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TABLE OF CONTENTS

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Gender Equality and Justice in Albania

Abstract

Gender inequality and injustice remain areas of great concern in the Albanian context. Direct and indirect discrimination based on gender is found both in families and society, workplace and governmental institutions. Inequalities vary from misconception of duties within families to underrepresentation of genders in other structures. Not only discrimination is persistent, but forms of oppression like violence and abuse towards the least powerful gender are commonly bad news. Statistics of the recent years point out that even though the legal aspect has been covered, cases of women underrepresented and violated remain still focus of great concern. In 2017, approximately 3000 women were reported to be violated and in the years to come the phenomenon is found to be present in the Albanian society.

This paper explores gender equality in the legal and social context by providing briefly a picture of the situation during the communist ruling, the transition period and the recent years. Firstly, it provides an understanding of the legal aspect regarding the topic; touches the problem in different political systems and gives insight to the situation in the recent years. Inequalities based on gender should be overcome within the society`s perception of genders and be reflected with justice in other spheres of life.

Keywords: gender equality, justice, Albania, women, inequality.

Introduction

Nowadays, equality and justice have been topics of debates among societies, especially in the western countries. Equal liberties are emphasized as a must of liberal democracies. Freedom of movement and expression, the right to maintain a private life and the right to be given equal opportunities for a successful career or at least to have a decent life are among the rights requested to be fulfilled in liberal democratic states. Words like equality, liberty and fraternity became famous from the French revolution but in nowadays` reality the terms gain a variety of explanations. One might regard equality as equality of opportunity, equality of resources, equality before law or equality of outcome.

Alongside with equality, justice stands at the highest rank of political life aiming the achievement of social justice. Fairness and impartiality are regarded to be the key in establishing it. Thus, equality among citizens and the liberties provided should offer safe grounds for the formation of a just society. Additionally, economic and social inequalities need to be adjusted in order to let the disadvantaged also benefit.

As Europe and the European Union are promoting worldwide European norms and values like: rule of law and justice, institutionalism, human rights and equality; in the most western corner of the Balkans, in Albania many groups are considered to be target of inequality and injustice. Women are one of the least advantaged ones and are said to be suffering not only from discrimination established by social norms, but they are also being target of violence and are underrepresented.

Methodology

The purpose of this study was to examine the situation regarding gender equality and justice in Albania. The methodology was based on qualitative analysis of laws , strategic plans, data taken from the institute of statistics, information acquired by the European Commission Report on Albania ,articles and newspapers written on gender equality and justice. The legal context has been portrayed considering the Albanian Family Code, the Code of Labor, the Criminal Code and the Albanian Constitution. Three national strategic plans have been used to explore more the measures

undertaken by the responsible ministry. Furthermore, the EU Commission report, the national institute, articles and newspapers have enriched the report with the necessary data and information related to the situation of gender equality in Albania.

The Legal Aspect

Until 2017, Albania has adopted a series of laws and strategies on gender equality and justice. The law on gender equality, the Albanian Constitution, the Family Code, the Criminal Code and the Code of Labor address equality between genders and justice in various forms. Firstly, the Albanian Law on gender equality defines clearly gender equality as equal participation of men and women in fields of life, attainment of equal positions, enjoyment of opportunities, rights and equal representation of genders in political parties and institutions (The Assembly of the Republic of Albania, 2008). In this context, there is no legal prohibition that would prevent women from being active in various sectors of the workplace. The law enhances equal opportunities for genders in the political area as well as the social and professional life. The Albanian Constitution also reaffirms that no one is to be discriminated because of their gender (Constitution of the Republic of Albania, 2008).

According to the Family Code adopted in 2003, each spouse is given the right to be equally responsible towards their family and children, maintain their residence, possess wealth, continue and terminate their marriage, develop themselves professionally and in case of violence he/she is given the right to gain a court order and the spouse who is the initiator of violence can be removed out of the common residence (Chemonics International Inc., 2003). Spouses are given equal and nondiscriminatory rights within the family institution regarding the responsibilities they have and the right of protection from violence. The problem starts with the non-implementation of these measures. In this case, the perpetrator (the husband) not only is residing again in the same house with the victim, but he is given the opportunity to be the actor of a crime within the family by abusing both the wife and the children. For this the Criminal Code article 130/a punishes the perpetrator who violates the psycho-social, physical integrity of the spouse and can be imprisoned up to two years, for death threat is condemned up to three years, injury resulting in disability up to 5 years and the same applies to repeated offence in the presence of children (Criminal Code of the Republic of Albania , 1995).

Additionally, discrimination in the workplace based on gender, age and any kind of characteristic of the employer has been prohibited by the Code of Labor (The People`s Assembly of the Republic of Albania, 1995). Certain amendments were made later to the code like: the nondiscrimination of employers, the guarantee of individual parental leave and the reduction of the maximum working hours were emphasized along with a permission of 30 minutes break given every 3 hours to pregnant women (Ascoli & Scamoni, 2016) . The amendments provide more relief for parents to be and women who are pregnant, thus supporting both genders in duties related to the family.

Similarly, three more national strategies have been adopted respectively in 2006-2010, 2011-2015 and 2016-2020. Their main focus was gender equality and the reduction of domestic violence. Although strategies were adopted, the analysis of the legal framework of the first one revealed that: in Albania, many conventions on human rights have been ratified and even though these are legally binding to the domestic area, prosecutors and judges have still little knowledge on conventions; domestic violence is not punished by specific laws; no free legal help is given to victims according to the law "On Attorneys" and the Family Code does not completely specify protection measures for victims of domestic violence (Ministry of Labour, Social Affairs and Equal Opportunities , 2006) . Obviously, there exists a gap between the written laws and their implementation by the judiciary personnel in order to offer full protection to the abused gender. No specific law or protection measure serves to assist the victims. As a consequence, the vulnerable group is trapped between violence and economic powerlessness, thus legally being given the right of protection but missing the economic capacity to enjoy it. Legally they have been given the right to be protected, but lack of information by the judiciary members creates a gap in the execution of such measures.

Equally, the 2016-2020 strategy had in its main focus gender equality, the reduction of domestic violence, the increase of awareness and intensification of the services for victims (Ministria e Mireqenies Sociale dhe Rinise, 2016). Measures against violence and discrimination have been taken through state machinery that starts from the parliament and ends to the municipality level. This process has been associated with the national strategies on gender equality in order to empower both genders, to reduce violence and to increase participation in decision making (Sheshi, 2017).

All in all, the legal aspect regarding gender equality is achieved through laws and supported by national strategies adopted by the responsible ministry. They address fields where inequality may be present like the family, workplace and political institutions. Equality between genders is acknowledged but the authorities responsible to make necessary implementations are not completely informed. Furthermore, violated woman are given the right to be protected, but they lack economic incomes.

Gender equality in two political systems

During communism, women in Albania were living under a strict patriarchal society combined with the communist ruling (Lerch, 2013). In this context, it can be noted that women were seen as a working force by the regime; were made to obey their fathers and spouses; were prohibited from inheritance; experienced motherhood at a young age and were the servants of their large families. Socially, gender discrimination started at birth when boys were preferred to girls and as a result women underwent unsafe procedures to have more male heirs, thus endangering their lives. As a result, the combination of the political system with the patriarchal social mindset built a mining field where women had to maintain balances between family and society, poverty and survival in order to ensure the ongoing of the Albanian family and society at the same time. This group was discriminated by the same individuals and groups that once used to nourish and sacrifice for.

