

The beginnings of Parliamentarism in Albania - Enactment of the first important laws that changed Albanian society

Assoc. Prof. PhD. Eva Tafili

PhD. Bashkim Boseta

Abstract

The parliament in Albania was not established with the creation of Albanian state and the parliamentary activity did not begin its journey at the same time as executive body took its first steps. Its origin dates back to January 1920, when the Congress of Lushnja¹ established the National Council. Albania's first parliament met in April 1921, after free elections were held. Its activity culminated in late 1922 with the approval of the Extended Statute of Lushnja. This parliament was known for the political debates and the conflict between government opponents and supporters. It was a conflict that continued even in the Constituent Assembly of 1924, until the assembly was dispersed by the June Movement.² Upon the return to power of King Ahmet Zogu, in January 1924, the Constituent Assembly was re-elected. This assembly, although incomplete, declared the creation of the Republic of Albania, and in March 1925 adopted its Constitutional Statute. The bicameral republican parliament, consisting of the Senate and the House of Deputies, began its work following the new elections in June 1925. Its activity was very intense and both chambers joined together as the Legislative Assembly on several occasions, to make important decisions based on the statute's provisions. The House of Representatives and the Senate approved major economic concessions to partners from the United Kingdom, United States, Italy, France and other countries. This Parliament also approved the agreement for the constitution of the National Bank, the loan from the SVEA and the military pacts of 1926 and 1927 with Italy. The overwhelming majority of parliamentarians and senators supported and approved the Criminal Code and the Civil Code, which were positive developments for the Albanian state. However, the House of Representatives and the Senate did not always agree. Such was the case with the revision of the Basic Statute, of which the House of Representatives requested a complete revision, while the Senate voted for a partial revision.

The attitude of the deputies gave impetus to the work of the parliament, contributing to adopt the best laws for the Albanian state. However, even in that parliament there was always a large group of deputies who spoke very little or never. The vote cast by this group was decisive, since they were a large category of deputies.

Keywords: Parliamentarism, Albania, laws, society.

Introduction

An important development of Albanian parliamentarism was the Constitutional

¹ Congress of Lushnja, held on January 21-31, 1920.

² The "June Movement" was the political reaction of the parliamentary opposition and Albanian intellectuals (June 1924), which was triggered by the assassination of MP Avni Rustemi.

Assembly of August 1928, which on September 1, 1928 declared the creation of the Albanian monarchy and named Ahmet Zogu as “King of the Albanians” under the name Zog 1st. In December 1928, it adopted the Basic Statute of the Kingdom of Albania, which stipulated that the parliament should have only one chamber - that of deputies. Its activity has been extensive and multifaceted. Although it was a non-partisan parliament, given that political forces were not allowed in Albania at that time, in some cases the parliamentarians not only openly opposed government policies, which affected the improvement of bills submitted for approval, but also influenced the resignation of certain governments. The parliament approved important economic concessions with Italy, such as the financial agreements of 1931 and 1936, as well as agreements with other neighboring states and countries. It played an important role in the development and protection of the national economy through the adoption of the Commercial Code in 1932, with the direct support of large Albanian companies such as “Dele”, “Sita”, the cement factory of Shkoder, etc. The parliamentarians have played a positive role in efforts to ease the living conditions of the poor Albanian population by intervening in government policies or taking legal initiatives themselves. Some of the important decisions of this parliament include the approval of the Law on Religious Communities at the end of 1929, the Land Reform Law in 1930, the Press Law in 1931, the Educational Reform (Ivanaj³ Reform) of April 1933 and the project of the Education Act, the March 1937 Coverage Ban, etc. It is worth noting that the parliamentary activity of this period was dominated by the modern spirit of parliamentary debates, the ethics of communication, accountability and respect for parliamentary rules.

