INSTITUTE FOR DEMOCRACY AND MEDIATION

Social Trust & Institutional Authority in the Albanian Democracy

Study Report

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1. Acknowledgements

The study on "Social Trust and Institutional Authority in the Albanian Democracy" constitutes one of the most important activities of IDM for 2010-2011. It was undertaken within the framework of defining social perceptions regarding the role of social trust in the construction of the rule of law and of providing an answer vis-à-vis this relationship. It is based on the idea that there can be no simple answers for such complicated issues.

The project is financially supported by the Small Democracy Assistance grant of the U.S. Embassy.

The current study offers data on phenomena related to the system of active values within the society. It views these values as very efficient components of social processes, especially in building trust and institutions.

This report is the product of a long work of a research team composed by MA Besnik Baka and MA Egest Gjokuta, orchestrated under the auspices of Prof. Adem Tamo.

At the end of this process, authors of this study wish to express their gratitude to the IDM director and staff, who assisted offering all the necessary infrastructure and logistical support in conducting the study, and to all other persons that contributed with their ideas during the focus groups' works, or at individual interviews.

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1. Introduction

Albania is facing the end of the second decade of a great transformation from an authoritarian society and planned economy into a democratic society and a free market system. Pluralist democracy and market economy are now successfully installed, but conversion of these two achievements into progress-generating factors needs more time.

In its efforts to see light of progress, Albania has become a NATO member country and is working to be adhered as a member into the European Union (EU) family. Despite some achievements, this road has been quite challenging.

In total contradiction to the general perception, according to which transition from dictatorship and centralized economy into democracy and market economy would happen in a few years' timing, we now see with regret that transition is a long process of no clear deadline. This regret sometimes is so great that even the word transition itself is capable of provoking a feeling of complexity, often manifested by irritations. The regret, or sometimes even hatred for this period, is an indicator of the expectations for something that could not happen as quickly and as smoothly as we wished for. Transition from one system to another is a much more complex phenomenon than this. On one hand, this regret and hatred for extension of transition in time is often related to those products which we could not attain, or achieve during this transition. It is this failure to attain products that fires discussion on issues related to the long life of the transition and to factors conditioning it. What is actually visible to everyone is that change of the political system did not automatically fulfill people's expectation and that installment of pluralist democracy was not quickly translated into overall positive results for everyone.

Important issues related to development of the country regarding fulfillment of the criteria needed for the European integration process are critically noted by the European documents evaluating this process. Continuous critics and recommendations stated in reports and evaluation missions of various kinds note the significant difficulties in building legal institutions. This situation makes us wonder and ask ourselves time after time: what was it that did not allow us to build the institutions we all wanted? What makes it impossible to build a state where law represents the sole and only rule for us all?

Albania seems to be involved in a heated debate regarding the fate of the country, unnecessary tensions, living difficulties and other similar questions. This debate is alive in our social environments, but, on the other hand, it has been only rarely transferred to debates in political, academic and social discourse forums. Its considerable dimension is also manifested in the involvement of everybody in such debates and presence of such debates everywhere possible.

It seems that these issues are very important to us, and for this reason we cannot help staying away from them and from being involved seriously in discussing about them. It should be noted that sometimes this current discussion leaves spaces for chitchats, is widely used by politics to express complaints and accusations of one party for another, has got a communist nature and has regretfully been conducted in an appropriate manner only in few cases by social, political, academic and economic realms.

Many studies related to social trust have been recently concluded in Albania. A good part of them were initiated from the data of the five waves of the World Values Survey and European Values Survey. One of the most interesting studies is that of Rothstein that categorizes the European and world societies based on the trust index. Important findings of these studies are the facts that societies might show trends of trust and distrust. For instance, the societies of north European countries are considered as societies where interpersonal trust is in relatively high levels, while those of south Europe are classified as distrustful societies. Hence, said in other terms inhabitants of northern Europe are more trustful to each-other, while we,

as people from the south, have an inclination of trusting less. The fact that Albania is a part of south Europe, standing in between boundaries of civilizations, beliefs and political geography, seems to explain the relatively high level of distrust.

While many studies have been written worldwide regarding social trust at international, European, and even regional levels, it seems that our scholars have not yet faced this issue at length. Nonetheless, there are many well-known individuals from civil society who have treated this phenomenon episodically, focusing to certain approaches.

Issues such as those related to the degree of institutional authority, reasons for lacking of appropriate institutional authority, incapacity to build proper institutions, readiness to be prejudicial, insulting, and sometimes even attacking such institutions are core issues of this study.

Studying of relationships between social trust and law authority constitutes a complicated undertaking. Being such it has attracted the attention of many well-known scholars at international level. Studies developed so far have brought to the formulation of some theories and to the discovery of the present relations between different factors.

This current study analyzes relations between social trust, law authority and the rule of law. Authors of this study are of the opinion that institutions we have managed to set up reflect our building capacities to establish a functional society and that they, through their achievements and failures, built our level of trust and distrust on them. Therefore, this study analyzes the relation between our social capital and the trust in institutions of law.

This study may be helpful in building the foundations for précising the problem of social trust and setting its role in the shaping of institutions, providing, thereof, a good ground for further studies. It can also help in elaborating hypothesis for further studies. This is the motivation lying behind discovering of new ideas, relations and actions. In this context, the study presented to you will help you clarify problematic relations between social trust and building of the rule of law, identify main lines of action for best possible alternatives in order to discover what approaches are the best for studying this relationship and for defining priorities for further studies.

This study constitutes an important starting attempt to shed some light to relations and the role of social trust, social capital and institutional authority.

1.1 Aims and objectives

This study aims at exposing the issue of the relationship between social trust and the authority of legal institutions and at transferring the debate on it from informal discussion into a worthy discourse in political, academic and social forums. Within this context, the study claims to draw the attention of policy makers, academics and qualified social forces by examining the influential factors in the relation between social trust and law authority, in order to contribute in the strengthening of the rule of law during the transition from monarchy into democracy.

The objectives of this study are:

1. to analyze the findings of the previous studies that deal with social trust and the institutional authority/the rule of law in the country and the factors influencing this process;

2. to describe in particular perceptions of the Albanian context on trust and the authority of law;

3. to generate and propose explanations for the factors enabling such perceptions,

4. to elaborate conclusions on potential factors strengthening trust in the benefit of the authority of law.

This is a difficult undertaking for this study, and for other potential subsequent studies. The findings responding to the above-mentioned objectives will be structured via:

1. presenting the relationship between interpersonal trust and institutional trust,
2. presenting the relationship between the perceived satisfaction from life and engagement in politics and political action
3. presenting the relationship between the stance on family and the stance on the social institutions,
4. presenting the relationship between generalized trust, political behavior and social behaviors,
5. presenting findings regarding concerns related with law drafting and justice administration.

Satisfaction of such aims and objectives compose a challenging and important undertaking for the daily and future discourses of our society.

1.2 Character of the study

This study is related to social trust and to its role in the process of building institutions of law. As such, it constitutes an important attempt to treat one of the most complicated phenomena of our public life.

Social trust is a characteristic of the social capital, while social capital, at its hand, is a crucial factor for many social processes, including processes of building of the state and its legal institutions.[1] Therefore, this study is based on the most authoritarian and most spread understandings on the social capital and its societal role.

This study has an explorative character. It aims to unfold the relationship between social trust and institutional authority, so as it serves for more concise analysis, for constructing hypotheses and main issues for further deliberations, for gathering information regarding difficulties we encounter in the building of the rule of law, for presenting a wider social prospective, and for analyzing the issue of building a legal state. By doing so, it also aims at providing and ranking the answers provided by our social environment regarding our capacity to construct a legal state, our real chances for doing so and the improper actions in this process.

The character of the study focuses on how it is possible that social trust exercises its influence on certain stances that matter in social life, such as stances on civic engagement, atypical behaviors and the like. It is from this approach the possible solutions of certain problems are analyzed and evaluated by scholars. Qualities of social engagement, satisfaction from life in general and other separate aspects of our social lives in particular are estimated indirectly. It seems that the engagement to conduct research on social trust and its relations with institutional authority are based exactly on the fact that not much is known on this relationship. The reason why there is less trust, why there is apathy and why does it happen that the will of the individual goes well beyond the law and the rules defining functioning of the institution are not known. In this context, the nature of our study offers chances to request for alternative actions in order to improve the hitherto situation.

The explorative character of the study focusing on the relation between social trust and institutional authority is also based on the fact that this relation has not been articulated sufficiently at our academic level. Likewise there are no visible attempts to provide explanations similar to the idea that combination of data from previous studies with those of focus groups and interviews constitutes an appropriate methodology for our subject matter.

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[1] Robert Putnam, "Social Capital: Measurement and Consequences", Kennedy School of Government, Harvard University, p.29.

In summary, the study attempts to integrate into a sole presentation the data collected from other studies, experiences of key persons of the Albanian context and cases coming from real life. This has paved the way for presenting a considerable number of interpretations of the situations, which is also one of the peculiarities of this study, underlining the need for further studies in this area.

1.3. Methodology of the study

1.3.1. Data Gathering

This study is based on data gathered simultaneously from several sources, namely:

1. the World Values Survey (WVS) database on the 3d and 4th waves where Albania is represented in year 1998 and 2002.

World Values Survey represents large data gathering initiatives on the social phenomena that are clearly connected with the systems of values in which we believe. This survey constitutes a global research project that studies the values and the trust of people, the way they change through time and the implications they have on the social and political life. It is conducted by a world network of social scholars that have conducted representative national surveys in almost 100 countries of the world. World Values Survey constitutes the sole source of empirical data regarding the stances of most of the world's population (about 90%).

World Values Survey offers measuring, monitors and analyzes these specific sub-fields: the support for democracy, tolerance towards foreigners and ethnic minorities, support for gender equality, the role of religion in the society, the implication of globalization, the stances towards the environment, work, family and politics, national identity, culture diversity, insecurity and subjective wellbeing.

Findings of this prestigious survey are precious for policy makers and actors of civil society working for the construction of democratic institutions in developing countries. The database of this survey is also widely used by well known researchers of well known international institutions, such as the World Bank, the UNDP, several universities etc.[2]

The data of this study constitute a serious basis for many complex studies that have a high level of prestige in the fields of sociology and politology. Findings of the WWS are analyzed even nowadays, are further elaborated and are found to be comparable with data of our context, in order to find answers for the public and the statesmen, for the individual and for the institutions.

For Albania this database contains data for the two first waves conducted respectively in 1998 and in 2002. Such data have been merged with those of 2007. Therefore, this database constitutes a precious source that should be studied further and more widely[3].

2. a collection of studies conducted at European and international level regarding social trust and building of the rule of law.

Authors of this study conducted an extended research on similar studies on social trust, social capital, rule of law, democracy and other similar issues. The result of this search is the creation and studying of an extended archive of precious data and sources for our field of study, helping us to get a better understanding of the topic and to develop methodological consultations.

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[2] www.worldvaluessurvey.org
[3] World Values Survey; www.worldvaluessurvey.org

Part of this collection are also a number of surveys conducted in Albania by international and national organizations of civil society, focused on issues of values, civic participation, democracy, corruption, etc.

A detailed list of main studies can be found at the bibliography section of this study, while the study itself contains several references showing source materials used during this study.

3. the information secured by focus groups and interviews with a selected audience and with well known stakeholders of social life in the country.

Two focus groups were organized for purposes of this study. One focus group was organized with representatives from a number of students of the second cycle of studies in the field of politology and professors of this area. A package of findings was presented to the participants of this study regarding the analysis of issues related to social trust and construction of the rule of law in Albania. This focus group was organized in January 2011 and took three hours. The second focus group's representatives were composed of a number of well known individuals of social life in the country, political analysts, lawyers, academicians, journalists, and sociologists. During this focus group the research team presented to the participants the main WWS findings for Albania and received feedback in this regard. This focus group was organized in Mach 2011 and lasted for three hours.

In order to gather the stances and interpretations of key persons of our context regarding the main issues of law drafting and justice administration in the country the study team conducted interviews with several stakeholders. These interviews took part during March and April 2011. The interviews were conducted with selected individuals from the academic and administrative fields. They were asked about a list of key questions selected by a well-known instrument at the European level, drafted by SIGMA experts, mainly related with procedures and problems of law drafting and administration of justice. A shortened version of this instrument will be found in the annexes of this study report.

1.3.2. Data analysis

The logic followed for conducting this study has been flexible. We managed to combine into a sole approach the data of the WWS database for Albania, the data of other surveys conducted by research institutes and organizations in Albania, the data collected from focus groups and explorative interviews with local representatives of our social, administrative and academic life. This logic of using world-level data has enabled the use of statistical and descriptive elements (for describing the relations among different WWS variables), as well as the qualitative analysis of the data gathered during the focus groups and interviews. Greater attention has been given to the connection of the WWS data with the data of local surveys and those derived from focus groups and interviews.

The most studied variables in this study are trust in general; trust in particular institutions, stance on the family, corruption, etc. Further coming studies can focus on various variables and more detailed statistical analysis, especially if the influence of other social and demographic factors is also contained in the analysis. This is possible if descriptive or conclusive studies are chosen to be completed.

1.4. Limitations of the study

The study of social trust and its relations with the authority of institutions is a major and complex subject matter, but objectives of this study in this regard are of modest dimensions.

The authors of the study are aware that studying of relations between social trust and other phenomena of social life, including building of legal institutions, will yield more specific results if more advanced statistical methods are used and if variations of trust/distrust are studied, elements which this study does not consider.

Being part of the reality of our country, which will also be presented in the current study, we are at the same time conscious that it holds various aspects on which we cannot help being uncritical. It is often a perception that the problems highlighted in this study are exclusively Albanian, while the other neighboring countries and other more distant ones do not share same concerns.

As it will be stated later in the study, in many directions problems encountered in Albania are totally comparable to those of countries in the region and of countries that are more distant. Therefore, we cannot think that Albania is the worst and most complicated case, as is often mentioned even with delusive notes.

The study has an explorative character. As such it holds all the relevant limitations of these kinds of studies: it discovers issues and themes, proposes studies and defines action lines.

1.5. Executive summary of the main findings.

1. Current scientific research on social trust considers social trust together with participation in social networks and establishment of norms of reciprocity as a component part of social capital. This capital and its component elements are closely related to economic realizations and democratic progress of a country.

2. Social trust is a factor of importance in the development of democratic institutional building, because it serves as raw material for building public institutions.

3. Current studies show that the most important factors having an impact on social trust are social inheritance, the clan-based mentality, memory of previous realizations, current performance of public institutions, and large and small-scale corruption.

4. Countries living through communism have similar problems vis-à-vis appearance of social trust and its connection to other factors.

5. Inter-personal and institutional trusts are both in relatively low levels in Albania; nonetheless we are part of countries with a high level of trust in the region.

6. Trust of citizens in their national institutions during the transitional period of the last 20 years has its own ups and downs;

7. Trust in national institutions seems to be lower than trust in international institutions;

8. Trust on family and next-of-kin seems to be relatively high, probably originating from the clan mentality of our people, which does not seem to favor trust in public institutions.

9. There is a direct connection between performance of public institutions and efforts to build the rule of law.

10. Establishment of a large legal framework over the last two decades is accompanied by many problems; so, there are laws approved without undergoing a complete drafting, consultation and transparency process; law revising process is deficient; appropriate expertise and institutional capacities are lacking; there are laws that do not comply with our reality; the several-times tense political situation does not allow for a reasonable lawmaking process; impartiality in law enforcement is problematic and often not encouraging.

2. Results and discussions

2.1. Legacy of social trust from communism

During the communist regime, like many other countries of the former eastern block, Albania entered into a phase of particular social developments. This has been considered as a historical accident. The description of this phase constitutes a complicated and multi-planed enterprise and falls outside the objectives of this study. In what follows, we will briefly examine the issue of social trust and institutional authority during communism in Albania.

Albania is not the only country adopting the communist legacy and enforcing it in all walks of life. This has also happened in many other countries. When we deal with the issue of social trust, we do not only consider Albania, but we do instead deal with the social trust during the communist system in general. Albania has had

its specifics in enforcing principles of the communist ideology. However, like other communist countries, it has some common features and approaches.

The communist regime adopted a theory that was suitable to the new post-Second World War leaders, as well as to aspirations of a poor and oppressed population for economic prosperity and freedom. The regime had to orchestrate a several-decades-long campaign of total indoctrination: of sticking the unconditional trust to the ideology, leadership and the institutions of the time. The core of the whole indoctrination process was and still is clear: to impose trust in the ideology and in everything seen as an element of the propaganda of the time by means of continuous repetition, pressure, threats and punishments.

The communist regime aimed at cultivating the "sub-citizens" notion – that is citizens positioned beyond their State. In this way heavy bureaucratic machinery was created. It was characterized by an oppressing character, had a controlled structure and hierarchy, and was based on the political credibility, creating a culture of fear from institutions.

By means of this fetched attempt it was possible to cultivate in people the belief that "Party knows certain things better", that "the Party is never mistaken" etc. These common phrases of the time are witnesses of the truth of indoctrination and of the trust which people gifted to the Party. On the other hand, even those who did not believe that "Party knows certain things better these" had a sense of reserve in their hearts. They did not want to appear as being afraid, to be marked as non-reliable and unfaithful.

Did social trust exist during the socialist period? Of course it did. According to different scholars of this period, back then there was a particular and relatively widespread type of institutional trust. The socialist state had a centralized control on everything. Consequently, institutions had to deal with things they did not consider dealing with. In these conditions, the mentality rooted was that the state should deal with everything, as well as the trust that the state would know how to deal with the things he had identified as its responsibilities. If we add to this scenario even the facts of positive solutions of a part of the problems encountered, it becomes easily understandable that the type of confidence in institutions was a fact of life. The type of paternalist state created this special sort of trust in institutions. Vasilache (2010) mentions the existence of the anxious feelings that embraced people when the state taking the responsibility of resolving everything was dismantled parallel to launching of the free initiative and democratization processes. A part of social distrust that was and is still observed during the post-communist period may very well be connected with the state liberation from its previous role. There was also some kind of interpersonal trust in parallel with this institutional trust. However, it should be mentioned that both these types of social trusts have had their dynamics during the decades of communist life. In general, institutional trust shows falling tendencies throughout time, while people became more distrustful towards each-other.

Indoctrination, bureaucracy and repression managed to develop a blind, false trust and distrust in almost everything included in the social sphere. As many other scholars commented, during the socialist phase in many countries there was a complex of distrust developed, mainly with the attempts of the party's *apartchicks* and of the state bureaucracy. Meanwhile, on one hand trust towards the Party was required, what is an expression of the request for political trust, on the other hand people have been heavily instructed to be careful from one another, to be vigilant, what is an expression of the request for social trust developed in total distrust. According to Vasilache (2010): "for communism internal distrust is a major characteristic"[4].

Kaminska has observed that: "In Poland and in other communist countries the centralist and undemocratic logic of the system generated the feeling that the decisions influencing over the reality were taken from high-level politicians and that those decisions were not influenced and understood by the individuals and its micro

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[4]Vasilache Simona, "Rebuilding Trust in Post-Communist Romania", Academy of Economic Studies, Bucharest, in International Symposium on Cultural Diplomacy 2010, 4.

structure. This brought to the withdrawal of the individuals in a narrowed social space and in a limited social time during which a certain control of the developments within someone's life could be preserved. On the other hand this brought towards the dominating of the immediate and egoist interest of one's micro structure over the interest of the wide community (Tarkowski & Tarkowska, 1994). These conditions favor also the take-what-you-can mentality and a concentration of the attention to short-term achievements"[5].

The analysis of the process of trust and distrust formation during the monist period merits more deepened and multi-facetted studies. Here we are only providing a general screen to the core of the phenomenon.

The machinery of influence upon people has been very sophisticated. An example can be the role of media. Those living in autocracy and democracy can more easily make a distinction of this role. In autocracy, everything taught for leaders and institutions was positive. They were protected by every criticism and those that critical were punished. This is a well known practice. Therefore, it is thought that, kept away from the eyes of the public, the leaders and institutions of that time have enjoyed a certain degree of trust. In autocracy they teach you not to be critical, not to reason and when you do not act like this they show you that this might have consequences. A democracy is different: leaders and directors of the democratic period are much more exposed to the eyes of the public. Sometimes, they make public even things for which the public does not need to know about. Therefore, it is thought that by keeping them exposed to the eyes of the public, they would be obliged to better control their behavior. In democracy parents, friends and media teach us not to have a blind believe, but to be critical and vigilant. It is enough to mention that while in autocracy men are obliged to believe partial information and are hindered from thinking critically, in democracy men are obliged to believe after what they have, after considering all possible information and after thinking critically about them. Is this a factor explaining why there such huge lack of trust today? The answer seems to be Yes: men have already won the permit to be distrustful and critical. This permit is accessible to all, to the healthy minds and to the sick ones, to those that have interest from the process as well as to those that have not.

Other authors have dealt with the comparison of practices of social trust in communist states and in non-communist dictatorships. Winiencki throws the argument that the communist state is more different also from the dictatorial non-communist states regarding the full political control over the economy[6]. Observing the data of the third values of WVS, (1999-2004) the same scholar cited above has stressed that communism damages the trust of citizens and that this damage is greater than that exercised by the dictatorial non-communist state (autocratic one)[7].

It is very likely that a large part of the actual distrust proportions is eradiated by the monist period. This is also confirmed by the fact that the ex-communist countries have a common and similar legacy to their past. According to Sapsford Abbott (2005) the citizens of the post communist societies believe more on their relatives and friends and less on people in general and much less on the politicians and institutions[8].This model of trust/distrust is dispersed comparatively in all the countries of the ex-eastern bloc.

It is widely accepted as true that the communist regime everywhere in the world as well as in Albania produced levels of distrust towards the individuals and its institutions. This distrust is indirectly seen also in the force with which it was overthrown. On the other hand, the period that followed the fall of communism seems to contain practices keeping alive a low level of social trust and further cultivating it. Communism, like post-communism, have both had their implications over social trust.

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[5]Kaminska Monika Ewa, Bonding Social Capital in a Post-communist Region, ;p.769, http://abs.sagepub.com/content/53/5/758
[6] See "Communism and trust" in Lenny Traps "Journal of politics and international affairs", Spring 2009, p 65.
[7] Ibid; p 67.
[8] Sapsford R, Abbott, P., "Trust, confidence and social environment in post communist societies", Frontiers of Sociology, Sweden, 2005. p14.

Nowadays Albania has also lived through the experience of communism, a system that was not interested in people believe or not (a strong indoctrination campaign was used for people to trust) but was mostly interested in having obedient people. It was not interested in the free engagement and, therefore, stopped free organization of people, including free initiative, by means of special laws.

2.2. The importance of studying social trust

The transition from totalitarianism to democracy was accompanied in all the European countries by some phenomena that were not recognized by the society in the past, such as: unemployment, emigration, prostitution, crime, drugs, HIV/AID, ecological pollution and social and political conflicts. These new and partially new phenomena have produced and still produce a lot of poverty, migration crime, divorce, addictiveness, infections, losses and apart from this, stresses, anxiety, fear, insecurity and distrust. Our social sciences were not totally prepared to help this process.

Social sciences did not have enough experience in treating such phenomena, especially the spiritual-related ones. The period we are going through is, in this point of view, the period of our great depression: we feel like our hands are tied since we do not know what to do with all these problems. This great complex of negative phenomena, (and many other factors, some of which will be treated below), have considerably damaged people's ability to trust.

The shock, or impairing of trust constitutes the greatest social phenomenon of the Albanian life. Regretfully, this shock seems to have succeeded a first phase of high enthusiasm, e great degree of trust and optimism that accompanied destruction of the old order and start of the installment of a pluralist democracy, the market economy and the freedom of conscience.

A certain level of trust and distrust seems to be necessary for the healthy functioning of our economy, politics and society. The character of life in a democratic society pushes us to cooperate with persons we did not know before and in order to be able to fruitfully cooperate with them it is necessary for us to trust them. Under such conditions, an important issue deserving consideration is: what is trust? What are the features, stances, conditions that produce and hinder trust in people we don't personally know?

In a society striving to be democratic, it seems like the level of trust has fallen up to that point that there are people who say we live at the same time in a crisis of trust. So we suffer from the fact that people are distrustful. And even economy cannot be developed if we deal with distrustful people, since "they might cheat on you", the police cannot work as well (since your colleague may spy on you), politics remains unsteady (since your MP goes to the opposition party as soon as he is elected). Is this low trust related to our qualities as people, or is it because of the fact that the one who cannot be served has difficulties to believe to the one who must serve him? We do not trust too much since we continuously infringe precious rights, making us feeling hurt and not allowing us to see beyond our "wounds". Is this low trust a product of developments of the last decades, or is it also something related to our historical heredity? Shall one be afraid by the Ottoman Government of the middle ages and of the fire or shall he be more afraid of a modern recent government of Albania? It seems that we are all captured in a complex of trust/distrust. It also looks like the natural forces can posses the same destructive force as the social ones. There is no doubt that the secular eradiation of governments that burn like fire interferes in our current stances.

It seems that the issue of trust, good will, and distrust is also one of the greatest issues of our national and social psychology. It is well known that the constructing power of the people that do not believe in what they do is suspicious: the metaphor of the Castle of Rozafa that is built during the day and destroyed during the night seems like an interesting example of the construction force of trust and of the destructive force of distrust.

The issue of trust and distrust can be seen in two sides of the medal. The first is the loss of trust in leaders and institutions of the autocracy period. The end of the century was destroying to our country (maybe even more destroying that the end of World War II), but the greatest devastation we have been going through is the destruction of trust. Albanians were indoctrinated with the idea that the welfare state was not too far and after half a century everything collapsed. The trust in dreams collapsed, and so did the trust in leaders. The result of this is that Albania of current times has difficulties in believing the policeman and the officer, the judge and employer, the clergy, the politicians, the parties, the companies and it has difficulties even in believing itself. It seems like at this low level of the feeling of trust it is hard to construct what constitutes an inspiration for the whole of us (as people of Albania) for our future, as well as it is even harder to preserve what we already have. The second is that of re-setting the institution of trust on its natural tracks – that is believe in what our eyes see and not allow other people to "throw ashes on our eyes". In other words, we shall cede blind trust neither to the leaders, nor to the institutions and we shall base our judgment on facts. From this point of view, life has become certainly most complicated: we live in buildings and neighborhoods full of other people we barely know, different from previous times when we knew more members of our communities, we have business relations with strangers, we have to be united in certain issues with people who are connected with us because of their interests, teenagers communicate virtually with persons that often use fake identities. We have observed how individuals and institutions often delude us with their work and teach us the lesson of being more watchful.

In the context of the need for social trust (in order for us to develop) and of the need for a certain level of distrust (so that we avoid being harmed), the mission of the humanist sciences is to work for the revival of trust in our history and in our national values, in ourselves and in each other, in the institutions and in processes. It seems that all of us need a more optimistic, positive and constructive psychology since pessimism, negation and deconstruction has gained terrain.

2.3. The concept on social trust and law authorities

The level of social development has traditionally been seen as related to the level of development of the working force. This tradition has been crucial for more than half a century under the influence of materialist and especially Marxist theories. This tradition has affected sociological thinking of the western countries. Today, decades after the fall of communism, what can be observed is that the concept of the working forces cannot totally explain the whole human influence on the social and economic level of the society. The concept of social capital was built based on this point of view. More than the concept of producing forces, this concept expresses the influence of people being part of a society have on the society, institutions and processes.

The issue of social capital was the focus of studies of sociology and politology. Main contributors in this regard are Pierre Bourdieu, James Colleman and, of course, Robert Putnam. The three above-mentioned scholars see in the concept of social capital the relations between people and active values. Social capital is seen today as one of the main factors of economic advancement and regional development of a democratic government and of collective engagement.

What is the content of the concept of social capital? According to well-known authors of this field, social capital is considered as the entity of relations of people with one-another, the entirety of norms born for and holding this relations and the trust towards the other party.

The most well-known scholars of social capital and of other related issues at global level are Bourdieu, Putnam, Coleman and Fukuyama. They are followed by a considerable number of scholars, focusing on studying the issues of social trust, civic engagement and creation of norm of reciprocity.