After the fall of communism and during the transition period, women had to bear the costs of unemployment as most of them were made redundant because of the economic and political situation in the country. Institutional change happened and the doors opened to a modern world producing both political and economic transition. Fear of the social transition, made many parents prevent their daughters from attending school and continue their education. Thus, females were prevented from economic empowerment and were left to the fate of their husbands. The consequences of the political state systems and transition, circumstances and decisions made by families suppressed women and were reflected to the current situation.

Even though improvements have been made in the legal aspect, the statistics of the recent years show dramatic cases of women being victims of violence. During 2014, there were reported 17 examples of domestic homicides, in which 22 women were victims (GREVIO, 2017). In the years to

come there is no significant change regarding gender related discrimination and abuse.

According to the 2017 report of the European Commission for Albania, the gap in employment between women and men has decreased to 12%; Albania has ranked 3rd on wage equality but in rural areas 42 % of the employed in agriculture were women compared to 35 % male and more than 3000 cases of women were reported to have been victim of abuse (European Commission, 2018). Additionally, it should be taken under consideration the fact that there is still lack of data regarding the informal labor where women are employed. Gender inequality seems to exist in the working place where wages are not distributed fairly, being this a formal or informal labor. Albania ranked 3rd in wage equality, but this is due to the low wages and salaries that both genders are constrained to work. It should not be underestimated the fact that the number of the women who are victim of abuse is still high, although the attention of officials to protect this vulnerable gender has increased. Only in the first days of 2019 two major cases of violence towards women were registered: a woman was brutally killed by her husband in Vlora (Koha Jone, 2019a) and a 14 year old minor was physically abused (Koha Jone, 2019b) .

INSTAT reported that for 2017 the situation in Albania was as follows: more boys than girls completed compulsory education (51.6%-48.4%); as the degree in universities increases, the man dominated academic staff increases and only 23.5% women compared to 76% men are represented in the parliament (INSTAT, 2017). In the field of education, women seem to be underrepresented, too. It is only the pre-university level which is dominated by female personnel. However, this dominance changes in the university level where males have progressed in the academic field. Additionally, the underrepresentation in the decision making area like the political activism remains still unchanged.

In their daily lives, women are faced with long and improper working hours, gender related stereotypes and a patriarchal mindset. In the male dominated society, the role of women regarding the household is crucial. In a study conducted in 2016, women were found to be more involved in house chores compared to men such as cleaning the house, doing the laundry and ironing; whereas shopping was almost shared equally and house maintenance was with a 77% of men (Dauti & Zhllima, 2016). Women are found to be

responsible not only of domestic chores, but they share obligations with men concerning the maintenance of their house.

The EU promotes the equality between genders in economy as it is against the discrimination in payment; it supports the equality in decision making in the fields of business and politics and it has a general strategy for gender equality (European Commission, 2019) .The mechanisms and the legal framework is existent in Albania, but the challenge remains the empowerment of women regarding the economic status, protection from violence and the adoption of a national mechanism and authority which would ease the implementation of the legal framework (Qirjako, 2016).

One of the ways in which justice and fairness may regulate inequalities is provision of the basic liberties and equality of opportunity through the regulation of social and economic inequalities (Rawls, 1971). Economically, women need to be given opportunities in order to overcome inequalities. This will not only fulfill their personal aspirations and benefit their families, but will also stimulate the improvement of the economic situation in Albania. There exists a positive connection between the participation of women in the labor market and the economic development which will lead to less gender inequalities in society (Z. Shehi & Imeraj, 2014). When women are empowered economically, inequalities will be reduced.

Conclusion

In Albania gender discrimination and injustice remain issues of concern .The legal aspect has been covered by amendments of laws and adoption of national strategies. Inequalities between genders have been adjusted through the law on gender equality, family code, code of labor and the Albanian Constitution. The Criminal Code offers protection to women, who are subject to violence, most commonly in family relations. However, inequalities have accompanied women through years, being the result of the society`s approach through which men were given more opportunities and women were suppressed. In families daughters are raised up as servants and sons as powerful. State`s policies recognize the rights of women through laws and national strategies. However, it is families and society`s duty to educate its members in order to internalize these norms.

Other forms of discrimination have been reflected indirectly through payment differences and underrepresentation. Albania has to face its challenges by valuing the potential that women have and for this, gender discrimination and violence should be overcome; institutional structure and legislation need to be strengthened (United Nations in Albania, 2017). Cultural perceptions of gender roles should start changing within families, awareness should increase to tackle problems related to discrimination, and socioeconomic inequalities should be reduced as well (García-Pereiro, 2016) . Women should fully enjoy their rights and be given equal opportunities to use their capacities in order to contribute to the development of the society. The empowerment of women ought to stand in line with the education of generations who should respect and show dignity to members of the society despite their gender.

REFERENCES

Criminal Code of the Republic of Albania . (27 January 1995). Tirana, Albania.

Constitution of the Republic of Albania. (21 April 2008). Tirana, Albania.

Ascoli, A., & Scamoni, C. (9 February 2016). *Important amendments of the Albanian Labour Code to come in full force and effects in June 2016.* 4. February 2019 https://www.lexology.com/library/detail.aspx?g=5e8872a0-b1e9-4c1d-9bb5-480c7eb1be27

Chemonics International Inc. (January 2003). Family Code of Albania .

Dauti, M., & Zhllima, E. (2016). *Gender Equality in Albania,Public Perceptions & Attitudes toward.* Tirana: United Nations Development Programme (UNDP).

European Commission. (2018). *Commission Staff Working Document-Albania 2018 Report.* Strasbourg: EU.

European Commission. (2019). *European Commission.* 01. February 2019 Gender equality:

https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality_en

García-Pereiro, T. (2016). The Determinants of Female Employment in Albania.

GREVIO. (2017). *First National Report Albania.* Council of Europe.

INSTAT. (2017). *Women and Men in Albania, 2017.* Tirana: INSTAT.

Koha Jone. (6. February 2019a). *Tronditet Vlora/Burri vret gruan, çifti prindër të 3 fëmijëve.* 8. February 2019 Koha Jone: http://www.kohajone.com/2019/02/06/tronditet-vlora-burri-vret-gruan-cifti-prinder-te-3-femijeve/

Koha Jone. (4 February 2019b). *Abuzimi me të miturën, Prokuroria: Të dyshuarit janë nën 16-vjeç*. 8. February 2019 Koha Jone:
http://www.kohajone.com/2019/02/04/abuzimi-me-te-mituren-prokuroria-te-dyshuarit-jane-nen-16-vjec/

Lerch, M. (2013). Patriarchy and fertility in Albania. *Demographic Research*, 133-166.

Ministria e Mireqenies Sociale dhe Rinise. (October 2016). National Strategy and Action Plan on Gender Equality-2016-2020. Tirana.