- **The Law on Religious Communities (1929)**

The first discussion on the decree law took place in parliament on November 23, 1929. What was impressive at the time when the discussions started is the fact that a group of deputies began their opposition from point 1, where it was stated that “Everyone in Albania enjoyed the freedom of conscience and religion they desired, guaranteed by articles 5 and 203 of the Basic Statute.” According to them, apart from Islam, Orthodoxy and Catholicism, there was no need for other religions in Albania. This thesis was opposed by government representatives and some MPs. The justice minister, Hiqmet Delvina, stressed that if a new faith will be born and have many followers, it should be allowed on the condition that its clergy preach the religion of God and not be an instrument of foreign intrigue⁴. Certain deputies declared that the decree was unnecessary. According to them religions had been regulated for centuries according to customs, laws and religious canons. They even spoke out against sending government representatives to religious conventions.⁵ The parliamentary committee, in its analysis of the decree, sanctioned the freedom of religion in accordance with the government decree law, but added a new article on sects. The added article stated that “they would be part of the respective communities and would act on the basis of

³ Mirash Ivanaj, Albanian Minister of Education, January 11, 1933 - August 30, 1935.

⁴ Central State Archive (AQSH), F. 146, V. 1929, D. 91, fl. 31.

⁵ Central State Archive (AQSH), F. 146, V. 1929, D. 91, fl. 35.

community regulation”, and “their heads would be elected on the basis of community regulation and would be appointed by the presidents of the respective communities, but the appointment of the heads of important sects must be subject to government decree.” The sects, like the communities, were known as moral persons⁶ in terms of the administration and possession of their property.” In this way the commission regulated and strengthened the government’s thesis on religious freedom. In fact, this intervention directly affected the Bektashis who were the largest sect, but the commission chose a middle ground. By placing sects under the leadership of communities, they were denied independence. However, by specifying the activity on the basis of their regulation, the right of administration, property, etc., they were given a kind of autonomy.

The deputies ensured that religious communities’ leaders are elected in an orderly and controlled manner. Thus, the committee intervened by sanctioning in the article 7 that “the heads of communities, the heads of sects and all other officials, could not start any office without being legalized according to the provisions of the law, the statutes of the respective communities and the regulations of the sects, otherwise they would be punished in accordance with article 213 of the Penal Code.” They also took care that the income of the sects was also controlled, deciding that their budgets and regulations could not enter into force without the approval of the Council of Ministers. Furthermore, the Ministry of Justice in any case had the right to check the status of their income, assets, to ask for responsibility and to investigate the modalities of the expenses made. With regard to public officials who could be appointed to religious functions, the committee confirmed the punitive provisions of the government decree. The committee also took care to increase the government’s control over the decision-making institutions of religious communities and sects. To this end it drafted an addendum, sanctioning that “the participation of civil servants as members of the general councils of religious communities, or as delegates to religious congresses, was not a religious duty and from this there would be no punitive measures.”⁷

The law also included punitive measures against the violations carried out by community officials. In this regard, the government decree had left the decision in the hands of community leaders, who were obliged only to notify the Ministry of Justice of the measures taken. This gave power to the leaders of the respective communities, but there was a risk of creating problems within the community itself, making the decision unenforceable, due to the personality or support that might have the person against whom the measure would be taken. To eliminate these cases, the commission drafted a rewording of article 18 stating that “communities and sects had the right to take action against their officials, within the provisions set out in their statutes and regulations, and, if necessary, to ask the Ministry of Justice⁸ for government assistance through the mediation of the community leader.” Doing so left the regulations and provisions of the communities in force, preserving the authority of the leader, but increasing the power of the government which could intervene in the resolution of

⁶ Central State Archive (*AQSH*), F. 146, V. 1929, D. 91, fl. 398-399.

⁷ Central State Archive (*AQSH*), F. 146, V. 1929, D. 91, fl. 400-401.

⁸ Central State Archive (*AQSH*), F. 146, V. 1929, D. 91, fl. 401.

difficult issues. The last parliamentary discussion on this decree law took place on December 21, 1929. It was approved without discussion and then decreed by the king on January 9, 1930.⁹ The adoption of the law on religious communities was an important step not only for their normal functioning, but also for the progress of the Albanian state. The adoption of the law on religious communities was an important step not only for their normal functioning, but also for the progress of the Albanian state, making possible for the national element to occupy an important place in the leading of religious communities. So, Albanian government gained more rights to control their activity. Both developments reduced foreign influence in these communities, which was in the best interest of the country, also helping to secure the political regime of the Albanian state.

