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Playing with the Camera. Critical Notes on Two Films by Austrian Director Willi Forst

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Abstract

This essay aims to critically reflect on the work of Austrian film director Willi Forst, devoting special attention to two of Forst's films of the 1930s, Mazurka and Allotria. Forst's career developed successfully in both Austria and Germany between the 1930s and the end of the 1950s and Forst has been widely counted among the major figures in German-speaking cinema of the time. In scholarly works on the history of Austrian film, Forst's name has been typically associated with the musical genre and the so-called Viennese Film, of which Forst has been regarded as the indisputable master. In this association of Forst's work with the Viennese Film and the musical genre, long predominant among film historians, one may detect a reason for the scant consideration dedicated so far to films such as Mazurka and Allotria which, not belonging to the above genres, have been usually regarded as of minor relevance in Forst's work. With the aim of correcting this assumption, the present essay intends to critically focus on Mazurka and Allotria, placing them within the wider context of Forst's work. Though the two films belong to different genres, Mazurka being a melodrama, Allotria a comedy, they appear to have a significant number of points in common, and through their discussion and comparison, this essay hopes to contribute to a better understanding of Forst's oeuvre, shedding light on a number of facets of Forst's work to which scarse attention has been devoted so far.

Keywords: Willi Forst, Austrian Cinema, German Cinema, Hollywood, Avant-Garde Cinema

1. Introduction

The present essay intends to investigate the work of Austrian-born film director Willi Forst, devoting special attention to two of Forst's films of the 1930s, *Mazurka* and *Allotria*, directed by Forst in Berlin respectively in 1935 and 1936. Forst's career developed successfully in both Austria and Germany between the 1930s and the end of the 1950s (Loacker, 2003; Bono, 2010) and Forst has been generally counted

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among the major figures in German-speaking cinema of the time. Forst's name has been typically associated with the musical genre and the so-called Viennese Film. With its stories set in Vienna between the 19th century and the eve of the First World War, and characterized by a variable mixture of comedy, romance and melodrama, the Viennese Film significantly contributed to the renown of Austrian cinema in the 1930s (Fritz, 1991; von Dassanowsky, 2005, 2018), with Forst generally regarded as the indisputable master of the genre.

In this identification of Forst's work with the Viennese Film and the musical genre, that has long been predominant among film historians (Bono, 2010, pp. 12-13), one may detect a reason for the slight consideration dedicated so far to films such as *Mazurka* and *Allotria*. Not belonging to the above genres, they have been usually regarded as of minor relevance in Forst's work. As examples may be cited Robert Dachs' (1986) biography of Forst as well as the scholarly volume devoted to Forst's oeuvre by the Austrian Film Archive in 2003 on the occasion of Forst's 100th anniversary of birth (Loacker, 2003), which both scarcely consider *Mazurka* and *Allotria*.

In linking to previous studies by the author on *Allotria* (Bono, 2006) and, more generally, on Forst's cinema (Bono, 2010), this essay aims to critically investigate Forst's films *Mazurka* and *Allotria*, placing them in the context of Forst's work, with the purpose of contributing to a better understanding of the Austrian director's oeuvre. Though the two films belong to different genres, *Mazurka* being a melodrama, *Allotria* a romantic comedy, they appear to have a significant number of points in common, and through their discussion and comparison, the present essay intends to shed light on a number of facets of Forst's oeuvre to which scarse attention has been devoted so far.

2. Through a Woman's Eyes

After debuting in 1933 as a director with the musical film *Leise flehen meine Lieder*, followed in 1934 by *Maskerade*, both set in Vienna respectively in the early and late 19th century, with their definitely Austrian flavor as to their milieu, characters and genre, Forst seems to have conceived *Mazurka* and *Allotria* as products with explicitly an international character. In both films, Forst worked with subject matter that was not located specifically. "I have already revealed to you that I filmed a story that is not tied to one time or place," Forst pointed out about *Mazurka* (Bono, 2010, p. 51). At the same time, Forst seemingly aimed with *Mazurka* and *Allotria* to prove his ability to work within different genres. In the pressbook for *Mazurka*, Forst expressed his intention to move freely between the genres. "Following my first two films, […] I felt the urge to finally depict not only one epoch and milieu." In answer to the question, "Which genre will the film belong to, and what style did I envision?" Forst replied, "My film has no style at all. That is, none in particular! I hate nothing more than when, in making a film, the style is set first, and then all the subsequent work is imposed on it" (Bono, p. 51).

In contrast to Forst's first films, *Leise flehen meine Lieder* and *Maskerade*, which inclined towards melodrama, yet were interspersed with humorous scenes, in *Mazurka* melodrama predominates and, with the exception of a few moments at the beginning, completely pervades the film. At its center is a mother, a cabaret singer, who does not refrain from murder to save her beloved daughter from an unscrupulous composer. French cinema historians Francis Courtade and Pierre Cadars disapproved of Forst's film for being "an unbelievable melodrama," in which "nothing has been left out: the unscrupulous seducer (pianist, moreover); the loyal bride violated on a drunken night; trampled-on love; the fallen diva becoming a bar singer" (Courtade & Cadars, 1972, p. 254). Yet in examining the film, one should not fail to consider the complex structure that distinguishes *Mazurka*, which will be discussed in the following.

The film's opening credits roll against the backdrop of a European city, as a car hurtles through the streets toward the train station. The camera continues its sweep through the station to stop in front of Lisa, who is bidding her stepmother goodbye. The woman is leaving for a couple of days. The narrative continues at a brisk pace, driving Lisa into the arms of the composer. She accepts his invitation to the concert, succumbs to his kiss, and meets him again in a nightclub; then, by Lisa's side, we witness the shot that abruptly ends his life. The film's opening explicates the strategy that distinctively shapes *Mazurka*. Forst aimed to confer the narrative with a subjective tone, by placing the viewer alongside Lisa. We are invited to adopt her point of view.

The opening shot, as well as the subsequent camera movement that follows Lisa's stepmother as she boards the train, though not attributed to any character, may be connected to Lisa. Lisa constitutes the focus of the first part of *Mazurka*, and the spectator stands by her side. We share her uncertainty about the composer's identity, her hesitation to attend the rendezvous, and her surprise as she finds him waiting for her in the conservatory. Here the camera abruptly rushes toward Lisa. The movement feels unusual and surprising and reflects Lisa's agitation. The camera movement is repeated when the phone rings at Lisa's home the following day. The composer is calling, presumptuously asking her to meet him. We listen to the conversation by Lisa's side, and the camera shows her from the front, yet we hear the man's voice through the receiver, warm and seductive, as though we were Lisa; acoustic subjectivity colors the scene.

The film subtly induces a process of identification between the spectator and Lisa's character (before passing the floor to her mother in court), which reaches a peak in the nightclub sequence and culminates in the kiss that the composer coaxes out of Lisa at the conservatory. As the couple dance a waltz, the montage alternates between Lisa and the man. Both are framed in close-ups that reveal themselves to be point-of-view shots, with the actors looking and talking to the camera as though it were their respective partner. A special trestle was employed to achieve this effect, connecting the actors to the camera so it could accompany them as they danced.

Similarly, Forst breaks up the scene where the man kisses Lisa into several shots, with the aim of conveying Lisa's feelings, her inner turmoil. First, the incident is shown from a distance; then the montage shifts to a closer shot of the couple, with the camera positioned over Lisa's shoulder. A further shot follows with the camera placed next to the man, and the segment culminates in a close-up. The effect is unusual. The transition between the shots is not action-based; indeed, the couple stands motionless, and time seems to expand, to momentarily come to a standstill. A second kiss follows, and Forst reinforces this impression by inserting a dissolve to black in the middle of it, thus breaking the continuity of action and making the length of the kiss uncertain. It is a moment that lasts an eternity. The dissolve is introduced by a double close-up of Lisa staring at the chandelier on the ceiling before closing her eyes. The screen goes dark; then the chandelier reappears. Lisa opens her eyes and pulls out of the embrace.

The experimental nature of this sequence stands out; it is remarkable in the way it dissects time, and it is infused with subjectivity. Later, as Lisa chats with her stepmother at home, a glimpse of the living room's chandelier, followed by a close-up of the girl, is all that is needed to evoke Lisa's distressing memory. The detail of the chandelier recurs in the scene where the composer forces Vera, the cabaret singer, into his bedroom, taking advantage of her drunkenness instead of escorting her home. The camera shows the woman's perspective as the man bends over her, and the screen goes dark. Behind him we catch a glimpse of the bedroom's chandelier. At this point, the spectator is still ignorant of Vera's connection to Lisa, yet the detail of the chandelier and the point-of-view shot clearly establishes a parallel. The chandelier becomes figurative of the violence both women suffer at the hands of the composer, evoking their trauma.

The sequence in which Vera is abused by the composer impresses through its stylistic audacity, and is one place in *Mazurka* where Forst appears to be explicitly influenced by the avant-garde of the 1920s. As the man forces Vera into his bedroom, the camera becomes unsteady and wavers. It adopts the woman's viewpoint as she stumbles through the corridor. The image blurs; the accompanying music is discordant. A door opens and Forst unleashes the camera, which drags the viewer along into the depths. We feel dizzy. Then a bed appears from the darkness, and the camera rushes toward it. The bed grows larger, and the camera suddenly stops in front of Vera.

3. A Turbulent Game of Love

This willingness to experiment with the film's techniques also characterizes *Allotria*, being a feature that this film shares with *Mazurka*. Scholars have generally overlooked this point and viewed *Allotria* and *Mazurka* in the context of their respective genres, romantic comedy and melodrama. Yet if one emphasizes this aspect, that is Forst's inventiveness in employing cinematic language which characterizes both *Mazurka* and *Allotria*, their similarity becomes evident. In the pressbook for *Mazurka*, Forst stated that it was intended as a work that "gives to film what belongs to it" (Bono,

2010, p. 56). Similarly, Forst declared of *Allotria*, "I was aiming to make an amusing film – to entertain." "If, in doing so, I have succeeded in sneaking in a few novelties, and revealed a little bit of what film is still capable of doing more (not just mine, but film in general), I will be very happy" (Bono, p. 56).

In being a comedy, *Allotria* represented a novelty in Forst's work. "*Allotria* was something new for me," declared Forst. "So far I have made three films, all of which were practically 'tragic'!" (Bono, 2010, p. 56). *Allotria* demonstrates Forst's effort to switch between genres and test himself in new fields. His intent in *Allotria* to confront Hollywood and the genre of sophisticated comedy is evident: "I want to try to create a comedy that has something of the lightness and insouciance of the Americans" (Willi Forsts neuer Film, 1936). Tracing German cinema's relationship with Hollywood during the Nazi era, Markus Spiker (1999) noted, "Starting in 1936, a series of German films emerged that were apparently modeled on American genre films, both stylistically and dramatically" (p. 155). He also included *Allotria* among the German films of the time that displayed American influence.

In *Allotria*, Forst clearly built on the films by George Cukor, Gregory La Cava and George Stevens. "We always say we cannot make anything similar in Germany," he noted. "I do not think that is true at all" (Willi Forsts neuer Film, 1936). Forst's effort was praised by the press, with a Berlin newspaper writing, "One can definitely say of this comedy of mistaken identities that it is on a par with American film comedy" (mabe., 1936). "Forst has no longer left untouched Americans' reputation for making smart, carefree, pleasant entertainment films," one critic remarked. "Now he himself has brought such a sprightly child of the cheerful muse into the world" (S-k., 1936).

The American template can be detected in various places, and the story as well as the characters are imbued with the spirit of the sophisticated comedy. Their names are Philipp and David, Viola, Gaby and Aimée, and together with Adolf Wohlbrück, Forst engaged some of the most popular stars of German cinema of the time for *Allotria*: Heinz Rühmann, Renate Müller, Jenny Jugo and Hilde Hildebrand.

Philipp is a Don Juan type, impeccably dressed, preferably in a dinner jacket, and a gentleman who under no circumstances loses his nerve. He courts the woman, Viola, with whom he has become smitten during a voyage at sea, despite a storm churning the ocean. But when they reach Europe, they lose sight of one another in the confusion of the landing. Philipp has a friend, David, and they share not only unusual professions, as dictated by sophisticated comedy (Philipp owns a plantation on Java; David is a race driver), but also a lover, as they discover one evening when they meet by chance at the home of Aimée (whose name is suggestive of her role). Viola is the best friend of Gaby (whom David marries at the beginning of the film), and the women both know Aimée, who owns a dress boutique. This completes the quintet and closes the circle that connects the characters.

This is the world of the sophisticated comedy as defined by Hollywood in the early 1930s. It is a world in which life is a game; women are beautiful, flighty and capricious; and men's professions are more like hobbies, a pastime of sorts. Nothing is taken seriously. The luxurious apartment in which Aimée receives her lovers, as well as David's and Gaby's villa – furnished in the modern style of the 1930s and complete with a park – where they live after marrying, serve as backdrops for the perpetual war between the sexes that fuels the sophisticated comedy. Love is only a game, a match in which every move is allowed – and they are often of particularly inventiveness. Aimée's weapon of choice for the disruption of David's and Gaby's engagement party is perfume; she pours a few drops in the tank of David's car, resulting in his losing the race.

Love in *Allotria* is not romantic. The nightingale sings not to seal a lovers' kiss, as tradition would have it. Rather, its song provides an ironic counterpoint to Philipp's and Viola's nightly conversation on the terrace of their friends' villa, where they have coincidentally met again. Philipp is jealous, taking Viola to be David's wife. She is delighted, since his jealousy proves he loves her. She asks coquettishly, "Am I not allowed to be happy? I am loved." Philipp thinks she is referring to David. "Are you so sure about that? And you love the man?" "Infinitely," answers Viola. Every word jabs, like rapiers crossing in a duel. "He doesn't deserve you," remarks Philipp; and though the statement seems to be off the mark (if referred to David), at the same time it hits the nail on the head. When it was time to ask for Viola's hand at sea, was not Philipp paralyzed with fear? In *Allotria*, words are subtle, their meaning many-layered.

Against the backdrop of David's and Gaby's villa, the game of love becomes a play, a comedy of misunderstandings and coincidences of the sort that French author Georges Feydeau excelled at. When Philipp visits the couple after their honeymoon, Viola opens the door. She has also come to visit her friends. Philipp mistakes her for David's wife; Viola and Gaby think this is funny, and they play along. If Viola is David's wife, then Gaby will play her girlfriend. David does not like the game at first, but then he joins the two. And the game of love takes on a new facet, becoming a performance of sorts in which Viola, Gaby and David each take on a role. The villa turns into a stage on which a play in the style of Feydeau is unfolding: a recently-married man (David) has a relationship with the best friend (Gaby) of his wife (Viola). The comedy is staged for the benefit of a spectator (Philipp), who takes the game to be real.

Initially, Viola tries her hand at directing. The day Gaby and David return from their honeymoon, she hides a squeaky plastic pig under their bed and hangs a laurel leaf above their entranceway, that is to fall on them as they enter. Like in the theater, Viola rehearses the scene, with the help of the staff. If Viola's farce meets with little success, the ensuing comedy of errors comes off better. It will take until morning for Philipp to see through the game, take over as director, and assign himself the role of the seducer, disappearing with Gaby (who is enjoying her role as the friend of the lady of the house) in the middle of Aimée's party.

Frivolous and light, airy as the dresses that Viola and Gaby wear to Aimée's party, love in *Allotria* is a society game. "I'd like to finally know what game is being played here," remarks the elderly lady who is Viola's and Philipp's dinner companion during the sea-crossing, glancing at the orchid on their table. She is curious about Philipp's flirtation with Viola: will he ask for her hand before the journey ends? The question introduces the turbulent game of love that courses through *Allotria*.

Couples are volatile units, and every combination is possible. Pairs form and break up again. Some are attracted to each other but fail to bond: the storm casts Philipp and Viola into each other's arms, but fear of marriage petrifies Philipp, and a stumbling passenger separates the couple. Others break up to form a new pair: David leaves Aimée to marry Gaby. Some simulate being couples (as do Viola and David); and some couples extend to a threesome, like Philipp, David and Aimée, or David, Gaby and Philipp, when Gaby, to spite her husband for passionately kissing Viola (is she not his wife for fun?) removes her wedding ring and flirts with Philipp. But Gaby drinks one glass too many at Aimée's party and wakes up in a sleeping car with Philipp in Marseille. All David's skill as a race driver is required to catch up with his wife and friend before their ship sails. Thus the couple eventually doubles to become a quartet. This leaves Aimée out, who takes up with Gaby's father, a widower. Five plus one makes six. Now the numbers add up.

The movement gives shape to the film: dynamics springing from the game of love drive the narrative, and the whirlwind sweeps the spectator along with the characters. Of note is the image that opens *Allotria*, a rotating circle. The geometric figure is emblematic, translating the movement that shapes the film into a graphic form. As the title Allotria appears on screen, the letter O occupies its center. A second, larger circle doubles it in the background. Soon the film's title breaks apart, and the O-shaped circle dominates the screen. The names of the leading actors appear around its circumference; the remaining credits roll in the circle's center as it continues to turn.

The circular movement carries over from the credit sequence to the entire narrative. It extends to the glittering ball in progress on the ocean liner, as the dancing couples draw spirals while revolving to the music; it infects the ocean, where it churns up a storm; it metamorphoses into the track on which David is racing; it takes the shape of the game that Gaby's guests improvise at her engagement party. While they wait for David (who is with Aimée), they play blind man's bluff: Gaby stands blindfolded in the center while the company turns circles around her.

The circular motion that runs through *Allotria* sows confusion throughout the night that Philipp, Viola, David and Gaby spend under one roof. When it comes time to retire, David, Viola and Gaby switch rooms to maintain the illusion that Viola is David's wife. Gaby moves to the guest room; David goes off with Viola to the master bedroom. When Philipp closes the door to his room (which is between the others), David slips onto the terrace to get to Gaby, where he runs into Philipp. Gaby, impatiently awaiting her

husband, heads through the corridor toward the master bedroom. Here she meets Viola alone, for David is being held up on the terrace by Philipp. Now Viola changes rooms, but bumps into David as he is aiming for the guest room in hopes of finding Gaby. He hurries back through the corridor, but meanwhile, Gaby, annoyed, regains her room across the terrace. And here she meets – Viola! "But Gaby," her friend protests, "you're running around in circles all the time." The line is emblematic: the circle is the scene's constructive principle, the game of love turning into ring-around-the-rosy, where everybody keeps moving around but eventually arrives back at one's starting point.