Ministry of Labour, Social Affairs and Equal Opportunities . (2006). National Strategy on Gender Equality and Domestic Violence 2007-2010.

Qirjako, E. (2016). Women Rights and Gender Equality as Per Albanian law. *Academic Journal of Interdisciplinary Studies*, 195-204.

Rawls, J. (1971). *A Theory of Justice.* Belknap.

Sheshi, E. (1-2 June 2017). National Gender Equality Policies in Albania. Vilnius: Ministry of Social Welfare and Youth.

The Assembly of the Republic of Albania. (24 July 2008). Gender Equality in Society. *Law No.9970*. Tirana, Albania.

The People`s Assembly of the Republic of Albania. (1995). Code of Labor of the Republic of Albania.

United Nations in Albania. (7 April 2017). *Gender Equality*. 2 February 2019 United Nations Albania: https://www.un.org.al/what-we-do/gender-equality/gender-equality

Z. Shehi, R., & Imeraj, E. (2014). Impact of EU Gender Equality Policy on Albanian Economic
Development. *Academic Journal of Interdisciplinary Studies*, 146-152.

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The life and the legacy of the most important women of the white house: The First Ladies

Abstract

When we come to think of women who have left a great mark in the history of human kind and especially in the history of their countrymen and women, there is no doubt that the first word that comes in mind is First Ladies. It is hard giving a definition to this word because in human history there have been thousand of women that have left a mark, no matter how little their contribution. I personally think that after every great man there is a praying Christian woman unlike some people think it is a greater woman.

These women with their dignity, their personality, their zest for living and their great desire to make changes in improving our world and making it a better place should not pass without being noticed. This is the reason I chose this topic. If you would ask any man that loves his wife, he undoubtly would say that his First Lady is his wife. For this publication I choose to write only about some of the women who next to their husbands have led and continue to lead a country which stands for life, liberty and the pursuit of happiness. These are the women of the White House. I would like to point out the support and help that they have given to their husbands, the image that they have brought not only to the White House but to their entire nation and also to the entire world. I am honored to write about these women not only because I am a woman, but also because I look up to them.

Key Words: USA, White House, First Ladies, Presidents, Christian women

Jeta dhe vepra e grave më të rëndësishme të shtëpisë së bardhë: zonjat e para

Përmledhje

Kur mendojmë për grate që kanë lënë një ndikim të madh në hisorinë e njerëzimit dhe veçanërisht në historinë e bashkëkohësve të vet, pa dyshim fjala e pare që të vjen në mendje është Zonjat e Para. Është e vështirë të japësh një përkufizim të kësaj fjale sepse në historinë e njerëzimit ka pasur mijëra gra që kanë lënë shenjë, pa dallim sa I vogël kontributi i tyre. Unë personalisht mendoj se mbas çdo burri të madh qëndron një grua kristiane që falet, ndryshe që disa njerëz mendojnë, një grua më e madhe. Këto gra me dinjitetin e tyre, me personalitetin e tyre, me dëshirën për jetën dhe dëshirën për të bërë ndryshime në përmirësimin e botës sonë dhe ta bëjnë atë një vend më të mire, nuk duhet të kalojnë pa u vënë re. Kjo është arsyeja që unë zgjodha këtë temë. Nëqoftëse do të pyesnit çdo burrë që do gruan e tij, ai padyshim do të thoshte se gruaja e pare në jetë e tij është bashkëshortja e tij. Për këtë botim, unë zgjodha të shkruaj për disa nga grate që pranë burrave të tyre kanë drejtuar dhe vazhdojnë të drejtojnë një vend që qëndron për jetën, lirinë dhe kërkimin e lumturisë. Këto janë grate e Shtëpisë së Bardhë. Dua të theksoj mbështetjen dhe ndihmën që ato i kanë dhënë burrave të tyre, imazhin që ato i kanë dhënë jo vetëm Shtëpisë së Bardhë por tërë kombit të tyre dhe gjithashtu mbarë botës. Jam e nderuar të shkruaj për këto gra jo vetëm sepse jam një grua, por sepse unë i adhuroj ato.

Fjalë Kyçe: SHBA, Shtëpia e Bardhë, Zonjat e Para, Presidentët, gra kristiane

There is a wholesome body of information and knowledge given for the First Ladies of the White House. It is hard to distinguish between them because they are and were wonderful and accomplished women with a great strength of character and great devotion to their husbands, their families and the causes they stood for.

What they have in common is that each one of them brought to the White House and the position they held their uniqueness and their creativity, their great hospitality and their grace and unforeseen style which turned the White House into the unique place that is today.

The White House today stands not only as the place where the President of United States and his family resides but also as a museum and art gallery created in a great classical architectural style with the finest collection of furniture and china collected with great care since it first it was build.

During the decades since it was build it has been an attraction site not only for the nobility and the high aristocratic social classes but also for the common public. This is what makes this place as a special and also as unique.

The White House has also stood as a symbol of democracy and freedom and as a meeting place of Presidents and diplomats from other countries. It has stood and still stands as the place where some of the most important meetings are held concerning the political and social welfare of United States and other countries. It is the place where the Presidents of the White House reside and the place where he and his staff take his most important decisions.

The White House, leaving aside its glamour it is also a family place. It is the home of the Presidents of the United States and his family, it is the place where family gatherings take place, and it is the place where some of the best and talked about parties are held. And when we talk about the White House the first thing that comes in mind are the First Ladies of the White House who have been and still are the hostesses and the caretakers of it and the women that have turned it into the beautiful place that it stands today.

Each one of them, and I include here not only the wives but also their children or the other family members that have served as First Ladies, no matter how long they stayed in the White House, each have left their

unprecedented mark. These great women have put all their efforts, their passion, their creativity and style to turn it into the place that it is today.

In the early days, during the 18th and early 19th century, the women of the White House weren't as well educated as their husbands when it came to state matters because most of them hadn't attended colleges but they had good domestic and social skills. Most of them were born in families of great prestige whose fathers and forefathers were plantations owners. Also they came from families which were Christians and some of them were leaders in a society which held its clergy in high esteem. Here it is to notice Abigail Smith Adams, wife of President John Adam, a Harvard graduate and second President of United States. She was born in Massachusetts and came from a family of great prestige in the colony, whose fathers and forebearers were Congregational ministers. This woman leaves her country a most remarkable record as Patriot and First Lady, wife of one President and mother of another, President John Quincy Adams.

These women's great concern was the comfort and happiness of their husbands and children. A special mentioning here goes to the first of First Ladies, Martha Washington. She brought tact and discretion over 58 years of marriage. She was fond of "what comes from the heart" and was one of those unassuming characters which create Love and Esteem.

Another thing that these women had in common was their great influence in the social circles of America. Here it is my pleasure to mention Dolley Madison, wife of President James Madison, which still to this day remains one of the best known and best loved ladies of the White House. She grew up in the strict discipline of the society, but nothing muted her personality and her warm heart. Dolley"s social grace made her famous. Blessed with a desire to please and a willingness to be pleased, she made her home the center of the society. The delightful personality of this unusual woman is a cherishing part of her country's history.