- Agrarian Reform

It was King Ahmet Zog himself on December 10, 1928 who transmitted the message on the Agrarian Reform to the deputies, underlining that a bill would soon be presented in order to regulate the agrarian question in the Albanian state.¹⁰ On March 26, 1930, the "Draft Law on Agrarian Reform, Agricultural Bank, and Standard Contract" was presented to the parliament for discussion. According to the then Minister of the Economy, Mehdi Frashëri, the reform was necessary, since thousands of Albanians did not have land or houses and were at the mercy of the landowners, which "is not fair" since all citizens are free and enjoy equal rights. Minister Frashëri stated that the landowners were probably not to blame, but the state had to find a solution and the reform aimed at reconciling the interests of the peasant, the landowner and the state. The farmer would be provided with land, but the landowner would not be harmed, because the project had left them "60 hectares that were not subject to expropriation." The remaining part of land would be divided in two halves, with one half expropriated and the other one left to the landowner on condition of improving it.¹¹ Treating the land in this way led to the appearance of two groups of parliamentarians: one in favor and one contrary to the reform. The group that opposed these measures described as insufficient the amount of 60 hectares left to the landowners. According to them, the reform should have been experimented in some zones before, and not implemented immediately. They also demanded the establishment of a new reform commission, insisting on postponing the project. Mr. Frashëri and many other deputies opposed this proposal, which caused the draft law to be passed for discussion in the parliamentary committee.

On April 11, 1930 the commission presented its report on the Agrarian Reform Bill, after making some changes to the government project, in order to improve it, where the most important thing was the reduction of the expansion of properties not subject to expropriation to 40 hectares. Would not be expropriated either the pastures of 10 hectares or less of those who owned land subject to expropriation,

⁹ Official Journal (*Fletorja Zyrtare*), nr. 8. 1 shkurt 1930, 3-6.

¹⁰ Central State Archive (*AQSH*), F. 146, V. 1928, D. 86, fl. 11-12.

¹¹ Central State Archive (*AQSH*), F. 146, V. 1930, D. 78, fl. fl. 250, 281.

as well as the pastures of 40 hectares and less of those who did not owned land subject to expropriation. Regarding the amount of land to be expropriated, 1/3 of it would go to fulfill Agrarian Reform demands, while 2/3 would go to the landowner on condition of improving it, unlike the government project which had foreseen the division of this land in two halves. Until the end of agrarian law implementation, the sale of rural lands over 40 hectares was prohibited and this could only be done with the permission of the respective ministry, etc.¹²

The changes made by the committee clearly show the effort to maintain the balance between the opposing groups. Reducing the untouchable surface of the 60 hectares of the government project to 40 hectares, as well as the decision to block the sale of rural land beyond 40 hectares, were measures that affected the large landowners, but in return they have been helped leaving 2/3 of the expropriated land to them, on condition of improving it. On the other hand, although peasants were offered an area of land, the amount for one family could not exceed 5 hectares. Meanwhile, a helping measures for them would be the debt moratorium announcement. Of great importance was the introduction for the first time of the Standard Contract, as a measure to clarify legal relations between peasants and landowners.

On April 13, 1930 was held the last session to discuss the Agrarian Reform. Even in this case there were some debates which caused last minute changes. It is easy to understand that these changes were made due to pressure from large landowners, as well as by the influence of some deputies who were owners themselves, and their main goal was to save as much area as possible from expropriation. On the proposal of a deputy and with the consent of the parliamentary majority, a paragraph has been added to Article 4. The paragraph stated that "in addition to 40 hectares, when the number of the owner's family members exceeded five, 5 hectares for each additional legitimate child of that family would be excluded from expropriation."¹³ The Law on Agrarian Reform, Agricultural Bank and Standard Contract was enacted on May 3¹⁴, 1930, while on August 30, 1930, was enacted the regulation on its application.¹⁵ In the following years the progress of the Agrarian Reform was closely followed by the parliament, which dealt with government projects aimed at intervening in the basic law, or approving amendments to it. It's worth mentioning that the conflict between the "for" and "against" groups continued in these cases as well. Deputies were also persistent and critical of the government's delays in setting up the Agricultural Bank, which was seen as an important element in the development of the Agrarian Reform.

