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Corruption between Public and Private Moralities: The Albanian Case in a Comparative Perspective[1]

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This essay draws on comparative ethnographic material from Albania and Italy. It addresses different forms of corruption, arguing that in order to understand the way in which phenomena such as corruption occur and are experienced in any given society, we should contextualize them in the historical and cultural traditions of that specific society. In doing so, however, we should be alert in avoiding falling into the trap of either moral relativism or cultural determinism. The essay suggests that an anthropological analysis of corruption should distinguish between legal rules and social norms. In particular, the empirical study of such norms helps to understand the meanings — both individual and inter-subjective — that actors give to the social and political situation in which they operate.
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In this essay I draw mainly on ethnographic material from post-communist Albania, where I began doing fieldwork in 1999. My main aim was to study regime change and legal reforms, and their implication for democratic governance. At that time, continuous allegations — and proved cases — of corruption and illegality were among the major concerns of foreign observers. I have addressed these issues in previous work (2000b, 2004, 2011); in particular, I looked at the way in which allegations of corruption are used in political competition and how they affect people's trust in their representatives and the representatives of the institutions of the state. In the Albanian case, the relationship between citizens and their new rulers has also been affected by external influences in a context marked by the country's aspiration to become a full member of the European Union and of other Western organizations, such as NATO. Over the years, I have addressed two principal research goals. On the one hand, I have examined how, in order to fulfil international demands of democratization, administrative responsibilities have been distributed at different levels of government and among different actors in the system. The initial question was to ascertain whether these actors were provided with the required authority and means (financial, human and technical, including legislative) to perform their duties. I looked at intergovernmental agreements to examine the consistency of the relationship among responsibility, authority and accountability, taking into account the social and cultural consequences of the reforms and of the attendant economic, financial and political processes. On the other hand, I have studied how people at different social levels respond to change and how they 'negotiate' the 'new parameters of action' demanded by the democratic process (and by the international community). I have looked both at 'ordinary' citizens and at the above mentioned 'governmental actors', and the ways in which they manage the resources at their disposal. My aim was to understand what generates the gap between formal legal rules and people's actual behaviour, often based on informal social norms.

Here, in addressing the issue of corruption and its 'forms, opportunities and social outcomes', I shall also briefly draw on the findings from previous research on political change,

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which I carried out in Italy in the late 1980s and early 1990s. The timeframe of my Italian fieldwork is in itself significant because, while in the late 1980s most European Communist countries were experiencing more or less vociferous movements that demanded democratization, in Western European democracies like Italy the majority of the population was clearly dissatisfied with what they regarded as a 'corrupt' democratic system. It is worth emphasizing that Italy was one of the founding members of what is now the EU, and that EU representatives have acted as 'advisors' to the Albanian government regarding legal reforms and democratization. Before looking at the ethnography, let me address some general analytical points.

It has been simplistically argued that developing countries and countries in 'transition' are often the most corrupt. I use the term 'transition' in inverted commas. In my previously published work (2004, 2011), I have extensively criticized the concept of transition (see also Saltmarshe 2001), arguing that, instead of assessing the 'success' of post-communist regime change in terms of a linear movement towards an idealistic democratic model, an informed analysis should go beyond rigidly set abstract indicators and address the empirical situation. In particular, an in-depth analysis should take into account the gradual adjustments, adaptations, negotiations and redefinitions of social identities (see also Burawoy and Verdery 1999) that are inevitable and necessary in implementing democratic institutions based on the rule of law.

Drawing mainly on statistical data on developing and 'transition' countries, the World Bank has distinguished between administrative corruption (which involves public officials at all levels of government and affects a cross section of private interests and individuals) and so-called state capture, whereby the state is captured by private interests and the distinction between public and private is consequently blurred. From such a viewpoint, the mainstream literature has focused on corruption in the public sphere, such as abuses of office as well as agreements among governments, politicians and economic powers, the nature of which is not always legal. It has been argued that the aim of such 'agreements' is to exploit the weaknesses or instability of the political and economic systems to gain private, personal advantage. Such an approach has revived a controversy on the superimposition of external models and values. Anthropological analyses fundamentally challenge such an approach, raising doubts, for instance, on the widely accepted view that a (politically) weak state facilitates corrupt practices (see, for example, Gledhill 1999, Pardo 2004).