The main equation and the common views of Bourdieu, Putnam, Coleman and Fukuyama are given as follows: *Social capital is an approach characterizing the trust of people with one-another, the trend to be united with them in groups and social networks and the development by means of cooperation of the reciprocity value norms. The entirety of this human energy leads to the economic realization of a democratic order, characterized by institutions functioning according to the law.*

Figure 1: Summary scheme of the theoretical treatment of social capital and its components.
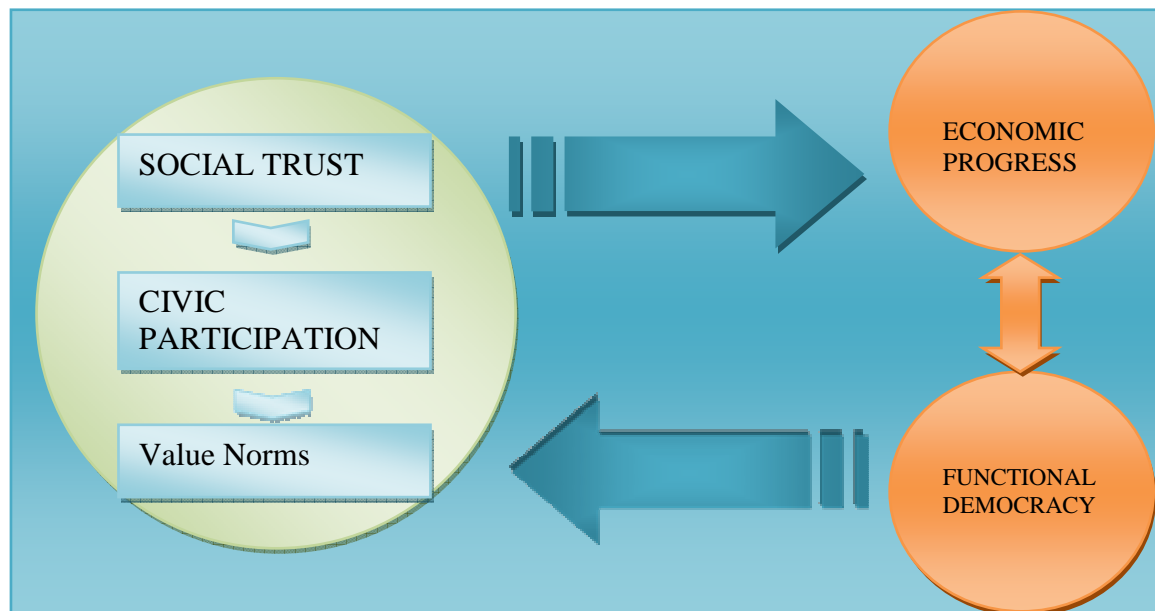
Social researches in the field of social capital have discovered many relations of the new components with economic progress at local, regional and international levels, with active citizens' social and political participation, with the fight against corruption and with the performance of institutions. They have also discovered strong relations between civic participation and the role of value systems regarding the economic progress and building of a functional democracy.

The equation of social capital, according to which trust in others does in general lead to cooperation by being participatory and forming common systems of values, is very important to understand and improve what we can do as a society to improve our daily work.

From this point of view, the components of social capital are all important for a functional democracy. To be honest, many scholars attach different weights to these components: Putnam gives more importance to organization and civic participation in voluntary networks[9], Fukuyama stresses the importance of social trust and Bourdieu and Coleman emphasize reciprocity norms[10] more. The question as to which of these components has a greater weight remains to be discussed.

Nevertheless, the social instinct of everyone is enough to accept that every one of these three above-mentioned components plays an important role in constructing a democracy, when institutions act according to the law.

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[9] Paldam Martin & Svendsen Gert Tinggaard, "Missing Social Capital and the Transition in Eastern Europe", Department of Economics, University of Aarhus, (second author) Department of Economics, Aarhus School of Business, p.4.

[10] Martin Raiser, Christian Haerpfer, Thomas Nowotny and Claire Wallace, Social Capital in Transition: a first look at the evidence, World Bank for Reconstruction and Development, p.31.

What we see and hear every day is that civic participation has been damaged, we are not engaged at the desired level and that the necessary participation is missing, not enabling suspension of what does not work and not reporting what functions badly. A visible sign of the damage of the nerve for civic participation is the decreasing interest and participation in public issues, individualization, caring only for strictly private matters and the neglect for those issues that are of a public nature. Compact and harmonic society is closely related to civic participation. A part of the actual governing program of the government of England, based on the conservative and the liberal democratic coalition, is a clear focus on strengthening the community participation by increasing powers of local government.

Values we do commonly appraise are also in a period of transition. Previous values have lost ground and shall keep losing ground by virtue of substitution and amendment with other values. This is a slow process, but the concept of market economy as freedom to steal is in full breach of the value of market economy to win the most possible form personal work.

Social trust is treated at full length in this study.

Box 1: Voluntary work again?

We do often nowadays observe that it is very difficult to revive and activate an element of social life of human beings -- that is voluntarism. Albanians have done a lot of voluntary jobs. So much that we are tired of it. Therefore, if now we are required again, or from time to time to do a voluntary job, we react negatively: we do not even want to hear about it. We consider this to be an element of communism. Therefore, we have done unpaid job to cover the non-realization of the work we have been paid for. In both cases it has not been voluntary job. Now, when everyone is free to look upon its own interest in participation in voluntary work, we have to think on whether the job is really voluntary, as something done by free will of the person and without obligations. As it seems, voluntarism is not an element of communism, but rather of democracy. The fact that we now are at the start of democracy renders it hard to observe this phenomenon appropriately; the fact that it is difficult to have such phenomenon at its blossoming shows that even if man is imposed to show voluntarism because of his common good, than this type of imposed voluntarism obstacles him to spontaneously express the wish to serve to others, to the community, without being imposed by anyone. The second circumstance explaining this phenomenon is allowance of the free initiative in Albania. It acts so aggressively, exploding out an energy kept imprisoned for many decades[11].

2.3.1 The concept and sources of social trust

The concept of social trust is a key and much-talked-about topic of current days. It is a complicated phenomenon that combines cognitive, affective, behavioral, rational and irrational aspects as well as actuality and legacy. Social trust is a value[12]. The concept of value in our culture did not exist. It has been in use only in the last decade by intellectuals with western education, where this term is a part of not only the academic lexicon, but also of the civil society. Other similar concepts are moral, stances, habits.

The concept (or the construction) of social trust constitutes a complicated category and one that has been barely touched upon. However, those who have been studying this phenomenon are based on the views of psychologists and see it as a psychological concept expressing an internal predisposal of human beings to act in directions, with persons and objects perceived as not dangerous. This predisposal is formed at the early

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[11] Tamo, A., "Education of Democratic Civility for Elementary Schools", p .98, 2000

[12] Values are subjective constructions, personal and social ones formed under the influence of many individual and group factors through the life of the individuals and of communities. This definition is an operational one and has no scientific connotation. According to Van Deth dhe Scarbrough (quoted "Religion, Democratic Values and Political Conflict, Festschrift in Honor of Thorleif Pettersson", p.316) there are more than 180 definitions on the concept of values. This shows the variations in understanding of this human construction. Values, in difference from the opinions and social behaviors, have a greater sustainability. As a rule, in periods of social turnouts values change faster than in relatively stable periods of development. The relatively stable character of values is the starting point of this study. The study uses data from the WWS, which for Albania contains data until 2006. Therefore, despite of the fact that the data represent the system of values as it was over a decade ago, they are taken mainly as true and actual even for this decade. The relative stability of values is widely accepted. On the other hand, not all values have the same sustainability and dynamic. Some values are more stable and others more dynamic.

stages of life, when first attachments to the important figures for a person are formed, and then continues to develop in the latter stages under the experiences related to safety and insecurity. A result of this is the foundation of a predisposal expanded through the trust-distrust continuum, where everyone takes a position of its own.

We know that in our relations with other people we will exercise influence upon them and will be influenced by them. Our personal expectations are not to be damaged by these relations. Within this framework, trust is perceived as a mechanism enabling us to start a relationship, being sure we will not be harmed during our relations. Authors like Wolfe see trust as settled in three levels: at an individual level, as a characteristic of the individual that does not see possible damage and that has the courage to undertake relations; in the level of social relations, where trust is perceived as a necessary quality for achieving group goals; at the level of a whole societal system, where trust is seen as a value sustained by the whole system in question. All those three levels are inter-related. So, we can encounter persons that believe or not in someone, or at something, but that believe in a company, ministry, as we can see persons that have more trust in some businessmen coming from the Netherlands than in other businessmen coming from Italy.

No one has total control over being trustful or distrustful, although we all are like that: trustful in an occasion and distrustful in another, some tend to trust more and some tend to trust less. As a general rule, we tend to trust more another party based on our generalized trust, on the perceptions we have regarding the other part, on the facts of our actual cooperation in the history of our relations and on our memories and so on. Therefore, it can be said that trust is mostly formed in small, closed and homogenous communities.

Scholars of our times have seen social trust as related to the individual factors. Some individuals and some populations tend to be more distrustful than others. They relate social trust to social factors - some societies have higher participation and higher civic organization than some other societies. In this attempt we will note that the issue of social trust is related to the individual as much as to social factors; the level of trust is closely related to the level of trust/distrust that has been injected to us by the context of our life, with this level of trust we build the institutions we manage to build. The level of trust is also closely related to the quality of social institutions we built and what they do in order for us to trust or not trust them.

In this sense, it can be said that it is democrats who build democratic institutions to the same degree that democratic institutions produce democrats. The institutions structure information as they perceive it right. They exchange that much information as is useful to them. They define rules and sanctions. Therefore, they do also define some of the behaviors of individuals. If you punish me if I build a facility with no permit, I would not tend to built it. Hence, social institutions encourage individual behaviors and trust. However, if citizens feel that they are not treated fairly by the institutions and authorities, they develop distrust in institutions. If one part of our society does not trust in the other part, why shall the later trust the first? We are entering, thereof, a complicated whirlpool of suffering from the fait we do build ourselves. Said in other terms, we are trapped in the social realm - we do what is convenient to us individually, or institutionally, at a certain moment, and in another moment we complain for the fact that the other part is doing to us what we have previously done ourselves, but which now we consider as inconvenient. Therefore, we call fait a fact and we complain about our fait, while we should complain about facts (we have produced ourselves). As a result, the fact becomes common fait. Then we will damn the fait, the fact that we were born in this country, that we speak this language, that our hero is Scanderbeg, that the one proclaiming national independence is Ismail Qemali, that we have this, or that leader and so on and so forth.

A scholar raised the important question if trust in a person can be compared to the institutional trust. It is clear that these types of trust are not the same thing, but it seems like they must however have a relation with each-other. In attempts to avoid a separate analysis of interpersonal trust and institutional trust, in what follows we

will try to see the relation between this two types of trusts by pointing out data taken from World Values Survey.

Social trust seems to represent a factor for the founding of institutions that have authority and perform in benefit of the citizens, but apart from this, the serious performance of institutions has a visible impact in the development of the citizen's trust.

2.3.2. Relations between social trust and social capital

Trust is regarded by various scholars as a mechanism supporting social relations, norms established in structures of such relations, and social institutions. The issue of social trust is seen as an important one in the social processes. In order for people to reach common objectives, they must be related to each-other, and to be related they must trust and know each-other[13]. Trust results in an important factor in the common attempts to achieve common goals. This formula seems to be simple, but, in fact, it is not as it seems: Who guarantees us that the other would want to achieve the common goal as much do, who guarantees us that the other will not take advantage of the common effort for personal benefits and will not cheat on us? Therefore, it is not an easy task for one to develop trust in the other. On the other hand, without social trust there can be no social capital: people are not connected with each-other and do not, therefore, develop norms.

Developments of the last decades in the fields of sociology, psychology, politology and social psychology in the developed country tell us that democratic development is closely connected to social capital, the crucial element of which is social trust. Social trust is a condition for a modern society and for an open society; it is a condition for an inclusive society, for the growth of investments; it is a precondition for increase of the feeling of happiness and well being.

As it will be further argued, the issue of social capital as formulated by the theoretical scholars dealing with it as well as by applicative studies is related to the groups and social networks, to trust and solidarity, with the collective action and cooperation, with information and communication, with inclusion and political action[14]. The relationship between social trust is seen in different manners. Some scholars see trust as a precondition to build social capital, while some others see it as a product of social capital. Those that see trust as a precondition for social capital state that the relations, communities, engagement etc. that characterize social trust would not exist if a certain level of trust between people was not present. In this way it is thought that without trust there is no social capital. On the other hand, scholars that think that trust is a product of certain social capital think of trust as a product of the relationship and, as such, consider it to be a product of social capital itself.

The truth is that there is a lot of ambiguity regarding the relation between social capital and social trust. As a matter of fact, there is no common understanding on whether trust is a condition for social capital [as argued by Coleman (1988), Putnam (1993), and Fukuyama (1995)], or whether trust is a product of social capital [as thought by Field (2003)]. So, the question arising is should we have trust for generating social capital, should we have social capital to generate trust, or do the two condition each-other reciprocally.

Those that see trust as a pre-condition for social trust state that the relations, communions, cooperation, engagement characterizing social trust would not exist if there was not a certain level of trust. Therefore, the assumption is that there is no social capital without social trust. On the other hand, scholars thinking that trust

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[13]Coleman James, quoted in "Social Capital in Post-Communist Societies: Running Deficits?", Olena Nikolayenko, University of Toronto.

[14] Nora Dudwick, Kathleen Kuehnast, Veronica Nyhan Jones, and Michael Wolcock, "Analyzing social capital in context: A Guide to Using Qualitative Methods and Data", World Bank Institute Washington, D.C. Copyright © 2006 The International Bank for Reconstruction and Development/The World Bank 1818 H Street, N.W. Washington, D.C. 20433, U.S.A.

is a product of certain social capital argue that trust is a product of relations and, as such, it is also a product of social capital itself.

Whatever it might be, it seems that the relation between trust and social capital is a complicated one in regard to the various applications it has in life, as well as those related to its studying. This means that further studies are expected in this regard. However, it is an important relation for social processes where social capital and social trust play a meaningful role.

2.3.3. Rule of law, authority of law and institutions

The study in question has no theoretical character. However, for specific needs of this study we will describe the definition of certain concepts used throughout the study. We observe that these concepts have been defined in an operational way although definitions are based on legal documents.

Rule of law means governance through laws and rules defined and well known in advance. This definition of rules and the public recognition of such rules make it possible for citizens to know them in advance, to now how to act and, therefore, predict their actions. Within this meaning, it is true that in understanding the modern rule of law of prevalence is the law, not the individuals administering the law[15].

The authority of law is the feeling that law, being settled on the principles of justice, is neutral and does not favor some, harming some others. Being neutral, it stands above parties and is considered with respect by them. However, when law feels old and outdated, when it loses its neutrality, when it favors one side on the other, citizens begin to infringe it and to make jokes out of it. In this case, the law has lost its authority.

Box 2: Discussion about the rule of law in the dairy shop[16]

While discussing about issues of the rule of law, some took the topic seriously and were involved in discussions, some others just put an ignoring smile in their face, and a third group started making jokes.

Someone asked: do you mean the rule of law or the rule of Maliq? These are two different kinds of states. We mean the state that wishes to act according to the law.

The rule of law, according to me, is a fair state, meaning a state enforcing laws about which we all have agreed, the state that improves the law if it loses its power to be fair for all, meaning that no one allows anybody to go over the law, meaning that law is considered as the only safe way to well-being.

According to me, there is also another type of state – that is the rule of Maliq. Let me explain. This is a state where an individual, or a group of individuals use their force to impose a law that serves a certain group more, a state that does not change the law if the change does not serve to that individual, or that group, a state where there are spaces allowing one to go above the will of law, a state where the most favorable way to achieve well-being is to use whatever chances are out there.

Can we build such a state? We can do so only if we forget about cousins. Cousins ruin the state. We are a small village and in a village there are many cousins. Consequently, it is hard to say no to cousins, since this breaks down our relationship with them. If the relation with the cousin is broken one cannot create close relations with the others we don't know. For us, cousins mean a big deal. A big deal is also the ones I know. So, when a cousin comes to my shop together with someone I know I will first serve to my cousin and the one I know, and then to the rest. Is this favoring? It is normal to favor a cousin.

What is the understanding of the cousin being favored in the harm of the one I do not have any ties with? I serve to the one I know. I don't do business with the one I don't know. He can wait for his turn to buy his cheese. I serve my cousin first, to the one coming from my village second, to my friend third and to the ones belonging to my party afterwards. Relatives might eat your flesh, but they will preserve your bones.

In a clearer way, prevalence of the socialist system over the law was expressed by one of the first presidents of the High Court of the Soviet Union, who, in 1927, wrote [communism does not mean the victory of the

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[15] See G. Elezi "The rule of law in post-communist Albania", University of Sussex, United Kingdom, p.7.
[16] Discussion partially developed after the second focus group, March 2011.

socialist laws, but the victory of socialism over any law][17]. The meaning of this communist directive is clearly seen with the suspension of the ministry of justice in the communist Albania for several decades.

The authority of law is the feeling that law being settled on the principles of justice is neutral and does not hold the side of one harming thereof the other side.

The meaning of the rule of law regarding citizens to which it serves is the foundation of a framework of rules and choosing of the persons capable to detect infringements of rules, putting perpetrators of infringements to justice and protecting settled rules. The rule of law obligates the citizen to pay taxes and the officials to better administer such taxes. As it will be seen, this alternative, although logical and proper in appearance, is not so easy to be enforced. Where can one find the police and judges who are honest enough to conduct pure and impartial tasks in a society where readiness to corrupt and to be corrupted constitutes a major concern? Building of the institutions of law is done by social action and be the social capital that we posses. Political analysts of the last years, as well as those having a good knowledge of western countries, not rarely expressing their dissatisfaction on certain developments in Albania, refer frequently to such countries as the U.S., Germany, Italy and the like for some of their achievements. These comparisons are useful if we do not forget that the development of those countries is a result of their historical contexts, of the fact that their citizens have unique features and that their institutions have a certain degree of maturity.

2.4. Applications of the concepts of social trust and social capital in different contexts

Box 3: The long road from Moscow to Stockholm[18]

The official stated that he had heard that in Sweden the tax payers paid all their tax bills. According to what he had heard by custom and tax officers, citizens paid 98% of their duties to the government. The official of the former block stated that according to the customs and tax authority of his country the government managed to collect 66% of tariffs and taxes. Here we are talking only of those taxes people were aware they should pay for and for the grey and black economies. The official observed a great difference in the readiness to pay taxes and tariffs in both countries.

According to the official of the former bloc this difference cannot be explained only with the will of the citizens of one country to pay taxes and tariffs and the lack of will of the citizens of the other country regarding their payment. He did not think that the citizens of his country were insensible toward their public duties and did not think that they were and are more dishonest that the citizens of Sweden.

According to him, the citizens of his country wished to pay their duties, because they were aware that money gathered from taxes and tariffs are used for public services (healthcare, education etc). But, the citizens of his country were based in two circumstances while thinking to pay their taxes and tariffs. The first was that they did not believe that other tax payers would pay their obligations, so they preferred not to be the only ones who behaved honestly. With a low level of taxpaying, public services cannot be properly offered. The second circumstance was that the citizens believed tax authorities to be corrupt. Therefore, even if the citizens paid their taxes a good part of the money will not be used for building schools, roads and hospitals, but for filling the pockets of the corrupted officials.

- In both scenarios it seems that the interpersonal trust is at very low levels and that this brings a high level of corruption.

- Most of the tax authorities are honest and do not want corruption to continue. They are ready not to take bribes if they are convinced other officials do not take bribes as well.

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[17] Quoted from Elezi G. in "The Rule of Law in Post Communist Albania", University of Sussex, United Kingdom, p.10

[18] Adapted according to "Trust, Social Dilemmas and Collective Memories", in Journal of Theoretical Politics

- So is it again an issue of trust? It is an issue of interpersonal trust and institutional trust.

- It is a question of trust.

- If it is a question of trust then this means that the Swedish pay 98% of their obligations since they believe that other citizens do the same and that the payments are well managed. I read surveys on tax evasion in Sweden that say that citizen's trust that others pay the obligations makes them to tend to pay more of the personal obligations. This is testified also by surveys conducted in other countries. I go over the temptations to keep for myself that money I have to pay as a tax, if others go over this temptation as well; I pay my obligations with more ease if the bureaucrats do not get rich with my money. Is this true?

- Yes.

- Then, in Sweden citizens trust more than in your country and, therefore, they pay 98% of their taxes while in your country citizens trust less and, so, only 66% of the obligations are paid. Therefore, the problem in Sweden is the same with the problem in your country, but is intensity is different. How can it be made possible to move on from a society with a lower level of trust to a society with a higher level of trust?

How can we move from a society with an inefficient balance to a society with a more efficient balance?

This is a vicious cycle. It is very difficult to come out of it: the citizens do not wish to pay taxes saying that their money make officials rich and they receive no services in return, while institutions cannot offer more efficient services if no taxes have been paid.

How can we come out of this vicious circle? How can we create the necessary trust for other citizens to pay as well? How can we create the trust to the one we don't know? How can we create the necessary trust in officials administrating the tax money and not misusing them? How can we build trust in social institutions?

How can we add to the honesty of citizens the trust that the institutions will behave with the same degree of honesty?

Newton (2001)[19] has observed that social trust has been mentioned and argued as an important factor for constructing strong social institutions. Within this context the relationship between social trust and political trust, the relations between social trust and participation in voluntary based organizations, the relations between the changes of individuals to be trusted or distrusted have been also studied.

Edlund (2006)[20] has argued that an important element of the trust in institutions is related with the perceptions of the public regarding the capacity of their state. In this relation it has been made clear that if the government is efficient, just and trustful then it enjoys a great support by the public and if, on the contrary, there are feelings of inefficiency, corruption, injustice and arbitrarily acting then distrust in the government is greater.

Khodyakov (2007)[21] has pointed out that the tendency to divide states between those where social trust in institutions is high and those where this trust is low, is a mechanical categorization and that between these two extremes there is a set of other acting factors that make trust a process. In other words, social trust results to be not just a category of the moment, but a size influenced by the past, the present and the future a society aspires for itself.

Herreros and Criado (2008)[22] when analyzing the role that institutions have in securing the trust of the public, suggest that the state can play a positive role in creating the necessary trust as a factor for encouraging private contractual relations.

Richey (2010)[23] has argued the impact of government corruption over generalized trust. According to him the increase of government corruption brings to the reduction of trust towards the others.

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19 Newton Kenneth, International Political Science Review (2001), Volume 22, No. 2, 201–214.

20 Edlund, Acta Sociologica, 2006, Department of Sociology, Umeå University, Umeå, SWeden

21 Khodyakov, Dmitry, Sociology, Copyright © 2007, BSA Publications Ltd®, Volume 41(1): 115–132, DOI: 10.1177/0038038507072285, SAGE Publications, London, Thousand Oaks, New Delhi.

22 Francisco Herreros and Henar Criado, "The State and the Development of Social Trust", International Political Science Revieë (2008), Vol. 29, No. 1, 53–71.

23 Sean Richey, "The Impact of Corruption on Social Trust", American Politics Research, 38(4) 676–690, © The Author(s) 2010, Department of Political Science, Georgia State University, 38 Peachtree Center Ave. Suite 1005, Atlanta, GA 30303-2514, USA

Kim (2005) [24] when considering the relation between social capital and the political trust has observed that active participation in associations and social trust are negatively related to the trust in political institutions and to the engagement to vote and that these negative relations have been influenced by the negative perceptions of the improper achievements (failures) of the institutions. He concludes that institutional performance is a crucial factor for political engagement.

Raiser, Wallace and Haerpfer[25] have published the first data regarding social capital on the CEE countries and argue that the indicators of social trust of these countries are noticeably lower compared to the OECD countries. They find out that in these countries trust is not related to the economic growth, while it has a positive correlation with civic participation.

Ahn and Esarey (2008) [26] have observed that trust increases if people have safe data to distinguish between what they should trust and what they should distrust.

Shen and Williamson (2005)[27] analyzing important and defining factors regarding the perceived levels of corruption have argued that the indicators of political rights, civil freedoms and of the freedom of press that are indicators of democracy, that the strength of the state and the open economy all of these have a positive impact regarding the perceived levels of corruption.

Nuissl[28] has dealt with the importance that trust among small and medium entrepreneurs has on the economic development and has observed that the post socialist economic have a high need for trust.

Phelivanova (2009)[29] when analyzing the level of trust compared to the level of social participation, with the economic development and the household structure concludes that in countries such as Bulgaria and Russia interpersonal relations generate more trust than the relations with the state institutions.

Goldsmith (2005)[30] has studied the reform in the police sector and observes that one of the difficulties encountered is the absence of public trust in the work of police. The author observes that securing the trust in the police work cannot be taken apart from the environment when policing happens and that this is also related with the trust on the means police uses to construct trust.

Letki and Evans (2005)[31] when considering post-communist societies observe that these countries go through power transitions as well as through economical ones and that in these societies the levels of trust are mostly related to the top down rather than bottom up processes as it happens in societies with a consolidated democracy.

Rothstein and Eek (2009)[32] have experimented regarding the existence of different levels of trust in different countries and have reached the conclusion that the trust of people in authorities influences the perceptions of

24 Ji-Young Kim, "Bowling Together" isn't a Cure-All: The Relationship between Social Capital and Political Trust in South Korea", International Political Science Review (2005), Vol 26, No. 2, 193–213.

25 Martin Raiser, Christian Haerpfer, Claire Wallace "Social capital in transition: a first look at the evidence", (European Bank for Reconstruction and Development, One Exchange Square, London EC2A 2JN, UK. Tel: + 44 20 7338 7231; Fax: + 44 20 7338 6110).

26 T. K. Ahn and Justin Esarey, "A dynamic model of generalized social trust", Journal of Theoretical Politics 20(2): 151–180 Copyright _ 2008 Sage Publications DOI: 10.1177/0951629807085816 Los Angeles, London, New Delhi and Singapore, http://jtp.sagepub.com

27 Ce Shen, John B. Williamson "Corruption, Democracy, Economic Freedom, and State Strength, A Cross-national Analysis", International Journal of Comparative Sociology 2005 46: 327.

28 Henning Nuissl, "Trust in a post-socialist region-a study of East German Inc entrepreneurs: ëillingness to trust each other", UFZ Centre for Environmental Research, Germany.

29 Plamena Pehlivanova "The Decline of Trust in Post communist Societies: The Case of Bulgaria and Russia", Contemporary Issues (Suvremene teme), issue: 2 / 2009, pages: 3247.

30 Andrew Goldsmith, "Police reform and the problem of trust", Theoretical Criminology, © 2005 SAGE Publications, London, Thousand Oaks, and Neë Delhi. (Flinders University, Australia).

31 Natalia Letki, Geoffrey Evans, "Endogenizing Social Trust: Democratization in East-Central Europe", British .Journal of .Political Sociology, 35, 515–529 Copyright © 2005 Cambridge University Press, doi:10.1017/S000712340500027X Printed in the United Kingdom.

32 Bo Rothstein, Daniel Eek, "Political corruption and social trust: an experimental approach" Rationality and Society Copyright © 2009 Sage Publications. Los Angeles, London, New Delhi, Singapore and Washington DC, Volume 21 (1): 81–112. http://rss.sagepub.com DOI: 10.1177/1043463108099349

trust they will have towards other people based on the hypothesis that vertical trust influences the horizontal one.

Here, we have briefly presented the phenomenon of social trust regarded vis-à-vis a number of factors, such as those resulting from well-known studies published in prestigious sociological, psychological and political publications of our time in developed countries. However, this list of studies regarding the social and personal capacity to believe and the factors that influence it is not exhaustive and can be extended further. Despite usefulness of such theories, an exhausting representation of them constitutes an objective that goes well beyond the scope of this study

It is certain that social capital does not constitute the magic solution of the fate of one society; even more so is this the case when it comes to great problems in periods of social turnover. This is true at the macro social level. The social capital seems to make an important precondition for the development of the initiative for undertaking, cooperation and engagement.

5.5. Relationship between interpersonal trust and institutional trust

Box 4: The crisis of the pyramidal investment schemes[1]

An informal credit market flourished in Albania. It was composed partially of foreign exchangers and partially of companies that took credits and provided loans. They grew to the level of a crediting system. The distinction between an informal credit market and the pyramid schemes is vital, but for a long time it was difficult to note this distinction. Both these systems secured their sources from the spending of the individuals in the country and from the remittances that migrant workers send to their families in the countries of origin. This market was also tolerated by the national and international authorities of the time, including the IMF, which have seen the credit granting companies as good and have evaluated their contribution in growth. In the conditions when the banks had lacks of liquidities, these companies served as the best broker for the savings of Albanians and the investments financed by them have been among the most profitable ones. Along the informal crediting companies, sometimes there were a number of companies that took loans with higher interest, but which invested those loans themselves not providing any interest. It was these companies that became pyramidal investment schemes. The first and largest such company started operation in 1991-1992. Until the end of 1995 those companies offered interest that amounted to 4-5% per month. In what this money was invested is still unknown. These companies were involved in some visible and productive investments, and in some cases it is believed that this money has been used to finance criminal activities: trafficking of different kinds, illegal migration, drugs, prostitution and arm dealings. It is not known whether such companies won more from the investments and illegal activities than what they provided to those who deposed the money. It could be that those were pyramidal schemes since the day they were established. Whatever the explanation, even if they were not pyramid schemes they became such during 1996.

