciò rimase al trono per un periodo di 6 mesi (Fischer 1997, pagg.21-23).

Il principe Wied divenne allora, anche grazie a un’accorta compagnia propagandistica dei Giovani Turchi, il “germanico oppressore cristiana” che impedì la realizzazione di una grande Albania islamica (Bernstein 1993, pag.8).

Erano inoltre, i mesi in cui maturava il primo conflitto mondiale e più acuti si facevano i contrasti nella Commissione Internazionale di controllo, che consigliarono alla fine al principe di lasciare il paese. Questo partì per l’Italia il 3 settembre 1914. Sicuramente anche l’Italia stessa lo influenzò nella decisione di allontanarsi, consigliandolo in tale senso giacché le forze ribelli erano troppo grandi di numero (Stavro 1958, pagg.11-12). Più che altro gli agenti italiani furono sorpresi da questa fine da “commedia”, perché il principe di Wied tentava di favorire troppo le influenze dell’Austria in Albania (Salvemini 1944, pag.205). Questa fu la situazione e l’atteggiamento dell’Italia verso l’Albania prima dall’inizio della prima Guerra Mondiale e del Patto di Londra segreto del 1915.
L’Albania e la politica seguita dall’Italia dalla prima Guerra Mondiale fino al patto segreto di Londra.

Non era trascorso nemmeno un anno dalla costituzione di un’Albania indipendente quando la situazione mondiale precipitò. L’inizio della Guerra del 1914-1918 vede il problema Albanese tutt’altro che risolto; il fenomeno locale perdurava gravissimo, sia per i disordini interni, sia per gli sforzi, da parte di serbi, montenegrini e greci, di far occupare il territorio Albanese. In pari tempo, sul piano diplomatico, il parallelismo di direttive che s’era temporaneamente delineato fra Vienna e Roma nei riguardi dei problemi albanesi si infrangeva di fronte alla nuova situazione: l’Austria aveva infatti attaccato la Serbia senza dare preventive informazione all’Italia – come sarebbe stata tenuta a fare a termine dell’art.7 del trattato della Triplice alleanza – e l’Italia aveva proclamato il 2 agosto 1914 la propria neutralità di fronte al conflitto (Annuario di Politica International 1940, cap.XIV).

Nonostante questo, ebbe inizio un negoziato tra il governo di Roma e le potenze dell’Intesa al fine di creare le condizioni per una future alleanza contro gli Impéri Centrali (cioè contro l’Austria e la Germania).

Bisogna precisare che questa alleanza si realizzerà col patto segreto di Londra il 26 aprile 1915, che regolerà tra l’Italia e i termini seguenti con le modificazioni che V.E. crederà opportune e col reciproco impegno di segretezza assoluta, da riprodurre in Italia dell’Albania secondo i confine stabiliti nel 1912, l’Italia vedeva tale situazione interna pericolosa, in quando poteva dare maggiore possibilità di divisione del territorio da parte degli stati confinanti.

Succede proprio così; infatti; da una parte la Grecia anche se non attiva in guerra, sbarcò con milleducento uomini a Santi Quaranta e occupò i distretti di Agirocastro e Permeti, dalla altra parte la Serbia e il Montenegro occuparono la parte settentrionale dell’Albania arrivando fino a Sutari (Historia e Shqipërisë 1999, pag.183).

In tale situazione, l’Italia non poté tardare a provvedere direttamente e unilateralmente alla tutela del suo territorio. Nella nota inviata alle Potenze firmatarie dell’accordo di Londra, Roma giustificò la propria azione con l’inizio della guerra mondiale e con il patto segreto di Londra. Bisogna analizzare da prima la situazione interna dell’Albania, quale in generale era instabile.

Infatti, non appena il principe Wied fuggì dal paese, Essad pascià (Lui aveva aderito al nuovo regime creato nel 1913) – diceva la nota – L’Italia si trova a essere la sola Potenza neutrale fra le firmatarie della convenzione di Londra (1913) – diceva la nota – L’Italia si trova a essere la sola in grado di prendere misure allo scopo di mantenere la validità della delibrazione stesse” (Annuario di Politica International 1940, cap.XIV).

Da allora, fino alla fine del conflitto mondiale, l’Albania si mise in campo di combattimento tra I due blocchi rivali e subì così la prima Guerra Mondiale.

Passiamo ora ad analizzare un altro fatto evidente che portò ad un ulteriore peggioramento della situazione dell’Albania e cioè il patto segreto di Londra del 26 aprile 1915, approfondendo più precisamente la politica seguita dall’Italia a proposito di questo Patto.


La risposta di quest’ultimo fu generica, ma sostanzialmente positive. Il telegramma mandato da parte dell’ambasciatore Imperiali al ministro degli esteri di San Giuliano precisava proprio così: “Le risposte di Grey furono generalmente positive per quando riguarda il nostro progetto e l’Inghilterra non si opporrebbere certamente a che terre italiane geograficamente e sentimentalmente tormino all’Italia in caso di vittoria finale in una Guerra in cui l’Italia combattesse accanto alla triplice intesa” (DDI, serie V, Vol.1, D.201, pag.114).


Il 14 ottobre 1914 il San Giuliano mori senza aver ultimato definitivamente le modifiche al progetto iniziale; il nuovo Ministro degli Esteri, il barone Sidney Sonnino, decise di proseguire una politica più rigida ed insignergico nei confronti della “questione adriatica” in generale ed in quella Albanese in particolare.

Sarà grazie a questa politica intrapresa che si arrivò, il 26 aprile 1915 alla firma del Patto segreto di Londra tra le potenze dell’intesa e l’Italia che prevedeva, di fatto, la spartizione di gran parte del territorio Albanese tra Grecia, Italia e Serbia. L’Italia avrebbe ricevuto, secondo quando previsto dell’articolo VI, “la piena sovranità su Valona, l’isola di Saseno e del territorio sufficientemente esteso per assicurare la difesa di questi punti”.


D.674, pag.391). La generosità di Sazonov nei confronti del governo di Roma aveva come unico scopo quello di soddisfare i desideri coloniali e spingerlo coi’ a scendere in campo a fianco dell’Intesa.

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Venutasi a creare un clima difficile all’interno dell’Albania, iniziò a prendere vita un movimento nazionale volto a contrapporsi alle truppe straniere e a ostacolare le decisioni del Trattato segreto di Londra. Due furono gli obiettivi di questo movimento nazionalista, il primo quello di assicurare l’indipendenza del paese, così come il mantenimento e la difesa dei confine stabiliti nella Conferenza di Londra 1913, il secondo, quello della revisione dei confini stabiliti nel 1913.

Tuttavia l’obiettivo principale dei patrioti albanesi si concentrò nella creazione di un sistema di amministrazione albanese; infatti, a Elbasan, la zona dell’occupazione da parte dell’Austria - Ungheria, si cercò di porre le basi per la possibile amministrazione. Un ruolo importante a tale scopo fu giocato da Aqif Pascia Elbasani (chiamato anche Bicaku) che con Ahmet Zogu cercò di organizzare un Congresso Nazionale che effettivamente si tenne a Elbasan il 18 marzo 1916; le proposte tuttavia non furono accettate dall’Austria - Ungheria, che temeva questo movimento di carattere politico in un territorio occupato dal proprio esercito (Swire 1937, pagg.19-20).

Il 10 dicembre 1916 le autorità francesi sottoscrissero un patto con i rappresentanti nazionali riguardo al territorio della Koriza (Korçë); secondo questo patto, si riconosceva l’autonomia alla zona di Koriza, chiamata, anche Repubblica di Koriza; fu allontanata l’amministrazione greca, e venne create un’amministrazione Albanese che, sotto la protezione della Francia, venne affidata a Themistokli Germenji. Tale entità ebbe breve vita, visto che l’accordo venne annullato dalle autorità francesi il 16 febbraio; non appena la Grecia entrò in Guerra al fianco dell’Intesa (Vllamasi 1995, pagg.95-96; e Sonnino, Vol.II, pagg.147-148).

Così il 3 giugno 1917 giorno del proclama di Agirocastro, il generale Giaquinto Ferrero comandante del Corpo Italiano d’occupazione in Albania si pronunciò come segue: “A tutte le popolazioni Albanesi. Oggi, 3 giugno 1917, fausta istituzioni, milizie, tribunal, scuole rette a cittadini albanesi; potrete amministrare le vostre proprietà. Il frutto del vostro
lavoro a beneficio vostro e per il benessere sempre maggiore del vostro paese. Albanesi, dovunque siate, o già liberi nelle terre vostre, o esuli per mondo o ancora soggetti a dominazione straniera, larghe di promesse, ma di fatto violente e predatrici; voi che sapete la comunanza degli interessi italo-albanesi sul mare che ci separa e ad un tempo ci congiunge; unitevi tutti quanti siete uomini di buona volontà e di fede nei destini della vostra patria diletta; tutti accorrete all’ombra dei vessilli italiani e albanesi per giurare fede per renne a quando viene oggi proclamato in nome del Governo Italiano, per una Albania indipendente, con l’amicizia e la protezione dell’Italia” (Pastorelli 1970, pagg.46-47 e Çiami 1987, pagg.297-298).

I concetti proclamati del generale Ferrero vennero riaffermati nel discorso che l’on. Sonnino tenne alla Camera dei deputati il 21 giugno 1917: “il recente proclama del Comando delle nostre truppe in Albania ha pubblicamente confermato lo speciale interessamento del Governo italiano alle sorti di quella valorosa regione, che sono intimamente connesse, non meno del diretto e sicuro nostro possesso di Valona e del suo territorio, con l’assetto generale dell’Adriatico, questione vitale per l’Italia. Propugniamo l’indipendenza dell’Albania, in conformità dei principi generali che informano le nostre alleanze e che sono stati ancora di recente e con tanta eloquenza proclamati dal governo degli Stati Uniti, oltre che alla nuova Russia liberale. L’Italia non ha nei riguardi dell’Albania altre mire che la difesa contro ogni prevedibile ingerenza o insidie di terze Potenze, garantendole essa la piena disposizione di se stessa all’interno e patrocinandone le legittime ragioni e gli interessi nel contesto delle nazioni. Spetterà poi alle Potenze riunite per trattato della pace generale il compito di determinare I precisi confini dello Stato Albanese di fronte a quelli vicini. Durante la Guerra per necessità di cose ogni governo locale dovrà dipendere dal Comando militare, pur inspirandosi questo al maggior rispetto delle usanze e degli interessi esistenti; conclusa la pace, gli albanesi stessi statuiranno liberamente i propri ordinamenti interni, così olistici come amministrativi, economici e civili” (Giannini 1940, pagg.42-43 e Çami 1987, pagg.171-172).

Ispirato dalla proclamazione dell’Argirocastro il movimento nazionalista Albanese andava crescendo sempre di più, mosso dal desiderio di liberare il paese dagli occupanti, portando così, un anno dopo, il 25 dicembre 1918, alla formazione dell’assemblea di Durazzo.

A Durazzo, dove appunto fu tenuto quest’assemblea, convenne una cinquantina di delegate in rappresentanza di quasi tutte le province albanesi; si appoggiarono i principi e le decisioni presi nella Conferenza di Londra del 1913 sul paese; venne inoltre creato un governo provvisorio a capo del quale fu messo Turkham pascià Permeti. L’assemblea non potrò alla formazione di un comitato, come desiderava l’Italia, ma fu deciso di costruire un Senato come organo di consiglio per il gabinetto di governo, che sarebbe stato riunito una volta ogni due mesi.

L’assemblea elaborò un programma politico con carattere complessivo volto alla difesa dell’indipendenza e dei confini territoriali dello Stato Albanese, ma anche al riesaminamento dei confini stessi stabiliti nel 1913; fu di conseguenza criticato il trattato segreto di Londra del 1915, che aveva spezzato l’Albania. L’assemblea decise anche di nominare una delegazione che avrebbe inviato alla Conferenza di pace di Parigi per presentare l’opinione dell’Albania e questa fu guidata dallo stesso primo Ministro Turkham pascià Permeti (Stavo 1956, pagg.42-44).

Si può dire, come già scritto da S.Stavo: “tale assemblea e le sue decisioni, hanno avuto un carattere nazionale e una grande importanza internazionale per quel momento difficile che stava attraversando il paese” (Stavo 1956, pagg.84).

Riprendendo tutto il discorso fin qui esposto, bisogna concludere che la situazione dell’Albania con l’inizio della prima Guerra Mondiale e con il Trattato segreto di Londra andò peggiorando sempre di più. Un chiaro segnale di tale peggioramento fu la nuova posizione assunto dall’Italia che, sotto la spinta degli alleati della triple Intesa o per proprio volere, si mostrò favorevole alla divisione del territorio Albanese, mettendo in serio pericolo la stessa indipendenza dell’Albania che prima aveva aiutato e favorite.

Come venne descritto anche da autore Çami “il nostro paese (l’Albania appunto) venne trattata da tutte le due forze imperialiste in guerra come una roba da merce” (Çami 1987, pag.326).

Dall’esame degli avvenimenti risulta evidente che la monarchia Albanese create nel 1913-'14 dalle sei Grandi Potenze crollò e con essa anche il regime giuridico che per lo stato Albanese era stato costituito dalle potenze stesse. L’Albania da stato indipendente che fu, con l’inizio dell’occupazione del suo territorio, si ridusse dunque ad una semplice espressione geografica, cui corrisceva dare, con la pace, una concreta “consistenza”.

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A Double Doubt: Neurotic Self and Agency in an Era of Shifting Ideology in Cuba

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Abstract: The clashing of Cuba and the capitalist world economy has heralded a new beginning in Cuba’s revolutionary historiography. This paper analyzes the psychotherapy as a way to reconceptualise subjectivity in this era of shifting ideology. My research has been carried out in a Mental Health Community centre in La Habana (Cuba). Patients of this kind of Service are referred to as “neurotics”, people who, even though without a severe mental disorder, need psychological support because in a difficult moment of their lives. In a situation where the patient is disoriented about his/her perception of the “state of things”, psychiatrists and psychologists may become the patient’s guide. Nevertheless, as the results of my ethnographic research suggest, psychiatrists and psychologists don’t use their role to shape the psychiatric care into a form of governmentality. Instead, they use the therapy, and the ironic speech sometimes included in it, also to highlight the social contradictions that bring citizens to a neurotic behaviour.

Keywords: Cuba, ideology, psychotherapy, neurotic-self, citizenship, and irony

1. Introduction

In the decades of the 1980s, also known as the most ambitious phase of the National Health System (I refer here to Castro’s famous speech where he talks for the first time about Cuba as a world medical power), the Ministerio de salud publica (MINSAP) initiated a proposal to train family physicians to participate in an innovative family medicine program. The new program, which called for a family physician-and-nurse team to live and work in the communities they served, was to become the cornerstone of the revolutionary vision of accessible community medicine. For this reason, Castro declared the physicians who participated in this program the “symbol of the Revolutions” (Castro 1986).

The government created a model of health care that was informed by the revolutionaries’ vision of a new social order, which in turn would help create not only a “non-sick person” but also a “healthy man”. This healthy man was described by Hiram Castro-Lopez, one of the most important Cuban psychiatrists, as a “happy and functional citizen who cooperates with the society he or she lives within” (Castro-Lopez 1980). This model of healthy person shows the important link between the construction of National Health System and the revolutionary model of citizenship. During 1980s, while Basaglia’s movement as well as anti-psychiatry ones bestirred Europe, the Cuban government re-thought the mental health care system. They rejected psychoanalytic patterns, because they are considered unsuitable to the socialist model, and tried to create a “Cuban” psychotherapy model based on philosophical elements coming from the Soviet psychology theory integrated with therapeutic practices of the systemic psychotherapy.

In order to provide health care services to their citizens, they created the Mental Health Community Service (Centro de Salud Mental Comunitario), advocating against the adoption of a model of mental care based on private practice of psychotherapy and rejecting the use of DSM (Diagnostic and Statistical Manual of mental disorders) considered a symbol of North American hegemony in the global politics of knowledge.

My ethnographical experience was carried out in the biggest Mental Health Community Centre in Havana, during eleven months, from October 2007 to July 2010. I was investigating how the political and economic model influences both mental illness and the recommended mental health treatment. I suggest that – even if the politics of cure service are fixed- the care practices are dynamic and informed by the way psychiatrists imagine their own role in the Cuban society.

Another important issue of this article is the use of irony during the psychotherapy session; by the way, to show the importance of it, it is necessary to give a description of the psychiatric system.

2. About psychotherapy in Havana

The Mental Health Community Service is part of primary health care, along with the family-physician, and it is supposed to be the family doctor who suggests a person to go into psychotherapy. As Averasturi wrote: “when people with emotional or behavioural problems come to the physician, after overall evaluation, the physician decides upon counselling or deeper psychotherapy if needed” (Averasturi 1980). Anyway, as I could observe, the people’s behaviours
are often totally different. They often don’t choose the conventional way, i.e. speak with the physician about their personal problem, and then, if he suggests that, go to Mental Health Community Service of their own Municipio (burgh). They prefer to speak, for example, with a friend or a neighbour in order to ask for advice and then go to the psychiatrist that cures a person they know. It’s interesting to point out this behaviour, because it suggests that people talk about having psychotherapy not only in the physician’s surgery.

Patients of this kind of Service are referred to as “neurotics”, people without a severe mental disorder that, in a difficult moment of their lives, need a psychological support. As Basaglia argues, to talk about “neurotics patients” is very difficult, even for an expert, to determine where the boundary between “a problem” and “a disorder” is, between sadness and depression, or between “regular fear” and “panic” (Basaglia 1967; Lakoff 2005). Cuban psychiatry tries to resolve this dispute with the concept of “aptitude” [in Spanish aptitud].

When a person arrives in the Mental Health Community Service, he or she undergoes an interview with a team of therapists that work in the Service, formed by a psychiatrist, a psychologist, a social worker, a pedagogue, a physiotherapist. (Indeed, the emphasis on traditional psychiatric practice has been replaced by a wider context that represents a multidisciplinary approach.) Their role is to determine the kind of help the person needs. Usually the person tells the history of problem, speaks about his/her personal life, family problems or job related issues. Then the psychiatrist asks the person if he/she is determined to change “aptitude” bearing the problems, and if the person responds affirmatively the psychiatrist suggests him/her to become a Daily Hospital patient.

The patient doesn’t receive a diagnosis, but may continue with medication if he or she is considered too depressed or anxious to begin psychotherapy. When I say “not receiving a diagnosis”, I stress the fact that even if the psychiatrist writes about the patient in his “historia clínica” (case history), speaks about the symptoms and the pharmaceutical treatment, he doesn’t give the patient an “illness identity”. The patient is not “depressed”, he or she is not identified as having a General Anxiety Disorder, but he or she is just “a patient” with a story, with some problems and with some symptoms. They are “patients” and not “clients” because there is no charge for the provision of psychotherapy. Indeed, psychotherapy practice as well as the entire Cuban medical system post-revolución is free of charge (Averasturi, 1980).

I think it is important to point out this lack of diagnosis, because the experience of psychiatric disorder interacts dynamically with the way the experts recognize and name it (Lakoff, 2005). This absence of diagnosis in this context can be linked with the absence of pharmaceutical industry hegemony in the Cuban Health System.

The English sociologist Vieda Skultans in his research about Psychiatric transformations in Latvia argued that the sudden appearance of new psychiatric categories in Latvia, after the collapse of the Soviet bloc, has been aided by the arrival of Western pharmaceutical companies with their persuasive literature conference, and by the World Health Organization (WHO) funded translation of the International Classification of Disease and Related Health Disorder (ICD) manual into Latvian in 1997 (Skultans, 2007).

In Cuba all the drugs are produced and commercialized by the State, and the Cuban Government doesn’t need to create a target in order to commercialize the marketing of drugs. Then, they don’t need to adopt a “logic of specificity” (Rose and Novas, 2005) in mental health care, where any disorder has a specific name and then a specific treatment. In this manner the medication is not linked with an illness, but just with the symptoms. This fact changes the perception of cure: drugs can alleviate discomfort, can mask the symptoms, but they cannot cure.

Moreover, this lack of logic of specificity changes the psychotherapy treatment, too. Indeed, all the Daily Hospital patients participate in the same activities. That is, when they become “patients”, they attend the Mental Health Community Service daily for a period between three or five months, from 8.00 a.m. to 4.00 p.m. During the treatment period they receive group psychotherapy, act role-playing, have some cultural trips, and participate in different kinds of activities, always as a group. The patients’ group is normally of about twenty, men and women, with high school level. In practice, there are no basic theoretical antagonisms between psychology and psychiatry in Cuba, because of this reason they work together in day hospital with neurotic patients (Averasturi, 1980).

The psychotherapy is always group psychotherapy because, in the Cuban model, the group represents the society, and the role of the therapist is to try to take care of society and not simply a single person.

During one session the psychiatrist says to the patients:

It is not possible to cure the human being as a single person without binds, the human being is a system, with binds, with family, that lives in society… for this reason our therapy is “of group” and not only “in group” (15th July 2010)

This brief idea about the human being points out the link between the Cuban pattern of therapy, and the systemic therapy of Palo Alto, but it is interesting to note that, even though the reference is clear, in the hand book of Cuban
Psychotherapy, written by Hiram Castro in 1980s, we cannot find any reference to systemic therapy or other North American patterns. The local Knowledge Product (Young, 1997) about psychotherapy is shown as free from capitalism, liberalism, and any symbols of cultural North American hegemony. Nevertheless, in the daily-practice of care it is contaminated by different patterns, especially from Soviet Psychology and Systemic therapy.

Moreover, this idea that it is impossible to cure a human being separate from the society he or she lives in, underlines why Cuban psychiatry rejects psychoanalysis today. During a conference in the University of Habana, one of the most popular Cuban psychologists said:

> The psychotherapeutic daily practice is moved on the citizens’ needs. I mean, what really happens when you interview a patient is that the Cuban people have to bear a hard life, and sometimes they can’t find a solution to their own problems. I can’t treat with the psychoanalysis model a woman who is sad because she can’t have a home where she can live with her child. (Manuel Calviño, 2nd December 2009)

The planning of the Cuban mental health community program is based on the idea of the Government’s responsibility about the citizens’ welfare, and even more on the idea that the welfare must depend on the relationship between the person and his/her social environment, like Marxism points out. For this reason, psychiatrists and psychologists usually visit their patients at home, or at their working-place, in order to observe the patients’ home-environment and deeply understand their problems. Another argument against psychoanalysis, is that in psychoanalysis the provision is considered part of the treatment, and in Cuba health services are absolutely free because, as I wrote, health is considered a citizen’s right. On the other hand, during a debate between a group of Cuban psychiatrists and some French psychoanalysts, doctor Ida (a Cuban childhood psychiatrist) made an important point when she said:

> We should consider the difference between the “first world” psychotherapy and the “third world” one. We operate in this world, which is hard and full of contradictions. So we have to analyse the core issues of our job: there is a difference between interpreting and intervening on society. (Ida Inufio, 7th may 2008)

When doctor Ida said that there is a huge difference between “interpreting” and “intervening on society”, she seems to stress the dichotomy between psychoanalysis seen as theory of interpretation, and the Cuban mental health program seen as social and politic intervention. Such a deep dichotomy that it seems impossible to keep them together. In this kind of view, if a psychoanalyst treats just some clients, a Cuban psychotherapist should handle the daily problems with his/her patients.

In order to analyze the meaning of “intervening on society”, I would introduce another frame from my ethnography. One day in the first interview with the team, a patient explains his pain because his family left the country and he spent the last two years alone asking the Government to let him get out of the country. And, when I asked the doctor about his impression of this case, he replied:

> They have to let him get out! He isn’t depressed, he is just sad like everyone in this condition would be! We can just try to help him to live his sadness until the day of his departure. (19th October 2009)

During the discussion of this case, the psychiatrist who was leading the session invited the therapeutic staff “not to consider a patient always as a patient”, it means not to consider their professional duty just in the boundaries of mental health setting.

Without an illness identity and the need to find a diagnosis, the boundary between the cure process and the taking care of people became thin. As one of the most popular Cuban psychologists wrote, often the problem that brings a person to look for a psychological support belongs to his/her daily life, the economic condition of the country, the housing problem (Calviño 2011). It is interesting to point out that both ethnographical frames suggest that the way the psychologists and psychiatrists imagine their own social role is based on an awareness -shared by both psychiatrists and patients- to live a “vida dificil” (hard life) that goes beyond mental health problems.

1 The Government didn’t let him get out because he is a doctor. In Cuba a doctor who desires to leave the country, even for a while, has to ask for the permission of the Ministry of Public Health, who rarely allows the request.
A Cuban psychiatrist or psychologist does not need to justify his intervention on the patient’s behalf with a diagnosis. They consider their responsibility to help the patient attain happiness and that is the main justification. Calviño spoke fervently on this topic, stating: “This is our duty: helping the people to be happy, what about science?” (Calviño, 2nd December 2009)

The aim of Cuban psychotherapy is to point out the aptitude of the patient with a difficult life and interpersonal experiences, and then try to change this in order to improve the personal skills of the patient. Aptitude in this context refers to how everyone faces everyday life, problems, and relationships; and considers the aptitude that produces pain, panic, anxiety or depression (more than normally), incorrect. These feelings are considered symptoms of a “neurotic aptitude” that could be cured with psychotherapy and other activities that point out the “wrong part of a way of acting”. For this reason, the Cuban model is called “Modificación de actitudes” [Modification of aptitudes].

3. The therapeutic use of irony

During the psychotherapy that I could observe during my fieldwork, people were sitting in circle and the therapists (the same staff team noted earlier) were sitting with them, but the psychiatrist led the session. He started with silence, waiting for a patient who needed to talk. Then, when a patient started talking, the psychiatrist or another member of the team began asking questions and created links between the patients’ stories, tried to explain the pattern of acting, the patients’ “aptitudes”. The psychiatrist could use a different way of speech, in order to show the aptitudes to the patient, he was usually provocative, trying to elevate the anxiety level of the moment to induce patients not just to “speak about” their own problems but also to express their feelings and emotions. Any patient could talk about the other group’s members’ stories, give opinions, or try to compare his problem to the others’.

In my experience the psychiatrist often compared his own problems with the patient’s ones. He tried to put himself on the same moral level as the patients; indeed, he spoke about himself not as an “expert” but more as a man who had received psychotherapy and now, with his background, could give it.

Besides, the psychiatrist often said to the patients that they were “patients”, but not “sick persons”. He pointed out this difference between a “sick person” and a “daily hospital patient” using the word “citizen”. Also, during the psychotherapy he often said: “you are not sick persons, you are just citizens with problems!”

This way of calling the patients “citizens” brings me to the conclusions of this article, the analysis of the link between politics and psychotherapy. As I wrote, psychotherapists (psychiatrists and psychologists) imagine their social role likewise “helping people to live better”. The object of analyzing the political speech that we could find in psychotherapy brings me to analyse the use of irony during the psychotherapeutic encounter.

Paul Antze was the first to investigate irony in the psychotherapeutic encounter from an anthropological perspective; he suggested we could find two different kinds of ironic speech. He called the first one “rhetorical irony” (or “Socratic irony”), it is the way in which the therapist shows the patient that he/she uses his/her symptoms to obtain what he/she desires. The other one is “dramatic irony”, he called so the interpretative strategy that lets the therapist reverse the patient’s logic of acting, in order to show him the real motivations of his acts (Antze, 2004).

Both kinds of irony are related with individual agency, and for this reason I thought they were a useful category of analysis to speak about Cuban psychotherapy. In fact, the individual agency is one of the hot issues of psychotherapy, even more in the case of Cuban psychotherapy, which takes care of patients’ “aptitude” facing daily problems.

In Cuban psychotherapy we could find these two forms of irony, but a third one too: the ironic speech showed the paradox of agency in this society of shifting ideology, but also improved the patients’ critical attitude towards society. I will show what I mean with two fieldwork frames.

During a session, on a day at the end of March 2009, Abel (a patient who was about thirty years old) was complaining about the fact that he lived with his girlfriend but she didn’t give him the home key. The psychiatrist, who led the session, said to him: “and so, now you know it is not your home! I don’t understand why you are so sad, or surprised. Do you know what? In Cuba nobody is the owner of his home!” (In Cuba all the buildings are State propriety, nobody can, in a legal way, sell his home, or buy a home2)

Another day, during a session, a patient, Maria, a nurse who was about fifty years old, said that she was “submitted”, and the psychiatrist asked her: “Are you submitted? It is not a big deal! All the people that work for Salud Publica (Public

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2 Indeed, in February 2012, Raul Castro opened the door to the home sale. By the way, when this fieldwork was carried on the home sale was still illegal.
Health System) are submitted!"

First of all, while the patient was looking for some relief for his/her frustration, the therapist didn't give it to them, and that is the use of “dramatic irony”. The agency of the individual, which could be represented in the case of Abel by getting the key of his girlfriend's apartment, is paradoxically overturned by ironic speech. In fact, if the patient got the key, he wouldn't be the owner in any case, because, paradoxically, as the therapist told him, nobody would be. In the same way, the psychiatrist didn't tell Maria that she shouldn't show her job frustration, indeed he stressed the fact it's impossible not to be frustrated in this kind of job. This ironic turnaround of logic gets the effect of raising the patient's anxiety, but, on the other hand, it puts the patient's suffering into a social perspective.

In fact, in both frames the therapist uses irony to reverse the patient's discomfort in citizen's hardships. In this way he points out the problems of citizens and remarks upon the difference between "problem" and "disorder". Indeed, the therapist uses irony in order to break the "set apart" (Turner, 1977) and to bring the political dimension into the therapeutic setting, to make also the citizenship an object of care. The use of irony highlights the fact that society is not considered as a normalizing agent, but rather that the common citizen's condition is hard to be lived by everybody.

4. Conclusion

Thinking over the bond between subjectivity and health politics, basing on Foucault's thesis, many authors have argued that the Welfare State is also an instrument to make up the people. It means that a person, to have the right to be cured, has to be compliant not only with the doctor but with the entire system that treats him/her (Foucault, 1977; Hacking, 2004-2005; Ong, 2005). Moreover, as sociologist Nikolas Rose argued, there is a close relationship between the historicity of the self and the historicity of psychology and psychiatry, because the shaping of these disciplines is informed by the way a particular kind of society (or historical era) conceptualizes the human being (Rose 2005).

The psychiatrist who led the Mental Health Community centre where I carried on my fieldwork spoke about the Cuban psychotherapeutic model as a learning process. As a matter of fact, the Cuban psychotherapist should teach his/her patients how they can deal with their every-day problems. Nevertheless, neurotic aptitude means that a subject hasn't got enough skills to manage the everyday life problems, and that he/she shows, facing his/her difficulties, anxiety, panic or anger. Specifically, the neurotic self doesn't see the possibility of action, he/she feels he/she can't do anything to face the problem, also when he/she can. He/she can't use any agency. Henry Ey, one of the most studied psychologists in Cuba, wrote that the neurotic self can't adapt him/her-self to the cultural system where he/she lives. He/she expresses the lack of dasein (being), and he/she becomes a weakened self (Ey, 1978).

So, in the case of the neurotic-self, the psychotherapist should bring back the patients into a healthy social life, should help them to find their lost agency. When we talk about Cuba, a Socialist Republic where the State is deeply involved in the daily life of citizens, it could appear that the psychiatric care is a form of governmentality (Foucault, 1977). However the ethnography suggested to me that this does not appear to be the case, in fact observing psychotherapy and care practices, it's possible to find some "asymmetries", some points where the "Apparatus" [dispositif in French], "a wider sense of techniques and procedures designed to direct the behaviour of men"(Foucault, 1977), doesn't work.

The clashing of Cuba and the capitalist world economy has heralded a new beginning in Cuba's revolutionary historiography, and has increased these apparatus un-working points. In fact, at first the collapse of the Soviet Bloc, and most recently the changing of president, from Fidel Castro to his brother Raul, have brought about a change in the Cuban policy. The dollar has become pre-eminent in an economy in which the average person is paid in Cuban pesos; the new acts promulgated by Raul Castro could actually become the foundations of the small and medium enterprise for the first time after the Triunfo de la Revolución (Brotherton, 2009). Anyway, these changes haven't come associated, for example, with a pay increase, or with increasing personal rights (like, for example, the right to leave the country when one wants to), and for this reason they have produced many doubts about the future of socialism in the island. A Cuban economist, Aldo Leiba, speaking about it, defined the present time in Cuba as an era of "shifting ideology" (Leiva, 2007), it means that the core values of society are changing with the economic ones. These considerations brought me to analyze the patients of the Mental Health Community Centre like people who live a double doubt. One linked with the personal issues, and another one linked with the country issues.

As the results of my ethnographic research suggest, psychiatrists and psychologists don't use their role to shape the psychiatric care into a form of governmentality, they aren't only instruments of these procedures, and instead they assume a critic position in the system, underlining the bond between the neurotic self and a common citizen who lives in a lack of agency for social and political conditions.
I stress the fact the lack of emphasis of Western Psychiatric categories drives the Cuban psychiatric and psychological language to bridle common-life vocabulary and to break “therapeutic frame” in order to analyze citizens’ every-day problems.

Moreover, Lakoff wrote that the psychology and psychiatry sciences seem to reside precisely in the border “between the ethical question of how one should live and the technical question of how to sustain life” (Lakoff, 2005, p.14). But we could say that it is difficult to mark the boundary line between “the ethical question of how one should live” and “the political and social order that determine how one should live”. The Cuban therapy seems to raise these questions: “How should we live in the Cuban State today?” (for the patients), and for psychotherapists: “how can we help a citizen?”.

The Cuban psychotherapeutic model states that it is impossible to cure a human being by separating him or her from the society he or she lives in. This model puts the person at the core of the system, and considers the curing-process as systemic and group-process based. By the way, the Cuban psychiatrists consider the person in his/her political dimension and put the relationship between the State and the citizen at the core of the cure-process.

Then, the use of irony is not expressing a political influence but rather it is acting as a type of social review that points out the daily challenges each citizen has to face. The patient’s suffering is located along side the personal challenges each citizen faces. In this way, it is evident that irony as a psychotherapeutic intervention helps make citizenship an object of care.

In conclusion, when the therapists break the therapeutic-frame to introduce political and social elements, they do both: help the people living with the system contradictions and underline the system contradiction, in this sense they are dealing with the patients’ double doubt. Introducing the ironic speech, the psychotherapists could be critic without be reactionary, and could contribute to shape a new critical citizenship. In this way they make a distance between the State “subjugation”, kept on by the “apparatus” where they operate as doctors, and the “becoming subject” of the patients, which in the therapeutic encounter can share (and become mindful of) their private difficulties and public ones determined by citizen-status.

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Folklore Research and its New Challenges: From the Ethnography to Netografy

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Abstract: Folklorists use the ethnographic method enriching it with anthropological background information. Ethnography is a method that describes a culture and its “wisdom”. Ethnography is interested in the reasons of change of a specific culture and/or the ways of breaching and restoring the dominant cultural class and to understand the fragile and fluid processes of social control and the rules laid down by the members (of the culture) in order to maintain their cultural characteristics. In recent years the Internet became a cultural environment without boundaries, which confirms the claim of Dundes and Pagter (1992) that the urban folklore allows the coexistence of individuality within the collective identity of each folk group. In online communities multipurpose virtual environments are developed (Economou, 2006) creating virtual locations (places) and developing social interactions and cooperation. In these environments, ethnographic research produces new terms such as netography, cyberethnography, cyber-nations, digital indigenes, digital settlers, digital immigrants, etc. Virtual communities and networks pose particular challenges and opportunities for ethnographic research, as they represent a huge archive of human activity and unprecedented volatility (Jones, 1999, Lindlif and Shatzer, 1998). Virtual, field research studies, with increasing interest, a social world which is characterized both as global and digital, which was previously ignored by conventional ethnography (Hine, 2005). This makes the ethnography of digital life an important aspect of contemporary social research, as we will try to demonstrate with this paper.

1. Introduction

It is purposeful, in these modern times, to study the Internet as a social and cultural phenomenon (apart from a technological one) with an aim to balance out humane studies and technology. This study can be performed within the framework of Folklore providing answers to the questions raised about its future (Howard 1997; Roush 1997).

The Internet, apart from being a huge warehouse of any kind of digital data and information, is also a new reproduction technology that converts folklore material into a digital idiom thus enhancing and strengthening folklore in the same way that printed studies and collection of cultural artifacts and items strengthened oral tradition. Thus, the Internet does not negate the activity of popular culture but acts as a folklore conductor and it has been embedded into everyday practice of folklorists as a tool for cultural production (Grimes, 1992). Popular culture and its expressions are on the Internet whether folklorists choose to study them or not and thus making it appropriate for them to research folklore within the framework of the Internet.
The use of the ethnographical methodology has specific meaning in modern cultural studies and folklorists apply it while enriching it with the appropriate anthropological background. Ethnography is the appropriate methodology to describe a culture and its wisdom. The methodology takes interest in the reasons for change in the studied culture and/or the ways of disrupting and restoring the dominant cultural order. It also tries to understand the fragile and fluid processes of social control. It takes interest in the rules that the members of a culture set in order to preserve their cultural characteristics (Oren, Nachmias, Mioduser, & Lahav, 1998).

During the last years, the Internet has transformed into a cultural environment without boundaries and thus confirming the claim of Dundes and Pagter (1992) that urban folklore allows the study of the co-existence of the atomic and collective identity within each specific cultural group.

Within the Internet Communities many virtual environments are developed and virtual places are setup within which social interaction and cooperation take place (Economou. 2006). In these new environments, the conduction of folklore research demand the establishment of new rules and terminology like Netography, Digital Natives, Digital Settlers and Digital Immigrants. The virtual communities and their networks are new challenges and opportunities for folklore research since they provide a huge archive of human activities which is highly volatile (Jones, 1997a; Milton & Lindlof, 1998). Research in virtual environments studies a social world which is digital and global, completely overlooked by conventional folklore and thus establishing the folklore of digital life as a very important aspect of modern social research.

In this paper we will refer to the worries about the future of folklore and the ways out via the use of the Internet in folklore research. We will study the most important types of folklore culture found in the Internet. Finally, we will go over the questions raised regarding the methodology and the conduction of folklore research via the Internet by examining the meanings of "virtual informants" and the Internet folklore groups and communities as well as the educational capabilities of the Internet in the domain of folklore.

2. Worries about the future of folklore and ways to get out of the crisis

Folklorists claim that the future of their science is bleak (Oring, 1986) while Alan Dundes, during his speech at the Amerinan Folklore Society in 2004, said that the "state of folkloristics at the beginning of the twenty-first century is depressingle worrisome" (Dundes, 2005:385). Dorson provided an answer to the problem by looking elsewhere and finding the folklore of the information media and urban folklore (Kirshenblatt-Gimblett, 1998). Thus modern folklorists must also search elsewhere and specifically on the Internet. Despite the depression, folklore continues to be alive which is a fact attributed also to the Internet (Dundes, 2005). Folklorists must turn to the Internet and move their science to the digital age (Blank, 2009).

From the first public use of the Internet back in 1992, folklore developed to become a basic component of it just like it is in the "real" world. It studies the interaction between the Internet's experts, their slang and the reproduction and transmission of stories, pranks and anecdotes (Jennings, 1990).

2.1. Folklorists' stance and possible causes

Despite the fact that folklore made its appearance on the Internet, few folklorists like Roberd Glenn Howard, Barbara Kirshenblatt-Gimblett and Jan Roush followed it. This is a true paradox for a science that fears for its dissapearance while at the same time the Internet can provide it with an abundance of abilities and possibilities especially as a communication conduit. The scientific study of the Internet must be supported because it functions as a mirror of the social and cultural values of the "real" world (Blank, 2009).

The observed inactivity regarding the study of folklore expression on the Internet maybe a remnant of the ideas and training of folklorists before the days of the Internet. These people remained tied to the study of extinct civilizations or the study of civilizations on the brink of extinction. Another possible explanation is the fact that many folklorists believe that communication must always be face-to-face (Ben-Amos, 1971). This idea may lead to confusion when folklore research is moved from the "real" world to the Internet where the lack of such tangible interaction leads to an almost instinctive reaction (Blank, 2009). Contrary to that, the great folklorist, Alan Dundes, believes that technology is a friend of the folklorist and not an enemy. (Blank, 2009)

3. The need to extended folklore to the Internet

The Internet is a huge warehouse of interconnected data. In reality it is much more than that. It provides new ways of searching, discovering and presenting information. This supports folklore research and folklorists who still are reluctant to
use it loose to much since the Internet is literally flooded with cultural aspects (Cummings, Butler, & Kraut, 2002).

For instance, the digitization of a manuscript or of a photographic archive and its publication on the Internet prevents it from being destroyed and makes it more accessible to a huge number of researchers and other people. Some people say that this may lead to the dissappearance of the archives themselves and even of the scientific personnel that tend to them. Despite the above, an "eternal" digital life is secured for them. The Internet provides more informative services and sources for the researchers of culture than any article or magazine. Websites, databases, blogs, e-zines, forums and other electronic meeting places have been developed and now provide fast access to a huge amount of data regarding culture and folklore such as urban legends, anecdotes etc (Lourdi, Papatheodorou, & Nikolaidou, 2007).

University departments, museums, national and local archive services even independent folklorists can "upload" their material to inform anyone who wishes to be informed (Ashton & Thorns, 2007). The Internet apart from being a massive storage place for folklore knowledge, is also a culture of its own (Bronner, 2002).

Folklorists must revisit problematics that had occupied them in the past and find a way to introduce or study them by using the Internet. The Internet cannot fully replace the "old" research methods but it will overthrow the current correlations with unknown consequences (Kirshenblatt-Gimblett, 1998). The ability to anonymously participate in a variety of activities on the Internet as well as the ease and speed of communication gives the Internet a tremendous advantage against oral communication and reproduction of folklore texts (Blank, 2009).

3.1. Dominant themes and kinds of popular culture met on the Internet

The Internet's popular culture has its roots in the habits of the first users along with the other cultural elements that are communicated through it (Jordan, 2007). The subjects "discussed" over the Internet are of a huge variety, ranging from purely academic to simple hobbies and myths, legends, humorous texts, conundrums, chain mails etc (Laineste, 2003). A most notable difference between oral and on-line anecdotes is the complete lack of sense and understanding of the writer for the psychological condition of the reader since he/she (the writer) is not and cannot be aware of this or of the possible reaction while he/she (the reader) reads it (Blank, 2009).

The change in the way of transmission of funny or fantasy stories from an oral to a written or online form has no effect to their form since the Internet does not create these stories. People create them and this new technological medium inserts new dimensions. The users comprehend the Internet as an equivalent to the real world thus mixing together the "real" and the "virtual" world (Toelken, 1996).

Traditional folklore, before the coming of the Internet, considered humor as a local phenomenon since it was related with facts that took place at a certain location and thus acknowledging the relevant stories as anonymous and orally transmitted. The Internet quickly became the main transmission conduit and today everybody recognizes and accepts it as a natural way of exchanging information (Laineste, 2003). The comparison between the traditional and the online form of anecdotes shows the ways with which the Internet can mutate this form of popular culture (Ellis, 2001).

The Internet provides new aspects to the study of urban legends, chain mails and email pranks. The oral forms of popular culture of the above items transferred prejudices and collective fears in a covert form. The online forms of these items present the author's feelings more abrasively and freely since anonymity provides cover (Blank, 2007). Thus, folklorists can, with more ease, analyze cultural behaviors hidden in such texts.

4. Methodology problems during the conduct of folklore research over the Internet.

Some folklorists worry about the possibility that their research findings may be questioned due to their research being performed over the Internet. Some of these basic issues are considered by Roush (1997) who enquires if folklore research should be performed on a face-to-face basis in order for it to be considered an on-site study or if the same rules can apply for a study performed via email or in a chat-room. Given the fact of total anonymity, Roush enquires about the consequences this would have on a gender research where people may lie about their sex. She is also troubled about the legality of the whole process especially when the written consent is provided via email (Roush, 1997).

Due to the above, the terminology used by folklorists needs to be re-established, especially for research performed over the Internet. Terminology such as folklore tradition, cultural group, folklore group, virtual community and field of survey need to be addressed accordingly. Blank (2009) believes that there is no difference between field survey and observation in a chat-room. Thus, the meaning of the field of survey remains the same since the folklorist is interested in the interaction of people. An Internet based field of survey can be anywhere and at many places at the same time (Blank, 2009).
4.1. Cyberspace and Time

Cyberspace allows for the conduct of research overthrowing the traditional sense of the field of survey since it does not require the folklorist to travel to a remote region in order to meet with people and conduct the research (Kuntsman, 2004). The boundaries of the virtual field of survey cannot be set from the beginning. They are observed and enlarged accordingly during the conduct of the research or survey. Folklore research has to study the boundaries between the real and the virtual field of survey, identify and establish the connections between them.

4.2. Virtual Informants and Researchers

In research over the Internet, it is impossible to fully describe all the informants as well as the researchers, or their location and cultural background. These people and aspects are not predefined but are correlated during the research. It is also possible for both the informant and the researcher to be present and absent at the same time since the nature of the technology used allows for their digital traces to be there and this is the reason why the relation between them is continuous but in the same time ephemeral inside the atopic and achronic Internet (Cummings, Butler, & Kraut, 2002). Within these frameworks it is possible that people interact by adopting fake identities and in many cases multiple ones. The lack of a face-to-face contact makes it hard to verify the collected data. Weight must be given on how this condition affects the people being studied or the group they form (Eichhorn, 2001).

For instance, a researcher of folklore art will find many websites with images and detailed descriptions of the creators as well as the artifacts. He/she will also find an abundance of blogs as well as e-commerce sites of such artifacts. The research can converse with the informants without them being aware that a study is being performed since the researcher does not “break” the boundaries of the community and only reveals as much personal information as he/she wishes to. If the researcher will not reveal his/her identity and his/her role then this researcher is just an ephemeral part of the online community. The anonymity provided by the Internet gives the researcher the advantage of distance from the informant while being a member of the community and thus performing and optimal observation (Blank, 2009).

4.3. Folk groups and Internet Communities

In every forum, chat-room or blog one can find groups discussing about a specific subject that provides a common interest at least for that time. Thus, these people form a folk group. Within these e-communities new web dialects and traditions are formed and established. Through this variety of online discussions, the new folk wisdom and knowledge is being created establishing the Internet as a unique medium of expression. What interests folklorists is the developing codes of conduct and behavior between the members of each group and not the observation and recording of the real identities of the creators of knowledge (Blank, 2009).

Roush (1997) points out that these people (unknown to each other) form a folk group. The online communities are accessible only via a computer's keyboard but the communication conducted through the Internet is completely real as it would be in any "real", physical community. Almost always, online communications are much more open and democratic since any person on earth can participate if he/she can be online.

A very well known and vibrant online community is the Second Life game community which members strictly follow the rules and play their part in the game / community (An example of such an online (Tseloudi & Ioannidis, 2008). Life in this virtual world is a chance for a different, parallel life. It is a complete life and not some caricature of the "real" life that completes the identity of the “Homo Internectus” (Maragakis, 2009).

The basic characteristics of online communities are: 1. They are comprised of people who interact with each other in order to satisfy some of their needs and act on specific roles. 2. They apply and abide by rules and regulations in order to be accepted as members of a community or a group. 3. They serve a common purpose which is the community’s reason d’ etre. Based on their purpose, these communities are divided in practice communities and education communities (Wilson & Ryder, 1996).

Young people go online and connect to their community viewing it as a place where they will meet and hang-out with their friends. Friendships are formed which often continue to exist and flourish offline which concludes to the fact that the values of true friendship are the same whether online or offline (Carter, 2005).

The Internet has changed the social infrastructure upon which a community is built. It is based on the purpose and the members which form it thus acquiring specific characteristics and unique ways of expression. The members of an online community have access to a very powerful communication channel, the Internet, where the specific language they use...
expresses their diversity (Howard, 1997). The members of each online community exchange folklore elements based on their common or different identity (Bauman, 1972).

Folklore research over the Internet can study the flow of information between information producers and information consumers while trying to interpret the different ways of commitment. It also tries to analyze how Internet websites are socially structured and how they play their social role (Hine, 2009). For instance, the "urban dictionary" website presents the slang and linguistic perks of the Internet "speech" and makes the connection between it and the "real" world. Editing and updating is performed by members all over the world thus combining knowledge and narratives from around the world and from various cultural centers. This particularly interests folklorists, and researchers of anecdotes, language games and humor (Blank, 2009).

5. The Internet and folklore education

The Internet is being used by many folklore museums for educational purposes. These museums use digital technology to digitize their collections and create 3D reconstructions of them and then publish them at their websites making the collections available to every Internet user. These websites are continuously enhanced with new educational activities that refer to people of various ages and educational backgrounds. This way they try to attract people and groups of people that do not usually visit museums opening up new approaches (Lenhart, Simon, & Graziano, 2001).

6. Conclusions

Folklore research via the Internet sets questions and limitations regarding the validity and authenticity of the informants to be used during the research and study. It is the responsibility of the folklorists, especially those that are reluctant or cautious, to evaluate the significance of the abovementioned limitations as well as the ease of communication provided by the Internet. Those that wish to continue to research the everyday reality of cultures must use the Internet since this reality is equally important in digital life. Luckily there is a very big number of folklorists that have acknowledged the Internet as a field of production and communication of a variety of folk culture and they are willing to perform online studies.

The mass globalization culture privatizes folk culture and they are mutated because of technology. The new technologies that now contain oral traditions provide a way for them to be maintained and secured as well as communicated without limitations, The Internet obliges the folklorists to change their way of thinking as it has changed modern civilization.

The Internet has radically changed the form of the modern world and is now becoming an everyday practice for folklorists. Folklorists around the world acknowledge its capacity for mixing the traditional and the digital forms of communication. It is possible that until today answers have not been given to the abovementioned questions and that folklorists are still in the phase of collective thinking and discussion but folklore research through the use of the Internet is required and needed. Nonetheless, folklore has found a modern way out.

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The Nineteenth-Century Italian Political Migration to the Lusophone

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Abstract. Italy has been a country both of emigration and immigration. In a past historical period, the nineteenth century Risorgimento, which brought about the Italian Unification, our country experienced a varied migration flood towards Europe and Americas. Apart from the Great Migration Wave at the end of the century, throughout the previous decades there were a remarkable number of Italian people who left the country for political reasons. That mass departure was often concealed by the home-leaving rhetoric. That migration was also bound for the Lusophone world, on the Continent and overseas, namely Portugal and Brazil. The former was the destination of liberal exiles in the first half of the century, escaping from the repression by the Restoration governments; the latter became a refuge for republicans, anarchists and socialists persecuted by the new Italian monarchy in the last quarter of the century. That migration was not a passive one, but, on the contrary, it gave an active contribution to the political debate in the host countries, accompanying them into Modern Times. This essay tries to enhance both different and common features of those flows, which were, however, characterized by a certain causal link.

Keywords: Portugal, Liberalism, Volunteerism, Constitution, Brazil, Labour Movement, Industrialization, Deportation

1. Introduction

The political emigration in the 19th century has marked the history of the Italian people along the process of the National unification, known as "Risorgimento".

Then, if we want to consider the Risorgimento and the relevant phenomena in a long-time perspective, going beyond the established conventional dating (such as the date of 1861), we will realize how much the political migration, which was accompanied and even facilitated by socio-economic features, went on throughout the 19th century and over, favouring the development of significant historical events (which marked the progress of the nation).

Among the several destinations of that mass departure, the Lusophone area, i.e. Portugal and Brazil, proved to be particularly remarkable, even though with decisive differences. The development of political events in those countries attracted the attention of Italian emigrants, in search of 'favourable' places for their exile, as well as new opportunities of social liberation.

The case of Portugal mostly covered the years of the second and third decade of the 19th century. The Portugal of the liberal revolution in 1820 and the anti-absolutism struggle leading to the civil war in 1832-34, becomes a favourite destination for a large number of them. In any case, the two migration phases eventually take different characters, producing different effects, reaching different objectives and getting different achievements. Through an accurate analysis of the two phenomena, we can distinguish the reasons of their substantial difference: the only common feature being a tireless political and military volunteering in defence of the liberal principles and in the name of a European civil solidarity. Instead, as regards the general migration towards Brazil, it seems necessary to define it as a structural element of Italian social history. In fact, the Italian community undoubtedly plays a prominent role in moulding the national identity and the character of the new Brazilian society, which immediately appears to be, even in its narration, as a mixture of peoples and cultures.

2. The Case of Portugal

In Portugal, the phenomenon of immigration takes a remarkable prominence in the mid-19th century years, owing to the
large number of Italian patriots in the country during the Thirties. But the presence in Portugal of exiles from the Risorgimento ‘diasporas’ can be already traced back in the second decade of the century, even though in a smaller number than in the ‘invasion’ taking place during the 1832-34 civil war between liberals and absolutists. While in the Twenties, individual experiences stand out, in the Thirties, similar experiences turn into a coral participation.

The context of the first flow is the one of 1820 Iberian revolts, which give rise to the following two-year rebellion in the Mediterranean area, in the name of the rule making principles of liberal inspiration, established by the so-called ‘Constitution of Cadiz’ (the Spanish Constitution of 1812, restored in Spain and a reference model for all the revolutionary experiences of the time). The constitutional experiments, both Spanish and Portuguese, though substantially independent from each other, hold out until the spring-summer of 1823 (unlike the Italian ones, already failed in the summer of 1821). The revolutions in the Italian states (namely, Turin and Naples), inspired and led by intellectuals belonging either to the Carbonarist movement or to the upper degrees of the army (often to both) pave the way to the peculiar (though not original) European ‘mobility’ of their protagonists. That is the evidence of the awareness of an international action giving help to the oppressed nations as being parts of the ‘common European civilization’ (Romano & Vivanti, 1973, p. 281), though it is also motivated by reasons of personal security (the flight to safe places in order to escape from repression). So, we can take as a general paradigm Gregoire Bron’s analysis (2010) in an interesting recently issued article, which the author reserves to the only migration flow in the Thirties: “Military volunteerism was a key expression of the new diplomacy: the volunteers were delegates of the nation, which is to say, of the people, who defended [...] the constitutional political principles that were to be considered the fruit of modern civilization against the medieval institutions of absolutism” (pp. 431-432).

The difference between the first and the second migration flow lies just in the adjective ‘military’: the exiles of the second decade of the 19th century, massively bound for the Iberian Peninsula, are not militarily organized (at least not organically and not in Portugal, while some exceptions are to be found in Spain2); but they are, at the same time, to be fully ascribed to the ideal and intentional category of political volunteerism, urged by the solidarity to the host country as well as by a prospect for their home country: it is an immediate evident purpose of the 1820-21 exiles to reconstruct outside the Italian Peninsula the opposition to the absolute governments ruling there, as a specific example of “quel più consapevole movimento di opposizione internazionale che s’identificava con la causa del progresso europeo” (Romano & Vivanti, 1973, p. 281); an opposition not only political and diplomatic but also a military one, through the organization of expeditions to the Italian Peninsula, supported by the Iberian governments.

Those two theses are definitely confirmed by the experience of Guglielmo Pepe, a general of the Kingdom of the Two Sicilies4. After the failure of the Neapolitan revolts in 1820-21, he takes refuge in the Iberian Peninsula, though making England his own operating base. Pepe’s personal vicissitudes deserve a short mention. He is the protagonist of an unfruitful, even unlucky expedition to the Iberian land, urged by the clear ‘European conscience’ that we have mentioned above. Pepe reaches Lisbon, with the purpose of setting up a secret society, called Fratelli Costituzionali Europei, a sort of coordination of the Italian exiles and liberals acting on the political stage all over Western Europe. But his stay in the Portuguese Capital is not continuous and his many missions to Lisbon lead to

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1 An evidence is the case of Filippo Buonarroti (1761-1837), wandering in the name of the revolutionary ideal. For a thorough reading of the subject, instead, see Rao, A. (1992), Esuli L’emigrazione politica italiana in Francia (1792-1802). Naples: Guida.
2 “[...] one of the first propositions made by a distinguished and gallant military officer in this country, was the organization of a cosmopolitan corps [...] A number of proscribed Italian patriots, who sought refuge in Spain and Portugal after the termination of their efforts in Naples and Piedmont, constituted an excellent ground-work for the formation of this corps. But instead of catching at this proposal as it behoved the Peninsular governments, a few hundred Piedmontese were merely allowed to form themselves under the banners of Mina, in Catalonia [...] Regretting, as we all must, that the above plan should still remain a dead letter, it were needless to dwell here on the advantages which its immediate realization would ensure to the general cause” (Blaquiere, 1823, pp. XXI-XXII).
3 Trad.: “that most aware international movement indentifying itself with the European progress cause”.
4 Pepe, born of a Calabrian-origin family, who will give more patriots to the liberal cause (such as his brother Florestano), takes part in the main events affecting the history of the Kingdom of Naples, after the crisis of the old regime. Still very young, he is in the front line during the unlucky defence of the Parthenopean Republic (1799), which he pays with his imprisonment. His anti-Bourbon spirit has been evident since the early years of the XIX century, when he supports the French occupation and administration in South Italy, during the reigns of Giuseppe Bonaparte and Gioacchino Murat.
5 Pepe (with his adjutant, Colonel Vincenzo Pisa), on the way from Andalucia to Lisbon, as he enters Portugal, is the victim of a gang of thieves (July, 1821). On this subject, see Diário das Cortes Geraes e Extraordinárias da Nação Portuguesa, 132 (1821-07-20), pp.1602-1604.
6 See Pepe, 1847, II, pp. 146-147; Carrano, 1857, p. 141; Venosta, 1864, p. 127; Moscati, 1938, I, p. CIV; Michel, 1940, p. 444.
nothing, though favourably welcome\(^7\) for his excellent ‘references\(^8\)’. On reading the literature produced about his case, we can infer that the Neapolitan general is admired and respected by the Portuguese liberals on account of his exiled old veteran status, but his proposals are not going to be highly regarded and consequently fall on deaf ears. The support and assent to the Fratelli Costituzionali Europei society appears to be just a formal kindness, more than a strategic choice. Also because, as a matter of fact, the Cortes Gerais e Extraordinárias da Nação Portuguesa (the Constituent Assembly) actually prefer a self-relying plan, keeping independent from the Spanish guidance. Pepe, who sees the initial reflection of the Spanish revolution over the Portuguese experience, is constantly worried about the absence of a mutual assistance and defence (a feature which will deeply affect the political and military withdrawal in 1823). He repeatedly denounces that attitude as being dangerous, and often talks the matter with his collaborators, the other exiles and the authorities of the two countries with tireless insistence. The following proposal in 1823 to the Portuguese War Minister, Manuel Gonçalves de Miranda\(^9\) to set up an expedition to the Kingdom of the Two Sicilies in order to lighten the French army’s pressure on Spain, is eluded by the Portuguese minister with vague promises (Pepe, 1847, II, p. 181).

The action of the first political emigration stream, in the Twenties, definitely takes place on an ideological level of conscience-awarement in search of consent, though the military option in support of the local liberal front (mainly after the resolution of the Congreso de Verona) cannot be excluded; it is, however, an unsuccessful option owing to, among the other reasons, the indifference of the Iberian governments. The setting of the second flow of the Risorgimento political exiles to Portugal is the civil war in 1832–34, between the absolutist front and the liberal one, respectively headed by two brothers of the House of Bragança: Dom Miguel and Dom Pedro \(^{10}\). The latter, after the breaking of the dynastic deal by other reasons, the indifference of the Iberian governments. The setting of the second flow of the Risorgimento political exiles to Portugal is the civil war in 1832–34, between the absolutist front and the liberal one, respectively headed by two brothers of the House of Bragança: Dom Miguel and Dom Pedro \(^{10}\). The latter, after the breaking of the dynastic deal by his brother (see note N° 19), leaves Brazil (where he abdicates in favour of his son, Dom Pedro II) and moves to England where, along with his collaborators, he sets up the expedition of a liberation army (Exército Libertador) through the recruitment of Portuguese as well as foreign volunteers.

After those preliminary remarks, it is necessary to point out the differences between the first migration flow and the second, both for their causes and effects. First of all, the first period exiles come directly from Italy, escaping the repressions in Turin and Naples. Spain is the first and only destination for most of them. The second period exiles testify different stories: they include both 1821 exilees (many of whom concentrated in England) and recent fugitives, coming from Italian areas after the 1831 revolts. At the moment of their recruitment in the Portuguese Liberation Army, they are in countries either of a well-established constitutional tradition (England) or of a recent/renewed acquisition (Belgium, France). The militarily organized intervention of the second flow turns out to be more effective in terms of an active solidarity to the constitutional cause; it is higher in number than the first flow, even though not a homogenous one. Indeed, Italian exiles arrive in Portugal in different phases, according to their recruitment in the liberation army\(^{11}\). Once they have reached the Portuguese territory, they get organized in one national company, the so-called Companhia Italiana, made up of about thirty units (A. H. M., 1937, p.163). Instead, Bron (2009, p.428) mentions a number of about one hundred Italians taking part in the Portuguese civil war.

In conclusion, while the first flows of immigrants arrive in search of help, the second flow’s purpose is to offer help, without any open request, in return, for a political as well as military help to the Italian movement.

The ‘ideological’ element is central once more: as pointed out, the Italians arriving in Portugal in 1832 summer mostly come from Belgium and France, stopping places for a ‘favourable’ exile, where they can share the respective political

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\(^7\) Pepe is warmly welcome by the local institutions, such as the Cortes with their president, Francisco Antônio Almeida Moraes Peçanha (Michel, 1940, p. 447).


\(^9\) Pepe mentions him as a member of his secret society. “Uno dei soci è già Ministro” (Moscati, 1938, p. 276).

\(^10\) Dom Pedro IV has been King of Portugal and I Emperor of Brazil. A promoter of the Empire of Brazil and its separation from the Portuguese Crown (1822), after the death of his father, João VI, King of Portugal (1826), is appointed the heir to the throne by his sister Isabel Maria, the regent of the reign. At the same time, he grants the Constitution, the second in Portugal after the 1822 constitution, though a more moderate one. Since he wants to keep the two crowns separated and the title of Emperor of Brazil for himself, he abdicates in favour of his firstborn Maria, still a minor, establishing her marriage to his brother, Dom Miguel, appointed the new regent of the kingdom. Dom Miguel’s dynastic claims, in an underlying climate of civil war in the country, lead him to ‘usurp’ the throne in 1828. Supported by his mother, Carlota Joaquina, he succeeds in being proclaimed king, restoring the absolutist regime, with the subsequent abolition of the Constitutional charter.


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Therefore, they reach (or maybe reinforce), in such a context, an idea of the necessary construction, diffusion and defence of a ‘European’ constitutionalism, starting from the above cases. But, though “the choice to fight in Portugal was the evidence of a genuine political understanding of this marginal country” (Bron, 2010, p. 428), political ideal and self-interest coexist when the intentions of those who long for the improvement of their material condition show themselves (a demand to be set in the very long unstable condition of exiles), as is testified by the attempt to get a stable position through the request (often persistent) for a permanent official recruitment in the Portuguese Army.

It is impossible here to give an account of the private lives of Italian volunteers in the Portuguese Civil War. However, it is necessary to mention the participation of the two most significant figures of the Italian Risorgimento, the brothers Giacomo and Giovanni Durando. These two leaders of the defence of Porto against the siege of the absolutist Dom Miguel’s troops, were permanently enrolled in the regular army at the end of the Portuguese War (Lima, 1936, pp. 118-119). In 1835, during the battle of Spain the Durando brothers joined forces with numerous Italian volunteers, who were already in Portugal, for another liberal cause (the First Carlist War).

Despite the tragedy of war, James Durando’s Memories unveil a benevolent empathy with places and people (Losano, 2011, pp. 49-56).

During the First Italian War of Independence (1848-49), the Durando brothers played a leading role in the military, as did their comrades from Portugal. In light of their role as aides-de-camp of King Carlo Alberto, it is important to consider the hypothesis that both Durando brothers had a certain influence on the sovereign’s unpredictable choice of a self-imposed exile in the city of Porto.

3. Brazil: ‘Eldorado’ or a penal settlement?

Since 1500, the year when Pedro Álvares Cabral sailed along the coast of the land that, in that time, was called Terra di Santa Cruz, Brazil has witnessed a steady presence (though a small one until the 19th century), of Italians during the early centuries of its colonization. In the 18th century, the Italian presence is even smaller, although there stands out the name of a Jesuit from Lucca, Giovanni Antonio Andreoni, the Rector of the Bahia College in 1711, he writes, under the pseudonym of João André Antonil, the ‘ufanista’ (i.e. celebrating) essay Cultura e Opulência do Brasil por sua Drogas e Minas, still famous in the Brazilian literature for briefly explaining the paternalistic cruel nature of a slavery-based economy with the three Ps system: ‘pau, pão e pano’ (Antonil 2007), which he suggests in order to manage the slaves effectively. The work is immediately confiscated by the Portuguese crown, which disliked over-publicity to the riches of its colony (Stegagno Picchio, 1997, p.41).

On the contrary, in the 19th century the Italian emigration to Brazil seems to be immediately as a much more outstanding phenomenon. In the century that is going to witness the largest ‘diasporas’ in the history of the Italian migration process, with Brazil among the favourite countries, the early big flows are just the political exiles’ ones (Trento, 1984, p.19). As regards these early political emigrations, we must refer to the liberal uprisings in the Kingdom of Naples and in Piedmont-Sardinia in 1820-21 and those in Romagna in 1831. In consequence of the failure of those ‘revolutionary’ attempts and the ensuing reaction of the restoring governments, many among liberals and Mazzini’s followers find their own political and living destiny in their exile (forced or spontaneous) to Brazil (Candido, 1993). As far as the forced emigration is concerned, there are two large groups of exiles reaching Brazil. The first one is made up of ‘dangerous’ liberals whom the Kingdom of the two Sicilies, in agreement with the Portuguese Court, moved to Brazil, sends there to be employed in colonization projects (Scarano, 1956, pp. 307-330; 1958, pp.231-262; 1959, pp.353-373). The second one, smaller in number, is made up of the Papal States’ political convicts, closed up in the Civita Castellana fortress, who are deported on February 2nd, 1837, to the Bahia region, along with their families, to be employed in a

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12 Respectively: the process of the Belgian independence from the reign of the Netherland (1830-31) and the revolution of July 1830 in Paris, which brought Luis-Philippe d’Orléans to power. The Italians taking part in the Belgian independence revolts from Holland (1830-31) were recruited in the Foreign Legion. Some Italian exiles take part in the Polish ‘Cadet Revolution’ (1830-31), too.

The political emigration of Italians to Brazil greatly increases only after the national unification of Italy. The most evident reason is that, at the beginning of the great mass departure wave, dated in 1887, the numbers of arriving foreigners, mostly Italians, are not comparable to those in the previous decades, in spite of the fact that, before that date, the Italian emigration to Americas was almost exclusively bound for the southern regions of Brazil.

This new political emigration is different from the previous one, not only in point of quantity, but also for its political origin, as well as for the quality of its political contribution.

The political persecutions were being aimed at the new anarchist and Marxist opposition, which had started taking root in our country and in its early labour movement. Anarchists and socialists are the new exiles arriving in Brazil inside the great migration drain in the end of the 19th century. In fact, if in the early years of the century, the political refugees had made up the core of Italian emigration, in this case, they represent just a minority part of the Italian ‘diasporas’.


15 Scarano (1957, pp.42-43) reports how that participation was an obstacle to an agreement between the Bourbon government and the Brazilian authorities for a similar deportation project regarding both ordinary and political convicts.


Nevertheless, the contribution of the Italians to the Brazilian workers’ movement, as we said, is prominent. Unlike the liberals and the republicans who, once arrived in Brazil, join the revolutionary movements acting there, as well as the local élite already imbued with the principles of the French and American revolutions, anarchists and socialists will give a decisive contribution to the rise of the labour movement, just like their fellow countrymen, along with Portuguese and Spanish people and, in a smaller part, with Germans, will make up the base of an early working class.

In Brazil, the industrialization process is, indeed, quite late, strictly linked to the development of an export economy depending on coffee production (Fausto, 1977, pp.13-17). That favours, with the development of a new facilities and transport system, the beginning of a national industry. Then, the abolition of slavery had accelerated the necessity of replacing the slave labour, which had, little by little, become less and less profitable, with paid workers and the solution chosen by the fazendeiros is to turn to the immigration from Europe. The São Paulo province sets up the Sociedade Promotora de Inigração in 1866, to finance the arrival of European workers (treated to the voyage charges), who are bond for the fazendas. The very bad living and working condition and a non-stop migration flood which gives no sign of decrease favour a large turn-over, with many workers leaving the farms to move to urban areas filled, consequently, with a large supply of industrial labour (Trento, 1984, pp. 30-35, pp.161-172, p.322).

It is in that setting that the early labour organizations are born, where the foreigners are the majority of the management. Indeed, there had been attempts, by national politicians, to found labour parties, but they were experiences totally outside the class struggle, with collaborationist positions and very few followers among the working class (Fausto, 1977, pp.41-46).

The Italians are mostly present in São Paulo where, in the Nineties, they found the Lega Democratica, with the participation of republicans, anarchists, and socialists. While the former are not very dynamic, the weight of the other two currents is very different: they control the Brazilian labour movement until the Twenties of the twentieth century. The anarchists, mainly in their anarcho-syndicalist trend, have more hold than the socialists over the working class, probably owing to their advantage of producing a leadership of workers, not of intellectuals. Nevertheless, the arrival of 300 Roman socialists has been reported ever since 1820 (Trento, 1984, p.328)18.

The Italian government, worried about the anarchist danger, takes a leaning to issue passports, though bound to certain destinations, mostly America. (1980, Ostuni, p.120). The ‘penal settlement’ solution seems to be quite welcome by the Italian authorities, as we can see from the letter sent by the consul in São Paulo, Compans de Brichentau, to the Foreign Minister, who, suggesting to denounce the Italian anarchists, asked whether it was better to deport them to “Pará and Amazon where the climate itself would pass an unappealable verdict” or to deliver them to justice in their home country. The minister’s opinion was that he wouldn’t oppose the deportation to Pará (Trento, 1984, 331). On the other side, the Brazilian government, urged by the propaganda of the entrepreneurial class and their newspapers, which though devoid of any racist attitude, insist on the theory of the ‘exotic plant’, to explain the birth of class-war ideologies in a ‘mild’ and ‘full of opportunities’ country as Brazil is, soon starts practicing exclusions (1894), which will be then formalized by the Gordo Law in 190719.

Actually, in the late 19th century, the class struggle is essentially limited to propaganda activities: the pamphlet, newspaper and magazine issuing is the main instrument of the labour movement. Strikes are practically absent and, as regards the socialists, all the attempts in those years to set up a Socialist Party were not successful. The only point of strength of Brazilian socialism is made up by the group gathering around the paper l’ Avanti!, born of the experience of the Lega Democratica (Bandeira, Melo & Andrade, 1980, p.146).

Among the socialists, the Italians’ prominence is perhaps still more evident than among the anarchists. Anyway, it is through a survey of the labour press that we can estimate the importance of the Italian contribution to the birth of the Brazilian labour movement. Among the newspapers appeared since 1875, many are the ones issued in the Italian language, not to mention the Italian sections in Brazilian papers in Portuguese (Ferreira, 1978). That production mostly concerns anarchists (L’Avvenire, la Giustizia), but also the socialist papers are soon issued, besides L’Avanti! (above mentioned), Il Messaggero (1891) and Gli Schiavi Bianchi (1892) (Pinheiro & Hall, 1979, p.37).

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Finally we must mention the Italian leaders who played such an important role in the early years of the labour movement in Brazil. Although many of the major leaders will arrive in the early years of the following century, there is reported, at the end of the 19th century, the arrival of two among the most prominent figures: Alceste de Ambris, a socialist landed there in 1898 and Gigi Damiani, an anarchist arrived in the following year. The former is the editor in chief of L’Avanti! for two years. He will leave the paper because of his radicalism, which will lead him to join revolutionary socialism. The latter is immediately arrested on arriving at São Paulo under a slanderous accusation, but he succeeds in proving his innocence and goes to Paraná, where he launches the paper O Direito. He will write for many anarchist papers, such as La Barricata and La Battaglia.

4. Discussion

The theme in question can be possibly analyzed more thoroughly than in the limited number of these pages. Moreover, the studies and the researches urged by the occurrence of the 150th anniversary of the Unification of Italy, have been partly but outstandingly focused on the theme of the political emigration, as a reflection of the Risorgimento culture outside the national context. On that subject, several important publications issued during the two-year Risorgimento celebration, could be mentioned. Among all of them, the works by Maurizio Isabella (Risorgimento in Exile. Italian Émigrés and the Liberal International in the Post-Napoleonic Era, Oxford, Oxford University Press, 2009) and Agostino Bistarelli (Gli esuli del Risorgimento, Bologna, Il Mulino, 2011) deserve a special attention. Those studies, along with others such as the ones appeared in the above cited Journal of Modern Italian Studies (2009, 14, 4) cannot be omitted for a correct historical/political study of the Risorgimento emigration and then, also of the one towards the Lusophone areas which, as can be inferred from this short survey, has been prominent in the construction of the national identity.

The cases worth mentioning are numerous, and, as regards the Portuguese context, we can notice how it was more affected by the Italian Romantic culture than by the ‘model stories’ which are still retained in the people’s collective imagination, with an almost romanticized historical value: it is the case of the ‘famous exile’ of Carlo Alberto, King of Piedmont- Sardinia, the protagonist, in the last three months of his life (April-July 1849), of his migration to the city of Porto: a city still keeping a very vivid memory, historical and toponymic, of that voluntary retirement.

Between the first and the second half of the 19th century, a change in quality and quantity of the migration flow to the Lusophone areas is evident, never drained of the political ideological ingredient based on the common concept of Liberty, as an essential element of Romantic culture, though to be interpreted in a broad sense.

The 19th century Italian emigration to Americas, takes, mostly in the last three decades, the character of a heavy flood which would create large Italian communities in the new places. Most of that migration flow will find asylum in Brazil, a country characterized by an economy resting on the export of slavery-based farm produce. It is just the lot of the slave system, its growth, evolution and abolition that will pave the way to the immigration from Europe, above all for political reasons, which mostly consisted of people coming from Italy.

While Italy ‘is not made’ yet, they contribute to its construction far away from home; after the political unification in the Peninsula, they won’t stop making the small and large homelands of emigration and exile.

References


20 In addition to above cited Bron’s article, also see The international armed volunteers: pilgrims of a transnational Risorgimento, pp. 413-426.
The Austria-Hungarian Ultimatum to Serbia of October 1913

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Abstract The Austria-Hungarian sent an ultimatum to Serbia in October 1913. This ultimatum is the first that was send to Serbia. The second was sent in July of 1914 that was the principal pretext of First World War. The ultimatum was sent to oblige Serbia to withdraw from Albanian territories that were decided in the Conference of Ambassadors in London that year. Serbia asked from the great powers to undertake a modification of the decision that were taken to make able to change the borders in its favour and in contrary with Great Powers decisions kept his army in Albanian state. This was not accepted by Austria-Hungarian that was the main power that contributed in the foundation of Albanian state. Serbia was decided to do not withdraw and to ignore the decision of Great Powers and Austria-Hungarian was decided to oblige it to withdraw with all the means. The conflict had all the components of a European war. For this paper I have made mostly researches in the Austria-Hungarian archives.

Introduction

During the Conference of Ambassadors in London was reached a very difficult compromise between the Great Powers to determine the status and borders of the Albanian state. Austria-Hungarian fought to establish an Albanian state that was considered as its vital interest in order to stop Serbia to emerge in the Adriatic Sea through an Albanian port also in order to stoop Italy to turn the Adriatic Sea in a personal lake. The balance between powers was reached and was the formation of Albanian state as a no-negotiable request of Austrian-Hungarian and partition of the major part of the Albanian territories between small Balkan powers as a no-negotiated request of Russia. This was and the point of balance that was reached between Great Powers that were obliged to make to one another concessions for not entering in a European war. After the Conference of Ambassadors in front of the Great Powers come the problem of implementing their decisions in Balkan. The small state of Balkan that doubled their territories were not satisfied and wanted to divide between them the Albanian state that was decided in London. Serbia and Greece in contrary with Great Powers decisions did not withdraw their armies from political Albania. The small Balkan states were challenging the Great Powers and especially the power that was interested directly in this case that was Austria-Hungarian. Serbia kept occupied the strategically point in north Albanian and wanted improvements of borders in it favour despite that a large part of territory inhabited by Albanian were given to this state. Austria-Hungarian used all the diplomatic means to oblige Serbia to withdraw it forces but without a positive result. The conflict went so far as Austria-Hungarian sent an ultimatum to Serbia with a deadline of 8 days to live political Albania. How went the situation to ultimatum?

1. The diplomatic war of Austria-Hungarian to oblige Serbia to live Political Albania

The decisions of the conference of London were very important and they put the balance between the Great Powers. Edward Grey in its memory says about the importance of the decisions of Conference that “if the conference will not reach an agreement Austria will be able to sent a ultimatum or to take sever measures against Serbia that would have put in game not only the prestige of Austria and Russia in Balkan but all the European peace (Grey, f. 250) The first risk of war was overcome by powers and Albanian sate was created. After were decided the borders between Albanian and Serbia, Austria-Hungarian asked from the Conference of Ambassadors in 30 April of 1913 to remind Serbia insistently its obligation to empty the Albanian territory. The Foreign Minister of Monarchy Berchtold wanted that “the conference to finish its work only then when in Belgrade was repeated the demarches for evacuation of Albania”(HHSTA, PA, OUA; 8055; Telegram of Berchtold for Rome, Belgrade and London, 26 July 1913, In AIH, A. 41-42; f. 183) The demand of Vienna did not find implementation during the work of the conference because of the problematic of the status of Albanian and the definition of south borders and from the other side Edward Grey wanted to finish the work of conference as soon as possible. So the conference finished its work in August without obliging Serbia to withdraw its army from political Albania.

During September Vienna made another effort in the chancelleries of the great powers to ask from Belgrade to leave the Albanian land according to decisions were taken in London. In September started an uprising of Albanian that were in
Serbia and was accused Austria as has encouraged it. Vienna asked from the great powers to make a common demarche in Serbia but did not find their support. Russians opinion was that “the attitude of Serbia until now has not given us enough causes to make a demarche in Beograd...The Serbs to protect their land can occupy and strategically point beyond the borders temporarily” ( HHStA, PA; OUA nr.8763 ; Telef of Otto Szernin for Berchtold, Petersburg, 3.09. 1913, in AIH; A. 41-42; f.244). In 14 September the foreign minister of Serbia Spalajkovic declared to the representative of Monarchy of Danube in Beograd Storc that “ Monarchy must give up from hostile attitude...Serbia will not withdraw it troops until in Albania is established the order” ( HHStA, PA, A, Nr. 8618; Report of Storck for Berchtold, Belgarde 13 .09. 1913; vj. 22- 22-23). Berchtold in that day met the representative of Serbia in Vienna and declared to him that “ I want...the immediate withdraw of Serbian troupes from independent Albania. Belgrade must not forget the risks that will be exposing if will not fully satisfy this request. ( Puto, f. 192).

In a rapport of the military attaché of Monarchy in Belgrade in 24 September is said that the Serbs “aimed a expedit of revenge and punishment...according to experiences of war until now for the way of fighting of Serbs and especially against Albanians it is provided a bloody war”( HHStA, PA; OUA, nr. 8694, Rapport of military attache of Austria-Hungria from Belgrade, 24 .09.1913; In AIH; A. 41-42; f.233).