Thomas Jefferson's wife, Martha Jefferson, a very beautiful woman, brought to the White House her grace and queen like carriage. She enjoyed music and played the piano-forte and she was a devoted reader.

The First Ladies represented themselves well even in other countries. To be mentioned here is President's James Monroe, Elizabeth. The Monroe's

became very popular in France when he was serving as a US minister appointed by President Washington. Here the diplomat's Lady received the affectionate name of La belle Americane. She and her daughter Eliza changed the White House customs to create the formal atmosphere of European Courts.

Of great strength of character and known for her spirituality was Letitia Tyler, wife of President John Tyler. She had been confined to an invalid's chair for two years when her husband unexpectedly became President. In a second room at the White House, Letitia Tyler kept her quiet but pivotal role in family activities.

First of First Ladies to hold a job after marriage, Abigail Fillmore, wife of President Millard Fillmore, was helping her husband's career. She was also revealing her most striking personal characteristics: eagerness to learn and pleasure in teaching others. She was known for her flower gardening, but much of her time was spent reading.

If we come across Mary Todd Lincoln, wife of one of United States most interesting and important figures, President Abraham Lincolns, the best thing that we can say about her is her husband's devotion to his wife's vivacious and impulsive personality with a witty, sarcastic speech that cut deeper that she intended. Lincoln, watching her put the guests at ease during a White House reception, could say happily: "My wife is as beautiful as when she was a girl, and I…fell in love with her; and what is more, I have never fallen out."

Another beautiful woman who reigned in the White House was Julia Grant, wife of President Grant. She rejoined in his fame as a victorious general and she entered the White House in 1869 to begin, in her words, "the happiest period of her life". With cabinet wives as her allies, she entertained extensively and lavishly. Contemporaries noted her finery, jewels and silk and laces. Upon leaving the White House in 1877, the Grants made a trip around the world that became a journey of triumphs. Julia proudly recalled details of hospitality and magnificent gifts they received.

Lucy Ware Webb Hayes, came to the White House loved by many. She graduated from the Wesleyan Female College in Cincinnati at 18, usually well educated for a young lady of her day. She is well known for her servitude. She won the affectionate name of "Mother Lucy" from men of the 23rd Ohio

Volunteer infantry who served under her husband's command in the Civil War. They remembered her visits to camp-to minister to the wounded, cheer the homesick, and comfort the dying. She entered the White House with confidence gained from her long and happy life, her knowledge of political circles, her intelligence and culture, and her cheerful spirit. She enjoyed informal parties, and spared no effort to make official entertaining attractive. She was a very popular hostess. She took criticism of her views in good humor. She became one of the best-loved women to preside over the White House, where the Hayesses celebrated their silver wedding anniversary in1877 and an admirer hailed her as representing "the new woman era".

No other woman would take the place of Ellen Lewis Herndon Arthur in the eyes of President Chester Alan Arthur. At the White House he would not give anyone the place that would have his wife's after her poignant and sudden death at 42 years of age. In his wife's memory, he presented a stained-glass window to St. John's Church; it depicted angels of the Resurrection, and at his special request it was placed in the south transept so that he could see it at night from the White House with the lights of the church shining through.

One of the women that took a special interest in the history of the White House was Caroline Lavinia Scott Harrison, wife of President Benjamin Harrison. In 1890, during the centennial of President Washington's inauguration she lent her prestige as First Lady to the founding of the National Society of the Daughters of the American Revolution. She served as its first President General. She took a special interest in the history of the White House, and the mature dignity with which she carried out her duties may overshadow the fun-loving nature that had charmed her husband when they were teenagers. Blessed with considerable artistic talent, she was an accomplished pianist; she especially enjoyed painting for recreation. This First Lady managed to assure an extensive renovation of the White House with up-date improvements. She established the collection of china associated with White House history. She worked for local charities as well. With other ladies of progressive views, she helped raise funds for the John Hopkins University medical school on condition that it admit women. She gave elegant receptions **a**nd dinners.

One of the most remarkable women who carried her role as First Lady of the White House with grace and dignity was Ida Saxton McKinley, wife of President William McKinley. When she moved in the White House little had

remained from the vivacious young woman who married William McKinley except her love which brighted early years of happiness and endured through more than twenty years of illness which left her invalid. At the White House, the McKinley acted as if her health were no great handicap to her role as First Lady.

The coming of the 20th century marks a new era in the life of the White House, its history and the women that served as First Ladies. We see these women take a more active and important role in their husband's life and in the life of their country. They become more and more involved in the political aspect and they held an important position during the election in office of their husbands. This was due partly to the important changes and events that the United States of America went through during this century. To play the role of hostess of the White House, the devoted mother and wife was not enough anymore. These remarkable and independent women left their own footprints in their countries history. They carried their duties with characteristic dignity, sound judgment, great devotion and efficient management.

During this century the White House became unmistakably the social center of the land. Beyond the formal occasions, smaller parties brought together distinguished men and women from varied walks of life. These women were queens of ceremonies and handled their duties with grace and perfect cordiality.

Another thing that these women had in common was their good education, their intelligence, their discipline and their great desire to make changes. They were strong-willed and they played also a major role as advisors and helpmates for their husbands. Here comes in mind Edith Wilson, wife of President Woodrow Wilson, whose role gained unusual significance when her husband suffered prolonged and disabling illness.

A special First Lady was Grace Coolidge, wife of President Calvin Coolidge. For her "fine personal influence exerted as First Lady of the Land," Grace Coolidge received a gold medal from the National Institute of Social Sciences. In 1931 she was voted one of America's twelve greatest living women.

A shy, awkward child, starved for recognition and love, Eleanor Roosevelt grew into a woman with great sensitivity to the underpriviledged of

all creeds, races and nations. Her constant work to improve their lot made her one of the most loved and most revered women of her generation. When Mrs. Roosevelt came to the White House in 1933, she understood social conditions better than any of her predecessors and she transformed the role of the First Lady accordingly. She never shirked official entertaining. She greeted thousands with charming friendliness. She also broke precedent to hold press conferences, travel to all parts of the country, give lectures and radio broadcasts, and expressed her opinions candidly in a daily syndicated newspaper column "My day" and also served as American spokeswoman in the United Nation. This made her a tempting target for political enemies but her integrity, her graciousness, and her sincerity of purpose endeared her personally to many-from heads of state to servicemen she visited abroad during World War II.

Mammie Eisenhower's bangs and sparkling blue eyes were as much trademarks of an administration as the President's famous grin. Her outgoing manner, her feminine love of pretty clothes and jewelry, and her obvious pride in her husband and home made her a very popular First Lady.

Now it is my pleasure to talk about one of the most revered, loved and talked about woman of the White House, Jacqueline Lee Bouvier Kennedy. This First Lady with her charm, unforeseen style and beauty, was one of the most important First Lady of her era. She played a major part in the election and life of her husband, President John F. Kennedy. She is one of the First Ladies who has left a great trademark in the White House and turned it into the place which it is today. To the role of the First Lady, Jacqueline Kennedy, or "Jackie" brought beauty, intelligence and cultivated taste. Her interest in the arts, publicized by press and television, inspired an attention to culture never before evident at a national level. She devoted much time and study to making the White House a museum of American history and decorative arts as well as a family residence of elegance and charm. At her funeral, her son described three of her attributes: "love of words, the bonds of home and family, and her spirit of adventure."