The legal framework at disposal of the authorities to fight pyramidal schemes has been insufficient. The companies operated as licensed businesses and pretended that they functioned in accordance with the Labor Code, which at that time allowed loaning. There are data showing that the problem was not a legal one, but a governance one, and that government members themselves benefited and supported the 25 companies and pyramidal schemes. During the elections of 1996 some of the companies in question provided electoral contributions, while political officials were publicly shown near those companies. This tolerance was reflected in the neglecting stance took by the Ministry of Justice and that of Finance and in the open support of the president for the main companies. Two important events of 1996 defined the scene for the mania of pyramidal schemes. The first was related to the sanctions the UN set to the SFRJ in December 1995 and the second was the electoral campaign for the general elections of 1996. At the time it was openly said that through Albania, even though the embargo was in place, petrol as well as other goods were trafficked to Serbia. The inclusion of pyramidal companies in this trafficking is not proven, but it is believed that there was some degree of their involvement. A month after the removal of sanctions, the loaning companies increased their interests up to 6% per month. The elections of May 1996 directly affected the scene as well. With the entering to the market of new pyramidal schemes the interests were increased again up to 8% per month. The result of the elections had also its influence. They were considered as false and the re-elections of October took an even greater importance therefore. Not wanting to provide other bitter surprises to the people, ignoring the increase of pyramidal schemes, hoping that nothing bad would happen, the worse was enforced. At the beginning of 1996 other pyramids were found and deposits increased, interests went higher and authorities were even more confused. The three major companies, VEFA, Gjallica and Kamberi offered references amounting to 4-5% per month during the first six months of 1996 grew them up to 6-10%. These three companies had investments and real economic activities. In 1996 new companies were added, namely Populli and Xhaferri companies. Sude's companies increased the interests up to 12–19% in May 1996, although the company had no investments in its records. The number of creditors grew higher. Vefa had about 85000 creditors, Xhaferi and Populli attracted over a million of creditors within a few months' time. The increasing number of creditors led to a growing pressure on the pyramidal schemes to increase their interests. The existence of pyramidal schemes made authorities adopt a false distinction between them and the companies that had real investments. In the second half of 1996, Kamberi increased the interests to 10% per month; Populli started to offer interests of 30% per month; Xhaferri offered the triplication of the principal in three months and Sude doubled the interest in two months. These interests draw whole masses of creditors coming not only from normal citizens, but also from those believing that pyramidal investment schemes were supported by the government, or believing that the money was coming from legal activities.

The social effects of the pyramidal schemes collapse were considerable, people lost their savings, they lost their properties and houses and the sold cattle. In the following events of 2000 people lost their lives. Violence damaged institutions and properties. Arming of the population increased the level of accidents and criminality. Trust was also damaged. Before the pyramidal investment crisis Albania had been poor, but, proud, and decided to go forward. Some years after the crisis Albania remained backward. Trust in institutions felt and crime and corruption increased. As a result, level of safety deteriorated. The pyramidal crisis was not deeply studied. However, it taught Albanians a lesson on how money can be made, how one can invest, to what level shall savings be saved, how much shall one trust to high interest rates, how useful would have it been for them if they were warned by public institutions.

Table 2 – Summary of the Main Albanian Pyramid Schemes Liabilities to creditors in U.S. dollars at pre-crisis exchange rate

Company name	Starting loaning date	Monthly interest rate offered	Number of creditors at the crashing time	Liabilities to creditors (million lek)	Assets value	The general debt million USD)	Average per creditor (USD)
Vefa	1994	8	85,000	67,929	4,999	655	7,707
Gjallica	1993	10	82,000	51,467	495	496	6,053
Kamberi	1994	10	.....	6,330	519	61	.....
Silva	1994	10	15,000	3,332	871	32	2,142
Cenaj	1994	10	.....	7,021	750	68	.....
Xhaferri	1996	47	1,188,000	30,833	16,033	297	250
Populli	1996	39	304,000	6,310	3,786	61	200
Sude	1994	41	13,000	3,900	0	38	2,893

Interpersonal trust and institutional trust

From a theoretical approach, scholars distinguish two types of trust: *generalized trus*t and *or interpersonal trust. Interpersonal trust* is defined as: "an experience-based trust built around a continued interaction with concrete persons through a certain period of time."[33]. The foundation of this form of trust is the sum of the common experiences that we consciously bring to the relationship[34]. Civic engagement in a community and the interpersonal trust among its members contribute to the rising of overall social trust in a given society[35]. This part is structured as follows. First, it analyzes the trends of interpersonal trust over the years of post-communist transition in Albania, and second it examines the relationship between interpersonal trust and institutional trust.

- ● *Family within the framework of social trust*

This part analyzes the relationship between family, social trust and political engagement. Family is an important feature of social trust, and is believed to have largely affected the complexity of the relations between social and institutional trust. The family substitutes the role of the institution as it provides for common value priorities and moral resources for one's realization[36]. This is especially true within the Albanian concept, when blood relations, the cousin, the one we know prevails upon the institution, the unknown and the other. This part firstly analyzes some trends of the family in Albania and secondly sees its relation with political behaviors.

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[33] Salaj, Berto, 2006, Social trust: Croatia 1995-2003, Politicka misao, Vol.XLII, No.5, pp.77-98, Pregledni članak,323.21(497.5), Primljeno: 20. kolovoza 2006, p. 82

[34] Freitag, Markus and Bühlmann Marc, Crafting Trust: The Role of Political Institutions in a Comparative Perspective Comparative Political Studies December 2009 42: 1537-1566, first published on March 5, 2009, p.1538

[35] Blind K. Pery, Building trust in government in the twenty-first century, UNDESA, 7th Global Forum on Reinventing Government, 26-29 June 2007, Vienna, Austria, p.6

[36] Pehlivanova, Plamena «The Decline of Trust in Postcommunist Societies: The Case of Bulgaria and Russia», Contemporary issues, (Suvremene theme), pages: 32-47. UDK: 32.019. 5(497.2 +470) Pregledni Rad, Primjeno: 17.8. 2009, 40

- *Relationship between satisfaction from life, political engagement and participation in political actions.*

Happiness from life. Positive psychology describes three kinds of happiness: pleasure (positive sensory experience), engagement (involvement with one's family, work, romance and hobbies), and meaning (using personal strengths to serve some larger end). On the other hand, *Life satisfaction* includes attributes such as relationships and social interaction, civil status, employment, democratic freedom, religious involvement, income, proximity to other happy people extraversion, health, optimism, and endorphins released through physical exercise[37]. When analyzing this concept we have been focusing on the social and political aspects and have chosen to use the term life satisfaction and life happiness as synonymous in accordance with the terminology used by Easterlin (2001) who states that "happiness and satisfaction are interchangeable terms"[38].

Participation or engagement in politics refers to different mechanisms for the public to express opinions and exert influence regarding political, economic, management or other social decisions. It can take place along any realm of human social activity[39]. We have been focusing on the political engagement during this chapter.

Participation in political actions can take many forms, ranging from voting for representatives at regular intervals to voting on policies in referenda, participation in political groups and engaging in legal or illegal protest, engagement in petition signing, as well as engagement in other forms of political action some of which are analyzed during this part. Individuals that engage into such activities think and hope that their actions will have some impact on different policies that they consider to be important for them. Nevertheless, the effects of political participation might not be limited only to this outcome since political participation also affects individual life satisfaction. On the other hand, it might also be that levels of life satisfaction influence the political participation[40]. Different studies such as Veenhoven (1995) who finds out that political democracy and freedom of press strongly relate with satisfaction from life. They conclude that individuals living in regimes that provide them greater political freedoms are happier than their counterparts elsewhere. Similarly, Schyns (1998) finds out that political rights, gender equality and individualism are highly related with happiness and Frey and Stutzer (2000) considering data from Switzerland discover that individuals that have more opportunities for participation in direct democracy are more satisfied with their lives than those without such opportunities[41].

This part will firstly analyze the relationship between political engagement and life satisfaction. Secondly, it considers the relationship between satisfaction from life and participation in political action, and thirdly, the relation between perceptions of life and engagement in political action.

- *Generalized trust and social behaviors*

Generalized trust is defined as the trust in people that do not belong to our family, friends, relatives or neighbors circle. Offe (1999) and Salaj (2006) states that generalized trust is: "*The trust in the members of our*

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[37] Grinde, Bjorn (2002)."Happiness in the Perspective of Evolutionary Psychology," Journal of Happiness Studies, Springer, vol. 3(4), pages 331-354. p.331

[38] Easterlin, Richard, 2001, Income and happiness: towards a unified theory. The economic Journal, 111 (July), 465-484, Royal Economic Society 2001. Published by Blackwell Publishers, 108 Cowley Road, Oxford, OX41,JF,UK and 350 Main Street, Malden, MA 021 48, USA, p.465

[39] Arnstein, S. (1969) "A ladder of citizen participation" Journal of the American Planning Association 1969 35 p. 237. [On Line] at: http://www.see-educoop.net/aeiq/outputs/annotated%20bibliography.pdf. Accessed on 11 January 2011, 237

[40] Weitz-Shapiro, Rebecca & Winters, Matthew S. 2008. *Political participation and quality of life,* Research Department Working Papers; 638. Inter-American Development Bank. 1300 New York Avenue, N.W. Washington, DC 20577, p.4

[41] IBIDUM, p. 11-12

political community we do not personally know, people who are sort of strangers to us"[42]. According to the same source that quotes Robert Putnam: *"Generalized trust enables us to extend the scope of trust beyond the circle of people we know personally." [43]*

As stated by many distinguished scholars in the field of social trust and social behaviors, generalized trust is supposed to increase the efficiency of political and economic processes, aid contract enforcement, and strengthen community spirit among citizens (see for instance Fukuyama, (1995), Knack and Keefer, (1997) and Putnam (1993) quoted in Salaj, (2006)[44]. However, it is also argued that generalized trust brings to these outcomes only if the others are trustworthy. Moreover, dishonesty among the members of a society, combined with other sorts of social behaviors such as crime, corruption and illegal activities in general contributes in weakening trust relations within a society.[45]

Social *behaviors are is* hard to define since if one considers behaviors within a society it is hard to define what is typical, normal and acceptable. However generally speaking social behaviors can be defined as something different in some ways from what other people usually do. Criteria used by psychologists to determine those who show a typical behavior and those who do not include: a) statistical, i.e. behavior, which is uncommon/infrequent; b) physiological, i.e. evidence of distress; moral i.e. behavior, which is socially unacceptable. In explaining social behaviors, this chapter will mainly be based on what Letki (2006) calls the morality criterion, avoiding therefore the statistical, psychological and other sorts of stances. Letki (2006) defines civic morality as: "An ethical habit, linked with trust that refers to the sense of civic responsibility for the common good entailing obedience to the rules and an honest and responsible behavior"[46]. Civic morality is rooted in community membership implying the acceptance of duties as given by the society. Citizens with high moral standards are less likely to be deceitful towards each-other[47]. Two main accounts are identified for understanding the sources of civic morality: the *cultural* (referring to individual's value and norms learned through participation in the social life and *institutional* (linking civic morality with the quality of public order and performance of public officials and office holders).[48] Based on her cultural account this chapter analyzes the relations between generalized trust and social behavior. Based on her institutional source, this part considers the relations between atypical behaviors and political stances. The chapter is structured as follows. Firstly, it observes the generalized trust levels in Albania and then analyzes the relationship between particularized trust and informal networks. What follows considers the relations between generalized trust and atypical behaviors as well as some findings regarding the relation among social behaviors and political ones.

2.5.1. Relationship between interpersonal and institutional trust

Interpersonal Trust

As mentioned above interpersonal trust is a key element in studying and assessing the implications of social trust and institutional authority. Regarding interpersonal trust, data retrieved from both waves of World

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[42] Salaj, Berto, 2006, Social trust: Croatia 1995-2003, Politicka misao, Vol.XLII, No.5, pp.77-98, Pregledni članak,323.21(497.5), Primljeno: 20. kolovoza 2006, 82

[43] Salaj, Berto, 2006, Social trust: Croatia 1995-2003, Politicka misao, Vol.XLII, No.5, pp.77-98, Pregledni članak,323.21(497.5), Primljeno: 20. kolovoza 2006, p.81

[44] Ibid p.83

[45] Letki, Natalia, 2006. *Investigating the Roots of Civic Morality: Trust, Social Capital,and Institutional Performance*. Department of Political Science, Collegium Civitas, Plac Defilad 1, PKiN, XII p.00-901 Warsaw, Poland, p.2

[46] Letki, Natalia, 2006. Investigating the Roots of Civic Morality: Trust, Social Capital,
and Institutional Performance. Department of Political Science, Collegium Civitas
Plac Defilad 1, PKiN, XII p.00-901 Warsaw, Poland, p.2

[47] Ibid, p.3-4

[48] Ibid, p.4

Values Survey show a progressive decrease. In a general overview, it results that the perceptions of Albanians for other people are mostly negative. According to table 1, during 2002 75.3% of people believe that "most of the people would take advantage" of them, something that indicates the lack of trust amid Albanians.

**Table 1: Interpersonal trust 1998 and 2002 in %**

Year	1998	2002
People can be trusted	27	24.7
People cannot be trusted	73	75.3

Source: WVS, 1998 and 2002

Data of the two analyzed waves of WVS reveal interesting facts emphasizing that the lower inter-personal trust is, the lower the trust in government and public institutions falls. As noted from Figure 1 the relationship between interpersonal trust and trust in government is direct.

Figure 2: Interpersonal trust and trust in government 1998 and 2002 in %
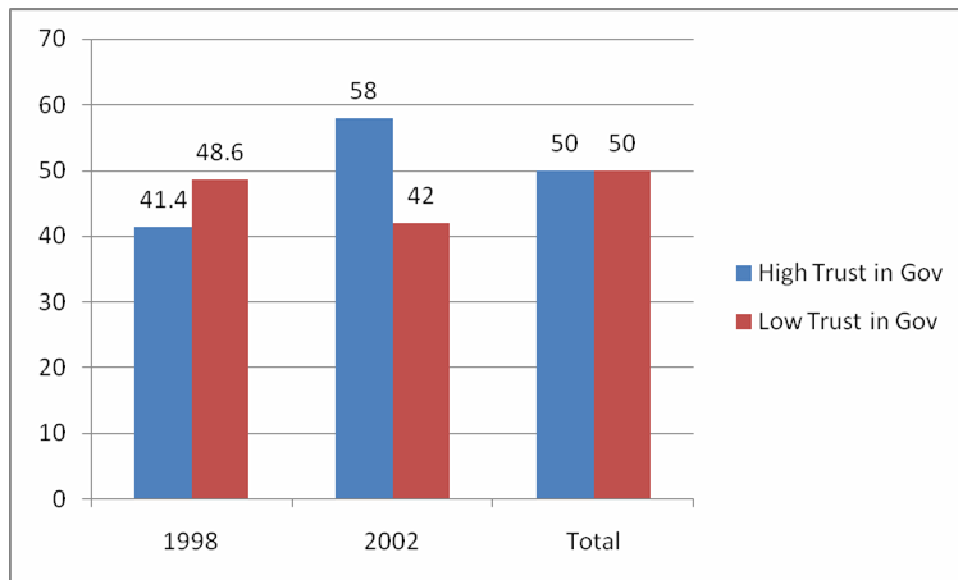
Source: World Values Survey, third and fourth wave

However, it should be emphasized that in western societies, people do not trust each other as individuals, but as parts of a common legal framework that guaranties and protects their rights and clearly distinguishes them from the other groups (states)[49]. Levi (1998) proposed a so-called model of contingent consent that demonstrates the transformation of interpersonal trust in public officials into institutional trustworthiness that affects the citizenry's degree of compliance with governmental demands and regulations. The model indicates that public trust in government is conditional in that citizens trust government only when they believe that it is

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[49] Elezi, Gentian, 1999, The rule of law in Post Communist Albania, University of Sussex, United Kingdom, p. 9.

acting in accordance with their interests[50]. Another group of theories nevertheless, claims that reduced institutional trust has caused lack of inter-personal trust rather than vice versa. With regard to the most important contextual factors, different scholars assess that the countries whose authorities are seen as incorruptible, and whose political interests are represented in a manner proportional to their weight, have citizens who are more likely to place trust in one another.[51]

Regarding the relationship between trust and institutions it is worthwhile mentioning that the issue of trust is tightly related to the physiognomy of institutions. The image of high official from the public institution in Albania seems to be the one perceived to represent the whole institution. In our context it is evident that Albanians identify institutions with the people in charge (their leaders) rather than with the structure and its continuous work over time. As a consequence, the lack of trust in the never-changing and continuously recyclable elites of these last 20 years of democracy leads to a lack of trust in institutions, as stated during the discussions of Focus Group 2 (FG 2). In our context it is important to also stress that social and political stability increasingly depend on institutional trust rather than on the trust between individuals. Thus, as stated by many scholars (Luhman 1988; Dunn 1984; Giddens 1990; Seligman 1997), "vibrant institutions matter more to contemporary democracies than the quality of interpersonal relations among citizens"[52]. In a modern society trust in institutions is more important than interpersonal trust since its institutions can have more resources to provide people with means to achieve some of their goals[53].

Participation in social and non-political groups

What can be revealed from the analysis of the WVS results is that lack of institutional trust and lack of inter-personal trust are related with low figures of participation in non political organizations. The same trend is also confirmed by a national survey conducted by Civicus and IDM in 2009 stating that only 18.4 percent of the surveyed perceive themselves as active members of the social organizations such as sports clubs, or voluntary organizations or service offering non political organizations. Furthermore according to the same source the degree of social engagement in Albania remains low also in 2009-2010 since only 18.4 percent of the respondents report themselves as attached to an organization or to social actions[54]

Table 2: Participation in non political groups 2002 in %

| 2002	Belong to LU	Belong to education, culture groups	Belong to Human rights organizations	Belong to environmental organizations
Yes	9.4	13.5	6.4	14.5
No	90.6	86.5	93.6	85.5

Source: World Values Survey, fourth wave, (2002)

Such distrust (interpersonal and institutional) is believed to directly affect the development of civil society organizations, which are considered an important factor that can contribute to political and economic development (Putnam, 1993; Fukuyama, 1995). In this regard countries with low levels of social trust, such as Albania, are less likely to build the kind of vibrant civil society that spurs strong government performance. On

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[50] Kim. Seok-Eun, The Role of Trust in the Modern Administrative State, Administration and Society. Vol 7, 2005

[51] Freitag, Markus and Bühlmann Marc, Crafting Trust: The Role of Political Institutions in a Comparative Perspective Comparative Political Studies December 2009 42: 1537-1566, first published on March 5, 2009, 1537

[52] Herreros, Francisco, (2008) The State and the Creation of an Environment for the Growing of trust, DOI: 10.1177/1043463108096790., *Rationality and Society* Copyright © 2008 Sage Publications. Vol. 20(4): 497–521 http://rss.sagepub.com DOI: 10.1177/1043463108096790, 500

[53] Dmitry Khodiakov, 2007, Trust as a Process: A Three-Dimensional Approach Sociology February 2007 41: 115-132

[54] Instituti pwr Demokraci dhe Ndwrmjewsim dhe CIVICUS. (2010). Indeksi i Shoqërisë Civile për Shqipërinë. Në Kërkim të qytetarit dhe Ndikimit. P.13

the other hand, another major reason for the lack of motivation and low participation in civil society activities and organizations is wide spread nepotism and lack of confidence that the voice of citizens will be heard (FG. 2).

Figure 3: Confidence in press 2002 in %
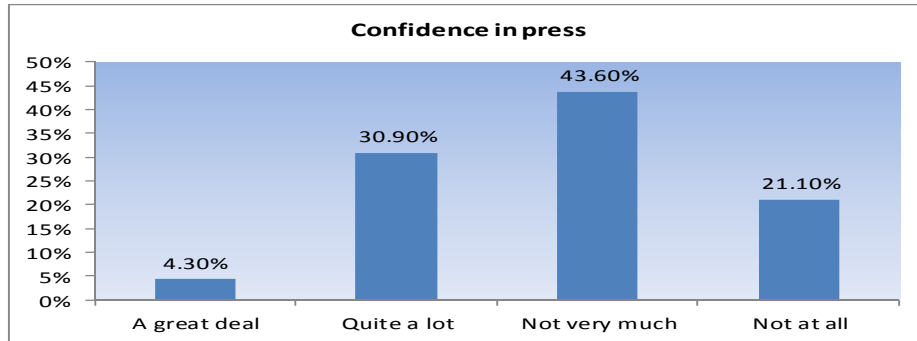
Source: Fourth wave, WVS, (2002)

Within the framework of the above-started discussion, data from WVS can be seen as showing that confidence in press in Albania is in a moderate level. Most of the people are shown to not believe the press very much, or to not believe it at all as shown by figure 2 above. Moreover, Gallup Balkan Monitor Survey of 2010 shows the following results regarding confidence in local press: in 2008 69% believed the press, in 2009 trust amounted to 61% and in 2010 trust in the press was 68% [55].

Confidence in international institutions

Another trend noted when analyzing the data for both the WWS values (1998, 2002) is the fact that the low figures of intrapersonal trust influence the low trust in national institutions, as it will be shown below. This, in turn, seems to give birth to a tendency of increased trust towards international organizations and institutions such as the EU, NATO or the UN as shown also by Figure 3 (below). On the other hand, according to data provided by Gallup Balkan Monitor Survey of 2010, Albania and Kosovo tend to view more positively than all the states of the region EU membership. In this regard Albania is positioned before countries such as Bosnia Herzegovina, Montenegro, Macedonia, Serbia and Croatia. On the other hand however, Albanians and Kosovo citizens seem to be those that believe that EU citizens are those that do not want Albanians and Kosovo citizens to be integrated in the EU[56]. It would be of interest to develop a research which studies causes and sources of distrust towards Albanians in more depth.

Returning to our data, however, it can be said that high levels of trust towards international institutions testify the existence of two parallel trends during the Albanian post-communist transition. First, there is a decrease of interpersonal trust influenced by the reduced trust in key national institutions (police, government, parliament etc), which will be elaborated further below. Second, the gap left by the decrease of national institutional trust by individuals has been filled in by the excessive level of trust they provide to international institutions operating in Albania, such as the EU, or NATO, perceived to be independent and detached structures which work and perform better than our national institutions.

Figure 4: Trust in international institutions 1998 and 2002 in %

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[55] Gallup: Balkan Monitor: insights and perceptions-voices of the Balkans, 2010, p. 31
[56] Gallup: Balkan Monitor: insights and perceptions-voices of the Balkans, 2010, pp. 22 and 33

**Trust in international institutions**
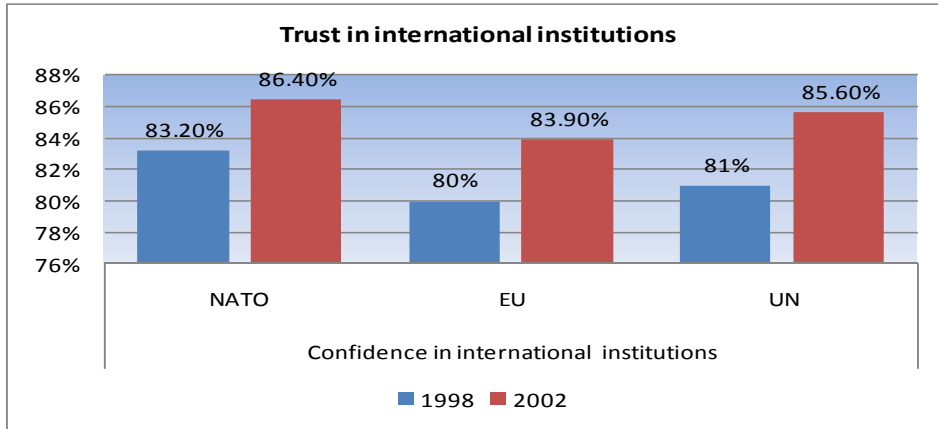
Source: World Values Survey, third and fourth wave

Continuing the above discussion, we can emphasize that this tendency might provide the basis for arguing that after the 90's in Albania started to develop a perception that everything good comes from abroad, due also to the lack of internal institutional organization in the country. Furthermore, the rhetoric of political discourse in Albania during the transition has affected the perception of citizens that the legitimacy of the political elite should come from international institutions and that the political elites are legitimated by the latter rather than by the country's citizens (FG 2).

Trust in internal public institutions

In a thorough evaluation we can notice that despite the fact that trust in government have been slightly increased, the data shows that trust in key institutions had been falling. An important indicator of decreased trust in institutions is "trust in police", which shows low and decreasing levels of trust from the first wave results to the second wave results (see Figure 5 below).

**Figure 5: Trust in Police 1998 and 2002 in %**
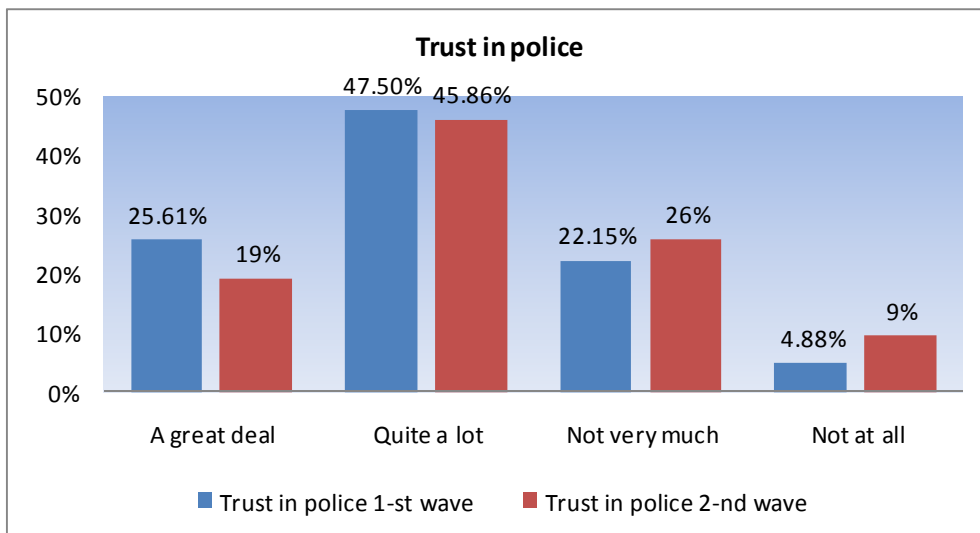
Source: World Values Survey, third and fourth wave

The decrease of trust in police is also important since, together with the law enforcing institutions, it has a special function: namely to detect and punish those that infringe the law by means of an opportunistic strategy or treacherous behavior. The judicial system and the police are, in other words, in the business of protection and this exercises great influence towards the societal patterns of trust.

As mentioned above, an independent judiciary is another pillar of trust in the society. The judiciary, as the guardian of all the established laws, has a fundamental role in the establishment and preservation of the rule of law. The idea of rule of law implies that any exercise of public power must be backed by stable laws made public and applied in equal manner to all citizens. In societies where the judiciary is perceived to be corrupt and inefficient, rule of law is impaired, and as a result, distrust will prevail. [57]

Figure 6: Trust in Justice 2002 in %
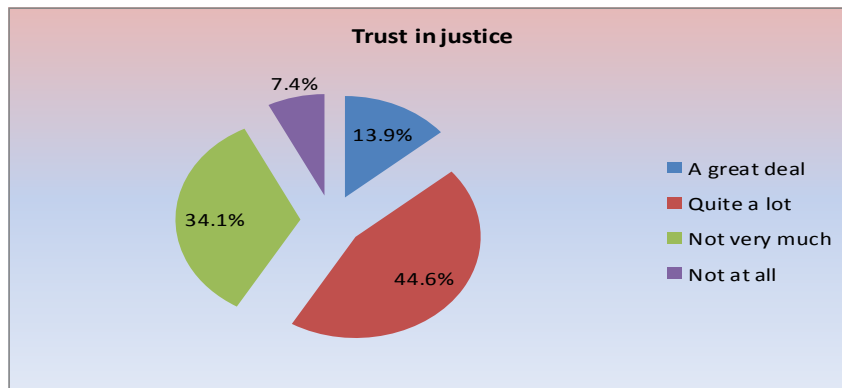
Source: Fourth wave, WVS

To see a comparative and progressive approach on the developing patterns of trust in public institutions, we have analyzed the trends related to trust in Government (in general), Police, Parliament, and Armed Forces. As noted from the data on Figure 7, while the Government recognizes steady development concerning citizens' trust, the situation of trust related to public institutions seems to record falling values between the two Waves regarding trust in Police, Parliament and the Armed Forces. According to another survey for the period 2008-2010 trust towards Armed Forces was 47% in 2008, 68% in 2009 and 63% in 2010. The same source states that trust towards government for the same period was 36% in 2008, 51% in 2009 and 40% in 2010[58].

Figure 7: Confidence in Police, Parliament, Government and Armed Forces 1998 and 2002 in %

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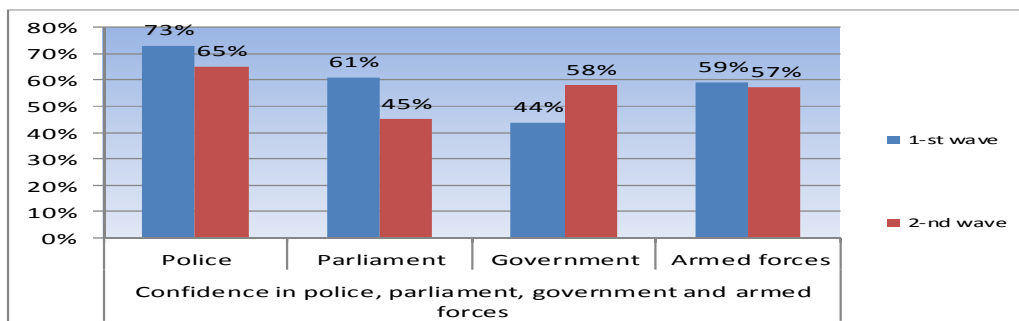
[57] Blind K. Pery, Building trust in government in the twenty-first century, UNDESA, 7th Global Forum on Reinventing Government, 26-29 June 2007, Vienna, Austria.