Berchtold after the information of the military attache telegraphed to all the great powers and said them that “ military measures of Serbia...can be explained only for the aim of a big action against independent Albania... in this circumstances I think that through a demarche of Austria-Hungarian and Italy in Beograd the Serbian government to be obliged to respect the decision of London for the borders and the neutrality of Albania”( HHStA, PA; A, nr. 8696, Tel of Berchtold for Rome, Berlin, London, Paris, Petersburg, 24.09. 1913, AIH; A 41-42; f. 233)

The other powers did not support Austria-Hungarian because they saw this question as in its sphere of interest. The ambassador of England in Serbia said to Storck that” if in Albania will stay bigger Serbian contingents then will be very difficult that Serbia will evacuate the positions that has occupied in Albania. For this reason after some weeks we will be before the alternatives that for the cause of the independence of Albania, to be involve in a war or to bow to Serbia...certainly to protect the decisions of the Ambassadors of London that are adopted in its agenda England will support as much as possible but in case that for the cause of Albania with explode a world war then he does not believe that Europe will go side by side with Austria,( HHStA, PA; A, nr. 8691 Tel of Storck from Beograd, 24 September 1913; AIH; A 41-42; f. 232).

“Serbia was not waiting for any protest of great powers for the cause of Albania because the Serbia action has found the total approve of Russia”( HHStA, PA, OUA nr. 8723; Tel of Storck for Berchtold, 27.09. 1913, AIH; A 41-42; f. 238). In 27 September Berchtold suggests to the allies of Triple that “the government of Belgrade without losing time must be warned for the consequences that will bring in itself the violation of decision of London. He made them know his initiative to charge the ambassador in Belgrade to make a friendly demarche but vigorous to the government there” ( HHStA, PA, OUA, nr. 8727; Tel of Berchtold for Rome and Germany, 27 . 09.1913; In AIH; A 41-42; f. 239).

In 29 September Berchtold was in aggressive state of mind. He wanted to occupy the north city of Serbia, Sabac and then to tell the Serbs that as long as you will stay in Albania we will stay in Sabac ( Connard 443-444). Conrad the Chief of the General Staff argued that if Monarchy will occupy Sabac, Serbs will laugh or will fight, the first will be a serious blow for the prestige of monarchy, and the second means war. Conrad favored the second if Serbs will not answer to a ultimatum of 24 hours. So in 29 September Vienna without its allies sent a demarche to Serbia. In meeting with Spalajkovic, Storck gave him the demarch in which was said that” that imperial and royal government of Austria-Hungary draws attention if will not fully satisfy this request. ( Puto, f. 192).

He hoped to gain much more territories.
In 3 October in Vienna was held an inter-ministerial conference and almost all the ministers were for vigorous action against Serbia. Berchtold presents two alternatives for conflict "to tolerate in silence the fait accompli that will form the first phase and certainly the last of absorption of Albania by Serbia, or to send to Beograd a ultimatum...The creation of independent Albania we have considered always a very difficult diplomatic work but and the only mean to keep the balance in Adriatic. This goal we wanted to make it with peaceful means for that we made agreement with other powers. The Albanian state with compromises was diminished in the minimum of its vitality. In these circumstances is impossible to make other concession to Serbia. This not only will damage our prestige but and the future of Albania will make it much more difficult than is today...the existence of Albanian state created from us and Italy seem menaced by Balkan sales". The prime minister of Hungary Tisza said that "we must not tolerate a modification of Albanian borders that were defined in London... and for implementation of decisions of Conference of Ambassador of London we must act and alone... in case that vigorous protest will not help then must be given and ultimatum for causing Serbia a diplomatic defeat maybe and a military defeat"( HHStA, PA; OUA, nr. 8779; The protocol of Council of Ministers in Vienna 3.10. 1913, In AIH; A 41-42; f.247-249). Tisza said to Berchtold "to give a categorical declaration in Beograd, Berlin and Rome that we will not allow any violation of Albanians border decided in London and we must not let ourselves to be delayed in the protection of our interests because of the cause that we are linked with the European Concert ( Hantsch, f. 498-499). Franc Ferdinand was not for war against Serbia because of interior problems and that let Berchtold without support and he saw and the possibility to resign.( Hantsch, f. 500).

In 7 October Berchtold gives another message for Pashic through his ambassador in Beograd. Berchtold asks from Storck "to warn the prime minister to give up from crossings of these borders by Serbian troops and to point out the serious consequences that will bring in itself this crossing of borders." (HHStA, PA; OUA nr. 8796; Tel of Berchtold for Storck, Vienna 7.10 1913, AIH; A 41-42; f 250.)

In the same day Berchtold took information that Serbia troops in contrary with assurances given by the government of Belgrade continue to cross the borders of Albania. So he wrote to Berlin and Rome and said them that " this action of Serbia it seemed appropriate to bring serious consequences...it would have been good to use the mean of common demarche that each of the powers to warn Serbia for the consequences of such action and to invite it to respect the decisions of London " (HHStA, PA; OUA nr. 8816, Tel of Berchtold for Berlin, Vienna 10.10. 1913, AIH; A 41-42; f. 253). The allies' powers were not interested in this question as much as Vienna because they saw as its zone of influence and were not interested to get involved. Meantime the Serbian troupes continue the massacres in Albanian population. A Serbian soldier in a letter published in Radnicke Novine testified that "here were happening horrendous things. I am terrified from them and constantly ask myself how can the people be so barbarian as to commit such a cruelty"( Swire, f. 153).

In 14 October wanting to resolve the conflict in peaceful way Berchtold asks and one more time from Pashic "if the government is ready to cancel the military preparation for an invasion of Albania in a short time and to withdraw the troops that now are in Albanian land? From the answer of this question...the Monarchy must hung its further attitude toward Serbia, because we are decided to assure with every tool that will seem suitable the absolute respect of decisions of London."( HHStA, PA, OUA, nr. 8828; Tel of Berchtold for Storck, Vienne.14.10. 1913, AIH; A 41-42; f. 255) This was the third note that Monarchy sent to Serbia and the strongest of all. The answer of Pasich was challenging that "it is in will of every nation to express desire to improve its borders (HHStA, PA; OUA, nr. 8835; Tel of Storck for Berchtold, Beograd 15 tetor 1913; AIH; A 41-42; f. 256)

Storck from Beograd suggests that " Serbia will not bent so easily... for that will be necessary a quasi ego unanime of great powers...in case that we must act alone the realization of our will will cost us very expensive... without a physical obligation or without any menace it will not be subjected. If the work will go so far then certainly Serbia will bent and will be satisfied that has caused to Monarchy and once grave concerns and material sacrifices( HHStA, PA; OUA, nr. 8836; Tel of Storck for Berchtold. Belgrade 15. 10. 1913; AIH A 41-42; f. 257) .

In 15 October Berchtold sent a telegram to all the Great Power explaining them that the patience of Vienna was over. Berchtold said that" we are not able to tolerate any more with calm the Serbian violation that are committed in the damage of autonomous Albania but from our demarche we want to give Serbia a possibility to give up with its will....In case that will not happen such a thing, then we will be obliged that in Beograd to undertake more categorical steps"( HHStA, PA, OUA, nr. 8837; Tel of Berchtold for Rome dhe Berlin, Vienna 15. 10. 1913, AIH; A 41-42; f.257. The latest news spoke for a mobilization in Serbia and for an accordance with Greece that still had its troops in south Albania that caused nervousness in Vienna. In 16 October was decided to sent a ultimatum to Serbia.( Huntsch , f. 501)
2. The Ultimatum of 18 October 1913

A ultimatum had made work and with Montenegro to withdraw its troops from city of Shkoder so this could work and with Serbia. All the diplomatic means were ended and the other powers were not interested in this question, some of them supported Serbia open or closed and in this case were and against the decision they have taken. Berchtold asked the emperor if he authorizes him for ultimatum to Belgrade and the emperor agree with it (Hantsch, f. 502). Berchtold with its staff prepared the ultimatum all night of 16 to 17 October and after was sent to emperor. He said that if they will not give up in eight days we will certainly attack them (Hantsch, f. 502). The situation was serious because Monarchy has to enter in war if Serbia gave an negative answer and that would have been a pure case for exploding a year before the First World War. In fact Serbia wanted reason to enter in war with Austria because in that way will use Russia to defeat it and then Serbia would have free hands to make the big Serbia in Balkan. So in this way the diplomacy of Belgrade was very successful because for their interests a year after they put all the Great Powers in war.

The ultimatum to Serbia contained this note* the imperial embassy in Belgrade with the order of it government had the honor to warn more than once the foreign minister for the necessity of rigorous respect of the Conference of Ambassadors in London and for giving up from every military action in territories that with the will of Great Powers were attributed to Albania...Austria-Hungarian in no case con not give it consent that the international decision for Albanian borders to be modified in the great favor of Serbia... in the eyes of imperial and royal government is necessary that Serbian government to proceed without delay in withdraw of troops that have crossed Albanian borders according to borders to be modified in the great favor of Serbia... The imperial government like to hope that Serbia government will not delay the integral integral Serbian government to proceed without delay in withdraw of troops that have crossed Albanian borders according to borders to be modified in the great favor of Serbia... The imperial government like to hope that Serbia government will not delay the integral evacuation inside a deadline of 8 days... In the contrary imperial and royal government with deep regret will see itself obliged to use the appropriate means to realize it request (HHStA, PA; OUA, nr. 8850; The Ultimatum Of Austria-Hungarian to Serbia, 17 .10. 1913; AIH; A 41-42; f. 260).

In 17 October was sent and telegram to all the great powers to explain the position of Austria. Berchtold wrote them that * since the beginning of the war between Balkan sates and Turkey the Austria-Hungarian has taken a peaceful attitude. Absenting for any kind of military intervention and for any aspiration for territorial gains, it is limited to collaborate with Great Powers for the restoration of peace and as regarding the Adriatic in the creation of Albanian state. Considering that goal Austria-Hungarian decided to take part in the Conference of Ambassadors in London where the Albanian question was discused with other problems that were reserved to the verdict of Great Powers. Is clear that to responde the aims of Austria-Hungarian and other cabinets the Albanian question must be resolved in the way that the new state to be able to exist. For this reason it was an imperative need that territories that were purely Albanians to be included inside its borders. If Austria-Hungarian give consent to make in this point concessions that were very important especially accepting that essential Albanian cities as Dibra and Gaikova to be devised from Albania that was done only to do not be separated from other great powers and to secure a peaceful solution of the problem. All these concessions in favor of Serbia did not make it withdraw it troops and so to delay with months it withdraw from Albania...Serbia has let us suspect that has not intention to draw from Albanian. For this reason Serbian government pretend that Albanian borders defined at the Conference of Ambassadors in London from the strategical point are not in its favor. Meantime we must underline that to satisfy the Serbian exigencies the great powers adapted the actual borders leaving out of Albania cities that from the viewpoint of geography and ethnography must have been inside it. The Cabinet of Vienna has never stopped to give in Belgrade wisdom advices...Serbia continue to remain stubborn versus the decisions taken in London from all Europe. The imperial and royal government sees its self obliged to get into its hand the protection of the interest of peace. The imperial and royal embassy of Belgrade as consequence revived an order to deliver the Serbian government a note (HHStA, PA; OUA.nr. 8854; Tel of Berchtold for the great Powers 17 .10 1913; In AIH; A 41-42; f.261-262) This ultimatum was presented to the government of Belgrade in 18 October.

From the great power Germany supported Austria-Hungarian. Kaiser was expressed that “for him was a special pleasure to hear that we( Austria) are determined to do not bent before Serbia adding that in this question he will collaborate with us( Austria)”( HHStA, PA ; OUA, nr. 8861 ; Bulletin from the ambassador of Monarchy. Berlin, 18.10. 1913; AIH; A 41-42; f. 264)

The chancellor of Reich said that “ our demarche in Belgrade has supported with heart and in vigorous way hopes that Serbia will obey to advices of Triple’( HHStA, PA ; OUA, nr. . 8873; Tel of Forgach for Berchtold; Berlin, 19.10. 1913, AIH; A 41-42; f. 268). Italy from the other side did not approve the harsh measure used against Serbia. Marquez San Giuliani declared that the imperative method used in Serbia will produce a great despair and will damage the interest of Triple and to Monarchy’( HHStA, PA ; OUA, 8888; Tel of Ambrozy for Berchtold; Rome, 20 .10. 1913, AIH; A 41-42; f. 272)

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The attitude of England was in favor of a peaceful solution. As long as they took the information for the ultimatum charged the ambassador in Belgrade" to advice the royal Serbia government to give guarantees that the borders that were drawn in London will be respect it and the Serbian troops have crossed them in extraordinary circumstances and will withdraw as soon as possible" (HHStA, PA, OUA, nr. 8868; Tel of Storck for Berchtold; Belgrade, 19.10.1913; In AIH; A 41-42; f.266). The ambassador of France in Belgrade in a conversation with Storck said him"if it was real that for the evacuation of Albania he has deliver a note with fixed term... and he pretended that the time of 8 days is short. " (HHStA, PA, OUA, nr. 8870; Tel of Storck for Berchtold, Belgrade, 19.10.1913, AIH; A 41-42; f. 267).

From the other side the ambassador of Serbia in Vienna in a meeting with Berchtold said that "Serbian government is stunned for the fact that...we have found necessary to undertake in Belgrad a vigorous demarch and with a lot of pressure...the Serbian government to manifest its peaceful feelings yesterday has given order the troops in Albania to withdraw from occupied position. From his part Berchtold said to him that "I have to insist that the withdrawal will be complete and it has to happen before passing the term that is given from us... and the implementation of the request to be observed by testimonies" (HHStA, PA, OUA, nr. 8878; Bulletin for the visits of Serbian ambassador. Vienna 20.10.1913; In AIH; A 41-42; f. 269).

France and Russia advised Serbia to "accept the friendly warns of Franc and Russia than to face the Austrian menace" (Poincare, f. 520).

In 20 October the Serbian government informed that the withdrawal will be carry out inside eight days" (HHStA, PA, nr. 8880; Tel of Storck for Berchtold, 20.10.1913, AIH; A 41-42; f. 270). In 25 October Storck informs from Belgrade that "the withdraw of troops has ended in midday" Storck wrote fro Belgrad that "let's hope that poor Albania that was torture tomorrow to have a happy Sunday after days of bloody chasing, destruction, killings, robberies that lasted for weeks. Let's hope also that the sons of sons of Albania that day of fest will remind will joy and will keep in their memory from whom they have their lives" (HHStA, PA; nr. 8919; Storck from Belgrade; 25.10.1913, OUA, In AIH; A 41-42; f. 279).

The Austrian ultimatum to Serbia let a bitter taste to other powers. The ambassador of England said to Berchtold that he can not approve modo precedentin that was chosen by the Monarchy. According to his view Austria have to act in agreement with other powers so the severity of the request addressed to Serbia would have been in considering manner much more soft" (HHStA, PA, OUA, nr. 8884, Bulletin of the visite of ambassador of England in Vienna. 20.10.1913, In AIH; A 41-42; f.271;)

The foreign Minister of Russia, Saznoff in a meeting with Zimmerman the foreign minister of Germany declared that in Serbia has remained a feeling of despair against Austria-Hungaria that has in itself risks for the futur (HHStA, PA, OUA nr. 8906; Bulletin of the visit ambassador of Germany. Vienna 24.10.1913, In AIH; A 41-42; f. 276-277)

Conclusions

The ultimatum of October 1913 that Austria sent to Serbia would have caused a European war or a world war. If Serbia would have answered negatively to that ultimatum it was certain that Austria-Hungarian would have attacked it or in contrary would have loosened prestige that was worse than that. There are controversies if Austria would have found a better way to fulfil its demands or not but one thing is sure that they were without support from other powers in that work. The experience in Balkan has shown that the small state have been sometime arrogant and they have avoided and challenged all the demarches of Great Powers. Serbia would have withdrawn if all the Great Powers would have been in harmony but they were not because some of them supported the Serbian intervention in Albanian state. From the other part the creation of the Albanian state was un-negotiated for the foreign policy of Monarchy of Danube and the decisions of the Conference of London for Albania were null if they were not able to be implemented. The diplomacy of Great Powers worked almost one year with the Albanian question and very difficult compromises were reached and some time with a lot of tension because both Austria and Russia mobilized their armies. Austria-Hungarian used all the diplomatic means but it did not work and the ultimatum remained the last mean to make possible the implementation of decisions of the Conference of Ambassadors of London for Albania but this mean was with the risk of a world war. There are controversies if also the Albanian question would have value so much as to enter in world war. For Austria-Hungarian the Albanian state was the only way to keep the balance in Adriatic. If the Adriatic shores of Albania will be in hands of Italy than Otranto would have became a personal channel of Italy and the Adriatic Sea an Italian lake and from other side if Serbia emerged in Albanian port, it will not exist an Albania anymore. So for those principal reasons, Austria was ready to use any mean to keep the Albanian state, and if it had the risk and cost of European war.
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Political and Constitutional Thought Sami Frashëri

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Abstract: Sami Frashëri is one of the most erudite Albanian minds of XIX century Albania. Born in Frasher, Përmet on June 1st, 1850, Sami, an Ottoman citizen, stated "I am an Albanian," and in some of the articles in the newspaper "Sabah" (Morning gazette), rejected the thesis that Albanian Muslim were Turkish and Albanian Orthodox were to be treated as Greek. Through such terms he helped in differentiating the terms Turkish and Muslim, and not to be recognized as synonyms. He was known as a reporter and editor, creator of literature and of scientific works, but I believe that his deep political opinion is recognized in his non-political works. Beginnings of the political thought are given in his political drama of 1874, Besa yahud Ahde Vefa (Honoring the Promise), where loads of high emotional artistic tools, "hide" political goals. "Besa" (Promise) is treated, not as the rate of a customary to justice, but as the value of the constitution and faithful soul for the new "homeland." The vocabulary entitled "al-laam Kamus", can be considered a political commentary on Albania and Albanians. The other vocabulary of Turkish normative linguistics "Kamus-i Turki", explains the words, Arnavud (Albanian), Arnavudça (Albanian) Arnavudluk (Albania). Sami defines the terms Arnavudluk as the nation or nationality, which is Albanian and place (memleket) of Albania, which consists of four majorities. Political thought and constitutional dimension appears to "What Albania was, what is and what will become?" In this writing lies the thought of the establishment of political institutions designed according to principles of Montesquieu. The legislative body was called the General Council. The form of government was according to Republican ideology, under the Head of State collegial, which he described as Strabonium, "Wise Men Council", and an executive power, with seven ministries. Judiciary was established in three divisions. The political, natural boundaries coincided with the four vilayets. Albania was divided into 15 administrative units, which he called "plots", with 15 of their capitals and the capital of Albania, which would have been SKENDERBEGAS. Political project of Sami Frashëri was associated with a Draft Budget, the structure of state administration and their salaries, according to functions. Aim of Study: Enriching the political "Fund" of Albanian political elite, with political thought and constitutional dimension of Sami Frasheri. Survey Methodology: Finding the political thought of Sami Frasheri through his artistic, scientific and academic writings. Analysis of political project "Albania, what was, what is and what will become?" in order to reveal the dimension of constitutional thought. Comparing between local and foreign authors and the narrative description of deductions, to prove the hypothesis.

Key words: Wise Men Council, Presbytery, Ministers Council, Minister, plots, miset, nome.

Introduction

Sami Frashëri is one of the most erudite Albanian thinkers of the XIX century. He was born in Frashër of Përmet on June 1st, 1850, (according to a biography edited by himself in the "Serveti Funan" magazine, nr 273 dt.06.06.1312, based on a birth certificate belonging to the date 19.06.1896, he declares to be born based to the Muslim birth register no. 22 of 1266, which to the belongs to the dt June 3rd, 1850) was educated in Ioannina during 1861-1868 and gave intellectual fame to the Ottoman Empire and Albania, through his impressive creativity in Istanbul starting from 1871, till he death on June 5th, 1904. In 54 years of his life he produced over 57 writings. Some of the writings are dedicated to the ottoman Shemsedin Sami. The Turkish Jusuf Akçura considered him a Turkish nationalist. Sami was an ottoman citizen, declaring "I am Albanian" and through articles in "Sabah" newspaper (morning) objected the thesis that Albanians are Muslims and that Albanian Orthodox are Greek. Through his writings, he helped for the terms Turkish and Muslim not to be treated as synonyms, because, according to him not all Albanians are Muslims and not all Muslims are Albanians. Not without intention, in the Encyclopedia he treated his birthplace as a big village or a small town inhabited by 1500 with 3 mosques one Teqe and 20 shops. Sami is known as a journalist and chief editor, as author of literary and scientific writings, translator and drama author, a patriot and intellectual of he Albanian National Renaissance, but I don't think that his political thought is known profoundly in his non political writings and the dimension of his constitutional thought in the writing entitled "Albania, what was, what is and what will become"?

Strands of political thought through artistic and scientific writings.

Sami Frashëri’s political thought can not be tratet separately from the context of political development of Europe, nor from political developments of the Ottoman Empire and himself as an Ottoman citizen and an Albanian patriot. The political history serves as a framework, inside which are the history of political and legal institutions and the political thought of its
actors. Vilhem Leibnic,(1646-1716), articulated that the present is full of the past and heavy loaded with future (le present est plaint du passé et charge de l’avenir), while Georgios Giakoumis, considered history as the future of a past science.

In this sense, the knowledge on Sami’s political thought does not serve to understand the European philosophy and modern ideas in the environment of the weakened Ottoman Empire, but also to use European political philosophy and his constitutionalist dimensional thought in establishing and consolidating the political and rule of law institutions in Albanian.

After the fall of Napoleon Bonaparte and the establishment of Vienna Treaty, the sultan pointed the ottoman military power against Ali Pasha and Bushatlli Pasha ruling, who influenced the birth of a political thought and the start of an Albanian National Movement, enabling to the Greeks their independence. Ioannina had a famous school named Zosimea, financed by the Albanian Zhapa and politically supported by Ali Pasha, (donating 1200 grosh every month), after 1830, was the educational center of the South Albania elite. Other fundamental figures of Albania Independence Movement were educated like Ismail Qemali, Kostandin Kristoforidhi, Mehmet Ferid Pasha, ex Interior Minister and Grand Vesir in 1903-1908, Abedin Dino ex Foreign Relations Minister, Naim Frashëri, Hoxha Tasin and many others.

Precisely here in Zosimea, Sami, in 7 years, 1861-1868, excellently graduated and learned European languages, Greek, Latin, French, Arabic, Persian and Turkish. Sami was born when huge reforms were undertaken in the Empire. 1839-1876 reforms were called “Tanzimat” (Reform) from the author Ahmet Xhevdet Pasha (1822-1895). On November 3rd, 1839 “The Saint Decree of Gjylahne”, established the guarantees of life, honor, property, etc. On December 23rd 1876, the great reformer Grand Vesir, Mih’hat Pasha, declared “Kanun-Esasi”, the first modern constitution in the backward Empire. According to article 8, all individuals in the empire were called ottoman despite religion and article 17 stated that ottomans were equal in front of the law, with rights and obligations, despite religion or sect. This legal and political reform made possible for Sami to give political sense to words such as: nation, ottoman, motherland (vatan) and citizen (tabijej). “Tanzimat”, despite laicism aimed at giving rebirth to the Islamic nation. Such tendencies can be found in the drama “Vatan veyahud Silistre”, (Motherland or Person) of the Turk Namik Kemal, written in 1872 and staged in 1873. After the administrative division in 1870, Albanian territories were separated in the Vilayets of Shkodra, Kosova, Ioannina and Manastir (Bitola) and most of the Albanians were muslim and loyal to the European side of the Empire. Among the terms Ottoman and Ottoman citizen, the author linked the religion, as a sign of patriotism for the ottoman motherland. The hero of the drama Islam bey, (religious name), put the ottoman motherland in the same level as the holy laws, sheriat, and among the Albanians for the Empire.

Sami Frashëri, pushed by the drama’s subject, probably by the anger of forced migration in 1872 in Tripoli of Libya, wrote in 1874 the drama “Besa yahud Ahde Vefa”, (Honoring the Promise). The 24 year old Sami, having great artistic power of expression places his own words in the mouths of the characters his ideas and political thought, inspired by the French philosophy, as he had translated “The Miserable” of Victor Hugo. As a loyal citizen, the motherland notion is characterized by the multi-identities under the ottoman flag together with the little motherland, Albania and Albanians, who were treated by different authors as wild rebels, untrustworthy and driven by old norms. As a counter positions, Sami, with the hero of the drama, who kills his own son for the word given does not mystifies the common law but aims at the rise of the national feeling with the political message of “Promise” to the Albanian Nation. Through this drama he built the accusation to the empire, who gave the right of language to Rumies (Christians), denying it to the Albanian Muslims, whose nationality was linked to the Muslim identity. The political thought takes shape artistically when Zyber, a low class person, reminds to Demir Aga, an aristocrat, from Tepelena, that according to Sultans Law, there are no distinctions in front of the law, because as he says:

This is the period of the glorious tanzimat. Today, our Sultan is the one that admits great pain, to protect our lives, honor and property. Those times where you were ahead of all others are gone forever.

Through these elements, Sami, asks for the recognition of the national rights for Albanians. The political influence of the “promise” was shown four years later at the “League of Prizren”, in 1878 where the heads of the 4 vilayets pledge allegiance and promise and established the first political and governmental institutions. This was again proven 5 years later, when the Society of Albanian letters Press Association was established by the catholic Pashko Vasa, orthodox, Jani Vreto e Koto Hoxhi, muslims Hoxha Tasin and Said Toptani, headed by the 28 year old S.Frashëri and 15 years later by the League “Besa besë” of Pec, Kosova.

Sami is known as the first writer of the first novel in the empire, protector of women rights with the brochure “kadınlar”, founder of the first ottoman encyclopedia in six editions, “Kamus al-A’lam”, 4380 pages of historical, geographical, cultural
and demographic facts, as founder of the first Turkish vocabulary "Kamus-i Türkî", 40,000.00 words and other strictly academical writings.

The "Kamus al-Â'lam" vocabulary might be considered as a real political speech on Albania and Albanians because after the first 2 editions investigations began for the Frashëri family. Ali Nevzat Efendi, aristocrat from Gjirokastra and kajmekam of Kaza, declared that Sami and his brother Abdul since Ioannina were openly declared for the independence (istiklal) of Albania. Abdul on January 14th, 1878, had kept provocative speeches in regards to the lack of progress of the state and nation (dovlet ve milet), ignorance (cehalet), despotism (istibadad) and the corrupt administration in the Turkish parliament. The political thought in the academic writing, "Kamus al-Â'lam", is seen in some elements. Firstly, in the ancient hood of the Albanian population, language, history and virtues who differentiates from other nations. In this encyclopedia, the notion Arnavud (Albanian), is treated in long pages, while the Turkish only in three pages! Albanians are the most ancient population, in their own territories, in the Balkan, older than Greeks and Romans. Secondly, the institute of “Besa” is treated in national values and respect for the protection of the moral (ahlak), good customs (adat) honor (namus), which for the nation or nationality (cinisyet), clan (kable) and family (aile) and promise given (söz), the Albanian gives its own life. Thirdly, Sami formulates that Albania (Arnavudluk) is the name of the country comprised of sanjak of Ioanina, Gjirokastra, Berat, Leskovik, Preveza, Manastir, Korça, Dibra, Prizren, Prishtin, Novi Pazar, Skopje, Pec, Shkodra and Durrës. Fourthly, Shemseddin Sami describes Scanderbeg as the greatest enemy of the empire, the most brave man and master of the art of war. Lastly, the notion nation (kavim) has political meaning, like the French term “nation”. The concept of Nation, Sami dimensioned it in “Kamus-i Türkî”. According to it, in congresses and political conferences, the nation has more considerations than religion. His concept was contrary to tanzimat principles where nation was one with religion. At the time there were lots of discussion for the ottoman motherland, and Sami introduced the Albania concept in the vocabulary. He defined that Arnavudluk is the "nation of Albanian nationality and the territory (memleket) of Albania, comprised of 4 vilayets; Shkodra (Iskodra) Kosova, Manastir and Ioannina. His definition that Albanian is the one who doesn't deny Albanianism, (Arnavudluğunu inkar etmiyor) made Sami Frashëri the symbol of Albanianism "Red and Black"!

**The dimension of constitutional thought in “Albania, what was, what is, and what would be”?**

This writing was written and published without name in Bucharest in 1899. Sami's name was announced on November 19th, 1904, after death, by Shahin Kolonja son-in-law of Naim, Sami’s brother. Parts of it were published in the Ottoman language, in the "Drita" (Light). It was published in German in 1913, 69 pages, indicating that the author is S.Frashëri. Such a material has not been studied to understand the dimension of constitutionalist thought of Sami. Albania was oppressed and despised, no identity, no history and no future. Ottoman Empire was declining, since from the "defeat" with the Russian Empire in 1877. Neighboring principalities of Serbia, Montenegro and Greece, supported by the Russians, the English and French, and sought annexation of Albanian vilayets. Walking in the same path of the Catholic Pashko Vasa, the writing entitled "The truth about Albanians", Sami has created a work of true constitutionalist political dimension. In the first part of the work, it provides answers theses to the Serbian "Narçetania" and the Greek "Megali idea", which ascend their historical heritage and claimed possession of the Balkans, Serbs as heir to the Empire of Stefan Dusan and Greeks as heirs of the Byzantine Empire. In chauvinistic viewpoint, Albania did not exist, because according to them, it had no historical legacy. Sami argued scientifically, that Albanians, Serbs and Greeks have their historical heritage, from ancient times, from the Pelasgians, to the story of Scanderbeg deeds, Sami states clearly:

**All European powers had hope... They expected salvation from Albanians... They were no brave men like Scanderbeg, nor did they have the besë of the Albanians. Many times Hungarians (maxharëtë) and the pope put Scanderbeg in difficult situations, then left him alone.**

In the second part, Sami argues that Albanians are despised by the empire, which they serve faithfully, and saw the salvation of the Albanians in the "Nation of the Albanians". This, according to him, held the Albanian language, regarded as the oldest and most beautiful language of the earth ... friendly with the old Greek, Latin, Sanscrit, language of India,., the Old Persian..... Many of which are dead but the Albanian, in his opinion, prove to the world, it is a language that is written and spoken ... any other language is not spoken and written that easily as Albanian. Sami analyzes language as a political element of the nation and as a professional geographer, treats another element of the nation, territory. Albanians by him are in the Adriatic Sea to the Ionian from 42 degree, up at the sleeves of Arta below 39 degree. Limits of northern Albania, separated from the sea, by being close to the north on the border of Montenegro and Novi Pazar, the Serbian border to above 43 degree ... So Albania is in the 39 degree and 43 grad degree in north and 17 degrees and 19 degrees 25 minutes East instance. Its about 450 km long an over the 200 km wide, where about 2 million inhabitants live. Through
such an analysis, the greater thinker of the Renaissance elaborated the theory of nation-building because **Albanians have all that a great nation should have and that there can be no force to prevent them in performing the real historical right.** Sami’s formulations were made, when the Albanian "elite" was silent.

**Political institutions of the State in constitutional viewpoint of Sami**

In the third act, Sami reveals the dimension of a constitutionalist thinker. Sami’s political project has strong national colors and spirit of a western constitutionalist. He designs the modern state, unlike the legacy of Ottoman Oriental government. Political institutions will be built according to the principles of Montesquieu, with legislative power, executive power, separate, independent and balanced, with a President and a collegial state and local government decentralized and independent from government.

Political project, Albania predicted divided into 15 plots, with their capitals, Shkodra, Peci (Ipeku), Prizren, Preshzilla, Ysqypi (Skopje), Manastir, Dibra, Elbasan, Tiranë, Berat, Korce, Kastoria, Ioannina, Gjirokastra and Preveza. Governor will become the nome, from Qeverindar. Plots will be divided into 3-4 subplots. Governor will become the nënqeverindar. The capital will be built in a new healthy climate and beautiful, the road right in the center of Albania (Tiranë / Belsh) and will be called SKENDERBEGAS. Every small town was to be called katundari (beledije). Katundari’s Council will be created by the general meeting to vote on the 20-year-olds every year. Executive body would be Kryekatundari, the Deputy, 3 Judges "JUDEX de Paix".

The political environment of the Sami, consistent with the natural boundaries of the Albanians, residents of 1870 in four vilayets, living along with democratic political institutions unlike the monarchical government of neighboring states. It would be a national government, as called by Sami, who works for the need of the following rights of Albanians. By analyzing the situation after the Congress of Berlin, Sami predicted loss of European part of Turkey, therefore, warned "illusionists" that **Albania has no foundation, no long roots, lives on ruined foundation of Turkey... with the fall of the great storm even Albania will fall. Yes ... Albanians, although they see, again don’t give up in being supported under it ... Aren’t they feeling that they support a falling wall? Feeling disappointed by the reaction of the "political elite", he demands that Albanians view this as treachery and turn their back to Turkey, which seeks to suffocate and send in the bottom of the sea even them. This is the way of salvation, not a different one, Sami stated. Through logical analysis, its predictive power, different from the "political elite" of the time, who continued to believe, perhaps for fear of grinding by neighbors, expected solving the national question of from the empire! Sami warned that **Turkey cannot exist thereafter, nor knows, nor will exist, and neither should exist.** According to him the Albanians had the right and power to be disconnected from the empire, because as he said, we are not even Turks nor do we come from Asian deserts. We are the oldest nation in Europe. He asked Albanians around him, the empire keeps the slyness of the betrayal, or do Albanians tie their own hands to the empire, satisfied with the functionality that "Dovlet Baba" gives them! Sultan by the need for Albanians in the moment of crisis donated elite positions to Albanians, as did the appointment of Mustafa Ferit Pasha, Grand Vesir, in the Macedonian crisis, and after the merger of league "Besa-besa" in Pec on January 14th, 1903. Sami considered the empire as the main enemy, and therefore stated that, **Albania needs to separate immediately and establishing its borders. It’s necessary for the country to be recognized by Europe, as according to him, Albania had everything that should, but rather that all Albanians should pledge a great general trust between them to make a union, to include the whole of Albania.** Sami’s forecast was proved in the First Balkan War, when the Albanians did not participate and the collapse of Turkey was considered the losing party and its territory were considered the same with Turkey and the associated consequences until 1920, when it was liberated legally by capitulations.

**The Head of State / Presbytery**

Sami argued that unlike the monarchical traditions of the Balkans, Albania had to be a republic. Head of State may not be the chief or king, because he would not have had Albanian monarchical heritage and as such may return this to a source of conflict among Geg and Tosks, Muslims, Catholics and Orthodox. But, according to him, could not be even a stranger than by his foreign prince or king would come with a caravan of hadëmë (slaves), women, land, cart, that will spend more money and we will break the tradition of governance. Regarding tradition, Sami referred to Strabonious, who in his work "Geography", Plakonia / Presbytery was a form of government in Epirus during antiquity. Why take away, this beautiful custom of government, Sami said, wishing that the Presbytery should reign and command forever. As a western constitutionalist, Sami gives the legal form, establishing the President state institution. Head of State, Presbytery, will be a collegial body, with chiefs for each plot. Albania is divided into 15 plots; therefore Presbytery will have 15 members who
will choose, by ballot, the chairman and vice chairman. The Head of Presbytery of the seniors will perform a function of the Prince or King. The Head of the seniors, Nome / ordinances will sign after receiving the opinion of the jury.

Powers of the Head of State / seniors

Head of the seniors, would be a prince instead of the king, one would expect and meet people. A call would be held in the General Council in the opening. Speaker will be decreed by the government. Nome will decreed, (laws) that will emerge from General Council. He would run the Presbytery by a 4-year mandate; half of them would be changing every 2 years. Presbytery would affect the General Council, taking the middle lane. Presbytery will be functional and meet every day. Presbytery would have the Secretary General, whom Sami called him Chief Writer, and every member of Presbytery would have a mentor, who would not change for life. Presbytery members’ age would be over 30 years old, taught and learned.

General Council

The General Council had 100 members, 2 for each subplots or one for 20 thousand persons. Elections for the Council would be held every 4 year, from electors over 20, who would pay 5 frangas if did not know how to read and write.

Members of the General Council should have had over 25 years of age, graduated, and pay 10 frangas to the government. They would be elected every 4 year and half of them would change every 2 years. The General Council would elect a head and the vice. This General Council would meet once a year for the governmental budget. The council would approve nomes/laws that the government would require to.

Executive branch/Ministries

Minister would be seven. One of the ministers, and would be prime minister. Council of Ministers will meet 1-2 times a week. Council of Ministers would respond before the General Council for advice. If Kryeqeverindari would be mandated from the Sultan, his term would be 5 years and will be legal if accepted by the Presbytery and General Concil. Ministries would be termed as:

Minister of Internal Affairs, Ministry of Foreign Affairs, Minister of the Army and of the sea, the Minister of Finance, Minister of Justice / Besëve, Minister of Knowledge / Besëve, Minister of General Affairs, for the roads, railways, forests. Ministry of Justice or of Knowledge would also deal with besë works by having: A great for Muslims Mufti, an Albanian Christian Orthodox Exarch, a primate for Catholics, headquarters of the Bektashi and religion would be free to Jews and Protestant.

Jobs and Prosperity, Finances, Banks

According to Sami, Turkey taxed 3,000,000.00 Turkish every year from the Albanian vilayets and customs. He thought that by a better management revenues would have been much higher and enough for a dignified living. Sami was for the establishment of the middle class. He forecasted the foundation of the National Bank and of other banks in the plots and subplots, who would produce the Albanian denotation. Albania would produce the golden lira that would be worth 20 frangs, the lira valued by 100 cinga made silver and nickel.

Wages according to project

The head of state 3000 cop (frangas), Vice 2500, Prime Minister 2500, Ministers 2000. Representatives in the General Council 1000. Heads of the besë, Muslims Mufti, the Albanian Christian Orthodox Exarch, the Primate for Catholics 2000.

Judicial power

Local Court 1000. Trial Court 2000. High Court 5000. As it can be seen, he valued very much the justice system and sought a higher wage than the Head of State for the High Court judge.
Conclusions

- The study of the political thought of Sami Frashëri, “enriches” the pool of political thought among the Albanian elite in XIX century.
- The political and constitutional thinking of Sami Frashëri was guided by the European political philosophy of Montesquieu.
- The political project and “modern” constitution established the politics in Albania by the 4 natural borders of the 4 vilayets, founded by the administrative division of the empire in 1870.
- Sami Frashëri should be treated as the first Albanian constitutionalist. His “Constitution”, in my opinion, should have served, as the legal foundation for the establishment of political institutions of the Albanian state, starting from the National Assembly in Vlora of the November 28th, 1912.
- The methodology and forecast of development opportunities of the Albanian state is evidently of the time European standards.
- The power of ideas and forecast of the political developments of his have been proven.
- Sami Frashëri, was the most modern politician of the backward empire and the greatest “Red and Black” patriot.

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The Right of Property in Albania and Approach to Legislation Section 1
Prot 1 to the ECHR

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Abstract: The right of property is regarded as one of human rights, even an absolute right. It is certain that ownership is a legal institution around which revolve yet been developed and today a series of debates and political battles. Certain forces could play politically to the right of property making the vehicle thereby leading to victory. It is considered a fundamental right and beneficial on the one hand, and on the other as a borderline between different social strata, and social injustice. The right of property in various legal orders has had a different defense. In countries with a democratic regime, its defense is given a special importance because it is considered as the basic condition for creating and ensuring a better status in the personal economy of different subjects and then at the national and international. But with all the legislative measures taken by the Albanian state, the legal status of property rights in Albania leaves much to be desired. It is also used as the main argument of the parties during their political campaign to obtain political office. In this way the legislative measures taken by the Albanian national state was born the need for Albania to obtain commitments at the international level, subject to the objectives of our state to participate in the large European family. Albania has had time to provide a legal standard and it will need even more time and commitment to implement them this fact.

Key words: property rights, the legislative approach, legal standards

1. Introduction

Rights and fundamental freedoms are indivisible, inalienable and inviolable and stand at the foundation of all legal order.\(^1\)

This is why occasionally turn to topics such treatment which address some of these basic rights. As such, the right of private property is guaranteed.\(^2\) Every man is the direct holder of liberty and his rights from the moment it is created as human.

Human rights are fundamental principles without which people can live as human beings with dignity. Respect their progress enabled the individual and society. The right and freedom become the basic concepts once sanctioned by the Constitution or treaties of the important international conventions.

The right to property is regarded as one of human rights, even an absolute right. It is certain that ownership is a legal institution around which are developed and crawled still a number of debates and political battles. Certain forces could play politically with the right property to become the key tool in this way to victory. It is considered a fundamental right and beneficial on the one hand, and on the other as a borderline between different social strata, and social injustice.

Right of property although it is a "right" it is not an abstract entity and ideal, but the image of a particular social reality. The right of property in various legal orders has had a different defense. In countries with a democratic regime, its defense is given a special importance because it is considered as the basic condition for creating and ensuring a better status in the personal economy of different subjects and then at the national and international.

The Constitution of the Republic of Albania, finds a property right protection. Thus, if we refer to its section 41 have the opportunity to create a vision fast but deep on this right as a right guaranteed to win the ways that Constitution and Civil Code provides, which can be limited to interest public law and from which only the law can provide for expropriation only against fair compensation, etc..

**Article 41 of Constitution of Republic of Albania**

1. The right of private property is guaranteed

2. Property acquired by gift, inherited, purchase, or any other method provided for in Civil Code.

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\(^1\) Constitution of the Republic of Albania, Law nr.8417 dated 21.10.1998 Article 15/1

\(^2\) Constitution of the Republic of Albania, Law nr.8417 dated 21.10.1998 Article 41
3. Law may provide for expropriations or limitations in the exercise of that right of property only for public interests.
4. The expropriations or limitations of the right to property based on expropriation are permitted only against fair compensation.
5. For disputes regarding the amount of compensation may be appealed in court.

Taking as cornerstones of respect and guarantee of property rights our Constitution, through this modest work will try to analyze the content of constitutional provisions guaranteeing their real as their reflections in the legislation. Standards of this legislation will be treated in a double perspective: as with the Constitution and the European standards in this field. The latter will also be analyzed from the perspective of European Court decisions on Human Rights, which are required for the Albanian state and be recognized by the courts and administration respectively. The paper will also reflect the practice of the Constitutional Court of Albania as well as cases from the justice system in general, including unifying decisions of the Supreme Court.

The Constitution guarantees the right of property through the definitions laxative that makes the possibility of limitations on this right. It is clear that in a democratic state, limitations of rights derived from the broad interests of coexistence between people. They are associated with a strong public interest. This coexistence implies multiple obligations for members of society. On the basis of this obligation is established and the rights and freedoms. From this point of law stems from the responsibility of every individual to respect or not to obstruct the realization of social life. The moment that the law determines whether there is a public interest to do the right balance between individual, with the significance that the public interest which would limit this right.

Precisely the degree of restriction of rights and freedoms, namely the right of property would be an important part of this paper. Here we will aim to balance the seriousness of the situation in limiting and protection of property rights. No rights and freedoms would make sense if there were not opportunities and mechanisms where each entity to protect against violations of the law. This guarantee is necessary in situations where governments, of whatever type they are likely to violate human rights because they are so easy to govern, or because they do not know the limit of the intervention. Matters relating to the limitation of rights have had their history. Society has had time to legally provide for standard and it will need even more time and commitment to implement them this fact.

1. General overview on the right of property in Albania

Attempts to determine the meaning of property are ancient. Property rights for "country" [land] since the encounter in the Old Testament of the Bible. Also the ancient Roman term "proprietas" means property or something that belongs to someone.

The period until today, has been an intensive effort to consolidate and provide a proper place of property rights in positive law. Definition of property rights is difficult because one side of the recognized owner dues that are numerous and the other in some cases these reduced dues so that the power of the object remains the formal owner. (Shehu 2000)

Under Article 149 of the Albanian Civil Code "property is the right to enjoy, and dispose of the item freely, within limits prescribed by law". 3

In conclusion, I can say that ownership is a civil legal relationship property, and property rights as a Constitutional right of the owner guarantees dues and as such it is guaranteed by the Constitution and specific laws.

To study the effect of periods of development of property rights in Albania have divided into:

1. Before the adoption of the Constitution
2. After adoption of the Constitution.

1.1. Before the adoption of the Constitution

Carve for the first time the right of property in Albania as part of human rights became the "Statute of the Albanian state" of 1922.

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3 Section 149 of the Civil Code, promulgated by Law no. 7850, dated 29.07.1994
After coming to power King Zog tried to make some reforms in the field of legislation. The first step made with the approval of the Basic Statute of the Kingdom of 01.12.1928 entered into force, which sanctioned the right of ownership for any property that is as inviolable.4

The first period is after the liberation of the country, with the advent to power of the Communist Party legislative measures were taken which were character relative to the adoption of the Constitution of the People's Republic of Albania. First constitution adopted after the liberation of the country in 1946 sanctioned the socialist system of economy and the socialist ownership of the means and tools of production. Notwithstanding that Article 11 of the Constitution of the People's Republic of Albania, sanctioned the "guaranteed private property and private initiative in the economy."5 Turn state took measures to restrict private property and to accumulate all the wealth in his hands. So we have a restriction on the right of property, defined by the Law "On Agrarian Reform" no. 108, dated 29.08.1945, the maximum area of land which may be privately owned. Provisions of the Constitution of 1976 does not recognize any constitutional responsibility of state violations of individual rights because the manner of regulation of those rights in the Constitution, their source was the state of non human nature. 6

1.2. After adoption of the Constitution.

After 1990 Albania joined the large political, economic, social, etc. With the advent of democracy shifted from centralized economy to a market economy. The first democratic government was established with the arrival in power of the Democratic Party, took steps to repeal several laws enacted during the communist regime that violated human rights and fundamental freedoms, including the right of property which was a widespread problem concern that require immediate solutions.

Through Decree 7476 dated 12.03.1991 "On granting and protection of property and private activities" - was sanctioned freedom and protection of private activities. In this way private activity organized and operated as an individual, partnership, collective or cooperative, or joint stock company. These are the first efforts in the legislative framework which predicted the measures for the preservation of this property from destruction or damage. In Constitutional Law, no. 7491, dated 29.04.1991, "On the Main Constitutional Provisions" was repealed the 1976 Constitution, which declared “de iure” state monopoly of any branch of the sub-branch of the economy.7

Two years later another law was passed which provided for adjustments Constitutional concrete human rights modeled on the most important international agreements in the field of human rights in general and property rights in particular.8

Following the release of the aforementioned package, it was necessary to draft all legal, in order to establish a new economic order and to apply the transition from a centrally planned economy system and controlled by the state to an economic system based on free market principles.


On this basis, the new constitutional and legal, and other legal acts of executive power, began the process of "self expropriation" rule in favor of individual property ownership.

It should be said that despite the adoption of this legal framework and legal state was not immediately expropriated property which at that time appeared ‘de jure’ in its possession. Instead he continued to operate his capacity as owner and, as such, it defines the state properties that can be privatized, the authorities in charge to make privatization and ways of its realization. So in the second paragraph of the Law no. 7512, dated 29.04.1991 sanctioned that "enterprises or other state entities, the important branches of the economy, national ... can be privatized in special cases by law. " For his law enforcement envisioned the creation of the National Privatization Agency, a body under the Council of Ministers, which was granted the right to manage, organize and coordinate the work in the privatization process.

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4Art.198 of "Basic Statute of the Kingdom of Albania" Printer "Christo prosperity" P. Luarasi 1928 
6 Constitution of the People's Socialist Republic of Albania, Sections 1-3.
8 Law No. 7692, dated 31.03.1993, "On the Rights and Fundamental Freedoms of Individuals."
9Decision of the Constitutional Court of the Republic of Albania, No. 4, dated 06.04.1994
Also in 1991 was also adopted another law foundation for the democratic system which began to live the Law no. 7501, at 19:07 in 1991, "On Land", gave the right of acquiring agricultural land to all persons residing in the village, in order to improve the difficult economic situation due to economic and social change that was passing the place. Whilst the division of agricultural land was approved by special decision of the Council of Ministers no. 255, dated 02.08.1991. Admittedly, that adoption of these laws was followed by other laws which in themselves were intended privatization of other parts of state property.

Another area of privatizations that had the attention of lawmakers was the privatization of public housing and the creation of free-market private housing.

With the entry into force of Law no. 7652, dated 23.12.1992, "On privatization of state housing," public housing tenants can apply for state enterprises carrying out activities for the recognition of their ownership.

I put the acute problems faced political, economic and social policy system therefore already passed the totalitarian communist privatization process of state property and put the new democratic state facing a new reality to private owners. The latter appeared already stripped of their legal properties with all arbitrary action without any legal basis, through nationalization, expropriation, confiscation and other measures based on legal acts and regulations and judicial decisions, which fall contrary to the spirit of justice and human dignity, with universal and inalienable rights of all accepted the western democratic world.

Through Law no. 7698, dated 15.04.1993, "On restitution and compensation of property to former owners," a new democratic state, although it was not responsible for the injustices of the past, took over the moral and legal obligation to put in place, as is best possible, some of the injustices of the former regime to cover the period after 29 November 1944. This law sanctioned the right of property to former owners and their heirs on immovable properties nationalized, confiscated, taken by the state unfairly.

Soon after 7698 Law, "On restitution and compensation for property taken legislative measures to ensure the compensation of former owners in cases where there could be physical return of their property. So with Law No .7699, dated 21.04.1993" for compensation in the amount of the former owners of land (amended by Law no. 7981, dated 27.07.1995), was recognized former land owners or their legal heirs the right of compensation to former property on land that had in owned at the time of issuance of the Law no. 108, dated 29.8.1945 "On agrarian reform," outside the bounds of residential areas, which operates within the law No. .7698 dated 15.4.1993 "On restitution and compensation of property to former owners."

In this context, are approved by the Albanian parliament a series of laws, where the most important is the adoption of the new law "On restitution and compensation", 2004, which aimed to make some amendments to the effects creating maximum opportunities for full restitution or compensation to former owners, without the restrictions that had old law regarding compensation and settlement of disputes that had arisen but that may arise after the entry into force of this law. The law was reviewed by the Constitutional Court and Supreme Court. On March 24, 2005, the Supreme Court found that the Law of Property Act 2004 had no retroactive effect and thus its provisions may not have impact on property rights, recognized by a court or administrative decisions, the data before its entry into force. In November 2005, the Government (recently selected on 3 July 2005) presented to Parliament a new draft law on property restitution and compensation, which proposes several amendments to the Law of Property Act 2004.

On July 11, 2006 in Court of Human Rights was examined Beshiri demand against Albania. Court on this issue among others estimates that:

Legal 1.tools referred to by the Albanian side, were insufficient to remedy the alleged breach.
2. authorities deprived the applicants of their right to pay compensation value and the joy of owning their own money.
3. Court decided a respondent State is to pay the applicants 120 000 EUR in respect of pecuniary and non pecuniary.

In 2006 parliament adopted a law, which define the method which should be assessed real property in order compensation. Its implementation was left to the State Committee for Restitution and Compensation of Property, which should ensure the proper maps for evaluation of properties. Property Law of 2004, no. 9235, dated 29.07.2004 has been amended six times by the Albanian Parliament by law: Nr.9388 dated 04.05.2005; No. 9583 dated 17.07.2006; Nr.9684 dated 06.02.2007. Section 9 repealed by No. 11 dated 4.04.2007 Constitutional Court; Nr.9898 of 10.04.2008; Nr.10095 dated 12.03.2009; Nr.10308 dated 22.07.2010 declared unconstitutional by Constitutional Court No. 43 dated 06.10.2011.
Conclusions

The new constitution adopted on 28 November 1998 which was the most important step of state in these years of democracy, also contains regulations that provide state guarantees for the protection of human rights and fundamental freedoms in general and the right property in particular. Understanding that the Constitution guarantees the right has become private property, is the meaning of a fundamental right to individual freedom is closely related to maintaining its function so private. But on the other hand, has undeniable social function after its use serves the general public welfare. In this context it remains a fully constitutional category restrictive and no absolute character.

Guarantees provided in the Constitution and other laws and regulations to protect the rights of property are numerous, but despite this, the problem of property, did not find a fair and final adjustment, causing in this way a series of problems that require solutions. Property rights as a Constitutional right is restrictive by law and only in the public interest. This is the slogan, say, which justifies the state, in turn, for his actions, in violation of the right of property. But his notion of 'public interest' is a flexible concept that leaves due to interpretation by the state authorities and the more the notion of fair compensation in case of such restrictions. But with all the legislative measures taken by the Albanian state, the legal status of property rights in Albania leaves much to be desired. These solutions, rather than legal, political solutions have been bound by the terms of our country. Given that the compensation of former owners, who, for a long time will have to wait to receive remuneration, in cash for their properties, and even longer to wait until the state to recognize the right of movable.

Finally we must recognize that the biggest challenge in Europe is the unification of the right of property, and the approach of the legislation of European countries, in order to guarantee the right of property to have a standard across the European Union.

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Albania and the Admission of the People's Republic of China to the OUN.
Albanian Proposal to the UN in 1963

Etleva Nita

Abstract: In the framework of International Relations of the Cold War, after the break with the Soviet Union in 1961, the direction of the Albanian foreign policy entered in a new stage, making a very pragmatic choice toward remote Communist China. The generous help of the PRC, by loans or grants, was a very suitable solution to survive for Peoples Republic of Albania. This help was paid back with the involvement and commitment of the Albanian diplomacy as a representative for the PRC in OUN. The Albanian diplomacy during 1960-1970, a period of a very good cooperation with China, was fully concentrated to a single goal–The admission of Peoples Republic of China in OUN. The debate on re-establishment of the legal rights of PRC on OUN, according to Albanian diplomacy, was itself a harsh accuse for the US policy against China. This diplomatic activity of the Albanian mission, leaded by official Tirana, coordinated with Beijing, started its activity with the proposal of 1963 to set in the daily agenda the issue of PRC admission in OUN, presented in the XVIII session of the General Assembly of OUN. But how would this proposal be expected and in what extend would it be influent in the Albanian diplomatic mission up to 1971!

Introduction

The purpose of my study "Albania and the admission of the People's Republic of China to the UN. Albanian proposal to the UN in 1963," is that in an objective manner based on the diplomatic activity of the Albanian Mission of the Ministry of Foreign Affairs, studied under the possibility of browsing the archival resources of the Ministry of Foreign Affairs and the authors' analysis of this period, handle diplomacy contribution given to the issue of accession of China to the United Nations Organization in the context of the Cold War. Starting with the 1963 proposal, the grounds and premises used for this contribution was significantly. Using archival sources from the Ministry of Foreign Affairs and former Central Committee of the PLA are the possibility to understand: 1) Activity, tasks and orientations predefined by the government of Albania; 2) The reasons for the great commitment and dedication to diplomacy and Albanian mission of this geographically small country on the issue of China's admission to the UN's largest; 3) As the mission in New York coordinated with official Tirana used complex conjunctures and circumstances of this lengthy process. 4) To help you understand how all this affected the activity in one of the most protracted and most discussed of the Cold War.

Cold War touched every aspect of international activities, fear of communism and the war against it seemed good at the UN. As the largest organization in the world which has meant international security, economic development and social equality, failed to avoid the Cold War. United Nations which was formed in 1945, winning initiative of the states of World War II, for many years it will develop its work in an atmosphere of tension between the two superpowers. Over the past two decades "peace forum" will be on the "rule" of the U.S., which with the voting mechanism of the Assembly impose their views making a series of decisions that only serve American interests. In every session of the UN General Assembly's will be treated a number of problems arising as a result of aggressive policies against the people. One of the critical issues discussed at the UN during these years was the question of accession of new states, but those who were left out because of their regime. As a result of bipolar division and American and Soviet discriminatory policy, the issue of membership in the UN states, was conditioned by "sympathetic" to the American and Soviet states. At first, UN was joined only from the neutral and winning states of the Second World War, but afterwards other states joined such as Germany, Japan and others. Greater influx of UN membership, it was during the years 1950-60, when the old colonies were liberated and formed independent states.

For nearly 22 years People's Republic of China was left out of the UN. Republic of China was one of the founding members of the United Nations and a permanent member of the Security Council. As a result of civil war between Communist forces and Guomindang, Republic of China established in 1912, was divided into the Republic of China (RC), led by Chan - Kan Shek, which withdrew to the island of Taiwan and the People's Republic of China (PRC ) led by Mao Zedong.

Difficult international circumstances of the People's Republic of China appeared in the beginning of its creation. The victory of communism and the declaration of the People's Republic of China, led by Mao Zedong, troubled America. Taking the Pacific from communism would undermine the balance of power. Truman administration in these conditions creates an overall plan against Chinese and Soviet communism. Placement of U.S. troops in Korea marks the beginning of the strategy against communism in Indochina. U.S. government never recognized the People's Republic of China, not
only this but also prevented the People's Republic of China to participate as members in the sessions of the UN General Assembly and as a permanent member of the Security Council. Acceptance of PRC at the UN, was a long and complicated international relations built during the Cold War, which swept in a range of stakeholders. The issue of representation of the People's Republic of China to the UN, was matter of restoring the legitimate rights of PRC in this organization and not a matter of entering as a new member. Its place in the UN and the Security Council had taken, the representative of Nationalist China Chan Kai Shek.

In international relations of the Cold War, foreign policy of the Albanian State will be conditional by communist ideology Labor Party that ran the country Albania. In this context they were to strengthen unity with the socialist countries within the bloc where located. Albania during the Cold War, as a geographically small country with economic problems, problems with neighbors, as necessity requires the support of an economic power, ensures the longevity of political power in Albania. By the year 1961 will be supported and guided by the BS. After the final break in 1961 with BS, the orientation of Albanian foreign policy marked a new stage in making a pragmatic choice of the remote toward Communist China, which defended the PLA as Marxist-Leninist doctrine and the world revolutionary struggle. Generous support of the People's Republic of China as well as free loan would be a solution for the survival of the People's Republic of Albania. Assistance that will be rewarded with commitment and dedication of the Albanian diplomacy as a spokeswoman for the UN PRC.

Albania's diplomatic activities in the UN from 1955 to 1960 will be withdrawn. Would be limited only in some speeches of heads of the Albanian delegation to the charges against American imperialism. Albanian political and diplomatic activity during the '50-s, be consistent in implementing foreign policy set by Moscow.

Deterioration of relations between Albania and the Soviet Union marked the closing of Albanian diplomacy dictates from outside the period of Albanian foreign policy. The new phase will start in international relations will be characterized by the reduction of tensions between the two superpowers of Khrushchev called themselves as "peaceful counterrevolution." Albanian diplomacy, it will be the stage when its foreign policy will be directed towards China. Albania will enter a new phase of its diplomacy that will bring new challenges and difficulties. Its prioritization with China will ignore the great geographical distance and cultural relations between two countries and two peoples. The difficulty of relations between the two countries would be evident and would make co-fetched. Albania with this relationship will leave even more with the West. Diplomacy during the years of cooperation with PRC will be primarily engaged in the role of spokesperson of Beijing in multilateral diplomacy. Unlike the first phase of diplomatic activity will have international resonance and marked the peak of its diplomatic activity in the international relations of the time.

Albanian mission's diplomatic activity led by official Tirana, in coordination with Beijing, finalized the years her commitment and dedication to Communist China on October 25, 1971, upon receipt of PRC at the UN.

The position of the People's Republic of China to the UN

People's Republic of China formally requested the United Nations membership and made constant efforts to accession to the UN during the years '50-'60. Its involvement in the Korean War on 26 November 1950, as well as Chinese counterattack against the forces of the United Nations was seen as a counterattack by the forces of aggression.

United States of America in reviewing this important problem arose from purely political considerations. U.S. with their policy of privileged positions in the AP and the UN Security Council held an anti-Chinese stance and to prevent the solution of the problem of representation in the UN PRC strategies used in various forms. U.S. using the voting mechanism did not allow for many years membership of Communist China in the UN.

The issue of representation of the People's Republic of China to the UN was asked repeatedly by Chinese diplomacy, starting from 1949, the year the People's Revolution. Her request, conditional upon expulsion from the UN Chan Kai Shek: "China's Communist government asked the UN to expel from Chan Kai Shek and deployment of UN Organization legitimate representative of the Chinese people." The issue of acceptance of Communist China to the UN for the first time in 1950 was admitted to the Security Council, which passed the General Assembly for consideration. From the fourth session up in 1961, was proposed by the USSR, the countries of the socialist camp and the African-Asian countries. XIV Session of UN General Assembly, issue of Chinese representation in the UN was asked to put on the agenda at the request of the representatives of India. After the conflict in Sino-Indian border in 1960, demand the restoration of the

1 AMPJ, reports and speeches on the works of the 17th UN session prepared by the Albanian mission in New York. Correspondence of the Ministry with a Mission in the 17 session of the UN, since 1962, file No.:503, pg-67
rights of China in the fifteenth session of the UN AP proposed by the Soviet Union. Session convened on September 20, 1960 when Soviet-Albanian relations were not good. In this session should go first secretaries of the Party, Enver Hoxha did not participate. The Soviet delegation led Khrushchev himself who was convinced that the 22 African countries the situation may change. PRA delegation will be headed by the chairman of the Council of Ministers Mehmet Shehu, who supported the USSR proposal for the issue of representation in the UN PRC.

PRC issue of UN representation for the first time placed on the agenda for the sixteenth session of the General Assembly of the UN, on September 19, 1961 until February 23, 1962, proceedings were held in a tense international atmosphere. The Albanian delegation was chaired by Minister of Foreign Affairs Behar Shtylla, Deputy Minister Halim Budo. U.S. was forced to accept the establishment of the issue on the agenda. A number of states require the issue of accession to the UN PRC, even its ally England.

Albanian Proposal 1963

After winning the popular revolution and immediately after the formation of government, in 1949, the Government of the People's Republic of China recognized the government of the People's Republic of Albania and established diplomatic relations with it on November 23, 1949. However, the orientation toward foreign policy and diplomacy of Communist China began shortly after the break with the Soviet Union. Relations between the two countries have histories dating back to the mid-1950. Economic relations began in 1954, with arrival in China the government delegation to the fifth anniversary of the liberation of PRC and the Chinese government delegation, arrived in Albania at the invitation of the Albanian government for 10 years of liberation. Economy was very heavy, PRC only economic aid would change the situation in the country. First visit of Enver Hoxha, in September 1956 showed the first interest of the Albanian leadership to this great country of communist remote and secondly, the need to support the Albanian State policy and economic exchanges. The two countries supported each other at the time of their separation from the socialist camp headed by the Soviet Union. Their collaboration would have symbiotic character; in the historical context both communist countries needed each other.

In the framework of relations of cooperation and "fraternal friendship based on the teachings of Marxism Leninism and proletarian internationalism" and her loyalty to China, Albania won a series of economic aid, military and much needed for its internal situation and external.

In the context of breaking relations with the USSR, PRC would look to her spokesperson diplomacy in the international forum of peace, and its relationship with Europe. One of the objectives of PRC in the international arena was admission to the United Nations Organization. In the above context, after breaking up with BS, the only European communist ally was Albania member of the UN. Diplomacy would use the intertwining conjuncture in the international arena to realize the goals were: to strengthen relations with China, to gain support economic and national security and strengthen its position in the international arena.

Albania, in its foreign policy, during the period of rapprochement with China, aimed at expanding international relations and the strengthening of diplomatic activity, helpfull for the admission of PRC. The main tasks that were set by the Albanian government for the year 1963 were;

- Strengthening the coordination of common positions on international issues with the People's Republic of China,
- Strengthening relations with its allies; RDP Korea, RD Cuba and Vietnam.
- To continue the policy of friendship and cooperation in international organizations directly to the Arab and Afro-Asian

In this way the main conjunctures used diplomacy in international relations in relation to PRC, thus starting diplomatic activities of its most important. First step proposal took Mehmet Shehu '63 Chairman of the Council of Ministers. In a meeting with Ambassador of PRC, Lo Shi Gao on 5 August 1963, takes the initiative and ask that requests approval to accept the matter of PRC on the agenda of the eighteenth session of the UN AP proposed by PRA. The Chinese Government agrees that the Albanian side to present the UN in putting AP on the agenda the issue of restoration of the right of representation of communist China.

\[2\] AMPJ, Documents on Relations between the two countries, since 1968, folder 64, pg-116
In September 1963 diplomatic mission led by Behar Shyilla, for the first time in his diplomatic activity in the UN compile and submit a draft resolution "the issue of accession of China to settle on the agenda." Diplomatic activities undertaken by the Albanian government starting in 1963, for receipt of PRC at the UN, would be a very difficult undertaking. This issue will be one of the most difficult sessions of the UN's because it was integral to the contradictions of the Cold War. Strongest opponents of this issue, but also the diplomatic mission, will be American diplomacy and after '62 it Soviet. But should not be overlooked even diplomatic activities of their allied states. Of relations with the Soviets, the activity of the diplomatic mission would be more difficult as US-Soviets tried to isolate the mission. We must not forget the fact that Albania would infringe on an unfamiliar road, she had won the right of UN member only in December 1955, and for the first time in 1963 will submit to the Secretary General of the UN U Thant PRC case for accepting the UN as a matter to be discussed as part of the agenda.

XVIII Session of UN General Assembly opened on September 16, 1963. Issues most important to her were the issue of Charter change, and secondly the acceptance of PRC at the UN. Two of issues closely related to each other. With increasing number of new states in the UN, the composition of major organs did not respond to the new UN structure, as new countries not represented in its main organs. In these conditions, the Asian-African countries were presented with a request for representation in UN bodies. U.S. and Soviet Union tried to exploit the situation in their favor on the issue of not accepting China. U.S. to solve this problem sought modification of the Charter. BS asked that this modification be made in unanimity with 5 great powers, but on condition of restoring the right of Communist China in the UN. However after the break with China 1963 with the aim of the BS was directed to African countries against PRC on the grounds that it was her request to prevent the expansion of the UN structure. On the other hand, the government declared PRC; "...UN must be extracted out of Chan Kai Shek from all its bodies and completely restore China's legitimate rights. Distribution of seats ... now in the major organs of the UN is not fair and reasonable for the Asian-African countries. China says firmly against this discrimination".

On September 16, 1963 delegation led by Behar Shyilla Foreign Minister of PRA sent a letter to Secretary General U Thant, through which, by order of the Albanian government has asked that the agenda of the session 18 ordinary Assembly put the issue of "Restoration of legitimate rights of PRC in UN" (UN doc. i A/5498, 16 September 1963). "In order RPSH government, in conformity with Article 15 of Regulation AP interior, I have the honor to request the implementation on the agenda of the eighteenth ordinary session of the General Assembly as important and urgent issue, the question that follows; "restoration of the lawful rights of the UN PRC." Behar Shyilla Minister of Foreign Affairs PRA. Tirana on September 16, 1963".

The proposal to lay the matter on the agenda was the last day and last hour and this in order not to leave space to justify the Soviet party "see, Albanians has not left us". This event echoed in the American press and proved once again that there were differences between Communist China and Albania on one side and the Soviet Union on the other.

After the speech of Foreign Minister Behar Shyilla who presented the matter to the Assembly, the delegate's speech was Chan Kai Shek. He rejected the proposal of the issue of Communist China's accession to the UN. Soviet delegate not responded to Taiwan's representatives and supported only by a formal issue. Attitude of the Soviets in this session was very withdrawn and formal. The attitude of the Soviets in the eighteenth session, Enver Hoxha says "The Soviets once again showed their hostility against China, reaches so far as to hold the hand of Americans accept Kai Chan Shine in the UN and leave aside the issue of China?"

With the approval of the General Assembly the question was put on the agenda (dokum.A/BUR/SR.153, dated September 23, 1963). The issue of China in the eighteenth session, became a major issue. In this session noted that the UN organization was in a difficult situation, because the issue of acceptance of PRC in the organization. Americans and other sessions were against acceptance of PRC at the UN, because it feared greater impact on African-Asian countries. In the same position were the Soviets. In connection with the problem of restoring the rights of China's UN delegation prepared the draft resolution and dissolved it in 21 Afro-Asian countries and Cuba in order to become co authors so the resolution would be supported from a certain number of countries. For the co-Albanian draft resolution only Cambodia was expressed.

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3 AMPJ, information meetings with the Chinese Ambassador to the various problems associated with the UN, 1963, file 233, fl-5
4 AMPJ, materials related to the discussion of the problem for China's accession to the UN in session 18, 1963, file 662/26, fl-19
5 Ibidem
6 Ibid, 1963, file-233, FL-8
8 AMPJ, discussion of the problem of China to the UN, 1963, folder 662/6, fl-52
In this session there was open debate and backstage. The Albanian delegation was tried and did meetings with delegations of corridors which might support their resolution, in this respect played an important role of the Cambodian delegation.

Americans and Soviets tried to sabotage the issue of restoration of China to the UN. So on October 18, president of the Cuban delegation announced that Tunisia would need to be voted separately, the first point of the Albanian resolution, which had two points: a) Chan Kai Shek expulsion from the UN and b) admission to the UN the PRC. According to the Tunisian goal back which was American diplomacy; point of view be rejected by the AP, that it would approve the position of Chan Kai Shek at the UN. The second point for the receipt of PRC may be approved and so would accomplish the American plan "two Chinas" with the help of the Albanian resolution. After numerous talks with the delegation undertook Tunisian and Algerian delegation decided that if Tunisia will lay this matter, the Albanian mission would withdraw the resolution, not allowing to vote. After the call made Algerian delegation of Tunisia, it withdrew the proposal.

On October 21 was passed in a vote whose outcome was; 42 delegations voted in favor, against 57 delegations, abstained 12. The voting result was as in the seventeenth session. Admission of PRC issue on the agenda at the UN General Assembly resolution Albanian might be considered as a success for reasons that:

- The issue of Republic of China was a difficult issue, nearly 14 years,
- Soviet Union and India were tried and only in 1961 the issue was put on the agenda,
- Albanian mission's diplomatic activity was a challenge to U.S. and Soviet diplomatic activity against China.

We should consider the fact that although Albania was a small state without much diplomatic experience, diplomatic mission held a difficult activity and did a great propaganda. Using diplomacy of "corridors" it has tried to attract as many allies on the issue of acceptance of PR China to the UN. The result of the 1963 proposal of the mission undertaken by the Albania might be considered successful even though the number of countries that were against was great. Presentation by Albania in the session the issue of restoring the rights of China to the UN was necessary because in the historical context of international relations, no state had any intention to submit a question. Albania was the only place that made the request for the implementation of the issue on the agenda, while presenting the draft resolution was joined by Cambodia.

The proposal of 1963, the diplomatic mission PRA for placement on the agenda the issue of accession to the UN was a different matter, the diplomatic activity of its delegation for the first time took the initiative to help a large country like China in UN peace forum, will boost its prestige secondly, it will prepare for future sessions, and this activity will be issued the tasks for the nineteenth session of the General Assembly. Albanian mission's proposal in 1963 would serve to strengthen relations between Communist China and PR of Albania. Shortly after the proposal the Foreign Minister of China, Chen Ji sends to the Ministry and the Minister of Foreign Affairs of PR of Albania Mr.Behar Shtylla a congratulatory telegram which states: "At session of UN General Assembly this year's delegation headed by you made a determined fight for the removal of Chan Kai Shek from the UN and for restoring the lawful rights of China and came from the political standpoint victory large [...] I on behalf of Chinese government and people would like to send to you and through you to the Albanian government and people heartfelt thanks"9

Albanian international echo of the proposal in the eighteenth session of UN General Assembly's

In the eighteenth session of the General Assembly, was filed nearly 80 points, one of the most important was the issue of accession of China to the UN. This was one of the issues that made the most fuss, because the first was filed by the Albanian delegation and second Albanian proposal was interpreted as another sign on the expansion of the gap between Moscow and Beijing. Albania sided with China in the ideological dispute within the world communist movement. The Albanian government, through the mission noted early, the full unity of its views with the Chinese government. Review of China's representation at the United Nations began with morning speech by Foreign Minister of Albania Behar Shytlla and head of its delegation in New York who said that: "Communist China is held outside the United Nations through the "systematic obstruction" of the U.S."10. Behar Shytlla in his speech before the American side accusing the AP of the disarmament issue, because according to him composed "a dangerous attempt, which was intended to limit and weaken

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9 MPJ, thanks for helping the Chinese Ambassador that Albania has given China to the UN, 1963, folder 234, fl-7
10 AMPJ, related materials discussing the receipt of RPK at the UN, 1963, file 662/26, fl-89
the protective ability of the socialist countries and to divide and undermine the unity of the socialist camp". According to him, the U.S. feared the power of the PRC and possession of nuclear weapons from China - "So they make all efforts to prevent China in these kind of weapons possession and its non approval to the UN".

Albanian government showed that its proposal was fully agreed that without the official participation of the PRC and without the signatures of its representatives, any international agreement for disarmament and international agreements would have no binding force for China. Albanian Minister comes out against U.S. diplomacy and accuses for their anti Chinese propaganda which was due to the fact that, according to his opinion, Americans "lost market and Chinese sources.

The 1963 proposal will be considered as a diplomatic action challenging the Soviet Union and U.S. imperialism. The diplomatic action was considered by the American press as an act "brave" the Albanian government, thinking that Albania was only a small country "over the Adriatic". A new member of the United Nations, which was accepted into the organization in November of 1955, and dare accuse the two major powers. U.S. Ambassador Stephenson accuses the mission and Behar Shytlla for "demagogy of the Cold War, and called Albania "spokesperson of the PRC.". Even he considered Albania a "peaceful" country in his speech sounded his American concern, strongly worded it says "what the atmosphere will occur and the effectiveness of United Nations if Communist China to become a member of the UN".

Albanian mission's proposal of 1963 surprised diplomacy worldwide. While the two great powers had decided to develop their work peacefully, leaving out the debates of the Cold War, this country Albania "marplot" proposes to Communist China in the UN. According to news reports, the United Nations Assembly will be opened in an atmosphere of harmony. Newspaper "Post" dated 17/9/63 describes the situation softened between two great powers on the eve of the eighteenth session of UN General Assembly's. According to archival documents show that the peaceful opening of the Assembly had previously predicted that the U.S. Ambassador Stevenson had a conversation for an hour and a quarter with Soviet Foreign Minister Gromiko, about trying to keep out the Cold War debates of the session XVIII. A U.S. spokesman described the meeting as very friendly, "where everyone was well disposed." He says "Mr. Stevenson is hoping that the issue of the Cold War and the controversy will be kept out of this session" his meeting which was attended by delegates and Americans, became the Soviet mission. At a time when representatives of two great powers held negotiations, Albania, China's ally in fighting ideological Red Communist China's proposed accession to the UN and the exclusion of Nationalist China.

Proposal to Communist China for 17 consecutive years was made by the Soviet Union and India. During these years took India once, and when it did not take the proposal made by the BS. Albanian proposal would be a surprise to the Assembly. According to archival documents, in the eighteenth session, socialist power had made no plans to propose the admission of China to the UN because after the break with China, the USSR sought to leave China out of the UN. While India would not think of nothing to make a proposal in favor of Communist China, because of conflict of Sino-Indian border. But despite the expansion of the gap between the two communist giants, Russia will support the Albanian proposal because according to her strategy was planned for the issue of China not to appear openly in its approach but operated through Machiavellian policy. According to the mission - "As the Soviet ambassador had agreed on the proposal Federenko Albanian Communist China to become a member of the United Nations, but never called the Beijing regime as peaceful and not directly accused the Western powers to block the path of Communist China in the UN".

For many years it seemed as if Beijing had not been much interest in the UN. In fact the overwhelming competition with Moscow for conducting "anti-colonialist struggle" best arena to develop an active propaganda and diplomatic campaign to be aimed to support its position in the Afro-Asian world would be the UN. Newspaper "Post" dated 18/9/63 titled "Red China and the UN" states "It is perfectly reasonable to think that the more Moscow seek to isolate the more Beijing Red China wants to come to the UN" This may create the basis for new initiatives.

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Albanian action was in itself a challenge to the BS. Many UN observers considered "Albanian step and Soviet silence" as a sign that showed the depth of contention between Beijing and Moscow and the opportunity for a full breakdown and fast between them.

According to American press Beijing was free to enter the UN, only if it accepted the obligations of UN member, who had to abandon the use of force. Regarding his request for their inclusion of Taiwan under its UN would be a significant victory for world peace. Diplomatic sources shows that there was very confident that this proposal would have succeeded.

The importance of the Albanian proposal to the UN was not the issue of Communist China was put up for discussion but because Albania took the initiative and not the Soviet Union. In this context, the Albanian diplomacy will benefit from the favorable conjuncture. For him, the conditions created in international relations and its relations with China, would create the opportunity to enhance its position in the international arena and to gain economic benefits from the military-political from PRC.

But was that the real reason of China’s admission to the UN? Given that, the issue of China was a political issue of the Cold War, did Albania have such influence for this kind of decision? In fact, given that Albania's diplomacy in the years of communism was more pragmatic and focused on the pursuit of Marxist-Leninist ideology in international relations, is a bit difficult to think that a goal can be accomplished so hard for time. How much weight will be the activity of Albanian mission in New York, on the issue of acceptance of the People's Republic of China to the UN starting with 1963?

The Albanian proposal of 1963 led by official Tirana, in coordination with Beijing was great because it set the ground for an active diplomacy activity of Albanian mission to finalize the years of its commitment and dedication to Communist China on October 25, 1971, upon receipt of PRC at the UN.

The diplomatic activity, with a great coordination of the stakeholders, had a crucial role. Mission experience and prestige in diplomatic circles of the time, would absolutely help in case of China. The application of that time conjunctures testify about the professional growth of the Albanian diplomacy of these years. Albania's diplomatic activity would not be effective without the complex circumstances in which this 22 years old process took place. Policies and conjunctures followed as well as the reach activity working every single detail helped the Albanian mission to realize the ultimate goal "The China's Accession to the UN".

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True New Agenda for South East Europe and EU

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Abstract
The purpose of this paper is to explain, in a clear and concise way, how the EU’s enlargement policy is affecting western Balkans countries. It aims to give an overview of how the EU strategy has grown since this idea is created. Where it stands today after having undergone its most important round of enlargement and what the perspective of accepting new members in the future is. The proposed paper examines how is proceeding EU with its next enlargement round in the conditions of so called “enlargement fatigue” that has gripped the European Union, with the global financial and economic crisis drawing much attention away from the Balkans accession issue. And in the other hand, as a result of this if inhabitants of the Western Balkans are becoming increasingly aware that enlargement is no longer fashionable in the EU. The paper discusses about the fact that EU member states should strongly reaffirm their Thessaloniki commitment, and so even further by giving their support to EU accession proposals for the western Balkans in the European Council. Furthermore it addresses the problem of the completion of the process in the region, the commitment of the EU in the front of the Balkans European future, the major challenges that have to affront both of them, the problems in the European home, and the duties of Western Balkans countries.

Introduction

The purpose of this paper is to explain, in a clear and concise way, how the EU’s enlargement policy is affecting western Balkans countries. It aims to give an overview of how the EU strategy has grown since this idea is created. Where it stands today after having undergone its most important round of enlargement and what the perspective of accepting new members in the future is. The proposed paper examines how is proceeding EU with its next enlargement round in the conditions of so called “enlargement fatigue” that has gripped the European Union, with the global financial and economic crisis drawing much attention away from the Balkans accession issue. And in the other hand, as a result of this if inhabitants of the Western Balkans are becoming increasingly aware that enlargement is no longer fashionable in the EU. The paper discusses about the fact that EU member states should strongly reaffirm their Thessaloniki commitment, and so even further by giving their support to EU accession proposals for the western Balkans in the European Council. Furthermore it addresses the problem of the completion of the process in the region, the commitment of the EU in the front of the Balkans European future, the major challenges that have to affront both of them, the problems in the European home, and the duties of Western Balkans countries.