- Press Law

At the end of December 1930, the government drafted a press law, which contained some points that would have made it difficult to implement. The whole process of law approval was accompanied by fierce clashes between certain newspapers and MPs. On January 19, 1931, the bill was submitted for discussion by the Justice and

¹² Central State Archive (*AQSH*), F. 146, V. 1930, D. 78, fl 484-500.

¹³ Central State Archive (*AQSH*), F. 146, V. 1930, D. 79, fl. 89.

¹⁴ Laws, Decrees Laws and Regulations of 1930 (*Ligje, Dekret Ligje e Rregullore të vjetit 1930*, 633-661).

¹⁵ Official Journal (*Fletorja Zyrtare*), nr. 54, 31 gusht 1930, 1-6.

Administration Committee, which toughened up some points with its interventions. Thus, in addition to the required quality related to education, it was added that the newspaper director should have a 3-year work experience if they had graduated from university and a 5-year work experience for those who had completed only the high school. Those who had been convicted on charges of theft, defamation, those who had a bad reputation, and those who had been sentenced twice within two years, with a sentence of more than 6 months for problems related to the press, were prohibited from publishing newspapers. Newspapers and magazines being published had to comply with the law within two months or they would be closed. Newspapers and political magazines in Albania would be published only in Albanian language and MPs were not prohibited from being responsible directors, except by a statutory provision. The fine for law infringement increased from 200 golden francs to 1,000 golden francs and, when the article was not signed, the responsibility fell solely on the publisher. The publication of state and military secrets, political articles, as well as those made in violation of disciplinary orders by officials was prohibited. The committee agreed that the guarantee for the opening of a newspaper would be 5,000 golden francs deposited in the bank, or a real estate worth 10,000 golden francs except for scientific and literary magazines.¹⁶ However, not all parliamentarians agreed with the severity of this law. Two deputies openly opposed the level of education and the work experience required to newspaper editors, giving examples of how some of them had done their job very well even without having those qualities. They also opposed the large financial guarantees required to open a newspaper, as this carried the risk of creating a class of oligarchs who would control the press through finances, dictating their policies.¹⁷ However, the law was approved by parliament without further changes.

The law was strongly opposed by some newspapers, among which stood out "Arbënia." Its director, in one of his articles, harshly attacked the parliament on January 21, 1931 calling it "African" and referring to the deputies as ignorant thieves, who would end badly very soon, as they had violated the press freedom with the approval of this law. He even went so far as to demand that "people to rise up in revolt."¹⁸ The Albanian government and parliament reacted harshly, closing the newspaper and condemning him. However, a parliamentarian demanded softer measures against the journalist, justifying his reaction as driven by the severity of the law. This support led other deputies to accuse the parliamentarian as an accomplice of the journalist who wrote the article. As for the press, the activity of the parliament during the monarchy coincided with the line of government, and in some cases the parliament even toughened it. Such was the modification of Article 197 of the Basic Statute, on April 10, 1933, which increased government's control over the press.¹⁹ Also, the adoption to the law of the annex on the control of press financing, in March 1937, incremented government's control over it. Such was the decree March 1937 on the "prohibition of publishing, importing and keeping harmful books, brochures and

¹⁶ Central State Archive (AQSH), F. 146, V. 1931, D. 91, fl. 111-120.

¹⁷ Central State Archive (AQSH), F. 146, V. 1931, D. 91, fl. 121, 123, 125, 128.

¹⁸ *Arbënia*, nr. 128, 21 janar 1931, I, article "Dënimi i Shtypit".