[58] Gallup: Balkan Monitor 2010: insights and perceptions-voices of the Balkans, 2010

Source: World Values Survey, third and fourth wave

Such situation is explained by Ullman-Margalit (2004: 65) that argues that in modern societies, the state acts as a substitute for trust because the state's enforcement of legally binding contracts not only does not generate trust, but in fact relieves society of the need for trust. All these authors defend, therefore, the existence of some kind of trade-offs between the role of the state as a third-party enforcer of private agreements and the development of social trust[59]. Important is not to create formal institutions but the perceived history about their action is something rather important in creating trust. However, in Albania such balance has been far from being achieved and what is more disturbing, the gap of institutional trust over the years is deepening**.**

Another tendency that can be stressed when discussing the development of social trust in Albania is that low confidence in government might be due to the increasing perception that people are having in regards to what they want to achieve. As such they are keen to exercise individual/group actions for achieving their goals rather than waiting for public institutions and governmental bodies to affect their well-being. This approach becomes more evident in the comparison between the results of the first wave and second wave, regarding Government responsibility and people responsibility as shown in table 3 below.

Table 3: People's responsibility vs. government responsibility 1998 and 2002 in %

	1998	2002
People responsibility	26.7	36.1
Government responsibility	73.3	63.9

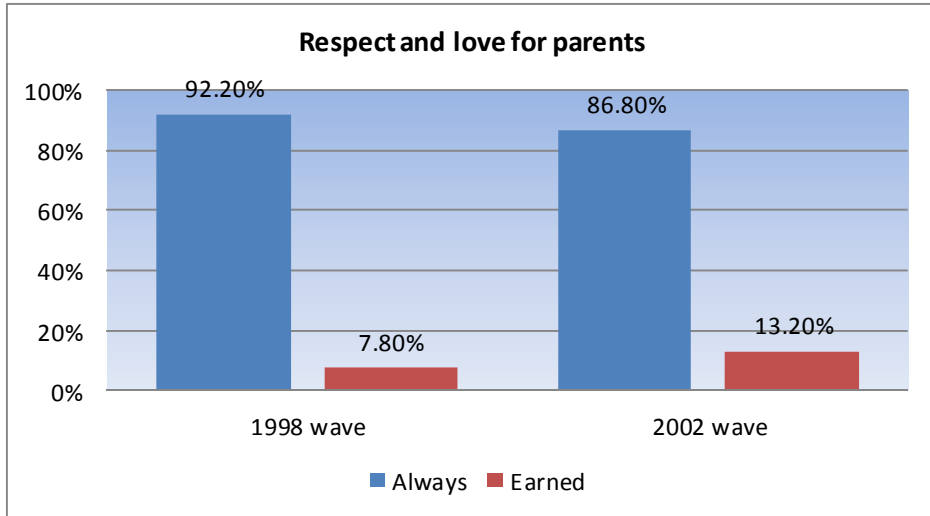*Source: World Values Survey, third and fourth wave*

The issue remains how to establish a functional relation between people that believe in their individuality and personal efforts and engagements and how to lay such confidence in the institutions. In this regards, despite the fact that individuals might be ambitious and responsible for their goals, the issue remain how to utilize such resources in institutional activity and how this level of intellectuals would be institutionalized. (FG 2)

Family in the framework of social trust

According to the data provided by WWS, Albanians continue to consider family as the most important institution. Consequently, such approach has a direct impact on the behavior of the citizens towards state institutions. Strong family ties, the tradition to live with parents and the weight of family related matters in people lives remain key elements in the development of social trust and institutional authority through the years. As can be noted from the results of WVS, Albanians respect and love for family is exceptional, while they spend a lot of time with their family members and the overwhelming majority lives with parents (see figures 8, 9 and 10 below).

Figure 8: Respect and love for parents 1998 and 2002 waves in %

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[59] Herreros, Francisco, (2008) The State and the Creation of an Environment for the Growing of trust, DOI: 10.1177/1043463108096790., *Rationality and Society* Copyright © 2008 Sage Publications. Vol. 20(4): 497–521 http://rss.sagepub.com DOI: 10.1177/1043463108096790, 498

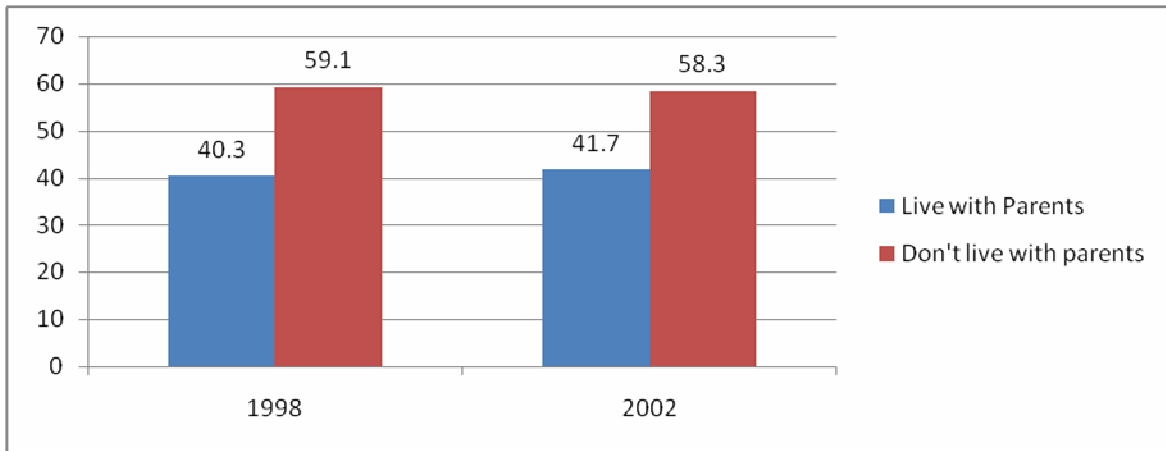**Respect and love for parents**

Source: World Values Survey, third and fourth wave

Figure 9: Time spent with friends, colleagues and in community people 2002 in %
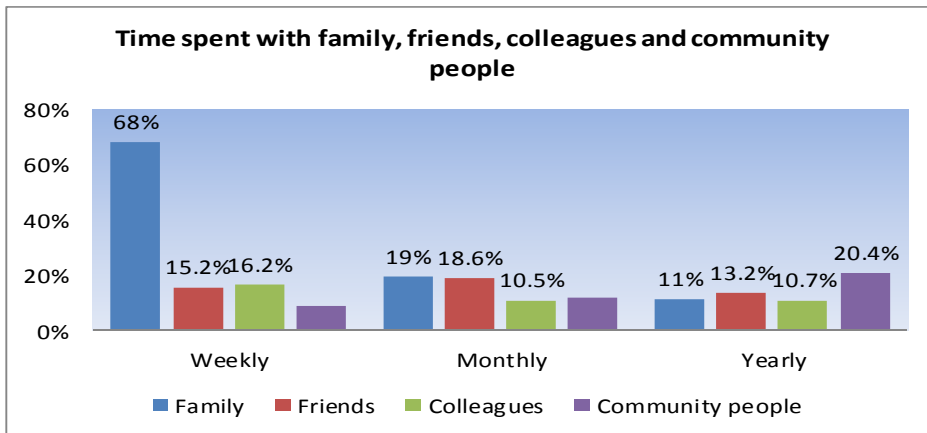
Source: World Values Survey, third and fourth wave

Figure 10: Those living with parents and those living alone 1998 and 2002 in %

Source: World Values Survey, third and fourth wave

The strengthening of family institutions might have consequences in formal institutions. However, such approach is not unique to Albania. Most of the citizens in Europe trust most their families and close friends, and tend to distrust any kind of social and political structures[60]. In developed industrial societies, people are members of a greater diversity of groups, with limited involvement in each, and reliance is based to a much lesser extent on personal trust, and more on institutional conditions of laws and law enforcement, intermediaries of many kinds, and complex patterns of mutual dependence[61].

As some authors hint (see for instance, Ledeneva 2001), informal institutions might be so strong because they work where inappropriate formal ones do not: their proliferation may be a rational compensation for the poor performance of formal institutions. Nonetheless informal institutions (such as family) are not necessarily hindering the transformation of a society as they can coexist in parallel to formal ones; however, widespread informal or particularistic behavior, deviant from the formal, universal and legally established norms of conduct does affect the modernization and bureaucratization of a society, as it subverts the rule of law[62]

Albanians living with their parents are less keen to take actions against bad governing, or injustices. As the results show, a very small part of those living with parents have signed or will sign a petition (figure 11 below).

Figure 11: living with parents vs signing a petition 2002

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[60] Pehlivanova, Plamena «The Decline of Trust in Postcommunist Societies: The Case of Bulgaria and Russia», Contemporary issues, (Suvremene theme), pages: 32-47. UDK: 32.019. 5(497.2 +470) Pregledni Rad, Primjeno: 17.8. 2009, 42

[61] Nooteboom, B. (2006) "Social Capital, Institutions and Trust", Tilburg University, The Netherlands. [On-line] At: http://arno.uvt.nl/show.cgi?fid=53911. Acessed on January 2011, p.2

.[62] Mungiu, Pippidi, Alina, (2005) Deconstructing Balkan Particularism: The Ambiguous Social Capital Of Southeastern Europe Southeast European and Black Sea Studies Vol. 5, No. 1, January 2005, pp. 49–68 ISSN 1468–3857 © Taylor & Francis Ltd, DOI: 10.1080/1468385042000328367, p.51

Living with parents and signing a petition
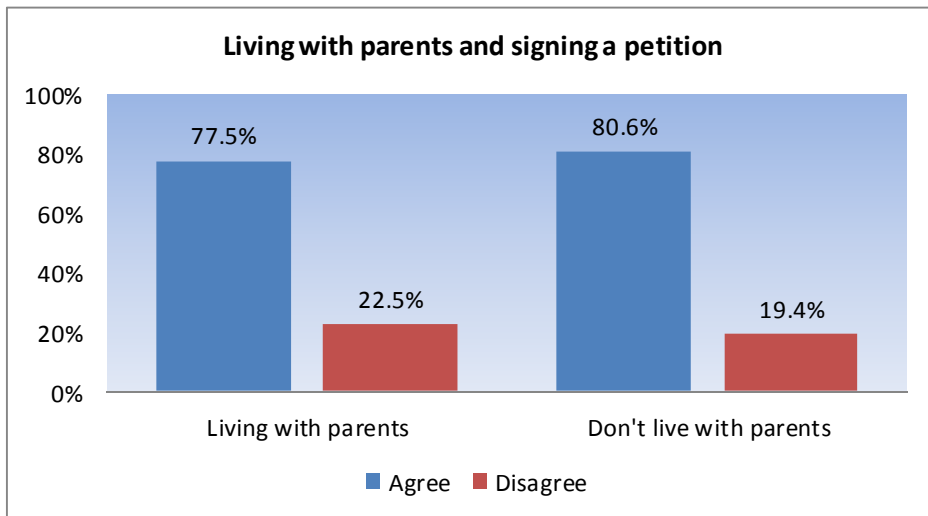
Source: World Values Survey, fourth wave

We can notice a direct relation between family and political activity. As it can be assessed, people living with parents in Albania are less engaged with political/social/community activities comparing to those who live alone (Figure 12). This can be argued with their culture to consider the family as the most important institution in all the perspectives, while their main concerns are related to ensure good living conditions and security within their family rather than the society in general.

Figure 12: Live alone, live with other people vs. civic participation 2002 in %

Living alone/with others and civil participation
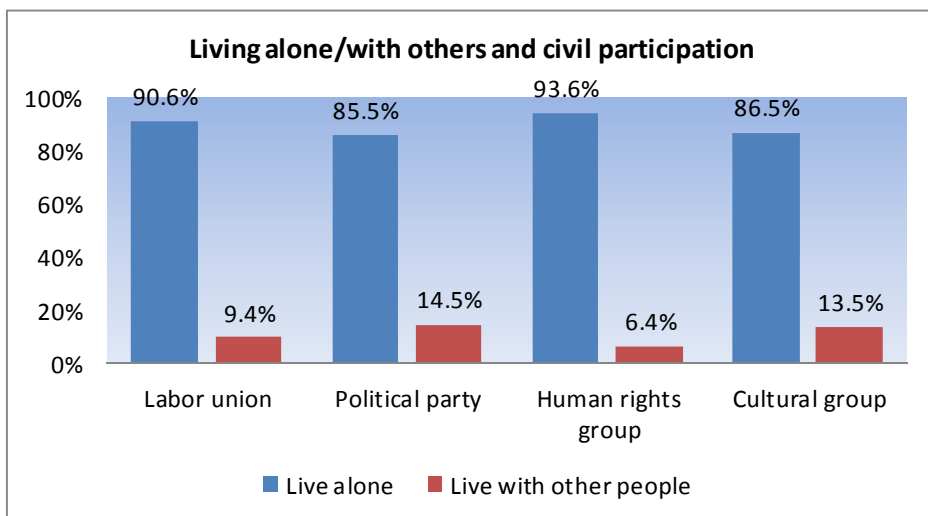
Source: World Values Survey, fourth wave

As it results also from the data presented above, the strong respect towards parents, the excessive amount of free time with close family and friends vs. the time spent in community, the lower participation in political actions, such as that of signing a petition, or those that live with parents are all indicators of a strong weight the family has compared to social institutions in Albania. A similar study is being conducted in this field and so far it has been proven that the young people voting for the first time tend to vote in similar ways as their parents and that this trend weakens as family influence over them weakens as well[63].

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[63] PhD studies of Blendi Çeka. The issue is discussed in the first focus group, convented for pruposes of thi study.

These findings take particular importance if seen in a wider frame. Below we state two such opportunities:

First, the Albanian society is one for whom family constitutes one of the dearest things. This is also typical for other similar societies. This stance towards the family, and the group of values that relates to it has attracted the attention of the scholar that have posed the question of viewing the Albanian society as a clan-based one, where blood feuds are strongly sustained, protected and supported. As it can be easily grasped where the society is based on clans and where public institutions are fragile, the level of institutional trust and civic participation would be at low margins.

Second, according to an interesting study, after an initial optimism of the transition from communism to democracy in Russia and Bulgaria during the difficult years of transition, it was noted that individuals strengthened their relations with the families, since the latest remained the cell that compensated for what institutions were not able to offer: safety, trust and values.[64].

2.5.2. Satisfaction from life, political engagement and participation in political action

***Apathy, distrust and (dis)engagement in politics.***

Another issue that influences the low level of trust in government and public institutions is the rising apathy of citizens towards state structures during the long transition. In other terms, the presence of the State as a ruler, does not directly foster the development of trust, but creates an environment where trust can grow, whereas the absence of the State, or the inefficacy of the State, impedes growing of trust and lowers the expectations of the citizens on the state and its political structures.[65] Presumably, citizens who distrust the government are less willing to vote and participate in electoral politics, but more willing to monitor and control the acts of government by forming watchdog organizations that demand higher accountability from government and its elected leaders[66]. Nonetheless, such theory is not adaptable for Albania either, considering that the interest of Albanians on political issues during the years have decreased (see figure 12 below), while people tend to be less associated with political parties, or civic organizations as argued when talking about membership in social groups. The figures below show the decreased level of interest Albanians have on politics (figure 13) and the relatively falling rate of participation in elections as measured by OSCE/ODIHR reports (figure 14)

Figure 13. Frequency of interest in Politics during 1998 and 2002 in %

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64 Plamena Pehlivanova "The Decline of Trust in Post communist Societies: The Case of Bulgaria and Russia", Contemporary Issues (Suvremene teme), issue: 2 / 2009, pages: 3247

65 Herreros, Francisco, (2008) The State and the Creation of an Environment for the Growing of trust, DOI: 10.1177/1043463108096790., *Rationality and Society* Copyright © 2008 Sage Publications. Vol. 20(4): 497–521 http://rss.sagepub.com DOI: 10.1177/1043463108096790, p.498

66 Kim. Seok-Eun, The Role of Trust in the Modern Administrative State, Administration and Society. Vol 7, 2005

Frequency of interest in politics during 1998-2002
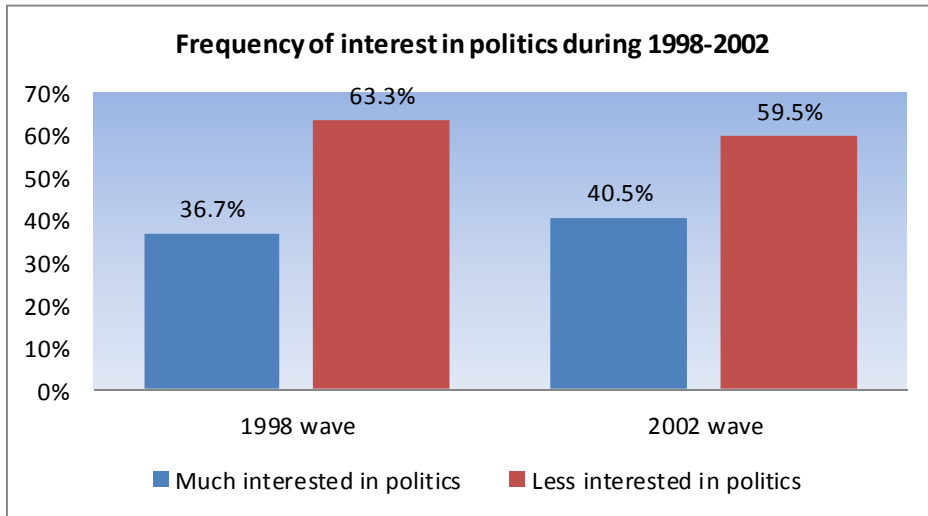
Source: third and fourth wave, WVS, 1998 and 2002

Figure 14: General election participation 1998, 2001, 2005, 2009 (according to OSCE/ODIHR)

General elections participation
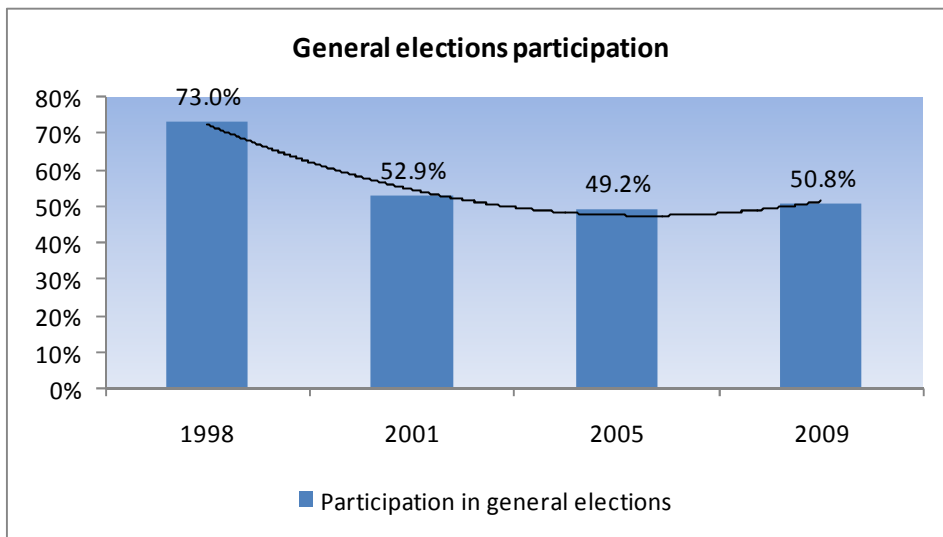
Source: OSCE/ODIHR

In parallel, it can be revealed that Albanians have growing negative perceptions on the political governing system, which has been evaluated in negative terms by the population along the years. During the two waves of survey, the population remained skeptical in regards to the political governing system.

Figure 15: Rating political system 1998 and 2002

Source: Third and fourth wave, WVS, 1998 and 2002
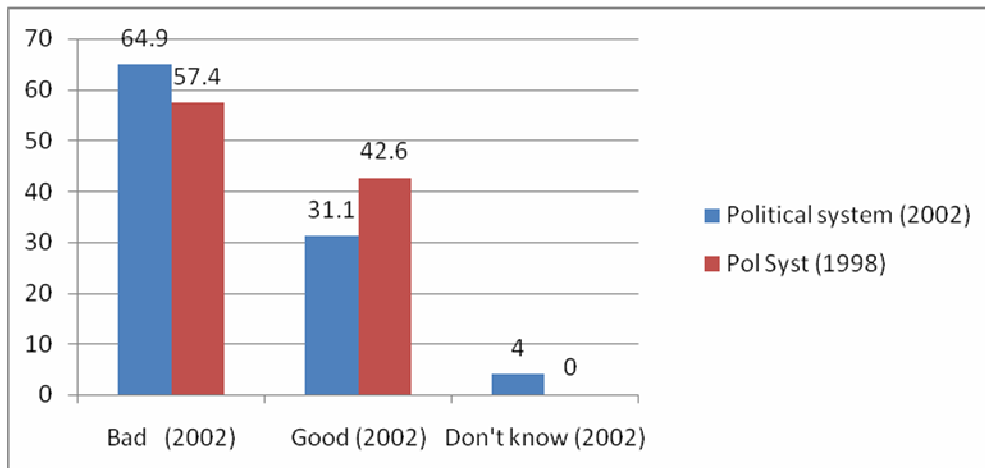
Regarding membership in political parties, World Values Survey makes it possible to see this trend only for 2002 and it is low (table 4 below). However, according to another more recent survey, the degree of the political membership in 2009 amounted to 24.5 percent, which shows a slight increase if compared to the results below[67].
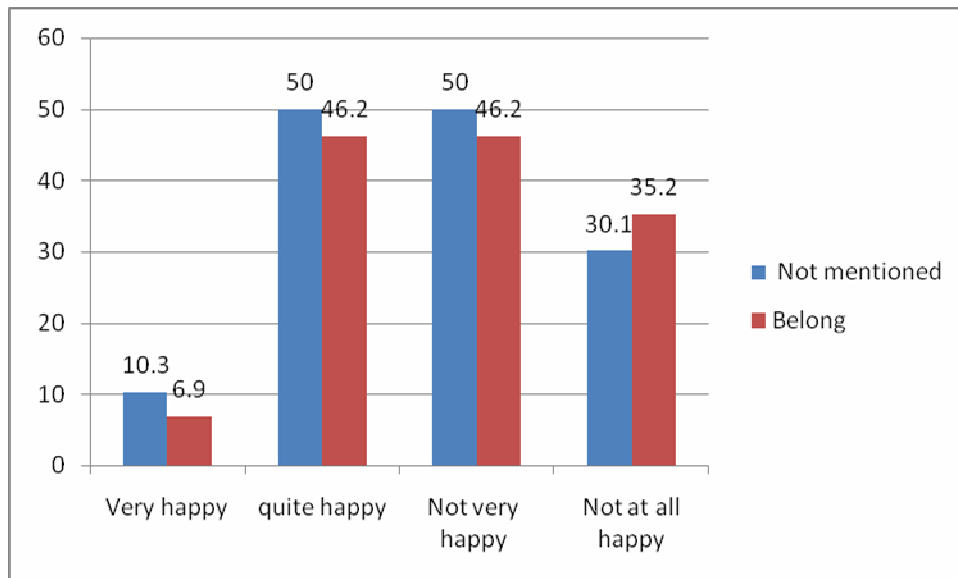
Table 4: Membership to political parties (2002) in %

Membership of political parties	2002
Not mentioned	85.5
Belong	14.5

5.5.4.2. Relationship between life satisfaction and engagement in politics

Figure 16: Happiness from life vs. membership in political parties (2002)

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[67] Institute for Democracy and Mediation and CIVICUS, (2010) Civil Society Index for Albania. In search of the citizen and of the impact. p 15

Source: Fourth wave, WVS, 2002

Figure 16 shows the relationship between happiness from life and membership in political parties during 2002. It seems that those that perceive themselves as "*very happy"* and "*not at all happy"* have a lower rate of engagement in political parties, compared to the moderately satisfied group. This finding can be explained using two approaches: the psychological and the socio-economic one.

From the *psychological point of view the persons* that perceive themselves as not at all happy live under stress and have depressive tendencies. Therefore, they stay away from political engagement. Regarding the respondents that perceive themselves as "very happy" they feel sufficiently accomplished and do not consider it necessary to be fulfilled by participating in politics[68]. Moreover, this finding was also supported by the participants of FG 1 that argued that these individuals are conformists and, therefore, tend not to participate in politics.

From the socio-economic approach, Easterlin (2001) argues that the source of happiness is determined by three main factors: making a living, family life and health[69]. Therefore, the "not at all happy" respondent group is composed mostly of poor and marginalized people, who are too worried regarding their daily survival and do not have neither the time, nor the will to participate in politics and social actions. Following this line of thought, the participants of FG 1 also stated that the marginalized and left-apart groups show a low rate of participation in politics, since they are too worried with their daily needs.

Regarding the low rate of participation of the "very happy" category following the economic approach, different contemporary scholars predict that outcomes related to political participation and civic engagement will be highest when happiness is moderate, since political participation is motivated in part by dissatisfaction with current political situations, those who are completely satisfied may feel little motivation to effect change.[70] Following this discussion, participants of FG 1 argued that people that feel "very happy" are often

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[68] Weitz-Shapiro, Rebecca & Winters, Matthew S. 2008. *Political participation and quality of life,* Research Department Working Papers; 638. Inter-American Development Bank. 1300 New York Avenue, N.W. Washington, DC 20577, p.12

[69] Easterlin, Richard. (2001). Income and happiness: towards a unified theory. The economic Journal, 111 (July), 465-484, Royal Economic Society 2001. Published by Blackwell Publishers, 108 Cowley Road, Oxford, OX41,JF,UK and 350 Main Street, Malden, MA 021 48, USA, p.466

[70] Klandermans, B. (1989), "*Does happiness soothen political protest? The complex relation between discontent and political happiness"*. In: Veenhoven, R. (1989), "*How harmful is happiness consequences of enjoying life or not"*; Universitaire Pers;

those that feel "very wealthy". A good part of them have developed businesses whose success depends on the unofficial ties they have with one, or the other political force. Fearing that open membership in one or the other political force might be used as a reason for revenge towards them once the government shifts they prefer to declare themselves as politically disengaged.

Another category of the people who are very happy and stays away from the political participation was mentioned in FG 2, as shown in Box 1 below.


Box 5: Very happy, by not participating

During the discussions of the second focus group we identified another category that might be satisfied with life, but that anyway does not wish to participate in politics. This category corresponds to those independent experts, who are often left aside by policymakers during the last years of transition. Therefore, they feel deluded and left aside and prefer to stay away from politics and its rhetoric, showing lower levels of interest regarding political participation in politics.

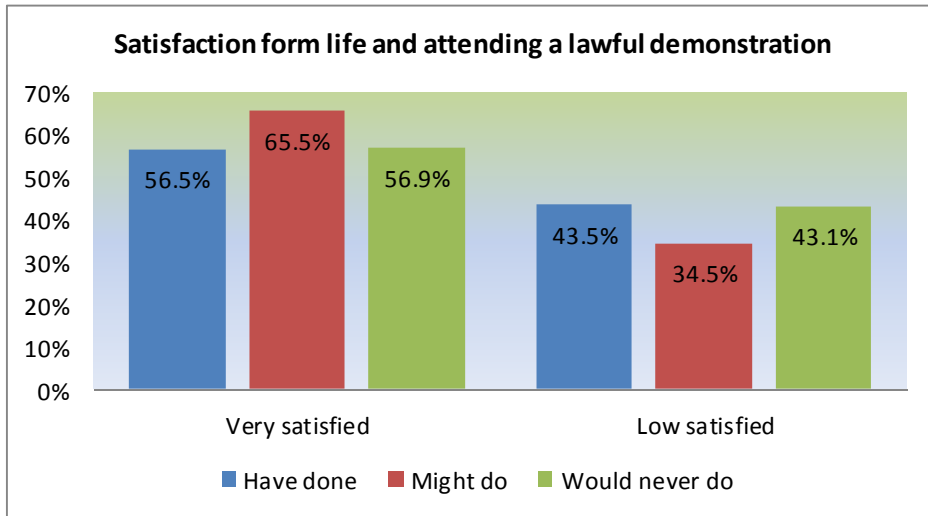### 5.5.2. Relationship between life satisfaction and participation in political action

Participation in political action is derived by the questions that ask people whether they participate in actions such as lawful and unlawful strikes and demonstrations and signing petitions, while life satisfaction is calculated by the WVS question: All things considered, how satisfied are you with your life as a whole these days?