Should it be a new Strategy for Western Balkans?

In light of recent political events, this leads to the following question: Which enlargement strategy is applied in the case of the Western Balkans? The paper mainly focuses on a study of EU relations towards (potential) candidate countries in the Western Balkans. The article addresses the strategies of the Western Balkans’ key political actors towards the EU and public opinion on accession, the economic and political transformations in the region, the political strategies of EU member states regarding the Western Balkans and public opinion on further enlargement, the EU’s policies towards the Western Balkans, the EU’s constitutional debate as well as regional conflicts in the Western Balkans.

The results of the analysis raise the question whether these measures represent only a transitional period of EU enlargement policy or whether they will generate permanent options of ‘flexible participation’ for the Western Balkans. Membership will only happen when each one of the countries meets the necessary requirements. The EU enlargement policy ensures a well managed accession process, so that enlargement brings benefits simultaneously to the EU and to the countries joining. For the EU, it is important to obtain guarantees on the date and effectiveness of each candidate’s implementation of the rules.
“The Tiredness of Europe”

Since the enlargement of 1 May 2004, the EU and the western Balkans have become even closer neighbors, and so the situation in the western Balkan countries, their progress on the road to European integration and their present and future relations with the EU really are of immediate concern to the EU itself. If the EU reneges on Balkan enlargement it’s at its own peril. Enlargement “fatigue” and Europe’s economic woes have seen the membership hopes of most western Balkan countries dwindle and fade. Without the countries of the western Balkans in the EU, the process of unification will remain incomplete (Schily, Otto. 2009). To make a united Europe become reality, the European Union must demonstrate its own commitment to the western Balkans.

It is the attractions of the EU model that make significant change in the western Balkans possible. But if the EU were to water down the Balkan countries’ accession hopes or to postpone the prospect of eventual membership to some distant day, that would have the effect of denying those countries their rewards for the improvements they’ve already made, undermine the EU’s own credibility and remake the most important incentive for the difficult and unpopular reforms the whole region has still to undertake.

Yet in spite of the commitments made by EU heads of government at their Thessaloniki summit in 2003, when they reaffirmed the membership prospects of all the western Balkan countries provided they can meet all the necessary criteria, the integration process is now stumbling; the EU is hesitating over how to proceed with its next enlargement round. Another bout of enlargement fatigue has gripped the European Union, with the global financial and economic crisis drawing much attention away from the Balkans accession issue. The result of all this is that the inhabitants of the Western Balkans are becoming increasingly aware that enlargement is no longer fashionable in the EU, so they themselves have begun to recognise that EU accession is no longer a convincing political prospect.

Without strong and credible EU hopes, the western Balkans could relapse back into being a genuine threat to security and peace in Europe. The dwindling likelihood of EU membership will also mean the weakening of Brussels’ soft power and of the EU’s influence on the reform process in the region.

Far from being allowed to slow down, progress of the Balkan countries towards EU membership should be accelerated and given fresh impetus. EU member states should strongly reaffirm their Thessaloniki commitment, and so even further by giving their support to EU accession proposals for the western Balkans in the European Council. To offer the region a credible prospect of EU membership, the Copenhagen Criteria and the EU’s own institutional capacity should be the only preconditions for accession negotiations to begin. Indeed, when any European country can meet these longstanding conditions for accession it should be accepted as a member.

Allaying Balkan countries’ fears about their European prospects would also help to overcome some of the worst consequences of the financial crisis. It is far from being only in the interest of the people of the western Balkans, that the region should be able to press ahead with political and economic reform and reconciliation between its peoples. It is in the wider strategic interest of the EU. But here again, the consolidation of stability and the enhancement of reform in the western Balkans can only be achieved once there is definite progress in the accession process.

In geopolitical terms, the EU’s security will obviously be all the greater once the western Balkans is an integral part of the Union. And organised crime and corruption clearly pose much more of a threat to European Union member states if the Balkan countries remain outside the EU. The international community has already invested enormous sums of money, goodwill and human resources in the region, but unless these investments are accompanied by credible EU prospect they risk being wasted. So far, the EU’s successive enlargements have made it stronger, and there is every reason to believe that further enlargements will also do so.

The Steps Towards Enlargement

Such economic preparations cannot, of course, answer the big question: When will south Eastern Europe become part of the EU proper? That will probably remain unclear for several years yet (Busek, Erhard. 2009). The EU has outlined a roadmap in the context of the Stabilisation and Association Process, but the timetable depends on a multitude of factors, including many outside the region’s control. The troubled ratification process of the EU’s Lisbon Treaty is clearly a stumbling block and the EU is also still coming to terms with some of its newer member states, particularly Bulgaria and Romania. A degree of enlargement fatigue may be quite natural after the EU’s successive expansions in 2004 and 2007, but the EU’s difficulties with Sofia and Bucharest are having a knock-on effect in the western Balkans.

Where does this leave the countries of the western Balkans on their long road to EU membership, and what are their prospects in the foreseeable future? The basic position of each country is pretty well known. Croatia has been member of the EU actually. But the Zaghreb government must still address a number of outstanding issues; some concern
privatisation, but mainly they are questions about justice and home affairs. Macedonia is the only other official candidate country, but the start of its formal membership negotiations is being held up by neighboring. On the one hand, the region will have to wait on developments in Brussels and other EU capitals. On the other, the most essential decisions lie within the region’s own grasp. These countries still have further to travel in the right direction and they have to be able to stick with the Copenhagen-criteria for EU membership (Chaillot Paper, 2010).

In a world preoccupied by economic recession and the global banking crisis, EU leaders will tend to forget about their troublesome neighbors, but the Balkans nevertheless remains part of Europe, and will loom ever larger on its list of unfinished business.

EU leaders signed the Accession Treaty with Croatia at the European Council on 9 December 2011. The opening of negotiations with Montenegro will be re-examined in June 2012. Serbia received candidate status for membership in February 2012. Despite enjoying candidate status since 2005 and in spite of a positive EC opinion to initiate negotiations, Macedonia has not conducted accession talks with the EU because of a block by Greece, which does not recognize the country’s constitutional name, the Republic of Macedonia. The EC has once again concluded that, apart from Croatia, Macedonia was the most advanced among the countries of the region in implementing reforms recommended by the EU. Still, strengthening the freedom of media and expression, improving both judiciary independence and administration capacities, and fighting against corruption remain among the challenges.

Albania has not received candidate status even though it submitted an application for EU membership in April 2009. This is because of the ongoing political deadlock since mid-2009. EC report showed little progress in meeting the criteria required to obtain candidate status. Political stalemate also blocked the integration of Bosnia and Herzegovina with the EU (Zornaczuk, Tomasz. 2012.)

Only in January 2012 was compromise reached over the formation of a central government in line with the parliamentary elections of October 2010. The adjustment of the country’s constitution to the European Convention on Human Rights will be one of the main tasks for the new government and a condition for further integration with the Union. The EC report has once again pointed to the weakness of state institutions and to the early stage of the country’s alignment to the EU laws. In the case of Kosovo, the lack of prospects for progress in European integration stems both from its early stage in building state institutions and the weakness of its reforms as well as the lack of a precise Union strategy. The European Council has announced that talks will take place on a visa waiver after the required reforms are conducted, primarily in the areas of justice, freedom and security.

What makes the coming crisis in the Balkans really dangerous is that the European public is not prepared for it. And what makes it really important is that this is also a crisis that the EU badly needs. It is in the Balkans that the EU must demonstrate it has the power to bring about the transformation of states that are weak and societies that are divided. Unless the EU has the capacity to bring security and development, it risks losing credibility in international politics (Krastev, Iván. 2005.)

After the Lisbon agreement on streamlining the EU’s institutional architecture, a reinvigorated accession process will undoubtedly contribute to the Union’s consolidation, both territorially and politically.

It remains to be seen whether the favourable international environment makes it any easier for the EU to shape a coherent regional approach. But this is also where ‘enlargement fatigue’ within the EU meets ‘accession fatigue’ in the Balkans (Petritsch, Wolfgang, 2008.) The latter has two faces: the region’s political elites sometimes use verbal commitments to EU integration as a smokescreen for politics as a business model while we witness the erosion of popular support for EU accession: strongest where it is least advanced, in Albania, weakest where it is most advanced, in Croatia.

The EU should strengthen the regional approach by giving all the countries of the region candidate status and a date for the opening of negotiations. The pace and completion of the process will depend on each country’s capacity to deliver, thus making their respective responsibilities clear and the political costs involved more palatable to political elites in the region. But that, in turn, requires the EU to overcome its hesitation between containment and integration and to renew its commitment to the Balkans’ European future in order to restore its credibility in the region and at international level.

With the Euro in crisis and the EU under extraordinary stress, some might wonder why the western Balkan states are so keen to join. In fact, no country will follow Croatia for many years, but the answer is still simple enough.

The Western Balkans still face major challenges in EU accession process. For the candidate and potential candidate countries policy of EU facilitates a profound transformation; A transformation to a stable, pluralistic democracy which upholds and reinforces the rule of law; A transformation to a functioning market economy and the prospect of long term prosperity; A transformation to a modern society, which fully embraces the values at the heart of the European Union.

This same process benefits the European Union and its Member States. (Fule, Stefan, 2011). Should stalemate in the European integration process not be properly managed both now and in the future, the EU risks a serious loss of
credibility – both as a mediator and as “an anchor for change”. Though overshadowed by so-called ‘enlargement fatigue’ and, more importantly, by the current Euro debt crisis, the Western Balkans have gone through some valuable changes during the past two years, bringing about a new wave of EU rapprochement.

Though one could claim that the EU integration process has so far been fairly successful, various controversies remain which will require additional common efforts to reach an acceptable equilibrium. Should this stalemate not be properly managed, however, the EU risks a serious loss of credibility – both as a mediator and, to use EU jargon, as “an anchor for change”. For Member States, credibility means applying rigorous conditionality towards the applicants, but also providing them with a tangible European perspective as they fulfill the relevant conditions”.

The NEB questionnaire offers a dozen different indicators evaluating how well applicant countries are meeting the Copenhagen criteria. Whereas the Eurobarometer opinion polls ask citizens in applicant countries what they think of the European Union, the NEB asks people what they think of their own government. The most recent round of surveys in 2004/5 not only covered applicant countries but also eight of the countries that had just joined the EU ((Rose, Richard, 2006).

Eventual EU membership is the light by which all Balkan political system trying to navigate. If it fades or goes out, peace efforts will be doomed throughout the region (Bildt, Carl. 2005). Despite a number of unresolved issues in the region, one can see a new spirit of rapprochement and genuine cooperation in the Western Balkans and its leaders must seize the moment in order to translate this trend into an irreversible process (Biščević Hido.2010)

This obsession with uniformity and the control of developments – both in the broader Europe and the EU – is formally reinstated with the adoption of the Lisbon Treaty and some of the solutions included therein which are relevant to human rights. This includes the accession of the EU as an organization, as such, to the European Convention of Human Right, whilst obviously not making any significant changes in terms of their institutions and system (Lozanoska, Jana, 2010)

The prospect of European integration has had a defining impact on politics throughout the western Balkans, for often contentious reforms in return for demonstrable progress towards membership of the EU (Bancroft, Ian, 2010). As this perspective becomes increasingly mired in uncertainties deriving from the global financial crisis, delays in ratifying the Lisbon treaty and a rise in enlargement-skepticism, however, political platforms premised primarily on securing the benefits of EU accession are likely to find themselves ever more strained. (Huszka, Bea.2011).

A recent World Bank report, entitled ‘Doing Business 2010: Reforming through Difficult Times’, showed how all the countries of the Western Balkans had improved their business environments in ten key categories – starting and closing a business, dealing with construction permits, employing workers, registering property, getting credit, protecting investors, paying taxes, trading across borders and enforcing contracts. (Obadovic-Wochnik, Jelena, 2011)

The road to EU membership has been long and does not look like it will end any time soon, the prospect of candidacy has spurred on some real changes in the region, demonstrating that when the political elite is mature and understands the importance of change, huge leaps can be made in cooperation and improved relations in a relatively short time.

Academic researchers have argued that the EU has primarily managed its enlargement in accordance with the “classical Community method” (Preston 1995). In light of recent political events, this leads to the following question: Which enlargement strategy is applied in the case of the Western Balkans?

The analysis leads to the conclusion that, in the case of the Western Balkans, the EU is continuing its enlargement policy as a matter of principle. However, years of constitutional debate and the current financial crisis have rendered the EU contemplative. The permissive consensus on further enlargement has been replaced by an increasing politicization.

The results of the analysis raise the question whether these policy instruments represent only a transitional period of EU enlargement or whether they will generate permanent forms of “flexible participation” for the Western Balkans. 2. The classical method of EU enlargement: Accession conditionality prominent scholars of European integration have concluded that EU enlargement is a largely neglected subject (Wallace 2000; Schimmelfennig and Sedelmeier 2002). Enlargement has always been an essential part of the process of European integration.

On the whole, EU enlargement is widely considered to be a “success story” (Council 2007, 2) in bringing about fundamental reforms beyond European borders. The enlargement of the EU has evolved during each enlargement round. In spite of distinct changes according to Christopher Preston, there is a consistent pattern of previous enlargement rounds that constitute the “classical Community method” (Preston 1995) of EU enlargement.

The author identifies six principles of the classical method of EU enlargement: (1) candidates for accession have to accept the acquis communautaire in its entirety, (2) formal negotiations on accession focus exclusively on questions of the acquis implementation, (3) the EU's rising complexity and heterogeneity are managed by new policy instruments which overlay existing ones, rather than by substantial policy reforms, (4) new member states are integrated into the EU's institutional structure only on the basis of limited incremental adaptation, (5) the EU prefers to negotiate with groups of
states that already have close relations with one another, and (6) existing members promote their own interests and collectively externalize internal problems. Among these principles, the non-negotiability of the acquis has been the most crucial one.

Researchers have identified several mechanisms applied by the EU to affect domestic rule adoption through the accession process, but the “the most important mechanism is the EU’s gate-keeping role in determining when each candidate can progress to the next stage towards accession” (Grabbe 2001, 1019-1020). The efforts of the applicant countries to fully implement the acquis are finally rewarded with full membership to the EU. Therefore, this strategy of enlargement is called “accession conditionality”.

The EU is trying to change the domestic structures of the Western Balkan countries in order to promote peace, stability and prosperity in the region. Furthermore, the EU has even offered the Western Balkans a membership perspective. But which enlargement strategy is applied in the case of the Western Balkans? In taking a synoptic approach, the following part of the paper addresses (1) the strategies of the Western Balkans’ governments towards the EU and public opinion on accession, (2) the political and economic transformation in the region, (3) the strategies of EU member states regarding the Western Balkans and public opinion on further enlargement, (4) the EU policy making towards the Western Balkans, (5) the EU’s internal crisis management, and (6) regional conflicts in the Western Balkans.

Do the governments in the Western Balkans consider EU accession to be of highest priority? This is obviously in Croatia. Four other Western Balkans states have officially expressed their will to join the EU by filing an application for membership.

Enlargement; How Much Support Does It Still Has

But what do people in the Western Balkans think about accession to the EU? The most detailed picture of public opinion in the Western Balkans is provided by the Balkan Monitor. The Balkan Monitor was launched in 2006 by Gallup and is an annually comparative survey project in all Western Balkan countries. These surveys show that in all Western Balkan countries, joining the EU is perceived as a good thing. There is only one exception: Croatia. According to the last Balkan Monitor in 2010, only 25% of the Croats believe that the integration of their country into the EU would be a good thing. In 2006, 35% said this was the case. Ironically, support for EU membership is lowest in the country which is closest to its accession to the EU. In contrast, support for EU membership is the highest in Kosovo (87%), even though integration of the Kosovo is far-off. However, positive or negative expectations of EU membership are not equivalent to high or low support for actually joining the EU. At the end of the accession process there will be a referendum with only two choices to choose from: “Yes” and “No”. The responses to the question on voting intentions in the event of such a referendum are unambiguous for the period between 2009 and 2010: the majority in all Western Balkan states stated that they would vote “Yes”. Support for EU accession ranges from 63% in Serbia up to 93% in Albania. Once again, the only exception is Croatia. In line with the low level of EU support, the number of those who would vote “No” is higher than those who would vote “Yes” (43% and 38%, respectively). What does the public in the EU member states think about enlargement? Eurobarometer surveys provide a detailed picture of public attitudes towards enlargement. Over the last years, the idea of an enlargement of the EU has become less and less popular among European citizens. Support for further enlargement declined from a high point of 53% registered in the autumn of 2004 to 42% in the spring of 2011. At the same time, the opposition to enlargement has risen from 25% to 47%. With an average of 63%, support of enlargement remains significantly higher in the twelve new member states than in the EU-15, where only 36% support further enlargement whereas 54% oppose it.

Ethno-political conflicts in the Western Balkans have been one of the main concerns of the European engagement in the Western Balkans since the beginning of the early 1990s. Peace and stability in the region are the goals of the EU enlargement policy, but at the same time they are a prerequisite for EU accession. The Heidelberg Institute for International Conflict Research (HIHK) provides an informative overview of the regional developments since 2004. The HIHK’s Conflict Barometer describes trends in cases of conflicts, ranging from “latent conflict”, to “manifest conflict”, to “crisis”, to “severe crisis”, to “war”. According to this distinction, the level of conflict intensity ranges from 1 to 5 (HIHK 2010, 88).

Conclusions and Recommendations

This paper analysed the evolution of the EU’s enlargement strategy while focusing on the Western Balkans. According to the analysis of the academic literature, in the case of Bulgaria and Romania, the EU changed its approach from a strategy of “accession conditionality” to a strategy of “post-membership socialisation”. The main aim of the paper was to
outline the enlargement strategy that is currently applied to the Western Balkans. Therefore, a synoptic approach was taken which focused on six main factors that have influenced the enlargement process since 2004.

According to the analysis, political elites in all Western Balkan states push for EU membership. These membership aspirations are strongly supported by their citizens. Political and economic transformations have been underway for the past years, but have been slow and tenuous. With the exception of Croatia, all Western Balkans states suffer from serious weaknesses in governance and institutional capacity.

The global financial crisis has further delayed the economic transformation and has resulted in a decline of FDI and increasing rates of unemployment. In spite of the Western Balkans slow but steady progress, EU member states show clear signs of enlargement fatigue.

The lack of positive leadership has reinforced public skepticism about further enlargement. Current EU public opinion opposes a possible membership of all Western Balkans states except Croatia. The diverging national expectations of the future of EU enlargement undermine the decision-making at the EU's institutional level. The European Commission has tried to take into account both the reservations of EU member states to further enlargement and the fears of the Western Balkans of remaining outsiders.

In the context of enlargement fatigue and the current financial crisis, it is improbable that the EU is ready for such a paradigm change. Therefore, it is important to keep the Western Balkans countries on track regarding their EU membership with a proactive and unequivocal enlargement strategy.

The European Council's decisions from December 2011 are evidence of a careful and firm approach to the enlargement process in the Western Balkans during a time of reform the eurozone and when there is a debate around the a deeper integration. In the future member states will make use of additional criteria in order to firmly consolidate the democratization at an early stage of a country's European integration.

At the same time, conducting the screening by the EC at an earlier stage will accelerate the specification of the most difficult areas in talks with the Union. The development of regional cooperation is in the best interests of all the western Balkan countries: it is a key factor for establishing political stability, security and economic prosperity. It corresponds to a commitment made by the countries of the region at the EU–Western Balkans Summits of Zagreb (2000) and Thessaloniki (2003). Regional cooperation is a principle of the highest importance for the political stability, the security and economic development of the western Balkan countries: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro including Kosovo.

Regional cooperation in the western Balkans is:
• needed as a crucial ingredient of stability;
• a catalyst for reconciliation, good-neighborliness and good political relations;
• about helping overcome nationalism and intolerance and promoting mutual understanding and political dialogue in the region.

Rapprochement with the EU will go hand in hand with the development of regional cooperation in the western Balkans. Enhanced regional cooperation is one of the major objectives set down in the Thessaloniki agenda, endorsed in the EU–Western Balkans Summit of June 2003, to strengthen the stabilization and association process. The western Balkan countries committed themselves to continue to develop regional cooperation and to promote a series of specific objectives. Elaborating the advancement measures to sustain the current rapprochement policy over the period ahead is a priority. The moment must be seized and the trend must be translated into an irreversible process. This is where South-East Europe and the European Union could find a true new agenda.

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Grounded Theory and Philosophy of Science

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Abstract: The aim of my contribution is to examine the relationship between Grounded Theory Methods and the epistemology concerning with the Philosophy of science. In a grounded theory approach the theory is strictly linked to practice because the elements that constitute the process of knowledge are not considered as things in themselves, but as discovered from the data along all stages of research. The Grounded Theory methodology is described as having certain specific characteristics and procedures that separate this methodologies from the others. This article set Glaserian grounded approach in a context where the methodologies are not orthodox in the first place.

Keywords: Grounded theory methods; hermeneutics; theory validy; meaning; ontological determination.

1. Introduction

An empirical science can be seen as system of theories. A theory is a net useful to catch that is the researcher call world, that is the entire universe with its concrete-material and abstract-immaterial objects. The aim of doing science is speaking about understanding the complexity of the world investigated as the invisible knits underlining the universe of knowledge where the rule and the importance of interactions with the objects of experience cannot be denied by researcher. From this point of view, the need of a research method to study the world represents the different ways for attaining the understanding of human experience domains.

Investigating the extent to which different philosophical schools are present within Glaserian Grounded methodology has practical implications. The methodology can be used by positivists to discover what actually lies undiscovered in the empirical field of interest. It can be used by researchers inspired by hermeneutics as a tool for creating dialogical understanding and inter-subjective interpretations. Or it can be used by researcher to with a more pragmatic standpoint to create something conceptually that will be useful for the practitioners by solving empirical and conceptual problems.

2. The root of Grounded Theory methods

By the early 1970, within the social sciences domain, the issues of relationship between objects of knowledge and knowers emerge as an important topic of debate inside traditional controversies between qualitative and quantitative theorists. In fact, the problem of a theory and its empirical foundation influences the directions and the developments of social sciences paradigm in coherent with a post-positivistic approach of epistemology of science. From this point of view, many researchers state that the social actors ascribe meanings to situation through socially shared interpretative practices (Charmaz, 2001). The principal assumptions of Grounded Theory methods are that the knowledge, from whom the theory is derived, is local and situated. Inside a post-modern vision of epistemology, the researcher tries to adopt many and different ways for evaluating and carrying out the investigation. Different stages of research can be seen as dialectical processes from which arouse an effective action and empowerment of knowledge with the gain of obtaining new kind of thinking viewed as original forms of praxis, informed by the action that gives rise to a new way of considering the science intended as a puzzle of people’s point of views.

From a postmodern perspective of science, Grounded Theory methods constitute a particular approach of qualitative research inspired by the tradition of Symbolic Interactionism. In fact, there is a strong relationship between Grounded Theory methods (Glaser, 1978) and interpretative current of Symbolic Interactionism. The principal common assumptions of Grounded Theory methods and Symbolic Interactionism consider human actions in relation to social circumstances, rules, conditions and shared meaning attributed to all kind of the objects of knowledge. According to Blumer (1969), “an object is anything that can be indicated, pointed or referred to”...(p.45). He categorizes objects into three groups: (1) physical objects as chair and a house; (2) social objects as friends, family or co-workers; (3) abstract objects as moral principles or ideas. In others words, grounded theorists try to understand how the participants’ behaviors and attitudes have been shaped through interaction: the transactions between epistemic subjects and its objects bring two ontologically different entities into a dialectical unity. There is no object without subject because the subject requires a object to
become itself: the Self and Other co-emerge simultaneously from the actions of subject and its relationship with the objects. The contact between the epistemic subject and the object known leads to the “trans-active” nature of knowing that affect every object of observation. What the researchers try to know is the transactions between subject and object: from this point of view, it is interesting examining the meaning that people attribute to experiences of life in natural contexts with the aim to discover the processes attaining to human acts.

In agreement with the perspective of Symbolic Interactionism, the meaning attributed to social actions, are always changing because the objects are defined and redefined by the use and the meaning attributed by people belonging to a particular social group.

From an hermeneutical point of view, human meaning can be fully understood as objects related to the interaction of actors implied in the research taking into account the context of the phenomena analyzed: in collecting the data, researchers attribute importance to the attitudes and behaviors of participants in local and situated field. This aspect implies to the researcher to “immerse himself or herself” into the phenomena for a complete understanding of the world’s meanings from the perspectives of participants with the aim of reaching a deeper insight of the phenomena that allows the researcher the discovering of hermeneutical aspect of meanings associated with a substantive area of research. Hermeneutic traditions in natural science focuses on understanding the world characterized by its inter-subjectivity established through the dialogue.

The principal objective of Grounded Method is to generate explanatory theories concerning human social interaction built into the data. This implies for the researcher the need to stay in the natural field for analyzing the data from participants’ point of view using complementary procedure to collect the data with the aim of generating a theory. The reason or the need to collecting and analyzing the data about phenomena from the participants’ points of view, is due to the fact that the meaning can be understood by considering the actors’ perspectives: in fact, social meaning that people attributes to the objects, can be developed and negotiated through interaction among researchers and participants.

It is interesting to note that the role of interaction is central in all research process because different interpretative frameworks are influenced by social, physical, metaphysical aspects of the contexts of phenomena.

According to Glaser (1992), the main goal of Grounded Theory methods is to discover the theoretical aspects underlying the patterned and systematic flows of social life. As stated by Glaser, the principal characteristic is the need to go into the field with the aim of understanding what is really “going on” in the symbolic and real world of participants. From Grounded Theory point of view, the role of narratives is very important in all research process influenced by thick description perspectives in which events and customs, as suggested by Geertz (1987), are considered interpretations of interpretations.

From a post-modern point of view of science, a theory is generated from the data by taking into account all the actions concerning the complexity and the variability of human beings. In all phases of research that starts from collecting grounded data, the relationship between participants and researchers play an important role along the dimensions of knower and of what would be known. This implies to reflect on the contingent nature of knowledge; so the role of objectivity of science can be seen as a particular kind of construction of epistemology of subject that regards the Self. The consideration is on particular understanding to be attributed to the knowledge depend on the epistemic, spatial and metaphorical sense; a reflection about perceptions processes mean that the knowledge are always tied to some position of subject from a particular perspective.

The link between the knower and the object known is also a topic of debate from an hermeneutical point of view, because there are multiple meanings of phenomenon in the mind of people who experience it as well as multiple interpretations of data attached to the phenomena studied. By examining what and how people know, the aim of researcher is to understand the conditions and the context of knowing, viewed as active process of relating (Stacy, 2001) or an action-oriented paradigm model of theory building (Strauss and Corbin, 1990).

The aim of research, inspired by an action-oriented paradigm model, is to make a sense of local and contextual situations by adopting multiple criteria for evaluating outcomes and processes attaining to situated, relational and textual personal experiences mediated by language and discourse that define the world in an attempt of describing and understanding all human elements that the life concern.

3. The principal assumptions of Philosophy

An interesting aspect of the study, from a post-modern vision of science, is the reflection about the sense to be attributed to the meaning. Inside this point of view, emerge its dynamic nature that is strictly correlated with the use of object in a particular and specific context.
This characteristic of science is recognized by Kuhn (1960) who states that “human science would never been unified in unambiguous way in the light of sufficient controversies aroused from scientific debate among philosophers and scientists”...(p.78). In the essence, from a Kuhn’s point of view, human science can be viewed as a particular kind of activities undertaken by scientists who look to the world by means of different disciplines acted through a particular cognitive perspective.

The most significant outcome of Kuhn’s theoretical argument shared by philosophers and scientists is to understand the science as a collective activity focused on tradition, authorities, institutions, networks and community solidarity. So, it is interesting to reflecting on the assumptions of Grounded Theory Methods on the light on post-modern epistemological landscapes of science: this allows the researcher to understand many aspects related to the research: material and immaterial contexts and perspectives about the world with the aim to discover relations among all actors implied in the research processes.

A closer attention to these issues means that the theories are placed in the context of complexity that characterizes the postmodern society. From the perspective of multiple points of views of science, Wittgenstein (1967) has indicated that the scientists cannot speak about objects of science by asserting only their essence considered as the point zero of research. He writes: “[…] In fact, we attach names to things in order not to have to talk about whatever lies behind a verbal interface, instead, we talk about the only things that we know, namely the relations between the cognitive appearances of things… “ (p.56). This affirmation emphasizes that this point of view is coherent with the basis of the scientific project as stated clearly by Poincaré (1952). In fact, “the aim of science is not the value of things in themselves, but the relations among things”...(p.23).

From this epistemological point of view, the study of ontological and linguistic aspects are fundamental to build a particular world model. A linguistic and ontological determination allows to researcher answer to the Where does this phenomenon exist?

So, determinations of ontological positions refer to the need of positioning the phenomena in one or more worlds. On the other hand, linguistic determination is concerned with how the researcher speaks about the concept of world being investigated.

A question, based on searching the location of phenomena, presumes a reality with effective possibilities where the researcher can explore the existence of phenomena. In the world of existence, the objects are characterized by external aspects constituted by their inter-subjective parts underlying the relationships. In fact, the phenomena do not exist alone from the others because they are always related, in some way, to implicit aspects that constitute the different feature of existence.

The context of phenomena has a great impact on the its study because to understand it, it is necessary to determine the context and the relations among all aspects being investigated.

4. The role of theory validity

From a Grounded Theory point of view, theorizing about human complexity is founded on systematic comparisons about findings arising from distant and disparate sources of Knowledge as emerges from the consideration of value of practice. Building theory on practice opens to new and different ways to communicate the current state of human beings in dynamic conditions attaining to attitudes and behaviors. Grounded Theory methods emphasize global and interactive aspects of the world rather than individual and absolute of features concerning the reality examined. Differently from a positivistic tradition, the Grounded theorists do not state that the event (A) is always followed by the event (B) because the most interesting things is to examine the degree to which the event (A) leads to event (B) taking into account their relationships in the range of factors considered.

From this point of view, the generation of a new theory should not proceed in isolation from existing theories because the analysis of data is a creative and iterative process including both categorization and validation of theory. Following this perspectives, all cycle of building theory the most important concepts are continually redefined.

Popper states that new theories of empirical research are built from testing pre-existing theories because the analysis of data with the aim of confirming or dis-confirming the hypotheses posed as point of research according to the principles of external falsification to avoid the absolute reach of generalization and truth and validity of scientific laws. The focus is on objective and absolute truth as correspondence to the facts.

According to Popper’s perspectives, scientific progress is validated by a process of empirical falsification, that is the theories are tested and replaced by new theories with greater precision, and explanatory power than the preceding formulations.
As Popper (1972) notes: “From the point of view of objective knowledge, all theories therefore remain conjectural ...” (p.23).

In terms of Glaserian grounded theory methods, certain aspects of the correspondence dimension seem relevant; for example, referring to Grounded Theory, Glaser and Strauss (1967) state that “[...]the theory must closely fit the substantive area, which it will be used” (p.67).

Glaser (1988) contends that the notion of fitness can be equated with validity because the theory describes the extent to which concepts reflect the data from which they are generated. In terms of Glaserian grounded theory methodology, the dimension of understanding is clearly relevant as it is also described as a dialogical processes.

Further evidence of the relevance of the dimension of correspondence to grounded theory has been provided by Glaser (1978), who notes that a grounded theory should work - it should be able to explain, predict and interpret what is happening in a specific area of interest. Taken together, the requirement that a Grounded Theory should fit and work constitute the notion of relevance, which can be defined as the theory’s ability to grasp the core problems and processes of the subject under investigation. In terms of grounded theory methodology, the dimension of usefulness is clearly relevant; Glaser (1998) states that a Grounded Theory can provide two useful contributions to conceptual problems.

First, it can be open activities and challenges of that area of interest.

Secondly, in a more theoretical sense, a Grounded Theory can synthesize and integrate existing concepts into a broader view. As Glaser (2007) observed the properties and usefulness are both natural consequences of a theory well grounded in empirical field, that is the extent to which the theory is grounded in empirical data determines its ability to facilitate both understanding and usefulness for the involved actors.

Lincoln and Guba (1985) emphasize that grounded theory construction should reflect clearly all different perspectives with the aim to offer relevant interpretations for all participants in the research. This consideration is open to a constructivist sense of the way to intend the concept of control of theory grounded on the coherence of the reality being investigated.

There are different claims concerning the validity of a theory. An interesting concept of validity claim is developed by Habermas (1967). As he states that there are three different kinds of validity that are strictly linked to a theory based on data:

- theoretical validity, that is a concept of validity coherent with the level of theoretical abstractions;
- empirical validity, means that the theory is in accordance with other empirical similar observations about the world;
- internal validity concerns the power of a theory of talking about the world.

From the Habermas’ perspectives emerges the role of reflexivity of researcher because the social and personal conditions can affected the processes and the outcomes of the research. The transactions between epistemic subject and its objects bring two ontologically different entities into a dialectical unit.

A reflexive analysis of the context means considering the situations, constellations and transactions with people and the material and immaterial aspects of world. Participants become authors and researchers become participants both involved in the processes of transformations concerning the practice.

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Reality: Contingency or Necessity?

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Abstract: Are the natural, social and vital phenomena contingent random realities or universally destined? How do we orientate in the course of these phenomena and how can we modify them? How do we distinguish between necessary and contingent objects? I will try to answer these questions basing on the reflections of some philosophers who have addressed these issues, especially to the polish philosopher Jen Lukasiewicz, who strongly defends indeterminism by considering it as the metaphysic outcome of modal logic, and the free human will to act. Since the beginning of the first experience, man found himself in a diverse world with objects and involved in its phenomena. From the beginning he requires the objects that he will assimilate. The objects become vital and necessary from indifferent and contingent: assimilation, curiosity, joy and passion objects. Natural and social events arise in their natural state, and this simplicity is considered as necessity by the determinists. Acceptance of universal determinism means denial of free will to act, modify and transform the world. This view is strongly criticized by the aforementioned philosopher Jan Lukasiewicz. According to him, these phenomena actually arise in their natural state but man is putted in situations that he has to prefer or despise, to choose or avoid. This choice or avoidance requires free will to act and analyzing skills. In this way one modifies even a little bit the course of events. One can not passively wait for the worse or the best, but at the same time, claiming for radical change of course of events, mainly the social reality, can lead to serious consequences for themselves and for the society. These issues will be addressed in this article.

Keywords: Lukasiewicz, contingent, indeterminism, universal determinism.

1. Il primo contatto con il mondo e la conseguente conoscenza e la rappresentazione schematica delle situazioni e degli avvenimenti.

La domanda che cos’è il mondo ha accompagnato l’uomo sin dai tempi antichi. Si è interrogato sempre sugli oggetti, sui fenomeni, sulla vita, sul operare stesso dell’uomo. E le risposte a queste domande, e di molte altre, hanno segnato la storia della filosofia e del sapere umano.

L’uomo, come del resto ogni organismo, sin dal inizio della sua esperienza è in contatto con il mondo che lo circonda. Il primo contatto è tramite i sensi. Gli oggetti, inizialmente indifferenti, piano – piano attirano l’attenzione e diventano interessanti. Principalmente, l’uomo e ogni organismo vivente cerca gli oggetti di assimilazione che li procurano la sopravvivenza. Questo contatto con gli oggetti influenza tutta la vita interiore di questi esseri viventi. Contatto che nell’uomo, come l’essere vivente più complesso, influisce sulla maniera di pensare e sulla sua concezione del mondo; cioè sulla sua filosofia. L’uomo cerca di conoscere il mondo e pensa di trarre il profitto. Partendo da questo processo della conoscenza, basata sulle osservazioni e sul esperienza, la mente dell’uomo fa una rappresentazione schematica delle situazioni e degli avvenimenti. È capace di fare una organizzazione logica dei dati sensibili sfruttando il suo repertorio intuitivo di origine genetica, arricchendo e perfezionando continuamente questo repertorio tramite l’esperienza. Questo repertorio lo aiuta a conoscere, cercare, orientarsi, giudicare, decidere e ad operare. Partendo dal uniformità degli oggetti, dei fenomeni e dal ripetersi sempre più o meno allo stesso modo degli avvenimenti, l’uomo generalizza e arriva in giudizi induttivi e viceversa in inferenze deduttive.


La conoscenza del mondo, e di conseguenza la rappresentazione mentale corrispondente, non è soltanto per i fini pratici e di sopravvivenza ma anche per quelli teorici. La risposta alla domanda con la quale abbiamo iniziato che cos’è il mondo non è facilmente da trovare. A questa domanda il filosofo Ludwig Wittgenstein in Tractatus logico-philosophicus aveva dato questa risposta: “il mondo è tutto ciò che accade” (Wittgenstein, 1922:1). Ma in che maniera si trovano gli oggetti e come accadono i fenomeni? Fino a che punto i fenomeni si ripetono in maniera uniforme? Che cosa lega il passato con il futuro? Fino a che punto possiamo provvedere il futuro? Come sussistono i dati di cose? Come ci troviamo
e che cosa possiamo modificare in questa successione di fenomeni? E soprattutto, tutto ciò che accade nel mondo, accade necessariamente o è contingente? A queste domande cercheremo di dare la risposta.

2. Il determinismo universale

Generalmente, secondo la teoria determinista classica tutto ciò che accade nel mondo, accade necessariamente. Ogni fenomeno, evento, situazione è legato da principi di causalità ed è predestinato. Da questo principio dipende ogni fenomeno fisico, materiale e vitale.

Il determinismo ha accompagnato tutta la storia della filosofia ed ha origine sin dai tempi antichi. Per gli atomisti niente succedeva senza una causa. Secondo Democrito anche l'uomo con la sua anima erano risultato di un aggregazione degli atomi nello spazio. Una certa correzione di questa teoria ne fa Epicuro con l'introduzione della deviazione casuale o spontanea (clinamen) degli atomi. Veniva accettato il caso e così anche l'uomo doveva abituarsi al caso e alla spontaneità.

Più tardi la questione si separa in due direzioni; dividendo i fenomeni materiali da quelli umani. Le interpretazioni religiose non potevano mettere sullo stesso piano questi due fenomeni. Il 'libero arbitrio' dell'uomo non si poteva negare. Per De Agostino l'uomo doveva essere libero e responsabile nella scelta del bene o del male. E secondo egli, la mancanza della libera volontà eviterebbe anche la scelta del bene.

3. Libero arbitrio

Il dibattito sul 'libero arbitrio' è stato sempre interessante. Vediamo come viene trattato nel Dizionario storico e critico dal filosofo francese Pierre Bayle (1647). Il dibattito sulla sproporsa della 'anima delle bestie dal 'libero arbitrio' in questo periodo era una questione filosofica dominata. Molti filosofi, considerando la loro anima soltanto materiale, negavano il 'libero arbitrio' delle bestie. Invece, attribuivano soltanto all'anima dell'uomo quest'ultimo attributo. Ecco come si esprimeva a proposito Pierre Bayle, in Dizionario storico e critico: "Non c'è ragione di togliere alle bestie la libertà se si ammette l'anima sensitiva. Non e riconosciuto che loro fanno certo cose con grande piacere e che vi si apprestano, dopo aver dato un giudizio sugli oggetti, per raggiungerli? Un cane affamato non ha forse la forza di astenersi da un pezzo di carne quando teme di essere altrimenti bastonato? E non ha dunque la forza di agire o di non agire? La sua astinenza dipende dal fatto che esso paragona la fame con le bastonate." (Bayle. tr.it.324)

Come affermava Bayle, un'altra prova forte a sostegno della libertà umana è la punizione dei malfattori. Se l'uomo non agisse liberamente, se una necessità fatale, lo determinasse a una certa catena di pensieri, il furto e l'omicidio non dovrebbero essere puniti, e non ci sarebbe da sperare nessun esito dai castighi dei colpevoli. Ma se questa prova del libero arbitrio ha valore, è perché serve evidentemente a far vedere che le bestie non sono prive di libertà. Infatti tutti i giorni noi le castighiamo e così cerchiamo di correggere dei loro difetti.

Vediamo adesso in che maniera Bayle contestava Leibniz, pur riconoscendo la sua genialità. Leibniz sosteneva che l'anima di un cane agiva indipendentemente dal corpo; "che tutto gli nasce dal suo intimo per una spontaneità compiuta in se stessa e tuttavia conforme alle cose esterne .... che le percezioni interne avvengono in lui per la sua propria costituente originale, che è rappresentativa; costituzione che gli è stata data al momento della creazione e in cui consiste il suo carattere individuale" cosicché essa sentirebbe fame e sete anche se non ci fosse nessun altro corpo nell'universo (Ibid.:326).

Leibniz ha spiegato il suo pensiero con l'esempio di due pendole perfettamente sincrone: egli suppone che l'anima per le sue leggi particolari debba sentire fame ad una cert'ora, e che il corpo legato a quest'anima debba essere modificato per le leggi particolari che regolano il movimento della materia alla stessa ora, come accade quando l'anima ha fame. "Ma obietta Bayle – non riesco a comprendere che l'anima del cane sia costruita in quel modo, che nel momento in cui viene colpito sentirebbe dolore anche se non fosse colpito" (Ibid.:326).

La difficoltà, di accettare l'armonia prestabilita, aumenta se si pensa che la 'macchina umana' contiene un numero quasi infinito di organi; che è continuamente esposta all'influenza dei corpi circostanti, e che innumerevoli impulsi suscitano in lui infinite modificazioni. Ammesso pure che la molteplicità degli organi e degli agenti esterni siano uno strumento necessario della varietà quasi infinita dei mutamenti del corpo umano, mi chiedo se questa varietà potrà avere quella misura che l'armonia prestabilita richiede, e che non spezierà mai la coincidenza fra i mutamenti del corpo e quelli dell'anima? Bayle fa questa obiezione: Se fosse così non sarebbe meglio che l'anima, per cambiare continuamente le percezioni e i suoi stati secondo questa intavolatura, conoscesse in anticipo delle note e vi pensasse effettivamente. Ma l'esperienza ci dimostra che l'anima non ne sa nulla.
Spesso le ragioni ideologiche hanno accompagnato questo dibattito sulla somiglianza biofisica tra gli animali e gli uomini e le rispettive anime. Un caso significativo è quello del filosofo francese La Mettrie (1709). Per La Mettrie l’uomo distingue dagli animali soltanto quantitativamente e nel libro intitolato L’uomo macchina il funzionamento dell’uomo assimiglia a un automa. Per il suo pensiero viene perseguitato ed è costretto a lasciare La Francia per svolgere la sua attività a Berlino.


Tutti questi discorsi intorno al libero arbitrio e l’incomprensibilità de L’anima prestabilita servirebbero come obiezioni alla teoria determinista, che arriva il culmine nel ottocento con l’opera di Pierre Simon Laplace (1749-1827) Saggio sulla probabilità. Per Laplace la teoria della probabilità non era altro che il senso comune ridotto a calcolo e secondo egli, se fossero note tutte le forze che agiscono sulla natura, sarebbe possibile prevedere tutti i stati successivi. Accettando il determinismo l’uomo rifiuta il suo libero pensiero, la sua libera volontà, la sua iniziativa a cambiare gli eventi a favore. Socialmente l’uomo si autodetermina prigioniero dalla dinamica delle leggi sociali come sosteneva Spenser. Conviene per scopi filosofici o meglio teoretici legare le nostre stesse mai?

4. La filosofia indeterminista come substrato metafisico della nuova logica polivalente inventata dal logico polacco Jan Lukasiewicz.

La discussione filosofica sul determinismo e indeterminismo la riprende il filosofo e logico polacco Jan Lukasiewicz nella disputa sul principio di non contraddizione, del terzo escluso e sulla logica polivalente. Secondo Lukasiewicz la filosofia indeterminista o il riconoscimento degli eventi possibili, rappresenta il substrato metafisico della nuova logica polivalente (a più valori) che ideo sin dal inizio del secolo scorso. Egli riesce a dimostrare che il principio di non contraddizione non è sempre valido. Sulla scia di filosofi e logici precedenti e contemporanei, come Meinong, distingue due grandi gruppi di oggetti: quelli completi (gli oggetti reali spazio temporali) e incompleti (oggetti ideali prodotti dallo spirito umano). C’era una lunga tradizione, conosciuta bene da Lukasiewicz, che considerava come oggetti tutti gli oggetti persino quelli contradditori (come il quadrato rotondo). Accettando anche questi oggetti, come oggetti logici, il valore dei principi logici non poteva essere indiscutibile.

Lukasiewicz in Del principio di contraddizione in Aristotele accenna la possibilità di una logica non aristotelica. (Lukasiewicz.1910:95) In questo scritto si discute anche il principio del terzo escluso. Anche questo principio dipende dalla suddetta distinzione degli oggetti in completi (gli oggetti reali spazio temporali) e incompleti (oggetti ideali prodotti dallo spirito umano). Una proposizione che verte sui primi è vera o falsa mentre ciò non vale per i secondi, poiché essi non sono sufficientemente determinati.

In un resoconto di una relazione tenuta a Leopuli (Febbraio 1910) con il titolo “Sul principio del terzo escluso” Lukasiewicz sostiene che il principio del terzo escluso non è un principio vero per se stesso, ne può essere dimostrato, per cui va considerato come una supposizione, ma indispensabile ai fini pratici. Egli afferma che l’applicazione del principio del terzo escluso agli oggetti reali è collegato con il postulato della determinazione universale dei fenomeni, non soltanto quelli passati o presenti, ma anche di quelli futuri. Se qualcuno negasse che tutti i fenomeni futuri sono già predestinati sotto tutti i rispetti, probabilmente egli non accetterebbe il principio in questione.

Tutte queste argomentazioni e le altre sul determinismo serviranno come substrato della logica a più valori. La prima relazione sulla logica trivalente fu tenuta da Lukasiewicz nel 1920 al convegno della Società filosofica polacca di Leopoli. La disputa sulla logica bivalente secondo Lukasiewicz ha uno sfondo metafisico; i suoi sostenitori sono deterministi, mentre i suoi oppositori sono indeterministi. Il principio di bivalenza a Lukasiewicz non sembra così evidente. Egli ragiona in questo modo: Posso assumere che la mia presenza a Varsavia in un certo momento del prossimo anno non sia ancora deciso né in senso negativo né in senso positivo. Quindi è possibile, ma non necessario che io sarò a Varsavia a quel momento. La proposizione Sarò a Varsavia il 21 dicembre dell’anno prossimo oggi non è né vera né falsa ma e possibile. Così Lukasiewicz introduce un altro valore di verità che inizialmente la denota con 2 e poi sempre con la frazione 1/2. Schematicamente un sistema logico inizialmente con tre valori di verità e poi un sistema polivalente con infiniti valori di verità.
Nel dibattito sul substrato della nuova logica Lukasiewicz considera il determinismo imprescindibile dalla questione della *libera volontà*. Il determinismo rigetta la libera volontà. Lukasiewicz in un modo semplice trova argomenti a favore dell’indeterminismo. Parte da una proposizione: “John incontra Paul a Varsavia. Questa proposizione è vera in ogni istante dopo l’incontro. La questione è; era o non era vero prima dell’incontro? Per i deterministi questo fatto era vero anche prima dell’incontro. Per loro ogni fatto è vero anche nei tempi precedenti e futuri. Tra il passato e il futuro non c’è differenza; l’unica differenza è che il passato è trascorso e il futuro trascorrerà; non c’è differenza dal punto di vista della verità. Noi esistiamo in questo mondo che ci circonda e non conosciamo come finirà. Ogni bene ed ogni male è predeterminato nel passato, ed è predeterminato il momento della morte di ciascuno. Noi siamo soltanto burattini in questa dramma universale e non rimane nient’altro da fare che aspettare tranquillamente la fine!” (Lukasiewicz, *Selekted works* p. 113)

Inoltre la teoria determinista e strettamente legata anche alla teoria della causa e dell’effetto. Lukasiewicz spiega come i deterministi usano questa teoria a loro favore. Niente nel mondo succede senza una causa, ed ogni causa che a sua volta è effetto di un’altra causa, precede un determinato effetto e così di continuo. Lukasiewicz rappresenta questo rapporto con questa denotazione simbolica:

\[ F_{n} = \text{la sua causa} \quad F_{\text{1}} \quad \text{al tempo } t \quad \text{e} \quad F_{1} \quad \text{ha la causa} \quad F_{2} \quad \text{al tempo } t_{1} \quad \text{e così posiamo risalire indietro come segue:} \]

\[ F_{n}, \quad F_{n-1}, \quad \ldots, \quad F_{2}, \quad F_{1}, \quad F_{t}, \quad F_{t-1}, \quad \ldots, \quad F_{1}, \quad t, \quad t_{1}, \quad t_{2}, \quad \ldots \]

In questa catena ogni fatto è causa di un altro fatto, ed essendo la relazione della causa ed effetto transitiva, l’effetto \( F \) ha la causa in un lontanissimo \( F_{n} \). C’è da chiedere l’incontro di John e Paul era predestinato sin dall’origine del mondo? Quest’incontro doveva avvenire anche indipendentemente dalla loro libera volontà? E ancora: l’inizio del tempo corrisponde con l’inizio degli eventi?. Per Lukasiewicz, il fatto che tutti gli eventi siano casualmente determinati non comportano che siano predestinati dall’inizio. (Ibid.:117). Egli non rifiuta il legame causa ed effetto come faceva D. Hume, il quale trasferiva questo legame nella mente di chi osserva ripetutamente i fenomeni. Lukasiewicz rifiuta la predestinazione. Come può essere prepredisnato qualsiasi evento compreso il banale incontro che prende come esempio?


5. La ricerca della verità

La pretesa di ogni verità scientifica, compreso la verità scientifica del determinismo o del indeterminismo e le rispettive conseguenze sulla vita del uomo, è messo sempre in discussione. Secondo Hume le nostre teorie non possono venir validamente inferte né dalle osservazioni né da nessun’altra cosa. Questa credenza era irrazionale e si basava dalle abitudini. Il pensiero di questo autor viene ripreso e interpretato dal grande filosofo del vienese del secolo scorso Karl Popper. Popper sin dai primi lavori poneva il problema del criterio di come distinguere ciò che è scienza dalla pseudoscienza. Dopo le nuove teorie della fisica, della psicologia, il metodo empirico non li sembra soddisfacente. Popper in *Logik der Forschung* pubblicato nel 1934 (tr. it. *Logica della scoperta scientifica*) scrive: “La scienza non è un sistema di asserzioni certe o stabilito una volta per tutte, e non è neppure un sistema che avanzi costantemente verso uno stato definito. La nostra scienza non è conoscenza: non può mai pretendere di aver raggiunto la verità, e neppure un sostituto della verità, come la probabilità. E tuttavia la scienza ha qualcosa in più di un semplice valore di sopravvivenza biologica. Non è solo uno strumento utile. Sebbene non possa mai raggiungere né la verità né la probabilità, lo sforzo per ottenere la conoscenza, e la ricerca della verità, sono ancora i motivi più forti della scoperta scientifica” (Popper,1934: 308). È la ricerca permanente della verità ad avere importanza non la verità stessa. Non ci sono risposte definitive ai problemi compresi. Per Popper il vecchio ideale scientifico dell’episteme si è rivelato “un idolo” (ibid.:311). L’uomo si
trova immerso in una continua ricerca sul mondo, sul senso della vita, su se stesso; immerso in una continua ricerca della verità.

Invece Willard Quine, quasi due decade più tardi, nello scritto intitolato *Two Dogmas of Empiricism*, in “The Philosophical Review” considerava la scienza solo strumento. Inoltre credeva in un intreccio tra il patrimonio scientifico dell’uomo e il flusso di stimoli sensoriali. Nello stesso scritto, accennato sopra scrive: “a ciascun uomo è dato un patrimonio scientifico, più un continuo flusso di stimoli sensoriali; e le considerazioni che lo guidano a modificare il suo patrimonio scientifico per adattarlo alle continue sollecitazioni sensoriali sono, in quanto razionali, pragmatiche.” (Quine, 1951:890)


Nè lo scetticismo, nè il relativismo, nè l’anarchismo devono privare l’uomo dalle congetture e dal tentativo di capire la natura e i fenomeni allo scopo di prevedere per promuovere in caso di benefici prevenire in caso di rischi sia per quanto riguarda l’orientamento, che è soprattutto biologico, dell’individuo nel suo ambiente, sia per quanto riguarda l’orientamento e l’inserimento nell’organizzazione sociale.

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Peasant Movement for Land in the Prefecture of Elbasan (Albania) in the Early 20s - 30s of XX Century

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Abstract: Article we present, aims to present an aspect of local history of Elbasan region or neighborhood, in the ’20s-30s of the twentieth century, peasant struggle for land, as one of the main directions of social conflict in this period, not only in the prefecture, but nationwide. This war not only aimed at resolving the land ownership right, but simultaneously improving the economic status of peasants, through easing the tax burden. To realize these goals in such a motion also included rural layers of Elbasan Prefecture, whose war took more the character of an economic war, given the difficult situation that characterize this layer and poor rural schools, especially the remote areas and state fiscal policy seriously. Through archival sources, in this article we try to analyze the reasons that prompted such a move, the development of its format, the connection with labor movements and their consequences in this region and beyond.

Keywords: peasant movements, social conflicts, fiscal policy, land ownership

Introduction

In the years ’20 and ’30 of the XX century, one of the directions of the social conflicts in Albania used to be the peasantry’s struggle for land. This struggle aimed not only a fair solution of the land ownership, but at the same time it aimed the improvement of the economic situation of the peasantry, through easing the tax burden. The Elbasan Prefecture peasantry was also involved in this movement so as to realize these goals. The difficult situation that characterized the poor and the middle class peasantry, especially those living in the remote mountainous areas, the harsh exploitation by the beys (bejlers) and qehallars, the hard fiscal policy, the numerous taxes and obligations needed to be given to the governmental and religious institutions, the speculations of the tenth (dhjetar) and pawnbrokers, all of these lead to the increase of the revolt on the part of the peasants that had little or no land at all, and gave to their war the characteristics of an economic war. Meanwhile, in the plain and hilly areas, in which the powerful land owners applied their dictatorship supported by the legislation in power of A. Zogu’s government, this movement was mostly focused on solving the issue of land ownership.

During this time period, even in the prefecture of Elbasan, as throughout the country, the existence of an evident inequality in land, forests, pastures and livestock ownership relations is clearly evidenced. The powerful owners tried to justify the huge amount of the land they owned through heritage, hardwork, and skills. But the fact is that the extension and expansion of a majority of their properties came as a result of lootings, systematic abduction of middle class and poor villagers’ land, by using a wide variety of tools and manners. Among the main methods used for the expropriation of peasants were: the harsh fiscal system and the numerous obligations, the fictitious sales of land, as well as the ongoing threats or even murders. The exploitation done through obligation, was one of the tools that made the peasantry to revolt in a spontaneous and unorganized manner, so as to protect their properties.

The types of the development of such a war were various, ranging from the simplest ones like sending letters and telegrams of protest, the development of anti-feudal and anti-government demonstrations, up to armed movement. In a series of documents of this time are shown cases of requests and protests by peasants coming from different regions, addressed to the center of the prefecture or even the Internal Affairs Ministry in Tirana, regarding the injustices that took place in the collection of taxes, or even regarding the peasantry’s impossibility to pay them, etc. One form of resistance was also the development of bread demonstrations in famine periods, such as that of 1937, a drought year, when many villagers came down with bags in their hands and gathered in front of the City Hall to demonstratively demand bread.

Under the governance of Iliaz Bey Vrioni’s cabinet, the large landowners who had achieved to re-obtain the land-patents that they had had before the revolution of June 1924, felt to be powerful, they increased the exploitation and the authority upon their farmers, especially in those areas that had been centers of resistance against the landowner’s violence, for example, in Darsi, in Demir Pashe Bunati’s properties and Pekishti (Dumre) in Shefqet Vërlaci’s properties. Thus, through the entrepreneur Demir Pashe Bunati, they took from the villagers 3 groshs instead of the 2 (pennies)
Mexhitis for the irrigation of one pend land of corn, while for the rice lands from 1/3 to 1/2 of the production even though the villagers fixed the irrigation channels themselves.

In 1924, Shefqet Vërlaci took from the villagers the overdue obligations they had since 1922 and fined with 3 Napoleon golds every peasant entering his forest. Hence, the Bey area was controlled really well since all of it was put under his dictatorship. In the mountainous area, the principal direction of the war against the peasantry was led under the slogan of "cleansing of the Democrats", focusing on collecting weapons so as to secure peace in the country, on the one hand, and giving titles and ranks to sergeants such as Xhafarr Bali to be faithful in their service to the government.

In the years 1936-1938, the violence and terror over the peasantry deepened even more, by robbing their arable lands, pastures etc., by using force, the courts decisions or by fake land patent litigations. The owners robbed lands, water lines, pastures, forests, mills, houses or other inproductive land, and from each of them the landlord raised a rent in kind or in cash. Vërlaci together with his farmers organized extortion in the borderline between the villages of Bradashesh and Fikas, Dervish Bey with villagers in the meadows of Malasej in Dumre, in Sulovë, Darsi, Peqin etc. Land robbery by the elderlyhood “pleqësi” evidence was also done by the Peqin beys. They speculated not only to small and medium owners, but also to the claims of the large landowners. Thus, in the clashes about properties between Demir Pashe Bunati and Dervish bey Biçaku, in relation to some other villagers’ properties, the village elders approved one side, that of Dervish Bey, and rejected the other party. In the plain areas, the Beys owned water lines, forests, and mills and tried to exploit as much as they could by giving them to the rich peasants at random venture, for example. Vërlaci gave a mill for 20 quarters of corn in Dumre and when it was not of interest to him, he gave it to someone else. As such, Bey used to give to some villagers the living tools so as these villagers could use them and in the same time to cast them into battle against the others. The villagers counterreacted in different forms to the violence exercised by the landowners, qehajais and Beys in the village. Documents of the time show that there had been organized numerous resistance movements by the peasants majority in areas around Elbasan, Krrabë in Dumre in Darsi etc, that rejected to pay the amount of obligation they had to pay. This resistance appeared in the form of opposition to fulfill the economic obligations that were not included in the contract. The biggest complaints of the field peasantry regarded the arable land, the pasture, the water turns, the water line (irrigation channel) which was always fixed free of charge by the villagers themselves whenever it didn’t function properly, etc. Organized opposition by all farmers against the landowners, can be found in the villagers of Pekisht against Vërlaci and in Darsi, Peqin, against Demir Pasha, while other rural measures, stored their dissatisfaction undercover and had no courage, time and opportunity to express their revolt against the Beys.

Elbasan Prefecture informed the Ministry of Interior that the landowner Ibrahim Biçaku had evicted from his manors many poor farmers’ families. The estate Bey of Cerrik Ibrahim Biçaku using his qehallars, and after having evicted from his soils 4 farmers’ families of 40 members, whose houses he had also destroyed, was directly and indirectly attempting to evict the other farmers as well, some with intimidation and some through trial. As known from this action, - emphasized the appeal of farmers in Elbasan – it is not only the farmers that are harmed but also the state budget, because the fields are left unplanted because the farmers are kept under intimidation. Complaints of farmers in the villages Kurtej, Sallbegaj, Thanasej, directed to the Elbasan prefecture, against Demir Pashe Peqin’s representative, who did not allow them to irrigate their lands using Shkumbini river water, were not the only ones which testimonied the antihuman treatment of poor peasants by the beys and agas, on the one hand, and by the inability of local and national structures to give the right solution to the problem. “The only hope we have lies in agriculture – would they further emphasize in their complaint to this prefecture, - and if within a week we are not given the right to water, the seeds will remain without being planted and so our people living in these three villages will be in a difficult situation and will be left without bread, and in this case not only the people, but even the state budget will also not be able to benefit.” Mechanisms and other actions by the Beys and Pashas directed against the poor peasants multiplied day by day and despite complaints of poor villagers directed up to local government, they often fell on deaf ears and the responses were endlessly delayed, without ever even being given a solution to their problem.

Villagers’ complaints against taxes comprised a different direction to the opposition of the villagers against not only the qehallars and Beys, but even against the local authority and the government. Resistances to paying tithing were individual or collective. In a letter of the tither Ali Bey Bunga, addressed to the Elbasan prefecture on October 7, 1930, it was proved that the villagers of Kuqan village, refused to pay tithing to him. One form of opposition to paying the tax of the tenth was the cutting or uprooting of fruit trees, especially the grape vine, for which the tax paid was greater than their own production, and as such, so as to escape the greed of the tithers, in areas such as Krrabë, Mokërr, Çermenikë, vineyards and fruit orchards disappeared. The conflict between Godolesh’s villagers and a number of villages around Elbasan with the olive tithers dated back since 1927. Villagers had been jailed, but again they refused to yield to pay the obligation amount charged by the entrepreneur. Similarly, even the villagers coming from Dragostunja, Muriqan, Pajova, Bradashesh, Hotolisht, Garunja, Lazareni etc. showed strong resistance to tax payment.
Demir Pasha initially forced villagers of several villages in Peqin, to allow the passage of the irrigation channels needed for the mills operation on their land, without compensation and not long after that he, like all other feudals, profiting unfairly and illegally, ordered them to pay a fee for irrigation that he himself appointed, 3:50 penny per mole and, similarly, villagers had to pay a tax up to 25% of for the fields sown with corn and rice. The poor peasants paid because of anxiety, because they were afraid and because noone heard their plight. The complaints of Peqini’s underprefecture against Demir Pasha were addressed to the Ministry "... as the greed of these entrepreneurs is too great and increases year after year, to our visible harm, as this methodical robbery needs to be stoppedonce and for all, and the water should be left free in favor of the farmers, as with these taxes we will never be able to lift our head and as our harvest is drying out, we pray to the Ministry, to have mercy on us and to take the needed decisions by ordering no payment for the corn and by setting a small fee that we can afford for the rice lands." The commission sent by the Ministry in the municipality of Darsi to review the problem decided the tax to be deducted from 22:50 % to 10%, but Demir Pasha’s heirs ignored this decision and continued to collect the tax assigned from him. The government never solved this conflict. The committee’s decision was never implemented by the entrepreneurs. They did not allow the villagers to water their lands and their obligation still remained 22.50% of their production. The water tax was a tax that had negative consequences on the peasants and favored the landowners. The state did not provide any significant income from this tax, but the consequences fell on the lowland peasantry and they were too damaging.

Another direction of the peasantry’s objections was that towards xhelepi (the cattle payment), an objection that appeared with a large scale and often with severe forms. A part of the peasants, who were in great economic difficulty tried to avoid paying it by displacing their cattle or even themselves, of by hiding in remote areas for certain periods of time. Thus, farmers in the province of Shpati, had agreed among themselves to hide their cattle and to support each other. Tax collectors of this region testified that there were many hidden animals, which migrated from the lowlands to the mountainous areas and vice versa, and villagers managed to avoid the controls undertaken by the gendarmerie. In 1936, in the district of Shkodra, an operation was undertaken by the gendarmerie to force villagers to show their hidden animals. They used numerous beatings and tortures, to such an extent that a villager died due to the beatings in the village of Bresnik. The confrontation of the villagers directly with the state administration for rejecting xhelepi was greater than in the case of the tithing rejection. Conflicts and opposition were great, because farming was the second important tool for the peasantry’s life. Its result was significantly lowering the tax level, somewhat minimizing the effects of this tax on the peasantry and putting in somehow serious trouble the financial institutions, as well as mitigation measures by the government to reduce this tax in 1934, up to 50%.

The peasant movement in the prefecture of Elbasan was developed alongside the labor movement. Again on the basis of these movements were the economic demands. But, the claims and controversies over the treatment of poor peasants and workers continued to fall on deaf ears and their exploitation exceed the inhuman limits. It should be mentioned here even the dissatisfaction caused by the foreign companies, which operated for a long time in this region, treating Albanian workers as vulnerable in all directions. However, it must be said that these moves failed to provoke revolt and strong social movements in this area, as happened in some other regions of the country. Given that most working class was compound of artisans and poor peasants, their economic situation was difficult because of the prevalence of seasonal characterized jobs, but also because of the exploitation they suffered by their owners, who either did not pay the worker according to the contract worker or left them unpaid for several days and weeks.

In the years 1931-1932, a strong wave of strikes, rallies and demonstrations against the government of Ahmet Zog, involved workers, artisans and peasants, who ran the slogan" we want bread, we want bread.". Such strikes were also made by the construction workers in Elbasan, as well as in Durres, Shkoder and other countries.

The severe economic crisis of the years 1929-1935, was preceded by a number of other factors such as: the intensification of the tax system in the years 1925-1928, the doubling of the tax burden on the population, the adamant overdue tax extraction tax since 1912, thus surpassing every potential limit for generating revenue from the peasant and urban population. Fisher, a wellknown researcher, would determine the economic situation in Albania, throughout its life as an independent state, as it had been in a permanent crisis and in desperate straits, which seemed eternal. The Albanian people, accustomed to misery and hardship, were stoicismly facing this situation, while the beginning of the crisis and especially the crisis in 1931, tested to the maximum the patience of the population. The tax policy of the Albanian state on the peasantry played the role of a strong blow that infuriated and further deepened the development of a number of internal and external factors that influenced the creation of an extremely serious condition of the peasantry and in all branches of the economy. In the years of the economic crisis, debts started to increase considerably and ususy faced an unprecedented increase of up to 100%. Debts of the peasants only, roughly calculated, amounted to about 20 million gold francs, nearly equal to the state budget. After years of economic crisis, in the years 1936-1938, there could be noticed a significant development of the Albanian economy compared to previous years. The number of the
enterprises and the number of the employees increased, the light industry revived, etc. Yes, poverty was still largely present in the country, the food was insufficient and sanitation lacked. All these were causes of the spread of infectious diseases in people and despite the government's remedial measures, the situation continued to remain heavy. Many of the laws adopted by Zogu that served to give impetus to the economic development found no effect in society. Every time these codes faced difficulties in implementation, Zog tried to draft new laws to make them more acceptable and applicable. Such a thing could hardly build government trust through the law - concludes Duka.

Conclusions

It should be noted that the peasantry's movements in the Prefecture of Elbasan during this period were directed against the state administration and its fiscal policy, as well as against the rich land owners. However, in terms of the prevalence of small rural property in the prefecture, this movement could not extend to a larger degree, as was the case in some other prefectures of the country. Spontaneous opposition and protests in most cases had no success.

The peasantry's movement for land in the 20's-30's of the XX century generally took place within the existing legal framework. It failed to take the features of a fierce battle with a political character. (Such efforts were only recorded in the area of Gramshi in June 1924, when the peasantry of this area gathered in the war for the liberation of its zone and then coordinated the actions with the revolutionary forces and contributed to the victory of the revolution even in the region of Elbasan). Peasant movements in the region of Elbasan, indirectly, had links with the labor movement. This is because a large number of workers, especially working in foreign companies, came from the village, and their economic incomes were in the service of their families in the village.

A considerable part of the peasantry, nationwide, were farmers and farmers çifçinj (workers) in the state and private estates (çiflig). In 1930 çifçinj farmers accounted 17.3 thousand families or 12.4% of the agricultural population. Most of the agricultural population was compound by the small peasantry of the hilly or mountainous areas, which had very little land. This mass of the peasantry, which possessed an average of 0.54 ha of land per family had turned into half farmers, or half laborers or semi workers. To make a living, a part of this small peasantry received rented land from the landowners, while the rest were forced to send their labor hands to work in the city, or to emigrate abroad. The peasant farmer of the state or the landowners was obligated to pay as rent for the leased land, in most cases, a third of the agricultural products and livestock, and there were cases of even half of this product. What is more these farmers were also forced to perform various drudgery tasks. There were also many small farmers who had little land (paraqendarë villagers) who received additional land from the owner, more or less under the same conditions as the servitude (çifçi) farmer. There existed also the layer of the paraqendarë who were those farmers who lived on rent in the hacienda and practiced different professions such as smiths, masons, shoemakers, tailors, etc.,

The resistance of the peasantry was important in several respects: in the political emancipation of the peasantry, in the increased cooperation to gather their efforts against the injustices that continued to be made against them, in setting some limits on state tax policy by the peasantry itself, in refraining the entrepreneurs' efforts in arbitrarily ripping off the peasantry, etc.

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Decentralization – Integration’s Challenge through Responsive Services

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Abstract: This research is about the decentralization of social service in Albanian post communism, diversifying responsibilities, and resources through democratic institutions for integrity and Social Piece. Surveillances, Consultations, Interviews investigates relationship between decentralization-centralization, public pressure for identity and indicatives of social exigency, diversity and high standards, facts and expectations in the representation map – “governance hither civil”, welfare up growth, and protection of interested persons for fiscal transfers of institutional budget. Politicize in social service conditions not coordinated and not consolidated evince the complexity of “decentralization-centralized oversight” irregularity and management of earning subsidy, effective public section, budget limitation for assured development. This studding brings the relationship of Decentralization with fineness governance, public orientation probable non stability, short terms determines, long terms objectives, institutional partnered, planning agency without hierarchy, alternative ways that would be faced and tested according scientific criteria. The research includes the premise that decentralization favorites the marked of public benefits, competition, denationalize, improvement of social politics against deepening polarization, hooking the elites, virtual duality of “rich – poor”. Conclusions include the fact that we have communities without the service of social employee, philosophers, sociologist, diplomats, and physiologists for admonition of civil that take decisions, ways of clamor, social strengthen, and initiative to make departments, flexibility and adoption conform national distinctions and global reflections “in one system that protect us” developing successful protective politics, e-learning contributes, licensee, euroatlantic standard dimensions.

Key words: challenge, integrity, piece, decentralization, fineness governance, general service

1. Introduction

The diffusion of democracy and the construction of social peace, predetermine, orient, and condition the integration challenges and the responsible services not only in the Albania of after 1990, to which the decentralisation is needed as an irreplaceable instrument for a sustainable development atmosphere which favourises academic and social inclusion, while only the morality makes us responsible. In the context of this fast development, added needs and limited financial sources, the decentralisation becomes not only the identificator of public pressure and indikator of social needs but also protector of social diversification and contributer for a bigger personal freedom in the diversity conditions and high development standarts.

The investigations so far for what concerns to decentralization of social services as a structural or financial component and the believe in economy in general and economy in particular, result strongly related to humanism, social justice and transparent procedures low the development cost. Refering to the Albanian legislation definition, according to which with the social services “meaning all the services that are offered to individs and groups in need, which have no possibility to face with their incomings their vital needs, for the safety development and rehabilitation of individual possibilities, to overcam the cronical or emergent needs” the first idea that comes in mind is “the state-the felt down giant for social needs” and this is related not only with the perception and the way how we feed the thought for the decentralization, but with the strategies, action plans and modern legislation implementation for decentralization for all the citizens and for all the inhabited territories by the Albanians. Through numerous versions by which can be made and spread the reality of social services in Albania and in different countries, the doctoral studies until today find that the decentralization contributes to compare the criteria of determination and evaluation of the truth, of what is beautiful, good and above all to redetermine the democracy concept! The research so far through the individs or focused groups, in one year has found that the weak quality of public services is one of the main factors for the discontent increasing on the citizens. Added to public problematic services as watersupply or electrical energy, coordination of central government with local government through effective decentralization can do much more in this field. The quality of public services or the social ones especially, results preliminarily to be one of the most problematic issues, and the citizens continuasly complain for their services profiting. Anyway, more and more is ascertained that local government have more responsibilities in offering of the water services, waste management, clean environment, services in educaton and health, and all the services foreseen by the Constitution and the albanian legislation and that the economical possibilities do not yet favour local good
governance, precisely because of a decentralization dimension that is more political and less practical. The decentralization in general and the one of the social services especially, becomes an inevitable battle to turn down the visible dominant hand of centralizing practices of the past half century, to open the way to a local power which governs in partnership and in cooperation with the citizens, as well as makes possible and makes legal with the publically accepted agreement, local cooperations.

2. The delivery of responsibilities and sources through democratic institutions. The local government authority of social fund procurement.

The comparative experience in cultural, technological, political and social sphere, as well as the best practices of the local government on governing, show the decentralization as a factic possibility for the reachness of the social sensibility, for the increasing of the individual phantasy, as stimulant of creativity “take or live” ans a a source of new visions that produce rationality and responsible services for a sustainable development while: religion, science, mythology, esthetic, literature, folclor, memories etc, are not only differen languages…..all of them if they are understandable as it should, ca lead on believable knowledges (Fuga 2007).

The so far analyse, what concerns to responsibility delivery and sources versus postdictatorship facts and the obstacles from the centralised survey experience in the conditions of backward technologies and the standart missing, makes possible the finding of a process relationship of decentralization, with the public pressure for the services which more and more increase in the kind and in the quality of request as well as high expectations regardless social problematic and financial bound sources. The actual governance environment in Albanian republic regardless the big changes in comparison to last decades, it shows and favors still social services not connected to with the other missing services, what it doesn’t favors the trate of public good things and miss alternative manners that can be confronted with a new list of the social needs, professions and services for all. In the reconstruction of historic models and inaccordance with new practices of social sources while a urban machinery of social variety, aims and asks social balance and debts evident and that can be faced for a balanced economy, the decentralization of social services becomes an indispensable condition of the process of creation of all-rounder and all inclusive politics and the basic possibility to refresh the fundamental rights by opening the way to the discussion and to the possibility of legislative process for a code of social services, in the way of social politic pragmatic change where the act of making private, competition and the transparency beside they combine the history of the social sciences and the business, are local authority measurers in this field by opening the road to successful procurement process of social funds and education with the human rights in social justice.

The so far interviewed are mostly convinced that the local governments and NGO are more likely to offer good public services, and in a way they reply better to the local inhabitants needs than the ones that are offered by the centralized governments, so this is the real decentralization where the benefits can be seen and are welcomed by the citizens, and this is the kind of decentralization which at the end will predetermine if this process results successful or is only a political compromise. The infrastructures problematic and the missing of the decentralization, prohibit local government and the other service structures to offer a better future for the citizens and to present their capacities to resolve the local problems, so the delays on masiv implementation of the best practices and the law amendaments followed by their proper acts, seriously prohibited the decentralization success. The decentralization results like this, against the polarization foundation and an well governing added alternative for the welfare increasing and protection of interested groups and as formative projection in all the ages, beyond limitations of making ourself “the center”, by reconfiguring change possible itineraries through dignity for all human beings and in every space unit by offering greater freedom of individuals and groups in need.

3. Decentralisation favours the trade and the public goods. The crisis deviation from the development road through decentralisation.

The general objective of albanian governance is and will remain to make sure a visible improvement in the status and quality of life, in accordance with euroatlantic standarts, for what is related to equality princips, nondiscrimination, inclusion and selfdetermination as an important part of an approach of civil rights toward politics and effect minimisation or interior or international crisis overcome. But not yet coming to a synthesized conclusion while it continues the selection of the sources for this doctoral work, including here the library (hard copy), studies, analyses, strategies, scientific magazines for this field and the crises in general, the electronic information, (websites of central and local government), international organization reports, academic institutions and the licensed institutions by law (INSTAT), can express that
the crisis is a deviation from the road of development through decentralization. Decentralization connects moral rights, written ones and the ones of time development and achievements in many disciplines, and of a technology which joins and makes possible to recuperate the debate and complexity, and so we create a social and political promotor of mobility, cooperation, euroatlantic dimension. A new rationality opened toward pluralism and to the concept of equality from where “will be selected concrete politics which aim to assure some basic conditions, so that to do not halt the initiatives of groups and individs...” through elastic and multicultural development of the reason based on the tradition and expression of laws saved in oral way as the Canon amended and not buried by legislative practices as Constitution and Convents (European and global), give the decentralization the role of the illuminator of cooperation boundaries, beyond the bad experience of an albanian pattern ultra centralism, which created the 50 years darkness for all Albanians. The waiting to define as early the objectives and politics for the improvement of the situation through qualitative governance “closer to the citizens” a central government and local one that is responsible: for what and for whom? Show the decentralization of social services as a possibility todo accounts with sustainability, probability, uncertainty, provisionality and relativity. For this reason the study focus becomes intensive trying to improve the service offering, in local level, while the selected remain in a permanent “battle field” with services offered, and to be successful is needed a main and strong support by the central government and European ones because the decentralization affects all and is determiner in expanding of this process in the offering of necessary autonomy at locl governments to offer services through general fonds for the service accomplishment. In the started process but not ended of politic development for social protection in Albania, the decentralisation of social services is one of the forms to intervene to answer better to the social needs in progress and to make sure a social justice which contributes the political, economical, social changes, and the increase of the existing institutional capacities. The dilemma of more than 50% of the local mayors and ex mayors, (elected by direct votes in local government), for a successful administration in the service of integration and social peace, asks for a well determined raport between the subjects that administer the social programmes as the state, local authorities, central authorities, public independent agencies, Ngo-s, interested groups, private companies does.


