

**Institutionalisation and the Politics of Memory
in Albania**

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Declaration of Work

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ABSTRACT

Institutionalisation is an important process which remains shrouded in mystery. Political science has experienced limited success in identifying the mechanisms conducive to institutionalisation mainly because mainstream institutionalist theories focus on Western states with structured institutions. As more countries attempt to democratise and consolidate their new institutions, this limitation becomes increasingly apparent and the need to address it more urgent.

Therefore, I propose a new theory to account for institutionalisation in emerging democracies. The thesis argues that in democratising countries the memory of the past authoritarian regime and the transition's main crises shape elite interests in carrying out institutionalisation reforms. To substantiate the argument, I test it in case studies of military and judicial reform in Albania from 1992 to 2009. To trace the development of collective memory and its effect on political action, I investigate the coverage of three Albanian daily newspapers and the parliamentary debate of military and judicial reform. I rely on content and discourse analysis to analyse the data.

The thesis concludes that Albania was more successful in institutionalising the military than the judiciary because of its elites' collective memory. Specifically, the memory of the communist past as a violence-based regime in conjunction with the memory of the transition's crises as military failures reshaped elite interests which converged on military reform paving the way for its institutionalisation. This study elucidates a complex process such as institutionalisation in an understudied country such as Albania and opens a new research programme connecting institutionalist, democratisation and transition studies.

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LIST OF ABBREVIATIONS

AFOR	Albania Force
DP	Democratic Party
DR	Democratic Rebirth
EU	European Union
HI	Historical Institutionalism
MoD	Ministry of Defence
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Cooperation in Europe
OT	Our Time
PG	Prosecutor General
PM	Prime Minister
RCI	Rational Choice Institutionalism
SDP	Social Democratic Party
SI	Sociological Institutionalism
SMI	Socialist Movement for Integration
SP	Socialist Party
VP	Voice of the People

CHAPTER 1

INTRODUCTION

In 1991 after hundreds of thousands of Albanians had broken into foreign embassies, crossed the snowy mountains into Greece, and used every possible floating device to go to Italy, they left behind more who were poor, hungry and helpless. The situation was so dire and chaos so rampant that Albania could not even distribute the humanitarian aid provided to it by Western European countries. As a result, Italy undertook mission 'Pelican' where it sent its armed forces and transport regiments to distribute Albania's humanitarian aid. It was the first time since 1961 that foreign troops set foot in Albania and would not be the last.

In 1997, after months of increasingly violent anti-government protests, the Albanian military disintegrated, its armaments were looted, hundreds of people were killed and the country was on the edge of a civil war. Just like in 1991 Albanians took to the sea in ships, speed boats and even military destroyers to go to Italy and escape the violence. To stop the chaos and the new wave of immigration, under Italy's leadership, NATO approved operation 'Alba' sending thousands of troops to guarantee the safe distribution of aid and assist in the re-establishment of public order.

In 1999, when the country was still recovering from the 1997 tragedy, the Kosovo crisis threatened to engulf Albania in a regional conflict. As a result, with war on its border, 500,000 Kosovar refugees in its territory and a destroyed military, for the third time Albania accepted foreign troops under NATO's 'AFOR' (Albania Force) mission. The reason was the same: distribute humanitarian aid, assist in the maintenance of order and defend Albania's border. Eight years after the fall of communism Albania had been on the brink of collapse three times, and three times foreign military assistance had been required.

In 2009, in its headquarters in Brussels, NATO raised Albania's flag in recognition of its status as a full member of the Alliance. Ten years after NATO troops were used to defend Albania's border and twelve years after the Albanian military disintegrated with devastating consequences, Albania had become a member of most powerful military alliance in the world. A remarkable turnaround, but not a unique one. Many countries have managed to institutionalise in spite of a discouraging history and daunting obstacles. To understand how this process happens, this thesis proposes a theoretical explanation of institutionalisation and tests it on the Albanian case. As I shall show, Albania has a special appeal for students of institutionalisation.

1.1 A QUESTION OF INSTITUTIONALISATION

After the collapse of communism in 1990-91, Albania's new, pro-democracy regime was faced with the daunting task of rebuilding a country which was financially bankrupt and morally dispirited. Besides market reforms, which turned upside-down the life and value systems of Albanians, one major theatre of change dealt with the armed forces and the judiciary. Since these institutions had been instrumental to the communist regime's capacity to suppress opposition and provide a facade of legitimacy, military and judicial reforms were seen as an integral part of the democratisation process. Although military and judicial reform started simultaneously, under similar conditions, and implemented by almost the same political class, they took different directions. The reform of the armed forces culminated with Albania's 2009 NATO accession, while judicial reform lagged behind and became one of the major impediments to advancing Albania's EU integration. Therefore, the question my research project analysis is: *why, considering the similarities, did Albania succeed to institutionalise its armed forces and not the judiciary?*

This research tackles a problem of institutionalisation which Johan Olsen (2009: 5) defines as:

A slow process of accumulation and transformation of practices and rules ... structuralization and routinization of behaviour; standardization, homogenization and authorization of codes of meaning and ways of reasoning; and it means linking resources to values and world views. Authority and power are depersonalized, and resource mobilization and principles of resource allocation are routinized.

It is important to note that I think of institutionalisation as a matter of degree. Most institutions, under any regime, are partially institutionalised as they follow rules, are somewhat differentiated from the external environment, have a reasonably defined targeted behaviour and varying degrees of effectiveness. However, new institutions which lack experience, resources, and political support are under-institutionalised. So most institutionalisation studies, this included, analyse how institutions go from being under-institutionalised to 'properly' institutionalised. Throughout the thesis, to avoid repetition, I will use interchangeably un-institutionalised, unstructured, unsettled, unconsolidated as meaning under-institutionalised.

So why did the armed forces institutionalise while the judiciary did not? Since the military and judiciary shared a common history of profound politicisation during communism, one would expect them to develop similarly in the post-authoritarian transition. In addition, since these reforms started almost simultaneously in 1991 and in the 1990s suffered from the same symptoms of politicisation, nepotism and corruption, one would be even more inclined to expect

them to develop similarly. Nevertheless, despite the similarities during communism and early transition, from 2000 onwards there was progress towards institutionalisation in the armed forces while the judiciary lagged behind. The question therefore comes naturally: why did this happen?

1.2 INSTITUTIONALIST THEORIES AND INSTITUTIONALISATION

Since this research examines an institutionalisation puzzle, institutionalist theories were the most obvious starting point. These theories argue that institutions matter because they “exert patterned higher-order effects on the actions, indeed the constitution of individuals and organizations without requiring repeated collective mobilization or authoritative intervention to achieve these regularities” (Jepperson, 1991: 145). Few scholars of politics would argue with this point and neither do I. However, this argument is based on an important, and unstated, assumption. Institutions matter and exert effects on actions when they are consolidated. What about unconsolidated institutions? Do they matter? When? More importantly for this research, how do institutions consolidate? While there is general agreement among researchers that institutions matter and the way they do so, there is little agreement as to when they matter and most importantly how can one account for institutionalisation.

Simply put, institutionalist scholars have not developed theoretical accounts on institutionalisation. Specifically, under rational choice institutionalism (RCI) concepts such as Pareto-superior outcomes, utility-maximisation, cost-benefit analysis, and bounded rationality have been used to explain institutional genesis and development. These concepts explain something that happens outside of institutions, independent of them, and only later affect institutional developments. The same can be said for historical institutionalism (HI) and its reliance on concepts such as positive returns and lock ins which seem to be the effects of something else prior to them, the *explanandum* rather than the *explanans* of institutionalisation. Lastly, sociological institutionalism (SI) experiences a similar limitation. Often SI scholars cite institutional isomorphism, diffusion of ideas and norms as explanatory mechanisms of institutional developments. However, they do not clarify in a satisfactory manner why are some institutions rather than others seen as examples of success? How is conventional wisdom created in regard to successful practices?

The explanatory mechanisms used by these three schools are ideally suited to explain developments in structured settings where interests are clear, the rules of the game are set, historical legacy is recognised and institutions are vested with enough agency to identify

examples of success. In the under-institutionalised settings present in most emerging democracies, these mechanisms need to take shape first before accounting for behaviour. So, mainstream institutionalist theories exhibit limitations in accounting for institutionalisation in emerging democracies defined by Popova (2012: 42) as having “a mixed democratic-authoritarian institutional environment and a high level of uncertainty about the sustainability of the regime.”

Therefore, if one is interested in accounting for the occurrence of institutionalisation rather than its effects, institutionalism’s assumption of consolidated institutions must be highlighted as its main limitation. This is a fine distinction, which does not carry major weight when one engages in the analysis of structured institutions. It is, however, a major limitation when one studies institutionalisation in emerging democracies. From this perspective, the case of Albania is both an interesting puzzle and theoretically attractive challenge. Answering the Albanian puzzle could lay the groundwork for a fuller theoretical account of institutionalisation, which could then establish a new research agenda within institutionalist theories and open an avenue of cooperation between democratisation, transition and institutionalist studies.

1.2.2 DEFINITION OF INSTITUTIONS

Before presenting my argument as to how I propose to account for institutionalisation, first I need to explain my conceptualisation of institutions. There are differing definitions of institutions ranging from highly exclusive to highly inclusive. For example, institutions are defined by North (1991: 97) as “constraints that structure political, economic and social interaction. They consist of both informal constraints ... and formal rules.” Scott (2008: 48) on the other hand, defines institutions more widely as “comprised of regulative, normative and cultural-cognitive elements that, together with associated activities and resources provide stability and meaning to social life.” Lastly, Jepperson (1991: 145) provides an even more inclusive definition of institutions as “social patterns that, when chronically reproduced, owe their survival to relatively self-activating social processes.” Overall, despite the differences, institutions are viewed as enduring characteristics of social life that affect behaviour by constructing the meaning of appropriateness and by affecting the capabilities and interests of actors. These definitions present institutions as more than just rules, more than just arenas where actors pursue their interests. Institutions are also norms which explain, legitimate and provide a framework of meaning.

For the purposes of this research I rely on March and Olsen's (2006) definition of institutions as "a relatively stable collection of rules and practices, embedded in structures of *resources* that make action possible -- organizational, financial and staff capabilities, and structures of *meaning* that explain and justify behaviour – roles, identities and belongings, common purposes, and causal and normative beliefs." Some of the definitions above were too restrictive while others too inclusive; March and Olsen's definition strikes the right balance. An institution March and Olsen (2006) claim, and I agree, is based upon rules and practices which are backed up by the appropriate resources to implement them. Furthermore, and as importantly, institutions can both explain and justify behaviour because they are based upon, and in turn affect, a group's identity and normative orientations. This definition strikes the right balance between the materialistic interpretation of institutions as rules backed up by power structures and the ideational interpretation of institutions as norms. Such balance is necessary when studying emerging democracies because in these environments, besides the constraints of the institutional framework, the influx of new ideas is crucial in shaping interests and in conditioning behaviour.

1.3 ARGUMENT

As more countries attempt to democratise, institutionalisation, which is integral to democratisation, will become increasingly pertinent. However, established institutionalist theories cannot account for institutionalisation because they are based on advanced, Western democracies and take institutionalisation for granted. So, to account for institutionalisation and enable institutionalism to study unstructured institutions in emerging democracies, scholars will have to confront the question of why did certain institutions institutionalise while others did not.

I argue that, before institutions are institutionalised, a complex process of social construction occurs during which actors create an understanding of the problem and the best way they can address it. So for scholars to understand how institutions consolidate, they have to explain how problems are perceived, how history is understood, how preferences are created and then analyse their effect on institutionalisation. Therefore, I propose a pre-institutionalisation theory to account for institutionalisation in emerging democracies. I base this theory on a constructivist understanding of interest formation by the actors involved in the institutionalisation process.

I put forth collective memory as the explanatory variable of institutionalisation in emerging democracies, through which actors understand events, reformulate interests and affect institutionalisation outcomes. Specifically, by analysing the development of the political elite's

collective memory, I aim to understand how they perceived their post-authoritarian environment, how they shaped their interests in the new and highly unstable transition period, and how such interests in turn affected institutionalisation reforms. This approach does not run counter to interest-based explanations of institutionalisation. On the contrary, this account is interest-based, but differently from mainstream institutionalism it takes a step back and explains interest formation to account for institutionalisation.

Albania's intra-case variation enables the research to undertake a comparative analysis to identify the mechanism(s) accounting for the different institutionalisation outcomes of military and judicial reform. Besides accounting for the puzzle, I aim to engage institutionalism with emerging democracies, open a new research programme within institutionalist theories, and provide a framework for conducting empirical research of an ideational explanatory mechanism such as collective memory.

1.4 STRUCTURE OF THE THESIS

Chapter two reviews three mainstream institutionalist theories and highlights their limitations regarding the study of institutionalisation. By reviewing the main theoretical underpinning and assumptions of rational choice, historical and sociological institutionalism, I argue that, by virtue of their focus on advanced, Western democracies, they have come to assume institutionalisation as an inherent institutional property. Consequently, they have developed explanatory mechanisms which can account for variation of behaviour in structured settings only and lack the theoretical instruments to account for institutionalisation in emerging democracies.

Chapter three lays out my theory of institutionalisation. Building on Chapter two, I argue that a pre-institutionalisation theory, based on a constructivist account of interest formation and relying on collective memory as explanatory mechanism, is an appropriate framework to account for institutionalisation. In this chapter I provide an overview of my constructivist understanding of interest formation and conceptualisation of collective memory as an independent variable.

Chapter four lays out my methodological choices. This chapter presents the research design, justifies case selection and explains the operationalization of the independent variable. In addition, the methodology chapter provides information on data collection and their subsequent coding to ensure the transparent application, and possible replication, of empirical ideational research.

Chapter five analyses the newspaper coverage and parliamentary debate of judicial reform. Since judicial reform does not produce meaningful institutionalisation during the entire seventeen-year span of my analysis, I cover it under one chapter. By presenting both the coverage and debate of judicial reform together, I aim to identify and compare the explanatory mechanisms which inhibited its institutionalisation. This chapter, similarly to the succeeding ones, pays special attention to engaging with alternative accounts of the puzzle.

Chapters six, seven, eight, and nine analyse the newspaper coverage and parliamentary debate of military reform. Since the coverage and debate of military reform experience changes during the period under analysis, I will dedicate more space to it to identify the variable(s) responsible for such change. Specifically, Chapter 6 analyses newspaper coverage of military reform from 1992 to 2009 to provide an overview of the coverage military reform received. Chapter 7 re-analyses the same sample of articles to identify the main memories present in the newspaper articles and whether they affected the trajectory of military reform coverage.

Chapter eight and nine are dedicated to the parliamentary debate of military reform. Chapter eight analyses the debate of the 1990s to identify its overall direction and the main themes present in it. The chapter also compares its findings with the newspaper coverage of military reform for the same period. Chapter nine analyses the debate of military reform in the 2000s to identify the mechanisms affecting it and compares the findings with those of newspaper coverage for the same period. All four chapters engage with alternative accounts of the puzzle and alternative explanations of the findings.

Chapter 10 concludes the thesis and is divided into two main sections. The first section presents the conclusions I can derive from the analysis of military and judicial reform in Albania. It evaluates whether the proposed theory identified the mechanism(s) responsible for the different institutionalisation outcomes of military and judicial reform. The second section discusses the implications of my findings, the significance of the study for future institutionalisation research and institutionalism's capacity to engage with emerging democracies.

CHAPTER 2 MAINSTREAM INSTITUTIONALIST APPROACHES

2.1 A LACK OF ENGAGEMENT WITH INSTITUTIONALISATION

Institutionalist research assumes the presence of institutionalisation and relies on mechanisms that exert explanatory power in institutionalised settings only. Under rational choice institutionalism (RCI) concepts such as Pareto-superior outcomes, utility-maximisation, cost-benefit analysis, and bounded rationality (Tsebelis, 1990; Weingast and Marshall, 1988; Simon, 1969) are used to explain institutional genesis and development. These concepts, however, become meaningful predictors of variation of behaviour in settings with consolidated institutions where interests are crystallised, the rules of the game are set and can affect behaviour. The same can be said for historical institutionalism (HI) and its reliance on path dependence, positive returns and lock ins (Pierson and Skocpol, 2002; Mahoney and Thelen 2010; Pierson, 1994) which are explanatory variables ideally suited to explain events in circumstances where institutions are settled and have a recognised tradition which affects behaviour. Lastly, sociological institutionalism (SI) also suffers from the same limitation, although not to the same degree. SI's reliance on explanatory mechanisms such as diffusion of ideas, logic of appropriateness and isomorphism (Finnemore 1996; March and Olsen 1989; Radaelli 2000) is premised on the existence of consolidated institutions vested with agency and capable of affecting behaviour.

All three established institutionalisms assume the presence of institutionalisation and have developed explanatory mechanisms premised on it. That is why I argue that established institutionalist theories cannot account for institutionalisation in emerging democracies unless combined with a pre-institutionalisation theory that analyses the conditions under which their explanatory mechanisms take shape.

2.2 RATIONAL CHOICE INSTITUTIONALISM AND INSTITUTIONALISATION

RCI argues that institutions come about through the rational calculation of actors who aim to maximise their preferences and lower transaction costs. This understanding is encapsulated by Douglass North (1990: 4) who states, "institutions are perfectly analogous to the rules of a game in a competitive team sport ... therefore an essential part of the functioning of institutions is the costliness of ascertaining violations and the severity of punishment." This kind of economic-oriented explanation presumes that rational individuals with well-defined interests choose the

type of institutions that best serve their interests. Consequently, RCI argues that institutions are created and change according to the interests of the main players who are motivated by a desire to increase benefits and lower costs. Once institutions are established it is hard to change them because they have large set-up costs, learning effects, coordination effects and adaptive expectations (Arthur 1994). RCI's theoretical foundations assume that interests, preferences, and the rules of the game are stable and well-delineated. Such assumptions have pushed RCI towards studying cases with consolidated institutions where the rules of the game and interests are indeed crystallised and can become predictors of variation of behaviour (Riker, 1980; Schotter 1981; Eskridge and Ferejohn 1982; Calvert 1995; Ward 1998; Bates et al. 1998; Goodin 2000).

Based on the above assumptions and research focus, RCI has established two main approaches to study institutions, namely: 'institutions-as-constraints' and 'institutions-as-equilibrium.' These approaches take it for granted that the institutions they study are consolidated to a substantial degree since they are conceptualised as instruments constraining and representing actors' preferences. That is why Shepsle (2006: 5) argues that, "the single biggest success of the rational choice institutionalism program is the analysis of structured institutions." I agree: RCI has provided insightful accounts of institutional developments in structured settings. This success, however, is in part due to the fact that structured institutions have well-defined settings, specific politicians' objectives, delineated institutional rules, and a confined institutional framework. In these circumstances, RCI with its clear rules, self-conscious limitations and parsimonious accounts is ideally situated to explain institutional developments. Consequently, overall, RCI has been a success story and has contributed to political science concepts such as Wagner's (1966) 'political entrepreneurship' and Fiorina and Shepsle's (1989) 'role of leadership' among others.

Remarkably, however, it seems that one important question has not been asked. What happens when RCI moves out of its 'comfort zone' and analyses instances of unstructured institutions? The simple answer is that this seldom happens. Most RCI accounts study the Congress, courts and Presidency in the United States, political economy and capitalism in Western Europe, and more generally provide game theoretical accounts of institutional developments (Williamson 1985; Austen-Smith and Banks 1989; Laver 1997; Epstein and O'Halloran 1999; Binder and Maltzman 2005; Ostrom 2005; Jacobi 2005). As I mentioned above, RCI places a distinct premium on the analysis of institutionalised settings, which means that the occurrence of institutionalisation is seldom analysed. This approach is best encapsulated by Weingast (2002) when he states that, "[a]ppropriately configured institutions restructure incentives so that individuals have an incentive to cooperate ... [t]he essence of institutions is to enforce mutually beneficial exchange and cooperation" (670). RCI does provide insightful analyses of the power

of ‘appropriately configured’ institutions. However, Weingast and RCI in general fail to explain how institutions become properly configured. Are they by definition so? Do they become so along the way? Because it does not ask these questions, RCI has not developed instruments to account for how institutionalisation occurs.

Since institutionalisation is assumed to be an inherent institutional property, the institutionalist turn of rational choice scholars has not had to explain how actors’ interests affect institutionalisation. This point is mentioned by Katznelson and Weingast (2005: 7) who state:

[B]efore rational choice scholars turned to institutions, they tended to impute attributions about fundamental preferences ... [then] at some distance from the notion that the preferences of actors are constant and enduring, preferences are now treated as those of persons in interaction with other actors, in particular institutions, understood as game forms.

Katznelson and Weingast (2005) strengthen my argument that RCI scholars either have taken their concepts and applied them to an already institutionalised environment or have adjusted their assumptions in accordance to an existing institutionalised environment. Either way institutionalisation is assumed to be present as a property the institutions under analysis already have. Sven Steinmo (2008) provides further credence to my argument by stating that, “[r]ational choice institutionalists think institutions are important quite simply because they frame the individual’s strategic behaviour” (126). As I mentioned earlier, only consolidated institutions can affect their targeted behaviour. In fact a defining characteristic of whether an institution is consolidated or not, is its ability to affect behaviour and shape interests. So when RCI scholars speak of the importance of institutions in affecting behaviour or structuring interactions, they are referring to structured institutions which are taken for granted as the rule rather than the exception. One cannot ‘fault’ RCI for this assumption because RCI scholars are interested in countries and sectors that have long been institutionalised. In the advanced, industrialised Western world, which RCI is interested in, it is entirely valid to assume institutionalisation.

However, this is a significant drawback if one is interested in studying institutionalisation in emerging democracies. RCI’s theoretical scope is limited and lacks the conceptual frameworks to account for institutionalisation in emerging democracies. RCI has collapsed into one a two-step process because its scholars have assumed a specific type of human nature and an institutionalised environment. Once these assumptions are highlighted, especially the latter, it becomes clear that a hypothetical RCI account of institutionalisation would need a preliminary analysis of the way in which actors evaluate their environment to crystallise interests and then make decisions about institutions. I do not aim to debate RCI assumptions about human nature

and rationality. I aim to show that a hypothetical RCI account of institutionalisation is a two-step process. The first has to do with the evaluation of the environment, one's interests in it and best methods available to pursue them. After such a clarification has taken place, the agreed-upon interest and method to pursue it affect institutionalisation. This first part of the process is not a particularly institutionalist argument. There is nothing institutionalist in the line of argument that players evaluate their circumstances, shape their interests and then choose to pursue the most profitable option. It is a perfectly reasonable argument to make, but it is not an institutionalist one; it is rational choice first and institutionalism second.

The more one analyses RCI, the clearer it becomes that it is a collapsed two-step process, which, when disentangled, necessitates an explanation of how interests are shaped and how they in turn shape institutionalisation outcomes. For example, some RCI researchers - borrowing from game theory - such as Greif, Milgrom, and Weingast (1994) and Axelrod and Keohane (1985) suggest that through increased interaction and by tying behaviour to 'trigger strategies' – negative behaviour today, negative consequences tomorrow – institutions become consolidated. Presumably, one can use this explanation to account for different degrees of institutional effectiveness. Besides the problem that the same interaction can be viewed differently by the interacting parties and that actors can fail to connect negative behaviour with negative consequence, there is another aspect of these types of explanations. Such arguments suggest that rational calculation has to happen first – in a context devoid of structured institutions – and then strengthen institutions to the point where they become structured and affect behaviour.

Only after actors have evaluated the situation, made sense of their interactions with the surrounding environment, and settled on their interests they make decisions which affect institutions. Since RCI has focused on structured institutions it has collapsed these two steps together. The collapsing of these two distinct steps has, among others, further reinforced RCI's interest in developed, industrialised and institutionalised Western democracies at the expense of emerging democracies with fragile institutions. Under these circumstances such collapsing has not created major problems and RCI has been an effective theory which has shed light on many institutional developments. What my criticism points towards then is not the theory's main concepts, but its scope. If RCI remains focused only on analysing institutionalised advanced democracies then the collapsed two-step process does not pose major problems.

Not engaging with the growing number of countries emerging from dictatorships and undertaking institutionalisation reforms would be a great loss for RCI since it brings an interesting perspective to the study of institutions. On the other hand, engaging with these

countries means that the two steps of institutionalisation need to be examined in turn. Post-autocratic countries with unstructured institutions, or full of old de-legitimated ones, undergo a process in which actors have to evaluate their new surroundings, identify their interests, the opportunities and costs to pursue them, and then act. If RCI wants to engage with emerging democracies, it has to drop the assumption of structured institutions, and has to analyse pre-institutionalisation interest formation to account for institutionalisation outcomes.

Once RCI leaves its usual domain towards the analysis of unconsolidated institutions, it becomes clear that it has collapsed into one a two-step process; namely rational choice and *then* institutionalisation. RCI accounts suggest that players first identify their interests and *then* attempt to find the best institutional configuration that at a minimum upholds their positions, or, and this is the preferred course of action, enhances their material interests. Because RCI focuses on institutionalised settings, it has not tackled the question of how interests are shaped in an environment with unstructured institutions, but has focused on how preferences and already consolidated institutions interact with each other. From the assumed presence of a substantial level of institutionalisation and an already steady set of preferences, researches have jumped immediately to the institutional analysis. In emerging democracies where uncertainty about the future is high, neither institutions nor preferences are consolidated or stable.

If one brings this issue to the forefront of RCI discussion then it becomes clear that it is a two-step process. First institutions need to consolidate, so that they can affect behaviour and people's expectations about others' behaviour, and then the dialectic dynamic between preferences and institutions can take shape. However, in order for institutions to be institutionalised, actors first need to crystallise their interests in an un-structured environment. If I were to 'force' RCI to explain institutionalisation, instead of assuming that it is present, then it would have to first explain how actors reason, understand and formulate their interests. The first part of this explanation is pre-institutionalisation and it is necessary to understand the developments of this phase to account for institutionalisation outcomes.

2.3 HISTORICAL INSTITUTIONALISM AND INSTITUTIONALISATION

Historical institutionalism, RCI's main theoretical alternative, aims to understand the mediating role institutions have on politics. HI scholars argue that through path dependence and feedback mechanisms even modest policy and institutional changes reinforce the initial direction. Such accounts are influenced by Stinchcombe's (1968) theory stating that an event which has taken

place at a certain point in time will reinforce itself, absent stronger opposing forces, in the future. While there are different conceptualisations of path dependence there is general agreement that sequence and timing matter, large outcomes can derive from small events and once in place path depended developments are hard to reverse (Pierson 2000). For historical institutionalism, this argument means that, once established, the institutional rules of the game are difficult to change and become almost self-sustaining entities which affect interests and behaviour. HI has provided many interesting and illuminating accounts of policy and institutional developments by being mindful of the power of historical legacies and by providing detailed and nuanced analyses. Many accounts of the development of capitalism, institutional alteration, and ideological change have been based on this kind of thinking (Berger 1981; Skowronek 1982; Skocpol 1985; Hall 1986; Esping-Andersen 1990; Immergut 1992; Steinmo and Thelen 1992; Streeck 1992; Dobbin 1994; Swenson 2002; Thelen 2004; Streeck and Thelen 2005). Being aware of the criticisms levied upon RCI, HI has tried to be more encompassing of temporally extended processes and more open to non-material explanatory mechanisms.

Since HI is used in a number of accounts to explain diverse puzzles, it is helpful to define it for the purposes of my analysis. I rely on Sven Steinmo's (2008:123) definition who states that HI is distinguished by, "its historical orientation and its attention to the ways in which institutions structure and shape political behaviour and outcomes." As I stated above, when researchers emphasise the power of institutions to structure behaviour, they assume that such institutions are substantially consolidated. But the question that is not asked is how institutions get there. How do institutions become institutionalised? Steinmo (2008) encompasses the prevailing HI mind-set by stating that, "[a]ny significant political outcome is best understood as a product of both rule following and interest maximising," which is perfectly plausible if one assumes that the institution is consolidated and its rules are clear, stable and able to condition behaviour. Is this always the case? Or is this true for advanced, Western democracies with a history of settled institutions? I argue that for emerging democracies these conditions do not hold. So, although HI presents itself as an alternative to RCI, it suffers from the same problem of assuming the presence of institutionalisation.

The assumption of structured institutions is reflected in HI's research focus. The questions and countries HI has had a tendency to analyse are clear instances of consolidated institutions where their power to affect behaviour has not been analysed under the prism of how it came to be, but under the prism of the results it produces. For example, Katzenstein's (1978) rightly heralded book, *Between Power and Plenty: Foreign Economic Policies of Advanced Industrial States*, as is evident in the title, analyses institutions in advanced Western countries which experience high

levels of institutionalisation. It is no surprise then that the author, among others, found that countries' different institutional organisations affected the way they responded to the oil crisis of the 1970s. Similarly, Ellen Immergut's (1992), *Health Politics: Interests and Institutions in Western Europe*, analyses why some countries develop more comprehensive and centralised health systems than others. The research question is pertinent and the analysis fascinating, but the analytical focus and the case studies include instances of consolidated institutions. Again, the book, *Social Capitalism: Christian Democracy and the Welfare State* by Kees van Kersbergen (1995/2005) focuses on the development of long-established social welfare institutions in Western Europe. Lastly, Sven Steinmo's (2010) *The Evolution of Modern States: Sweden, Japan and the United States*, analyses the different ways in which capitalist democracies have responded to 21st century challenges.

All these books and HI scholars overall are united by what Thelen and Steinmo (1992: 3) refer to as a belief that, “[i]nstitutions constrain and refract politics ... institutions structure these battles and in so doing, influence their outcomes.” This belief is based on the assumption that institutions can shape both the goals and strategies actors have in a given context. However, in order for institutions to have such an influence, they need to have the capacity, the resources and the agency to affect their targeted behaviour; in other words, they need to be institutionalised. That is why Thelen and Steinmo (1992: 12) conclude that there is an “emphasis in historical institutionalism on political agency and political choice within institutional constraints.” These conditions are true when one analyses structured institutions capable of affecting preferences and behaviour. Therefore, only in instances where institutions are consolidated HI is well positioned to provide insightful and nuanced analyses.

Since HI has focused on Western countries with consolidated institutions, it has developed mechanisms that account for developments in such settings. For example, mechanisms such as learning, conversion, and layering (Streeck and Thelen 2005) are used to explain events within settled institutions and account for change that does not affect their foundations. This incremental and non-fundamental change is typical of structured institutions which have built-in mechanisms allowing them to evolve with time, without risking their core principles. Similarly, HI relies on path dependence, positive returns and lock ins to explain continuity by arguing that past decisions carry a heavy weight on the possibilities for future decisions. These mechanisms are appropriate for explaining events in settings with institutional structures that channel, safeguard and transmit historical legacies and allow them to respond to new challenges. Indeed in these cases, HI can provide powerful explanations that account for the choices taken - those put aside – and the trajectories institutions take through time. However, in the circumstances

where institutions are un-structured, these explanatory mechanisms have to take shape first before they can become meaningful explanatory mechanisms.

Just like their RCI counterparts with the issue of preference formation, HI scholars and their preferred accounts do not explain how history is made sense of, how it is read, and how the lessons of history - which affect preferences - are produced. Because of HI's focus on structured institutions these questions are not important because institutions have the power to structure behaviour and shape the way history is remembered and ultimately understood. But, in instances when institutions are not settled, then the reading of history gains particular importance and the power of institutions to condition it loses explanatory value. In moments like this history can be read in a multitude of ways and its effect on institutionalisation can take different trajectories. HI is correct to assume that the 'lessons' of the past are produced by people who are affected by their institutional environment, but not only if the institutions under analysis are well structured.

What happens when HI moves out of its 'comfort zone' to study unconsolidated institutions? Just like RCI, HI scholars seldom venture into that territory. Nevertheless, maybe cognisant of such a problem, they go further than their RCI colleagues and study the growth of social movements in Latin America and democratisation in post-communist Eastern Europe. In doing so, they attempt to explain complex processes of transformation in those parts of the world that have experienced a number of regime changes and have suffered from unstable institutions (Roeder 1993; Hausner, Jessop and Nielsen 1995; Ekiert 1996; Stark and Bruszt 1998; Mahoney 2001; Anderson, et al. 2001; Horak 2007). However, their focus is not on the process of institutionalisation. They still focus on the power of existing institutions, or the influence of the previous autocratic arrangements on post-dictatorial developments. These issues are very interesting and important, but such approaches are based on the assumption that even during transition to democracy institutions (old or new) continue to be substantially institutionalised.

Similarly to RCI, HI has collapsed into one a two-step process. The first step is remembering, understanding, and interpreting history when institutions are unsettled in order to shape interests and *then* institutionalisation. Because HI has assumed the presence of institutionalisation, the collapse of these two steps into one has neither been noticed, nor created a problem. However, when one attempts to apply an HI approach to study institutionalisation in emerging democracies, the necessity to disentangle these two steps becomes obvious. What historical trend should countries emerging from dictatorships look towards as they attempt to democratise? What were the mistakes of the former autocratic period? Should it be completely repudiated? What are

the lessons of history? How can one operationalise such lessons for institution-building? When a country goes from autocracy towards a democratic transition – in the context of old delegitimated or new still-unstructured institutions – answering these questions, remembering, interpreting and learning from history is neither easy nor straightforward. Equally importantly, it is a process that has to happen before institutions are institutionalised as it is a prerequisite for creating an agreement of what went wrong and how to address it. Institutional developments can proceed only after elites reach some kind of understanding on their new interests in the post-autocratic environment. Not only does this process precede institutionalisation, but at its core it is not an institutionalist argument.

For HI it is clear that the forces that create institutions are not the same as the forces that maintain them. In fact they cannot be the same because as HI scholars emphasise the contingent and open nature of institutional design, they strongly emphasise that such openness is quickly closed off and *only then* events fall onto the institutionalist logic of path dependence which is less contingent and definitely less open. This is clearly a two-step process that has been collapsed into one because the countries and issues HI has analysed had long since passed the stage of institutional design and consolidation. While it is clear that for path dependence to become a meaningful *explanans* it requires structured settings, HI does not explain how those settings come to be. Therefore, to study institutionalisation in emerging democracies, HI has to be preceded by a pre-institutionalisation analysis of the developments which give shape to HI's preferred explanatory mechanisms.

2.4 SOCIOLOGICAL INSTITUTIONALISM AND INSTITUTIONALISATION

Sociological institutionalism understands both institutional genesis and development through the cultural understandings of the actors involved in building and maintaining them. In addition, differently from the other two institutionalisms, SI addresses institutionalisation. According to SI, institutionalisation is “the construction over time of a social definition of reality such that certain ways of action are taken for granted as the ‘right’ if not the only way to do things” (Scott and Meyer 1994: 234). This conceptualisation is based on the earlier definition of one of the founders of SI, John Meyer. In an article published in 1977 Meyer and Rowan state that, “institutionalization involves the process by which social processes, obligations, or actualities come to take on a rulelike status in social thought and action” (341). Twenty years apart these definitions are very close to each other and equally far from my conceptualisation of institutionalisation. In fact, because SI's definition of institutions is so wide – Meyer and Rowan

(1977) state that a 'No Smoking' sign is an institution - its definition of institutionalisation has to follow suit. As a result, SI's definitions of institutionalisation actually do not tell one much about this process, how can one look for it, observe it, measure it, and study it. I opted for a narrower definition of institutions and institutionalisation so that I would be able to study them empirically. SI's wide and, to a certain degree, unenlightening definition would not help me in the attempt to understand institutionalisation in Albania as it would be difficult to operationalize it. So, while RCI and HI take institutionalisation for granted, SI's understanding of it is too vague to be a meaningful instrument through which I can study this phenomenon in practice.

Secondly, and as importantly, SI's definition of institutionalisation is not an institutionalist argument. The definitions I quoted above seem to describe processes which affect institutions but are unaffected by them. If scholars analysed the mechanisms most used by SI's main strands – organisational and world society perspectives – they would notice that they are not based upon institutionalist logic. For example, SI relies on mechanisms such as norms, rituals, cognitive schemas, scripts, paradigms (Meyer et al. 1997; Meyer 1972 and 2000; Kingdon 1995) and others to account for institutional change and in some instances institutionalisation. Accounts built upon these mechanisms do not represent an institutionalist argument; they are sociological arguments used to explain institutional developments. Similarly to RCI and HI, SI accounts create the impression that the non-institutionalist explanatory mechanisms which it favours have to take shape first and then institutions enter the picture.

Moreover, like RCI and HI, SI assumes that the institutions it studies are institutionalised. In fact it has to assume so because its explanatory mechanisms become meaningful predictors of variation of behaviour in structured settings. For example, SI scholars cite *institutional isomorphism* (DiMaggio and Powell 1983; Scott 1995), *diffusion of ideas* and *norms* (Strang and Mayer 1993; Strang 1994) as explanatory mechanisms for institutional change. However, they do not clarify why particular institutions are seen as examples of success. How is conventional wisdom created? Why are certain ideas more powerful than others which are as reasonable and with hindsight better? This problem is pointed out by Amenta and Ramsey (2010: 20) who state:

The origins of new dominant ideas, forms, and characteristics currently remain less prominent in [sociological] institutional theorizing than the isomorphism and system-level stability they may produce. Alternative norms and schemas are abundant, and identifying the conditions under which particular alternatives become the foundation of replacement institutions and waves of conformity remains a subject of exploratory inquiry.

This is an important point. First, in order for institutions to emulate they need to have both the agency and resources to take independent action; in other words they need to be institutionalised. Second, for norms and ideas to become dominant, a process of social construction, independent of institutionalist logic has to happen. So, similarly to the other two, SI has assumed the presence of institutionalisation and has collapsed into one a two-step process. First the construction of norms, schemas and ideas need to take shape, and *then* they can affect institutionalisation.

Despite the fact that SI dedicates more attention to institutionalisation, similarly to RCI and HI, it generally takes it for granted. Although this statement seems self-contradictory, it expresses an important criticism. SI scholars account for institutionalisation through isomorphism and diffusion of ideas, however, they take these examples of ‘good practice’ at face value and as the stepping stone for their analysis. Even if I were to ignore for a moment the problems SI has with defining institutionalisation, still this school of thought, just like RCI and HI, does not explain how institutionalisation occurs. SI does not account as to how and why ideas diffuse a certain way, and how the frames and logic of appropriateness are developed. Therefore, SI too needs to be preceded by a pre-institutionalisation analysis explaining how its explanatory mechanisms take shape in unstructured settings.

2.5. DEGREES OF INSTITUTIONALISATION

Before I conclude this chapter there is an important clarification to be made. When discussing institutionalisation it might seem that I am referring to a property that institutions either have or have not. The issue is more nuanced than that because hardly does one find in the real world fully institutionalised or deinstitutionalised institutions. If they were fully deinstitutionalised they would not be institutions; at least not in my understanding of an institution because they would be indistinguishable from the external environment and inconsequential in affecting behaviour. If they were fully institutionalised they would be independent of human agency, which also goes beyond my understanding of an institution as conditioned by human behaviour. Therefore, when I discuss institutionalisation, I refer to degrees of institutionalisation; degrees to which the institution demonstrates routinisation, standardisation and depersonalisation of decision-making. Most institutions can be categorised ranging from under-institutionalised to over-institutionalised.¹

¹ Over-institutionalised should not be confused with fully institutionalised. Over-institutionalised are those institutions which are too slow, bureaucratic and unresponsive to the evolving situations making timely and effective decision-making difficult.

A number of researchers, especially those working on political parties, have addressed the issue of degrees of institutionalisation. Polsby (1968) argued that a consolidated institution has to have a number of characteristics such as: differentiation from the environment, internally complex rules, and operation under automated decision-making procedures. Similarly, Loewenberg and Patterson (1979) identified habitual behaviour and organizational complexity as criteria of institutionalisation. Based on these authors and from my understanding of institutionalisation research, I argue there are three main factors in evaluating degrees of institutionalisation. The first has to do with the institution's internal rule following, the second has to do with the relationship between the institution and its external environment, and the last regards the institution's capacity to affect its target behaviour.

In labelling one institution as institutionalised, often the degree to which it follows internal rules is analysed thoroughly. Political scientists studying legislatures for example analyse how the committee process functions, how different legislative links are interconnected and how effectively researchers can predict behaviour based on the rules of the game. It is assumed that the higher the internal rule-following, the higher the degree of institutionalisation. There is also the external environment to be considered. How much of a separate and autonomous entity is the institution under analysis? An institution can still maintain a seemingly coherent structure of internal decision-making while decisions are taken somewhere else, outside and independently of the institution. Most institutions in dictatorships and emerging democracies have reasonably well- functioning internal rule following. No matter how corrupt or politicised a judiciary is, for example, the case has to go through the levels of adjudication incrementally and subsequently. However, this internally coherent process can be influenced by outside forces which, while respecting the facade of rule-following, can unduly influence the institution. In this case then institutionalisation should be 'measured' by the degree to which the institution is separated from and independent of the outside environment.

Lastly, every institution is created with the purpose of influencing a target behaviour and is provided authority and resources to affect it. Most institutions, despite changing their structure and effectiveness over time, do not often change their targeted behaviour. For example, the judiciary still has as its main scope the adjudication of civil disputes and penal cases, medicine the curing and prevention of disease, and education the dissemination of knowledge. While the scope remains relatively stable over time, the effectiveness of these institutions relative to their scope can change substantially. Therefore, while one can notice continuity in the scope of most institutions in pre- and post-authoritarian rule (schools still teach, hospitals cure, and courts

judge) their effectiveness relative to their scope changes especially as political and constitutional configurations differ.

That is why I think of institutionalisation as a matter of degree. Most institutions, whether under autocratic or democratic regimes, are somewhat institutionalised as they follow internal rules, are differentiated from the external environment, have a reasonably defined targeted behaviour and varying degrees of effectiveness. However, new institutions which lack experience, human and financial resources, political support and so on, are under-institutionalised. So most institutionalisation studies, this included, analyse how institutions go from being under-institutionalised to being ‘properly’ institutionalised ones. Therefore, when I argue that the armed forces in Albania institutionalised while the judiciary failed to do so, I mean that the armed forces’ capacity to be differentiated from and independent of their external environment, and their effectiveness relative to the scope of their existence increased. Simply put, during Albania’s democratic transition the armed forces managed to institutionalise to a higher degree than the judiciary and I would like to know why.

2.6 CONCLUSION: THE NEED FOR A NEW APPROACH

All three established institutionalisms suffer from the same limitation of taking institutionalisation for granted. In the attempts to ‘bring the state back in’ I believe that it has been ‘forgotten’ that the existence of the state and its institutions is neither pervasive² nor natural. This is especially true of countries emerging from dictatorships where the fall of the dictator and his ideology leaves a wide open space that is saturated with (old and new) unstructured institutions which do not represent any meaningful interest. In these situations where the new institutions are not effective, or the old ones cannot be trusted, there is a lot going on outside institutions, which carries a great importance for institutionalisation. Secondly, the state and its institutions are not natural which means that as human creations, institutions cannot be understood fully unless one looks at developments prior to their institutionalisation. Because most established institutionalisms have analysed countries with a long history of consolidated institutions, such a problem did not seem relevant. As institutionalism moves out of its ‘comfort zone,’ the best way to bring the state back in is by stepping back and analysing developments prior to institutionalisation. This acknowledgment allows institutionalism to have a meaningful engagement with emerging democracies and institutionalisation processes.

² I am aware that from the 20th century on the state has been increasingly pervasive. In this case I refer to moments of major political transformations during which the power of the state is truncated and its reach limited.

As they stand, all three established institutionalisms suffer from a difficulty of accounting for institutionalisation and producing institutionalist accounts all the way through. Their causal mechanisms gain explanatory power mid-way, after institutionalisation, thereby begging the question of what happens earlier and how it affects institutionalisation. It is a short-coming that is very difficult to avoid. If one wants to explain institutionalisation how can she go about incorporating institutions in her account without producing a circular argument? For that reason institutionalist scholars have shown ingenuity in borrowing and coining new concepts that could circumvent this problem and enable their theories to explain institutional developments. But this approach hides the real issue and confounds institutionalist accounts with concepts that are not institutional in nature. If institutions are the product of elites - most agree on this - then to understand why they were created and why and how they institutionalise, one has to look at the process whereby elites decide to create and consolidate institutions. This is a pre-institutionalisation process and has to be addressed for what it is.

When one looks at institutionalist literature the names of RCI, HI, and SI suggest that one is dealing with a two-step process: rational choice and *then* institutionalisation, historical analysis and *then* institutionalisation, sociological developments and *then* institutionalisation. It is a given that these changes happen in an existing institutional framework since I am not describing developments in the mythical 'state of nature.' Of course one chooses rationally about institutions within a certain institutional framework, analyses the history of institutional developments with certain models in mind, and develops frameworks and ideational maps that are constrained by the existing humanly-constructed world. However, the processes of rational choice, historical analysis, frame construction and ideational development are not institutionalist. They are in fact analytical tools used to help make sense of one's environment and answer the 'why' questions. The concepts introduced from the prefixes added to institutionalism, are conceptual tools that explain the preliminary, pre-institutionalisation steps that have to develop before institutionalisation. That is why, for emerging democracies experiencing unconsolidated institutions, one has to encompass pre-institutionalisation developments to explain different institutionalisation outcomes.

CHAPTER 3 A NEW ACCOUNT OF INSTITUTIONALISATION

Mainstream institutionalist theories tend to assume institutionalisation because they were developed to study countries where it is not an issue. Therefore, in this chapter I propose a new theory to account for institutionalisation in emerging democracies. I base my theory on a constructivist account of interest formation, which can explain how elites form their interests during a political transition and how interests in turn affect institutionalisation outcomes. Specifically, I rely on collective memory as the causal mechanism through which actors interpret events, shape interests, and influence institutionalisation. This chapter will explicate the constructivist analysis of preference formation, and show how collective memory can explain institutionalisation in Albania.

3.1 PRE-INSTITUTIONALISATION THEORY

Preferences, critical junctures, interests, layering, positive returns, policy entrepreneurship, path dependence, diffusion of ideas, logic of appropriateness and many other social science concepts lack explanatory power in unstructured settings. When used in analysing institutionalised contexts, they can predict variation of behaviour because in such environments institutions affect actors' interests. However, if I were to use them to analyse unstructured institutions, it would soon become clear that in such circumstances these concepts are fluid and need to take shape first before accounting for and/or predicting behaviour. That is why institutionalism cannot account for institutionalisation unless preceded by a pre-institutionalisation theory that analyses the conditions under which actors deliberate, frame, and approach an issue in the absence of consolidated institutions. Consequently, I argue that prior to institutionalisation a complex process occurs during which actors create an understanding of the problem and the best way they can address it. So, while studying emerging democracies, scholars first have to understand how problems are perceived, how history is made sense of, how preferences are created and then analyse their effect on institutionalisation.