Figure 17: Life satisfaction vs. political action: signing a petition 2002 in %
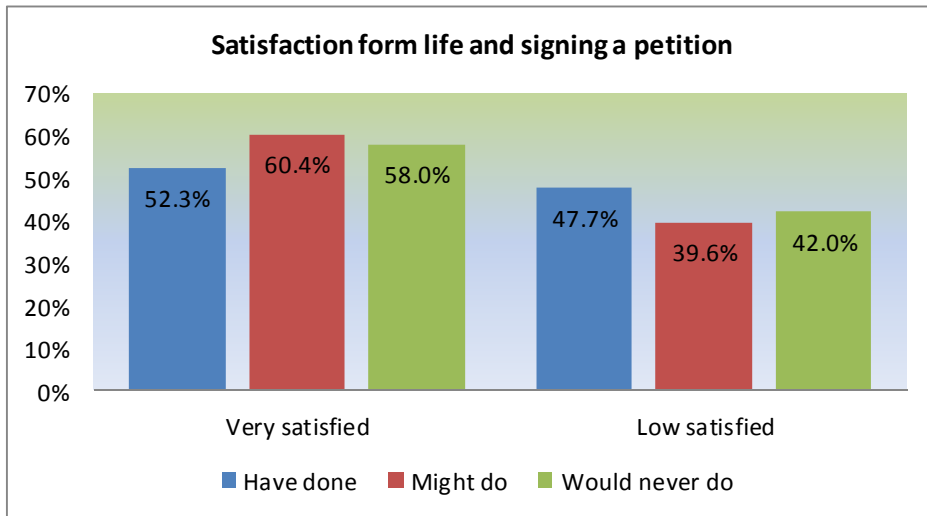
Source: Fourth wave, WVS, 2002

**Figure 18: Life satisfaction v.s. political action: participating in lawful demonstrations 2002 in %**

Rotterdam, the Netherlands. P.135 [On-Line] at: http://www2.eur.nl/fsw/research/veenhoven/Pub1980s/89a-C7-full.pdf. Accessed on 30 December 2010.

Satisfaction form life and attending a lawful demonstration

Source: Fourth wave, WVS, 2002

The relation between life satisfaction and participation in two political actions, such as attending lawful demonstrations and signing a petition, is shown in Figures 17 and 18. The low satisfied persons have a direct relation to the participation in political actions, meaning that those who are dissatisfied from life tend to have a lower participation rate in political actions. What strikes the attention is the fact that in all the above mentioned graphs, there seems to exist considerable disproportion among the respondents who state that they have done, or that they might do a political action. It seems that here we have a contradictory trend between the desire to participate in a political action on one hand, and the practical possibility for participation in such an action, on the other hand. This contradiction between the desire and its realization in practice makes one wonder: How free do citizens that participate in political actions feel? Or said differently: do they have enough freedom of choice and control?

Figure 19: Level of perceived freedom and engagement in signing a petition in % 1998 and 2002

**Relationship between degree of freedom and choice and signing a petition**
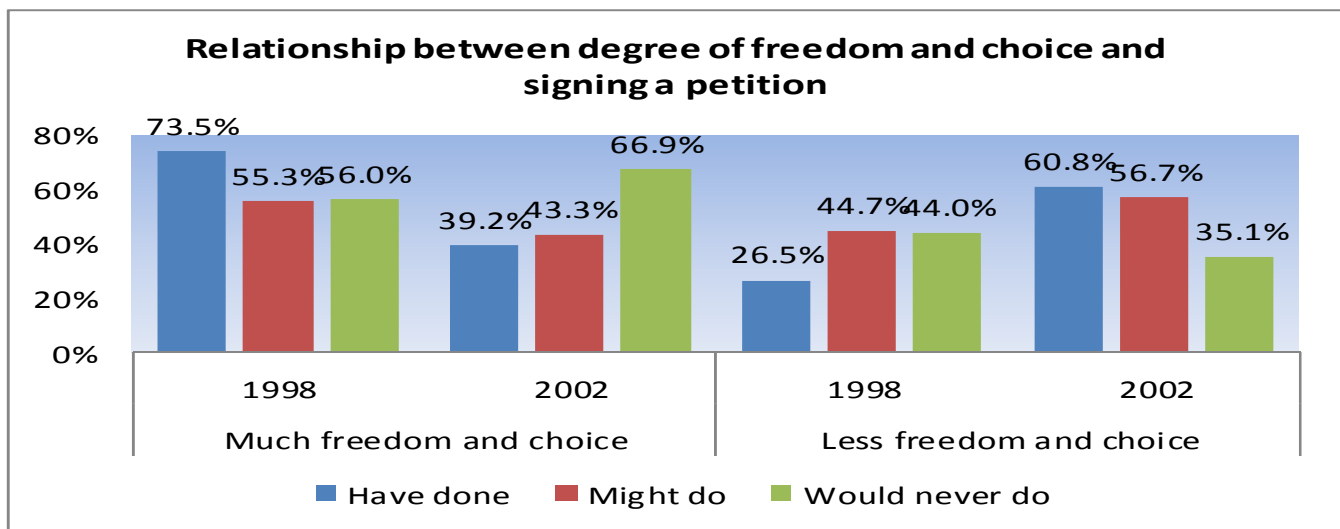
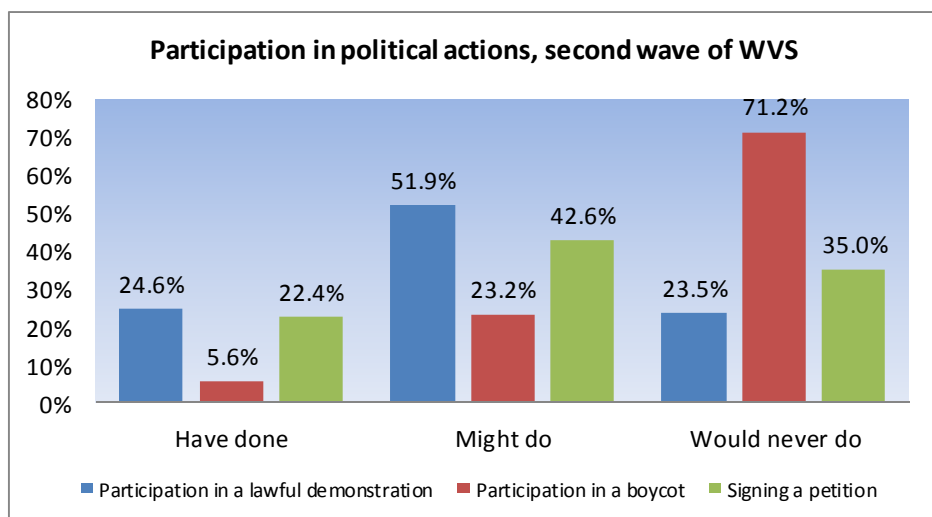*Source: Third and fourth wave, WVS, 1998 and 2002*

Figure 19 above analyzes the relation between freedom *of choice and control* and the readiness to undertake political action (signing a petition) for 1998 and 2002. The relationship in 1998 seems to be positive and direct while for 2002 this is an indirect relationship.

Figure 20: Participation in political actions 1998 in %

Participation in political actions, first wave of WVS
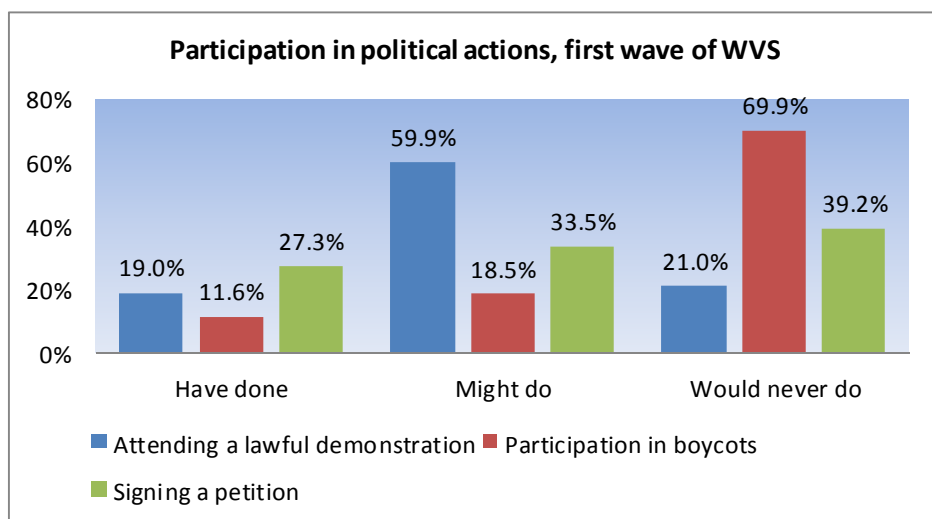
Source: Third wave, WVS, 1998

Figure 21: Participation in political actions % 2002

Participation in political actions, second wave of WVS

Source: Fourth wave, WVS, 2002

Figure 19 and 20 above presents the stances towards 4 political actions: *signing a petition, joining a boycott, attending lawful demonstration in 1998 and 2002*. The same tendency is also confirmed by CIVICUS (2010) stating that when asked regarding participation in different political actions such as signing petitions, joining a boycott and joining lawful demonstrations about 28.2 percent of the respondents say they have participated in such actions during the last five years[71]. These figures show more concretely the disproportion between the groups that say *might do and have done*, explained above. Another striking point is the large number of the respondents that say that they would never join a political boycott and would never join official strikes. Meanwhile, it is well known that during the surveyed period the political boycott has been a well known phenomenon that has been largely practiced by the Albanian politicians and reached its peak in 1996 when the

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[71] Institute for Democracy and Mediation and CIVICUS, (2010) Civil Society Index for Albania. In search of the citizen and of the impact p 14

Socialist opposition withdrew from the general elections. Moreover, the hunger strikes in the first part of the 1990s as well as other sort of strikes, lawful and unlawful ones, have been a rather common phenomenon in the transitioning Albanian society.

There is another contradiction that is visible from figures below. In the mentioned period and even afterwards the Albanian society seems to be very informal oriented. Lastly, CIA World Fact Book reported that the informality rate for 2010 for Albania amounted to 50% [72]. Starting from this statement we can emphasize that in 1998, when the state and its institutions were still recovering from the general collapse of 1997 and when the tax system was much weaker than today, in 1998 the informality level must have been much higher. A reason that explains the low participation rate in normal and democratic forms of political actions, as stated also in FG 1, is "the lack of experience as well as the low level of the culture of political action within the Albanian society".

 In Focus Group 2 it was stated that the lack of previous experiences is a reason of the doubtful approach towards less known pacific actions such as signing a petition, boycott etc. It was also noted that: "In general there is a lot of participation when it comes to provide ideas, but in practice nobody seems to be willing to pay the bill of being politically active and participating in political actions." Reasons that might explain this stance include the disillusion by the political situation and the moral integrity of the politicians. Moreover, people are being conscious of the lacking expectations and confidence towards the state. Adding to this, the low effectiveness of social policies, the low moral integrity of the politicians seems to be normal and political participation, therefore, remains at low levels. All these reasons were emphasized by the participants of the first and especially the second focus group.

The contradiction between the high practicing and the low acceptance of the above mentioned political actions can also explained by the weak survey culture existing in Albania. Therefore, it can be argued that respondents sometimes fear to tell the truth, since there might be consequences for them if they decide to disclose truth. It is understandable that in such circumstances, the degree of freedom of choice and control is very low.

5.6 Generalized trust, political stance, and social behaviors
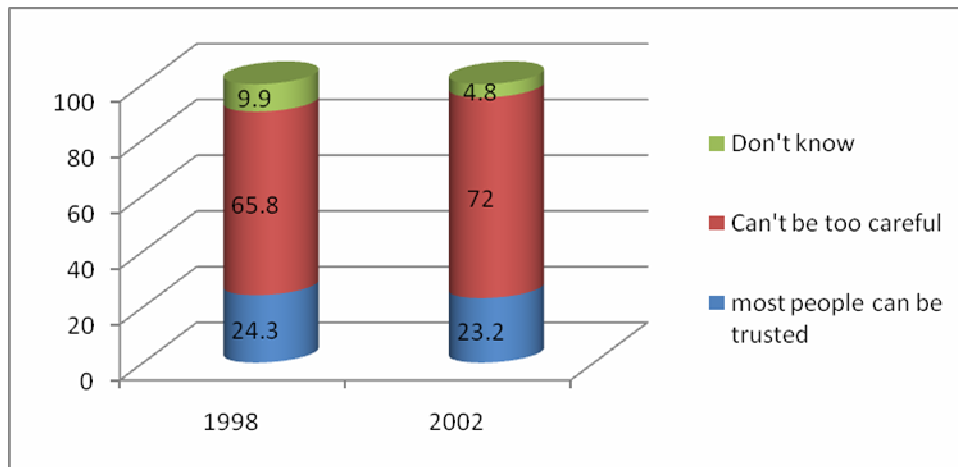
Generalized trust in Albania

Generalized trust is a concept that can be derived by the WVS, question: "Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people"[73]. Figure 21 below shows the levels of generalized trust in Albania during 1998 and 2002. In 1998 only 24.3 % of the respondents say most people can be trusted and in 2002 this figure slides even more down (23.2%). In another local survey, however, the trends of social trust appear to be even lower with 92.5 percent of the respondents saying that you must be very careful when trusting the other people and only 7.5% state that people can be trusted[74].

Figure 22: Generalized trust in Albania 1998 and 2002 in %.

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[72] https://www.cia.gov/library/publications/the-world-factbook/geos/al.html
[73] Paldam, M. (2000) "Missing Social Capital and the transition in Eastern Europe", Journal for Institutional Innovation, Development and Transition. [On Line]. Available at: http://research.asb.dk/ws/fbspretrieve/250/00-5_gts.pdf.
[74] Institute for Democracy and Mediation and CIVICUS, (2010) Index of Civil Society for Albania: in search of the citizen and of the impact, p 28

Source: Third and fourth wave, WVS

Generalized trust in Albania appears to be low also compared to other ex-communist countries of Eastern Europe. For instance, in 1998, 51% of those surveyed by the New Democracies Barometer in Central and Eastern Europe said that most people can be trusted[75]. Also if one compares the trends of generalized trust in Albania with the trends shown in other former communist countries, it seems that in Albania generalized trust shows decreasing rates rather than increasing ones. In Russia, for instance, in 2000 the respondents that say most people can be trusted amount to 66%, compared to 34% in 1998[76]. The data about Albania during the period 1998-2002 show that the levels of generalized trust dropped from 24.3% in 1998 to 23.2% in 2002.

A more optimistic situation regarding generalized trust is shown when comparing levels of generalized trust in Albania with those in other countries of Western Balkans, as shown in Table 5 below. The data are also taken from World Values Survey and correspond to the same waves as those considered in figure 21. From there, it can be seen that Albania is ranked behind countries such as Montenegro, Serbia and Bosnia and before Macedonia and Croatia. Therefore, it stands in the middle of the regional ranking and is not ranked as the last country of the region.

Table 5: Generalized trust in the region (1996-2002)

	Albania		Bosnia		Croatia		Macedonia		Montenegro		Serbia	
	1998	2002	1998	2001	1996	1999	1998	2001	1996	2001	1996	2001
Most people can be trusted	24.7	23.2	24.8	24.8	22.8	17.9	7.5	13.1	30.4	32.9	28.4	18.3

Source: Third and Fourth Wave of WVS

Making a generalized statement it can be said that, despite variations, the level of generalized trust remains low in post-communist countries of Central and Eastern Europe if compared to the Western states. One factor that might explain this difference is the so called "communist legacy". In this regard Ackerman (2006) states two arguments that provide an insight in explaining the lack of generalized trust in societies undergoing the

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[75]Ackerman, S.R. (2001) "Trust, Honesty, and Corruption: Theories and Survey Evidence from Post-Socialist Societies Towards a Research Agenda for a Project of the Collegium Budapest" [On Line]. Available at: http://www.colbud.hu/honesty-trust/rose/pub01.PDF Accessed on December 2010 , p.5

[76] Ibid, p.13

transition from socialism to democracy: firstly, it is argued that the overall failure of the planned economies has lead towards cooperation between family and close friends as a strategy and mean to cope with a dysfunctional system, creating therefore a sense of community. This community feeling has been broken up by the move to the market and to democracy, leading to a loss of trust and an increase in opportunism. The second factor concerns the socialist government's lack of legitimacy. Therefore, they were imposed governments, rather than freely elected ones. This led citizens to assume that official state actors were self-serving and the rules they constructed irrational. This has contributed to the lowering of social trust in institutions and state related agencies[77].

Regarding the Albanian context of generalized trust, it can be argued that factors of the traditional past, as well as of the present days can be mentioned when analyzing its trends. Talking about the pre-communist past, it can be mentioned that due to delays in economic and social development, the Albanian society of the early 20th century preserved and manifested emphasized features of the feudal order and a retarded institutional development. According to Fischer (1996) "There [in Albania] was created a unique social understanding crystallized in the huge diffidence towards the state and the community life. (…)" [78].

For the communist period, data show that generalized trust levels were higher than those showed during post communist transition. Therefore, according to a survey of AIIS of 2010 68% of the respondents state that interpersonal trust during communism was high or very high while regarding today 83.1% say that they trust each other low or very low[79] An interesting idea provided within the second focus group might help in shedding some more light on the issue here. It states that: "Communism in Albania aimed mostly social and ideological obedience, rather than strengthening of social trust in general."

As the data of figure one show, generalized trust continues to be at low margins also during the post communist transition. An important factor that influences this trend is the closing down of factories and large working centers after the fall of communism, which due to collective work conditions, increased the community feeling. Furthermore, the massive closing down of cinemas, theatres and other social instances, especially in the rural areas, during the transition period, contributes to lower the community feeling and to strengthening of individualistic feeling, lowering in turn the levels of generalized trust[80]. In this regard, in the second focus group it was stated that social organizations and social structures role is diminishing more and more, and social life organizations are becoming narrower. This contributes to increase the feeling of individualism and to decrease social cohesion and generalized trust levels. Moreover, a range of phenomena that regard to ownership, uncontrolled demographic movement, the occupation of land etc., combined also with the failure of state institutions to act as regulators in this area have also contributed to lower generalized trust[81].

5.6.1. Generalized trust, particularized trust and informal networks

To analyze the report between generalized trust and particularized one, this section compares the importance that Albanian respondents attach to their families, on one hand, and their levels of generalized trust, on the other. It seems that the great importance attached to family and friends circle (see figure 22) is in disproportion with the low levels of generalized trust.

**Figure 23: Family importance, friends' importance and generalized trust 1998 and 2002 in %**

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[77] Ackerman, S.R. (2001) *"Trust, Honesty, and Corruption: Theories and Survey Evidence from Post-Socialist Societies Towards a Research Agenda for a Project of the Collegium Budapest"* [On Line]. Available at: http://www.colbud.hu/honesty-trust/rose/pub01.PDF , p.1.

[78] Fischer, B. (1996) "King Zog and Effors for Stability in Albania", Tirana, Cabej Publishing House, 55

[79] AIIS 2010

[80] Fuga, A. (2004). *"Pheripheal Society"* Ora Publications: Tirana, p. 63.

[81] Gajo, A. (2001). *"Albaia – Democracy in Deficit"* Tirana: European Center for Research and Development, p. 53.

Family and friends importance and generalized trust into two waves of WVS
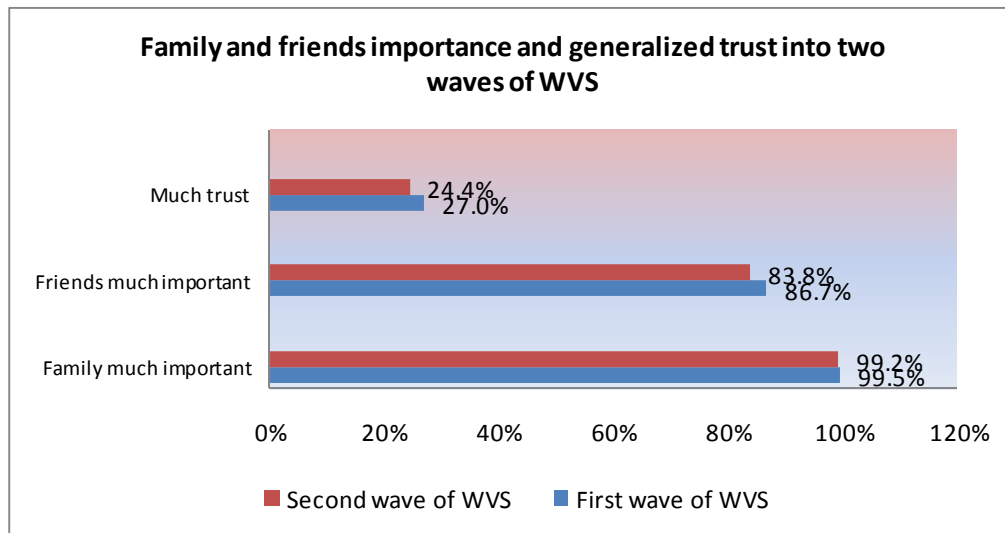
Source: 3d and 4th wave of WVS

The great importance attributed by Albanians to their families and close friends network might be taken also as a representative forms of informal networks of particularized trust. Several scholars argue that in order to make life bearable people who live in corrupt societies have to develop a lot of social contacts with people they can trust. Therefore, they seem to develop mistrust, envy, pessimism and cynicism towards "people in general". The type of trust they may develop under these circumstances is what Ahn & Esseray (2008) call "personalized" trust which implies that one only trusts very close friends and relatives but is distrustful of people outside one's close circle[82].

The high level of importance attached to family and friends in Albania is explained by the fact that individuals tend to appreciate more the persons with whom they share the same goals and with whom they have a common belief in moral values[83]. The disproportion between the high importance attached to family and friends and the low generalized trust margins can be explained also by the fact that sot the social space is very much narrowed in Albania. Most of the actual businesses in Albania, for instance, operate on family bases. In this way, work relations are often mixed with the familiar ones what contributes for a low participation in public life and influences the low levels of generalized trust[84]. This view was also stated during focus group 2.

The above generalizations regarding Albania are also supported by other studies regarding former communist countries. Therefore, Paldam (2000), for instance, states that in the communist societies of Central and Eastern Europe, with formal organizations routinely failing to operate, cooperation within informal networks (family, friends etc.) was the only way to get things done. Accordingly, people did not "generalize" the trust they had in these informal networks towards others in the society. As trust was hazardous under communism, it was thus reserved for family and friends, whereas generalized trust suffered from widespread erosion[85].

5.6.2. Social behaviors and generalized trust

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[82] Aahn, T.K. and Esseray, J. (2008). *"A dynamic model of Generalized Social Trust."* Journal of Theoretical Politics 20(2): 151–180. [On Line]. Available at: http://jtp.sagepub.com. Accessed on September 2010, 153

[83] Braithwaite, V. (1998). Communal and exchange trust norms, their value base and relevance to institutional trust. In V. Braithwaite & M. Levi (Eds.), *Trust and governance*. New York: Russell Sage (pp. 46-74). [On Line]. Available at: http://vab.anu.edu.au/pubs/1/trustandgov.pdf. 58

[84] Fuga, A. (2004). *"Pheripheral Society"* Ora Publications: Tirana, p. 53

[85] [85] Paldam, M. (2000) "Missing Social Capital and the transition in Eastern Europe", Journal for Institutional Innovation, Development and Transition. [On Line]. Available at: http://research.asb.dk/ws/fbspretrieve/250/00-5_gts.pdf. p.769

Individual freedom of choice is enhanced by the fact that the contemporary society is characterized by the existence of multiple and different options. In almost all spheres of life potential options are enlarged and broadened. In exercising the freedom of choice and the choice of alternative possibilities, people very often rely on generalized trust.[86] The role of freedom of choice is evident especially regarding the relationship between generalized trust and atypical behaviors. Rothstein & Urslaner (2005) state that generalized trust can be explained among other things by the level of inequality in society[87]. Within this aspect it is interesting to see the stance towards atypical behaviors of the Albanian society focusing on those behaviors that concern the other, the different and that might contribute to increase social inequality.

Figure 24: Acceptance of some moral social behaviors % 1998
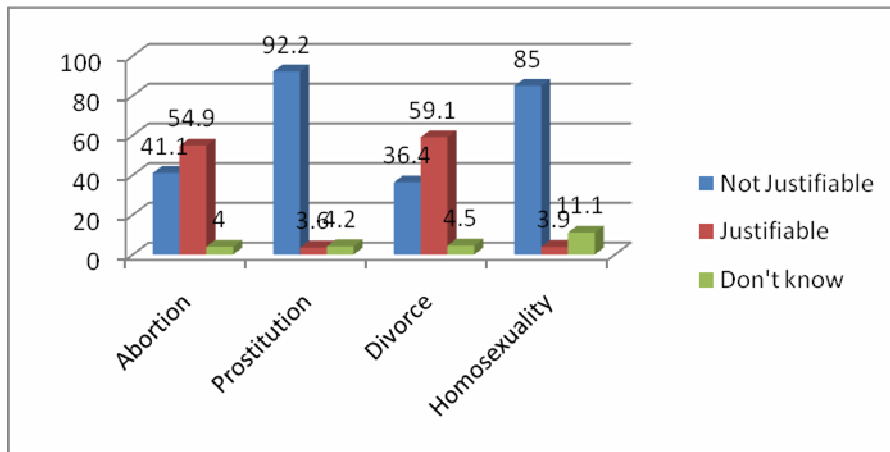
Source 3d Wave of World Values Survey

Figure 25: Acceptance of some moral social behaviors % 2002
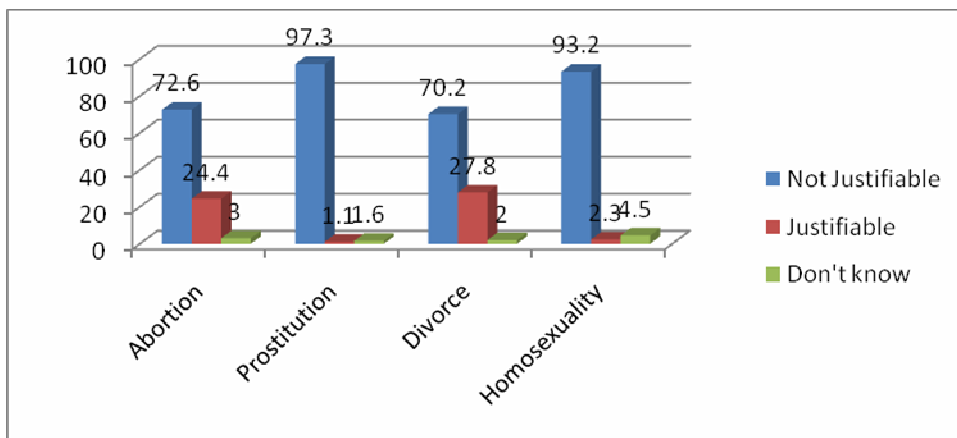
Source: Fourth Wave of World Values Survey

Data from the WVS show that Albanians tend to be intolerant towards such atypical private behaviors as prostitution and homosexuality, while at the same time they tend to be more tolerant and justify abortion or divorce. The same trend is observed in both 1998 and 2002 surveys (see figure 28 and 29). Albanian society is characterized also by a high exclusion of homosexuals and those affected by AIDS. When considering the

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[86] Salaj, Berto Social trust: Croatia 1995-2003, Politicka misao, Vol.XLII, No.5, pp.77-98, Pregledni članak,323.21(497.5), Primljeno: 20. kolovoza 2006, 86

[87] Freitag, Markus and Bühlmann Marc, Crafting Trust: The Role of Political Institutions in a Comparative Perspective Comparative Political Studies December 2009 42: 1537-1566, first published on March 5, 2009, p.1545

same types of behaviors, another survey organized by IDM and Civicus with the framework of Civil Society Index shows that the level of acceptance for abortion (3.48), divorce (5.04), homosexuality (2.15) and prostitution (1,77) if evaluated in a scale from 1 to 10, when 1 is not acceptable and 10 is acceptable, remain low[88]. This mainly happens because our society tends to view the first as a moral degradation and the second as some sort of infective disease similar to flue. We will not, however, go into details when talking about the above mentioned social behaviors, since it goes beyond the scope of this paper. They were just brought about to show that Albanian society tends to show exceptional stances towards marginalized groups, which weakens social cohesion and social equality and can also influence the low levels of social trust. What we are interested in when analyzing atypical behaviors are those behaviors that create a relation with the political stance of the society, which will be treated in the next section.
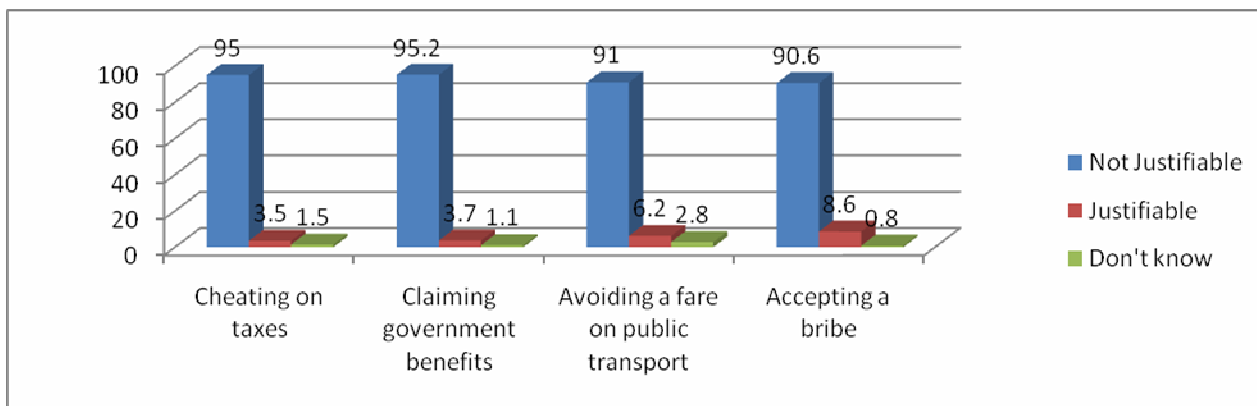
Atypical behaviors vs. political stances

Figure 26: Acceptance of social behaviors with political implications in % 1998
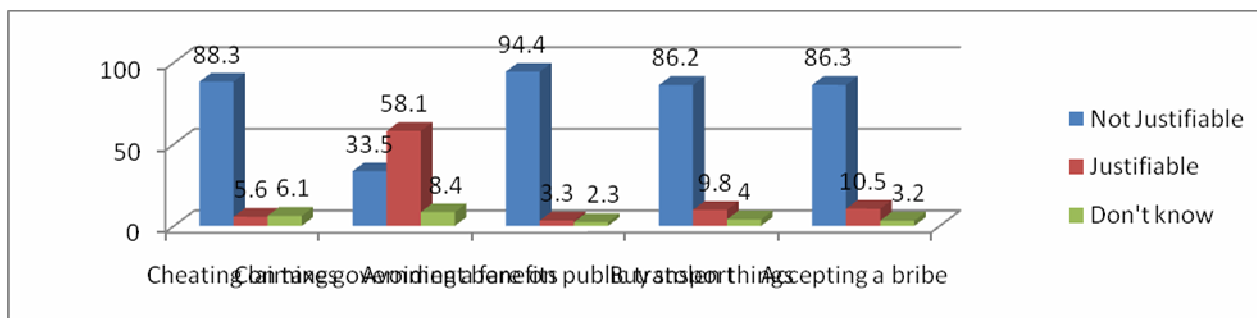
Source: Fourth wave, WVS

Figure 27: Acceptance of social behaviors with political implications in % 2002

Source: Fourth wave, WVS

Some social behaviors, such as the stance towards cheating on taxes, accepting a bribe, claiming government benefits, which are analyzed in Figures 25 and 26, create relations with the political stance of individuals. Empirical data from WVS (WVS) testify that a large number of respondents perceive as unacceptable behaviors such as cheating on taxes, accepting a bribe, avoiding fares in public transport and buying stolen things. The same trend is also confirmed by another local survey cited below (2010), which evaluates the acceptance of the above mentioned behaviors by means of evaluation in a scale from 1 to 10, when 1 means

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[88] Institute for Democracy and Mediation and CIVICUS, (2010) Civil Society Index for Albania. In search of the citizen and of the impact; p 24

not justifiable and 10 means fully justifiable. Some of the results based on this evaluation are shown in the table below. Here we also see that the degree of justifiability towards these behaviors remains at low margins.