The European dimension cooperator for the safety of life quality where “all have the right to use the conditions of social life, which result, from the request of the common good”, and OKB cards on the equal possibilities have emanated Convents in the in the spirit of which evenAlbania has made laws. Council of Ministers ddecisions, strategies etc, but by the verification so far it results that few legal proceses are for social crimes or power competences. The study finds a limited process of information, awareness, and education for the main products of decentralization as there are the mechanism development, maximal use of the sources and the management of global uncertainties. The politic orientation and decision making toward decentralization asks often an evident condition for the diagnostication and social empowering through responsible and multidisciplinary services in front of management difficulties and limited budgetings. The procedures and the accepted rules from the citizens, the consensus finding but not the force, the legitimity although not the popularity make the facts and opinions a common knowledge which make possible an effective administration system and a competent services offers for the capacity generation, the improvement of social politics against the polarization deeping, elites reaching, virtual dualism “rich-poor”. The attempt to pull Albania out by the backwardness of a system extremely centralized, remains even after 20 years of transition, an obligativ condition of democratization processe, although startet without having well prepared profesionists which would hold the development weigh, in a time where very fast the universal rights join. The necessity to brink closer the past rights to the developmet rights, while the social service network remains insufficient, asks for new agencies pushing whict would increase the possibility for renovation, flexibility, transparency in the relation with the profiteers. The after 90 Albania, is needed to spend considerable energy, to selforganise democratically, and to pas the confuse relations with the developed world, while the roles and the missions, were and will continue to be transferred to a new burocracy while the ownership issue is at the top in the list of the problems, and the missing of the sufficient experts makes possible the delays of institutions in their creation, and in their way of creation. The dreamed and demanded space and the necessities to establish institutions demand efforts in the rivitalising process of a failed state , to reach at least the limits of conditions and standarts to generate interior and international demands for the institutional reforms, meanwhile that the political development needs to apply invisible losses, but not that cant be grasped by the sovranity voters, by coordinating the creation of new institutions, especially for the social services, but the empowering or making effective the existing ones, especially the ones that are related with boarding houses and social protection in general. The import of the institutions that function really well, results a process as difficult as impossible if it misses a mantal tendency and a serious decentralizative action
complex manners, to give the rights, responsibilities and capital assets from the state sector to private markets and civil society. Decentralization in competing situations and the resurrection of civil society in Albania. The mutual delivery of the message and the strengthening of a positive image in general and local community especially, through an effective decentralization process, where the proposals and the scrutinizes of the citizens, give to the local acts sustainability, possibility to reach and responsibility, are based on relations that comes from conviction and never by manipulation or fraud. Decentralization in competing situation asks for a good capitalization, liquidation, security of an equilibered economy with social balances where the readiness to proclaim investigative legal procedures and to investigate social owings, needs to prevail by considering the inability that generates the need for social services, “a place where to live it is not condemned” although in to the budget need to be seen that are also local leaders, workers, faculties, ministries, NGO, and other interested actors. The clear division of contributions and responsibilities, in local and regional level while “the options of regional development cand be seen devided by the unclosed business of decentralization” remains the minimal condition for a security understanding atmosphere, for a sustainable production and social energy growth and for a real evaluation of politics, established through a financial lightened system which resurrects the civil society. The fact that a lot of communities are found without the social services, filozofers, sociologists, diplomats, psychologists, and advices of decision makers, complain mechanisms, social empowering and initiatives for departments asks for effective trainings, and a contemporary infrastructure in front of strategix huge challenges, than only the capability to create from nothing, becomes the boat of safety, often a lost possibility in balcan and Europe, while the euroatlantic unin aims and reaches to offer not only the dimensions of the state but also the adecuat instruments of decentralization, for what concerns to functions, capabilities, and the bases for government legitimacy. The unpossibility to have a science of public administration, the centralization comlex causes, and weakness of states, it looks that is making afraid, leaving in silence, making weaker the will, to help fast the countries in development, to strengthen enough the public capacities ant to save from the decreasing in Albania of civil society activity, as the studying shows that is happening in the last years, is needed an attractive intervention which combines the materialistic wellbeing of the trade economy and liberal democracy. The decentralized institutional filter for not avoidance from the taxes, accompanied by law amendments and necessary acts for definitive actions, for the missing profits, which goes to persons which in a way or another has caused directly or for professional incompetence delays, asks for a adebate on a “Code for Social Services” similar to the other ones, now already written by the legislative branch. At the same time the favour to institutions, banks, media, and a new culture for the loans, and the evidency of unseen social crimes, would guarantee responsible services, responsible individual and social behaviours, while nobody shouln be safe from not turning back the “social debt”. To find the ways that the court makes a survey to the social debt, and authorizes the local government as competent institution of the request to intervene, ant turn in social fonds the money of “social debt” of individs avoided by the responsibility of support of individs or groups in need, and the knowing of complaining over everyone, by making possible a system of justice and specialized investigation, for decisions that has the power to work even after, garantees success, of political decentralization for the development of democratic institutions. The understandable decided fond by law for the NGOs, for private fonds in the form of contributions for donor coordination, and efficient fiscal system sources, with a modern system of incoming declaration, the digital process of identities and demographic local and regional datas, make possible a coalition of joined interests, and an efficient coordinated local, national, and international strategy. So decentralization helps for an onest governance for her mistakes, and capable to be controlled and avoid conflicts, by allowing the local acces, and the one of citizens with ability to consume and abilito to increase the quality of life, something that opens the way to the spiritual and citizen union, in a world that runs toward the edges, heights, deepness... A national school for human devoelpment and the functioning of ‘labs for human development” for responsible services by a responsible government, contribute on strategies complane, activation of monitoring structures and technical research and flexible politics conform national differences through global reflections, in a system that protects us, by developing successful practices, e-learning contribitions, standarts of euroatlantic dimensions.

Conclusion

- The facts and the alternative opinion for the decentralistion of social services, help to find the right solutions while the traditional rights orient us beyond the death and at the same time at the life source.

- Albania has still communities without the social service, filosofs, sociologist, diplomat, psychologists for the advice of the decision taking citisens, the comlain mecanisms, the socil strengthening with the iniciative of department organisation, flexibility and adaption conform national distincty and global reflections “in a system
that protect us” by developing successful practices, e-learning contributions, licences, euroatlantic dimension standards.

The local government need to be fed with independence to conclude their functions in social field because the practical increases the difficulties of Albanian legislation approximation with European Card of Local Selfgovernment by where it descends that stimulation promotion mecanisms and “conversation promotion” through the central government and different interested subjects in local government.

✓ Much more transparency is needed for the delivery manners of financial sources, clear determination of conditionalism, the ways and quantity of social services delivery.

✓ Are needed permanent analyses conform the precessions in the law practice “on the organisation and function of local government” as the main pillar of this, by making possible the administrativ proportional control and “lawful intervene” of Prefects for the practic execution.

✓ Is needed push and juridical best practice application, in relation to decentralisation and social service profitings, refered the most conflict typical cases, relations between local and central government.

The work “analises” the reginalism as a new way of seeing the decentralisation, related to union issues or the division of communes, municipalities with the intentin to reply to differen functional difficulties, largeness differences, abilities and density, to the endurance of wide range of social services. It remains really important that the centralisation concept, deconcentration and decentralisation become “property” of understanding all the ones that make the politic and the ones that follow the politic as condition for strengthening the capacity creation, including the institution reformation and the staff qualification in every level, and the responsibility appointing, by stimulating the local government to join their sources and to fulfill together the services by including the voluntarism too, the creation of joined societies and contemporary agreements.

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Free Movement of Persons and the Implementation of EU Viza Liberalization Agreement with Albania

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Abstract The main focus of the analysis will be the migration policies within the EU, the free movement principles and restrictions that may be imposed to individuals by presenting an overview of the readmission policies in contemporary Europe and the effect that they bring to the field of migration, the international obligations of states and international acts to which they rely. A special attention in this paper is paid to the analysis of the Albanian legal framework and its attitudes toward the phenomenon of migration and free movement of persons. States have the right and the duty to control migration. But in doing so they must keep reminding their citizens on why at least some immigrants are needed and should be welcomed, and, true to Europe’s humane values, they must respect the fundamental rights that belong to every human being, independently of their nationality, religious believe and socio-economic and cultural background. A specific focus in the paper will also be paid to the implementation of EU visa liberalization agreement with Albania, the issue of asylum seekers, as well as addressing the problems that serve as their motivation, aiming at the conclusion that being a European citizen means being a member of a community based on full enjoyment of individual rights, as well as tolerance, mutual respect and acceptance of diversity. It also means accepting certain obligations in respect of others, complying with the rules of democracy and contributing to the development of a fair and cohesive society.

Introduction

Movements of people in general, occur when a person, a family, a group of people or an undefined number of people for different reasons, such as: political, economic, war, etc., leave their country of origin and move to another country, either temporarily or permanently. As such, there was the readmission or refoulment of certain people or groups of people from one country to another.

Migration is an ancient phenomenon, but for the first time in an organized manner begun after the First World War, where migrations were common in frequency as well as in quantity. In this period mass of people migrated not only from one European country to the other, but also across the ocean by going to the U.S., Australia, Latin America and Canada. These countries were not affected by wars and had large areas of free land, and were sparsely populated.

This kind of migration continued even after World War II and it is in this period that were founded the first bodies to deal with the international regulation of migration. But beside the planned and organized movements of population from international organizations, the spontaneous movements, disorganized or clandestine ones are also happening and seem inevitable. Various studies show that about 70% of foreigners enter illegally in the OECD countries where they stay.

Readmission and refoulment from and to a country often go in conformity with each other. In cases of conflict, people are forced to leave the country for a major reason and of course after the change of the situation and the conflict resolution, their return is possible and undeniable. These readmissions are inevitable and not necessarily the conclusion of an agreement.

Nowadays, the concept of free movement of individuals has changed completely. This concept has evolved in the framework of relations established between the individual and the state, as well as between the States themselves. It is a right and an obligation that must be respected at the same time. The approval and adoption of Helsinki Final Act is based on all recognized principles of international law, one of which is that of equal sovereignty of countries and respect for the rights deriving from this sovereignty.

In the Helsinki Final Act provisions, in accordance with the United Nations Charter, the reciprocal relationship between states is assured by improving the security and cooperation process between them. Helsinki Process offers to the participating countries a communication channel, a prescriptive code of conduct (for inter-state and intra-state relationship) as well as long term cooperation. This Act expanded the scope of inter-state relations by introducing new areas of cooperation, among which, human rights and protection of free movement of persons.
Considering that international relations should include a "human dimension" for the benefit of the individual, the commitments in this area become matters of legitimate concerns to all participating countries and not exclusively to the internal affairs of a state. Free movement of persons is one of the most discussed issues in the world.

Referring to the cooperation between states in various fields such as: trade, tourism, economic cooperation, education, cultural activities, sports, etc., freedom of movement is considered not only as an individual right but as a collective right belonging to the state. Thus, the state should create appropriate conditions for movement not only of its own nationals, but also for the foreigners who enter its territory. In this context, in addition to rights, there are mutual obligations, the fulfillment of which creates the basis of trust and common operations, not only between neighboring countries, but also in the region and beyond.

To this end is required to have a well-organized border control system, valid travel documents, exchange information on legislation for the treatment of foreigners and the existence of efficient structures for the prevention of human trafficking, the legal basis to readmit own nationals and third countries nationals when crossing illegally the territory of another state, as well as the harmonization of the legislation and practice regarding the asylum seekers and refugee status.

Sometimes it is evidenced a conflict between free movement principles and limitations imposed by any state to individual countries. To deviate from this conflict the origin country ought to try to improve the political stability and to effectively fight against illicit human trafficking. The recent initiatives of the European Union consists in creating a legal framework and effective structures for prevention human trafficking and the conclusion of readmission agreements with third countries, by controlling and limiting in a way the free movement of individuals.

Albania is fully committed to create the necessary legal and structural in meeting the necessary standard cooperation with the countries of the region and beyond. Its approach in regard to strengthening the border control, cooperation in the fight against trafficking, the conclusion of readmission agreements and facilitation of the free movement of its citizens, is also consistent with Albania’s policies for the region.

Albania has taken concrete steps in the adoption of the Law on Foreigners and all necessary acts to implement its laws in conformity with international law. It is also in the process of conclusion of the readmission agreements with third countries, while not lacking bilateral and multilateral diplomatic contacts in order to facilitate the realization of the free movement of citizens from one country to another.

Migration policy

The principle of free movement of individuals, although provided in many international instruments, is a fundamental right which must be respected by any person or authority. With the aim to be effectively respected, the states must establish the basis for the implementation of this right. Meeting the criteria consists in having a harmonized system of migration policy, treatment of foreigners, visas and procedures for the movement of foreigners.

Albania is fully committed to respect all international obligations dealing with free movement of individuals, doing step by step adjustment of internal legal procedures in conformity with the international ones, taking part actively in all regional initiatives, providing information needed in this area and putting in practice all the commitments. Albania is aware of the fact that there might need to cope with the negative effects of the irregular movements of people.

Based on the National Strategy on Migration\(^1\), and obligations arising from the implementation of SAA\(^2\), the Albanian government seeks a constructive management and control of migratory flows, in the interest of internal stability and economic prosperity, which would contribute to the greater use of the best human resources available on a flexible labor market and to increase the opportunities to enter into formal agreements, individual or collective, with other European countries.

In this regard it is required a commitment to equal treatment of citizens of other countries who are legally resident in the territory of the Republic of Albania, through the approximation of legislation with European standards. The same commitment is required for the respect of the rights of the Albanian emigrants in the countries where they live, demanding equal treatment and respect of international standards in this field.

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\(^1\) Approved by the Council of Ministers Decision no.760, 19.11.2004

\(^2\) Articles 46, 48 and 80 of SAA
European Union, enlargement and readmission policies

European Union, through its institutions, is working to integrate all Balkan countries into the European family. And the fact is that this family is growing. Thus, Poland, Czech Republic, the Republic of Hungary, Estonia and Slovenia have become European Union members.

This fact implies that the right of free movement within the European Union will be guaranteed to all citizens of new members countries. However, free movement cannot always be guaranteed since the first day of membership. A transition period can be provided, as it was the case of Greece, Spain and Portugal, where a 7-year period it was considered necessary, in terms of accession to European Union treaties.

The implementation of the Schengen Agreement (initiated in 1985 and in force from 1990) is indicative of a number of positive developments in terms of common migration policy such as:

- Harmonized policy in the issuance of visas;
- Legal Cooperation in admission procedures and extradition;
- Effectiveness in terms of legal obligations that govern cross-border transfer and detention of wanted persons;
- Cooperation in the fight against trafficking of drugs;
- Elaboration of common information center and updated information in computerized system.

Only in the last 10 years, 70 acts have been adopted on immigration and asylum, some of them binding and enforceable (e.g. Dublin Convention: provides procedures for acquiring the status of asylum, police cooperation, fight against illicit trafficking people, drugs, etc.) which, almost all include provisions in their content of readmission between the European Union countries and associated countries and their neighboring countries, aiming at creating a collective and harmonized European regime.

The Amsterdam Treaty aims to harmonize the will of the states for cooperation and interaction. The transfer of state sovereignty into interstate structures, of course, requires the development of a process that requires trust in the capability and ability of intergovernmental structures, while at the same time preserving the vital interests of states and respecting "Burden-sharing" in the same way.

The readmission agreements concluded from Albania provide in their content, not just the return of Albanian nationals who illegally entered the territory of other States, but even third-country nationals who have entered through the territory of the Republic of Albania to the territory of other States.

The immediate change in economic conditions, unemployment and the need for higher living standards, caused a considerable number of Albanians to leave their own country. They mainly migrated to neighboring countries, Italy and Greece, but also in other European countries like the Federal Republic Germany, Belgium, Switzerland, UK, etc.

Implementation of EU visa liberalization Agreement

With the Commission Statement of 8 November 2010 the citizens of Albania and Bosnia and Herzegovina holding a biometric passport enjoy visa-free travel to the EU Member States from 15 December 2010, in accordance with Regulation 539/20013.

The decisions to grant visa-free travel to citizens of these Western Balkan countries were based on thorough assessments of the progress made in the areas of document security, border management, asylum, migration, fight against organised crime and corruption, and protection of fundamental rights, as required by the roadmaps for the visa liberalisation (Commission Staff Working Paper, SEC 2011, 1570 Final).

In order to identify and evaluate the liberalization of the visa process which started on December 12, 2010, based on some concerns and issues of emerging especially in September 2011 was set up a Task Force4 to monitor the process of visa liberalization with the EU, headed the Ministry of Interior and with the participation of the Ministry of Foreign Affairs and State Police. The tasks and goals of this Task Force is the cooperation of all structures and law enforcement agencies related to the process.

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3 Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ, L 81, 21.3.2001, p. 1).
4 By Order of Prime Minister No.92, November 4, 2011
Activities of the Task Force focused on: Improving the system of collecting and managing information and data of interest to the monitoring process; informing citizens about the regime of visa-free movement; increasing the cooperation between the state structures and agencies responsible for the progress of visa-free process, as well as those structures not associated with the process such as transport companies and travel agencies, improving thus the system of prevention of abuse and enhancing the efficiency of system response to negative events and incrimination of all those who promote and support the misuse of the process through illegal activities.

The work of the Task Force consist in establishing a procedure of daily information of all members of the Task Force by the Department of Border and Migration Control on statistical data regarding the number of citizens who leave Albania using biometric passport; the number of Albanian citizens who are not allowed to leave the Republic of Albania by our authorities for not meeting the conditions for crossing the border; the number of Albanian citizens who have passed the state border to the EU countries after 15 December 2010 and have been deported from these countries for the violation of staying periods, reasons for other forced returns, etc..

The results of the Task Force during this period are to be commenced not only for the identification of the problems in the free movement regime but also for the positive effect it has had in raising the awareness of the citizens regarding visa-free regime conditions. Also the process of interviewing Albanian returnees is improved. The structures of Border and Migration Police today have a detailed database not only the cases of returns and the selection of returnees, but also the modus operandi, justifications used by Albanian nationals to stay illegally in the EU countries, seek asylum or other cases involved in criminal activities. In all cases, these Border Police structures cooperate with other specialized services of the state police for the identification of the potential perpetrators, their aids or other implicated people in the production of counterfeit documents.

At the same time these structures are focused in identifying problematic or illegal activity of Albanian citizens outside the territory of the Republic of Albania in order to share the following with the police authorities of these countries as regards the forged documents or countries abroad from where passed illegally.

As result it can be noticed an increased border control for the Albanian nationals who leave the Republic of Albania towards the EU countries and especially to the countries with high risk of migration such as Belgium and Italy. Only during the months of October, November and December 2011, the structures of the Border Police and Migration prevented to exit from the Republic of Albania 736 Albanian citizens on the basis of existing information to TIMS system which provides information for the consumption of staying time in the EU area, of unaccompanied minors, and when they do not fulfill additional conditions that may be sought in place of arrival, based on Article 17 paragraph 1 of the Constitution and of the Article 6, paragraph 5 and Article 13, paragraph 1 of Law no. No. 9861, dated 24.1.2008 "On State Border Control and Supervision"

All information provided, either through documentation accompanying the returnees, or by interviews is registered in TIMS system, enabling the continuation of consultations by all Border Police services, including those in all the border points, by preventing from traveling abroad of the Albanian citizens whose have been banned the entry in 28 EU countries.

To those Albanian citizens who were forced to return from EU countries on the grounds that they were illegally residing in these countries and/or proved that they have crossed illegally the Albanian border in the direction of EU since December 15, 2010, have been applied sanctions specified in the Criminal Code of the Republic of Albania. Thus, during the period from October to December 2011, for illegal border crossing has started criminal proceedings for 25 nationals and were fined administratively for the period of October-December 2011 about 700 people.

In following-up visa liberalization

Albania is fully committed to ensure respect of the conditions associated to visa liberalization, a process which has fulfilled its main objectives: facilitating of people-to-people contacts and enhancing business opportunities and cultural exchange. Since its entry into force on 15 December 2010 until March of 2012, the implementation of the visa free regime by Albanian citizens has been very smooth. A considerable increase of the number of asylum seekers from Albania, mainly in Belgium and Sweden, was detected during the months of September, October and November 2011. This number fell considerably in December 2011 and the first three months of 2012. According to the Belgian authorities the number of asylum requests by Albanian nationals fell from 342 in October to 96 requests in November, to reach 38
requests in January 2012. The positive trend of reduction of numbers of asylum seekers continues as such for February there are only 31 requests.

**Fight against organized crime**

There has been progress regarding international cooperation, such as with EUROPOL by securing a link of communication and a bilateral agreement signed in November 2011, increasing significantly the number of requests for strategic information and data between Europol and Albania.

There is an increase of efficiency of structures involved in the fight against illegal trafficking shown as well as the increase of international cooperation operations. During 2011 there was an increase in the effectiveness of the fight against illegal trafficking with 186 investigated criminal offences more than in 2010. In the same way the number of persons detected as implicated in illegal trafficking during 2011 compared with 2010 has been increased with 161 persons.

The National Action Plan on Combating Trafficking in Persons 2011-2013 provides for a large number of activities aimed at identifying and referring the greatest number of victims and potential victims of trafficking. During 2011, there have been identified, referred, offered protection and assisted 84 victims/potential victims of trafficking, out of whom 39 are children. All the identified victims have been referred in shelters and have received full services provided by shelters. The new national anti-drug strategy is being drafted in consultation with all stakeholders. In 2011 there has been an increase in number of the cases of the narcotic substances seizures by 22.5 %; the number of the offenders in the drug area is increased by 18.5 %; the number of the arrested and detained citizens is increased by 15.7 % and the number of the offenders who fled is decreased by 39.2 % as compared to 2010.

**Overview of readmission agreements in contemporary Europe**

Readmission agreements emerged in the practice of States the first decade following the World War II, mainly in Eastern European countries. Initially they provided the regulation of border control and treatment of persons who illegally entered the territory of state parties to the agreement.

The readmission agreements provide a structure of the accountability of states for their citizens who enter or remain unlawfully in the territory of another contracting party. Starting in late 1980, as a result of political changes in Europe, at the beginning of the democratic process and fight against the communist regime, was envisaged that a movement of about 30 million people would move westwards and therefore it would be very difficult to control this movement. Only in 1989 from Eastern to Western Europe immigrated 1.300.000 people. After that time the countries of Central and Eastern Europe were gradually transformed from a source of immigrants, in hosting countries and transit of migrants.

Readmission agreements require states parties to readmit certain categories of persons in their territory at the request of another contracting party. Pursuant to these agreements, persons who are citizens of a state party and, in certain circumstances, third country nationals or stateless persons who have passed through the territory of the requested party or have a residence permit on the territory of that party should be readmitted.

**Readmission agreements and international obligations of States**

Based on the practice of international law, each state is obliged to readmit its own nationals, even in the absence of a readmission agreement. The need for such an agreement arises when it comes to the readmission of foreign nationals or third country nationals, to a third country, who use the territory of a State to transit and enter into the territory of another state that requires their readmission.

For the conclusion of readmission agreements is required dialogue between States, including confirmation of the principle of good relations on the basis of reciprocity, in order to prevent illegal trafficking of persons and clandestine movements. The agreements are intended to prevent movement in transit to persons who are not in possession of valid documents needed to travel to enter in the neighboring country or country of destination.

Some states stresses that the aim to conclude the agreement is not the repetition of this obligation, but the facilitation of its implementation. Such agreements are necessary to determine the formalities required for readmission, the type and level of evidence needed, and determining which party will bear the costs of readmission, or return.
On the other hand, the conclusion of readmission agreements may create the impression that countries have an international obligation to readmit their nationals only when it is provided in such agreement. To avoid this opinion, must be emphasized the role of the implementation of these agreements.

**Readmission of nationals of a state based on these international acts:**

1. Article 13 of the Universal Declaration of Human Rights, provides that every person has the right to return to his country. Refusal of return is inconsistent with this Article.

2. Under the terms of Article 29 of the Universal Declaration of Human Rights, the right of persons to return to their country, cannot be subject to restrictions other than those provided by law that are necessary in a democratic society to ensure recognition and respect for the rights and freedoms of others and for meeting the requirements of morality, public order and welfare for all.

3. Article 12 of the Covenant for Civil and Political Rights provides that every person has the right to leave any country, including his country.

4. Article 4 of the Covenant for Civil and Political Rights provides that no one can be deprived of the right to enter his country. An analogous provision is provided to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Furthermore it is stated: "No one shall be denied the right to enter the territory of the state whose citizen he is."

From the legal standpoint, the right to return at the country of origin corresponds with the obligation to readmit persons who have been refused an extension of their residence from another state, who lawfully exercises its territorial sovereignty. The respect for human rights in case of return to country of origin will depend on the willingness of the person to return. This is based on an individual human right.

On the other hand, there is an obligation of the State of origin to readmit the person, or group of persons, because they did not respect legislation in force, specifically those related to enter, transit and stay in the territory of another state. The basis of compelling a state to accept its nationals remains a decision that is personal according territorial sovereignty of that state. International principles require each state to oversee at least its citizens. If these citizens are in other countries, they benefit from diplomatic protection of the state of origin, which is authorized if necessary to exercise that protection in the State of residence of citizens. Based on the principle of reciprocity, the state of residence has the right to exercise its power to send back in their country of origin the foreigners who stay illegally in its territory.

Albania concluded the "Agreement between the Republic of Albania and the European Community on the readmission of persons", on April 14, 2005. The Agreement entered into force on May 1, 2006. Meanwhile 12 implementation protocols are signed with EU countries and others are in process.

The Agreement provides mutual obligations of Albania and the European Union to readmit without formalities other than those specified in the Agreement at the request of either Party, of all persons who do not meet further requirements for entry, or residence in the territory of the requesting party, provided that it is proved or admitted in a valid manner based on the evidence indicated that they are citizens of the other Party. List of evidence that can be used under the Agreement formats and applications for readmission and transit are provided in the annexes of the Agreement.

**Conclusions**

As referred to the issue on free movement of persons and implementation of readmission agreements, one of the challenges for state authorities remains the drafting of the appropriate legislation and its effective implementation in practice, as well as the awareness of the citizens to give their contribution in presenting a positive image of Albania in the international arena.

Until now Albania has made a very good progress in terms of membership in international acts and agreements that address issues of fundamental freedoms and human rights, including free movement of individuals.

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6 Article 2 and 4 of the Agreement between the Republic of Albania and the European Community on the readmission of persons
In this context, it is required not only to achieve the preset standards i.e. equipping citizens with identity cards, effective control of borders and border movements, deceleration of the clandestine movement and in particular the prohibition of trafficking in human beings, but above all to progress the economic development and the living standards.

A very important element is also the cooperation with neighboring countries and the countries of the region. Commendable achievements exist in almost all areas of cooperation not only in political but also in the social and economic terms which have been finalized in a series of bilateral and multilateral agreements.

In terms of readmission agreements, Albania has respected all international obligations in this regard and has responded positively to any request for readmission of its citizens, even to countries with which there has been not concluded a readmission agreement. A problem that requires a quick solution remains however the treatment of nationals of third countries with which the readmission agreements are not yet completed.

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Agreement between the Republic of Albania and the European Community on the readmission of persons", signed on April 14, 2005

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Universal Declaration of Human Rights
Abstract: The war of 2001 in Macedonia drew the attention of all governments and diplomacies of the superpowers of the world and also raised curiosity of many political and military analysts and researchers who wrote about Modern and Contemporary Balkan history. But it seems that the journalists from the powerful countries of the world in which global politics are created, show interest to follow the tragic events in Macedonia during 2001, war between Macedonian Army and Police forces against National Liberation Army - NLA (of Albanians). U.S. and UK in particular and the European Union were generally engaged in Macedonia politically and military throughout the fighting. Also British journalists and media were seriously interested from both printed and electronic ones who did not delay and arrived at the scene immediately after this "Oasis of Peace" was blurred. Reports and journalistic writings in the UK undoubtedly play an important role to inform both the public and the state leadership that they will build a political concept on events that took place in this part of Europe, therefore we know that in democracies of these countries the "public opinion" plays an important role. These materials are collected from important daily newspapers such as : The Times; The Independent; The Guardian; The Daily Telegraph; The Financial Times; The Mirror; The Evening Standard etc.

The war of 2001 in Macedonia drew the attention of all governments and diplomacies of the superpowers of the world and also raised curiosity of many political and military analysts and researchers who wrote about Modern and Contemporary Balkan history. But it seems that the journalists from the powerful countries of the world in which global politics are created, show interest to follow the tragic events in Macedonia during 2001, war between Macedonian Army and Police forces against National Liberation Army - NLA (of Albanians). U.S. and UK in particular and the European Union were generally engaged in Macedonia politically and military throughout the fighting. Also British journalists and media were seriously interested from both printed and electronic ones who did not delay and arrived at the scene immediately after this "Oasis of Peace" was blurred. Reports and journalistic writings in the UK undoubtedly play an important role to inform both the public and the state leadership that they will build a political concept on events that took place in this part of Europe, therefore we know that in democracies of these countries the "public opinion" plays an important role.

In this study we have taken the British Daily Press that has paid attention to the development of military and political events in Macedonia during the period of war in 2001.

The written articles were taken from the most important daily newspapers like: The Times, The Independent, The Guardian, The Daily Telegraph, The Financial Times, The Mirror, The Evening Standard etc. The ultimate goal of this study is that we not always have to watch events from the perspective of your own nation for an event or process that pervades the nation, but more important is to know that what the others will write or speak for the same process. In this case the British took advantage because of the importance that London is having a wider political range over the world, otherwise known as the Anglo-American one that produces the most powerful politics in the world and additionally Britain was heavily engaged in Macedonia during 2001 war.

The region of Karadak in Kumanovo has been one of the most important areas where the fighting took place. In this study we focused mainly in this province to submit reports of British journalists on the ground and the views of the editorials of these newspapers.

After the events of Tanusevci, north of capital Skopje and then the extent of fighting in Tetovo which events have been covered by British journalists, The Daily Telegraph newspaper outlined "Albanian rebels bring Balkan war closer ", among other news also it reports that a day earlier were fighting in Malino, although artillery explosions were heard that bombed the surrounding mountains to "clean up 200 rebels. Additionally the journalist reports that according to several news from terrain, fights are well spreading around Lipkovo 12 miles north-east of Skopje ". The journalist Patrick Bishop notes that "Ongoing violence has dampened hopes that the actions of the NLA would be short-lived" basically the journalist quoted, The Prime Minister Georgievski, who says that: "At first we thought that they are just criminals, but according to our information, now it seems that they have strong political and logistic support from structures in Kosovo. "( March 16, 2001 The Daily Telegraph). Apparently the Prime Minister Georgievski trying to create the
perception that Kosovo Protection Force is responsible for igniting the war in Macedonia and for arming the NLA to fight against government forces. Many analysts think that Mr Georgievski wanted to justify the losses of unprepared and unequipped Macedonian Army. He was keen to react like this in order to convince the international factor for better support from them.

For entering the NLA units in Lipkovo The Times, stating that they are entered in Lipkovo armed with machine guns and grenade launcher. This neutral attitude of the British press about the events of mid-March 2001, which is clearly expressed in their tabloids that the NLA is not a terrorist organization, it means that foreign journalists do not emphasize the same view towards NLA as it has been claimed by both Macedonian state officials and Macedonian media as a terrorist organization. Although the view of British journalists is that the actions of the NLA won't be short-lived which creates the impression that NLA is a well organized military structure and not as claimed by some quarters who represented as an anarchist group of people. These journalists expression will quickly reflect positively in favor of NLA, as it influenced the international political and military factors to keep the NLA side. ( The Times March 16th 2001)

The Independent newspaper reports for the visit of British Foreign Secretary Robin Cook in Skopje. Apart from meeting protocol that took place the journalist, Steve Crawshaw highlights the reaction of the DPA leader Arben Xhaferi towards Robin Cook, as the latter one uses the term terrorist regarding to NLA as a political tool to make pressure upon them to withdraw from the frontlines. "Mr. Xhaferi though a declared opponent of the NLA firmly rejected Mr. Cook's use of the word “terrorist”. He said "They cannot be terrorists, because they have uniforms and a frontal line - they haven't attacked civilians. We have an uprising." ( The Independent April 6, 2001 ) This is a turning point in managing the war in Macedonia, as Mr. Xhaferi's political party takes part in the government and he was not a supporter of NLA, at once he protected the Albanian guerrillas, which took by surprise Mr. Cook and Macedonians as well. Even though Mr. Xhaferi wanted to be shown in front of the Albanians and NLA solders as a hero, it still meant a lot for British and European diplomacy as he gave a clear message to them.

On May 7, 2001, journalists reporting from Slučani Nicholas Wood and Ian Black from Brussels, in The Guardian newspaper reports that the situation has escalated in this region as government forces have taken air and ground offensive against the province of Lipkovo again yesterday after the expiry of a deadline for civilians to leave the area, as Mr. Wood writes: "Helicopter gunships, tanks and mortars were used to pound the villages of Slupcane and Vaksince. The attack came as the rebels showed no sign of withdrawing from their positions in the north-west, where security forces bombarded them for a fourth day running. A senior rebel leader chief swore that his men would not leave the region, as rebel units had done near Tetovo more than a month ago when attacked by the army. We'll never let Tetovo happen again said commander Sokol, speaking at his headquarters near Slupcane." At least seven people all civilians according to the rebels have been killed in fighting since last Thursday is reported by journalists. Regarding speculation that the NLA is holding civilians as human shields the journalist in a very correct way enlighten the case by interviewing local residents who say: <Where can we go. If we go the Macedonians will be waiting for us. They will separate the men from the children. Here the women are afraid and the children are crying.> ( The Guardian 7 May, 2001 ) says a resident named Osman Aledin 50 years. "Out on the street not a single house was left untouched by the shelling..... the guerrillas claim to have 2000 men in 12 villages around Kumanovo. Rebel checkpoints and bunkers can be seen at the entry to each village. They wear either black or khaki uniforms, all of them with a red badge bearing the group's initials."( The Guardian 7 May, 2001 )

For the above mentioned fighting notifies the Wall Street Journal Europe on May 7, 2001, by journalist Geoff Winestocks. Reporter writes "Fast escalating conflict between the quarters of the Macedonian government forces and ethnic Albanian rebels, gradually forcing Western leaders to admit that once again can get their hands dirty in the Balkans. Infantry forces of the Macedonian government, backed by helicopter for a few days attacked and bombed villages, believing that they are strong holds in the north-east of the capital Skopje. Diplomats say that the battle has caused at least seven deaths and 1000 civilian Albanian refugees crossed the close border with Kosovo.

Also on May 7, 2001 Christian Jennings reporter for The Daily Telegraph newspaper reports about the situation in the region of Lipkovo and civilians who have remained trapped in villages. A spokesman of the committee, Anick Bouvier International Red Cross says: "One reason why people are staying in these villages is a form of intimidation." Also he said that "The ICRC was worried for hundreds of civilians after the villages came under fire for the third day running from helicopter gunships artillery, machine guns and mortars."

The Financial Times on May 7, 2001, wrote about events in the region of Lipkovo, for the number of civilians killed and the fate of the other civilians who remained in the villages. Represents the views of Ljubco Georgievski to declare a state of war and opposition from international community and Arben Xhaferi which states: "The declaration of war would throw Albanians out of the system and lead to further ethnic polarization... There is emotional pressure on us to pull out of governments, but rationally it is better to stay in. That is the only way we can exert some influence over events."
A week later, on May 14, 2001, The Daily Telegraph reports that Macedonia's government is poised to dislodge the rebels. While women and elders were in the cars of the International Red Cross as Macedonian and international journalist swarmed around the vehicles and they asked them "Have you had contact with terrorists?" Nick Thorpe tells how one woman took herself from exhaustion and hunger by looking at the reporter who asked them and said determinedly: "The men there are our brothers, defending our homes," It is important to mention that the reporter notes: "Every shell fired by the Macedonian army, every bullet fired from Albanian positions, further polarizes Macedonian society. And the country's growing ethnic tensions are not taking place in a vacuum." (Nick Thorpe on May 17 for The Guardian)

Several days later the British press was invaded by articles that are talking about the war in Macedonia, respectively the hot spot of the region. The Independent on May 22, 2001 informs the British public about fightings in Lipkovo. Aleksandar Vasovic writes: "The fighting centered on Opae. The gunship and tanks shelled ethnic Albanian positions to win control of the one-third of the village in rebel hands. The insurgents responded with machine gun fire." (The Independent on May 22, 2001)

While newspaper The Guardian on May 22, 2001 informs that "the Macedonian government used helicopter gunships, tanks and artillery to bombard Albanian rebel positions yesterday in the heaviest fighting for more than two weeks.... The exchange of fire was centered on villages, of Vaksince and Slupcane, in the north-east of the country. The rebels said that six civilians had been wounded and the minaret of the mosque in Vaksince had been destroyed. The International Committee of the Red Cross estimates that there are up to 10,000 people still living in rebel held territory, and a government minister accused the rebels of using them as human shields. Last week the Red Cross evacuated hundreds of women and children from the area, but said that many people had decided to remain, taking refugee in their cellars." (The Guardian on May 22, 2001)

The Daily Telegraph on May 22, 2001 informs about the situation of civilians who have remained in the cross-fire of the war, wherein quoted spokesman Chris Janowski UN High Commissioner who says there in the villages are 5000 villages and 10000 civilians. Further stated: "Faced with a major government offensive, ethnic Albanian rebels threatened to take their war to the cities." (The Daily Telegraph on May 22, 2001)

On May 25, 2001, Douglas Hamilton reporter from the newspaper The Independent reports on the bombing of villages in Lipkovo. He quoted commander Shpati who says: "This is the fiercest shelling we have withstood so far. We have unconfirmed reports that shells have hit the shelters." The journalist writes below that humanitarian organizations were unable to send a team to the villages Slupcane, Orizari, Vaksince and other Albanian villages held by guerrillas for the past three weeks despite frequent bombardments were also under attack. There are more information that Albanian political leaders had made a peace deal with NLA rebels in secret talks involving a western diplomat. The deal was apparently brokered by the special envoy of the Organization for security and Cooperation in Europe, Robert Frowick. (May 25, 2001 The Independent)
As far as civilians who managed to flee the areas of fighting the British press writes very clearly about their mistreatment by Macedonian forces. Reporter Julius Strauss who reports from Kumanovo writes: "Dozens of refugees were beaten and tortured by Macedonian forces trying to put down an ethnic Albanian uprising at the weekend. The government had promised villagers in the north safe passage away from the fighting, food and lodging. Instead army units beat men, women and children. At the police station in Kumanovo, suspected rebel sympathizers were tortured by masked man wielding buttons. Several had their hands burned, some were beaten on the soles of their feet or had sacks placed over their heads. The journalist quotes Peter Bouckaert of Human Rights Watch, who is compiling report on the abuses, said: "Just about every male has been beaten. It's one of the main reasons they're not leaving their villages. We have cases of women, children and elderly men being beaten." (The Daily Telegraph on May 28, 2001)

The Times published an interesting report to Richard Beeston, who with a historical-poetic language describes several minutes of fighting in the region Lipkovo but it suggests very few lines of densely woven. He writes: "Camped by the side of a road with fields of wheat and white flowers on either side, a motley group of spectators turned out yesterday to watch the two opposing forces in the Former Yugoslav Republic of Macedonia do battle beneath the blistering Balkans sun. Villagers foreign television crews and Western military observers sat at a safe distance from the battle as tanks, helicopter gunships and artillery pounded a handful of villages which have become the front line in the 5th ethnic conflict in the Former Yugoslavia. Despite the boom of field guns behind us and the destruction of the nearby village of Matejce, we stood and gazed like 19th-century European aristocrats, who watched the Continent's battles with picnic humpers, wine and a powerful telescope." (May 29, 2001, The Times)

The Massacre of Zymberi family in the British press

How were received from English and foreign journalists in family massacre Zymberi and appeared before the public as the best British journalist's article speaks Justin Huggler. He starts writing in this way: "Valbona Zymberi died in agony, a terrified child in a hospital far from home. She spent the last weeks of her life in total darkness, crouched in a filthy basement with 65 other people while the explosions of shells and rockets echoed over head. Valbona lived at the end of the basement the villagers thought was safest, where they put the restless, frustrated children. And when rocket fired by a Macedonian helicopter gunship, ploughed into that end, it was the children who were torn apart. As the villagers struggled through the cellar they found the bodies. All the dead were members of the extended Zymbery family. Selvije Zymbery, a cousin of Qefajet's, lie dead. Beside her were the bodies of her eight-year-old son, Mersim, and two year-old-daughter Isnie. Suzan Zymbery, who was 23 and Jonuz Zymbery, 18, had also been killed. Neale Zymbry a 15 year-old girl lay screaming. She died half an hour later." (The Independent on June 5, 2001)

In an editorial comment of The Independent, entitled "The West should not close their eyes to the violence in Macedonia," among other things writes: "Around a third of all Macedonian citizens are Albanians; in western Macedonia, they form a majority. In those circumstances, it becomes doubly essential that the government should be ready to show willingness to treat the Albanians as equals. That is not yet the case. Worse, they go after the bombing of their basement hiding place, reported in The Independent today, is a reminder of the casual brutality that must be left behind. Evidence from Human Rights Watch and others shows that agreed ceasefires have been abused; men leaving villages have been taken to a police station and badly beaten." (The Independent on June 5, 2001) In this newspaper article are enlightened two important elements: first that Albanians make up one third of the country despite the state propaganda that they are only 22%, secondly the evidence of human right abuse by the Macedonian police.

The Guardian newspaper informs by the journalist Nicholas Wood in Macedonia that the situation is worrying because fighting took place in three fronts: Tetovo, Skopje and Kumanovo. The reporter writes: "Rebel forces are concentrated around Kumanovo, north east of Skopje. Rebels killed a soldier and wounded three others in that area yesterday as the army tried to retake the village of Slupcan, the state news agency said. The gunmen's arrival in Aracinovo means the thinly stretched army has trouble on three fronts." (The Guardian June 11th 2001) While in The Guardian the journalist Jonathan Steele commented the situation in Macedonia in an article entitled "Right of the map".

Journalist commented the proposal of Macedonian Academy of Science, the country's intellectual elite accompanied by a map, which to a great way to open with a well developed project proposes the division of Macedonia and the exchange of population. The text begins with Franjo Tudjman's Croatian ex-president who once drew a map for Paddy Ashdown in Bosnia, a project which is now the author of the text derives from the intellectual elite of the state. Noted that part of the Macedonian politicians disagreed with this proposal, but the Albanian politicians have opposed this, as the author cites "Albanian politicians also opposed the map, after allegations that Albanians as undermining this country, was a significant group Macedonians who openly advocated the separation. Stojan Andov, the president of parliament called
the proposal for voluntary ethnic cleansing "interesting and provocative ". Ljubco Georgievski , the nationalist prime minister, went to television to reveal "the latest demographic facts ", showing that Albanian children were 34% of new entrants to primary school and Macedonians only 52%. This mean Macedonian political elite is disturbed because according to official statistics in Macedonia, Albanians are 22%, which means that 12% are represented more in primary schools, so the number of Albanians are increased so high. On the other side the Macedonians officially were 67% but in primary school are represented with only 52%, basically 15% less than the percentage of population, it means a drastic decline of fertility. This is an interesting presentation by the Prime Minister Georgievski who pays special attention to demographic figures and by telling people he is rising the alarm to find a solution to get rid of Albanians as he warns that Macedonians will be minority in their own country in the near future. (The Guardian June 11th 2001)

The Daily Telegraph, reports that, ethnic Albanian rebels say they will hit Macedonia’s main airport, police stations and other targets. Yesterday a Macedonian soldier was killed and three others were wounded as the army tried to recapture Slupcane. Also, at the same day The Times, confirmed the same story for fighting in Slupcane and the National Liberation Army seized the district of Aracinovo, six miles from the centre of the city. (June 11, The Daily Telegraph)

The daily newspaper The Independent published a picture of a tearful child on the arm of his mother as ethnic Albanians cross the border into Kosovo to escape the fighting in Macedonia. The following text of Justin Huggler titled "Macedonia calls ceasefire after rebels threaten to attack capital’s airport", the text begins as : "The threats from ethnic Albanian rebels attack the Macedonian capital Skopje, yesterday appeared to cause the government to back down and call off its assault on the insurgents. " Also at talks in Luxembourg, EU foreign ministers expressed "growing concern" at the deterioration of the situation in Macedonia. Anna Lindh, the Swedish Foreign Minister, who chaired the meeting, also cited about the situation in Macedonia. "It's extremely serious, extremely tense."

The EU also appealed to the Macedonian government to keep its response "proportionate" and deliver political concessions to the Albanian community within two weeks. (The Independent on June 12, 2001)

The journalist also informs for the water supply to the city of Kumanovo to be reconnected . The city has been without water during a heat wave since the rebels cut off the supply from a dam just outside a village they are occupying. The Macedonian army has been shelling several rebel held villages for a month now, without any significant success.

In this tense situation, we have an analysis of the historian Misha Glenny, author of many books for Balkans, in The Daily Telegraph newspaper on June 14, 2001. Misha Glenny’s text begins with a few sentences concerning about the situation in Macedonia, "Time is running out for Macedonia. After months of low-level clashes between the poorly equipped Macedonian army and the highly effective Albanian guerrillas of the National Liberation Army, the last two weeks has seen the situation slip rapidly out of control. "Moreover, one senior European Union diplomat said: "A collapse of this fragile state would endanger more or less everything we have been trying to achieve in the region during the past decade. It would be almost impossible to put Macedonian’s pieces back together again".

Rory Caroll, the journalist of the daily newspaper The Guardian in June 27, 2001, informs that: The ceasefire brokered by the European Union allowed several hundred rebels to move from the village of Aracinovo, just six miles from the capital, to Nikushtak four miles further north. Macedonian tanks, artillery and machine guns poured fire into Nikushtak and two other rebel-held villages of Kumanovo. In August 7, 2001 the journalist Justin Huggler in The Independent quoted commander Shpati who said by telephone: "We will not hand over any weapons until we have a deal that is not only signed, but holding"

"We're not happy with the deal" said Shpati. "We have invested a lot in this, and we hoped for something better". (The Independent August 7, 2001)

Nicholas Wood, the journalist of, The Guardian on August 13, 2001, quoted commander Sokol, leader of the 113 brigade, based in the villages around the city of Kumanovo, said there had been four hours of non-stop shelling of Lipkovo. "Here they are shellig the civilian population without any reason".

After 13 August 2001 when the Ohrid Framework Agreement, signed by the international mediation, in which part of the deal was disarming the NLA by NATO forces in action to be called "Essential Harvest" . Under the agreement NLA soldiers had to hand over their arms to NATO soldiers voluntarily in areas where they had set up their collecting points. So journalists Julius Strauss who report from Nikushtak and Michael Smith from Skopje, for The Daily Telegraph newspaper on August 28, 2001 report on the action of collecting weapons from the NLA who voluntarily are handing over to NATO forces. Among the settlements mentioned is the village of Hotle, where a day earlier French troops have collected over 400 weapons and wherein the action continues even further by the British and French troops.

In another article being on August 28, 2001 The Daily Telegraph by journalist Michael Smith that reports from Skopje, he notified that the collection of NLA weapons has already began. This action will last 30 days to disarm the Albanian
guerrillas. Michael Smith also reports that yesterday in the village of Hotle are handed over 400 guns. The text is accompanied by a large picture showing the mosque of the village Matejce wholly ruined along with the minaret of the mosque which lies on the road where British troops are patrolling.

“For months, Ljubco Georgievski, the Prime Minister, and Ljube Boskovski, the Interior Minister, have publicly savaged Nato for allegedly backing the ethnic Albanians. As a result, many Macedonians hate the West even more than the Albanians, and attacks on Westerners have become commonplace. The nationalist local media have further stirred feelings, accusing Nato of illicitly arming Albanian rebel and preventing the government from using force to crash them”. (The Daily Telegraph )

“One thing that Macedonian conflict has in common with the Bosnian and the Kosovo conflict is that ignoring the problems now would only store up worse problems to come – not just in Macedonia but across the region.” (The Independent, 28 August 2001 )

Are these authentic sources which in translation with full care are adapted in Albanian not changed or distorted views and comments of various journalists.

Based in the newspaper articles and reports from British journalists there could be a conclusion that from the beginning of the war they have been very careful using the vocabulary to do not degrade the NLA. Also is never called by derogatory or belittling term of any other form, except the term "Insurgents" or "Rebels" which based in Oxford Dictionary mean “1. A person who fights against the governments of their country. 2. A person who opposes somebody in authority over them within an organization, a political party etc.” (Oxford Advanced Learner’s Dictionary, New 8th Edition, 2010). Also in a professional manner the British journalist are representing the events in an objective way as they were developing in the battlefield. The British reporters denounces government discrimination policy towards Albanians. Their fair reports made the British public to understand the reality in Macedonia and to calm down opposition voices who were against the British involvement for this issue, in particular they played a very important rule for preparation of the British public at the right time not opposing to send British troops to Macedonia.

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Albania in the Focus of World Press in Years 1970-1973

**Man Directions on Assessment and Diplomatic Relations**

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**Abstract:** Albania's communist system coincides with the years 1944-1990. Albanian Communist Party victory of 1944 until the year 1948 was oriented entirely toward Yugoslavia. It got away from the chauvinist policies of its malicious, closely related to the Soviet Union. To keep the “pure Marxist-Leninist line,” PPSH broke with the Soviet Union in November 1961. The need for economic assistance and support in the field of foreign policy, the official Tirana looked forward China. The last one was considered as the main ally of our country, who supported the line of Marxism-Leninism. Although still early, a new wind of change was observed in the Albanian-Chinese friendship. In early 1973 there is a deepening of the differences between the two allies. Relations with the Soviet Union continue to be tense and are slightly tempered by the socialist camp countries, friendly relations are Romania, Bulgaria, and Hungary despite some ideological differences. We noticed the Balkan, a spirit of cooperation aiming easier and better neighborhood with Yugoslavia and Greece. In this period, the communist government of West rejects demands for openness and collaboration by standing firm in her line. Albania is not stopped short of linking diplomatic relations with several countries, mainly second-hand in the international arena.

**Keywords:** Albania’s communist system, totalitarian order, Marxist-Leninist lines, socialist camp countries

**Introduction**

Albania’s communist system coincides with the years 1944-1990. For half a century Albania lived under a totalitarian order one of the wildest in Europe. This system left an indelible mark in the nation, which will trace the history echoes. Although a member of the socialist camp, Albania had many special features that are worth to be studied.

Albanian Communist Party victory of 1944, until the year 1948 was oriented entirely toward Yugoslavia. It got away from the chauvinist policies of its malicious, in order to get close with the Soviet Union. To keep the line pure between Marxist-Leninists, Albanian Labor Party condemned Khrushchevite, and broke with the Soviet Union in November 1961.

The need for economic assistance and support in the field of foreign policy, made Tirana to look toward China. However, even with this third partner ideological clashes, as previously, led to the destruction of the Albanian-Chinese relations in July 1978. By this time, Albania went into complete self-isolation. While the top leadership of the state party boasted that Albania was building socialism with its own fully forces. The early '70s were years that are compounded by euphoric revolutionary ideas and initiatives. In every area of life prevailed the word “revolutionary”. Economy, culture, politics and ideology states that take a "new impetus to free them." Albania allegedly excelled as a significant source of revolutionary movement. Chinese Cultural Revolution had its influence in Albania, leaving trace on people tradition elements. It hit intelligence, intensified militarization in the field of education and culture, strengthened war demonstrations against foreign influences, and their liberal attitudes. Pace of development of productive forces began to decline. Perspectives after the first cracks in the ideological plan with China, was in the way of shading away. Political, economic, military and cultural relations between the two countries began to narrow.

1. Albanian-Chinese Friendship. How does its future look like?

The year 1970 found Albania in close ties with the People’s Republic of China. This relationship was considered as the main ally of our country, who supported the line of Marxism-Leninism. Although still early, a new wind of change was observed in the Albanian-Chinese friendship.

In 1971, President of the United States, Richard Nixon visits China. This was not a little to the Albanian leadership. On
August 6, 1971, the Central Committee of the Albanian Labor Party, sent a letter to the Central Committee of China Communist Party which stated that Albania was against this political turning that China was taking, that was in contrary to socialism. (History of Albania)

American Journal The Christian Science Monitor (March 5th 1972), published an article entitled "Albania and China differ little step of walking together." According to this article Albania, by implication, has criticized China-US communiqué issued at the end of Nixon’s visit to Beijing. The Chinese government shows interest to the European Common Market, which according to Tirana is a ‘complicated knot of contradictions between the imperialists’. Lack of respect, the China Communist Party has shown in not sending a delegation to its VI Congress of the Albanian Labor Party.

“Ping-Pong political - paper quotes Hungarian Magyar Hirlap (May 7th 1972)- contributed to weakening the Bangladesh-China friendship” and continues: “While the Albanian leadership considers the USA as an enemy of freedom of the peoples, Tirana could not pass so easily, since its ideological ally, China already thinks in another way”.

In early 1973 there is a deepening of the differences between the two allies.

Newspaper Sydentshe Caitung (December 1972), publishes the article “Relations between Beijing and Tirana, are at a turning point”. According to the daily problem of divergence is the question of who is more dangerous, the USA or the Soviet Union? Tirana qualifies as important fight on both these fronts, while the fighting overshadowed Beijing USA identified as the most dangerous Soviet Union. These divergences were officially confirmed in early November 1973, the Albanian Defense Minister, Bekir Balluku, at a reception in Beijing, Chinese views rejected as unacceptable for socialist Albania. Although relations with China continued, for several years, they were not on the “pure love”, because of ideological differences.

2. Relations with the Soviet Union and the socialist camp

With the dissolution of the relationship with the Soviet Union, by the Albanian side have not stopped attacks on charges of “Soviet social-imperialism”. Structures are reported and the Warsaw Pact’s of Council of Mutual Economic Assistance. According Tirana “revisionism of the Soviet Union wants to keep under wardship necessarily socialist camp” - underscores the agency Tanjug (May 29th 1970). However in the early ’70s there was a decrease in hostile tonalities.

On the occasion of the Albanian Liberation newspaper Izvestia (November 27th 1970), wrote an article somewhat sympathetic greeting, for Tirana. It says that it is necessary to improve the relations between the two countries, and that with good will from both sides, the situation can return to normal. According to American newspaper Times (February 1971), the Soviet Union’s policy toward Albania, as a result of his interests. Soviet Union sees Albania as a bridge with China, as if he wanted Moscow, Tirana could act as a mediator. However, from the Albanian side, there is a euphoric reaction. Albanian Labor Party has not responded to verbal gesture to moderate Soviet Union, but has remained faithful to her previous residence. Ongoing Yugoslav press, Hungarian and Italian, have published articles which focused attention on the restoration of Albanian-Soviet relations.

But the situation with other countries the socialist camp, is somewhat different. Relations are friendly with Romania, Bulgaria and Hungary, and despite some differences ideological, circulates a calm wind.

3. Towards a better neighborhood

Polish newspaper Zallniezh Walnashci (August 31st 1970), in an article entitled “Bangladesh, yesterday and today” the author Elizabeth Zhamarovska, noting that there are countries in the Balkans with different economic systems, social policy, states that enter into blocks opposing military interests, which imply permanent state of tension cause. On June 1970, the Organization of the United Nations, the Romanian Socialist Republic, urged the Governments concerned, to transform the region into a region of Balkans peace and coexistence as normal without nuclear weapons. It is a fact that there were some improvements. But will people forget the Balkans as “powder keg”?

“Yugoslavia plans to resume diplomatic relations with Albania in a near future, ending the Cold War in miniature that was developed for 22 years between these two states” - writes

American newspapers Chicago Daily News (May 5th 1970). The same newspaper says that Belgrade’s policy towards Tirana is an ongoing change. Intended approach between the two neighboring states, and the first step for this is thought to be placing the Yugoslav Embassy in Albania. In this case “is a positive response from the Government of Tirana” - confirms the Austrian newspaper Die Presse (June 4th 1970).

Enver Hoxha offered Belgrade good neighborly relations and assistance in case of any aggression by the Soviets. Despite major ideological differences, Yugoslavia-Albania relations, beginning with the trade and then the other areas will be satisfactory. (Die Presse, June 4th 1970)
On February 1971 between Albania and Yugoslavia restored diplomatic relations at embassy level. (Newspaper Borba, Feb 2nd 1971)

This fact had important diplomatic large echo in the world press. Many newspapers like Le Monde in France, Magyar Hirlap of Hungary, Il Popolo of Italy, The Times of America, give news of exchange of embassies between Albania and Yugoslavia.

And go toward improving relations with Greece. On May 1971, came to settle diplomatic relations between Greece and Albania.

As writes Le Monde (May 6th 1971), both these countries have the opposite regimes, but both very tough. And, despite substantial changes in the ideological, social organization, political and economic tension long after, these two countries reached the normalization condition. Now will open an online economic and cultural cooperation between them. Immediately signed the agreement, under which Albania will import goods value 800 thousand dollars, will export goods 700 thousand dollar value. (Il Tempo, May 7th 1971)

This fact is reflected in many papers of different orientations. It is a merit of the Albanian diplomacy in these two countries historically hostile to achieve lower cooled and have a sort of Balkan equilibrium.

4. Request for opening of the West! Being Ignored by the Albanian Government

In the early '70s, the Albanian diplomacy, noticed a light breeze. According to the newspaper New York Times, with all these changes, Albania continues to remain faithful to its policy of isolation. The borders remain closed to all but a few foreign visitors who followed close from over their residence. Albania also takes no part in the normal diplomatic or political activities in Europe. Following this newspaper says that the influence of Chinese policy in Albanian opinion should not be underestimated.

UK seeks the establishment of diplomatic relations with Albania and the latter is moving towards establishing diplomatic relations with it, says London-based newspaper Financial Times (October 5th 1972). The article stops and the tragedy of the Corfu Channel incident, in October 1946, where the officers were killed 46 British sailors and injured 22 others. The following adds that these two countries have had diplomatic relations, but there is an attempt by London to change. Obviously stalemate must be resolved before the problem Corfu Channel incident.

As known, Albania has concentrated attacks on two fronts: against the USA and the Soviet Union. However the USA does not hesitate in its request for the establishment of diplomatic relations with Albania.

According to Austrian newspaper Vart (November 4th 1972), shows that the capital of Austria, was held ambassadorial-level talks between Albania and America, to improve relations with the goal that later established diplomatic relations. “An important role in the normalization of relations used during mediation will play Greece or Italy” - adds to the Greek newspaper Eleftheros Cosmos (October 25th 1972). This fact finds a great reflection in the Greek press.

From the USA every move has been positive. According to the newspaper, Arkansas Gazette (October 23rd 1972), America is ready to establish diplomatic relations with Albania, China sateliten only in Europe. But before the Tirana government should give some indications of interest.

But is there any kind of enthusiasm from the Albanian leadership? As it sees such an approach?

Newspaper Post of New York (April 4th 1973), in the article “Albania’s bid ignores USA” says that there is no supply response to USA to resume diplomatic relations. There seems no softening in Albania’s anti-American propaganda poignant.

But many newspapers write with surprise and regret the lack of response by the government, against the policy of rapprochement towards the USA is showing it.

Another failed attempt is the desire of the Federal Republic of Germany for good economic and diplomatic cooperation. Visit of MP (member of parliament) Federal Republic of Germany Fon Taden in Albania was reflected in the Yugoslav press, French, Polish and Hungarian.

Weekly magazine Nin, Belgrade (August 27th 1972) visit of Fon Taden in Albania considers as a good desire to stabilize the RFGJ diplomatic and economic relations between the two countries. But this desire faded as a result of non-response to cooperation by the Government of Tirana.

In conclusion, it seems clear that Albania stubbornly refused to establish diplomatic relations and open the doors to the West. She emphatically insisted on the protection of its ideology and the Marxist-Leninist principle of building socialism with its own forces. If it had benefited from this “extension of the hand from the west” events probably would
have taken a different direction and Albania would have really made strides forward in the path of European development.

5. Countries with which Albania made diplomatic relations

Differences between Albania and some other countries are essential. However at times ignored the ideological aspects of Tirana and the government stopped short of linking no diplomatic relations with several countries, mainly second-hand in the international arena. Based on the data that provide Tanjug News Agency, Ansa, and Af Press (Summary of news) at the date of scripts, a table is summarized as follows:

<table>
<thead>
<tr>
<th>States that establish relations diplomatic ties with Albania</th>
<th>Date of placing these relations</th>
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<tbody>
<tr>
<td>Switzerland</td>
<td>July 20th 1970</td>
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<tr>
<td>Kingdom of Belgium</td>
<td>November 1970</td>
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<tr>
<td>Iran</td>
<td>May 24th 1971</td>
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<td>Kingdom of Norway</td>
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<td>Republic of Chile</td>
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<td>Kingdom of Nepal</td>
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<td>Equatorial Guinea</td>
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<td>Costa Rica</td>
<td>February 20 th 1973</td>
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<td>Malta</td>
<td>March 5th 1973</td>
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<td>Senegal</td>
<td>April 26th 1973</td>
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<td>Federal Republic of Nigeria</td>
<td>May 22nd 1973</td>
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<td>Federal Republic of Cameroon</td>
<td>July 17th 1973</td>
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<tr>
<td>Republic of Argentina</td>
<td>October 5th 1973</td>
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<tr>
<td>Tunisia</td>
<td>October 8th 1973</td>
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The Dichotomies of the Myth of Europe Laying at the Foundation of our Social Consciousness

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Abstract: The aim of this paper is to argue that if Europeans wish to become a real Union they should pay more attention to the ethical and aesthetical values that are deep in the roots of our ancient continent, starting from the mythology. At the very heart of the myth-based story of Europe we find the dynamism of the transformation of our continent, full of beauty, charm, violence, regeneration and hybridization. The story of the „Myth of Europe” should arouse in us the awareness that first and foremost the European race represents a social unity rather than a racial one. While talking about the “mythical Europe”, the dichotomies taken into account aim at stressing the fact that a single united Europe, within the today’s geopolitical reality, could be founded less on biological and natural factors and in a higher degree on the living memory, the shared hopes and sufferings, as well as on the self-criticism towards excessive pride and most of all on the memory of the common myths. Only by recuperating “the defiance of the common symbols” we could claim our belonging to a Community.

Keywords: Myth; aesthetic and ethic values, coexistence of dichotomies; European Union

1. Introduction

The 26 articles of the “Schuman Report on Europe: the State of the Union 2012” come together to the conclusion that “the reasons calling for Europeans to stand as one have never been as numerous as today”. (Schuman Report: 2012). At first this statement could sound unrealistic, bearing in mind the huge economic and political difficulties of many countries of the Union, as well as the too much incredulity on the future of the European Community. On the other hand this assumption can make us seriously reflect on the fact that there must be something stronger that keeps the engine of the Union going on, beyond economic or political headaches. In essence, if we are willing to ensure a long-lasting future to the “European Project” we need to forge a cultural identity starting from the very roots: from the mythical time of origins. In 2002 the European University Institute (EUI), in Florence, organized the Conference “Images and myths of Europe”, in which the former President of the European Commission, Romano Prodi, stated that: “These Images and Myths of Europe remind us that tomorrow’s European Union cannot be based exclusively on economics and that, if Europe is to become a positive example for the whole world, it is perhaps necessary to place greater emphasis on ethical and aesthetic values …looking beyond day – to day concerns, however elevated they may be, is not the European Union too inclined to neglect these values? I am deeply convinced and profoundly worried, that this is the case”. (Romano Prodi: 2002).

This statement highlights the importance of a common cultural heritage, where myths are strongly connected to the symbolic production of collective identities. Without such an identity communities would not survive as units. One of the most particular symbols that characterize most communities is the existence of mythology. The representative of a School of Mythologists George Schoepflin emphasizes that “the Myth is a form of organization of a historical period in order that it may generate a common sense of understanding for a particular community” (George Schoepflin: 1999). According to him the myth is a special whole of ideas with a moral content transmitted in a tale shape through the generations of a community. Myths are central to the way we live. They are not just fables, deceptions and manipulations. They are vital and necessary aspects of every community. All communities tell narratives about themselves, about who they are, how they came to be and what they are striving to do. Myths establish a coherence and a consistency for the members of a community and create the assumptions that are seen as normal and natural. (Geoffrey Hosking & George Schoepflin: 1997). The symbolic as well as the practical function of a myth often equals the ethic, aesthetic and literary character of a community.
2. The Myth Story

Our continent, Europe has inherited a mythological story from ancient times, that of the "Abduction of Europe" by Zeus, who disguised himself into a white bull abducted the beautiful Asian girl and brought her to the island of Crete (World book Encyclopedia:1992 p.359) She gave her name to the continent where we live today, Europe. A new civilization, named after the Asian girl spread throughout the European peninsula, in a mixture of Egyptian, Phoenician, Greek and Asian blood (Turroni:2005). Interpretations on the symbolic meaning of the girl Europe and bull deity were reproduced from ancient Greek and Roman times until today, by being updated with different historical and geopolitical realities of the European continent. This mythical figure has a crucial role in the XXI century and should be considered a cognitive instrument in order to better understand our world today. Many new problems faced by our modern society are similar to those experienced by Greek antiquity. The primary role of the symbolism of this mythology is to awaken a collective memory and to make us aware of the peaceful coexistence of diversities. Cultural diversity is a historical feature of Europe and is here to stay. (Jagland: 2012) We sincerely need to understand the importance of such role in our everyday reality.

3. Evolution of Symbolism

How has the symbolism of the myth evolved since its genesis? At first, Greeks intended to show what Europe was, by distinguishing it from Asia and other continents. Characteristic of this period is that Europe is never determined by itself, but in relation to something else. Thus Hesiod (770 BC), in his work Theogony describes Europe as "the sister of Asia", while Ovid in Metamorphosis labels her as "the niece of Libya." This physical confrontation led to the discussions on the geographical position, as well as on cultural, moral and political differences between Europe and non-Europe. By the 5th and 4th century BC was born a "European" (or Western) conscience versus an "Asian" (or Eastern) one which originally had a "defensive" character, but with the passing of time was transformed into an "offensive" and expansionist principle (Sinani: 2008, p.3).

Indeed in the 5th century BC, the father of the environmental theory Hippocrates, in his work On Airs, Waters and Places stated that Europeans and Asians differ in constitution and character because of the different geographical location of their countries. In chapters 12 – 14 he presents a comparative anthropology of Asia and Europe, while he describes Asians as barbarians while Europeans were said to be characterized by the sense of freedom.(De Reynold: 1957, p.483 - 496) In Book IV, Chapter V of "Politics" Aristotle mirrored Hippocrates views of Asia (4th century BC). He observed that Europeans were "full of spirit" whereas Asians were "intelligent, but lacked spirit and were therefore always in a state of subjection and slavery" (Shen Wu & C.Chen: 2009, p.6). By being courageous and intelligent Europeans lived in freedom, they were independent and governed by laws. Meanwhile, Asians obeyed to the orders of a despot.
4. Generation of dichotomies

The Paradigm Freedom versus Despotism has generated other categories of dichotomies, such as: West versus East; We versus They; Civilization versus Barbarism. These dichotomies have marked the history of Europe from its remote origins until nowadays. In the course of centuries "East" was considered as the negative reflection of "West". East was denied an independent existence from West, although it has always been there to satisfy the needs of Europeans for new markets, raw materials and adventure. "East" was transformed into a passive object whereas "West" was its main actor and judge. When the categories of "East" and "West" are used as the starting point and the conclusion of an analysis then what we obtain is a further deepening of the gap between these two parts of the world.

The interpretation of the symbolism of the "Myth of Europe" aims to lead us towards an understanding which does not consider the above mentioned dichotomies with the eye of antagonism, but on the contrary as complementary to each other. In his book, The Clash of Civilizations Samuel P. Huntington, restores the dualism between Europe and non-Europe, but without stressing the superiority of the former. He describes the tendency of people to share the world in two parts: "While hopes for the world appear at the end of major conflict, the tendency of thinking under the concept of two separate worlds appears repeatedly throughout the history of mankind. People are always tempted to be divided into “us” and “them”. Researchers have analyzed the world by using the concepts of Orient and Occident " (Huntington: 2004, p.36).

For Huntington, the dichotomies East – West/Us - Them are myths created by West itself. Whereas these myths promote the differences between what is our family (Europe, the West, "We") and the foreigner (Orient, East, "Them"), implying the superiority of the former against the latter. Periodic meetings between civilizations paved the way to the wrongly understood superiority of the West, where the West was rational, scientific, powerful, while the East was superstitious, tyrannical, barbarian.

"West triumphed the world not through the superiority of its ideas, values or religion (in which very few people were turning to other civilizations), but due to the superiority of organized violence. Westerners often forget this fact; non-Europeans never forget it." (Huntington: p. 70)

If we make an analysis of the above mentioned dichotomies, we arrive at the conclusion that antagonism of dichotomies "Freedom vs. Despotism," Civilization vs. Barbarism "", "East vs. West"," Us vs. Them" is totally relative and not absolute.

4.1 Freedom versus despotism

As mentioned above this binomial was born in Greece. Ancient Greeks highlighted the democracy of their Polis, or their political supremacy to compensate their economic inferiority. Oriental or Asiatic despotism was the synonym of the absolute lack of values. Not only in ancient times (with Aristotle), but even in later stages, well known thinkers and philosophers, such as Hegel, Montesquieu and Machiaveli shared the same ideas with Aristotle, about the inferiority and servile disposition of Asians. In fact Machiavelli in Chapter IV of "Prince" confronts the character of "Turku" a Monarch with an absolute and unlimited power, with that of the "King of France" whose power was limited and well balanced between the variety of powers of aristocrats and nobles. In the same way, Oriental despotism is a negative category even in the Esprit des Lois of Montesquieu, where it is affirmed that “despotism was supposed to be the characteristic of Asiatic nations and hot climates” (Adamovsky 2006, p.36).

The result of the antagonism between the dichotomous binomials Freedom versus Despotism is a further division of our continent in two opposing realities. Whereas, in the framework of a general theoretical reflection on "politics" or on "the nature of a state", the two terms "freedom versus despotism" could not be totally separated or opposed to each other.

Antonio Gramsci affirms that: “Each state, whatever form of government it may have, is an “integral state” conceived as a dialectical unity of power and consensus, political and civil society, dictatorship and hegemony. In other words, in our historical reality one state can go through a maximum of dictatorship (despotism) up to a minimum of hegemony (democracy) and vice versa.

4.2 Civilization versus Barbarism

This is another relative and changeable category. In ancient Greece the slave was regarded as a "savage", a prisoner of war, a man without dignity. As previously stated, for Aristotle, a “slave” is thus by nature, because he is a passionate, instinctive and irrational being, closer to an animal rather than to a human being.
Persians were "barbarians" for Greeks, while the latter were considered "barbarians by the first Christians, who designed paganism as the denial of "the real religion." And so on, the Medieval Christianity was called barbaric, superstitious, and uncivilized by the French Enlightenment (Voltaire, D'Holbach, etc.). But with the passing of time it was exalted by Romanticism as the supreme model of the Civilization, especially by Schlegel and Novalis.

Nowadays the project of a United Europe is leading toward the extinction of the binomial "civilization - barbarism". In order to deny the myth of the European superiority Montaigne, who is well known for his paradoxical praise of cannibalism, stated that "Living in a natural state, cannibals are barbarians, while Occidentals are barbarian, because of their cruelty, so Occidentals are more barbarian than cannibals" (Longxi: 1993 p.51 – 68)

The process of building up a United Europe should focus on a severe and conscious self-criticism toward such ideologies. The way we are going to deal with our past defines our common future.

4.3 East – West

In his work "Quaderni" Antonio Gramsci affirms that "North - South, East - West" are arbitrary and conventional concepts, because out of real history, every point of Earth is both East and West (Gramsci:2002, Quaderno 11).

From a geographical standpoint the terms "East" and "West" are ethnocentric and causes confusion. "North" and "South" are generally accepted as the reference point for poles. East and West have no such geographical reference coordination. The question is: East and West toward which reference point? Everything depends on one's location.

Historical experiences of the youngest EU members should make us aware that the source of numerous conflicts amongst the East and West was not due to the bad will but to the different experiences Europeans countries have gone through. As a consequence the political division of the world into two parts "free world" and "un free world", western block front versus an Eastern bloc is an ideological division that does not reflect, but it distorts reality. In other words, contradictory categories such as Europe - Asia, West - East, are simply conventional, relative realities. It is simply all about geographical coordinates. Everything depends on the observation position. That means by changing viewpoint East becomes West and vice versa. Furthermore this dichotomy is influenced by the evolution of geopolitical concepts. For instance, up to 1990s ex-communist countries were called "Eastern Countries". In the XXI century most of them joined the so much desired "Western European Community". Nowadays the perspective of integration is offered to "Western Balkans".

4.4 We and They

The antagonism between "East and West" is just another aspect of the resentment between: "We and They", where "We" has been considered better than "They". "They" stands for the foreigners who are inferiors, uncivilized and thus by principle incomparable to us. Calling the "other" as "Eastern" means to identify him as barbarous, second-class citizens, rude, traditionally unable to develop or improve. On the contrary "We" are members and defenders of civilization. The consequence of such attitude is the justification of the genocide against the "other".

By taking into consideration the above mentioned dichotomies the question that arouses is: What is the relationship between these categories – antagonism which leads to a clash between them or a change in which they can both coexist as two sides of a coin? Immediately after the WWII the liberal historian Federico Chabod, supported the first hypotheses given the fact that there is something that is not Europe, and this is Asia, which implies a comparative and "clashing" terminology between Europe and non-Europe. From a philosophical point of view antagonism is a unilateral concept, (the other is considered to be an obstacle to my evolution). This brings to deny the existence of unity, dualism, mutual exchange, or a potential mutual enrichment. Whereas accepting diversity, in reality means avoiding a permanent threat of conflict. "They/ the other"/"the different from me" is someone I should help and respect, my interlocutor and together we should build up a common future. To this end "Identity" becomes synonymous with "alteration" that means a continuous mutual development process. For the Russian philosopher Michael Bakhtin: "to be means to communicate ... to be means to be for another and through the other for oneself. A person has no internal sovereign territory, he is wholly and always on the boundary; looking inside himself he looks into the eyes of another or with the eyes of another" (Bakhtin, 1984, p.287) Another expression of the ancient Chinese Taoist culture states that: "If beyond me there is no other then I do not exist". That means that the other is not my denial, but my "alter ego's". He is not to be considered as my outsider, but as part of my integration.
Conclusions

A United Europe, blinded by selfishness and egocentrism shall never recognize the Other's rights by thus being a half that tries to be sold for the entire. In our everyday reality, "We" includes "them" and "them and us" are in a process of continuous integration and reciprocity. European Civilization, which roots derive from the Greek and Roman antiquity, is nothing else but the result of continuous historical "external" influences. The ideological approach of excluding the other from my civilization cannot bring to positive relations with him. To this end the approach of the EU citizens to newly arrived members or candidate/aspiring countries should reflect the understanding of differences as added value and not as a threat to their existence.

The influence of the aforementioned categories: Freedom versus Despotism, Civilization versus barbarism, East-West, We-They have characterized the history of Europe from the remote origins until today. Although the gap between them today is not as deep as in the past, there is still some way to go until full consciousness of member and non EU member states that the relation between these categories is just a change and not a clash. The ancient Asian origin of Europe excludes the fact of its position as the center of the world. In the same way the existence of many non-European civilizations and excludes self-European superiority, in terms of culture, morality and politics.

Christopher Dawson in his work titled "Understanding Europe" states that "Europe is not a natural entity, such as Australia or Africa, but the result of a long historical and spiritual evolution. From a geographical point of view it is a continuation of the north-western part of Asia and is characterized by a smaller physical unity compared to India, China or Siberia. From the anthropological point of view it is a mix of races. European man therefore represents a social unity rather than a racial one. And culturally, the European community is not the starting point of our European history, but the ultimate goal towards which tend to go". (Dowson: 1960 p.64)

That means Europe has not always existed. It has not been there due to a natural phenomenon that has modified its physical aspect, but for other reasons, not so much related to the natural processes, rather than to some historical and cultural events. This "beginning" of Europe is the uniqueness that will determine forever the fate of the Europeans. Everything that comes after is development and growth. The memory of this beginning lays at the foundation of our European consciousness and is even the main features of our European anthropological ethos.

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Working the Fields of Image: The Power of Pictures in a Chinese Village

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Abstract: The camera is a powerful tool for producing images: in a moment the pictures are fixed, immobile, eternal. They can depict a particular moment in a particular place, from a single perspective, that of the photographer. But once printed, they can be transmitted from one person to another, producing different feelings, thoughts, dispositions, positive or negative reactions and the like amongst the subjects involved. What if the person taking the pictures were to ask the subjects usually portrayed by the others’ gaze and lens to become their own recorders of their family environments? In this paper, I will present the social and ethnographical use of photography drawing on my own experience in a small agricultural village in the Southwest of China, among a local matrilineal community, the Mosuo people. I will try to trace the steps of an informal project I have conducted, asking them to portray by themselves their own family and environmental context, showing the difficulties they experienced handling a camera and the outcome achieved. I will also show how, during my fieldwork, having a camera and taking pictures helped me to make friends with the families of the village; and how the circulation and sharing of the printed images produced different and dynamic interactions among the locals.

Keywords: ethnographic methods, Southwest China, Mosuo people, kinship and family

“Images, no matter who takes them, tell stories” (Prosser, J. 1992)

1. Introduction

Before my first fieldwork in Southwest China, while I was still in Italy, I was thinking about the most appropriate method to better understand the concept of “family” among the Mosuo people. The Mosuo people, also known as Na, are one of the many ethnic groups in China officially recognized by the Government as a branch of Naxi, although they regard themselves as historically and culturally different from them. The cultural centers of the Mosuo people, covering an area of six hundred and forty two square kilometers, are situated in the Yongning plateau and the touristic site of Lugu lake, which is in the northern extremity of Ninglang, on the borders of Yunnan and Sichuan provinces in Southwestern China. Even though there is variety in matrimonial practices and familial configurations according to the different places where the Mosuo people are settled, they are best known for their matrilineal system (often referred as matriarchal) and for the practice of the so-called visiting relationship (zouhun 走婚 “walking marriage” in Chinese and tisese “to go back and forth” in Naru language). In brief, tisese had been the preferred sexual relation modality among the Yongning Mosuo until the end of the Sixties as an alternative to marriage: it does not involve cohabitation, since the man visits the woman during the night and at daybreak he returns to his maternal household. The only prerequisite for starting a tisese relationship is the mutual agreement between partners; no ceremony or exchange of services is required. The relationship between partners does not create ties between them, nor between the respective relatives, even if nowadays fathers care about children’s needs and education. The traditional basic social unit is set up by a group of men and women related to the female line, usually up to three generations who all live together inside the maternal house. Since there is not husband-wife relationship, the fundamental tie is between brother and sister: they live together and share out the work to maintain the household.

Inspired by the work of some scholars in what has been called “participatory photography”, I thought it might be interesting to explore the concept of family and relatedness through the lens of photography, by giving villagers disposable cameras and asking them to take pictures of their families and their living environments during a one month period. The first part of the article focuses on the role of photography and visuality in ethnographic processes, as method

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1 See Gladney, D.C., (1994); Harrel, S., (2001)
3 see Mathieu, C., (2003); Shih, C. K, (2010)
and praxis, showing the development, achievement and failure of this informal project I undertook among the Mosuo people. The second part tries to show how the camera served as a means of contacting more and more families, and how, during my stay, the printed pictures I returned to them on each occasion, gave rise to a flow of dynamical interactions and conversations among the locals.

2. Participatory photography and visual methods in ethnography

The use of photography and visual method in ethnography is not new. It has been developed in a myriad of forms, from data collection to more specific fieldwork methodologies, opening up novel spaces for dialogic interactions and visual representations, for both the ethnographers and the people involved. As stated by Singhal et al: “In contrast to the primary use of visuals for documentation as done mostly by visual sociologists and anthropologists, the relationship between the researcher and the subject is more dialogic, when employing the technique of photo-elicitation.” (Singhal, A., Harter, L., Chitnis, K., & Sharma, D., 2007). The discourse of participatory communication was developed in the Seventies as a way to promote a new communication approach that could elicit a dynamic, interactional and transformative dialogue between people. Participatory photography, also known as “photo-novella”, “photo-voice”, “visual voices”, is an innovative technique that puts the camera in the hands of the people who seldom have access to those who make decisions over their lives. As an educational tools, the practice of photo novella has three main goals: to empower rural women to record and reflect their lives, especially health needs, from their own point of view; to increase their collective knowledge about women’s health status, and to inform policy makers and the broader society about health and community issues that are of greatest concern to rural women” (Wang, C., Burris, M.A, Ping, X.Y., 1996). It took the inspired work of the Brazilian educator Paulo Freire on the concept of empowerment education to bring about social equity and encourage people to critically analyze their lived realities. “To hand a camera to someone you once saw as the subject of your photograph is not only invitation for that individual to capture his or her reality. It is increasing the ways in which those in power receive and respect human stories” (Prosser, J., 1992). Although all the photo-voice projects carried out in various contexts and with different populations had the educational aim of empowering rural women or marginal groups, the premises of my fieldwork experience were somewhat different, while still being a possible way to enhance a dialogic and reflexive encounter. It seemed to me that it was important to give the Mosuo people an opportunity to express by themselves their lives and familial settings, since they have for too long been portrayed by the outsiders in many different ways, each according to their own theory, often resulting in distortion and misunderstanding, whether intended or not. As well reported by Eileen Walsh: “The tourism industry at Lugu Lake exploded in the 1990s, drawing on government representations of the Mosuo to create a marketing image that has proved compelling to the domestic tourism market. Sexuality and gender figure especially prominently in official representations of Mosuo culture, and in tourist literature as well.” (Walsh, E., 2005). By contrast, a very interesting project was carried out by the American researcher Tami Blumenfield in 2006, working in collaboration with the Mosuo Folk Museum directors in the touristic area, aimed at promoting conversations between community members and leaders (Blumenfield T. 2010).