Gradually the motion accelerates, and the ongoing turmoil that characterizes Allotria reaches its climax with David driving hurriedly with Viola to Marseille. The Grand Prix has just started when they reach Monte Carlo, and David joins the race. After following a straight line from Berlin to France, the movement now resumes a circular shape and expands, moving beyond the narrative to the montage. Shots of a street with Monte Carlo in the background, building façades, and spectators stretched along the course, follow each another in a turbulent crescendo. The images almost blur as the montage imparts a feeling of speed, recklessness, thrills. Here Forst has clearly appropriated the lessons of the avant-garde cinema of the 1920s.

4. The Camera as Protagonist

It is not the narrative material that makes *Allotria* special; indeed, the story's components are on the inventory list of every sophisticated comedy. Constant sparring between the sexes and deliberate or coincidental quid pro quos are elements traditionally favored by the genre. *Allotria*'s strength lies in its creative direction, and the precise script that Forst wrote with a renowned author of the time, Jochen Huth. Contemporary critics singled out Forst's elegance in translating the material to the screen. "[The film's] charm lies not in its subject material, but in the color and rhythm of the action," one critic noted (Hermann, 1936).

The playful spirit animating its story and characters courses through the film to also encompass the camerawork and editing. As the ship rocks in the storm, the camera staggers along the corridor with Philipp and Viola, as though it too were losing balance. In *Allotria*, the camera becomes a protagonist alongside Philipp and David, Viola and Gaby, and the press appreciated Forst's ingenuity, describing it as "a film that brilliantly exploits all possible ideas through the camera's technique" (v.d.N., 1936), "a firework of pictorial ideas, a glistening cascade of movement" (pck., 1936). In a play on the film's title, *Allotria*, which means "frolic" in German, a Berlin newspaper commented, "[Forst] also dares to frolic with the camera" (Ma., 1936).

Time is also a variable in this game that takes place on screen; *Allotria* plays with it coquettishly, stretching and then compressing it as if it were a band of rubber. As David bids a hasty goodbye to Aimée (Gaby is waiting for him to celebrate their engagement), his impatience affects the film's tempo. He jumps literally to the door

and is gone. Time feels elastic and subjective, adapting to David's mood of the moment. Later Aimée makes David believe that Philipp threatened to take revenge after discovering them together that evening. As David pictures the scene that Aimée imaginatively describes, the scene repeats in slow motion; his dash from the salon to the door breaks off halfway, the action reverses, and he falls back into the chair. "Even if the film does not want to take itself seriously, it is the first comedy in years that we have taken seriously," remarked the press (Stanzl, 1948, p. 98). The scene continues with Philipp scolding David. As Philipp points at him, his finger grows enormous while David appears like a dwarf in the gigantic chair. Forst "knows what to do with objects;" "his ideas are like little shimmering balls that he juggles on the stage of entertainment" (mabe., 1936).

Forst's inventive use of the camera – which he unleashed in *Allotria*, as he had done a year previously in *Mazurka* – and of the techniques and language of film, garnered the attention of contemporary critics. In light of Forst's training as an actor and his work in the theater and popular films in the years previously, the press expressed surprise for the result, acknowledging Forst's transformation "from leading lover of the cinematic operetta stage, glittering with epaulets, to a director of European proportions" (Betz., 1935). The Italian magazine *Cinema* dedicated a three-page analysis to the above scene from *Allotria* (Sabel, 1941), and critics of the time likewise called attention to the inventive nature of *Mazurka*, emphasizing "the virtuosic direction of Willi Forst, […] who is conversant with all the tricks of the fantasy machine and implements them intellectually, and with keen understanding and mastery" (Betz.). For a Viennese newspaper, Forst made use "of all sound film's achievements while also employing silent film methods that were long thought to be outdated, and which suddenly awaken to new life here, in an artistic way" (Mazurka-Erfolg in Wien, 1935).

In the prestigious Italian film journal *Bianco e Nero*, Guido Guerrasio (1943) reflected on the influence of French avant-garde, German Expressionism and Viennese culture on Forst's work. "In Forst, one surmises the simultaneous presence of two or more stylistic flavors," he observed, pointing in particular to "typical signs of emotional montage […], that seem to originate distinctly in the French avant-garde school" (p. 11). For reference, the Italian critic cited Jacques Feyder's film *Crainquebille*.

5. Conclusions

This facet of Forst's work would later pass into oblivion. The technical audacity that distinguished several of his films – *Ich bin Sebastian Ott*, from 1939, also represents an interesting example, as well as Forst's first post-war film, *Die Sünderin* – has been scarcely acknowledged by scholars. Alongside French René Clair and German Ernst Lubitsch, Forst counted Soviet director Vsevolod Pudovkin among the cineastes he admired most (Forst, 1963), and he considered Sergei Eisenstein as someone from whom "we have learned" and "whom we like and admire" (Bono, 2010, p. 63). This scarcely jibes with the typical profile of Forst that has been cultivated by the majority

of critics, and Forst's tribute to the Soviet directors may appear surprising, if one merely considers Forst's preferred genres, or the escapist dimension that colored Forst's work. Films such as *Mazurka* and *Allotria* challenge not to confine Forst's work to the realms of operetta and Austrian tradition, with Forst's admiration for the Russian cineastes suggesting that it is necessary to more closely investigate Forst's relationship with the European cinema of the 1920s and the influence of the avant-garde on his work.

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Existence and Uniqueness Results for Two-Dimensional Stochastic Linearised Boussinesq Equation

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Abstract

The water flow in saturated zones of the soil is described by two-dimensional Boussinesq equation. This paper is devoted to investigating the linearised stochastic Boussinesq problem in the presence of randomness in hydraulic conductivity, drainable porosity, recharge, evapotranspiration, initial condition and boundary condition. We use the Sabolev spaces and Galerkin method. Under some suitable assumptions, we prove the existence and uniqueness results, as well as, the continuous dependence on the data for the solution of linearised stochastic Boussinesq problem. Keywords: linearised stochastic Boussinesq equation, Galerkin method, existence and uniqueness results, and continuous dependence on the data.

Keywords: existence and uniqueness results for two-dimensional stochastic linearised Boussinesq equation

1. Introduction

The water flow for an unconfined aquifer of the soil is described by Boussinesq equation (1904). The equation results from the application of the mass conservation principle, Darcy's law, and the Dupuit-Forchheimer hypothesis (Bear, 1972). The two-dimensional Boussinesq equation is:

$$\frac{\partial u}{\partial t} = \sum_{i=1}^{2} \frac{\partial}{\partial x_i} \left[\frac{k_i}{s} (u+d) \frac{\partial}{\partial x_i} (u+d) \right] + \frac{r - ET}{s}, \quad (1)$$

$(x, t) \in D \times (0, T]$,

where $x = (x_1, x_2) \in D \subset R^2$ denote the space coordinates (variables), t is the time variable, D denotes a bounded spatial domain with smooth boundary ∂D, $T > 0$ is a constant,

$x = (x_1, x_2)$, $|x|^2 = x^2{}_1 + x^2{}_2$, $dx = dx_1 * dx_2$, $u = u(x, t)$ represents the elevation of the free surface (or hydraulic head) above the impervious layer, d denotes aquifer's depth (measured from the impervious layer), k_i denotes the saturated hydraulic conductivity of the soils along i direction, ET denotes the evapotranspiration, r denotes the recharge, s denotes the drainable porosity.

The Boussinesq equation associated with initial condition:

u (x, 0) = u $_0$(x) , x∈ D, (2)

and with Dirichlet boundary condition

$u\ (x, t) = H\ (x, t)$, $(x, t) \in \partial D \times (0, T)$ (3)

where $u_0\ (x)$ and $H\ (x, t)$ are given function. Similarly, we can consider the Neumann boundary condition.

$$\frac{\partial u(x,t)}{\partial u\ (x)} = H_1(x, t) \quad , \quad (x, t) \in \partial D \times (0, T]$$

The linearised Boussinesq equation is

$\frac{\partial u}{\partial t} = \sum_{i=1}^{2} \frac{\partial}{\partial x_i} [\frac{k_i}{s} H_0 \frac{\partial}{\partial x_i} (u + d)] + \frac{r - ET}{s}$, (x, t) ∈ D × (0, T] (4)

where H_0 (constant) represent the average depth of the aquifer.

In the present study we investigate the linearised stochastic Boussinesq equation

$$\frac{\partial u(x, t, \omega)}{\partial t} = \sum_{i=1}^{2} \frac{\partial}{\partial x_i} [\frac{k_i(x, t, \omega)}{s(t, \omega)} H_0 \frac{\partial}{\partial x_i} (u(x, t, \omega) + d(x, \omega))]$$
$$+ \frac{r(x, t, u, \omega) - ET(x, t, u, \omega)}{s(t, \omega)}$$

$(x, t, \omega) \in D \times (0, T] \times \Omega$ (5)

Where $\Omega = \{\omega\}$ denotes the sample space and ω denotes the probabilitary variable.

The equation (5) associated with initial condition

u(x, 0, ω) = u$_0$(x, ω) , (x, ω) ∈ D × Ω (6)

and with Dirichlet boundary condition

u(x, t, ω) = H(x, t, ω) , (x, t, ω) ∈ ∂D × (0, T] × Ω (7)

Where u$_0$(x, ω) and H(x, t, ω) are given random function and random field, respectively.

Similarly, we can consider von Neumann boundary condition.

The Modern Soil science considers the soil as a complex dynamical system which evolves under total impact of the interactions between natural and biological factors

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as well as the human activity. Because these interactions are random processes, it is reasonable to assume that the water flow in soil is described by a random field. Measurement errors of hydraulic conductivity, drainable porosity, recharge and evapotranspiration are the other reason for the presence of randomness in the soil's water flow process. These arguments have a lot of supporters among the soil scientists and physicists, who are showing a greater interest for stochastic models of water flow in soil. They use the stochastic models effectively in their work (research), see Freeze (1975), Cordova and Bras (1981), Chung and Austin (1987), etc.

The experimental data from many countries, including Albania, support the hypothesis that hydraulic conductivity of the saturated soil, drainable porosity, recharge and evapotranspiration are random variables, see Averjanov (1972), Van Schilfgaarde (1974-1979), Freeze (1975), Hubert (1976), Skaggs and Tang (1976) , Sagar and Preller (1980), Cordova and Bras (1981), Kolaneci, Xinxo and Bica (1983), Chung and Austin (1987), etc.

Depending on how the randomness is present (introduced) in unsteady water flow in soil, there are four mathematical problems, with increasing level of complexity:

1. The problem with random initial condition.

2. The problem with random boundary condition.

3. The problem with random recharge or evapotranspiration.

4. The problem with random hydraulic conductivity or drainable porosity.

The important achievements in the study of stochastic linearised Boussinesq problem are:

The paper is organized as follows. In section 2 we formulate the problem (5), (6), (7) in an appropriate functional setting. In section 3 we give the existence and uniqueness theorem for problem (5), (6), (7). Section 4 contains conclusion.

2. Functional setting and formulation of the problem.

Let (Ω, F, μ) or (Ω, F, P) be a complete probability space, where $\Omega = \{ \omega \}$ denotes the space of elementary events (or the space of basic outcomes), F is the σ-algebra associated with Ω, and μ (or P) is the probability measure defined on F. The σ -algebra F can be interpreted as a collection of all random events $\omega \in \Omega$ and that have a well-defined probability with respect to F. In the present study use the Theory of Sobolev Spaces, see Adams (1975), Tribel (1986).

A real-valued random variable X=X(ω) is a mapping $X: \Omega \longrightarrow R$.

Assume that the probability measure μ has a numerable basis $D \subset R^2$ denotes a bounded domain with smooth boundary ∂D, $0 < T < +\infty$ $Q_T = D \times (0, T]$ and $S_T = \partial D \times (0, T]$

The separable Hilbert space $L^2(\Omega)$ is well-known

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M= {f (x,ω): $D \rightarrow L^2(\Omega)$} denotes the set of second order random functions f(x,ω) over the domain$D$.

Define the space

H= L^2 (D; L^2 (Ω))= {f= f (x, ω) $\in$ M,

$|| f ||_\Omega \in L^2$ (D)},

Equipped with scalar product

$(f,g)_H = \int_D (f,g)_\Omega \, dx, \forall f, g \in$ H.

The induced norm from the scalar product is:

$|| f ||_H = (\int_D (|| f ||_\Omega^2 dx)^{1/2}, \forall f \in$ H.

Proved that H is separable Hilbert.

Definition of the functional spaces C^∞(D),

$\mathcal{L}$(D), $\mathfrak{D}^1(D; L^2(\Omega))$, $C^m(D; L^2(\Omega))$ for m $\geq$0, $C_c^m(D, L^2(\Omega))$ and H^m = H^m(D; $L^2(\Omega)$) are well known.

For f= f(x,ω)$\in$ M are defined generalised derivates of order α with respect to x:

$D^\alpha f(\varphi) = (-1)^{|\alpha|} \int_D f \, D^\alpha \varphi dx, \varphi \in \mathfrak{D}(D)$, $\alpha = (\alpha_1, \alpha_2)$, $|\alpha| = \alpha_1 + \alpha_2$).

Denotes the outward normal in an arbitrary point x$\in \partial D$.

if f$\in$ H^m=H^m(D; $L^2(\Omega)$), $\ll$m- trace of f on ∂D $\gg$ is defined:

$\gamma^{(m)}(f) = \{f, \frac{\partial f}{\partial}, ..., \frac{\partial^{m-1} f}{\partial^{m-1}}\}$, m=2,3,4,...

It is obvious that $\gamma^{(m)}(f) \in (L^2(D); L^2(\Omega))^m$, where the right-hand side denotes Cartesian product.

Consider the space.

$H_0^m = H_0^m(D, L^2(\Omega))$= {f$\in$ H^m, $\gamma^{(m)}(f) = 0$} H_0^m is a closed subspace of H^m.

The Banach space L^∞ (Ω),L^∞ (Q_T; $L^2(\Omega)$) and $L^\infty((Q_T; L^\infty(\Omega))$ are well known.

Consider the separable Hilbert space V such that V$\subset$H, V dense in H, V$\subset$ H (V continuously embedded in H).

That is, (V, H, V') represent a Gelfand triplet.

$(,)_V$ denotes the scalar product in V,

$(,)_H$ denotes the scalar product in H,

$(,)_{V^1}$ denotes the scalar product in V',

The induced norms are $\| \ \|_V, \| \ \|_H, \| \ \|_{V'}$

Respectively.

Defined the space

$$L^2(0,T,V) = \{f = f(x,t,\omega): [0,T] \to V, \quad \int_0^T \|f\|_V^2 dt < +\infty\}$$

Equipped with scalar product

$$(f,g)_{L^2(0,T,V)} = \int_0^T (f,g)_V dt \quad \forall f,g \in L^2(0,T,V)$$

The induced norm from the scalar product is

$$\|f\|_{L^2(0,T,V)} = (\int_0^T \|f\|_V^2 dt)^{1/2}$$

$L^2(0,T,V)$ is separable Hilbert space.

Similarly defined the separable Hilbert space $L^2(0,T,H)$, $L^2(0,T,V')$, $L^2(-\infty,T,V)$ and $L^2(-\infty,T,H)$, see Tribel (1986).

Defined the space

$$W(0,T) = \{f \in L^2(0,T,V), D_t f \in L^2(0,T,V')$$

Equipped with scalar product

$$(f,g)_w = \int_0^T [(f,g)_V + (D_t f, D_t g)_{V'}] dt \quad \forall f,g \in W(0,T)$$

The induced norm in $W(0,T)$ from the scalar product is

$$\|f\|_W = (\int_0^T [\|f\|_V^2 + \|D_t f\|_{V'}^2] dt)^{1/2}$$

$W(0,T)$ is separable Hilbert space $W(0,T) \subset C([0,T],H)$,

$$< u'(t), v >= D_t(u(t),v)_H = (u'(t),v)_H,$$

$$\forall u(t) \in W(0,T) \ and \ \forall v \in V$$

$$D_t \|u(t)\|_H^2 = 2 < u'(t), u(t) >, \forall u(t) \in W(0,T)$$

see Dautary and Lions (1985), Tribel (1986).

The symbol $<.,.>$ denotes the duality between the Hilbert spaces V' and V.

Given a family $a(t,u,v)$ of the continous bilinear forms defined on $V \times V$ with the parameter $t \in (0,T)$.

Assume that $a(t, u, v)$ satisface the conditions:

$\exists \alpha$ positive constant real number $c = c(T)$ with that

$|a(t, u, v)| \leq c \|u\|_V \|v\|_V$, $\forall t \in (0, T)$, $\forall u \in V$ and $\forall v \in V$ (8)

$\exists$ the constant real numbers μ and $\mu > 0$ with that

$a(t, u, v) + \mu \|u\|^2{}_V \geq \alpha \|v\|_V{}^2$, $\forall t \in (0, T)$, $\forall v \in V$ (9)

The condition (9) is V-chercivate hypothesis

The family of random operators A(t) associated with $a(t, u, v)$ is defined by

$a(t, u, v) = < A(t)u, v >$, $\forall t \in (0, T)$, $\forall u \in V$ and $\forall v \in V$ (10)

Is proved that A(t) $\in L(v, V')$ and $A(t) \in L(L^2(0, T, V); L^2(0, T, V'))$, see Lions (1972).

If $A(t)u \in H$, $\forall t \in (0, T)$, $\forall u \in V$ then we can prove that

$< A(t)u, v >= (A(t)u, v)_H$, $\forall v \in V$ (11)

Consider the random evolutionary equation:

$D_t u(t) + A(t)u(t) = f(t)$ $(x, t, \omega) \in Q \times \Omega$ (12)

With initial condition

$u(0) = u_0$, $(x, \omega) \in D \times \Omega$ (13)

The family of random operators A(t) is defined by (10). Assume that $f(t) \in L^2(0, T, V')$ and $u_0 \in H$

 Problem 1

Given $(t) \in L^2(0, T, V')$, $u_0 \in H$ and $A(t)$ defined by (10). Find the random field

$u = u(x, t, \omega) \in W(0, T)$ Which satisfies (12) for almost all $(x, t, \omega) \in Q \times \Omega$ and (13).