Right after the seventies with the development and the modernization of the communication means and air travel, the Presidents and the First Ladies of the United States started to have frequent foreign travels and direct communication with the leaders of other countries, a ritual which continues with great success nowadays. For example Claudia Taylor (Lady Bird)

Johnson, wife of President Johnson became an ambassador of goodwill by visiting 33 countries. In the same way Patricia Ryan Nixon, wife of President Richard Nixon shared her husband's journeys abroad. Her travels included the historic visit to the People's Republic of China and the summit meetings in the Soviet Union. She also served as an envoy to Africa and South America.

Now the number of travels of First Ladies and Presidents is even bigger. For example Rosalyn Smith Carter, wife of President Jimmy Carter, has served as the President's personal emissary to Latin American countries. Like her husband, she has fought to promote peace and human rights worldwide.

Special between the First Ladies remains Nancy Davis Reagan, for the fact that like her husband, before entering political life she was a professional actress. Are famous the bilateral meetings of Nancy Reagan with Raisa Gorbachev during the time that their husbands worked for the destruction of the Iron Curtain between East and West. What made this woman famous and loved by all the world is her role during the long illness of her husband. Her husband suffered from Alzaimer and for nearly 15 years she served him with great love and devotion, preserving his image in the eyes of the world as one of the most loved Presidents of all times. Her book, "My Turn", published in 1989 became a best seller.

Rarely has a First Lady been greeted by the American people and the press with the approbation and warmth accorded to Barbara Pierce Bush. She selected the promotion of literacy as her special cause. As First Lady, she called working for a more literate America the "most important issue we have." As a devoted Christian , this great woman has given the world and United States the President of United States, George W. Bush and the Governor of Florida, one of the US largest states, Jeff Bush, being not only a wife of a US President but also a mother of a US President.

As a good layer, Hillary Rodham Clinton has been not only an excellent permanent advisor of her husband but also a devoted wife and loving mother. As the nation's First Lady, Hillary continued to balance public service with private life. Her active role began in1993 when President Clinton asked her to chair the National Health Care Reform. She is the first First Lady elected to the United States Senate and the first woman elected statewide in New York. She is a strong supporter of women's issues around the world.

She has become famous as a writer with her book 'It Takes a Village and Other Lessons Children Teach Us" which received a Grammy Award and also her book "My life with Bill Clinton" which has become a best seller.

First Lady Laura Bush has brought to the White House her charm, her maturity, her dedication to her husband and to her family, her Christian values and her strong support in advancing education in America and causes like the fight against breast cancer and heart disease. As Honorary Ambassador for the Decade of Literacy of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Laura Bush leads America's efforts to bring education to people worldwide, especially to women and girls.

One of the most special First Ladies of the United States, Michelle Obama, married to the 44th President of the White House, Barack Obama, became the first African American First Lady of the White House, which is an achievement in itself given the fact that this president was elected by not a black majority population. As First Lady, Obama served as a role model for women and worked as an advocate for poverty awareness, education, nutrition, physical activity, and healthy living. She supported American designers and was considered a fashion icon.

Melania Trump is a Slovenian-American former fashion model and the current First Lady of the United States, as the wife of the 45th President of the United States Donald Trump. She is the second First Lady (after Louisa Adams) born outside the US, the first one to be a naturalized citizen and the first whose native language is not English. We can say about this First Lady that she has brought unprecedented class and style to the position of the First Lady. She will be known as the Top Model First Lady of The White House and qualifies first class as her husband's glory.

CONCLUSION

I conclude that these great women with their humility, their dedication, their love for their country and the Christian values they embraced and with their strong will to change for better the lives of their people and all mankind were and are a great asset for all of us and serve as an example of moral virtues and dignity. All of them embraced several causes such as the fight to decrease poverty in third world countries, to improve education, to

fight and raise funds for HIV victims, to fight for women and children issues and also to improve the environment. These godly women qualify first class as the glory of their men so these men can be the glory of God. They raise a lot of money for a lot of charities and they have turned the White House into a place which stands as a symbol of democracy, history and architectural magnificence making it attractive to millions of people worldwide

BIBLIOGRAPHY

- Klapthor, Margaret Brown; Black, Allida. **The First Ladies**. White House Historical Association and National Geographical Society Press: 2020

- **First Lady's Gallery**

An index to the biographies of all First Ladies of United States of America, from 1789 to present. (January, 2020)

http://www.whitehouse.gov/history/firstladies

- **The Presidents of the US and the First Ladies**

An index to the biographies of all Presidents of USA and views of historical photographs of the Presidents and First Ladies.

http://www.whitehouse/history/presidents: (January, 2020)

- **National Archives and Record Administration (NARA)**

http://www.nara.gov/ (January, 2020)

- **Nara/Media Desk/Press Release (January, 2020)**

http://www.archives.gov/media_desk/press_release

- **Nara/Publication/Presidential Materials**

http://www.archives.gov/publications (January, 2020)

- **Presidents and First Ladies**

Includes detailed biographies of all US Presidents and well-known First Ladies.

http://ap.grolier.com (January, 2020)

- **National First Ladies Library**

http://www.firstladies.org. (January, 2020)

- **First Ladies of the United States-Wikipeida, the free encyclopedia**

http://en.wikipedia.org./ (January, 2020)

- **Federal Government Resources on the Webb**

http://www.lib.umich.edu.gov.docs. (January, 2020)

- **By Popular Demand: Portraits of the Presidents and First Ladies.**

http://www.memory.loc.gov. (January, 2020)

Hazbi Lika

Identititeti ynë kombëtar në këndvështrimin e rilindasve ngrihet vetëm si refuzim i pushtuesit

Abstrakt

Rilindasit nisën përpjekjet e tyre për të ndërtuar identitetin tonë kombëtar. Për të formatuar këtë identitet, në radhë të parë kërkuan për të gjetur - Tjetrin; të Ndryshmin; Armikun dhe përkundrejt këtij do të ndërtohej identiteti ynë. Ky Tjetri, i Huaji, i Keqi, ishte pushtuesi turk, si identitet dhe si sjellje njerëzore që duhej refuzuar kategorikisht. Megjithëse ishte ngritur projeksioni i Tjetrit, "i turkut", aziatikut duhej patjetër ta përjashtonin atë dhe të bënim identitetin tonë vetëm brenda entititetit tonë etnik. Në referencat që kam sjellë këtu tregohet se rilindasit e refuzonin orientalen, por nuk është se kërkonin të njëjtësojnë identitetin tonë kombëtar me qytetërimin Perëndimor. Këtë mundohem përmes shembujve ta provoj te kjo kumtesë.