I have suggested (2004, 2011) that, in order to understand the way in which phenomena such as corruption occur and are experienced in any given society, we should contextualize them in the historical and cultural traditions of that specific society. In doing so, however, we should be alert in avoiding falling into the trap of either moral relativism or cultural determinism. Furthermore, in looking at such phenomena as corruption, we should consider the discrepancy between, on the one hand, codes of behaviour and people's perception of actions which are legally defined as crimes and, on the other hand, the legal system which should punish such crimes. In particular, we should consider that while actions are seldom sanctioned or sanctionable *per se*, they are so in the context of given relations, of the ethical vision of such relations and of what is considered to be proper behaviour. As Pardo (2000a) argues, people do not automatically accept legal rules and behaviours as legitimate, similarly, they do not

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necessarily regard actions that, by definition, fall outside the strict boundaries of the law as morally illegitimate.

An anthropological analysis of corruption should ask whether this phenomenon should be looked at only in relation to a set of legal rules or whether it should also be contextualized in a given normative system. As Greenhouse (1982) has observed, (legal) rules and (social) norms are different in type, not in degree. Referring to Fuller's work (1969), she states that rules are products of legislation; they are intelligible, consistent and stable. They are written in relation to a given administrative system and therefore are predictable and public. Rules require a legitimate legislator, who guarantees reliability and predictability, even when they are violated; and yet, although rules imply accountability, they do not necessarily imply obedience (Greenhouse 1982: 60). In contrast, norms belong to the private domain; they are not unanimously known (in the sense that they are based on shared knowledge and not on the promulgation of an institutionally sanctioned authority); they do not necessarily imply reliability, although they are shared on the expectation of trust and accountability; they can be contradictory and are often applied in a selective way. Finally, the individual's knowledge of them is always incomplete (Greenhouse 1982: 61). Greenhouse suggests that norms imply a system of ideas regarding social relations and the social structure; ideas which lead individual actors *to compare* their own actions, and the justifications for such actions, with the actions and justifications provided by others. It is, thus, a system of inclusion and exclusion; a process of classification and reclassification of oneself in relation to the wider society.

The Albanian Case: The Background

Using historical and contemporary ethnographic material, in my previous work I have analysed how the concept of 'corruption' as it is defined in Western jurisprudence is not contemplated by the Albanian traditional juridical system, an oral tradition that was codified only at the beginning of the 20th Century and is commonly known as *Kanun*.[2] For the purpose of this essay, it is relevant to point out that this Canon of Customary Law regulated the social, economic and political relations of a segmentary tribal society based on a system of obligations and loyalty among the male members at brotherhood and clan level. This segmentary social organization relied on a system of exchange based on reciprocal obligations that bound the individual to the group; belonging provided not only a sense of identity, but also protection against the infringement of social norms. Because these were unwritten norms, trust and expectations of trust, credibility and accountability were fundamental and were constantly assessed through personal relations. Margaret Hasluck (1954) described this system as a true democracy because it was a government of the people, for the people, by the people.[3] In such a system it was expected that a person would act in the interest of the primary group to which he belonged; to do otherwise would be dishonourable. At the same time, a person would not pursue personal

[2] Bardhoshi (2011) points out that there are several regional variations of the *Kanun*; therefore, social norms may vary significantly from one region to another.

[3] I describe in detail the traditional segmentary organization of Albania in previous work (see, Prato 2004, 2009 and 2011).

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interests that would be detrimental to his group. Therefore, in such a system, there would be no incompatibility between 'administrative', or rather, 'public duties' and obligations towards one's group (be it the brotherhood, the clan, or the tribe);[4] being a 'good brother' also meant fulfilling the social responsibilities deriving from public office. Indeed, for a long time the word closest to the Western concept of corruption used by Albanians was the Turkish word *ryshfet*, which can be translated as the 'offer of a gift' (in the pursuit of an interest).[5] This concept was usually applied to the attempts of the Ottoman administration to 'buy' the loyalty of clan leaders — which would often be regarded as a betrayal of the loyalty and obligations among the clan's members — or to benefits and privileges that were granted to Albanians who converted to Islam but were denied to the rest of the population. Older Albanians have sometimes pointed out the word *prish* to me, which I also found in an Albanian dictionary of 1936. In English, this word translates as 'to ruin', 'to destroy', or to squander money, to spend lavishly, to thwart (plans), to break. The 1936 Albanian dictionary provides three definitions of *prish*: 1) chemical-physical processes of deterioration; 2) moral deterioration, which however does not imply a self-conscious, voluntary act (the example used is, 'a boy led astray by friends'); 3) to squander money, or to put up an obstacle.