By definition, $u = u(x, t, \omega)$ is a solution of the problem (12), (13) if the above mentioned conditions are satisfied?

 3. Existence and uniqueness results

 In this section we will prove:

 Theorem 1

 Suppose that the assumptions (8), (9) are satisfied. Prove that the problem 1 has a unique solution $u = u(x, t, \omega) \in W(0, T)$ which depends continuously on the data. The proof of Theorem 1 undergoes through several steps.

Step1. Preliminary reduction of the problem

We can assume that (9) is satisfied for $\lambda = 0$. Substituting $u = z^{ekt}$ where k is an arbitrary real number, the problem 1 transformed in equivalent problem:

Find $z = z(x,t,\omega)$ which satisfies the identity $a(t,z,v) + k(z,v)_H + D_t(z,v)_H = \left(e^{-kt}f,v\right)_H + (u_0,v)_H, \forall v \in V$,

With $Z(x,t,\omega) \equiv 0$ for t<0. In this identity, $a(t,u,v)$ substituded by $a(t,z,v) + k(z,v)_H$. Choosing $k = \lambda$ we obtain the desirable result.

Step II. Proving the existence of the solution

To prove the existence of the solution of stochastic problem (12), (13), we modify the Galerkin method, developed by Dautray and Lions (1985) for deterministic parabolic partial differential equations, see Dautray and Lions (1985), pp 619-627.

The Hilbert space V is separable. Therefore, $\exists$ is the basis $\omega_1, \omega_2, \omega_3, \ldots, \omega_m \ldots$ Of V in the following sense: $\forall m \in N$ the elements $\omega_1, \omega_2, \omega_3, \ldots, \omega_m \ldots$ are the linearly independent and the set of the all finite linear combinations

$\sum_n \zeta_n w_n$, $\zeta_n \in R$, $n \in N$ is dense in V.

For each m=1,2,3,…. Define approximate solution $u_m = u_m(x,t,\omega)$ of the problem (12) ,(13) by using the following method:

$u_m = \sum_{i=1}^m g_{im}(t)w_i$ (14)

$(D_t u_m, w_j)_H + a\left(t,u_m,w_j\right) =< f, w_j > \quad \forall j = 1,2,3,\ldots,m \quad (15)$

$u_m(0) = u_{0m}\sum_{i=1}^m \zeta_{im}w_i$ (16)

where u_{0m} is the orthogonal projection of $u_0 \in H$ over the subspace spanned on

$w_1, w_2, w_3, \ldots, w_m$. More generally, u_{0m} denotes each element of the above mentioned subspace, which satisfies the condition:

$$\lim_{m \to +\infty} \|u_{0m} - u_0\|_H = 0$$

The system (15) with initial condition (16) represents the Cauchy problem for the unknown deterministic functions

$g_m(t) = \{g_{im}(t)\}_{i=1}^m :\{w_m D_t g_m(t) + A_m(t)g_m(t) = f_m(t) , \quad g_m(0) = \{\zeta_{im}\}_{1\leq i \leq m}$

The matrices are:

$$W_m = \left\|\left(w_i, w_j\right)_H\right\|_{1 \leq i \leq j \leq m},$$

$$A_m(t) = \left\|a\left(t,u_i,w_j\right)\right\|_{1 \leq i \leq j \leq m},$$

$$g_m(t) = \{g_{im}(t)\}_{i=1}^m \text{ and } f_m(t) = \{f(t),w_j\}_{1 \leq i \leq m}$$

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W_m is a non degenerate matrix, because of $w_1, w_2, w_3, \ldots., w_m$ are linearly independent. Therefore, the system (15), (16) has unique solution $g_m(t)$ for $t \in (0, T)$, see Arnold (1975).

$f(t) \in L^2(0, T, V')$ Implies that $[g_{im}(t)]^2$ are integrable functions.

Therefore, the

$u_m = u_m(t) = u_m(x, t, \omega) \in L^2(0, T, V')$ and $D_t u_m(t) \in L^2(0, T, V')$ (17)

The proof of Theorem 1 continues similarly to the arguments presented by Dautray and Lions (1985), pp 619—627.

We obtain the following results:

$D_t \|u_m\|_H^2 + 2\alpha \|u_m\|_V^2 \leq 2 < f, u_m > \leq \alpha \|u_m\|_V^2 + \frac{1}{\alpha} \|f\|_V^2,$ (18)

where α denotes the cohercivity constant in (9),

$sup \|u_m(t)\|_H^2 \leq \|u_0\|_H^2 + \frac{1}{\alpha} \|f\|_{L^2(0,T,V')}^2$,

the sequence $\{u_m(t)\}$ is strogly bounded in the space $L^\infty(0, T, H)$, (19)

the sequence $\{u_m(t)\}$ is strogly bounded in the space $L^2(0, T, V)$. (20)

There exist the element $u \in L^2(0, T, V)$ and the subsequence of natural numbers m', such that $u_{m'} \to u$ in $*$ weak topology of the space $L^\infty(0, T, H)$ as m'$\to +\infty$:

$\exists v \in L^1(0, T, H)$ such that

$\lim_{m' \to +\infty} \int_0^T (u_{m'} - u, v)_H dt = 0,$ (21)

There exist $u_* \in L^2(0, T, V)$ and the subsequence m'' of the sequence m', such that $u_{m''} \to u_*$ in weak topolgy of $L^2(0, T, V)$ as m''$\to +\infty$

$\lim_{m' \to +\infty} \int_0^T < u_{m''} - u_*, v > dt = 0, \forall v \in L^2(0, T, V')$ (22)

$u_* = u$ and $\lim_{m' \to +\infty} \int_0^T (u_{m''} - u_*, v)_H dt = 0$, $\forall v \in L^2(0, T, H)$, (23)

$u = u_* \in L^\infty(0, T, H) \cap L^2(0, T, V)$ (24)

$u = u_*$ is solution of the problem (12),(13). That is, u satisfies the equation (12) and the initial condition (13)

Step III. Proving the uniqueness of the solution

Assume that u and $\bar{u}$ are solutions of the problem (12), (13) with data $\{f, u_0\}$ and $\{\bar{f}, \overline{u_0}\}$, respectively. Using Vishik-Ladizhenskaja lemma, we prove that

$$\|u - \bar{u}\|_{L^2(0,T,V)} \leq \frac{1}{\alpha} \|u_0 - \overline{u_0}\|_H^2 + \frac{1}{\alpha^2} \|f - \bar{f}\|_{L^2(0,T,V')}^2$$

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Where α denotes the cohercivity constant, see (9). The proof of Theorem 1 is complete.

Remark 1

The appropriate boundary condition for the stochastic problem (12), (13) depends on the choice of the Hilbert space V and random field $f = f(x, t, \omega)$

Choose $V = H_0^1(D, L^2(\Omega))$ and suppose that $(f, v) = \int E(f_1 v) dx + \int E(f_2 v) ds$, $\forall v \in V$ where

$f_1 \in L^2(Q_T; L^2(\Omega))$ and $f_2 \in L^2(S_T; L^2(\Omega))$

Under these conditions, the appropriate boundary condition for the problem (12), (13) is von Neumann condition

$$\frac{\partial u}{\partial v} = f_2(x, t, \omega), \quad (x, t, \omega) \in S_T \times \Omega, \quad S_T = \partial D \times (0, T)$$

Remark 2

We distinguish between the deterministic and stochastic Boussinesq Problems:

Galerikin method is an interior approximation f the Hilbert space V, see Team (1981). Therefore, in the stochastic Boussinesq problem are discredited the spatial variables x_1, x_2 as well as the probabilitary variable ω.

Conclusion

In this paper we have studied the stochastic linearised two-dimensional Boussinesq problem in the Hilbert spaces. The randomness is the present in hydraulic conductivity, drainable porosity, (recharge-evapotranspiration), initial condition and boundary condition. We use Sobolev spaces and Galerkin method. Under suitable assumptions, we prove the existence and uniqueness theorem for the solution of the problem (12), (13).Numerical approximations of the solution of stochastic linearised Boussinesq equation is the next step of the present study. One important application of our study is in agricultural drainage.

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The Role of Metamorphosis in Anglo- Saxon Ballads, Albanian Ballads and Frontier Warrior Songs

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Abstract

This article aims to point out the role of metamorphosis in Anglo- Saxon ballads, Albanian ballads and frontier warrior songs. The Anglo- Saxon ballads and Albanian frontier warrior songs and ballads came into existence a long time ago and they had a certain number of influences which as a result had their great impact on their creation, development and circumstances when and where they were composed. They were created as a consequence of some special historical, cultural and social development. It has to be emphasized that those influences were of different character and size such as human, non-human or divine ones and the compositions of songs or ballads were inspired and conditioned by a lot of circumstances. Metamorphosis is used to express that never- ending process and of course it is transforming. The changes are either positive or negative and consequently people may perceive different good or bad feelings. It is related to the magic world and the unrealistic one and sometimes it is a beautiful feeling when a human being transforms into a rose and showing a form of life continuation after death but in many cases it transforms into a non-desirable object or animal. It is a quick transformation from one thing to another and it may have either positive or negative effects on the audience.

Keywords: ballads, metamorphosis, epic songs, transformation, development.

Introduction

In order to evaluate some of the motifs and realities expressed in Anglo-Saxon ballads and Albanian ballads and frontier warrior songs there are taken some examples of them and also seen their way of expressing in them in the first forms of early literature that was the oral one. The concept of metamorphosis is expressed in various ballads and frontier warrior songs and in many cases it is combined with together with some other motifs

The study aims at examining a number of ballads and frontier warrior songs Anglo-Saxon and Albanian ones and see the points they have in common or not. It tries to analyze and put into confrontation them bearing in mind the realities of each

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nationality and culture. As they are explored they show the concept of peculiarities each culture has, too. The concept of metamorphosis is connected with a lot of conditions that were related with the time they were created, the social background of the people whom they were dedicated to and in addition the ones that created them and the possibilities that were given to the bards to express themselves.

Methodology

This study aims to analyze comparatively the similarities and differences expressed in ballads and frontier warrior songs. There are highlighted and contrasted motifs in ballads where they are used and there is shown their common utilization in literary master pieces.

Objective of the study

This study aims to investigate the relationship between the Anglo- Saxon ballads and Albanian ballads together with frontier warrior songs. It studies the socio - educative factors according to the model of early literature. The social period when they were created was an important influential factor that had its consequences in early periods of literature expressed orally and transmitted by word of mouth.

Research question

What is the relationship between Anglo- Saxon ballads and Albanian ones and frontier warrior songs from the point of view of certain motifs such as metamorphosis?

Variables

In order to check the relationship between the Anglo- Saxon ballads and Albanian ones and frontier warrior songs there are taken some analysis of some ballads or frontier warrior songs that were either in Albanian or Anglo- Saxon literature. The materials are taken from the written versions that were collected and printed in the following years by Fransis Child; The English and Scottish popular ballads and Albanian ballads and frontier warrior songs.

Discussion

This study found that there are significant relationships between the Anglo- Saxon ballads and Albanian ones and frontier warrior songs. In the early literary times people called bards were motivated to create ballads and frontier warrior songs in order to evocate some qualities of the people that in some cases paid or rewarded them. There exists a significant relationship between them although they were not near from the geographic position. There is present the fact that they express a similarity in the way how metamorphosis is treated in them.

The Anglo- Saxon ballads and Albanian frontier warrior songs and ballads came into existence a long time ago and they had a certain number of influences which as a result had their great impact on their creation, development and circumstances when and where they were composed. They were created as a consequence of some special

historical, cultural and social development. It has to be emphasized that those influences were of different character and size such as human, non-human or divine ones and the compositions of songs or ballads were inspired and conditioned by a lot of circumstances. There were a lot of situations and things which helped their topic, course of story and character development and made them resistant to the long line of time. It is to be mentioned and also to be taken into consideration the period, place and also of great importance is the level of composers of ballads and songs. In many cases they were simple people coming either from the medium class of society or in the case of Albanian frontier warrior songs they were just people who were called bards, paid or rewarded for that job, who accompanied the heroes in their battles and whose main role was to transmit and echo the deeds of the warriors or other characters and subjects, in the majority of instances the good ones by the word of mouth, so important for the time when the written form was not developed yet. They had a really high value because they are the ones who glorified the heroes but they had the mission to transmit the first forms of literature, too. They were people who mostly were not so highly educated how to create them but they were guided by how their mind, reason and sometimes their heart perceived and they reacted towards them.

 In the beginning they were transmitted and preserved orally being under the company of musical instruments in some cases, too, but later on there were some personalities such as monks and priests, publishers or writers who considered their importance and took the effort to initiate the process of their collection and documentation. With the passing of the time as they were collected different variants of the same ballad flowered sometimes with different names, places or characters but their essential main theme was in general the same in all of them. It is worth mentioning that the age when they were written was a completely different reality from the one we have nowadays and of course they had an utterly another mentality and psychology, education, development and character and as a result they were reflected on their topic, plot development and character description.

As a consequence of the above mentioned facts authors sought for different solutions to help their creation and ability to resist and not to be forgotten or disappeared and they were highly emotionally and spiritually transmitting a lot of feelings and internal states of being, too. Some of the characters which had the role of the antagonist had a huge mythological nature and the main heroes had to be really strong physically, convinced in their aim, dedicated and pure in their hearts in order to fight and win against them. Apart these in some other instances there were other means which were so helpful to the creators of these initial pieces of art. Some of them were figures of speech and themes metamorphosis, one of them, is used in poetry and prose and in many instances its use and presence was really powerful and useful to solve certain weird, difficult and complicated situations and conditions. Anglo- Saxon ballads and Albanian frontier warrior songs and ballads had a lot of important characters who in many cases were defined as the main heroes or heroines and as a result of being so

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they were the ones who were usually worn with important qualities and influential skills such as their wisdom and strength. Ballads and songs endings or conclusions sometimes had a closing which was not successfully, so easily accepted or liked by the large audience. Maybe common people were not satisfied by the way how their favourite personages' fates and lives ended. Maybe they had in mind or wanted that their likeable personages had another solution and as in some ballads it was not possible to be achieved or allowed as long as the main characters were alive, it happened after their life cycle ended and they were realised when they were dead.. In the ballad 'Kostandini and Doruntina' one of the brothers gave his word of honour to allow his sister to get married but in a country that was far away from his and he promised that he would take his sister to see her family at a given time at a certain frequency. A misfortune happens he dies but his mom goes to his grave continues to ask to keep his promise and send his daughter because after the great disaster happened to their family all her 12 sons died. He arose from his grave and goes to take his sister and send her to meet her mother. When he goes to take her the tombstone turned into a stallion, while the graveyard soil became a saddle.

> Constantine, my son, where are you?
>
> What now for your word of honour?
>
> Thus complained the widowed mother,
>
> Longing for her distant daughter.
>
> From the grave arose Constantine,
>
> Tombstone turned into a stallion,
>
> Graveyard soil became a saddle.[1]

Metamorphosis is that means whose function may be called as a regulator in that way as it gave a little hope of life continuation. It also gave the satisfaction that certain life decisions that were decided either by people's will or destiny were not the right ones when they were alive but after the their life cycle finished or their fate changed. Metamorphosis works hard to make wonders and whose function is to regulate some things that were impossible to be solved by the usual flow of events and so its presence intervenes to strongly regulate or compensate some of them. In some ballads it is also helped by magic transformations such as in the ballad 'Kamp Anyone' a girl called Isabel is transformed into a monster by her stepmother. This spell can be broken only if Kamp Anyone kisses her three times and Isabel tries to convince him by behaving in a way that he can do that. He offers her three magical things that will protect her such as a belt, a ring and a sword.

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[1] Balada Shqiptare, Vladimir Zoto, Tirana Dasara 2006, pg 57 - 59. Translated from the Albanian by Robert Elsie

Metamorphosis is present also in 'The Laily Worm and the Machrel of the Sea' . Kidnapping is not only committed by men but by women too as in 'Alison Gross' a witch (the queen of the fairies) who wants to seduce a man and when she does not succeed she transforms him. So transformation is present in the ballad 'The laily worm and the Machrel of the sea' where a young boy is transformed into a worm by his stepmother and his sister into a mackerel.

> I was but seven year auld
>
> When my mither she did die
>
> My father married the ae warst woman
>
> The warld did ever see.
>
> For she has made me the laily worm,
>
> That lies at the fit o the tree,
>
> An my sister Masery she's made
>
> The machrel of the sea.[1]

It may be combined with the magic as in 'The Twa Magicians'.

> She turnd herself into an eel,
>
> To swim into yon burn,
>
> And he a speckled trout,
>
> To gie the eel a turn.[2]

There are other motifs that accompany transformation such as continuation of human life even after death 'Biseda e Halilit me vdekjen- The talk of Halil with death', ' Varri i trazuar- The Unquiet Grave'. There are transformation from human beings to birds or flowers. There is the case of metamorphosis of Agë Hasan Aga's sister who in the end of the ballad after her brother dies turns into a cuckoo because she cannot bear the fact that he dieed and she prays God to transform her into a cuckoo. Another example would be that of the 'Snake boy'. A couple who did not have children for a long time prayed God so that they could become parents like all the other couples and their prayers were heard and fulfilled because after 9 months there was born their sun but he was not born like the other newborn babies but like a snake. Years pass and the snake asks his family to get married and his desire was realized. After his marriage his mother asks her daughter-in- law how can she bear the fact to sleep with a snake and she stays awake all night to see him at night while he was asleep. During

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[1] Fransis Child, The English and Scottish Popular ballads, volume 1 pg 315 Dover Publications, New York 1965

[2] Fransis Child, The English and Scottish Popular ballads, volume 1 pg 400 Dover Publications, New York 1965

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the night he transformed into a handsome young man and his mother sees him transforming into a handsome young man while he takes off his shirt or skin. The snake boy told his mother that he had to keep that snake skin for 6 other years and then turn into normality as a human being but he unfortunately would die because his mother burned the snake skin.   Barbara Allan is another example of metamorphosis. She is a young maid, who is buried in the same church with her beloved. Their love may continue after their death because as long as they were alive they could not be together as a couple because she not answer back his love. It is said that a briar grows from her grave while a rose from his. Other examples would be 'The three ravens', 'The twa corbies'. Supernatural and magic are other motifs and also means that accompany transformation and they work together to give a better understanding of the ballads. The idea of life continuation after death can be seen even in this ballad where a slain knight is lying somewhere on the ground and scavenger birds converse with one another about eating him but he is guarded by his hawk and hound and in the end a fallow doe comes to his body kisses his wounds and bears him away and so the ravens cannot eat him. Misfortune and death accompanies in many cases the main characters. They either cannot bear or resist death and they are transformed into cuckoo with their request so they can keep crying all the time or they may also be changed into stones and cannot say anything but accept the reality how it is.