Fjalë kyçe: identitet, entitet, nacionalromantizëm, Lindje, Perëndim

Rilindasit tanë në frymën e romantizmit nacionalist u përpoqën të ndërtojnë identitetin tonë kombëtar. E në këtë frymë, diskursi i tyre shtyhej drejt përshkrimit të entitetit tonë etnik ndryshe nga ai turk. Entititetin tonë nën perandorinë turke e denonoconin si të robëruar dhe gjithnjë nën kërcënim për t'u asimiluar si identitet dhe që të shpëtonim kombësinë tonë duhej të dëbonim gjithçka nga pushtuesi "turk", oriental, aziatik. Gjithë proklamata e tyre rilindase ishte se ne si shqiptarë jemi ndryshe nga "turku" që përshkruhet si e "keqja e madhe" për shqiptarët duke sqaruar se na kishte ngelur aq krenari sa të mobilizoheshim për ta luftuar. Vetëm lufta kundër tij është shpëtimi ynë i vërtetë dhe morën përsipër të përmbushin një aspiratë programore për të rilindur kombin tonë, ashtu siç kishte qenë dikur, por që nën Perandorinë Osmane kishte humbur disa tipare të identitetit të tij, megjithëse kishte patur gjithnjë fuqi për t'i qëndruar asimilimit. Misioni i rilindasve shqiptarë nis t'i përmbushë këto aspirata kombëtare por pas rënies së perandorisë dhe largimit nga Ballkani, kjo ideologji u bë mobilizuese në mbështetjen dhe arritjen e praktikave vepruese. Në logjikën e këtyre nismave vepruese, rilindasit e paraqesin etnitetin shqiptar kretjtësisht të pastër, të pandotur nga mjedisi oriental, jashtë intoksinimeve sociale dhe kulturore të otomanizmit pesëshekullor.

Gjithnjë sipas tyre, shqiptarizma ka qenë e imunizuar nga çdo substancë e huaj që vinte nga jashtë dhe që ka ngelur krejtësisht e shëndetshme, pa u prekur aspak nga mjedisi viral i kulturave të huaja dhe kryesisht nga ajo orientale. Rilindasit e mbrojtën këtë devizë dhe e bënë kallzues të të gjithë aspirates së tyre programore për të ndërtuar mitologjinë kombëtare. Ashtu siç edhe popujt e tjerë të Ballkanit, edhe rilindasit shqiptarë ndërtuan mitet dhe mitologjinë e tyre politike për të konstruktuar identitetin e entitetit të tyre etnik. Këtë identitet të –Vetes- shqiptare e kërkuan dhe e gjetën tek miti i Skënderbeut dhe përmes tij stolisën ideologjinë shekullare të romantizmit nacionalist. Sipas tyre, shqiptarizma e përshkoi gjithë periudhën osmane, pa e përkulur krenarinë kombëtare. Sipas tyre dentiteti i kësaj shqiptarizme ishte i vetëmjaftueshëm për t'u mbajtur i vetëm, pa hyrë në korrelacion, për të përfituar apo për t'u plotësuar nga otomanizmi pesëshekullor.

Kështu ndërtohet –Vetja- shqiptare përkundrejt -Tjetrit- "turk" që as nuk ka marrë dhe as nuk ka dhënë prej tij, pra -Vetja– shqiptare ka qëndruar vetëm si refuzim i –Tjetrit- oriental. Lind pyetja: "Në kushtet e ndryshimit gjeopolitik në Ballkan, rilindasit tanë a kishin një orientim të ri gjeokulturor?" Të dhënat

çka u referohemi në këtë arttikull dëshmojnë se rilindasit ndonëse kërkojnë të lënë kollaj orientin, nuk është se kishin një orientim për t'u akomoduar kulturalisht në ndonjë qytetërim tjetër. Nuk kërkojnë as të identifikohen, as të njëjtësohen me qytetërimin perëndimor. Orientimi drejt Perëndimit dhe pranimin e tij do ta gjejmë më vonë në diskursin intelektual dhe politik të viteve 20-30-të të shekullit XX.

Diskursi dominues gjatë periudhës së Rilindjes

Sami Frashëri, një ndër mendimtarët më të spikatur të periudhës së Rilindjes Kombëtare, del ndër të parët në kërkim të identitetit të shqiptarëve. Shqiptarët i shikon krejt të veçantë prej turqve, krejt ndryshe prej tyre, bile të kundërt. Turqit paraqiten sikur janë krejt të huaj dhe portreti i tyre fizik e moral është i përshkruar vetëm me konotacione negative.

> "Shqiptarët kanë mbajtur gjuhën dhe kombësinë e tyre jo me shkronja, as me dituri, as me qytetari, por vetëm me liri duke qenë gjithnjë vetëm e më vete, me të mos perzier me të tjerët e duke mos kallur të huaj në vendin e tyre. Të qëndruar larg nga gjithë bota, nga diturie, nga qytetaria, nga tregtia me një fjalë të rrojturit si të egër nëpër male, u ka ruajtur e shpëtuar shqiptarëve gjuhën e kombësinë."[1]

Po të njëjtën gjë pohon kur thotë:

> "Vetëm shqiptarët e Shqipërisë e kanë ruajtur kombësinë e tyre duke mos u përzier me të huaj, duke rrojtur të ndarë nga gjithë bota e si të egër."[2]

Sipas Rilindasit Sami, shqiptarëve për të bërë kombin e tyre u ka mjaftuar vetëm–Vetja-duke e përjashtuar krejtësisht –Tjetrin-. Nuk e pasqyron ndërtimin e identitetit të Vetes në rrugën që bën për të "takuar"-Tjetrin- dhe kjo -Vete- bëhet në tërësinë e korrelacioneve që krijon më këtë –Tjeter- që është ndryshe me të. Dhe ajo çka kërkohet në këtë studim, është se Sami Frashëri nuk kërkon të identifikojë etninë shqiptare me ndonjë qytetërim tjetër as evropian dhe as

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[1]Frashëri, Sami; "Shqipëria çka qënë , ç'është e ç'do të bëhet" Shtepia botuese, Tirane f. 45.

[2] Po aty, f. 68

aziatik. Për të, Evropa qëndron si nocion gjeografik, jo si nocion kulturor. Më poshtë shkruan:

"Kombet janë si peshqit që hanë njëri-tjetrin. Mjerë kush është i dobët!"[3]

Këtu autori dëshmon edhe njëherë se Evropa ishte e ndarë vetem në kombe që kërkojnë të shfarosin njëri-tjetrin dhe as nuk bëhet fjalë për një Evropë të akomoduar brenda një identiteti kulturor të vetin. Tek kapitulli "Rreziqet e Shqipërisë" Sami Frashëri, pasi numëron shtetet fqinje si rrezik për Shqipërinë, nuk lë pa përmendur edhe Austrinë si rrezik potencial për vendin tonë:

'Shqiptarët vinin bashkë me turqit për të mbrojtur kufijtë e mbretërisë dhe nuk shihnin ndonjë rrezik për kufijtë e Shqipërisë, kurse sot nuk është ashtu, pasi ka mbetur në një çip të largët e të veçantë të Turqisë, dhe është rrethuar me kufij armiqësh. Mali i Zi , Serbia, Greqia e Bullgaria e kanë peshtjellë, e përqark Shqipërisë edhe Austria i ka ardhur mbi krye."[4]