In the 1980s, two new words were introduced in the Albanian dictionary (which are transliterations from Western European languages): *korruptím* (noun) and *korruptoj* (verb). The meaning of *korruptím* is given as 'the act and condition defined by the verb'. The definition of the verb *korruptoj* uses both *prish* and *ryshfet*, and gives great emphasis to the meaning deriving from *prish*. Thus, corruption is defined mainly as 'moral' corruption, typical of the capitalist system (a system that 'corrupts people, especially the young'). Further explanation also provides the meaning of 'bribe', using the word *ryshfet*. Many Albanians argue that the latter meaning became widespread during the last decade of the Communist regime. However, it must be noted that, in totalitarian regimes, corruption is a phenomenon involving the élite, the power-holders and, therefore, is not exposed to public sanction. In Communist Albania, as in many other totalitarian regimes, nepotism, associated with a proved loyalty to the party, was a stronghold of the regime's power. It should also be stressed that under Communism, the Party *was* the *Law*; in fact, the profession of lawyer did not exist.

Nepotism, however, was not the only form of corruption under Communism. In 1976-86, following Albania's economic autarky, corruption became widespread at all levels of the State's institutions. While embezzlement of funds and other forms of theft among State officials multiplied, the party's hierarchy began to publicize various political scandals some of which significantly involved a Minister of Interior and officials of the secret police. On the one hand, such public disclosure was aimed at fostering popular support for the Party in a situation of deep economic crisis. On the other hand, moralizing campaigns became the means of political

[4] The primary group of reference would change according to the specific circumstances; for example, whether there were conflicts to be solved between brotherhoods or between clans (in the latter case, different brotherhoods belonging to the same clan would ally against the opposing clan); or obligations to be fulfilled by a brotherhood towards another brotherhood, or by one clan towards another clan (in which case all brotherhoods of the same clan would be expected to fulfil such obligations).

[5] In English it is commonly translated as bribe or graft.

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competition among party cadres in preparation for the succession to Enver Hoxha — who died, after a prolonged illness, in 1985.

So, under Communism, *ryshfet* and the abuse of office (in their diversified forms of nepotism, theft and embezzlement of funds) appeared to involve mainly higher levels of society and to be associated, among ordinary people, with the corrupting power exerted by a central government in order to subjugate the Albanian people (and break down their tribal identity). In contrast to such a centralized and centralistic approach, in democratic systems, potentially everybody has access to resources, including those arising from socially acceptable exchanges of favours or from illegal dealings. Later, I shall address the system of exchange that operates among ordinary people. For now, let us look at corruption among the contemporary Albanian élite.

Since December 1990, Albania has experienced deep social, economic and political change. This process began with the introduction of political pluralism, which paved the way to institutional and legal reforms that would eventually stimulate the development of a market economy.

The introduction of political pluralism has exacerbated the instrumental use of corruption and of the moralizing campaigns against it in political competition; a phenomenon that, as we have seen, was already present, though in different ways, during the late Communist period. This, however, is not an Albanian idiosyncrasy. Pareto (1964) and Mosca (1923) have pointed out how, also in Western Liberal democracies, the use of moralizing campaigns has been instrumental to the circulation of the élite. In post-communist Albania, proved cases of corruption and (often unsubstantiated) accusations of corruption have become the means for political opponents to exclude each other from power. Perversely, however, the alleged 'corruption' of one party also becomes the *raison d'être* of the other party. As the recent events of January 2011 show, still today the Socialist and the Democratic Parties appear to pursue their political agendas by staging demonstrations against each other. For example, the Socialist Party is still challenging the result of the 2009 elections.[6]

In post-communist Albania, cases of corruption have involved representatives of the institutions of the state (including former prime ministers, and former presidents of the Republic) and high-level bureaucrats, who in some cases have been accused of embezzling international financial aid and of administrative fraud. Some of the accused have justified their corrupt actions in the name of the 'public interest'; in particular by claiming that their dealings were helping economic development and, thus, facilitating the process of democratization. Perversely, however, these justifications have facilitated the illicit accumulation of private wealth to the detriment of local enterprise and of the interests of the wider citizenry; that is, the interest of the general public on whose behalf they claimed to act.

The contemporary situation raises critical questions. To what extent is Albania different from established Western democracies? Is it a qualitative or quantitative difference? In the next section, I shall briefly describe the Italian context of the late 1980s. This makes a significant

[6] In a later section, I shall address articles of the Albanian Criminal Code that specifically deal with 'attempts of corruption' in the procedures of the 'democratic electoral process'.

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comparative case because, as I have mentioned, the EU — of which Italy is a key member — is one of the Western international organizations that are monitoring the 'democratic' process in Albania, and its representatives (from different EU countries, including Italy) have acted as 'advisors' to Albanian state officials.