During my stay in the rural site, I lived within a local household (April-May 2010, July-August 2010, January-February-March 2011, August-September 2011). I first tried to get to know the family members better, familiarizing myself with their daily routines and activities. Having done that, I began the project by giving each family in the village a disposable camera, asking them to take pictures. The result was a complete disaster. I was alone and not well organized; it was very difficult to enter houses and ask people to use the cameras and take pictures. Not only they had no idea how to use a camera, but it proved hard to explain the purposes of their involvement in a visual project. One day, during dinner time, the son of A.C., D.Z.D.S., came to our household for a visit. We had a long conversation about how things were changing in the touristic area and how difficult it was for him to explain to his schoolmates the true values of the Mosuo family. It seemed that they all believed the Mosuo people to have “free” sexual relationships and “backwards” customs, and sometimes asked him if he knew who is father was. It made me think that it might be helpful for the project if he explained to family members how to handle a camera and the meaning of them taking the pictures in their own environment. I also realized that I had to rescale the project since it was definitely too ambitious in its first formulation. Perhaps a good way to do this was to start again with just one family member, choosing the one I could relate most and

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Ibidem

with whom I passed most of my time during the day, namely A.S, the second sister of my host family. After D.Z.D.S had
given a quick briefing to A.S. explaining what she was expected to do with the camera, she looked at me with a smile and
said: “no problem, I will start from tomorrow!”. I also gave one to D.Z.D.S to give it to his mother, since he was going back
to the school campus in another city far from the village the day after ⁸. During the next weeks, A.S. took the camera with
her everywhere she went; she frequently forgot it somewhere but it was always returned to her. I later realized that she
might not have been clear about what she was supposed to be portraying and that maybe her bringing the camera with
her was a sort of attempt to emulating me, since I always had the camera ready in my bag. I did not want to pressurize
her by asking how many pictures she had taken and so on. She was in any case so busy everyday with household and
agricultural tasks that she scarcely had time to sit down and take a break. After a few weeks, when I had almost forgotten
about the camera, she approached me to say that she had taken fifteen pictures and wanted to return the camera to me:
it was completely unexpected and I could not wait to get back to Kunming and develop the film. In the meantime, talking
about the project with the Mosuo writer Lamu Gatusa ⁹, a tutor and a friend I had known for five years, we discussed the
possibility of giving disposable cameras to some of the students at the Yongning Middle School, since his cousin worked
as a Chinese language teacher and might be able to help me explain more clearly the purposes of taking pictures of
one’s own family and environment. The timing also seemed appropriate since it was coming up the 1st May festival and
all the students would be getting home to their families where they would have time to take pictures. A few weeks later,
the teacher returned the cameras to me, but predictably I only received five of the twenty I had given them. All five were
battered and dirty, but I still had some hope that I might be able to develop the films. I asked the students to stick a piece
of paper on the camera, writing their name, gender, age and minority group, in order to see if there were any differences
in the way they took the pictures.

3. Feedbacks and new insights

When I went back to Kunming to renew my student visa, I took the disposable cameras along to get the film developed,
and I also got the pictures taken with the digital camera printed, so that I could give them a copy when I returned.
Unfortunately, all the indoor pictures had been taken by the students without the flash, so that only a few black shadows
were visible. The outdoor pictures were quite interesting, as they showed children in their living and playing
environments, fascinating views of natural settings, including animal life and praying sites. The ones taken by A.S had the
same problem: only two out of fifteen pictures were in focus, one of which portrayed Apu (her father, literally meaning
“grandpa”) in the courtyard turning the hand prayer-wheel and the other with Eze (her mother, literally meaning
“grandma”) sitting in her usual position on the small sofa right outside the main room. Even if I had seen them in that
manner many times, I was not there when the pictures were taken and the perspective of A.S had something different: it
was her way of seeing them when she came back from working in the fields. (See fig.1 and fig.2).

Fig. 1 Eze by A.S.

Fig. 2 Apu by A.S.

⁸ A few months later I discovered that the camera had been broken by a child in their household but no one had the courage to tell me.
⁹ Lamu Gatusa (Han name Shi Gaofeng) is professor and writer at the Research Center of Social Science in Kunming
During my first stay in the rural village, even though I always brought the camera with me, I was somehow afraid of taking pictures, especially in the main room of the house, because I felt the camera might have increased the distance between me and them and I did not feel comfortable with it. As soon as I started to know the family better, following A.S in the daily activities in the fields and visiting other families after dinner, I began to take pictures of them, always asking permission first. Every time I went out alone to visit other families in the same village or in other villages, I was asked where I had been. They were curious about the pictures I took, curious to see if they might know people I had met that day. To give an amusing example, A.S told me one day to go and visit the former family of her father, where he was living before he moved into their household. She told me the name of the family, but at that time I still did not understand Naru, their local language, and I also found it difficult to recognize and memorize the sounds. I walked to the upper part of the village as she indicated, and once there, I asked an old lady for directions. She told me with a smile that it was actually their family and invited me to enter and have some tea and sunflower seeds. On my return, A.S. asked me where I had been, since her father's sister had told her that I did not go to visit their household. I showed her the pictures I took of the grandmother with her niece inside the main room and A.S. told me that it was the wrong family: we both burst out laughing and the very same evening, everybody in the neighborhood made fun of me! The camera soon became a means to elicit conversation and to overcome the language barrier. After the busy agricultural season was over in July, A.S. invited me to go with her and ten other women from the same village on their annual trip around the lake, from Yunnan to Sichuan and back. It was the first time that I was seeing them all together outside the environment of their households, enjoying a couple of days carefree without the need to work or look after family needs. Everywhere we went, they asked me to take group pictures of them, sometimes all together, sometimes with just a few of them who were related with various degrees of kinship. I was supposed to document every moment of the journey, including activities such as the religious rites, the meals in different houses and the like. The first day, it was raining and since I was wearing flip-flops I decided to wait for them down the hill while they were burning incense and hanging out Tibetan praying flags. One of the woman come down in a hurry to say that A.S. wanted me to join them in order to shoot a few pictures of them all together. I had no choice but to climb the slippery and muddy path, only to be scolded by A.S for not wearing proper shoes! (Fig. 3, Fig. 4)

When I returned to live with the family, A.S. lost no time in asking me about the pictures as soon as formal greetings had been exchanged. She wanted to know if I had brought back printed copies of them. I immediately gave her a package containing all the photographs already organized into folders, a larger one for them, and smaller ones for the women who also made the trip to the lake, together with other random pictures. Apu told me that I should not have spent so much money printing copies for all the families, but I replied that it was not such a big deal. We sat together for one hour, looking at the images one by one, with A.S and Eze laughing at the pictures I shot during their laboring activities in the fields and those by the lake. I planned to deliver the pictures house by house, but on the same day, several women came

10 During the Cultural Revolution the Mosuo customs of “visiting marriage” was judged primitive and immoral and all the couples were forced to get a marriage certificate and live together.
to our household. They all sat down to look at the pictures and took their copies away with them. After dinner, I went out with Eze and A.S to the stupa 11, the gathering place for evening praying and talks, and everybody there was already talking about the pictures, remembering the times we spent together and the funny moments we had, with women making fun of one another about the pictures taken during the busy agricultural season, or commenting about how good were the pictures I took, since many people and houses seemed to be more beautiful than they actually were in reality. People who did not appear in the pictures seemed to feel a bit excluded, but still enjoying the conversations because they were very curious to see the people and the landscapes. I was soon invited to go to their houses and to take pictures of their families, especially of the children and the elders. A.D.Z (a neighbour), asked me to go to her home the day after in order to take some pictures of her old mother, so that when she passed away they still had the photo to remind them of her. (Fig. 5)

Fig. 5 Pictures took inside the main room of the household

A few days later, I still had some folders to deliver to the two youngest girls who had come on the lake trip with us, but whose households were in the lower part of the village. When I told A.S that I was going there, she warned me to avoid one of the girl’s houses, because their family was suffering from “du”, a kind of poisoning that can affect other people through the exchange of food or presents. Instead, I was advised to give all the pictures to another girl and ask her to deliver them for me, which I did. After the Spring Festival vacation, I was still in the village and I had almost visited every household, first using the excuse of the pictures and subsequently simply to enjoy informal visits and conversations. One day, while I was taking a break just before entering the village, a middle-age lady who I had never seen before came to me asking about my bicycle and telling me how tired she was having to walk every day to take her nephew to the

11 The stupa (literally meaning “heap”) is a worship structure containing Buddhists relics.
elementary school and back. She also wanted to know in which family I was lodging; when I told her, she added that I must know her daughter, since we had gone together to the lake trip and she than thanked me for the printed pictures I had given them. I suddenly realized that she was the lady with "du", the one that A.S had warned me about: even though I did not really believe in it, I felt a little bit scared, but probably because our conversation took place outside, nothing bad happened to me.

4. Conclusion

Most of the documentaries and visual projects with and on the Mosuo people have been carried out in the touristic area since there are better living facilities and more opportunities to get in touch with mandarin speakers. In my view, it was more interesting to work in the rural villages, with people less exposed to the scrutiny of visitors and therefore less involved with the ethnic culture market. Moreover, since many people in the agricultural settings had not attended school and could hardly speak standard mandarin, I thought photography to be a good way to let people express for themselves their lives and living environments without needing to use a written language. I often heard people saying that they had not studied and they did not know about anything (shenme dou bu zhidao), a phrase expressing that feelings of powerlessness and resignation. As stated by Wang: “A person need not be able to read or write in order to participate in photo novella. As our project demonstrated, photo novella can be taught to a person who has not attended school.” (Wang, C., 1996: 1392). Although I failed to carry out the project in its initial formulation, using the camera as an ethnographic research tool and producing a flow of printed pictures during my stay, turned out to be a good way to stimulate conversations and to interact with many families in the village. “While visual documentation entails a way of seeing the “other”, it does not involve dialogue about that vision. Yet, if fieldwork is communication, communication need not be restricted to oral prompts generated by the researcher. The significance of visual ethnography as a stimulus in interviewing is that, rather than providing answers to direct questions, it generates questions and elicits a dialogue.” (Freidenberg, J. 1998:177). As Freidenberg explains in her article, this way of proceeding in ethnographic fieldwork helps the informants rather than the anthropologist: this is true, but in my experience it also helped me as the “ethnographer” to get more involved in social activities and enlarge the range of people that I could interact with. In this article, I have reported just a few examples of the exchange and flow of pictures during my fieldwork. Talking with villagers about images representing interior and exterior spaces of their working and leisure activities, developed into an helpful visual modality for better understanding the relationships between families and the interactions between villagers. Portraying them sitting in their homes, working in the fields, gathering herbs in the mountains and carrying out their many other activities, enabled me to record everyday realities and relive those moments with them through the printed images, creating new insights and opening a novel space for a dialogic and reflexive encounter.

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12 See Walsh, E. (2005)


Short History of Kosovo’s Independence

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Abstract Kosovo on its path towards freedom and independence has passed a difficult and bloody history. One of the recent and serious problems that Kosovo was suffering was the Balkan crisis, otherwise known as crisis of former Yugoslavia after the fall of the Berlin Wall. In the geopolitics of the time and historiography Kosovo exploded as a hot point where multiple regional interests where interrelated but also wider in the European Union. For the fate of Kosovo many organizations, countries and important personalities were involved. An important point concerns the advantages and disadvantages of the parties in Rambouillet conference on the role of holding this conference benefits and losses that the parties had in this conference and the benefits that brought Kosovo in building its institutions.

Introduction

Kosovo in the period of breakup of socialist Yugoslavia in 1989 and forming the so-called federal Yugoslavia by Serbia and Montenegro found itself in a very serious political and economic position. Precisely during this time major changes occurred that would affect its future destiny. Kosovo was advanced in the constitutional statement of 2 July 1990. The year 1989 finds Kosovo with continued efforts starting the right path in terms of active diplomacy. Termination of this autonomy was a new act of colonization for Kosovo from Serbia, which induced entire Kosovo Albanian population in riots and protests that erupted throughout Kosovo, and with dimensions that were not seen in Kosovo and the region. Numerous delegations all over the world came to Kosovo. It was for the first time that delegations to relevant international institutions treated so seriously the issue of Kosovo. European Parliament delegation came and investigated the situation on the ground, with delegations also U.S. senators and congressmen will enhance their presence in Kosovo and their support for Albanian demands. Kosovo was a matter of debates by some conferences but without its participation, as it was London’s in June of 1992, that was under the auspices of the UN and the EU which did not bring anything but put into the gap that Serbia has made with Kosovo. During the period where other parts of Yugoslavia were involved in a bloody war, Kosovo even though occupied by Serbian forces, however reached to develop a national policy in history known as gandism. The emergence of the KLA marked a beginning of a very important stage of the armed resistance of the Albanian people against Serbian forces to liberate the entire Albanian land. It should be noted that in the early phase of KLA appearance, this patriotic organization for the liberation of the Albanian territories was not well received even by political factor of Kosovo who tried to impose the will of Albanians through peaceful politics. It must be mentioned that the Kosovo Liberation Army with its consecutive actions appeared in 1992, while with its war appeared publicly on November 26, 1997 in Drenica, while frontally began in 1998 and became a decisive factor especially during the Rambouillet agreement in France.

Years of deepening crisis and the destruction of Yugoslavia-Kosovo

After the events of 1981, social-political status of legal Albanians gradually started to fall. This phenomenon became visible especially after the arrival of Slobodan Milosevic as president of Serbia in 1985, supported by the most reactionary nationalist Serb forces. Milosevic encouraged by the silence of Europe and the other republics of former Yugoslavia to the Kosovo problem, and to achieve his political authority, with the slogan that" autonomous provinces are two cancers within the Republic of Serbia" rekindled the old Serbian nationalist emotions (Kosovo Encyclopedic overview 1999 p. 126).

On March 23, 1989, under threat of arms and the non-parliamentary votes, provincial parliament (now Serbian) abolished the autonomous status of Kosovo. This was the beginning of a brutal policy of repression of the Albanian majority population (Kraja. M. 1995-155). With mass rallies in November of 1989, Kosovo enters a new phase of its political struggle, struggle to survive situations that would create new circumstances of the dissolution, respectively restructuring of Yugoslavia. In this resolution, initially, Kosovo will take heavier hitting and heavier burden at the same time until the war in Croatia and Bosnia will not explode.
Despite that, taken as a whole, the events taking place at this time, were as a prelude of a tragic "happy end" and regardless that Kosovo in Yugoslav political scene was mistreated in the most brutal form, they will create the climate, the space and atmosphere that Kosovo will reestablish its political identity, now under the new circumstances and with a very different political background of what had been until then. These events, especially the miners' strike of "Trepca" in early 1989, will affirm Kosovo in large measure, including international one (Kraja 1999-155).

Parallel organization

In terms of the Serbian occupation on 2-nd July 1990, Members of the Assembly of SAPK (Socialist Autonomous Province of Kosovo) were stopped entering the official building then they read a statement declaring independence of Kosovo Republic, as member of the Yugoslav federation. And some months later, respectively on September 7, 1990, was adopted the Constitution of the Republic in Kacanik, known as the first constitution of the democratic state of Kosovo (Stavileci, 1991-24).

But unable to exercise effective power and persecuted from the Serb occupation forces, the Kosovo government fled to exile in Germany. In these processes a key role played Kosovo political forces that had just been established, in particular the Democratic League of Kosovo, led by Dr. Ibrahim Rugova.

Later, in 1991, all popular referendum was held which officially declared Kosovo independent and sovereign. After the development of these processes president of the Republic of Kosovo, chose the peaceful path of resistance to the determination to achieve independence of Kosovo state. State of the Albanian people of Kosovo during the 90's was extremely difficult. Almost all public sector employees were expelled, the university and secondary schools were closed Albanian press and radio and television station were also closed. To cope with this challenge, Albanians fled their homes and made them learning spaces and they helped to open medical clinics. While thousands of Albanians were jailed, mistreated and killed, while hundreds and thousands were forced to leave the country and seek asylum in Western Europe.

Trying internationalization of the Kosovo issue

After announcing the declaration of Kosovo's constitutional assembly (1990), followed reactions of Western diplomacy, primarily to the U.S. The U.S. Senate passed the resolution on violations of human rights of Albanian nationality in Yugoslavia, which "expressed concern" and required by the Yugoslav government and the Serbian government to cease the use of force in the Province and to protect fundamental rights and democratic freedom. Yugoslav government was asked to investigate cases of killings of citizens by police forces (Mikel, 2001-309).

At the Conference on the Human Dimension of the CSCE (Council for Security and Cooperation in Europe) held in Copenhagen in June 1990, the U.S. delegation chief, Max Kampelman said that "Violence in Yugoslavia is disturbing", and advised the government of Yugoslavia that the problem of Kosovo will not be solved without dialogue with the Albanian democratic organizations. The first resolution that was presented before the House of Representatives of the U.S. Congress was the November 1991 resolution, sponsored by Senator Alfonso D'Amato and Congressman Larry Presler. This resolution "interrupts continuity" of the thirteen resolutions" (1986-1991), concerning the further recognition of the SFRY. European Parliament in Strasbourg on 13 July adopted a resolution which condemns the distribution of the Assembly of Serbia, power control over the media in Albanian and demanded immediate suspension of extraordinary measures in Kosovo. European Parliamentarians urged to respect the constitution of 1974, the House of Representatives and the U.S. Congress approved a resolution on Kosovo in which the call is made to the Government of Kosovo to stop the violence, intimidation and use of force and to resolve political and economic crisis in the province (Mikel, 2001-310). In subsequent years Serbian violence continuously raised in the territories of Kosovo but also on other side international diplomacy of the U.S. and Europe was growing in the possibility of finding a suitable road to solve the problem for both sides. Serbia has adopted the Yugoslav Army with 70% Serb and Montenegrin, to subjugate other peoples of Yugoslavia. Serbia did not accept conversations with Albanians but also with Western diplomacy on Kosovo issue (Mikel, 2001-273). Even in these situations Albanians tried to do diplomacy, in May of 1990 dr. Ibrahim Rugova went to USA for a visit and the reception was organized for him as for "high ranking". He received strong commitments that will help Kosovo and the Albanian people for a peaceful solution to the Kosovo issue (Mikel, 2004-142).
London Conference for Former Yugoslavia and Kosovo

London Conference on the Former Yugoslavia was held on 26-27 August 1992. Before this another conference was held in Hague. But the conference has failed even though it offered "good services" from the European community, but its decisions were not binding for the parties in conflict. Meanwhile the London conference was more serious and the decisions have been mandatory for conflict parties. The seriousness of this conference was said to be in line with the dramatic events in Bosnia and Herzegovina, after its international recognition on 6 and 7 April 1992 (Hasani, 2000-54). London conference produced a set of concrete agreements which if respected by the parties in conflict would stop violence and save lives of people and the introduction of humanitarian aid and at least would come the basics for starting negotiations for final settlement of crisis in former Yugoslavia. Expectations from this conference extinguished more and more from Kosovo people. Seeing reality they began to strengthen their liberation movements inside Kosovo, which will resist and were very active during these conferences and activities that Serbia took against Kosovo (Science Academy Tirana, 1999).

Armed resistance of Kosovo Liberation Army

Kosovo Liberation Army was military formation of the Kosovo Albanians which in organized military forces has opposed the Serbian paramilitary forces and regular forces. During the 90’s Albanian society in exile were committed to build Liberation Army, whose members were trained in Albania (Krasniqi, 2006-20). KLA was mentioned in Western press and individual movements were qualified as special "assassination attempt movement". In Serbian media for several years, its existence was not accepted although the name of KLA was cited in some actions that had taken over. In November 1994, following the Drenas action (former Gligović), KLA with its communiqué, has taken upon himself all the actions taken which until then had remained anonymous. Open to the public, it appeared on November 28, 1997, during the burial ceremony of Halit Geci teacher from Llausha Skënderaj, who was killed by Serbian police. At that ceremony, they went to the podium wearing the uniform of KLA fighters and commanders of the future. In February-March 1998, Adem with his military unit placed under KLA has controlled the Drenica region. Military forces army and police with heavy artillery and armored vehicles attacked Drenica. Adem Jashari fought for three days and nights from his tower, along with the entire family (parents, brothers, wives and children). No member of the family and relatives refused to leave, but they fought until the fall of 56 people: men, women and children from age 9 to 74 years, all as they were in Jashar’s tower in the first night of combat.

Rambouillet Conference

Rambouillet conference marked the emergence of the Kosovo issue in European and international scene, that made sense for the future of Kosovo (Petiffer-Wickers, 2007-322). Kosovo from these injustices conferences began to deal in direct discussions with the EU. The interests of the EU increased more and more. The European Commission closely has followed the situation in Kosovo and constantly deters statements such as commitments and intensified pressures actually increased in the Racak massacre of 1999. Having seen these realities the EU on January 22, 1999, and the London Contact Group decided to hold a conference for Kosovo. On February 6, 1999 began meeting of this conference. The conference was chaired by the foreign ministers of France and Britain (Robin Cook and Hyber Vedrin) The chairman of the Contact Group was Christopher Hill as US representative, whiles the EU Petrisch Volvang and Boris Majorski was from the Russian Federation. All Diplomacies were directed to Kosovo with the official opening of this conference Rambouillet Conference was the last international frontier for Serbia. Kosovo has gained political advantages from this and entered in a European and international security. Kosovo delegation understood that by signing it they would gain full independence (Ahtisari, 2008-30). This conference legitimized KLA as a genuine liberation army known internationally. This act had positive advantages Kosovo was toward forming a state. From this conference was issued three-year transitional constitution which would enable the establishment of an effective democratic government of Kosovo. Kosovo won state structure of the legislative, executive and judiciary, as never before Kosovo had the president, parliament and government. On 18 March 1999 Albanian party signed this agreement in Paris while the Serbian side rejected this but not knowing it was a fatal disadvantage for him. This document was signed by mediator Petrisch and Albanian side as a whole. Seeing the deteriorating situation by failing of Serbia and refusal on essential key issues foreign ministers of six countries of the Contact Group met in March in London, and decided on military intervention by NATO (Lauret, 2001-21). Although advantages of this conference did not bring what was hoped, however, it was an end for Serbia and a beginning of a new order for Kosovo and the region of
Southeast Europe. Reflections of this agreement has brought positive advantages for internationals and European Union, which brought a unity among them for Kosovo fate (Tepshi, 1999-134).

On March 23 Secretary General of NATO Javier Solana gave the green light to start the air strike over Serbia. After entry of NATO forces in Kosovo in June 10, 1999 Security Council adopted Resolution 1244 which also formally has placed Kosovo under United Nations administration and paved the way for deployment of international civilian and military presence throughout Kosovo.

Conclusions

In 1990 the dictatorship system fell in all socialist countries of Europe as well as in Yugoslavia. The events followed later, caused retrograde processes which were accompanied by draconian measures against Kosovo's youth, intellectuals and generally against the Albanian population. With this ends a historical stage, in Kosovo failed hegemonism and Kosovo people triumphed led by KLA and other political entities that have played on this occasion a historic global role. We must say openly that the willingness of the Albanian people to endure and continue with the political course for autonomy, located repudiation and rejection of any compromise with Milosevic's policy, acceptance of suffering instead of subordination were determinant factors that brought NATO to Kosovo. All diplomatic and military efforts about solving the Kosovo problem were crowned thanks to active engagement of the US which seriously understood that the Albanian people deserve equal treatment as all other nations in the Balkans.

The Kosovo crisis ended with the triumph of international law which is symbolized with the restoration of Kosovo's government, its citizens and the failure of hegemonic politics, anachronistic and genocidal Milosevic regime ended with the withdrawal of colonial repressive Serb structures from Kosovo.

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International Norms and Albania after Communism System

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Abstract: This article seeks to uncover the impact of the EU in the Albanian political transformations. Approaching the EU impact on Albanian political reforms as a process of country's socialization to the norms institutionalised in the European environment, this study dwells on both the external and domestic factors that determine the mechanisms of norm assertion in the domestic area. The first part specifies the set of external conditions and the intervening domestic variables that induce a logic of consequentiality or appropriateness in domestic change. The article proceeds to discuss the phenomena of European nannies to European neo-democracies. Finally, the study of the process of democratization in Albania illustrates the extreme case of a wider post-communist phenomenon: the Impact of EU is translated into a consequential logic of using the democratic rhetoric and adopting democratic institutions, which are used and abused by political actors loaded with the legacies bequeathed to them by the ancient regime. This article suggests that Albanian democratisation could have a different trajectory without the presence of the EU pushing for and directing reforms. Messages in the form of the EU reports, evaluations and critiques, which determine the progress in the contractual relations between EU and Albania, have became the signposts of change to the extent that they are the epicentre around which achievements and future challenges are debated and decided upon.

Introduction

A substantial literature has recently developed around the external dimension of regime change, challenging the previous conclusion that the external actors tended to play a marginal role in transitions from the authoritarian rule. The EU is assigned a leading role among the international actors interested in democratisation. In addition to developing an extensive portfolio of support mechanisms for the new democracies to the East, EU membership is dangled as a carrot to encourage political reforms, empowering EU conditionality. Thus, prospective EU membership has arguably re-enforced domestic political and economic reforms. The problem with this literature is that the EU's role has been more assumed than proven. It is debatable to what extent one can treat the EU as independent factor given that the precise role of external factors cannot be studied in isolation from home-grown phenomena. Thus, the discussion of the EU's role is inevitably interspersed with a discussion of domestic politics, an arena that is made complex by a host of country-specific variables. This article seeks to uncover the impact of the EU on the Albanian political transformation, which illustrates the extreme case of a post-communist country in transition. Being among the least likely cases to democratize because of the lack of domestic 'preconditions' conducive to democratisation,

Albania serves as a crucial case study for theories on the external factors of democratisation and specifically the EU. The first part of the article specifies the external and the intervening domestic variables that determine mechanisms of domestic change according to the logic of consequentiality encompassing the political discourse and/or the institutional templates; or the logic of appropriateness which wraps both discursive, formal and behavioural parameters of international norms. The article proceeds to uncover the phenomena of European nannies to neo-democracies of the East. The high normative power of democracy in the institutionalised European environment, coupled with the capacity to distribute material benefits and the social consent it holds creates an environment conducive to democracy. EU political conditionality, based on specific criteria and operating through a system of monitoring related to the highly appreciated award of membership has a distinguished leverage compared to other European protagonists. The degree to which democracy is internalised, however, depends on the domestic factors within a country that shape, circumscribe and/or instrumentalise democratic norms. The third part analyses the utilisation of democratic rhetoric and adoption of democratic institutions in the process of democratisation in Albania. The impact of EU in advancing democratic change, however, is put forward comparing the period of transition when the democratic deficit mounted to “the impossibility of escape” with the post-EU conditionality when the EU appears as an agent controlling reform and setting the priorities. This article suggests that Albanian democratisation could have a very different trajectory without the presence of the EU pushing for and directing reforms. Messages in the form of the EU reports, evaluations and critiques, which determine the progress in the contractual relations between EU and Albania, have became the signposts of change to the extent that they are the epicentre around which achievements and future challenges are debated and decided upon.
The Influence of the International Context Upon Neo-democracies Categorising the International Factors that May Impinge Upon Democratisation

The identification of waves of democratisation, especially the factual development of the third wave (Huntington 1991), points to an external, common element, which pushes regime change in individual countries. The development of global communications transmitting news from one country to the others accounts for the trans-national influences spreading between proximate countries. The term contagion is used to suggest a process of snowballing of the democratic inclinations across neighbouring countries. It refers to unintentional forms of international influences, whose only mechanism is proximity (Whitehead 1996: 5). Contagion as an analytical category of international factors lacks an account of foreign actors’ intentions, their channels of transmission and their interaction with the domestic factors. It departs from the wave’s syndrome, however, because it is analysed as one of the alternative modes of international influence. Control and conditionality are alternative forms that involve intentional action. They both take into account external actors’ motivations and instruments of action on the assumption that it is not merely contiguity, but the policy of external actors that explains the spread of democracy from one country to another (Whitehead 1996: 9). Control and conditionality, however, differ in other respects. While control is closely associated with the pressure and power realities of external actors, consisting in a one-way effect, the hallmark of conditionality is “attaching specific conditions to the distribution of benefits to recipient countries on the part of multilateral institutions” (Schmitter 1996: 30). Conditionality, thus, trades more on persuasion and temptation rather than coercion (Pridham 2000: 298). Moreover, conditionality refers mainly to multilaterally organised action, whether control is mainly exerted on the basis of unilateral dealings running the risk of developing patron-client relations that may distort the dynamics of regime change (Schmitter 1996: 29). Conditionality, thus, works through the attraction of benefits for the democratising polity dwelling on the interaction between the external and domestic factors. It also highlights the need to focus on the regional context, which is now recognised as the most effective context in which external impact and influences may be identified and measured (Schmitter 1996). Conditionality may lead to some kind of convergence or a ‘gradual movement in system conformity’ if a grouping of democratic states has enough power and institutional mechanisms to attract transiting regimes (Pridham 2000: 296). Convergence postulates a process of achieving democratic standards set by an external actor, who gives it a direction and purpose. It has its gradual pressures, slightly different from conditionality, which works in a more immediate way and adds sharpness to prospects of convergence. Consent is an alternative mode of influence accounting for the international support towards a wide range of social and political groupings, thus generating democratic norms and expectations from below (Schmitter 1996: 30; Whitehead 1996: 15). It works on the assumption that democracy is a complex social process, which requires supporting the transformation of governing institutions as well as social and cultural changes.

European Nannies and European Novices to Democracy Normative Power of Democracy in the European Context

Liberal principles are among the constitutive norms of Western Europe post-nationalist collective identity at least in two respects. First, in the domestic realm liberal principles of social and political order, societal pluralism, the rule of law, democracy and market economy have historically paralleled and fostered the development of Western Europe commonness versus the other, establishing the main criteria of a community insider. Moreover, these liberal principles are awarded legitimate statehood and rightful state action (Reus-Smit 1997: 558). Second, over time the European system has become increasingly institutionalised in a network of international organisations that embody its shared liberal political culture. The three major organisations CoE, NATO, EU, have developed specific norms reflecting their area of specialisation, but they have all committed themselves first and foremost to the constitutive norms of the community. All three define the promotion of liberal democracy as their basic purpose. According to the preamble of North Atlantic Treaty Organisation, the members of NATO are distinguished by “the determination to safeguard the freedom, common heritage and civilisation of their peoples founded on the principles of democracy, individual liberty and the rule of law”. In the statute of CoE, member states similarly reaffirm their commitment to “the moral values, which are the common heritage of their peoples and the true source of their individual freedom, political liberty and the rule of law”. Article 6 of the EU also stresses its foundation on “liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to all the member states”. The European organisations represent the community to the extent the community membership has increasingly come to be defined as membership in these organisations. They lay down specific conditions the aspiring states must fulfil before the accession, and have established different grades of association, ranging from simple consultation procedures to full membership. In this sense, international organisations
also serve as community building agencies by running activities like supporting, monitoring and sanctioning or rewarding the domestic assertion of democratic principles (Finnemore 1996). Before a country passes a grade the organisations assess its achievements and sets new targets before it grants full membership. The European community can also be attributed a powerful social attraction, related to its holding of the criteria for community inclusion and a series of material resources that may determine people’s life fortunes. In a wider sense, the European community, animated in European organizations distributes “Europeaness” perceived as economically, politically and normatively superior across social forces. Consequently, governments and elites are voted in and out, and are given credit for according to their contribution in approaching the European community.

Domestic Conditions and Political Change in Eastern Europe given the normative power of democracy as one of the constitutive values it is associated with, the high degree of institutionalisation, the superior material bargaining power it possesses representing a wealthy group of countries and its social attractiveness the European community has favourable credentials to impact the outsiders. The post-communist countries, on the other hand, need the material aid, the knowledge about functioning democracy and market economy, the security and the legitimacy of “being European” that the community holds. Thus, they have the incentives to become good students that demonstrate to at least acquiesce to community norms. Eastern and Central European countries, however, differ with regard to the extent their political culture resonates with the European liberal norms and the extent to which state elites are responsive to their societies. Low internalisation prospects exist in countries where liberal values are not rooted in political culture. In the structural level, post-communist countries exhibit weak societies and strong states. Parties are organised top down, are little rooted in society and tend to capture government institutions. It reduces socialisation into an elitist program, involving state agents and intergovernmental channels of influence (Schimmelfennig 2002: 17). The internalisation to these influences will follow a sequence starting with discursive and then formal to be followed by behavioural effects. Thus, rhetoric like returning to Europe, belonging to west, and following its models and norms. drove the early policy strategies of most post-communist transitions. The intensification of ties with Western institutions led to a transfer of their models to domestic institutions (Malova and Haughton 2001). However, depending to domestic conditions the discursive and formal adaptation may subsist with norm violating factual behaviours, which undermines the formal transpositions.

Albania in Transition –Domestication of ‘Europe’? Transition from Authoritarianism: Stuck Between the Past and Present

On the eve of the transition from communism, Albania was in many ways unique in Europe. After being a part of the Ottoman Empire until early 20th century, it became an authoritarian monarchy until it came under the influence of Mussolini’s Italy in the late 1920s. Consequently, Albania, unlike most post-communist countries, knew little of liberal democracy when communists took over power at the end of World War II. The Communist Party (CP) adopted a dictatorship that resembled a rigid Stalinist version of communist regimes. First, the communist leadership insisted in society’s total obedience to its rule and extended control over all aspects of social political and economic life (Goldman 2000: 53). Any form of organisation outside of the party-state control was violently condemned as reactionary and it was destined to at least political prisons. Second, the international isolation and self-reliance reached paranoiac levels after the deterioration of relations with Soviet Union following Khrushchev’s de-Stalinization policies in the late 1950s and the break with China after it rejected loyalty to its own model of totalitarianism following Mao’s death in 1975 (Wallden 1993: 78). Third, although Enver Hoxha, the communist leader that ruled until his death in 1985, undertook some modernization reforms in education and social policy, strengthened the state against lawlessness and blood feuds found in many parts of the country (Brown 2001: 135), Albania remained the least economically developed country in Europe. The low GDP per capita put it firmly in the African category of lowincome countries (Fowkes 1999: 72). When the wind of change was blowing all across Eastern Europe, Albania embarked on nothing less than a metamorphosis away from communist dictatorship. There was little dissent within the country and no inclination on the part of communist rulers to follow Gorbachev’s reforms in the Sovietunion. The communists under the leadership of Ramiz Alia, who had succeeded Hoxha, resisted change and continued to punish dissidence. The Communist Party maintained its strong grip over the country at least until the revolution in Romania made it aware of the popular ferment that was toppling communist regimes elsewhere. On the other hand, the youth had already started to behave in ‘aberrant’ ways showing disinterest in the study of Marxism, displaying anger towards the regime, engaging in willful destruction of common property and demonstrating special interest to news broadcasted by foreign radio and television (Goldman 2000: 58). To avoid the fate of communism in other Eastern European countries, in February 1990, Alia pushed for some degree of economic liberalisation, while refusing to compromise the party’s monopoly of power. To conciliate the frustrated public at home and seeking to secure some Western economic assistance he only conceded to allow primary party organisations have a
greater role in the selection of the officials. The softening of the restricting policies extended to formally allow people to travel abroad, abolition of death penalty for illegal emigration and lift of the restrictions on religion practice (in Goldman 2000). These tangents to reforms opened the door to change they had tried to avoid. The image of 4,000 young people climbing the sides of overcrowded vessels headed for Italy was the first clear evidence of social protest and disintegration in summer 1990. Alia responded with promises for free parliamentary elections and the separation of the party from the state (Biberaj 1999). These concessions were not sufficient to prevent the escalation of popular demonstrations asking for more political change. The mass protests reached a climax with the formation of the first opposition party, the Democratic Party (DP) around a small group of intellectuals and students. The opposition’s program consisted in Albania’s “return to Europe”. It committed itself to a multiparty system, human rights and the introduction of a free market (Biberaj 1999: 85). Alia conceded to protesters’ demands for a multiparty system and early elections to be held in March 1991. Despite the poor organisation and the short period of four months to prepare for elections, DP won a respectable 38% of votes confirming the steady movement away from communism (Goldman 2000: 66). The Communist Party, however, had enough votes to hold on power. What followed was an attempt to correct the verdict of the ballot box by street protests. Three governments were changed until the continuous strikes and demonstrations that brought Albania to the verge of anarchy forced the communist leaders to give up to demands for new elections within one year. In the new elections, the DP won an overwhelming majority of the votes and its leader Sali Berisha became the first non-communist president in 45 years. The success of the DP occurred amidst a wave of popular democracy, which seemed to sweep way the memories of communist repression and command economy (Duffy 2000: 74). Although analysts expected that after the first excitement of democratic transition the post-election country would have to face a series of problems and overcome a difficult legacy (Agh 1998: 180), few could foresee the trajectory of its adventure in realising democracy.

Conclusions: The Logic of Consequentially in Political Change

The attraction of Europe has given a new direction to the rhetoric of political actors seeking electorate’s support and the benefits the European community distributes. The Albanian politicians started preaching ‘return to Europe’ as an effective tool against the shaking communist regime since early 1990s. The opposition emerged and campaigned around the benefits the European community distributes. The Albanian politicians started preaching ‘return to Europe’ as an effective tool against the shaking communist regime since early 1990s. The opposition’s program consisted in Albania’s “return to Europe”. It committed itself to a multiparty system, human rights and the introduction of a free market (Biberaj 1999: 85). Alia conceded to protesters’ demands for a multiparty system and early elections to be held in March 1991. Despite the poor organisation and the short period of four months to prepare for elections, DP won a respectable 38% of votes confirming the steady movement away from communism (Goldman 2000: 66). The Communist Party, however, had enough votes to hold on power. What followed was an attempt to correct the verdict of the ballot box by street protests. Three governments were changed until the continuous strikes and demonstrations that brought Albania to the verge of anarchy forced the communist leaders to give up to demands for new elections within one year. In the new elections, the DP won an overwhelming majority of the votes and its leader Sali Berisha became the first non-communist president in 45 years. The success of the DP occurred amidst a wave of popular democracy, which seemed to sweep way the memories of communist repression and command economy (Duffy 2000: 74). Although analysts expected that after the first excitement of democratic transition the post-election country would have to face a series of problems and overcome a difficult legacy (Agh 1998: 180), few could foresee the trajectory of its adventure in realising democracy.

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ratification of a muddle of democratic codes and their implementation in practice. The question still remains whether the political class will find the will to more than decorative changes (ICG 2003: 1). One can hardly argue that the consequential logic of internalising democratic norms has gone beyond a rhetoric commitment of elites to democratic rules. The EU reports, evaluations and critiques, which determine the progress in the contractual relations between the EU and Albania, have became the epicentre around which achievements and future challenges are debated and decided upon. EU has, thus, become an agent of differentiating, reform and agenda setting (Anastasakis and Bechev 2003: 9). It deserves credit for fostering a momentum for reform by inducing an intense public debate on behaviours that counter democratic practices, corruption, the abuse of public office for personal interest and inefficiency in the public administration, as well as the conflictual political struggle that prevents elites to look into the future. The genuine positive attitude towards Europe of the new generation of the political class has been coupled with a commitment to law enforcement, fight against corruption and the push for stability plagued by internal discord. One of the main differences between them and their older colleagues is they are unencumbered by the hatreds and injustices they think to have suffered in the past, the perceived need to use their new power not for the good of the country, but for their own revenge and proprietorial attitude to state organs.

References

The Construction and the Negotiation of Ethnographic Voices
Notes From an Italian Post-Industrial Area

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Abstract: Oral sources vary according to their specific use in a particular social arena. In this respect, the ethnographic encounter is a context where significant discourses and narratives about the past are produced, both at the institutional and individual level. Even if less immediately evident, also written sources are the products of specific historical, political, and cultural agendas. This paper is intended as a methodological reflection on the socio-political construction of oral and written sources in the context of extensive fieldwork, carried out between 2008 and 2010, in a post-industrial area of the city of Milan, Italy known as Bicocca. Today, the University of Milano Bicocca, the Theatre Arcimboldi, CNR, and Siemens Italia, among others, occupy the site. However, until the 1980s, the same area hosted the Pirelli Industries, one of the major Italian plants for the production of plastics, tires, and cables. Even if the site has subsequently been transformed into a “technological integrated area”, it is still permeated with both material and immaterial historical traces of its industrial past. I consider here the historical archive of the Pirelli Industries and my conversations with former unionists and workers of the Pirelli; I focus on the accounts of the years 1968-1969, also known as the “Second Red Biennium” or the “Autunno Caldo”, an exceptional phase of two years of intense demonstrations and strikes. I explore both archival sources and personal accounts, in short: the plurality of voices that are part of the site’s memory, past and present. My analysis will stress a specific methodological issue that is the need of a multidisciplinary approach in the context of my fieldwork research, given the malleability of the concept of memory itself and considering the fruitful collaboration between anthropology, oral history and the sociology of memory.

Keywords: Anthropology, Memory, Pirelli Industries, Working-class History, Archival Research

1. Introduction

This article is intended as a methodological discussion towards the study of memory within anthropology. It is based on ethnographic and archival research in the post-industrial area of Pirelli-Bicocca in Milan, Italy. Memory has long been a topic within social sciences and anthropology makes no exception. The popularity of memory studies in the past century lies in the rapid transformations that have characterized modernity in a broad sense. Marc Augé (1992) aptly spoke of surmodernity, to underline the rapid acceleration of history and compression of space that undermine a sense of continuity between the present and the past (Zerubavel, 2003); others (Mayer-Schönberger, 2009) underscored the emergence of sophisticated technologies that assist social actors in their efforts to recall and to recount events and experiences, thus undermining their very own ability to remember; some (Beker, Beyene and Ken, 2000) linked the construction of the idea of memory with the notion of trauma; others (Olick, Robbins, 1999) argued that the tragic events of the past century world history and the consequent need to deal with them were the reason for the boom of memory studies. The different disciplinary approaches to the studies of memory – delineated, for example, by Olick, Vinitzky-Seroussi, and Levy (2011) –made blurred and opaque the boundaries between fields of knowledge making and memory an object for different fields of research and studies (Radstone, 2000).

Memory is a complex subject matter: it is not only what is remembered or what is forgotten, but it is also the ways to remember and to forget (Cattel, Climo, 2002). As anthropologists, then, we are not only concerned with the contents of memory, past and present, but also with their construction by social actors through a variety of means and strategies. From a methodological point of view, then, the study of memory involves the accurate examination of multiple sources, numerous “ethnographic voices” (Comaroff, Comaroff, 1992). Because memory is volatile, consolidated, lost and recuperated, hidden and exhibited, anthropologists, their questions, their investigation techniques play a crucial role in the construction of memory. Daniel Fabre maintained that sources did not pre-exist any investigation; rather they follow it (Fabre, 1992). Moreover, Arjun Appandurai (1988) wondered how we, anthropologists, could construct our voices so that they could represent the diversity, the polyphony of voices heard during the fieldwork. For these reasons, plural and several “voices” should be examined.

Overall, I consider here two methodological issues: reflexivity on the part of social scientists, the ways they negotiate and produce themselves sources while attempting to collect data; the second is linked to the first and has to do with the
need for a multidisciplinary approach in the study of memory. I brake this article into three parts: first I provide information about the context. I present the Pirelli area, its most relevant historical changes and introduce some of my informants and research sites. Second, I illustrate the processuality of archival research and its relation with life stories critically discussing the assemblage of sources and the researcher’s methodology. Ultimately, I introduce concept of narrated field. 

What kind of knowledge is produced in the ethnographic encounter of memory, documents, social actors and social scientist?

2. The Post-Industrial Area of Milano Bicocca

Although an examination of the transformations of the Pirelli is beyond the scope of this article, I would like to briefly present the site to give a general idea of the places I visited to conduct fieldwork. The Bicocca is an area (around 700 thousand sq.mts) in the Northern outskirts of Milan. The area takes its name after the Bicocca of the Arcimboldi, a fifteenth century villa that was commissioned by the noble Arcimboldi family as a summer residence. Though hidden by thick vegetation, the Bicocca of the Arcimboldi is still visible from Viale Sarca and can be found on the list of the most important cultural buildings in the Lombardy region.

Today, the Bicocca neighborhood is the headquarters of several public institutions and private companies, such as The Università degli Studi di Milano Bicocca, the Centro Nazionale delle Ricerche (CNR), the Arcimboldi theatre, a cinema and an exhibition space for contemporary art – the Hangar-Bicocca. Moreover, a range of commercial activities more or less directly linked to University such as libraries, copy shops, bars and restaurants could be found in the neighborhood. Therefore those who visit the neighborhood today will find themselves in front of a series of modern buildings built in perfect order. However, even in the architectural structures, it is possible to find some traces that testify to the recent industrial past of the neighborhood. In actual fact, the Bicocca had been the main headquarters of Pirelli, the Italian multinational, since 1908. Starting from 1975, with the industrial group’s Reorganization Plan, the neighborhood was the theater of a progressive series of changes. From a practical point of view the main stages which have inaugurated these processes of transformation were: The approval of the Bicocca Project, the ratification by the Consiglio Comunale di Milano of the Change of the City Plan which defined the area as “an area for urban recovery”. In a press conference in September 1985, Leopoldo Pirelli, the then president of the group, had announced that the spaces of the Bicocca neighborhood would become, over the years, an “Technological Integrated Area” that is a set of spaces destined to receive the so-called “advanced tertiary”. During a walk on the neighborhood streets with Serafino Balduzzi1, on a sunny afternoon of November 2009, starting from the Arcimboldi theatre and returning there after passing the houses of Borgo Pirelli and the building covering the cooling tower, he said: “It is hard for me to orient myself there, I don’t seem to find any of the landmarks I used to see”. The changes that interested the Bicocca neighborhood were the results of a project of urban transformation that involved its visual aspect. At another level of analysis, these transformations shed light on strategies of local government about the management of space and territory; as Luigi Mazza, professor in Urban Planning, underlined: “Bicocca is [...] an example of the occasional, partial and unpredictable actions through which contemporary cities are transformed and of the dragging effects that limited and occasional changes may have on urban region in which they occur” (Mazza, 2003:10). The disorientation of Serafino Balduzzi from a geographical point of view led him to reconstruct his mode of orientation along the axis of time: “Do you know what happened here? -He asked me once arrived at the crossroad between of Viale dell’Innovazione and Via Piero Caldirola- “Do you know the battle of Bicocca?” (Serafino Balduzzi). The question posed by Serafino Balduzzi led me to reflect on the deep connection that characterizes the dimension of time and space and their role in the stories I was listening to and in the discourses about memory. “We should compare our memory to the night sky, look up on a clear night, in a dark place and see the stars that shine, pulsate slightly (...) mind! It’s a trap! (...) You're not watching space, but you're watching time. Do you know when the light you are looking at started from there? The image you see? It left when Joanna the Mad was killing herself in Naples, while her husband was killed by her lover or during the Great Depression of '29. Similarly we can continue to see Betelgeuse even if it is gone, it is exploded... the explosion... we will even see that... not me, not you, but our extra-great-grandchildren... when? Not when it will happen but when we could see that image. Our way of thinking is done in the same way, we are full of ruins and remnants” (Serafino Balduzzi). The transformations and the density of the research field led me to examine, in their complexity, spaces and people. In the early stages of my research, in 2008, I was

1 Serafino Balduzzi was executive manager at Pirelli for forty years, he retired in 2002. “I didn’t use to do stuff, I just watched others I used to deal with the Human Resources Management and with Labor Relations” (Serafino Balduzzi)“.
interested in the biography of the neighborhood trying to find a research methodology that could shed light on the historical density of the neighborhood itself. Moreover, I was particularly concerned with the urban politics that have changed Bicocca both in the landscape and in its social composition. However, soon, I shifted my interest on the way in which these transformations were perceived by the former employees, workers and unionists of the Pirelli Industries throughout their life stories, the ways they presented their life and life-trajectories several years after the Pirelli had closed down and the area that once constituted their workplace had undergone significant changes.

Thus, my interest shifted to the production of that body of knowledge and to the processes that informed it, at a more historical and political level, and I began to combine empirical work with archival research. From there, I began to wonder what role I – myself – played in the production of those very memories that I was collecting, as I was unquestionably soliciting not only detailed accounts or going through hundreds of documents, but I was also soliciting a specific field. I call it “narrated field”, because it no longer materially exists but is highly evoked through narratives.

3. Dusty Archives and life stories

My research began in the Historical Archives of the Pirelli Industry, in what seemed a legitimate place to investigate the past and its representations. Archives are projects; as such, they are selective and convey a specific message. For the purpose of my research, I was interested in investigating how the Pirelli Industries had represented themselves over the years. Viviana Rocco, who was working as an archivist and in the administration at the same time, urged me to consider the Pirelli Archive as a “current” archive, that stored administrative and bureaucratic documents. As Zanni Rosiello pointed out, the administrative documentation is in itself historical documentation; it does not become such with time (Zanni Rosiello, 2005). Other material that I was able to look into consisted of books on the history of the Pirelli Industry, accounting documents, photographic material about the Pirelli and its products. Most of this material seemed to suggest some sort of interest, on the part of the Pirelli, into preserving its own history, but left little or no space to actual social actors, those very individuals who were working at the Pirelli at that time.

I would like to add a further point about this segment of research. Archives are projects indeed; however their scrutiny might turn out to be a messy business. Zanni Rosiello for instance maintains that documents are often misplaced, misleading, and might turn out to be dead-ends (Zanni Rosiello, 2005). Between 2008 and 2009 for instance, the Pirelli Archive changed address three times, although within the same area, and the material was hard to trace at times. Overall, I was left with piles of chronological evidence and scarce testimonies about actual work within the Industry.

In October 2008 Viviana Rocco suggested I attend a conference titled “From 1968 to the Hot Autumns: class-struggle, workers and their involvement at the Pirelli” and meet some of the former workers of the Pirelli. Their testimony proved to be a turning point in my research. From then on I began working with a network – albeit small – of informants and came face to face with a different account of past events, one that focused more on life stories and trajectories of individuals and groups. Overall, their testimonies seem to interact well with the information stored in the archives, that my new informants labeled “the patron’s memory”. On that occasion I had the opportunity to hear for the first time the words of Renzo Baricelli2 that later published his testimony and that would become one of my key informants. His words helped me to enliven the story I had started to reconstruct through the Pirelli archival sources. “You imagine, perhaps for the young ones of today, it’s hard, that a large factory was like a city, it had an identity, a collective history; if we speak about it “narrated field”, because it no longer materially exists but is highly evoked through narratives.

To work with life stories is to work with accounts of the past that are narrated and then collected in the present time and subsequently shaped into a monograph. As Portelli brilliantly maintained, “when dealing with life stories, scholars tend to focus on the word life, on the materiality of experience, actual and verifiable data. I like to stress the word story: events might indeed be verifiable but ultimately we are not dealing with experience and reality, but with accounts of events, which are a verbal construction through which those who narrate chose to convey a specific form to their lives”. In this perspective, history is an account of events, and every narration is an interpretation of past events, filtered through the lenses of the present. Obviously, I do not want to make simplistic assumptions and I am aware that the study of life stories cannot always be subsumed within general social frames of memory. However, when writing one must acknowledge a certain degree of abstraction, as if one were to glue together the pieces of a mosaic. Such pieces might

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2 Renzo Baricelli was the Confederazione Generale Italiana del Lavoro (CGIL) Italian Trade Union representative at the Pirelli Bicocca factory in the late ’60 and early ’70.
not be all alike, but their differences glue well together.

At another level of analysis one must consider the relation between anthropologists and their informants, which is based on a sort of silent pact. I chose to avoid the use of pseudonyms; instead, I always present people with their real names. These are institutions, define the social identity of a person and his/her action over specific life stories. Also, they seem to me more immune to time and space. The relationship I established with my informants did not suffer from any factual linguistic impediments. Indeed, we shared the same mother language. However, age difference led them to presume there would be a temporal and personal distance, and an overall disconnect that would make it hard for me to collect their accounts. For instance, let us consider the following fragment of ethnography, and excerpt from an early conversation with Vito Basilico, one of my key informants, former employee of the Pirelli Laboratory and a protagonist of the unions’ struggle of the Hot Autumns (Rimoldi, 2011). This conversation underlines well what he thought about my role as a researcher that he considered anagnostically inadequate to conduct research in this specific field of study. “I don’t know though how a young person like you could understand our era, you continue talking, interrogating but it is difficult for your generation to understand our time. I, at your age…I don’t understand why you young people aren’t full of the desire to change the world. You don’t even think of it because you are uninspired, you don’t have any ideas, you don’t see the future. Certainly it must be difficult for you because you are blind and it is difficult to imagine what you might do if you could see. We had an objective, maybe it was illusory, but it was there, now there isn’t even an objective, not even an illusory one” (Vito Basilico).

In this specific case, my age and the consequent inclusion in the “world of the youngsters” made Vito Basilico question on several occasions the possibility that I could deeply understand his accounts and grasp the difference between their actions and my presumed inability to undertake political action. My long acquaintance with Vito Basilico proved fruitful and paved the way for a relationship of trust and respect. I often volunteered to help him with the transcriptions of some of his old interviews. At this point, he was able to engage in a different type of relation with me, and offer a more detailed account of his life and experience within the Pirelli Industry. Our renewed relationship opened new channels of communication and, to paraphrase Pierre Bourdieu (1994), a new market for the circulation of information.

4. The Narrated Field

From a methodological point of view, the knowledge of heterogeneous material is challenging at different levels. In order to represent the complexity of the situations that characterized my ethnographic fieldwork, I introduced the concept of narrated field. As I have shown, the reasons that led me to choose such category to describe my ethnographic experiences are different. Thus far, I described the ways in which my interaction with my research field led me to construct and negotiate a certain kind of narratives; I will now move to the contents of such narratives to show the specificity of the idea of the narrated field.

It seems important to emphasize that it is the narratives that emerge from the sources that I used that construct the narrated field. Indeed, these narratives, oral and written material and immaterial sources with which I interacted during the period of field research led me to construct and carry out a certain type of discourse on memory.

It is clear that, by carrying out a specific idea of social memory – narrated by several sources and reorganized into textual form by those who research, the kind of knowledge that will result will be incomplete; in fact, any discourse on memory cannot be unitary and fixed since, in some way, it reflects the fragmentation of the different sources.

First, the history of the neighborhood, its transformations that connected it to the rest of the city could represent this fragmentation. When passing by via Piero and Alberto Pirelli on a rainy afternoon and waiting for a few minutes as the cars drove by, Mario Danieli underlined that the district had now become an integral part of the city: cars, buses, motorcycles traveled in and down the streets, even if before the area was encircled by factory walls and the only vehicles admitted were internal vehicles.

From this perspective, Fulvio Bella told me: “First we must say that factory occupied the district site in its entirety, I remember it was almost like a fortress with the casemates, the sheds. Going in, the spaces were wide: even going from one department to another would take a while. To go from one door [entrance] to another to put up manifests we used cars since, just to cross the area, it took 10-15 minutes. Then there was also a place where trains, and even trucks, entered, so you can imagine the rows of trucks coming and going” (Fulvio Bella).

3 Mario Danieli is a former worker at Pirelli Bicocca and militant of the Confederazione Generale Italiana del Lavoro (CGIL) Italian Trade Union.
4 Fulvio Bella is a former employee at Pirelli Industries.
Reflecting in general terms on memory, I remember the first walk in the Bicocca area with Francesco Buratto in the summer of 2009. As I wrote on my fieldnotes: “I asked him if, along the path we were passing through, he could find some elements that reminded him of the neighborhood when there was only the factory. Francesco said that many things had been swept away, but part of the wall was still there, the shape of the buildings and the bridge that connects them are quite similar”. Once arrived in front of the Arcimboldi theatre, Francesco Buratto told me that the sculptures in front of the theatre had a close relationship with the history of the neighborhood Bicocca and the Pirelli Industries.

According to Francesco Buratto, these five blocks of steel - sculpted by the artist Giuseppe Spagnulo- were created with materials that had not been sold or transferred and that had been taken from the factory machineries. Francesco Buratto interpreted the sculpture as one of the many memory traces left but patron of the neighborhood.

When the Bicocca neighborhood enters into the reconstructions of life stories it tends to be identified with the factory itself, with the Pirelli and, more generally, with some of the significant issues related to working practices. It is important to underline that the collection and analysis of life stories is similar to accounts in general, as Jedlowsky pointed out when highlighting the constructed nature of narratives: “To tell a story is to open a world to the imagination. In this world real or invented things can be represented (a distinction not easy to make) but the point is precisely that such things are represented: they are not as present as the person is telling us or as the chair you are seated on” (Jedlowsky, 2009:8). These types of representations, therefore, contribute to create the narrated field.

Moreover, archival sources, written sources, are not to be considered as final results, since, as well as life stories and their narratives, are the products of specific historical, political, and cultural agendas. “To recover documents in our archive… where… I don’t know how many materials there could be… I have the impression that we didn’t stock it properly; we were not focused enough on making history, what a pity! It is a shame because… yes … it is a bit hard to say what it could be its use…it is useful to live, to be human beings, as well as having a conversation with someone (…) history is employed to fabricate life” (Serafino Balduzzi).

5. Conclusions

In this article, I showed, from a methodological point of view, how I constructed, negotiated and put together the sources, oral and written, which constitute the ethnographic materials, the voices of my research. Moreover, I showed the difficulties in dealing with archival sources and in collecting life stories and I highlighted that they may vary depending on the social arena in which they are used. In order to put together these heterogeneous materials, I introduced the idea of narrated field outlining its general features; it is solicited through questions, retraced through archival research and therefore evoked by the researcher. The descriptions of the job carried out at the Pirelli, the stories of oppression, alienation and transformation of destinies and landscapes emerged within documents and conversations, and helped depict a complex picture of a specific kind of memory, that of former workers and unionists at the Pirelli. The presence of the researcher is therefore crucial, as it is the researcher himself who merges together different sources and bodies of knowledge. When doing so, when recognizing his/her own presence on the field, the researcher faces the challenges posed by a heterogeneous corpus of information that requires different sets of tools, specific of other disciplines and must therefore connect reflexivity with the need for additional methodological tools.

In conclusion, this analysis shows that the knowledge of places and historical events is partial and mediated. This, therefore, is particularly interesting from the point of view of the study on memory, which, as said, is constituted not only by what is remembered or by the way it is revoked but also by what is forgotten and by the reasons why it is forgotten.

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The History of Tirana as an Important Factor in the Social and Cultural Developments Throughout the 20th Century

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Abstract: This paper aims at giving some very important social and cultural aspects, which were seen during the beginning of the 20th century, especially during the transformation of Tirana as the capital of Albania in February 1920. What is seen as most important in this paper is the political systems of Albania especially after the acknowledgment of Albania as an independent country in the international arena and the social and cultural effects it brought in the social life. The most important aspects that will be treated in this paper are as follows:

a. The history of Tirana and various of its legends
b. The political transformations during the 20th Century and their influence in the social life
c. Population’s movements, Tirana as part of this movement
d. The new comers in front of a new mentality, imposed by the area where they settled down.

These are some of the main issues the Albanian society faces in general and especially the inhabitants of Tirana, whose integrity is mostly affected by the economical, social and cultural aspects of the metropolitan capital, Tirana. In this paper, we will take into consideration as well the changes the Albanians had to confront after the 1990. We are mentioning here those citizens who left the city to live in the country, making here a comparison of the both situations, of the previous and later life they had. Despite the clash of mentality, lets hope to see a cohabitation and an adaption of ideas and integrity of inhabitants of Tirana and other big cities of Albania in a non distant future.

Keywords: History, Tirana, Social, Cultural, Integrity

The history of creation of Tirana and legends about it

Tirana is the capital of Albania and the biggest city of Albania. It has a modest history in comparison with other European capital cities. It deserves a very special attention not only for being the capital but also for the fact that it constitutes one of the main specific models of the urban development. Its history starts with its foundation as a city in the XVII century. Tirana is the typical example of a mixed structure, somewhere between the sea and the mountains, Ilyrian cultural heritage, Roman, Byzantine and oriental atmosphere, between European elements and those typically Mediterranean and Balkanic elements; developed urban models and those which were in progress; between the most authoritarian urban discipline of the communist era and the chaos of the modern times. In other words, Tirana is a city with dynamics in Europe and undoubtedly represents a city in transition, prolonged typically in our days. Transition is present in every inhabited center, as an expression of a continuous uninterrupted historical process of the urban and vital transformation throughout all the times. Tirana as a city in transition represents a temporary period of the structural and urban development, in some historical phases, products of many different factors, including here the political, social and economical differences after the 1990s (Aliaj, 2003, p.13).

As far as the archeological references are concerned it is thought that in Tirana district, the favourable geo-climatic conditions for living there, have made possible its inhabitation since the beginnings of the human society. This is proved by the archeological findings, near the Dajti Mountain and in the Pullumbas cave, which belong to the paleolite era (old stone era). It continued to be inhabited during the new stone era, the metal era and in continuation throughout the whole historical era. An evidence for these living places are the castles, different monumental ruins which were preserved until nowadays. In order to make more credible and obvious their existence, we are mentioning the most important archeological centers found in this district. To starting with Dajti mountain, this entered as a label in the Albanian archeology in the beginning of the 20th Century, a time when the austrian geologist B. Richthofen discovered near the nowadays quarry of Dajti some flint tools which belong to the era of the high paleolite (B.v. Richthofen p.152). Another living place of the late Paleolite is discovered in this area, 7 km in the south of the capital, on the left side of Erzen river, 2 km in the northeast of the Pullumbas village. The Pullumbas Cave called differently as the Black Cave served as a living place later on, from the late paleolite to the beginnings of the Iron Age (Korkuti, 2003, p.129).
The documented traces of a continuous population appeared in this area in the antiquity, in a time when these areas were inhabited by the Illyrians. The Illyrian inhabitants of the preurban era of this area were forced as everywhere, to build castles to protect themselves from the common attacks of other tribes. Many of these castles have reached our days in the form of ruins. We are going to see closely some of the main castles of antiquity and medieval times. The oldest of the castles in the area of Tirana is the castle of Doris, approximately 20 km in the southwest of Tirana, ruin of an Illyrian city, whose ancient name has not been identified yet, and it belongs to the proturban Illyrian period, so the VII-V B.C (Zhegu, 1976, p. 15). In the southeast of the capital city, over the Vila mountain are seen the traces of an Illyrian later castle known as the Presqop Castle, whose 30m long wall build in square blocks, in a very big size without any connection of mortar, is still preserved nowadays.

Traces of another castle of the antiquity Illyrian period are found in the foundations of the medieval Castle of Petrela—built over a 500m hill over the sea level in the south of Tirana, in the valley of Erzen river. Petrela is famous for being a medieval castle which is called « Petrula » by the Byzantine writer Ana Kommnen, and the arabian geographer calls it « Betrulne », whereas in the turkish mufasal register in 1432 it is called « Petril » and lately in Marin Barleti’s work (1508-1510) it is called with the actual name Petrela. The austrian albanologist J. G. Von Han, whose ideas were totally accepted by the nowdays albanian archaeologists, it testifies that the medieval castle of Petrela is constructed over the foundations of an ancient Illyrian castle which belongs to the III Century B.C (Komota, 1969, p.17).

Another Illyrian castle with ancient foundations is the castle of Preza, which reached our times in medieval walls. M. Barleti thinks that it is a continuation of the ancient castle of Oppidum Parathinorum (The city of Parthins), which Julius Caesar mentions in his work about the Civil war (Korkuti, 2003, p.134).After the roman invasion, especially after the establishment of administrative imperial stability in those areas, the castles lost their previous function, as a place for the protection against the outdoor attacks. The centuries of the Roman rule is represented by traces of other construction objects: public buildings, living houses, water supply, sanitation, streets, road stations, artistic monuments, grave inscriptions etc. From this period in Tirana we have mostly foundation of buildings, bits of artistic work of arts and grave inscriptions.

The french counselor in Shkodra A. Degrand writes in his own work published over a century ago (1901) that during his trip from Tirana to Kruja near the river of Tirana (River Riglata), he had encountered some traces of a Roman necropolis, that belonged also to the soldiers of Caesar or Pompeus killed during a battle in this area in the 1st Century B.C (Sufflay, 1926, p.7). We have also some traces of a building discovered in the Kocaj village of Baldushk area, in the south part of the capital, near the second mentioned variation of the Egnatia Via. The building of the Kocaj village belongs to the 1st Century B.C. as so noted by N. Ceka and D. Kamata. Apart from the inscriptions discovered in Kocaj of the Baldushk village, there has been discovered 5 other inscriptions in latin. These inscriptions signify living places in the surroundings, but their traces have not been discovered yet.

The most impressive and important traces seem to be still in discovery in the castle of Tirana, which is near the historical center of the capital city. It is thought that the castle was being built by the Ahmet Pashe Bargjini in the last decade in the end of the XVIII century. Due to the partial archeological researches done by Sulejman Dashi in december 2001, it was seen that in its foundations were seen traces of another more ancient castle. But further excavations in the area of the castle would probably say the last word whether it existed or not an ancient castle at the heart of the castle of capital city. Anyway, Tirana castle, with a rectangular plan almost 160x200 m with the longest rib which went parallel with the Lana bed, seems to have been one of the flat fortresses of the IV-VI century of our era—more precisely one of the castles built or rebuilt by the emperor Justinian in the new Epir. This castle should have been ruined at the end of the VI century, a time when the castles of the emperor Justinian were not able to protect themselves against the attack. If the later excavations would undoubtedly prove the existence of a castle in the late antiquity, in the heart of the nowday capital city Tirana, this may prove the previous point of view of the croatian mediavist Milan Shufflaj men, who said in 1924 that the name of one of the castles Tyrkanos (Tupkouor) rebuilt in the VI century in the southern altitude of the wide valley in the midst of which is situated the nowday city of Tirana (Frasher, 2003, p.24). Even in medieval times there are a few undocumented testimonies about the existence of the area of Tirana. In order to prove the continuation of fortification and existence in the medieval times in the mufassal registry in 1621 of Karye-i Andronik, there is given testimony about the existence of the Ndroq Castle in the western part of the capital on the left of Erzen river, where there were registered 25 living houses. There have also existed 2 other medieval castles in the eastern part of Tirana, over the Dajti mountain, which controlled the way to the internal moutinous streets.

One of them controlled the way to the Tamadhe Highland in the Great Priska, which used to be the episcopal headquarter, 1404 Episcopus Priscensis et Bendensi, called by Mark Skura in 1641 as it is called today the Great Priska (Priska Grande, (Zamputi, 1965, p.229). The second is the mentioned castle of Tujan where you can still see the ruins of the castle, a medieval Byzantine castle according to Hani and Shufij, as well as the ruins of Berrar. According to the
historical and archeological testimonies Tirana constituted one of the areas with an ancient dwelling which has kept with its tradition in medivial and modern times. In order to prove this there are also given some data about those who ruled this area, and it is believed that that for centuries Tirana has had progenies of the Sguro or Skuka family. Later on with the foundation of principality of Carl Topia, the possession and rule of Tirana from the Skuraj family comes to an end, because they are not mentioned any more as nobles in the city of Durres (Frasheri, 2004, p.50).

Tirana was at the center of the principality of Carl Topia. Tirana had a certain stability during this period of time. Fewer and fewer villagers were moving from the villages of the highland of tirana to the fertile land because of their insecurity. After the death of Carl Topia, Tirana was attacked by the Ottoman invaders. In the feudal-military-administrative organization that was sanctioned in the register or defter in turkish: the area of Tirana did not form a single administrative unit, but it was enclosed in the Akca-Hisar vilayet of Kruja. This vilayet or kaza also included Benda which during the middle ages constituted an episcopal diocese. In this vilayet was also included the area of Tamadhe (Shengjergj). Apart from the testimonies and the data provided by different authors about the historical background of Tirana, what is of a great importance to the history of creation of this city are the folk legends created in many different variations. These legends were inherited generation after generation among the inhabitants of Tirana. The most ancient variation of the legend about the history of Tirana is given by Johan George Von Han, in his work "Albanian studies", published in 1854 where he describes the legend as he heard it from the people.

The legend related the foundation of the city of Sulejman Pashe Mulleti and went back to the first years of the XVII century. Anyway the legend accepted that before these events took place, Tirana was a small village of 15 houses. We will cite in the following paragraph some words which were taken from the description of the legend of the creation of Tirana done by J.G.Von Hann:

The legend speaks about servant a boy who used to serve to Sulejman Beu. One day the boy told to Beu his dream that was about the moon which had descended from the sky and rested over the boy's shoulder and enlightened him. Sulejman Beu interpreted the dream as if it was a warn of a very lucky and prosperous destiny for the boy, so he encouraged him to go in search of his fortune. The legend goes on telling that the previous servant boy had now become a very great vezir and he didn't want to forget his master, so he gave him the position of commander of the Ohrid Sandza. One day Sulejman was hunting and he was surrounded by a very beautiful green valley and it was there where he decided to build a mosque and a bazar by giving Tirana in this way the aspect of a city (J.G.Von.Hann p.87).

The Counselor of France in Shkodra J. Hekar (1857), by adding one ending to the unfinished legend by Hani, and told that after the foundation of the city, Sulejman Pasha went to war in Persia where he died. His body was buried in the mosque of Tirana built by him because this was his own wish 10. Sami Frasheri in his work about Tirana keeps this same version of the story. Another variation of the legend is given by the French Counselor A. Degrand in Shkodra who carefully elaborates on the events about the foundation of Tirana with a pretended historical background, and supplying it with typical dramatic episodes of a feudal society. According to him Sulejman Pasha was not from Mullet village, but according to his surname (Bargjin) from the Bargjin village, which according to the Arvanit Sandza registry is registered in the area of Tirana, a village with 24 houses whose traces were still found in the 30s in the northeastern part somewhere between Medreseja and the Tirana river (Rigllata). If in the first version given by Hann Sulejman Pasha possesses the area of Tirana without any conflicts and difficulties, in the second version Sulejman Pashe Bargjin acts totally differently by means of violence and the support of powerful friends in Istanbul. There are also other legends regarding the foundation of Tirana where we can see more or less with some changes the same historical figures and the same episodes. What is important is the fact that the history of Tirana just like other areas and villages of Albania is filled with episodes and events full of fights and wars which are described in the legends of foreign writers as well as Albanian ones.

The political transformations in the XX century and their impact in the social life.

The history of Tirana as a city ended after its appointment as the capital of Albania and this was a story told only by its own inhabitants. Th history of Tirana started to melt slowly with the history of the Albanian state, after its appointment as the capital city and after several dwellers of other areas came to live there. At this time everything changed in the political, economical, social and cultural life of Tirana. It started to become the most representative city of the Albanian nation and the different regions gave their own contribution in the political, social and economical aspect. By appointing Albania as the capital city, this made it come out of its previous closed character and helped a lot in the modification of the local city dwellers. An important impact exerted the Albanian political parties created in 1921. The fight between these political parties resulted in a much faster development of the dwellers in Tirana. There was seen the polarization of two political
parties in a national level which was on one hand the conservative party, landowner beys, and on the other hand the liberal democrats.

It was seen at that time in Tirana the action of the democratic-revolutionary organization called «Bashkimi» founded by Avni Rustemi in 1922 which had a major support from the city dwellers of Tirana and of the whole Albanians. There were also seen other democratic organizations such as Xhoka etc. All of these democratic moves, successfully coronated the democratic revolution of June 1924, headed by Fan Noli. The government which came from the June Revolution had in its bulk the eradication of feudalism and bringing democracy to the nation. Due to several factors the democratic party of June was turned upside down in December 1924. For Tirana and for the whole Albania it was the time for Ahmet Zogu to rule, in January 1925 he was declared president of the Republic and in 1928 King of the Constitutional Monarchy of Albania. At the very beginning of the Zogist rule, Tirana was a city of urban characteristics where the simple handcraft prevailed. Tirana started to change its economical content, social life and its urban structure during the 30s. There were built different factories and the agriculture flourished. In 1938 there was put into practice the first radio-transmitter with a limited program. Very big changes were seen in the aspect of urban structure in the 1930s. As far as the private living flats were concerned they evolved in two directions; one of them in the old Tirana space and the other was extended in the space in the southwest of Tirana where no one ever lived before and it was called the new Tirana. There were built a whole new range of private buildings. In this period of time there was not built any artistic building in the real sense of it. There was seen a huge and rapid development of Tirana's social life. In 1930s there was seen a proliferation of the cultural and artistic life in Tirana and this was done without the help of the government. At that time started the theatrical plays, some artistic concerts and ther was seen an extension of the sportive club networks etc. The same proliferation was seen in the publication of different political, cultural, philosphical, sociological and artistic works.

There was seen a huge development of the social and labour movement. Members of this movement were intellectuals, simple workers who came from different areas of Albania and especially from Tirana who were famous for being organizers of such movements especially Hasan Reci and Hamdi Shijaku. The citizens of Tirana were among the first ones who protested against the Roman attacks in 1939 in Albania. When the roman rule was established in Albania in 12 April 1939 with the king and ruler Viktor Emanuel III, who would be called the king of Italy, of Albania and emperor of Ethiopia. The roman invasion made it possible to make some different organizations for example the creation of new job positions by investing in this way the Italian capital in various economic spheres and built several public building most of them situated in Tirana. There were also created various industrial factories and workshops. The living situation improved a little bit with this policy of hiring as many people as possible. Despite the invaders' attempts to be as friendly as possible with the Albanian population there were seen various anti-fashist movements everywhere in Albania as well as in Tirana. Tirana was on the top list of the anti-fashist resistance. The inhabitants of Tirana contributed in various ways by means of its militants.

The Italian invasion was left behind and was succeeded by the nazist regime in september 1943. It is unforgettable the day of 4 February 1944, when the German forces massacred in the capital city streets 84 people. After various attempts and help given by the National Anti-fashist Liberatory Movement, finally on 17 November 1944 Tirana was freed from the invaders. With the freedom of Tirana there was established the government formed by the communist party that remained in power for 45 years. In 1947 Tirana started to develop economically, socially and culturally. A lot of factories were built such as the milk factory, the shoe and meat one. In 1951 it was firstly constructed the Textile Industry in Yzberisht the Wood KOMBINAT in Misto Mame, the Hydropower plant in Dajti, the metal production Factory and the factories of Dinamo and Partizani. In the late thirty years lots of other industrial factories were built where lots of people were hired and improved their living conditions in Tirana. In this way Tirana turned into a modern industrial city. A lot of development was seen in the cultural and educational aspect. In 1947 it was built the two-year pedagogical high Institute and in 1951 there were 4 other institutes that started work The high Institute of History and Philology, Economics, Medicine and the Agricultural one. And later on with the educational organization there were functioning several colleges and universities mentioning here the State University of Tirana, the Agricultural University of Kamza, The high Institute of Beautiful Arts and the High Institute of Physical Training etc. The scientific life was evolving as well. The first step was done in 1947 with the creation of the Institute of Sciences and several other research and scientific institutions. The cultural and artistic life went at the same pace with the scientific activity. The first National Albanian theatre was built in 1945 and in the same year Tirana inherited only one single library with 12000 volumes, whereas in 1990s it had 13 libraries and the National Library had almost 2 millions of books. In 1960 it was build the Big Cultural Edifice. The artistic and literary life were proliferating step by step and there was an increase in the number of publications, plays, orchestral concerts, Albanian song contests. In Tirana neighbourhood you could see a series of monuments and statues dedicated to famous Albanian historical personalities, and we can mention the monument of our national hero Gjergj Kastriot Skëndërbëu, situated in the main square of the capital city. The center of the capital was transformed in an official and cultural center.
Population moves from rural areas to urban ones, Tirana part of this movement.

Population moves differently known as internal migration, has had in a more general sense its own dynamics. This is a phenomenon that derives from ancient times but became more widespread in the XX century. There was an intensification of the people from rural areas to the urban ones the same was seen during the period of the Republic and the Albanian Monarchy in the years 1925-1939 and were much more intensive during the 50s and 60s, later on we have a certain stability but it didn’t go on until 1990. The internal migration was regional, a little inter-regional and partly with a village-city orientation. It constituted of individuals, family members etc. During the 50s the internal migration has included 39 387 perpole per year or 2.8% of the average annual population. In 1960 it is seen an intensification of such internal migration especially from the country to the city. In the 1960-1970 have migrated approximately 97 747 people per year, in the 1970-1980 were 78 526 people and the years 1980-1990 have had an internal migration dynamics of 77 170 people migrating within the country. According to the statistical evidence migration did not pass without traces. Its traces were ; the transitional social life situation which was aggravated even more with the turning of infrastructure services into state services, economic function loss of the living houses in the city as well as in the country and the fall of the economical dynamics and the aggravation of the general crisis. These all resulted in a further aggravation of the labour market. These migration characteristics together with strict administrative codification, affected a lot the increase of population. This migration after the 1990s was tripled compared with the beginnings of the 90s. The center for this migration became the most important cities of Albania like Tirana, Durrsi, Elbasani, Vlora, Shkodra ect. Those people set in the urban areas or pretty close to them, formed 3 human ecosystems with multiple communication between them ect. The problem here was not a denial for these kind of services, but it was mostly the fact of being unprepared for such a chaotic migration. The created formations are ; the urban one especially in the local areas, suburban and rural-urban especially in the big cities. These three units have essential differentiations in all aspects and the migrants and the community have different positions. If we refer to migration as a destiny in the city of Tirana and around it, we can say that it has been quite intensive and at the same time inevitable. As far as the statistical data of the 1990s in the Municipality of Tirana are concerned there were registered 374 000 inhabitants, whereas in the 2011 registration it was seen a population of 624 122 people and apart from the Municipality of Tirana we also have the municipality of Kamza with a population of 20028 inhabitants and the Municipality of Vlora part of the district of Tirana with 81 905 inhabitants. As we see from the data the population of Tirana is tripled and has created chaos in the urban plan but has also brought chaos for the local and non local citizens.

The new comers in front of a new mentality, ofered by the place of settlement

The settlement and coming of the inhabitants in the most important urban centers brought them fundamental changes as far as their living conditions and perceptions were concerned. These were result of lots of problematics which they were facing after the 1990s in the places where they were living and by settling down in the urban areas they thought that their life would change for the best in the social, cultural and economic aspect. Some of these problematics are:

a. The new way of thinking differently among the new comers about the way of organizing family and social life.

b. The lack of labour offer where competition in the urban center was high
c. Inclusion of the new technology in education such as digitalisation, computer system and several foreign languages, most of which were unknown.

We must say that the Albanian society is in general a society with stressed patriarchal elements and its nucleus is the family. The strength of the patriarchal society is greater in those families where the patriarch decides the destiny of the rest of the family without considering before the needs and desires of each of the members. It is the common law that particularly stresses the superior male position especially that of the head of the family and the dependence of other members especially the female members whose rights are denied. Even nowadays there are still extended families in the surrounding of Tirana especially new comers form the north, who live several families together, and are ruled and directed by the “head of the family”. This clearly shows that the common law is still strongly present in many of such families although most of the inhabitants deny such a thing.

What we should make them recall is the fact that the common law limits a lot their mentality related to family, marriage and family relations. What is different in fact is only the different modern terms which are nowaday used instead of the old ones, but the rest has remained the same as in the common law. The difference between the local people and the new comers is that the first group has left behind the common law a long time ago because the times have changed and the common law effects do not match with the life build by our society. The local people strongly reject common law effects related to blood feud, arranged marriages and above all the authority of the head of the family towards other family members.

b. Another problem these inhabitants faced was the lack of job offers. As far as their interviews are concerned most of the dwellers said that moving away from their home village towards Tirana was their biggest dream but when it became true it was totally different. They moved because of the financial problems they hoped to be hired in Tirana to get a better future but in reality they were faced with a strong competition and most of them remained unemployed in the long endless streets of Tirana and their only financial source were their immigrants children abroad.

c. Education is one of the main vital elements for man’s integration in job market and serves to legitimate financial profits as well, it is also important in other strategies to improve the living conditions including here the protection of personal rights and the possibility of participation in the community institutions” (INSTAT, 2004: 14). In this way education is really important for individuals and the society in general. Because of their great desire for having their children educated in Tirana, they saw it as as a possibility to set there once and forever. The staff was much prepared in tirana than in any other city and the conditions for studying and living were better of course, it also included a digitalized computer system and three foreign languages which the people from the country did not have the chance to have such a technology. Anyhow they are optimistic in this direction because their children’s progress is very positive. This has come as a result of different private courses their children have attended and they are at the same level with the local children.