Table 6: Acceptance of some social behaviors with political implications

Avoiding a fare in Public transport	2.27
Avoiding taxes if you can	2.23
Claiming benefits	1.95
Bribery at the workplace	1.68

Source: Institute for Democracy and Mediation and CIVICUS, (2010) Civil Society Index for Albania. In search of the citizen and of the impact.

When considering the degree of acceptance of atypical behaviors it seems that within the Albanian society there exists a strong contradiction. On one hand most of the Albanians asked do not accept atypical behaviors, such as cheating on taxes and accepting bribes, while, on the other hand, other data show that the level of corruption and fiscal evasion (in other words people or businesses that avoid paying taxes) has been and remains rather high in the Albanian reality, despite a slight improvement during the last years (see below for some of the major findings in this regard).

In order to find the causes from a rather theoretical point of view it can be said that the causes might be of different kinds. Two of them are worthwhile mentioning in our context. The first is that while the majority of the respondents sincerely believe that actions such as bribery and cheating on taxes are atypical and unacceptable behaviors in theory, this is not something that can be seen in their attitudes in real life. In everyday life as we also stated above most people pay or accept bribes or use forms of tax cheating and fiscal evasion. It might be that this is what enshrines a contradiction between the institutions functioning and the moral aims of the citizens. It is also likely that a part of the institutions are often seen by normal citizens as sources of personal financial benefits for civil servants.

The second most important cause might be the wrong perception about surveys. As we already stated, the WVS surveys where Albania is present belong to 1998 and 2002, a time when citizens were still not used to express themselves freely, taking the process of survey mostly as a process of surveillance. This wrong perception is a typical phenomenon in countries such as Albania (Phelivanova, 2009, 38). We are relatively few and we all know each other relatively well in our circle. We come from a severe Stalinist system when everybody and everything was under surveillance. These circumstances, especially during the first years of transition, but, to a lesser extent, even nowadays, make some of the respondents to suspect that their answers would be "reported" somewhere. Some other reasons regarding the disproportion between acceptance and practicing of atypical behaviors provided during focus groups are included in Box 3.

Box 6: Contradiction between practicing and accepting values

When asked on some of the reasons that explain the contradiction between practicing and accepting atypical behaviors, participants in the First Focus Group stated that: "Albanian society has double standards when talking about atypical behaviors. In theory they accept the rules and laws and say that they do not tolerate such behaviors, while in practice they practice those behaviors if their personal interest is affected." Moreover, participants of Focus Group 2 state also that "the report between moral standards and the true or applied ones is in a very critical situation in the actual Albanian society", and that "there is a contradiction between what we believe and what we do in our society." According to the same source, this contradiction is visible in the Albanian society since "there seems to be a problem when defining what a value/norm in our society is. Values undergo a transformation process before being accepted by the society and are the outcome of such a process rather than something mechanically imposed from above and set in stone as unchangeable".


The transition to market economy has created a deep gap between haves and have-nots, and people judge the government by its performance in enforcing fairness. But, the cues out there suggest precisely that the

political system favors certain people to be above the law, and this model endures regardless of changes of governments. Clearly, this cannot help in building social capital: it only enforces particularism and informal behavior and generates a vicious circle" as stated also in our second Focus Group discussion. It is understandable that such stances negatively influence the trust on justice and institutions and, as such, constitute real erosion of generalized trust in particular and of social trust in general.

Corruption in Albania

The findings resulting from WWS, as mentioned above, as well as those from many other local instruments such as Gallup, Balkan Monitor, IDRA, The World Bank, etc. suggest that corruption constitutes a widespread phenomena despite government efforts to lower its level during this transition period.

Figure 28: Corruption index in Albania in the last decade
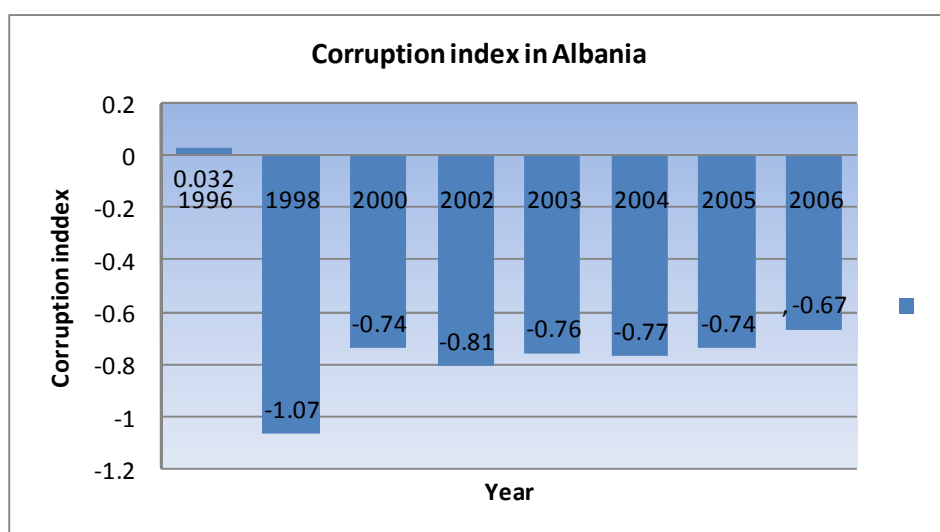
Source: World Bank, Aggregate Governance Indicators 1996-2006[89]

The widespread mentality in the country is that corruption exists at the highest level of the administration and the leading team in general, while the fact that petty corruption seem to be widespread, corrupting at smaller

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[89] This file contains aggregate indicators of six dimensions of governance. The indicators are constructed using an unobserved components methodology described in detail in the paper. The six governance indicators are measured in units ranging from about -2.5 to 2.5, with higher values corresponding to better governance outcomes. The column labeled "Est." provides the point estimate. The column labeled "S. E." contains the corresponding standard error. The standard errors have the following interpretation: there is roughly a 70% chance that the level of governance lies within plus or minus one standard error of the point estimate of governance. The column labeled "N" contains the number of individual sources of governance data in which each country appears. Details on the concepts measured by each indicator, its components, and the interpretation of the point estimates and standard errors can be found in the accompanying paper.Note that the 2008 release of the WGI incorporates revisions to data for 1996-2006 as well as new data for 2007, as described in the accompanying paper. This release of the data supersedes previous releases. The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators in no way reflect the official position of the World Bank, its Executive Directors, or the countries they represent. As discussed in detail in the accompanying papers, countries' relative positions on these indicators are subject to margins of error that are clearly indicated. Consequently, precise country rankings should not be inferred from this data References from Research Project Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi (2007). "Governance Matters VI: Governance Indicators for 1996-2006". World Bank Policy Research #4280 July 2007

size, but even more widely, is not very noticeable and it does not seem to draw the attention of the public. This is more clearly observed in the graph below, which reflects the growing tendency of corruption among public officials in the period of 2005 to 2009.

Figure 29: Corruption among public officials
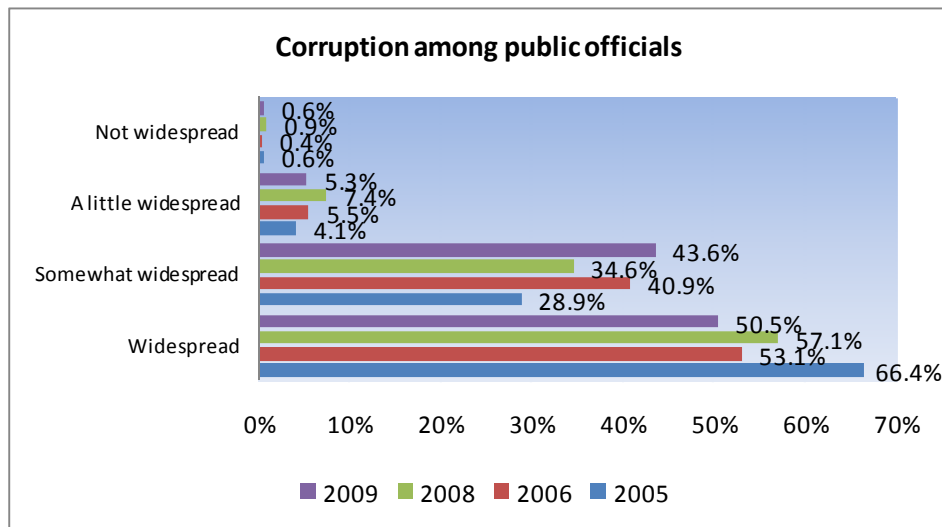
Source: IDRA, Albania 2010[90]

In these conditions, it can be observed that the issue of corruption can be seen in two aspects. The first aspect concerns factual corruption, so the one who is testified judged and punished, or unpunished. The second aspect is the perception on corruption, what in fact is not the perception, but the trust on corruption. In a society where it is believed that there is a high level of corruption, even if this level does not exist, but is perceived as such by indignation of the powerless and by the war interest of daily politics, again trust on the high level of corruption produces proper ground for its flourishing. In general, the study of the level of corruption is done by measuring the level of trust. The high levels of corruption seem to be connected to the low levels of public trust and civic engagement.

It can be said that generalized trust and institutional trust are both at very low levels in Albania. On the other hand trust, in internal institutions appears to have shifted towards international institutions. This is very much related to the people's perceptions of the internal institutions as dysfunctional and attached to the point of views of their leaders.

The low levels of generalized trust and institutional trust, on the other hand, are in contrast with the high levels of trust in family and close friendship. This shows that Albanian society remains a traditional one, very attached to its family and blood ties and relatively distrustful towards the others and the institutions. Although more research is needed, it can be said that the strong trust in family and close societal circle might be a sort of self-defensive feature created by the retarded development and absence of decent institutional performance through the years before communism, during communism and even afterwards.

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[90] IDRA, Corruption in Albania: perceptions and experiences, 2009, p 11.

The relationship between satisfaction with life and political engagement and participation are two-sided. The degree of satisfaction influences the political participation, especially for the very satisfied and dissatisfied groups. On the other hand, participation influences in the degree of happiness, but, in order to properly track this relation, more data is needed, covering a more consistent period of time. The relationship between happiness/satisfaction and political participation shouldn't be taken in absolute terms. Not only WVS, but also other survey based studies rate Albanians as one of the most happy and very optimistic populations, but their degree of participation in politics seems to be low. This is defined also by the low level of democratic development, low level of civic accountability and institutional accountability. On the other hand, the high degree of happiness of the Albanian population remains quite difficult to be explained by economic, political and social factors. It is possible that this tendency is related to the psychological characteristics of the Albanian society.

5.7. Rule of law in Albania – drafting and enforcement of laws and the impact in social trust

Law revision and enforcement took a new path after the fall of the communist regime, bringing changes in the composition and functioning of the Parliament, and also in the overall law enforcement system. Democratic changes brought fundamental transformations in the economic and political system. The legal sector did not constitute an exemption from the radical changes, starting from the formal procedures of law making to the practices of law enforcement and punishment. In this part of the study, we will offer an overview of the main issues concerning the legal state developments in the post-communist Albania in relation to the impact on social trust. The law revision process from the drafting to the approval phase, as well as law enforcement practices shall be reviewed to uncover its implications in the development of social trust in the last 20 years.

5.7.1. Procedures: law drafting and approval

In general terms the procedures, rules and norms for revising, drafting and approving the laws in Albania can be considered in place and the overall legal framework has been revised and developed in the last 20 years. In this session we will briefly present the procedures and formal norms of law revising and drafting in Albania. The revision of laws, or the drafting of new laws follows a strict institutional process and meets some specific requirements. Primarily the new laws 'must bring change', thus function as an instrument of change reflecting a program of the government, aiming to solve a problematic situation, consequence of the application (or non existence) of the previous law, or covering particular economic and social issues. In the same time the new law may tackle a necessity in the process of European integration, or a need to address a constitutional problem, identified from the Constitutional Court, or other institutions. In this process it is crucial to assess properly some important aspects, such as: does the law guarantees constitutional fundamental provisions, does it respect legal conditions, such as the dismissal of other existing laws which are in conflict with the new one; are the new laws effective and do they have any negative implications in the implementation, etc. In this regards, the law is not merely a normative declaration which aims to educate the public, but an instrument that might bring change and must be analyzed in the context of its application and involvement of related actors.[91]
The competences to initiate a law according to the constitution can come from government bodies, parliament and people. The Constitution, in Article 2, recognizes the right of the citizens to exercise powers directly, or

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[91] Sokol Berberi, Constitutional Court Member, Interview April 2011

indirectly. More specifically, Article 81 recognizes the right to exercise a legislative initiative to 20,000 voters. Also, the people (50,000 voters) can initiate a referendum to repeal a law, and to request the President of the Republic to call a referendum on issues of special importance. Furthermore, the People Assembly also (on the proposal of no less than 1/5 of the deputies or on the proposal of the Council of Ministers) can decide that an issue or a draft law of special importance should be submitted to a referendum[92].

Laws are a product from a complex process of interaction and coordination of the various players involved in the legislative process. The quality of laws, therefore, greatly depends on the organization of the legislative process and the co-operation among these players. Generally speaking, in a parliamentarian system it is the government that covers legislative initiatives as the government enjoys political support based in a political program that it aims to implement. As such, in Albania the revision of the laws and the drafting process is conducted mainly by the Council of Ministers and line ministries. To organize the overall process, an annual legislative plan is prepared, coordinated through the Department of Coordination at the Prime Minister's Office in cooperation with legal departments in line ministries and central government institutions.

According to the Law "On the Organization and Functioning of the Council of Ministers,"[93] each ministry sets up working groups, which are in charge to come up with a program of future legislative intervention concerning their competences. The ministry proposes legal acts in accordance with the area of competencies and with the activities of the dependent agencies and central institutions. As such overwhelmingly the draft laws are prepared by the legal departments of the ministries responsible for the drafting which are meant to organize consultation sessions with other relevant actors and groups of interest in order to clarify all the implications that might stem from the new law.

Box 7: Stages of the legislative process:

- Preliminary drafting;
- Internal consultation among governmental authorities;
- External consultation;
- Discussion and approval by the Council of Ministers;
- Review in the Parliamentary Commissions;
- Parliamentary approval
- Promulgation by the President and publication;
- Follow-up to the implementation of the law.

When a government authority prepares a draft law, it must consult other relevant state authorities on the draft text. The draft law, together with its explanatory memorandum explaining its object, purpose and content, must be sent to ministries and related institutions having an interest on it[94], as well as to the Ministry of Justice, which is required to give an opinion on the legality of its form and content. Failure to comply with these provisions may result in the Secretary General of the Council of Ministers returning the draft law for required procedural action to be taken.

The coherence of the legal system may be greatly facilitated by establishing short, medium and long-term legislative priorities by means of appropriate planning and programs. Such programs provide an overview of the future legislative activity, thus avoiding the situation that a particular law cannot be enforced because of the absence of some other enabling legislation.

The Regulation of the Council of Ministers defines that one of the requirements that the law must fulfill before approval is a detailed assessment of costs and profits[95], however, in

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[92] Zaka. E & Cani, *Open Parliaments: The Case of Albania;* in E Smilov. D (Ed), Open Parliaments, Fredrich Erbert Stiftung, 2010
[93] Law Nr. 9000, Date 30.01.2009 "On the Council of Ministers",
[94] Law Nr. 9000, Date 30.01.2009 "On the Council of Ministers", Article 24
[95] Council of Ministers, Decision Nr. 584, date 28.8.2003, "On the approval of the regulation of the Council of Ministers"

> **Box 8: The Border Agreement between Albania and Greece**
> The treaty to delineate the continental shelf and maritime borders in the Ionian Sea, where the two neighboring countries' frontiers converge, was signed between Albania and Greece on March 25th 2009, without any public information on the ongoing negotiations. In this context, even the role of the President was neglected. The Parliamentary Laws Commission, which was supposed to discuss and debate the agreement, passed the Agreement without the participation of the opposition. Civil society and media opposed the decision. On January 26th 2010 the Constitutional Court ruled against the decision, noting procedural irregularities that infringe the Constitution, stressing as a key irregularity that the process has been conducted in secrecy, lacking the transparence needed for such an issue with high national interest.
> The treaty was revoked and currently is currently undergoing a revision process.

practice this is not clearly understood by the competent bodies, and not properly conducted. Furthermore, a draft law with economic or financial implications must also be submitted by the promoting ministry to the Ministry of Finance, or the Ministry of Economy. Other steps to follow are that draft laws should also be sent to the Ministry of European Integration, which is the responsible ministry to assess their compatibility with the *acquis communitaire*.

Internal and external consultations

The preparation of legislation should not, in principle, be confined to state bodies exclusively. The legislative process should be transparent and seek to allow for further consultations with external experts, groups of interest, and non-governmental organizations, as well as of the civil society and the public in general. Consultation is of particular utility in the evaluation of the effects of legislation, determining its real impact and possible side effects[96]. Steps should be taken to ensure that the interests that would be affected by the proposed law and expected positive effects, are balanced compared to any foreseeable negative effect[97]. Nevertheless, in the case of Albania such assessments are not qualitatively conducted or do not respect the procedures and standards defined in the legislation.

After the ministries' working groups complete the drafting process, the draft goes for revision to interested ministries and the Department of Coordination, in order to settle disputes and approve the final version before introducing the draft law for approval in the Council of Ministers. Although formalized, this procedure is not exclusive and there have been numerous occasions when draft-laws are introduced outside this procedure[98]. The Department of Codification prepares legal opinions on draft-laws, international agreements and other normative draft acts to ensure compliance with the law. In the last phase the draft law is submitted also to the relevant parliamentary commissions with jurisdiction on the subject area of the draft law. The parliament has the last voice in the process by voting the law, which should be signed by the president and enforced two weeks after the publication in the official gazette.

Of key importance in this process are the external consultations which allow for expression of the maximum range of legislative proposals from institutions and citizens. It provides political exposure of social issues and puts them on the agenda of the policymakers. Consultations is of particular utility in the evaluation of the effects of legislation, determining its real impact and possible side effects, as well as an opportunity to

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[96] Kellerman, A; Guidelines on Quality of EU Legislation and its Impact on Albania, European Journal of Law Reform , Vol. X, no. 2, pp 183-218
[97] Kellerman, A; Guidelines on Quality of EU Legislation and its Impact on Albania, European Journal of Law Reform , Vol. X, no. 2, pp 183-218
[98] Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008

ascertain the views of those who are likely to be affected by the legislation[99]. However, the legal framework establishes virtually no formal opportunities for public participation in governmental and parliamentary decision-making[100].

The Legal Reform Commission[101], which aimed to improve the quality and transparency of the legislative process, was established in 2004. The Commission, composed by experts in the field of legislation, has been assigned the task of ensuring the coherence of new laws with regard to both the Albanian legal system and the European and international legal frameworks, as well as proposing and implementing effective mechanisms to ensure the appropriate levels of public information and participation. Nevertheless this body has been criticized as well for lack of consultations with other interested parties[102].

It can be stressed that in the last years the Ministry of Justice has taken important steps to enhance the training of legal drafters and relations between the institutions involved in the legislative process. For this purpose, a manual on law drafting techniques and the legislative process were issued. This manual includes the necessity of consulting the groups of interest related to a legal act. [103]

After the fall of communist regime, the process of democratization went along with the revision of the legal framework, as a necessity to establish the foundations of democracy; the rule of law. As a consequence the law was at the epicenter of the transition not as an instrument of change, but as the goal of transformation, heavily vested with formal characteristics and often not reflecting the internal context. Although Albania is a Parliamentary Republic, the government has dominated the political life and the activity of the state institutions, including the process of law drafting in Parliament. In Albania it is the Council of Ministers which overwhelmingly drafts the laws and consequently is responsible for the implementation. Generally the laws are proposed by the Council of Ministers: about 94%[104] up to 99% [105] of the laws have been drafted by the Council of Ministers and related ministries in the last 20 years. Despite the fact that members of Parliament enjoy the competences for initiating the drafting of a new law, very few laws are approved by members' initiative, thus giving the Executive a quasi monopoly on legislation. Even today, the number of laws produced by a given Ministry is the measure of effectiveness for that institution, a measure of productivity and efficacy, a symbol of success[106]. On the other hand the right to exercise a legislative initiative to 20,000 voters has been exercised only once in 2006 in order to provide a legal framework on domestic violence. The initiative for a referendum to repeal a law or to request the President of the Republic to call a referendum on issues of special importance has never been applied in the last 20 years in Albania.

Despite the improved regulations and administrative capacities noted in the last 20 years, the drafting and the passing of legislation has been considered problematic especially in regards to the process of consultations and the discussions in the parliament. The sometimes mechanic process of adopting laws has caused a large number of adopted laws over a relatively short period of time. It is estimated that during 1990-2005, more than 3000 new laws and thousands of by-laws have been adopted in order to establish a comprehensible framework necessary to enable the society to function under the new established democratic system. The situation has evolved in a vicious circle, which perpetuates a need to adopt legislation very often, which, in

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[99] EURALIUS & Ministry of Justice & European Council, Law Drafting Manual in Albania – A guide to the legislative process, May 5 2006

[100] Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008

[101] Prime Minister Dec. Nr. 90, date 16.04.2004 "On the establishment and functioning of the group of experts in the field of legal reform"

[102] European Commission, Albania 2010 Progress Report, Brussels

[103] EURALIUS & Ministry of Justice & European Council, Law Drafting Manual in Albania – A guide to the legislative process, May 5 2006

[104] Zaka. E & Cani, *Open Parliaments: The Case of Albania;* in E Smilov. D (Ed), Open Parliaments, Fredrich Erbert Stiftung, 2010

[105] Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008

[106] *Ibid*

return, is practically never absorbed by the administration itself and even more difficult by the people. Frequent change of legislative structure, incoherence in the legal system and existence of conflictive laws might lead to difficulties in the application of the rule of law[107]. Because of the financial constraints, the priority of the Albanian public administration in terms of human resources and finances has mostly been the implementation and enforcement activity, whereas the part of its work related to the law making receives, in practice, far less attention than would be necessary to ensure a higher quality of legislation[108].

During the last 20 years an important factor in the law making and implementation process has been the approximation of Albania legislation with the *acquis communitaire.* In the context of EU integration, the terms "*approximation*" or *"harmonization"* refer to the process of adapting the legal systems of associated countries to the *acquis communautaire* and, as previously mentioned, it involves not only the adaptation of laws but also their proper implementation. The 'legal transplant' as described by researchers is the phenomena of borrowing legal norms from other developed countries. This process implies the transfer of important and useful laws; however it has a high risk to marginalize the institutions and the public. In this regards it is believed that laws established internally are more successful than those translated and adapted from other developed countries taken as a model. History has shown that transplanted laws if not properly adapted and prepared, might be in conflict with existing cultural, social and political norms[109]. In this framework there exists a lot of controversy about moral and practical implications of 'law transplant' which are considered an extension of imposition of rule of law.

In the West societies, the legal developments happened in parallel to the development of the society, economy and politics. However, in Albania rule of law is a result of the system change, as well as the goal to become part of the Euro-Atlantic structures. As such the new laws not necessary have reflected the situation on ground but have aimed to satisfy international requests. This situation has caused a gap between the scope of laws and

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[107] Konda. Gj, Institutional Reform in Albania, IFC

[108] Kellerman, A; Guidelines on Quality of EU Legislation and its Impact on Albania, European Journal of Law Reform , Vol. X, no. 2, pp 183-218

[109] Zyberi. Gentian, Rule of Law in Albania: between aspirations and reality, RSHSL Annual Conference 2008, www.ajls.org/doc/Abstrakt_GZyberi-Shteti-Ligjor-AJLS-2008.pdf

the internal context and conditions. In fact, approximation of legislation as an obligation or conditionality for international support is mainly related to association agreements signed with EU such as the Stabilization Association Agreement. Due to international pressure, the process of *acquis communautaire* has been mostly imposed by European institutions, and for the sake of EU accelerated integration process, the parliament in the last 20 years have amended and approved many new laws without proper revision and preparation. As such in the last 20 years hundred of laws have been advised by international community in the framework of *acquis communautaire*. Due to urgent nature such laws were adopted, many of them were simply translated without a proper process of adjustment. Laws have passed without a proper analysis, and assessment of the effectiveness and effects of the new laws. In this regards the legislative process in Albania in the last 20 years has often been chaotic and hurried, and very little opportunity has been given to the public to get it involved in the drafting of new laws[110].

Such situation might raise concerns about the process of lawmaking related to transparency, analysis and consultations, which is reflected in the legitimacy to adopted laws. By allowing sufficient participation in the drafting process, the public administration can avoid considerable amounts of criticism after laws have been passed. As mentioned in Albania the executive have owned the monopole of amending and drafting new laws. However new horizontal teams working directly for the Prime Minister have not always drawn upon government and donor expertise in drafting legislative proposals, resulting in poor drafting[111]. As a result, it can be argued that despite that the process might be perceived, at least formally, well structured and institutionalized, the problem in reality have to do with internal capacities, human resources and personnel training who deal with the revision of the new laws. These deficiencies are directly reflected in the quality of the laws and difficult implementation.

Legally speaking the drafting process does not oblige the institutions of central government and the parliamentary bodies to consult and inform interested actors about new laws or revised laws, even though it does require a level of transparency when the process is finalized. As such there is no law guaranteeing citizens the opportunity to become part of the process of drafting laws, and this affects all ministries. Compared to the transparency rules followed by the Parliament, the drafting process at the governmental level is rather closed[112]. Despite the nonexistence of any legal limitations or impediments for external participation of the public, civil society or groups of interest, very often bureaucratic restrictions delay and sometimes do not allow the external participation and consultation in the drafting of the laws in governmental and parliamentary level. Consequently due to the lack of strict and binding procedures for incorporating public input in the revision of the laws, relations between the government and the public and NGO community depend heavily on the goodwill of governmental officials. Delegating the law revision tasks to the will and engagement of public officials only, and allowing a closed and reserved process only to specific ministries might result in a situation where public officials who enjoy a vested superiority, create laws for people who are excluded from the drafting process. They have simply to obey which create a distance between institutions and people. In this regard the consultations are essential for the legitimation of the power, the quality of law, a more realistic approach concerning implementation and consequently more opportunities for enforcement.

In the overall drafting process, it can be noted that the law justification and argumentation that comes in the form of reports from the Council of Ministers are not available for the wide public and are not published in the Official Gazette together with the amended law. These reports are delivered in the secretary of the Parliament, and no clear procedures exist to obtain them as part of official document access[113]. Consequently, the people are not only excluded from consultations, but also from the important information concerning the law implications, being able to obtain the final decisions without any opportunity to object it.