Downe there comes a fallow *doe*,

> As great with yong as she might goe.
>
> She lift up his bloody hed,
>
> And kist his wounds that were so red [1]

In the ballad 'The Unquiet Grave" the talk that the dead has with the living ones is similar with 'Halili në varr- Halil in the tomb'. In some songs in 'Muji and Halili Cycle' there are some fairies who have such a bad personality that if people are walking in their mountains, in the place where they stay and they happen to forget and continue speaking where and when they are sleeping they get up in a bad mood and as a punishment they transform people into stones. Even the main character in the Albanian frontier warrior songs Muj is transformed from a fellow that was weak into a strong one by just drinking milk given by the fairies as a reward of taking care of their children while they were away.

As it is seen from all the examples metamorphosis was a good means in the hand of the bards or people who sang and recited them. They were there to help the authors solve certain situations that were impossible to be in natural situations.

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[1] Joseph de Roche, The Heath Introduction to Poetry, D.C Heath and Company, Lexington, Massachusetts, Toronto, 1988 The Three Ravens, pg 39

Metamorphosis is used to express that never- ending process and of course it is transforming. The changes are either positive or negative and consequently people may perceive different good or bad feelings. It is related to the magic world and the unrealistic one and sometimes it is a beautiful feeling when a human being transforms into a rose and showing a form of life continuation after death but in many cases it transforms into a non-desirable object or animal. It is a quick transformation from one thing to another and it may have either positive or negative effects on the audience.

Conclusion

In conclusion naturally metamorphosis in literature is related with the magic but it sometimes may be a born deformity and in order to cease its kind of curse the person has to wait for a certain number of years until it ends. As people are transformed into a non- desirable objects or animals they have to fulfill some conditions so that they can turn back to normality. Change can be for a positive or negative ideas, people's desires or tricks. Metamorphosis is commonly found in old literature and this helps understand their reality. Transformation may occur to simple people but also to those of high social level. Its help is to unite a couple but also to isolate them in their unrealised life as long as they were alive. The main heroes or heroines had different responsibilities and their sacrifice is a national, social or family duty that made family members' personality sacrifice and overcome their desires although they wanted to have a personal life full of feelings and emotions and the main themes of that time were based on bravery, heroism, honour and duty and maybe their special loyalty. As a result metamorphosis helped literature to fulfill some duties in some cases while in other ones it was a process of life continuation.

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The "Fusion" Between Direct Democracy and Representative Democracy Towards a Concept of Participatory Democracy

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Abstract

Democracy is an ancient institution that takes us back to ancient Greece, despite its age-old age, has been the center of many philosophical debates several times. Without any doubt this form of government, although very critical, has an extraordinary ability to survive, persist and preserve over the centuries. Perhaps because it has been able to take different forms according to the historical needs of a country. Many authors have focused on the theme of democracy, and argued for ideas other right on its potential survival in the modern, globalized world as we know prevails more representative system of democracy. Today it seems that there is a claim of direct democracy but also there is a certain difficulty of the citizen committed to a life with unbridled pace of being able to reconcile social life with the public life. With the birth of new national and supranational institutional dimensions, such as those of the European Union, there is also a need for a new model of legislative participation, and here we see the birth of a different form of democracy, a middle ground between direct and indirect democracy, that is, participatory democracy. The latter presents itself as a push from below to bring its voice to political, decision-making and legislative institutions. The goal of this analysis, is first of all investigate and reason about what is the best form of democracy, that is direct, or to representative and participatory. To get to these considerations, the argument need for a historical and philosophical journey reaching out to a legal definition. Therefore, the topic will need to be compared with the institutions that are linked to it, such as the European Citizens' Initiative. The ambition is to understand also the democratic challenge of the European institutions, this through a historical, legal and philosophical investigation, with the aim of better understanding the legal reality of an instrument as important as that of democracy, where individuals are primary.

Keywords: direct democracy, representative democracy, participatory democracy, European Citizens' Initiative.

Introduction

As we have already stressed, democracy takes us far back in time, and on this aspect scholars are all in agreement, we see its birth in the city-state of Athens, (5th-6th century BC).

Its true etymology also grasps its true essence, in fact democracy means government or strength of the people.

Scholars believe that the classical democracy known in Athens had the characteristics of a direct form of democracy, in that the citizens could personally participate in the important decisions for the community.

These assemblies were called *ecclesia*, and it was the place where citizens could debate and discuss issues affecting the whole of society.

It is noted that these assemblies could only make sense in not very large societies, since bringing together all the individuals, or agreeing on a large number of individuals, became very difficult. Here the moment of the decision needed a not very high and contained number of citizens (H. Kelsen, 2010).

This is a reality that can be found even today in modern states, in truth it seems that direct democracy also works much better today in small states, such as Switzerland.

The question that naturally arises is, when does direct democracy become a representative democracy? Understanding this historical passage is very important for our analysis as the key to understanding the evolution of this governing mechanism so influential for our times.

It would seem that, the power of the State has snatched the directed democracy at the population, and instead it is not so, it was the citizens who gave up their democracy as they were taken up and occupied in other social and economic affairs.

In fact, with the economic development of the Greek city-states, and with the ever-growing form of a free market, the citizen prefers to be represented in government affairs. Here is the moment we see the birth of representative democracy.

It is believed that one of the facts that transformed the form of democracy is the abolition of slavery, so that having to do so many jobs alone for the ancient Athenian citizen, there was not much time left for political affairs. The representative model arose precisely as to help the individual in the exercise of his public and political functions.

In this case, democracy from direct becomes indirect, from participatory it becomes representative. Here the political representation is recognized by the citizen himself, the latter entrusts it with his choices and the management of his freedoms.

We also see this model of representative democracy, that is indirect, in other historical moments, and the French Revolution that adopts it, considering it a form

capable of reflecting the demands of citizens. Democracy becomes a method, a system for returning sovereignty to the people who delegate it to their representatives. The sovereignty of the people as a principle is an important novelty in the modern order and is still a cardinal principle (J. J. Rousseau, 1970).

This concession is made precisely through the so-called social contract, and here democracy becomes a modern institution which is regularized not according to customary norms, but with important norms, such as constitutional ones and that affect the entire legal framework. Democracy thus presents itself as a superior principle, capable of affecting the rules that must be produced by the legislator, and capable of also being used by the constitutional judge.

Also, in the English legal system it is believed that the most effective model is that of representative democracy, where today it is still thought to be the only possible and functional form.

The concern of ancient scholars, who estimated that democracy was a form of government that could not have long life, this consideration did not come true. It has proven itself, not only capable of resisting the times, but also capable of influencing other forms of order, taking different shapes and appearances, adapting to the needs of modern, European and globalized society.

Democracy, even today in united Europe, is a form through which decisions can be made in such a way that the modern European citizen does not feel out of the choir.

Today in the era of globalization, democracy, one of the oldest institutions, transpires more modern than ever, it also seems that it will be able to influence the systems of the future, as through democratic systems it is possible to continue and make global decisions.

The holders of democracy

As we highlighted in the previous pages, from its etymology, democracy means government of the people, its definition makes it clear from the outset who are the owners of it.

In particular, following the universal suffrage, the debate on who are the real holders of democracy seems to have passed. On the other hand, it is noted that democracy has always been linked with the notion of citizenship, that is, the citizen of a given state, is the holder of the democracy which is granted to it by the provisions of the Fundamental Charter. In this perspective, the foreigner, excluded from many participation rights, such as the right to vote, cannot be subject to that particular democracy (C. Chmitt, 1982).

Today, with the phenomenon of economic globalization and with the union of the old continent, this theory seems outdated or at least needs to be revised, re-examined and reviewed in a different light. Since citizenship is European and why not, also global.

Cosmopolitan citizenship has often been criticized by scholars, such as Sartori who believed that democracy must be defended from contamination of multiculturalism, that is, a pure democracy (G. Sartori, 2001).

Contrary to this doctrinal vein, we find Ferraioli, the latter highlights how democracy is the means for integration and must serve to defend multiculturalism (L. Ferraioli, 1994).

Instead, democracy must belong to all those who are subject to its rules, that is, to the democratic rules laid down in the various fundamental charters (F. J. Bastidia Freijedo, 1998).

Direct democracy and indirect democracy, essential traits.

A minimal definition outlines democracy as, "*Those regimes characterized by the real guarantee of political participation of the adult male and female population, and of the possibility of dissent, opposition and even political competition*" (M. Cotta, D. della Porta, 2001).

It is noted that democracy as an instrument of government is a multidisciplinary topic. Since it was born it has evolved together with the life of the company.

Thus, we can seize a participatory form of democracy, that is, the need for direct citizen involvement in decision making. In this case the representation of the formally elected is no longer a required form.

It is the legal rules that dictate the moment and the tools when a citizen can use his person as a means of social decisions. But despite this, there may also be voluntary means of democratic participation, that is, instruments not provided for by legal norms. Because voluntariness is an important element of the direct form of democracy.

But that we can talk about democracy we need four essential elements. The first is undoubtedly universal suffrage, that is, both men and women must vote. The second element is free elections, while the third is political pluralism which in turn makes the elections competitive. Instead the last element is the source of information. Last but most important element because without it the vote can be conditioned by the tyranny of disinformation (M. Cotta, D. della Porta, 2001).

Citizen decisions through this form are a significant contribution to making decisions that impact the whole community. This is why the state must create the conditions so that all members of a certain political ideology can access the decision-making process.

On this occasion we must underline how the jurist plays a very important role as he must always update himself on social reality, on economic and political phenomena (F. Viola, 1994).

Le decisioni dei cittadini tramite questa forma sono un contributo significativo affinché sono delle decisioni che hanno un impatto in tutta la comunità. Ecco perché' deve essere lo Stato a creare le condizioni in modo che tutti i membri di una certa ideologia politica possono accedere al processo decisionale.

But is participation a reality, or just a utopia?

If you want to give a realistic answer to this question, you must first understand what the level of trust of the representatives is, how much they conquer their decisions and what are the boundaries of such representation and participation. In this case, democracy takes on different levels in each country. Here is another side of democracy, that of multilevels, and that there are different levels of democracy in different countries, disparate, different and unequal levels. (E. Dagnino, Paris, 2007).

Representative democracy, today is the most used form, the representative represents the interests of the nation, but in particular it represents the particular interests of citizens.

Bobbio points out that, "the only way of understanding when we speak of democracy, as opposed to all forms of autocratic government, is to consider it characterized by a set of rules, primary or fundamental, which establish who is authorized to take the collective decisions and with what procedures. " (Bobbio, 2005).

Also, it is noted that the birth of political parties played a very important role in the representative form, since the representative is above all a specialized official who in the name of the citizens questioned debates on important legislative and political issues. Here the political party takes this responsibility and becomes a means of representation, and a plural means of social communication. Hence the reason why pluralism is an important principle of fundamental charters and liberal states.

The principle of political pluralism is necessary for the institution of democracy. Consequently, even the deprivation of the representative's activity is only negated by the failure of the voters to send a mandate. Here the vote takes an important meaning as through it someone assumes our clothes, and asks for our rights, so that our freedoms are respected and guaranteed through the production of the laws.

For many philosophers, as also for Rousseau, direct democracy cannot exist, because it is impossible that most of the people are always willing to take care of political issues, gathering in assembly and always discussing the res publica.

Direct democracy indicates that public affairs must be administered by all citizens or most of them because in reality democracy does not need unanimity, but only and only the majority. Therefore the minority is not excluded from the decision-making part as it plays an important role in the democratic system, but the thought of the minority is not taken into consideration in the democratic system. In reality, no system cannot take the minority into consideration. The latter always remains

underappreciated or unrepresented when it comes to indirect democracy. Thus the *res publica* is in the hands of the majority of the sovereign people.

Bobbio points out that, in order to exist direct democracy but "in the proper sense of the word, that is, in the sense in which direct means that the individual participates in the deliberation that concerns him, it is necessary that between the deliberating individuals and the deliberation that it concerns no intermediary "(N. Bobbio, 1984).

This lack of an intermediary poses modern societies, moreover states with a certain number of citizens, facing a huge problem in being able to give life directly to the democratic system. Well, it is impossible for democratic doctrine to take place without unions, parties or other intermediate bodies, at least in the "big states". This is also the reason why many scholars believe that direct democracy can only be real in small states, that is, with a small number of citizens. Only in this case are individuals the protagonists of the democratic system.

Rousseau also believed that, in order to be pure, direct democracy must "housing" outside political structures and democracy must be based on the social contract, that is, in the undamental Charters (J. J. Rousseau, 1995).

It is relevant to note that the right to vote is an obligation in this system, because if citizens do not approach the polls and boycott the democratic system this implies the non-functionality and failure of the system itself. Here participation in public life becomes a necessity, a requirement of democracy, and voting a civil obligation. It turns out that democracy, even when it is representative, needs politically active and non-passive citizens.

On the other side, it must be highlighted that, not only in Europe but throughout the world, popular consensus is an important moment for those who govern. Consent gives strength and stability, however dissent can lead to disorder and weakness of the state (J. J. Rousseau, 2012).

What most sums up the direct form of governing is that it, "*differentiates the relative institutions from the elections as the main way of choosing the representatives*", is that which allows the people in comparison between the system of direct democracy and the representative one, it is central in the discussion, bearing in mind that in the second type, decisions are made "*by organs composed of elected representatives*" (G. Morbidelli, 1997).

It also states "*the term direct democracy describes a new relationship between citizens and their representatives, an evolution of the democratic system rather than its overcoming. The current democracy operates on the principle of delegation, not of direct participation: with the vote the voters' relationship with the candidates and with the choices that they will implement*" (G. Casaleggio, 2014)

Participatory democracy

Article 21 of the Universal Declaration of Human Rights states that "Everyone has the right to participate in the government of his country, both directly and through freely chosen representatives". This article highlights a link between the two forms of direct democracy and participatory democracy. The goal of our analysis will be precisely to understand which of these two forms of democracy best meets the needs of modern politics and the needs of a modern society, in the light of a united and tight-knit Europe around its European citizens.

As we have mentioned several times, indirect democracy requires sovereign power to be delegated by means of specific rules, predicted in the fundamental charters, where the people are expected to elect their deputies, i.e. representatives, through the vote. Instead, as regards the existence of direct democracy, it seems increasingly difficult to find a mechanism to bring it to life, even more difficult to divine this process when multiple states come together around a supranational organization such as that of the European Union.

What means, and what tools can be given to citizens to realize democracy directly?

The question seems to have a "digital" answer, as through these means it is possible to find a way to exercise this institution directly.

The last few years have seen a "return to fashion" of the direct form of democracy, both at the level of the European Union and internally in the countries, where the citizens themselves seem more careful to express their opinions and want to be part of the decision-making that they concern them, such as through referendums or through legislative initiatives.

An intermediate, hybrid form between direct and indirect democracy can be a solution, where in a sort of complementarity they balance and complement each other.

Another tool, modern and much discussed in recent years, is the institution of democratic partnership or better known as participatory democracy. This little-known tool seems to be able to respond well to the need of European citizens to participate in important choices.

In particular, it better known as the European Citizens Initiative, this procedure has existed for eight years and through it one million euro-citizens, from at least a quarter of the Member States of the European Union, can invite the European Commission to present a draft law in one of the areas of its competence. These sectors in particular are: agriculture and rural development; banking and financial services; borders and security; budget, business and industry; climate action; competition; consumers; culture and media; customs, digital economy and society; economy and finance and the euro; education and training; emplyment and social affairs; energy; environment; EU enlargement; European neighbourhood policy; food safety; foreign affairs and

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security policy; fraud prevention; home affairs; humanitarian aid and civil preotection; institutional affairs; international cooperation and development; justice and fundamental rights; maritime affairs and fisheries; migration and asylum; public health; regional policy; research and innovation; single market; sport; statistics; taxation; trade; transport.

As can be seen, the sectors of the so-called "citizens' initiative" are limited, but they are not few, they are enough to embrace almost the entire life of citizens.

It should be noted that before launching an initiative, an organizational committee must be formed, which must be composed of at least seven citizens, the latter must be resident in at least seven Member States of the European Union. Another important requirement is that the initiative must come from a minimum of 1 million citizens. If the initiative meets all the conditions here, the Commission can take it into consideration. A meeting between EU officials and the organizing committee is expected within three months of the popular initiative. The latter also has the opportunity to illustrate the initiative during a public hearing in the European Parliament. This is an opportunity through which the citizen's voice can reach supranational institutions.

Furthermore, it is expected that the Commission will give a formal positive or negative response where it should also explain the reason for the presentation or non-presentation of the law proposed by citizens.

Despite this, the European Citizens Initiative has never borne regulatory fruit, so this modern participatory initiative seems to be more pressure on the European legislator, as a rule that obliges the Commission to legislate on the proposed opinions of European citizens is not seen. Without a doubt, this appears to be a deficit of levels of democracy that exists in the European Union.

Conclusion

So classical democracy is based on the idea that citizen participation is not a *conditio sine qua non*, that is, it is not a condition without which it cannot occur. Participation takes on a secondary role because the citizen is engaged in private affairs. The representation was born as the voice of citizens who do not find the material time to be present in the form of direct democracy, also as a specialized representation, that is, a qualified *vox populi*.

Democracy therefore presents itself in multiple forms, where all its different nuances lead to a single objective, that of governing with, or in the name of, the sovereign people. Thus, the democratic principle and the principle of the sovereignty of the people are sides of the same coin.

Over the years, it seems that people feel the need to claim this sovereignty, and to be present again in making important decisions. Even more so when the European Union seems to be in crisis and solidarity is lacking. The participatory model of democracy

best responds to these new European needs and beyond, in that it presents itself as a form of collaboration between power and the people and not as a delegation by the people to be represented. The latter model, that is, representative democracy, is not to be excluded, since participation also needs representation. That is, the representative model is a middle ground between the direct and indirect democratic model, that is, between direct democracy and representative democracy, in a sort of collaboration between public subjects and civil society.