¹⁹ Central State Archive (AQSH), F. 146, V. 1932, D. 73, fl. 210.

magazines”, in which the members of the Education Committee were concerned that the fine was not less than 200 golden francs and imprisonment not less than 1 month, “if the offenders were teachers.”²⁰

- Education Reform

The decree law of September 14, 1932 “On the prohibition of Albanian students in foreign schools” was submitted for discussion by the deputies on February 4, 1933. The only opponent to this decree law was a deputy from Coritza (Korça). He spoke out against the punishment of parents who thought foreign schools were more perfect and therefore sent their children to them to get a more complete education. He believed that the state should first provide the child with the same development and similar means as foreign schools, before imposing such a restriction on the parent; secondly, it described the law as a violation of the individual’s freedoms, since the preference for recruitment in the Albanian administration of students graduate in public schools constituted discrimination against those who graduated abroad.²¹ However, the deputies not only supported the decree, but intervened in some articles and paragraphs, making it more efficient and facilitating the control of the government during its implementation.

On April 11, 1933, the Albanian parliament approved the Education Reform (Ivanaj Reform), sanctioning in Article 206 of the Statute that “Teaching and education of Albanian citizens is a right of the state, given only in schools and state institutes of different degrees, in accordance with the law. Primary education for all Albanian citizens is compulsory and provided free of charge. The private schools of every category that have operated to date will close”, as well as in article 207 was sanctioned that “Schools for the preparation of the clergy, run by Albanian religious communities, are free and regulated by law.”²²

In February 1935 the Albanian parliament approved the new Law on Education, which embodied all the principles of the Ivanaj Reform. In April 1938 was introduced the “Bill on High School Reform” drafted in collaboration with the Italian Sestilio Montanelli. This project, defended by the then Minister of Education, Faik Shatku, canceled among other things the “Ivanaj Reform.” During the discussion on the project, the Parliamentary Committee on Education amended article 207, sanctioning that “Albanian citizens who have completed secondary education outside the kingdom, regardless of whether or not they have continued university studies, as well as those who obtained academic qualifications abroad, could not participate in state admission competitions, nor could they be appointed public employees, even with a fixed-term contract and could not practice free professions to which they were entitled based on the academic qualification, without having first completed the title of study issued by the high school.” According to this article, “this would be done by giving exams of Albanian Language, History and Geography of Albania, based on the curriculum of the Albanian secondary institute that corresponded to the high

²⁰ Central State Archive (AQSH), F. 146, V. 1937, D. 73, fl. 6-8.

²¹ Central State Archive (AQSH), F. 146, V. 1932, D. 71, fl. 326-327.

²² Central State Archive (AQSH), F. 146, V. 1932, D. 73, fl. 210-211.

school attended outside the kingdom.”²³ In this case there were objections expressed by the two deputies representing the ethnic minorities, but they were not taken into account and the draft was approved as presented by the parliamentary committee.

- **The issue of women - the draft law on the Prohibition of Covering the Face**

Regarding the problems faced by Albanian women, the work of the MPs was in unison with the positive efforts of the government, although personal initiatives were taken by some MPs. Thus, on January 13, 1930, some Catholic deputies presented to parliament the proposal for the elimination of some customs harmful to the people from an economic and financial point of view. Among other things, they were concerned about the high prices for girls' engagement, which were hurting many families. One of them stated that “we must get rid of the bad habits of selling girls as slaves, because in some part of the country they are even sold and bought for 5000-6000 silver crowns and this cannot be tolerated in the 20th century.”²⁴ On January 20, 1931 the government submitted for discussion the draft law “On the Regulation of Divorces that occurred before the entry into force of the Civil Code.” which was accepted and approved by the deputies without changings. Also, in February 1931, the parliament approved the bill “On the prohibition of cohabitation as illegitimate spouses.”