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[110]   OSCE, Legal Sector Report for Albania, 2004
[111]   European Commission, Albania 2006 Progress Report, Brussels, 08.11.2006
[112] Zaka. E & Cani, *Open Parliaments: The Case of Albania;* in E Smilov. D (Ed), Open Parliaments, Fredrich Erbert Stiftung, 2010
[113] Law Nr. 8503, date 30.6.1999 "On the right for information from official documents"

The predominant attitude among government and parliamentary officials is that public participation hinders the lawmaking process, instead of improving it. Moreover, public administration tends to show interest in public participation in the lawmaking and policy preparations process, only when it expects that the public will approve of their intended decisions[114]. Despite the fact that there have been cases where the parliamentary commissions have invited interest groups to participate in the drafting process, this has not developed into a routine practice. In general terms, in Albania, the process of legal revision is lacking a normative culture and behavior to be open to consultations and transparent practices, causing the situation of having the majority of laws passed unnoticed.

Box 10: Law drafting – Main Issues

• Parliament's low responsiveness to officially addressed requests;
• Difficulties in receiving a "monitoring status" for NGO-s;
• The fact that many activities occur at the same time: it is difficult for the media and the NGOs to monitor them;
• Lack of flow of information regarding Parliament's general activities (newsletters, bulletins, etc);
• Lack of information about specific topics (e.g. reports of independent institutions are not published);
• Difficulty to attend Standing Committee meetings.

First, after a law is decreed, all the existing laws should be checked for consistency with the new law. Such requirement has resulted very difficult in practice, considering the large number of laws adopted in a short period of time, leading to the situation of adopting conflicting laws and lack of clarity in the implementation process. This has led to the situation that approved laws have to be revised in a short time for inconsistencies, raising difficulties in their implementation and coordination.[115] Based on interviews with official representatives, after the approval, laws are monitored and controlled every 1-3 years for issues related to implementation from ministries, or independent bodies. If problems are encountered, a thorough analysis is conducted to propose necessary amendments. Important questions during the law drafting process are the establishment to what extent and in what way the proposed law would change the existing legislative scheme; what will be its consequences for different affected interests; and what will be its cost for both the public and the private sector. Furthermore, steps should be taken to ensure that the interests that would be affected by the proposed law and its expected positive effects are balanced against any foreseeable negative effects[116]. Nevertheless, in the case of Albania such assessments are not qualitative, or do not respect all the standards set up by the legislation. For example, the assessment if the law has fulfilled the intended objectives is not properly conducted.[117]

The problematic situation is reflected in the high number of laws considered to breach the Constitution of the Republic of Albania. During the last 10 years, a large number of laws have been reviewed by the Constitutional Court. Although not all of them have been considered to infringe the Constitution of Albania, the high number of cases is an indicator speaking about the poor assessment of constitutional implications during the law revising process by the accountable bodies (parliament and central government institutions). In this regards, the Ministry of Justice and the Council of Ministers should play a major role .[118] Other laws,

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[114] Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008
[115] Konda. Gj, The Institutional Reform in Albania, IFC
[116] Kellerman, A; Guidelines on Quality of EU Legislation and its Impact on Albania, European Journal of Law Reform , Vol. X, no. 2, pp 183-218
[117] Sokol Berberi, Consitutional Court Member, Interview April 2011
[118] Sokol Berberi, Constitutional Court Member, Interview April 2011

although not declared formally as unconstitutional, are practically inapplicable, creating difficulties for enforcement of the rule of law.

Figure 30: Constitutional Court Decisions on the Acts of the Council of Ministers and Parliament:
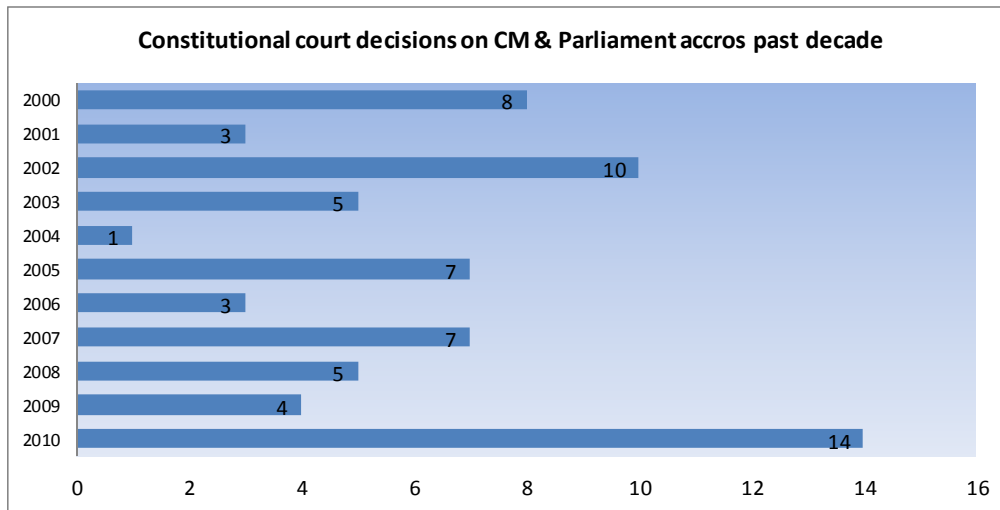
Source: Constitutional Court

Parliament Activity

Especially at the beginning of the 90s, the concentration of the activity of the parliament in drafting and approving new laws, left aside other important tasks and competences such as oversight of governmental bodies. The Parliament did not manage to establish e proper structure of commissions to exercise oversight tasks ensuring accountability of the executive.[119] Such developments were reflected in low figures of trust towards this institution. Currently, the Assembly has a legal office dealing with technical aspects of new laws (2-3 lawyers). However, for the Members of Parliament there are no legal personnel for consultations and advice during the process of law revision. In cases when Members of Parliament initiate a draft law, theoretically they have the possibility of getting advice and expertise from the parliament secretary office and legal office. Nevertheless, this expertise is limited because the staff of the legal office is short in number and the lawyers involved in this office are not specialized for specific fields of legal framework. In this framework, Members of Parliament have the right to ask and obtain information from relevant ministries and external experts involved in the law making process. But, in practice this does not work because the time left to MPs for reviewing the draft laws is very tight.

Informally, the proceedings before parliamentary commissions very often turn into routine matters; rarely someone reads the texts of the proposed legislative acts. Unless a proposed law is of a political nature, all others are adopted, almost always unanimously[120]. The draft-law incorporating the agreement is sent for opinion to the Ministry of Justice and the Ministry of foreign Affairs. The process of reviewing the international agreements is not in the required levels as well.

One of the issues that members of parliament have complained about is the lack of time given to them to review draft laws. There are laws which have been pending since two years due to political issues however

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[119]   Biberaj. E, *Albania in Tranzicion*: the difficult road to democracy, Westview Press (2001)
[120]   Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008

there are important laws which were passed within a couple days[121]. The law making process in parliament is also limited to interested actors or public in general. Overwhelmingly interested actors are not invited in the parliamentary commission discussions. The Albanian parliament, due to lack of political consensus and democratic tradition often avoids consultations with other parties. Sometimes even when this happens, the invited groups share the same points of view with the government. As such the process is closed shortly with no major discussions.

This tendency has provoked a lack of transparency, and also is reflected in the quality of legislation.[122] Thus the transparency of the overall process remains generally low negatively affecting the overall system. However it might be stressed that in the last years, the transparency has been increased by providing the transcript of the discussions in the Parliamentary Commissions is available online

Despite the establishment of procedures and regulations for wider consultations and norms of transparency, reports indicate cases of difficulties in receiving the permission to attend a parliamentary session, let alone discussions on law preparation in the governmental level.

Box 11: The case of Constitution

After the fall of communism, the major constitutional provisions adopted in 1991 allowing democratic changes in the country were followed by the efforts to establish the Constitution of the Republic of Albania. A Constitutional Commission worked in 1993 and 1994 to develop and propose a draft constitution. The opposition parties were not included in the process. The drafting process was closed to few governmental bodies lacking transparency and consultations with wider groups. The Socialist Party challenged the referendum in the Constitutional Court. Nevertheless, the Court did not accept the case before the referendum. The referendum abolished the new constitution having strong criticism by opposition parties.

The process for drafting the new constitution began in 1997, when the new parliament provided the structure for the constitution-drafting process. The parliament designated a twenty-one member parliamentary commission to lead the process. The drafting process included a broad, representative body of political actors, international constitutional experts as well an advice by the Venice Commission. Nevertheless the opposition parties refused to participate in the process questioning again the legitimacy of the Constitution. Despite the opposition boycott and criticism the referendum was approved, nevertheless again without the votes of the opposition.

As a result, the law making process in the parliament is suffering major setbacks related to expertise, consultations and transparency. Generally speaking the laws and decisions are passed with lack of proper discussion and debates without considering social and financial consequences, or implementation issues that might be relevant.

Other issues that negatively impact the process of law preparation and revision in Albania are the tense and conflictive political climate, as well as lack of cooperation between the two main political fractions. It looks like the simple act of voting by the majority, disregarding the opposition's demands, is directly linked to the failure of laws. In this regards it is claimed that the passing of legislation offers public authorities the opportunity to either undermine the division of powers, or to abuse their competences.[123]   This is mostly a

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[121] Interviews with Members of Parliament, Tirane, April 2011
[122]   OSCE, Legal Sector Report for Albania, 2004
[123]   FRIDE, Democracy Monitoring Report: Albania, April 2010

consequence of the conflicting political agendas and discourse which is imposed to other structures (local and central government, parliament etc). In this regards in case of strong political disputes between opposition and majority, related to law revision process, both sides fanatically argue in favor of a position based on their political agenda with, no breakthrough for relevant consultations. As such the discussions in the parliamentary commissions very often fall in accusations based in the political contexts rather than discussing the core of the law such as efficiency, benefits, and effects. In the last years the practice of laws passing simply with the votes of the party which has the majority, has become a normal procedure. Conflicting attitudes of political parties during the transition, something which has been extended even in nowadays, can be considered a source of distrust in the population towards the political class.

5.7.2. Law enforcement and punishment

The rule of law and the enforcement of legal norms and public order have constituted a real challenge for the development of the society, institutions and the state structures during the long transition in Albania. On the one hand, a democratic state implies a functional legal system, which ensures respect of fundamental norms and regulations that define the functionality of the social organization and support the implementation of such rules.[124] On the other hand, the Rule of Law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence[125]. However in our case, a wide gap between the law making and the law implementation phase can be identified. The resulting disconnection between those two processes can deeply affect the legitimacy of the state[126], of its institutions and, consequently, of trust in institutions.

In this framework it can be assessed that the high number of laws adopted in paper in the last 15-20 years has been detached from the operation in the ground, creating obstacles for their proper implementation. International reports reveal that the national government approves laws and mandates without providing the necessary conditions for their implementation such as funds and resources.[127] The large amount of legislation enacted every year has contributed in the lack of implementation. The normative acts would have a better chance of being implemented if an open lawmaking process permitting stakeholders and interested parties were in place. Such an approach would definitely have had its rewards in vesting the system with more legitimacy. [128]

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[124]   Osmo Lipponen, Analysis of Legal System in Albania, OSCE: 2004
[125]   Radin. Dagmar, Too Ill to Find the Cure? : Corruption, Institutions, and Health Care Sector Performance in the New Democracies of Central and Eastern Europe, East European Politics and Societies 2009 23: 105, http://eep.sagepub.com/content/23/1/105
[126]   Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008
[127]   World Bank, "Poverty in Albania", 2003
[128]   Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008

Box 12: Institutional Law vs. norms of habits

In 2006, when the Council of Ministers proposed the law "On health protection from tobacco products", a lot of confusion and discussions were taking place in Albania. Remember when a foreigner came to Albania asking out of curiosity why the ashtrays in the bars have been substituted with coffee plates, somebody smiling was answered: "the law forbids ashtrays" (not smoking).

People were surprised and even astonished about the idea that from now and on they will not be able to smoke in any public space. Some were afraid and some never took it seriously. Such law was introduced not many years ago in all the European countries amid debates and protests. As everywhere else, the law was criticized by the population, while the enforcement was questioned since the beginning considering the widespread habit of Albanians to smoke. Mostly than an internal initiative, the new law was declared to be a result of the international community in the framework of *acquis communitaire*. The EU supported the drafting process of the law, which was a clone of other European laws against smoking in public areas. Despite the fact that the law was considered as good based in the UN Convention for Tobacco Control, it proved difficult and unrealistic for implementation.

Since the beginning, the law was criticized about lack of relevance and difficult application in Albania. The law was approved by the Parliament and signed by the president of the Republic without the proper analysis of the effects it would have in the population, the instruments of enforcement, as well as clear objectives for the future. Nevertheless, generally speaking, laws imposed by international community in the framework of *acquis communitaire* have been hardly refused, or criticized by the Albanian authorities. As a result, the law entered into force without many enforcement efforts, constituting a failure not only for this specific law, but for the whole system which showed lack of authority and incapability to enforce the rule of law.

The first to disobey to the new law were the public administration officials who continued to smoke in the public institutions, despite the new law and punishments in case of infringement. Media reported that in the Ministry of Health as well, the structure in charge for monitoring the implementation of the law, the law was not respected by the officials. If officials themselves tend to infringe the law, what can one say about normal citizens. As such, this innovative law, transplanted from abroad, provided the opposite effect, giving a wrong message to the population about the tolerance and flexibility of law enforcement mechanisms.

Considering the harm that smoke causes to passive smokers, the law aimed to regulate and discipline such a sensitive issue. However for this purpose, there was a need for a very serious enforcement process, which never happened in reality. The conducted controls by state authorities in public institutions and public spaces were not successful. Fines imposed against those subjects that violated the law were never collected, showing lack of law enforcement efforts and respect for the law. In this regards, it can be said that the law has totally failed, because the responsible structures in the Albanian government were not mobilized to ensure its enforcement. Looking at the problematic situation in reality, in 2008 the Ministry of Health proposed some amendments which were not reflected in the law. Later, the Ministry of Finance proposed some changes, aiming to improve the implementation and enforcement process. Nevertheless, the enforcement of this law has ceased to take place from the responsible governmental bodies, while the law remains into force. Five years after the approval, today nobody (politicians or citizens) wants to mention the existence of this law. A silenced compromise has been established. People can smoke wherever they want and in the same time the international community is satisfied with the existence of such law in the paper. Nevertheless, as a legal norm, the anti-smoking law should enjoy the same authority and enforcement as every other law in the country.

During the post-communist transition, a lot of work has been done in regards to the process of revising the overall legal framework and issuing new democratic laws in accordance with the *acquis communitaire*. Nevertheless, implementation of laws has not followed the same path. The existence of a legal system with detailed laws and legal norms does not automatically lead to optimal operation of laws in everyday life. National and

international reports about the rule of law in Albania assess that the legal standards, especially on paper, had improved significantly in the past few years, however, there is a lot of criticism about the ability to effectively create a system grounded in respect for the rule of law.[129] No action outside the rule of law should be allowed and passed as a normal routine and bureaucratic issue. These facts might undermine the credibility and faith of institutions. But, what is most important and dangerous, by creating precedents continuously, such as might be the case of Albania, a mentality about the negative role of the institutions will prevail, undermining legitimacy and respect of the rule of law in the society.

For Albania, it might be the case that it is not the law embodying key problems, rather than lack of coordination and lack of institutional cooperation amid law enforcement institutions, as well as lack of capacities and resources for their proper implementation. There is a tendency to go directly to the law, presenting it as a success from governing institutions. Nonetheless, a careful analysis is needed to assess institutional obstacles and capacities for the implementation of laws. Very often the real problem stands behind the implementing institutions, which are not vested with enough resources and power for the law enforcement process.[130] Outstanding laws can be copied from western models, but the budget for the implementation is radically different. As a result, after 20 years of democracy, Albanians might have the most advanced laws, but lack the capacity or funds to implement them properly. The inherent problem with this scenario is that, currently there is a culture of no implementation, endangering the whole system of the rule of law. Lack of application, as well as frequently tolerated breaches of the law are the worst scenarios for a state that aspires to consolidate its rule of law. Such occurrences have consequences not only for the current application of laws, but, at the same time, for the future, when conditions improve for the application of such laws.

Theoretically speaking, fears of possible abuse of power, shared by both the public at large and the elite, have led to the creation of an elaborated system of checks and balances, designed to enhance accountability of the government at the expense of efficiency and effectiveness[131]. But, in this structure, well designed institutions are not the only answer, since the best institutions will fail in making laws effective, unless both officials and citizens display general attitudes of respect and compliance, or perceive these rules as binding with punishing consequences, and have a view of legal rules as binding. In this regards everything aspires to be made under the auspices of the rule of law, as a way of legitimating any action by governmental bodies.

Institutions in Albania responsible for the law enforcement in the society have faced problems and criticism on poor performance and results during the last 20 years. A World Bank report evaluates development of the rule of law state in Albania during the last 10 years. As it can be observed, despite the slow progress identified with the passing of years, rule of law standards remain very low. It is a striking fact that institutional performance in 2008 in regards to law enforcement state appears to be far lower than in 1996[132].

On the other hand, studies clearly show that Albania, compared to other countries in the region, has experienced a difficult process of the rule of law enforcement.

Figure 31: Development of the rule of law in Albania

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[129] FRIDE, Democracy Monitoring Report: Albania, April 2010

[130] Sokol Berberi, Constitutional Court Member, Interview April 2011

[131] Kim. Seok-Eun, The Role of Trust in the Modern Administrative State, Administration and Society. Vol 7, 2005

[132] World Bank, Rule of Law in Albania: 1996-2008, World Governance Indicators, 2009
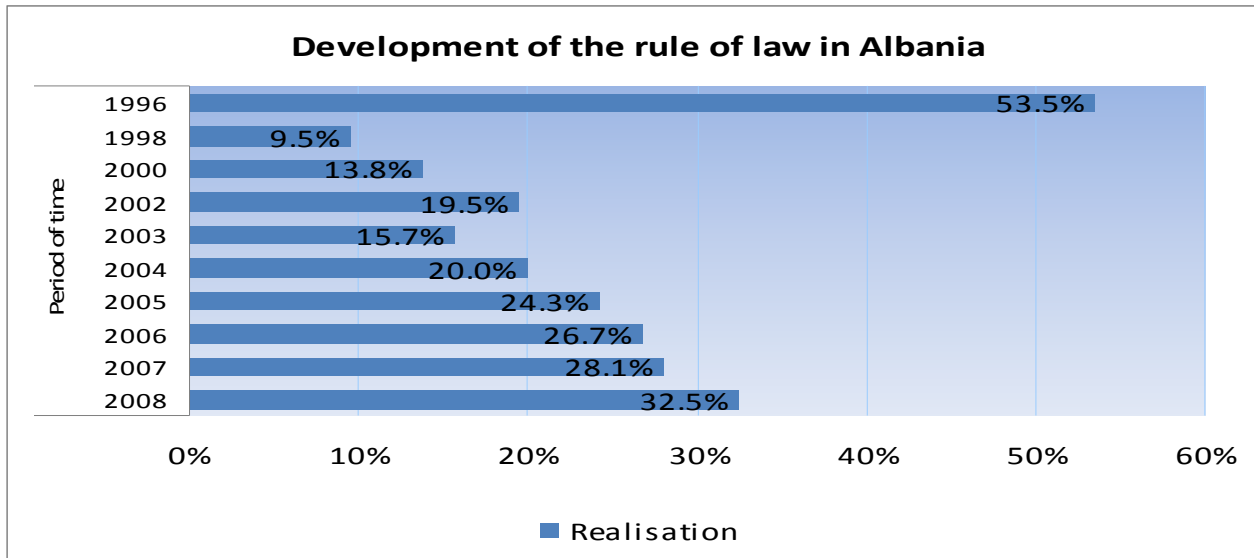
(Source: World Bank)
100% = consolidated ; 0% = unconsolidated

Figure 32: Development of rule of law in the region
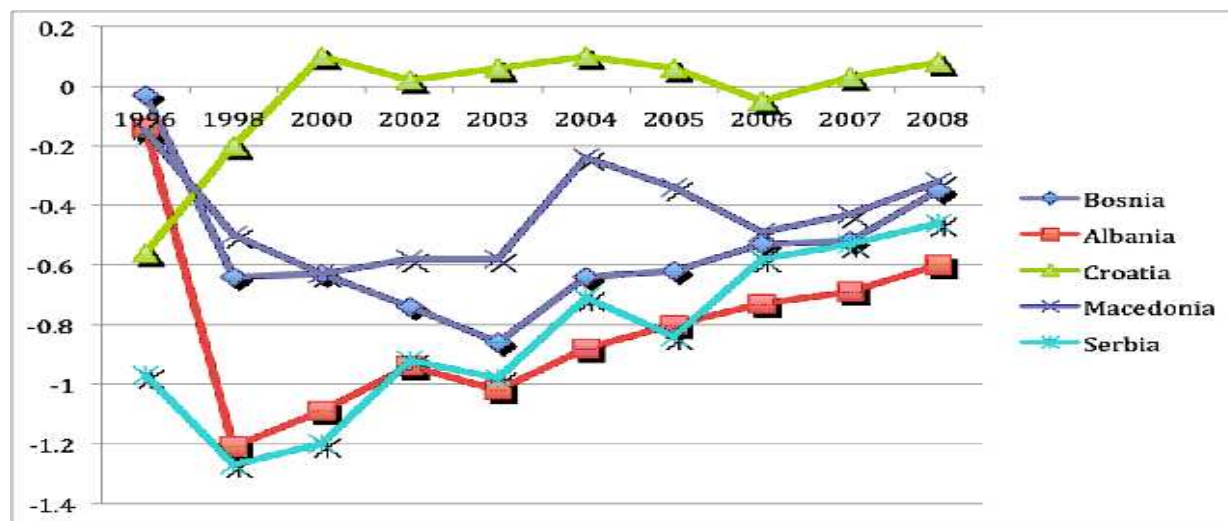
Figure: *(Source FRIDE, Democracy Monitoring Report: Albania, April 2010)*

Considering that the law inevitably might create a great danger of arbitrary powers from different groups or individuals, it is believed that the rule of law is designed to minimize the danger created by the law itself. The main factors that have negatively affected the establishment of a system based on rule of law and democratic values in Albania are the political influences and conflicts, as well as the inherited nepotism and 'clientelism'.[133] Such environment has endangered the rule of law system in Albania, as well as the trust of people in governing institutions.

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[133] Zyberi. Gentian, The Rule of Law in Albania: between aspiration and reality, RSHSL Annual Conference 2008, www.ajls.org/doc/Abstrakt_GZyberi-Shteti-Ligjor-AJLS-2008.pdf

Administration of justice

One of the key fields in determining a functional state based on the rule of law is enforcement of laws and punishment of illegal actions. The judiciary can be called the core pillar of the rule of law in Albania. As a matter of fact, reports from the international community note the failure of the judiciary in Albania to enforce legislation. International reports assess that interventions of politics in the judiciary have undermined the credibility and legitimacy of courts. Due to the problems encountered in this field, studies shows that public confidence in the Albanian legal sector is low. In a country where the respect for the rule of law and the trust in judiciary is under development, the voluntary execution of court judgments is low, or even inexistent[134]. Previous studies and reports show that corruption in the court system has been 'a serious problem', although 'actual instances of judges being prosecuted for corruption are very rare´[135].

The European institutions have often expressed concern over the state of the judiciary in Albania. As a report from the Council of Europe indicated in 2006, 'A weak, badly remunerated and partly corrupted judiciary has been one of the major rules of law concerns in Albania'. Other studies also expressed apprehension regarding judicial corruption; independence; accountability; transparency and efficiency.[136] A recent report of OSCE concludes that the most common form of undue interference is from private sources, such as businesses, private persons or criminal groups, trying to influence the judge directly to take a certain decision. On the one hand very often judges have accepted bribes for lower sentences or favors during the process and on the other hand judges in some courts are completely overloaded with cases, the judicial investigations can be very superficial.[137] The situation is reflected in the high number of cases submitted to the Constitutional Court about unconstitutional decisions taken by the judiciary bodies, such as the prosecution office, courts and bailiff service.

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[134] Lipponen. Osmo, Analysis of the Legal System in Albania, OSCE: 2004
[135] FRIDE, Democracy Monitoring Report: Albania, April 2010
[136] Council of Europe, 'Honoring of Obligations and Commitments by Albania'. Preliminary draft report. Strasbourg: Parliamentary Assembly, 9 June 2009 & American Bar Association, 'Judicial Reform Index for Albania'. Washington DC, December 2008.
[137]SIDA, Albania Anti Corruption Study, January 2008, Ramboll Management – Copenhagen

Figure 33: Unconstitutional court decisions across the past decade
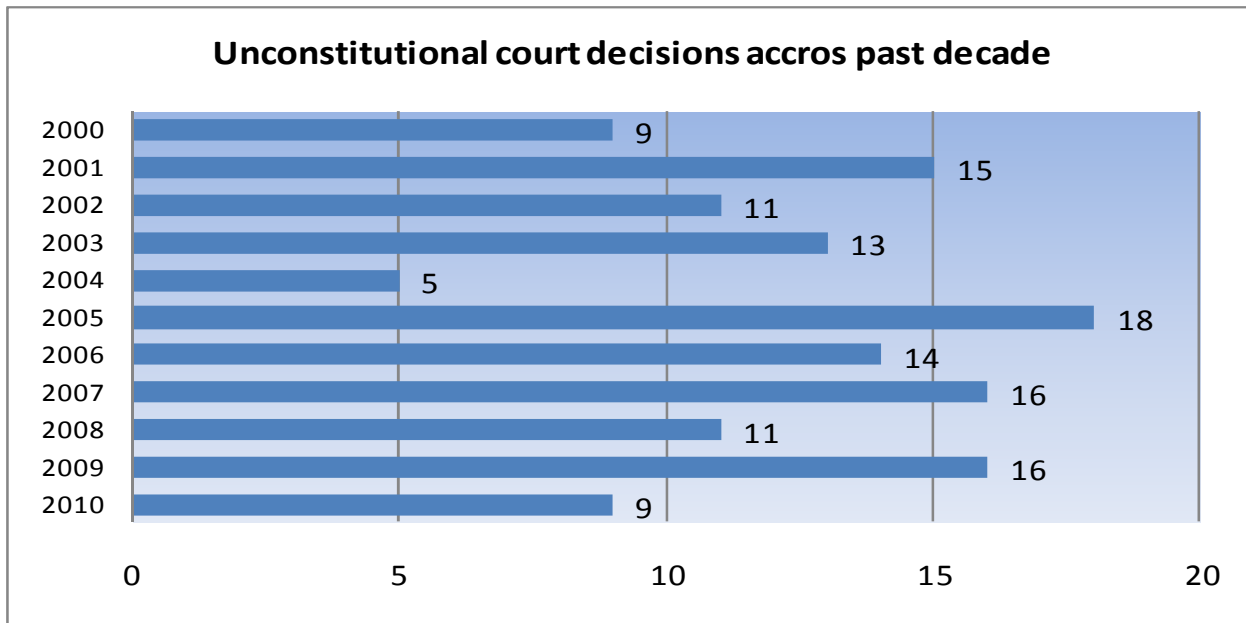
The judiciary is considered in many ways the front line of defense against any kind of corrupt practices. As such, if the judiciary is not able or willing to sentencing corrupt officials, the anti-corruption efforts of the police and prosecutors in investigating and trying corruption cases will be fruitless. If the courts do not try corruption cases fairly, it makes no sense for citizens or institutions to denounce such cases.[138]

The public expects that the judiciary would be the one to fight the widespread corruption in the country. However, if the public would note that the judiciary itself is corrupted, it would be less willing to trust this important institution for the functioning of the rule of law. In this regards, we can stress that trust is tightly connected with institutional performance, in our case the performance of the judiciary. Therefore, a corrupt judiciary is extremely damaging for other anti-corruption efforts. It undermines the rule of law and the principle of equality before the law, and weakens the public's and businesses' trust in the judicial system and the judges. If that trust is severely eroded, parties may well choose to solve their dispute alternatively leading to self justice[139].

Perceptions of corruption in the judiciary remain widespread, although actual instances of judges being prosecuted for corruption are very rare. In a survey conducted by American Bar Association, nearly half of the judges believed that corruption in courts was a serious problem, and over 60% of the public reportedly has little or no trust in the judiciary[140]. In this perspective although the columns of an independent judiciary are established by law in Albania, the institutions remain weak and vulnerable to outside interference and corruption.

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[138]   SIDA, Albania Anti Corruption Study, January 2008, Ramboll Management – Copenhagen
[139]   *Ibid*
[140]   American Bar Association, Judicial Reform Index for Albania, December 2008, USA

During the transition, the judiciary has been considered as one of the most corrupted sectors in the executive power while surveys in the field reveal that the courts are listed as the least transparent institutions in Albania.[141] Access to legal information has been difficult for citizens[142]. While corruption within the justice system is perceived to be very high and seriously impedes the functioning of the justices system, few concrete measures have been taken to tackle this problem.

Punishment and enforcement of court judgments

Political pressures, intimidation, widespread corruption, and limited resources have prevented the judiciary from functioning independently and efficiently in the last years. Even today the enforcement of court judgments remains weak, in particular in cases where state institutions are the defendants[143]. Despite the fact that there are no exact statistics about the failed execution of court decisions against the state bodies, the problematic situation of executing such judgments is a well-known fact. As such, enforcement procedures in civil, commercial and administrative cases need to be improved in order to bring Albanian rates of execution of judicial rulings closer to EU standards, particularly in cases where the state is the losing party.