In conclusion despite the contrasts and incompatibility of ideas between the two parties, they learned how to coexist with one another especially in the last few years. However the longevity of their relationship depends on their mutual collaboration and adoption to reality. Time will show their will and desire for a calm and friendly coexistence...

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New Perspectives on Historical Research:
The Digitization of the Documents of the AUSSME on the Peace of Versailles

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Abstract: On November 11, 1918, the Great War that lasted for over four years came to a close. The peace treaties imposed by the Entente and Associated Powers after the War tried to establish a new international system. The research project “The Europe of Versailles (1919-1939). The new European balance between the two wars in the sources of the Archive of the Army General Staff” is funded by the Italian Ministry of University and Research (MIUR) under the program “Futuro in ricerca” Firb 2010. It aims to examine specifically the events that marked the First World War and the results of the Peace Conference of Versailles in Central and Eastern Europe through the digitization of the records of the archive of the Italian Army and the publication of several specific books.

Key words: Great War, Treaty of Versailles, Archives, Digitization, Italian Army

1. The Project

On November 11, 1918, the Great War that lasted for over four years came to a close. The peace treaties imposed by the Entente and Associated Powers after the War, known by the improper name of Treaties of Versailles, tried to create a new international system to contain the double threat of a new German expansion and the spread of the Bolshevik revolution but resulting in a new, extremely unstable, system. The disappearance of the three major multinational Empires led to the creation of a number of new states, based on ethno-linguistic base, without solving the national conflicts that continued to tear Europe. As a matter of fact, this attempt proved to be inadequate, causing absolutely disastrous consequences on medium-term, as demonstrated by a series of conflicts that have affected Europe.

An attempt to establish a new system of international relations was proposed by Woodrow Wilson, but the League of Nations was “rejected” by the United States itself. Born as an instrument of settling international disputes, the League of Nations was unable to play fully its role and in fact remained bound to the interests of major powers. In this context is therefore clear that the Treaty of Versailles could not form the basis for a lasting peace. The hardness of the peace treaties and the isolation of those states that lost the war, eventually created the condition for a permanent tension, dragging at last Europe and the entire World into a new conflict.

The research project "The Europe of Versailles (1919-1939). The new European balance between the two wars in the sources of the Archive of the Army General Staff" is funded by the Italian Ministry of University and Research (MIUR) under the program “Futuro in ricerca” Firb 2010. A staff made of scholars from the universities of Roma “La Sapienza”, Teramo, Perugia and European University of Rome aims to examine specifically the events that marked the First World War and the results of the Peace Conference of Versailles in Central and Eastern Europe. Their goal is to focus the national dynamics that perturbed the region and created the historical context for the emergence of new states. All the treaties provided special commissions with the concrete role to draw up new boundaries, while other control committees had the responsibility of supervising the application of economic and military terms. This pattern was applied to all countries and therefore the available sources are particularly rich, allowing a deep and further rationalization and interpretation of the massive information contained in the archives in the framework of a comprehensive analysis, as well as of a further research targeted on single national realities.

The project is divided in two research Units: Central and Eastern Europe (Sapienza University of Rome), Balkan Europe (University of Teramo). The composition of the Units is based on the idea of rationalization and interpretation of sources and aims to a better division of research work, both from time and skills point of view, intending therefore, through the composition of the groups, formed by young scholars, each flanked by a Full Professor and PhD students, to exploit and develop an efficient and rational work plan. The main efforts of the research Units will focus on the study of the sources of the Archive of the Historical Office of the Italian Army General Staff (AUSSME), supplemented with the results of the research of other sources from important Italian archives (Ministry of Foreign Affairs, Central State Archive) and foreign institutions (Archives of the League of Nations in Geneva and the archives of the other countries involved in the research). The project aims to work on the collection, selection and rationalization of the documentary and iconographic material and, subsequently, editing it in an electronic format of selected documents.
The two research Units investigate the dynamics of Italian politics towards Europe after the Great War, highlighting the role played by Italian military and diplomatic representatives.

In fact several treaties were signed. The Treaty of Versailles (Germany); the Treaty of Saint Germain (Austrian Republic); the Treaties of Neully (Bulgaria) and Trianon (Hungary), while the Treaty of Sèvres (subsequently ignored and replaced by the Treaty of Lausanne) set the terms of peace with Turkey. All of them included, among all, the supervision of the implementation of the military clauses - with particular attention to the industrial sector and the border demarcation. Moreover, all above-mentioned treaties provided special Commissions in order to determine on the field new boundaries, while other control committees had the responsibility of supervising the implementation of economic and military terms. This scheme was applied to all countries involved and therefore the available sources at the AUSSME are particularly rich. The treaties included also specific military clauses, which, for their implementation, required the supervision of special inter-Allied committees. The role of the military representatives is particularly interesting, because it is not confined to military-technical issues but fully involves the Italian officers in political-diplomatic dynamics. The Italian delegation to the Peace Conference participated in various sessions, attending subsequently the meetings of the Conference of Ambassadors discussing the execution of the military clauses of the peace treaties, as well as the committees dealing with technical issues and borders demarcation.

Many sources will have a decisive influence in the evolution of the project. The Inter-Allied Commission of Paris, containing the papers of the Supreme Council of War - Italian Section, which actually worked also as military section of the Italian delegation to the peace conference in Paris, and, subsequently, to the conference of ambassadors. The Inter-Allied Military Control Commissions collects documents relating to the activities of the supervision military commissions, responsible for overseeing the implementation of the clauses of the peace treaties and the transitional phase initiated in several countries in Central and Eastern Europe at the end of the Great War. The Commission for border demarcation, that contains the maps of the Italian delegation attached to the Commissions for the border demarcation.

2. Sharing the job

The First Unit aims to analyze specifically the events occurred after World War I and the consequences of the 1919 Paris Peace Conference in East Central Europe. The purpose is a broad understanding of the nationalist dynamics which affected the region and created the historical context for the building of new states and a revisionist policy in countries such as Hungary, Germany and Bulgaria.

The study is focused on the records of the Inter-Allied Commission of Paris, a collection of sources produced by a single institution containing 299 folders. They collect the records of the Italian section at the War Supreme Council of the Entente. In 1919 it was transformed in the Military section of the Italian delegation at the Peace Conference of Versailles. It is an extremely precious source that helps to understand the new international scenarios at the end of the war, as well as the setting of the “Europe of Versailles”. Through an extensive research on documents (minutes and resolutions) drafted by the Paris Conference, the Conference of Ambassadors and the Allied Military Committee of Versailles, this study will offer an insight on the major political and social issue in Europe between 1919 and 1928. A further research phase will be devoted to a more specific analysis of the Inter-Allied Commissions operating in East Central Europe.

The Second Unit focuses on the Balkan and Eastern Mediterranean. More specifically, it takes in consideration the Italian influence toward these areas. The Unit is going to study a massive documentary material on the region, (Albania, Bulgaria, Greece, Yugoslavia, Montenegro and Turkey).

3. Expected results

Beyond the impact of the war on society and individuals, from geo-political point of view, the world that emerged from the Peace Treaties was completely different from that of 1914. Two large multinational empires, the Ottoman empire and Austria-Hungary disappeared from the maps, replaced by a series of new national states; another empire, the Tsarist one, suffered the effects of the communist revolution and was replaced by the Bolshevik regime. The German Reich suffered the effects of the military defeat and its place was taken by the Republic of Weimar. The other European powers paid for the war in terms of their real political power in international field, yielding the role of ruling powers in favour of new actors such as United States and Japan.

The expected results include the collection and rationalization of archival documents (to be exploited through a series of specific publications); data analysis and its subsequent editing and placement inside of a software which can facilitate the research of future users of the Archive; the technical-electronic component will be conducted in collaboration with Rinascimento Digitale Foundation and the Institute of Computing Linguistic of CNR. The collaboration with the Historical
Office of the Italian Army General Staff will also provide a further stimulus to the enhancement of the structure in academic sphere aiming at reaching the standards of other major institutions in Europe, promoting the quality of service to the public. The interpretation of archival sources and their subsequent analysis constitutes a key aspect of the research, whose main objective is precisely the possibility of developing an analytical framework of events, designed to go beyond the well-known, yet still valid, interpretations of contemporary historiography, highlighting, through the integration capacity made available by the digital factor the new aspects of interpretation that will emerge from the study of specific sources.

The expected results include the collection and rationalization of archival documents - to be exploited through a series of specific publications; data analysis and its subsequent editing and placement inside of a software which can facilitate further researches; seminars and conferences organized by the single units and through the final conference at joint level for the dissemination of the results.
Attempted Criminal Acts and their Punishment by the Court

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Abstract: Even in our country there are made a number of offenses that remain tentative. The Penal Code implies that such works can be classified likely every provided act, provided that “the person takes direct action to do it, but not complete the act due to certain circumstances independently from his will”. The most frequent subject of judicial review and penal punishment are the attempts dealing with the murder or injury of a person and rarely for theft of physical property of someone else. Considerably, the attempts are provided as facts in the functional activity of civilians or in certain ranks of the hierarchy within the public administration. But in these areas the crime is concealed. Except the cases that are caught by the High State Control, the audits usually consider them “administrative infraction”, escaping from prosecution and judicial investigation by individuals who commit the attempts in this area. The focus of this study is the analysis of some causes, the aspects of extension and the real punishment of “attempts”.

The penal juristic concept of attempt as a crime

The criminal law as a legal science and branch of positive right is a system of legal norms through which some citizens’ acts are considered as criminal acts and what kind of sanctions will be articulated to the persons who commit them. It has as the main focus the definition of criminal law and its image, the definition of its constituent elements which serve as the basis to put a person face to face with the criminal liability. The criminal law is conceptualized into two main parts: the general part and the specific one. This division characterizes all the penal code of states with legal democracy. The main part includes the dispositions that define and classify criminal acts, criminal responsibilities and the appropriate sanctions. The specific part has as the main focus the study of concrete criminal acts foreseen in the specific provisions of this section. It specifies particularly the constituent elements as well as the aggravating or the mitigating circumstances in which offenses are committed.

An attempt is a specific stage of criminal activity in which the person has decided to commit certain crime, which is closer to the full commission of crime than in other stages. As defined above, the attempt is that stage of committing the criminal act in which the provided criminal acts by an entity that carries them is concentrated directly on the commission that is to achieve a desired result, socially dangerous. But it’s typical that this result is not achieved for certain reasons not depending on the person’s will. Although the intended criminal conscience is not achieved, in this case there is created the risk for violating the social relationship protected by criminal law.

Attempt comes from a combination of two norms: the incriminating crime rate prescribed in the special criminal section of criminal code¹ and those purviewing of the general section which prescribed attempts concretely, although it constitutes an illegal act or is always presented in relationship with the juristic norm (normen juris) of the concrete criminal act it refers to. In the Penal Code of Albanian Republic the definition of attempt (conatus delicti) is done in its 22nd purview: “The criminal act is considered as an attempt when the person, although undertakes direct actions to realize it, the action is interrupted and is not completed due to circumstances independent of his will”.

The legal theory and the specific legislation converge at the fact that considers the attempt not only as a smaller stage beside the criminal act realized, but also as a separate label of this offense. In the 14/15th purview of the new French penal code is exactly said that “attempts are those actions that are manifested by a commencement of the execution (actions taken), but they are interrupted or the consequences are missing due to circumstances independent of the person’s will. The Italian Penal code in its 56/1st defines as subject: “The person that commits suitable actions, focused on achieving the crime is responsible for the crime attempted though the goal is not met or the action is not proved. Even in the Penal Code of Kosovo the definition for the attempt is given in the 20th purview: “Whoever intentionally takes direct action to commit a criminal act and the action is not realized or its intended elements are not realized, the person is considered to be the one who attempted to commit a crime”.

Inter alia, the criminal acts are classified into material criminal acts and formal criminal acts. Material criminal acts are considered as committed when they have caused the result provided by the law. Attempts can be part of these acts. Formal criminal acts are those which are considered as consumed from the moment of committing the action, without

¹ The special section of Penal Code has as function to define all the circumstances that foresee criminal responsibilities.
necessarily any detrimental consequences. Even in these acts there exists the attempt as the preliminary stage of criminal activity, because the person performs all actions focused on its commitment. For example, someone writes an article through which he forges with the intention of violating the dignity of a public person and sends it to a newspaper. Although the person has taken all his attempts, that newspaper number cannot be published for technical reasons. In this case, the defamation remained at an attempted stage, since it wasn't fulfilled for reasons independent of the will of the person.

The attempts exist also concerning the criminal acts which are committed by inaction. For example the reanimation nurse intentionally doesn’t give an injection to the patient at the appropriate moment for saving his life. But the patent is saved due to the reaction of one of his relatives who is present and urgently contacts the doctor. In this case the nurse will be responsible for attempted murder. In fact, the Penal Code states that the attempt is realized with direct actions, which does not seem to exclude inaction. That’s why some judges and theoreticians think that the attempt is not possible concerning this type of criminal act which is known as “right act where no action is taken”, such as the case when no medical assistance is given.

For the definition of the attempt there is a juristic condition that the criminal act is not committed for independent causes by the person’s will, otherwise we wouldn’t have an attempt, but a disclaim of doing a criminal act. The attempt of doing a criminal act is not realized because of external conditions independent of the person’s will. Such conditions are the actions of the “victim”, the actions of other persons who try to obstacle the criminal action and every external action.

In the theory of criminal law and the judicial practice it is considered that in some criminal acts the attempt is not possible. The first group is made up by those criminal acts which are considered to have been committed if the preparatory actions are undertaken. Such acts are war crimes against humanity, genocide etc, while the second group consists of those acts which in theory are known as formal offense. Because of the latest group nature the attempt is not possible. For example it is not possible that the attempts at defamation, participation in beatings, insults and some acts in the field of traffic etc caused by negligence.

The idea of doing a crime is not punishable, however it is known as the stage of the offense, while the presentation of the idea is punishable when the person in the moment of expressing the idea has consumed the offense.

The evolution of attempt forms and low possibilities for their punishment

Besides the traditional ways of trying to kill somebody for different reasons, nowadays some more “modern” performances are increasing tremendously, scheduled to be performed by means of modern technology. Unfortunately some of these crimes against the person’s life are realized (delictum consummatum) and have horrified the opinion in the country and abroad because of their spectacular way of execution.

But some of these attempts have failed to cause criminal consequences and for different reasons that have remained as attempts. Below we are presenting a typical case. A few months ago a former high official of State Police sends his car to a car repair service at “Ali Demi” neighborhood in Tirana. While they were repairing it, the workers found a quantity of explosive which was set to detonate the car by a remote control. They immediately called the police and the experts deactivated the explosive that was put to execute physically the driver of that car. This is a typical attempt, although in this case the persons who did this action were not found or suspected.

A lot of cases have also been confirmed in secret, when during the night someone intentionally released the bolts that hold the wheels of the car so that vehicle owner, who was known that on that day went on a trip, during the trip could go off the road and got involved in an accident, possibly fatal. Such attempts aimed at the person’s life are initiated from weak motives or because of the work that that person exercises. But such dangerous cases fail to go to the trial because some of the cases are not reported at all or in other cases the investigating activities encounter insurmountable difficulties faced with identifying the author.

1. The attempts in public administrate affairs

Besides the traditional forms of going out at night to steal another’s property or to pickpocket, today there is an increase in a more sophisticated form of theft and embezzlement of public property using the positions or public administration functions. But while the attempts against the life of somebody as a rule result in a criminal trial, the attempts to acquire public finances generally are hidden, except some cases that can be punished only with administrative actions. Such problematic reports of crime with their judgment are defined by the status of the person who tries to commit a criminal act. The generalizing analysis of a typology like this will be done discussing the circumstances of a concrete fact.
A few years ago the head of an academic institution through order No. 40 declared several scientific project as winner, creating their legal ability to their managers to attract financial funds for their completion. Among these he listed projects presented by M.B, direct deputy head of that institution. But a few weeks later by decision no. 6, the same holds repeals his previous “order”, arguing explicitly:

“Following the complaints made concerning the instruction\(^2\) No. 40, on 24.06.2004 to announce the winning projects for 2004..., cancel decision no. 2 on 24.06.2004 of the evaluation commission and return it for reconsideration because of the following reasons:

1. In the project “Shk... ar...”, the activities funded by the institute and apart from our institution\(^3\) is lacked.
2. Specialists that don’t have “ar...” in the study area are involved in the project
3. Specialists that are not informed that they are member of team that will implement the project.”

We believe that this is a typical case of criminal act remains as an attempt, conducted in the public administration structures, the directors and senior officials of these institutions. Targeted criminal acts can be classified as fraud for profit, committed without violence because it is based on data falsification submitted through the documentation. We have explained above that the attempt is a specific stage of criminal activity when the person has decided to commit a crime, is already completing it. In the case of attempts, the prevised action by the person who is trying to commit intends to achieve the desirable result, but this is not fulfilled because of reasons independent of the perpetrator’s will. Thus the above case does not lack any element of traditional offense attempted:

1. The person named with the initials M. B., who has attempted to commit a robbery, has committed a series of direct actions for criminal fulfillment. These actions are focused on the acquisition of the amount of 600 000 lek through a scientific project forged in many elements. As also appears in decision no. 6, in the project there are involved specialists with no specialty of the project study area. Here we must also add that the project manager was not a specialist in the study area, but circumstances proved that “in the project there are involved persons who have no knowledge in implementing it”, clearly speaks not only to the fact that the project has been forged, but also the existence of intent and premeditation in taking all necessary measures for the desirable result. These actions exclude the negligence.
2. The arguments presented in the decision to annul the abovementioned decision prove unequivocally that all actions are taken consciously and willfully. The subject has been sufficiently established to perform work, which proved to carry out its commitment to realize a criminal act through several acts to falsificate the datas. This indicates that the subject had anticipated the coming impact of specific criminal offense and has desired it.
3. The result does not come apart for reasons independent of the person who committed the acts. It is decision no. 6 that confirms that it was the complaints of other persons that influenced the project default and therefore the emergence of decision no. 6, has interrupted definitely crime commitment. All the facts prove that the entry has taken no action trying “to give up from the commission of the offense”.\(^4\) All the factors that have affected that crime didn’t happen are external and independent of the subject’s will.

It is meaningful to stress that the project director of the case that we mentioned was the vice director of the institution, where he had been working for 20 years and it was well known that he was specialized in another field from that of the project, presented just for illegal profit. Besides direct knowledge, such a fact was made clear for the commissions’ evaluation as to the person who signed the executive order no. 40 of the funds withdrawal by the project template. In the project template there were asked detailed data for the scientific profile and the qualifications of the applicant in the field of the project for which they were applying as well as the publishing activity in the project area in the last 5 years. And the data listed in that form showed that the applicant wasn’t the proper specialist to win and implement that project.

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2 Terms “order”, “decision” and “instruction” are used in the original documents.
3 In the original document it is used the proper noun of the institution, but we have changen it because we needed to treat it as a typical problem rather than a concrete case.
4 According to parview 24 of Penal Code of Albanian Republic “The person that voluntarily disclaim doing a criminal act though he had all the possibilities, he doesn’t have penal responsibilities”.

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The fact that the group approved the project despite the recognition of professional data of M.B., indicates that the action can be classified as attempted cooperation. The head of institution who signed the execution order cannot be excluded because he was well informed that the specialty of his deputy, selected among other candidates. All these persons who had the right of approval have active attitude in providing a fake project. They consciously have helped to realize a criminal act, collaborating in its preparation stage. They played this role intentionally and were aware of the consequences.

We reiterate that the citizen M.B. didn’t resign from the offense commission, because such an action cannot be verified. On the contrary, it was the interference of other persons that forced the head of the institution to cancel this scientific project. Analyzing the facts above, we can say that from the facts analysis, the citizen M.B. has done the maximum for committing a future crime. Considering the actions and their nature it is quite clear that their intention was the illegal appropriation of the funds. But this episode was never considered in dealing with the criminal law, though in certain circumstances both the prosecution authorities and courts of the three levels were informed. It was interpreted as a banal “administrative violation”.

**General conclusions**

State officials, people with high positions in public administration involved in “civil servants” as well as approved even in the theoretical literature of jurisprudence, usually manage to escape prosecutions or convictions for such crimes. Their criminalization is very rare, defining them as cases of administrative offenses or being satisfied with the fact that the crime remains unfinished and the society is not violated. But the attempt is defined precisely as such.

In their daily activities the different rakes of State control reveal many cases of crimes committed or attempted, which aim the acquisition of the monetary funds or other material assets of the state. But those matters referred for prosecution or that go to trial never take the deserved punishment or are not punished at all. Many of the prosecutions are interrupted by the prosecutor because of “lack of sufficient evidence” or “short evidences of crime”.

The administrative handling of the cases for attempted robbery with or without falsification mostly is done in illegal ways. The magistrate usually is pressured to resign from the office. That’s why we usually hear that the head of an institution resigned irrevocably because of “family or health reasons”. In fact these cases do not refer only to attempts but also flagrant commitment of thefts or embezzlement of large sums of money. But these officials become unemployed or work in another job, waiting to be rehabilitated again in the public administration instead of sending them to prosecution. This is a disturbing problem for justice and all the Albanian society that is far from winning the fight against corruption.

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The use of Higher Plants as Bio-Indicators of Environmental Pollution –
A New Approach for Toxicity Screening in Albania

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Abstract The purpose of this paper was to give an information review of some higher plants as: Allium cepa, Tradescantia genus, Vicia faba, Pisum sativum, Zea mays, Nicotiana tabacum, Lycopersicon esculentum, Lemna minor, etc., which can be properly used as bio-indicators for assessing and predicting pollution toxicity and environmental changes in Albania. Plants, apart their structure and metabolic priorities, can give essential information and data about the potential toxicity of substances, even when exposed in short term and low concentrations. They offer advantages against animals as bioindicators, because of the low cultivation cost, easier maintenance, ethically and esthetically acceptable handle. The plant assays can: be carried out under a wide range of environmental conditions, give access to the cyto/genotoxic potential of known/unknown simple substances or even complex mixtures (present in water, soil and air) and have shown correlations with cytogenetic assays in mammals. In many sensitive species chemicals induce specific morphological and physiological changes. Sometimes the same plant species may act as both indicator and accumulator for a special pollutant. Plants are direct recipients of agro-toxics and therefore important material for environmental monitoring of places affected by such pollutants. All above mentioned higher plants are part of Albanian wild and cultivated vegetation, so as a conclusion plant toxicity screening methods can provide a new approach, potentially applicable in Albania as a developing country, where chemical pollution monitoring is really expensive. Additionally simple plant bio-tests can be included in Albanian curricula.

Key words: higher plants, bio-indicator, environmental pollution, toxicity screening

1. Introduction

Natural ecosystems are going to be imbalanced by the environmental pollution all around the world. The health and quality of biota is directly affected by the increasing discharge of different kind of pollutants into the environment. Adverse ecological effects from environmental pollutants occur at all levels of biological organization. The effects can be global or local, temporary or chronic. The most serious effects involve loss in production, changes in growth, development and/or behavior, altered diversity or community structure, changes in system processes (such as nutrient cycling), and losses of valuable species. These ecological losses in turn may be economically, esthetically or socially important. (Wolska et al., 2008). The pollutants cause toxic impact on the biocenosis having toxins directly by the biotope or eating food which has accumulated toxins, and as a consequence mutagenic developing changes at cellular level. Different tests have been designed for evaluating the potential of adverse ecological impact. Understanding how these tests can be used to prevent environmental problems caused by pollutants is the basis for ecological risk assessment research.

Genotoxic and mutagenic effects have shown to be the most worrying, due to pollutants capacity to induce genetic damage, which can lead to several health problems and also affect future generations, because these alterations can be inheritable (Ribeiro, 2006). That is the reason why the necessity to identify compounds that react with DNA in order to assure the environmental quality has led to the development of several genotoxicity and mutagenicity assays in a wide range of organisms.

The use of living organisms (fish, algae, etc.) to screen pollution degree mainly in water environment, started in the middle of last century. At late 1970s, firstly in the USA and after that in Western Europe, standard rapid ecotoxicological tests developed significantly according to ISO, OECD standards (Girling et al., 2000; Blaise & Ferard, 2005; Wadhia et al., 2007). Toxicological monitoring of ecosystems totally fulfill chemical monitoring and gives preliminary alert in cases of danger, limiting or eliminating negative influences on the biota (UN/ECE, 2000; OECD, 2000; ISO/CD, 2001; Wolska et al., 2007; EPA, 2007; ISO, 2012).

Plants can successfully be used as bioassays of the level and type of air, soil and water pollution (Nilan, 1978; Cole & Smith, 1984; Kristen, 1997). There are a lot of advantages of the plant test systems which relate to: reproductive nature, possibility to be applied in vivo, in vitro and in situ; method standardization in controlled laboratory conditions, not
requiring high volume samples, previous extraction or isolation procedure, ethically appropriate compared to animal tests and low cost, especially for developing countries as Albania. In addition to these advantages, the major plant test systems exhibit numerous genetic and chromosome changes for determining the effects of mutagens. This feature is due to the possibility of assessing several genetic endpoints, which range from point mutations to chromosome aberrations (CA) in cells of different organs and tissues, such as leaves, roots and pollen (Grant, 1994). Some of these mutations have not yet been detected in other non mammalian and mammalian test systems, but probably occur in the human organism.

The purpose of this paper was to give an information review of some higher plants as: *Allium cepa* L., *Trandescantia* genus, *Vicia faba* L., *Pisum sativum* L., *Zea mays* L., *Nicotiana tabacum* L., *Lycopersicon esculentum* Mill., *Lemna minor* L., etc., which can be properly used as bio-indicators for assessing and predicting pollution toxicity and environmental changes in Albania.

2. Review of some plant bio tests

2.1 Allium test

The use of *Allium cepa* L. (2n=16) as a test system was introduced by Levan showing disturbances in the mitotic spindle due to the use of colchicines, and several chromosome aberration types in meristematic root cells induced by different solutions of organic salts (Levan, 1938, 1945).

*Allium* test has many advantages, compared to other organisms: the plant material is easy to be provided, to store and to handle; the method is standardized in environmental monitoring and toxicity screening for drinking, natural (river and lake) waters, waste water, etc.; the possibility to expose the test organism directly to complex mixtures without previous treatment of the test sample; the presence of important enzymes, necessary for the activation of some promutagens; the combination of two test targets, as: toxicity by growth inhibition and mutagenity by chromosome aberrations types and frequency; the low cost of experimentally design; the compatibility with a test battery composed of promutagen; the combination of two test targets, as: toxicity by growth inhibition and mutagenity by chromosome aberrations types and frequency; the low cost of experimentally design; the compatibility with a test battery composed of promutagens and test battery composed of cytotoxic and cytogenetic effects.

Rank and Nielsen (1993) proposed new modifications to the test, making it even more efficient to analyze complex mixtures. However, all the modifications proposed by the authors were related to the evaluation of CA, which detects potentially genotoxic agents. Ma et al. (1978) proposed *Allium* test for micronuclei (MN) in root cells exposed to environmental pollutants. The analysis of CA in *A. cepa* has shown to be more efficient for investigating the action mechanisms of pollutants on DNA (Leme et al., 2008). The International Programme on Plant Bioassays (IPPB) has acknowledged, standardized and validated *Allium* test for monitoring and testing of environment polluters.

The *A. cepa* test enables the assessment of different cytological and genetic categories, as: Mitotic Index, Phase Index, chromosome aberrations, nuclear abnormalities and micronucleus. The decrease of MI can be considered capable to estimate the presence of cytotoxic agents in the environment and the respective pollution levels (Smaka-Kincl et al., 1996). MIs higher than the negative control (usually filtered drinking water) are results of an increase in cell division, which can be harmful to the cells, leading to a disordered cell proliferation and even to the formation of tumor tissues (Hoshina et al., 2002).

Rank and Nielsen (1993) proposed the analysis of abnormalities only in anaphase and telophase. test in order to facilitate CA analysis for scientists who do not work in the cytology area. Anyway, the analysis of the different CA types, in all phases of the cell cycle permits a better investigation of clastogenic (chromosome bridges and breaks) and aneugenic (chromosome losses, delays, adherence, multipolarity and c-metaphases) effects on the DNA (Bolle et al., 2004).

Nuclear abnormalities (NA) evaluation, recently introduced, has shown to be a sensitive analysis, to investigate more accurately the relation of pollutant effects on the DNA. The presence of lobulated nuclei and polynuclear cells can indicate a cell death process; because these abnormalities are not observed in the next generation of *A. cepa* roots (Leme et al., 2008).

Developed by Schmid, (1975), micronucleus *A. cepa* in vivo and in vitro test (MN), is considered the most simple, cheap, rapid and effective method to analyze the mutagenic effect caused by chemicals. It results from damages in the parental cells, which can, easily observed in daughter cells in a reduced size compared to the main nucleus (Ribeiro, 229
2.2 Tradescantia assays

The genus *Tradescantia* belongs to the Commelinaceae family and comprises about 500 species. A wealth of basic genetic and developmental information available on *Tradescantia* plants provides a solid framework in support of their use as biomarkers in environmental genotoxicity assays (Ma and Grant, 1982). The most frequently used clone for genotoxicity studies is #4430, which is a hybrid between *Tradescantia hirsutiflora* and *Tradescantia subacaulis*. Two assays, which are considered ideal for *in situ* monitoring and testing of airborne and aqueous mutagenic agents, are the *Tradescantia* stamen hair assay for mutations and the *Tradescantia* micronucleus assay for chromosome aberrations. Both assays can be used for *in vivo* and *in vitro* testing (Ma et al., 1985; Grant, 1994). Additionally, the *Tradescantia* assays have proven to be suitable for studies on synergism between chemicals and between chemicals and other genotoxic agents, such as radiation - a valuable property for the assessment of genotoxic risks in complex environmental situations (Shima and Ichikawa, 1995).

The *Tradescantia* micronucleus (Trad-MCN) test is based on the formation of micronuclei, resulting from chromosome breakage in the meiotic pollen mother cells of *Tradescantia* inflorescences (Mišik et al., 2010). This bioassay was originally developed as a test system for the gaseous mutagen 1,2-dibromoethane (Ma et al., 1978). Since then, it has been applied in many studies to screen the mutagenic effects of chemicals, wastewater, surface water, contaminated soil, leachates, radiation etc., mostly under laboratory conditions (Ma, 1995; Rodrigues et al., 1997; Grant, 1998; Cabrera & Rodriguez, 1999; Cotelle et al., 1999). The bioassay has also been employed for *in situ* monitoring studies of air pollutants emitted by: waste incinerators, disposal sites (Sadowska et al., 1994; Ma et al., 1996; Fomin and Harris, 1987a; Ma and Harris, 1987b; Ma et al., 1983). As a consequence of its features, *Tradescantia* was proposed for indoor pollution monitoring. Several studies have assessed the sensitivity of the Trad-MCN assay for the low level of contaminants normally present in home environments, as: air fresheners, tobacco smoke, p-dichlorobenzene (moth balls) and other insecticides listed for domestic use (Harris and Ma, 1983; Ma and Harris, 1987a; Ma and Harris, 1987b; Ma et al., 1983).

The *Tradescantia* stamen hair mutation assay (Trad-SHM) is a point mutation (mitotic) assay, in which expression of the heterozygous dominant blue character of the stamen hair cells is prevented, resulting in the appearance of the recessive pink color (Mericle and Mericle, 1971; Emmerling-Thomson and Nawrocky, 1982). In this assay, full growth of the hair was considered as equivalent to colony formation and stunted hairs. In addition to mutation (color change) being used as an endpoint, genotoxic changes such as the expression of giant, twin or triplet cells, branching of the hair and other growth anomalies were recorded along with loss of reproductive integrity as indicators of genotoxicity (Nayar and Sparrow, 1967). Pink mutation as well as loss of reproductive integrity in the stamen hairs of several species and hybrids of *Tradescantia* (Ichikawa and Sparrow, 1969) became important endpoints in the study of the genotoxic effects of soil, waste water and radiation (Nauman et al., 1976; Cabrera & Rodriguez, 1999).

The most important contribution of the Trad-SHM assay was its use on atmospheric pollution, carried out with a mobile laboratory (Schaerer et al., 1979). The Trad-SHM assay evaluating the mutagenesis of chemical agents involves maleic hydrazide (Gichner et al., 1982), methyl methane sulfonate, ethyl methane-sulfonate, dimethyl sulfate (Ichikawa and Takahashi, 1978; Ichikawa et al., 1990; Sanda-Kamigawara et al., 1991), N-nitroso compounds and several organic solvents, as well as evaluations of synergic action between chemicals and between chemicals and radiation (Gichner et al., 1988; Kuglik et al., 1994; Shima & Ichikawa, 1994; Shima & Ichikawa, 1995). In addition to studies of gaseous
mutagens, the Trad-SHM assay has been used to assess the mutagenicity of aquatic environments (Lower et al., 1984; Tano, 1989).

2.3 Vicia faba test

Vicia faba L. is a well known plant used for citological, physiological, radiobiological studies and as bio-test for environmental toxicity screening. Some of its advantages are: the plant physiological properties and reactions toward external pollutant agents are well known; the material is available during the whole year, not expensive, easy to grow and to handle; the method does not require sterile conditions and expensive material or equipments, the root meristem contains a high proportion of cell in mitosis; the chromosome number is low (2n=12) and chromosomes are large enough for accurate scoring and studying of chemical substances effects on chromosome aberrations and chromatide sister exchanges frequency (Kihlman, 1975; Poschenrieder et al., 1989; Gómez-Arroyo et al., 1994).

The root tip micronucleus, chromosome aberrations and sister chromatide exchange tests, as genotoxicity assays of this plant, are the most employed on various types of contaminated materials.

V. faba micronuclei test has been firstly standardized by AFNOR, the French member organization of ISO. It can be successfully performed for both liquid phase: exposure of plants to different liquid matrix, including soil water extracts, and solid phase: direct exposure of plants to the soil, showing that the last one is more practical (Foltête, 2011).

The V. faba MCN test is employed to detect the presence and the quantal effects of many environmental pollutants (present mostly in soil and extracted soil water, drinking and irrigation water sources), such as: heavy metals (Cd, Cr, Cu) different effluents by natural processes and human activities: pesticides, herbicides, lanthanides- clastogenicity inducers, municipal landfill leachates, laundry detergents (Badr, 1983; de Kergommeaux et al., 1983; De Marco et al., 1986; De Marco et al., 1988; Jha & Singh, 1994; Ma et al., 1995; Cotelle et al., 1999; Sang & Li, 2004).

The protocol standardization of Vicia faba chromosomal aberrations assay has been done in collaborative laboratory studies all around the world, concluding that it is an efficient and reliable short-term bioassay for the rapid screening of chemicals for clastogenicity (Kaul, 1969; Miadoková, 1992; Kanaya et al., 1994; Souguir, 2008; Adam & El-Ashry, 2010).

Vicia faba SCE test has been employed and is widely advised to detect mutagens and carcinogens, as: Arsenic and Cadmium salts, food preservatives, pesticides and essences (Tempelaar, et al., 1982; Gómez-Arroyo et al., 1989; Gómez-Arroyo et al., 1989; Xing & Zhang, 1990; Zhang et al., 1991; Zhang et al., 2009).

2.4 Lemna minor L. test

Water pollution by toxic micropollutants, which is predominantly the consequence of human activities (industry, agriculture and urbanization), is one of the most critical problems concerning drinking water resources and environmental protection of water bodies. That is the reason why several studies for aquatic ecosystems demonstrated that many species of duckweed, a group of free-floating freshwater plants of the family Lemnaceae, are able to absorb and accumulate high amount of heavy metals (especially Copper, Chromium, Nickel and Cadmium) in their biomass, producing an internal concentration several fold greater than the nutrient medium (Wang, 1987; Jain et al., 1989; Zayed et al., 2004; Khellaf & Zerdaoui, 2009).

Duckweed plants are especially suitable for use in complex effluent bioassays, and for testing herbicide pollution in the aquatic environment, lake and river pollution, sediment toxicity (Wang, 1990). Among the tools used to study effects of toxic elements on plants, growth and photosynthesis, plants as Lemna minor are often proposed as simple, rapid and sensitive methods, with some industrial effluents, results really sensitive indicator (Taraldsen & Norberg-King, 1990; AFNOR, 1996).

Duckweed plants are potentially useful as an indicator of pollution, because it is a small monocot plant, grows rapidly, is easy to culture, sensitive to a wide variety of toxicants and has the ability to integrate and rapidly monitor the pollutant's variations in the water. Moreover, this plant as biotest tolerates unstable environmental conditions and exhibits high sensitivity to heavy metal toxicity. Lemna bioassay can be efficiently used to assess combined effects of multi metal samples, which can help explain many different interactions of metals on plant growth and metabolism. On the other hand differences in duckweed test methodology occur with regard to test types, test vessels, control tests, nutrient media, end points, and applications (U.S. EPA, 1985; Mackenzie et al. 2003). Evaluation of classical toxicity endpoints: relative growth rate, dry to fresh weight ratio and guaiacol peroxidase activity (as early indicator of oxidative stress) can be done (Horvat et al., 2007).
2.5 *Pisum sativum* assay

The *Pisum sativum* L. (2n=14) bioassay has been shown to be a very good plant bioassay for assessing antimitotic effects, micronuclei and chromosome aberrations both in mitosis and meiosis for somatic mutations induced by chemicals (heavy metals, pesticides, etc.), radiations, and *in situ* environmental pollutants (Jain & Sarbhoy, 1987; Grant & Owens, 2001; Souguir et al., 2008). Current interest in the field of investigating the impact of air pollutants on agricultural crops is now centred on short-term low-level effects of the main phytotoxic gases O₃, SO₂ and NOₓ on crop production. *P. sativum* chronic exposure to air pollutants can cause yield losses, changes in plant development and crop quality, reduced net growth (Ali, 2004). *P. sativum* assay has also been used to evaluate photosynthesis and growth response under heavy metal stress (Hattab et al., 2009). *Pisum fulvum* (2n=14) has also been applied in clastogenic studies, but to a much lesser extent (Grant & Owens, 2001).

2.6 *Nicotiana tabacum* assays

*Nicotiana tabacum* is a widely used sensitive bio-indicator for ambient ozone (Sant’Anna, et al., 2008). Among the most useful air monitoring tools are several cultivars of *Nicotiana tabacum* L., as: Bel-B ozone resistant, Bel-C ozone-sensitive, Bel-W3 ozone supersensitive, cv. ZZ100, cv. Dynes and cv. Weather fleck, which were identified as indicators for ozone and peroxynitrate nitrate (PAN), another phytotoxic oxidant (Ribas et al., 1998; Azadi & Doley 2004). Tobacco, used extensively in studying the photochemical oxidant complex (Heggestad & Darley, 1968), has proven to be an excellent monitor for several reasons. It produces new leaves continuously during the growing season. Leaves of different maturity differ in sensitivity and leaves are uniformly sensitive at a given stage of growth. New injury is easily separated visually from old injury. A Bel-W3 plant shows characteristic, easily identifiable, and quite specific symptoms of oxidant injury. The so-called "flecking" is made up of numerous small lesions, primarily on the upper leaf surface of fully expanded leaves. Bel-W3 tobacco leaves injury by ozone demonstrate also the influence of soil type, soil moisture stress, light, temperature, and nutrient level of the soil (Feder, 1978).

*Nicotiana tabacum* plants heterozygous for the Sulfur nuclear gene (*Su*) are also used as soil pollution bio-monitors, because they can carry on photosynthesis, although not to the full extent. *Su/+* plants can be used to analyze the potential genotoxicity of ionizing radiation and toxic chemicals. The advantages are: non transgenic plants and visual analysis of growth dynamic changes correlated with increasing of dark green spots on light-green leaves (caused by various mutations, serving as an indicator of mutagenicity) can be done (Jastrebova et al., 2010).

2.7 *Lycopersicon esculentum* test

Tomato (*Lycopersicon esculentum* Mill.) is considered as one of the most widely grown vegetable crop in the world. Despite pathogens, one of the most constraints of tomato cultivation is the environmental pollution. Several studies have shown that *L. esculentum* (2n=24) assay is a very good plant bioassay for assessing dry weight, seed germination, radicula length, total soluble protein content, morphological features and fertility of pollens, chromosome damage both in mitosis and meiosis, somatic and gene mutations, induced by: chemicals as: pesticides, fungicides, heavy metals (Pb, Zn, Cd, Hg, etc.), ozone, boron, fluoranthene, municipal waste water sludge and different types of radiations, separately or in combined treatments. Many of these pollutant agents causes clastogenic effects in *L. esculentum*. (Tort et al., 2005; Lopez-Millan et al., 2009; Öztürk Çali, 2009; Hossain et al., 2010; Oguntimehin et al., 2010; Opeolu et al., 2010; Salam et al., 2010; Usha et al., 2010; Abida & Begum, 2011; Sumer Aras et al., 2011). Tests using *L. esculentum* can be made for a spectrum of mutant phenotypes of which many are identifiable in young seedlings. The *Lycopersicon* bioassay has been shown to be as sensitive as other plant genotoxicity assays (Grant & Owens, 2002).

2.8 *Zea mays* test

Agronomic plant *Zea mays* L. (2n=20) is a very good plant bioassay for assessing physiological and biochemical responses, chromosome damage (both in mitosis and meiosis), somatic mutations and oxidative stress, induced by heavy metals and metalloids, landfill leachate and wastewater, airborne particulates, radiations, etc. Physiological and genotetical parameters, as: fresh biomass, chlorophyll content, root colour, increased root thickness with stiffening and reduced root length, lipid peroxidation, protein oxidation and activities of antioxidant enzymes, the mitotic index,
chromosome aberrations, micronuclei and sister-chromatid exchange were evaluated (Doncheva et al., 1996; Jiang et al., 2001; Poma et al., 2002; Sang et al., 2010; Duquesnoy et al., 2010; Han et al., 2011). Maize pollen has also been employed as a monitor for environmental pollutants causing carcinogenesis (Lower et al., 1978; Plewa, 1978). This plant has been used to study mutagenesis under both laboratory and in situ conditions. Maize is sensitive to a wide range of mutagens and has the capacity to activate promutagens. Tests using Zea mays can be made for a spectrum of mutant phenotypes of which many are identifiable in young seedlings (Plewa, 1982; Grant & Owens, 2006). The maize bioassay has been shown to be as sensitive and as specific assay as other plant genotoxicity assays, like: Hordeum vulgar, Vicia faba, Crepis capillaris, Pisum sativum, Lycopersicon esculentum and Allium cepa and should be considered in further studies in assessing clastogenicity (Liu et al., 2005; Grant & Owens, 2006).

3. Environmental pollution and plant bio-monitoring - a new approach for toxicity screening in Albania

Before 1990' environmental situation in Albania did not fulfill any protection standards and the result of industry was air pollution, water pollution, soil contamination, extermination of the flora and fauna and direct impact on the health of the populations. Later one tons of poisonous substances, abandoned in derelicts factories, discharged in the environment. Moreover increase in air, water, and soil pollution was caused by second-hand cars, trash burning, waste production by consumption increase and individuals and businesses irresponsibility, which illegally dumped waste on fields, forests, rivers, sea and waterways, giving rise to harmful and dangerous bacteria and algae and producing a lot of methane, which is deadly for water organisms, and a greenhouse gas many times more powerful than CO₂ (UNEP, 2000; AFP, 2004).

Major sources of air pollution in Albania include: increasing traffic (using mainly leaded petrol and falling on air bubbles of NOₓ, SO₂, CO and CO₂ above the tolerance level set by the World Health Organizations) combined with badly maintained roads, energy production (oil and gas extraction and refining), numerous cement- and metal-producing factories (emitting thousands of tons of dust per year), rapid urban development, construction industry (spreading particulate matter). (SSC & REC/CEE, 2000)

Contamination of soil and water is another major environmental problem in our country, mainly caused by: abandoned factories, mining enterprises, deforestation, soil erosion, changes in sediment supply, hydroelectric dams and channel modifications, uncontrolled migration and settling in lowland areas, tourism activities, illegal hunting, fishing and collection of essential oil plants, waste dumps. Waste management is at a low level, very little recycling of waste is undertaken and the main method of disposal is dumping on land. There are no collection systems in rural areas and small towns, and no system for management of hazardous waste. The degradation water quality of many natural sources in Albania (rivers, lakes, streams) is significant. At the same time water of some rivers is used for drinking water supply and irrigation. Some of the hot spots of hazardous substance are the chemical plant in Porto Romano, the plastics plant in Vlora (mercury), the nitrate plant in Fier (arsenic), the Ballshi Oil Refinery and Sharra landfill. (NEA, 2000; SSC & REC/CEE, 2000; Floqi et al., 2007)

Negative impact of environmental pollution includes: losses in species, increasing number of endangered species, local extinction of grass meadows, respiratory and cardiovascular diseases, celebral weakness, babies born with deformities, cancer and huge mutagenic problems in the future.

Nowdays there is still present a weak implementation of environmental protection laws and lack of control over them. Only a small part of Albania's territory has protected status, which is considered too small to have a long-term impact on biodiversity protection. Access to safe water and adequate sanitation are other significant public health problems to be solved by government institutions. Standard targeted chemical analyses do not provide information about the biological effects of pollutants, determined analytically (Smaka-Kincl et al., 1996; Kungolos et al., 2006; Žegura et al., 2009). In this context, toxicity and genotoxicity tests employing microorganisms, plant cells and mammalian cells, alone or in combination with chemical analysis, are widely used all around the world, but not in Albania. Unlike physico-chemical analysis, saprobological, cytogenetical and genotoxic analysis in plants are currently not an integral part of the environment quality monitoring programs, conducted by Ministry of Environment, Forestry and Water Administration (National Environmental Strategy, 2006 and the Environment Sector and Cross Cutting Strategy, 2007 and National Water Council).

The Allium test has been recently introduced in Albania to screen the chemical water quality of Shkodra Lake, Buna and Drini rivers, Malësia e Madhe and NënShkodra lowland water bodies (Kopliku et al. 2011; Mesi & Koliku, 2011; Mesi et al., 2011; Kopliku et al. 2012; Mesi et al., 2012).
All above mentioned higher plants are part of Albanian wild and cultivated vegetation, so plant toxicity screening methods can provide a new approach, potentially applicable in Albania as a developing country, where chemical pollution monitoring is really expensive. Additionally simple plant bio-tests can be included in Albanian curricula and environmental education projects (Xhuveli et al., 1987; ASHRSH, 2000; Nasto Th. & Bardhi, N., 2004; Dhora & Rakaj, 2010; MAFCP, 2011).

4. Conclusions

- This is the first review about plant bioassays, which can be used for environmental toxicity screening in Albania.
- Moreover, for the possibility of assessing several physiological and genetic endpoints, these tests also enable the evaluation of presence (bioindication and bioaccumulation) and action mechanisms of the pollutants on the exposed plant organisms. This is rather crucial even for the fact that most part of above mentioned plants are important crops for Albanian agriculture.
- The results of provided methods for screening environmental contamination included in this paper, can serve as a warning to other test systems.
- Researchers employed in the respective field can find valuable information easily applicable in our country’s institutions responsible for environment protection.
- In addition plant bioassays described and analyzed in this review can be included into the academic curricula and concretely contribute to scientific education of new scientists generation and the ammelioration of environmental situation in our developing country.

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Working Together for a Rich Assessment Program for Students
Student’s Assessment; a Possibility for Teachers’ Professional Growth

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**Abstract:** Educators, curriculum specialists are emphasizing that teaching goals must encourage to students skills such as critical thinking, research, and problem-solving. Student’s assessment is an integral part of instruction (teaching) process which gives students the chance to express freely their thoughts, ideas; to reason and take part actively expressing their abilities and skills during the teaching process. Skills and knowledge can be acquired through a teacher-student cooperation aiming to achieve a final goal.

Assessment is a daily process for teachers; they are familiarized with techniques used to gather information from students and to communicate it to their parents, students and other teachers. Then, why do we have to work together for students’ assessment?

Some more reasons...

- Possibilities for professional growth are going to be offered to all teachers to support them and to improve their abilities do diagnose learning needs and to assess student achievements and performances.
- Learning and continuous progress requires the application of several teaching strategies by the teacher. An integral part of these strategies is a wide spectrum of techniques of student’s assessment which help in the process of these forms of knowledge assessment.
- Teachers are under continuous pressure to raise the level of responsibility towards students, parents, tutors, and other community members. A well-detailed plan on student’s assessment can help teachers to accomplish their professional duties better.
- Student’s assessment is one of the teacher’s responsibilities that requires a high level of expertise and a high level of professional judgment. The improvement of assessment practices serves to the improvement of teacher’s professionalism too.

**Redimensioning of assessment programs must be treated as an important part of teaching and learning process.**

To prepare a rich student’s assessment program, teachers should improve their teaching programs aiming their adoption to students’ needs of learning. Teachers can make their choices in one or more from the following aspects:

- Curriculum
- Teaching Practice
- Learning Environment

The practices that teacher use to make learning more meaningful and to fit them to each student, need a continuous monitoring of student’s progress and observation of the factors which affect his/her performance.

The adoptable dimension is not destined only for special needs of students, but also for the importance of the programs’ adopting for all students.

The specific techniques of assessment and the way they are used in student’s assessment programs must be at the same line with the content of curriculum, pedagogical methods and the learning environment which must be within the framework of the adoptable dimension.

Each student is unique in his/her kind, having his/her weakest and strongest points and certain skills. Evaluating them in the same way might harm them. It is important to remind that when assessing a student, different obstacles which can interfere in assessment process (like physical disabilities), mustn’t interfere and effect in this assessing duty.
The practices of assessment must be at the same line with the changes of curricula and teaching processes offered to all students. Adopting of assessment techniques might ask a change of factors such as usage frequency, criteria for judgment of student’s performance, the necessary time to complete the assessment activities and the kinds of assessment techniques. Some of these changes can include:

- Demonstration of skills and knowledges rather than doing a test or completing a report;
- Use of oral assessment techniques for students with difficulties in reading and writing;
- More time to do the tests and other tasks;
- Offering instructions for teaching in simpler terms and language;
- Being focused on a small number of techniques of assessment or change of frequency of data collection on assessment information;
- The processing of types of criteria used for predictable answers and the level of accuracy required for these answers;
- Reduction of prediction on the quantity of the completed work;
- Asking to good students to give more than one solution to a problem.
- Modifying of the test’s answers and other tasks, adopting them to the student’ weaknesses;
- The reduction of student’s fatigue and stress offering familiar practices and environment in the process of testing.

One of the teachers’ challenges is defining the knowledges and skills that already exist in a waited level related to the grade and the student’s age, and from the other side: knowledges and skills that needs attention to facilitate their development.

Both objectives can be fulfilled through the diagnostic assessment. Diagnostic assessment includes an intensive effort to gather information on students’ learning. Throughout a formal assessment are included the results of standartized tests of students’ achievements as well as informal assessments based on curriculum for more information about learning within the class.

The advantage of the informal diagnostic assessment is that it is directly related with teaching. The use of techniques of diagnostic assessment provides information about the real level of a student’s performance; it helps in selection of educational objectives and goals; it makes possible the proper documentation of a student’s learning and it orients the assessment in the future.

In all kinds of assessments, especially in diagnostic assessment, the assessment instruments of the teacher such as assessment scale, checklist, and anecdotal records are important and very helpful to measure the results. When assessment techniques are used systematically to specify, record, and analyze the student’s performance, some information needs to be gathered about the strongest points of the student and his/her education needs. The information gathered for a certain period of time can serve as a basis for evaluation. The informal data can be a part of diagnostic assessment done by the teacher.

The diagnostic measurement and assessment also provides information about the style the student studies and the successful or unsuccessful teaching methods used before with the student. Knowing and non-using of unsuccessful methods since the start of the schoolyear serves to the use of school time efficiently. Teachers, also become more sensitive to the students nonverbal reactions through the daily contacts at school. Recording this information by the means of assessment techniques such as portfolio, makes possible the accomplishment of some helpful instruments within the adoptable dimension.

Structuring of assessment techniques in questionnaires and interviews, can also serve to gathering formative information about the student’s interests and motivation, his/her style of learning as well as the effective strategies of learning.

Structuring assessment techniques into questionnaires and interviews can also be used to obtain formative information on student motivation and interests, student study habits, and effective learning strategies. Adaptation can then be made to curriculum content, instruction, or classroom environment for small groups or individual students. Many students have test information accompanying them throughout their school careers. It is important that teachers are aware of what assessments have been done and what information is already available. Historical test data that is more
than one year old can provide some information about students, but current data are more valuable for planning purposes. The assessment data accompanying students in terms of:

- whether the information consists of all standardized test scores or whether there is a balance between norm-referenced and criterion referenced testing.
- whether there are representative assessments that are teacher-made and curriculum-based.
- whether the information gives direction to teachers in terms of planning or holds little instructional value.
- whether there are areas that could still be explored.

Maintaining good communication channels between the home and the school is important with all students, but with students having difficulties in school, the importance escalates. For example, knowing how extensively parents have been involved in supporting a student’s educational program and how past communications have occurred can be valuable information in providing teachers with access to support mechanisms.

**Integrating Assessment Plan With Your Colleagues**

Begin by considering which colleagues constitute a natural or logical group with whom you need to integrate your student evaluation program. In the elementary school, the circle membership will probably comprise other teachers teaching the same grade or teachers teaching adjoining grades. The same sort of aggregation might be appropriate in the middle years, too, although subject matter groupings might be appropriate as well. In those high schools that have a departmental structure, the department is the obvious unit. In other high schools, the subject area may dictate the grouping.

The assessment club meetings will provide some of the following opportunities.

**Comparing student evaluation philosophies.** If each teacher has written down her or his philosophy of student evaluation, then these can form the basis for drafting an assessment club philosophy. In all likelihood this will be a matter of choosing one philosophy that has the broadest appeal and modifying it so that it encompasses the ideas of all members. Treat this as a working document to which you can refer during the subsequent discussions. Ultimately, it should be formalized because it will become an important reference for you, for other circle members, for future members, and in the preparation of a school policy on student evaluation.

**Verifying the appropriateness of the chosen student assessment techniques**
Each member of the evaluation circle can explain to the others the reasoning behind the selection of the particular techniques in his or her student evaluation plan.

**Validating student evaluation plans by considering individual students**
At several fixed times during the year, teachers often meet to consider the progress of particular students. Not only are these meetings opportunities for teachers to focus on the ‘whole student’, but they can also be opportunities to compare student assessment and evaluation practices.

**Comparing student evaluation plans**
The plan will be unique, owing to the decisions you have made during its construction and the specifics of the courses you are teaching. You will find that most of your colleagues in your assessment club have had to solve similar problems. Their ways of solving them may result in a somewhat different emphasis or a different selection of techniques, but those differences will probably look more significant than they really are. You and your club colleagues should, in turn, explain your overall student evaluation plan and verify that it accords with the group’s philosophy. If there are points of discrepancy, then either the circle philosophy or your student evaluation plan should be amended. Whatever direction the discussions take, they should be conducted with sensitivity to the collegial nature of the evaluation circle and to the need to respect each member’s professional integrity.
Developing common student assessment techniques

The assessment club offers an opportunity and a mechanism to explore the potential for standardizing the ways of assessing your students. Some reasons for doing this are:

- to minimize the investment of student time and effort in introducing a technique. Some student assessment techniques require quite a bit of 'setting up' with the students. For example, preparing a class to use assessment stations effectively takes a few trial runs.
- assessment club members may decide that agreeing to use assessment stations over several grades or in several subject areas saves in the time required to orient the students to a new assessment technique.
- to construct long-range profiles on student development. Some student characteristics such as lifelong learning or communication skills are so incremental that even one school year is not really enough time to assess evidence of student progress through the program of study. You and your colleagues may be able to plan a long-term program of collecting information over a period of years. For example, you may agree on certain items to be included on all your observation checklists.
- to construct common examinations in order to ensure that teachers who teach the same subject at the same grade level are all teaching much the same things at much the same level. In the same way, club assessment members may wish to develop a wider repertoire of common instruments so that they can develop an understanding of how their students are performing on a wide range of objectives.

School student evaluation plan

Every school needs to develop a policy on student evaluation along with a system of communications to transmit this information to students and parents/guardians. Each evaluation circle will contribute to this process. You and the other members should prepare a working summary of what you feel is important for the school to include in its overall policy on student evaluation.

- Every school should have a written, formal student evaluation policy in order to facilitate communication among teachers, parents, students, and the school board.
- The principal and the school staff should be crucially involved in developing the school policy.

This does not mean that they are the only people who should be involved. Parents, students, administrators, board members, can all contribute to the process. It does mean, though, that the principal and the teachers, because of their professional preparation and responsibility, must take the leadership in developing the policy.

At a minimum, every school policy on student evaluation should incorporate the following aspects:

- a statement of the school's vision or philosophy on the purposes behind the evaluation of students.
- a general description of the way in which students will be evaluated specific requirements of all teachers in the school. Some examples might be: development and communication in writing of a student evaluation plan, formal procedures for storing information developed during student assessment activities, and formal requirements for communicating with parents in certain crucial situations.
- a grading policy. The final grade is far from being the only purpose of student assessment but it is an important one. The school policy should address such issues as the role of grades in continuous assessment or promotion policies, grading for modified classes, and adaptations of assessment and evaluation procedures for identifiable groups such as exceptional students.
- a general description of how the school's evaluation policy and the student's progress will be communicated to parents. Equally important, it should include a delimitation of what will not be evaluated or reported to parents.
- a step-by-step procedure whereby parents/guardians and students can discuss reported student progress.
- a protocol on what records will be kept at the school level and at the division level, including the length of time the raw information on student evaluation (e.g., data sheets, portfolios) should be kept at the teacher level, at the school level, and at the division level.
- a formal description of teachers' authority in evaluating students. Student evaluation places a great degree of responsibility on the individual teacher. It opens the teacher to challenges to his or her professional competence in the area, and it reduces the opportunities for the teacher to shelter behind 'objective' grading practices. Teachers need to know that they have the authority to draw upon their professional expertise in...
evaluating students. They must also feel secure with the policy if this professional expertise is questioned. As well, it is essential that teachers, parents, and students know the source of teachers’ authority.

- an adjudication and review process. For the protection of all parties - teachers, students, parents/guardians, administrators, and boards - some kind of adjudication or review process should be developed and put into place in every school. From the teacher’s point of view, school division processes should be established to resolve conflict in the area of student evaluation. This element may well be the most important and most enabling aspect of a school’s student evaluation policy.

In Summary

Teachers, never really stop learning how to teach more effectively.
They try new approaches and modify old ones.
They learn how to meet the demands of new curricula.
They adjust to the needs of each particular class and of each particular student.
Student evaluation, as a part of the teaching process.
Student’s assessment; a possibility ofr teachers’ professional growth

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Bridging Sustainable Societies Along Adriatic Peninsulas

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Abstract: The study will introduce a societal model of sustainable development and communication along Adriatic Peninsulas, using traditional & modern motorways of seas bridging human values along Adriatic Peninsulas. Historically Adriatic Sea roots have linked societies across Apennines and Balkan Peninsula coasts, bridging diverse social groups, ethnicities, cultures, religious, and identities of Europe and Asia. Under the EU perspectives Admiradric Motorways of the Seas are challenging communication of natural and human values enhancing sustainable developments considering economy, society and environmental impacts. What should do contemporary societies along Adriatic coasts to exercise sustainable communication generating long term human wellbeing? The Present Corridor Eight, a Pan European, one – the ancient “La Via Egnatia “ will be introduced as a case study pointing out societal possibilities exercising sustainable developments, linking Apennine with Western Balkans. Literature review, dates analyses, comparisons, interviews, questionnaires using web communications, graphics, etc, will be some methodological approaches finalizing the paper presentation. I'll introduce a new concept of communication bridging Apennines with Western Balkans under sustainable principles of EU experiences, considering all the Italy as a western gate of Corridor Eight that benefits societies along Adriatic Peninsulas. Cost benefits economic activity, law carbon emissions, safe, clean and secure transport for passengers, using motorways of the Adriatic Sea and Seaports of Italy and Albania, should promote touristic activity, using La via Egnatia as a Trace of cultural heritages, archeological sites. Ill conclude the study pointing out that human and natural resources along Adriatic Sea Peninsulas support long term wellbeing’s, while contemporary society should use the triangle principles of sustainable development.

Key words: Society, Adriatic Peninsulas, Motorways of the Se, Sustainable Development.

La presentazione “Bridging Sustainable Societies along Adriatic Peninsulas” la baso sulla supposizione che la società degli Appenini e dei Balcani del West presentano tutte le possibilità per dare vita ad uno spazio della coesione territoriale e sociale, in cui le risorse e i valori umani ed ambientali si scambiano reciprocamente per costruire il modello della società del benessere. I fattori ambientali e sociali, le grandi libertà del tragito di persone, delle merci delle idee e dei servizi, avanzando con i ritmi e i passi dell’integrazione dell’Albania nell’Unione Europea, creano il territorio adatto per la modelazione delle due società sviluppate in modo sostenibile che contemporaneamente vengono divise ed unite dall’Adriatico.

La conferenza di Stokholm (1972),1 il Summit delle Nazioni Unite sulla Conservazione dell’Ambiente,2 il Summit della Terra (Rios 1992)3 con Agenda 21, il Summit di Johannes burg, 4 come anche prossimamente Rio +20, (June 2012),5 sono alcuni degli evenimenti globali che hanno definito il concetto, i programmi e gli obiettivi globali per il modo come la società e l’ambiente si svilupperanno nel ventunesimo secolo.

Il modello programmato per sviluppare la società e l’ambiente contemporaneo e prespettivo mette in risalto la conclusione importante che l’economia, la società e l’ambiente (ovvero pilastri dello sviluppo sostenibile secondo il Bruttland Rapport) devono sviluparsi tutti con gli stessi passi in modo armonico con l’uno l’altro e soprattutto equilibrato.

Tramite uno sviluppo di questo tipo, la società userà le risorse per rispondere alle richieste necessarie attuali, non lasciando in secondo piano i bisogni delle generazioni che seguiranno. Secondo l’Agenda 21,i modello dello sviluppo sostenibile rende possibile la crescita e lo sviluppo dell’economia, la riduzione della povertà, il miglioramento della povertà e della lotta contro l’analfabetismo, dei servizi sanitari, più pratica della politica gender, etc.

La leadership globale ai giorni d’oggi garantisce iniziative dele pratiche governative del tipo Green Growth Strategies, considerando le politiche e le strategie per la cosiddetta economia verde come una risposta alla crisi e questo valutando che l’economia verde e la crescita dell’economia sono due fenomeni che vanno allo stesso passo. Addirittura si valuta

1 La Conferenza di Stokholm sull’Ambiente Umana (1972)
2 World Commission on Environment and Development che ha dato come risultato il “Brundtland Raport”
3 UN Conference on Environment and Development - the “Earth Summit” (in Rio de Janeiro);,
4 The UN World Summit on Sustainable Development(2002);
5 Rio +20 prenderà atto a giugno 2012, 20 anni dopo il Summit Rio della Terra;

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che lo sviluppo di una strategia della crescita verde si può raggiungere trattando l’economia assieme alla tecnologia e agli aspetti sociali sotto un programma comune.

* The rewards of greening the world’s economies are tangible and considerable, the means are at hand for both governments and the private sector, and the time to engage the challenge is now. *(OECD: 2011)*

Come concepisco la società che si sviluppa? Trasmette e scambia le risorse umane ed ambientali in modo stabile sostenibile?

Tradotto più concretamente il concetto di ‘Brund Land Commission’*, la società sviluppata in modo sostenibile la valuto come una società che pensa e agisce sulla base dei principi dello stesso sviluppo sostenibile, la valuto come una società che genera possibilità economiche e benefici dal processo della trasmissione e dello scambio delle risorse umane ed ambientali, che protege e si prende cura dell’ambiente, dell’eredità storica e culturale dei proprio antenati. La vedo come una società che coltiva e consuma sotto la mentalità del “Green Economy”.*

Nella pubblicazione di OECD “Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication” si sottolinea che:

“Changing towards a green economy is imperative considering the new challenges the world is currently facing, the report underlines. There is increasing recognition that conventional economic models are no longer sustainable, and that better management of the natural environment could, in the longer term, contribute to economic growth, prosperity and well-being” (OECD: 2011)

Sarà un modello della comunicazione “people to people” con protagonisti i membri delle comunità professionali, scientifiche, ricercatrici, artistiche e sportive e soprattutto la comunicazione con basi le comunità migranti che renderà possibile il concetto sovracitato secondo il quale si collegano, si diffondono, si trasmettono e si protegono le risorse della natura, degli spazi che si avviano dal mare tra i due penisoli per raggiungere i continenti europeo e asiatico. *

Un modello concepito in questa maniera renderà possibile la comunicazione a livello trans-nazionale delle linee delle tubazioni del petrolio e del gas, ma non solo, della telecomunicazione, e prossimamente dei treni sotterranei, subacquei, delle linee virtuali ecc.

Le comunicazioni, scambi e protezioni sovracitate si attueranno in base agli indicatori sostenibili per tutte e tre le componenti del modello sovracitato generando infinite possibilità economiche, dando il via ad una società del benessere sotto gli indicatori del cosiddetto wellbeing, e ad un ambiente sano e pulito.

Le influenze dell’ambiente hanno dimensioni cross e transborder.Una simile argomentazione si potrebbe usare anche nel caso dei rapporti tra l’Albania e l’Italia, così come i due paesi possono servire per comunicare e scambiare valori e sviluppi positivi, allo stesso modo si possono causare conseguenze rispettive e reciproche. L’Albania e l’Italia sono paesi confinanti e come tali ogni elemento ambientale ha conseguenze reciproche. L’ambiente sul confine offre le opportunità di collaborazione fra i due paesi però allo stesso modo può causare conflitti e rovine dei loro rapporti. In generale le questioni ambientali nella zona di confine sono causa di conflitti e problemi fra i due stati, come viene anche determinato nella letteratura (Letell 2002, 25 – 27; VanDeveer 2004, 313; Sundqvist, chap. 7).

L’Albania e l’Italia sono destinazione di scambio di risorse umane ed ambientali che collegano, non gli Appennini con i Balcani ma anche l’Euroasia.

Ma come si può costruire un simile modello di diffusione sotto le condizioni delle libertà, individualità e delle indipendenze locali, e inoltre e soprattutto sotto le condizioni della globalizzazione?

Euroregion può contribuire massimamente per realizzare un’opportunità del genere, in quanto in grado di mettere il modello desiderato in un’istituzione con basi legali.

Va osservato che, in ordine di rendere il processo più vivace, sensibile e tangibile dalla società in termini sostenibili e prospettivi è necessaria la presenza di un clima orientato su: il raggiungimento del modello della coesione dei valori naturali ed umani tra l’Italia e l’Albania.

I rapporti della collaborazione tra l’Italia e l’Albania secondo il modello concepito si possono raggiungere trattando sotto il punto di vista delle Sfide del Millennio MDG. *

Gli obiettivi dello sviluppo del millennio determinano otto doveri e diciotto questioni da risolvere fino all’anno 2012. In accordo con 192 stati membri dell’UN, si giunge all’accordo mondiale che si devono raggiungere dei risultati predefiniti riguardo le questioni più critiche dello sviluppo urbano. In questi obiettivi si determina anche la garanzia del...

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6 La commissione prese il nome in onore del Capo di questa commissione, Sgn. Brundland, ex primo ministro della Norvegia.
7 Il modello secondo il quale lo sviluppo economico si compie gestendol’ambiente e il benessere sociale;
8 Storicamente i due penisoli hanno collegato le comunicazioni tra i contenuti Europa ed Asia.
9 Gli obiettivi del MDG, si decisero ufficialmente nell’anno 2000 nell’incontro dell’UN millennium;
mantenimento della stabilità ambientale. Questo obiettivo determina l’integrazione dei principi dello sviluppo sostenibile nelle politiche nazionali per il prevenimento delle perdite delle risorse umane ed ambientali.

La trattazione del modello che sto presentando la argomentazione anche sotto il punto di vista delle sfide del Millennio e dell'Agenda 21, che hanno come contenuto la creazione di una società del benessere a livello globale, facendo sparire la povertà, incentivando l'occupazione, l'istruzione, l'assicurazione sanitaria, migliorando l'ambiente riducendo l'inquinamento. Tali indicatori si possono raggiungere attraverso la crescita economica, l'inclusione sociale, attraverso il diritto sociale e cos’via.

Essere il posto più vicino all’Italia nella posizione della porta dei Balcani del West è un privilegio dal punto di vista economico in quanto puoi controllare, amministrare e trarre benefici da tutte le occasioni che seguono da questo vantaggio.

E’ possibile all’Italia e all’Albania mostrare insieme un modello coesivo della trasmissione dello scambio delle risorse?

Darò la risposta alle domande sovracitate soffermandosi in realtà tangibili e concrete, concentratte principalmente sullo spazio delle impronte di “La Via Egnatia”, come anche su:

- La Via Egnatia\textsuperscript{10} e l’Ottavo PanEuropeo, corridoi storici e contemporanei della comunicazione tra le società delle penisole e tramite loro tra i continenti dell’Euro-Asia;
- Le autostrade marine\textsuperscript{11} che collegano le penisole rendono possibile lo sviluppo e l’orientazione del trasporto e della comunicazione attraverso le vie marine che inquinano l’ambiente in indicatori minimali rispetto alle altre tipologie di trasporto;
- I prodotti agricoli e d’allevamento coltivati in Albania possono essere una risorsa inesauribile di benefici per gli allevatori che li coltivano sfruttando li suoi fertili biogesore, ormai quasi tutte trascurate. Le comunità dei migrati albanesi in Italia come d’altra parte le comunità del commercio, quelle Aid Nonprofit, culturali, religiose e amministrative pubbliche dell’Italia in Albania;
- Tutti gli strumenti sovracitati rendono possibile lo sviluppo del turismo lungo gli spazi urbani e rurali descritto dall’Ottavo Corridoio Paneuropeo del Trasporto sulle tracce di “La via Egnatia”, come anche in tutto il territorio del paese notabile per le diversità sociali e ambientali, quelle nuove e quelle nuove e quelle ereditate.

Gli immigrati albanesi in Italia. I flussi migratori da un posto all’altro risultano sempre ponti di comunicazione e collaborazione tra il paese accogliente e quello del paese d’origine. Essi contribuiscono positivamente nello scambio di valori materiali ed umani e nell’interesse reciproco. Un simile argomento viene sottolineato anche da Giddness\textsuperscript{12} in Sociology mentre accentua: “Migratory movements add to ethnic and cultural diversity in many societies and help to shape demographic economic and social dynamics”.

C’è abbastanza argomentazione sul perché le categorie sociali degli immigrati albanesi possono essere fattori potenti nell’idea che viene presentata: L’immigrazione principalmente nella direzione Albania- Italia, anche viceversa, è stato un processo storico continuo, il quale secondo gli dati e le risorse storiche e scientifiche, ha le proprie radici all’ottomo-settimo secolo prima della nascita di Cristo, che continua attraverso le vie marittime e La Via Egnatia, come anche viene descritta negli studi su questo periodo:

Rome was forced to wage war repeatedly in Illyria before that country could be made a province. Than for the first time it became, more accessible roads were built and the beginning of progress made, while the Roman legions maintained peace and paved the way for trade and commerce.\textsuperscript{13}

per raggiungere la migrazione del periodo dopo la morte di Scanderbeg. Va nominato che il processo della migrazione albanese dopo la morte di Scanderbeg è stato molto ben-accolto e appoggiato dalal società degli Appenini. Come tale il processo ha lasciato impronte e si basa in una integrazione naturale favorizzando il processo che stiamo trattando.

La Seconda Guerra Mondiale ha portato la migrazione di molti italiani in Albania, mentre il territorio albanese si è trasformato in una arena del gioco della guerra reale tra l’Italia, la Grecia, tra i rapporti tedesco-italiani dopo la

\textsuperscript{10}Il nome della strada antica che prendeva via sulle coste degli Appenini dell’est per continuare sulle porte dell’Adriatico a Durrah e ad Apolonia;
\textsuperscript{11} L’autostrada marina è un concetto definito dalla Conferenza dei Ministeri Europei dei Trasporti, per chiamare tutte le vie marittime parte delle reti Pan Europea del Trasporto;
\textsuperscript{12} Anthony Giddens, noto sociologo e politologo britanico.
\textsuperscript{13} Dr. K. G. Brandis has presented in “Harmsworth History of the World”
Capitolazione dell’Italia. Questi evenimenti anche se con il linguaggio della guerra, della conquista e delle congiuntture di quel periodo in contenuto hanno lasciato tracce nella società albanese, però anche in quella italiana.

Quattro anni portano sempre con se un’intero processo di vita con tutti gli elementi, l’alimentazione, la lingua, le abitudini, la gastronomia, il paesaggio ambientale ecc. Va però accentuato che per arrivare alla Seconda Guerra Mondiale tra entrambi i paesi c’è stata una continuanza di comunicazioni e di scambi, di valori, di rapporti governanti. Il periodo del re’ Zog costrui nell’istituzione rapporti tali che l’arrivo dell’Italia in aprile del 1939 veniva considerata dall’Italia come un contributo per lo sviluppo dell’Albania.

Sicuramente il processo più sensibile e con tracce più visibile nella questione che stiamo trattando è la migrazione albanese in Italia negli anni 1990-2012. Si tratta di 22 anni durante i quali il processo è continuo ed avanza con ritmi costanti.

Va evidenziato il fatto che il modo in cui gli albanesi sono andati in Italia non favorizza affatto l’idea che stiamo trattando. Le categorie degli immigrati albanesi sono persone o gruppi di persone provenienti principalmente senza integrandosi, in un modo non professionale, non tutti in modo regolare, non tutti accettabile per come sono andati e come si sono stabiliti in Italia.

Questa riflessione sui sovracitati indicatori è molto presente nella posizione della società italiana verso le categorie professionali e i vari immigrati albanesi là. Riguardo a questo argomento possiamo offrire molte informazioni e ricerche concrete da vari noti sociologi estranei e non. Fra l’altro bisogna considerare che lo scorso decennio costituisce un periodo di crisi globale e come è logico concludere in situazioni del genere gli impatti sociali ed economici toccano le categorie sociali costituite dagli stranieri, classificandole come le meno accettabili nel proprio territorio nazionale.

Malgrado gli inevitabili impatti sovracitati, le comunità albanesi in Italia si possono trasformare in protagonisti della collaborazione e dello scambio di risorse e valori fra le due società.

Questa e altre argomentazioni ed indicatori portano alla conclusione che nonostante esistano le risorse sociali per stabilire dei rapporti tra i due paesi utilizzando gli immigrati come catalizzatori, tuttavia non esistono le condizioni affinché le categorie sociali degli immigrati albanesi possano contribuire come risorse effettive integranti, oppure come semplicemente tramiti di scambi di valori umani ed ambientali fra i due paesi.

Nonostante il discorso sovracitato è cruciale nell’analisi che facciamo, possiamo allo stesso modo d’altra parte nominare indicatori importanti che possono far sì che gli immigrati albanesi diventino effettivamente portatori dello sviluppo sostenibile ad entrambi i paesi.

Nelle regioni d’Italia, i cittadini albanesi residenti in Italia detengono il record a Puglia, Adige, Friuli Venezia Giulia, Toscana, Umbria, Marche, Abruzzo, Basilicata. Nelle grandi città vivono circa il 26 % degli albanesi d’Italia mentre il 74 % di loro vivono in città e comuni più piccoli.

Un enorme potenziale per lo sviluppo dei modelli che trattiamo è costituito dagli studenti albanesi, i quali reputo essere portatori dei modelli dello sviluppo sostenibile di un domani molto vicino. Sono loro che renderanno possibile la comunicazione reale di valori fra i due paesi.

Perché proprio loro e non la generazione o le categorie migrante degli anni 1990-2010?

Gli studenti albanesi in totale (con pochissime eccezioni) sono andati in Italia tramite strade legali, oppure sono figli di immigrati ormai sposati in Italia, residenti con il permesso di soggiorno oppure cittadini italiani. Come tali sono più integrati, più accettati e più convincenti per l’ambiente sociale là. Come conseguenza hanno più potere.

Un altro argomento che favorisce l’idea presentata consiste nel fatto che gli studenti approcciano le conoscenze e le pratiche più temporanee dei vari settori di vita negli studi universitari e post-universitari. Come conseguenza sono competitivi reali di valori. Come tali saranno loro ad orientare le priorità dello sviluppo verso l’Albania, però sicuramente accetteranno vivere in Italia, in quanto lo standard di vita lì è molto meglio di quello qua in Albania, e nel caso in cui tornassero in Albania, vivrebbero con un piede nei Balcani e l’altro in Italia.

Parlando sempre di questo argomento è significativo il fatto che la comunità degli studenti albanesi in Italia continua ad avere crescite costanti mentre le comunità degli altri paesi hanno un calo del numero degli studenti in Italia. Questo fatto parla di una stabilità nei rapporti fra le due società come anche la portata in prospettiva del processo.

Sullo scenario di un modello della coesione territoriale e sociale tra lo spazio degli Appenini e dell’Albania, ogni albanese deve essere stimolante e portatore di rapporti di comunicazione e scambio di valori fra i due paesi.

14 Prof. Dr. Zyndi Dervishi ha offerto ricerche di studio importanti fatte in Italia riguardo a questa questione nel suo libro “Veshtime te Kryeqezuara ne De” (“Guardi incrociati sul mare”)
15 Dati presi da ISTAT 2006;
La società fra i due paesi la progetto in modo tale che gli alunni, gli studenti, gli impiegati delle istituzioni pubbliche ecc, possano viaggiare come businessman, come ricercatori, esploratori scientifici, come coltivanti delle risorse e dei prodotti ambientali e così via.

Il concetto teorico della comunicazione cross e trans border da vita all’idea sul modello della coesione territoriale e sociale fra i due paesi.

Su questo argomento affermano anche studiosi accademici del campo.

“The regulation of transboundary air pollution results from a combination of social order, political negotiations, and scientific practices.”

Le dimensioni degli sviluppi globali hanno messo in evidenza il fatto che, dato che molte questioni vengono risolte al di fuori dei confini nazionali, allora risulta cambiato l’importanza e il ruolo degli stati nazionali.

Riguardo a questo Josef Stiglitz ha osservato che “vanno creati a livello nazionale delle istituzioni democratiche con lo scopo di risolvere in modo effettivo i problemi che lo stesso processo della globalizzazione ha creato”.

I beni materiali, spirituali o ambientali, si creano a livello dei territori nazionali oppure vengono esportati, mentre il benessere si costruisce e si vive nel territorio nazionale, quindi nel nostro caso, all’interno dei confini dell’Albania e dell’Italia.

Le collaborazioni e le comunicazioni cross e trans-border costruite nell’istituzione come sopra accentuato, sono un ottima possibilità per sminuire le differenze degli standard di vita dei due paesi.

Lo sviluppo sostenibile va concepito come il compiere dei bisogni odierni senza ridurre le possibilità per rispondere ai bisogni delle generazioni future.

Molto spesso capita che il modello dello sviluppo sostenibile si concentri solo sulla seconad parte e sugli effetti dell’attività per il futuro.