Parliamentary Democracy vs Party-rule: The Italian Case

In my analysis of the changes that occurred in Italy in the late 1980s and early 1990s, I have addressed the degeneration of the Italian political system from a parliamentary democracy into a system of party rule (represented by the so-called *partitocrazia*, partyocracy, and *sottogoverno*, sub-government, or hidden government). I have argued (Prato 1993, 2000) that in order to understand the legitimacy granted to such a system beyond formal law, it is necessary to look at the 'ethics of responsibility' that guide the actions of individuals and ask, following Weber (1974), what 'cause' the politicians of *sottogoverno* claim or aim to serve (see also Prato 2012). If we agree with Weber that the politician's action is characterized by partisan spirit, we ought also to agree that responsibility towards a particularistic cause would be the ultimate goal of such action. Furthermore, I have suggested that, apart from the acquisition of personal power, in a party-ocratic system — which developed in response to the original weakness of the parties — the cause to be served is the acquisition of power (electoral and political) for one's own party. In Italy, as the work of the executive body (that is, the government) is constitutionally subordinated to the trust granted by the parliament (whose members are in fact party representatives), the observable outcome of such an approach to politics has been that the informal rules of sub-government have become dominant. In this situation, the 'cause' to be served feeds on an internal ethic of responsibility towards one's party (or party faction) and its allies in sub-government. Once this duty has been fulfilled, responsibility might extend to one's electorate and, maybe, ultimately, to the broader society.

It should also be noted that, critically, party-ocracy has extended the control of the political parties over public offices through a system of distribution of spoils known as 'allotment'. In this situation the bureaucratic and administrative structures seem to have failed to become separated from the process of political competition; thus, the 'ethics of responsibility' of sub-government extend to those areas too. This is crucial because, contrary to what is prescribed by the Italian Constitution, in this party-ocracy civil servants, especially in ministerial offices, cease to be at the 'exclusive service of the nation' (Italian Constitution: Art. 98). As they are appointed by the parties in accord with the allotment procedure — which also involves 'trustworthy' opposition parties — they are restricted in guaranteeing 'the good performance and impartiality of the administration' (Italian Constitution: Art. 97). For them, the ministerial office increasingly becomes an important step into a high-level political career; thus, 'bureaucratic, administrative responsibility' becomes an empty concept and the office holder becomes responsible in the party-o-cratic sense described above.

The intricate, cross-party network of *sottogoverno* relationships is, thus, based on a system of inclusion and exclusion, whereby politicians, and bureaucrats, who claim responsibility towards the common good and to an impartial administration are regarded, and treated, as untrustable and unaccountable partners, 'irresponsible' politicians of 'low moral

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standing' (Weber 1974: 95). In such a situation, the 'trustworthy' opposition parties — who are officially outside government, but have their share of power in *sottogoverno* — end up strengthening the 'negative power' of the parties, that is the power of blocking action. When, in the late 1980s, popular movements, and individual actors within the system, began to challenge this 'normative' framework (see Prato 2012), new rules were introduced (well before the *tangentopoli* scandals).[7] As I have argued elsewhere (Prato 2000), paradoxically, these new rules brought about the 'institutionalization' of sub-government, whereby pre- and post-electoral negotiations and compromises ceased to be the outcome of a 'shared conduct' (among the politicians of sub-government) and became officially legalized. There appears, thus, to be a sociologically significant truth in the fact that a shared conduct becomes institutionalized, and therefore 'legally' binding, when such a conduct starts losing consensus (Weber 1978; Bohannan 1965). Bohannan's hypothesis of the double institutionalization of norms may help to unpack the new Italian situation. For Bohannan, as for Weber, the diffusion of a conduct among a plurality of individuals will inevitably lead to a consensual understanding. For Weber, however, such a consensus is not by itself law. From the Weberian perspective, the necessity of introducing new rules of law is mainly explained by the emergence of new lines of conduct that challenge the established consensus. In such a situation there may be individuals who would favour change either to protect their interests, thus altering the external conditions in which they operate, or to promote them more effectively under existing conditions. The Italian changes seem to be the outcome of the first possibility envisioned by Weber. More interesting, however, Bohannan has argued that a shared conduct becomes institutionalised, and therefore, 'legally' binding, when such a conduct starts losing consensus. Taking Bohannan's analysis further, we could say that, although sub-government was certainly not losing consensus among political parties, the moral opposition to it expressed in the broader society seriously threatened its survival. Thus, while political parties started preaching 'revolutionary changes', the rules of sub-government were eventually enforced by law, thus becoming institutionalised.

As Pardo (2000b, 2004) has pointed out, in the post-*tangentopoli* situation, appropriate changes in the law have decriminalized actions that had been previously instrumental in bringing down most of the old political parties (see also Pardo's chapter in this volume), but not, I reiterate, the old party-system.

The Albanian and the Italian cases lead to the questions: what in fact is corruption; how do we define it?