However, during their activity, MPs also opposed government policies which, according to their opinion, violated women's rights. Such was the bill “On the regulation of immigration”, presented by the government on March 14, 1931. Among other issues, a group of parliamentarians opposed definitions prohibiting women from leaving the country and joining their husbands in emigration, “as this would lead to separation and cause social wounds.” According to them, once an immigrant obtains the citizenship, the government could not deny them the family reunification. In fact, it would be “the departure of the woman, which would lead to her husband's return in Albania after some time.”²⁵ The deputies rejected that project. In the meantime, the Albanian parliament ratified all international conventions relating to the facilitation of work for women and children. In February 1934 the parliament discussed the bill “On the regulation of betrothals in the highlands”, which was approved in April 1934, after making some small changes that would have increased its effectiveness. On March 6, 1937 the draft law “On the Prohibition of Covering the Face” was presented to the deputies. The deputies welcomed the project, defining it necessary for Albanian society. Interestingly, even Muslim faith parliamentarians openly supported this project. In addition to the support, the deputies intervened in several points of the draft law, determining the degree of fines for its violation. Thus, they sanctioned that, violations for which fines do not exceed 300 gold francs and those in which the term of imprisonment does not exceed 1 month would be final decisions and not subject to the Dictation Court.²⁶ Given that it was thought that most

²³ Official Journal (*Fletorja Zyrtare*), nr. 40, 25 maj 1938, f. 26.

²⁴ Central State Archive (*AQSH*), F. 146, V. 1930, D. 77, fl. 120.

²⁵ Central State Archive (*AQSH*), F. 146, V. 1931, D. 91, fl. 603.

²⁶ Central State Archive (*AQSH*), F. 146, V. 1937, D. 72, fl. 247-249.

of the violations of this law would be committed by the rural strata of the population and the lower strata of the cities, due to their mentality and given that due to the poverty prevailing in the country, such fines would be an economic burden for these strata, as well as the speed of decision making on these sanctions combined with the lack of recourse against them, it was hoped that fewer violations would occur.

Conclusions

The institution of parliament, which arose as a natural need in the context of the establishment of the core institutions of the Albanian state, soon took its place in the hierarchy of state institutions, although this did not happen simultaneously with the creation of the state itself. Parliamentary activity, from the beginning until 1939, not only was influenced by political developments, but at the same time also clearly reflected them. The parliament of 1921-1924 can be considered a democratic parliament, with the strong political struggle of the opposition and the high level of many of its members. The parliamentary battles took place within the framework of debates, interpellations, proposals and attitudes of specialists in many fields. All these were positive developments for the fragile Albanian democracy and raised the institution of parliament at the proper height. Meanwhile, the parliament of 1925-1939 stood out for its great obedience to Ahmet Zogu and the little political struggle. Its trend was conditioned by the authoritarian spirit of the regime and the absence of opposition, keeping it away from the norms of Western democracy. However, despite these deficiencies its activity was prolific and wide, adopting new laws in various sectors, such as political, economic, cultural, religious, etc., as well as a series of important economic agreements and concessions with foreign countries.

Albanian MPs, especially during the period of economic crisis, undertook a series of initiatives to help business and the poor Albanian population. Within this parliament, depending on the issues discussed, two groups were outlined - the conservative group, the largest one, which included officials of the former Ottoman administration, as well as large landowners with lack of educational and intellectual training, who stood out as an obstacle to some of the modernization reforms because they aimed to preserve their privileges and social positions. The other group, the smaller one, included members of the intellectual class educated mainly in the West, but also in the East, who were professionals in certain fields, with a good knowledge of Western law. They became promoters of modernizing reforms and strongly supported the interests of the new commercial bourgeoisie, sometimes even opposing government policies. During the parliamentary activity of 1925-1939 a culture of communication and confrontation was observed in most cases, as well as respect for the procedural rules of the parliament and its participants. Rarely have there been personal insults or use of inappropriate vocabulary. In addition to the culture of communication, during the parliamentary sessions there were evidenced many technical and professional discussions.²⁷

²⁷ Central State Archive (*AQSH*), F. 146, V. 1935, D. 51, fl. 53.

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