Figure 34: Complains directed to the Ombudsperson concerning judiciary[144]
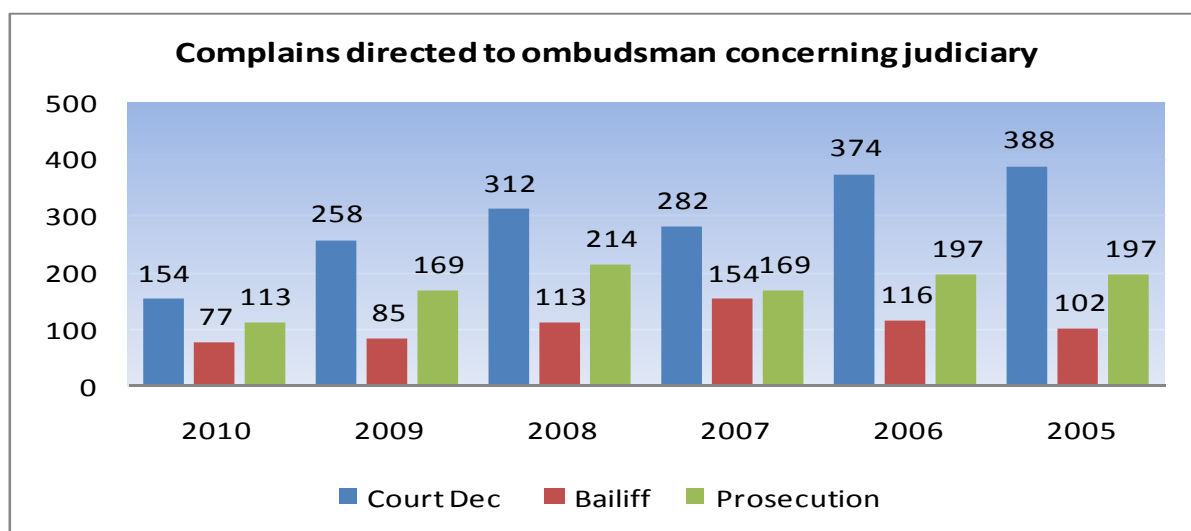
Irregularities in the judiciary system have been noted by the Ombudsperson, which in the course of the last years has collected a large number of complaints concerning the decisions and activity of the judiciary system such as Prosecution Office, Courts and Bailiffs. Mostly complains submitted to the Ombudsperson in the framework of judicial activity were related to procedural or administrative violations by the courts and non-enforcement of judgments against the Bailiff's Office.[145]

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141   IDRA, Corruption in Albania-Perception and Experience, Survey 2006 & 2009, Tirane
142   US Dep. of State, Country Report on Human Rights Practices 2008,
143   European Commission, Commission Opinion on Albania 's application for membership of the European Union, Brussels, 09 November 2010
144   Ombudsperson Office, Annual Report 2005-2010, http://www.avokatipopullit.gov.al/?page_id=259
145 *Ibid*

In the transitional years, enforcement of court judgments has been low and there remains considerable room for further improvement. Co-operation between the police and the judiciary is generally poor, while the Bailiff Service is hindered in executing judgments by lack of funds, unclear court decisions, and the refusal of many state organizations to meet their judgment obligations[146].

Figure 35: Execution of Court Judgments
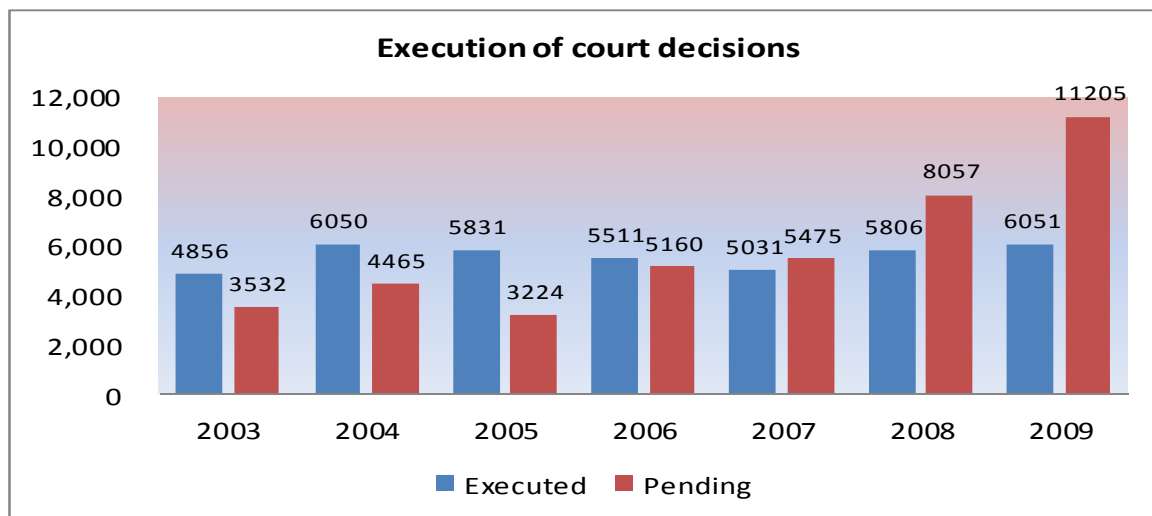
Source 'Ministry of Justice'

The Law on the Private Bailiff Service was adopted in 2008 allowing for private enforcement agents to carry out bailiff duties. The establishment of the twin-track (private and public) bailiff system is considered to support the enforcement of civil court rulings. However, implementation regulations for the service to start operating are pending, continuing to be an obstacle for the judiciary.[147]

5.738. Impact of the rule of law in social trust

Functioning of the rule of law is fundamental for the trust and confidence in public institutions and governmental bodies. People, who are skeptical of the legal framework and application of laws in the daily life, will show uncertainty and unconformity with the overall system. In this regards, all the steps of establishing and enforcing legal rules must be in respect of people will and rights. At this point, one of the major issues related to the consolidation and respect of the rule of law is the legitimately of the system. Legitimacy embodies the consent that citizens accord to the ruling government and/or state institutions[148]. Trustworthy states are associated with democracy and civil societies, where citizens can fully participate and, to some extent, control their institutions[149].

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[146] European Commission, Albania Progress Report, 2006 & 2005, Brussels.

[147] European Commission, Albania 2009 Progress Report, Brussels

[148] Blind. P, Building Trust in Government in the Twentieth Century, UNDESA, November 2006, www.unpan1.un.org/intradoc/groups/public/.../un/unpan025062.pdf

[149] Newton. K & Norris. P, Confidence in Public Institutions, Faith, Cure or Performance, John F Kennedy School of Government, 1999

Rule of law is based in the concept that no individual or part of government should not prevail beyond the laws. It is the rule of law that promotes the equality of individuals / groups before the law. These laws reflect the moral of the society and, in a western democracy, such norms are supposed to be settled in advance, formalized, neutral and objective[150]. In the transition from post-communism to democracy there have been ongoing debates over the legitimacy, not only concerning the newly established political elites, but also in regards to the institutions and laws[151]. Researchers have argued that citizens' perceptions of institutions' trustworthiness and competence influence their inclination to obey the rules and laws made by these institutions.[152] Citizens, who believe that legislators and state officials fulfill their obligations, are significantly less likely to disobey the rules and cheat the system, benefiting illegally. On the other hand, a trustworthy government is likely to encourage citizen compliance to the extent that the citizens deem legitimate the authority issuing the decision. Under a perceived legitimate authority, citizens may sacrifice their personal interests as long as the government's employees and procedures are trustworthy.[153] In this framework, in legitimate governance, institutional trust plays a crucial role to the extent that citizens are willing to follow government decisions / laws even without sufficient information under the assumption that those decisions are legitimate and protect their general interests. Due to a sense of community, citizens perceive rules and obligations as something they have accepted and imposed on themselves, and are keen to comply only if they feel such rules are not abused[154]. It can be argued that even in the west, people do not trust each-other as individuals, but as parts of a common legal framework that guaranties and protects them from each other. In this framework when the actions of the state are based in the foundations of the rule of law and justice, the people tend to show more trust towards the authorities and present themselves more willing to cooperate as part of the same society.

Nevertheless, the overall debate should not be limited to the relations between state and people. The functioning of the rule of law is important not only for the activity of the state and institutional organizations, but in the same time it can affect the citizen's expectation about other people's trustworthiness by allowing the state to act as a third-party enforcer of agreements[155]. In this regard institutional trust is directly reflected in the relations between people and interpersonal trust.

One of the key issues in the last 20 years in Albania is the fact that attempts to reform governing institutions were characterized by crisis of legitimacy. Mostly the attempts to restructure rules were made by the governing actors to increase their own advantage[156]. The reasons leading to an "illegitimate" law revising process can also be found in adopting laws that are driven by interests, pressures and ideas that are in conflict with the domestic needs and interests of the society[157]. In this regards, the lawmaking and law enforcement process should not be confined exclusively to the domain of "high politics" and negotiations among elites.

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[150] Zyberi. Gentian, Rule of Law in Albania: between the aspiration and reality, RSHSL Annual Conference 2008, www.ajls.org/doc/Abstrakt_GZyberi-Shteti-Ligjor-AJLS-2008.pdf
[151] Zyberi. Gentian, Rule of Law in Albania: between the aspiration and reality, RSHSL Annual Conference 2008, www.ajls.org/doc/Abstrakt_GZyberi-Shteti-Ligjor-AJLS-2008.pdf
[152] Letki. N & Evans. G, Endogenizing Social Trust: Democratization in East-Central Europe, *British Journal of Political Science* 2005, Vol. 35 No. 3, pp. 515-529
[153] Kim. Seok-Eun, The Role of Trust in the Modern Administrative State, Administration and Society. Vol 7, 2005
[154] Natalia Letki, Investigating the Roots of Civic Morality: Trust, Social Capital,and Institutional Performance, Department of Political Science, Collegium Civitas, http://www.qog.pol.gu.se/conferences/november2005/papers/Letki.pdf
[155] Francisco Herreros and Henar Criado, "The State and the Development of Social Trust", International Political Science Revieë (2008), Vol. 29, No. 1, 53–71.
[156] Elezi, G, Rule of Law in Albania, Sussex University
[157] Frasheri. E, Transformation and Social Change: Legal Reform in the Modernization Process, Harvard Law School, 9.5.2008

Other actors must be included in the process. What needs to be avoided is exactly the tendency to favor legality over legitimacy.

In Albania the revision and imposition of laws has been controversial especially in regards to consultation, transparency and consensus. Where people are not effectively consulted in the development of law, and rule of law is not consolidated, they have little reason to view the institutions defining the law to be legitimate. In this perspective people do not own the law. Consequently, they perceive little obligation to obey it. Thus, the creation of stable and transparent institutions is necessary for the emergence of a culture of honesty and civic morality among citizens. Civic morality is an ethical habit forming the basis of most theories of civic virtue, and it is often linked with trust and reciprocity. It refers to the sense of civic responsibility for the common good, and thus entails obedience to the rules, and honest and responsible behavior. This is essential considering that civic morality constitutes an opposition of dishonesty and corruption: it deters individuals from wrongdoing, be it in relation to fellow citizens or to the institutions.[158]

Huntington assesses that trust grows as a consequence of the consolidation of the rule of law and public institutions good performance. In our case, in a general overview, can be claimed that lack of a stable and reliable legal system made the norms of social interaction the major framework for contract enforcement, while the state's hostility and repressive attitude towards its citizens resulted in the emergence of strong interpersonal relations of trust and reciprocity between them, thus making interpersonal trust a *substitute* for institutional trust.[159] In this framework Levi proposed a so' called "model of contingent" consent that demonstrates the transformation of interpersonal trust in public officials into institutional trustworthiness that affects the citizenry's degree of compliance with governmental demands and regulations. The model indicates that public trust in government is conditional in that citizens trust government only when they believe that it is acting in accordance with their interests[160].

It can be argued that the developing path of the rule of law in the post-communist Albania was accompanied by many crises in establishing a democratic legal system. Such occurrences had a direct influence in the attitudes of the people towards institutional bodies and authorities. Personal and collective histories are gathered into shared scripts that mythologize the distrusting state. *'Distrust is learned, and all too often it is proved'*[161]. In this framework important is not to create formal institutions, but the perceived history about their action is something rather important in creating trust[162]. As such, despite efforts to improve the legal state in Albania (law revision and enforcement), is not enough to change the attitudes of the people established by their personal, or collective experiences / memories.

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Strengthening and consolidation of the rule of law after collapse of communism in Albania is a key factor in studying development of institutional and social trust amongst people. Analyzing the process in the entirety, starting from drafting, enforcement and punishment, we can come to the conclusion that the trust of citizens in

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[158] Letki. N & Evans. G, Endogenizing Social Trust: Democratization in East-Central Europe, *British Journal of Political Science* 2005, Vol. 35 No. 3, pp. 515-529

[159] *Ibid*

[160] Kim. Seok-Eun, The Role of Trust in the Modern Administrative State, Administration and Society. Vol 7, 2005

[161] Goldsmith. A, "Police reform and the problem of trust", Theoretical Criminology, © 2005 SAGE Publications, London, Thousand Oaks, and Neë Delhi. (Flinders University, Australia).

[162] Bo Rothstein, Daniel Eek, "Political corruption and social trust: an experimental approach" Rationality and Society Copyright © 2009 Sage Publications. Los Angeles, London, Neë Delhi, Singapore and Ëashington DC, Volume 21 (1): 81–112. http://rss.sagepub.com DOI: 10.1177/1043463108099349

institutions is negatively influenced over the last 20 years by the several problems at the institutional level. It can be noted that there is a proportionate correlation between performance of public institutions and their efforts to strengthen the rule of law and the social/institutional trust. Many problematic issues related to strengthening of the rule of law were identified in the main institutions, such as the Parliament, the judiciary, line ministries, etc.

In our analysis, we focused first in the existing huge legal framework. Thousands of new laws are approved by the Parliament over the last 20 years, but, as it can easily be understood, this process is characterized by several drawbacks as many laws are approved without going through a complete drafting, consultation and transparency process, having a negative impact on the public and on the enforcing institutions. Despite definition of clear decision-making procedures on the participation of various stakeholders in the drafting process and transparency of the process, in reality the law revising process is not complete. The accelerated law-making process, lack of institutional expertise and capacities, lack of consolation with the interest groups and external experts as well as the fired political climate have caused a situation that does not necessarily reflect the needs and situation in real terms. As a consequence, there is a huge gap separating enforcement of laws from the internal conditions and contexts of enforcement of the law.

This is also reflected in the level of performance of law enforcement institutions, such as the judiciary. Justice, considered as the main pylon of the rule of law, has faced several difficulties related to impartiality, transparency and punishment (punishment and enforcement of court judgments). These facts can have a highly impairing effect on the trust in institutions and corrosion of social trust. In this viewpoint, the rule of law is closely related with the legitimacy of the system, which is a very important element of social trust. People who are skeptical of the legal framework and of application of laws in real life shall show insecurity and anti-conformism with the system at large, questioning normal functioning of institutions.

This is why it is important to consider the fact that institutional trust is not only related to the quality of services offered to citizens, but even to the effect the history of such institutions has on the individual or the community. Positive performance in years is translated more in conviction and consensus in enforcing laws for the future, without questioning and challenging decisions. Due to the weak performance of institutions in the last 20 years, trust is "corroded". This fact is shown in the tendency to develop suspensions and to challenge institutions and what is offered by them. The future seems promising, but, considering development of the rule of law, there is a need for a considerable time to restore the harmed institutional trust in people.

6. Conclusions

The study on "Social Trust and Institutional Authorities in the Albanian Democracy" constitutes one of the first undertakings on this field in our country. It deals with one of the most debated concepts in our politological and sociological studies, and at the same time it also deals with an issue is discussed at length in daily discussions.

A number of studies at regional and international level on this field indicate that social trust helps people having positively influences in economic realizations and democratic progress of the society as a whole.

Using comparative analysis throughout time (by studying the data of the two Waves of WWS) as well as spatial analysis (with limited data from the region), the study finds out that the Albanian society is one of the societies with the highest level of distrust. Such situation is considered to be an obstacle for the democratic progress of our country since trust constitutes the basis for cooperation and civic participation in the social processes.

Since the analysis of this study are conducted from a certain explorative approach, its value stands exactly on the proposal for prospective studies that single out the key issues that must be studied with precedence. Therefore, it cannot be expected that this study provides exhaustive answers for the issues treated in this publication. In this sense, this study is only a starting point.

The main finding this study proposes to be considered is that social trust is a pre-condition for having strong institutions, active civic participation and less corruption. It also shows the state that the presence of efficient institutions, participation of citizens and fight against corruption enable increase of trust in the public. Therefore, it can be said that legal institutions are built according to that quality allowed by the level of citizens' trust, while the level of trust by citizens is limited to the performance of such institutions.

The judiciary, composed of a group of institutions giving particular contribution to the building of the rule of law, setting authority of law as one of its key principles, has often been criticized for its improper performance. The difficulties and weaknesses in drafting of laws and in administration of justice show that the quality of such institutions is related to the quality of social capital used for building these institutions. Main attempts that seem to influence restoration of the lost trust in the judiciary seem to relate to drafting of laws by a participatory, consultative and transparent process.

The study comes to the conclusion that in general, social trust of citizens is a very complicated phenomenon, influenced by a legacy of impositions and delusions, by actual realties of services and dissatisfactory performance of current institutions, by satisfaction and happiness with life as well as by the level of corruption. From this perspective, what can yield into a higher level of trust is the detachment from the past legacy, weakening of the clan-based mentality, better performance of public institutions, installment of the rule of law and weakening of corruption. On the other hand, better institutional performance can be ensured only through a higher trust in what can be achieved as an individual and as a community, in the power to be organized and to actively participate in what institutions do by means of information, consultation and common governance.

It seems that the building and strengthening of democratic institutions seeks for trust in the process; on the other hand, restoration of trust in citizens can happen only if citizens witness facts of democratic functioning.

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8. Anexes

8.1. Annex 1: variables used from W.V.S

Table 1: Interpersonal trust over the years 1998 and 2002
1998 and 2002 databases

Question   A165: Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people?

Figure 2: Interpersona trust and trust in government 1998 and 2002 in %

1998 and 2002 databases

1998: Question A165 Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people?and question E079. I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all? The government

Table 2: Participation in non-political groups 2002 in %

2002 database

A067.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Labor Unions?

A066.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to? Education, arts, music or cultural activities

A070.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to? Third world development or human rights

A071. Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to? Conservation, environment, animal rights groups

Figure 3: Confidence in Press 2002 in %

2002 database

E072.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all The press?

Figure 4: Trust in international institutions 1998 and 2002 in %

1998 and 2002 databases
E086.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all The European Union

E087.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all NATO (North Atlantic Treaty Organisation.

E088. I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all United Nations.

Figure 5: Trust in Police 1998 and 2002 in %

1998 and 2002 databases

E074.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all The police

Figure 6: Trust in Justice 2002 in %

2002 database

E085.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all Justice system?

Figure 7: Confidence in Police, parliament, government and armed forces 1998 and 2002 in %

1998 and 2002 databases

E074.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all The police

E075.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all Parliament

E079.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all The government

E070.- I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all The armed forces

Table 3: People's responsibility v.s. government responsibility 1998 and 2002 in %

1998 and 2002 databases[163]

E037.- Now I'd like you to tell me your views on various issues. How would you place your views on this scale? 1 means you agree completely with the statement on the left; 10 means you agree completely with the statement on the right; and if your views fall somewhere in between, you can choose any number in between. Sentences: People should take more responsibility to provide for themselves vs The government should take more responsibility to ensure that everyone is provided for

Figure 8: Respect and love for parents 1998 and 2002 waves in %

1998 and 2002 database

A025.- With which of these two statements do you tend to agree? (CODE ONE ANSWER ONLY)

A. 025. Regardless of what the qualities and faults of one's parents are, one must always love and respect them.

B. One does not have the duty to respect and love parents who have not earned it by their behaviour and attitudes.

Figure 9: Time spent with friends colleagues and in community people 2002 in %

2002 database

A057.- I'm going to ask how often you do certain things. For each activity,would you say you do them every week or nearly every week; once or twice a month; only a few times a year; or not at all? Spend time with the parents or other relatives

A058.- I'm going to ask how often you do certain things. For each activity,would you say you do them every week or nearly every week; once or twice a month; only a few times a year; or not at all?. Time with friends

A061.- I'm going to ask how often you do certain things. For each activity,would you say you do them every week or nearly every week; once or twice a month; only a few times a year; or not at all? Spend time socially with people at sports clubs or voluntary or service organisation

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[163] The answer for this question was re-coded in the following way. The percentages that correspond to people should take more responsibilities were calculated as the total of percentages corresponding to number 1 to 5 below and the percentages corresponding to the government should take more responsibilities correspond to the total of percentages of numbers 6 to 10 below.

Figure 10: Those living with parents and those living alone 1998 and 2002 in %

1998 and 2002 database

X026.- Do you live with your parents?

Figure 11: living with parents vs signing a petition 2002[164]

X026.- Do you live with your parents? and question E025.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Signing a petition

Figure 22: live alone, live with other people vs civic participation 2002

Questions A067. Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Labor Unions?

A066.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to? Education, arts, music or cultural activities?

A070.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Third world development or human rights?

A071. Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Conservation, environment, animal rights groups

A068.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Political Parties?

With

Question X026.- Do you live with your parents?

Figure 13. Frequency of interest in Politics during 1998 and 2002 in %

1998 and 2002 databases

A004 For each of the following aspects, indicate how important it is in your life. Would you say it is: Politics?[165]

And A004. EVS1999: Please say, for each of the following, how important it is in your life. Politics?

Figure 15: Rating political system 1998 and 2002

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[164] Variable EO25 is re-coded to a binary variable (with two options) for making easier the crosstabulation.

[165] The four answers of this question have been re-coded into two variables.

1998 and 2002 databases[166]

E111.- People have different views about the system for governing this country. Here is a scale for rating how well things are going: 1 means very bad; 10 means very good. Where on this scale would you put the political system as it is today?

Table 4: Membership to political parties (2002) in %

2002 database

A068.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Political Parties?

Figure 16: Happines from life and membership to political parties 2002 in %

 2002 database

Question A 068.- Please look carefully at the following list of voluntary organisations and activities and say...which, if any, do you belong to Political Parties? and question A008.- Taking all things together, would you say you are very happy, quite happy, not very happy and not at all happy.

Figure 17: life satisfaction v.s political action: signing a petition   2002 in %

2002 database

Question A 170. All things considered, how satisfied are you with your life as a whole these days?[167] and question E025.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Signing a petition

Figure 18: Life satisfaction v.s. political action: participating in lawful demonstrations 2002 in %
2002 database

Question A 170. All things considered, how satisfied are you with your life as a whole these days?[168] and question E027.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Attending lawful demonstrations.

Figure 19: Level of perceived freedom and engagement in Signing a petition in % 1998 and 2002

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[166] Again also for question E111 the 10 variables have been re-coded into two when 1-5 represents those that rank political system as bad and 6 to 10 those that rank it as a good one

[167] The variables of this question have been coded into two variables as well including the first two as those expressing high sattisfaction level and the second two as those expressing low sattisfaction levels

[168] The variables of this question have been coded into two variables as well including the first two as those expressing high sattisfaction level and the second two as those expressing low sattisfaction levels

1998 and 2002 databases

Question A173.- Some people feel they have completely free choice and control over their lives, while other people feel that what they do has no real effect on what happens to them. Please use this scale where 1 means "none at all" and 10 means "a great deal" to indicate how much freedom of choice and control you feel you have over the way your life turns out[169]. with question E025.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Signing a petition

Figure 20: Participation in political actions 1998 in %

1998 database

E025.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Signing a petition

E026.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Joining in boycotts

E027.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Attending lawful demonstrations

Figure 21: Participation in political actions 2002 in %

2002 database

E025.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Signing a petition

E026.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Joining in boycotts

E027.- Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and I'd like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Attending lawful demonstrations

Figure 22: Generalized trust in Albania 1998 and 2002 in %.

1998 and 2002 database

Question A165: Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people?

Figure 23: Family importance, friends' importance and generalized trust 1998 and 2002 in %

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[169] Again this question was re-coded to binary variables where 1 to 5 correspond to low freedom of choice and control and 6 to 10 correspond to high level of freedom of choice and control

A001.- WVS2000: For each of the following aspects, indicate how important it is in your life. Would you say it is: EVS1999: Please say, for each of the following, how important it is in your life. Family[170]

A002.- WVS2000: For each of the following aspects, indicate how important it is in your life. Would you say it is: EVS1999: Please say, for each of the following, how important it is in your life. Friends[171]

With question

A165: Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people?

Figure 26: Acceptance of some moral social behaviors % 1998

1998 database[172]

 F120.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Abortion

F119.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Prostitution

F121.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Divorce

F118.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Homosexuality

Figure 27: Acceptance of some moral social behaviors % 2002

2002 database

F120.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Abortion

F119.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Prostitution

F121.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Divorce

F118.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Homosexuality

Figure 28: Acceptance of social behaviors with political implications in % 1998

 1998 database

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[170] This question has been coded to binary variables in the following way the answers very important and rather important are coded under much trust and the not very important and not at all important ones as less trust

[171] This question has been coded to binary variables in the following way the answers very important and rather important are coded under much trust and the not very important and not at all important ones as less trust

[172] The variables on the acceptance of moral and political social behaviors have been re-coded according to the following rule 1-5 means low level of acceptance and 6-10 shows a high one.

F114.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Claiming government benefits to which you are not entitled

F115.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Avoiding a fare on public transport

F116.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Cheating on taxes if you have a chance

F117.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Someone accepting a bribe in the course of their duties

F139.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Buying stolen goods.

Figure 29: Acceptance of social behaviors with political implications in % 2002

2002 database

F114.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Claiming government benefits to which you are not entitled

F115.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Avoiding a fare on public transport

F116.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Cheating on taxes if you have a chance

F117.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. Someone accepting a bribe in the course of their duties

F139.- Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between, using this card. buying stolen goods

8.2 . Annex 2: Chekclist on law implementation.

- Verification
- Does it exist a special structure, in charge of law revision tasks?
- Are there established regulations that clearly define the persons/structure in charge for the drafting?
- Is it foreseen in the working procedures that draft laws must include a prior notification on the process verification as well as information about costs, financial effects.
- Is it a standard practice of ministries to undertake a preliminary analysis and verification of alternatives, to achieve the objective of the draft law.
- Is it a standard procedure to conduct a specific control in there is a need for new legislation, or :
    o It can be covered with the existing legal framework
    o There is no need for legislative interventions (covering the issues with administrative directives
- Are the proposed laws verified for consistency with international agreements, constitution?
- Is it a consolidated practice to conduct a detailed control for each draft law to guarantee that organizative structures and administrative procedures are in place to ensure a functional scheme of application?
- Is it a standard practice that draft laws are checked if the required resources exist or can be provided in the future?

Control of economic effects
- Is there a settle regulation on assessing the financial and social effects of draft laws

Efficiency
- Are there standard controls and evaluations to assess if a law has achieved its objectives?
- Is it required to define expected benefits from the draft laws, stressing current deficiencies in the existing laws and how the new law would help to improve the situation?

Practicity
- Is it assessed and controlled in advance if the draft law would guarantee excepted benefits and needs of the administration which would implement it?
- Are there any controls in regards to the assessment of the impact of the new law directly or indirectly on third parties?
- Does this verification include an assessment if the draft law can lead to corruptive practices in the application phase?
- Is it verified if the draft law is accepted and complied by the public and possibilities to have a feedback on it j?

The regulating framework of the draft law
- Is there any regulation that envisages procedures and requirements to follow during the drafting of the legislation?

Drafting Personnel
- Is there a periodical assessment of the competences and capacities of engaged officials in the process of law drafting?

- Are there taking place frequent capacity building programs and trainings for the officials engaged in the law drafting process?
- Are there regulations in place that define when external consultants can be invited to contribute in the drafting phase?
- Are the law drafters available to Parliamentary Commissions to explain and clarify issues concerning the new legislation?

Consultations with other actors
- How are the consultations with other parties conducted?
- Is there a possibility for the public / other actors to comment on draft laws during the drafting process?
- Are there established consulting groups to assist the drafting of the new laws in specific fields?
- Is there an official obligation that the consulting procedures are followed according to legal norms initiated from the parliament?
- Is it a routine practice to include in the preparation of a draft law, experts with distinguished abilities in the field as well as officials specialized in law drafting?
- Are there regulations to define the procedures of including external experts in the process in the team working for the drafting of the new law?
- Are there regulations defining when and who would be asked to contribute with comments from groups of interest or external experts regarding new laws?
- Are there clear established regulations on the cases when the law drafting process should be considered confident and not shared with other actors?

Implementation
- Are there controls and assessments to see if the draft law contains all the necessary provisions to enable the functioning of the scheme of implementation and guarantee clarity in the administration process?
- Are there taking place evaluations to define human, institutional and financial resources required for the implementation of the law?