We note that participatory democracy has an important impact in political life but also in institutional life, since it allows the citizen to be present and takes the initiative from the formation of laws, to planning, programming, up to the final moment, that is, the evaluation of results.

In this way participatory democracy translates into juridical norms capable and efficient to give life to the same participation (U. Alledretti, 2010). Through these rules, the citizen has the opportunity to decide firsthand on important issues affecting civil society.

It is always pointed out that participation requires a certain number of citizens and that decisions are always made according to the standard formula of democracy, that is, according to the rule of the majority and where unanimity can only be required in certain delicate situations.

Another characteristic is that the impulse to participate in democratic life must always come from below, that is, from the citizen himself, that's why 'both national and European institutions must give voice and means through which the people can participate in a democratic process that we can define as sharing. This can be achieved through a process of consolidation of the political awareness of national and European citizens, of increasing the democratic regularization of institutions and, finally, of combating abuses to ensure that the democratic process of participation is not corrupted.

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Pluralist Albania- Religious Tolerance or Peaceful Coexistence?

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Abstract

It has been noted that the whole history of man has been marked by religion, in particular the Albanian one by three religions and four religious denominations: the Sunni one, to which the majority of the population belongs, the Bektashi Sufis, which is a very moderate branch of the Islam, the Orthodox and Catholics. Over the centuries, Albania has become a multi-religious society, but what is singular is that despite profound differences in religion the Albanians have always lived together in peace, the country has never known extremism, conflict or war of religion. Several authors have tried to identify the source and reasons for this exemplary harmonious coexistence that still reigns in the country, but the real reason is still a matter of dispute among intellectuals. It is certainly the answers can only be found in history.

Keywords: religious tolerance, religious coexistence, religious pluralism, the principle of secularity of the state.

Introduction

As regards the religious adhesion of the Albanians we do not have an exact percentage, since the 2011 census, in which citizens were asked, if they wanted to, to indicate their religion, cannot be considered a reliable source, as a a large part refrained from answering this question and the orthodox minorities boycotted it.

Some authors believe that this census is unconstitutional in the parts in where it plans to express its religious or ethnic belonging. (P. Xhufi, 2011; see., G. Bregasi, 2011).

However, the result showed that Sunni Muslims make up about 57 percent of the population, Catholics 10 percent, Orthodox Christians about 7 percent and Bektashi 2 percent. Further groups are Baha'is, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons). As can be understood, the abstention was such as to subvert a constant statistic and indicate Catholics as majorities compared to the Orthodox. This demonstrates the absolutely relaxed and equidistant attitude of

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Albanians towards religious denominations. Confirming this, the state's recognition of the Jewish religion in the same year.

It is noted that "*Catholics, although the least numerous, represent the first religion of Albanians, they are still the only bridge connecting Albania with Europe. Muslims, although it is the youngest religion in Albania, have the same legitimacy. Assured, not only by their large presence, but also by their significant contribution on the Albanian people's path towards freedom and emancipation. Albanian Orthodox, as well as Catholics, as well as Muslims, have been an inseparable part of the national body. This balance and legitimacy are a reality, they are the essence. Albania is a country with three religions, but it cannot be identified with any of them* "(I. Kadare, 2003).

Pluralist Albania yesterday

Although multireligiousness has always characterized Albania, the country has never known religious clashes, which is very particular, as Kadare also points out, "*in an area famous for its quarrels and grudges. A people that is not at all calm, indeed I would say tending, like the great majority of the Balkans, to irritation*" (I. Kadare, 2003).

For this reason, scholars have tried to find the reasons for this admirable cohabitation. But what is the real reason for this exemplary coexistence is still a matter of dispute among intellectuals, some are looking for the reason in the almost half century of anti-religious communist atheism, others in the so-called Albanism, still others on the imposed faith (A. POPOVIC, 1986).

With regard to the communist regime, Belgiorno de Stefano compares and highlights that, "*just as international conventions to protect human rights were born from the horrors of the Second World War, so Albanian religious peace was born from the madness of the Albanian communist atheocracy, a model for the whole world*". (M. G. BELGIORNO DE STEFANO, 2014).

Undoubtedly the communist regime has influenced further, but it was not a determining factor, as peaceful coexistence existed before the advent of the old regime.

Another detail, shared by all scholars, is that a kind of lack of devotion has been found in the Albanians, even among the faithful ones. In fact, Muslims were not devoted to Islamic doctrine, on the other hand even medieval Christianity is characterized by its popular and non-dogmatic traits, and the rites were often mixed with traditional customs. Some believed, that this lack of devotion to the ideas of the Holy Scriptures or the Koran was the result of a lack of education of the religious who had to transmit religious dogmas.

The situation of the religious phenomenon after the fall of the atheist regime can be grasped in the words of Pegues who writes that "*when a missionary in the country asks an Albanian a question about Jesus, the man replied:" I love Jesus. I am a Muslim ". Pushed to clarify, the man replied that his father's family was Christian, instead of his*

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Muslim mother. For him, there was no further consideration of the meaning of faith "(B. J. PEGUES, 2007).

In this way, religion was built around its own traditions and customs by generating points of contact between all beliefs, consequently in the other one recognized traits of one's own life. In fact, all this mixing, certainly together with other elements, has led to the absence of religious fanaticism.

On the other hand, even those differences that were found were mitigated by the desire for dignity and national freedom that in the vision of the Albanians could only be achieved if united, thus tempering any religious diversity and generating the so-called Albanian religion, i.e. the so-called albanism. Surroi believes that "*being born Albanian, in broad terms, means being born tolerant of religious diversity (...) The reasons for this tolerance lie in the fact that, unlike its neighbors, the Albanian nation is not built by a religion and / or around to a religion. Furthermore, the road to building the nation has been longer, even more difficult, because it has also implied internal pluralism*". (V. SURROI, 2004).

Without a doubt religion has always been in the background, and the sense of the homeland of the traditions of language and folk have prevailed over the religious one.

During the Albanian Renaissance, the principle of Albanianity, as the only religion of the Albanians, constituted another prodromal element for the religious tolerance that would have characterized it in the centuries to follow. It was a force of ideologies that infused in the *shqipëtarë* the spirit of coexistence and the value of diversity. Cimbalo notes that in addition to historical coexistence, the modern process of secularization of the country "*has among its strengths not so much the effects, albeit present, of the atheist campaign of the past regime, as the tumultuous acceptance of the values of consumer society and the profound social disintegration following the mass migration from the country that characterized the last decade of the past century*" (G. CIMBALO, 2010).

It is also noted that tolerance and the idea of religious pluralism are not modern concepts in Albanian history, since even the national hero Gjergj Kastrioti known as Scanderbeg, as a sign of respect for all religions, kept both names, both that of Catholic birth, than that attributed by the Porte (A. MESI, 2006). Also, in 1938, King Zog, of Muslim religion, married with a Christian, making it known that he was willing, at a later time, to repeat the ceremony of Catholic rite (M. BORGOGNI, 2007).

Morozza della Rocca reminds us that, even during the Communist period, when atheism was now the official religion, the bell of the Orthodox Church of Tirana "*was saved by a Muslim, preserved by a Catholic, who returned it to the Orthodox with the regained religious freedom*", he also maintains that Albania's peaceful religious pluralism is a value for the country, for the Balkans and for multi-religious Europe. (R. MOROZZO DELLA ROCCA 2004).

This climate of extreme "tolerance" was also reflected in political life, in fact in 1920 Fan S. Noli (V. BALA, 1965; FS NOLI, 2002; S. BENAR, 1997) was sent to the League of Nations in Geneva as Head of the Albanian delegation. After his speech, in which he asked for support for his nation, the Indian Prime Minister replied inviting the other countries to support him, because in his opinion, it was rare that a country made up of 70 percent of Muslims sends not only an Orthodox, but a priest, to represent him, that priest in 1924 became Prime Minister of Albania.

From here we can also understand the reason why in 2015 the Albanian government proposed as an ambassador to the Holy See, an intellectual of Muslim religion. The Vatican was strongly against the candidacy, with the only motivation, because it was of Islamic faith (F. NIKOLLI, 2015).

Pluralist Albania today

Today the multi-religious country has adopted the motto that religious diversity is a quality and must be valued. Fuga highlights that, "*Particularly among the younger generations who tend to emigrate and be influenced by the Western media, the tolerance and softness of religious beliefs is more developed. They transmit a highly elastic position to the whole of society towards other religions and consider religious confession simply as a private matter of the individual*" (A. FUGA, 2003).

In fact, even in the preamble of the Constitution it says that "*We, people of Albania (..) with faith in God and/or in other universal values (...) With an afflatus of tolerance and religious coexistence (...) We deliberate this Constitution*".

But, from a strictly legal point of view, there is a contradiction between the concept of tolerance and that of coexistence, as the first is a negative principle, because the need for a vertical relationship, and only the authority or who has power can tolerate. As a consequence, it is legally unable to guarantee equal rights and freedoms, on the other hand, the principle of coexistence implies horizontal relationships, in a perspective where everyone is placed in the same plane, and more respects the constitutional guarantee parameters.

This is why the normative text of the Constitution, which unlike the preamble has legal value and force, in article 3 recalls it as a superprinciple, providing that "*human dignity, the principles and fundamental human rights, (...) pluralism, national identity, religious coexistence as well as mutual understanding of minorities, are the foundations of the State that has an obligation to respect and protect them*".

Another very important principle, which emerges from this article, is that of pluralism. Here too, we can believe that if tolerance respects diversity, pluralism affirms and guarantees coexistence, thus a principle is born for which ethics is a duty of citizens.

In this context, we can define pluralism in Albania as comprehensive pluralism, the aim of which is to welcome as many opposing opinions and to support their peaceful

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coexistence. Thus "*comprehensive pluralism must be willing to accept the norms produced by other conceptions of the good, but only on condition that these norms do not interfere with its unifying project*". (M. ROSENFELD, 2000).

For Zanchetta, comprehensive pluralism can be defined as "*intelligence and political will, not mental rigidity, ductility of law guarantee comprehensive pluralism, a more advanced form of tolerance*" (L. ZANCHETTA, 2001). Thus, we can believe that harmony between different religious communities in Albania is an advanced form of tolerance, that is, inclusive coexistence between different creeds. This civil conversation between the various religious denominations reminds us of Bodin's Colloquium Heptaplomeres in which tolerance and dialogue are the key to multi-religious coexistence (A. SUGGI, 2005). This whole situation is inevitably reflected in the juridical norms and in the form of secularism adopted. Thus Albanian secularism can be defined as dialoguing, and appears as an evolved form of secularism.

In fact, today in the era of the wars of religion, Albanian pluri-religious dialogue conduces us to a modern and evolved idea, so we can speak not of tolerance, but of an exemplary coexistence.

Because it is precisely "*in the pluralism of beliefs, values and interests, the state and law become secular: law separates itself from moral sentiment; morality ceases to be the privileged source of the juridical, in order to reveal itself as personal sentiment, respecting pluralism*". (See G. VISENTINI, 2009).

Also, by a careful reading of art. 3 of the Albanian Constitution, the principle of national identity emerges, it is noted that, the latter strengthens the principle of coexistence, as one of the aspects that most characterizes a nation is the faith.

Conclusions

Multi-religiosity, for well-known historical reasons, is a fundamental element of the identity of a country, it is found in the roots of the national design and in Albania it has taken on very particular similarities, so called albanism. Furthermore, in this context we find that pluralism and religious coexistence are elements that specify national identity.

Finally, it must be observed a definitely positive fact, that no judgment of the European Court of Human Rights has concerned violations of Albania in the matter of freedom of religion.

In this context, the mosaic of the Albanian spiritual heritage is a strength and not a weakness. The people are aware that they are a nation of Sunnis and Bektshi, of Catholics and Orthodox, and certainly also of non-believers. (Crf. B. OBAMA, 2009). All this is effectively guaranteed by the Albanian Constitution, in particular by the principle of secularism of the state. The latter, as we have highlighted, is an avolved and advanced form of secularism, that reflects the religious coexistence that reigns in the country.

Without a doubt, religious harmony is the result of centuries of coexistence between the different communities, but also the result of a non-discriminatory legislative policy never based on the principle of tolerance, as the State has not recognized itself in the majority religion therefore he did not need to tolerate other religions.

In this way, beyond religion, and out of it, there were found the elements to build the nationalistic consciousness.

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Islamic Veil: The Issue of Minors

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Abstract

An important aspect of the Albanian public debate on the exposure of religious symbols concerned minors. In fact, the proposed government law of 2011 was addressed to a category of public school education, that is, regarding students from kindergarten to secondary school. The Islamic veil was always at the center of the debate, but in this case the prohibition was justified as it was aimed at an age group that did not have the ability to make decisions and make choices independently, as in Muslim religion it is expected that a post-pubertal girl must wear a headscarf. In fact, in this case the decision-making passes to the parents, who have the right to educate their children according to the dictates of his own conscience. It is stressed that the same circumstance also applies to other religions, where the decision is always made by parents, such as baptism in the Catholic religion. In particular, the Article 24 of the Albanian Constitution, explicitly sanctions the freedom of each person to choose their belief and the prohibition that no one should be forced to participate in the life of a religious community or its practices. The question that arises in this case is whether this constitutional article also protects this category of subjects or only those who have reached the age of majority? The answer is complex and delicate, even to date the Albanian legislator has not remedied it since no one has appealed.

Keyword: Albanian constitution, freedom of religion, religious symbols, Islamic headscarf, the right to educate your own children.

Introduction

The origin of the veil is lost in the mists of time, a symbol of spirituality, mystery and purity, but also of wealth because in ancient times it was worn by high-ranking women. So also the Muslim religion, not different from the others, has promoted social equality, therefore the veil becomes an economic and imitation symbol.

The veil hides the woman from prying eyes to reveal her only to God and master. In this regard we read in the Koran,

"And say to the believing women (that) they should lower [of] their gaze and they should guard their chastity, and not (to) display their adornment except what is

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apparent of it. And let them their head covers over their bosoms, and not (to) display their adornment except to their husbands, or their fathers or fathers (of) their husbands or their sons or sons (of) their husbands or their brothers or sons (of) their brothers or sons (of) their sisters, or their women…" (Koran, XXIV, 31), and then, "*O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments…..*". (Koran, XXXIII, 59).

Without a doubt these verses leave ample space to free interpretation, this is the reason why the Islamic veil also takes multiple forms, as different as the interpretations are, for example *hijab, niqab, chador, burqa*.

It is important to emphasize that the veil is not a uniquely symbol of the Muslim religion, but we find it in the Jewish, Catholic and Orthodox religion, for example in nuns, the virgin Mary is always represented veiled. But despite this, the female headscarf is often perceived and identified as a symbol exclusively of the Muslim religion. This perhaps derives from a numerical fact, as it is the obligation of every Muslim woman to wear it, even if it appears that the Koran does not provide for any sanction for women who do not wear it.

The obligation to veil "the beautiful parts" begins in a post-pubic age when one is almost inconscious of the relationship with the Divine, that is, when the girls attend the school.

But often, externalization in European societies when a certain Islamophobia is often found, the veil worn by a minor can lead to an insane integration and an insane psychic development, as it can feel excluded from school social life and as a consequence from right to have equal development. The problem is based on the fact that the minor cannot oppose a history of imposition, unlike a woman of an older age, where the veil can be a personal choice. Here, the veil from a symbol of purity becomes a symbol that separates and isolates, even more if it is worn in a non-voluntary way.

Different cultures conceive the family and education differently, but what unites all families is to desire the happiness of their children. The family is the place where the minor is educated to be prepared for the flight of life, but at the same time deeply attached to their roots. For this reason the family becomes the lighthouse in an open sea, leaving the child free to navigate and explore his own spirituality, for this reason the family should not be "closed" but "open", that is, able to understand the psychological and social needs of their children.

Equally like the family, society too must be "open", an open and peaceful European society that transmits acceptance values as fundamental principles. As in a "closed" family, in a "closed" multicultural European society, the veil is a polysemic symbol and can have different meanings, here the veil as a symbol of spirituality can become a symbol of submission, backwardness, alienation, isolation and of civilization, and without a doubt it becomes a symbol of multiculturalism incapable of coexistence.

The veiled woman proposes herself as a new feminine model, in contrast to the "unveiled" woman. A veleta woman symbol of a rediscovered feminine dignity or symbol of submisine? But it will not be here or in any other to analyze which is the best feminine model as the only intention of the writer is to identify the legal condition and constitutional protection, with the ambition to identify the rights and freedom because no woman can be subordinated or physically and psychologically forced to conceal her identity.

But even more delicate and complex is the situation when there is a minority behind a veil.

The Islamic veil and the legal status of the minor in Albania

The 2011 government bill was aimed at a category of public school education, that is, concerning students from kindergarten to secondary school. The Islamic veil was always at the center of the debate, but in this case the prohibition was justified as it was aimed at an age group that did not have the ability to make decisions and make choices independently, as in Muslim religion it is expected that a post-pubertal girl must wear a headscarf. In fact, in this case the decision-making process passes to the parents, who have the right to educate their children according to the dictates of their conscience. It is emphasized that the same circumstance also applies to other religions, where the decision is always made by parents, such as baptism in the Catholic religion.

The new Albanian Constitution of 1998 could not renounce the postulate of freedom of religion, since its omission during the communist regime has led to a real religious genocide for the country. For this reason, the new Constitution contains a kind of *favore religionis*, this originates from not only historical but also current circumstances, which see the former country that had declared war on God to commit itself to safeguarding the peace of a multi-religious society.

In this regard, it should be noted that art. 24 of the Constitution explicitly establishes that every person is free to choose his or her own creed, furthermore it states that no one should be "*forced to participate in the life of a religious community or its practices, as well as to make public their beliefs or faith*". In light of this article, the questions that arise are manifold, if art. 24 of the Albanian Constitution also protects minors or only those who have come of age? And, if this rule can be a limit to the right of parents to educate their children? The answers are complex and delicate, even to date the Albanian legislator has not remedied since no one has appealed.

Who's writing believes that it is not questionable that the Constitutional rules that concern fundamental rights and freedoms and that do not provide for age limits - such as for example the right to vote - also hold the subjects of minor age. Moreover, these subjects are active in the enjoyment of fundamental rights.