This perspective does not automatically provide a satisfactory account of institutionalisation, but it does make an undoubtedly useful distinction. While institutionalisation is a process that involves a number of actors that have to work together and produce delicate balances, I believe that it is a two part process: the first is based on pre-institutionalisation logic while the second on an institutionalist one. Most institutionalisms are well-equipped to deal with the second part and explain how established institutions transform and affect actors' behaviour. However, they face

difficulties to explain how initial institutionalisation occurs; how institutions go from being under-institutionalised to substantially so. Admitting this does not weaken institutionalism; it just clarifies its scope. This perspective, besides enabling institutionalism to engage with unstructured institutions, also allows it to study cases of failure of institutional genesis or institutionalisation.

It might be argued that institutionalist theories engage in such an analysis by combining with a number of disciplines and theories such as rational choice, sociology, and history to describe this two-step process. It might also be argued that by proposing a clear separation I transform the study of institutions into a dull analysis of formal decisions and structures. Let me start by answering the second question first. Studying institutions would still be significant because once they are institutionalised, the way they function, the logic they follow, the changes they undergo and the effects they produce would be important questions and ideal research venues for institutionalist theories. Regarding the first claim I can say that it is true - to a certain degree - that institutionalist theories have attempted to describe this two-step process, but, as demonstrated in the previous chapter, they have usually tried to collapse them into one. By arguing for a clear cut two-step process I delineate the scope of institutionalist theories and enable them to explain their outcomes of interest without the burden of explaining developments for which they are not equipped.

The need to distinguish between the pre- and post-institutionalisation phases is based on the awareness that they rely on different logics. During the pre-institutionalisation phase institutions do not have a primary role because they are not differentiated from the external environment, do not have clear structures of internal decisions making and are quite ineffective in influencing their targeted behaviour. In emerging democracies, these characteristics are even more pronounced as institutions are either seen as representing the old (illegitimate) interests or are incapable of affecting behaviour. In such circumstances institutions can at best be one of many rules and norms influencing behaviour. More importantly, the process which guides pre-institutionalisation events is not based on institutionalist logic. The cognitive understanding of good or bad times, the perception of threats and the evaluation of crises are not predicated on an institutionalist logic. So to understand how institutions are institutionalised, one has to analyse how elites make sense of history, create frameworks of understanding and identify preferences, which then affect institutionalisation.

This perspective takes into account the contingency of outcomes during the pre-institutionalisation phase. During this phase elites can (i) disagree on the problem, (ii) agree on

the problem but not on the solution, or (iii) agree on both. In the first case, one is faced with an impasse as politicisation remains high and impedes institutionalisation. In the second scenario, politicisation remains high regarding the implementation of the reform and one is faced with policy reversals which reflect changes at the government level. In this case, institutionalisation reforms also face an impasse since routinization of behaviour and allocation of resources is not possible. The third case creates conditions for the de-politicisation of the reform and its implementation producing policy continuity and making institutionalisation possible. Nevertheless, this does not mean that institutionalisation is automatic because the complexity of the institution, the resources to implement reforms, and so on could still make it difficult to translate this general agreement into measurable success.

This theory is important not just for explaining my puzzle, but also for extending institutionalist research towards emerging democracies. In such countries institutionalisation outcomes cannot be accounted for by institutionalist logic because institutions are weak predictors of variation of behaviour. Furthermore, looking for an institutionalist explanation of institutionalisation in emerging democracies would present a picture of events which could stand only the most formal test of rule following and run the risk of being tautological. That is why I argue that my pre-institutionalisation theory, during which elites frame the problem, shape their interests and then choose accordingly, is a necessary analytical step to understand institutionalisation outcomes.

3.2 CONSTRUCTIVISM AND PREFERENCE FORMATION

My theory is based on a constructivist account of interest formation. Constructivism claims the world social scientists study is socially constructed. Checkel (2011) and Adler (2002) have argued that through the interaction among actors and between actors and their environment interests are socially constructed. This perspective has enabled social science to move towards a socially embedded view of the individual whose interests are constituted in the environment in which she lives. Building on this understanding, I problematize the concept of interest with the purpose of tracing its development and identifying the mechanisms affecting it. To do so, I place a premium on the analysis of social facts; those elements of the social world which are viewed as belonging to the natural order of things. In placing social facts at the centre of this research's ontology of constructivism, I focus on understanding how they come to be and affect the 'universe' in which they exist. This point is important and not without controversy. Therefore, although I do not aim to provide an overview of constructivism, it is important to explain and situate my decision within the internal debates of this field.

While on one hand a constructivist claims the social world is constructed, on the other hand she has to accept some starting point in order to avoid infinite regression. Therefore, many constructivists, like Wendt (1999) and Onuf (1989), have had to take some part of the socially constructed reality as given. Wendt starts from the given corporate identity of the state, while Onuf assumes that actors' claims are based upon and restricted by the material characteristics of the surrounding environment. However, constructivists who follow a Derridean perspective, based on the assumption that social interpretation creates all meaning, do not agree with Wendt and Onuf. Since such constructivists have their philosophical underpinnings anchored in critical theory they advocate the problematization of *all* 'reality' which they see as neither "determined by the nature of things, nor inevitable" (Hacking 1999: 6). As Pouliot (2004) puts it, from a Derridean perspective, Wendt and Onuf commit essentialisation, meaning they "turn a representation of reality (about, respectively, identity, intersubjectivity and materiality) into the reality itself and assume its existence in an *a priori* way" (328). Since acts of essentialisation are the foundation of the social construction of reality, Derridean constructivists argue that a constructivist account should problematize them instead of being based upon them.

I simultaneously sympathise with the desire to problematize all meaning and am cognizant that the necessities of engaging in empirical research make such an objective difficult. That is why I agree with Pouliot's (2004) argument that places social facts at the basis of constructivism as its proper object of study. Basing one's constructivist analysis upon social facts reduces the problem of essentialisation, the risk of sliding towards postmodernist subjectivism, and allows the researcher to state 'this is what the actors take for granted as natural reality and this is where I will begin my analysis.' Of course even the observation of social facts is interpretation and cannot claim to be bias free, but all a researcher can do is to provide this moment of essentialisation from the actors' perspective. Therefore, analysing social facts, which actors naturalise and upon which they construct their interests, is an essential step to understand their choices. Regardless of whether scholars apply RCI, HI, or SI logic, to explain institutionalisation they have to first analyse the process by which actors produce the social facts upon which RCI, HI or SI logics are based. In order for an individual to be a utility-maximizing-calculating-unit, or embroiled by the history of what has come before, or enmeshed in societal norms, there first needs to be a social reality upon which these different logics are applied. That is why I argue that institutionalisation cannot be understood independently of and apart from the actors' understanding of social reality which is a process that precedes institutionalist logic.

Since the actors' perception of social reality affects their interests, it is important to clarify the relationship between perception and interests. Interests are a compound concept made of wants, needs and desires, which are a product of the agent's ideas about the world and her position in it. Interests are based on the understanding and knowledge of social facts making them "cognitions or ideas" (Wendt 1999: 122). This reformulation makes the ideas-interests debate not as meaningful as it was once believed to be. If scholars understand interests to be derived from one's awareness of social facts, then the analysis of social facts becomes the prerequisite step to understand interest construction. Viewed this way, I can argue that interest-based, mainstream institutionalist theories are in a sense constructivist approaches suffering from extreme essentialisation. I can also argue that my account is interest-based, but differently from mainstream institutionalism, because of my focus on institutionalisation in emerging democracies, I go a step further back and explain interest formation. Interests, constructed upon social facts, influence the behaviour of political actors towards institutionalisation (Hay, 2006, 2006a). This is why my theory is necessary to account for institutionalisation in emerging democracies undergoing transitions where interests are fluid.

Elites learn to value, devalue and revalue 'things' through socialisation and immersion in social facts. Such 'learning' influences their rationality through the 'lessons' of history which are constructed interpretations and understandings of past events. This 'learning' is more intense during political transitions which bring about major uncertainty. During such periods, perceptions of interests are increasingly prone to change and open to innovation. While elites are open to change, they are also increasingly distrustful of each other as they find it hard to identify friends and foes in an ever-changing situation. As a result, countries coming out of long periods of dictatorship followed by tumultuous transitions experience major difficulties in building institutions. "Why should people with long-standing and extensive experience and memories of the untrustworthiness (evil, duplicity, cruelty, etc.) of 'other people' suddenly begin to rely on one another?" (Rothstein 2005: 7). Under such conditions, common in emerging democracies, a past history of treacherous behaviour teaches elites that trust is dangerous.

In conditions of uncertainty rationality and the capacity to endow trust are not determined in reference to one's material interests, but in reference to one's perception of such interests in a constantly evolving context. Therefore, "uncertainty means that actors' perceptions of change are key to understanding both the process and outcome of institutional design" (Luong 2002: 29). In this regard, memories of the past play a powerful role in shaping interests during democratic transitions. Especially for emerging democracies, one cannot grasp the importance of interests in explaining institutionalisation if one does not consider that such interests have to be perceived in

light of past experiences. Elites have to take notice of, and give meaning to, the new surroundings in order to make use of them. That is why I argue that there is a perceptual lens, based on the memory of the past, which shapes actors' interests and affects their capacity to work together.

So far I have argued that my pre-institutionalisation theory enables institutionalist theories to engage with emerging democracies and account for institutionalisation. Specifically, I argued that a constructivist account, based on the analysis of social facts, is an appropriate perspective to analyse interest formation during political transitions and their effect on institutionalisation. Above I also introduced the explanatory variable which encompasses these elements. This research emphasises *collective memory* because “the ingredients of collective memory are neither a purely social construction nor historical fact established once and for all, but rather are always found somewhere along the line” (Rothstein 2005: 163). Through collective memory I can analyse how social facts, upon which actors construct their interests, affect institutionalisation. Specifically, by analysing the development of the collective memory of Albania's political elite, I aim to understand how they perceived their post-communist environment, how they shaped their interests in the new and highly unstable transition period, and how such interests in turn affected their capacity to carry out institutionalisation reforms.

3.3 COLLECTIVE MEMORY

I conceptualise memory as a communal activity which ties the individual to society. Such a conceptualisation is in line with a number of analyses provided by oral historians (Davis 1988; Thelen 1989; Davis and Starn 1989) and folklorists (Clifford and Markus 1986; Kitch 2002; Glassberg 1996), among others, who have coined concepts of popular memory, social memory, and community of memory moving the focus away from the accuracy of the recollection towards the constructive nature of remembering. From these analyses I gather that remembering is not done in isolation but in conversation which makes memories both contestable and malleable. This vision of memory as both collective and in constant flux makes it an important variable in creating a social “context of meaning” (Bellah et al. 1985: 153) through which actors look at their past and approach the future. Memory is a complex process that does not produce neutral traces of the past that can be cross-checked with facts; rather memory (re)produces and (re)constructs the past through the eyes and understanding of the present (Connerton 1989; Meusberger, Heffernan and Wunder 2011; Misztal 2003). As Halbwachs (1951/80) stated, memory cannot represent an objective picture of the past but only that, “which society in each

era can reconstruct within its contemporary frame of reference.” Therefore, when it comes to remembering, people are not photographers, they are painters.

Recalling the past is a collective activity where people situate themselves in relation to others and through which they (re)discover details of past events that become the basis for future recollection. As such, remembering is an open-ended project that lies in the grey space between inborn capacities and socially constructed activities. This is why I agree with the characterisation of memory as an “epistemological enterprise” (Middleton and Edwards 1990: 9) built upon a dialectic relationship between the recalled and the recallee. Therefore, the ‘truth’ of the recollection is neither fact nor fiction, but a journey where meaning is constantly (re)constructed because, “as people’s perceptions and conditions change, memory changes with them” (Gordy 2013: 3). This ‘journey’ gains further prominence during political transitions as old ‘truths’ are repudiated and new myths are constructed.

Since collective memory is used in different academic disciplines for a variety of purposes it risks being stretched to the limits as a variable. Therefore, a clarification of collective memory is needed. I define collective memory as, “a set of social representations concerning the past which each group produces, institutionalizes, guards and transmits through the interaction of its members” (Jedlowski 2001: 33). This conceptualisation is conducive to understanding both the content and the process by which collective memory comes to life. As Alon Confino (1997: 1396) puts it, collective memory as a concept represents “the past and the making of it into a shared cultural knowledge by successive generations in ‘vehicles of memory.’” I can say, therefore, that through collective memory, one does not bring to life a photocopy of the past but copes with the past in a way that makes it intelligible and, if possible, useful to the present.

Collective memory produces a sense of belonging to a community and a capacity to connect to others that share the same memories. That is why I envision collective memory as an instrument of inter- and intra-generational communication between people who otherwise have little in common. These memories, which often are partial and ‘inaccurate,’ constitute the bulk of a society’s shared sense of a collective past, which is used as a tool to evaluate the present and plan for the future. Overall, collective memory synthesises the experiences of the past that define group identity to present them as coherent frameworks of judgment. Such memories gain more explanatory power during periods of turmoil and political transition as they are used as frames of reference to make sense of the new surroundings and adapt behaviour accordingly.

Although I have been writing about collective memory as if it were a cohesive unit, I am aware that there are multiple memories, often in conflict. As a result, powerful interests battle over the content of collective memory. To dominate memory is to dominate society. Therefore, it can be argued that elites use collective memories as an instrument to pursue their pre-existing agenda. Two points need to be made here. First, the fact that elites fight over memories means that they are important in shaping interests. Furthermore, the fact that some memories are fought over because they are seen as more important and more convincing means that, depending on the memory recollected, interests will vary and so will the decisions based on them. The occurrence of ‘memory wars’ does not weaken my argument that memory is important for interest formation, in fact it strengthens it. Second, collective memories can, and indeed are, used instrumentally by elites. However, the continued reliance upon them – the continued recalling of some memories over others - can transform them from instruments to constraints on political behaviour by creating ‘truths’ and widely shared understandings which become part of the society’s fabric. So, by analysing the development of elite collective memory, I can retrace the construction of social facts, which shape elite interests and their willingness to carry out institutionalisation reforms

3.3.1 TRAUMATIC MEMORIES

After presenting the argument that collective memory can affect interest formation especially during political transitions, now I have to specify the kinds of memories on which elites rely. Of the many memories groups share, memories of trauma are important and gain further significance during periods of transition and political instability. “Periods of turbulent change always seem to foster waves of looking backward” (Smith 2002: 4). Such memories are crucial for the threads of narratives societies produce as they identify the highs and lows upon which the story is based and around which characters revolve. These memories offer a framework of evaluating on-going crises and crystallising interests.

The memory of past traumas is recalled during moments of turmoil and political transition (re)constructing and (re)interpreting it under the exigencies of present predicaments. How this (re)construction is done is an issue of fervent theoretical debate. One of the first researchers to theorise traumatic memories as explanatory variables, was Bartlett (1932) who claimed that remembering is based upon a feeling, an initial reaction towards something one is confronted with. From this initial feeling an attitude - presumably negative or positive - emerges and forms the preliminary and amorphous memory, which conforms to that attitude. At the end of this

process, one produces an account of the event which “is not a description [that] could be proved true or false, but works as an aid to perception, literally instructing one both in how to see something as a commonplace event” (Shotter 1990: 123) or as an extraordinary moment.

This account is externalised through language, which is important because, while the way one talks about something depends upon this something’s characteristics, at the same time the nature of this something depends on the way one talks about it. This is an obviously difficult process to verbalise, but Bartlett (1932) puts it best when he states that, “when a subject is being asked to remember, very often the first thing that emerges is something of the nature of an attitude. The recall is then a construction, made largely on the basis of this attitude, and its general effect is that of a justification of the attitude” (cited in Shotter 1990: 133). This attitude is not just individual-specific, but society-specific in the sense that group members are taught to react with disgust, anger, or distrust to different situations. Based on this initial attitude, societies construct memory accounts which are externalised through discourse. It must be reiterated that this construction is grounded in an attitude which is generated by an actual event.

Recalling traumatic memories thus has its origin in a reaction to an event. When one recalls she tries to relive that initial feeling, to resituate herself in that position without ever being able to do so. Feeling is always recalled from the present which is different from the past in which one is trying to re-immers herself. This dialectic relation between the ‘us’ of yesterday and the ‘us’ of today presents the constant (re)construction of both yesterday and today. This living with the multiple ‘us’ from the past inside of the present ‘us’ symbolises the past one carries, the past one tries to recall and use as a framework to make sense of present predicaments. That is why I argue that the way traumatic memories are recalled and connected to specific crises during political transitions, can affect elite perceptions of the crises, of their interests and ultimately their capacity and willingness to respond.

3.3.2 CONFLICTING MEMORIES AND PARCELISATION

So during political transitions, collective memories - especially traumatic memories - are important evaluative frameworks, which affect elite interests. Nevertheless, some questions remain. How do traumatic memories affect the environment in which they are recalled? Once recalled, how are they used to make sense of the predicament a society faces?

Social life encompasses a wide range of activities. Therefore, societies cannot offer an internally consistent way of looking at life. As time passes, within a society different memories give life to different values and approaches to problems. These different memories, often in contradiction to each other, create what Bartlett (1923) coined as *conflicting tendencies*. The existence of these conflicting tendencies can be a blessing and a curse simultaneously; it is a blessing because through debate societies progress, but if such tendencies are too far apart they risk creating unbridgeable chasms. For this reason, conflicting tendencies are assigned their areas of influence - fields of existence - in which they can act as guiding principles.

Through the parcelisation of conflicting tendencies societies can engage in situational behaviour and express their self-contradicting personality without disrupting social life. The assignment of fields of influence to conflicting tendencies is contingent and society-specific. Since these balances are contingent, they evolve as people's needs change and they develop as demands on society require increased adaptive behaviour. The parcelisation of conflicting tendencies, just like the invention of tolerance at the end of religious wars in Europe, is an attempt to allow for different speeds of development within the same body politic. I believe that the parcelisation of conflicting tendencies to different areas of life, can account for the different institutional developments witnessed within and among social groups.

In emerging democracies parcelisation is reconfigured during the transition period as what was viewed as acceptable during the autocratic regime is often considered as anathema to the new democratic state. To that end, the memories of the former autocratic regime, often in the form of traumas, are recalled to justify democratisation reforms and redraw the boundaries of conflicting tendencies. In the connection between the traumatic memories of the autocratic regime and the transition environment, conflicting tendencies are assigned new areas of life which then shape the creation of a new common sense. That is why I claim that collective memory and the subsequent (re)parcelisation of conflicting tendencies have a powerful effect in shaping elite interests in emerging democracies.

Actors who choose the new institutional structure of emerging democracies are conditioned by their memories. Despite the unhappy memories of the past they hope for a better future and try to build an institutional edifice that guarantees it while ensuring the past does not return. Likewise, societies that emerge from dictatorships and begin to transit towards democracy, construct their new lives with great hope for the future and, as importantly, with fear of the return of the previous regime. Thereby, memories of the traumatic past and their subsequent (re)parcelisation play an important role in building support for certain types of political and institutional

structures. That is why I believe that the new common sense is affected by the memory of the past autocratic regime and its interaction with the transition environment.

Memories of the traumatic past gain an even more important role when combined with memories of failures during the transition to democracy. Since at the beginning of a transition hopes for a better future are very high, the subsequent failures, or disappointment of expectations, will inevitably reawaken memories of the troubled past, make them more tangible in the perspective of another failure, this time a democratic failure. This combination of the fear from an unhappy past with a fresh failure from what was expected to be a qualitatively better future suggests collective memory as an important variable which can make sense of the situation, provide a framework of understanding and (re)parcelise society's conflicting tendencies. In the nexus between memories of the dark past and disappointed hopes of a bright future, one can look for the constant (re)negotiation of interests.

3.3.3 COLLECTIVE MEMORY IN DISCOURSE

So during political transitions society's conflicting tendencies are (re)parcelised and this process is affected by the way the memory of the past authoritarian regime and transition crises interact with each other. How can I identify this process and study it?

Since I conceptualise collective memory as social representations springing from the communication of social agents and groups, I aim to identify such representations by analysing discourse in the form of texts. Texts are good carriers of collective memory and an open and empirically researchable arena through which memory is conveyed, negotiated and transformed. The way events are textually recalled, presented, described, connected to other events, and placed in the larger scheme of things creates the enduring and transferable collective memory of a group's past and its meaning. Therefore, to gauge a society's collective memory and its evolution, texts are an appropriate form of evidence.

Language is the main mechanism through which one outwardly expresses memory as it "objectivates the shared experiences and makes them available to all the linguistic community, thus becoming both the basis and the instrument of the collective stock of knowledge" (Berger and Luckmann 1967: 63). By speaking or writing about an event, its relation to other events and its meaning, people shape it, organise it, and give it a structure and coherence which is required by language rules. However, language is not a neutral instrument which (re)produces the

existence of an objectively describable world. Language has the capacity to construct; it has the power to vest with defining characteristics the object which it articulates. As Achugar (2008:23) puts it, “as a social practice language is the activity of social construction” and its analysis is an attempt to understand how its use affects the construction and transformation of social reality. Since discourse and language are so important in producing, maintaining and (re)shaping memory, their analysis is appropriate to study memory.

3.3.4 COLLECTIVE MEMORY AS A CAUSAL MECHANISM

So far I have made the case that collective memory, particularly the articulation of traumatic memory during transition crises, is important for (re)parcelising conflicting tendencies and re-shaping elite interests. Now I have to elucidate how collective memory can be conceptualised as a causal mechanism accounting for behaviour.

Explanatory mechanisms can be classified as fast- or slow-developing with associated fast- or slow-evolving outcomes. Within the category of slow-moving causal mechanisms, one of which is collective memory, researchers have identified three sub-groups: cumulative, threshold, and extended causal chains mechanisms (Pierson 2004). In this analysis, collective memory is conceptualised as a threshold mechanism. In a certain sense collective memory is also cumulative because it develops incrementally and a causal chain mechanism because it is influenced by a number of events with time lag between them. However, if collective memory were conceptualised as a cumulative mechanism it would imply a uniform linear piling of events allowing little room for the reworking of memories and it would also imply a deterministic direction of collective memory which I do not share. I cannot conceptualise collective memory as a causal chain mechanism either because it is very difficult to establish a ‘tight coupling’ among events. There is also the problem of infinite regress; how can I decide which events are not important; how can I confine the time frame of the analysis? The conceptualisation of collective memory as a threshold mechanism is appropriate because it lacks the limitations of the other mechanisms and it incorporates some of their strengths. This conceptualisation is more conducive to understanding the evolving nature of collective memory which is cumulative but not deterministic and becomes decisive under particular conditions.

By conceptualising collective memory as a threshold mechanism I am interested in understanding the *progress* towards tipping points which produce the non-linear developments I witness. The focus is on *process* because it is not enough to identify a tipping point, but it is

useful to explain the events that bring forth such a moment. Such an ideational threshold, when reached, causes actors to reassess both their expectations about the behaviour of other actors and the options available to them. I refer to an ideational threshold in the sense that the development of collective memory forces actors to reassess their interests and question the existing way of doing things. Either the exiting institutional framework will suppress the development of these interests or institutions will have to adapt to the demands that spring from these new interests. Although the development of tipping points is contingent and difficult to predict, it is worthy of explanation *ipso facto*.

I believe the conceptualisation of collective memory as a threshold mechanism can account for the different institutional developments within and among emerging democracies after the fall of the autocratic regime.

3.4 ELITE COLLECTIVE MEMORY IN ALBANIA

When claiming that collective memory is a threshold mechanism which affects the framing of political struggles and elite interests, I have to specify what elements of collective memory are used, why they are chosen over other elements and how this process develops. This is a difficult task, one which I do not aim to resolve in my research. I aim, however, to put forth my understanding of how collective memory is used to make sense of political crises and crystallise elite interests in post-communist Albania.

I envision elites as embedded instrumentalists in relation to collective memory. Through the use of education, newspapers and mass media, elites can impose their version of memory and use it to legitimate their actions. That is why many researchers have argued that, “when any particular experience is described, some aspects of that experience are selected or ‘drawn from’ to the neglect of others” (Schiappa 2003: 17). However, elites have a limited base of existing ‘raw cultural material’ through which they can construct the narrative that fits their purposes. Elites therefore are constrained constructors; their capacity to invent is hampered by the availability of historical data. When it comes to collective memory elites are neither photographers nor original painters; they are restorers confined by the work of the people who have ‘painted’ before and left a wealth of memories limiting their capacity to freely invent.

To recall the past during transition crises elites rely on articulations. According to Jutta Weldes (1999) articulation refers to “the process through which meaning is produced out of extant

cultural raw materials or linguistic resources ... combined and recombined to produce contingent and contextually specific representations of the world” (98). Through articulations contingent chains of association are created which shape interests and (re)parcelise conflicting interests. Such articulations can be “uncoupled, and the resulting, component parts can be rearticulated in different, and perhaps novel, ways” (Weldes 1999: 102) enabling new elites to reshape the common sense produced by the preceding chains of association. That is why I argue that in the conjunction between the memory of the authoritarian past and the crises of the transition to democracy, Albanian elites reshaped common sense and their interests with regard to institutionalisation reforms.

Articulation is very important to collective memory because “what makes memory usable as a source at all is the fact that we can articulate it” (Fentress and Wickham 1992: 6). Articulations give life to a memory of ‘essential truths’ about a people through which new situations are evaluated and conflicting tendencies (re)parcelised. Of the continually changing and evolving meaning in a society there are a number of ‘truths’ which are so internalised that any new regime has to accept and use them if it wants to construct a durable new common sense. As Stuart Croft (2006: 272-273) states, “a crisis cannot be understood through an infinite number of explanations; it can only be given meaning by those that have elements that pre-exist.” In the context of post-communist Albania, these pre-existing elements were discernible through the memory of the communist regime as the main evaluative framework available to Albanian elites.

The dominance of communism in every sector of Albanian life for over forty-five years and the absence of a pre-communist democratic period made the memory of communism the crucial framework through which political choices were evaluated and reforms were legitimated during the transition. Since Albania had to fundamentally change its regime “*in the absence of laws and social political structures, through competing, contradictory, and enmeshed dynamics of international political and economic forces demanding radical changes by people and institutions ill-equipped to meet those demands*” (Amy 2010: 207), the memory of communism was the only available frame of reference in which to embed democratisation reforms. In Albania the memory of the communist past was crucial because the communist regime was active not only in building the communist ideology; it was also busy in wrapping communism with nationalism. Early communist Albania was a fragile state with a weak sense of national identity and had been independent for a short time. Therefore, the communist leadership drew heavily from national myths to increase its standing and naturalise its rise to power. The combination of communist ideology and nationalism made communist discourse very appealing and enduring. That is why

during Albania's transition to democracy, the memory of the communist past was essential in framing democratisation reforms.

The fall of communism created a major schism for generations of people who had the meaning of their lives and usefulness of their jobs tied to the communist narrative. "Any revolution, any rapid alteration of the givens of the present places a society's connection with its history under pressure" (Terdiman 1993: 3). Since the communist regime had been unscrupulous in changing history and airbrushing inconvenient truths, whether in negating communism or in searching for the truth it hid and the truth it was preceded by, the memory of the communist regime was the only framework through which elites could evaluate reforms and form their new interests. That is why I argue that the memory of the communist regime and its interaction with the transitioning environment are important in accounting for institutionalisation outcomes in Albania.

The conjunction between the memory of the communist regime and transition's crises created the frameworks through which elites ranked priorities and formed their interests. Over time these frameworks are taken for granted and become what Middleton and Brown (2011) term physiognomic, meaning they are naturalised to such a degree they seem to come forth from the environment itself. That is the reason they are so powerful, so influential and ultimately so difficult to discern; they are taken for granted, not questioned and almost never acknowledged because of their embeddedness and apparent naturalness. Most acts of remembering the past and envisioning the future are done through these frameworks that give life to the day-to-day informal knowledge "that is granted by belonging to a zone of personal relations [which] is more important than the availability of abstract technical formal language" (Middleton and Brown 2011: 37). These frameworks are durable and major factors in shaping the elites' interests because once internalised they offer certainty and major reference points that provide order.

So the memory of the communist regime, expressed through articulations, is the main evaluative framework available to the post-communist elites. That is why I argue that in the conjunction between the memory of the communist regime and transition's crises, the new elites shape their interests which then affect their capacity to carry out institutionalisation reforms.

3.4 CONCLUSION

I had two main objectives in this chapter: to present the rationale for a new approach to institutionalisation in emerging democracies like Albania and to argue that collective memory is an appropriate causal mechanism for such an approach.

Regarding the first, building on the discussion in Chapter 2, I argued that my pre-institutionalisation theory is an appropriate framework to study institutionalisation since established institutionalist theories assume its presence and cannot account for it. I argued that my theory places the study of institutionalisation under the right heading; clarifies the scope of existing institutionalist theories; and establishes a new research programme connecting institutionalist studies with emerging democracies. Since in transitioning countries like Albania interests are in constant flux, a constructivist account of interest formation is an appropriate theoretical perspective to navigate elite interest formation and its effect on institutionalisation.

The second part of the chapter elucidated my conceptualisation of collective memory. I argued that collective memory provides a framework through which elites create an understanding of the past and confront challenges in the future. Through such frameworks they construct preferences against which they evaluate the situations that confront them. That is why I argued that the analysis of collective memory, and its conceptualisation as a threshold mechanism, allows scholars to understand why elites held the preferences they did for a certain period of time and why they changed them at a particular moment. By analysing collective memory, one gains an understanding of elite interest development and its effect on political actions. Therefore, the analysis of collective memory is an appropriate mechanism through which to understand pre-institutionalisation preference formation and its effect on institutionalisation outcomes.

CHAPTER 4 METHODOLOGY

4.1 THE RESEARCH QUESTION

This project investigates why Albania was more successful in institutionalising its armed forces than its judiciary. This is a pertinent question because, as demonstrated in Chapter 2, institutionalisation is a concept that is poorly understood. Therefore, this study is significant not just for shedding light on an understudied country, it is above all important because it illuminates the causal mechanism(s) that enable two reforms, under approaching *ceteris paribus* conditions, to produce different institutionalisation outcomes. Besides addressing the puzzle, through this project I aim to establish a common ground between institutionalist, transition, and democratisation studies.

4.2 RESEARCH DESIGN

Most emerging democracies are like black boxes; they become accessible to the outside world and research community only after they crash. Reconstructing the chain of events that lead to the crash and those that followed is both important and context-specific. That is why this research looks at how different variables interacted during Albania's democratic transition to discover the mechanisms which enabled the institutionalisation of the military. The findings produced by this investigation aim to improve the theoretical understanding of institutionalisation, the variables that affect it most, and can be applied to study similar cases.

For the purposes of this project, I rely on a single country case study research design, which is commensurate to my theoretical objectives because it allows me to achieve two main goals. First it enables me to study the mechanism(s) responsible for the different institutionalisation outcomes in Albania. Secondly, through this design I can test my theoretical proposition. Since this design allows me to do both, I have chosen it and expect that, "the clarification of the causal mechanisms in [this] case will have implications for understanding causal mechanisms in other case studies" (McKeown 2010: 163).

This design presents further benefits since it allows me to undertake theory testing in a controlled environment. By testing the theoretical proposition on one country with intra-case variation I am able to hold constant, and discard as possible explanations, those variables that change when one engages in cross-case research (Bennett and Elman 2006). In addition, besides engaging in

theory testing, this research design enables me to lay the ground for theory development. If my proposition is validated, then it opens the possibilities for further research covering more countries. Although there are no perfectly representative countries, my findings could enable future researchers to look at other emerging democracies experiencing similar problems by applying my approach and enriching it along the way.

Using a single country case study research design is reasonable, fits my goals, and is not a controversial choice; however, comparing the military and judiciary might strike some as peculiar. There might be doubts on the comparability of these two institutions since they are different structurally. After all, the military - with a vertical hierarchy premised on obedience - is different from the judiciary which places a premium on independence. This is true only in established democracies with consolidated institutions. When they are politicised by dictatorial regimes, the military and judiciary are similar in that they follow political orders and march in lockstep with the political leadership. Dictatorships use the military and judiciary to instil fear, punish dissent and maintain power. In consolidated democracies the military and judiciary are different but in dictatorial regimes they differ mostly in the uniforms they wear. In Albania their similarity is even more striking as often, regarding important political trials, the regime used military tribunals, making these two institutions almost indistinguishable. More generally, communist regimes in East-Central Europe prioritised the control of 'power ministries' which included the military and judiciary. Therefore, the reforms to de-politicise the military and judiciary as part of post-communist democratisation can and should be compared.

4.2.1 WHY ALBANIA?

Of the many black boxes in political science, Albania is one of the more intriguing cases. It started democratisation reforms in 1991, which came to a halt during the 1997 crisis and afterwards continued to suffer from politicisation and corruption. Since the military and judiciary had been instrumental to the communist regime's ability to maintain power, their reform was seen as integral to Albania's democratisation programme. Consequently, their restructuring started in 1991 and in the first few years of transition they suffered from the same symptoms of politicisation, corruption and incompetence. After the crisis of 1997 military and judicial reform had to begin anew and they were again politicised. However, in 2009 Albania's military reform culminated with NATO accession, while its failed judicial reform was one of the main obstacles to a closer relationship with the EU. So despite a similar history of politicisation during

communism and similarly rocky reform during the transition to democracy, military and judicial reform produced different institutionalisation outcomes.

This is a compelling puzzle for students of institutionalisation. One is confronted with two institutions which develop similarly for a long period of time - both under communist and post-communism - and in the 2000s the military takes a different direction and its reform achieves substantial institutionalisation. Besides being an interesting puzzle, any theory which claims that collective memory, and ideas in general, gain explanatory power under conditions of uncertainty has to find the Albanian case most attractive. If collective memory enables actors to re-evaluate their interests during periods of uncertainty then Albania provides a *most likely case study* to test such hypothesis. In 1991 and even more in 1997 there was an explosion of uncertainty where actors had to make sense of a rapidly changing and dangerous environment. Such levels of uncertainty forced elites to look in directions previously unexplored making them open to new opportunities. This research aims to uncover how Albania's elites made sense of their tumultuous transition environment and why this understanding affected military and judicial reform differently despite their similar history of politicisation.

It is clear from my description of the military and judiciary that they are similar in their history and politicisation but different in their degree of institutionalisation. One would have had no reason in 1991 to think that military reform would have been more successful than judicial reform. One would have been even less hopeful about military reform after its destruction in 1997 and the display of its inefficiency during the 1999 Kosovo war. Therefore, I investigate this case to identify the variable(s) which can explain why, despite the odds, military reform produced meaningful institutionalisation while judicial reform did not.

Just like the research design was commensurate to my goals so is the choice of Albania. Testing my theoretical proposition on Albania is not the highest methodological hurdle to pass, but it is an appropriate choice because it provides a controlled environment in which to test the plausibility of my theory. Through this research I want to bring the study of institutionalisation under what I consider to be a more appropriate theoretical perspective. Since this is a new perspective, on an issue that attracts scant attention, and about which scholars know little, the first step would be to show that my theoretical proposition is viable. Therefore, I have decided to test it on Albania so that I can learn more about institutionalisation and the variables that affect it most. If my theory is validated, then further research can spread to other more challenging cases.

Another reason for choosing Albania is that it provides a suitable environment for undertaking an empirical analysis of the effects ideational variables have on institutionalisation. Most studies that use collective memory, or similar explanatory mechanisms, are criticised for either not being convincing enough or being just another story. To avoid such criticism, I pay particular attention to undertaking an empirical and replicable research. So, besides establishing a connection between mainstream institutionalism and emerging democracies, by studying Albania I can provide a template for undertaking empirical research of an ideational explanatory mechanism. Therefore, since I am engaging in a most likely case study, my findings, if positive, go beyond failing to falsify the hypothesis to establishing a new research agenda within institutionalism, establishing a connection between institutionalist theories and emerging democracies, and undertaking empirical ideational research.

4.2.2 HOW MANY CASES?

Although I study one country, there are a number of cases within it. First, I have the two cases of military reform and judicial reform. I can make a further division of military reform in the 1990s and in the 2000s and judicial reform in the 1990s and in the 2000s. Three of these cases, judicial reform in the 1990s, in the 2000s and military reform in the 1990s fail to produce meaningful institutionalisation, while military reform in the 2000s is successful. Since judicial reform in the 1990s and in the 2000s do not differ in their institutionalisation outcome, for my purposes, they will be treated as one case and studied together while military reform in the 1990s and military reform in the 2000s will be studied separately. I can say then that there are three case studies which will be analysed to identify the variables that affected their institutionalisation outcomes.

4.3 THE DEPENDENT VARIABLE

The dependent variable is the degree of institutionalisation in the Albanian military and judiciary from 1992 to 2009. The aim of this study is not to assess these reforms *per se* but to identify the variables which enabled their different institutionalisation outcomes. Therefore, I use the EU and NATO as indicators of the degree of institutionalisation of the judiciary and military respectively. Since Albania became a member of NATO in 2009 I take it to mean that the military was sufficiently institutionalised to join the strongest military alliance in the world. Regarding judicial reform I use the EU as an indicator of institutionalisation. Since Albania has applied to become an EU member, the EU assists and monitors Albania and its judiciary. The lack of progress in judicial reform and its politicisation has been highlighted in every EU

progress report and it increasingly has been noted as one of the major factors inhibiting Albania's European integration (Commission of the European Communities, 2009). That is why I consider the reform in the judiciary to have produced no substantial institutionalisation.

Relying on the EU and NATO as indicators of institutionalisation has some advantages. First, by relying on these international institutions, I avoid getting into a detailed discussion of military and judicial reform. I am aware of potential criticism against this choice. Both NATO and EU are political institutions whose decisions can be affected by political considerations. This could mean that the military might not be as institutionalised as one would think; it might be that NATO lowered its standards to let Albania in. It might also be that the judiciary is not as un-institutionalised as one might think; it might be that the EU applied a high standard in evaluating Albania's judiciary.

I am not convinced by those who could argue that NATO accession might not be a reflection of the institutionalisation of the military, but rather a reflection of NATO's lowered standards. First, any kind of logistic facility or contribution that NATO could have needed from Albania it had already received. Before Albania joined NATO it had troops in NATO/EU missions in Bosnia, Chad, Lebanon, Afghanistan, and Iraq. Furthermore, each time NATO requested bases in, and access to, Albanian territory such requests were approved without debate. So there was no strategic reason for NATO to lower its standards. Secondly, arguing that NATO could accept in its midst a country whose military did not fulfil certain parameters draws into doubt NATO itself. If this politico-military alliance was willing to accept members that did not meet its minimal criteria, then it too has institutionalisation deficiencies. I am not claiming that since Albania is a NATO member and its defence minister sits at the same table with the US secretary of defence that the two are equal. I am arguing that NATO membership is a certification a military receives when it at least fulfils the Alliance's minimum standards which require meaningful institutionalisation.

It might be true that, by virtue of the different integration processes, NATO was more lenient and the EU less so. This, however, cannot deny the fact that Albania did manage to undertake enough military reforms to reach NATO standards and was not able to undertake enough judicial reforms to even achieve candidate status for EU. While full NATO membership and full EU membership are based on different standards with the latter being harder, achieving EU candidacy status is not that difficult. Albania is the record holder for being refused candidate status three years in a row and in every rejection the politicisation of the judiciary has been cited as one of the main causes. This means that military reform was successful enough to achieve

NATO membership while judicial reform underperformed to such a degree that it inhibited Albania from passing the low benchmark for EU candidacy. Therefore, for the purposes of differentiating between the degree of institutionalisation in the military and judiciary in Albania, NATO and the EU are appropriate indicators.

4.4 THE INDEPENDENT VARIABLE

The explanatory variable is collective memory, more precisely elite collective memory of the past authoritarian state and transition crises. The main difficulty with this kind of explanatory variable is reliable operationalization and measurement. The most effective way I can measure collective memory development and its effect on decision-making is through the analysis of newspaper articles and parliamentary debates. By analysing newspaper coverage of military and judicial reform, I seek to uncover any correlation between the non-politicisation of newspaper articles and the progress of these reforms. I focus on non-politicisation based on my assumption that important reforms have a higher likelihood of success when they are not politicised. Simply put, when political elites agree on a reform it has a higher chance of success.

In particular, I aim to identify how military and judicial reforms have been referred to over the seventeen-year span of analysis and whether the memory of the autocratic regime and transition crises have been used as justificatory mechanisms for the newspapers' position for/against reform. As importantly, I aim to identify how the autocratic regime was remembered, which of the transition crises were more prominent in the newspaper coverage, how they were remembered and how they were connected to military and judicial reform. This analysis will enable me to identify whether there was any change in the non-politicisation of military and judicial reform coverage and uncover the memories used as justificatory mechanisms for the newspapers' level of non-politicisation.

The examination of parliamentary debate aims to test the validity of the findings of newspaper coverage by confronting them with actual political behaviour in parliament. In this analysis I will focus on the following questions. Did parliamentary debate on military and judicial reform follow the same non-politicisation trajectory as newspaper coverage? If so, what were the justificatory mechanism(s) which deputies relied upon to support or oppose laws on military and judicial reform? Answering these questions is necessary to increase confidence in my explanation as more than just one story among many to a most likely account of what happened. The second question is particularly important. If the mechanism(s) identified through the

analysis of newspaper coverage is not present in the parliamentary debates, then I can be confident that I have not identified a most likely explanatory mechanism of my outcome of interest. If, on the other hand, I demonstrate a correlation between the level and timing of non-politicisation of newspaper coverage and parliamentary debate and uncover the same justificatory mechanisms used in newspaper articles and parliamentary debate, then I can be confident that my account has uncovered more than an accidental temporal correlation.

4.5 CONTENT ANALYSIS

The type of data at my disposal and the explanatory mechanism I want to test suggest content analysis, described as a technique allowing for the quantitative analysis of seemingly qualitative data (Smith et al. 1996), as an appropriate method for this project. The different definitions provided by Berelson (1952), Kerlinger (1986), and Krippendorff (2004) among others, all point to content analysis being a systematic, relatively objective method which enables a quantitative analysis of text(s). This method has been used successfully to study the changing trends of social phenomena such as the use of terminology in educational research (Miller et al. 1996) and the analysis of value changes in U.S. political party platforms (Namenwirth 1973). These characteristics fit well with the goals of my research and can help me make valid and replicable inferences about the message of the text(s) under analysis and its development over time.

The ability of content analysis to identify changing trends of social phenomena fits well with my goal of identifying patterns in the way military and judicial reform have been covered by newspapers and debated in parliament. Secondly, content analysis enables me to engage in empirical and replicable ideational research. As mentioned before, research such as this has been accused of being too subjective and un-replicable. I am aware of this criticism and have tried to address it to the fullest extent I can. Below I will show how I have operationalized the variables, provide standards for the coding and classification, and justify the selection of sources with the aim of engaging in transparent and replicable analysis. Thirdly, since my primary data are 2,166 newspaper articles and eighty-one parliamentary events with over 700,000 words, content analysis is suitable to research such large amount of text, provide an understanding of the overall characteristics of the data and present the findings in a concise and accessible manner.

I use content analysis to identify the overall level of non-politicisation of newspaper coverage and parliamentary debate of military and judicial reform from 1992 to 2009. This analysis will enable me to identify whether there is any pattern of non-politicisation in the newspaper

coverage and parliamentary debate and compare the two. Content analysis, however, cannot be used to test for causal relations between variables. Therefore, it needs to be used in conjunction with other methods to argue for the presence of an associational relation that goes beyond temporal correlation.

4.6 DISCOURSE ANALYSIS

To deepen my analysis, strengthen the explanatory power of my account, and explain the findings produced by content analysis, I rely on discourse analysis. Discourse analysis is an appropriate method to use in conjunction with content analysis because it can do what the latter cannot. Through discourse analysis I can identify the explanatory mechanism(s) that can give meaning to the findings produced by content analysis. Applying these methods together will increase the confidence in the findings and enable me to demonstrate the presence of an associational relationship.

I base most of my analysis on Ruth Wodak's (2001) *Discourse Historical Approach*. Wodak's theory fits this research for a number of reasons. First, it recognises that although texts are written by different people, in different times and settings, they are related to each other in a number of ways. They can be related on an ideational level referring to similar concepts and ideas, and they can be related on a factual level referring to the same events. However, no concept or event is ever referred to in the same way and such changes can be indicative of ideational development. I aim to uncover how my chosen texts are related to each other; how they refer to the dependent variable over time; how they describe the historical phases of interest and how they exist in relationship with each other and (re)gain meaning from this relationship. This way I can make sense of and explain the findings produced by the content analysis.

When investigating newspaper articles and parliamentary debates I will focus on answering the following questions:

1. How are the historical phases of *communism* and *transition to democracy* referred to?
2. How are the *judiciary* and *military* referred to and what features are attributed to them?
3. How are the memories of communism and transition crises used to justify the speakers' vision/interpretation of *military* and *judicial* reform?
4. How is discourse regarding *military* and *judicial* reform mitigated or intensified?

By asking these questions, and sifting through the data to answer them, I will be able to identify whether and how any shift has taken place in the newspaper coverage and parliamentary debate of military and judicial reform.

4.7 DATA COLLECTION AND CLASSIFICATION

To apply content and discourse analysis, I have to make a number of decisions on the type of primary sources to be collected and their classification. Therefore, the following sections are dedicated to present my main methodological decisions and explain their rationale.

I have chosen three newspapers to analyse: Rilindja Demokratike (*Democratic Rebirth*, DR), official organ of the centre-right Democratic Party (DP), Zëri i Popullit (*Voice of the People*, VP) official organ of the centre-left Socialist Party (SP), and Koha Jonë (*Our Time*, OT) an independent newspaper whose coverage has oscillated between pro-DP and pro-SP. These newspapers have been chosen for a number of reasons. Through the analysis of the two overtly political newspapers I can trace the coverage of military and judicial reform by the two parties that have governed Albania since the fall of communism. Through the analysis of OT I can assess what resonance the positions of the major parties regarding these two reforms have had in the more independent press. On a more technical note, these newspapers, in contrast to most other Albanian titles, have been published continuously throughout the period under review providing uninterrupted data for a complete analysis. All their numbers from 1992 to 2009 are available for inspection (except for 1992 in the case of OT). DR, VP and OT were not daily newspapers for the whole period of analysis; DR and VP were published three to five times per week in 1992 and in 1993 they became daily, while the OT became a daily newspaper at the end of 1993.