Interpreting Corruption: Contested Empirical Reflections

It has been effectively argued that the definition of corruption depends mostly on the definition of illegality, and on the classification of certain kinds of transactions, as they are provided by different legislative systems and by the international community (Gledhill 1999, Pardo 2004, Prato 2004).

[7] In the early 1990s, magistracy enquiries led to the exposition of corrupt practices in the Italian political system. The enquires became known as *tangentopoli* (literally, bribesville), or kick-back city. Pardo (2000b, 2001) describes in details the reasons and outcome of these enquires.

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As Nilsson points out, definitions of corruption are not harmonized in Europe (1994: 90); indeed, different European criminal codes provide different definitions of corruption. In some cases, the word corruption is not used. Sometimes, there is a definition of different offences, such as bribery, purchase of votes, and the exercise of undue influence. To overcome these difficulties, in the summer of 1993, the Council of Europe convened the 19th Conference of the European Ministers of Justice on the topic, 'Administrative, Civil and Penal Aspects of the Fight against Corruption'. The preparatory documents stated that, 'The notion of corruption is to be understood in its widest sense, extending to all fields of activities, both private and public, and to all persons invested with private or public functions who acquire an undue advantage linked to the exercise of such functions' (quoted in Nilsson 1994: 90).

These different legal traditions and the attendant different schools of thought have influenced in different ways the legal reforms in Albania, often leading to discrepancies and inaccuracy in Albanian Law.

In the new Albanian Criminal Code (which was approved in 1995) corruption is a crime. Nevertheless, until the mid-2000s, corruption was rarely investigated; it would be simplistic to explain this omission as a lack of political will. One of the initial and frequent explanations given to me was that the Albanian judiciary were not trained to deal with this kind of crime, and that the necessary judicial structure was not fully developed. According to foreign observers, political influence in the appointment of magistrates has been a major obstacle in the fight against corruption. One major explanation, however, appears to be found in the weakness and inefficacy of the legal system. In the Albanian Criminal Code, there is only one article listed under the heading 'crime of corruption'; this is Article 312, which addresses the instigation to commit perjury. The crime of corruption, as it is envisaged in other European criminal codes, can be deduced from other articles relating to 'criminal actions against public offices' and 'criminal actions against justice' (Arts 259 and 260, relating to the request and acceptance of bribes); or others which refer to perjury, deceitful expert's reports, deceitful misinterpretation of official acts and deceitful translation (Arts 306, 308, 309, 321). Still others address the acceptance of bribes by judges and public prosecutors (Art. 319) and interdiction from public office (Art. 35). Articles 244 and 245 refer specifically to Public Administration and establish penalties for officials who accept bribes, gifts or other profits to undertake a specific action in the exercise of their public duties, or for dereliction of such duties. Article 328 refers to 'attempts of corruption' in the 'procedures of the democratic electoral system'; it states that it is considered an attempt at corruption to try to obtain the signatures necessary to present a political candidate, or to influence the vote either in favour of or against a candidate. Furthermore, there are several contradictions between different articles, which often lead to their inapplicability in practice.

The above articles show that Albanian Law is often evasive, imprecise and full of gaps. Alternative punishments are almost always prescribed: the penalty can be either a fine or imprisonment. This principle of an 'alternative penalty' is supposed to be evidence of an advanced judicial system. In the Albanian situation, however, it becomes an ambiguity that often leaves room for the judge's own (many say, arbitrary) interpretation of the law. Over time, such ambiguity has encouraged corruption through limiting the deterring element of the penalty.

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Passing new laws would probably not work. As is shown by some Western cases (including, for instance, Italy), the proliferation of laws (sometimes contradicting each other) is also evidence of a weak and ineffectual system. At both ends room is left for arbitrary judgement, which leads people to challenge both the impartiality of the Law and, as a consequence, its legitimacy.

The need for Albania to gain international credibility has spurred anti-corruption investigations. Successive Albanian governments have implemented various policies in fulfilment of their pledge to fight corruption. Apart from the approval of the new Criminal Code in 1995 — which, as we have seen, includes within limits the crime of corruption — other significant initiatives are worth mentioning. In 1998, the government approved the first 'Plan of Action against Corruption'; in 1999 it began to implement the first 'Strategy against Corruption' in consultation with international partners. In February 2000, Albania signed the 'Anti-Corruption Initiative of the Stability Pact for South-East Europe' (SPAI). In signing the SPAI, Albania, other Southeast European countries and their international partners agreed that they would fight corruption at all levels: national, international, organized crime, money laundering, and so on. Nevertheless, cases of corruption continue to occur, and to be reported, in many spheres of public and private life.