If on the one hand, the right of parents to educate their children in the religion they want cannot be denied, on the other hand, the inclination and freedom of children to be able to believe freely and without constraints is a requirement that must be respected. (A. C. JEMOLO, 1962; F. FINOCCHIARO, 2003; R. BOTTA, 1998).

In this regard, no provision is found in the Albanian Constitution that makes parents responsible for the religious education of their children, such as in the Polish Constitution of 1997 (art. 53) or the Romanian Constitution of 1991 (art. 29).

This question takes us back to the communist period where in the Constitution of the Socialist People's Republic of 1976, it was sanctioned in art. 33 that education was based on the secular tradition of the nation but built "*On the Marxist-Leninist conception of the world",* and according to the third paragraph of art. 49, the parents were responsible for "*the communist education of children*". (M. L. Lo GIACCO, 2003). Unlike the Constitution of the old regime, the new Constitution makes no mention of this, leaving a gap in the matter.

International protection of minors

The New York Convention on the Rights of the Child of 1989 is one of the first international charters that guarantee fundamental freedoms, without doubt also including freedom of religion, conscience, etc.

"The Cairo Declaration on Human Rights in Islam" of 1990, in which parental rights are subordinated to the interests of their children, can also help. In particular in art. 7 reads that "Parents and those in similar conditions have the right to choose the type of education they want for their children, provided that they take into consideration the interest and future of the children in accordance with the ethical values and principles of Shari'ah " (A. PACINI (by), 1998; G. DAMMACCO, 2000).

In this way, the full development of the minor's personality is protected, taking into consideration of his natural inclination, this in respect of the freedom of conscience and human dignity which even those who have not reached the age of majority are entitled to. Thus, we can argue that children, even if minors, have a certain autonomy in the self-determination of the choices that involve the religious sphere. (A. TESTORI CICALA, 1988).

In the case of minors, the interpretation cannot be absolute. But this issue must be taken into consideration on a case-by-case basis by the legislator and the judges, because it is a problem that can take on different nuances, for example in the case where parents for religious reasons can refuse health treatments necessary for their children, from which prejudice to health may arise, or in the case of parents divorced with different faith, etc. At the moment, no similar cases have been presented to the Albanian judge and we do not know what his position might be. Of course, education must be consistent with one's religious faith or belief, respecting the interest and personality of the minor and without doubts without creating harm to health. So the

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freedom to educate your children meets the limit of the principle of self-determination of the same.

We can therefore say that as regards the obligation to wear the Islamic veil as children, the matter should be resolved by balancing the right - duty of parents to educate their children and their interest, where the latter must undoubtedly prevail. (Position also taken by the French Court, judgment no. 1606 of October 24, 2000).

As you can see, the topic has very delicate elements and balancing interests is very difficult. (M. L. LO GIACCO, 2007).

Islamic veil and the secular principle of the state

The issue of the Islamic veil worn by minors, and the Italian case of the exposure of religious symbols in public schools and the veil or *chador* worn by a teacher, are revealed to be sides of the same coin, as in all three cases the parents ask in the interest of the offspring to be the one to choose religious education, without external conditions. The only difference between the three situations is that, on the one hand, religious indoctrination derives from the state, which by constitution must be secular, the other from the parent who has the duty to educate the children with respect for their dignity, and finally by a teacher who has the right to express her belief and to follow the canonical obligations, because wearing the Islamic veil is not only one exposure. (N. FIORITA, 2006; A. PIN, 2006).

These relationships, (family, school, minor) are intertwined in order to make it increasingly difficult to identify the limits of one and the other. Without a doubt that the school-family relationship must be a relationship of trust-respect, because in these two institutions the personality of the child develops. Besides, religion plays a very important role in the spiritual growth of the child. All three of these institutions must try to coexist peacefully for the supreme good, that is, the good of the minor.

The secular and neutral state must respect the right of parents to educate their children, but must ensure that education in pluralism must begin in a neutral environment with respect for the religious freedom of all students or teachers.

In fact, this delicate balance can be the key to peaceful coexistence, where the secular state is the guarantor of freedoms, because in a perspective in which it limits individuals to freely manifest their religiosity, it takes the form of an anti-religious or atheist state and secularism is not synonymous with anti-religiousity, but respect for all beliefs. In a secular context, the social pact is founded between autonomous, free and equal individuals, (S. TARANTO, 2013) in a perspective where "*individuals must consider themselves free to express their cultural and religious identity also through the use of signs of belonging - with the limit of those forms of clothing that cover the face, preventing the recognition of the person and hindering relationships social -, it remains excluded that the sacred symbols and images of a religious confession can be*

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authoritatively displayed in the institutional public sphere, as if the State could identify with them". (G. BRUNELLI, 2007).

Because, recognizing the freedom of religion means "*respecting the spiritual autonomy of man, of every man*", for this reason "*it would be contradictory, in claiming one's freedom, to cut it off to another, or even to mortify it in its dignity*" (G. LO CASTRO, 1996). In this perspective, secularism means "*recognizing the legitimacy of the expression of the thoughts of others, without abuse, without dogmatic pretensions*" (M. MARCONI).

For this it must be underlined that, the European dream must not inflict on the Albanians a nihilistic spirit, in the sense that the country must not deny itself, and the aim of its pluralist democracy must be to promote peaceful coexistence and the "good life". (R. DWORKIN, 2002,).

In the wake of these considerations, a concept of secularism derives as neutrality, which affects not only the public sphere but also the individual's private sphere, guaranteeing the expression of his personality also in public life. So this seems to be the compass to follow in cases like these, because, as Rawls also argues, freedom has priority (J. RAWLS, 1971), and "*the authority and the state no longer appear to be the holders of absolute truth and ethics: thus the idea of a public political space, purified from metaphysical visions of human existence, appears on the scene. State institutions and government must be impartial and neutral; collective choices must have a rational justification, public and independent of the world's religious perspectives. Politics, law and religion thus become distinctly concepts, although strictly interdependent*". (S. TARANTO, 2013).

The deeper core of the principle of secularism implies "*promotion of openness, tolerance and freedom of action in the various spheres of public life*" (M. D'AMICO, A. PUCCIO, 2009), therefore it is the task of the State and of the modern Constitutions, as Rawls points out, to guarantee the full autonomy man.

Conclusions

Today Europe is a theater where multiculturalism stages different cultures, customs, rites and religions, often counterposed and often unacceptable.The thin red line always seems close, and it is difficult to accept the different. For a minor, this reality is even more palpable, when it is divided between two worlds, between two cultures, between two realities. The question that arises is, when should the state intervene to protect the minor, when should the institutions interpret a certain custom as a red line?

It is clear that the right to exercise juvenile infibulation or physical or mental constraint to follow a particular cult cannot be expected to be recognized in Europe (as indeed nowhere should happen). It goes without saying that the judge of merit or of law, when called upon to pronounce on a question concerning the legitimate

freedom of worship, including whether or not the institutions should display religious symbols, must strictly adhere to the principle of secularism and correct neutrality of the State and the principle of self-determination of the minor of the choices that involve the religious sphere.

As for Albania, as we highlighted in the previous pages, the new Constitution of 1998 expresses principles that protect the religious phenomenon since its preamble. So the art. 24 of the Constitution, protects the freedom of religion and conscience in a perspective where everyone is free to choose or change their beliefs or beliefs, to manifest them individually or collectively both in public and in private life through worship, teaching, practices and observance of rites. Likewise, this article provides that no one should be hindered or forced to participate in the life of a religious community or its practices, as well as to make public their beliefs or faiths. Without any doubt, these rules also apply to people of minor age.

Also the same judge found in front of a minor, must take into account that the so-called technique of balancing constitutional rights in this case is unacceptable, since between the right of the parent to educate and give the child a religious education, and the right of the minor to self-determination so that he freely forms his own conscience, the right always prevails of the minor. Undoubtedly in social reality this question is more an iron-cinder between child and parent, where the strongest would win who does not always correspond to the most just, but in legal reality the minor is the supreme good.

But, in the event that wearing the veil is the result of an autonomous spiritual path of the minor and a personal choice, then, Article 24 of the Constitution comes to our aid which guarantees this choice.

In Albania, but also in other European countries, the institutions must accept this choice even if the fleece is not a collective symbol, but even these companies are not unitary in culture, but fragmented, and this must not preclude the right to keep an individual symbol.

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Plyometric Performance Assessment of Basketball & Volleyball Female Players

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Abstract

Improving the ability to jump is a major training goal for many sports, and drop jump is the well-known training method used to achieve this improvement. The   players in team games should be thrown higher than his or her opponent, and this jump should be executed faster than the opponent's jump. Volleyball & Basketball from the specificity of their training, there are differences in the physical qualities of individual and team sports performance, where one of the elements is vertical jumping in training the plyometric. This study is concentrated on two teams: Women's Volleyball Team (V) and Women's Basketball Team (B) 15 members each, focusing on 30 subjects. Players were measured in physical parameters; Age (V-24: B-27), Body Height (V-180.4cm; B-173.4cm), Body Weight (V-70.37kg; B-63.88kg), BMI (V-21.67%; B-20.93%). The players performed the test DJ 40cm and DJ60cm in the platform Leonardo® Ground Force Reaction Plate (GRFP) which expresses Force max (kN), Power max (w/kg), Time Contact (TCs), Air Time (TAs), TA/TCs. Results obtained by GRFP showed different team values of the two sports in the parameters of test from DJ40 cm and DJ 60cm. The TA/TC show V1.89>B1.85 in DJ40 test and TA/TC in DJ60 V1.96>B1.71. The results showed statistically significant improvement with respect to F max (kN), F max (kg N) and power (kg W) at the level of $p = 0.05$. Conclusion; The methodology used helps us to compare high and poor performances, which help trainers to program a more detailed plyometric training for the development of athletes' jumping ability. Through the Drop Jump test it can be achieved to be evaluated not only by the height of the development of vertical jump but also by the phase of stay in the air. Through value comparisons, between tests and sports, trainers can develop programmed plyometric.

Keywords: volleyball, drop jump 40 cm- 60cm, basketball, plyometric.

1. Introduction

Plyometric training (1) is widely used to improve jumping ability, especially in sports such as volleyball and basketball (2, 3, 4, 5). Volleyboll (V) and Basketboll (B) sports have different performances for their own game characteristic, so the training is specific where there are differences in the physical qualities of individual and team performance. Volleyball players develop tactical and technical elements such as; Attack, Blocking, Service, etc., while basketball players in addition to running on the field and technical elements must jump during penetrations in the area, catching the ball on the board or realizing the shot. One of the main elements of these sports is vertical jumping. By vertical jump we mean the athlete's ability to raise the center of gravity of his body with the help of dynamic work of the muscles of the lower extremities. So the meaning of the vertical jump element is basically the measurement of the strength, strength, speed of the lower extremities. Numerous scholars have found that high jumps can be improved through applications of plyometric exercises. The best possible perfection of a vertical jump is achieved with training with the purpose of increasing the height of the jump, the high degree of muscular activity that is achieved by increasing the loads in the phase of extension of the vertical jump. Drop Jump is a popular form of plyometric training as well as better interpretation of the term plyometry. Plyometric training (6) is widely used to improve the ability to dance, especially in collective sports such as volleyball, basketball, football, etc (7). Many authors show that explosive power is characteristic of professional basketball players not only in volleyball (8). Evaluation of vertical jump through the Drop Jump 40cm-60cm pryometric test will enable us to compare the values obtained from the strength platform between these sports.

2. Methodology

This study is concentrated on two teams: Women's Volleyball Team (V) and Women's Basketball Team (B) 15 members each, focusing on 30 subjects. Players were measured in physical parameters;

Table1 Anthropometric Measurements (Volleyball&Basketball players)

Team	Nr	Age	BH (cm)	BW(kg)	BMI(kg/m^2)
Volleyball	15	24	180.4	70.37	21.67%
Basketball	15	27	173.4	63.88	20.93%

2.1. Protocols of the Test Performed

After were conducted anthropometric measurements and later on the tests in vertical jump performance of the protocol tests. The players performed the test DJ40cm and DJ60cm in the system platform Leonardo® Ground Force Reaction Plate (GRFP) which expresses Force max (kN), Power max (w/kg), Time Contact (TCs), Air Time

(TAs), TA/TCs in University of Sports, Tirana. The players one by one performed on the cube height 40cm and 60cm, with their hands on their loins. Through a free fall from the height of the cube they leave themselves falling into GRFP platform and rapidly the reaction after contacting with GRFP they should jump in vertical as high as possible. The test has been developed 3 times and we got the best measure of the contact time and the time in the air.

Drop Jump Test

Table2. Data obtained from GRFP (Volleyball&Basketball players)

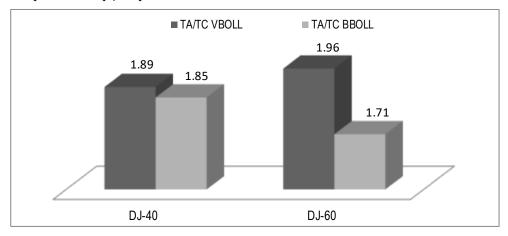| Test	Fmax N/kg		Pmax w/kg		Time Contact TCs		Air Time TAs		TA/TC	
V15-B15	Vboll	Bboll	Vboll	Bboll	Vboll	Bboll	Vboll	Bboll	Vboll	Bboll
DJ-40	48.14	55.62	31.44	26.43	0.251	0.202	0.45	0.37	1.89	1.85
DJ-60	65.19	74.07	31.26	23.06	0.231	0.198	0.436	0.34	1.96	1.71

2.2. Statistical analyses

An analysis was done to check whether the test and measurement methods used were valid to identify whether groups of Volleyball players and Basketball players achieved high or poor performance. A unilateral analysis of variance (ANOVA) on data from 30 athletes was performed in order to identify changes in the parameters of the DJ40cm-DJ60cm test; Scheffe post hoc analysis was run to show differences between groups. T-tests of paired samples were performed to compare DJ40cm- DJ60cm parameters. Moreover, a PCA with a Varimax rotation was executed to examine a possible tendency towards the dependence of temporary force or peak between groups of athletes when executing DJ60cm test. All statistical procedures were performed using the Package Statistics for Social Sciences 10.0.1 software (SPSS) Inc., Chicago, IL). An alpha level of 0.05 was used.

3. Results

The results revealed that the Volleyball players were thrown higher (p, 0.001) than the Basketball players. From the data obtained from the platform we see that there are different performances between individual players in both sports, despite the fact that in the team average it turned out that volleyball players are higher in the DJ test.

The graph below clearly shows the level of values obtained by GFRP of the two tests DJ40-DJ60 in Volleyball & Basketball players.

Graphic.1: Drop Jump 60cm - 40cm test at measurement.

4. Discussion

From the data obtained we see that Volleyball players have a better result in time than Basketball players in DJ tests. This test assesses the explosive strength of the lower limbs. The test represents the "Explosive-Reactive-Ballistic Force" and in particular, the neuromuscular capacity to develop very high values of force during the stretch-contraction cycle (9). But the Basketball players showed that in the DJ40cm test they performed better than in the DJ60cm test. Where on the contrary the volleyball players performed better in DJ60cm.The DJ40cm and DJ60cm test performance results presented above differ from each other. Strength and power variables were tested for statistically significant differences between the two sports volleyball & basketball. The aim was to identify any possible changes as to the effects of the training derived from their team training. Analysis of ANOVA with 2 measurements for maximum strength as dependent variable and groups as independent resulted in statistically insignificant values (sig.> 0.05) for both Drop Jump test 40cm and Drop Jump test 60cm. ANOVA analysis with 2 repeated measures for maximum power as a dependent variable and groups as independent resulted in statistically insignificant values (sig.> 0.05) for both the DJ 40cm test and the DJ 60cm test. The linear correlation between the "Drop Jump 40" and "Drop Jump 60" tests as an intuitive assessment would be the connection that exists between the similarity of the test with drop-jump-drop DJ from a height of 40 cm and that of DJ 60 cm. The correlation between the tests was measured according to the Pearson product moment. The results showed a high correlation coefficient (r = 0.924) and statistically significant (sig. <0.0005). The presented results of drop-jump performance in the DJ40cm and DJ60cm tests differ from each other but also between the two groups taken in the study to be compared. Strength and power variables were tested for statistically

significant differences between the two teams. Several factors, including a training program design (the type of exercises, training duration, training frequency, volume and intensity of training), subject characteristics (age, gender, fitness level, sport practice) and methods of testing different types of vertical jumps may be responsible for the conflicting findings concerning plyometric training. Some training studies have found that plyometric training based on DJs does not significantly enhance jump height or lower limb power, while other reports showed a large variability in the magnitude of such enhancement. It has previously been reported (10) an average relationship between strength / measuring power in squat jump performance from place to place and CMJ counter-action jump (movement) in the volleyball team. This platform consists in obtaining more data to the evaluation of the volleyball players, force (F max kN) and power (P max kW), during the vertical jump.

5. Conclusion

Volleyball & Basketball players despite their plyometric training time over the years, showed a low level of air time flying DJ interpretation. Improving the ability to jump is a major training goal for many sports, and drop jump is the well-known training method used to achieve this improvemen. Individually the players need to improve their jump performance in order to achieve a better personal record. Compared to the reference table of the Reactive Forces Index (1.5-2.0RSI) for the Drop Jump test, we came to the conclusion that the level of Volleyball & Basketball players in Albania obtained in the result of the TA / TCs Index represents a moderate level of training, at the level of players prepared for moderate plyometric intensity. The values that were reported as high as possible showed that the athletes of both sports did not develop regular plyometric training.

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Main Institutions Dealing with Property Right Protection and Crucial Issues Related to Them

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Abstract

This writing analyzes the Institutions that enable procedurally and functionally the property right protection and its effectiveness. All the institutions in this writing have been analyzed according to the laws of the relevant time. Part of this writing is dedicated to the effectiveness and protection of property titles.

Keywords: ownership title, relevant institutions, law protection

Introduction

The analysis of the property right legislation, necessitates likewise the treatment of the relevant Institutions which have been specifically established to assist in this process. To this end, a professional and centralized agency has been founded in order to manage the legalization process. The amended law on legalization, established the Agency on Legalization, Urban Planning and Integration of the Zones/Informal Constructions. (ALUIZNI). This Agency is entitled to functions exercised as related to (mainly the urbanization and registering of the legalized properties.) and exercised by other bodies as well.