During the data gathering stage, I focused only on substantive, policy-oriented articles regarding military and judicial reform. All articles which contained simple reporting of a story were not collected for analysis. For example, articles reporting on the firing/appointment of judges, approval of new laws on the judiciary, the swearing in of new military personnel and so on without assigning merit/blame and analysing the importance/significance of the event were not collected in the dataset. Often, because the focus of the research is on substantive policy-oriented articles, the concept of reform is connected to the performance of the institution making them difficult to separate. Therefore, when I refer to military/judicial reform I also mean their

performance. At the end of data collection I built a dataset of 2,166 articles covering the reform of the military and judiciary from 1992 to 2009.

The articles were classified by newspaper, by topic (military/judiciary) and by the type of coverage (politicised/non-politicised). Since the first two are straightforward, I am providing the standards for the classification of articles as politicised and non-politicised. An article is deemed to provide non-politicised coverage if it does one of the following: 1. States that the military/judiciary is an independent institution. 2. States that the military/judiciary is undergoing positive reform increasing professionalism and de-politicisation. 3. Defends military/judicial reform and calls upon the 'other side' to refrain from politicising them. The article is deemed to provide politicised coverage if it does one of the following: 1. States that the military/judiciary is a politically controlled institution lacking independence and serving the interests of the party in power. 2. Accuses the government of attempting to politicise military/judiciary reform by appointing politically controlled people and removing civil servants. A table summarising the classification of newspaper articles by topic, newspaper and type of coverage is included in the appendix. Lastly, after coding the articles I used a polynomial fit 5th degree to generate a graph which visualised their level of non-politicisation over time. The polynomial fit 5th degree was chosen because it is flexible enough to appropriately display local minimums and maximums in coded data (de Boor 1978).

Most of the articles were simple to categorise since political speech in Albania is polarised and accusatory. A small number of articles were more difficult, and my knowledge of the country, the context of the coverage, the language used, and politicians mentioned were used to make the classification. For example, when the DP, led by Sali Berisha, was in opposition, it accused the Constitutional Court of being an extension of the SP. To make this point, Berisha combined the last name of the chief justice of the Constitutional Court with the first name of an SP official in charge of what was called the SP's court against party infringements. The name of the chief justice was Fehmi Abdiu and the name of the SP official was Mark Nikolla; while the derogatory combination created by Berisha for the chief justice was Mark Abdiu. Therefore, each article where the chief justice is referred to as Mark Abdiu is indirectly accusing the Constitutional Court of being politicised and is counted as politicised coverage.

Lastly, a number of articles were not included in the final analysis for a very specific reason. Often Albanian newspapers commemorated events on their historic anniversaries and reminisced on military/judiciary-related events, which ultimately had no bearing on the perception of these reforms for the year they were published. In 2007, for example, both VP and OT (re)analysed the

military and state collapse of 1997 since it was its 10th anniversary. However, these stories covered the events of 1997 and the position of these newspapers about the military of that time; it would be disingenuous if these articles were counted as politicised coverage of the military in 2007. In all such cases the articles were not considered.

To undertake an empirical analysis of parliamentary debate I took the following steps. From the Albanian Centre of Government Publications I retrieved the decennial *Summary of Albanian Legislation* (Bufi et al. 2001; Sadiku et al. 2011). These publications contain all legislation grouped according to topic such as 'military laws' and 'judiciary laws.' From these two headings I excluded all ministerial orders and decisions of the Council of Ministers because they are sub-laws and parliament has no role in their writing and approval. Of the remaining full statutes I excluded all those that dealt with minor changes such as specifications and update of terms which affected only a small number of articles with no repercussion on the spirit of the law and only minor effects on the letter of the law. I focused on laws which dealt with the overall organisation of the military and judiciary, their hierarchical structure, appointment procedures to the higher echelons of these institutions and their relation to and dependence on the executive. I focused on these elements because they comprise the major areas of contention on any reform.

Although the laws identified cover almost all sectors of military and judicial reform, debate of bills in plenary session is only a part of parliamentary life. Often parliamentarians - to attract attention to what they deem important - call the Prime Minister (PM) and ministers to interpellation. Furthermore, on issues of major importance, parliament can hold special debate sessions - at the end of which it can pass a resolution - where the government has to be present. Specifically to the judiciary, the Albanian parliament has the authority to impeach the prosecutor general and judges in the Supreme and Constitutional Courts and has to give consent to presidential appointments to the Supreme and Constitutional Courts. Lastly, parliamentary groups can present motions of no confidence against any minister for any reason. Therefore, besides the debate on bills, I have selected a number of interpellations, special sessions, parliamentary resolutions, granting of consent for presidential appointments, meetings of relevant parliamentary committees, and impeachment procedures or motions of no confidence related to the judiciary and military. The analysis of parliamentary debate when laws are being approved, when impeachment proceedings are being undertaken, when a motion of confidence is being discussed, when an interpellation is being debated, and when a parliamentary report is being analysed allows me to capture all the settings in which military and judicial reform have been debated.

To identify the events most pertinent to the analysis, I used parliament's publication of its yearly proceedings which included interpellations, consent on presidential appointments to the judiciary, parliamentary reports, resolutions, motions of no confidence and impeachment procedures. I decided to include interpellations of the minister of justice, of defence and of the deputy PM and PM on issues of military/judicial reform. I included motions of no confidence and impeachment procedures against the minister of justice, of defence, members of the Constitutional and Supreme Court and the prosecutor general. Further, I included parliamentary resolutions on military and judicial issues as an expression of parliament's political will. Lastly, I included special parliamentary sessions, parliamentary committee proceedings, and reports on military/judicial reform and NATO and EU integration.

In total I have identified thirty-nine events related to judicial reform and forty-two related to military reform. These events cover all five legislatures from 1992 to 2009, the most important issues related to military and judicial reform and all the different settings in which they have been debated. Such an all-encompassing analysis brings two benefits. First, by covering so many events, discussed in different settings and during a seventeen-year period, I can be confident I will not miss any important development related to the two reforms of interest. Second, this approach, by being so comprehensive, increases the difficulty of finding a continuous theme running from 1992 to 2009, thereby increasing confidence in the validity of any potential finding. If I find common themes across these parliaments as they debate military and judicial reform in different settings, it will be despite, and not because of, my methodological choices.

Once I identified all parliamentary events, I set up the standards for their classification according to their level of non-politicisation. I classified them on a five point scale according to the following standards. Strongly non-politicised (+2): government and opposition praise each other's approach to reform, state that they view one another as partners and present similar rationalisations for the approval of the law. Somewhat non-politicised (+1): government and opposition support the law, express approval for the overall goal of reforms but neither praise each other nor present the same rationalisations for supporting the law. Neutral (0): there is no debate or the debate is short, technical and with no accusations or politicisation. Somewhat politicised (-1): the opposition claims the law is an attempt to politicise the institution it addresses and place it under government control. The government in turn claims that the law is an attempt to undo previous politicisation. Lastly, strongly politicised (-2): government and opposition accuse each other of being undemocratic forces aiming to destroy democracy and bring back the communist dictatorship or create a new autocratic regime. The list of military and

judicial parliamentary events and their classification of non-politicisation is presented in the appendix.

Earlier I classified newspaper articles by whether they were non-politicised or not, now I classified parliamentary debate on a five point scale. This decision might be considered as an inconsistent approach to measurement. I do not view it so for the following reasons. First, I have 2,166 newspaper articles and eighty-one parliamentary events. Therefore, when running the analysis for the first, the sheer number of articles is enough to show whether and how non-politicised newspaper coverage was in a year. On the other hand, since I have eighty-one parliamentary events, split almost evenly between military and judicial reform, it means that I have on average just over two events per year which are not enough data points to show variation of non-politicisation. The variation that is present in the newspaper coverage due to the large number of data points is produced in the parliamentary debate through the more detailed classification. I am measuring the same thing in very similar ways. In essence the end result describes the same phenomena; a high number of politicised articles in a given year demonstrates a high level of politicisation while a -2 value on parliamentary debate demonstrates the same thing. Secondly, on a more technical point, since newspaper articles are quite short, there was not enough material to allow for a five point classification. On the other hand, since I have over 700,000 words of parliamentary debate, there is enough information to classify their level of non-politicisation in more detail and provide more variation in the data. I believe that this approach is justified and does not inhibit the comparability of the results.

4.7.1 SOME CONTEXTUAL NOTES

To appreciate the findings I will present, some contextual information on the newspapers, parliament, and the overall institutional framework of Albania is required.

From 1992 to 2009 there were three changes of power: in 1992 the Democratic Party (DP) won the elections and became the first non-communist party to govern Albania since 1944. In 1997 the Socialist Party (SP) came to power after the pyramid schemes collapsed and in 2005 the DP returned to power after Socialists failed to win a third consecutive term. This variation enables me to analyse whether newspaper coverage and parliamentary debate on military/judicial reform are affected by the political fortunes of the DP and SP.

I mentioned earlier that the two overtly partisan newspapers - DR and VP - provide the official position of the two political parties - DP and SP respectively - that have governed the country since the fall of communism. These newspapers were thoroughly political and under tight party control during the entire period under analysis. Because of such tight control, any change in their coverage cannot come out of the changing nature of the newspapers *per se*, but out of the political parties controlling their editorial line. Regarding the OT, it must be mentioned that although it is an independent newspaper, its publisher has been active in politics and was elected three times to parliament; twice as an independent supported by the SP, and once as part of the DP-led coalition, which means that OT's coverage can reflect the political oscillations of its publisher. Lastly, because the Albanian constitution demands qualified majorities and strenuous procedures for the removal of judges and leaders in the organs of the judiciary, often, even after a party comes to power, it will continue attacking the judiciary, if it has done so in opposition, in the early stages of its term. The same is not true for the military as a new executive can undertake swift and deep changes.

Despite the political back and forth, military policy has been remarkably steady as both sides have downsized the military, relied on the same strategic international partners and provided similar budgetary support. A good example of stable military policy and fluctuating newspaper coverage is the way in which the national security strategy document was covered by DR while in opposition. When it was first approved in 2000 as law 8572, DR called it a politicised document ripe with "communist definitions." When the new national security strategy law 9322 was approved in 2004 DR did not criticise or cover it at all. These documents, however, were almost identical and entire chunks of the Strategy of 2000 were present *verbatim* in the strategy of 2004. More importantly, in the sections dealing with 'Military Policies' these two documents were indistinguishable. The 2000 strategy stated that it aimed to, "reform and restructure the armed forces so that they are both of sufficient quality and in appropriate numbers to fulfil their constitutional mission and enable their integration in NATO structures." The Strategy of 2004 stated, "the reforms in the defence sector aim to create a smaller, more professional and operational military capable of fulfilling its constitutional obligations and able to cooperate with the Alliance." DR's different coverage cannot be explained by the content of these documents which are almost identical. Therefore, it is unlikely that changes in the newspaper coverage of military reform reflect policy change since military policy has been constant.

Regarding parliament, I can say that, except for those instances when the constitution requires qualified majorities, it functions as a majoritarian institution where laws are drafted by the executive and approved with the votes of the governing majority. There is an expectation that the

minority will oppose and vote against the government's proposal without being able to defeat or greatly affect legislation. Therefore, when laws and motions of no confidence are debated the end result is almost always certain; the government will win the vote. This is one of the reasons that I am not interested in the way parliament votes, but rather in the substance and tone of its debate which can be indicative of the evolving justifications used to oppose or support specific reforms. Since parliament is not directly involved in the writing of the law and the end vote is quasi-certain, the law itself is often not important when parliamentarians debate. In other words, the debate on a specific law gives deputies, especially group leaders, an opportunity to provide an analysis of the overall performance of the sector to which the law is addressed. This tendency is apparent in the debate structure. When laws are debated in principle there are many discussions, however when they are debated article by article often there is no debate.

As it will become clear further on, although the Albanian political scene has been dominated by the DP and SP, parliament has a number of deputies from smaller parties or independent deputies who break with the major parties. With the exception of the Socialist Movement of Integration (SMI), which is an offshoot of the SP and first contested elections in 2005, all other small parties have won their seats because the two big parties either let them run their candidate in a safe seat or included them in their proportional list.³ Therefore, although the parliamentary scene might seem more fragmented than the bipolar picture I present, it is not. The small parties follow the political line of their bigger benefactors without whom their parliamentary presence would not be possible. The debate in parliament is between the SP and its satellite parties and the DP and its satellite parties.

Since Albania's politicians had no experience with parliamentary democracy, the 1992-96 parliamentary debate is less structured and serves to set precedents and facilitate learning. The debate in this parliament was free-flowing until the standard procedures in which first group leaders speak and then back benchers reiterate their leader's points were set. Parties in this period were also not well-structured so a number of parliamentarians split, formed new parties or became independent. However, overall, especially in the second decade of transition, the structure of debate follows the patterns of other majoritarian parliaments. The law is introduced by the government, explained by the majority's relevant spokesperson, supported by the majority's parliamentary leader and then debated by the minority's party leader and the minority's spokesperson on the issue under debate.

³ Another exception is the Union for Human Rights Party which represents the Greek minority. It has always been represented in parliament but is not an ideological party and from 1997 to 2009 has been in government regardless of whether the DP or SP were in power.

During the period under analysis, from 1992 – 1998 Albania did not have a proper constitution but a ‘constitutional framework’ agreed to in 1991 after the fall of communism. This framework gave the president and the majority party a great deal of power. During this time the president was the *de facto* leader of the majority and the PM was subservient to him. Furthermore, the fact that in 1992 Berisha chose to become president, when he just as easily could have become PM, gave the office of the president more political weight. After Berisha was forced to resign in 1997, Mr. Nano - who commanded an impressive majority - decided to become PM and not president, thereby transferring the political prestige back to the PM’s office. This transfer of power was sanctioned in the constitution of 1998 which stripped a number of powers from the president, such as legislative initiative, line item veto, and strengthened the parliament and the PM. The constitutional changes of 2008 made the presidency even more ceremonial and strengthened the PM further by sanctioning the constructive motion of confidence among others. From 1992 to 1997 when the presidency was the centre of power it was occupied by DP’s *de facto* leader. Then from 1997 on when the prime ministry was the centre of power it has been occupied by the leader of the parliamentary majority.

The 1991-98 ‘constitutional framework’ provided few incentives for cooperation between government and opposition. Except for the president and the constitution, all institutional leaders and laws were approved by simple majority vote. There were no provisions guaranteeing the minority the right of representation in constitutional institutions or requiring qualified majorities for the leaders of independent institutions. The 1998 constitution changed this dynamic by introducing new elements which protected the minority and incentivised the majority to seek compromise. Besides introducing a number of new institutions such as the Ombudsman, it sanctioned that the approval of organic laws, constitutional changes, and the appointment of the president (until 2008) required a 3/5 majority which after the elections of 2001 has not been reached by any party or coalition. Related to this research, it should be noted that most of the important laws on judicial reform are organic laws while most of the important laws on military reform are simple laws. Therefore, after 1998 the institutional constraints incentivised the opposing sides to accommodate each other on judicial rather than military reform.

As I mentioned earlier, despite having over eighty registered political parties, Albania has been governed by the DP and SP since the fall of communism. Albania’s electoral system and the way it has been implemented is largely responsible for this bipolarity. In the elections of 1992, 1996, 1997, 2001 and 2005 the electoral code experienced a number of changes but in its essence remained a mix of majoritarian and proportional. In 1992, 1997, 2001 and 2005 sixty-five per

cent of the seats were chosen from single member districts and thirty-five per cent from the national party lists. In 2005 the winner of the single member district no longer required an absolute majority but a simple plurality. Progressively the code has given precedence to the two big parties. Although the proportional representation aimed to allow small parties to enter parliament with a low threshold and a formula for the distribution of seats which favoured the smaller parties, it was (mis)used by the two big parties to gain further seats.

Since the mathematical formula for the distribution of proportional seats disadvantaged the two big parties, they, in 2001 and 2005, encouraged their supporters to split the ticket; vote for big parties in the single member districts and vote for their smaller allies in the party lists for the proportional representation. Simultaneously they stuffed the lists of the smaller allies with their own members. So although the electoral code was designed to help smaller parties, the way it was implemented strengthened the DP and SP. Except for the elections of 2009, which is a legislature I do not cover, the electoral system has never endangered the creation of a stable majority. All elections from 1992 to 2005 have produced strong majorities and in 1992 and 1997 they produced constitutional majorities. In short the electoral system in Albania has not constrained the ability of majorities and governments to implement their policies.

4.8 CONCLUSION

In this chapter I presented and explained my methodological decisions being aware that there are no perfect choices, just commensurate ones to the goals of the research and the primary sources available to it. I argued that I can leverage important variation over time and across policies within a single national context. I argued that studying military and judicial reform in Albania is an appropriate way to gain a fuller theoretical understanding of institutionalisation and engage existing institutionalisms with emerging democracies. In addition, I identified content and discourse analysis as two appropriate methods to analyse the data in an empirical and replicable way. In this regard, I presented the standards of data selection, data classification and analysis. Now that I have provided an overview of my methodological choices and their appropriateness to my research, I can proceed with the empirical analysis.

CHAPTER 5 JUDICIAL REFORM

I present the analysis of newspaper coverage and parliamentary debate of judicial reform together because they experience no substantial change from 1992 to 2009. By presenting them together, I aim to identify and compare the justificatory mechanism(s) that enabled the continued politicisation of the coverage and debate of judicial reform.

5.1 NEWSPAPER COVERAGE OF JUDICIAL REFORM

All newspapers dedicated considerable attention to judicial reform with 1,313 articles from 1992 to 2009. Keeping in mind that I collected only substantive, policy oriented articles and did not choose those which did not assign merit/blame, this is a considerable number. When divided by decade there were 600 articles in the 1990s and 713 articles in the 2000s; an indication that the prominence of judicial reform increased in the second decade of transition. Based on these data I can state that overall attention to judicial reform was considerable and it increased further in the second decade of transition.

Now that it is clear that judicial reform obtained substantial and increasing coverage, I have to identify the type of coverage it received. After I classified the articles' non-politicisation based on the standards set in the Chapter 4, I used a polynomial fit (5th degree) to visualise their non-politicisation over time. Figure 1 below illustrates the fluctuation of non-politicisation of newspaper coverage of judicial reform in relation to the ideological orientation of the government.

Newspaper Coverage of Judicial Reform

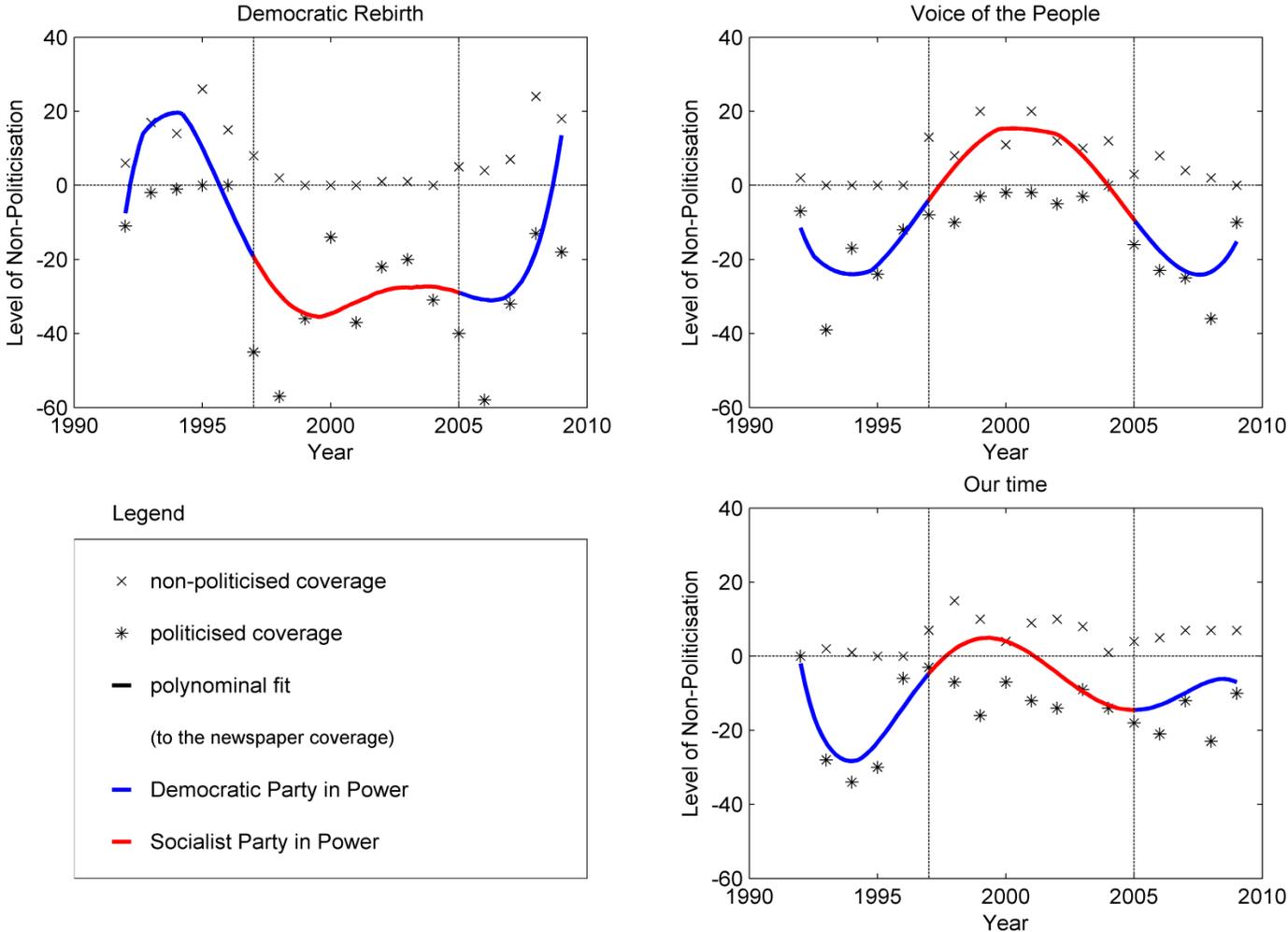


Figure 1

Figure 1 demonstrates that newspaper coverage of judicial reform was politicised throughout the period under analysis. The level of non-politicisation, especially for *Democratic Rebirth* and *Voice of the People*, oscillated in accordance with the DP and the SP being in and out of power. Each time Democrats were in power DR presented the government's judicial reform as successful while the VP saw it as politicised. Inversely, when Socialists were in power the VP defended the government's judicial reform while DR accused of politicisation. OT, on the other hand, except for a brief period, had a politicised coverage regardless of who was in power, which is an indication that it saw no major policy differences between the two parties.

After providing an overall panorama of the newspapers' non-politicisation of judicial reform, now I have to identify what affected their coverage. Therefore, the next step is to (re)analyse their articles to identify the mechanisms which enabled such consistently politicised coverage.

5.1.1 THE DEMOCRATIC PARTY'S FIRST TERM: 1992-1997

Except for 1992, DP's first year in office, DR provided a non-politicised coverage of judicial reform so much so that in 1995 and 1996 it had no politicised articles. This coverage relied on the memory of communist politicisation of the judiciary to support DP's judicial reform and de-legitimate SP's criticism of it. An article of February 15th 1996 is a good illustration of this approach:

[W]e inherited from the communist regime a judiciary which was uniquely politicised. Only in Albania the ministry of justice and the defence lawyer were abolished in 1967. After the establishment of the democratic state these institutions were introduced again ... Since the fall of communism, the independence of the judiciary has been accepted as the main priority for the construction of the new state.

The message was clear: Albania had experienced an unparalleled judicial politicisation during the communist regime and DP's government had undertaken successful reforms to de-politicise it. As DR relied on the memory of communist politicisation of the judiciary to situate its reform, it also reminded readers that the Socialist opposition was the inheritor of Albania's communist legacy. As a result, DR argued that Socialists' criticism could not be taken seriously since they were unreformed communists aiming to maintain political control over the judiciary.

From early on, DR was insistent in equating the SP in opposition with the former communist regime. For example, on July 11th 1992 DR argued that when the SP was in power in 1991 the judiciary did not investigate the crimes of the communist regime because, "the SP could not

punish its [spiritual] leaders ... only after the victory of [DP] democracy in March 22nd 1992 the trials restarted.” As far as DR was concerned, SP’s history and ideological orientation placed it against judicial de-politicisation, while DP’s anti-communist stance was evidence that it supported meaningful judicial reform.

DR applied a two-track approach to its judicial coverage. On one hand it encouraged the judiciary to investigate the former communist leadership, on the other it accused everyone that was against such trials of communism. This type of coverage offered a false dichotomy: one was either in favour of using the judiciary to investigate communist crimes, or one was a communist or communist sympathiser. Since DR accused the SP of being the inheritor of the communist regime and simultaneously argued that judicial reform would enable the investigation of communist crimes, it is understandable if the SP were, at least, suspicious of the government’s judicial reform.

DR continued with the same editorial line and opened the year 1993 with an article on January 6th in which it proudly announced the “lifting of the curtain” for the trials against the former communist leadership. The article claimed that the trials would shed light on the “methods of violence used by the red butchers” and would be the “first page of the trial of an epoch” which would show the murderous nature of the “communist beast.” One day later DR hinted that other communists, ‘hidden’ in the SP, would face justice soon. DR also argued that whoever was against the judiciary’s decisions had something to hide and that the upcoming Italian-style ‘clean hands’ trials would cleanse Albanian politics of the criminals from the communist past. So, DR defended and encouraged the judiciary because it viewed it as an instrument to punish the communist nomenclature, right communism’s historical wrongs, and expurgate Albanian politics of camouflaged communists hiding in the SP.

As the investigations and trials against the former communist nomenclature spilled into SP’s leadership, DR’s support for the judiciary became even more forceful. On May 8th 1993 DR claimed that Socialists asserted that the prosecution’s accusations were political because they knew they were guilty of crimes and corruption. While on 15th of May the paper’s first page stated, “[T]he Judiciary MUST HAVE NO MERCY for Ordinary Thieves Like [SP Chairman] Fatos Nano.” These articles connected DR’s overall argument: the communist leadership was criminal and corrupt for which it had to be investigated. Secondly, since the communist leadership was hiding in the SP, the judiciary had to investigate the SP leadership, which was the inheritor of communist legacy and mentality. To enable the judiciary to perform its duties, DR became the defender of judicial reform against the communist-tainted, corrupt SP.

Besides encouraging the judiciary's investigations into communist crimes and Socialist corruption, DR was also active in defending the government's legislative initiatives on judicial reform. On November 19th 1993 DR defended the government's decision to graduate lawyers in six-month-long courses to replace judges and prosecutors who had taken part in political trials during communism. The article stated that, "the judiciary was the field where communism was the most dominant; otherwise Albanians would not have experienced that kind of dictatorship for fifty years." Those who had been delivering 'justice' in the name of the people, claimed the article, were sons and nephews of the communist caste and in their education they learned nothing about the law, but only the Labour Party's directives. The article concluded that communist-indoctrinated judges and prosecutors had to be replaced by lawyers educated during democracy. The argument proposed by DR was that since the judiciary had been such a politicised institution, most of the communist-era judges and prosecutors were unfit to serve in a democratic regime. Therefore, they supported replacing them with people, who despite lacking proper qualifications, did not bear responsibility for judicial politicisation during communism.

As it argued for the need to cleanse the judiciary of all communist left-overs, DR made sure to label anyone against the government's proposals as a communist sympathiser. For example, on February 18th, 1994 DR argued that:

[S]uch accusations can be expected by those who have never accepted the rule of law, who, when in power, commanded the judiciary from their offices according to their arbitrary wills, who eliminated the right to legal counsel so that people were left exposed to the cruelties of the communist dictatorship.

From 1992 on DR had been persistent in its message: the SP was the continuation of the Labour Party and thereby guilty for its crimes and politicisation of the judiciary. That was why the SP was against reform, and why, in DR's eyes, its complaints were illegitimate. Secondly, DR argued that the government's judicial reform was important for de-politicising the judiciary to enable it to investigate communist crimes and Socialist corruption. From DR's perspective, Socialists were not against judicial reform for programmatic reasons; they were against it for ideological and personal reasons. Socialists were unreformed corrupt communists, which was why they were against judicial reform and their accusations unfounded. This coverage transformed judicial reform into a political struggle between the communist-inspired SP and the anti-communist DP. The contours of this coverage held steady until early 1997 when the DP went into opposition.

For the same period VP's coverage of judicial reform was highly politicised. Except for 1992, SP's first year in opposition, VP published no non-politicised articles on judicial reform from 1993 to 1996. After losing the 1992 elections, the VP was initially hesitant to put forth a full-throated criticism of DP's judicial reforms. These reservations started waning soon and on the 2nd of December 1992 the VP wrote an article analysing the expected appointment of a new prosecutor general (PG). The VP asked, "When will the new PG be appointed?" and it answered, "Only the Party knows when." This was an ironic reference to communism, since under Hoxha's regime most questions were answered by the phrase "the Party knows best." So, from early on, the VP tried to turn the tables and equated DP's judicial reform with the communist regime's.

Similarly, one week later, on the 9th of December in the article titled, "Finally We Have a Prosecutor General," the VP wrote that:

[F]or precious services rendered to the DP, by openly breaking the law in favour of the actual power-holders, Mr. Dragoshi was rewarded with the position of the prosecutor general ... while the former prosecutor general, Maksim Haxhia, who refused to break the law and harm the independence of the judiciary was fired unceremoniously.

Although the VP, differently from DR, claimed that the judiciary was being politicised, it relied on the same justificatory mechanism to make its point. The VP argued that DR's judicial reform was not to be trusted because it was communist-inspired and aimed to put the judiciary under a new form of political control. For example, on December 17th 1992 the VP published an article where it analysed DP's judicial reform and concluded that, "the government's pressure to force the judiciary to follow 'central directives' is clear evidence of the attempts to build a political and police state aiming to side-track the rule of law." So by the end of 1992 the VP had set the contours of its coverage of DP's judicial reform by arguing that it was a communist-style attempt to control the judiciary.

The VP was insistent that the government was following in the footsteps of the communist regime in politicising the judiciary. Therefore, on January 6th 1993 it argued that:

[T]his was what the Labour Party tried to do and this is what the DP is doing under the banner of 'fighting judicial corruption and communists in the judiciary.' The latest decisions of the High Council of Justice⁴ to cleanse the judiciary reached a new peak of politicisation, which unfortunately will continue in the future.

⁴ Constitutionally independent body that governs judicial appointments and promotions in the first instance and appellate courts.

The article went as far as describing DP's reforms, "the terror of 'ethnic' cleansing and 'racial' purification of the judiciary." To strengthen its argument that the government aimed to establish a communist-style control the judiciary, the VP analysed sensitive bills also. For example, on January 19th 1993, the VP criticised the law on defence lawyers which it saw as a continuation of "the psychological violence towards the judiciary to not dare to exercise independence in cases involving the party in power ... this law is deeply political." Similarly, on April 10th the VP analysed the government's proposal to graduate new judges and prosecutors in condensed courses. The VP argued that, "the preparation of the 'Party's faithful' in three-month courses is a sign of the dangers to individual rights in Albania." While it was expected that DR would rely on the memory of communism to devalue SP's criticism, it is remarkable that the VP, the newspaper founded by Enver Hoxha⁵, also relied on the memory of communist judicial politicisation to reject the government's judicial reform. This is indicative that, at least in the early 1990s, the memory of communism was the overarching framework of reference in Albania.

Attacks on the judiciary reached unprecedented levels when SP's leader, Fatos Nano, was charged with corruption. This trial provided the VP the most opportune chance to demonstrate that the DP had been politicising the judiciary to use it against the opposition. On the 27th of July 1993, after the prosecution asked parliament to strip Mr. Nano of his immunity so that he could be arrested, VP's first page accused, "[T]he Judiciary is Under the Control of the Rightist-Fascist State." After Mr. Nano was declared guilty and given a long prison sentence, on April 8th 1994 the newspaper concluded that, "the judiciary is under the total control of politics." VP's coverage depicted DP's judicial reform as politicised, accused the government of following in the footsteps of the communist regime and presented the Nano trial as an example of the government's political use of the judiciary. This editorial line continued until 1997 when the SP gained power.

The third and last newspaper, *Our Time*, covered judicial reform extensively and, similarly to the VP, was highly politicised. OT published only one non-politicised article in 1994 and no such articles in 1995 and 1996. Similarly to the VP, OT was initially hesitant to criticise judicial reform, but this restraint was quickly abandoned and OT became one of the most vocal critics of the government's reform. For example, on the 13th of February 1993 OT argued that, "politics has subdued the judiciary in Albania" and accused the Constitutional Court of breaking the law and of "reasoning politically." Besides accusing the judiciary of being politicised, OT also analysed controversial legal initiatives. On February 27th, in an article analysing the law on

⁵ Albania's communist leader 1944-1985

defence lawyers, similarly to the VP, it accused the government of working to control the judiciary in the same way Enver Hoxha did when he abolished defence lawyers.

To make the point that the Democrats' judicial reform was politicised, OT published a number of editorials by former high ranking members of the judiciary. For example, on February 27th the former prosecutor general argued that, "the present government, motivated by political passions which spring from the absence of judicial culture and a tradition of fifty years of dictatorship is using the same communist methods to fight the separation of powers." The theme of communism and accusations of being the 'true' heir of the communist mentality were prevalent in OT's coverage. Just like DR and VP, OT used the accusation of communism as a (de)legitimizing tool. This approach was on clear display when OT analysed DP's plans to replace judges implicated in political trials during the dictatorship. Although their removal was not opposed, their replacement with individuals who took short legal courses was deemed unacceptable. Consequently, on April 7th OT commented that, "when one thinks that these party loyalists, prey to political passions, will be employed in the judiciary, one cannot help but create a negative image of what our judiciary will be like. We have been through this before." The article alluded to the communist regime's staffing of the courts with political appointees, equated it with DP's reform, and argued that such a decision would hurt Albanian democracy.

Similarly to the VP, OT covered PD's judicial reform as a failure and the judiciary as a politically controlled branch which followed the executive's political orders. Again similarly to the VP, OT accused DP's judicial reform of following in the footsteps of the communist regime in attempting to control and use the judiciary politically. Throughout DP's governance, OT's coverage maintained the same editorial line, continuously attacking the judiciary for lack of independence and accusing the government for politicising it.

5.1.2 THE SOCIALIST PARTY'S JUDICIAL REFORM 1997 – 2005

In 1996-97 Albania experienced its most severe post-communist crisis which in March 1997 resulted with the destruction of the military, the looting of military depots, collapse of public order, thousands of dead, the resignation of the government and the setting of new election for June 1997. The anti-government protests were initially peaceful and economic as protesters, who had lost their money in pyramid schemes, blamed the government for allowing them to operate. Once the government refused any reasonability and attempted to suppress the protests violently, the situation escalated to the point where the military was called to intervene and after it refused

obeying orders it disbanded and the mayhem of March 1997 followed suit. The subsequent events produced a dangerous cycle of violence which forced the international community to send in a NATO mission to assist in the establishment of order and stability.

After the situation stabilised somewhat, Albania held the early elections of June 1997 which were won by the SP. This change of power affected newspaper coverage dramatically. DR went from having no politicised articles on judicial reform in 1996 to forty-five in 1997 and fifty-seven in 1998. From 1998 to 2004, DP's full years in opposition, DR published only four non-politicised articles on judicial reform against 217 politicised ones. Remarkably, DR's articles relied on the same justificatory mechanism it had used when it was in government. Between 1992 and 1997 DR de-legitimated SP's criticism of judicial reform on the basis that the SP was an unreformed, communist-inspired party, after 1997 DR used the same reasoning to label SP's judicial reform as politicised. For example, on July 28th, the day of the swearing in of the new president, DR wrote, "today begins the aggression of the ex-communists on the constitution and independent institutions." Whether in power or opposition, DR maintained the same line of attack against the Socialists' approach to the judiciary: they were not to be trusted because they were unreformed communists.

As far as DR was concerned, SP's accession to power was equivalent to the return of the communist practices and people who enabled judicial politicisation. Therefore, on August 28th DR wrote an article titled, "The Judiciary Under the Leadership of Crime" in which it informed that, "[President] Meidani, [Minister of Justice] Kondi and the SP are expected to reintroduce communist criminals and murderers in courts and the prosecutor's office to transform the judiciary into a political instrument." The article referred to the government's initiative to hire back a number of judges and prosecutors made redundant by DP's government. However, from DR's perspective, this was equivalent to the return of the incriminated communist judicial caste.

Accusations continued with high intensity even after 1997. On January 9th 1999, for example, in an interview with the former DP-appointed and SP-fired chief justice of the Constitutional Court, DR quoted him saying that, "the year 1999 will be a continuation of the destruction of the judiciary; its further corruption and political revenge against those few left who do not obey the government." This quote encapsulated DR's attacks against the government for politicising and corrupting the judiciary. Similarly, on May 7th DR wrote that, "in [President] Meidani's Albania the opposition has been killed, imprisoned, injured, spied on and many of its supporters have been forced to leave the country." The paper argued that the government had been able to engage in such tactics because the judiciary was politicised. By claiming that Socialists had politicised

the judiciary and then engaged in a campaign to destroy the opposition, DR portrayed judicial reform as an existential threat to democracy. Therefore, resistance against SP's judicial reform was crucial to save Albanian democracy from the return of a neo-communist autocracy.

Lastly, on January 12th 2000, DR analysed the government's overall judicial reform since its accession to power and concluded that:

[A]fter removing all the chairmen of district courts, the chairmen of appellate courts, and after inventing political tests as a way to get rid of all the judges who did not follow their political orders, [President] Meidani and [Justice Minister] Kondi now have come out openly with their plan to install SP militants in the organs of the judiciary.

After the DP lost power DR's coverage of judicial reform changed significantly. The newspaper became critical of judicial reform and accused the Socialist government of re-introducing communist officials into the judiciary to re-establish its political control. It is interesting that DR's coverage substantially relied on the same justificatory mechanism to make the case against SP's judicial reform. When the DP was in power it argued that the Socialists were not to be trusted because they wanted to turn the clock back to the communist practices of judicial politicisation, and after the SP came to power it argued that it was indeed turning the clock back to the politicised communist judiciary. DR's coverage followed the same editorial line throughout its opposition until 2005.

The opposite was true of VP's coverage after the Socialists gained power. During 1997 and 1998 the VP wrote a high number of politicised articles on the judiciary but most of them were connected with accusations against DP-appointed officials who were attacked until they were replaced by SP-backed appointees. From 1999 to 2004 the VP was solidly supportive of judicial reform with eighty-five non-politicised articles against fifteen politicised ones. After the SP gained power, the VP initially focused on justifying the expected deep judicial reform. Therefore, on August 3rd 1997 the VP argued that, during DP's rule, courts were transformed into "special political units of the DP" and that deep change was required. As the efforts to reform the judiciary began, on September 25th the VP stated that, "the court mafia collapses" and that the High Council of Justice (HCJ) had been called to discuss the government's judicial reform. By claiming that this was a new beginning, the VP reminded readers that, "during the five years of the DP government, judges did not wear the black toga of the judge, but the blue [colour of the DP] apron of the DP. Courts made political decisions, not judicial ones."

Interestingly, like DR, the VP also showed remarkable stability in the content of its coverage. Besides continuing its accusations against the DP for politicising the judiciary and justifying its own reforms with the need to undo such politicisation, the VP continued to connect DP's reforms to Albania's communist regime. This approach was best encapsulated by an article of October 23rd 1999 which analysed the development of the judiciary. The article argued that, "the [Labour] Party abolished defence lawyers, politicised the judiciary and intervened in judicial proceedings. 'Big trials' were conducted based on Hoxha's analysis, which is a clear indication of the absence of judicial independence." After identifying the first problem coming from communism, the author identified the second one: "[President] Berisha took control of the communist 'judicial machinery' and simply repainted it blue ... he created an intellectual and professional desert in the judiciary in order to use it politically." The VP attempted to draw a straight line between the communist judiciary and DP's judicial reform during 1992-97. In drawing this straight line it aimed to discredit DP's past reform, justify the need for SP's reform, and pre-emptively delegitimize DP accusations.

Throughout SP's eight years in power the VP defended the government's judicial reforms. Initially, following its editorial line from 1992-97, the VP justified the government's reforms with the need to address judicial politicisation during the period Berisha was president. As the post-1997 emergency phase was over and the Socialist-led reform had been implemented, the VP no longer mentioned the judiciary's politicisation. In fact, the VP decreased its coverage of judicial reform substantially and in 2004, SP's last full year in power, it wrote only twelve articles. As DR's coverage became politicised once the DP was out of power, VP's coverage turned non-politicised after the SP gained power. Remarkably, although these newspapers changed the direction of their coverage, the content remained almost unaltered. DR continued to accuse the SP of being the institutional heir of the Labour Party, while the VP continued to accuse the DP of being the ideational heir of the Labour Party. Both sides used the memory of communism and tied it to their political opponent to delegitimize their policies, devalue their objections and justify their own positions. Although DR and VP agreed that during communism the judiciary was politicised and that was a bad thing, they did not agree on how to depoliticise it as they viewed each other as the continuation of communist mentality. As long as they depicted each other this way, the possibility of an agreement was precluded because the other side was not viewed as an integral part of the democratic system but as an inherent threat to it.

After Berisha was out of power, OT's coverage of judicial reform became less politicised as a reaction to the fact that many of the DP-appointed judges, who had imprisoned OT journalists, were fired. However, as 1998 drew to a close and into 1999 OT's coverage became increasingly

politicised and remained so for the remainder of SP's two terms. Initially, OT began criticising the judiciary for lack of professionalism and corruption, but it became increasingly critical of its dependence on politics. For example, on May 9th 1999 OT published an editorial in which it argued that the concept of judicial independence "exists only in theory because politics harms the judiciary by pressuring it, prejudging it and in some cases by defending illegal behaviour." As SP's term progressed, OT's coverage was on a similar wave-length with DR in accusing the SP government of politicising the judiciary.

The longer the SP was in power, the more politicised became OT's coverage of judicial reform. For example, on February 17th 2000 OT wrote an editorial stating that the prosecutor's office had been under increasing pressure by the SP to arrest Berisha. The paper argued that his arrest would put the courts under enormous political pressure similar to what they faced during the Nano trial in 1993-94. This was the first instance during SP's term when the OT argued that the prosecution was under political pressure. The crescendo of criticism reached its peak around the end of SP's second term when on July 26th 2004 the OT wrote that, "the Socialists' old mentality of the one-Party-state is the main driver of their desire to control the judiciary." Eventually, the OT reached the conclusion that the SP-government, just like other governments before it, had the same mentality and desired to politicise the judiciary.

As OT's enthusiasm for Berisha's departure subsided, its criticism of SP's judicial reform increased. From 1999 on OT's coverage of judicial reform became increasingly politicised accusing the Socialist government of attempting to control the judiciary and use it against the opposition. While the OT did not use the same inflammatory language as DR, it did share DR's overall criticism towards SP's judicial reform. OT's coverage is a further indication that it did not notice any policy difference between the two main parties when it came to judicial reform. From OT's perspective they both wanted to control the judiciary and suffered from the communist mentality of party control over nominally independent institutions.

5.1.3 BERISHA'S REDEMPTION – THE DEMOCRATIC PARTY'S SECOND TERM 2005-2009

In 2005, as the DP returned to power after eight years of opposition, DR's coverage of judicial reform continued to be remarkably politicised. In 2005 and 2006 DR wrote forty and fifty-eight politicised articles respectively. These numbers were a reflection of DP's conflict with the prosecutor's office and the High Council of Justice (HCJ), which were accused of having been so politicised during the Socialist administration that they wilfully stood in the way of the

government's reforms. DR argued that the only way to combat corruption effectively was to reform judicial institutions and remove Socialist appointees. Therefore, on December 6th 2005 after a new law on the HCJ was approved DR wrote, "today begins the liberation of the judiciary" from SP's corrupt and political appointees.

In 2006 DR continued to support the government's judicial reform as a way to undo the damage inflicted by SP's governments. For example, on March 31st 2006 DR quoted PM Berisha stating:

[I]t is unfortunate that representatives of the opposition defend organised crime and corruption with the pretext of the separation of powers. The independence of branches does not mean the creation of criminal harbours where those who have broken the law can hide each time they feel the strength of a functioning rule of law.

During 1992-97, DR accused Socialists of being unreformed, corrupt communists falsely tainting DP's judicial reform with politicisation. When in opposition, DR accused the Socialists of politicising the judiciary to destroy the opposition similarly to the communist regime, and after 2005 DR accused Socialists of pretending to defend judicial independence to maintain their control over it. There was remarkable continuity in DR's coverage of judicial reform as it accused the SP of politicising the judiciary because of its communist mentality/heritage and corruption. In a sense, although the DP was in power, it still was in opposition with the judiciary and continued to attack it with the same elements it has used since 1992. As long as the judiciary was dominated by SP appointees, it would never be able to fight corruption and be independent. DR used similar reasoning in the 1990s when it argued that the judiciary could not investigate communist crimes as long as communist-era judges were allowed to serve.

Accusations of communist mentality had been an inseparable element of DR's coverage of judicial reform. Even after returning to power, DR was relentless in accusing its opponents of communist tendencies of judicial politicisation. For example, on January 31st 2009 after the SP filed recourse to the Constitutional Court over the 'Lustration law,'⁶ DR wrote that, "the SP sent the law into the hands of [Constitutional Court Judge] Abdiu the man who executed the poet Havzi Nela [when he was a judge during Communism]." DR continued to de-legitimate their opponents on the grounds that they were communist, and by definition against an independent judiciary. On February 17th, after the Constitutional Court declared the 'Lustration law' unconstitutional, DR accused the Court and the SP leader of being in open conflict of interest

⁶ The law aimed to open the files of the Albanian communist secret police, identify its cooperators and, among others, the judges and prosecutors who had participated in political trials to forbid them from holding public office and judicial positions.

because of their connections to the communist regime. Regarding this issue, on February 21st the paper cited PM Berisha stating that, “the henchmen of the dictatorship are still in some segments of the state” clearly alluding to the judges of the Constitutional Court.