Paterna (2000) reports malpractice and bribery in several public sectors that would be regarded as corruption in many Western criminal codes. Drawing on international 'indicators', he reports that a most common form of corruption appears to consist in payment to obtain jobs as custom officers (more than 50 percent of whom are said to have obtained their job in this way), tax inspectors, magistrates, public attorneys, directors of public institutions, as well as in the police. Moreover, so-called 'corruption costs' are regarded as the biggest expenses for small and medium enterprises. Forty-five percent of such enterprises must pay bribes for services such as import-export operations, building permits, telecommunications, avoidance of tax inspections and civil and penal sanctions. Of those who have to deal with the judiciary, one in three has paid bribes to officials. The most corrupt legal professions appear to be bailiff, notary, public attorney, judge and prison officer; and the most corrupt public institutions appear to be the magistracy, customs, institutions appointed to supervise the privatization of state assets and the restitution of property, and public hospitals. My ethnography suggests that the empirical situation is rather complex. Elsewhere (Prato 2004), I have examined cases of entrepreneurs who have exploited loopholes in the law and have 'successfully' avoided fiscal controls and the payment of business taxes and of workers' benefits. On the other hand, I have also collected empirical evidence on cases of budding entrepreneurs who refused to pay corrupt officials. The case of Tani and his partners is a telling example. Tani was a schoolteacher when he migrated to Italy. There, he married an Italian girl whose family owns a food-processing factory. Tani and his brother-in-law decided to develop an import-export business with Albanian partners. Tani describes his experience with the customs officers as traumatic and unbelievable. Every time he disembarked in Albania, and on embarkation for his return journey to Italy, he was asked for money by two custom officers. As he refused to pay, the officers threatened him, saying that his business would be short-lived. He gave up his share in the business after his Albanian associate was assaulted and robbed (see, Prato 2004: 77-78). In spite of this negative

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experience, years later Tani established a new business of a different nature. For this new business, he relies mainly on internet communication and online trade. So far, he says, in Albania the kind of 'internet crime' that might affect his business is limited; this, he adds, makes him confident that he can continue to operate within the law and without having to compromise too much. Occasionally, he travels to Albania to meet his associates there. On those occasions, he takes 'small gifts' to bureaucrats who have helped him in dealing with the intricacies of the often ambiguous business legislation. Similar to Tani's initial experience, the case material (Prato 2004) that I collected on a magistrate supervising the restitution of property confiscated by the Communists shows that magistrates who do not comply with the unspoken but widespread practice of accepting bribes are forced to transfer to other departments in order to avoid retaliation (and, in some cases, physical assault).

Nowadays, foreign observers seem to take a positive view of what appears to be a decrease in corruption in many of the above-mentioned sectors. On his visit to Albania in 2009, Bill Hughes, the Director General of the UK Serious Organized Crime Agency, praised the achievements of the Albanian government, particularly regarding the successful steps taken in the fight against crime and corruption and the progress made in terms of judicial reforms and in strengthening the rule of law. However, international observers believe that there are still key issues that Albania needs to address more efficiently, such as reinforcing the government's anti-corruption action plan and increasing the independence and transparency of the judiciary. The achievements mentioned by Mr Hughes clearly have brought about institutional credibility and legitimacy demanded by supranational organizations; however, in my experience, they have not led to citizen recognition of legitimacy.

We should ask, therefore, how is this situation affecting ordinary people's relations with, and perception of the new political élite and of the state institutions?

Legal Rules and Social Norms: Insights from the Grassroots

The Preamble of the Albanian Constitution (approved in 1998) states the aim of building a social and democratic state based on the rule of law and of guaranteeing human rights and equality of opportunity in the framework of a market economy. While on paper the new Albanian Constitution appears to guarantee such rights, the empirical situation is complex and diversified.[8]

Empirical evidence suggests that many Albanians find the contemporary situation disorienting on three accounts. First, they realize that the existence of democratic institutions alone does not guarantee the protection of citizens' rights. Second, they associate this failed protection with the fact that very often institutional representatives do not appear to have the necessary authority and the means to perform properly their duties; poor public services and ambiguous legislation are two aspects of this situation. Third, malpractice, allegations of corruption and abuses of office continue to make the headlines and to be experienced at the grassroots. This has led to a widespread view of the political élite as people who are mainly concerned with signing international agreements and setting up procedures and performing acts

[8] For a detailed analysis of ethnographic material, see Prato 2011.