ALUIZNI has been given the mandate to process the legalization applications as well as to coordinate the legalization process. The ALUIZNI operational instructions, cover the legalization procedures, qualification criteria on the informal objects, procedures on issuing legalization permission, as well as the initial registration of the property title from the ZRPP.

ALUIZNI, on the other hand deals with the property title research, identifies the informal properties, approves the borderlines and prepares the legal and technical documentation for approval from the government. After the case processing, ALUIZNI presents to the government, the project decisions in groups.

Finally, ALUIZNI deals with the urban planning sectors at the local government units for the preparation of the urban planning for zones that have undergone legalization

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process. If the zone where a building is located is not initially included in an urban planning, the property cannot be legalized. The legalization was a pragmatic response to the dire and growing consequences due to illegal occupation and unlawful mass migration. When confronted with the issues of this kind, the governments in general have nothing to do but to accept the reality and to legalize the property usage. The legal framework for this approach was replaced in 2006 with the law on Legalization, Urbanization and Integration of Illegal Construction which due to the amendments and changes made, foresees a mechanism for the legalization of the illegal constructions and illegal extensions and creates a system for the urban planning.

This Law establishes as well a mechanism for transfer of the property title to the applicant on the land where the illegal object has been constructed and includes a compensation right for the ex-owners as well as a formula for the calculation of the compensation. In order to treat this issue, ALUIZNI comes forward with a proposal to expropriate the private property by transferring it to the state and after it becomes state property (via a government decision), in order to later transfer it to the applicant for legalization. Afterwards the property title may be registered at the ZRPP. The owners of the properties illegally occupied have filed lawsuits in the court considering this decision as anti-constitutional but the Constitutional court decided that the expropriation method for the transfer of land to the illegal land occupants is permissible treating essentially the legalization as a process of public benefit.

Some other amendments and changes in the legalization Law made in 2008 simplified the administrative procedures in order to ensure the legalization of the land and construction of the building on the relevant land simultaneously, consequently synchronizing compensation payment to the expropriated land owners.

Discussion

Nevertheless, in practice, not all the expropriated owners have received the relevant compensation regarding the legalization process. This means that the highest percentage of legalization should be covered by the State budget sources. Irrelevant of this deficiency, in October 2009, amendments and changes have been approved in the Legalization Law which enable the applicants to pay almost half of the legalization cost, as for the other part they may use the privatization bono stocks which can not be used otherwise. Nevertheless, the lack of tariff payment by many applicants on the legalization for the finalization of the legalization process creates an obstacle. The legalization process has been slow despite the resources offered.

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ALUIZNI is a big organization and well equipped with resources, and operational costs which are covered by the state budget. The Agency has technical expertise for topography observation, map preparation, legal and urban aspects and it has produced modern computerized maps for the entire country based on aerial photographs taken in 2006. ALUIZNI has produced computerized maps for the majority of the properties for which legalization application has been presented. Nevertheless, only a small percentage of property legalization which property titles have been registered by the ZRPP has been accomplished. According to the reports, the legalization has been prevented by issues arising from the coordination of work between ALUIZNI, ZRPP and AKKP.

First of all, there are issues regarding the data. Standardization. The ALUIZNI geographic data, which have been produced based on the most recent technology on aerial photography and GPS (Global Positioning System), are based on a more accurate and recent technology as compared to that of the ZRPP. The ZRPP notes are based on older paper maps and topography observation methods which are less accurate. ZRPP has only recently started to accept the ALUIZNI map data. Previously, ALUIZNI used to provide topography data at a scale of 1:1000 and ZRPP used to manually convert this information at a 1:2500 scale and used to transfer it on the paper maps. This method used to slow down the process and reduced the data usage   and efficacy. Secondly, the compensation payment on expropriation for legalization purposes, remains uncovered with sufficient funds. AKKP reports that neither ALUIZNI nor the State budget have allocated the required amount of ALL 4.5 billion needed to pay the required compensation based on the legalization decisions which have been presented by ALUIZNI. This results in the possibility for non-compensation of former owners, which may bring about the invalidation of expropriation decisions proclamation. The continuous legalization process excludes a series of objects illegally constructed. Furthermore, the number of illegal constructions is on the rise. The ongoing illegal constructions (because of the builders' own decisions or because the urban planning system does not function properly). As a consequence, a considerable number of properties, remain out of the legal market of real estate property, consequently objects illegally constructed excluded from the legalization process remain exposed to the demolition risk.

Every new wave of legalization shall be accompanied by trustful measures for the prevention   of the new illegal constructions. Consequently, it is imperative that the government manifests   care for the implementation of every new wave of legalization to be accompanied by a trustful program of the obligatory enforcement of the

existing legislation for construction control as well as by undertaking strong efforts to prevent the illegal construction prior to its start. It is worthwhile mentioning as well that not all the buildings shall be legalized given that some of them have been built in unsuitable zones for construction such as the protected environmental zones, heritage trail spots as well as zones which constitute security risks such as the zones vulnerable to floods. Every new privatization wave shall be closely reviewing the expropriation method as well, given that it may trigger further illegal land occupation.

Given that there is a small number of properties that can be directly transferred to their initial owners, the recent process is now dealing more with the compensation payment. As regards to the policy content, the Law on the Land Restitution and compensation as approved in 2004, follows a similar approach to that of the Eastern and southeastern European countries. Yet the request to compensate the owners with the current market value is difficult to be implemented given the high fiscal costs. The Land restitution and compensation may not be considered as isolated from the privatization and legalization process.

During the privatization process, the buildings and small enterprises were privatized and transferred to the relevant owners but the land whereby the buildings have been constructed might have been transferred to other individuals in the framework of the property transfer process. The land around the residential buildings was often privatized by the apartment owners, irrelevant of the fact that it might have not been the object of requests for property restitution. The properties where buildings have been illegally constructed cannot be restituted to the initial owner while in the course of the privatization process. This right pertains to the citizens. Ever since 2006 AKKP has been accountable for the implementation of the restitution and compensation process. In 2006, the amendments and changes to the Law of Restitution and Compensation, created AKKP and transferred to this Agency all functions of restitution and compensations which in the past were the responsibility of the Central Government and the local commissions. These amendments and changes aimed at the increase of the efficiency and rhythm of this process, but these expectations have not yet been met. The expertise needed from the AKKP staff includes mainly the topography and legal knowledge. The human resources of the Agency are generally sufficient for covering most of the areas but what is lacking is the necessary transportation means for field visits, as well as modern and contemporary computer means and technology of information support. The AKKP maps are mainly paper maps given that they have not received the computerized maps from other agencies such as ALUIZNI but even if they had these

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maps, the IT infrastructure and the staff training of the AKKP lacks the required expertise level to deal with them. Like in the other areas, a small percentage of compensation applications treated by the AKKP, has been paid, given the lack of funds. The law on the Restitution and Compensation, foresees different compensation methods, including the state property transfer at the same amount if the transfer of the original property is impossible. The slow compensation process may be the cause for the low level of public trust in AKKP.

The government must accelerate the compensation of the expropriated owners, in order to respect its own political engagements, the legal citizen rights and improve the functioning of the property markets.

The rising number of the verdicts of GJEDNJ against the Albanian authorities, regarding judicial issues on property rights, may bring about the collection of considerable amounts for the compensation to be paid by the state, ruining thus the international image of Albania. Furthermore, the lack of private property protection as guaranteed by the international legislation is considered by the GJEDNJ, as violation of human rights and freedom, constituting in such a way an obstacle for Albania's accession into the EU.

Possibility must be given to as many applicants for private property requisition by at leas providing them a partial compensation within a short period of time while the long-term options for covering the compensation cost are dealt with through a permanent mechanism.

The legal framework should be reviewed in order to provide compensation at market value given that it is clearly observed that it can not be affordable financially and is not in compliance with the international practice. Some of the Central European countries have passed the legislation on the land restitution for properties confiscated during the communist regime and   payment of compensation to the expropriated owners whose property cannot be restituted, but the Albanian law is the only one requesting compensation based on the current market value.

Even though reforms have been undertaken continuously, the service quality and organization method need to be improved. Currently the initial registration of the real estate properties is almost being finalized. Relevantly the digitalization of the title card and the maps reflecting the initial property registration has started but it is imperative to digitalize all the later transactions performed, as well as the establishment of a state electronic database which may be of service to other operators needing this information. Improvement of the material   resources and work environment is needed. the ZVRP's have undertaken the responsibility to serve

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other agencies such as AKKP, the regional tax offices, the courts, the prosecution, the bailiffs, ILDKP-s but there is no payment provided for offering these services.

These services affect and render unsuitable their capacity to cover the main responsibilities and duties. The documentation used for registration is often deficient and prevents the continuation of the procedures of initial registration. Until recently the ZRPP performs its duties sufficiently with average quantitative indicators and its restructuring of its own activities towards self-financing needs diligence in order not to ruin the successes achieved so far regarding the basic functions.

Recently a new law has been passed, number 33/2012 for the real estate property registration which reforms the organization of the ZRPP as a refinanced institution. It establishes principles for quick and efficient registration procedures, it allows the registration of properties constructed prior to 1991considerably limits the right of the ZRPP for limitation on registered property, establishes rules for data improvement and update as well as it

guarantees the information provided by the ZRPP1[1]. This Law establishes a safe future of the ZRPP towards online services according to the economic business principle "one stop shop", safe registration of the property titles and establishment of a portal for the citizens requesting services for real estate property registration.[2] The property market functioning has been damaged by the lack of the property title registration for those individuals purchasing an apartment on a building that has not yet been finished. When a contract is signed for the purchase of an apartment on a building that is not yet constructed, the buyer gives the constructor a considerable amount of money for example EUR 50000 to EUR 60 000 but the contract can not be registered as related to the property (if we suppose that the property itself is already registered).

Consequently, the buyer has no guarantee at all. There is consequently a clear possibility of economic fraud through multiple selling of the same apartment to

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[1] The Law No. 7843 was aproved on 13.07.1994 "On the registration of the real estate properties" and amended by Law 8090, dated 21.03.1996, number 9407 dated 19.05.2005, 9701, dated 02.04.2007 For the establishment of the sturcture , functioning of this system as well as to define the conditions, the registration methods organization as well as every procedure related to the registration.
In such a way the real estate property registration as well as real rights on them are registered based on the provisions of the civil code of t he specific laws on the mode of acquiring ownership as well as in the organic law.

[2] See J. Gergi-S. Bana, "A general overview on the practice of real estate property registration as a necessity for guaranteeing the rights of the individual on the property", the magazine JUS& JUSTICIA , number 3, Tirana 2009

multiple buyers. Currently, the people are based on the traditional personal relationship existing between individuals and not on the registration of real estate properties.

The ZRPP capacity, the human resources and the service quality have been improved in the recent years but other efforts are needed to be undertaken in order to empower the staff skills and in order to further upgrade the efficiency of the ZRPP, a Chief Registrar is managing this agency with 35 offices in the entire country, more than 550 employees, who are lawyers, topographers, economists and administrative staff.[1] The rate of the staff dismissal is high and the latest training has been undertaken at the end of the nineties. It is not a surprise that ZRPP customers oftentimes complain that the staff is not acquainted with the system details even though the surveys undertaken recently by the ZRPP demonstrate that the customers are more satisfied.

The data quality improvement remains a major issue for the ZRRP. As above mentioned, the geographic data are oftentimes erroneous with a margin error of 1 to 10 meters in some maps.   Although a high percentage of the ZRPP are considered as incorrect, they are considered "legal maps". The recent use of the computerized maps as produced by ALUIZNI, in the framework of the ongoing and systematic registration undertaken upon the support of the LAMP, is a positive step undertaken for the data quality improvement. Even the legal data are considered disputable in many cases which obliges the institutions and economic units of the private sector utilizing these data, spend a lot of time of their own staff in order to treat the lack of compliance.[1] The ZRRP's should have taken a systematic approach for the improvement of the   registration data starting with the most crucial needs regarding the economic growth.[2] Besides, the ZRRP could have applied methods of

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[1] Based on the law number 7843, dated 13.07.1994, " on the registration of the real estate properties', as amended , on the registration of the property titles and other real rights on real estate properties, as well as for the preparation, maintenance and management of the real estate registers, demonstrating registration maps and documentation which testify the property right and other real rights on the real estate property , the office of the Registration of the real estate properties was established. These offices were established upon the decision of the Council of Ministers number 596 dated 21.09.1998 "On closure of the hypothecary offices and their transfer of their activity into the Real Estate Registration offices. Based on the decision of t he council of ministers number 556 dated 23.10.2000, " On the delivery of the property documentation to the offices of the real estate property registration, all the state institutions which based on the specific law issue property titles, or have property documents such as the cadaster sectors, offices of the national registration offices, KKK of owner properties the National Entity of Residential Dwellings in districts as well as other institutions are obliged to deliver these documents to the offices of the real estate property registration.

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a lower cost for the initial, sporadic registration in order to render this process more efficient and attractive to the owners.[3]

Irrelevant of the recent progress, ongoing efforts need to be undertaken in order to achieve transparency growth and to improve the customer perception on the ZRRP. The low quality of the existing title cards, some legal lack of legal or procedural clarification which affect the registration of the property titles for some kinds of properties, and the insufficient staff training, have brought about an insecurity and frequent lack of compliance in the way different ZRPP offices treat the applications for title registration which in itself renders the terrain for corruption[4] more fertile.

Consequently, the ZRPP offices are considered as most predisposed for corruption at low sums of money at local government level. In order to react to this issue, the ZRPP has recently undertaken initiatives in order to improve the transparency in order to achieve customer satisfaction from its services and to minimize corruption. Since 2009, ZRPP, conducts surveys on the level of the customer satisfaction in order to collect customer impressions on the service quality level so much so that the latest survey demonstrated a rather improvement level of customer satisfaction from the service quality and ZRPP honesty.

ZRPP publishes online information on its site on the activities, procedures, tariffs, complaint mechanisms and other issues of interest to the public. Since 2010, the ZRPP has established communication channels including a special telephone number whereby the public may manifest its worries and complaints as regards to the ZRPP services, accusations on corruption included. Finally, it has empowered its internal tools for institutional integrity, and coordination with other relevant institutions responsible on the fight against corruption and economic crime, money laundering included.[5]

Conclusion

It is worthwhile mentioning here another institution of crucial importance in this field. The Council of Ministers is the most important body in the country which via the legal acts and bylaws defines and solves concrete situations following the implementation of the law number

9482 " On the legalization, urbanization and integration of illegal constructions" as amended. The organizational and functioning mode of the Agency on the legalization, urbanization and integration of the informal zones/constructions, of the Central

Directorate, directorates at regional level and offices of special units of the local government are defined by the Council of the Ministers.

The Council of Ministers has the competence to cancel the implementation of the procedures for the legalization of the illegal constructions in territories with a high level of environmental pollution as well as to implement or plan strategies for the elimination of the environmental pollution in the zone according to concrete deadlines. Likewise, regarding the illegal constructions for residential functions when the individual is unable to pay, the Council of Ministers, relevant to the declared cases, defines alternative options and procedures for the amount payment of the plot.

The council of Ministers defines the criteria and procedures for the coordination of activities on the identification of these individuals via the state committee on the property restitution and compensation and local government units and ZRPP.

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[2] Article 46 of the Law number 50/2014 "On some amendments and additions in the Law number 9482, dated 3.04.2006 "On the legalization, urbanization and integration of illegal constructions".

[3] J.Gergi-S. Bana "A general overview on the practice of real estate property registration as a necessity for guaranteeing the rights of the individual on the property","", the magazine JUS& JUSTICIA, number 3, Tirana 2009

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NATO in Balkans and Crisis on BiH

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Abstract

The Balkan crisis is the result of a series of conflicts in various areas of political, economic and social life in the former Yugoslavia. Relations between the former republics show the complex character of European security. Without a sustainable development of the whole region, it is impossible to guarantee security throughout the European continent. Europe was shaken by the bloody events that marked the break-up of Yugoslavia. No one could have imagined that such violent military clashes could take place in a European country, 50 years after the end of World War II, and that hundreds of thousands of people would seek refuge throughout Europe. It was clear from the beginning of the crisis in Yugoslavia that the war would continue for many years and if the international community did not intervene the result would be many casualties. The United Nations, the European Union and the OSCE tried to prevent military conflicts between the nations of the former Yugoslavia, but they failed. National elites pursued a policy aimed at creating nation-states and had outside support from influential forces. To achieve this goal they were willing to pay any price. The collapse of the former Yugoslavia, in fact, meant the end of the process that had defined the development of Western Europe since the beginning of the 20th century, in the time between the two world wars. It was the beginning of nation-states. The Balkans had lagged behind in its transformation for many reasons and unlike Western and Central Europe, the Balkan states found themselves in a different wave of historical development, accompanied by conflict and chaos. The collapse of socialism had an impact on this situation, causing new economic and political conflicts. From this point of view, all the efforts of the European and international communities, aimed at controlling the situation after the break-up of Yugoslavia, had no chance of success.

Keywords: NATO, Ballkans, crisis, BiH

Nationalism in the Balkans

An assessment of the crisis in the Balkans based on the analysis of historical trends that marked the development of European countries in recent centuries does not exclude the question of what caused such a bloody dissolution of the former Yugoslav

Federation. Nor does it rule out the question of the political and criminal responsibility of the leaders of the various national movements there, for crimes against humanity[1].

Violent clashes in the region did not come only as a result of national prejudices and lack of democratic traditions; they were also caused by the incompetence and irresponsibility of political leaders, who could not achieve a division by peaceful means[2]. European countries have made every effort to condemn all forms of nationalism in the region. But it takes a long time to liberate the Balkans from nationalism. It is an influential power that has a strong impact on the political processes in all Balkan countries as well as in their interstate relations.