As time passed, as the prosecutor general was fired and as the DP appointed new officials to replace those whose terms expired, DR’s coverage of judicial reform softened and in 2008 and 2009 the number of non-politicised articles increased substantially. On May 8th 2008, for example, DR argued that, “[SP leader] Rama should stop pressuring the judiciary” and assured the public that the DP “rigorously respects any verdict of the courts.” While on October 12th 2009 DR informed that the government was ready to compromise with the opposition but “not following the decisions of the courts is a dictatorial practice.” This is remarkable if one keeps in mind that during 2006, DP’s first full year in power, DR had four non-politicised articles against fifty-eight politicised ones. This is an indication of DR’s understanding that as Socialist-backed appointees retired or were removed the Democrats’ control advanced. From DR’s perspective, this dynamic was transforming the judiciary and making it increasingly de-politicised.

The opposite was true for VP’s coverage. In 2006, SP’s first full year in opposition, the VP had eight non-politicised to twenty-three politicised articles on judicial reform. What was more remarkable is that during DP’s term as DR expressed increased happiness with judicial reform, VP expressed increased displeasure to the point where in 2009 it had no non-politicised articles on the judiciary. For example, on May 2nd 2006 the VP wrote an article arguing that, “the impeachment of the prosecutor general (PG) is based on the principle ‘the party knows best.’” The article continued:

[T]he DP and its supreme leader Sali Berisha have investigated, tried and condemned the PG even before their parliamentary group met, even before the request for his impeachment was deposited, before the accusations against the PG were investigated and before the final report was prepared. This is so because the communist concept of ‘party above all’ is incarnated in the mind and heart of Sali Berisha.

Just like it did when it was first in opposition, the VP accused Berisha of being a communist-inspired politician who wanted political control over the judiciary. At the end of DP’s term, the VP concluded that DP’s reforms have destroyed, “the system of checks and balances between branches of the state” so that Berisha could reign supreme. In 2009 VP’s most common phrases on judicial reform were: “flagrant intervention in and pressure on the judiciary ... the government has taken the judiciary hostage ... the majority wants full political control of the prosecutor’s office ... [and] keep your hands away from the prosecutor’s office.” So, after the SP moved in opposition, VP’s coverage of judicial reform changed and accused the government of politicising

the judiciary. As importantly, the VP used the same mechanisms it used during SP's 1992-97 opposition equating Berisha's reform with the communist practices of judicial politicisation.

Lastly, OT's coverage of judicial reform remained politicised after the DP came to power. This was noteworthy since in the elections of 2005 OT's publisher allied with Berisha and was one of the deputies that comprised the parliamentary majority. From 2005 to 2009 OT published thirty non-politicised articles on judicial reform against eighty-four politicised ones. For example, on January 29th 2006 OT argued that DP's amendments to the law on the HCJ were unconstitutional and undemocratic. Similarly, on November 8th 2007, while covering the impeachment of the PG, OT stated that, "the unconstitutional way in which the PG was fired and the insistence with which it was followed through, shows the archaic personal anger that Berisha has with anyone he transforms into a target." OT was not as critical of Berisha's government as it was during 1992-97, but it was not supportive either, showing displeasure at the PM's desire to control the judiciary. Differently from the VP, OT no longer accused Berisha of communist tendencies.

From OT's perspective, both sides had undermined the judiciary. OT's coverage indicates that the fluctuations of non-politicisation identified in DR's and VP's coverage were not the result of policy developments, but the result of the DP and SP alternating in power.

5.2 CONCLUSION ON NEWSPAPER COVERAGE OF JUDICIAL REFORM

During this seventeen-year span DR and VP covered judicial reform in accordance to their parties' political fortunes. When the DP governed the country DR defended judicial reform, but when the SP gained power DR accused it of politicising the judiciary. Similarly, when the SP was in power, the VP praised judicial reform and when the SP was in opposition it described DP's judicial reform as a fundamental threat to Albania's democracy. Each time the SP and the DP went from government to opposition, their official newspapers changed their coverage of judicial reform from non-politicised to politicised. The OT on the other hand did not experience such fluctuations. Except for the brief period after Berisha was removed from power, OT had a consistently politicised coverage and accused the judiciary of being under political control. This is an indication that OT did not identify policy differences between the two parties except for their desire to control the judiciary at the expense of the other side.

Secondly, and as importantly, there was one element that all newspapers, to different degrees, shared with one another which connected their articles on an ideational level: the memory of

communism. There was little analysis of what truly happened to the judiciary during communism, but all newspapers agreed that it was politicised, under the control of the Labour Party, was used to punish dissent, and enabled the regime to maintain power. Since all newspapers depicted the communist regime as a system which politicised the judiciary, accusations of communist tendencies became a catch-all term for a politicised judicial reform. That is why DR continually accused the SP of following a communist approach to judicial reform, and in return the ex-communist SP replied that the DP was following communist methods to implement its own politicisation.

The continued depiction of the opponent's judicial reform as an existential threat to the health of democracy meant that the other side had to be defeated rather than accommodated. If the other side was communist, then it was by definition against an independent judiciary and it had an ingrained interest in fighting against its institutionalisation. Therefore, both DR and VP viewed judicial reform as the complete validation of one side and the defeat of the other undemocratic side. That is why the reform of one party was based on the rollback of the reforms applied by the other. As my analysis demonstrated, from 1992 to 2009 this was the framework through which judicial reform was covered. Such coverage made the achievement of a bipartisan agreement impossible because if the other side was made up of unreformed communists longing to turn back the communist practices of politicised judiciary, agreement was not possible.

The analysis of parliamentary debate of judicial reform will be an important test of the conclusions reached in this section. If deputies rely on the communist memory to achieve the same goals as newspaper coverage, then I can be more confident that the memory of communism was indeed one of the main reasons that sustained high politicisation and inhibited the opposing sides from agreeing to reforms on judicial institutionalisation.

5.3 PARLIAMENTARY DEBATE OF JUDICIAL REFORM

After analysing the newspaper coverage of judicial reform, the next step is to test whether the conclusions I drew from it are confirmed by behaviour in parliament. To do so, I analysed thirty-nine parliamentary debates on judicial reform from 1992 to 2009. First, as I did with newspaper articles, I coded parliamentary events based on the standards laid out in the Chapter 4 and used a polynomial fit (5th degree) to visualise the non-politicisation of the identified events over time. Figure 2 in the next page illustrates the fluctuation of the non-politicisation of parliamentary debate on judicial reform in relation to the ideological orientation of the government.

Parliamentary Debate of Judicial Reform

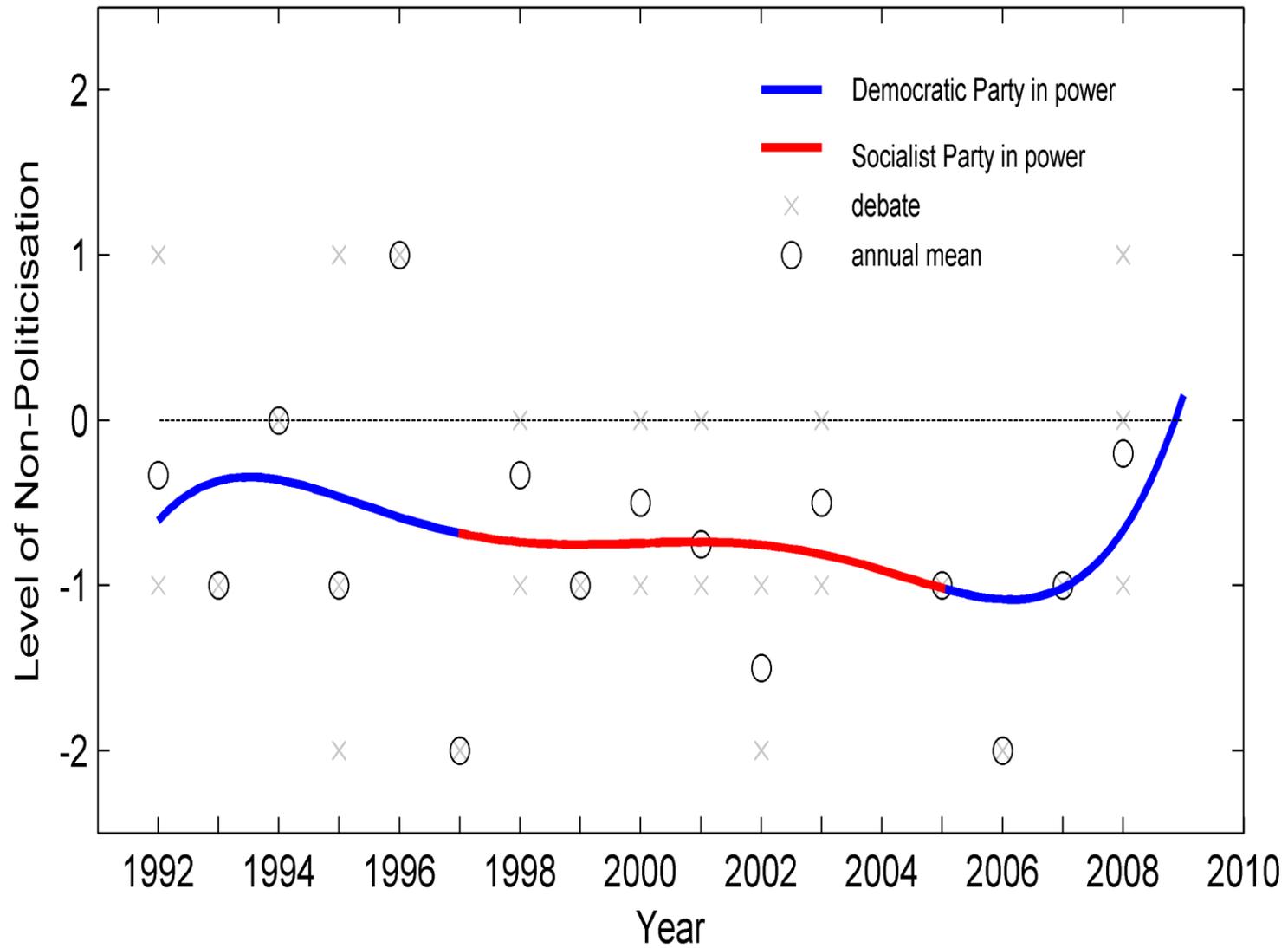


Figure 2

Figure 2 demonstrates that parliamentary debate has been politicised throughout the period under analysis since the polynomial fit is consistently in the negative territory which is indicative of politicisation. Despite the variety of parliamentary events, different parliaments, different majorities and different decades, all parliamentary debates of judicial reform shared a substantial level of politicisation. The first conclusion then is that parliamentary debate of judicial reform, just like newspaper coverage, was continuously politicised.

There are still a number of questions I need to answer. Did politicisation of parliamentary debate follow the same ideational patterns of newspaper coverage? More specifically, were the justificatory mechanisms used in parliament similar to those used in the newspaper articles? If so, then I can be confident of having identified a most likely explanatory mechanism accounting for the continued politicisation of judicial reform. Therefore, the following analysis will analyse parliamentary debate of judicial reform and compare it to the newspaper coverage analysis.

5.3.1 REFORMING ALBANIA – THE DEMOCRATIC PARTY IN POWER 1992-1997

The elections of March 1992 gave the DP an overwhelming majority. Although there were disagreements between the government and the Socialist opposition on how to reform the judiciary they did agree that Albania's new political conditions and commitment to democratise necessitated deep judicial reform. This initial understanding was reflected in the non-politicised debate of June 24th 1992 on law 7574 'On the organisation of the judiciary.' The law sanctioned a number of changes that had already happened, codified the independence of the judiciary, its apolitical character and addressed other issues that had arisen since the fall of communism.

Although there was a general agreement that reform was needed, there was little agreement on the type of reform and on the people suited to implement it. The first sign of politicisation appeared on September 12th 1992, when the government introduced a motion of no confidence⁷ against Prosecutor General (PG) Maksim Haxhia. The debate was politicised from the beginning when a high ranking DP deputy stated:

I was against the appointment of Maksim Haxhia as PG. He belongs to a family that was connected to the police and prison system of the communist state of Enver Hoxha. His father was chief of police, one of his

⁷ Since this was the first time a prosecutor general was being 'impeached,' parliament treated it as a normal motion of no confidence usually reserved for the government. The Constitution of 1998 created special impeachment procedures for the leaders of constitutional institutions.

brothers was officer in the penitentiary police, while his uncle was a trusted officer in the ministry of interior ... [T]he son and nephew of communist officers should not be prosecutor general (R. Marku).

The argument against Mr. Haxhia was that since his family members were connected to the communist regime, by default he was unfit to work in the judiciary. Just like communism was used by newspapers as a de-legitimizing factor which made people unfit to serve and antithetical to democracy, so too deputy Marku concluded that by virtue of his family background the PG was unfit to reform the judiciary. Another majority deputy serving in the judiciary committee summarised this argument by stating:

[O]ne of the most efficient tactics used by the opponents of our new political order is to block the judicial branch. They have chosen this tactic because the judiciary is remembered for its willingness to serve the communist ideology, hand out condemnations, not based on the law but on political orders and corruption (T. Alimehilli).

Six months after the DP came to power, one can notice the use of ‘communism’ as a de-legitimizing factor. The majority made it clear that it wanted to remove the PG because he had family ties to the former communist regime. In addition, the overall argument that the judiciary was a servant of the communist regime implied that many other judges and prosecutors would be removed for the same reason as PG Haxhia.

Since the SP was still unpopular, most of the opposition to the motion of confidence was led by ex-DP deputies who had split from the majority. A former high ranking DP deputy and deputy PM whose father had been one of the most feared prosecutors during Hoxha’s regime stated:

[W]e come from a totalitarian communist dictatorship where people were punished arbitrarily. Instead of the law it was the subjectivity of the people in charge, their belief in a specific ideology and their faithfulness to the leader that decided who was condemned ... If we vote today to fire the PG we will damage Albanian democracy by following the very communist practices we aim to eradicate (G. Pashko).

Deputy Pashko articulated the preoccupation that the government wanted to replace the PG not to speed up reform but to control the prosecutor’s office. He also expressed the worry, which with time was transformed into accusation, that the government was following the same communist practices of politicisation. The debate was framed by both sides in binary mode: either vote for the motion to save democracy from the return of the communist dictatorship or vote against the motion to save Albania from a new autocracy intent on re-politicising the

judiciary. Such framing left no room for agreement as demonstrated by the speech of a high ranking DP deputy, ambassador during communism and well-known lawyer, who stated:

The defence of the PG is an important part of the communist-socialist revanchist scheme to defeat democracy by encouraging infighting between the branches of government. The communist-socialist avalanche wants the branches of government to duel with each other so chaos reigns supreme ... Yes we are in danger of a dictatorship, but not of a democratic one. We are in danger of the return of the communist dictatorship. The last place in which the remaining elements of the dictatorship feel safe are the organs of the judiciary or as they used to be called the organs of the dictatorship of the proletariat (A. Baleta).

Deputy Baleta argued that ex-communists could not be a trusted partner in judicial reform. He made it clear that only a judicial reform on DP's terms would bring democracy and avoid the return of the dictatorship. This first debate set the contours of the upcoming conflicts. Judicial reform was framed by the government as a process aiming to remove communist personnel so that Albania could ultimately democratise. The opposition, on the other hand, depicted the government's proposals as a step towards the establishment of a new autocracy. This framing left little room for negotiation between what the government saw as unrepentant communists and what the opposition saw as new, communist-style autocrats.

The beginning of the legislative session in 1993 offered the opportunity to test whether the memory of communism would continue as an enduring feature of parliamentary debate. On January 26th 1993, government presented parliament with a bill regulating the licensing of defence lawyers. Among others the law forbade ex-communist prosecutors and investigators, who had been fired as part of the de-politicisation of the judiciary, from becoming defence lawyers. The debate on law 7666 on the licensing of defence lawyers was a further indication of the politicisation of judicial reform debate. Socialists deemed the law undemocratic and unconstitutional because it infringed upon the rights of individuals to engage in private activities. SP deputies claimed that some provisions of the law were reminiscent of communist practices that cleansed public life of every official with any connections to the previous regime. They argued that, just like communists, Democrats were choosing who could be a lawyer based on political affiliations.

A high ranking DP deputy and one of the most prominent leaders of the anti-communist movement, replied to these accusations by stating that, "just like religion has its missionaries, so too did the Labour Party. These people volunteered to build communism by destroying religion, culture and the nation. Such people cannot work as defence lawyers in a democratic state" (A.

Hajdari). With stunning honesty, deputy Hajdari reiterated DP's position that those who served the dictatorial system could not be allowed to work in the judiciary. As the debate went on, both sides accused each other of being former communists, of continuing communist methods, or defending their communist forefathers. Naturally, it was the DP which accused Socialists of being the defenders and inheritors of communism, but the SP fired back by accusing the DP of using communist practices to their benefit.

As law 7666 was approved over the opposition's objections, debate on judicial appointments and reform continued to remain politicised throughout 1993 and 1994. The level of politicisation reached new heights on September 22nd 1995 during the debate on law 8001 on genocide and crimes against humanity committed during the communist regime in Albania. This law was very important for judicial reform, as its definitions would force a large number of communist era judges, prosecutors, and investigators to leave their professions and be banned from participating in public life. The law would also pave the way for their replacement with graduates from the condensed six month courses for judges and prosecutors which the opposition had denounced as 'political schools.' The session was opened by the Speaker of Parliament Mr. Arbnori who had spent twenty-eight years in communist prisons and internment camps. Speaker Arbnori stated:

[W]e have to pass this law so there are no more executions without trial, illegal arrests, arbitrary internments, group punishment, state-sponsored tortures, fake trials, fake witnesses, violent collectivisation, infamous extermination camps, destruction of cultural and religious monuments, burning of books, and meaningless parliaments where no one spoke against the human and cultural genocide (P. Arbnori).

Speaker Arbnori drew a connection between the absence of an independent judiciary and the communist regime's ability to apply violence on a wide scale. In a sense Speaker Arbnori was arguing that by removing communist-era judges and prosecutors, as the law stipulated, Albania would be better off and the risk of the return of communism would be reduced. The acting leader of the SP, a former communist, did not dispute that there had been crimes during the communist regime. He stated, "there is no political party in Albania which wants to go back to our communist past" (S. Pëllumbi). Other SP deputies also did not dispute the criminal nature of the communist regime by saying:

[W]e are not debating whether there was genocide during the forty-five years of the communist regime. We accept that the last half century was characterised by a horrific violation of political opponents, of free speech and thought ... Any honest Albanian, not only opposes the return of that period, but would fight with his entire being so that this dark past does not repeat itself (H. Lalaj).

There was no disagreement that communism was a state based on abuse of individual rights and freedoms. In that sense one can see how ‘communism’ became a catch-all element encapsulating manifestations of a politicised judiciary. However, although they agreed on the characterisation of the communist regime, they did not agree on the way to reform the judiciary. SP’s acting leader stated that the law “is political revenge aiming to cover up the failures of the DP through the political use of the judiciary” (S. Pëllumbi). Another outspoken SP deputy stated that, “this law is the most severe attack on our democracy and especially the prospects of an independent judiciary. This is conceptual death and almost irreparable deformation of democracy” (M. Zeqo). As they had done in previous debates, opposition deputies did not dispute the government’s characterisation of communism as a ‘lawless’ state where violence was the most widespread form of dealing with political opponents. However, they took that characterisation and pinned it on the government by accusing it of politicising the judiciary just like communists did. A passage from the discussion of a high ranking Socialist deputy was indicative of this approach when he stated:

[C]ommunism cannot be fought with neo-communism. Communism is defeated only when we build a meaningful democracy. But we cannot have democracy when the government fights in an unprincipled way against the opposition, unlawfully keeps the opposition leader in prison, arrests journalists illegally, uses police violence on the judiciary and is the main architect of fake trials (B. Agasi).

Four years after the fall of communism and three years after DP’s accession to power the debate still centred on the memory of communism. Both sides accused each other of being the institutional and/or ideational inheritor of communism. By agreeing that communism politicised the judiciary and used it to maintain political power, and simultaneously accusing each other of being communist, they disqualified one another from being a trustworthy partner in judicial reform. This dynamic pushed both sides apart, politicised the debate and decreased the possibility of finding common ground. A further example of this destructive dynamic was the debate on the impeachment of the Chief Justice of the Supreme Court Mr. Brozi.

Chief Justice Brozi, a former DP deputy, had become a vocal critic of the government and on February 1st 1995, after almost one year of continuous conflict, parliament was called to vote on the request of the prosecutor’s office to strip him of immunity so that he could be investigated for corruption. The opposition seized this opportunity to analyse the independence of the judiciary. The first SP deputy speaking, and a rising star who went on to twice become head of government, stated, “Zef Brozi was appointed in the position he holds not because he was the best legal mind in Albania, but first and foremost because he was a loyal deputy of the

Democratic Party” (P. Majko). As Mr. Majko accused the government of political appointments in the judiciary, a former DP deputy, who left the party because he was unhappy with DP’s weak stance against communism, stated:

[T]his whole affair smells like political intrigue. They are asking for Brozi’s head because he is out of the control of this country’s musical director and is dancing to his own tune ... I do not defend Zef Brozi as a person, but in this case I want to defend the Supreme Court as an institution, which is the only court in this country with a bit of independence left (P. Kalakula).

Confronted with such accusations, Democrats responded by labelling the opposition as communists who were against democracy. For example, a DP deputy stated:

[I]t is interesting that this issue is being politicised ... It is also interesting that such politicisation is being done by people who have spent their entire lives politicising things: former [Labour] Party secretaries, former members of the Central Committee, former Party instructors who looked at everything politically, even marriage and death. These same people are now trying to politicise the judiciary (B. Bregu).

As debate went on with counteraccusations, the memory of communism was a recurring theme. The DP justified its judicial reforms with the need to cleanse the judiciary of communist officials while the SP justified its opposition by likening DP’s reforms to Hoxha’s politicisation of the judiciary. At the end the government won and Chief Justice Brozi, fearing for his safety left the country for the United States. With control of the Supreme Court accomplished and the nearing of the general elections of May 1996, DP did not send parliament new laws or judicial appointments. After the disputed elections of 1996, the SP boycotted parliament until April 1997 when PM Meksi had resigned and new elections had been set for June of that year. Therefore, the short-lived parliament of 1996 had neither the time, nor the possibility, nor the legitimacy to take up any important judicial reform.

Overall, parliamentary debate on judicial reform during DP’s 1992-97 government, like the newspaper coverage, was politicised and relied on the memory of communism as its main justificatory mechanism. Both sides accused each other of wanting to control and politicise the judiciary and of either being communists or inheritors of communist methods and mentality. Similarly, both sides accepted the representation of communism as a state of injustice which should not be allowed to return. By accusing each other of being the inheritors/followers of communism and simultaneously portraying it as a system which politicised the judiciary and was antithetical to democracy, the DP and SP de-legitimised each other, kept politicisation high, and made agreement on judicial reform more unlikely.

5.3.2 RIGHTING BERISHA'S WRONGS – THE SOCIALISTS IN POWER 1997-2005

After the SP won a landslide victory in the 1997 elections, it initiated a series of legislative proposals to implement its version of judicial reform. The main theme of the reform was the attempt to right Berisha's wrongs and de-politicise the judiciary. On August 27th, only one month after parliament had been sworn in, government presented law 8234 'On the High Council of Justice.' The law aimed to renew the membership of the HCJ and give the government the possibility to remove Berisha's appointees, which it accused of being DP puppets. After the introduction of the law, a junior SP deputy representing the city of Vlora, which had been the centre of the anti-Berisha revolts in 1997, took the floor and stated:

[T]he judiciary degenerated during the five-year government of the DP gangsters who destroyed it to steal the people's property, engage in human trafficking, establish pyramid schemes, break the UN embargo against Yugoslavia, and manipulate elections to keep power at any cost ... As the civilised world was sounding alarm bells over the way the DP gangsters were ruining Albania, the judiciary did not investigate any politician, any government official or leader from the band of DP gangsters (E. Alushi).

This statement set the tone for the rest of the highly politicised debate and introduced an important justificatory mechanism for SP's judicial reform. Just like the DP claimed that it had to cleanse the judiciary of the communist officials who had implemented Hoxha's dictatorship, so too the SP claimed that it had to cleanse the judiciary of Berisha's appointees who allowed his government to engage in illegal and anti-democratic behaviour. In a sense this approach was the logical consequence of the debate during DP's rule. After accusing the DP of controlling the judiciary and appointing political judges, it made sense for the SP to remove them with the motivation that they were political.

The opposition DP's deputy leader immediately retorted:

You want to reintroduce in the judiciary the most incriminated people of Hoxha's dictatorship, the inquisitors of the communist dark ages who executed people without trials and broke prisoners' bones in torture rooms ... Gentlemen - supporters of this law which will take us back - why aren't you honest with the people? Tell them that since you came to power through violence you are building the kinds of institutions that fit the criminal nature of your regime and rise to power (V. Minarolli).

This first exchange was an indication that the terms of debate established during the 1992-96 parliament continued to hold. Before the SP came to power the DP claimed to be reforming the judiciary to cleanse it of communists. After the SP came to power DP's worst fears of the 'return

of the communists' came true, which stiffened its resistance against judicial reform. DP's almost apocalyptic language of imminent dictatorship was an indication of the politicised debate on judicial reform and its continued reliance on the memory of communism as a justificatory mechanism. Meanwhile the SP argued it was undoing the politicisation of the judiciary, undertaken by a party which had destroyed the country in its bid to remain in power. As far as the SP was concerned, its judicial reform was vital for Albania's democracy and for inhibiting the return of Berisha's autocracy. Since these two sides viewed each other's judicial reform as an existential threat to democracy, it was almost impossible for them to even contemplate bipartisan agreement. After all, the DP came to power in 1992 in a triumphant victory over 'communists' while the SP came to power after its own triumphant victory against the 'neo-dictator' Berisha.

After the SP approved the law over DP's strenuous objections, on the 14th of March 1998 it introduced law 8307 'On the rotation of Constitutional Court judges.' The government claimed that the Constitutional Court had not renewed its membership every three years as the law prescribed. Therefore, it was necessary to force the Court to do so. The opposition saw this as another attempt to remove Berisha-appointed judges and stuff the Court with SP-backed judges. After the DP leadership came out against the law because it politicised the judiciary, before the vote was taken, one of DP's rising stars stated:

[T]his bill will destroy the constitution. With this bill this parliament continues its series of coups d'états against constitutionality ... The purpose of this law is to place the Constitutional Court under political control. The decision you are taking today is more arbitrary than the laws your forefathers approved based on the so-called constitution of 1976 (N. Ndoka).

These highly politicised exchanges became normal during 1998, the first full year of the SP in power, which was replete with legislative initiatives to reform the judiciary. With all the ups and downs of Albanian politics, political u-turns, revolts, changes of alliance and so on, when it came to the debate on judicial reform there was remarkable stability. Both sides accused each other of wanting to politicise the judiciary, of being beset by the old communist mentality, and of being the 'real' communist working against judicial independence. The entire first decade of transition was spent arguing over who had politicised the judiciary the most, who was the true communist, and who could best fight the communist mentality.

After the approval of the new constitution in November 1998, most laws regarding the judiciary became organic laws requiring a 3/5 majority to be approved. The SP did have such a majority and as a result when law 8588 'On the organisation and functioning of the Supreme Court' was

introduced on March 15th 2000, its approval was certain. The law sanctioned all the changes the SP had already implemented in the Supreme Court and ensured that SP-appointed judges would serve their full terms by creating exceedingly difficult procedures to impeach them. Reacting to the law, one of the most partisan DP deputies who had organised violent protests against the government said:

[S]ince 1997 this government has worked to destroy and politically control the judiciary in general and the Supreme Court in particular. The political domination of the High Council of Justice, the cleansing of the Constitutional Court, the removal of tens of judges, the removal of almost all chief judges at district and appellate court level, the removal of the Chief Justice of the Supreme Court and their replacement with SP militants are only some of the measures this majority has implemented to destroy the judiciary (P. Dajçi).

Three years into SP's term judicial reform debate was still politicised and accusations of 'communist tendencies' and 'communist-style political control' were the main justificatory mechanism used by the opposition. Regardless of whether they were in government or opposition, the accusations were the same: the other side wanted to politically control the judiciary and was the intellectual inheritor of the communist regime.

After the SP won the elections of 2001 and began its second term there was no reason to hope for any improvement. However, despite low expectations, the new parliament managed to further politicise the debate on judicial reform. When the DP introduced a motion of no confidence against Prosecutor General (PG) Arben Rakipi on March 18th 2002 the two sides launched ferocious political attacks. Taking advantage of divisions within the SP, the DP aimed to remove a PG they disliked and to make the case that the judiciary had been politicised by the government.

The motion was introduced by former President Berisha who stated:

Rakipi, acting as a political commissar, has participated in grave political crimes, has protected child traffickers, drug traffickers, government corruption and has utterly destroyed the institution he leads ... We ask for Rakipi's impeachment because during the past elections his tentacles of state mafia arrested, tortured and imprisoned hundreds of opposition election commissioners, falsified hundreds of voting tallies, and removed from the voting lists thousands of citizens (S. Berisha).

Keeping true to DP's arguments since it moved into opposition in 1997, Berisha declared that the prosecutor's office was an extension of the Socialist Party. Berisha argued that PG Rakipi had allowed government corruption to flourish and had enabled the SP to commit 'political crimes'

by intimidating and arresting opposition members. Even worse, Rakipi had also enabled the government to manipulate voting lists which allowed the SP to steal the 2001 elections.

Mr. Nano, the leader of the Socialist Party, who had spent four years in prison when Berisha was president, replied:

[T]his is a new political trial which, if successful, will have dire consequences for our institutions [and] democracy ... I am delivering this message as the man who had the courage to confront accusers, prosecutors and politically controlled judges; as the man who unjustly shared a prison cell with criminals. At no moment have I wished for my prison time to be balanced by the prison time of others. I have endured Berisha's prison on behalf of all those who were violated by his regime, who saw Albania's future in Europe, who wanted independent institutions, and who did not flirt with Milošević. As a former political prisoner I urge you to vote against this motion (F. Nano).

While Berisha aimed to de-legitimize PG Rakipi for being a 'political commissar' and the government for participating in 'political crimes,' Nano attempted to do the same by reminding the public that Berisha, just like the communist regime, imprisoned the leader of the opposition, and – if he got his way – he would re-politicise the judiciary and destroy Albania's democracy. These exchanges ensured that the two leaders and their parties were seen by the other side as dangerous to a democratic system with an independent judiciary. After all how was it possible to agree with a man who protected drug traffickers and tortured the opposition? On the other hand, how was it possible to make a deal with a man who imprisoned the opposition leader?

Since 1992 the principal framework of debate remained stable. The DP viewed Socialists as communists in disguise who wanted to return to the communist past by politicising the judiciary to liquidate the opposition. Similarly, the SP viewed DP's proposed reforms and complaints as illegitimate because of their communist-like politicisation of the judiciary. This worldview – seeing each other as enemies – left no space for agreement since they depicted each other's judicial reforms as an existential threat. The last debate on the PG was representative of ten years of political struggle for judicial reform. Five years after the SP came to power and six years after Chief Justice Brozi was impeached, the Socialist majority still used the alleged politicisation of the judiciary and application of communist methods during Berisha's government as a justification of any problem with its own reforms. While the DP, ten years after it came to power, and eleven years after pluralism was established still used 'communism' to de-legitimize Socialist-led reforms. In ten years of debate both sides stuck to 'fighting communists' and the 'communist mentality' as their justificatory mechanism of judicial reform.

5.3.3 BERISHA'S SECOND CHANCE – THE DEMOCRATS' RETURN TO POWER 2005-2009

In the elections of July 2005, Berisha rebranded himself and promised to get rid of corruption by strengthening the rule of law and de-politicising the judiciary. After winning the elections, Berisha became PM and presented his government's first initiative of judicial reform through bill 9448 to change the functioning of the HCJ. The purpose of the law was to make membership in the HCJ a full time position and force its members to choose between being judges or HCJ members. This change would provide the DP the opportunity to appoint new members and change the political balance in this important institution of judicial oversight. On December 5th 2005 parliament debated the law and the DP argued that its purpose was to remove conflict of interest from judicial appointments. The Democratic chairman of the judiciary committee and former justice minister provided the following justification:

[O]ur judiciary has not just been under the pressure of material corruption, but also under the pressure of moral corruption which has been weighing it down for more than fifty years. The political pressure of the executive on one side, which is the moral corruption, and the material pressure in the form of money have destroyed our judiciary. Our goal is to stop moral corruption in the form of political pressure (S. Ngjela).

This was an honest admission that the judiciary had always been politicised, even when the DP was first in power, and that something had to be done to break the cycle. However, the SP was against this law and the procedures used to introduce it. Therefore it boycotted the debate in protest. SP's boycott was a first indication that judicial reform would continue to be politicised. Although the bill proposed modest changes, SP's almost intuitive reaction against any DP-backed judicial reform was to oppose it. Distrust was so deep that the DP and SP did not see the other as 'normal' competitors, but as dangers to democracy and to a functioning state.

This distrust became more profound when the DP initiated the impeachment of the prosecutor general. As Berisha's government declared that its main objective was the fight against corruption, it reached the conclusion that the PG - Mr. Berisha's former legal counsellor when he was president - had to be fired. The impeachment debate on May 2nd 2006 was from the outset very political. DP deputies accused the PG of not investigating Socialist officials for corruption, which according to them was a sign that he was controlled by Socialists. Arguing against the government's initiative, SP's secretary on judicial affairs and former justice minister stated:

[T]here are many reasons that make us believe that today's debate will not change the political decision the DP has already taken to achieve its political aim ... The government's initiative in both its substance and

object of inquiry is politically prejudged, politically constructed, politically inspired, unconstitutional and in open violation of the laws (F. Xhafaj).

From the onset the opposition de-legitimized the government's initiative on the basis that it was a political move to control the judiciary. This speech was followed by the parliamentary leader of the Socialist Movement for Integration (SMI), a party which had split from the SP in 2003 and was crucial in dividing the left and enabling Berisha to win the elections. The leader of SMI's parliamentary party stated:

[W]e see this as an authoritarian attempt to control the state ... We must analyse this case for what it truly is: a frontal offensive by the government to control judicial institutions based on the communist principle, 'all power to the Soviet' ... We in the opposition believe it is our duty to fight against the PM's desire to capture the state and re-establish the semi-dictatorial regime he had in the 1990s (P. Xhufi).

Deputy Xhufi encapsulated all the accusations the opposition had directed against Berisha. He was authoritarian, inspired by the past communist regime and had already shown his dictatorial tendencies when he governed in the 1990s. From their perspective it was impossible to trust or cooperate with a government led by such a person. Similarly, deputy Gjinushi, the chairman of the opposition Social Democratic Party (SDP), former speaker of parliament 1997-2001, and ardent Berisha opponent began his discussion by saying, "the government has decided to place the prosecutor's office under its political control aiming to bring back the years 1992 – 96 characterised by violence, political investigations and political imprisonments." Similarly to his colleague, deputy Gjinushi argued that this government could not be trusted because it aimed to repeat the mistakes of the past. Not only it could not be trusted because of its track record, but also because of its communist tendencies. In this respect deputy Gjinushi further stated that:

Twice in the history of our country have our legendary leaders been under so such great risk from inside the state: Enver [Hoxha] from [communist PM] Shehu and [PM] Berisha from [PG] Sollaku. On both occasions the enemies of the people failed when confronted with the vigilance of the party (S. Gjinushi).

In rejecting DP's impeachment proposal, the opposition accused the government of wanting to politically control the judiciary just like Enver Hoxha did. Besides tying Berisha's proposal to communist practices, the opposition reminded citizens of his excesses during the early 1990s as proof that he had not changed and wanted to concentrate power in his hands.

Almost all opposition deputies took the floor to accuse the government of wanting to implement a new autocratic regime in Albania. From comparing Berisha to Hoxha and Stalin, to reminding

voters of the excesses of DP's 1992-96 government, Socialists were tireless in their efforts to show the government's move as an attempt to politicise the judiciary. In a sense the 1992-96 period had become for the DP what communism was for the SP in the early 1990s as each time the government proposed a judicial reform the SP warned that the autocratic methods of DP's first term were about to return. The debate on the PG produced a very high level of politicisation and a venomous political environment for months. Ironically, the *status quo* did not change because although Berisha's majority impeached PG Sollaku, President Moisiu refused to sign the decree leaving the PG in office.

Although the first attempt to fire PG Sollaku produced a highly politicised debate and ended with the government's defeat, Berisha proposed to impeach him again. Once President Moisiu's term was over and he had been replaced with the DP's Deputy Chairman, Bamir Topi, parliament began anew the impeachment procedures. As previously, Socialists rejected the impeachment of the PG as a precursor to the collapse of the rule of law and the political control of the judiciary. Interestingly, besides the usual counter-accusations of communist mentality, the debate on the second impeachment of PG Sollaku had a new element. When SP's secretary of judicial affairs rejected the impeachment he stated:

What kind of reforms do we want? Real reforms or just cosmetic makeovers? Are these reforms just a formality because NATO or the EU are asking us? ... I declare that this impeachment goes against our political obligations to undertake the necessary reforms for NATO membership and then EU membership (F. Xhafaj).

It is interesting that deputy Xhafaj connected the impeachment of the PG with NATO accession. Keeping in mind that Albania was on the cusp of receiving an invitation to join the Alliance and that public support for NATO was above 80%, this can be seen as evidence that NATO integration had become so popular that it was being used in judicial debates also. It is still not clear, however, whether the 'NATO argument' was a momentary development or an enduring feature of the debate on judicial reform.

A few months later, parliament debated a major legislative initiative that required a qualified majority, including SP votes, to pass. This debate is also an opportunity to test whether the 'NATO argument' persisted in the judicial reform debate. On February 18th 2008, bill 9877 'On the organisation of the judiciary' was introduced by SP's secretary on judicial affairs who stated:

[T]his bill is one of the few serious products this parliament has produced. It has been written with consensus and cooperation which is truly rare for Albanian politics ... The bill is the product of a communal political and professional cooperation among both sides, which differently from the norm, saw in each other not an opponent but a partner, not an enemy but a co-operator (F. Xhafaj).

As deputy Xhafaj stated, and as my analysis has shown, cooperation between government and opposition on judicial reform had been almost non-existent. Naturally, one wonders how to make sense of this sudden change of mind. After sixteen years of reciprocal accusations of being camouflaged dictators and unreformed communists, what happened to make the sides no longer see the enemy in the other's eyes? Deputy Xhafaj provided some clues:

[T]he pact on the judiciary is more than the political will of the parties, it is more than a move forced by the integrationist perspectives of the country, it is more than an attempt to complete the legal reforms necessary to join NATO; it is the expression of our awareness that Balkan-style politics has no future (F. Xhafaj).

Despite the nice words about a realisation that Balkan-style politics was the problem, it is noticeable that deputy Xhafaj twice referred to Albania's NATO integration. The NATO Summit, which would decide on whether to invite Albania to join the Alliance, would take place one month later. NATO officials had made it clear that judicial reform was the last remaining prerequisite to join. From Xhafaj's words, it seems that NATO's pressure and popularity had been effective in bringing the opposition to support a bill proposed by Berisha's cabinet.

After deputy Xhafaj, DP's parliamentary leader replied:

[W]e understand the great political significance of the approval of this law. We are at the beginning of a process from which there shall be no return and I am not just referring the Bucharest Summit [where NATO would hold the summit to decide on Albania's membership]. This is a process which will not end with the invitation coming out of Bucharest because we know the integration process will be longer than that. Bucharest is just one station (A. Patozi).

It is interesting how both speakers singled out NATO, and then felt the need to say that they did not do it because of NATO. It is clear that both sides presented the law under the NATO integration perspective. Both of them had very little to say about the law itself, about its content and the innovations it brought. They focused only on the bipartisan nature of the law and the fact that it would help the country join NATO. The debate was very brief. No other deputies spoke about the law which was also a major difference from similar sessions where there were many speeches and the tone was shrill.

However, the atmosphere of cooperation did not last long. As the relationship between the DP and President Topi worsened, it spilled over into his appointments to the Supreme and Constitutional Court. Part of the debate between the government and President Topi, especially in 2008, was the way he had conducted the process of appointing six new Supreme Court Justices. Parliament refused to even consider an up-or-down vote on the decrees. This reignited the debate on the politicisation of the judiciary and was reflected in a special parliamentary session on June 2nd 2008.

The opposition accused the DP of pressuring the president to appoint politically sympathetic judges, while the majority claimed it was just fulfilling its constitutional obligations. The former SP Speaker of Parliament, Mr. Dokle, best encapsulated SP's position:

[T]he DP rides an emotional rollercoaster. From being enthusiastic about the selection of [President] Moisiu [in 2002], to being saddened by his actions. From being enthusiastic about the selection of [PG] Sollaku [in 2002], to being saddened by his actions. From being enthusiastic about the selection of [President] Topi [in 2007], to being saddened by his actions. From being enthusiastic about the selection of [PG] Rama [in 2007], to being saddened by her actions. These ups and downs show that the DP functions based on a dictatorial mentality through which it looks at the state as the property of a single political party which expects its representatives to be loyal to the party and not the state (N. Dokle).

As one reads this quote it is hard not to think of the statements deputies uttered four months earlier. These deputies stated that they saw in each other a partner and four months later they rediscovered the old enemy who pined for political control of the judiciary. This debate, besides rehashing the old accusations of politicisation, is further evidence that the bipartisan agreement on the law 'On the organisation of the judiciary' not only was an exception, but it was a NATO-related exception. The fact that as soon as Albania received the invitation to join NATO the two sides returned to their old ways is an indication that they had not changed their minds.

5.4 CONCLUSION ON PARLIAMENTARY DEBATE OF JUDICIAL REFORM

From this analysis a few points stand out. First, parliamentary debate on judicial reform was politicised throughout the period under analysis. The opposition party almost always accused the government of wanting political control over the judiciary to destroy the opposition. In return, the government attempted to de-legitimate the opposition's concerns by reminding it of its own transgressions when in power and accusing it of communist tendencies. When the DP was first in power it justified its reforms with the need to eradicate communism and when in opposition it rejected SP's reforms as communist-inspired attempts to re-politicise the judiciary. After

returning to government DP justified its reforms with the need to depoliticise the judiciary and enable it to investigate Socialist corruption. The SP on the other hand refused to support any of DP's reforms during the 1990s accusing it of implementing communist politicisation in reverse. When in power, the SP justified its reforms with the need to depoliticise the judiciary built by Berisha and when it returned to opposition it claimed to defend the judiciary against Berisha's communist-inspired plan to re-politicise it as he did in the 1990s.

Secondly, this is a story of lack of trust, of demonization and de-legitimation of the opponent through the ghost of communism and the fear of its imminent return. This is the story of two sides which evaluated each other's judicial reform through the lens of the memory of communism. Therefore, every action taken by the government on judicial reform was denounced by the opposition as the beginning of the end, as the elimination of democracy and return of communism. The vicious cycle of de-legitimation based on the memory of communist politicisation of the judiciary combined with the memory of each other's transgressions dominated the debate and precluded bipartisan agreement.

5.5 ALTERNATIVE ACCOUNTS

While it is clear that the memory of communism was the main justificatory mechanism both newspapers, especially DR and VP, and parliament relied on to cover and debate judicial reform, it is not clear whether this was an instrumental choice or not. In other words, did the coverage and debate of judicial reform remain politicised because of the memory of communism, or was the memory of communism used instrumentally to keep the judiciary politicised? This is an important question because a number of alternative accounts might argue that the memory of communism was a pretext used by elites to maintain a weak judiciary and continue their corrupt practices. This is an attractive proposition and responding to it is challenging because it is difficult to identify motives of behaviour. All I can do is look at the evidence and reach plausible conclusions.

First, I believe that DR and VP were initially instrumental in their use of the memory of communism. DR relied on it to remind Albanians that the SP and most of its leadership were descendants of the dreaded communist regime. The SP on the other hand accused any of its opponents of being communist-inspired as a way to dilute its communist burden and share it with others. In a sense, if everyone became a bit communist the SP became a bit less so. Nevertheless,

as I stated in Chapter 3, the continued reliance on one particular memory, transforms it from an instrument in the hands of the elite, to a constraint on their actions. This is so because once frameworks of judgment are built, once ‘unquestioned’ truths are created, they are taken for granted. Once they are not questioned, these frameworks become the standards by which events are judged and interests are shaped. I argue this is what happened with the memory of communism. Although the memory of communism might have been initially used instrumentally, after continuously relying on it neither the SP nor the DP seemed able to break out of its framework. As my analysis demonstrated, the memory of communism and accusations of communist tendencies created a cycle of mutual de-legitimation, which maintained high politicisation and inhibited an agreement on judicial institutionalisation.

Second, Albania’s political leaders had experienced first-hand the effects of a politicised judiciary after the fall of communism. In 1991 Enver Hoxha’s widow was arrested on charges of misappropriation of state funds although she had never held an executive function. It continued in 1992 with the arrest of the last communist president on unsubstantiated charges of crimes against humanity. It culminated in 1993 with the imprisonment of former PM and opposition leader Fatos Nano while Berisha was president and continued as Socialists threatened to arrest Berisha in 1998 and did so briefly in 2000. Many ‘second-tier’ politicians were arrested and investigated while in opposition. So while Albania’s political elites had a stake in maintaining a weak and politicised judiciary to continue their corrupt practices, they also had a strong incentive to de-politicise it so that it would not be used against them and their families once in opposition. Confronted with two similarly powerful and contradicting interests, why did they follow one over the other?

Similarly to the newspaper coverage, the politicians’ continued reliance on the memory of communism shaped and calcified the portrait of the opponent and of themselves. After caricaturing each other for years as communist-inspired autocrats intent on politicising the judiciary and destroying democracy, it became increasingly difficult to support, or even accept as legitimate, any judicial reform that came from the other side. So it indeed was in the political interest of both sides not to support judicial reform, but that interest was neither introduced from outside, nor discovered suddenly. Such interest was built over time, and I argue, based on the above analysis, that the reliance on the memory of communism to frame judicial reform is one of the most likely mechanisms which shaped such political interest.