Il modello dello sviluppo sostenibile richiede al contrario che inaniztituto vengano compiuti i bisogni attuali.

Ai giorni d’oggi il mondo presenta delle differenze fra i gruppi sociali per quanto riguarda il guadagno, l’accesso ai servizi sanitari, l’istruzione, ecc, indicatori che sono molto visibili fra i paesi più sviluppati e quelli più poveri.

Come conseguenza, lo sminuire di questi riferimenti rimane una delle priorità per la realizzazione dello sviluppo sostenibile.

Attualmente ci sono visibili differenze dello standard di vita fra i due paesi.

L’Italia e l’Albania hanno le proprie condizioni specifiche collegare alla storia, all’economia e agli sviluppi socio-economici, mentre i principi di base e le premesse per lo sviluppo vengono richiesti di essere gli stessi per entrambi i paesi.

Concentrandoci sullo scambio di valori e dei modelli dello sviluppo sostenibile su i due paesi faccio riferimento al modello dello scambio dei prodotti biologici agricoli e d’allevamento.

Si sa che il costo di qualsi prodotto del genere in Albania è molto meno costoso che in Italia e la situazione rimarrà la stessa per almeno un decenni. D’altra parte il mercato degli Appennini avrà spazio per i prodotti bio in modo permanente, anche quando i valori del mercato della manodopera saranno uguali fra entrambi i paesi.

La coltivazione dei prodotti bio, la conservazione delle diversità ambientali si basa anche dalle istituzioni globali specializzati nel campo. Nel secondo principio della Declarazione di Stokholm Agenda, si determina che:

“The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate...”

Ci sono una seri di argomenti sul perché sarà così anche in seguito: i prodotti biologici del territorio albanese sono vicini ai valori di quello italiano in quanto si trovano nella stessa latitudine geografica, quindi sotto gli stessi indicatori atmosferici, quasi sotto le stesse influenze marittime e così via parlando di altri indicatori a favore dell’argomento che stiamo trattando.

Allora perché le terre e le colline fertili dell’Albania rimangono sterili non sfruttate?

Il modello progettato per i prodotti biologici deve essere un modello del partnership tra gli attori dell’iniziativa libera, appoggiata e garantita dagli attori del governo su tutti i livelli.

16, Peter M. Haas, is professor of political science at University of Massachusetts Amherst;
17 Josef Stiglitz, Prof. I Columbia University, economist. Vincitore del premio Nobel Memorial Prize in Economic Sciences (2001);
18 Si tratta di un Agenda uscita dalla Conferenza dell’UN per l’ambiente umano human 1972
19 (UN : 1972)
Dall’altra parte una partnership del genere deve garantire anche l’assicurazione e la certificazione dei prodotti che verranno consumati e si muoveranno sul mercato italiano.

Modelli di questo genere si offrono dalle istituzioni internazionali di prestigio (OECD Parigi 2011) Una simile partnership costruita sull’istituzione può incentivare tantissimo questo processo.

Viene richiesta una simile combinazione perché il mercato e il consumatore italiano non ha ancora la totale fiducia nei prodotti albanesi, mentre lo stesso produttore e coltivatore albanese non gode degli standard per offrire prodotti a quantità coem in questo caso. I rapporti dell’Albania sotto gli indicatori dello sviluppo sostenibile possono fiorire nello spazio lungo l’Ottavo Corridoio Paneuropeo del Trasporto che attraversa l’Albania, come comunicazione delle grandi liberà europere e globali che prendono il via dall’Italia, però sotto un nuovo concetto secondo il quale tutta l’italia venga considerata porta del Corrido e non solo Bari e Brindisi.

L’ipotesi di considerare Bari e Brindisi come porte dell’Italia per questo corridoio è fallita perché così parliamo i fatti concreti. Sotto un nuovo punto di vista tutta l’italia dev’essere porta della comunicazione fra le due penisole e attraverso loro, porta di comunicazione fra l’Euroasia, però seguendo le tracce della comunicazione del Corridoio Ottavo e della Via Egnatia.

Sotto un nuovo punto di vista va trattato anche la missione e il ruolo dell’Adriatico del Nord, coem spazio che trasmette i modelli dello sviluppo sostenibile sulle porte dei Balcani.

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I modelli dello sviluppo economico, sociale, e governante provenienti tramite questo spazio possono contribuire tanto per la società albanese.

Sempre guardando da questo punto di vista sarà possibile lo scambio e la comunicazione dell’economia del trasporto, del petrolio, del gas, delle tubazioni della comunicazione, della digitelecomunicazione fino a che si possa parlare di un tunnel subacqueo che incuderà in se stesso tutta l’infrastruttura delle comunicazione umana, energetica, telecommunicativa e così via.

L’Italia in primis e i partner dei Balcani non stanno gestendo come si deve le possibilità d’oro che la natura e la società ha offerto a loro nei milleni: l’essere così vicine, che consiste in un arma in più per loro con un potere e potenziale illimitato.

Mentre i Balcani hanno problemi, la strada della comunicazione tradizionale “La Via Egnatia” si trasforma in una “Nea Egnatia”.


Ma conoscono gli italiani le ricchezze ambientali, l’eredità storica e culturale, le pratiche religiose degli albanesi e le cose che collegano loro con gli albanesi e l’Albania?

Sanno tutti gli italiani che Madre Teresa e Scanderbeg erano albanesi e cristiani?

Prenderesi cura dell’ambiente, degli ecosistemi, delle diversità ambientali, del turismo ambientale, storico, culturale, religioso, della convivenza e dell’armonia religiosa, in un unico giorno di turismo per una sola persona si trasformano in valori monetari per il territorio dell’Albania.

Se poi verranno spesi dentro i confini dell’Albania o fuori questo dipende solo dal modo in cui verranno amministrati e gestiti i beni ambientali e umani lungo il territorio a cui faccio riferimento. Una cosa però rimane certa, ogni elemento sovracitato si traduce, si converte in una crescita economica, in occupazione, in beni materiali, in istruzione, assicurazione sanitaria, sociale, pubblica ed ambientale e così via.

I corridoi del trasporto e della comunicazione si stanno trasformando in corridoi ecologici praticando sicuri e sani modelli dell’attività che inquina meno. Le politiche e le pratiche dell’UE in particolar modo danno un importanza rilevante a questo elemento.

Essere collegati tramite il mare in una distanza così piccola significa poter comunicare in modo stabile, in quanto lo stesso mare significa comunicare in modo stabile, in quanto lo stesso mare trasmette un modello di comunicazione stabile, definito come “Clean-Safe- Secure”.

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20 Una simile è stata anche “EU Green Corridors Conference: towards climate-neutral freight transport”; che ha sviluppato le lavorazioni a Brussels, 9 December 2009;
La comunicazione attraverso il mare inquina poco l’ambiente. E’ questa l’argomentazione sul perché le politiche dell’Unione Europea appoggino lo sviluppo delle “Autostrade Marittime” (Motorways of the Seas).

La comunicazione marittima si fa in gruppo e come tale sostituisce ed elimina gli incidenti, l’inquinamento di centinaia di macchine o altri mezzi di trasporto stradale, come anche aumenta l’assicurazione del trasporto verso le persone che ci partecipano a questo ambiente. Mentre per quanto riguarda i bio-carburanti, l’eletrolisi e le energie alternative diminuiranno massimalmente l’inquinamento dell’ambiente causata dall’azione del trasporto marittimo.

Lo sviluppo della cultura e delle reti dell’eredità culturale e storica lungo il corridoio può incentivare contribuire sullo sviluppo economico e sociale della zone lungo questo corridoio, come anche un centro della cultura e dell’arte e della diffusione dell’informazione può contribuire massimalmente su questo scopo.

Ma ci sarà interesse e visibilità economica la comunicazione attraverso il Corridoio Ottavo oppure attraverso le Autostrade del Mar Mediterraneo, attraverso le quali l’Albania si trova ad approfittare dai flussi della comunicazione?

Secondo le valutazioni degli studiosi, i flussi del trasporto delle merci dell’europa del West fino al 2025 avranno due direzioni principali, la Russia e la Turchia. Ogni passaggio per la Turchia è più competitivo se passa attraverso l’Albania solo sotto una condizione però: se si sviluppa sotto il modello dello sviluppo sostenibile, quindi essere competitivo in termini economici, essere ambientale sicuro e sano.

Se il flusso di cui parliamo passa anche attraverso l’Italia, attraverso Otranto e l’albania e le porte dell’Adriatico del Nord, questo dipenderà solo dalle idee di entrambi i paesi con i propri attori governanti.

La natura ha donato nei propri termini su questo modello l’avvicinanza della comunicazione coas che rende il modello competitivo e vincitore, ha donato il mare come elemento e spazio dello sviluppo sostenibile. Quali sono le condizioni che favoriscono la comunicazione lungo il Corridoio Ottavo?

Se le strade sono sicure senza incidenti, se l’amministrazione dei flussi commerciali è trasparente senza procedure allungate, se la regione è tranquillo e senza conflitti, se i protagonisti governanti a livelli locali, nazionali e regionali collaborano, allor apiù flusso di comunicazione attraverserà l’Albania. Spetta alla società, ai protagonisti della società democratica e principalmente a quelli politici dare una soluzione alle sfide sovracitate.

D’altra parte, se questi indicatori vengono a mancare come è successo fin’ora, le tracce della natura moderna diventeranno mobili. Come conseguenza “La Via Egnatia”, scolpita in millenni della storia, può spostarsi in centinaia e mille chilometri più a Sud in un unico decennio, addirittura cambiando nome in “Nea Egnatia”. Per l’Albania Shqiperine ma principalmente anche per l’Italia, simili deviazioni comportano indicatori e ritmi della crescita economica e del benessere sociale.

L’antico e contemporaneamente contemporaneo Corriodio del trasporto; la grande ricchezza delle comunità albanesi migranti in Italia e in particolare gli studenti; l’eredità storica, culturale ed archeologica; la biodiversità ambientali; i valore dell’accoglienza, la generosità della fede albanese, sono premesse ideali per incentivare lo sviluppo amministrato ed integrato turismo lungo lo spazio fra l’Italia e l’Albania.

Studiosi del campo, specifichno che le Euroregions, possono realizzare comunicazioni e scambi di valori umani e materiali per possibilizzare la coesione territoriale e sociale fra i due paesi.

Un modello simile sotto le condizioni trattate nella presentazione può creare il modello delle società sviluppate in modo sostenibile da ambo le parti dell’Adriatico. Lo spazio lungo il Corridoio Ottavo può essere il modello principalmente iniziativo dell’area che vogliamo. Quest’area sarà parte della superficie acquea e subacquea, terrestre e marittima.

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Abuse of Law in the Context of the European Tax Law: Analyse of the Question of Direct Taxation of Cross Border Self-Employers Incomes

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Abstract The notion of the abuse of law it is a concept that reveals in private law in many jurisdictions. In relation to the European Tax Law, the principle of the abuse of law it is consistent with the principles of primacy and effectiveness. Recently, the Court of Justice of the European Union has resorted to the concept quite often when dealing with the reach of the fundamental freedoms guaranteed by the Treaty of the European Union. The proposed paper applies the abuse of law concept to European Tax Law related to the question of the direct taxation of cross border self-employers incomes. Of central importance here are the rules issued from the Court of Justice of the European Union that legitimize, when assessing the absence of the harmonized rules in the field of the direct taxation, restrictive measures of the fundamental freedoms of establishment and to provide services in relation of the self-employers. The proposed paper starts by exploring the context of the debate related to the abuse of law with respect to European Tax Law. The general elements of the abuse of law concept are then presented. It is an interpretative concept that looks at the dominant purpose of a particular legal provision. The proposed paper explores this concept with respect to potential abuses in relation of direct taxation of cross border self-employers concerning the freedoms of establishment and to provide services. The proposed paper concludes with the conclusion that the adaptation of the restrictive measure of the freedoms of establishment and to provide services in relation of the direct taxation of cross border self-employers are justified only in the general interest and for which need the proportionality principle.

Key words: European Tax Law, abuse of law, self-employed activity, freedom of establishment, right to provide services

1. Introduction

The establishment of the European Law\(^1\) has as purpose to create the legal boundaries of the common market whose formation it is inspired from the general objective to establish the single European economic space.

In fact, the process of the configuration of the European order it is completed with a set of rules issued from the European institutions integrated and reinforced from the jurisprudence of the Court of Justice of the European Union well-known for its role of the «guard» of the European Union Treaty in order to guarantee the «four liberties» defined as pillars of the single market.

As result, the European Law tries to «approximate» or to «harmonized», where it is possible, the legal orders of the Member States with the purpose to abrogate all the fiscal borders that prevent the correct function of the common market.

In this context, it is not difficult to understand how the activity of self-employers or self-employed activity represent institutes of profound interests against the objectives contained to the Treaties of the European Communities and pursued among the issue of the acts in conformity with the European Law derived.

As result, the intervention of the European Union to guarantee the function of the common market, it is an expression of the European tax policy configured to the positive and negative forms.

The formulations of the positive policy of the European Union, more teeth from the Single European Act, prevue the progressive realization of the harmonization\(^2\) and approximation process of the national legal orders of the Member States.

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\(^1\) The European Law is defined as the whole of provisions that discipline the organization and the development of the European Union and also the relations between the European Union and Member Stated of the European Union. For more see: TAHIRAJ, (2007), Dal mercato comune all’ordinamento tributario europeo, Annali del II Encontro de Estudios Tributarios 18-21 setembro 2007 – Instituto de Direito Tributário de Londrina/Brasil.

\(^2\) The process of the harmonization of the tax orders of the Member States it is legitimized from the article 113 of the Treaty of the European Union (ex. article 92 of the Treaty of the CEE) that establishes «the adaptation with Counsel’s unanimity of the articles that
In fact, the process of the harmonization it is realized only in the field of the VAT. Instead, it is absent an equivalent provision in the field of the direct taxation. Meanwhile, the process of the approximation of the tax systems of Member States result to be subject of the article 115 of the Treaty of the European Union (ex. article 94 of CEE Treaty) from which detect that «the Counsel has the power to adapt the directives to approximate the national orders». But, I must highlighting that, in recent years, a set of the European intervention was protagonist given its increasing importance in the process of the European economic integration.

In consideration of this conclusion, I can deduct that «in the EU Treaty doesn’t exist any provision that can discipline the field of the direct taxation of self-employers incomes»; a deduction that confirm the inexistence of the European direct taxation model related to the cross border self-employers incomes. In the light of the reflections already highlighted and taking into consideration the peculiarities that characterize the gradual process of harmonization and approximation of tax orders of Member States with the European Law as well as the abusive application of the European provisions related to the exercise of the freedom of establishment and the right to provide services of cross border self-employers, this paper has as purpose to outline that the adaptation of the restrictive measures of the freedoms of establishment and to provide services in relation of direct taxation of cross border self-employers are justified only in the general interest and for which need the proportionality principle.

2. Abuse of law in the European Tax Law

The general principles of the European Union, in the context of historical evolution of the European Law, have been used by the Court of Justice of the European Union with the purpose to guarantee the coherence and completeness of the normative system on the basis of its function. Instead, these principles have permitted the adaptation to the national legal orders of these provisions that reflect the progressive evolution of the European Law. Under this last profile, their application has permitted to exclude the effects of the national legal orders that resulted in contrast with these principles even in the absence of an explicit provision that must specify the exact content.

In particularly, in relation of material fields where was not adapt a specific provision in the European Law or it was not prevue an explicit attribution rules in favor of the European Union, the general principles of the European Law have forced the legal orders of the Member States and their jurisprudential evolution in the field of their specific skills to be oriented in coherence with the indication furnished from the progressive elaboration of these general principles. Moreover, in this evolution it was not simple to find the common principles for all the Member States.

Often, are adapted as European principles some principles clearly expressed only in some legal orders, but valuated particularly functional to the realization of the European objectives and for which it is interested to integrate and justified in this sense their application.

In this context, it should be noted that in relation of the principle of the interdiction of the abuse of law3, one of the general principle of the European Law reached from the case-law of the Court of Justice of the European Union, the Court of Justice of the European Union qualifies as abuse of law «all juridical acts essentially conformed to get a fiscal advantage». This typology would constitute a tertium genus, in addition to the physiological ones (all the licit), and to the pathological ones (the simulated or fraudulent).

According to the European case-law, the Court of Justice of the European Union searches to the abuse of law the street to subject in taxation the economic activities jumping the obstacle interposed from the legal form adapted by the subjects for the operations. In this way, the European Union uses a concept that evokes a long geology of the concepts of legal culture of the States of civil Law going back to the medieval law.

In fact, the Court of Justice of the European Union applies widely the traditional civil categories and the general theory concern the harmonization of the legal orders related to the turnover taxes, consumption taxes and others indirect taxes must be carried out to the extent in which the harmonization it is necessary to assure the establishment and the function of the single market».

3 Under the story of legal thinking, the abuse of law has characteristics rather variable; except that to return cyclically. More than a concept the abuse of law it is a topic which marks the interpreter, appealing from time to time to psychological dates as animus nocendi or moral as injustice or economic as the prejudice to the general welfare, to correct a theory, a principle, a provision, a right, and to obtain a different solution from that impose the strictum jus. For more see: GENTILI (2009), Abuso del diritto, giurisprudenza tributaria e categorie civilistiche, IANUS n. 1-2009.
in order to can not apply the alternative rules and to render ineffective the forms that call back.

Then, the Court of Justice of the European Union in the field of the abuse of law has searched to operate a balance between the over ordination of the European Law and the needs of the States, that can not see whipped their objectives facing a subject that claims to avail abusively a liberty guaranteed by the Treaty arguing the interdiction of the restrictions of the European Law.

However, the problem arise at the moment of the individualisation of the general interessees that legitimate the adoption of the restrictive provisions. Of course, these are absolute hypotheses as it is verified in the case of the adoption of the discriminatory measures, as we assist to a contrast between the Member States that tend to bring back to imperative needs connected to general interests the restrictive measures and the Court of Justice of the European Union, contrary, get one to the unification or application of the European Law, as well as reason of their exceptional character, aims to realize an application as much as possible restrictive.

Eventually, I can conclude, taking into account the case-law on the abuse of tax law related to the fundamental freedoms of the Court of Justice of the European Union, that the Member States retain considerable competence to deal with such abuse and to take proportionate action in the general interest. This is because of the lack of the European Union harmonized rules in this area.

However, a Member State’s exercise of its direct taxing competence to deal with abuse of tax law may result in the restriction of a fundamental freedom. Consequently, the Court must perform a delicate balancing function: it has to weigh the European Union’s interests alongside the interests of the Member State and apply the principle of proportionality in coming to its decision. Examples from across the freedoms to provide services and establishment of self-employers demonstrate the difficult balancing act conducted by the Court of Justice of the European Union in this area. It is worthwhile examining this jurisprudence to understand the background to the Court’s approach in the area of the abuse of law in relation of the direct taxation of the cross border self-employers.

3. The abuse of law in relation of the direct taxation of cross border self-employer’s incomes concerning the freedom of establishment and the right to provide services: the case Van Binsbergen.

The results of the research related to the case-law of the Court of Justice of the European Union confirms that the entry of the concept of abuse of law in the European Law in relation of the direct taxation of the cross-border self-employers incomes started with the case Van Binsbergen\(^4\); a case that concerns the freedom to provide services related to a Dutch lawyer, a cross-border self-employer that find fiscal barriers related to the direct taxation of the incomes derived from the exercise of self-employed activity.

In fact, the Court of Justice of the European Union has played a decisive role as well as determinant to underline the concept of abuse of law concerning the freedom of the establishment and to guarantee the purposes and the European principles established to the Treaty of the European Union underlining the incompatibility with the European Law of the national legal orders of the Member States.

The case Van Binsbergen concerns a Dutch lawyer that, after having been entrusted to act as legal representative before the Courts in the Netherlands for a local party, had transferred its residence from Netherlands to Belgium during the course of the proceedings, losing its capacity to represent the party in question due to a Dutch requirement that legal representatives be permanently established in the Netherlands.

In fact, it is believed that this way to exclude the change of the residence of a provider services directed to its State of the origin can be utilize between the application of the freedom to provide services, in order to avoid the application of the professional rules of its State of the origin in the field of which its services despite continued to be provided and performed.

In this prospective, the measures adapted from its State of the origin in order to exclude this eventuality will consider legitimate because are justified with the purpose to repress abusive behavior of the European liberties. For this reason, the Court of Justice of the European Union had to rule on the issue whether this requirement could be reconciled with the prohibition of all restrictions on freedom to provide services within the Community.

After recognizing in general terms that a requirement, whereby the person providing the service must be habitually resident within the State where the service is to be provided, may deprive article 56 of the Treaty of the European Union

\(^4\) The case Van Binsbergen it’s the first case recognized from the doctrine as well as the case-law of the Court of Justice of the European Union as important in order to apply the interpretative criteria of the European Law in accordance with the principles in any measures due to the abuse of law. Case Van Binsbergen 3374, Racc. 1974, p. 1299.
of all useful effect, the Court of Justice of the European Union took into consideration the particular nature of the services.

In this respect, the Court of Justice of the European Union stated that specific requirements imposed on persons providing the services can not be considered to be incompatible with the Treaty of the European Union if they aim at applying professional rules of conduct where the person providing the service would escape the application of these rules by establishing himself in another Member State.

The rules in this case were justified by the general good as organizations, qualifications, professional ethics, supervision, liability and were binding on all persons established in the State concerned.

Consequently, the Court of Justice of the European Union found that a Member State it is entitled to take measures to prevent the exercise by a services provider whose activity is entirely or principally directed towards its territory of the freedom guaranteed by article 56 of the Treaty of the European Union for the purpose of avoiding the professional rules of conduct which would be applicable to him if he were established within that State.

Although the Court of Justice of the European Union did not yet expressly use the word “abuse”, a first type of conduct in the case Van Binsbergen was that “the resort to fundamental freedoms for a purpose that of avoiding professional rules of conduct that result different from the purpose pursued by the Treaty articles granting the fundamental freedoms themselves.

The specific situation was a kind of “U transaction” as establishment of its residence in another Member State by a national of a Member State whose activity is directed toward this Member State which was regarded as aimed at escaping national rules of conduct which would be otherwise applicable.

In this case the Court of Justice of European Union made specific reference to the nature of the service involved and to the rules of conduct concerned, without statements of general character, this decision, whilst clarifying that Member States are entitled to take measures to prevent the conduct at stake, raised three interconnected key questions. First, whether Member States would be entitled to take measures to prevent the circumvention of any type of national rules in whatever area. Second, and in consequence, whether any conduct aimed at escaping national rules by using fundamental freedoms could be prevented by Member States. Third, and as an ultimate question, whether the key element in this conduct ought to be identified in the intention of escaping national rules or in the achievement of the concrete result of doing so with prejudice for third parties.

However, the case Van Binsbergen was followed not only by other rulings in the area of free movement of services but also by a number of rulings in other areas as the freedom of establishment and the free movement of goods and workers. These rulings made it clear that Member States are allowed to take measures to prevent situations of circumvention of national rules similar to that at stake in Van Binsbergen to or to prevent other situations of use of rights conferred by the Treaty of the European Union for improperly gaining benefits.

Nonetheless, the key question whether any circumvention of national laws via the resort to rights granted by the European Law would amount to abuse, did not yet find the response. This response would have requested a test for identifying, in all its constituent elements, the notion of abuse applicable to the instances of avoidance of national law via the recourse to fundamental freedoms and to other situations of improper reliance on rights conferred by the Treaty of the European Union.

Other rulings which involved not circumvention of national laws, but reliance on rights conferred by the European Law provisions, provided the occasion for a further development of the case-law of the Court of Justice of the European Union concerning the abuse of rights.

It can well be noted in reference to the case Van Binsbergen that the Court of Justice of the European Union generally used the verbs “to avoid”, “to escape” or “to evade”. Despite this difference in the language, it could be argued that using the exercise of fundamental freedoms, such as the freedom to provide services or the freedom of establishment, for a purpose that relate to the escaping national rules which is different in substance from the purpose of the Treaty provisions of the European Union granting the fundamental freedoms themselves, amounts to an “artificiality” use of those freedoms. In other words, the “artificiality” can be regarded as a common element of both types of conduct.

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However, whilst the case-law of Van Binsbergen showed that the artificial use of these freedoms could be prevented by Member States when the outcome was the circumvention of national rules intended to protect the general interests and thus, impliedly, indicated that, in these cases, “circumvention” could be regarded as synonymous of “abuse”. Inter alia, from the case Van Binsbergen arising the key point that the Member States, in the absence of harmonised rules, can take certain measures which restrict the freedoms if they can justify them in the general interest, measures that are indistinctly applicable and for which they meet the requirements of the proportionality principle; in other words, if the national rules comply with the Gebhard formula7.

4. Conclusions

The attitude of the Court of the Justice of the European Union related to the abuse of law it is coherent among the European fundamental freedoms. Also, the harmonized provisions are not issued in all the sectors of the single market, specifically, in relation of the direct taxes, the reason for which the Member States retain important powers in relation of their territory. Therefore, the Member States are competent to keep tax provisions that aim to prevent the abuse of tax law, subject to compliance with EU law.

Sometimes, the Member States may have rules which treat non-residents in the same way as residents, and benefits secured through the use of EU law rules may be denied if abuse can be proved on the basis of objective evidence. An abusive conduct of European Union law rights has been demonstrated on the balance of probabilities, motive may play an important role in rebutting the presumption of abusive conduct. Nevertheless, the Member States can not expect “abuse” when advantages that are freely available in another Member State are availed of by its nationals through the use of the freedoms. Therefore, when a transaction appears to abuse the European Tax Law of reason of the exercise of self-employed activity may need to be demonstrated for conducting the transaction, over and above the obtaining of the tax advantage because the burden of proof has shifted to the person exercising the fundamental freedoms of establishment and to provide services to demonstrate that the exercise of the freedom was proper.

At the end, I can conclude that the Court of Justice of the European Union with the case Van Binsbergen established an important rule issued as result of the absence of harmonised rules in the field of direct taxation legitimizing the application of certain measures as indistinctly applicable that restrict the freedoms if they can justify them in the general interest and for which need the requirements of the proportionality principle.

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Side Effect of Antigypsy Stigma. Ponticelli's Case and the Prejudice in Public and Legal Speech

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Abstract In this paper I would like to show, through a case-study analysis, how political, legal, media topics about Roma people, in Italy, are shaped by some negative believes and stereotypes. This frame lead to creating, in the common sense, the idea of danger that go beyond real situation. The stereotype that I want to analyze – that is part of the elements that led to sentence for three Roma women over last thirty years – is constituted by association of ideas between Roma woman and children’s kidnapper.

Key words: Roma people, urban legend, prejudice, media, legal practices.

Introduzione

I rom sono da sempre protagonisti di numerose leggende metropolitane (Brunvand 1988): storie liminari costituite da numerose varianti, che tutti raccontano come vere, ma sulle quali nella maggior parte dei casi non vi è un riscontro reale. Spesso si tratta di leggende antiche, adattate e modernizzate, che diventano uno strumento di discriminazione, quando attribuiscono, a questo o quel gruppo etnico, religioso o sociale, dei fatti o dei comportamenti inesistenti. La leggenda sulla quale ho intenzione di concentrare l’attenzione è quella che attribuisce alle donne rom l’ “abitudine culturale” di rapire bambini, cambiadogli i connotati, per venderli o sfruttarli nella pratica della mendicità.

Dagli anni ’90 in Italia si diffondono, sempre più spesso, notizie sul tentativo da parte di rom di “nascondere bambini sotto la gonna” o su sparizioni di minori per cui si segue la pista “nomadi”.

In realtà negli ultimi trenta anni - dal 1986 al 2007 - ci sono state 29 denunce di presunto tentativo di rapimento di minore da parte di un rom:
- 23 senza fermo iniziale del presunto rapitore e senza apertura di procedimento penale;
- 4 con avvio di procedimento penale conclusosi per mancanza di prove o ritrattazione di testimonianze;
- 2 con condanna dell’imputata per il reato contestatole: tentato rapimento (Cambini 2008).

I dati mostrano, quindi, una forte asimmetria tra la percezione e la realtà dei fatti. La mancanza di un riscontro reale, però, non attenua minimamente il fascino che le leggende metropolitane esercitano su di noi poiché queste riflettono molte delle speranze, delle paure e delle angosce del nostro tempo: sono tradizionali, mutevoli e funzionali (Brunvand 1990). Queste leggende, sosteuate dai media ed esasperate nei discorsi politici producono effetti devastanti in tutti i campi del sociale, compreso quello della giustizia.

Vedremo, in particolare (ma non è molto diverso dai due casi analizzati dalla Cambini), con quale motivazione è stata condannata, nel 2010, una giovane rom di Ponticelli (periferia di Napoli) e in che modo politica e informazione si sono occupati della vicenda.

1. Il caso di Ponticelli

La vicenda si svolge secondo uno schema ricorrente: una giovane madre, unica testimone del fatto, denuncia il tentato sequestro della sua prima figlia da parte di una zingara.


L’adolescente, che rischia il linciaggio, è arrestata dagli agenti del Commissariato e condotta presso il centro d’accoglienza per minorenni di Nisida.

1 Parola in lingua romanesc che significa donna rom.
2 Questo caso si aggiunge ai due menzionati nella ricerca della Cambini, e quindi dal 1986 ad oggi esistono tre casi di condanna.
Tre ore dopo un operaio rumeno viene aggredito da venti persone mentre sta tornando a casa dal lavoro. E’ il primo segnale: da quel momento esplode la tensione accumulata per anni contro i rom, nel quartiere di Ponticelli, nato negli anni settanta nella periferia est di Napoli come insediamento operaio e trasformatosi, in seguito agli insediamenti urbani successivi al terremoto dell’11 novembre 1980, in un territorio d’illegalità diffusa e radicata. 

Da questo momento è un susseguirsi di incendi ai campi della zona, ai centri di accoglienza del territorio, alle baracche che s’incontrano lungo la strada: 700 rom sono costretti alla fuga. Ben presto questi attacchi, verbali oltre che fisici, escono dal territorio napoletano.

Nel mese di maggio, a Milano, Genova, Viareggio, Trento, Asti e Bologna gruppi di cittadini protestano contro gli insediamenti abitati dalle comunità rom presenti nelle vicinanze delle loro abitazioni.


Dietro questa vicenda, che ha innescato un meccanismo di vera e propria “caccia al rom” e contribuito alla dichiarazione dell’ Emergenza Nomadi, si nascondono ben altre emergenze, che non sono emerse nel dibattito pubblico e mediatico italiano, ma che ha presentato, in modo chiaro e perentorio, il giornalista spagnolo Miguel Mora. Nel suo reportage “ Condenada a ser condenada” si legge: «alcuni tentarono di dipingere i fatti come una rivolta popolare contro i gitani, come una spontanea battaglia tra poveri, però a Napoli tutto il mondo sa che si trattò di un’altra cosa: un fatto di Camorra. […] Il fatto fondamentale è che sopra alcuni terreni occupati dagli accampamenti illegali bruciati in Maggio, il Comune di Napoli avrebbe deciso di costruire il Palaponticelli, uno spettacolare intervento urbano dichiarato di interesse pubblico nel Giugno del 2007 per la giunta del sindaco del Partito Democratico, Rosa Russo Iervolino. […] Il costo è di 200 milioni di euro, a carico del promotore privato» (Mora 2009).3

1.1 La sentenza

Il 14 novembre del 2008 si svolge, presso il Tribunale dei minori di Napoli, la prima udienza nella quale vengono ascoltati, oltre ad altri testimoni di minor rilievo, Flora Martinelli e Nunzio Ferrero, genitori della minore “sottratta”.

La madre racconta di aver lasciato la bambina in cucina a giocare, sorvegliandola di tanto in tanto, e di essersi recata in camera da letto per sistemare l’armadio. Durante un controllo della piccola, avrebbe notato la porta d’ingresso semiaperta e visto sul pianerottolo una ragazzina rom con in braccio la sua bambina. Sconvolta, avrebbe strappato dalle braccia della romni sua figlia e chiamato a gran voce il padre, che abita al piano di sopra. Insieme avrebbero inseguono la ragazza che fuggendo per le scale avrebbe detto «No, polizia no, polizia no. Giù c’è un uomo»4.

Nunzio Ferrero, trovandosi in strada al momento dei fatti, racconta solo l’inseguimento della ragazzina, una volta che quest’ultima era uscita dalla palazzina.

Importante la testimonianza dell’ispettore Scognamiglio, incaricato, la notte tra il 10 e l’11 maggio, di accompagnare la Dragan presso il Centro di prima accoglienza di Nisida, che racconta di aver chiesto alle ragazzina il perché del suo gesto e di aver ricevuto questa risposta: «io volere portare in Romania. Lì pagare bene per bambini»5.

L’istruttoria dibattimentale ha termine con l’esame dell’imputata, la quale ammette di esser entrata nella palazzina per raccogliere indumenti e cibo, ma di non aver mai visto la bambina.

Durante la seconda udienza, il 12 dicembre del 2008, vengono ascoltati Martinelli Ciro, nonno della bambina e Graziano Antonio, ispettore in servizio presso il commissariato di Poggio Reale, delegato a svolgere indagini tese a riscontrare le versioni dei fatti fornite sia dalle persone offese che dalla minore arrestata.

L’ispettore riferisce in merito ai sopralluoghi effettuati nell’abitazione della Martinelli dove non erano stati riscontrati segni di effrazione né alla porta di casa né ai cancelli di accesso.

Questa udienza termina con la sentenza di primo grado e la condanna a tre anni e otto mesi dell’imputata per violazione del domicilio e sequestro di minore.

Questa le motivazioni riportate negli atti: «E’ di tutta evidenza che l’impianto accusatorio posa essenzialmente sulla deposizione di Martinelli Flora, unica ad aver visto la Dragan mentre, ormai fuori dall’abitazione, tentava di allontanarsi con la bambina in braccio. Ritiene tuttavia il Collegio che le dichiarazione della persona offesa, di per se stesse e come

4Atto sentenza Tribunale per i minorenni di Napoli N.2/09 del 12/1/2009.
5Atto sentenza Tribunale per i minorenni di Napoli N.2/09 del 12/1/2009.
supportate dagli elementi di riscontro generici, siano del tutto attendibili e pienamente idonee a fondare l’affermazione di responsabilità dell’imputata. Secondo il consolidato orientamento della giurisprudenza le dichiarazioni della persona offesa possono essere assunte, anche da sole, come fonte di prova, purché siano valutate con opportuna cautela e siano sottoposte ad un indagine accurata circa i profili di attendibilità oggettivi e soggettivi.»

Nell’udienza per il riesame d’appello, del 7 novembre del 2009, è confermata la sentenza di primo grado. Anche il ricorso in Cassazione viene giudicato “inammissibile” e la condanna di secondo grado, nel maggio del 2010, diventa definitiva: 3 anni e 8 mesi per tentato rapimento di minore e 1 anno e 2 mesi per furto in appartamento, un reato precedentemente contestatole. Cinque anni in totale, due dei quali già trascorsi in carcere.

Il caso però è portato dall’avvocato Cristian Valle, difensore della minore rom, all’attenzione della Corte Europea dei Diritti dell’Uomo poiché - secondo la difesa - sono emersi elementi discutibili nel corso del processo. La sentenza emessa in primo grado poi confermata poggia sulle dichiarazioni rese dalla Martinelli considerate soddisfacenti in quanto a precisione, coerenza logica ed attendibilità.

Nella sentenza di secondo grado le stesse dichiarazioni diventano imprecise e confuse, ma sono comunque valide per infliggere una condanna poiché «il fatto di essere impreciso e confuso mostra la non pianificazione a tavolino del racconto da parte della donna».

Questo nonostante l’avvocato della rom avesse segnalato, durante il processo di Napoli, i precedenti per falso ideologico della signora Martinelli, omessi in un primo tempo dalla stessa.

Riguardo le attenuanti generiche, richieste dall’avvocato della difesa in sede processuale, non c’è stato nulla da fare poiché «in considerazione del procedimento penale da cui risulta aggravata e del comportamento nient’affatto collaborativo tenuto fin dall’inizio dell’imputata che ha perfino impedito l’esatta identificazione sua e del nucleo familiare non trova spazio la concessione delle circostanze attenuanti generiche».

Ma il motivo principale, per il quale l’avvocato, ha intenzione di portare il caso all’attenzione della Corte Europea dei Diritti dell’Uomo, lo si trova nelle cause del rigetto dell’appello.

Si legge: «Emerge che l’appellante è pienamente inserita negli schemi tipici della cultura rom. Ed è proprio l’essere assolutamente integrata in quegli schemi di vita, che rende, in uno alla mancanza di concreti processi di analisi dei propri vissuti, concreto il pericolo di recidiva. […] In considerazione della citata adesione agli schemi di vita Rom che per comune esperienza determinano nei loro aderenti il mancato rispetto delle regole».

Questa affermazione evidenzia come il linguaggio dello stigma influenzi quello giuridico portando a giudicare la colpevolezza di una persona su base etnica, attraverso l’associazione della devianza ad un’etnia. La contraddizione che emerge è poi esaltata da un pezzo originale: questi schemi tipici sono attribuiti genericamente a una cultura/minoranza invisibile dal punto di vista giuridico, non essendo stata mai riconosciuta ed inclusa tra le minoranze linguistiche presenti nel nostro paese.

1.2 L’informazione


6 Ibidem.
7 ‘Nell’appello si chiede: l’annullamento del procedimento di citazione di giudizio immediato poiché tale citazione non è stata tradotta nella lingua della sua assistita; la messa alla prova, rigettata in primo grado con la motivazione della non riconosciuta responsabilità dei fatti da parte dell’imputata; l’assoluzione perché il fatto non sussiste poiché l’impianto accusatorio poggia esclusivamente sulle dichiarazioni della signora Martinelli Fiora non analizzate in profondità come il caso avrebbe necessitato (dati i precedenti per false dichiarazioni della signora); la derubricazione del reato da sequestro a tentata sottrazione di minore; l’esclusione delle contestate aggravanti, cioè la minorata difesa della persona offesa (la ragazza ha agito mentre la signora era in un’altra stanza e la bambina era sola) non giustificata dal tempo e dagli spazi dell’azione in questo caso; l’applicazione dell’istituto della sospensione condizionale della pena per sentire nuovi teste in qualità di esperti del caso.
8 Atto sentenza Tribunale per i minorenni di Napoli N.2/09 del 12/1/2009.
9 Ibidem.
10 Udienza per la conferma della misura di custodia di Maria Dragan, Tribunale per i minorenni di Napoli, 29/09/09.
In numerosi articoli la colpevolezza della rom è data per scontata, tutto lo spazio della descrizione della vicenda è dato alla testimonianza della madre, la sua versione dei fatti diventa l’articolo stesso e in questo si usano frasi del tipo: «i rom sono cattivi. Se ne devono andare via da qui».

L’uso dell’ indicativo nella narrazione dei fatti li rende ancora più certi e reali; su qualsiasi grammatica italiana possiamo, infatti, leggere che il modo indicativo serve per parlare di fatti che si è stigmatizzato poiché nella loro storia i rom hanno viaggiato ma oggi il 95% sono sedentari.

Con questi giudizi, espressi per numerosi giorni dopo l’accaduto, è molto difficile che una persona, anche se ben informata, possa avere una percezione non deviante delle vicende.

E’ il momento della sua diffusione quello in cui una notizia si fissa nella mente del lettore e ciò che succede dopo, anche nel caso di rettifiche o smontate, non ha lo stesso valore.

Anche l’informazione televisiva non si sottrae a questo meccanismo: i telecronisti, ciclicamente, aprono con la notizia “Rom tenta di rapire…” e trasmissioni, come “Chi l’ha visto?” seguono spesso la pista “nomade” nelle ricerche di minori scomparsi.

Di questa situazione ho parlato con Maurizio Pagani, presidente di Opera Nomadi di Milano, il quale mi ha raccontato di come loro furono contattati dagli investigatori privati della famiglia nel caso Denise Pipitone e parteciparono, appunto, ad alcune trasmissioni nelle quali si «fece cenno, anzi in modo molto esplicito alla possibilità che fossero delle persone riconducibili alle comunità zingare ad avere operato questo sequestro».

Con rammarico, ha concluso che «quello che potremmo constatare è che vi è un’idea ricorrente che senz’altro associa questa lezione, questa scomparsa di bambini in determinate circostanze ad un reato commesso dai rom anche se statisticamente questo reato non è ascrivibile alle abitudini di queste comunità».

Come suggerisce il sociologo Alessandro Dal Lago: oggi, operano imprenditori morali infinitamente più efficaci che in passato, capaci non solo di comunicare istantaneamente la paura a un numero enorme di persone, ma anche di alimentarla e in alcuni casi crearla: i mezzi di comunicazione di massa. Dicerie, leggende metropolitane, pregiudizi e paure circolano nelle società locali possono diventare, per effetto dell’informazione di massa, prima simboli e poi verità socialmente accettate. Stereotipi che probabilmente hanno scomparsa di bambini in determinate circostanze ad un reato commesso dai rom anche se statisticamente questo reato non è ascrivibile alle abitudini di queste comunità».

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L’attenzione che infatti i media, dagli anni Novanta, danno all’immigrazione si concentra talvolta su notizie negative che comunicano l’immagine dell’immigrato come problema sociale “grave”.

I titoli e i lanci nei telegiornali, poi, sembrano calcolati per far provare al lettore disgusto e paura. E’ l’Italia del “razzismo senza vergogna”, come lo ha definito il giornalista d’inchiesta Fabrizio Gatti, è ben noto il dispositivo mediatico che permette l’orchestrazione di campagne allarmistiche.

1.3 Rom e politiche

Nella storia europea le autorità e i poteri politici hanno contribuito al consolidamento di alcune paure collettive verso le comunità rom.

Siamo nel XV secolo quando l’approdo e il transito delle prime comunità rom, che in un primo momento desta curiosità e stupore, inizia ad essere visto e percepito con sospetto e rifiuto.

Nella fase di formazione e consolidamento degli Stati nazionali in Europa e alla vigilia della Riforma protestante con la sua concezione “rivoluzionaria” del lavoro e della produttività. Tutto questo fermento esige l’allontanamento di tutti i “diversi” che intaccavano la coesione sociale, essenziale per mantenere l’ordine e il potere.

11Qualche anno fa è stato diffuso risultato di uno studio condotto dagli scienziati politici Brendan Nyhan dell’Università del Michigan e Ann Arbor e Jason Reifler della Georgia State University di Atlanta, i quali hanno mostrato come le rettifiche non facciano altro che avvalorare le convinzioni esistenti anche se palesemente false.
Iniziano così ad essere emanate misure restrittive nei confronti di questi individui, ritenuti perlopiù vagabondi e fannulloni, dalla vita sregolata e dissoluta, che, oltretutto, minavano con le loro attività artigianali il monopolio delle corporazioni organizzate locali.

Contemporaneamente si diffondono leggende intorno a queste comunità per giustificare i provvedimenti presi nei loro confronti. Il mestiere del fabbro, il più praticato tra i rom, si circonda di un alone magico legato alla forza demoniaca del metallo e di chi lo forgia, la chiromanzia che le donne praticavano non può essere tollerata dalle istituzioni religiose. Inoltre si va già radicando l’idea che la pelle scura fosse legata all’inferiorità e alla malvagità. Aggiungendo a questa un idioma, secondo una convinzione diffusa, volutamente incomprensibile, da malavita e furbesco, la situazione non può che peggiorare.

Come sottolinea Piasere: «sta di fatto che il loro modo di vita, la loro stessa esistenza e permanenza, urtano contro i principi e i valori etici su cui si stanno edificando gli Stati Nazionali» (Piasere 2009: 53). Con il consolidamento degli Stati nazionali, infatti, la loro posizione si aggravava poiché il vagabondare da uno stato all’altro è visto come pericoloso e elemento di disturbo sociale.

Essi diventano uno degli emblemi che il buon cittadino non deve seguire, vengono costantemente pensati come stranieri, indegni di godere dei benefici che lo Stato-nazione può portare.

Durante il XVI secolo le leggi restrittive verso le comunità rom proliferation. Troviamo così in grande parte d’Europa bandi “anti zingari” e misure restrittive di ogni genere, che arriveranno ad alimentare un nomadismo indotto, anche definito congiunturale (Liégeois 1994).

A Milano, per esempio, tra il 1493 e il 1693 si trova una lunga serie di “gride” contro la popolazione romanì. In una, si legge: «ogni cittadino è libero d’ammazzarli impune e levar loro ogni sorta di robe, bestiami e denari che gli trovasse» (Foletier 1978: 26).

Nel XVIII secolo per quanto si lavori a progetti d'integrazione (assimilazione o inclusione), in linea con i nuovi valori che si vanno affermando nella società europea dei Lumi, il giudizio sui Rom non cambia: essi continuarono ad essere considerati una piaga sociale e i sovrani tentano un’assimilazione della minoranza con la cultura maggioritaria. I fattori su cui s’interviene, per trasformarli in cittadini come tutti gli altri, sono la lingua, considerata incomprensibile, la casa, dovevano essere stabili, ed il lavoro, che doveva essere continuativo. Ciò significa spogliarli di tutte le loro tradizione.

Nella seconda metà del XIX secolo, poi, le politiche anti zingare vengono esercitate attraverso un rigido controllo, una prevenzione sociale. Quando, infatti, nell'Ottocento le teorie basate sul concetto “biologico” di razza incontrano l’evoluzionismo nascono «le razze considerate rimaste indietro nell’evoluzione sociale a causa dei loro limiti biologici, le razze selvagge della terra, che vengono considerate inferiori e non perfettibili. [...] ma anche un altro tipo di inferiorità veniva stigmatizzato, quello di certi individui che, portatori di determinate caratteristiche fisiche “ataviche”, cioè ereditarie ed innate, erano giudicati selvaggi. Contro questi individui che vivendo all’interno delle società civili le turbavano con un’alta attività delinquenziale, era giusto che le società si premunissero» (Piasere 2009:57).

Per tutto il secolo l’Europa ha, quindi, un comportamento che Piasere, oggi, definisce schizofrenico nei confronti dei rom: considerati, sulla scia di Lombroso, come una razza delinquente atavica (cioè per nascita e in modo definitivo), i cattivi selvaggi, ma anche, soprattutto, in ciò che la letteratura d’ispirazione romantica, figli del vento, legati alla natura, portatori di libertà, emblemi simbolici del mito del buon selvaggio. Questa seconda visione però resta legata all’arte e alla letteratura e non viene considerata nei discorsi politici che si fanno invece sempre più aspri.

A Monaco nel 1899 viene istituito un ufficio di polizia con compiti specifici di controllo sulla popolazione romanì. È’ il preludio della politica tendente a risolvere in Europa, da un punto di vista razziale, il problema zingari che trova la sua piena attuazione durante i regimi nazi-fascisti.

A partire dal 1933, infatti, i nazisti inaspriscono le leggi, già esistenti, contro le comunità rom e sinti. Eva Justin, assistente dello psichiatra e neurologo di Tubinga Robert Ritter, distintosi nel campo delle ricerche genetiche razziali, conclude il suo studio sui rom affermando che i loro membri non possono cambiare comportamento o modo di vivere, perché non dipende dalla loro educazione o dalla loro volontà, ma dal loro corredo genetico.

E’ anche grazie a questi studi che rom e sinti vengono avviati nel 1936 ai campi di lavoro, dai quali partono, poi, convogli destinati ai campi di sterminio. Nel 1938 viene varata una legislazione per la “questione zingara”. Nel testo del provvedimento si legge:

12 Si intende il romanes, lingua, con diverse varietà dialettali, parlata dalla maggior parte dei Rom e Sinti in Europa.

13 Siamo nel 700, quando si inizia a basare l’analisi razziale su elementi biologici.
«Sia rilevato il censimento speciale di zingari, semi-zingari e girovaghi che conducono esistenza zingaresca i quali abbiano superato l’età di 6 [...] La decisione definitiva circa la schedatura di una persona quale zingaro, semi-zingaro o girovago sarà presa dalla polizia criminale su parere degli esperti» (Spinelli 2003:49).

Il 16 Dicembre del ‘42 Himmler firma l’ordine di internare ad Auschwitz, dove si crea una sezione apposita, le comunità Romanes tedesche.

Questo terribile genocidio, tuttavia, non trova posto nella memoria collettiva, anzi viene negato dalle stesse autorità che già nell’immediato dopoguerra non riconoscono alle comunità rom lo stato di perseguitati per ragioni razziali e glissano sulle loro sofferenze imputandole al loro status di “asociali”. Con questo pretesto non un solo sopravvissuto viene inviato a testimoniare al processo di Norimberga gli orrori patiti nei lager ed a denunciare i loro carnefici.

Negli anni novanta poi la situazione non migliora: durante la guerra dei Balcani, decine e decine di migliaia di Rom nella ex Yugoslavia, vittime inerme, vengono vessati e perseguitati in ogni modo.


Da questo breve excursus storico emerge come, dalla loro comparsa in Europa, le comunità rom siano state considerate, per le loro “strane” abitudini culturali, incompatibili con l’ordine sociale dalla politica e per questo contrastate e stigmatizzate.

Le politiche del XXI secolo, anche a livello locale, purtroppo, non sembrano tese ad un’inversione di tendenza, continuando a perpetuare il pregiudizio e le credenze dei secoli passati per i propri fini, malgrado i numerosi studi che dimostrano l’infondatezza di certe leggende.

È prodotto anche in Italia un preoccupante circolo vizioso fra il discorso e l’azione dei governi e di alcuni partiti politici, l’opera di riproduzione di cliché stereotipi e pregiudizi svolta dal sistema mediatico, la diffusione di forme di xenofobia popolare, spinte fino alla spedizione punitiva e ai pogrom.

Anche l’iniziativa di intervenire sulla condizione giuridica del lo straniero con disposizioni inerenti la materia della sicurezza dell’ordine pubblico è di per sé una scelta di forte valore simbolico: ha consentito di trasmettere con immediatezza all’opinione pubblica il messaggio che identifica l’origine dell’insicurezza sociale diffusa nella presenza di cittadini che, per il solo fatto di essere nati altrove, sono da considerarsi soggetti propensi alla criminalità per natura. E’ la strategia fondata sulla società della paura.

Negli ultimi dieci anni le iniziative legislative concernenti la normativa sull’immigrazione sono state numerose e tutte di segno restrittivo quando non gravemente discriminatorio: dall’ennesimo ridimensionamento del ricongiungimento familiare, ai decreti sull’emergenza nomadi, fino al primo decreto sicurezza, convertito nella legge n.125 del 2008.

In questo clima con le ordinanze del Presidente del Consiglio dei Ministri, del 30 Maggio 2008, i prefetti di Roma, Milano e Napoli vengono nominati commissari delegati per il superamento dell’emergenza Rom poiché «detti insediamenti, a causa della loro estrema precarietà, hanno determinato una situazione di grave allarme sociale, con possibili gravi ripercussioni in termini di ordine pubblico e sicurezza per le popolazioni locali [...si dichiara] lo stato di emergenza in relazione agli insediamenti di comunità nomadi nel territorio delle regioni Campania, Lombardia e Lazio».

Le ordinanze prevedono il monitoraggio dei campi autorizzati, l’individuazione dei campi abusivi e il censimento della popolazione presente nei campi da effettuarsi anche nei confronti dei minori attraverso rilievi segnaletici. Tale Decreto verrà reso illegittimo dalla sentenza del Consiglio di Stato (n. 6050 – datata 16 novembre 201115), con la quale si rendono nulle, de iure e de facto, le ordinanze di nomina dei commissari straordinari per l’emergenza e tutti i successivi atti commissariali.

E mentre la nostra classe politica si esprime con frasi del tipo «Basta parlare di accoglienza, i rom non sono i Gipsy Kingo o ancora «Basta illegalità, li chiudiamo tutti», continuando a far crescere il senso d’insicurezza e la paura

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16Filippo Penati, Presidente della Provincia di Milano dal 2004 al 2009, PD.
17Roberto Maroni, ministro dell’Interni, Lega Nord.
nell’opinione pubblica, i provvedimenti contro Rom e Sinti presi da questa hanno attirato l’attenzione del Parlamento Europeo.


Questo rapporto fa parte di una lunga lista di prese di posizione internazionali che negli anni più recenti hanno deplorato o condannato la grave violazione dei diritti umani dei cittadini stranieri e delle minoranze che si consuma in Italia. Nel rapporto dell’agenzia per il lavoro dell’ONU del 6 Marzo 2009, per esempio, oltre a discutere le condizioni dei lavoratori immigrati nel nostro paese, si è puntato il dito contro i maltrattamenti delle forze di polizia verso i rom, specialmente di origine rumena, durante i raid per lo sgombero dei campi e contro «la retorica discriminatoria di alcuni leader politici che associano i rom alla criminalità, creando nell’opinione pubblica un clima diffuso di ostilità, antagonismo sociale e stigmatizzazione».

In realtà, però, non è necessario attendere gli ultimi del Governo Nazionale e di quelli locali, per destare in Europa preoccupazione per il diffuso razzismo in particolare contro i rom.

Un grande quotidiano estero, The Guardian, se ne era già occupato a più riprese negli anni precedenti, quando presidente del consiglio era Romano Prodi e sindaco di Roma Walter Veltroni.


Dalla Spagna il 5 Novembre 2007 una delle maggiori organizzazioni di gitanos, l’Union Romanì, scriveva al Presidente del Consiglio Prodi ed al Ministro degli Interni Amato per sollecitarli a “poner freno alla persecution dell’losgitanos en Italia”.


Conclusioni

A questo punto è chiaro come le “leggende metropolitane” vengano sfruttate, abilmente, dai poteri forti (media, istituzioni, politica) per stigmatizzare un gruppo ritenuto inassimilabile dal sistema sociale precostituito.

I rom nella storia d’Europa sono stati particolarmente colpiti dalla creazione di miti e leggende intorno alle loro abitudini: considerati prima vagabondi, ladri, accompagnati da donne capaci di sedurre e far perdere la ragione a chiunque le avvicinasse, poi, individui asociali, indomabili, senza dio, ed infine sfruttatori e rapitori di bambini, hanno per questo subito le peggiori persecuzioni.

Affrontare e mettere in discussione la leggenda della “zingara ladra di bambini” si può includere in una più ampia azione di sensibilizzazione necessaria e urgente, perché dagli anni Novanta in Italia diviene un topos presente ciclicamente nei discorsi politici e nell’informazione. Si giunge, altrimenti, ad atteggiamenti tesi all’antigitanismo e al rischio di giustificare qualsiasi atto barbaro commesso nei loro confronti, dalle violenze personali ai roghi dei campi.

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Abstract Carried out after the model offered by the Soviet Union, the collectivization of agriculture in Romania has been achieved between 1949-1962. The subordination of the rural world by the Communist regime, through the collectivization of agriculture, was achieved, on the one hand, by abolishing private ownership of land and the establishment of cooperative agricultural units (Collective Agricultural Farms, Agricultural Associations of Peasants, Agricultural Production Cooperative) and on the other hand, through a series of abuses of those responsible for collectivization (quotas, taxes, threats, intimidation, expulsion of children from school if their parents did not agree to join the collective farm household or firing the parents for the same reason). The collectivization of agriculture in Cluj region has experienced three distinct phases: 1949-1952 – the emergence of the first Collective Agricultural Farms and Agricultural Associations of Peasants; 1953-1958 - the period characterized by a slowdown in the process of collectivization and 1959-1962 - period characterized by an intensification of the collectivization of agriculture, process perceptible through the number of families placed in these units and also through the many Agricultural Associations of Peasants transformed or merged into Collective Agricultural Farms. This process of intensification of the collectivization is also visible through the merge of various Collective Agricultural Farms in order to facilitate the establishment of larger agricultural units.

Keywords: collectivization, communism, rural world, pressure, repression

1. Il regimo comunista e il processo di collettivizzazione dell’agricoltura romena

Situandosi nella strategia complessa di sovietizzazione della Romania, il processo di collettivizzazione dell’agricoltura fu avvolto dal regime comunista in un apparente sfumatura di legalità, usando per questo l’intero dispositivo legislativo: leggi, decreti, decisioni, disposizioni, istruzioni ministeriali.

Una prima azione legislativa importante e con conseguenze gravi sulla popolazione rurale fu il decreto nr. 83 quale completava alcune disposizioni della legge nr. 187/1945, motivato con la necessità di assicurare lo sviluppo dell’agricoltura, di impedi re le azioni di sabotaggio del piano di seminatura, come della produzione agricola (art.1.) Il decreto prevedeva al art. 2 il passaggio nella proprietà dello stato dei seguenti beni: “gli sfruttamenti agricoli dei grandi proprietari terrieri” quali furono sottoposti all’espropriazione attraverso la legge nr. 187 /1945 e le fattorie modello con tutto il loro inventario vivo e morto, i beni e le istallazioni appartenendo a questa categoria, “ tutti i crediti, i titoli, come anche le partecipazioni e i diritti dovuti dall’attività dei sfruttamenti dei grandi proprietari terrieri espropriati”. Facevano eccezione: gli oggetti di uso personale e casalingo, appartenendo ai proprietari dello sfruttamento, quale fu espropriato.¹

L’atto legislativo del 2 marzo fu solo la “premessa” del processo di collettivizzazione dell’agricoltura,² scatenato ufficialmente con l’occasione della Plenaria del Comitato Centrale del Partito dei Lavoratori Romeni del 3-5 marzo 1949, quale fissava gli obiettivi ideologici da seguire nel problema agrario, “ la restrizione dello sfruttamento capitalistico e la preparazione delle condizioni per l’organizzazione socialista dell’agricoltura”, la politica rispetto ai contadini essendo espressa da Gheorghe-Gheorghiu Dej. " Ci appoggiamo sui contadini poveri, consolidiamo l’allianza con i contadini di mezzo e portiamo una lotta ininterrotta contro i kulak"³ e questo perchè il censimento del 1948 aveva stabilito le seguenti percentuali: il proletariato agricolo rappresentava 2,5%, i contadini poveri 57%, i contadini di mezzo 34% e i kulak 5,5%.⁴

¹ Buletinul Oficial (BO), no. 1, 2 marzo 1949, p. 2
² Viorel Ciubotă, „Câteva aspecte inedite privind regimul confiscărilor de bunuri ale elitei sătmărene în anul 1949“, in Sovietizarea Nord-Vestului României, Editura Muzeului Sâtmărean, Satu Mare, 1996, p.241
³ Rezoluţia Şedinţei plenare a Comitetului Central al P.M.R. din 3-5 martie 1949 asupra sarcinilor partidului în lupta pentru întărierea alianţei clasei muncitoare cu țărăneasa muncitoare şi pentru transformarea socialistă a agriculturii, Editura Partidului Muncitoresc Român, 1949, pp. 8, 22
Il settore socialista dell’agricoltura era rappresentato a quella data da GAS (Fattoria Agricola di Stato) la cui superficie aveva 500 000 ettari (3.4% della superficie arabile del paese) avendo il ruolo di “alzare il livello dell’agricoltura dal punto di vista tecnico e agronomico, di approvvigionare il mercato con prodotti agricoli e materie prime per l’industria, di aiutare i contadini di coltivare bene la terra, e di servire come esempio di superiorità della coltivazione della terra su grandi superficie”; dalla cooperazione del villaggio, quale contribuiva, in conformità al regime comunista al miglioramento dei cambi di merci tra il villaggio e la città e allo sviluppo dell’industria (con la conclusione di contratti tra le cooperative e le fabbriche per l’estensione delle superficie coltivate con canapa, lino barbabietola da zucchero, ma anche tramite la distribuzione di prodotti di natura animale utili nell’industria alimentare) e non alla fine le SMT (Stazione di Macchine e Trattori) quali affittavano le macchine agricole per la coltivazione della terra.5

Il rapporto di Gheorghiu-Dej alla Plenaria di marzo precisava “il partito condurrà un lavoro sistematico tramite i contadini poveri e di mezzo per convincerli della necessità di riunirsi gradualmente, in modo libero in fattorie collettivi”6 e lo socialista dell’agricoltura.10

Il meccanismo della pianificazione e sorveglianza dell’agricoltura (normative riguardanti l’inseminamento, la raccolta, i conto di tre grandi problemi: la consolidazione delle strutture di tipo collettivista, l’imposizione e lo sviluppo del meccanismo della pianificazione e sorveglianza dell’agricoltura (normative riguardanti l’inseminamento, la raccolta, i piani di cultura) e non in ultimo turno le coercizioni alle quali fu sottoposto il mondo del villaggio per la trasformazione socialista dell’agricoltura.10

La plenaria approvava, come una tappa preliminaria, associazioni – Întovârâsiri – semplici per la coltivazione di terreni, per i contadini poveri e di mezzo, quali ritardavano momentaneamente l’entrata nelle fattorie collettivi, chiedendo nello stesso tempo la creazione dei collettivi modello, simili ai kolchoz russi, quali sarebbero esentati dalle tasse e avrebbero ricevuto 20% riduzione dalla quota obbligatoria per i primi due anni, però ogni contadino doveva portare quando entrava nella fattoria almeno 3 ettari di terra.9 L’articolo 7 dello statuto precisava che all’entrata nella fattoria agricola collettiva i contadini porteranno per l’uso in comune: animali per il lavoro, il principale inventario agricolo (aratro, falcicatore, mietitore ecc.) una riserva di semi direttamente proporzionale con il terreno portato, i foraggi necessari per gli animali fino alla nuova raccolta.8

La pauperizzazione della fattoria contadina attraverso le costruzioni di natura materiale e finanziaria per l’introduzione del socialismo nei villaggi conosceva una intensificazione nel periodo 1950-1952, intervallo caratterizzato anche da un abbondante legislazione del regime nel problema della collettivizzazione.

Il quadro legislativo di questi anni, come peraltro, in grande parte dell’intero periodo di collettivizzazione ha tenuto conto di tre grandi problemi: la consolidazione delle strutture di tipo collettivista, l’imposizione e lo sviluppo del meccanismo della pianificazione e sorveglianza dell’agricoltura (normative riguardanti l’inseminamento, la raccolta, i piani di cultura) e non in ultimo turno le coercizioni alle quali fu sottoposto il mondo del villaggio per la trasformazione socialista dell’agricoltura.10

La decisione nr. 71 del 25 gennaio 1950 stabiliva il regime della circolazione di alcuni prodotti agricoli. L’articolo 1 prevedeva che i produttori agricoli devono vendere il disponibile di: grano e farina di grano, segale, e farina di segale, granoturco e mais, avena e orzo, semi di girasole e olio, patate, ma solo dopo che consegnavano allo stato le quote di questi prodotti. Per dimostrare la qualità di produttore agricolo bisognava ottenere un certificato dal Comitato Provisorio, mentre la prova della consegna delle quote era dimostrata tramite il processo-verbale di consegna (art.2). I consumatori potevano acquistare i prodotti già ricordati con la condizione di non venderli, ma solo di usarli per il proprio consumo o per seminari (art.3).11

Intanto, la decisione nr. 571 del maggio 1950 stabiliva le condizioni e i termini di consegna delle quote obbligatorie, la più importante inovazione di questo atto legislativo essendo legata ai criteri d’imposizione della quota su fattoria. Tramite il decreto 306 del luglio 1949 si prendeva come riferimento, per stabilire la quota, la produzione media all’ettaro più importante inovazione di questo atto legislativo essendo legata ai criteri d’imposizione della quota su fattoria. Tramite il decreto 306 del luglio 1949 si prendeva come riferimento, per stabilire la quota, la produzione media all’ettaro

5 Rezoluţia Ședinţei plenare a Comitetului Central al P.M.R. din 3-5 martie 1949 asupra sarcinilor partidului în lupta pentru întărirea alianţei clasei muncitoare cu țărăniepe muncitoare și pentru transformarea socialistă a agriculturii, pp.15-16
7 La Direzione degli Archivi Nazionali Storici Centrali (DANSC), Fond CC al PCR – Secția Agrară, dos. 16/1949, f. 5
9 DANSC, Fond CC al PCR – Secția Agrară, dos. 16/1949, f. 2
10 Gheorghica Ianu, Viorica Tărău, Oltmar Trasca , Colectivizarea agriculturii în România. Aspecte legislative 1945-196, Presa Universitară Cluj, Cluj-Napoca, 2000, p. XXVIII
11 BO, no. 7, 26 gennaio 1950, p. 3
condizioni economico-culturali e la fertilità della terra (delimitandosi 5 tipi di regioni). I prodotti agricoli per le quote obbligatorie, erano previsti all’articolo 3 della decisione 571 e cioè: cereali (grano, segale, orzo, avena, granoturco), oleaginosi (girasole), leguminosi (piselli, fagioli, lenticchia), legumi (patate, cipolla), foraggi (fieno naturale, fieno coltivato), semi e piante foraggere (erba medica, trifoglio, vecchia, erba di Sudan). È interessante da osservare il fatto che l’articolo 4 di questa decisione precisava “Le quote obbligatorie di prodotti agricoli sono fissi. Essi si calcolano all’ettaro e non si cambiano in rapporto con la produzione aumentata la quale i produttori la possono ottenere attraverso un lavoro più calcolato, restando a questi tutte le eccedenze di produzione di cui possono disporre liberamente”13, senza che il legislatore potesse offrire soluzioni per il caso in cui il contadino non otteneva quella produzione quale era stabilita come quota obbligatoria. Per sostenere i GAC, si prevedeva una riduzione di 20% delle quote dovute allo stato da questi sfruttamenti agricoli sull’anno 1950.14

Il decreto nr. 8 del 13 gennaio 1951 stabiliva tramite l’articolo 2 aliniate 1 che la consegna delle quote di latte per le fattorie individuali si farra in rapporto a: la categoria di fertilità del distretto in cui era situata la fattoria, la superficie coltivabile e il numero di mucche quale aveva il contadino. È da notare il fatto che l’articolo 2, aliniate 2 di questo decreto precisava: “Sarrano imposte a quote obbligatorie anche le fattorie individuali da otto ettari in su, anche se non hanno bestiame di latte”.15

In parallelo con le restrizioni imposte dal sistema delle requisizioni il regime comunista ha orientato la sua attenzione anche sul limitamento della sacrificazione dei vari animali. Il 5 febbraio 1952 era adottata la decisione nr. 63 attraverso la quale era interdetta la sacrificazione per il consumo pubblico dei seguenti animali: i tori, indifferentemente dalla razza o dall’età, autorizzati per la monta; le mucche di ogni razza quali sorpassano otto anni, le mucche e le vetele in gestazione: i montoni della razza merinos, le pecore bianche, di lana lunga e ruvida, e riccia e morbida e karakul per monta; le pecore mamme delle razze enumerati, quali hanno compiuto sette anni; le pecore quali si trovano nel periodo di gestazione; le scrofe gestanti o in grado di riproduzione, i maiali sotto l’età di sei mesi.16

Sulla stessa linea delle costrizioni “legittimi” alle quali erano sottoposti i contadini dal regime comunista, il 31 maggio 1952 era pubblicato il decreto nr. 124 sull’imposta agricola17, quale aveva come scopo di colpire ancora più forte il nemico di classe del mondo rurale, il kulak. Il reddito imponibile di fonti agricoli era stabilito in funzione del reddito medio quale era in prognosi di essere ottenuto all’ettaro - prendendo in considerazione la categoria dei tereni e quella delle culture - e su testa di animale.18 In conformità all’articolo 4 (aliniate 2)" Per l’imposizione dei redditi realizzati in più dalla vendita dei prodotti agricoli sul mercato dalle fattorie individuali, quali hanno redditi agricoli quali sorpassano 4000 lei annui aumentano i redditi agricoli di questo con 10%, mentre i redditi delle fattorie dei kulak ottenuti dalla vendita dei prodotti agricoli aumentano com 100%. Per la crescita del settore socialista in agricoltura, l’imposta agricola per le fattorie personali dei membri delle associazioni si riduceva con 20% del reddito dovuto (art. 13) e per quelle dei membri GAC era prevista una esenzione di due anni dal pagamento dell’imposta (art. 15). Potevano beneficiare di esenzioni dal pagamento dell’imposta le persone o le strutture collettiviste quali non avevano un reddito annuo più grande di 600 lei (art.19), vari gruppi professionali (gli agronomi, gli insegnanti, i catastai, i medici, i zootechnici, i veterinari, i sotto chirurghi, le ostetriche, i tecnici per l’agricoltura, l’ingegneri, i capi meccanici, i direttori di SMT e GAC), invalidi, i veterani, le fattorie quali hanno sofferto calamità (art. 20-26). L’imposta era stabilita dal personale dalla sezione finanziaria distrettuale, essendo nota al pagatore tramite i cosidetti “preavvisi” con almeno 15 giorni prima del primo termine di pagamento (art.30).19

Quanta importanza aveva per il regime la requisizione dei prodotti agricoli previsti come quota, risulta anche dall’insistenza con la quale ritorna sulle sanzioni alle quali si espongono quelli che non compiono in tempo, questo “obbligo”. Il 26 agosto 1952 era pubblicato il decreto 241 attraverso il quale si modificava l’articolo 2 del decreto nr. 131/1952 nel senso che, insieme alla citazione di consegna dei prodotti sottoposti alla requisizione, il rappresentante distrettuale del Comitato di Stato per la Requisizione dei Prodotti Agricoli (CSRPA) applicherà un sequestro assicuratore.

13 BO, no. 46, 26 maggio 1950, p. 4
14 Ibidem, p. 8
15 BO, no. 7, 13 gennaio 1951, p. 2
16 BO, no. 9, 9 febbraio 1952, p. 2
17 BO, no. 26, 31 maggio 1952, p. 2
18 Gheorghe Iancu, Virgiliu Țăranu, Otmar Trașcă, op.cit., pp. XXXIII
19 BO, no. 26, 31 maggio 1952, pp. 2-5
sui prodotti agricoli o su altri beni del debitore. Le istruzioni di applicazione del decreto nr. 131 / 1952 stabilivano che i delegati distrettuali dei CSRPA erano obbligati, che entro cinque giorni della scadenza del termine stabilito per la consegna dei prodotti sottoposti alla requisizione, di verificare se quelli in visto hanno consegnato le loro quote (art.4). I delegati erano obbligati di mandare ai contadini un ordine scritto per consegnare i prodotti agricoli dovuti, mostrandosi che, in caso contrario sarà avvertita l’istanza per sanzionare con multe “il consenso all’esecuzione forzata” del debito (art.5). Insieme alla citazione era messo anche “sequestro assicuratore sui prodotti agricoli o degli altri beni del debitore” (art. 7, alin. 1) Se in termine di 10 giorni le quote non erano pagati si passava al sollevamento dei prodotti sottoposti alla requisizione, senza essere bisogno di un “consenso” giudiziarìo (art. 9). Dopo la ricevuta della richiesta di segnalazione, preparata dal delegato distrettuale del CSRPA il presidente dell’istanza aveva l’obbligo di stabilire in una settimana il termine di giudizio (art.14). In conformità all’art. 15 il debitore era sottoposto sola a una multa per la mancata consegna al tempo delle quote se queste non erano consegnate fino al termine di giudizio. Nel caso in cui il contadino era trovato dalla istanza che “non ha rispettato gli obblighi di consegna” si confermava il sollevamento dei prodotti e se era bisogno anche degli altri beni fino al raggiungimento dei valori delle quote, come anche l’obbligo del pagamento di una multa (art.21).20

Con l’anno 1953 assistiamo a un rallentamento del processo di collettivizzazione e in una certa misura a una diminuzione degli eccessi diventati “legalì” tramite le misure legislativi utilizzati dal regime; l’intervallo incluso, specialmente tra agosto 1953 e dicembre 1955 essendo segnato dall’attenzione speciale accordata dal regime all’aumento della produzione agricola.21 Fu solo una stagnazione temporaria, determinata in buona misura anche dalla diminuzione degli eccessi diventati “legali” tramite le misure legislativi utilizzati dal regime; l’intervallo incluso, con l’anno 1953 assistiamo a un rallentamento del processo di collettivizzazione e in una certa misura a una diminuzione degli eccessi diventati “legalì” tramite le misure legislativi utilizzati dal regime; l’intervallo incluso, specialmente tra agosto 1953 e dicembre 1955 essendo segnato dall’attenzione speciale accordata dal regime all’aumento della produzione agricola.21 Fu solo una stagnazione temporaria, determinata in buona misura anche dalla situazione estera di quelli anni, essendo cambiati praticamente, dopo il 1953, i metodi ma non lo scopo: la subordinazione del mondo rurale al sistema immaginato dal regime comunista

L’anno legislativo 1953 iniziava per il mondo rurale con il decreto nr. 502 attraverso il quale si regolava il trasporto, la vendita, l’acquisto e il macinare di prodotti agricoli sottoposti alla requisizione. Se tramite DCM 351 /1952 i produttori avevano il diritto di vendere l’eccesso di cereali dopo la realizzazione del piano di requisizione su regione, tramite il decreto nr. 502, si precizzava: “Art. 1- Il trasporto, la vendita, l’acquisto e il macinare dei prodotti agricoli vegetali sottoposti alle requisizioni sono assolutamente vietati prima del compimento del piano di requisizione del comune”.23 Questo decreto rifletteva una sfumatura positiva del sistema di requisizioni, nel senso che era più facile da compiere il piano comunale rispetto a quello su regione e così, era accorciato il periodo di attesa del produttore fino al momento in cui poteva vendere l’eccedente.

Il periodò di rilassamento riguardante il regime delle requisizioni era accompagnato da misure legislativi avendo come scopo la prevenzione e l’eliminazione delle cause quali conducono alla sottrazione e turfo o “altra forma d’invasione della legalità popolare”. Così, nel 8 marzo 1955 era adottata la decisione 240 del Comitato Centrale del Partito dei Lavoratori Romeni e del Consiglio di Ministri di Repubblica Popolare Romena, quale, costatando che “nell’ultimo tempo - elementi incattiviti, nemici al regime democratico popolare, ladri e dilapidatori, resti della ex classe sfruttatrice e altri elementi scomposti, seguendo di creare un esistenza senza lavoro hanno intensificato la loro attività criminale per minare l’economia nazionale e per danneggiare i lavoratori”, indirizza doveri precisi per: Il Ministero degli Affari Interni ( responsabile con l’imposizione di alcune misure attraverso le quali la Milizia e gli organi di guardia prevenissero e ricercassero le infrazioni a danno del patrimonio pubblico o personale), la Procuratura ( la partecipazione diretta per compiere le prime ricerche l’inchiesta del caso), il Ministero della Giustizia ( intraprendere azioni tramite le quali i tribunali giudicassero in almeno 45 giorni le infrazioni ricordati più in su). Queste istituzioni erano obbligati di disporre delle misure legali per applicare il sequestro “provvisorìo e assicuratore” in tutte le situazioni causatori di danni al patrimonio comune. I comitati esecutivi dei Consigli Popolari organizzarono nelle case della cultura, conferenze tramite le quali si farranno conosciute alla popolazione le leggi e il Ministero dell’Insegnamento includerà, in conformità alla presente decisione, nei programmi scolari del insegnamento superiore, lezioni includendo la legislazione, il campo in cui doveva lavorare il licenziato. Intanto, la stampa “pubblicherà gli articoli per il rafforzamento della vigilanza delle masse

20 BO, no. 44, 26 agosto 1952, pp. 2-6
21 23 BO, no. 1, 7 gennaio 1953, p. 2
24 Colecţia de Hohârāri şi Dispoziţii ale Consiliului de Miniştri al Republicii Populare Române (CHD), no. 15, 8 marzo 1955, p. 214

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...non sono d'accordo con il pensiero che il socialismo avanza", di seguito questi nemici "devono sapere che ogni sette anni", attirando l'attenzione che "i nemici del regime democratico-popolare tra i kulak e degli altri elementi sfruttatori sono entrati in GAC, CAP e cooperative, cioè "tre volte, più famiglie rispetto a quelle sono entrate prima in un periodo di aprile 1958), Gheorghe Gheorghiu-Dej affermava che in due anni, dal II Congresso, un numero di 1 141 725 famiglie tentativo di colpire negli interessi dei lavoratori e dei contadini sarrà schiacciato".29 A qualche mese, nell'agosto 1958, il fatto che, l'ambiente rurale presentava una certa "inerzia rispetto a tutto quello che veniva dal di fuori".31

Come conseguenza della Plenaria del Comitato Centrale del Partito dei Lavoratori Romeni del 27-29 dicembre, era adottato il 31 dicembre il decreto 728 /1956, tramite il quale, in conformità al articolo 1, iniziando con il 1 gennaio 1957 le quote obbligatorie ai seguenti prodotti erano sciolti: grano-segale, girasole, orzo, avena, piselli, fagioli, lenticchia, patate, latte e fieno; e i debiti alle quote seguivano di essere pagati nell'anno 1957, ma ai prezzi dell'anno anteriore (art.2).28

Nel discorso al "Consiglio su paese dei contadini e dei lavoratori del settore socialista dell'agricoltura (Constanța, 3 aprile 1958), Gheorghe Gheorghiu-Dej affermava che in due anni, dal II Congresso, un numero di 1 141 725 famiglie sono entrate in GAC, CAP e cooperative, cioè "tre volte, più famiglie rispetto a quante sono entrate prima in un periodo di sette anni", attirando l'attenzione che "i nemici del regime democratico-popolare tra i kulak e degli altri elementi sfruttatori ... non sono d'accordo con il pensiero che il socialismo avanza", di seguito questi nemici "devono sapere che ogni tentativo di colpire negli interessi dei lavoratori e dei contadini sarrà schiacciato".29 A qualche mese, nell'agosto 1958, il leader comunista annunciava un nuovo successo. Nell'intervallo 1 luglio 1957-1 luglio 1958 sono stati integrati nel settore socialista-cooperatista quasi 700 000 famiglie.30

L'assalto finale contro il mondo del villaggio sarrà lanciato iniziando con l'anno 1959. Consolidato il regime comunista seguiva, praticamente, la carcerazione definitiva dei contadini nel sistema creato, nelle condizioni in cui, era conosciuto il fatto che, l'ambiente rurale presentava una certa "inerzia rispetto a tutto quello che veniva dal di fuori".31

Parte dell'azione di controllo esercitata dal regime sul mondo rurale, il settore zootecnico sarrà fortemente influenzato tramite l'adozione del 30 maggio 1959 del DCM 676. Considerando che l'allevarimento degli animali rappresentava un ramo con un contributo diretto alla buona fornimento della popolazione con prodotti di base, tramite l'articolo 1 era interdetto di sacrificare i giovani bovini sotto il peso di 150 kg nelle regioni Bucarest, Craiova, Bacău, Iași, Pitești, Constanța, Ploiești, Galați, alcuni distretti della regione Suceava e 200 kg nelle regioni Cluj, Baia Mare, Hunedoara, Stalin, Oradea, Timișoara, Autonoma Ugherese, alcuni distretti della regione Suceava (art.1). La sacrificazione delle mucche, delle scrofe, delle pecore gestanti o delle mucche (sotto 12 anni) con una produttività aumentata era interdetta (art.2), come peraltro anche la sacrificazione delle agnello e degli agnelli dei vari razze o degli agnelli e agnello (destinati alla sacrificazione attraverso le unità di stato per il consumo pubblico", sotto il peso di 8 kg fino a 1 maggio o 10 kg dopo la rispettiva data (art.3). L'articolo 4 stabiliva che gli animali appartenendo alle categorie più in su menzionati non possono essere eseguiti nelle quote obbligatorie. Intanto gli animali "buoni per l'allevarimento e la riproduzione" erano indirizzati per il cambio verso le unità agricoli socialisti (art.7).32

25 Ibidem, pp. 215, 216, 218, 219
27 Dan Călugăr, Octavian Roske, Colectivizarea agricolă în România. Dimensiaune politică, voi II, p.23
28 BO, no. 3, 21 gennaio 1957, p.1
30 Ibidem, p. 505
32 CHD, no. 20, 8 giugno 1959, pp. 174-176
Iniziando con l'anno 1960 il numero degli atti legislativi quali regolano il processo della collettivizzazione diminueranno considerevolmente, segno che, dalla parte del regime la trasformazione socialista dell'agricoltura aveva creato già la base legale.