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aimed at gaining personal power, while ostensibly ignoring citizens' needs. In particular, as the partially accomplished economic reforms have fostered people's discontent, opposition parties have turned what had the making of a serious breakdown of the 'social contract' into an opportunity to gather electoral support, while continuing to be observably unable, or unwilling, to manage the economic crisis. In 1999, when I began my research, Albania was still dealing with the chaos caused by the 1997 collapse of the 'pyramid schemes'. Over the following five years, under the Socialist Party, there were four changes in government, due to party infighting which, as Raxhimi reports (2002), has substantially contributed to delaying the negotiations for Albania's accession to the EU (the Accession Protocol was eventually signed in 2009). Above all, in this situation ordinary Albanians are de facto denied access to the most fundamental rights.

To put it briefly, the Albanian State appears to be failing to 'pool' resources and 'redistribute' them on the basis of equality of opportunities and citizens' rights. In the face of people's new economic and social aspirations, this failure has generated a situation whereby people have developed multiple strategies to gain access to resources or, simply, to cope with the uncertainties of life.

After the collapse of Communism, images of a 'good' Western life-style were widely broadcast in the media. Ordinary people no longer wanted to be excluded from such a life-style. Some wanted quick access to it and would use whatever means to achieve this goal. Others, while feeling disoriented, were more discerning about how to gain access to the new available resources (and the new acquired rights). Ethnographic material shows that in both cases mobilization of traditional networks and the ability to appeal to the attendant value-system have proved to be key assets in gaining access to services and in partaking, with different degrees of success, in the good life that democracy claims to bring. I have constructed representative case studies to illustrate how people, faced with life crisis situations or with ambiguous or weak legislation, endeavour to gain access to resources and to what should be available to them by right through informal networks and relations of reciprocal help (Prato 2011). Mobilization of social networks proves essential, for example, in gaining access to proper health care, or in the restitution of properties that were 'collectivized' under Communism (this is especially the case of Albanians who have refused, or did not have the means, to bribe the relevant magistrate; see Prato 2011). Thus, in the postcommunist situation, characterized, on the one hand, by the emergence of 'economic individualism' and, on the other hand, by the failure of the State to protect the rights of citizens, networks of individuals or groups become important elements of the aforementioned multiple strategies. A summary description of the case of Enida, Bledar and Faton, which I have examined at length in a previous essay (Prato 2011) may help to illustrate this point.

Having failed to regain their family property through the new Law on the Restitution of Property of 1993, Enida and Bledar eventually decided to use their informal network. They were not indiscriminate in their approach, though. Contrary to the widespread assumption (especially among foreign observers) that in postcommunist Albania people try to achieve their goals by appealing to the 'old clan mentality' and the attendant values, after careful consideration Enida and Bledar excluded close family members from their strategy. They found

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instead a trustworthy interlocutor in Faton, a non-blood relative of Enida's, who is locally regarded as a skilful entrepreneur who manages his activities within the limits of 'relative' legality that mark the current situation. Faton's help turned out to be crucial in solving the problem. Drawing on his local reputation, he involved entrepreneurs from the building sector with whom he had done business in the past. Eventually, Bledar and Enida regained their land and, lacking money, allowed Faton to build a block of flats on it. In exchange, they received a large apartment of their choice, which Faton fully furnished at his expense.

In trying to make sense of the social significance of what might appear as an imbalanced exchange — for Faton's material gain was considerably higher — I found it analytically useful to look at some aspects of the Albanian traditional system of exchange and the attendant values. In this system, exchange does not occur as an occasional transaction between single individuals but is, instead, part of a chain of reciprocal help based on kinship and regional networks, whereby transactions tend to occur among families. Such networks are usually mobilized in cases of emergency, but also in mundane situations. This set up could be described as a system of socially-based generalized reciprocity (*à la* Sahlins 1965) where value is attached not to the 'quantity' or to the material value of the help provided, but to the family's effective readiness to respond to the call. Failure to respond leads to social ostracism. Providing help, and when possible protection, enhances the self-image and social status of the giver. However, although this appears to engender a hierarchy of obligations, reciprocal help may be expressed in different ways, depending on individual circumstances and on the wider social conditions and historical contingency. In the process, old links are strengthened and new relations of trust are created.[9] This is important for, as I have argued, trust plays a central role in the whole system. In contrast to cultural deterministic approaches, I have suggested that what might appear to a superficial observer as a resurrection of a traditional system of reciprocity should instead be understood as a new system of 'exchange of favours' of the kind described by Pardo (1996) in his Naples ethnography, where selfworth and its social recognition are central in the dynamics of social relations.

In the ethnographic case described above, the exchange with Faton was more than satisfactory for Enida and Bledar, who regained the family property, could finally leave the run-down building in which they had been forced to spend all their life and strengthened their relationship with an influential individual like Faton.