5.5 CONCLUSION

The analysis of newspaper coverage and parliamentary debate of judicial reform identified some important themes. First, both newspaper coverage and parliamentary debate were politicised from 1992-2009. Secondly, and as importantly, newspaper coverage and parliamentary debate relied on the memory of communism as the main justificatory mechanism to oppose or justify judicial reform. In addition, they relied on the alleged transgressions of the 'other side' when in power as a secondary justificatory mechanism to reject one another's arguments and proposals. This dynamic, especially accusations of communist mentality and communist-style judicial politicisation, created the image of the 'opponent' as a danger to democracy. In both newspaper coverage and parliamentary debate, the frameworks of 'in favour when in government' and 'against when in opposition' based on the memory of communism and each other's communist-style transgressions of power politicised judicial reform. During the entire period of analysis neither side was able to break the vicious cycle of mistrust and politicisation which inhibited judicial institutionalisation.

Based on the analysis of newspaper coverage and parliamentary debate I can conclude that judicial reform was the biggest non-story of the Albanian transition. In seventeen years Albanian political elites debated the same issues, presented the same arguments, rejected the same proposals, and fought the same battles because they were never able to change the way they looked at the judiciary and their opponents' judicial reform. The mistrust and depiction of each other's judicial reform as an existential threat made it impossible for the SP and DP to find common ground. As long as they viewed each other's judicial reform as a communist-inspired plan to politicise the judiciary and use it against the opposition, they would resist any proposal. While both the SP and the DP might have been instrumental in their initial use of the memory of the communist regime, their continued reliance on it transformed this memory from an instrument to a constraint on political action.

Therefore, based on the analysis of newspaper coverage and parliamentary debate of judicial reform, I conclude that the reliance on the memory of communism served as the main justificatory mechanism which kept politicisation high and prevented the two sides from finding common ground. Their inability to agree and decrease the level of politicisation inhibited judicial institutionalisation.

CHAPTER 6 NEWSPAPER COVERAGE OF MILITARY REFORM

Since newspaper and parliamentary discourse on military reform experience major changes from the first to the second decade of transition, the analysis will be divided in four chapters. Chapter 6 will analyse the newspaper coverage of military reform and its development over time. Chapter 7 will analyse how the memory of communism and transition crises affected newspaper coverage of military reform. Chapter 8 will analyse the parliamentary debate of military reform in the 1990s. Lastly, Chapter 9 will analyse parliamentary debate of military reform in the 2000s to test whether the mechanism which affected newspaper coverage affects parliamentary debate also.

6.1 POLITICISATION OF NEWSPAPER COVERAGE OF MILITARY REFORM

Compared to judicial reform, military reform garnered less coverage with a total of 853 articles from 1992 to 2009. However, keeping in mind that I selected only policy oriented articles, that military reform is a highly specific topic, and that the military is relatively insulated from the rest of the society, this is a considerable number. When divided by decade there were 439 articles in the 1990s and 414 articles in the 2000s. In contrast to judicial reform which gained prominence during the 2000s, coverage of military reform remained relatively constant.

As explained in Chapter 4 I analyse the non-politicisation level of newspaper coverage based on the assumption that institutionalisation and politicisation are inversely related. Simply put, the greater the non-politicisation of newspaper coverage, the more likely it is that elites will agree on institutionalisation reforms. To identify the non-politicisation of military reform coverage, I undertook the same analysis I applied on judicial reform coverage. Figure 3 in the next page illustrates the fluctuation of the non-politicisation of newspaper coverage of military reform in relation to the ideological orientation of the government.

Newspaper Coverage of Military Reform

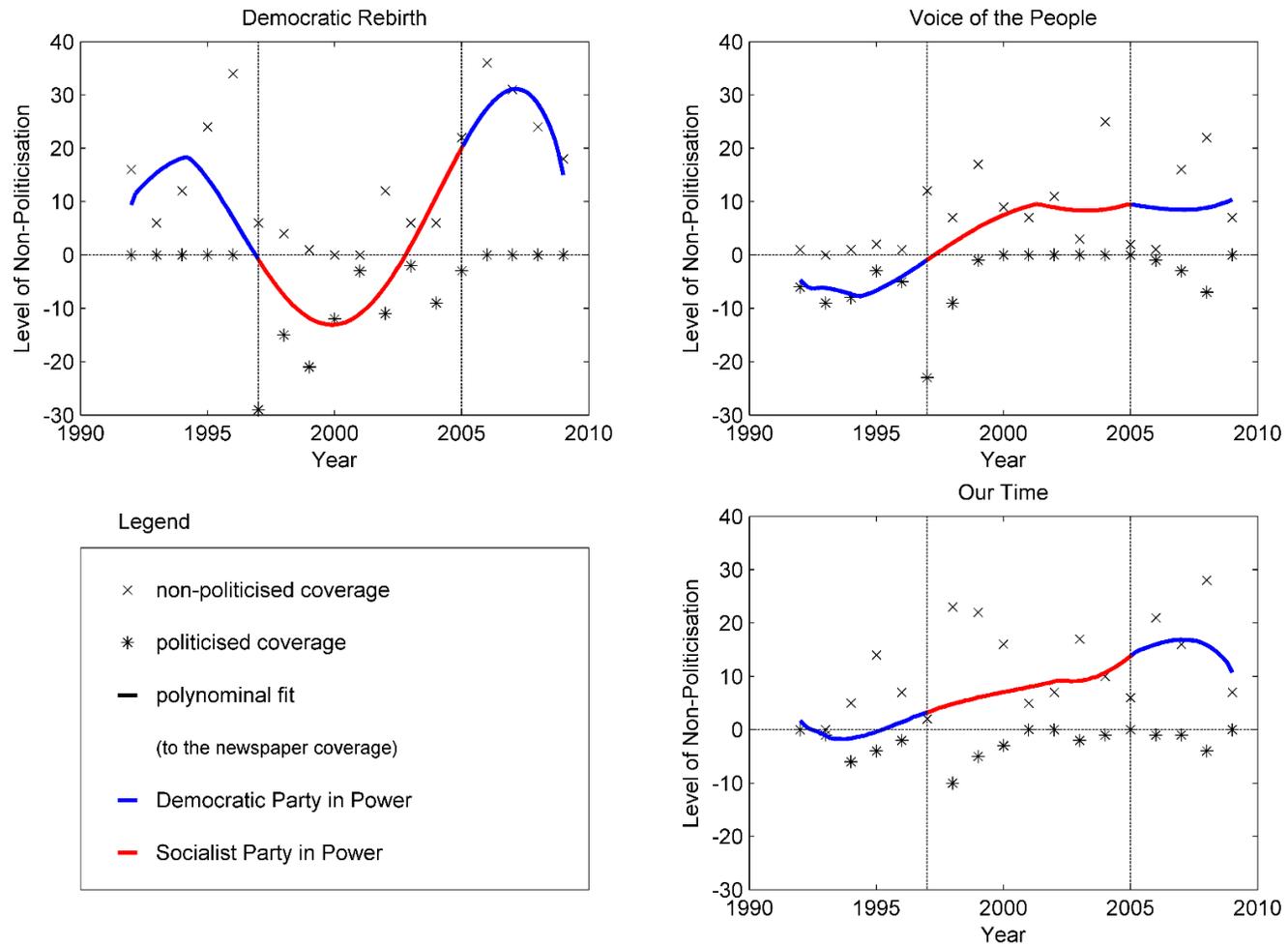


Figure 3

Figure 3 demonstrates that newspaper coverage of military reform was politicised during the first decade of transition. During the 1990s the level of politicisation, especially for *Democratic Rebirth* (DR) and *Voice of the People* (VP), oscillated in relation to the parties' alternation in power. The OT on the other hand, except for the early 1990s, especially 1997, had a non-politicised coverage, which is an indication that for most of the transition it saw no policy difference between the SP's and the DP's military reform. Secondly, Figure 3 shows that in the beginning of the second decade of transition, specifically in 2002, DR's coverage of military reform became non-politicised for the first time while in opposition. This trend was continued by the VP after 2005 when Socialists moved into opposition. Unlike judicial reform, the coverage of military reform was able to break the politicised framework of 'in favour when in power and against when in opposition.'

So far I have demonstrated that newspaper coverage of military reform was politicised in the 1990s and became increasingly non-politicised in the 2000s. The subsequent step is to analyse the articles to identify why the coverage was politicised in the 1990s and how it became de-politicised after 2002.

6.2 THE DEMOCRATIC PARTY'S FIRST TERM 1992-1997

From March 1992 to April 1997, when the government and ministry of defence (MoD) were headed by the DP, *Democratic Rebirth* was supportive of military reform. DR portrayed military reform as a success in increasing professionalism, de-politicisation, and separation from communist practices. In making the case for DP's military reform, DR relied on the memory of the communist politicisation of the military and the need to eradicate it. Simultaneously, DR used the memory of military politicisation during communism and the opposition's alleged communist heritage to de-legitimize its criticism. For example, on October 6th 1992 DR wrote:

The Labour Party of yesterday and the SP of today are responsible for the haemorrhaging in the military. The inhuman, anti-Albanian and anti-democratic actions – namely the politicisation of the military – started when Enver Hoxha, a vehement anti-Albanian and crazy adventurer, usurped military leadership through Tito's help. This became more evident after 1960 when, with his merciless sword, he eliminated those military officials whom he deemed, through his demonic mind, to be part of internal or external enemy groups. The haemorrhaging in the army exploded, uncontained and with devastating consequences during 1966-67 when Enver Hoxha decided to apply the ultra-leftist Chinese-inspired experimentation of the removal of military ranks. In contrast to that time, DP's reform is based on age criteria, professional capacity, moral fitness, and devotion to democracy.

Such articles aimed to portray the DP-led military reform as a break with communist practices of politicisation which weakened the military and strengthened Hoxha's dictatorial grip on the country. As importantly, such articles, by equating Hoxha's Labour Party with the opposition SP de-valued the latter's criticism as complaints from unreformed communists. DR was persistent in using the memory of communism to de-legitimize the Socialist opposition from being perceived as a credible partner in military reform. On July 15th 1992 DR accused the SP of wanting to, "sabotage military reform and destabilise military life ... [its proposals] are a reflection of their continued ideological 'purity.'" Again on August 7th DR accused SP's approach to military reform of being, "identical to Enver Hoxha's people's military warfare." From the beginning, DR was dismissive of criticism coming from the opposition considering its objections illegitimate since the SP was allegedly beset by communist mentality and could neither understand nor accept an institutionalised military.

DR maintained the same editorial line as it defended the government's military reform and rebutted SP's criticism based on the argument that Socialists were unreformed communists pining to regain political control over the military. For example, on the 22nd of February 1994 the news of Albania's accession in NATO's Partnership for Peace Programme was presented as a success of the government only through phrases such as, "when we say Albania, we mean the government" and through accusing the opposition: "[t]he reservations expressed by some political parties about Albania's cooperation with NATO go against Albanian's national interests." In 1995 and 1996 DR maintained the same coverage by presenting DP's military reform as a great achievement, the communist regime's policies as the main reason for the difficulty of reform, and the Socialists, by virtue of being unreformed communists, as committed opponents and untrustworthy partners of military reform.

While DR's language was harsh, its reliance on the memory of communism is understandable for two main reasons. First, the memory of communism was fresh and the most readily accessible frame of reference in which to situate the overall democratisation reforms and military reform in particular. Since the military had been an important component in the communist regime's repressive apparatus, it is understandable that DR relied on it to both justify and evaluate military reform. Secondly, since the SP was the direct descendant of the ruling Labour Party, stressing the horrors of the past communist regime while reminding the public of SP's political heritage was good politics. That way DR could both legitimate DP's reforms as parting ways with the

practices of the past and de-legitimate the SP as a possible contender for power. Whatever DR's reasons, its reliance on the memory of communism politicised the debate on military reform.

The Voice of the People (VP) on the other hand, portrayed DP's military reform as politicised, nepotistic and corrupt. VP's coverage of military reform was even more politically charged than its coverage of judicial reform. From accusations of treason, fascism, and communism no punches were pulled in the heated exchanges. Notably, on October 2nd 1992 the VP wrote:

Mussolini's fascists and Nazi Germans, those who are still alive and their supporters in Albania, the Greek monarchical-fascists, Serbian chauvinists, and all the enemies of the Albanian people, finally, after fifty years, can rejoice at the condition in which the Albanian military finds itself ... The DP has purged 15,000 officers who had to leave the country as refugees while hundreds of others, whose fate is unknown, are locked in prison cells because they have been stained with political accusations.

According to the VP, the government's reform was politicised, destroyed the military, and left the country defenceless against its historical enemies. The VP insisted that DP's so-called de-politicisation was an attempt to replace one form of political control with another. On February 10th 1993 the newspaper wrote another scathing indictment of the reform in the armed forces. While expressing its overall support for military de-politicisation, the article stated that the reality was grim because:

[T]housands upon thousands of military personnel have witnessed first-hand that this reform is based upon political criteria. It is sad - but true - that appointments to the military structure have to be approved first by DP's leadership. It is unfortunate that the present military leadership is entirely politicised. This is not only illegal, but also very dangerous for the fate of the military and the nation's defence.

The VP was persistent in its accusations that DP's military reform was politicised and endangered Albania's fragile democracy. On June 7th 1994 it accused the MoD of interfering in political matters since, "in a flagrant and wilful way the MoD dislocated soldiers to tilt the result [of a local by-election] against the SP." On its front page 11th of June the VP accused the leadership of the MoD of offending the military, "by using it - against rules and constitutional principles - as a political instrument of their party's interests." From VP's perspective, DP's military reform was politicised and had dangerous consequences for stability, military readiness, and democracy in Albania. Through its coverage the VP conveyed the message that DP's reforms did not institutionalise the military, instead they simply replaced one type of political control with another. The VP in 1995 and 1996 maintained the same editorial line accusing the government of undertaking a politicised reform.

Lastly, *Our Time*'s (OT) coverage of military reform in the early 1990s is fairly anaemic, as it did not devote much space to it. The most plausible explanation is that criticism of, and interest in, military reform was associated with former, ex-communist, military officers and the ex-communist SP. By voicing the criticisms and accusations of these groups against the government's military reform OT would have become prone to attacks that it was a communist sympathiser. In addition, most of OT's journalists were young and did not have a connection to memories of the strong Albanian military.

Even when the OT analysed military issues, most often it did so from the perspective of possible NATO accession. For example, on January 8th 1994 OT argued that NATO accession would be a great achievement for the country, its security, and democratisation reforms. Similarly, on January 25th 1995, OT analysed the development of positive military ties with NATO and America since the fall of communism and their significance for military reform and democratic consolidation. As long as OT covered military reform from the 'NATO accession' perspective it was supportive. However, the OT was harsh on the defence minister whom it accused of corruption and over-politicisation of the MoD. On February 8th 1995 the paper wrote an article summarizing all the accusations against Defence Minister Zhulali from corruption to incompetence, nepotism, arms trafficking and more. In the following edition of February 9th, it reported that the SP had asked for Zhulali's resignation and accused him of politicising the military. So, despite supporting military reform as a way to join NATO and the West, OT also accused the MoD of using the military politically.

Since the OT did not dedicate much attention to military reform, the battle to define it was waged between DR and VP. Their coverage of military reform was highly politicised and centred on the memory of the communist regime. DR argued that DP's reform was successful in de-politicising the military and that the SP opposed it because it was an unreformed, communist-inspired party. The VP, on the other hand, accused the DP of aiming to replace the old politicisation with a new one and that such practices were authoritarian and endangered Albania's democracy and military readiness. For different reasons, both sides relied on the memory of the communist regime to delegitimize the other side's proposals and/or criticisms. Such coverage produced a high level of politicisation and reduced the chances of a bipartisan agreement on military reform.

6.3 MILITARY REFORM COVERAGE DURING THE SOCIALIST GOVERNMENTS 1997-2005

After the DP won the disputed elections of 1996 *Democratic Rebirth* continued to support military reform. However, the political crisis produced by the Socialists' refusal to recognise the elections in conjunction with the economic crisis produced by the collapse of pyramid schemes, prompted violent anti-government protests in late 1996 and early 1997. Confronted with popular revolt, the government declared a state of emergency and deployed the military. The military refused to obey orders, abandoned its posts and its armaments were looted during March and April 1997. After the military collapsed, most state institutions disintegrated. Faced with almost total state breakdown, President Berisha agreed to early elections and a provisional SP-led government with a new Socialist defence minister. From April on, and especially after the SP won the June 1997 elections, DR launched ferocious attacks on the MoD and the SP for destroying the military and re-politicising it. On November 1st 1997 DR wrote:

[T]he leaders of the Labour Party and their Socialist heirs are the authors of this destruction although they accept no responsibility ... Communism, which destroyed every national value, destroyed the military also. When the military started breathing again, the people responsible for past crimes and destruction, through their [communist] Enverist elements, struck again, killed again and re-destroyed the military.

When the DP was in power DR accused Socialists of opposing military reform because they were unreformed communists. After the 1997 crisis it accused them of undertaking a communist-style counter-revolution to destroy democracy and re-politicise the military. These accusations became the foundation of DR's coverage of military reform after the DP went into opposition. For example, on August 5th DR accused the new minister of defence of reintroducing in the military former communist officers and bandits who overthrew DP's government. DR argued that this was "the most severe hit against the military since 1967 ... with the hideous intentions to bring back all the incriminated people who worked for the dictatorship." Similarly, on the 12th of September 1997 DR stated that:

[T]he armed forces have become a political unit of the SP. The generals who have been fired are experts in their fields and Western educated. While the ones favoured by the clique in power are Enverists, fanatics, ignorant ... whose only contribution is the destruction of the military and the communist rebellion.

As soon as the SP came to power DR castigated it for destroying the military in 1997, politicising it, and appointing communist militants at the expense of professionals. These attacks continued even after 1997. On August 28th 1999 DR claimed that, "[t]he destruction of the military during the communist rebellion of 1997 has reduced its capacity to defend the nation and has hurt the country's prospects of joining NATO." DR was unrelenting in its attacks and on

February 8th 2000 it published an analysis of the government's national security strategy stating that, "these documents are an act of demagoguery when one keeps in mind that the military has been filled with former communist officers and bandits who enabled the 1997 communist rebellion." So, DR's coverage of military reform became politicised after the DP lost power and its reliance on the memory of communism as an analytical framework of military reform gained even more prominence.

While DR accused the SP of destroying the military and politicising it, the *Voice of the People* described an opposite reality. From April 1997 on the newspaper refrained from attacking the MoD except for those officers who were connectable to President Berisha. In 1998 the VP had two more politicised than non-politicised articles on military reform because it continued to analyse the 1997 crisis and blamed it on Berisha's politicisation of the military. The VP was insistent in connecting DP's politicisation of the military with its destruction during the events of March-April 1997. In an article on April 23rd 1997 the VP argued that, "Albanians know who destroyed the military: it was destroyed by Sali Berisha; it was destroyed by the leadership of the Democratic Party, by the strategy of violence, deceit, hate, and division they adopted in every field of life." Again, one month later on May 9th the VP argued that the politicisation of the military destroyed its foundations. The article stated that, "DP's criteria for military reform were a facade to humiliate the military ... military preparation was replaced by political party preparation ... the objectives of the military were replaced with the objectives of the DP." Especially during the 1998-97 period, the VP was committed in its effort to blame Berisha's alleged politicisation of the military for its destruction in 1997.

Once the VP completed the phase of blaming the DP for the destruction of the military and after the Kosovo war was over, it turned its attention to publicising the successes of the Socialist-led military reform. On January 28th 2000 the paper reported the approval of the strategy of national security. VP argued that this strategy reflected Albania's "progress since the violent events of 1997 and the Kosovo conflict." In addition, on the 8th of February, VP dedicated a full page to analysing the new national security documents arguing that they created a break with past practices of politicisation and consolidated reforms. Interestingly, the new national security strategy, so highly praised by the VP, was similar to the one approved by Berisha's government in 1995. This is another indication that VP's coverage of military reform was distinctly partisan and disregarded policy content. As far as the VP was concerned, if it was done by the DP it was bad and authoritarian, if done by the SP it was good and consolidated democracy.

To provide an overview of SP's successful military reform, on November 30th 2004 VP used the military parade celebrating the nation's 60th anniversary of liberation as a pretext for a retrospective analysis:

[T]he parade was a clear indication of the long road the armed forces have travelled ... We are all aware that in 1997 the military was destroyed. All military depots were looted and military logistics were stolen. In 1997 our military had no leadership and the minister of defence got on a boat to seek political asylum in Italy ... Today our military is side by side with NATO in a number of training and peacekeeping missions around the globe.

From VP's perspective, since 1997 progress had been impressive due to SP's military reform. In the same edition, the VP continued to remind its readers that, "ten years ago we were a source of weapons for dictatorships; seven years ago the military disintegrated; for the next three years we consumed the security of our neighbours; now we ensure there is peace around the world." From the moment the SP came to power, the VP on one hand attacked DP's 1992-97 reform for politicising and destroying the military in 1997 and on the other used the 1997 crisis as the main framework through which it evaluated SP's reforms. This way the VP aimed to use DP's alleged politicisation of the military to de-legitimize DP's accusations and justify SP's reforms.

After the SP won its second term in 2001, the DP accused it of election fraud, boycotted parliament and threatened to begin mass protests to force the government to resign. Since the end of 2001 was so politically charged, and the coverage of military reform since 1992 had been highly politicised, there was no expectation that DR's coverage of military reform would change. However, in 2002 DR published more non-politicised articles on the military while in opposition. This trend continued in 2003 but not in 2004, the year in which NATO postponed accession talks with Albania for which the DP blamed the government. However, the coverage became non-politicised again in 2005 and continued so after DP's return to power. In contrast to judicial reform, in 2002 the rigid partisan analysis of military reform was broken.

The 'reversal of 2002' was evident through two elements. First, criticism of military reform and lack of progress toward NATO integration became less military-centred. Second, DP's editorial line became increasingly less politicised. The first change came on May 30th 2002 when DR, despite accusing the SP of leaving "Albania out of NATO," argued that this was the result of "the government's failure in the fight against corruption, trafficking and continued economic crisis." This was a strong criticism of the government, but it refrained from attacking either the military or the MoD. After mid-2002 most of the political debate, even when it was NATO-

centred, which one would have expected to be military-oriented, did not criticise the military directly. The second change can be noticed when comparing two editorials written a few months apart. On June 2nd 2002 DR castigated the government for “firing hundreds of officers trained in the US and NATO member states for political reasons and replacing them with party militants and former communist officers.” On November 23rd the same author in the same paper wrote: “During the last ten years Albania has passed true cooperation tests with the US and NATO.” Even more interestingly, after years of accusing Socialists of being anti-NATO and unreformed communists, the editorial concluded that, “[The] Socialists have accepted NATO as a faithful ally of the Albanian people.” From 2002 on, except for 2004 when DR blamed the government for NATO’s refusal to open accession negotiations, DR maintained a non-politicised coverage of military reform until the end of its opposition in 2005.

Lastly, *Our Time*’s coverage of military reform from 1998 to 2005 was consistently non-politicised since during this period the paper published 106 non-politicised articles against fifty-two politicised ones. When the SP was in power OT’s coverage of military reform was generally non-politicised and similarly to the early 1990s it analysed military reform from the NATO integration perspective. For example, on October 14th 1999 OT interviewed the head of NATO’s Parliamentary Council who was quoted as saying that, “Albania has experienced dramatic consolidation of its military and the application for NATO membership will be considered in 2002.” In addition, even when OT lamented the government’s incapacity to advance Albania’s relationship with NATO, the criticism was not centred on the military. For example, on May 28th 2004 the paper argued that the two main impediments to Albania’s NATO accession were “organised crime and corruption ... the government’s engagement is clear in the field of armed forces reform which is necessary for NATO accession.”

This section demonstrated that DR, representing the DP, broke the politicised framework of newspaper coverage of military reform. Whether it was a permanent break or momentary development will be tested by (1) DR’s willingness to present DP’s reforms as a continuation of or break from SP’s reforms after DP’s election victory in 2005 and (2) whether VP’s coverage of military reform after the SP moved into opposition remains non-politicised.

6.4 MILITARY REFORM COVERAGE DURING THE DEMOCRATIC GOVERNMENT 2005-2009

On September 11th 2005 after the centre-right government had assumed power, Leonard Demi, the DP chair of the parliamentary defence committee wrote an article on the government’s

defence policies. In it he stated: “Our programme recognises all the positive efforts towards integrating the country in NATO and intends to intensify them in order to speed up the process.” The same edition reprinted the speech of the new defence minister, Fatmir Mediu, who promised: “At the centre of military reform will be the constitution, the national security strategy, the military strategy [both approved by the SP government], and the other laws and decisions passed by parliament.” The answer to the first ‘test’ is affirmative: DR framed DP’s military reform as a continuation of the reforms undertaken by SP governments.

The answer to the second ‘test’ is also positive. After 2005 the VP maintained a non-politicised coverage of military reform and its criticisms distinguished between the government and the military. On November 2nd 2006 the VP reported that Albania would not get an invitation to join NATO at the Riga Summit. The VP explained that, “NATO is not just a military union among countries, but it is also a union of values ... Albania cannot proceed forward with positive reforms in the military only.” The VP stated that military reform was progressing even under the DP government but NATO integration was being hampered by regress in other reforms. VP’s trend of non-politicised coverage accentuated in the succeeding years, as from 2006 to 2009 it published forty-six non-politicised articles against eleven politicised ones. On October 21st 2007 VP published an editorial by a high-ranking Socialist MP in which it stated that, “Albania has become a source of security and stability in the region. The country’s progress through NATO’s nine-cycle Action Plan has strengthened the country’s security and stability.” So, for the first time since 1992, an opposition newspaper spent an entire term in opposition during which it published more non-politicised than politicised articles on military reform. The change identified in DR’s coverage in 2002 was continued and accentuated by the VP until 2009.

As expected, OT’s coverage of military reform remained non-politicised after the DP came to power, and became more so as NATO accession neared. For example, on April 4th 2008 after receiving the official invitation to join NATO, OT’s main article was titled, “Albania Embraces NATO.” The paper quoted President Topi as saying that, “this invitation is the result of the work of all political parties” and the PM is quoted as saying that, “this is a miracle of freedom.” The OT did not demonstrate any difference in the way it covered military reform under the Socialist and second Democratic administrations. This is an indication that OT did not see any policy difference between the two main political parties’ military reform, which supports my claim that the change of newspaper coverage on military reform did not reflect policy change.

6.5 ALTERNATIVE ACCOUNTS

So far I have demonstrated that military reform coverage became increasingly non-politicised in the 2000s. While the shift is evident, a number of questions arise from it. First, why did the change happen in 2002?

I will begin by explaining why it could not happen earlier. During DP's first term, both sides relied on the memory of the communist regime to de-legitimize and depict one another as anti-democratic forces that had to be defeated rather than accommodated. The 1997 crisis increased politicisation further as the DP accused the SP of undertaking a communist counter-revolution, while the SP viewed the DP as a criminal party which used the military to maintain power. In addition, the Kosovo crisis and war in 1998-99 shifted the focus away from military reform towards the need to use the military to defend the border and help the Kosovar refugees. So, the 1990s were highly contentious and replete with crises, which made it difficult to break the politicised framework of military reform coverage. Only after the Kosovo war Albania experienced a period of stability during which its elites could analyse the preceding events.

Although this period of relative tranquillity began in 2000, I identified a shift in DR's coverage only in 2002. What accounts for the two-year time lag? I argue that the main reason was Albania's political calendar because 2000 and 2001 were electoral years. Since elections in Albania are highly divisive and intensely partisan, they did not offer a suitable opportunity for government and opposition to agree on reform. In contrast to most European Countries, in the aftermath of Albanian elections the opposition accuses the government of attempting to steal the elections, which makes the process long and contentious. For example, the local elections of 2000 were held in early October and most mayors were sworn in late January and in many districts elections were repeated because of irregularities. Berisha even argued that the elections had been rigged and took to the streets to protest. Similarly, the general elections of 2001 were held in early June and the counting and legal challenges continued until late August. After the government was sworn in, the DP boycotted parliament and Berisha went on an international tour to denounce what he perceived as electoral fraud. 2000 and 2001 were years of long and divisive battles which precluded agreement.

Now that it is clear why the change did not happen in the 1990s, 2000 and 2001, I have to clarify why it happened in 2002. In June 2002 the political climate softened remarkably because the SP

and DP agreed to select in parliament a consensual president.⁸ Berisha's denunciatory tour convinced the international institutions monitoring Albania that the Socialist government had unfairly enhanced its margin of victory to secure an absolute parliamentary majority to select the new president by itself in 2002. Consequently, the EU delegation applied pressure on the government to agree to a consensual president. Once the SP acquiesced, the political climate experienced a remarkable thaw and the acrimony between government and opposition decreased for the first time since 1997. So 2002, being the first year in which there were no international or domestic crises, no elections, and decreased political tensions, provided opportune conditions for the DP to change its stance on any of Albania's disputed reforms.

So if the political *détente* of 2002 provided DR the opportunity to change its coverage of any reform, why did it choose military reform? It could be argued that the selection of Alfred Moisiu - a retired general, former defence minister and with close ties to the DP - as the new president was the reason for DR's change of military reform coverage. I believe this explanation is not convincing. In agreeing to a consensual president, PM Nano and Berisha decided to undertake many institutional reforms, almost all of which regarded the judiciary. The reforms aimed to depoliticise the judiciary and address many of DP's grievances against it. However, as Figure 1 showed, in 2002 DR's coverage of judicial reform was as politicised as before. If newspaper coverage would have been affected by the agreement to select a consensual president, judicial reform coverage would have been most affected because the deal focused on the judiciary. That is why I argue that the selection of the consensual president created the conditions for DR to change its coverage on any of Albania's disputed reforms, but does not explain why it changed the coverage of military reform.

Other alternative explanations might argue that DR's coverage changed because the domestic and/or international circumstances affecting military reform changed making its success more likely. Neither of these arguments is convincing. In 2002 military reform was progressing similarly to other reforms, was receiving similar budgetary support and suffering from the same problems of inefficiency, corruption and nepotism. As far as military reform was concerned, from a domestic perspective, the year 2002 was similar to 2001 and 2000. Since during 2000 and 2001 DR had a politicised coverage of military reform, it would have been reasonable to expect no changes. Internationally, with the NATO occupation of Kosovo, there was no immediate or foreseeable danger from Serbia which could, theoretically, unite Albania's elites in support of

⁸ The Albanian Constitution required a 3/5 majority for the election of the president.

military reform. In addition, even the NATO accession perspective had not improved. In 2002, while many former communist countries were invited to join NATO, Albania was not granted an action plan on potential membership. So, in 2002 the potential danger posed from Serbia had abated and NATO integration was still a remote possibility, which made military reform less pertinent and the likelihood of an agreement on it less likely. Therefore, from a domestic and international perspective, the year 2002 was unremarkable and did not contain any developments which would justify DR's non-politicised coverage of military reform.

In 2002 the domestic and international circumstances affecting military reform did not change and the agreement to select Alfred Moisiu as president was heavily focused on judicial reform. Therefore, one would have been justified to expect military reform coverage to remain the same and judicial reform coverage to change, but not military reform. Why then did DR change its coverage of military reform? There are a number of other alternative accounts, which could explain this development ranging from a deliberate decision by the DP to agree to the institutionalisation of the military because doing so did not compromise its interests to the explanation that institutionalising the military was easier and less costly. Such explanations entail an assumption that military reform was perceived as easier because its hierarchical nature and insulation from the rest of society facilitated its institutionalisation and that military reform was less pertinent because its institutionalisation did not adversely affect elite interests.

Both these conditions are generally true but in Albania these assumptions do not hold. From the beginning military reform was highly politicised and its coverage more polarised than judicial reform, which shows that military reform was important to both sides. In addition, the military's involvement in the 1997 crisis further increased the elite's interest in its reform since the military's intervention in a political crisis and its inability to guard its own weapons made its reform paramount for political stability. The destruction of the military in 1997, which will become clearer in the next chapter, also showed that its institutionalisation was anything but easy or unimportant. The Albanian military did not function based on an apolitical structure, but based on political obedience. Its involvement in the 1997 crisis and subsequent dissolution proved that it was neither insulated from civilian life, nor tightly structured to allow for easier institutionalisation. So explanations that argue that the military was institutionalised because it was easier and both sides' interests were not negatively affected by it are not supported by the newspaper coverage.

6.6 CONCLUSION

Since the domestic and international conditions affecting military reform did not change and military institutionalisation was neither less important nor easier than judicial reform, one has to look for a different account to explain why DR in 2002 and the VP after 2005 took a non-politicised approach to military reform. This means that I have to (re)analyse the articles to identify the justificatory mechanisms they relied upon. As I argued in Chapter 3, emerging democracies like Albania rely on the memory of the previous autocratic regime to situate their democratisation reforms. This was validated by the analysis of Chapter 5, which identified the memory of communism as the main mechanism through which both sides evaluated judicial reform, maintained politicisation high, and inhibited judicial institutionalisation. Therefore, the next chapter will analyse how the memory of the communist regime interacted with transition crises to identify what, if any, effect they had on the newspapers' coverage of military reform.

CHAPTER 7

THE POLITICS OF MEMORY AND CHANGE IN NEWSPAPER COVERAGE

So far I have demonstrated that coverage of military reform experienced a shift between the first and second decade of transition. I also argued that the shift was not a reflection of any change in Albania's domestic conditions regarding military reform or the international environment affecting its NATO accession prospects. So what does this shift reflect? This is a crucial question because I am faced with a situation where a country whose main problem was the judiciary, with very limited financial resources, with a highly politicised debate on military reform, and no concrete NATO accession route, seems to have decided on a bipartisan basis to support an expensive military reform and NATO membership more vigorously than judicial reform which would have advanced its relations with the EU and brought increased funding.

7.1 MEMORIES OF COMMUNISM AND TRANSITION CRISES IN THE COVERAGE OF MILITARY REFORM

I maintain that the decision of Albanian elites to support military reform is the reflection of a slow developing mechanism which influenced the way they constructed their interests and ranked political priorities. There is nothing particularly unique about Albanian elites compared to the rest of the region. They are neither less patriotic nor more self-centred than their Croatian counterparts who, in order to advance their EU accession, arrested and then convicted on corruption charges PM Sanader who had been instrumental in democratising the country. The decisions I am explaining, which might seem counterintuitive, involve a number of interacting variables that can help shift the understanding of the choices a country faces. This is exactly what happened in Albania in the 2000s when its elites could draw upon 'the lessons of communism' and 'the lessons of transition.' I argue that the memory of the communist regime in conjunction with the memory of the main crises of the transition to democracy created the frameworks which affected elite interests. Therefore, this chapter will analyse how the memory of the communist regime, the 1997 crisis and the 1999 Kosovo war affected newspaper coverage of military reform.

Before proceeding I have one methodological clarification to make. The analysis I am about to undertake is applied on the same sample of articles that I analysed to identify the temporal shift of newspaper coverage of military reform. As explained earlier, those articles were chosen

because they focused on substantive policy issues related to the reforms of interest, not because they had any connection to the memory of communism, the events of 1997 or the 1999 Kosovo war. This decision has important implications for any future findings. If I find that any of these memories, or a combination of them, are used to justify an article's position on military reform then I can be confident of their explanatory power over the identified temporal shift. This way I do not have to make a case to connect these memories to military reform because the newspapers have done so by invoking them in their arguments.

7.2 COMMUNISM AS A VIOLENCE-BASED REGIME

The communist past was an important framework through which Albania's democratisation - military and judicial reform included - was covered by all newspapers. As demonstrated in the previous chapter, the memory of communism, its politicisation of the military and its violent character, were used by DR as justificatory mechanisms to support DP's military reform and delegitimize SP's criticism of it. Although communism could be recalled in a myriad of ways, DR covered it from one main angle: communism was a regime that used violence to maintain power. For example, just one day before winning the elections, on March 21st 1992 DR wrote that during the communist dictatorship:

[S]ervicemen, patriotic Albanians, workers and simple villagers suffered, were terrorised and discriminated by the military ... They and their families were terrorised by the monstrosity of class warfare, by the secret police agents surrounding them, and the over-ideological and extreme politicisation of the military ... Only the victory of democracy will open new perspectives for the military.

DR not only portrayed the military as a repressive instrument of the communist regime, but it also argued that only the DP was capable of depoliticising it. This tendency continued and was accentuated after the DP took the reins of government. From early on, when using the memory of the communist regime to justify military reforms, President Berisha and his Democratic Party were keen to paint the communist past as a period during which the military was politicised and used to violently suppress opposition. Therefore, on October 30th 1992 DR quoted President Berisha explaining that DP's military reform was important because, "the idea of a different military is a grandiose idea which touches upon the new roles and duties the military has in democracy ... Every dictatorship is a military state, that is why military reform is a necessary component of building a democratic state." The message was clear: the communist regime

politicised the military and through it maintained power. As importantly, the road to democratisation passed through DP's military reform.

When arguing that the military was politicised during communism, DR had a specific portrayal of communism, which it wanted to pass onto Albanians. Of the many elements chosen to describe the communist period words like prison, internment camps, and murder were the ones most closely associated with the Hoxha regime. DR was committed to portray the Hoxha regime as based on politically-motivated violence. To validate its argument, DR often published President Berisha's speeches analysing the communist past as a way to explain the challenges faced by military reform. Speaking to NATO's North Atlantic Council on December 19th 1992 DR quoted the President:

The Albania of yesterday was a laboratory in which Enver Hoxha experimented with the paranoid ideas of Stalin and Mao Tse-tung. This dictatorship forced the country into the deepest isolation symbolised by the construction of hundreds of thousands of bunkers which were the elements upon which [Hoxha] based his paranoid psychology of isolation.

It is interesting that in Berisha's first visit to NATO headquarters he decided to focus on the violent, Stalinist nature of Albania's communist dictatorship. There was a sense that the communist regime was not only violent and repressive, but that it was the most repressive of all. The uniqueness of Albanian communism was unrelentingly connected with its oppression and violence. For example, on November 19th 1993 DR argued that, "once communists came to power, they began the physical, material and intellectual elimination of thousands of people without taking into consideration even the most minimal notion of justice and humanity." This violence was applied through a politicised military which on April 25th 1995 was described as a "Marxist-Leninist institution; a whip in the hands of the communist system." DR and Berisha focused on the violent character of the Hoxha dictatorship, which was made possible by a politicised military. Other features of the regime which were as troubling, such as lack of private ownership and free speech, high poverty, malnutrition, or the construction of a fully politicised judiciary were relegated to characteristics of secondary importance.

Simply put, the Hoxha regime was described as a hellish structure in which the dictator was the master of a vast concentration camp where life was never safe and rights did not exist. DR's perspective on the communist regime and its reliance on a political violence is encapsulated in a January 15th 1995 article stating:

In dictatorships the individual is followed, persecuted, condemned and even killed each time he attempts to exercise his fundamental rights and freedoms. In an unprecedented scale in Europe, this is exactly what happened in Albania during the Hoxha dictatorship. Prisons, concentration camps, internments, absolute disrespect for human dignity and utter absence of human values are the clearest characteristics of the Hoxha dictatorship.

Each time communism was recalled by DR in connection to military reform the characteristics that were emphasized evoked images of violence and abuse.

What was more remarkable was that even when communism was recalled exclusively in relation to the judiciary, violence was emphasised. For example, on October 22nd 1992, commenting on the politicised judiciary during the communist regime, DR wrote that:

[T]he communist revenge was horrible. Hundreds of villagers were shot on the spot; others were butchered later with no trial; even more were imprisoned and died in the investigators' offices, prison cells or the infamous internment camps. The inhuman treatment in these centres of violence is unprecedented for any country in Europe during peace. This horrible fate was shared by many intellectuals, clerics, and youth. This regime was a real tragedy for countless families persecuted during its time in power.

When DR recalled the politicisation of communist trials and harshness of their punishments, the main adjectives used were, killed, shot, and tortured. The chosen elements came at the expense of others such as lack of legal counsel, lack of proper and impartial judges, lack of proper legal procedures, and so on. Even eighteen years after the fall of communism, on February 21st 2009, DR quoted PM Berisha analysing the politicisation of the judiciary under communism by saying: “the communist regime implemented the most extreme monism and barbaric submission of a people. The persecutions, suffering, tortures, internments, executions, and displacements that the communist regime imposed on Albanians for forty-six years are many times greater than all other communist regimes together except the USSR.” Even when DR used the memory of communism as a justificatory mechanism for judicial reform, it focused exclusively on the violent and criminal nature of that regime.

From DR's perspective there was no doubt that the overarching characteristic of communism was its violent character and the fact that such violence was applied at the discretion of one man who was bound by no rules and had at his disposal a politicised military. DR's coverage of communism in connection to military reform was marked by words such as inhuman, anti-Albanian, handcuffs, chains, darkness, communist beast, criminals, red butchers, murderous, crimes, bloodthirsty commissars, dictatorship, Marxist-Leninist lash, avalanche, aggression,

onslaught, revenge, tyranny, abuse, suffering, barbarism, terror, genocide, and concentration camps.

While DR was aggressive in shaping the memory of the communist regime, the VP was on the defensive and a rather insignificant player. Analysing the communist period was counter-productive for the VP since the SP was the direct descendant of the communists and Enver Hoxha was the founder and first chief editor of the VP. Therefore, in the few times it analysed the communist regime, the VP never countered DR's claims that the Hoxha regime was a violent and criminal entity relying on a politicised military. The VP acknowledged that crimes had been committed but argued that those crimes should not be used as pretexts to repeat the same mistakes and engage in revenge. When the VP used 'communism' as a justificatory mechanism, it used it as a negative element to illustrate its accusations of politicisation against DP's reforms. So, the VP not only was passive in shaping the memory of communism, but it accepted DR's framework of communism as a violent entity.

Interestingly, the OT was also uninvolved in analysing the communist regime and did not rely much upon it as a justificatory mechanism when analysing democratisation reforms. The most plausible account for such an approach would be that while the VP was timid about analysing this period, the OT was uninterested because those who wanted to read about the horrible life under communism could read DR and other pro-government newspapers with which the OT was in competition. From OT's perspective, which was in clear opposition to Berisha in the 1990s, relying on the memory of the communist regime would legitimate Mr. Berisha since he used his anti-communist credentials as a rallying cry for his supporters. For different reasons both VP and OT, in the crucial period of the early 1990s, were not engaged in shaping the memory of the communist period. Therefore, the moulding of the memory of communism, in the aftermath of its fall, was a field in which DR and its allies played alone. As a result, they were able to shape a memory of communism as a state of terror, murder and un-institutionalised use of violence based on a politicised military.

7.3 THE 1997 CRISIS AS A MILITARY FAILURE

All three newspapers covered the events of 1997 as a military failure. DR argued that the failure was attributable to SP's aim to overthrow a legitimate government, while the OT and VP attributed it to DP's politicisation and unconstitutional deployment of the military. For different reasons, all newspapers identified politicisation as the root cause for the destruction of the

military in 1997. Moreover, the newspapers' focus on the role of the military in the 1997 crisis, its dissolution, the quantities of looted weapons in the hands of the population, and the numbers of dead civilians underscored the 1997 crisis as a period in which the entire security system, more importantly the military, failed in a spectacular and unexpected fashion. Lastly, while the memory of the communist regime, despite always stressing its violent character, was used in analysing both military and judicial reform, the 1997 crisis was used almost exclusively in analysing military reform.

The 1997 crisis is a complex event, and its full analysis is beyond the scope of this research.⁹ However, to understand the context in which it developed and appreciate how remarkable it was that this multifaceted event was covered by all three newspapers as a military failure, a short review of its beginnings is needed. After the elections of May 1996, the opposition Socialist Party, its allies and most international observers argued that elections had been rigged, ballot boxes had been stuffed and counting had been conducted irregularly. As a result, the SP boycotted the new parliament, did not recognise its legitimacy and demanded new elections under some form of international supervision. President Berisha and the DP rejected those demands and proceeded with the formation of the new government. In this situation of political instability, and with the local elections a few months away, Berisha had to keep Albanians, at a minimum, complacent. To do so he allowed a number of existing private borrowing companies to borrow large amounts of money at unsustainably high interest rates. These companies became a source of easy money for tens of thousands of Albanians. As the political crisis intensified, these companies, which turned out to be pyramid schemes, grew exponentially because the government was unwilling and unable to close the very schemes which were keeping the populace happy and indifferent to their diminishing civil liberties.

Immediately after the local elections, which were won by the DP with the tacit promise that as long as they governed the borrowing schemes were secure, these schemes began collapsing. Blaming the government for having encouraged them to deposit their life's savings, citizens took to the streets asking for their money back. The protests were initially spontaneous, peaceful and economic. As the government rejected any blame for, or role in returning, the lost money and as the larger borrowing companies collapsed by late 1996 and early 1997, protests became increasingly political and confrontational. The government ignored the protesters' demands and used force against them. During January-February 1997 a tense standoff developed between the

⁹ For an analysis of the 1997 crisis see: Miranda Vickers and James Pettifer, *Albania: From Anarchy to Balkan Identity*, 1999.

police and protesters; between an unrecognised government and the opposition; and between the government and the people who blamed it for losing their money.

In this situation DR remained, just like DP, unflinching in its refusal to accommodate the protesters who were portrayed as anti-democratic, communist holdouts. For example, on January 26th, as protests against the government were escalating, DR wrote that, “People should distance themselves from terrorism” and in the next edition it warned that, “Exemplary punishment is the best response for terrorists.” As the situation deteriorated, protests became more violent and spread across the country, on February 8th, DR’s front page wrote, “the [communist] red mafia will never defeat Albanian democracy” and on February 13th DR’s main article stated, “we cannot enter into a coalition with people who through macabre plans intend to misuse people’s financial sorrows to incite terrorism, burn municipalities and state institutions, and through Stalinist methods attempt to overthrow legitimate institutions.” When confronted with widespread and violent public discontent, DR maintained a staunch anti-protester line accusing them of being communist-inspired terrorists intent on overthrowing democracy. On March 1st as the situation had deteriorated further, DR wrote, “the SP declares terrorist war on the state.”

The government’s intransigence and the failure of the police to suppress the protests forced the government to declare a state of emergency and rely on the military to restore order. As a result, on March 3rd parliament approved the declaration of the state of emergency, curtailed civil liberties and effectively put Albania under military rule for an undetermined period. From the government’s perspective these actions were a response to an armed uprising which, in the edition of March 2nd, was described by DR with the following words: “the terrorist bands of the SP massacred the Intelligence Service: three dead, three burned and three butchered. This is a cannibal-Goebbels-like crime.” Similarly, on the 7th of March 1997, DR argued that the SP-inspired rebellion had blood on its hands and reported of twenty-five dead in one night. In the succeeding editorials the paper argued that the SP was relying on violence to come to power, that the government should do everything at its disposal to re-establish constitutional order and prevent a civil war. Because of the restrictions put in place by the state of emergency DR halted its publications until early April, but it was nonetheless clear that it portrayed the anti-government protests as communist-inspired, terrorist-style attempts organised by the SP to overthrow a legitimately elected government. DR advocated using the military to restore order and punish the so-called terrorist communists.