Al III Congresso del Partito dei Lavoratori Romeni sviluppato nel periodo 20-25 giugno 1960, Gheorghe Gheorghiu-Dej affermava che il numero delle famiglie contadine del settore socialista è aumentato da 382 000 nel 1952 a 2 920 00033, fatto che significava che oltre 81% delle fattorie contadine erano incluse in questo settore, rimanendo fuori lui 680 000 famiglie.34


2. L’evoluzione del processo di collettivizzazione nella ex regione amministrativa Cluj (1949-1962)

La regione di Cluj fu fondata nel 1950, quando tramite le legge nr. 5 del 8 settembre 1950 in Repubblica Popolare Romena erano sciolti i distretti.36 Di seguito, al posto dei 58 distretti sono stati organizzati 28 regioni, avendo nella loro componente distretti, comuni e villaggi. Così, nel 1950 la regione Cluj includeva otto distretti: Aiud, Câmpeni, Cluj, Dej, Gherla, Huedin, Turda, Jibou, cosicché la riorganizzazione amministrativa territoriale delle regioni dell’anno 1952 portasse alla regione di Cluj ancora 6 distretti: Beclean, Bistra, Nasaud ( risultati dallo scioglimento della regione Rodna), Sarmsa e Ludus ( quali provengono dalla regione Mures) e Zalau (distretto nuovamente creato).37 In questa formula, la regione funzionerà fino alla fine dell’anno 1960, quando le nuove modifiche amministrative – territoriali condurranno allo scioglimento dei distretti Beclean, Cluj, Jibou e Sarmsa, come anche il passaggio del distretto Ludus nella Regione Mures - Autonoma Magiara.38 Di seguito a questi cambiamenti la regione Cluj includerà (fino nel anno 1968) 9 distretti: Aiud, Bistra, Câmpeni, Dej, Gherla, Huedin, Nasaud, Turda, Zalau.39

Il processo di collettivizzazione dell’agricoltura sul territorio della futura regione di Cluj iniziò nell’anno 1949, anno in cui saranno inaugurati le fattorie agricoli collettivi “Tractorul roșu” di Luna de Jos (appartenendo al distretto Cluj) nella data di 24 luglio 1949;40 “Bobâlna” di Salatiu (appartenendo al distretto Sose) il 11 settembre 194941 e sempre alla stessa data la GAC “Horea” del villaggio Şuțu (appartenendo al distretto Turda).42 Di seguito alla costituzione della regione Cluj, le fattorie agricoli collettivi di Luna de Jos e Salatiu entreranno nella componenza del distretto Gherla e quella della località Şuțu all’interno del distretto Turda.43

L’intensificazione delle azioni di collettivizzazione su piano nazionale, nell’anno 1950, non sono rimasti senza una eco al livello della regione Cluj. Così, in un solo anno sul territorio della regione sono stati inaugurati ben 97 distretti, di cui sono iscritti 9020 famiglie, la superficie totale delle nuovi creati GAC essendo di 29 403 ettari.44 Il numero grande di fattorie creati nel 1950, si sono creati grazie a pressioni e grazie agli abusi dei responsabili politici della collettivizzazione (quote, imposizioni, intimidazioni, minacce, espellazione dei bambini dalle scuole, il licenziamento dei genitori).

33 Congresul al III-lea al Partidului Muncitoresc Român, Editura Politică, București, 1960, p. 47
36 BO, no. 77, 8 settembre 1950, pp. 1-2
37 Grigore P. Pop, Județul Cluj, Editura Academiei Române, București, 2007, pp. 16-17
38 La Direzione Distrettuale degli Archivi Nazionali Cluj (DDAN Cluj), Fond Comitetul Regional PMR Cluj - Secția Agrară, dos.24/1960, ff.1-3
40 DDAN Cluj, Fond Comitetul Provizoriu Județean Cluj-Direcția Agricolă Județeană, dos. 2/1950, f. 517
41 DDAN Cluj, Fond Comitetul Provizoriu Județean Cluj-Direcția Agricolă Județeană, dos. 32/1950, f. 75
42 DDAN Cluj, Fond Comitetul Regional PMR Cluj - Secția Agrară, dos.101/1957, f. 52
43 DDAN Cluj, Fond Comitetul Regional PMR Cluj – Secția Agrară, dos. 271/1950, f.2
44 DDAN Cluj, Fond Comitetul Regional PMR Cluj – Secția Agrară, dos. 101/1958, f. 121
Conseguenza del modo in cui si azionò al momento della creazione della maggioranza delle fattorie collettive, le autorità comunistiche si confronteranno con una serie di problemi quali metteranno in pericolo il funzionamento di queste unità; dalla mancanza dell’infrastruttura necessaria alla raccolta dell’inventario agricolo fino al rifiuto dei collettivisti di lavorare nei GAC, la formulazione di richieste di uscita dalle fattorie collettive e proprio sollecitazione di scioglimento di questi. Per esempio, a Băbiu (distretto Huedin), nel ottobre 1951, dalle 57 famiglie iscritte, solo 15-20 frequentavano le attività di GAC, essendo necessaria “l’occupazione” per effettuare i lavori agricoli di più contadini fuori della fattoria; alla GAC di Gârbou (distretto Jibou) nello stesso anno del totale della manodopera la partecipazione giornaliera era solo di 30-40%. Alla GAC di Legii (distretto Cluj) si è arrivato proprio nella situazione in cui, a più di un anno dalla costituzione di questa, nell’agosto 1951, una delegazione da parte della GAC presentasse al Ministero dell’Agricoltura una richiesta attraverso la quale sollecitava lo scioglimento della fattoria collettiva del villaggio Legii.

Dopo l’offensiva del 1950, durante gli anni 1951 e 1952 sul territorio dell’intera regione Cluj si inaguireranno solo 42 fattorie agricole collettive. Nel settembre 1951, l’Ufficio Organizzatorico del Comitato Centrale del Partito dei Lavoratori Romeni notava riguardante l’attività delle autorità responsabili con la collettivizzazione dell’agricoltura della regione Cluj le seguenti: “Mancanze gravi si sono manifestate nel lavoro del Comitato Regionale e della maggioranza dei Comitati Distrettuali nel campo dell’applicazione delle Decisioni Comitato Centrale del Partito dei Lavoratori Romeni e del Governo sulla trasformazione socialista dell’agricoltura”, criticando nello stesso tempo l’atteggiamento difensivo durante l’anno: Preso da compiacimento (sic!) e rimbalzando con l’illusione che in tutte GAC le cose vanno bene il Comitato Regionale e una buona parte dei Comitati Distrettuali della Regione Cluj (Jibou, Cluj, e altri) hanno indebolito il lavoro politico e organizzatorico nella GAC.

Una nota distinta nell’evoluzione del processo di collettivizzazione della regione Cluj si farrà nel distretto Câmpeni. A causa delle montagne, con villaggi dispersi il suo territorio sarà più difficile da collettivizzare per le autorità comunistiche, cosicché, anche se durante gli anni sono state inaugurate più associazioni (Întovărășiri) nel luglio 1962 le statistiche non registravano nessuna fattoria agricola collettiva organizzata sul territorio di questo distretto.

In parallelo con le azioni svolte per la creazione di fattorie agricole collettive la mobilitazione delle autorità comunisti si confronteranno con una serie di problemi che metteranno in pericolo il funzionamento di queste unità in GAC. Per esempio, il 10 ottobre 1952, la statistica registrava in ogni distretto (ad eccezione di Câmpeni) l’esistenza di più associazioni agricoli di tipo TOZ, al livello della regione sono stati inaugurati fino a quella data 67 tali unità agricoli, includendo 2757 membri e una superficie totale di 3579,80 ettari. Nello stesso tempo, il numero delle famiglie incluse nelle associazioni conoscerà una aumento esponenziale da 3776 esistenti nel maggio 1953 a 7929 il 31 dicembre 1955. 

Una leggera ripresa del processo di collettivizzazione, paragonato con il periodo 1953-1955, si nota nell’anno seguente al secondo Congresso di Partito dei Lavoratori Romeni. Per esempio, in un solo anno, le autorità comunisti organizzarono più fattorie agricole collettivi rispetto a quanto avevano riuscito in tre anni. Se nell’intervallo 1953-1955 nella regione di Cluj si sono costituiti 16 GAC, nell’anno 1956 si riusciva l’inaugurazione di 23 fattorie collettive.59

Nel 1956 il regime comunisto introdurrà un nuovo tipo di associazione, la cooperativa agricola di produzione (con rendita), situata al confine tra l’associazione e GAC essendo raccomandata specialmente nelle località in cui i contadini di mezzo erano in maggioranza.60 Di seguito, lungo l’anno 1957 nella regione Cluj sono stati organizzati 7 CAP:61 uno nel distretto Bistrița (a Sieu), quattro nel distretto Sârmaș (Sănmărtin, Feldioara, Șăuia, Șincai- Țânate) e due nel distretto Zalău (Bodia, Buciumi).62

Gli anni 1957 e 1958 si sono caratterizzati, dalla prospettiva del processo di collettivizzazione della regione Cluj, tramite la creazione di un numero piccolo di fattorie agricole collettive e l’adesione di un numero ridotto di famiglie alle unità esistenti. Nei due anni furono organizzate 26 fattorie agricoli collettive, mentre il numero delle famiglie quali sono iscritti in questi anni, nei GAC esistenti sul territorio della regione, furono di 4855.63

L’ultima tappa del processo di collettivizzazione dell’agricoltura, scatenato nella regione Cluj iniziando con l’anno 1959, si caratterizzò da un aumento massiccio del numero di unità cooperatisti, ma anche tramite i numerosi abusi sulla popolazione rurale, commessi dalle autorità comunisti, ricordando, gli inizi del processo di collettivizzazione. In conformità alla relazione del 1958, il 31 dicembre di quell’anno la regione Cluj esistevano 208 fattorie agricoli collettivi quali includevano 19 836 famiglie,64 durante un anno (nel dicembre 1959) il numero delle GAC arrivando a 284, e quello delle famiglie a 47 183.65 Intanto, se nel luglio 1958 esistevano nella regione 782 associazioni (Întovărășiri) agricole con 46 772 famiglie iscritte,66 fino nel dicembre 1959 il numero di queste unità agricole arrivava a 1005, e quello delle famiglie incluse in esse di 156 000.67


Di seguito alle trasformazioni imposte alle unità agricole cooperatisti, dei quali abbiamo già ricordato, alla fine dell’anno 1960 il numero delle associazioni della regione diminuisse a 823,68 e quello delle fattorie agricoli collettivi aumentasse a 383.69 Fino alla fine dell’anno 1961 il numero delle fattorie agricoli collettivi della regione Cluj arrivava a 690, inquadrando 144 959 famiglie, il numero totale dei membri di queste famiglie essendo di 486 319, dai quali “abili per il lavoro” (uomini da 16-59 anni, donne da 16-54 anni) erano 288 522.70

Insieme alla scatenazione nel 1959 dell’ultima tappa del processo di collettivizzazione nella regione Cluj, appaiono frequentemente notati, nei documenti d’archivio, anche una serie di abusi delle autorità comunisti. Per esempio, nel villaggio Cioara, comune Dobrin (distretto Zalău), uno dei metodi applicati dai attivisti per la trasformazione dell’associazione esistente in GAC fu quella dell’intimidazione, mandando i contadini alla Milizia. Qui il capo servizio, sottodirettore del Comitetul Regional PMR Cluj, impose sancizioni ai contadini, mentre gli attivisti venuti dal distretto assicuravano che saranno ammendati (bruscotti, amministrazioni del partito).71

59 Vedi: DDAN Cluj, Fond Comitetul Regional PMR Cluj – Secția Agrară, dos. 101/1958, f. 121
61 DDAN Cluj, Fond Comitetul Regional PMR Cluj – Secția Agrară, dos. 101/1958, f. 121
62 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos.8/1957, ff.105, 121,145
63 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos. 19/1958, ff. 1, 24
64 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos. 19/1958, f. 2
65 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos.12/1960, f. 17
66 DDAN Cluj, Fond Comitetul Regional PMR Cluj – Secția Agrară, dos. 127/1958, f. 142
67 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos.12/1960, f. 17
68 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos.12/1960, f. 17
69 DDAN Cluj, Fond Sfatul Popular al Regiunii Cluj-Secția Agricolă, dos.8/1961, ff.5-8
70 Ibidem, f. 2
71 DDAN Cluj Fond Comitetul Regional PMR Cluj - Secția Agrară, dos.20/1961, ff. 173-176

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presi dal petto e buttati dalla sedia o dal parete).”

Nel villaggio Feldioara, comune Cătina (distretto Gherla) i “metodi” usati dall’attivista mandato per la convinzione dei nativi d’iscriversi nella fattoria agricola collettiva erano menzionati in un rapporto del Comitato Distrettuale di partito: la chiamata dei contadini la notte e il loro ritenimento dalla sera fino alla mattina, il biasiamo, gli sgarbi e il colpapier degli uomini.

Il 24 gennaio 1962 tramite un telegramma indirizzata a Gheorghe Gheorghiu-Dej il Comitato Regionale di partito Cluj annunciava la conclusione della collettivizzazione nella regione: “Caro compagno Gheorghiu-Dej, Le rapportiamo con speciale soddisfazione che l’organizzazione regionale di partito Cluj, applicando coerentemente nella vita politica del partito di costruzione del socialismo nei villaggi, ha compiuto con successo il compito tracciato dal III Congresso dela Partito Lavoratore Romano riguardante la collettivizzazione dell’agricoltura nella nostra regione (...) Insieme alla fine della partito di costruzione del socialismo nei villaggi, ha compiuto con successo il compito tracciato dal III Congresso dela Partito Lavoratore Romano riguardante la collettivizzazione dell’agricoltura nella nostra regione (...) Insieme alla fine della partito di costruzione del socialismo nei villaggi, ha compiuto con successo il compito tracciato dal III Congresso dela Partito Lavoratore Romano riguardante la collettivizzazione dell’agricoltura nella nostra regione (...) Insieme alla fine della


Human Rights Mechanisms for the Protection of Women and Children from Enforced Disappearance

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Abstract Gender inequality is one of the most pervasive forms of social inequality and is often exacerbated by conflict and situations of gross human rights violations. Enforced disappearance can be among the factors leading to deterioration in the living conditions of women and girls, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights. The fact that women around the world already suffer from unequal status and treatment compared with men magnifies the difficulties they face as relatives of the disappeared. The enforced disappearance of children is an especially disturbing practice and complex in the issues to which it gives rise legally, morally and socially. The disappearance of a child is a clear contravention of a number of provisions of the Convention on the Rights of the Child. This article aims to analyze the legal mechanisms provided by human rights treaties for the protection of women and children as vulnerable groups affected by enforced disappearance. The focus of the analyze is concentrated on the UN Convention against enforced disappearance as the universal legal instrument for the protection of all persons from this international crime. Some recommendations will be provided for the state parties to implement legislation and policies aimed to protect and promote the rights of women and children.

1. Introduction: The impact of enforced disappearance on women and children

Some men arrive. They force their way into a family's home, rich or poor, house, hovel or hut, in a city or in a village, anywhere. They come at any time of the day or night, usually in plain clothes, sometimes in uniform, always carrying weapons. Giving no reasons, reducing no arrest warrant, frequently without saying who they are or whose authority they are acting, they drag off one or more members of the family towards a car, using violence in the process of necessary.

This is often the first act in the drama of an enforced disappearance, a particularly heinous violation of human rights and an international crime.[Office of the United Enforced Nations High Commisioners for Human Rights, 2009, p. 1]

From the moment that a person disappears he/she and his/her relatives are subject to great distress and a range of practical difficulties.

Taking into account that the relatives of the disappeared persons are largely made up of women and children and their situation touches upon a number of legal and non-legal topics the reflection process needs to be interdisciplinary. It is necessary to elaborate a short analysis of the psychosocial, economic, legal and security issues with which are faced women and children as victims of enforced disappearances.

When women and children are subject to enforced disappearance they tend to suffer more than men because they endure not only physical and emotional violence, but often sexual violence as well.

Women and children as part of the family of the disappeared persons experience slow mental anguish, not knowing whether the victim is still alive and so if where he or she is being held, under what conditions, and in what state of health. Under these conditions women and children may face psychological and health problems that can affect the entire family system.

Women and children are most severely affected by economic, social and legal difficulties which generally arise after their relative’s disappearance, in particular when women have to support their family in circumstances of great vulnerability. In these cases women and children are affected negatively on the enjoyment of various economic, social and cultural rights such as the right to an adequate standard of living, the right to health and the right to education.

Disappearance may cause a range of economic problems. The family distress is frequently compounded by the material consequences of the disappearance. The disappeared person if often the family's main breadwinner. The loss of their income can have an immediate and profound impact on families and especially on women who have the burden of raising children alone and continue keeping the house. In such situations women have the least access to food, health, education, training and opportunities for employment and other needs.

1 This paper only reflects the personal views of the author and not those of institutions of other bodies.
In addition to this loss of income women may not be able to access the bank accounts and pensions of the disappeared persons because of the unclearness of the legal status of the disappeared. The ambiguous legal status of the disappeared person can create problems for families in dealing with administrative issues such as registering children at schools and getting divorces.[Aim for Human Rights, 2009, p. 92]

More often are women - mothers, spouses, grand-mothers and others connected to the disappeared person – are those leading the struggle for truth with respect to the disappearance of their relatives. Consequently, they are intimidated, persecuted and often face a wide range of repercussions and reprisals. Searching for a disappeared person puts women at increased risk of becoming victims of human rights violations by state officials. Women searching for their loved ones may be at risk of sexual assault and other human rights violations aimed specifically at women. They may be at risk of being disappeared themselves² [International Center on Non violent conflict, 2010, p.36].

Women who are disappeared are exposed to violence, particularly sexual violence. This phenomenon is connected with another serious problem. Sometimes a woman may give birth to a child during her disappearance and the child is taken away from her and made the subject of adoption by the same authorities who are responsible for the disappearance of the mother. In Argentina and South American countries, such forced separations and adoptions of children were practiced systematically. [International Center on Non violent conflict, 2010, p. 38]. These criminal practices in addition to causing immense suffering to the children and their parents, also lead to considerable conflicts of interest between persons who adopt these children in good faith and members of the families of the disappeared parents.

The longer a situation goes on the more difficult it is to achieve a satisfactory solution, especially when children may have known from birth only an adoptive family. The difficulties that face any adopted child who learns the truth of his real parents can be significantly increased when this truth involves enforced disappearance. In addition to personal trauma, there are often highly complex legal matters especially when the child may have been brought up in another country from that in which he was born.

Experience has shown that children are particularly affected by the crime of enforced disappearance; they suffer most if their mother, father or even both parents disappear, and they may live all their childhood in a constant situation of uncertainty, between hope and despair.[Novak, 2002, p.38]

The loss of a parent through disappearance is also a serious violation of child’s human rights.[McCorry, 2007, p. 559] The right to know the truth about the fate and the whereabouts also applies to the cases of children who were born during their mothers enforced disappearance and who were thereafter illegally adopted. Both the families of the disappeared and the child have an absolute right to know the truth about the child’s whereabouts. [Report of the Working group on enforced or involuntary disappearances 2010, p. 7]

In the situations when a child is illegally removed from his or her family, his parents are victims of enforced disappearance, or he/she is born during the captivity of a mother subjected to enforced disappearance, he/she is a victim of enforced disappearance from which he/she is particularly vulnerable and the impact of such traumatic experience can affect negatively in his/her development and growth.

2. Legal approach on the situation of women and children affected by enforced disappearance

a) Rights of the women violated by enforced disappearance

The enforced disappearance of a woman violates her fundamental rights such as the right to life, the right to the liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law, as they are enshrined in the relevant articles of the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights. When a woman is a victim of enforced disappearance a number of articles of the Convention on the Rights of the Women may be infringed, namely, Article 10 on the right to education, Article 11 on the right to employment, Article 12 on the right to health, Article 13 on the right to family benefits, Article 15 on the right to equal presentation before the law, Article 16 on the equality in matters related to marriage and family relations.

b) Legal instruments addressing the issue of enforced disappearance on women

At the international level the rights of the women are recognized in a number of instruments. According to these instruments, States should take in all fields, in particular in the political, social, economic and cultural one all appropriate

²At the end of 1977 as the movement of Mothers of the Plaza del Mayo grew and gathered international attention, fourteen of the mothers themselves were disappeared.
measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights.

The most specific convention on the protection of women rights is the Convention on the Elimination of all Forms of Discrimination against Women. This convention does not include any reference to enforced disappearance.

The Rome Statute on the International Criminal Court has not developed a gender approach in the inclusion of enforced disappearance as one of acts that amounts to the crime against humanity. Articles 7 and 8 of Rome Statute include gender-related crimes and crimes of sexual violence, which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and/or a war crime, and retains that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law. These acts constitute separate figures of crime although as separate acts may be present during an enforced disappearance.

The Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly on 18 December 1992, hasn’t made any explicit reference to the situation of women.

The Inter-American Convention on forced disappearance of persons does not include any particular provision on women affected by enforced disappearances.

The International Convention for the Protection of all Persons from Enforced Disappearance which entered into force on 23 December 2010, is the first universal human rights instrument that asserts the non-derogable right not to be subject to an enforced disappearance. Article 1 proclaims that ‘no one shall be subjected to enforced disappearance’. This definition expresses the aim of the convention to protect all persons, men and women, boys and girls. Women are explicitly referred in the Convention on Enforced Disappearances only once, in Article 7 with reference to a special category: pregnant women. The CED is a rare example of referring to women as a special category for protection in cases of enforced disappearances.[Novak, 2009, p. 182] International humanitarian law usually offers a special protection for this category.3

According to Article 7/2 states parties may establish as aggravating circumstances the commission of an enforced disappearance in respect of pregnant women. This provision should be interpreted in conjunction with article 7/1 on the obligation of states parties to establish appropriate penalties for the crime of enforced disappearance, which take into account its seriousness. State parties should ensure that this aggravating circumstance in reference with the women is included in their domestic legislation and determine the appropriate penalty if such circumstance appears.

c) Rights of the children violated by enforced disappearances

In an enforced disappearance of a child the same rights are violated as those of an adult, but they may be additional rights violated because the victim is a child. The relevant articles of Convention on the Rights of the Child that may be violated by enforced disappearance are: Article 6 on the child right to live, Article 7 on the right to know and be cared for by his or her parents, Article 8 on the right to preserve his or her identity, Article 9 the right of the child to live with his parents, Article 16 on the right not to be subject to arbitrary or unlawful interference with is or her privacy, family and home, Article 19 on the right of protection from all forms of violence, Article 24 on the right to the enjoyment of the highest attainable standard of health, Article 27 on the right to a standard of living adequate for the children physical, mental, spiritual moral and social development, Article 28 on the right to education, Article 31 on the right to rest and leisure, Article 35 on the right not to be abducted, sold or trafficked, Article 37 on the right not to be subject to torture and other cruel, inhuman and degrading treatment or punishment and the right not to be deprived from his or her liberty unlawfully or arbitrarily.

d) Legal instruments addressing the issue of children and enforced disappearance

The Convention on the Rights of the Child, as the specific convention on the protection of child’s rights, does not mention enforced disappearance as a form of child’s rights abuse. The Convention, which has a significant number of state parties (193), introduce many principles and rights that should be taken into account in facing the problem of the children victims of enforced disappearances. Under article 39 states parties to the Child Convention should take all appropriate measures to promote physical and psychological recovery and social integration on a child victim. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

3Protocol I of the Geneva Convention stipulates that “maternity cases and pregnant women, who refrain from any act of hostility, shall enjoy the same general protection as that accorded to the sick and wounded” (Art. 8).
The 1994 Inter American Convention deals with the issue in a limited way, providing that the states parties shall give each-other mutual assistance in the search for, identification, location and returning of minors who have been removed to another state or detained therein as a consequence of the forced disappearance of their parents or guardians. Article 20.3 of the Declaration on the Protection of all Persons from Enforced Disappearance, provides that the abduction of children of parents subjected to enforced disappearance or of children born during their mothers enforced disappearance and the act of alternating or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such. States shall devote special efforts to search for and the restitution of such children to their families of origin and shall allow for the annulment of any adoption which originated in enforced disappearances.

The Convention for the protection of all persons from enforced disappearance expands this article by setting forth a comprehensive regulation of the wrongful removal of children. The Convention has addressed this particularly important issue in accordance with its protective approach in defining a victim of enforced disappearance. Article 25 which stipulates specific obligations in respect of children, constitutes an important new element of the Convention.[Novak, 2009, p. 182]

Article 25 of Convention provides special protection to three categories of children:

1. children who are subject to enforced disappearance,
2. children whose father, mother or legal guardian is subjected to enforced disappearance
3. children born during the captivity of a mother subjected to enforced disappearance.

According to this article state parties should take the measures to prevent and punish under their criminal law:
- the wrongful removal of these three categories of children.
- the falsification, concealment or destruction of documents attesting to the true identity of these children.

Under this article State Parties are obligated not only to codify in their criminal law an offence of enforced disappearance, but to have a separate provision on punishment of the wrongful removal of the children and the falsification and destructions of their documents. States parties should take into consideration, while establishing the penalties for the crime of enforced disappearance, as aggravating circumstances the commission of an enforced disappearance in respect of minors, in line with article 7.2.

In addition to the legislative measures, Article 25 imposes supplementary obligations to search for and identify children of disappeared parents and return them to their families of origin in accordance with legal procedures and applicable international agreements. The necessary measures may include legislative, administrative, judicial or other actions that must in the end be effective in returning the children to their families of origin.

Article 25/3 requires states parties to assist one another in searching for and identifying the children of disappeared parents. States Parties have also duties under article 15 of the Convention to assist each other in resolving enforced disappearance. There is a view that States parties should also assist states taking such steps that have not yet ratify or accede to the Convention.[Amnesty International, 2011, p.63.]

Article 25/4 recognizes the right of children of disappeared parents to preserve or to have reestablished their identity including their nationality, name and family relations as recognized by law. In addition it requires states parties that recognize a system of adoption or other form of placement procedure and where appropriate to annul any adopting or placement of children that originates in an enforced disappearance. This seems to be a very complex situation. This article does not require to automatic annulment of an adoption that originated from an enforced disappearance. The interpretation of this article requires States parties to have a procedure which make possible to request the review of an adoption covered by this article. The question of whether the adoption should be reviewed or annulled should be determined in accordance with the legal procedures of the state party.

Provisions on the protection of children victims of enforced disappearance are guided by the best interest of the child, with due respect for the right of a child to express freely its view regarding this issue. This right is subject to due considerations regarding its age and maturity.

e) Additional rights for women and children affected by enforced disappearance

The above analysis in mainly based on the articles of the Convention that expressly refer to the situation of women and children. There are many other Articles that apply implicitly to the situation of the women and children including Article 12, Article 17, Article 18, Article 24 of the Convention.

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4According to international law, child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. (Article 1 of CRC)
According to Article 12 state parties should ensure the women and children who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities which should examine the allegation promptly and impartially.

State parties should take the necessary steps to protect women and children whom are witnesses or relatives of a disappeared person, against all ill-treatment or intimidation as a consequence of the complaint or the evidence given.

Article 17 which establishes the right not to be held in secret detention should be interpreted with particular attention for women and children, taking into account the vulnerability of these categories, in situation of detention.

States parties should secure a treatment for women as provided in the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

States parties should implement this article with particular attention for children detainees and in conformity with the rules of international law especially with the CRC, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the “Havana Rules”), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the “Riyadh Guidelines”).

Article 18 should be interpreted in the way to guarantee access to information regarding the detention of a person deprived from liberty for women and children that are relatives of the detainee and to secure protection from ill-treatment, intimidation or sanction as a result of the search of information.

Article 24 presents an innovative concept of the victim. Under this provision women and children can be victims of enforced disappearance when they are themselves subject of enforced disappearance or as individuals who have suffered harm from the direct result of an enforced disappearance. In both cases they have the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. They also have the right to obtain reparation and prompt, fair and adequate compensation.

This Article creates obligations to provide humanitarian assistance to the families of the disappeared. States should take appropriate steps with regards to the legal situation of the disappeared persons whose fate has not been clarified and of their relatives, in field of social welfare, financial matters, and family law and property rights. States are obliged to offer provide immediate humanitarian assistance to families after a disappearance occurs. The action of the state party under this provision should not be considered as reparations, but as necessary steps for which the vulnerable groups such as women and children are most in need.

3. Recommendations

At the end of this short analysis on women and children affected by enforced disappearance, the conclusion is clear: special attention should be paid in cases where enforced disappearance is committed against vulnerable groups such as women and children. The Working Group on Enforced or Involuntary Disappearance and the Committee on Enforced Disappearance have acknowledged that enforced disappearance has special consequences for vulnerable groups especially women and children as they most often bear the serious economic hardships which usually accompany a disappearance and when they are subject to disappearance themselves they may become particularly vulnerable to sexual and other forms of violence. These two organisms should elaborate a sensitive approach for women and children as victims of enforced disappearance.

Some recommendations can be provided for eradicating the effects of enforced disappearance for all persons, especially for women and children.

- States parties to international conventions on human rights have an affirmative duty to promote and protect the human rights of women and children and must exercise due diligence to prevent, investigate and punish acts of enforced disappearances against women and children.
- States should ratify and implement the International Convention on the protection of all persons from enforced disappearances.

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4The Working Group on Enforced or Involuntary Disappearances was established by the UN Commission on Human Rights in 1980 to assist families in determining the fate and whereabouts of disappeared relatives.
5The Committee on Enforced Disappearances (CED) is the body of independent experts which monitors the implementation of the CED by the States Parties.
States Parties to the International Convention for the protection of all persons from enforced disappearance should ensure that enforced disappearance constitute an offence under their criminal law and establish as aggravating circumstances the commission of an enforced disappearance in respect to pregnant women and children and to establish appropriate harder penalties on such cases.

States should punish under their criminal law the wrongful removal of children who are subjected to enforced disappearance, children whose father, mother and legal guardian is subjected to enforced disappearance of children born during the captivity of a mother subjected to enforced disappearance and the falsification, concealment or destruction of documents attesting the true identity of such children.

States should take appropriate steps to ensure that women as relative of the disappeared person are protected against all ill-treatment or intimidation as a consequence of the complaint or the evidence given.

States parties should provide data disaggregated by age, gender and in their reports for the implementation of the CED to enable its Committee to adequately evaluate the implementation of the Convention and to describe, as far as possible, factors affecting the incidence and prevention of enforced disappearance on children and women.

It is necessary to integrate a gender perspective into relevant policies, strategies and programs of action of the states in the fight against enforced disappearances. Programs and policies which are based on gender-neutral criteria may cause indirect discrimination against women. It’s not enough to guarantee women treatment that is identical of that of man.[Recommendation nr. 25 of CEDAW]. Women in general and affected groups of women in particular should have a role in the design, implementation and evaluation of such programs.

It is recommendable especially the collaboration and consultation with civil society and non-governmental organization in the design, implementation and evaluation of such programs.

States, UN mechanisms and civil society should intensify efforts to raise collective and individual awareness about violence against women and to highlight the role of men and boys in the prevention and elimination of violence against women.

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Strategies Used in the Translation into Albanian of Allusions in Walt Whitman's Poetry

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Abstract A translator who examines a text with a view to translate it will have a number of concerns. Among them, allusions are likely to become puzzles when they cross a cultural divide. Translating allusions can be a demanding task due to the fact that they simultaneously activate two texts and have specific meanings in the culture and language in which they arise but not necessarily in others. However, the use of allusions by an author shows an expectation that the reader is familiar with the references made, otherwise the effect is lost. Taking this into account, the present study focuses on personal proper noun and key phrase allusions in the poems of the famous American poet Walt Whitman and their translations into Albanian. It aims to investigate how translation-strategies would provide the translators, in particular the novice ones, with useful insights concerning intertextual references in general and allusions in particular in order that the translators might find it no more challenging a task. In order to achieve the above mentioned purpose, the personal proper noun and key-phrase allusions in Leaves of Grass and their equivalents in the Albanian translation were first identified. Then, Leppihalme’s (1997) proposed strategies for the translation of allusions were analyzed. The analysis revealed that the most common strategy for the translation of personal proper nouns was that of ‘retention without any guidance’ and for key-phrase allusions was that ‘literal translation with minimum change’. This is indicative of the translator’s wish to be as faithful as possible to the source texts to demonstrate that the allusive language of the original texts and connotations conveyed by them were largely ignored by the translator.

Key words: Intertextuality, allusion, proper noun allusion, key phrase allusion, translation strategies.

1. Introduction

The translation of poetry is known as a very hard and somehow impossible task; it is probably the subject in translation studies that triggers the strongest polemics. Even those who are not specialized in translation often have an opinion on the subject. Keeping the form and stylistic features of a poem from one language into another without distorting the meaning is really difficult to accomplish; moreover, the translator must be able to get the real message and convey it to the TT, he has to be fully aware of the capacity of language to make his message highly effective. The words of the poem surpass their textual denotations; they take new shades of meaning dictated by the poetic context. So the translator has to understand not only the basic elements of a poem such as rhyme, meter and figurative language, but also the allusions which bear connotations, are culture dependent. Abrams (1999) define allusion “as a passing reference, without explicit identification, to a literary or historical person, place or event or to another literary work or passage.” Allusion as a kind of intertextuality can be attributed as one of the most powerful figures of speech since it can refer to an external text. Therefore, it can be a rich source of meaning and connotation and can be added to the meaning wealth of a text. One term which is used to describe allusion is ‘culture bump’, which Leppihalme (1997) defines as follows: “Culture bump occurs when an individual finds himself or herself in different, strange, or uncomfortable situation when interacting with persons of a different culture”.

She agrees that when one wants to recognize and translate something rooted strongly in another nation’s culture, he/she needs to have much knowledge other than what is seen explicitly; in fact, the understanding of an allusion is prevented by culture unless the receivers are biculturalized, so this cultural barrier should be removed. Allusions are one type of cultural specific items. From this translators’ point of view culture-bound or culture specific items are elements of the source text which refer to those elements in the source culture which are peculiar and pertinent to this community and not present in the culture of target community. As culture specific elements, allusions resist translation rendering them successfully depends largely on the translator’s familiarity with their references.

Snell-Hornby (1988) believes that in translation, a culture specific item does not exist of itself but due to nonexistence or the different values of an item in the target language culture; for example, the status of a CSI occurs as a translation problem when one wants to translate the image of "lamb" into a language in whose culture this animal is unknown or, if known, does not have connotations of innocence and helplessness. Snell-Hornby (1988) maintains that the translatable of a text depends on the extent to which the text is embedded in its own specific culture and also on how far apart, with regard to time and space, the ST and TT receivers are.
In the present study, the distance is great: the ST is a collection of American poems which allude to people and events specific to America only. Culturally, then, there is a great distance. Another term used to describe allusion is Intertextuality. Intertextuality is derived from the Latin “intertexto”, first introduced by French semiotician Julia Kristeva in 1966. It subverts the concept of the text as self-sufficient, highlighting the fact that all literary production takes place in the presence of other texts.

Every literary work consists of poetry is situated in the middle of a network of intertextual relations. For Barthes (1977, cited in Allen, 2000), who proclaimed the "death of the author", it is the fact of intertextuality that allows the text to come into being. He notes that any text is a new tissue of past citations which have passed into the text and are redistributed within it. In other words, a literary work is not simply the product of a single author, but of its relationship to other texts. However, based on Hatim and Mason (1997) one should be well aware of the fact that Intertextuality can operate at “any level of text organization” involving phonology, morphology, syntax or semantics and Hatim (1997a) believes that expressions ranges from single words or phrases that have special cultural significance in a given linguistic community at a certain time, to macro-textual conventions and constraints associated with genre, register and discourse.

Therefore, intertextuality encompasses any element (macro- or micro-) that enables readers to identify and derive meaning from the surface features of the text in question by reference to other texts or text features they have previously come across.

Over the past two decades, the theoretical interest in intertextuality has generated a great deal of interesting discussion of the device of literary allusion. Translating allusions can be very challenging due to the fact that the use of allusions presupposes a particular kind of participation on the part of the receivers. Allusions enrich the texts in which used since they are used as literary devices make the texts ambiguous or exaggerated and at the same time they are used to create ambiguity especially when it is not possible to speak directly because of social or political considerations.

It can rightly be said that allusion plays the most important role in persuading its readers to accept what the author says especially when they quote some parts from religious texts or famous literary works.

2. Types of Allusions

Based on Leppihalme (1997) allusions are divided into four thematic groups based on their sources; religious allusion, mythological, literary, and historical allusion. However, the present study is based on the main classification of allusions by Leppihalme.

Leppihalme (1997) makes a distinction between proper noun (PN) allusion (the one with a name in it) and key phrase (KP) allusion (the one without the name).

3. Translating Allusions

Based on Leppihalme (1997) translating allusions is a challenging task since: the translator has to identify any intertextual references and then judge the likelihood that the target language readership will be able to recognize them and cue in to the intended references. Moreover, allusions are considered as Cultural specific items (CSI), so they are heavily and exclusively grounded in one culture which seem impossible to translate into the terms of another. Leppihalme agrees that a cultural barrier can prevent the understanding of an allusion, unless the receivers are sufficiently biculturized.

To cope with the aforementioned problems, a set of strategies are introduced by Leppihalme (1997); that a translator should decide what translation strategy will be appropriate for the allusion in question. Leppihalme (1997) proposes a set of strategies for translating the proper noun allusions:

i. Retention of the name:
   a. using the name as such; b. using the name, adding some guidance; c. using the name, adding a detailed explanation, for instance, a footnote.

ii. Replacement of the name by another (beyond the changes required by convention), with two subcategories:
   a. replacing the name by another SL name; b. replacing the name by a TL name.

iii. Omission of the name:
   a. omitting the name, but transferring the sense by other means, for instance by a common noun; b. omitting the name and the allusion altogether.

Potential strategies for translating Key Phrase (KP) allusions=allusions containing no proper noun are as follows:
A. Use standard translation;
B. Literal translation (minimum change);
3.1. Procedure

This study is a comparative-descriptive research and its aim is to carry out an analysis of particular strategies applied to cope with allusions (Key-phrase and personal proper nouns) and to find which strategies are more frequent. The personal proper noun and key phrase allusions in Leaves of Grass and their equivalents in Albanian translation are identified. After categorizing Personal proper noun and key–phrase allusions (Historically, religiously, mythologically, and literally), they are entered into the chart respectively and their frequencies are calculated.

3.2. Research questions

1. What are the strategies used in translating proper noun and key phrase allusions from English to Albanian in Whitman's poetry based on Leppihalme (1997)?

3.3. Corpus

The corpus of this study is a body of allusions which would be extracted from Leaves of Grass as translated by S. Luarasi. The collection covers a great deal of different proper noun and key phrase allusions which might prove challenging for the translator.

Luarasi has done the translation of a part of the book. His rendering has been described as accurate, erudite, accessible, faithful, and a much respected translation of Whitman into Albanian.

3.4. Words, Proper Nouns and Key phrase allusions as translated into Albanian:

- **Alleghanies – Alliganëve (Albanian version, the allusion not explained)**
  The Alleghanies are the oldest mountain range in the United States. This is Whitman's own spelling of the word.

- **Banner and Pennant**
  A banner and pennant are flag shaped symbols of a nation, or army, often flown at patriotic occasions.

- **Bugle Trills – altered in meaning**
  A bugle trill is a short burst of notes from a bugle horn, often meant to signify military victory.

- **Calamus**
  In Greek mythology, Calamus is a figure who turned into a reed out of grief for the death of his young male lover. In Leaves of Grass, Whitman uses this imagery to describe the intense erotic love between men.

- **Camerado – shok (Albanian version, the allusion not explained)**
  A camerado is Whitman's own term for a friend, or comrade.

- **Canuck – not rendered**
  Canuck is a term for a person from Canada.

- **Centenarian - qindvjecar**
  A centenarian is a person who is 100 years old.

- **Cuff – kufi (Albanian version, completely altered)**
  "Cuff" is an African day-name for a male born on a Friday.

- **Eidolons – hije, fantome, not exact**
• An eidolon is the perfect form of an idea. For Whitman, this is the ideal of spiritual and intellectual enlightenment for which all humanity must strive.

• Jonathan – Xhonatan (Albanian version, the allusion not explained)

• Jonathan is a common name for a New England Yankee. Whitman uses the name to collectively describe all New England patriots.

• Mannahatta – Manahata (Albanian version, the allusion not explained)

• Mannahatta is Whitman’s term for New York City’s island of Manhattan. This is the original Algonquian word meaning “large island,” which Whitman uses to invoke a historical and natural spirit to the city.

• Metaphysics - metafizike

• Metaphysics is a branch of philosophy devoted to explaining the basic nature of being.

• Paumanok – Paumanok (Albanian version, the allusion not explained)

• Paumanok is the original Native American term for Long Island, New York. Whitman uses this term to name his boyhood experiences in Long Island’s natural surroundings.

• Wolverine – volverinasi

• It is the fourth of Seventh-month – eshte kater korriku

• Yankee – janki

4. Results and Discussions

To make a summary of the results, the most common strategy for the translation of these allusions was that of ‘retention without any guidance’ (1a). Therefore in most of the cases the connotational meaning is lost in the Albanian translation, and therefore some footnotes or explanations are needed. (Examples: Alleghanies; En-Masse; Mannahatta etc.)

The second strategy, ‘The use of guidance’ (1b) has been used successfully in some instances to clarify the concept. (Examples: Oconee- lumi Okoni; Fourth- month – prilli; Christ Divine- Krishtin Birin e Perendise etc.)

The strategy ‘Omission’ (3b); omitting the name and the allusion altogether was employed by Luarasi in few instances. (Example: carol, camerado)

Obviously, full comprehension of an allusive line of poetry is inevitably limited to those who recognize the name and its connotations.

As Leppihalme (1997) argues, the appropriateness of a strategy depends at least partly on the familiarity of the name. However, in the translation of Leaves of Grass by Luarasi, the retention of PPN was applied not merely to transcultural names, but also to names very likely to be unfamiliar to TT readers. This tends to reduce a TT reader’s chances of spotting such allusions, and comprehending the point the SL author intended to make.

4.1. Discussion of key phrase allusions

Results of Key Phrase allusions in “As I pondered in silence” are illustrated in the table:

<table>
<thead>
<tr>
<th>Original Poem</th>
<th>Albanian translated version 1</th>
<th>Albanian translated version 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poems</td>
<td>Vjershat</td>
<td>Poemat</td>
</tr>
<tr>
<td>Considering, lingering long</td>
<td>Dhe rihja ti shihja</td>
<td>Shqyrtoja, ndalja gjatë</td>
</tr>
<tr>
<td>With distressful aspect</td>
<td>Me ballin te vrentjur</td>
<td>Me pamje të pabesë</td>
</tr>
<tr>
<td>Forever enduring bards</td>
<td>Për bardet që kërkojnë amshimin</td>
<td>Për bardet e përjetshëm</td>
</tr>
<tr>
<td>The making of perfect soldiers</td>
<td>Ema e ushtarëve të përsosur</td>
<td>Bërje e ushtarëve të përkryer</td>
</tr>
<tr>
<td>Haughty Shade</td>
<td>Hije krenare</td>
<td>Hije mendjemadhe</td>
</tr>
<tr>
<td>Body and the eternal Soul</td>
<td>Trupin e Shpirtin e amshuar</td>
<td>Trupin e shpirtin e përjetshëm</td>
</tr>
<tr>
<td>Promote brave soldiers</td>
<td>Njërr ushtarë trima</td>
<td>Përkrh ushtarë guximtarë</td>
</tr>
</tbody>
</table>

1. Strategy B: Literal translation with minimum change

Luarasi by rendering word by word didn’t convey the connotations and the alluding part, although, this verse may be unfamiliar to Albanian readers, too. In the earlier mentioned verse, the translator renders the allusion word by word without minimum change. But this strategy is not suggested by Leppihalm (1997), so strategy B is considered for the translations of such allusions.
2. Strategy C: Add extra-allusive guidance to the text: It seems the translator was aware of the alluding parts which he put in the quotation marks.

3. Strategy G: Rephrase the allusion with an overt expression of its meaning: The translator by explicating the meaning of tries to; somehow, conveys the meaning that brings the evoked text to the original text.

4. The last strategy applied is omission. By applying this strategy Luarasi changed the meaning of the alluding part, maybe, because he himself had been unfamiliar with that alluding part. Moreover, it is probable that the translator may omit elements s/he perceives as too difficult to translate which are to some extent culture bound and depend on translation norms in the target culture. Thus, the discussion of key-phrase allusions shows: Luarasi is faithful to the original text he preferred literal translation without having inclinations to change the structures to make a rhyming poems. The percentage of strategy B indicates that this strategy is applied more with the Albanian translation which suggests that he is faithful to the original text. Luarasi preferred literal translation without having inclination to change the structures to make a rhyming poem (Strategy B). Although, the fact of not being restricted by rhyming patterns and music provided the translator with more freedom to be faithful to the source text and to give precise equivalents at word level. This limitation of the translation unit to word and turning a blind eye to factors beyond the text like intertextuality and potential purposes of application of a word or structure by text producer led to refusing to search the text for the existence of any allusion and; consequently, to removing potential connotations carried by those allusions. Moreover, some allusions are rendered word by word with no change. The second prevalent strategy used is the strategy C.

In the case of strategies like marking the alluding texts by the translator, demonstrates that he is aware of the connotations the text embodies. Strategy G was found in 7 instances: Although using strategy G tells nothing about the translator's attention to allusive language, it certainly asserts that, in such cases, the translator has reached a realization of the existence of connotative language and has seriously pursued ways of making those connotations and senses overt in the TT at the expense of radically changing the ST. Using this strategy also has the message that preserves just the sense and connotation, but deprives TT readers of the aesthetic aspect of alluding or referring to other texts, since they are left unaware of the author's application of the allusions. Moreover, the strategy I occurred when the translator didn't understand the meaning of the alluding part and has removed the allusion completely; maybe unintentionally.

5. Conclusion

This article is concerned with the notion of intertextuality and embarks upon an analysis of allusions in Leaves of Grass. Intertextuality is a wide-ranging, omnipresent textual phenomenon that is crucial to text processing both within and between languages. The problem for translators is to render intertextual references into the target language and culture such that the meanings invoked in the ST are preserved and made accessible to the maximum extent possible. However intertextuality eclipsed allusion as an object of literary study.

It is obvious that most of the proper nouns and phrases have allusions which refer to other texts. It seems necessary for an acceptable translation to produce the same (or at least similar) effects on the TT readers as those created by the original work on its readers. But most translators do not appear to be successful in their challenging tasks of efficiently rendering the allusions when they sacrifice, or at least minimize, the effect of allusions in favor of preserving graphical or lexical forms of source language allusions. In other words, a competent translator is well-advised not to deprive the TL reader of enjoying, or even recognizing, the allusions either in the name of fidelity or brevity. Hence, the translator carefully searches for strategies to cope with these problems. Consequently, the translator's choice of strategy for the translation of allusive elements may subtly result in preventing the TT readers from spotting and enjoying allusions and in failure to transfer the connotation the original author intended to evoke in his/her readers. Beyond a shadow of doubt the choice of strategy is related to the translator's fidelity or lack of fidelity to the ST author. The findings of this study suggest that a translator can be more faithful to the ST author when he uses 'retention' (1a) (95%) for PPN allusions and literal translation (68%) for key-phrase allusions. However, in many cases the translator failed to elaborate at length upon the allusions as well as the stories behind references. In other words, he could employ more extensive translation strategies so that the target text readers might understand the implied references. It is pertinent to mention that native speakers and readers who live in the same linguistic and cultural community as the author may fail to recognize the allusive nature of an element in a text. This difficulty is intensified when the receptor is not the native speaker of the source language and is from a culture different from that of the source one and; consequently, has more limitations in accessing to the source of allusions. However, it is necessary not only for competent readers (poets, authors) in SL but also for translators to grasp these allusions so that they can convey the connotations to competent TL readers. As to implications, translation teachers and student translators who are considered as competent ones, are expected to learn about the intertextual elements of the ST, that allusions are one type of them.

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Moreover, translation students and practicing translators need to consider the difficulty of translating allusions, recognizing the responsibility of the translators to TT readers.

The examples of various strategies discussed in this study can provide them with solutions to tackle these problems. Through discussing and evaluating these strategies, novice translators will learn that if they translate a text without spotting and understanding its allusions, the meanings of allusive terms and passages will be lost for most TT readers. Although, some translators consider translation together with footnotes undesirable, in fact their uses can assist the TT readers to make better judgment of the ST contents. In general, it seems that the 'notes' would have a higher potential for conveying the concepts. It can be claimed that the best translation method seems to be the one which allows translator to utilize 'notes.' Furthermore, employing 'notes' in the translation, both as a translation strategy and a translation procedure, seems to be indispensable so that the foreign language readership could benefit from the text as much as the ST readers do.

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Euro-Atlantic Integration of Macedonia and the Name Issue:
Viewed from the Prism of Albanians

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Abstract: Relying on the fact that Macedonia since its independence has been faced with various challenges in the path of Euro-Atlantic integration of the country, and as one of the main challenges still remains the name dispute resolution with Greece. In this regard, we notice that the political parties but especially the citizens do not have a common standpoint on this issue. In fact, the opposite extreme positions that have built communities on how to resolve the aforementioned dispute increase the gap between them. Precisely, in this paper dilemmas will be shown about the Euro-Atlantic future of Macedonia concerning the resolution of the dispute with the state name, seen from the standpoint of citizens. In particular, it will analyze the empirical data arising from the survey conducted with the citizens of the Albanian community in Macedonia, about their beliefs on the state name dispute resolution - as an obstacle to Euro-Atlantic integration of the country. I believe that the results of this paper will give to the political subjects a clearer picture on the attitudes of citizens on this issue, especially those representing the Albanian community in the Macedonian government.

Key words: Euro-Atlatic integration; the name dispute resolution; inter-ethnic relations; public opinion.

1. Introduction

The paper addresses the lack of an internal cohesion of ethnic communities regarding the future of Macedonia, with special emphasis on the way of solving the problem with the name of the state that existed for almost two decades.

As the immediate needs of current regional and international processes, it needs to address these problems seriously. Beside the attitude of political parties in Macedonia, the opinion of Albanian citizens about several issues that are crucial to the future of the Macedonian state is also expected to be important, because the attitude of Albanian citizens has been overlooked in shaping the official state policy on resolving the dispute with the country's name.

This paper targets several objectives that are closely related to one another, and it also suggest that the Albanian political factor to have a more serious commitment to the current political processes related to handling international problems of the country; to enforce the opinion of Albanian citizens to the real problems and representing the interests of Albanian citizens in the euro-integration policies of the country, and warns the possible consequences in case of non-realization at the time of the country's strategic interests respecting the opinion of citizens.

2. Name of the State as a Problem for the Country's Membership in NATO and the European Union

Seen from the historical aspect, Greece had no objection to the name of its northern neighbor in the former Yugoslavia. From 1944 until 1991, "Socialist Republic of Macedonia" was one of six constituent republics of the former federation, and after its breakup, Greece blocked the country's international recognition when the state had to join the United Nations Organization. The UN Security Council in this regard, in 1993, it had adopted resolutions 817 and 845, which is suggested by the General Assembly to accept Macedonia for membership of the UN with interim reference "FYROM" while to find solutions acceptable to Greece on the name of this state.

The above mentioned Resolutions¹ of the UN Security Council's present a general framework, without going into details about what solution should be found.

¹ According to Resolution 817, respectively 845, Macedonia and Greece are obliged to solve the name dispute under the umbrella of the UN Secretary General. According to Resolution 817 (7 April 1993) the dispute resolution of had to be carried out under the Committee of International Conference on Former Yugoslavia, and with Resolution 845 (18 June 1993) resolution of the dispute shall be subject to the supervision of the Secretary General of UN, initially Cyrus Vance and later Matthew Nimitz as the Special Representative of the UN Secretary general. The Resolution 817 envisaged that with the recommendation of Security Council, Macedonia can join the UN using the reference "FYROM" to all circumstances. The General Assembly admitted the recommendation of the Security Council and with
At that time, Macedonia’s government was strongly opposed using FYROM, saying that “under no condition” is not ready to accept the provisional name for the state, but the text of the resolution remained unchanged. In February 1994 the Greek government put trade embargo on Macedonia, while two months later, the European Court of Justice urged the EU to endorse the Greek embargo as a serious breach of EU law. Greece and Macedonia have normalized bilateral relations by signing the Interim Agreement in New York, to which Athens agreed to terminate unilaterally ban against its northern neighbor and Macedonia made some concessions for the good will, thus forsworn the sun with 16 arm, the symbol of the first flag of independent Macedonia which Greece claims to have historic rights, and amended Article 3 of the Constitution which states that “no territorial tendencies toward neighboring states.” Both countries agreed to continue negotiations with the mediation of representatives appointed by the Secretary General of the UN.

Until now, the Macedonian-Greek talks on name issue are formally developed without good will of the parties to resolve the dispute, while the issue is often exploited by political parties in both countries to gain political points from their electorate.

The harsh rhetoric, the numerous provocations and promotion the nationalism makes the Macedonia a fragile and unreliable partner for whatever diplomatic agreement. By such actions can assess that the Macedonian government is not as important to NATO membership and to obtain a date for negotiation with the EU rather than preservation of the name.

The attitudes of the official Ministry of Foreign Affairs of Greece declared in public that "FYROM will not be permitted in the EU and NATO membership under the name Republic of Macedonia" and, that "the FYROM Slavic still insists their persistent negative attitude towards resolving the name issue. Athens insists that Skopje to use the composite name as "Upper" or "New" or "North" Macedonia. While the Macedonian official policy remains that: "The foreign policy of Greece towards Macedonia is the result of the ideology of ethnic nationalism that dominated into Greek society since its foundation. Greece opposes the existence of Macedonian nation and the Macedonian minority in the Greek territories for reasons that such accession would have been contrary to the tales of ethnic purity which define the Greek ethnic nationalism".2

This attitude of the Macedonian side among the others was a result of that which current government in the last two years decided through the populist campaign to use this issue for the daily purpose and politics in the short term raising owns popularity, but with the serious consequences for long term future of the state.

After the failure of Macedonia at the Bucharest summit, the name issue becomes subject of the political and the diplomatic polemics over accession and blocking of Macedonia in integration process, where a decision on accession of the new state is taken by consensus. Following the NATO summit in Bucharest, it became clearer to the political reality for Macedonia, which received lesson that has to definitely solve the name dispute with Greece, which will be used as a mechanism that will block membership in Euro-Atlantic structures.

Macedonia understood that it is not in a position to impose its will in solving the name dispute with Greece, but it has to cooperate constructively to overcome the unenviable position - blocked for membership in NATO and the EU.

3. The Influence of the Name Issue on the Interethnic Macedonian Albanian Relations

The politicians of the largest community recognize the name issue as a problem that involves only the Macedonians, by depriving the ethnic Albanians from the right to contribute in resolution of the dispute. On one hand, in this manner they are amnestied from the responsibility for whatever probable solution, but on the other hand they jeopardize their Euro-Atlantic future. As a consequence, a gap among these two largest communities could be widened in the future.

As ever so far, without of such a need, the Macedonian national identity in recent years represents a theme of daily political life, but which encourages more ambiguities within Macedonian community themselves.

The imposition of the ancient Macedonian ideology was the cause of numerous inter-ethnic incidents, as the case of the Castle of Skopje, MANU encyclopedia, then the incidents among pupils of different ethnicities in Struga and in Skopje, incidents among fans of football in Tetovo and Skopje during sports activities.

These occurrences among others are a result of the obedience that has created the Macedonian community, who regard themselves as a nation with priority in the country, based on the Constitution of 1991 which clearly stated that Macedonia is of Macedonian state firstly and afterwards others, by ranking others as the second-class citizens. As a

Resolution 47/225 at its forty eighth sessions (8 April 1993) the Macedonian state admitted to the UN, which emphasized that "the state could to communicate within the UN with reference FYROM, until the settlement of the issue with the name of the state."

2 Center for Research and Policy Making, "Veto to Macedonia, the victory of Greek nationalism: as on," Brief Analysis No. 17, April 2008.
consequence of that conviction an inter-ethnic conflict in 2001 occurred, and for its end the Ohrid Framework Agreement (OFA) was reached, which placed all the communities in the equal constitutional position. However the Macedonian politicians are still operating according to the old rhetoric and continue to deal with the name issue as a problem that affects just those but not to others.

In the spirit the OFA a common Macedonia without ethnic barriers is to build, where the multi-ethnicity is understood as the value of a democratic society. However instead, each ethnic group is interested in the development of own culture and interest, bypassing the others. The citizens continue to be divided on ethnic basis to the basic concepts of living together and the future of the country, the Macedonians perceive rising of the national identity as the fundamental interests, while the Albanians are oriented towards the Euro-Atlantic processes.

It is estimated that such actions would trigger the internal repercussions to Macedonia at more areas, such as:
- Politics and security: Macedonia due to the multiethnic composition has a sensitive political environment and the fragile interethnic relations, treatment of which requires special care. Maintaining of the status quo situation in the long term plan might affect the dissolution of interethnic relations in the country;
- Stability: remaining outside NATO membership could encourage political appetites of the Albanians against the unity of the state (e.g., will increase demand for federative state organization) or for split the parts of the territory of the state;
- Economic: in circumstances where for each year noted gradual increase of the unemployment rate, there is no sustainable economic development and foreign direct investment, in accord, social unrest could occur.

4. The Position of the Albanian Political Parties in Macedonia for the Country's Name Issue

It is also evident the lack of interest among Albanian political entities in Macedonia on the name issue, as they have never been included in the negotiation process for the matter of the name of state. Therefore, the Albanian citizens are left in an uncomfortable position as a victim of Macedonian politics, due to inferiority of the Albanian political parties.

The Albanian political parties (no exceptions position-opposition) had not any concrete stand on name issue, by leaving an impression that the issue should be solved by the Macedonians. They had never expressed the views of the Albanian citizens on the name dispute, whether they are part of the government or not, or on the narrow interests of the group within the party. Sometimes, the party leaders articulated the need to resolve the name issue but without any role neither Albanians in the Macedonian negotiating team nor the Minister on Foreign Affairs), so that Albanians remain without positions to influence the dispute resolution name.

As the factors which blur the political decision making of the Albanians, will be stressed the following:
- Lack of the unity of Albanian political entities on interests of the Albanian community in Macedonia;
- The political agreement of the coalition partners within government imposed above the national the interests;
- Avoidance of the Albanian political subject within government for shaping the country's foreign policy.

The deficiencies of the Albanian political parties in order to resolve the actual problems and those inherited at an earlier age, it is to make clear that it is necessary to take concrete steps to address them, especially being engaged in decision making processes at all levels and in all areas as the Albanian political factors.

4.1 The Results from the Survey Realized: The Public Opinion of Albanian Community in Macedonia for the Name Issue of the Country

A survey, a standardized questionnaire was carried out in order to receive the opinion of the Albanian community in Macedonia for the country's name issue. The survey respected the demographic specifications on population (gender structure, age group, education level, employment status) ③, residence (urban or rural environment), and regions in which the ethnic Albanians are living in Macedonia.

③ The demographic features of the survey realized in July 2010: In the survey are included 511 respondents, from which 311 male while 200 female, respectively 61% men and 39% women. Regarding the age group of the respondents was included: 281 (55%) young until age 29 years old, 64 (14%) in age between 30-39 years old, 74 (13%) in age among the 40-49 years old, 58 (11%) in age 50-59 years old, whereas 34 (7%) in age above 60 years old. By the level of education 60 (12%) of surveyed had completed elementary education, 125 (24%) have completed secondary school, whereas 326 (64%) have completed a minimum faculty. Regarding employment status, 299 (59%) of respondents are jobless, 184 (36%) employees, while the 28 (5%) retired. By place of living, 260 (51%) of surveyed live in the village while the 251 (49%) live in the city.
Table 1. Results of the survey carried out by the Albanian citizens for the country's name dispute

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you willing to change the temporary name of the state (FYROM) in negotiations with Greece?</td>
<td>Yes</td>
</tr>
<tr>
<td>Are the Albanian political parties participating in negotiations with Greece on the name of the state?</td>
<td></td>
</tr>
<tr>
<td>Does the name issue affect the interests of Albanian citizens in Macedonia, and do you think that in shaping the official policy of the state should be taken into account Albanian citizens' opinions?</td>
<td></td>
</tr>
<tr>
<td>Do you think that keeping the status quo of the state name is obstacle to Euro-Atlantic Future of the country?</td>
<td></td>
</tr>
<tr>
<td>Do you think that in future the country will have repercussions on the internal security if the government holds the current position for not changing the name?</td>
<td></td>
</tr>
</tbody>
</table>

In some of the questions listed above also citizens have given their comments, especially the majority of them were curious to comment before the election statements of Prime Minister about the possibility of expression of citizens through referendum. This option for resolving that name dispute is understood as the escape from political responsibility, in circumstances where the government has a mandate from the citizens to decide on the institutional way. Another danger of the referendum that could happen is the mutual blaming of the communities on the possible outcome of the referendum, given that the Albanians and the Macedonians had opposing views on this issue. One such issue with its potential risks can be submitted in referendum if there is a compromise with Greece concerning the name.

The citizens think that the Albanian political parties do not show interest to be engaged in talks over the name of the country and it makes them withdraw from the process. From the obtained results we can conclude that:
- There are major differences in opinions of the Albanian community (accepts the change of name of the state in favor to Euro-integration processes) and the Macedonian community (does not accept changing the name of the state) for the resolution of name dispute, and;
- The Albanian political parties are inferior to the name dispute.

5. Concluding remarks

Macedonia as a small country with undeveloped economy, with the unresolved 20-year contest on the country's name to Greece and problems relating to the national identity with Bulgaria, as well as with interethnic relations strained, it needs first of all to solve the current problems without losing time and to devote to the country's EU integration processes. In terms of the name dispute, Greece has the advantage because of its membership of Euro-Atlantic structures and it uses its influences from this position to other partners to prevent the accession of Macedonia to NATO and EU, and as a consequence the chances of achieving a more favorable outcome of the negotiation are in favor of Greece.

It is evident the negative impact of the Greek diplomatic action in the Euro-Atlantic structures integration of Macedonia, as a result of this from 2008 and onwards in the EU institutions and EU publications office, the term "Macedonian" and the code "MK" are replaced by "shall be defined."

Macedonian officials in the future must distance themselves from all actions which damage the country's international image and which slow down the path towards EU membership. It can be mentioned in particular, actions related to the

4 Unlike the results of this survey, another one survey carried out by the Macedonian citizens has marked other results, the majority (60%) did not accept the changing the constitutional name for Euro-integration processes of the country, whereas only 36% of the citizens would had accepted the name changing on behalf of membership, and the 4% of them have not response. Furthermore see: Center for Research and Policy Making, Промена на името за влез во НАТО-дел 2, Соопштение за јавност 15.04.2008.
expression of nationalist feelings, sharing in patriots and traitors, glorification of ancient history, renaming airports and municipalities, construction of busts, placing the monuments and all other action which provoked the Greek, and other actions that lose trust between communities in the country.

Such immature political actions have negative impact on the internal prosperity of the country, prevent the realization of Euro-Atlantic aspirations of the country and give the signal to a lack of willingness for solving problems. Furthermore, such actions have been criticized by the international representatives as a counterproductive in resolving the name dispute, and have been suggesting the solutions to dispute as quickly, in order to pave the way for a secure and better future for citizens of the country. The same conviction about the aforementioned actions has been also the Albanian politicians, even though they have been unable to affect prevention of such actions.

Perhaps in a near future, on important issues related with the future of the country any institutional mechanism should be incorporated by which the Albanian political parties would have its role in the decision making process, or even to prevent acts that can damage the general interests of the country and its own international reputation.

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Issues of Treatment and Use of Periods with Dependent Consequential Sentences in the Standard Albanian Language

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Abstract: This paper is focused on the period with dependent consequential sentence in the Albanian (standard) language, as it has been expressed in the second volume of the “Grammar of Albanian Language” (Syntax), publication of the Academy of Sciences of Albania, or in some other normative work. Considering it by the viewpoint of the language culture, we are of the opinion that some constructions of foreign origin must be left out of the syntactic norm or must get limited in their use, eg. “Eshtë shumë e mirë për të qeni e vërtetë”, which seems to sound unnatural, or the subtype with the connection në mënyrë që and predicate as a verb in the indicative mode. On the other hand, we are of the opinion that in the written discourse, especially in the publicity style or in the media language in general (including movies' or documentaries' translations from foreign languages), must be used more intensively the consequential periods faced more often in the popular language or in the spoken discourse, such as those with the dependent sentence being connected to the main one through the connection që with a commonly connected word or not. We think that this would not only bring the written variation nearer to the spoken variation of the Albanian standard language, but it would also put one more stone in the walls of the “castle” of the Albanian syntax language.

Keywords: Albanian, English, consequential, syntax.

1. Introduction

Intensive process of globalization has raised many issues for discussion in the linguistic sphere. Being closely related to technical and technological development, information-communication development, globalization refers to the changes taking place in the linguistic map of the world. World situation and linguistic changes occurring today are conditioned especially by the prevalence of global language - English. English is the language of international communication in all areas of social, political, economic, technical-technological, information, cultural, media, etc.

Socio-political changes in recent decades Albania was opened to globalization, which was associated with the influx of foreign words and structures in Albanian. Today, in the circumstances of globalization, standard Albanian requires a greater attention to the linguistic norm. The Albanian language is endangered in front of other languages, especially English, from the inadequacy and wrong usage of words.

This is also observed in translation from one language to another. The known saying of Oscar Wilde, “Life is too IMPORTANT To Be Taken Seriously”, would be translated in Albanian, “Jeta eshtë mjaft serioze për t’u marrë seriozisht”. It could have two interpretations: First, that life is long enough important, to be taken seriously: Second, which is supposed to mean what the writer ‘life is very important.

In our study, we have treated the consequential period sentences hanging in standard Albanian. We think that should be left out of syntactic constructions rate foreign source, especially from English, such as “It’s good to be true”, or that seem to us unnatural sounds, such as subtype with the conjunction në mënyrë që (so) that the predicate is a verb in the indicative.

On the other hand, should be given more place in written discourse, especially in a publicity style, media language in general (including translations of films, documentaries, etc. from foreign languages), consequential periods occur more densely in an informal language, in spoken discourse, such as those where the dependent sentence used the conjunction so, whether or not with a dependent clause.

2. Treatment and use of periods with dependent consequential sentences in the standard Albanian language.

Like any other standard language, which is form of natural being which has come from, the standard Albanian is a form of existence. Standard language is defined as a form of regional, oral and written language, historically and institutionalized, which is widely spread and controlled by public institutions and public media, primarily from the education system. In general, the formation of the standard language has two usages: first, to serve as a communication tool for all the relevant linguistic community in all its territory, secondly, to serve as a common communication tool for the high demands.
of the particular culture, civilization and scientific research. In nowadays the standard Albanian language\(^1\), without doubt is a national historic achievement and a major cultural value. It is developed in line with current developments in national and international levels.

The Albanian language, like any other language, is in the process of permanent change, but always tends to maintain for a long time the essential of its structure. In today's linguistics\(^2\), it dominates the right concept that the language is seen as an expansion, even as reduction. This concept corresponds to the communicative, perspective core of the language\(^3\). Other concepts outside the core; definitely require special features and individualities, belonging to the study that requires language support for identity and history.

Despite opinions that are given to the structural type of the Albanian language, or synthetic analytic and analytic synthetically, inflection suffixes in all systems has been lined. However, the current line developments of morphological and syntactic structure of the Albanian language by older writers to the present day shows that it generally goes toward the analytical type\(^4\). Characteristic features of this trend are:

- Early-reduction nominative system in the singular and unification of inflection plural form.
- Reduction and unification of many morphological adjectival structures.
- Reduction and unification of several pronominal forms.
- Development of large composite forms (analytic forms).

The progress toward analyzing appears as systemic developments and they are represented by the creation of a small number of analytic forms in the verbal system that originates from free syntactic constructions (I have to work, to come etc.) Moreover, especially with the creation of a number of proposition or nominative locutions prepositions: hand, lips, arm, support, compared with, for this reasons, related with, etc. Thus, the morphological structure of Albanian is observed the general line of development that, with increasing of the degree of abstraction and with the transition from the analytics in synthetically, takes advantage functional and formal syncretism.\(^5\)

Solutions and choices on the morphologic and syntax structures of the Albanian language were treated at the Congress of writing in 1972. They are reflected in the book of morphology (Grammar of the Albanian language, I, II edition of the Academy of Sciences: The first publication, (1974) that was concretized and defined in a more detailed way in Albanian literature language (published in 1976), is the most achieved. These works were also works of high academic levels. The Albanian language grammar 1 (Morphology) and the Albanian language grammar 2 (syntax) are the most representative works in the relevant fields. Despite of the partial objections, it was appreciated, in the country, and abroad along with Vocabulary of today’s Albanian language, as a monument of the Albanian language culture. The subsequent school editions were only the implementation of these documents in accordance with the respective school levels. This normative publication not only reached high scientific achievement, but also after a year distributed the confutations of forms that predominated at that time. Regardless of the questions how and when, generally, the solutions were disclosed, build on the same basic criteria that were made for the selection and the construction of acceptance of other standard languages.

However, should be noted that the high level of standard has not responded to the extent of acquisition and their application. The reasons have been and are different, such as the new age of standard, general difficulties, which are related, with the acquisition of standard languages etc.

The Albanian language in the two past decades is widely encountered with foreign linguistic and cultural patterns. In the current conditions of globalization, one of the most difficult challenges of the Albanian language, in terms of European integration it is also related to linguistic humanism. Although in many other recognized languages the term, which represents a word, or a construct that is taken from one language to be used in another, leads to the idea of humanity. It is also true that any language has taken anything to turn it back again. Hence, it is not difficult to understand than the term loan, represents a kind of problem to overcome which made no little effort, however not always successful. In Italian for example, beside the term prestito is used also forestierismo. It also seems appropriate to say that there not has been

\(^2\) Volkmair, Lehmann: Entëicklung der slavischen Sprachen, München, 1999, 163 tudien
\(^3\) Reiter, Norbert: Zeitschrift für Balkanologie, 1978/ H. 3, 87
\(^4\) E. Likaj, Format analitike në gjithë shqipë, Tiranë, 1993.
an attempt to name “loans” word received or taken from somewhere, which leads to the idea that besides the “borrowing” should be avoided the notion of the “foreign” which is more visible to the term “forestierismo”. The presence of this “terms” testifies over the problem that we mentioned before, without resolving it. Without wanting to engage, that until this current days have been inefficient, in our thesis we will be concentrated only in syntactic borrowings, although it is well known that the loan as such is quite broad than this, because it touches upon other plans of language.

Syntax is that basic part of the language almost the same as vocabulary, is sensitive to historical changes, of social and cultural part of a nation, therefore is has a sustainable development. Exactly for these reasons, the boundary between the norm and not the norm in syntax and vocabulary is not as defined as in orthography and morphology. Movements from the non-norm to the norm are more common in syntax and vocabulary. Likewise, the rules that determine syntactic rules cannot be as cut-clear as in morphology and orthography. No matter how this rules complete and detailed are, it is difficult to cover the wide range of syntactic usage and of semantic movements which are conditioned by numerous and non-numerous linguistic factors. In our thesis, we have focused on several issues of norms of consequential sentences.

Consequential period sentences are treated almost by all grammars of Albanian language. This period is treated in “The grammar of Albanian language II”(syntax), published by the Academy of Science, Consequential period sentence is the period which expresses the grade or a great intensity. The main sentence as a cause and consequence or aftermath that comes from it, in the dependent that is expressed from the main sentence and the logical result of it, expressing in the aftermath sentence: "zbathe ajo ecte aq lefte, sa nuk i ndiete dhe vete hapat e saj. Stadiumi nuk nxinte me, keshn qe mjaf sportdashes ngeln jashte."

In the field of syntax, you can see many barely of foreign words about the structure in the Albanian language, mostly from English language that it is doing more dominant. This foreign buildings cause destroys of the sentence’s structure. Firstly, there is a difference between the Albanian and the English language about the simple aftermath sentences. The language does not posses strong aftermath sentences, like as neo-Latin language, meanwhile and weak sentences, especially adjectives, are the most limitative as in English or in other Germanic languages. However, the weak sentence "His wife cut her hair short" may be translated in Albanian as with a weak sentence with adjective phrase, and with adverbial phrase. ("short" of English language is an adjective and an adverb too.) As in number (2)

2
a. Gruaja e tij i preu floket shkurt
b. Gruaja e tij i preu floket te shkurter

Although the sentence: "E bej xhamin copash(cope-cope)" is the same with "E thyej xhamin copash (cope-cope)," it can’t be paraphrase with aftermath periods. We cannot say; for example "E bej xhamin aq shume (aq keq), sa e thyej copash(cope-cope) or "E bej xhamin sa e thyej copash (cope-cope). As a result, we come at copash (cope-cope) at "E bej xhamin copash (cope-cope)" shows the different grade of reality condition that show the name in the function of object (xhamin), wherefore we can attribute as manner native.

The sentence "I filled my glass full" can respond in Albanian language only in the sentence with adverbial phrase" E mbusha goten plot" but not the adjective sentence " E mbusha goten te plot". The sentence that can be called an antonym sentence, it is exactly "I drank my glass empty", not with adverbial ("E piva goten te zbrazet/ bosh" is no logical and incorrect). In any case, in Albanian we can say "E piva goten krejt/ te gjithen). As at case of "E piva goten te zbrazet/ bosh", a correct translation of adjective aftermath lies constructions, sometimes it can take a descriptive meaning in Albanian but it cannot be logical, and cannot tell us the exact meaning of English sentence. It is said that the descriptive phrases and also the aftermath phrases and traits the second predicate and have the sameness surface phrases, but different semantics interpretations. The descriptive phrases show an unchangeable condition, different from aftermath lies that have to do with crossing from one condition to another. The sameness syntax of these buildings can critic not only ambiguity in English language, especially if it is not the linguistic context, but it makes that the direct translation cannot transmit the real meaning, including the cases that it interpretations correctly.

For example, if the sentence would give a consequential equivalence: “He boiled the meat soft “the Albanian sentence “Ai e zjeu mishin të butë” - or even**“Tomi zjeu mishin e butë (e Jo të fortin) (not the strong)” – they would have a descriptive and not CONSEQUENTIAL sense. The meat was soft before he could begin to boil it, and not because it was boiled. Again, a suitable translation may be using a subordinate clause of consequential / time: “Ai e zjeu mishin den sa u zbut.”

Even in cases of sentences with prepositional phrases in English translation must be done carefully to direct. The translation of the phrase to sleep, in the sentence “The mother sang her baby to sleep.” The use of the infinitive or past participle (për tëjetur a të lejetë), do not carry the exact meaning. As the “Nëna a këndoi foshnjes për të fetur”, and the
“Nëna i këndoi foshnjës që të flejë”, it expresses purpose, that can paraphrase in "Nëna i këndoi foshnjës me qëllim që të flejë". The nearest equivalent to Albanian sentence in "The mother sang her baby to sleep" it would be again consequential/ time periods as; “Nëna i këndoi foshnjës derisa e zuri gjumi" or "Nëna këndoi derisa foshnjen e zuri gjumi".6

The predicate sentences with comparative expanding type dimension, as in the i.e. “It is too good to became true” and “He is old enough to drink”. These sentences are often translated in Albanian as “te kalkuara” and “Éshtë shumë (i, e) mirë për të qenë (i, e) vërtetë / që të jetë (i, e) vërtetë” and “Éshtë mjaft i ritur për të pire / që të pijë”. In the first sentence, the feature is expressed in a greater extent than necessary to bring implication and expressed in the second half of the sentence. (Alternatively, not to bring it when the latter is negative). This is indicated by adverbs of quantity or too much, while in the second sentence is enough (or not) to cause (or not) implication and, and it is expressed with another quantity adverb, such as enough. However, in Albanian enough, have two meanings, the main meaning, and a second synonymous with that of more and more, which sometimes makes unclear sentences with adverbs.

Thus the sentence "Life is serious enough to be taken seriously," we could have two opposite interpretations: first, that life is important enough, to be taken seriously; the second is; life is very important, so we need to quiet without being disturbed, not things more complicated, not seriously. In addition, because these sentences have the same structure with the target sentences, ambiguity may arise again. As in 'Ai ecte tepër ngadalë për të kapur autobusin "As know from experience that should not hasten to go slowly to avoid arriving after the time of the prohibition set, so this sentence cannot be intentional, but consequential, experience cannot ever take us work may not have a context or situation to make the proper interpretation. Thus, the sentence “Ajo ha shumë për të qenë e shëndetshme", this sentence can be interpreted in two ways, either as consequential as the purpose: either she is a poor sickly girl and eat more in order to restore health, or she eats more that's what is overweight, which consequently leads to health problems.

The more appropriate it would be in these cases the periods are more "Albanian" and express clearly consequents. So the sentence, “It is too good to be true " can have as Albanian analogous i.e. "Éshtë aq (i,e) mirë, sa s’mund të jetë (i,e) vërtetë". “He is old enough to drink" in Albanian “Éshtë aq i ritur sa për të pire" or even "E ka (mbushur) moshën që të pijë", while the British saying can be translated in "Jeta është aq serioze, sa nuk duhet marrë seriozisht" or "Jeta është tepër serioze, ndaj nuk duhet marrë seriözisht".

We think that we should be left out the syntactic constructions with external source, such as “Éshtë shumë e bukur, për të qenë e vërtetë”, or the subordinate clause with the conjunction so that the predicate is a verb in the indicative. On the other hand, should be given more place in written discourse, especially in a publicity style, media language in general (including translations of films, documentaries, etc. from foreign languages ), consequential periods occur more densely in a informal language, in spoken discourse, such as those where the dependent sentence used the conjunction so, whether or not with a dependent clause.

6. Conclusion

Linguistic phenomena, historical, social and cultural factors require that the standard Albanian language needs a new period of development, enrichment and modernization relying especially on the structure and its real possibilities. The Albanian language, like any other language, is in the process of permanent change, but always tends to maintain the essential of its structure. It is an open language in front of foreign languages, especially toward English, when the loan is enriching its value, but if it is done without any control of the obstacle, turns into a harmful phenomenon for our language.

We think that should be left out the syntactic constructions with external source, such as “Éshtë shumë e bukur, për të qenë e vërtetë “, or the subordinate clause with the conjunction so that the predicate is a verb in the indicative. On the other hand, should be given more place in written discourse, especially in a publicity style, media language in general (including translations of films, documentaries, etc. from foreign languages ), consequential periods occur more densely in a informal language, in spoken discourse, such as those where the dependent sentence used the conjunction so, whether or not with a dependent clause. We think that such a thing would be a further variant of written and spoken Albanian.

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6 However, as stated in the Grammar II (p. 574), in some special cases or subjunctive infinitive phrase may be consequential in Albanian, as in the sentence. E tashmja ishte e mjaftueshme për të ëndërruar.
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