Far from representing the restoration of an 'old mentality', their strategies exemplify new applications of people's appeal to reciprocal help and family obligations, bringing out the ideological construct of their approach. As Faton observed in commenting on his transaction with Enida, Bledar and other local entrepreneurs, he, like many others, has often had to apply the 'logic of the market', 'shopping around' for the best deals and the more trustworthy partners. In such a logic, kin networks cannot always be a priority. Nevertheless, Faton is widely regarded as a 'generous' and 'disinterested' person, which has enabled him to

[9] Following Polanyi (1944), the personalization of social exchange appears to be a way of building trustworthy relations.

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establish social relations of trust and, in the contemporary social and economic situation marked by new forms of social stratification, a sense of self-worth and social standing.

Concluding Reflections

It has been argued that in many societies that experience rapid social change social behaviour does not always conform to legal rules (Kregar 1994); instead, legal rules are often seen as obstacles to be by-passed. In this essay, I have briefly referred to the Italian ethnography to highlight forms of 'corruption' (in the sense of the degeneration of an established parliamentary democracy), which are usually overlooked when analysing corruption in developing or 'transition' countries. A comparative look at the two ethnographies discussed here suggests that both in the Italian and Albanian cases the initial weakness of the political parties may dangerously lead to a situation in which a 'shared conduct', based on informal norms, prevails over the rule of law. This may lead, in turn, to a new form of dictatorship — that is, a system of party-rule — which guarantees its self-legitimation but alienates people's trust and undermines the legitimacy of the new legal rules.

We have seen that in the fluidity that marks the Albanian process of democratization, unhelpfully labelled 'transition', access to resources continues to occur in a selective way and that ordinary people are often denied access to most basic rights. In this situation, the new rules are either received as ambiguous or seen to be too complex to be applied. It follows that personal re-interpretation and exemptions become the (informal) rule.

In the past, classificatory approaches that label states as 'weak' and 'strong' have put a spin on what a strong state should be. The contested concept of transition that underlies the approach of the international community appears to be reproducing this kind of misleading analysis, portraying Albania as a 'weak' state. The descriptive analysis of the situation has suggested a far more complex view. It has suggested that citizens grant legitimacy by comparing their motivations and actions with the motivations and actions of their rulers. It has suggested that, ultimately, the credibility of rulers builds on relations of reciprocal trust. When the formal institutions are not trusted, we have seen, informal social institutions, such as personal networks, become the guarantors of stability and security.

People's mobilization of traditional networks and their appeal to the attendant value system should not be seen, however, as a cultural legacy or the restoration of an old mentality, but as a new development of familiar patterns that take on new meanings and are used to new ends, including as resources in overcoming legal or illegal bureaucratic obstacles. New, but often weak, laws are seen as obstacles to be by-passed. In many cases, such obstacles take the form of illegal practices and abuse of office. If we consider the dynamic dimension of society and culture, we realize that informal networks, and the new relations they engender, have become part of a system of exchange of favours which is based on broadly defined social and moral norms. Such norms imply a system of ideas regarding social relations and the social structure, leading to a process of classification and re-classification of the self in relation to the wider society. To put it briefly, the empirical study of such norms helps us to understand the meanings — both individual and inter-subjective — that actors give to the social and political situation in which they operate.

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One would be tempted to ask, what will be the future of Albania? Will the current situation lead to the institutionalization of 'shared conducts' which, though regarded as legitimate by the actors involved, are de facto illegal, as has happened in Italy? Perhaps a tentative answer will have to take into account two factors.

First, as I have argued, the dynamics of phenomena like corruption must be contextualized historically and culturally. However, beyond cultural specificity, it is also necessary to contextualize national processes within broader international interests. It could be argued that the logic of inclusion and exclusion — which I have discussed in relation to the Italian sub-government and the Albanian system of exchange — might serve both Albanian and international interests. On the one hand, Albania needs to be recognized as a true democracy accountable to other Western democracies. On the other hand, there is a strategic international interest in including Albania in the 'Western world'.

Second, the Albanian case seems to corroborate the view that corruption cannot be explained by a simple cause/effect model. Most importantly, we should recognize that corruption is not an isolated phenomenon circumscribed to specific countries. Although all Western criminal codes address corruption in one form or another, there appears to be an unwillingness, or a powerlessness, in punishing it. The judicial systems of the countries discussed here appear to be weak and inefficient against this crime. In the Italian case, the weakness and inefficiency is manifested in the proliferation of laws (which often contradict each other). In the Albanian case, there are few laws and those that exist are vague. What appears to be beyond question is that both systems leave ample room for arbitrariness, leading to the very problematic consequence of fostering doubt at the grassroots on the credibility and legitimacy of legislation and, more worryingly, on the credibility of the Law.

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