Despite the government's assurances and DR's hopes, the military not only failed to restore order but made the situation worse. Soldiers refused to obey orders and abandoned their posts leaving military installations unguarded and armament depots in the hands of civilians. Within a few days, the military disintegrated, its armaments stolen, and the entire population, including all the prisoners who had escaped from the unguarded prisons, armed with heavy weapons. The situation deteriorated to the point where the minister of defence left the country as a political asylum seeker and NATO troops were called in to secure the distribution of humanitarian aid and help security forces restore order. These events – the government's inability to maintain order and the military's inability to follow the government's orders – forced PM Meksi to resign and President Berisha to accept a new transitional government headed by the SP. After the DP-led government resigned and a new National Reconciliation government was formed the analysis of the March events took centre stage in DR's coverage.

After PM Meksi's resignation, DR used the coverage of the 1997 crisis to accuse the Socialists of organizing the military's destruction and all of its negative after-effects. On April 18th the paper accused the SP of having become one with the paramilitary "safety committees" set up in the cities outside of government control, which, according to DR, were the opposition's military wing spreading terror across the country. Besides accusing the SP of organising the violent anti-government protests and of undertaking a communist-inspired rebellion, after the National Reconciliation government was formed and the SP was given the leadership of the MoD, DR began castigating the Socialists for re-politicising the military. On April 25th DR accused the new defence minister of being a committed opponent of a de-politicised military and stated, "We know that with these communist commissars in charge, we cannot have an apolitical military." Besides accusing the new minister of politicising the military, DR accused him of wilful negligence which caused tens of deaths. On May 1st 1997 in an article entitled "[SP Defence Minister] Vukaj's Unorganised Military Kills and Terrorises Albanians" the paper informed that a military depot had exploded killing twenty-two people and destroying hundreds of homes.

As the situation stabilised somewhat, DR focused on deflecting blame for the destruction of the military from the DP towards the SP by arguing that:

[W]hat occurred in the military did not happen because of the absence of rules since it is well known that the rules of engagement and protection of military instalments existed. The military fell, or it disintegrated as Minister Vukaj prefers to call it, because the [communist] 'red' extreme elements organised a great coup d'état against it from the inside and outside.

The message was clear: through SP-organised protests from the outside and SP (read: communist) sympathisers from the inside, the military was destroyed to pave the way for SP's accession to power.

As the early elections approached, and it was becoming clear that the DP would lose, DR was heavily engaged on two fronts: shaping the memory of the 1997 crisis as an armed, communist-inspired rebellion, and SP's accession to power as the culmination of a communist counter-revolution. Thus on June 3rd the paper wrote that, "the red terrorists prepare to take over the capital" and on the 6th of June it informed readers that SP's armed gangs control the southern part of the country with weapons stolen from the military. Even after officially going into opposition, DR continued to cover the 1997 crisis and blame the SP for it. On December 21st, in an article entitled "Who Destroyed the Military?" DR traced the early stages of the destruction of the military to the communist policies of Enver Hoxha and then to the 'communist rebellion' of 1997. The article concluded that, "only the leaders of the Labour Party and their heirs are the authors of this destruction although they accept no responsibility." Regarding the second front, on July 11th, calling the new parliament the "parliament of Kalashnikovs", DR wrote that, "at least 1/3 of the new Socialist deputies still smell of gunpowder." Similarly, on August 1st DR stated that, "the communist minister [of defence] has decided ... SP's bandits will join the army and be paid though the taxpayers' money."

DR's focus on the destruction of the military, the dead, and weapons in the hands of civilians helped to create the understanding that what happened in Albania in 1997 was a military failure. Furthermore, DR's insistence that the SP was responsible for the destruction of the military and its rise to power was the result of a violent communist counter-revolution helped cement the explanation that this military failure was caused by its politicisation. As far as DR was concerned the 1997 crisis was an armed rebellion by a non-democratic opposition, which destroyed the military to gain power by force.

The VP also focused heavily on the 1997 crisis, specifically the destruction of the military and its consequences. Remarkably the VP, the newspaper controlled by the SP which had boycotted institutions for almost a year, did not connect the crisis to the political impasse that had engulfed Albania since the contested elections of May 1996. Similarly to DR, the VP covered the 1997 crisis as a military failure. On January 11th 1997 VP wrote an article entitled, "The Military Patrols the Streets While the Police Arrest the Opposition" in which it argued that Berisha was relying on military repression to stay in power. Similarly, on February 6th the paper reported that

thousands of military troops had cordoned off the city of Vlorë in an attempt to contain and subdue the revolt. While one day before the official declaration of the state of emergency and VP's closure, on March 1st the paper reported that after the killing of three protesters, the situation had spiralled out of control and people had taken up arms against the government.

After the restrictions of the state of emergency were eased and newspapers were allowed to publish again, in early April the VP began analysing the dissolution of the military. On April 9th the VP argued: "The military high command was characterised by mediocrity, faithfulness to a political party and servile submission, which forbade it from building respected and authoritative institutions in the military." On April 15th in an article entitled, "The Blood-Shedding has a Concrete Author" the paper again argued that Berisha's military was politicised since when the partial mobilisation of the populace was ordered, "only sympathisers and members of the DP were given weapons" which would have been used to subdue Berisha's opponents. Regarding the looting of the military depots the paper claimed: "The looting was an organised and wilful act. The author of these actions is President Sali Berisha." The analysis of the dissolution of the military continued on May 9th with the VP insisting that, "the criteria for military reform were a facade to humiliate the military ... military preparation was replaced by political party preparation ... the objectives of the military were replaced with the objectives of the DP." During its coverage of the 1997 crisis the VP argued that Berisha politicised the military and used it to maintain power by force, which ultimately brought about its destruction.

Besides identifying DP's politicisation of the military as the main cause for its dissolution, on September 23rd the VP presented an overview of the tragedy that happened in the preceding months. In the period March 1st to September 20th according to VP:

1,311 people were murdered, 75 of whom children, 1,450 people were injured, 52 police officers were killed ... 1,200 out of 1,500 military depots destroyed, 562,000 weapons looted, 1.56 billion bullets stolen, 3.5 million grenades, 24 million artillery bullets and explosives, 1 million mines, and 3,600 tons of explosive devices unaccounted for.

To make sense of such an epic destruction, on October 21st the VP quoted the new chief of staff of the military: "The tragic destruction of the military was not casual. For five years the military was under the political pressure of the party formerly in power." VP's coverage laid the blame for the dissolution of the military on the government's political use of it. Furthermore, the VP focused on the after-effects of the military dissolution by reporting on the numbers of dead and deteriorating public order which cemented the memory of the 1997 crisis as a military failure.

Lastly, *Our Time*, like VP, covered the 1997 crisis as a military failure and identified President Berisha's politicisation of the military as the reason for such a failure. Similarly to DR and VP, the OT did not connect the 1997 crisis to Albania's political crisis or the lack of proper financial control on the pyramid schemes. OT covered the events of 1997 almost exclusively from a military/security perspective even before the crisis had militarised. For example, on January 28th 1997 OT argued that since the beginning of the anti-government protests President Berisha had asked for more control over the military and, as a result, "military vehicles full of armed soldiers have gathered in Tirana producing immediate psychological effects on the citizens." In the same edition in another article titled, "The President Becomes a General" the paper reported on a new law through which the president was allowed to take military units and transfer them to the ministry of the interior which led the article to conclude: "Soldiers become policemen." The paper accused the president of illegally inserting military units within the police force since the latter had been incapable of maintaining public order.

OT's coverage of the military's increasing role in subduing the anti-government protests continued on the 5th of February by claiming that, "the military is deployed en masse" to patrol city streets in an attempt to re-establish public order. On February 7th OT informed that, "3000 of [Defence Minister] Zhulali's soldiers abandoned their weapons" because they did not want to fire on their brethren. This was the first report of mass desertions from soldiers who refused to obey the government's orders. On February 8th the paper reported that, "[Chairman of the Joint Chiefs of Staff] General Kosova deploys the military to disperse the protest" and that even after he threatened "to mobilize the motorised division protestors did not back down." One day before the state of emergency was declared and the headquarters of the OT burned down, on March 2nd the paper reported that, "soldiers leave their posts and go home. [Southern city] Vlora takes up arms." It is clear then that OT's coverage of the events leading to the state of emergency and the dissolution of the military were heavily focused on the government's reliance on the military to maintain power and subdue anti-government protests.

After the military disbanded and its weapons were looted, the OT was even more focused on the destruction of the military, the attribution of blame, and the effects of such destruction on the life of Albanians. After an absence of approximately one month, because of the state of emergency and because its headquarters were burned, OT returned to the market and on April 13th it wrote an article entitled, "The DP Would Subdue the Revolt with Iron and Fire." The paper claimed to have proof of government plans to:

[E]liminate physically all those resisting the government and all the people on the blacklists of the intelligence service and the DP. In case of resistance or inability to fulfil the objective, terror on a wide scale through air bombardment, use of military chemical weapons and tanks would be applied until the implementation of full military state.

The claim that the military leadership was so politicised that it contemplated using chemical weapons marked this out as the most damning criticism of the military in any newspaper.

Besides accusing the government of using the military against its people to keep power at any cost, OT, similarly to the VP, analysed the effects of the March-April events on the military and society in general. On May 4th, after it had reported on numerous military depot explosions and looting of armaments, OT provided a general overview. It reported that, according to the MoD:

750,000 weapons and 1,5 billion bullets have been looted ... so far the total economic damage of the looting is 1 billion dollars, which is more than what Albanians lost in the pyramid schemes. The biggest loss, which will not make it into the economic statistics, is the death of over 500 people and 5000 injured by weapons.

Similarly, on May 10th OT informed readers that since the dissolution of the military “1,200 people [had been] killed and 6,000 injured.” On May 31st the paper reported that, in May alone, “within twenty seven days 131 people lost their life and 562 others were injured by Kalashnikov bullets” The OT covered the events of 1997 as a military failure resulting from its politicisation and focused on the tragic effects of the military dissolution by centring its analysis on the number of dead resulting from the anarchy and massive weaponry in the streets. Throughout its coverage, OT attempted to convey the level of destruction, death, and shame Albanians experienced during the 1997 crisis. These elements were encapsulated on October 21st 1997 when OT reported on a national conference held by the MoD to analyse the reasons behind “the most unique event in world history. Within three days an army of 60,000 people became a ghost as if it had never existed ... the biggest shame in the military history of our nation.”

All three newspapers covered the events of 1997 as the year of the apocalypse in which the Albanian military was destroyed, its arsenal looted and then, because of the abundance of weapons, public order destroyed, thousands of people killed and almost the entire institutional infrastructure of the state wiped out. The focus of the coverage on the looting of weapons, the number of weapons in the hands of civilians and the number of dead overshadowed any other development prior or during 1997. This coverage created the enduring image of ‘1997’ as the

year in which the military was no more, its weapons were everywhere, and the Albanian state ceased functioning for a few weeks. As importantly, the newspapers, albeit for different reasons, argued that the politicisation of the military was the root cause of its destruction.

At the outset of this section I argued that the events of 1997 are complex and the dissolution of the military is the last in a long chain of events, which at the latest began in May 1996. After the Socialists refused to recognise the elections of 1996 and boycotted state institutions, Albania was engulfed by a political crisis which polarised an already divided country. This crisis increased the importance of the pyramid schemes since they were a means of bribing citizens; as long as they did not protest the decreasing political freedoms, money would continue flowing into their pockets. It is sometimes forgotten that the anti-government protests started when the pyramid schemes collapsed, not when people's freedoms were being curtailed. Therefore, the events of 1997 could have been remembered as the result of the infringement of democratic standards, the absence of proper economic regulation, lack of democratic culture, or some combination thereof. This did not happen because the shock of the military's dissolution and the ensuing chaos overwhelmed everything. The dissolution of the military, the influx of weapons, the collapse of public order, the opening of prisons, and the thousands of deaths eclipsed everything else. What was remembered, in no small part through the newspaper coverage, was that the military disbanded and the state collapsed.

7.4 NATO ON THE SIDE OF ALBANIANS – THE KOSOVO CONFLICT 1998 – 99

Besides the memory of communism as a regime that relied on violence to maintain power and the memory of the 1997 crisis as a military failure, there was another event that affected military reform coverage, namely the 1998-1999 Kosovo crisis and war. DR's coverage of the Kosovo crisis and NATO's bombardment of Serbia followed a two-track approach. First, the Kosovo war was used to discredit SP's military reform as harmful to national interests. Second, DR portrayed NATO as the defender of the Albanian people who lacked a capable military.

This tactic was evident on June 13th 1998 when DR wrote that, while the Albanian government was concerned with keeping power, NATO was protecting innocent Albanians left at the mercy of Serbian attacks. DR argued that, "NATO has firmly positioned itself as the protector of the peaceful people of Kosovo. It has also shown that it is willing to shorten the longevity of Balkan dictatorships to defend democratic values." DR attempted to send the message that only NATO was on the side of the Albanian people and democratic values. On June 16th Azem Hajdari, the

chair of the parliamentary defence committee and important opposition figure, was quoted as saying that NATO's military manoeuvres in Albania "have been enthusiastically welcomed by Albanians as a reaction against plans for the further fragmentation of Albanian territories." While praising NATO as the defender of Albanians, DR made sure to distinguish it from the government. On July 16th DR accused the president and the SP of following anti-NATO policies. Similarly, on September 2nd deputy Hajdari claimed, "NATO does not trust this government." It is evident that DR had a firm pro-NATO position, presented it as the defender of the Albanian people while accusing the government of being antithetical to NATO's values.

This type of coverage was present throughout the Kosovo crisis and war of 1998-99. DR relied on NATO as an instrument to attack the government by, on the one hand portraying it as a defender of freedom and democracy, and on the other depicting it as incapable of working with the undemocratic Albanian government. On April 4th 1999 for example, DR wrote an article entitled, "[President] Meidani is Against NATO" in which it stated that:

[T]he grand alliance of Western civilisation is not only taking action against the medieval massacre happening at the heart of Europe, but is doing all it can to destroy the military machine that is being used for such a barbarity ... [President] Meidani on the other hand did not salute NATO's bombing campaign ... Mr. Meidani showed that, just like most communists, he too does not approve of NATO's actions.

The argument was clear: NATO was defending Albanians against Serbian aggression, it was doing so in the name of Western values that Albanians should embrace, but because the Socialist government did not share NATO's values it was inhibiting it from fulfilling its mission. The praise for NATO was always supplemented with criticism for the SP government. Even after the war was over and NATO's reputation at its highest point, on August 29th 1999 DR reminded its readers that, "the governing coalition hesitated for a long time to provide Albanian airspace and military positions to NATO like the opposition had proposed." DR presented NATO as the saviour of Albanians and consequently as the only institution, domestically and internationally, in which Albanians should place their trust. NATO was also presented as effective since in a short time it managed to do what Albanians had never been able to: drive the Serbs away from Kosovo. As importantly, NATO was presented as the antithesis of the Albanian government, which according to DR was communist-inspired, anti-national and against the Western values embodied by NATO.

In spite of the similarities in DR's coverage of the Kosovo crisis in 1998 and war in 1999, there was one major difference. In 1999 DR covered extensively the shelling of border villages and

towns by the Serbian artillery to illustrate the ineffectiveness of the Albanian military. On April 14th 1999, on its first page, DR wrote that, “the Serbian army burned the villages of Tropoja [northern district bordering Kosovo].” The paper commented ironically that, “Serbian troops invaded our territory, while our armed forces ‘kept their cool’ and did not respond to the provocation.” These kinds of articles displayed the incapacity of the Albanian military, especially after 1997, to defend the border and the people living close to it. Again, on the 1st of June DR reported of heavy Serbian bombardments of Albanian villages on the northern border. DR accused the government of leaving the locals at the mercy of the Serbian artillery. Similarly, on June 10th DR wrote about the shelling of Albanian border villages and stated that, “the Serbian artillery bombarded across the entire Albanian border destroying tens of homes.”

The coverage of the bombardments from the Serbian artillery was an effective way to demonstrate the incompetence of the Albanian military. Keeping in mind that DR had been accusing the SP for the last two years for destroying the military and of being anti-Albanian, it makes sense to view this coverage as further denunciation of SP’s ‘communist rebellion’ and its effects. DR implicitly argued that the destruction of the military in 1997 did not just harm Albania’s democratisation, but its international standing also. On September 19th 1999, DR published an article which stated: “After the Kosovo war NATO members are analysing their militaries’ performance in the conflict. We should do the same - but with one difference - our analysis should begin from 1997.” The authors continued claiming that, “this pseudo-rebuilt military demonstrated its inferiority during the Kosovo military conflict.” DR drew a straight causal line between the destruction of the military in 1997, for which it blamed the SP, and the military’s ineffectiveness in 1999, for which it blamed SP’s post-1997 military reform.

After the Kosovo war, the contrast between the incapable Albanian military and the efficient NATO armies could not have been starker. NATO defended Albanians while their own military could not because Albanians themselves had destroyed it in 1997. That is why, from DR’s perspective, NATO was to be trusted and not the Albanian government; NATO was the standard to emulate because, through its Kosovo campaign, it had proven to be on the side of Albanians and Western democratic values. Besides praising NATO and laying the blame on the Socialists for destroying the military and then not being able to rebuild it, DR’s coverage, for the first time, brought the 1997 destruction under a new light. DR’s coverage sent the message that Albania’s propensity to politicise the military had injured the ‘national cause’ and Albania’s capacity to stand up for itself. This coverage opened the first phase of a ‘conversation’ about the destruction wrought by the 1997 crisis in portraying it as harmful to the national cause and national defence.

The VP, representing the SP in power, as expected, supported the military and its role during the Kosovo crisis and war. Similarly to DR, the VP covered the Kosovo crisis as a major threat to Albania's security, stressed Albania's need for NATO help and, similarly to DR, traced the military's short-comings to the 1997 crisis. On January 30th 1999 the VP reported on the PM's visit to the border region with Yugoslavia where he was quoted as saying that, "we have to be ready to defend what we hold dearest: our sovereignty." Similarly, on February 27th, on the front page, the VP wrote: "In the northern region tanks and cannons are ready for any eventuality;" while on March 11th VP's first page title stated, "We Are Ready Even for War." Clearly, the VP presented the Kosovo crisis as a serious military threat in which the armed forces were called to defend their country. There was also a hint of panic in VP's coverage - an indication that it was aware of the deficiencies DR pointed out in its coverage - which had the unenviable duty of putting a positive spin on a very severe crisis.

The awareness of the military's weakness was illustrated in VP's insistence to portray NATO and the US as guarantors of the country's sovereignty. On June 9th 1998 the VP reported that, in light of the escalating crisis in Kosovo, "a NATO mission inspected the border region" to send a signal to Belgrade to not escalate the conflict. In addition, on the 13th of June 1998 the VP wrote that, according to the PM, "Albania is a close NATO partner" and it will support all NATO actions to maintain peace in the region. As the war approached, on February 4th 1999 the VP reported on the PM's visit to the Pentagon with the front page headline, "The US Will Defend Us." Similarly, on March 24th the VP wrote that the governing coalition had called upon NATO "to intervene in Kosovo immediately as the only way to stop the war and the massacres." So the VP just like DR, but not as vociferously, presented NATO as vital to defend Albania. The most plausible explanation of VP's softer tone in presenting NATO as the 'defender of the Albanians' is that that job belonged to the government. So while the VP claimed that the military was ready to fight, its articles stating that the US and NATO would defend Albania were an indirect admission that Albania's military was not capable to fulfil its mission and created the image of NATO and the US as Albania's defenders.

Nevertheless, any indirect admission of the military's incapacity to perform its duties was blamed on the 1997 crisis. On June 8th 1998 the VP wrote that, "the military is encountering difficulties in fulfilling its mission because of a lack of resources and the after-effects of the events of the last spring-summer [1997] ... that is why we have called on our partners to help us." Interestingly, on June 13th 1998, in the same edition where the VP announced that NATO would

defend Albania, there was a long article entitled, “[President] Berisha and [Defence Minister] Zhulali Destroyed the Armed Forces” where it blamed their actions for the military’s inability to stand up to Yugoslav provocations. In a sense the VP argued that the government was bequeathed a very poor situation by its predecessors and was trying its best in a difficult environment. Similarly, on January 16th 1999 the VP claimed that, “the armed forces are ready to defend every square centimetre of the country ... after the almost total destruction of March 1997, amid countless difficulties, the military has been rebuilt.” Again, the message was the same: the military was destroyed, it was rebuilt by the SP government, but difficulties persisted. Through its coverage the VP presented the situation at the northern border and in Kosovo as a military aggression against Albanians for which the military was needed. It also argued that, because of the destruction of the military in 1997, Albania needed NATO’s help, which was praised for siding with Albanians during one of their most difficult moments.

The VP used the Kosovo war, and NATO’s role in it, to make the case that Albania should multiply its efforts to reform the military and join NATO. Therefore, on July 13th 1999 after the Kosovo war had ended, VP quoted the US secretary of defence, “the US appreciates Albania’s contribution to the success of NATO’s mission in Serbia.” The VP could claim that the Socialist government, although it inherited a destroyed military, was important for NATO’s success. The VP further quoted the US defence secretary saying that, “this cooperation will become the basis of further engagement which views Albania as a serious potential NATO member.” The argument was that the close cooperation begun during the Kosovo war should become the launch-pad for Albania’s NATO membership. That is why on February 18th 2000 the paper covered the visit of NATO’s Secretary General with an article titled, “NATO Increases its Trust in Albania.” In it the VP quoted the defence minister: “NATO membership is a primary objective, which is shared by all political forces.” So the end of the Kosovo war, and NATO’s role therein, was used by the VP to push for more military reform under the more bipartisan frame of ‘NATO accession.’

Lastly, the independent *Our Time* also extensively covered the Kosovo war and tensions on the border. Similarly to DR, OT’s coverage focused on two elements: the military’s incapacity to defend the border against the Yugoslav military because of the damage it endured during the 1997 crisis and Albania’s need for NATO assistance, which was proclaimed as the defender of Albanians. From early on OT argued that Albania’s military weakness made NATO support imperative. Therefore, on March 3rd 1998 OT argued that the deteriorating situation in Kosovo might force Albania to ask for “NATO troops to be brought to Tirana” as a preventive measure.

The insistence on NATO troops was based on the awareness that the Albanian military was incapable of dealing with the situation on the border with Yugoslavia. For example, on March 8th OT reported that when a group of Serbian soldiers entered Albania's territory and filmed the area, "although our border guards saw all the actions undertaken by the Serbian military, they did not even attempt to react." On April 25th OT wrote: "The tension has escalated further after Serbian troops have inched closer to the border with their airplanes and helicopters." Lastly, on April 26th OT reported that, "going close to the border can almost certainly cause death because of continuous Yugoslav fire."

From OT's perspective, the increasingly dangerous situation and the weakness of the Albanian military after 1997 made NATO the only international institution, which could resolve the crisis. That is why on May 8th 1998, reporting on NATO's military manoeuvres in Albania, OT argued that, "while Milošević is provoking us on the northern border ... the common military manoeuvres will test the readiness of our military after the destruction it went through last year." On May 19th OT's tone was even more alarmist with an article titled, "NATO [could] Replace the Albanian Military" since the latter was incapable of performing its duties. Support for NATO's intervention was fuelled by reports such as the one on August 19th in which OT claimed: "There was war and horror yesterday on the border... this is the heaviest incident between Albania and Yugoslavia." So, OT's coverage stressed both the tense situation at Albania's northern border and the belief that only NATO could help the Albanian government address the situation by bringing troops.

The insistence on NATO assistance was motivated by the awareness that the Albanian military, after the 1997 crisis, was incapable of confronting the Yugoslav army. That is why, on February 15th 1998 while arguing in favour of NATO's presence in Albania, the OT wrote:

After what happened in March 1997 nobody could state that Albania still had a military. With no soldiers, depots, and military bases the Albanian military looked like it had just come out of a devastating defeat. As usual, after such a 'defeat' foreigners came over to analyse the damage. Special NATO teams came over to calculate the damage inflicted upon what used to be the Albanian military.

This quote encapsulated OT's view: Albania did not have a proper military and NATO was the only international institution that had the capacities and credibility to assist in rebuilding it. OT displayed an acute awareness, not only of what happened in 1997, but also of its effects on the country's capacity to respond to the Kosovo crisis. The effects of the 1997 destruction on the military's capacity to defend the nation were reiterated on the 23rd of July 1998 when OT stated:

“With the forces at its disposal the Albanian military would have a very difficult time winning against Yugoslavia ... the Albanian military is almost entirely disorganised because of the March – April 1997 events.” Again, on August 29th in an interview with the speaker of parliament OT stated: “The roots of the situation we are living through go back to the events of last year [1997].” The OT saw the Albanian military as incapable of dealing with the situation at the northern border because of the destruction of 1997, which was one of the main reasons it supported NATO intervention.

In 1999, as the conflict in Kosovo intensified, and after NATO began its campaign against Serbian forces, OT’s coverage was almost entirely focused on NATO actions and their effects on Albania’s national security. On March 24th 1999 OT reported that, “[NATO Secretary General] Solana has guaranteed the PM that NATO will not allow Yugoslavia to harm Albania.” On April 4th, on the first page, OT wrote, “Albania belongs to NATO. 10,000 Alliance troops to come soon followed by 2,000 US Marines.” On the same edition the paper wrote that according to the president and PM, the arrival of NATO troops was a “historic moment for Albania.” The paper quoted the PM as saying: “The tragic past in which Albania was alone in the world is over, now our country has true allies and friends.” OT reported that the opposition also was in favour of NATO’s presence and quoted DP leader Berisha saying: “NATO can use the Albanian territory, land, sea and air for its interests in the way it sees fit.” OT greeted NATO’s intervention with elation and saw it as the salvation of Albania and a turning point in its history. This type of coverage also showed the desperate security situation in which Albania found itself after the destruction of the military in 1997.

As Serbian attacks on Kosovar Albanians intensified, OT’s positive NATO coverage gained further momentum. On April 29th 1999 on the first page OT wrote, “Neither [SP leader] Nano, nor [DP leader] Berisha. Our Political Party of Choice is NATO.” In the same edition the paper encouraged Albanians to “become worthy of NATO membership.” This article encapsulated OT’s position on NATO during the 1998 – 99 Kosovo crisis and war. NATO was presented as the institution fighting on behalf of Albanians and defending their rights since their government could not do so. This coverage created the enduring image of NATO as the defender of Albanians, as an institution worth emulating since it defended Albanians when their own military could not defend them because they had destroyed it. The coverage of the Kosovo war presented Albanians with an image of NATO that was professional, apolitical and, as such, capable of defending them when they were in danger. Such open rejection of the Albanian political

leadership and admiration for NATO made NATO accession more than a political or military goal, but rather a way of transforming Albania itself.

Therefore, after the Kosovo war, OT focused on Albania's path to NATO membership. Although there was a new-found willingness to work towards NATO membership because of the way the Alliance acted during the Kosovo war, there was still an awareness that membership should be pursued other reasons too. On October 23rd 1999 for example, OT wrote an article reviewing Albania's development since the fall of communism. The author began by stating that:

[F]or almost fifty years Enver Hoxha never tired of repeating that power is born of and maintained through the barrel of the gun ... This thesis, coming from the depths of Lenin's and Stalin's October Revolution, has thrived and survived in Albania longer than in any other post-communist Eastern European country.

The author continued saying that, "Albanian democracy has a very difficult journey ahead. Albania is still powerless against the Kalashnikovs." The awareness that Albania's political culture was full of strong-man and military-style governance made NATO-inspired military reforms even more enticing. Even three years after the Kosovo war was over, OT reiterated its importance for Albania's NATO accession. On January 28th 2002 OT wrote that the "Kosovo conflict gave a new dimension to the relation between Albania and NATO ... in June 1998 Albania behaved as a de facto NATO member." Overall then, OT's coverage of the Kosovo crisis and war of 1998-99 had two main elements. First NATO was presented as the defender of Albanians which helped them during their hour of need. Second the Albanian military was depicted as incapable of performing its duties because of the destruction of 1997. Based on these two elements, OT concluded that NATO membership should be a priority.

The way the 1998-1999 Kosovo crisis and war was covered by all three newspapers had some striking similarities. First, NATO was presented as an institution defending Albanians in and out of the country. NATO was described as an alliance that resolved the Kosovo issue and was defined by efficiency and Western democratic values. Second, the coverage of the Kosovo conflict and war made painfully clear the deep defects of the Albanian state in general and the military in particular. This coverage reminded Albanians of the lasting damage of the events of 1997, which demonstrated that the politicisation and then destruction of the military had major negative repercussions domestically and internationally. After winning the Kosovo war on behalf of Albanians and demonstrating a level of bureaucratic and military proficiency the likes of which Albanian elites and people had never seen, it is understandable that NATO became highly respected and NATO integration a universally shared political and military objective.

7.5 CONCLUSION

This chapter aimed to explain why Albania's newspapers - especially DR and VP which represented the country's main opposing political parties - decided to support military reform despite the country's limited resources and the existence of other pressing issues. My contention was that the memory of the communist regime, of the 1997 crisis and of the Kosovo war interacted to shape elite interests towards supporting military institutionalisation.

I demonstrated that the communist regime was remembered, mostly by DR, as a period when the state could imprison and kill its citizens, more so than any other communist regime. The words chosen to describe the Hoxha dictatorship and the details covered in DR's articles created a vision of the communist state as an aggressive entity which relied on a politicised military to maintain power. Secondly, I showed that '1997' was covered by all newspapers as a military/security failure. The 1997 crisis was portrayed and remembered as a year of violence during which the military disintegrated, its weapons flooded the streets, and caused thousands of deaths. Despite identifying different culprits, all newspapers declared that the military was destroyed because it was politicised. As a result, the memory of military politicisation during the communist regime gained further salience during the 1997 crisis since it reminded Albanians of their state's propensity to use the military politically.

Thirdly, the 1998-1999 Kosovo crisis and war was covered as an event during which NATO intervened to protect Albanians when they were not able to defend themselves since they destroyed their military in 1997. This coverage presented NATO as an institution which had all the qualities the Albanian military and state did not: professionalism, efficiency and commitment to freedom and human rights. Importantly, the Kosovo war coverage enabled the beginning of a re-framing of the 1997 crisis as an event that damaged Albania's capacity to defend itself. The newspapers' depiction of NATO as the defender of Albanians and their portrayal of the Albanian military as unable to defend its own people after the 1997 crisis produced two main lessons. Firstly, it became clear that the politicisation of the military affected not just the internal politics in Tirana, but also Albania's ability to defend the Albanian population in neighbouring countries. Secondly, NATO offered a successful model towards which elites should strive.

These three traumatic memories were the main justificatory mechanisms used in the newspapers' coverage of military reform. The memory of the communist regime, the 1997 crisis and the 1999 Kosovo war had in common the theme of suffering, abuse of power and violence applied by the

state against citizens. They were united by the thread of a politicised military used to serve the elite in power and incapable of defending the country. These three painful memories, although representing different events, different periods and different international and domestic circumstances, were crucial in building a specific narrative about Albania, about its main problem and most pressing reforms. The memory of 1997 as a security/military failure, wrapped in the memory of communism as a regime relying on a politicised military, which was then re-wrapped in the memory of the military's ineffectiveness during the Kosovo war affected elite interests regarding military reform. Through the conjunction of these memories elites saw the 'apocalypse of 1997' and their ineffectiveness in 1999 as the result of military politicisation begun in 1944 and continued until the end of the century.

The understanding that the politicisation of the military had enabled the communist regime to maintain power and had produced the self-destructive 1997 crisis, which left the country defenceless in 1999 affected military reform coverage. Since these three traumatic memories connected by the theme of suffering produced by the politicisation of the military, they were affected military reform coverage only. Therefore, the 'lessons' from these memories were parcelised and 'applied' to military reform which as a result gained a special place in Albania's political discourse. Simply put, Albanian elites concluded that the military was too important to 'play' with. This realisation depoliticised both DR's and VP's coverage. Despite the fact that the military, just like any other Albanian institution, continued to suffer from nepotism, corruption and inefficiency, after 2002 its coverage became increasingly non-politicised.

The understanding that military politicisation had caused major crises - that had endangered the existence of the Albanian state and its democracy - transformed military reform from a contentious political issue into a project to (re)join the West, strengthen democracy, and show that Albania was normal. So in answering the conundrum I posed at the beginning of the chapter, as far as the newspapers were concerned, through military reform elites were indeed addressing Albania's most pressing issue. From their perspective, Albania did not face a choice between military reform and other reforms, but between military reform and constant crises, instability and possible slide back to authoritarianism. Military reform did not succeed because it became less important or because the elite's interests were not affected by it. The opposite is true. Military reform was depoliticised and succeeded because it became too important to fail and elites saw its progress as directly connected to their capacity to prosper and exist. Albanian elites still did not trust each other, they still were not 'true' democrats and they still were corrupt. However, these traumatic memories enabled them to parcelise and create a depoliticised zone for

military reform. They had learned the hard way that politicising the military did not benefit anyone.

CHAPTER 8

PARLIAMENTARY DEBATE OF MILITARY REFORM IN THE 1990S

The next important step is to test whether the conclusions I drew from the analysis of newspaper coverage are confirmed by political behaviour in parliament. To do so, I examine the discourse of forty-two parliamentary debates on military reform from 1992 to 2009. First, I will analyse the debates' level of non-politicisation and then compare it with the variation in the politicisation of newspaper coverage. Second, I will examine the debates to identify the justificatory mechanisms which affected variation of non-politicisation and compare them with the ones identified in the newspaper analysis. If the findings of the parliamentary debate analysis confirm the findings from the newspaper coverage, then I can be confident in claiming that the conjunction between the memory of Albania's past authoritarian regime and its transition crises affected elite interests in support of military institutionalisation.

Similarly to judicial reform, military reform was initiated by the 1991-1992 legislature, which approved a number of important laws such as the reintroduction of military ranks, the abolition of party commissar, and the de-militarisation of the political leadership of the ministry of defence (MoD). These reforms were approved with bipartisan support as a recognition of Albania's new political realities. The reforms that the short-lived parliament of 1991 was not able to approve were passed on to the new legislature of 1992 which was dominated by Berisha's Democratic Party.

8.1 POLITICISATION OF PARLIAMENTARY DEBATE OF MILITARY REFORM

I coded parliamentary events based on the standards laid out in Chapter 4 and used a polynomial fit (5th degree) to visualize their level of non-politicisation over time. Figure 4 on the next page illustrates the fluctuation of the non-politicisation of parliamentary debate on military reform. It is clear that, similarly to newspaper coverage, parliamentary debate was politicised in the first decade of transition and, beginning in 2000, the debate became non-politicised and remained so until the cut-off point of my analysis in 2009. Therefore, I can conclude that parliamentary debate of military reform demonstrated a similar pattern of non-politicisation with newspaper coverage: highly politicised in the 1990s and increasingly de-politicised in the 2000s.

Parliamentary Debate of Military Reform

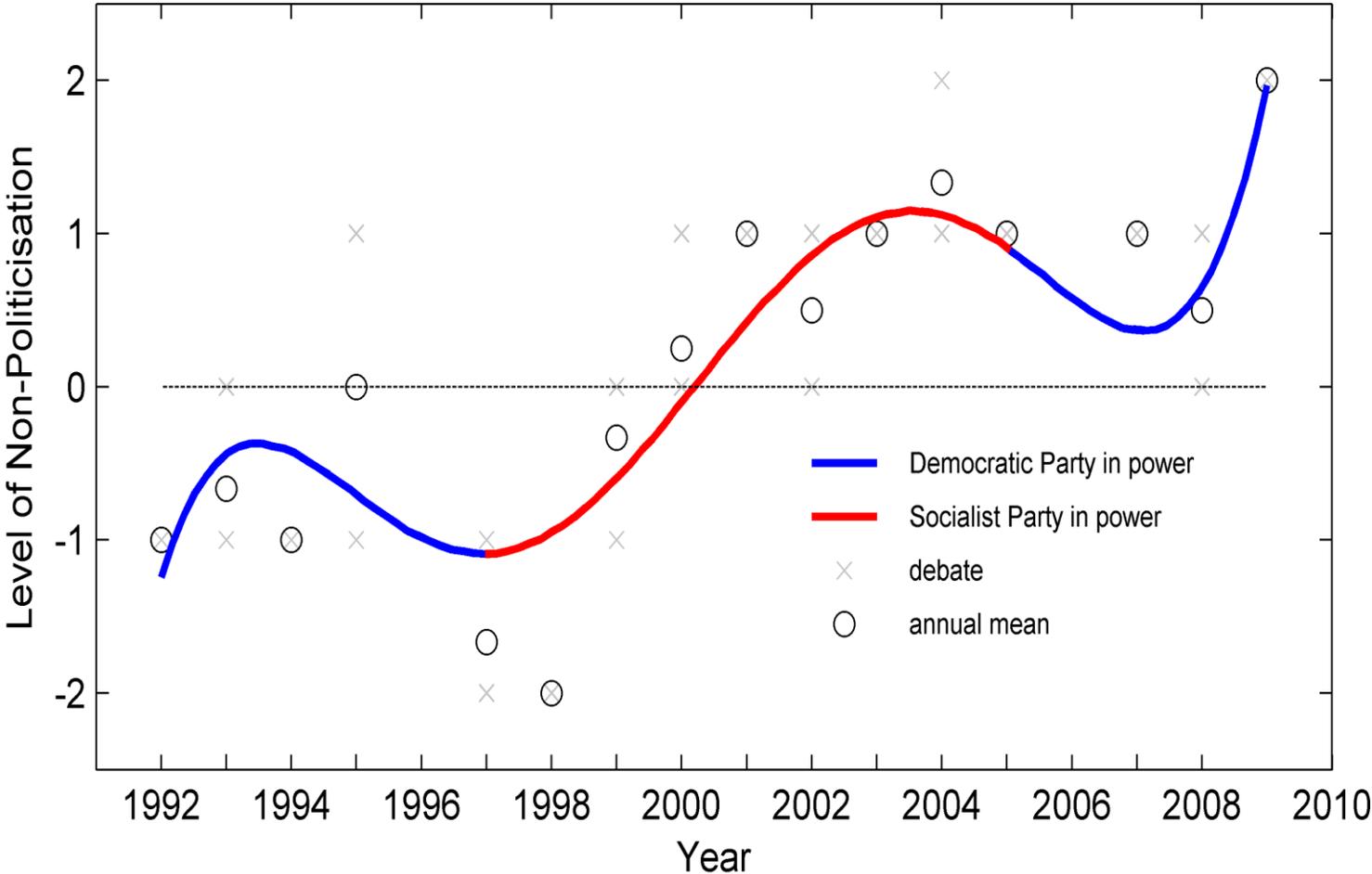


Figure 4

Now that I have demonstrated that parliamentary debate and newspaper coverage of military reform followed similar patterns of non-politicisation, I need to identify the explanatory mechanisms that affected parliamentary debate. If the justificatory mechanisms used in the newspaper coverage are present in the parliamentary debates, then I can be confident in claiming to have identified a most likely explanatory mechanism accounting for the puzzle. The parliamentary debate analysis was divided into two parts. In this chapter I analyse the debate in the 1990s to identify the mechanisms that kept its politicisation high. In the succeeding chapter I analyse parliamentary debate in the 2000s to identify the mechanisms which produced its increased non-politicisation and compare them to the findings of the newspaper coverage.

8.2 DE-COMMUNISING THE MILITARY: THE DEMOCRATIC PARTY'S REFORMS 1992-1996

Early in DP's term, on September 8th 1992, the first military reform parliament debated was law 7600 'On some changes to the law on the reintroduction of ranks.' The debate was initially civil. However, as it proceeded, the first signs of politicisation came from a former defence minister who had just left the DP. He said: "We cannot take a civilian, like the law proposes, and give him a military rank proportional to the position we assign him. If we did that we would go back fifty years to the Soviet people's army" (P. Teta). Deputy Teta's speech touched a particular nerve for both sides and the debate featured intense exchanges between government specialists brought in to defend the law and SP deputies, one of whom angrily stated:

[Y]ou are proposing to take a doctor or physicist and make him a colonel. No army in the world does that ... You do not understand that ranks in the military mean hierarchy. Even Mao tse Tung and Enver Hoxha felt ashamed of what they did to the military so they decided to do away with ranks entirely. Even they were ashamed, while you are not (V. Metani).

As soon as accusations of communism and comparisons to Enver Hoxha were used by SP deputies, the debate became more politicised. A DP deputy in charge of the party's defence platform who went on to become interior minister, reacted by stating that:

[W]e know very well that our military units are saturated with former secret police officials and we all have agreed that they need to be removed. Well then, this law gives us the opportunity to cleanse our military of these individuals. I do not know why you gentlemen are so worried about ranks. We have not had ranks, thanks to you, for over thirty years (A. Musaraj).

Like judicial reform, the opposition accused the government that it was following in the footsteps of the communist regime, while the governing majority justified its reforms with the need to undo the communist politicisation of the military. In addition, to de-legitimize the opposition's criticism, DP deputies, like deputy Musaraj, linked the former communist regime to the Socialist opposition by referring to the two as the same. Former Defence Minister Teta, who opened up the discussion, spoke again:

I want our armed forces to undergo a harmonious development and have appropriate ranks which were removed by Enver under the example of Mao tse Tung. Thank heavens we have reintroduced ranks so that our military can become normal again. We have begun becoming European again; normal like the rest of the world. Well, this law will not help us continue on that road (P. Teta).

So, on the first instance the parliament of 1992 deliberated on military reform, the debate was politicised and both sides accused each other of following communist methods and being beholden to communist mentality. Similarly to judicial reform, both sides relied on the memory of communism to de-legitimize each other and evaluate military reform. These exchanges were important because they marked the first time parliamentary debate on military reform was politicised with both sides accusing each other with strong language.

Military reform, unlike judicial reform, besides aiming to democratise the country, also aimed to bring Albania closer to NATO. Ever since DP's electoral victory, cooperation with NATO and eventual membership had been a leitmotiv of the government. As a sign of the improving relations, NATO Secretary General Manfred Verner visited Albania and on March 19th 1993 delivered a speech to parliament. Mr. Verner was introduced by Speaker Arbnori:

[W]ho would have thought that NATO's Secretary General, which according to Albanian Marxist-Leninist propaganda represented the most aggressive imperialist block, would give a speech in Tirana? According to Enver Hoxha he could only come here to face the people's justice, because, as you all know, communist Albania aimed to defeat NATO and Warsaw Treaty forces one at a time or simultaneously. But the miracle happened; the plane carrying [Secretary General] Verner passed the endless lines of bunkers, landed and was welcomed by newly-freed Albanians (P. Arbnori).

Arbnori's speech was indicative of DP's approach to, and justification for, military reform. This reform was presented as a repudiation of anything communist since that regime had placed Albania against almost everybody. This argument was used to justify the government's insistence on fully and swiftly de-communising the military. As a side effect, this approach increased the importance of the memory of communism and the battle to shape it. In addition, it

also politicised the debate on military reform because, besides presenting military reform as a war against communism and its legacy, the DP was relentless in accusing the Socialist opposition of being unreformed communists.

The escalating politicisation of military reform continued when parliament on September 13th 1993 took up bill 7750 'On ranks in the armed forces.' This was the third year in a row that parliament changed the law on ranks and in contrast to the first time, when there was wide bipartisanship, the second and especially the third revealed deep political divides. Immediately the opposition claimed: "Our military personnel should be given ranks and promoted for their capabilities and not, as used to happen under the Labour Party yesterday and the Democratic Party today, for political loyalty" (A. Zyberi). The opposition was again comparing DP's military reform to the communist practices of military politicisation. The SP turned DP's argument on its head by claiming to be fighting communist mentality present in DP's military reform.

Similarly to the SP, former Defence Minister Teta, delivered a scathing indictment against the government's military reform because, according to him:

[T]he actions of our government are identical to the actions of the Bolsheviks after the October Revolution and the Chinese communists after 1949. The only difference between them and our government is that our government claims to be democratic ... Through its illegal actions, our government has produced chaos in the armed forces which has rendered them ineffective. Instead of implementing the laws this parliament has passed, our officers have been duped, have been lied to and have been forced out of the military ... If this bill is approved then it will immortalise in military historiography three people: Mao tse Tung, Enver Hoxha and [PM] Aleksandër Meksi. At least Mao tse Tung and Enver Hoxha had some dignity and were honest with their officers. In order to implement political control over the military, they removed ranks and brought in farmers, miners and all sorts of party activists to lead the military. Our government is doing the same thing based on the principle that idiots are intelligent as long as they vote for me (P. Teta).

Deputy Teta's words summarised the accusations of many SP deputies and divided parliament into two well-delineated groups of supporters and opponents of the government's military reform. As importantly, these statements cemented the use of 'fighting communism' and 'fighting communist mentality' as the main justificatory mechanisms of military reform.

To rebut deputy Teta, Azem Hajdari, the DP chairman of the parliamentary defence committee argued that if the opposition were to accuse the government of anything it could accuse it of the slow pace of reform because there were still many communists hiding in the armed forces and working against reform. He stated: "The same people who suffocated the military, whom

Socialists know well because they put them there, through dishonest methods are still in the military and work against reform” (A. Hajdari). Another DP deputy echoed deputy Hajdari:

[O]ur opponents mention with nostalgia Mao tse Tung and Enver Hoxha and this is not surprising. It is also not surprising that these people, in their attempts to deny everything, also deny the successes of military reform ... The military is not endangered by our reform, it is endangered by Enverism and the communist-indoctrinated officers who still work in it. I urge the defence minister to take a new look at military personnel because in it are vegetating communists who are attempting to destroy military reform (G. Luli).

So, when confronted with accusations that the government’s military reform had politicised the military, the majority responded, through subtle threats, that they had not gone far enough in cleansing the military and that the opposition was not credible because of its communist heritage.