NATO in the Balkans

Since the end of the Cold War, NATO has become increasingly involved in peacekeeping and peacekeeping operations, sending its troops in support of the broader interests of the international community and working closely with other organizations to help resolve deep-rooted problems, to alleviate suffering and to create conditions in which peace processes can become independent. The first three NATO peacekeeping operations took place in Europe, Bosnia and Herzegovina, Kosovo and the former Yugoslav Republic of Macedonia, however the need for long-term peacekeeping is global. NATO foreign ministers acknowledged this at a meeting in Reykjavik, Iceland, in May 2002, stating that: "To carry out its full range of missions, NATO must be able to put into action bodies that can move rapidly, wherever necessary[3]. "They must carry out operations in remote areas and with great duration and achieve their objectives." This decision, in fact, paved the way for NATO to deploy troops, for the first time, outside the Euro-Atlantic area, to Afghanistan in 2003. Since then, the Alliance has also been involved in Iraq and Sudan's Darfur.

Thus, since the disintegration of the former Yugoslavia, the Alliance has paid a lot of attention and energy to the Balkans. Following UN ceasefire negotiations and peace deals in the conflict in Croatia, the Dayton Accords were the first in a long line of peace plans by which the international community sought to transform the chaotic and antagonistic Western Balkans region into an area. more cooperative and peaceful in the late 1990s and early 2000s[4].

The war is coming to Bosnia

Unfortunately it is true that dialogue and cooperation are sometimes not enough to prevent the outbreak of a conflict. This was the case in the former Yugoslavia. Despite

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[1] Sims D. Anthony. 'Kombet dhe Nacionalizmi në erën globale', pg 23, Tiranë 2008.

[2] Sims D. Anthony. 'Kombet dhe Nacionalizmi në erën globale', pg 23, Tiranë 2008.

[3] Western Balkans Security Observer, 'How far is NATO from the Western Balkans? Debates in the Region', pg 10, Aprill-Juni 2007.

[4] Western Balkans Security Observer, 'How far is NATO from the Western Balkans? Debates in the Region', pg 11, Aprill-Juni 2007.

the fact that some countries were focused on the future and on building peace, in the early 1990s conflicts / hostilities, 'reckoning' and old 'frozen' anger from the Cold War emerged. In no other country were these demonstrated to be more present than in the Balkans. The slow disintegration of Yugoslavia over the past decade has highlighted the darkest elements of Europe's past: ethnic nationalism, irredentism, a sense of historical insult, and a willingness to use force to achieve their goals.

The truncated Yugoslavia was a state of Serbian nationality in all respects, which planned to build a "greater Serbia" from neighboring territories. With a developed and relatively balanced economy, both Slovenia and Croatia could confidently look forward to the prospect of independence. Having no large Serb and Croat minorities, Macedonia was able to declare independence and negotiate a peaceful withdrawal of the Yugoslav National Army, Yugoslavia, from its territory during the first months of 1992. Bosnia-Herzegovina did not have these advantages. Sarajevo faced unfavorable economic prospects, strong rivalries within the community, and the imminent threat of aggression from outside without much international support or true friends.

According to the 1991 census, Bosnia and Herzegovina's population consisted of 44 percent Muslims, 31 percent Serbs, 17 percent Croats, and 5 percent "others" (generally citizens who had chosen the Yugoslav name instead of belonging to a particular community. ethnic)[1]. Although there were compact areas of Serb and Croat settlements, most of the population lived mixed together. Although the percentage of the population mix was high, the communities retained a strong sense of identity. Bosnia-Herzegovina had a tradition of tolerance based on the komšiluk ideal (good neighborliness), but it was a tradition that further strengthened rather than weakened ties within communities. Bosnia's history is riddled with ethnic strife - the great Bosnian writer Ivo Andrić once referred to his country as "the land of hatred." Despite decades of peaceful coexistence under Tito, the bitter legacy of the war years remained alive. Ethnic mobilizations during 1990-91 rekindled fears in the country. The radical nationalist wing of the Croat-Bosnian faction did not hide its desire to join an independent Croatia.

The Bosnian Serb leadership refused to join what they perceived to be an aspiring Islamic state. Izetbegović and his supporters were unwilling to approve a partition of BiH that would leave them with a small, isolated territory that would not reflect their real superiority within the population. They aimed to maintain a united state that the Muslim community, with their growing demographic majority, could eventually have control. All parties were steadfast in their stance and prepared to fight to achieve their goals. The threat of violence was particularly high due to BiH's special place in Yugoslavia's military policy. About 50% of Tito 's UKJ was permanently located in BiH, and over 55% of Yugoslavia' s military industry and ammunition depots were located in the republic. It seemed clear that it would be impossible for Bosnia to sever its ties

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[1] Western Balkans Security Observer, 'How far is NATO from the Western Balkans? Debates in the Region', pg 11, Aprill-Juni 2007.

with Yugoslavia without inciting violenc[1]e. On March 26, 1990, Miloševi i's confidant Borisav Jović had already concluded that in the event of a secession "Bosnia-Herzegovina could not survive as a sovereign state, nor could attempts to control its territory unfold without blood loss. "As in the case of the Serbs in Croatia, albeit with lesser justification, the Serb community within BiH was an outspoken opponent of any partition project that would leave them a community within an independent state. On October 15, 1991[2], when SDA and HDZ representatives in the Bosnian parliament pushed for a "declaration of sovereignty" including the right to secede, Bosnian Serb leader Radovan Karadžić challenged lawmakers with the extraordinary statement that the declaration of independence represented "the road to hell". where "the Muslim nation could disappear with them."

During the political irregularities of 1990, Karadžić briefly supported the creation of a Bosniak Green Party, before moving to a more nationalist position and joining the ranks of the newly formed Serbian Democratic Party (SDS). Karadžić would become the leading force for the war in 1992, and consequently an unwavering supporter of Serb nationalist demands. In September, Karadžić's SDS sponsored the creation of four Serb autonomous provinces within Bosnia, and on October 26, it proclaimed the Serb National Assembly in Bosnia, chaired by Momčilo Krajišnik. A referendum on November 10th resulted in a widespread rejection of secession from Yugoslavia, and on December 21st, the Republika Srpska (Republika Srpska and Bosnia and Herzegovina) was proclaimed in order to maintain ties with Belgrade. The Croatian community followed the same path. Their HDZ party initially announced its support for a sovereign BiH, but in November imitated the Serbs by creating two autonomous Croatian provinces.

Izetbegović claimed to represent the model of a multicultural Bosniak, but he worked to secure Muslim dominance in Bosniak institutions and supported the separatist aspirations of Sanjak's branching out of his movement within Serbia. The initiatives of both Serbs and Croats were declarations of war against the ideal of a united state.

On May 6, 1992, Karadžić met with Mate Boban, head of the HDZ, on February 1, 1992, in Graz, Austria, to discuss a division of BiH according to their mutual benefits[3]. The conspiracy between Serbs and Croats was to the detriment of the Muslim community. Karadzic coldly described BiH as "a state created by communists." Later in 1992, Boban argued for the removal of the Bosnian presidency on the grounds that "today Bosnia-Herzegovina has virtually ceased to exist as a state and when there is no state, a president is not needed." In the last week of February 1992, the US ended its silence,

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[1] Western Balkans Security Observer, 'How far is NATO from the Western Balkans? Debates in the Region', pg 11, Aprill-Juni 2007.
[2] Western Balkans Security Observer, 'How far is NATO from the Western Balkans? Debates in the Region', pg 12, Aprill-Juni 2007.
[3] Bashkurti L., 'Ballkani Diplomacia e Munguar', pg 102, Tiranë 2019.

its reservation on the break-up of Yugoslavia, and chose to support the independence of the Bosniaks[1].

In the aftermath of the war in Croatia, Washington faced strong internal pressure to oppose Serbian aggression, and key leaders were increasingly influenced by explanations that the main sources of the conflict held Belgrade accountable. Support for the division of the federation along the republic's borders led Washington to align itself with its European allies and seemed to provide a convenient premise for the overall management of the Yugoslav problem. Prompted by the US-led international community, Sarajevo held a referendum on February 29 - March 1, 1992. The Muslim and Croat communities voted overwhelmingly for independence - but the boycott of Bosnian Serbs was also almost unanimous. Based on this result and in a tense atmosphere with violent incidents and provocative rhetoric, the Bosnian government and their joint presidency, led by the leader of the Muslim faction, Izetbegović, declared independence on March 27th. In less than a week, it was followed by recognition of European countries and the US.

Fighting broke out immediately between Serb and Croat militants and law enforcement forces in Bosanksa Krajina, Posavina, and eastern Bosnia, and shortly after the declaration of independence on the outskirts of Sarajevo, fighting broke out between Serb militants and local police forces reinforced by Muslim militants. and criminal groups. On April 4, Izetbegović demanded the mobilization of all reservists and police forces in Sarajevo, following an SDS call for Serbs to leave the city. Two days later, Sarajevo was bombed by Serbian artillery stationed in the suburbs. In these first weeks, in a turbulent situation, the government's ability to maintain public order failed. On April 7, the Serbian People's Assembly, convened in Banja Luka, declared the independence of the Republika Srpska Republika Srpska on 13 August 1992, and Serb representatives Biljana Plavšić and Nikola Koljević resigned from the joint Bosnian presidency. The HDZ publicly supported the government in Sarajevo, and on April 7th, Zagreb granted diplomatic recognition to BiH, but at the same time sought to strengthen Herceg-Bosnia autonomy in order to promote its possible union with Croatian dominoes. This goal was partially achieved on July 3, 1992, when Herceg-Bosna was declared an independent state with its own flag and armed forces[2]. The disintegration of Bosnia-Herzegovina meant war. It was a war that in its early stages, the government in Sarajevo was not prepared to fight and that the international community that had encouraged partition lacked the will to get involved or curb it. On April 5-6, a week after nationwide demonstrations, tens of thousands of protesters gathered in front of the Bosnian parliament to demand new elections and a policy of reconciliation[3].

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[1] Bashkurti L., 'Ballkani Diplomacia e Munguar', pg 102, Tiranë 2019.

[2] Bashkurti L., 'Ballkani Diplomacia e Munguar', pg 200, Tiranë 2019

[3] Bashkurti L, 'Diplomacia vëllimi II', pg 98, Tiranë 2010.

Bosnia & Herzegovina: It forces NATO to come out of its 'shell'

Bosnia has been the "stage" of many things for the first time for NATO, and the decisions taken to respond to events in Bosnia have helped NATO adapt since the end of the Cold War and shaped it. this new evolution. BiH forced NATO to emerge from its 'Cold War shell', and forced the Alliance to adapt to the challenges of a much larger world. When the war first broke out in 1991 in BiH, NATO had never conducted operations outside its territory. He had never even considered taking on powerful peacekeeping operations. It had never had important relations with other institutions. The first important lesson BiH taught NATO was that it could not be left out of the rest of Europe. The change in this philosophy by NATO members was rooted in three main reasons:

First, the Alliance finally acknowledged that the weak measures taken were not enough to end the state of war. The Srebrenica tragedy, among many other horrors, made it abundantly clear that the UN simply did not have the military means to support and promote continued diplomatic efforts, and that only NATO could bring peace.

Second, NATO members finally agreed that massive human rights abuses in central Europe could not be tolerated and tolerated. Tolerating ethnic cleansing, concentration camps, and deportees would destroy long-term projects to build a new Europe based on shared values of peace and tolerance.

Third, NATO members realized that even conflicts outside the territory could undermine Euro-Atlantic security.

NATO first used force in BiH on February 28, 1994, when it shot down four Bosnian Serb planes violating a UN-imposed no-fly zone. NATO also launched its first air campaign, Operation Intentional Force, in August and September 1995. It helped end the Bosnian War and later facilitated a nine-year peacekeeping operation there, from December 1995 to December. 2004. NATO deploys its first peacekeeping force, IFOR, in December 1995.

The political basis for the Alliance's role in peacekeeping operations was laid at a meeting of NATO foreign ministers in Oslo in June 1992. At that meeting, the foreign ministers announced their readiness for peacekeeping activities under the auspices of the Security Conference and Cooperation in Europe (CSCE, later renamed the Organization for Security and Co-operation in Europe, or OSCE), on a case-by-case basis and in accordance with its own procedures. This included making Alliance tools and expertise available for peacekeeping operations. In December 1992, the Alliance announced that it was also ready to support peacekeeping operations, under the authority of the UN Security Council, because it is the one with the primary responsibility for international peace and security[1]. Considering peacekeeping and

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[1] Hoti D., 'Premisat e misionit aktual të diplomacisë Amerikane në Ballkan, pg 3, Tiranë 2019.

sanctions, or embargo enforcement measures already taken by NATO countries, separately and as an Alliance, to support the implementation of UN Security Council resolutions related to the conflict in the former Yugoslavia, NATO foreign ministers testified that the Alliance was ready to respond concretely to further initiatives that the UN Secretary General could take to seek Alliance support in this area.

Between 1992 and 1995, the Alliance took a number of important decisions, leading to surveillance operations and, subsequently, to enforcing a UN embargo and UN sanctions on the Adriatic and the cessation of air traffic over BiH by the UN as a no-fly zone[1]. The Alliance also provided close air support to the UN Defense Force (UNFPA) and authorized air strikes that would unblock the siege of Sarajevo and other threatened areas and were designated by the UN as safe areas.

On August 30, 1995, NATO aircraft carried out a series of precision strikes against selected targets in Serb-held positions in BiH. This marked the beginning of Operation Intended Force, NATO's seventh air campaign, which lasted until 15 September. The operation destroyed the Bosnian Serb liaison and, intertwined with a determined diplomatic effort, helped pave the way for a real ceasefire, moreover, it paved the way for successful peace talks in Dayton, Ohio, USA.

Dayton Peace Accords

Under the terms of the General Basic Peace Agreement in Bosnia and Herzegovina, commonly referred to as the Dayton Peace Agreement (MPD), signed in Paris on 14 December 1995, an Executive Force was established to oversee the implementation of the military aspects of the agreement[2]. (IFOR - Implementation Force) led by NATO, with 60,000 troops and a one-year stay. The force was deployed on 16 December, and the transfer of power from the UN Force Commander to the IFOR Commander took place four days later, bringing together all NATO and non-NATO forces. participating in the operation, under the command of IFOR[3].

As of 19 January 1996, the parties to the MDP withdrew their troops from the separation area, on both sides of the accepted ceasefire line, and, from 3 February, all troops withdrew to the areas where they would be stationed under the terms of the agreement. The handover of BiH ethnic territories ended on March 19th, creating a new demilitarized zone.

At the end of June, the storage of heavy weapons and the demobilization of the required troops were carried out, in accordance with the MPD. After more than four years of conflict and the repeated failure of international initiatives to end it, in less than six months, the foundations were laid for the future peace and security of Bosnia and Herzegovina.

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[1] Bashkurti L., 'Ballkani Diplomacia e Munguar', pg 211, Tiranë 2019.

[2] Hoti D., 'Premisat e misionit aktual të diplomaciesë Amerikane në Ballkan, pg 3, Tiranë 2019.

[3] Bashkurti L, 'Diplomacia vëllimi II', pg 98, Tiranë 2010.

IFOR provided significant assistance in creating a secure and conducive environment for civil and political reconstruction. It also provided support for civilian duties, working closely with the Office of the High Representative (OLP), the International Operations Police Force (IFAC), the International Committee of the Red Cross (ICRC), and the Office of the UN High Commissioner for Refugees. (KLKBR), the International Criminal Tribunal for the former Yugoslavia (ICTY) and many other agencies, including over 400 non-governmental organizations active in the area. IFOR also assisted the Organization for Security and Co-operation in Europe (OSCE) in preparing for, conducting and observing the first free elections in September 1996 and, following these elections, supported the OLP in providing assistance to Bosnian entities. and Herzegovina in establishing new joint institutions. In addition, IFOR military engineers repaired and reopened roads and bridges and played a vital role in demining efforts, repairing railways, opening airports for civilian traffic, reactivating gas, water and electricity supplies, rebuilding schools and hospitals and the regulation of major telecommunications installations.

Conclusions and recommendations

The Balkans posed serious challenges to the factors committed to a more stable and peaceful Europe. Thus, the Balkans had a significant impact on NATO. The 1995 intervention in BiH was also the Alliance's first ground engagement and contributed greatly to the change and reshaping of NATO's identity in the post-Cold War period. Ever since it first intervened in the former Yugoslavia, it has changed and taken on a completely different role from the previous one, preparing for new challenges. Although NATO intervention in "outside territories" aroused considerable opposition within the Alliance, it had to cross the line of collective defense and develop its own crisis management capabilities. NATO's capacity and expertise to manage complex peace support operations have greatly increased over the last decade, especially in response to the wars since the break-up of the former Yugoslavia.

Attitudes towards operations across the Euro-Atlantic area have changed. While it took three and a half years of bloodshed in BiH, and nearly a year of fighting in Kosovo before the Alliance intervened to end the fighting, in the case of the former Yugoslav Republic of Macedonia, the Alliance was engaged in 2001 at the request of Skopje. To prevent the escalation of the conflict that could degenerate towards a civil war. In fact, NATO is deploying troops in Afghanistan, in support of the broader interests of the international community, to help resolve deep-rooted problems, and to create the conditions under which various peace processes can take place. self-sustaining and unconditioned by external factors. NATO's role is irreplaceable in meeting the current global security challenges, which cannot be met by military instruments alone and moreover by a single country. NATO, with its presence in Southeast Europe, is expanding its European base and at the same time putting up a defensive wall against terrorist threats coming from the East, such as Al-Qaeda.

Meanwhile, the issue of NATO involvement in the issue of energy security has recently become the subject of debate outside and inside the Alliance. With the recent crisis in Ukraine, the issue of energy was brought to the attention of NATO as well. Former Secretary-General Jaap de Hoop Scheffer has made it clear on the 60th anniversary of NATO that . According to these debates, some of the different areas where NATO should be involved are as follows: developing a common policy, military preparation and securing transit routes.

Recommendation

Thus, now is the time to complete the 'work' started in the Balkans - to give the final impetus to the full inclusion of this region in the European current before it has the opportunity to take steps backwards. It is recommended that the following steps be taken:

- The EU and NATO must reiterate their readiness to accept as members any country in the Balkans that meets the criteria for membership.

- NATO must make strong use of the means at its disposal to push for the necessary reforms - for example, the Membership Action Plan.

- In Bosnia, the West must continue to maintain a strong international presence and commitment until Bosnia implements reforms that seem far-fetched to be achieved.

- The West must continue its strong engagement in Kosovo - through the roughly 10,000 soldiers that make up the NATO-led Kosovo Force.

- Encouragement for resolving the name issue of Macedonia.

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