Në këtë periudhë Austria kishte marrë rol imperator dhe impononte gjeopolitika rajonale dhe botërore dhe ishtë ngritur si fuqi e rëndësishme politike e Përendimit. Mirëpo rilindasi ynë nuk e shikontë të favorshme linjën gjeo-politike të saj në Ballkan, por si kërcënim. Këtu ka një kontradiksion në vizionin politik të tij, pasi autori nuk e shikon më Turqinë si rrezik për Shqipërinë, por dobësimin e Turqisë dhe ajo që unë kam në fokus të studimit është se autori, nuk i atribuon Austrisë si fuqi imperatore e Evropës së asaj kohe ndonjë mision unifikus për ndonjë lloj qytetrimi që shqiptarët të kërkojnë të identifikohen me të. Sami Frashëri njihet si një ndër autorët e hartimit të enciklopedisë së kombit turk, ku natyrisht në atë botim turqisht promovon vlerat e këtij kombi, kurse në këtë veper përdor epitetet denigruese: "çjanë tyrqit? një komb i egër të ardhur nga shkretetirat e Azisë, këto me egersinë e tyre zunë më të bukurat e vendeve të botës, i dogjën , i shkretuan, i rropën etj..."[5].

Këto vlerësime me konotacione kaq negative do të thotë refuzim i çdo elementi që i përkiste mendësisë perandorake dhe qytetërimit turk, por jo se kërkohet ndonjë njëjtësim me ndonjë qytetërim tjetër mbikombëtar evropian. Në

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[3] Po aty, f. 68
[4] Po aty, f. 69
[5] Po aty f.90

diskursin rilindas të Samiut, shikojmë sesi po ngrihet iluminimi i vetëdijes kombëtare, por jo duke aspiruar për një vetëdije kulturore përendimore apo evropiane. Pas 20-30 vjetësh, në gjysmën e parë të shekullit 20-të, Evropa do të provokonte ndeshjen midis vetes, kur prodhoi konfliktin më të madh global gjatë shekullit XX, dhe për më se dy shekuj Evropa ka qenë rajon i konflikteve ndër vete.

Me të njëjtën gjuhë, pak a shumë artikulon edhe Naim Frashëri kur shprehet për Turqinë dhe kombin turk në poemën epike "Historia e Skenderbeut" botuar me 1898:[6]

"Kur një e madhe egersirë /Duke dalë prej Asije/U përhap si errëesire /Dhe mbuloj botën si hije/ Ishte një komb i mallkuar/Në gjuhë kishte dhelperinë/ Synë e kish të egersuar/Në zemer kishte djallëzinë/ Ra më det qytetrija/ U ngrit si re errësira/ U përhap mi dhet padija/ Gjaku, vdekja, shkretëtira."

Këtu Naimi kërkon të ndërtojë shkallaren e identitetit tonë, duke vështruar armikun dhe duke e përshkruar atë. Përgjithësisht i tillë ka qënë diskursi i rilindasve, duke bërë "armikun" për të provokuar praktika vepruese shoqërore kundër tij në mobilizime të përbashkëta. Duke gjetur "armikun" kombëtar, do ta kishin më të lehtë të vitalizonin sentimentet etnike që kishin flejtur gjatë në letargjinë e religjioneve dhe përballë këtij "armiku" do të matnin dhe zhvillonin vlerat etnike. Diskursi poetik i Naimit në këtë poezi është në përputhje më atë që përshkruan Eduard Said në veprën e tij "Orientalizmi" me nëntitull "Imagjinimi Evropian i Orientit."[7] Diskursit moral dhe etik të Rilindasve në etiketimin e "armikut" turk, duhej t'i jepej impuls militar.

Pasi u përshkrua –Tjetri- "armiku", duhej të bëhej luftë kundër tij.

Pashko Vasa grish për luftë në emër të "fesë" së shqiptarit: "para se të hupë kështu Shqypnia/ me pushkë n`dorë le t`vdes djelmënia/ çoniu shqyptarë prej gjumit çoniu/ të gjithë si vllazen n`nji besë shterngoniu/ mos shikoni kisha e xhamia / se feja e shqyptarit ashte shqiptaria[8]". Vargu i fundit tregon se kombi prevalonte mbi fetë dhe se ideologjia kombëtare po bëhej për shqiptarët ideologji shekullare. Pashko Vasa, përpara se të vishte petkun e rilindasit ishte

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[6] Nami Frashëri; "Historia e Skënderbeut", Shtepia botuese Tiranë.
[7] Eduard Said, "Orientalizmi, imagjinimi europian i orientit" Botuar në shqip në vitin 2009.
[8] P. Vasa, "Shqiptar"

Vaso Pasha - politikan karriere dhe figurë e rëndësisheme në hierarkinë perandorake (Guvernator i Libanit). Duke qenë i tillë, njihte psikologjinë e popullit të vet nën fuqinë e perandorisë dhe influencat e religjioneve në etninë shqiptare. Ai e kishte kuptuar se konfliktet në Ballkanin turk nuk zhvilloheshin në linjat etnike, por përgjatë kufijve të religjionit. Në këto treva, konfliktet më shumë zhvilloheshin përgjatë kufijve fetarë se atyre etnikë.[9] Edhe A. Z. Çajupi në diskursin e tij poetik, qëndron në definacionet e Naimit kur vjen fjala për të emërtuar turkun si projeksion i të keqes: gazep, i gjorë, mjegull, re, errësirë, shkretëtirë. Poezia "Robëria": "Shqipëria mbet e gjorë/ dhe nuk sheh dritë kurrë/një mjegull e keqe e shkretë/ e ka mbuluar për jetë." Dhe vijon më tej; "një gazep, një ërrësirë/ vetëtit edhe gjëmon.../" etj etj. Më tej tek poezia "Shqipëtar" jep kushtrim për luftë të hapur kundër –Tjetrit-: "zhvish rrobat e robërisë mëmëdhe/ vish armët e trimërisë se ke ne/.[10]

Në përgjithësi kështu u konstruktua nga gjithë rilindasit turku, që ishte –Tjetri-, i ndryshmi, radikal, që duhej refuzuar dhe dëbuar krejtësisht. Identiteti i –Vetes- tonë si shqiptarë, po bëhej në më të shumtën e rasteve, vetëm duke përshkruar –Tjetrin-, që ishtë krejt i huaj, i keq dhe armiqësor. Edhe Çajupi thërret për t'u ndarë nga Orienti, por jo se kërkon të përqafojë ndonjë vlerë Perëndimore, përveçse ideologjisë kombëtare.

Ndre Mjeda në poezinë e tij "Liria" [11]shkon deri te diskursi nacional dhe jo përtej;

"Fluturo shqipe, fluturo kah çelet lama/ Sielliu maleve përeth që ka Shqipnia

E veshtroje kah i del lirimit ama". Shqipja sillet vetem maleve të Shqipërisë dhe jo pertej maleve, tregon që edhe Mjeda, si katolik, kerkon që ta bëjmë identitetin tonë vetem etnikisht, me produktin tonë kulturorë dhe historik pa ndonjë qasje ndaj vlerave të Krishtërimit Përendimor.