Interestingly, the issue of the enduring ‘Enverist’ mentality was brought up even by a high ranking Socialist deputy who stated that:

[I]n general I agree with the law and I also agree that we need to fight Enverisms in every cell of the military. However, as I read this draft, I cannot help thinking that the law claiming to fight Enverism in the military is fraught by Enverist elements ... The way you gentleman assign ranks and want to demote 1/3 of the military is pure Enverism (N. Dokle).

Just like the debate over judicial reform, the debate on military reform followed a binary structure. The government proposed a law as a way to de-politicise and de-Enverise the military and the opposition rejected it as a continuation of the communist practices of political control over the armed forces. The year 1993 marked the full politicisation of the debate on military reform. The opposition called it Berisha’s reform while the DP called the opposition Enver-nostalgic opponents of military de-politicisation. From this moment the opposition vowed to overturn DP-backed reforms because they were dangerous to Albania’s democracy, while the DP vowed to keep fighting so that communists did not regain control of the military.

The level of politicisation increased further when the opposition accused the MoD of using the military in electioneering. In the interpellation of 22nd of June 1994, the SP accused the Minister of Defence Mr. Zhulali of using hundreds of soldiers as ‘travelling voters’ to tilt the election in favour of DP’s candidate. After a long and contentious debate, SP deputy Hajdaraga, who later became defence minister, argued that:

[W]e believe that you have used military personnel, in violation of the constitution, to manipulate elections ... You Mr. Minister have shown a commitment to follow the road of the anti-law and to use the military politically although it is legally de-politicised ... Your actions show that we are not even a Third World country. Objectively speaking we are a Fourth World country where the military is used to take or hold on to power (L. Hajdaraga).

The heavy politicisation of military reform and the tense relations with the defence minister pushed the SP to propose a motion of no-confidence against Minister Zhulali on July 20th 1995. One of their reasons was as follows:

[D]uring the campaign on the referendum for the new constitution, he broke the law by engaging in political propaganda with military personnel so they would vote in favour of the DP-backed constitution. Under his example and leadership a number of generals and high military commanders also engaged in political propaganda to force soldiers to vote in favour of the DP ... The defence minister has demoted or let go thousands of officers, not because they were incompetent or their positions redundant, but because they were suspected of supporting and/or sympathising the SP (A. Zyberi).

This motion was an indictment of the government's entire military reform on the grounds that it was politicised. The DP chairman of the parliamentary defence committee rejected SP's arguments and said: "Our government has had some outstanding successes in reforming the military ... the attempts of some [communist] left-overs to get together and smear these successes, because they feel threatened by Albania's new military, will fail" (A. Hajdari). Again, when confronted with accusations of a politicised reform, the DP attempted to de-legitimize the accusations by labelling the opposition as a communist remnant which could neither comprehend, nor accept a de-politicised military. As expected, the motion of no-confidence was defeated on a party line vote.

For the entire duration of the parliamentary term military reform was debated under the same framework. The SP and the DP accused each other of politicising the military, being communist-inspired, and undemocratic. Similarly to judicial reform, and often with a shriller tone and more politicisation, the two sides accused each other of being committed to maintain an unreformed military and to continue the communist practices of military politicisation to keep or gain power.

8.3 MILITARY REFORM AND THE 1997 CRISIS

After the SP refused to recognise the elections of May 1996, it boycotted parliament until April 1997 when the government had resigned and new elections were set for June of that year.

Therefore, parliamentary debates between April and July 1997 represent the view of the majority DP or other parties which served as its satellites. However, these debates are illuminating on the thinking of one side and the level of politicisation it brought to the table.

The first important discussion related to the military took place on January 26th 1997 (parliamentary decision No. 294) as parliament was asked to expand the president's powers and grant him the ability to use the military to assist the police in maintaining order. This request came in the aftermath of increasingly violent anti-government protests as financial pyramid schemes, where the majority of Albanians had deposited their savings, were collapsing. Arguing in favour of the government's proposal, the minister of interior said: "This decision will be crucial in re-normalising life in Albania and giving the deserved answer to those who through terrorist activities aim to hold Albanian democracy hostage" (H. Shamata). The defence minister also supported the decision because, "we are living in extraordinary circumstances and it is the government's obligation to safeguard the constitutional and democratic order" (S. Zhulali). Lastly the chairman of the DP stated: "Albania's democracy cannot be taken hostage by extremist terrorist forces who aim to destabilise our country. That is why I call upon the government, the police, and the military to defend democratic institutions" (T. Shehu). After the leaders spoke, there were no more discussions and the decision was approved unanimously.

Although the opposition was not present, these declarations provide a clear panorama of the high level of politicisation and tension. Protesters were described as terrorists, extremists and inimical to Albanian democracy. The opposition was not directly mentioned, but, since it had been leading many of the protests, it was clear that such epithets were directed at it. The language portrayed the government's opponents not as possible partners, but as a threat to democracy. The opposition supporters were not seen as fellow Albanians with a different point of view, but as elements that needed to be dealt with militarily to save democracy. Although the anti-government protests started peacefully and were mostly economic, the government portrayed them as anti-democratic terrorists who deserved an increasingly militarised response.

After parliament approved the president's request to use military units to support the police, the minister of interior briefed parliament on the anti-government protests and the violence associated with them. After the minister finished his report, PM Meksi stated:

[F]or the first time democracy in Albania is in danger ... We are not being faced with the anger of all the Albanian people, we are being faced with communist bands paid by the traditional enemies of Albania who want to see us destroyed ... The aim of the people burning Albania, their macabre aim, is to subdue

Albanian democracy. I want to assure you that we will not allow government offices to fall in the hands of communist thugs. We will not allow Socialists, the sons of yesterday's criminals, to use their armed phalanges to take power. And when I say we will not tolerate I mean we will not tolerate; they will have to climb over our bodies (A. Meksi).

This is the first time the PM directly accused the opposition of attempting to take power through force and simultaneously warned that the government would respond with violence. The PM's warlike language and the epithets chosen for opposition supporters, in conjunction with the decision to use the military to maintain order, placed the opposition against the military and transformed the latter in an instrument of the government against protesters.

The PM's speech was followed by a string of DP deputies taking the floor to denounce what they saw as a communist rebellion. One stated: "We are experiencing a rebellion which is coordinated by communist bands ... These people need to be confronted with the law. We need to apply the law; I mean really apply the law" (R. Karapici). Another went further as he claimed: "I see the hand of our enemies who through communist terrorist bands aim to destabilise Albania." One of the deputies representing the cities where the most vehement anti-government protests had taken place stated: "Yesterday they dragged me in the streets of the city, while today and tomorrow they could kill me and hang me and they can do the same with you" (Gj. Daka). Lastly, one of the best known anti-communist leaders was apocalyptic in his description of the situation: "Someone is trying to destroy Albania. Milošević and his people are trying to destroy Albania and we should not remain passive" (A. Hajdari). The language of warfare, the depiction of the SP as a threat to democracy, SP's implicit and explicit connection with Milošević, and the introduction of the military in the political standoff, militarised the conflict and further politicised the military's position.

As the debate continued, the leader of the small centre-right Republican Party, widely considered as an elder statesman, seemed to predict the future by saying:

[I]n an extraordinary situation such as the one we are living there are two options: a political solution or a military solution. The second one would be the end of our democracy ... I am mentioning this because I increasingly hear voices advocating the involvement of the military to resolve the situation. We are for a political solution (S. Godo).

Despite this warning, almost all DP deputies adopted a combative tone leaving little room for political solutions. A junior DP deputy stated: "The situation is precipitating as a result of criminal bands composed of former secret police officers and communists who manipulate and

terrorise citizens” (Sh. Memia). The minister of higher education and research was even tougher in his speech arguing that, “there is a well-built nucleus which attacks and destroys our state. This nucleus is led by the national and local leaders of the Socialist Party and communists who have antidemocratic and anti-Albanian instincts” (B. Gjongecaj). By the end of the discussion the tones became so charged that one deputy noted: “It is the communist, criminal, dictatorial, destructive bands of the destructive SP which are instrumentalising the people’s suffering and transforming it into barbarism to destroy the constitutional and democratic order” (R. Pati).

So, when the government was confronted with violent protests it accused the opposition of attempting to come to power through force and asked parliament for the authority to use the military. The tone of the discussions in which protesters were called terrorists and communists in combination with the call upon the military to help in re-establishing order politicised the role of the military. Although the government claimed that the situation would be brought under control, the situation escalated to the point where on March 1st in the southern city of Vlora military depots were attacked, weapons looted and the city fell under the control of anti-government protestors. As a result, PM Meksi resigned but President Berisha was committed to form a new DP-only government which would retake control of the situation by declaring a state of emergency and undertaking a full-scale military intervention. As a result, on March 3rd 1997 parliament discussed and approved law 8194 ‘On the state of emergency’ and decision 927 ‘On declaring the state of emergency.’

As the debate on law 8194 began, DP deputies took the podium and denounced what they referred to as a ‘communist rebellion,’ accusing the SP of being committed to destroying democracy, and called upon the military to restore order. Such sentiments were best encapsulated by a high ranking DP deputy, a representative of former political prisoners, who gave one of the most combative speeches to date:

Albanian communists viewed our peacefulness as weakness and they threw at us their criminal bands full of secret police officers to kill people, burn Albania, destroy Albania and now endanger our beloved democracy. This law will stop the criminal, sadistic and most inhuman group Albanian history has known. The march of the criminal vandals must be stopped and destroyed with the force of the law, our entire human potential and the state’s full arsenal ... I want to warn communists - and I hope we are being televised – who speak Serbian at night and Albanian during the day; I want to warn the criminal prosecutors who took countless lives for fifty years; I want to warn the black-faced criminals of the secret police who like vermin have filled the squares that this will be your eternal and shameful end (A. Kazazi).

The DP majority presented this crisis as a do-or-die moment for democracy. Protesters were depicted as terrorist communists intent on destroying Albanian democracy who had to be confronted with the full force of the state including the military. Such speeches created the impression in anyone who was protesting against the government, or who supported those who did, that the state and the military was their enemy. If in January parliament gave protesters the first indication that the military would be used against them, in March, with the declaration of the state of emergency, every protester was justified in seeing the military as the enemy.

After the law 'On the state of emergency' was passed, parliament proceeded to approve the decision 'On declaring the state of emergency.' DP's parliamentary leader introduced the decision and stated: "Confronted with an armed rebellion, organised and led by the extreme left in cooperation with terrorists and ordinary criminals, it is our duty to put at the disposal of the state the tools required to defend the constitutional order" (A. Spahia). After the state of emergency was declared, parliament met again in the afternoon to discuss a new law proposed by the government as a set of concrete measures to implement the state of emergency. The bill, among others, stated that if the 'rebels' did not give up their weapons within twenty four hours, they "will be shot with no warning" (P. Arbënorë). The law listed all the restrictions on the life of Albanians during the state of emergency from the closure of schools, the closure of newspapers, to the distribution of heavy armaments for police units and the deployment of the military in the streets. On March 3rd 1997 Albania woke up in a new reality as the police was militarised and the military left its encampments towards the major centres of anti-government protests.

This confrontational war-like language, the warnings that people would be shot, that terrorists would be dealt with and so on created the impression that on one side was the government and the military and on the other was the opposition and protesters. This way the military went from being seen, at least nominally, as a de-politicised institution, to the instrument of one side with the purpose of destroying the other. The events that followed showed that President Berisha had grossly miscalculated. The military disintegrated, the country fell in chaos and he was forced to admit defeat. Faced with overwhelming destruction and almost universal abandonment, on the 9th of March Berisha agreed to new elections and a National Reconciliation government headed by the SP, which was also given the post of the defence minister.

On the 24th of April, after the worst of the upheaval was over, the new Socialist Defence Minister, Shaqir Vukaj, was called by parliament to report on the situation. This interpellation provided the SP the first opportunity to present its version of the events of 1997. After providing

some data on the scale of destruction the minister stated: “When this government took office it found no military, it was gone, it was destroyed” (Sh. Vukaj). This quote encapsulated the degree of destruction the military had suffered in March 1997. A military of over 60,000 people with over 1,100 stations throughout the country, disintegrated in one month without being attacked by any foreign force. This destruction, which according to the minister was unexpected and shocking, required an explanation and the identification of the people and policies responsible.

In his analysis, the minister engaged in an all-out assault on President Berisha and the DP-government as the main culprits for the destruction of the military. Mr. Vukaj argued that:

[I]nstead of depoliticising the military, politicisation continued in the other direction, in favour of the [DP] party in power. Politicisation reached such a level, that the government deployed the military, on so-called training, as travelling voters to win a local election. The vehicles and the funds of the military were used to fund pro-government propaganda. With money of dubious origin the armed forces published newspapers which were even more partisan and anti-opposition than DP’s own paper ... The politicisation of the military was done so openly and blatantly that any domestic and international observer could see it. Often foreign advisers warned Albanian authorities that such actions would bring about the destruction of the Albanian armed forces (Sh. Vukaj).

The minister reiterated many of the points the opposition had mentioned during the parliamentary debates of the previous legislature. The argument was that the politicisation of the military destroyed both its structure and capacity to carry on meaningful reform. The minister also analysed the actions taken by the DP-led government in the early months of 1997. Mr. Vukaj argued that during this period politicisation escalated since:

[T]he DP thought of the military as a shield against the people and a way to solve the crisis. They were so shallow in their judgment that they even thought of using it. Against whom were they going to use the military? Even the least experienced politician knows that these crises are resolved through political means and not threats of force. Every action that was taken during this period, every ‘analysis,’ every order and every plan was illegal, unthought-out, unreasoned and brought about the destruction of the military (Sh. Vukaj).

According to the SP, the 1997 crisis was the last in a long series of events which enabled DP’s political control over the military. It was this type of political control and the attempt to use the military to resolve a political crisis that destroyed military discipline and caused its disintegration. Although the SP was absent when parliament approved laws which called for a military solution to the 1997 crisis, Minister Vukaj’s speech seemed like a reply to all the DP speeches of that time. He laid the blame squarely with the DP. Minister Vukaj identified a

twofold responsibility: politicisation of military reform and then just plain irresponsibility in attempting to use the military to resolve a crisis that should have been addressed by political means. That is why he concluded by saying that any future military reform should begin with the de-politicisation of the military.

The minister's address was delivered in a very hostile environment. Parliament was still overwhelmingly dominated by DP deputies who made their discontent heard during the speech interrupting it a number of times. At the end he was confronted with a wave of counter-accusations. The most severe was the analysis DP's soon-to-be-deputy leader who asserted:

[T]he behaviour of our military officers showed the falsity of education provided in the communist military academies of the Albanian state. These are the only Albanian citizens, who after receiving their ranks and swearing on the flag at least once a year, brought shame on the national flag by not doing their duty ... Those who were true patriots and DP members stayed on the job and defended their military installations, while the others, who became fake democrats after communism fell, abandoned the military (J. Gjana).

Amazingly deputy Gjana stated that only those officers who were DP members fulfilled their duties while the hidden communists showed their true colours. It seemed that Mr. Gjana was arguing, indirectly, that the problem with the military was not that the DP controlled it politically, but that the DP did not control it enough since communist elements were still in the majority. So, one is faced with a situation in which the SP accused the DP of cleansing the military of its ideological opponents, while the DP replied by saying that it regretted not going far enough. DP deputies not only did not accept the charge of politicisation, but they accused the camouflaged communists for destroying the military. From their perspective, the events of 1997 should be blamed on the sympathisers of the communist regime.

This kind of language, the description of the other as undemocratic and dangerous to democracy, excluded the possibility of cooperation. After all how could the DP cooperate with the ex-communist Socialists who used their infiltrated people to destroy the military? How could the SP cooperate with the DP which politicised the military, just like the communist regime did, and then tried to use it against its own people? Cast this way, both sides had to refuse cooperation and continue presenting their own military reform as the only solution, as the salvation of the country from the other, undemocratic side intent on taking and keeping power at any cost.

These exchanges illustrate how the events of 1997 further politicised the debate on military reform. Before 1997 they accused each other of politicising or opposing a de-politicised military,

after the 1997 crisis they accused each other of being undemocratic and unfit to lead. These accusations did not bode well for the future of military reform and the possibility of any cooperation. In the early elections of June 1997 the SP won an overwhelming victory and President Berisha resigned and became officially the head of the DP. The debate on the events of 1997, its causes and the way forward continued well into 1998 with both sides blaming the policies of the other for the destruction of the military. One good illustration of this dynamic was the new defence minister's report on the 1997 crisis.

The defence minister was unapologetically partisan. He stated that even when Albania changed its regime in 1990/91 the military maintained its discipline while in 1997, when people were just asking for a government change, the whole military infrastructure crumbled. Minister Brokaj assigned the blame for the destruction of the military on the DP-led reforms of the 1990s which according to him were entirely politicised because:

[T]he so-called military reform for five years terrorised and produced anxiety among officers. In its core this reform was based on the concept of 'total cleansing' regardless of professional values. DP militants, cousins and clan members were placed in leading military posts. This policy disrupted continuity, wiped out institutional memory and produced incompetence, extreme politicisation and depersonalised leaders ... Furthermore, civilian control, as one of the basic principles of a democratic military, was deformed and misused to subdue the military and place it under the political grip of the power holders (S. Brokaj).

As the year 1997 drew to a close the analysis by both sides, by the DP before and during the state of emergency, and the SP after Berisha had agreed to new elections, identified the politicisation of the military as the cause of its downfall. The DP claimed that communists had infiltrated the armed forces waiting for the opportune moment to destroy it, while the SP claimed that DP's politicisation and its attempt to use the military against civilians in March 1997 brought by its destruction. Either way, both sides agreed that politicisation by the other side was the problem.

In 1998 when the special parliamentary committee on the events of 1997 produced its report, an unexpected event forced politicians to debate military reform under a new perspective. In Kosovo the conflict between ethnic Albanians and the government of Milošević was intensifying and becoming increasingly militarised. As the situation in Kosovo deteriorated and the tension on the increased, on March 2nd 1998 parliament conducted a special session during which government ministers reported about the crisis. At the end parliament approved a resolution which stated: "Albania is ready to fulfil any condition which will facilitate the presence of NATO troops in its territory as the most efficient way to safeguard peace and stability in the

Balkans” (P. Majko). Since the destruction of the military and SP’s return to power this was the first time that a debate on the military did not deal with the responsibility for the events of 1997, but with the need of the armed forces to defend the border. The final declaration was an admission that the Albanian military could not do much and the only hope was NATO.

Nevertheless, this seemed like a momentary disruption. The analysis of the 1997 crisis was still the most important issue on parliament’s agenda. To examine what happened in Albania, specifically with the military, parliament set up a special committee to investigate the events of January – June 1997. The committee was led by Spartak Ngjela, a former political prisoner who represented a small party on the right of Albania’s political spectrum. Mr. Berisha’s DP boycotted the committee arguing that the conclusions of the investigation had been pre-written by the government. The report identified under-institutionalisation and over-politicisation as the root cause of the 1997 crisis.

In analysing why the initially peaceful economic protests turned violent, the committee identified parliament’s decision in January 1997 allowing the use of military units in conjunction with the police as the first moment which escalated the conflict. The report stated: “This is the first unconstitutional act of the commander-in-chief who oversteps his legal competencies and uses the military outside of the confines allowed to him ... the actions taken by the government create the impression that the military is being prepared to attack” (S. Ngjela). The decision in January and the speeches in parliament created the impression that the sides would not talk, they would fight until one of them emerged victorious. In this battle, the government’s use of the military transformed it, in the eyes of the protesters, into an extension of the political state. The report described a situation in which the military leadership had been replaced by political appointees accountable to the president. This situation politicised the military and contributed to the disconnect between the leadership and the rank-and-file, which resulted in massive desertions.

This report had a number of characteristics worth noting. First, it investigated only the events occurring from January to June 1997, which meant that it was mostly interested in the violent phase of the events. Such temporal limitation excluded from the investigation most non-military related events and explanations. Second, the report was clear that the military’s institutions were either ignored or put under the political will of the president fighting for survival, which produced the destruction of the armed forces. This report and the debate which followed it cemented the impression that the events of 1997 were a military/security failure which was the

product of the extreme politicisation of the military. From then on, the 1997 crisis was equated with the destruction of the military and ensuing chaos.

After the 1997 crisis, the DP saw the SP government as usurpers who had come to power through violence while the SP saw the DP as a criminal party whose leadership should be imprisoned for its role in the events of 1997. Both recognised the tragedy of 1997 but neither was ready to accept the other's right to exist, the other's role in reforms and state-building. The 1997 tragedy was still too close and maybe not tragic enough to force the two sides to stop their trench warfare. After this report political tension escalated exponentially as in August 1998 a number of DP former national security officials, including the defence minister, were arrested for their role in the 1997 events on charges of crimes against humanity and genocide. In September, Azem Hajdari, a high ranking DP representative and anti-communist leader, was assassinated which ignited DP-led revolts and forced the government to resign.

By the end of 1998 Albania and its political leadership seemed trapped in an endless violent struggle for survival and domination which was inhibiting any progress. By the end of 1998, there was no reason to expect any reform, let alone military reform, to be successful.

8.4 MILITARY REFORM AND THE 1999 KOSOVO WAR

Everything seemed bogged down in a vicious cycle of counter-accusations until the crisis in Kosovo re-emerged and overshadowed everything else. The year 1999 was dominated by the Kosovo conflict, NATO's bombing campaign against Serbia, and the tension in the Albania-Yugoslavia border. These tensions, once again highlighted military issues. This time politicians were encouraging the military to be proactive in defending the border and in assisting the tens of thousands of Kosovar refugees pouring in Albania. These dynamics were reflected in parliament which held a number of special plenary sessions where government ministers were called to report. In the parliamentary session of 1999 the problems of the military were brought up for the first time on the 15th of February by an SP deputy analysing the difficulties it was experiencing in defending the border. He argued:

[O]ur military officers have never been against military reform, but they have always rejected the way they have been treated by politics. The DP decapitated military leadership during 1992-97 and pushed away all officers it did not like either through absurd laws or political orders. We all 'enjoyed the benefits' of this

reform when the state was destroyed, the military disbanded, our armaments stolen, and the blood and sweat of fifty years evaporated (A. Dervishi).

As the Kosovo war became a distinct possibility, it pushed aside most analyses or counter accusations related to the events of 1997. For example, on March 4th 1999, a few weeks before NATO's campaign against Serbia began, parliament met in a special session to discuss the crisis. The main purpose of this session was to approve a bipartisan resolution which stated:

[W]e believe NATO's presence in Kosovo is an essential element for guaranteeing any peace deal ... keeping in mind our previous experiences with Belgrade and the Bosnian war, we cannot support any deal which does not guarantee an immediate NATO presence in Kosovo ... We are trustful that NATO will stop Milošević's latest madness and in so doing will guarantee peace and stability for the region (S. Godo).

In the following discussion almost all deputies repeated the same point: NATO was the only institution that had the capacity to stop bloodshed and guarantee stability in the region. They also stated that NATO could help prevent the spread of conflict to Albania.

With the official start of the war only a few days away, on March 23rd 1999 PM Majko reported on government preparations to deal with the situation. Mr. Majko informed deputies that, "[he had] visited a number of military bases which have been reconstructed after their destruction in 1997. I also visited the military's war headquarters. Any military potential that we have is being used to confront this situation" (P. Majko). Foreign Minister Milo informed that, "during the entire Kosovo crisis the Albanian government has been in uninterrupted contact with NATO which, in our opinion, is a crucial element for the solution of this crisis" (P. Milo). The government's message was clear, everything was being done to confront the situation, and to overcome the difficulties of the 1997 destruction, but all hope was on NATO.

As parliamentary leaders began debating after the government's reports, political disputes erupted as opposition parties accused the government of using the 1997 crisis to hide its incompetence. Immediately, a deputy representing the Social Democratic Party, the Socialist's junior partner in government, intervened and thanked the defence minister:

[F]or not informing us of the horrible military he inherited after 1997. We know that, we lived that, we do not need to analyse it now ... We wish we had a stronger and more disciplined military, with modern armaments capable of defending Albania and Albanians. We wish we had a stronger national and political unity. Unfortunately we do not have them, but this is the worst moment to start analysing why we don't. We all lived through 1997; we know its cause so let us discuss it when the seas are calmer (H. Aliko).

Similarly, an independent deputy, the publisher *Our Time*, stated: “I want to support the defence minister and his staff who in conditions of poverty and following the total destruction of 1997 have done all they can to rebuilt the military” (N. Lesi). It is remarkable how the SP and its allies, which never missed a chance to use the 1997 crisis to de-legitimize the opposition, refrain from doing so. In fact the SP insisted that the 1997 crisis should be put aside. Clearly, the approaching Kosovo war helped to subdue parliamentary discussion on the 1997 crisis and simultaneously brought it to light under a new perspective. The approaching war showed that the military destruction of 1997 had been detrimental to the ‘national cause’ as Albania did not possess a military capable of confronting the Yugoslav army. This awareness explains the government’s insistence that NATO be present in the border with Yugoslavia and be present in Kosovo to implement any peace deal. The politicians still blamed each other for what happened, but they also became cognisant that their game of brinkmanship had such a high political price that it was affecting negatively their capacity to defend Albanians within and beyond the state.

As NATO’s Kosovo campaign began, on March 25th 1999 PM Majko was called to report to parliament on the actions taken by the government to guarantee Albania’s territorial sovereignty. The PM began: “The Albanian government salutes NATO’s military campaign and reaffirms its commitment to afford NATO all possible facilities so that the Alliance can carry out its mission” (P. Majko). Once the PM provided support for NATO’s mission he also said: “We have been assured that Albania’s security and integrity will be safeguarded by NATO in case Milošević attempts to spread the conflict” (P. Majko). After the PM finished, parliament approved a resolution stating that, “the National Assembly fully supports NATO’s attacks against Serbian military instalments ... the Assembly salutes NATO member states” (S. Godo).

After the resolution was approved, an opposition deputy took the floor to “salute NATO intervention ... in this moment government and opposition are together to support our national cause and NATO in its difficult mission” (Z. Bushati). Another opposition deputy encouraged the government to use this crisis “to advance the legal and political relationship with NATO because crises like this can be used to strengthen partnerships” (S. Ngjela). So, the beginning of the Kosovo war produced three immediate effects. First, it enabled politicians to see the military destruction of 1997 from a new perspective. Until then the debate had been about the domestic effects and causes of the destruction of the military. The Kosovo conflict showed that the events of 1997 weakened Albania internationally at the very moment when it most needed its military. Secondly, the war forced political leaders who had been ferociously fighting each other, in some

cases literally, to cooperate on national security issues. Lastly, NATO's intervention in defence of the people of Kosovo earned it overwhelming support in Albania.

When the Kosovo war was in its final moments, on June 3rd 1999 parliament called the defence minister to report. More than a report, it was an opportunity for the majority to showcase what it viewed as its successful management of the war. After praising the military's commitment and performance, the minister focused almost exclusively on the tensions on the border between Albania and Yugoslavia since NATO began its campaign. The minister stated that the military was doing all it could, "but we should not forget that two years ago we had no military, so we need all the help we can get" (L. Hajdaraga). After the minister's speech deputy Qilimi replied:

[A]fter the 1997 crisis our attempts to normalise the defence structures have been commendable. Keeping in mind the complex characteristics of our transition we can say that the military has in fact over-performed ... Nevertheless, the destruction of 1997 still hampers our capacity to defend our borders against Serbian attacks (A. Qilimi).

Obviously, the 1997 crisis was recast by the SP itself. Before the Kosovo war, each time the SP mentioned 1997 it blamed Berisha and de-legitimated the DP. After the Kosovo war, the 1997 crisis was relied upon as a justification for the military's inability to defend its northern border or help Kosovar refugees. Cast in this way - as a national security issue rather than as a political blame game - the toxicity of the 1997 memory was attenuated and the ability to use it as the starting point of a common military reform to avoid such events in the future increased.

8.5 ALTERNATIVE ACCOUNTS

During my analysis I have paid attention to alternative accounts by addressing them directly. As I did in Chapters 5 and 6, I will address some of the most plausible ones. It could be argued that (1) the sheer destruction and shock from the 1997 crisis and the (2) international assistance/pressure to stabilise Albania enabled/forced parliamentarians to take a less politicised approach to military reform in 1999. These arguments, separately or together, are attractive because they are causally succinct. However, they do not provide a satisfactory account of my puzzle.

As the analysis demonstrated, during DP's first term the SP and DP viewed one another with contempt and framed each other's military reforms as dangerous to democracy. The 1997 crisis

did not change this dynamic; rather it enabled them to conclude that they had been right all along, that the other side was intent on politicising the military. The 1997 crisis, and the ensuing shock and destruction, did not bring the sides closer, it pushed them further apart. Besides the parliamentary debate, the events of 1998 substantiate this argument. After Azem Hajdari, DP deputy and leader of the anti-communist movement, was assassinated in September 1998, DP supporters flooded the capital, ransacked the government's offices, occupied the state TV, and forced PM Nano to seek refuge in Macedonia for a few hours and subsequently resign. The DP's supporters managed to even take some tanks from the military and park them in front of the DP's offices. The government described these events as a failed coup d'état and stripped Berisha of his parliamentary immunity and prepared to arrest him. So, the continued politicisation of military reform debate in 1998 and the armed clashes of September 1998 demonstrated that the 1997 crisis had no positive effect in 1998. If it had no positive effect in 1998 why did it have one in 1999? Explanations that rely solely on the 1997 crisis as an explanatory mechanism cannot account why it had no effect in 1998 and some positive effect in 1999.

The second part of the alternative explanation could argue that because the 1997 crisis increased the number of Albanian refugees pouring in Italy and Greece and the contraband of weapons in the region, the international community intervened to help/pressure Albania reform its military. This intervention was in the interest of the international community to ensure that Albania did not become a failed state producing instability in Europe. This argument assumes that the international intervention/assistance was more focused on military reform. After 1997, and increasingly more every year, the United States, the EU and the Organisation for Security and Cooperation in Europe (OSCE) brought in teams to help with the reform of the Albanian judiciary. The OSCE created its largest European mission assisting the Albanian government with judicial reform and overall institutional reform. The US and EU also became increasingly involved in assisting judicial reform and over the years established permanent advisory missions at the ministry of justice. Particularly the EU, whose member states are Albania's largest trade partners and donors, often made their assistance conditional upon judicial reform. So, while the post-1997 emphasis might have been on the military and security sector, in 1998 and beyond there was as much, if not more, emphasis on judicial reform. So, this alternative account not only erroneously assumes that there was more assistance/pressure on military reform, but it also does not explain why the international community's assistance was more effective on military reform.

A tweaked version of the second alternative account could argue that international assistance was more successful in military reform because it was easier to reform and its institutionalisation did

not impinge on elite interests. This is a variant of one of the alternative explanations addressed in Chapter 6. Based on the analysis of this chapter, these two conditions do not hold. Since September 1992 the DP and the SP engaged in highly politicised exchanges on military reform, even more politicised than those on judicial reform. Throughout the 1990s the constant attention and continued politicisation of military reform, indicated that it was important to both sides and they perceived negative consequences with specific reform routes. Furthermore, the destruction of the military in 1997 and the way it was debated in parliament showed that institutionalising the military was not easy, indeed after 1997 it was much harder. It was more difficult because the debate on it was more politicised and because the military had been destroyed. After the 1997 crisis there was almost no military to institutionalise and certainly no agreement on how to do it.

Moreover, after 1997 military reform became even more important. It became a matter of life and death. Since the military had been used by Berisha against his opponents, and since he was afraid that Socialists might do the same, its reform gained further relevance after the 1997 crisis. Therefore, accounts arguing that military reform debate became more non-politicised because of the 1997 crisis, the international community's assistance/pressure, its ease or lesser importance do not provide a satisfactory answer to the question. They do not explain why in 1998 military reform debate and clashes in the streets continued with the same intensity and why international assistance to reform the judiciary did not succeed although it was, at least, equal to the one on military reform. Lastly, accounts based on the assumption that military reform was perceived by Albania's political elite as easier or less important are not supported by the parliamentary debate analysis.

8.5 CONCLUSION

Similarly to newspaper coverage, parliamentary debate of military reform in the 1990s was politicised and relied on the memory of communism as a justificatory mechanism. Both the SP and the DP remembered the communist past as a violent regime with a politicised military and accused one another of being its ideational inheritors. As a result, the debate was politicised and created a cycle of counter-accusations and mutual de-legitimation. This vicious cycle was reinforced by the 1997 crisis, which was interpreted by both sides as a military failure.

The 1997 crisis brought to fruition both sides' worst fears about each other. The DP viewed the 1997 events as a communist rebellion implemented by crypto-communist officers. The DP

concluded that the continued communist politicisation of the military enabled it to break discipline, side with the anti-democratic revolution, and overthrow the DP. The SP on the other hand saw the 1997 crisis as the culmination of DP's military politicisation about which it had been warning against for years. Their fear that Berisha politicised the military to use it to keep power came true with the declaration of the state of emergency and the military's failed suppression of the popular rebellion. For different reasons, both the DP and the SP saw the 1997 crisis as a military failure caused by politicisation applied by the other side. This distrust reinforced a cycle of politicisation, which by the end of 1998 seemed as entrenched and as self-reinforcing as that relating to judicial reform.

The Kosovo war disrupted this dynamic and produced two immediate effects. First, it put a temporary stop to the politicised debate on military reform. Confronted with a national crisis and foreign aggression, both sides were keen to appear patriotic and supportive of the military. Secondly, and more importantly, the Kosovo war brought military reform under a new perspective. During the Kosovo war, both sides agreed on the need to use the military, but they could not do so because of the destruction it had endured in 1997. As demonstrated above, the recognition that the military was unable to perform its responsibilities helped start the process of re-evaluating the meaning of the 1997 crisis and military politicisation in general. The Kosovo war demonstrated that the high-stakes game played with the Albanian military had backfired domestically in 1997 and internationally in 1999. It still remains to be seen how these memories interacted in the second decade of transition and whether they affected the non-politicisation of military reform debate. Chapter 9 will undertake this analysis.

CHAPTER 9

PARLIAMENTARY DEBATE OF MILITARY REFORM IN THE 2000S

The SP did not introduce major legislative reforms of the military in its first years after returning to power in 1997. When the SP came to power there was no military to reform and the emphasis was on post-1997 reconstruction and attribution of blame. In addition, the Kosovo war, during which the government relied on the ‘1997 destruction’ as a justification for the military’s incompetence, directed the government’s attention towards using the existing military to defend the border. Only after the end of the Kosovo war the government had the opportunity to undertake military reform in light of previous developments.

After three years of consecutive domestic and international crises where the political environment was highly politicised, the year 2000 was the first moment of relative tranquillity in which an overall analysis could be conducted. Consequently, the year 2000 was replete with legislative activity aiming to apply the lessons of the 1997 crisis and the 1999 Kosovo war. As demonstrated in Chapter 8, during and immediately after the Kosovo war, the Socialist government, which never missed a chance to accuse the DP over the destruction of the military, began reframing the meaning of the 1997 crisis under the Kosovo war perspective. As a result, the government argued that a new approach to military reform was required to avoid its re-politicisation and enable it to defend the country. It is still not clear whether the developments identified in 1999 were temporary or a long-term restructuring of the military reform debate. Therefore, this chapter analyses the parliamentary debate on military reform in the 2000s to investigate whether the conjunction of the memories of the communist regime, 1997 crisis and Kosovo war affected the debate’s level of non-politicisation and whether they can offer a fuller account of the puzzle.

9.1 APPLYING THE LESSONS OF TRANSITION CRISES

In 1995 the DP-led government approved the first post-communist defence strategy which was not debated in parliament because it was not a law. Since the events of 1997 and SP’s accession to power the strategy had not been revised. To update it and raise it from the level of a policy document to proper law, the government decided to rewrite the strategy and approve it in parliament. Therefore, on January 27th 2000 bill 8571 ‘On the defence strategy of the Republic of Albania’ was sent to parliament. While introducing the bill, the chairwoman of the legal affairs

committee said: “These documents will be the new foundation for the institutionalisation of our national defence institutions” (Z. Çaka). Other SP deputies also suggested that the law would create the conditions for a new beginning in military reform.

The documents of defence and security strategy were explained by Defence Minister Hajdaraga who revealed the government’s justification for their timing and content:

[T]he reformulation of the security strategy and defence policy was made necessary by the profound changes of Albania’s international and domestic conditions during 1997-99. Internationally ... NATO’s presence in Kosovo gives give a major boost to our prospect for NATO membership ... Domestically, Albanian society went through a traumatic experience in 1997 during which defence institutions were destroyed. These documents reflect the above-mentioned new international and domestic circumstances (L. Hajdaraga).

The minister stated that the government’s approach to military reform reflected the crisis of 1997 and the 1999 Kosovo war. More specifically, he argued that the destruction of the military in 1997 and its performance during the Kosovo war demonstrated the need for a different kind of military reform. In addition, NATO’s presence in Kosovo increased the country’s chances of joining the Alliance and presumably made military reform more urgent. Mr. Hajdaraga concluded by saying: “The approval of these documents will be a further step towards the institutionalisation of our defence institutions ... will raise the standards of our armed forces and bring us closer to NATO” (L. Hajdaraga). As far as the government was concerned, the destruction of the military in 1997 and the 1999 Kosovo war necessitated a reassessment of military reform.

The only opposition deputy who spoke was former DP chairman Tritan Shehu, who at that point was estranged from his party. He asked whether the 1995 strategy had been taken into consideration while writing the new one. The MoD representative replied that:

[W]e have shown due respect to the previous strategy, but as the minister stated there are two major events which made the previous strategy dated: 1. The strategic environment in which Albania and our region are situated has changed fundamentally after 1999, 2. In 1997 Albania’s national defence institutions were destroyed. Each time there are fundamental changes in a country’s strategic environment, its defence strategies/documents have to reflect it (Defence Specialist).

This was the first time the government produced an official military reform policy based on the argument that the lessons of the 1997 crisis and Kosovo war must be reflected in military reform. An SP deputy supported the government by stating:

[N]ow that the Kosovo war is over, NATO states are analysing the lessons they learned ... Such analysis is being done in Albania also. The debate among defence specialists was lively after the events of 1997 and has become livelier after the Kosovo war ... We need to once and for all get over the effects of the events of 1997 and restructure our military accordingly. Furthermore, it was clear during the Kosovo war that our forces need more motivation, better organisation, better training and better equipment (A. Dervishi).

Deputy Dervishi and his colleagues in the majority reiterated the main points made by Defence Minister Hajdaraga. As the debate continued, it became obvious that the SP reframed the meaning of the 1997 crisis in light of the Kosovo war. The 1997 crisis was no longer used to attack and discredit the DP for politicising and destroying the military, but rather it was transformed into a reason to undertake an inclusive military reform.

The reframing of the 1997 crisis under the Kosovo war perspective, which I first identified in 1999, continued and strengthened in 2000. For example, another deputy from the majority stated that, “after what the military went through in 1997, it has been very difficult to come to the point we are today. These documents cement our achievements and reflect the events we have experienced” (P. Zëri). The last to speak was former Defence Minister Brokaj whom I cited in 1998 arguing that the 1997 crisis demonstrated that Berisha’s DP was a committed opponent of democracy. When mentioning the 1997 crisis this time, deputy Brokaj said: “This is a positive document which encapsulates well the new international realities in which Albania finds itself and our experience during 1997” (S. Brokaj). In 1998 Brokaj relied on the 1997 crisis to discredit the DP, while in 2000 he used it to advocate an inclusive military reform. Just like Brokaj, the Socialist majority reframed the memory of the 1997 crisis as an impetus for a new inclusive military reform.

The government’s justification for its approach was clear, but the DP’s position was not since it had largely been inactive in the parliamentary debate. The opposition became more vocal on military reform on the 17th of May 2000 when Leonard Demi, one of DP’s foremost spokespersons on defence issues and former state secretary of the MoD, called for interpellation Deputy PM Çeço regarding the pay of military personnel. The DP deputy stated: “Now that we have approved our two strategic defence documents we must be more engaged in transforming

our armed forces quickly. Unfortunately, the financial resources the government has allocated are not enough” (L. Demi).

The Deputy PM provided a dry response saying that a lot was being done, a lot more was planned for the future, and a lot more should be done but financial constraints hampered the government’s capacity to invest more heavily. Demi responded:

[T]he defence policy documents approved by parliament sanction a number of financial benefits for our military personnel. Yet, months after their approval nothing has been done. Any time lost will have grave consequences for the reputation of our country, our armed forces, and will be detrimental to national security ... Our armed forces and NATO are waiting for your government to allocate the necessary funds (L. Demi).

This debate was interesting both for its civility and for what the speakers did not say. This was the first time since 1997 when a government minister was questioned by an opposition deputy on any military issue and the events of 1997 were not mentioned, the government was not accused of politicising the military and the debate was not political. Furthermore, Deputy Demi, who became the chairman of the parliamentary defence committee after the DP gained power in 2005, referred to the defence policy documents and did not question their content or the government’s rationale for approving them. Keeping in mind the tone of Albanian political debate, this was a tacit recognition that the opposition, at the least, did not oppose the government’s military reform.

Further evidence of the opposition’s shift came on October 26th 2000 when bill 8670 ‘On ranks and career in the armed forces of the Republic of Albania’ was introduced to parliament. Last time parliament made changes to this law in 1993 the debate was very political with both sides accusing each other of being communist-style politicisers of the military. In introducing the law, the chairman of the parliamentary defence committee said:

[W]e believe this is the right law at the right time reflecting both our new constitution and the new defence and security strategies approved earlier ... We believe this bill is very important in regulating hierarchical relations in the armed forces. This bill will finally end abuses with promotions and military ranks that have happened during these post-communist years (A. Qilimi).

Deputy Qilimi mentioned the politicisation of the military during the 1990s and other problems it had experienced, but did not blame the DP and did not use the 1997 crisis as an illustration of the previously failed, DP-led, military reform. Instead, the law was introduced as an attempt to

institutionalise the military in light of past experiences. Interestingly, no opposition deputy discussed or asked any question to the representatives of the MoD.

On the same day parliament also debated bill 8671 'On the authorities and strategic chain of command in the armed forces of the Republic of Albania.' This was an important law since the special investigative committee on the 1997 events had concluded that the military was destroyed because its chain of command was distorted. Deputy Qilimi, representing the majority, stated that the rationale behind this law was similar to the one for law 8670. The only exception, he added, was that there had been heated debates at the committee level. However, all proposed changes had been reflected in the final bill which had received the unanimous backing of the committee members. Regarding this law one SP deputy stated:

[T]his law will increase the authority of our officers and our military. This law will finally close the anomalies of the 1990s when people fell asleep as simple civilians and woke up as generals ... This law fills me with hope that the reform in the armed forces is on the right track and will be successful (T. Koleci).

Again the majority referred to the failed reform of the 1990s in general and did not blame the DP directly. Also similarly to the previous law, no opposition deputy took to the podium.

After eight years of vitriolic accusations the year 2000 was a remarkable turnaround. It began with a recognition by the defence minister that the destruction of the military in 1997 and the 1999 Kosovo war followed by NATO's increased presence in the region, had altered Albania's domestic and international environment and should be reflected in its military reform. Specifically, the 1997 crisis, blamed on the politicisation of the military, and the military's incapacity to defend the border during the Kosovo war, blamed on the after-effects of its destruction in 1997, convinced the government of the need for reform. This perspective alleviated a large part of the negative and politicised charge associated with the 1997 events. The government stopped using '1997' as an instrument to attack the opposition, and presented it as a reason to undertake an inclusive reform. As a result, military-related legislative proposals were mostly ignored or not opposed by the opposition. The same opposition, which a few years earlier, even a year earlier, had accused the government of being intent on politicising the military and planning the return of communist officers, in the year 2000 decided to step back and not attack. Not only it did not accuse the government of politicising the military, but it implicitly accepted its military and defence strategy and the justification for undertaking it.

Nevertheless, the DP's implicit acceptance of the government's rationale is not enough to show that my causal mechanism provides a satisfactory account for the puzzle. I still need to answer a number of questions. Did the DP accept the government's justification for its military reform and, like the majority, ceased relying on '1997' as a tool of political struggle? Or was the year 2000 a momentary break to be followed by more politicisation? The debate in the election year of 2001 would have been a good place to find an answer for these questions. Unfortunately, parliament did not take up anymore military reform laws during its term. Parliament's agenda in its last months was consumed with debates of the electoral law, the make-up of the electoral commission, and other election-related issues, leaving military-related laws to be dealt with by the new parliament in which the SP retained its majority.

The new parliament did not lose any time addressing military reform. On November 8th 2001, six weeks after being sworn in, it discussed a resolution supporting military reform. The resolution, a reaction to the newly approved ten-year military reform strategy, stated:

[T]he National Assembly of Albania, after being made aware of the government's ten-year strategy for the restructuring of the armed forces, notes that it is within the country's capabilities, provides the required resources to confront possible threats and is in line with the strategic aim of NATO and Euro-Atlantic integration (N. Dokle).

After the resolution was read the floor was given to Defence Minister Majko who was PM during the Kosovo war. He said:

[T]his ten-year transformation will change our defence doctrines and concepts, will bring them in line with Albania's specific conditions and the standards of a democratic country ... This process should be seen as important as European integration since EU and NATO are the two columns of the Euro-Atlantic world. The resolution we are discussing and will approve is an expression of the engagement and maximal support parliament gives to military reform (P. Majko).

It was clear that in the new legislature, the SP had the same attitude towards military reform: inclusive reform to reach NATO standards.

The DP was not present since it was boycotting parliament over allegations of voter fraud during the elections of 2001. Cognisant of this fact Mr. Majko stated: "I want to express my confidence that the opposition, which is not in parliament, will morally support – as it has done in the past – military reform, which is indisputably our communal obligation" (P. Majko). At the same time the government was accusing the DP of undemocratic behaviour for boycotting parliament and

not recognising the elections, Defence Minister Majko refrained from such accusations and depicted the opposition as a supporter and partner in military reform. The debate on this resolution was an indication of how much military policy debate had changed. The government portrayed the opposition as a complementary element in its military reform and not, as it was the norm in the 1990s, as an enemy of military de-politicisation and democratisation.

A number of small centre-right parties – mostly former DP members – were in parliament and one of them was the chairman of the parliamentary defence committee. He noted:

[S]tarting from the principle that the Albanian military belongs to the Albanian nation, is above parties, and is going toward a de facto de-politicisation – not just de jure as we used to have – we believe this resolution will be helpful to this executive, and the ones succeeding it - of whatever political orientation - to undertake a reform which will produce a national, professional and flexible military (D. Shehi).

Although the new parliament began work in a highly politicised climate where the opposition did not recognise its legitimacy, accused the government of stealing the elections and the PM of being the leader of Balkan mafia, these accusations did not spill over into the debate of military reform. Neither the defence minister, nor the few opposition representatives in parliament used the passage of the resolution to score political points. In fact, both sides did all they could to stress the national and apolitical character of military reform.

The next important legislative initiative on military reform came on July 25th 2002 with bill 8930 ‘On the military strategy of the Republic of Albania.’ This was the first time parliament was asked to approve the military strategy of the armed forces. In his presentation of the law, Defence Minister Rama stated that this document was the logical consequence of the military and security strategy approved in 2001. After providing an overview of the positive developments included in the strategy Mr. Rama concluded by saying:

[A] very important element for the implementation of this strategy is all-inclusiveness. This document can be considered as the constitution of the armed forces and needs the support of all the groups in the legislative, of the executive and public opinion ... I am faithful that you will be engaged in ensuring a successful military reform and in approving this document, which is a concrete example of our commitment to fulfil our obligations to achieve NATO membership (L Rama).

After the minister’s speech, the law was approved unanimously and with no debate. It appears that ever since the beginning of 2000, when the government introduced the new national security

strategy and the rationale behind it, parliamentary debate on military reform had almost disappeared. However, had military reform become more bipartisan or less important?

The most opportune moment to test whether the DP supported military reform or had decided to fight other battles came on December 16th 2002. In NATO's November 2002 Summit in Prague a number of Eastern European countries were invited to join the Alliance while Albania was left out. For this reason, Jozefina Topalli, the deputy speaker of parliament and deputy leader of the DP, called to interpellation the Deputy PM and Minister of Foreign Affairs Ilir Meta to report on why Albania failed to achieve its goal. Due to deputy Topalli's anti-communist, conservative and highly politicised profile, one would expect a contentious and politicised debate. Deputy PM Meta began:

Albania's NATO accession has been a major objective of all governments since the fall of communism ... During this decade our country has shown an iron will to join the Alliance ... During NATO's most difficult moments we were on its side to solve the conflicts in Bosnia, Kosovo and Macedonia ... Even militarily we have made great progress if one keeps in mind the very low level we started a few years ago (I. Meta).

Mr. Meta provided a similar narrative of military reform to that of Defence Minister Hajdaraga two years earlier. He stated that the international environment and cooperation with NATO had helped military reform but progress was insufficient because Albania started from the low point of 1997. Again then, the 1997 crisis and NATO's presence in the region after the Kosovo war were used to justify military reform. In this case the 1997 crisis was used to justify Albania's slow progress. Mr. Meta argued that the best way to understand why Albania was not invited to join NATO was to read the report written by the U.S. Congress. The report Mr. Meta quoted depicted Albania as a partner, which fitted well with the argument that NATO cooperation was strong, but as not capable of being a full NATO member because of what happened in 1997. Deputy Topalli replied:

I salute the pro-NATO orientation of your party which some years ago wanted to pass anti-NATO resolutions ... However, I notice a great divide between your words and actions. We must tell Albanians that, although NATO was open towards us and helpful to us, we were not able to join because your government could not fight corruption and illegal trafficking ... The connection of politics with economic crime and illegal trafficking is the real reason we were not admitted (J. Topalli).

Although deputy Topalli was very tough on the government, accusing it of being the most corrupt in Europe, she did not attack it for politicising the military. Indeed she barely mentioned the military and any reason she listed for Albania's failure to join the Alliance was political and

not military-related. Mr. Meta replied to Deputy Speaker Topalli by saying that NATO accession should not be politicised because it was a bipartisan objective supported by the overwhelming majority of Albanians. Mr. Meta then went back to his initial argument as to why Albania lagged behind in reforms saying:

[T]he starting point of our military reform was 1997 and since 1997 we have had impressive development. I do not want to enter into a debate as to why 1997 happened, but let us remember that at that time we were left with no soldiers and with a military that had no weapons while civilians were armed. We are the country which five years ago forced the international community to bring international troops here to secure stability and now we are asking to join NATO which is the institution that sends troops to other countries to maintain their stability (I. Meta).

Usually each time the Socialist government's military reform was challenged by the DP, it would bring up the 1997 crisis as a rebuttal of the DP's accusations. However, Mr. Meta, continuing a tradition set in early 2000, relied on the 1997 crisis simply to explain the difficulties experienced by the military. Deputy Topalli had one more comment before the debate was over:

[T]he last thing I want to do is politicise this debate. We are very serious and sincere in our desire to support this process because we are cognisant of the convergence of political wills in this parliament to speed up the NATO integration process ... Because I did not want to politicise this issue I did not bring up the year 1997; I have much more to say and more grievances about 1997 than you ... Do what [NATO Secretary General] Lord Robertson said and we as an opposition will support you (J. Topalli).

This exchange was remarkable. The opposition had the chance to rehash its accusations against the SP for politicising the military, for being anti-NATO, for being unreformed communists and so on. It could have used NATO's rejection as proof of the veracity of its accusations. However, the most partisan representative of the DP refused to do so. Furthermore, the deputy PM, a former PM and staunch Berisha opponent, did not use the exchange on the year 1997 to rehearse old accusations that the military was destroyed because Berisha politicised it. This was the most opportune moment since early 2000 to re-politicise the military reform debate. Two of the most prominent representatives of the two camps debated fiercely, but neither politicised military reform. Indeed, both clearly said they would not do so. Furthermore, Deputy PM Meta used the same explanatory framework used by Defence Minister Hajdaraga in 2000. Equally importantly, deputy Topalli did not challenge these arguments; she challenged the government on the issue of corruption and the rule of law.

The government continued to propose bills on military reform. On March 23rd 2004 parliament took up bill 9210 'On the status of military personnel.' The law was introduced by the relevant committees which were all in favour of it. A Socialist deputy spoke first, "I congratulate the government for this law which will reinstate the dignity of our military personnel and put them on the same level as their NATO counterparts" (E. Sherifi). Afterwards the representative of the Republican Party, DP's junior ally stated, "This is one of the most consensual laws ever approved by this parliament ... I believe this law represents a positive step in our military reform" (N. Alibali). The law was approved unanimously. Bipartisanship continued on October 21st 2004 with bill 9295 'On career development and criteria for admission in military intelligence.' The law was introduced by the respective committee chairs, two from the majority and two from the opposition, who were all in favour. One DP deputy said, "I want to congratulate the military intelligence service for the work done on this law. This is a very important law for our NATO integration process and I invite my colleagues to approve it" (F. Beja). The law was approved unanimously without further debate.

As parliament finished its term and the SP headed towards defeat, its eight years in power witnessed a dramatic change of tone and substance on military reform. In 1997 and 1998 each time military reform was mentioned both sides blamed each other for the 1997 crisis and the politicisation of the military. After the Kosovo war the memory of 1997, while still present, was recast under a different light and interpreted as an event which weakened Albania domestically and internationally. Such weakness was on full display during the Kosovo war as Albania had to rely on NATO to secure its border. These elements were brought together by Defence Minister Hajdaraga in 2000 to justify the rationale behind the government's new national security strategy. Ever since then debate on military reform became increasingly non-politicised. A number of important and sensitive laws, which had been debated fiercely in the 1990s, were approved unanimously.

I asked above whether the identified change was the result of military reform becoming more bipartisan or less important. I believe that the analysis of the 2002 interpellation of Deputy PM Meta and the subsequent parliamentary debates, demonstrated that the opposition was engaged and interested in military reform. The analysis above has shown that the opposition fully supported the government's bills even when similar ones had produced politicised debates in previous parliamentary sessions. This was a remarkable turnaround and it remains to be seen if it continued in the new parliament in which the DP was the majority party after eight years and Berisha - the man SP accused of personally destroying the military - was the new PM.

9.2 POLICY CONTINUITY DESPITE CHANGE OF POWER

As Berisha's new government took office he declared military reform and NATO membership to be a priority. Since the SP government had approved most of the laws necessary for military reform, Berisha's government had to implement them and write the national strategies which translated the general principles of the laws into applicable standards and procedures. Such strategies did not have to be approved by parliament since they did not have the power of law. Fortunately, government was required to report to the parliamentary defence committee on the progress of military reform and by 2005 parliament produced detailed minutes of these meetings.

As the government was finalising its action plan for NATO integration, on October 4th 2006 the parliamentary defence committee invited Defence Minister Mediu to report. Interestingly, the DP deputies were tougher on the minister and asked him to do a better job and be more specific in planning. However, the overall tone was positive and was best captured at the end by one DP deputy stating:

[N]o political party can claim individual merits on NATO integration. For over fifteen years our state has been doing its best to achieve our major goal of NATO integration. We have to do all we can to support the government since NATO integration is more than an award; it also means more stability, more prosperity and more development (B. Nishani).

After the new majority came to power, it continued the bipartisan approach to military reform by presenting it as the result of communal efforts to consolidate the military and achieve NATO integration. This was an important development because each time there had been a change of power in Albania, there had also been drastic changes of military policy, which was not the case after DP's accession to power in 2005.

In 2007, as the 2008 Bucharest Summit from which Albania expected to receive an invitation to join NATO was approaching, parliament set up an *ad hoc* committee on NATO integration co-chaired by former Socialist PM Majko. The first meeting of the committee on June 8th 2007 was greeted by Speaker Topalli: "Cooperation between government and opposition regarding Euro-Atlantic integration is very important ... regarding NATO, there is no difference between our positions" (J. Topalli). The committee had a number of meetings where the minister of defence and representatives of the ministry of foreign affairs and ministry of European integration

reported. What stood out in all the meetings was a convergence between government and opposition to present a united front regarding NATO integration. In the meeting of June 19th 2007 a DP deputy stated: “We have to reach out to NATO ambassadors and we always must present a united front” (A. Bumçi). Similarly, on the 11th of September 2007 Defence Minister Mediu said: “We have a very positive political climate because all political parties are in favour of NATO integration ... when it comes to military reform we are committed to implement the agreed to policies regardless of political rotations” (F. Mediu). So, both government and opposition showed an impressive level of bipartisanship and avoided politicisation.

On October 13th 2008, after the official invitation to join NATO had been received, parliament debated law 10017 ‘On the elimination of excess armaments.’ The subject of this law would not strike one as a sensitive issue since it dealt with technical requirements of how to dispose of the arsenal of excess armaments Albania inherited from communism. However, in March 2008, a factory which decommissioned excess armaments exploded killing twenty-six people. The opposition accused PM Berisha and the defence minister of being personally involved in weapons trafficking and of having approved unsafe practices so that they could profit. The defence minister resigned and the debate on the institutional and personal responsibility for the accident continued as the opposition used it as an example of Berisha’s corruption and his family’s control of the state. Furthermore, when the law was debated, Albania had already received the invitation to join NATO so the pressure to show a united political front had receded while the general elections of June 2009 were just around the corner. If there would be a return to politicising military reform, this debate represented the most suitable opportunity to do so.

The law was introduced by Deputy PM and Defence Minister Oketa who said: “The law aims to achieve the government’s objective of destroying the most dangerous part of its excess arsenal of weapons so that the citizens are safe” (G. Oketa). After the minister, a DP deputy, and former general, took to the floor to say: “After the tragedy of a few months ago, this law will close all loopholes and make the decommissioning process safer” (B. Shehi). Then the Socialist parliamentary leader began discussing an unrelated issue and grievance connected to the electoral code. She stated that until their grievance was resolved they would not take part in any debate. So, when the opposition had its best chance to re-politicise military reform debate it did not do so. Although every week, in the section dedicated to free debate in parliament, SP deputies accused the PM and his family of being personally involved in the military accident and in weapons trafficking, they passed on the opportunity to connect this to military reform. This is a further signal that, even when conditions were ripe to score relatively easy and cheap political

points before an election, the opposition did not politicise debate on military reform. As far as the opposition was concerned this accident did not tarnish the achievements of military reform.

Lastly, after all NATO member states ratified the accession treaty, on March 26th 2009 it was parliament's turn to ratify it so that Albania could become an official NATO state. As the session began, PM Berisha stated:

[T]oday is the most historical, the most solemn, the most important moment since the declaration of independence. Today we will approve the accession treaty into the most powerful and excellent alliance of freedom of all times ... Today we archive one of the most painful national histories of the planet: an ancient nation, on a long and tumultuous journey - during which was confronted with prolonged invasions, painful and underserved national divisions - after mobilising all its resources to survive against all odds, has reached the finish line (S. Berisha).

Despite this being a joyous occasion, PM Berisha emphasised the suffering Albanians had experienced in their history whether through domestic dictatorships or foreign invasions. Mr. Berisha went on to thank the people who made NATO accession possible placing a distinct premium on those who fought against communism because without them the integration project would have been an impossible dream. Clearly for him, NATO accession was the final overcoming of the history of violence and suffering inherited from the communist regime.

After the PM, the SP's parliamentary leader took the floor. Her speech was remarkably similar to Berisha's. Just like him she first pointed out the uniqueness of Albanian suffering by stating:

[L]ike no other nation, from our earliest moments as a democratic country, the Albanian people embraced the ideal of Euro-Atlantic integration. This support is understandable because our people, more than any other, suffered the absence of freedoms and human rights, the long isolation from the democratic world and the highest percentage of political executions, political prisoners and internees (V. Leskaj).

After identifying the importance of Albania's NATO accession for overcoming the historical legacy of violent autocratic regimes, deputy Leskaj highlighted SP's contribution to the process:

[W]e rebuilt the military after the grave events of 1997 enabling Albania to become one of the earliest members of the anti-terror coalition by sending troops to Afghanistan and Iraq ... For the first time in Albania, the opposition was a net contributor in the NATO integration process ... Our new approach, based on national interests, created a welcoming opposition which became a leader of the reform processes and created a new political climate (V. Leskaj).

While agreeing with Berisha that the country had overcome the legacy of autocracy and military politicisation from the communist regime, deputy Leskaj singled out the reconstruction of the military after 1997, which since 2000 had been a rallying cry for bipartisan military reform rather than a tool of political struggle. After Leskaj, the majority leader, representing the DP, took the floor and, although gracious, reminded his Socialist colleagues of their positions in the early 1990s. Deputy Patozi stated:

[N]obody will vote against this treaty. Today they are no more disgruntled Socialists who saw NATO through the distorted lenses of the Warsaw Treaty and its presence here as a violation of our borders. Time has been a good healer and we must salute this positive evolution of the left (A. Patozi).

Regarding the opposition's role in the military reform, Mr. Patozi said: "We have publically recognised the opposition's contribution and merit to this process ... We know that loyal cooperation with the opposition and our open recognition of it have had a role in this process." (A. Patozi). So while the SP mentioned the 1997 crisis as a way to show the evolution of their position on the issue, the majority leader mentioned SP's positions during the 1990s to show how the DP's perspective of the Socialists had changed also.

The last speaker was the parliamentary leader of the small centre-left Socialist Movement for Integration:

[T]he Kosovo war was the most important moment which brought Albania and NATO closer than ever ... Tomorrow each of us will go back to our respective positions. The government will publicise its real or imagined successes and the opposition will criticise it for its real or imagined failures. What matters is that today we are together as we celebrate and congratulate each other on a major success (P. Xhufi).

Besides the expected congratulatory passages, these statements were remarkable for the points they stressed. Both the PM and the minority leader emphasised the suffering of the Albanian people and referred specifically to communism. NATO accession was presented by both as the final chapter of the long transition from communism and its violent history of military politicisation. The minority leader reminded her colleagues of the 1997 crisis and the reforms taken by the SP-led government to overcome that difficult period. The majority leader was mindful of the change that had happened in Albanian politics where NATO integration and military reform had gone from being hot-button political issues to consensual objectives. The last speech identified the Kosovo war as crucial for Albania's chances of joining the Alliance by cementing the relationship between NATO and Albania. These speeches encompassed the major elements my analysis has identified as the factors which allowed military reform to proceed in a

different path from judicial reform. The memory of communist violence, the memory of military reform politicisation in the 1990s, which culminated with the crisis of 1997, and the 1999 Kosovo war, which, in combination, attenuated the politicisation of military reform debate and created the conditions for its institutionalisation and NATO accession.

9.3 ALTERNATIVE ACCOUNTS

There are some alternative accounts that could explain the developments I identified above. It could be argued that the non-politicisation of military reform debate was the reflection of a generational change in Albanian politics. Since in many former communist countries, the early anti and post-communist leadership was replaced in the 2000s, it is sensible to think that the same thing might have happened in Albania. In Albania however, this is not the case because the composition of the political elite remained fairly stable during the period under analysis.

On DP's side from 1992 to 2009 the undisputed leader was Berisha who during this time was president for five years and PM for four. On SP's side the undisputed leader was Nano who remained SP leader even while in prison and headed three different cabinets in 1991, 1997 and 2002. While Nano resigned after losing the elections of 2005, his replacement Edi Rama was part of the political elite having been actively engaged in the anti-communist movement, serving as culture minister during 1998-2000 and then serving as mayor of Tirana for three terms. Besides the main leaders, even the 'second tier' of politicians remained fairly stable. For example, the majority leader, Astrit Patozi, who was gracious to the SP during the ratification of the NATO accession treaty served as DR's chief editor after 1997 during which the newspaper carried out its most politicised coverage of military reform. There was no generational change in Albanian politics; it was made up by the same people who changed their approach to military reform in the 2000s.

I asked earlier whether DP's initially silent acceptance of the Socialist government's approach to military reform was a sign that it agreed with the government or that military reform no longer affected any of DP's vested interests. Similarly to the newspaper coverage, my analysis demonstrated that after 1997, military reform debate continued in a much more politicised and poisonous environment. The year 1998 was by all accounts a failure. The country continued to be highly unstable, weapons were still circulating, public order was a shambles, and the military a shadow of its former self. In September 1998 the government resigned after its offices were attacked and occupied by armed DP supporters. Both sides blamed one another for 1997 and did

not accept the other as a legitimate political opponent. The debate was so politicised and distrust so deep, that there was no reason in 1998 to be optimistic that Albania would be successful in any of its reforms, let alone military reform. So after 1997 the DP and SP continued to perceive important interests in military reform, which were incompatible, and as a result kept politicisation high.

When the Kosovo war took centre stage, it put a temporary stop to political squabbling and forced political parties to show a unified front against Serbian aggression. While the Kosovo war interrupted the usual order of politics by decreasing politicisation in almost all areas of Albanian politics, after it was over, politicisation reached its pre-war levels. For example, after the local elections of October 2000 Berisha refused to recognise the results, accused the government of manipulating them and of being committed to destroy the opposition and went back to street protests. Furthermore, the fact that it took *Democratic Rebirth* until 2002 to depoliticise its coverage, is another indication that pressure to return to the 'business as usual' approach of evaluating military reform was considerable. So, the de-politicisation of military reform was neither the result of apathy nor inevitable; it was a conscious choice. The vigour with which both the SP and DP pursued military reform, despite its costs, minimum tangible benefits for the average voter, and until 2006, lack of a concrete NATO accession route, is an indication that both sides perceived clear interests in pursuing it. They could have decided to let the military be a weak but unthreatening institution. Instead they decided to spend money, time and energy in reforming the military, which indicates that they saw tangible benefits in reform.

One could still wonder, if elites perceived interests in pursuing military reform, why didn't they reach such an agreement in the 1990s? After all, Albania had then more tangible benefits from reforming the military since it had on its border the aggressive Yugoslav army, which was no longer the case after the Kosovo war. In addition, Albania had then the fresh memory of the politicised military during communism. However, neither of these two elements enabled its elites to reach an agreement on military reform. So I am faced with a situation where after the danger Albania faced from Serbia diminished, after the military had been destroyed in 1997, and after its economy had been decimated its political elites decided to rebuild and institutionalise the military first. From an interest-based perspective it seems rather odd.

It only appears strange if I take the interests of Albanian elites as given and stable. Perspectives that take such interest as given, instead of tracing their progress, have a hard time accounting for this puzzle. That is why I argue instead that after the Kosovo war recast the meaning of the 1997

crisis the interests of Albania's elite were reshaped. If until the Kosovo war '1997' was seen by the DP as a communist rebellion and by the SP as the product of DP's military politicisation, after the Kosovo war it was seen as the main factor which inhibited Albania from protecting its border and standing up for Kosovar Albanians. The re-framing of the 1997 crisis under the Kosovo war perspective reshaped elite interests and enabled them to see military politicisation as the main deficiency of the Albanian state which had twice endangered its existence. So in a sense the institutionalisation of the military ultimately happened because both sides wanted it and neither side associated negative repercussions with it. However, this was not the product of some sudden discovery or outside intervention, this was the product of a long process in which the memories of transition crises and the past authoritarian state, reshaped elite interests and enabled support for the institutionalisation of the military.

9.4 CONCLUSION

As noted in Chapter 8, parliamentary debate and newspaper coverage of military reform followed the same trajectory: the first decade was highly politicised while the second was increasingly non-politicised. Secondly, Chapters 8 and 9 demonstrated that the memories identified in the newspaper coverage were also the main justificatory mechanisms used by deputies debating military reform. Similarly to newspaper coverage, during the 1990s when the debate was most politicised, the memory of communism was the main justificatory mechanism. In the 2000s, when non-politicisation increased, the memory of the 1997 crisis reframed under the Kosovo war perspective, was the justificatory mechanism upon which bipartisan support was built. At every moment the debate could have become re-politicised – in 2002 when NATO rejected Albania, in 2005 when there was a change of government, and in 2008 when a military corruption scandal exploded killing twenty-six people – neither the DP nor the SP opted for re-politicisation.

Therefore, based on my findings and analysis I can argue that I have identified a most likely explanatory mechanism accounting for my puzzle. The reframing of the 1997 crisis under the 1999 Kosovo war perspective, and the awareness that Albania came from a dictatorial state which had relied on a politicised military, enabled elites to view military politicisation as the main problem of the Albanian state and its institutionalisation as the main priority. This understanding enabled them to agree to bipartisan reforms to join NATO, the defender of the Albanian people, and avoid a repeat of 1997 and 1999.

CHAPTER 10 CONCLUSION

The conclusion will be divided in two main sections. In the first I will summarise the theoretical proposition and the findings from the analysis of military and judicial reform in Albania. In the second I will discuss the implications my research has on the study of institutionalisation in emerging democracies and institutionalism's capacity to engage with these cases.

10.1 ACCOUNTING FOR INSTITUTIONALISATION IN ALBANIA

Political scientists have become increasingly capable of identifying and measuring levels of institutionalisation, but encounter difficulties in explaining variations in the process of institutionalisation (McMenamin and Gwiazda 2011). This is in part due to the fact that most institutionalist scholars have focused on Western democracies with settled institutions and institutionalisation has been assumed to be a permanent feature of the environments they analysed. As a result, institutionalist theories developed causal mechanisms that gained explanatory power in consolidated settings only. Since institutionalist theories take institutionalisation for granted and their mechanisms gain explanatory power in settled settings, their scope is limited and they cannot account for institutionalisation in emerging democracies.

This is an important limitation. As the number of emerging democracies with unstructured institutions rises, institutionalisation will become an increasingly important process. I proposed a pre-institutionalisation theory to account for institutionalisation in emerging democracies and establish a new research agenda within institutionalist studies. This theory examines the conditions under which polities emerging from autocracies form interests in the highly unstable transition environment and then analyses the effects of the newly-formed interests on institutionalisation outcomes. The theory relies on a constructivist account of interest formation and collective memory as its explanatory mechanism.

I tested this theory in a most likely case study of military and judicial reform in Albania from 1992 to 2009. I aimed to answer: why, considering the similarities, did Albania succeed to institutionalise its armed forces and not the judiciary? To account for the puzzle, I analysed the coverage of three newspapers and parliamentary debates over seventeen years. I combed through thousands of articles and hundreds of debates and, based on the standards laid out in Chapter 4, I included in the final analysis 2,166 articles and eighty-one debates on military and judicial

reform. I examined the debates' and articles' level of non-politicisation based on the assumption that it is inversely related to institutionalisation.

The findings demonstrated that newspaper coverage and parliamentary debate of military reform experienced similar fluctuations of non-politicisation. Newspaper coverage, especially *Democratic Rebirth* (DR) representing the Democratic Party and *Voice of the People* (VP) representing the Socialist Party, were highly politicised during the 1990s and beginning in 2002, first DR, and then the VP after 2005, provided increasingly non-politicised coverage while in opposition. Similarly, parliamentary debate was highly politicised in the 1990s and beginning in 2000 became non-politicised and remained so until 2009. The coverage and debate of judicial reform on the other hand were more stable and remained politicised from 1992 to 2009. Despite the important developments that happened in Albania during the seventeen-year span of the analysis, nothing was able to break the self-reinforcing and mutually de-legitimizing cycle of politicisation of judicial reform coverage and debate.

To identify the mechanism(s) which affected the non-politicisation of the coverage and debate of military and judicial reform I (re)analysed the articles and debates. The analysis demonstrated that both the newspaper coverage and parliamentary debate of judicial reform relied on the memory of communism as a justificatory mechanism. The opposing sides accused each other of being the ideational and/or institutional heir of the communist regime and, by default, of opposing judicial institutionalisation and overall democratisation. The continuing de-legitimation through accusations of communist tendencies maintained high politicisation throughout the whole period. I concluded that the continued politicisation of the coverage and debate of judicial reform inhibited judicial institutionalisation and precluded further progress in Albania's bid for EU membership.

In the 1990s both newspapers and parliament covered and debated military and judicial reform similarly. The Democratic Party (DP) and the Socialist Party (SP) accused each other of being crypto-communists intent on politicising the military. However, from 2000 the coverage and debate of military reform became less politicised. Based on the analysis of chapters six, seven, eight and nine I concluded that in the 2000s Albania's political elites reshaped their interests on military reform based on the conjunction of their memory of the country's past autocratic regime and transition crises. Both newspapers and deputies recalled the communist regime as a violent entity which relied on a politicised military to maintain power. In addition, both the 1997 crisis and 1999 Kosovo war – the crises of the transition period which the newspapers and deputies

relied upon when analysing military reform – were remembered as military failures. The destruction of the military in 1997 was interpreted as a military failure produced by its politicisation, while the Kosovo war as a failure produced by the military's destruction in 1997. In the 2000s, Albanian elites concluded that military politicisation had enabled the communist regime to maintain power, had destroyed the military in 1997, and left Albania defenceless during the Kosovo war.

The conjunction of these three traumatic memories gave military reform a special place in Albanian politics where its politicisation was associated with severe crises which put into question the existence of the state. As a result, to avoid a repeat of 1997 and 1999, and the re-establishment of autocracy, the coverage and debate of military reform were de-politicised which facilitated military institutionalisation. So the military in Albania institutionalised more substantially than the judiciary because elites saw its reform as more important, more pertinent to their interests and ultimately more conducive to stability. These three memories suggested to elites that the most important, and ultimately dangerous, shortcoming of the Albanian state was its propensity to politicise the military. Consequently, they agreed to address it. Based on their memories of the past autocratic regime and transition crises, for Albanian elites military reform was not a choice, it was a necessity which preceded any other reform.

Throughout the thesis, both in the theory chapter and empirical chapters, I argued that this is an interest-based account of the puzzle, which, because it analyses unstructured settings in emerging democracies, explains interest formation before relying on them to account for institutionalisation. As part of the analysis, I confronted alternative explanations of the puzzle, which could account for it from an interest-based perspective. Although they were numerous they can be classified in two main groups: domestic and international interest-based explanations of the institutionalisation of the military. From a domestic perspective it could be argued that Albanian elites did not agree to institutionalise the judiciary so that they could continue their corrupt practices. By contrast they formed a consensus on the military because it did not affect their interests negatively, was easier, less costly and could be 'sold' as an example of success. From an international perspective it could be argued that military reform was the result of NATO's capacity to incentivise reform and the product of the international community's assistance after the 1997 crisis to stop Albania from becoming a failed state.

Although these arguments appear plausible, they do not provide a full account of the puzzle because they take interests as given rather than as evolving. As I demonstrated throughout the

thesis, alternative domestic interest accounts of military institutionalisation do not explain why the supposed ease, unimportance, or possible use of military reform for public relations purposes did not enable elites to pursue it in the 1990s. These accounts do not explain why Albania's resource-constrained elites decided to engage in an expensive military reform, with few tangible benefits for the average voter and an unclear NATO accession route. They do not explain why the 1997 destruction of the military happened and why, even afterwards, discourse remained highly politicised. The alternative international interest-based accounts do not explain why NATO was more attractive than the EU, which provided more funds, more stability and membership in an exclusive club of prosperity. Moreover, why was NATO's pull more powerful in the 2000s than the 1990s when Albania's neighbourhood was more dangerous and the possibility of military conflict higher? They also do not explain why the international community's assistance for judicial reform, which was more substantial than that for military reform, did not produce substantial judicial institutionalisation.

My argument can answer questions that other frameworks cannot. By tracing the interest-formation of Albanian elites from 1992 to 2009, I was able to demonstrate that military institutionalisation was the logical derivative of their traumatic memories of the communist regime and transition to democracy. The memory of communism, the 1997 crisis and 1999 Kosovo war taught Albania's political elite that their biggest problem was their propensity to politicise the military. Such politicisation had enabled Hoxha to maintain power, had destroyed the military in 1997 and left the country defenceless in 1999. In the second decade of the transition to democracy, these memories enabled elites to agree that they did not have a choice between military reform and other reforms; but a choice between military reform and continued destabilisation which could transform Albania into an isolated European ghetto. That realisation enabled them to see that military reform was in their interest, not because it was easier, since after 1997 it was harder, not because it was less important, since after 1997 it was more so, not because NATO accession was close since until 2006 it was highly uncertain, not because it was cheaper since it took 2 per cent of the budget, but because lack of military institutionalisation would keep them entrapped in a cycle of politically inspired violence which would put their survival and the existence of their state in question.

The conclusion is simultaneously simple and revealing. The simple part is that Albanian elites agreed to institutionalise the military because it was in their interest to do so. The revealing part is the elucidation of how elites formed their interests, which affected their willingness to carry out institutionalisation reforms. The institutionalisation of the military was the finalisation of a

slow process in which elites through the framework of their traumatic memories of the distant and near past analysed themselves. Based on that analysis they concluded that their most fundamentally dangerous characteristic was the reliance on politically-inspired violence and the politicisation of the military. Such politicisation had damaged them and put into question their existence and the existence of the Albanian state both in 1997 and 1999. Politicisation of the military turned out to be lose-lose rather than win-lose proposition. So, in one sense the story of the institutionalisation of the military is straightforward: it happened because all were in favour of it and no one was affected negatively. The journey to this realisation however was tumultuous, hard and painful. My analysis of this 'journey' and its effects, explained why two institutions under approaching *ceteris paribus* conditions produced different institutionalisation outcomes.

In 1991 Albania was so poor that it required the assistance of the Italian military to distribute humanitarian aid. That was blamed on Enver Hoxha and the communist regime. In 1997 Albania required NATO troops after its military had been destroyed and its weapons looted. That was blamed on President Berisha's neo-autocratic regime while he accused the communist-inspired opposition. In the 1999 Kosovo war Albania was defenceless and again required NATO protection. This time they had nobody else to blame; Albania's post-communist elites had their fingerprints on the 1997 crisis, which had endangered their position and the country's viability twice. Enver Hoxha was guilty for politicising the military and so were they. Hoxha's decisions had brought the country to the brink while theirs had almost caused civil war. After 1999 Albanian elites had nobody else to blame for what they had gone through but themselves. That recognition allowed them to agree to de-politicise military reform, institutionalise it, and join NATO as a guarantee that the military would once-and-for-all cease being an instrument of political competition.

10.2 ACCOUNTING FOR INSTITUTIONALISATION IN EMERGING DEMOCRACIES

What are the implications of this research for the study of institutionalisation more generally? This is an important question because one of the reasons I undertook the analysis of military and judicial reform in Albania, was to provide a new and better theoretical perspective of institutionalisation in emerging democracies, which suffer from unstructured institutions.

The first implication is that to explain institutionalisation in emerging democracies the assumption of stable interests has to be dropped. The assumption that in transitional democracies

elite interests are clear is unsustainable and an impediment to accounting for institutionalisation. Due to this limitation, institutionalist explanatory mechanisms can explain developments in structured settings only where interests are indeed clear and stable. This means that to engage with emerging democracies, institutionalist theories should analyse how interests are shaped during democratic transitions and how they affect institutionalisation. This perspective would open a new research agenda within their overall programme and enable them to study and explain institutionalisation in unstructured settings. This would enrich institutionalist scholarship, widen its reach, and its ability to explain institutional developments in a variety of settings. My theoretical proposition and analysis of military and judicial reform in Albania aimed to engage institutionalists with institutionalisation in emerging democracies.

The second implication is that a fully institutionalist account of institutionalisation is highly unlikely since without the pre-institutionalisation analysis of interest formation, scholars will not be able to appreciate and explain the perplexing institutional developments they observe. Thus, for institutionalism to account for institutionalisation in emerging democracies, it has to recognise that this is a two-step process and each step is based on different logics. Since in emerging democracies with unsettled institutions, interests are fluid and amorphous, scholars have to trace the process of interest formation first and then analyse their effect of institutionalisation outcomes. This two-step perspective delineates the theoretical scope of mainstream institutionalist theories and enables them to engage with emerging democracies.

The recognition of this two-step process will also enable political science to better understand the supposedly 'difficult countries' of the Western Balkans. Institutionalism's lack of engagement with these countries is almost a tacit resignation that some of the developments there remain mysteries to institutionalist scholars. Instead of filing the Western Balkans as unresolved cases, scholars should refine their concepts and methodological instruments to explain developments there. Too often developments in Albania and her neighbourhood have been left to history or anthropology to explain, which has created the impression that there is a historical and socio-cultural problem there. I do not agree. Although historical and anthropological accounts have provided rich, insightful and revealing analyses, political science has a great deal to offer too. Therefore, I undertook this analysis to demonstrate that a resourceful political science approach brings an added value and enhances the scholarly understanding of Albania and countries similar to it in the Western Balkans.

There is nothing particularly unique about Albanian elites compared to the rest of the region. They are neither smarter nor more patriotic than their Macedonian counterparts who decided to forego NATO accession over their name dispute with Greece. They are neither less patriotic nor more self-centred than their Croatian counterparts who, in order to advance their EU accession, convicted on corruption charges the same Prime Minister who had been instrumental in democratising the country. Albanian elites are not more democratic than their Serbian counterparts who continue to have a reasonably adversarial perspective of NATO. Lastly, they are neither more corrupt nor less capable than their Montenegrin counterparts who have managed to gain the candidate status for EU membership. By resolving the Albanian puzzle and identifying collective memory as an explanatory mechanism, scholars can apply this approach to these other cases and gain a better understanding of their choices and development.

A third important implication of this research is that institutionalisation is not an inherent institutional property. This is obviously true for emerging democracies, but also for established ones. Just as elites in emerging democracies (re)shape their interests, which then affect institutionalisation, so too elites in established democracies can (re)shape their interests and produce de-institutionalisation and institutional termination. The 1990s in Europe were ripe with the dissolution of states, with the elimination of established institutions and the creation of new ones. The institutionalisation of the Euro and the abolition of long-standing national currencies is just one of the many developments that could be analysed from this perspective to retrace the interest formation process which produced the dissolution of one institution and the creation and institutionalisation of another. Once institutionalisation is no longer taken for granted, scholars should develop instruments to analyse the conditions conducive to it in emerging democracies and those that affect it in established ones.

A fourth and similarly important implication is that scholars must undertake empirical ideational research to explain institutionalisation and engage in robust debates with alternative accounts. One of the reasons that countries such as Albania have remained understudied for so long is that established institutionalist frameworks could not explain developments there while ideational explanatory perspectives were dismissed as just a story, just another narrative. Therefore, to be able to provide convincing explanations and engage established institutionalist theories, a stringent empirical analysis is necessary. That is why I paid special attention to explain my methodological choices, designed standards of classification and coding and relied on both content and discourse analysis to provide a concise presentation of the data and an analysis of the mechanisms affecting their movement over time. This emphasis gives both more credence to the

findings and increases the likelihood of its replication in similar cases to open a new research programme within institutionalist studies.

APPENDICES

APPENDIX 1

Newspaper Coverage of Military and Judicial Reform 1992 - 2009

Year	Democratic Rebirth Newspaper of the Democratic Party				Our Time Independent Newspaper				Voice of the People Newspaper of the Socialist Party			
	Military Reform		Judicial Reform		Military Reform		Judicial Reform		Military Reform		Judicial Reform	
	Non-Politicised Articles	Politicised Articles	Non-Politicised Articles	Politicised Articles	Non-Politicised Articles	Politicised Articles	Non-Politicised Articles	Politicised Articles	Non-Politicised Articles	Politicised Articles	Non-Politicised Articles	Politicised Articles
1992	16	0	6	11	-	-	-	-	1	6	2	7
1993	6	0	17	2	0	1	2	28	0	9	0	39
1994	12	0	14	1	5	6	1	34	1	8	0	17
1995	24	0	26	0	14	4	0	30	2	3	0	24
1996	34	0	15	0	7	2	0	6	1	5	0	12
1997	6	29	8	45	2	31	7	3	12	23	13	8
1998	4	16	2	57	23	10	15	7	7	9	8	10
1999	1	21	0	36	22	5	10	16	17	1	20	3
2000	0	12	0	14	16	3	4	7	9	0	11	2
2001	0	3	0	37	5	0	9	12	7	0	20	2
2002	12	11	1	22	7	0	10	14	11	0	12	5
2003	6	2	1	20	17	2	8	9	3	0	10	3
2004	6	9	0	31	10	1	1	14	25	0	12	0
2005	22	3	5	40	6	0	4	18	2	0	3	16
2006	36	0	4	58	21	1	5	21	1	1	8	23
2007	31	0	7	32	16	1	7	12	16	3	4	25
2008	24	0	24	13	28	4	7	23	22	7	2	36
2009	18	0	18	18	7	0	7	10	7	0	0	10

From 1992 – 1997 and 2005 – 2009 the Democratic Party was in power.

From 1997 – 2005 the Socialist Party was in power.

2,166 articles covering military and judicial reform

APPENDIX 2:

Parliamentary Debates on Judicial Reform:

Law	Level of Non-Politicisation
1992 – 1996 Legislature	
Law 7574 on 24.06.1992 “On the organisation of the judiciary”	+1
Motion of confidence against Prosecutor General Maksim Haxhia on 08.09.1992	-1
Appointment of the Prosecutor General Alush Dragoshi on 08.12.1992	-1
Law 7666 on 26.01.1993 “On the creation of a commission for the re-evaluation of licenses for defence attorneys”	-1
Approval of the appointment of Zef Brozi as Chief Justice of the Supreme Court on 23.09.1993	-1
Law 7829 on 01.06.1994 “On the notary public”	0
Law 7895 on 27.01.1995 “The penal code of the Republic of Albania”	+1
Law 7984 on 28.07.1995 “A change to the penal code of the Republic of Albania”	-2
Law 8001 in 22.09.1995 “On genocide and crimes against humanity committed in Albania during the communist rule for political, ideological and religious reasons”	-2
On the removal of immunity from the Chief Justice of the Supreme Court Zef Brozi on 01.02.1995	-1
Interpellation with PM Meksi on the politicisation of the Supreme Court on 28.09.1995	-1
1996-1997 Legislature	
Law 8136 on 31.7.1996 “On the School of Magistrates” (SP was boycotting parliament)	+1
1997 – 2001 Legislature	
Law 8234 on 27.08.1997 “On a change to law 7562 Date 29.04.1992 and on some changes and additions to law 7491 Date 29.04.1991”	-2
Law 8307 on 14.03.1998 “On the rotation of the members of the Constitutional Court”	-1
Law 8362 in 01.07.1998 “On the organisation of the judicial branch”	-1
Law 8363 on 01.07.1998 “On the institutions administering the judicial budget”	0
Law 8328 on 16.04.1998 “On the rights and treatment of prisoners”	0
Law 8331 on 21.04.1998 “On the execution of penal decisions”	0
Law 8373 on 15.07.1998 “On the organisation of the Constitutional Court” (DP was boycotting parliament)	0

Law 8454 on 04.02.1999 “On the ombudsman”	-1
Law 8588 on 15.03.2000 “On the organisation and functioning of the Supreme Court of the Republic of Albania”	-1
Law 8677 on 02.11.2000 “On the organisation and functioning of the judicial police”	0
Law 8678 on 14.05.2001 “On the organisation and functioning of the Ministry of Justice”	-1
Law 8730 on 18.01.2001 “On the organisation and functioning of the private bailiff”	0
Law 8737 on 12.2.2001 “On the organisation and functioning of the Prosecutor’s Office”	-1
Law 8811 on 17.05.2001 “On the organisation and functioning of the High Council of Justice”	-1
2001 – 2005 Legislature	
Motion of confidence against Prosecutor General Arben Rakipi on 18.03.2002	-2
Special session on the decision of the Constitutional Court regarding the procedures followed to impeach the prosecutor general on 14.05. 2002	-1
Law 9110 on 24.7.2003 “On the organisation and functioning of the severe crimes court”	+1
Law 9109 on 17.07.2003 “On the profession of lawyers in the Republic of Albania”	0
2005 – 2009 Legislature	
Law 9448 on 05.12.2005 “On Some changes and additions to the law 8811 date 17.05.2001 on the organisation and functioning of the High Council of Justice”	-1
Decision number 31 on the creation of an investigatory committee to initiate the procedure of impeachment for Prosecutor General Theodhori Sollaku on 27.04.2006 and 02.05.2006	-2
Impeachment of Prosecutor General Theodhori Sollaku on 25.10.2007	-1
Appointment of Prosecutor General Ina Rama on 22.11.2007	-1
Law 10 018 on 13.11.2008 “On the state lawyer”	0
Law 9917 on 19.05.2008 “On the prevention of money laundering and the financing of terrorism”	-1
Debate on the presidential decrees to the Supreme Court on 02.06.2008; 05.06.2008; 23.06.2008; and 26.06.2008	-1
Law 9877 on 18.02.2008 “On the organisation of the judiciary in the Republic of Albania”	+1
Law 10051 on 29.12.2008 “On some changes to the law on the Prosecutor’s Office”	0

Parliamentary Debates on Military Reform

Law	Level of Non-Politicisation
1992 – 1996 Legislature	
Law 7600 on 08.09.1992 “On a Change in law 7499 date 06.07.1991 On the reintroduction of ranks in the armed forces of the Republic of Albania”	-1
Speech of NATO Secretary General Manfred Verner on 19.03.1993	0
Law 7750 on 13.09.1993 “On ranks in the armed forces of the Republic of Albania”	-1
Law 7663 on 20.01.1993 "On the war of the Albanian people against the Nazi-Fascist occupiers”	-1
Interpellation with Defence Minister Zhulali on the politicisation of the military during the electoral campaign on 22.06.1994	-1
Law 7874 on 17.11.1994 "On the status of the veterans of the war against the Nazi-Fascist occupiers”	-1
Law 8003 on 28.09.1995 “The military penal code”	+1
Law 7978 on 26.07.1995 “On the armed forces”	+1
Interpellation with Minister Zhulali on the politicisation of the military on 02.02.1995	-1
Motion of confidence against Defence Minister Zhulali on 20.07.1995	-1
1996 – 1997 Legislature	
Law 8139 on 05.09.1996 “On sending a peace-keeping company to the former Yugoslavia under the command of NATO” <u>SP was boycotting parliament</u>	+ 1
Parliamentary decision 294 on 26.01.1997 “On granting authority to the Commander in Chief to use some units of the military to assist the police in maintaining public order”	-2
Debate on the “Government report on the revolts of January 1997” on 26.01.1997	-2
Law 8194 on 03.03.1997 “On the state of emergency during grave attacks on the constitutional and public order”	-2
Parliamentary decision 927 “On declaring the state of emergency”	-2
Law 8203 on 30.03.1997 “On admitting a multinational military force to assist the humanitarian operations”	-1
Interpellation with Defence Minister Vukaj on 24.04.1997	-2
1997 – 2001 Legislature	
Interpellation with Defence Minister Brokaj On 06.08.1997	-2
Report of the “Temporary committee on the events of the period January-March 1997” on 11.02.1998 and 02.07.1998	-2
Government report on the developments in Kosovo on 23.03.1999	-1
Resolution on NATO’s intervention in Kosovo on 29.03.1999	0

Law 8467 on 31.03.1999 “On the competences of the President of the Republic as Commander in Chief and head of National Security Council”	0
Interpellation with Defence Minister Hajdaraga on the measures taken by the armed forces to defend the Albania-Yugoslavia border and the country’s sovereignty on 03.06.1999	0
Law 8457 on 11.02.1999 “On information classified as ‘state secret’”	0
Law 8526 on 23.09.1999, "On some changes to law 7874 on 17.11.1994 on the status of the veterans of the war against Nazi-Fascist occupiers”	-1
Law 8571 on 27.01.2000 “8571 On the approval of the defence policy of the Republic of Albania”	0
Law 8670 on 26.10.2000 “On the ranks and military career in the armed forces of the Republic of Albania”	0
Law 8671 on 20.10.2000 “On the powers and authorities of the strategic direction of the armed forces of the Republic of Albania”	+1
Interpellation with Deputy PM Çeço on the financial treatment of military personnel on 17.05.2000	0
2001 – 2005 Legislature	
Parliamentary resolution in favour of military reform on 08.11.2001	+1
Interpellation with Deputy PM Meta on 16.12.2002	0
Law 8930 on 25.07.2002 “On the approval of the military strategy of the Republic of Albania”	+1
Law 9074 on 29.05.2003 “On the military intelligence service”	+1
Law 9047 on 10.07.2003 “On military service in the Republic of Albania”	+2
Law 9210 “On the status of military personnel in the armed forces of the Republic of Albania”	+1
Law 9295 on 21.10.2004 “On the criteria of admission, career and its development in the Military Intelligence Service”	+1
Law 9322 on 25.11.2004 “On the national security strategy”	+1
Law 9419 on 20.05.2005 “On the military strategy”	+1
2005 – 2009 Legislature	
2007 ad hoc Committee on NATO Integration	+1
Resolution in favour of NATO accession 21.02.2008	+1
Law 10017 on 13.11.2008 “On the identification of the sites for the elimination of excess armaments of the armed forces”	0
Law 10100 on 26.03.2009 “On the accession of the Republic of Albania in the North Atlantic Treaty”	+2

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