Në poemën "Vaji i Bylbylit" Mjeda shkruan:

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[9] O. Shmit. Shqiptarët një histori mes Lindjes dhe Perëndimit. Botim, Gutenberg. Tiranë 2012

[10] A. Z. Cajupi "Robëria", "Shqiptar" . Shtepia botuese, Tiranë.

[11] Vellimi poetik i Mjedes, Liria, Shtëpia botuese Tiranë.

"Po shkrihet bora/ dimni po shkon/ Bylbyl i vorfen/ pse po gjemon/

Pushoi murlani / me duhi t`vet/Bilbil i vorfen /çou mos rri shkret."[12]

Mjeda këtu kërkon të prekë sentimente etnike ndër shqiptarë si komb i vonuar, por nuk shpreh ndonjë afeksion për ndonjë vlerë apo qytetërim tjetër. Të paktën në këndvështrimin e rilindasve për kaq sa sjellim këtu tregon se Evropa ishtë epoka e kombeve dhe jo e unifikuar nën një qytetrim.

Asdreni, një tjetër rilindas, në vjershën "Një diell i ri" kumton:

" Sot mori fund çdo gjurmë tirani/Një diel i ri po ndrit plot me shkelqim

Për kombin lind një kohë lumturie/Dhe për bishat e egra një shkatrrim."[13]

Edhe Asdreni shikon se po agon një epokë e re për kombet. Kombe të lumtura, jo ndonjë epokë evropiane. Edhe tek Asdreni –Tjetri-, "turku" është "bishë e egër, një perandori në shkatërrim." Diskurs i unifikuar për të identifikuar – Tjetrin- thuajse nga të gjithë rilindasit!

Konkluzione

E para; përgjithësisht rilindasit u përpjeken për të konstruktuar identitetin tonë etnik përkundrejt –Tjetrit-, "turkut" dhe nuk atakojnë askund Islamin si imperator kulturor, apo si qytetërim intoksinues për mjedisin shqiptar. Ata e ndërtuan –Veten- shqiptarë, duke e vënë përballë – Tjetrit- turkut, aziatik që ky mbarte mbi vete gjitha konotacionet negative që i atribuohen një populli apo një kombi. "Turku", -Tjetri-, e Keqja, Perandoria Politike e tyre mbase nuk kishin qenë të tilla disa kohë më parë, ose më së paku nuk ishin perceptuar të tilla nga rilindasit tanë, por ato u bënë pikërisht të tilla atëhere kur mjedisi dhe rrethanat historike ndryshuan në Ballkanin turk. Vetja jonë si identitet, në më të shumtën e rasteve, po ngrihej nga ligjërimi politik e poetik dhe po bëhej ky identitet si produkt kulturor dhe politik i kushtëzuar nga mjedisi dhe rrëthanat e reja ndërkombëtare që u krijuan në Ballkan. E në logjikën e kësaj dhe mbështetur në këto të dhëna analitike, mua,   më forcohet pikëpamja se identiteti etnik më shumë del si konstrukt konjuktorial, si "inxhinjeri" politike,

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[12] Vellimi poetik i Mjedes, poezia Vaji i Bilbilit, Shtëpia botuese, Tiranë.
[13] Poezi nga Asdreni, Shtepia botuese 8 Nentori, Tiranë.

si prodhim i një elite urbane, për të ushqyer aspirata kombëtare. Nuk kishte dyshim se diskursi rilindas artikulohej brenda një vetëdijeje pasi i adresohej një komuniteti, që në pikëpamjen etno-linguistike ishte i ndryshëm nga turku, por në një pikëpamje kulturore, në shumicën më të madhe myslymane, islami kishte sjellë një akomodim të përbashkët historik dhe politik midis këtyre dy popujve. Parë në këtë këndvështrim, ajo çka është e rëndësishme për këtë hulumtim do të thotë se identitetet kolektive nuk janë komponente organike, nuk është se kanë një "lëndë" endogjene të natyrshme që nuk tjetërsohet,[14] nuk janë të ndryshëm së brendëshmi, por në më të shumtën e rasteve janë fleksibël, konjukturialë dhe subjekt ndryshimesh, ku rrinë gjithmonë në shputen e interesave dhe rrethanave, që i kushtëzojnë ato.

   E dyta; nga këto të dhëna që dëshmohen në diskursin e tyre, shprehet qartë se rilindasit nuk kërkojnë të njëjtësojnë popullin tonë me ndonjë komb evropian. Me aq sa njohim nga veprat e tyre, rilindasit pavarësisht se urrejnë "turqit", nuk shprehin simpati për modele kombëtare, apo modele kulturore evropiane. Për ta Evropa nuk është mjedisi që ka krijuar një mëvetësim kulturor me premisa për identitet të vetin, por është Evropa e Kombeve ku edhe vendet e Ballkanit aspironin të hynin në këtë epokë. Nuk do të thotë se ata nuk kuptonin se Perëndimi po shënonte superioritet ekonomik, politik dhe kulturor mbi Lindjen, por nuk shikonin se ky Perëndim po njëjtësohej në vetvete në ndonjë pikëpamje kulturore. Perëndimi po bëhej gjithnjë e më shumë vendi i inovacionit teknologjik, i iluminimit etnik dhe kulturor, por komb-shteti ishte ideologjia shekullare. Kështu në logjikën e kësaj, në aspektin gjeo-politik, Evropa e asaj kohe, dukej si çliruese për shqiptarët, dhe e tillë po afrohej çdo ditë e më shumë, kurse si nocion kulturor me premisa unifikuese ishte shumë larg në vizionin e rilindasve.

 Edhe për një shekull Evropa u bë djepi i qytetërimit dhe aksi global i forcës politike, por në aspektin etnik, ngriti kombe ekstremisht të ndryshëm dhe thellësisht të papajtueshem në aspiraten e tyre të fuqëzimit. Dhe si rrjedhojë e gjithë kësaj, në gjysmen e parë të shekullit të 20-të, Evropa bëri vetëvrasje politike në emër të zhvillimit të kombit, duke errësuar shumë perspektivën e njëjtësimit dhe unifikimit të –Vetes- si Evropë për shkak të prestigjit që përfitoi kombi në këtë sfidë. Kështu që për rilindasit ishte ende heret ku "arratisjen"

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[14] Özkırımlı, U. (2000) *Theories of Nationalism: A Critical Introduction*, Basingstoke: Macmillan, p. 226.

nga Lindja[15] do ta përkthenin domosdoshmërisht kthim në Përendim.   E treta: "Turku", -Tjetri-, nuk ishte ashtu siç realisht ishte, por siç rilindasit e perceptonin ose dëshironin ta përceptonin të tillë. Ndoshta nuk kishte qenë i tillë, por u bë për të përmbushur një aspiratë programatike të kohës. Dhe kështu do bëhej "turku" përditë në diskursin e rilindasve, deri sa të përmbushej kjo aspiratë. Them perceptim sepse rilindasit u "armiqësuan" me kombin turk dhe jo me Islamin turk.

Ky komb me gjitha të "keqijat" iu ofroi pjesës më të madhe të shqiptarëve, Islamin, jo vetem si kulturë dhe religjion, por edhe si qytetërim. Identiteti ynë po vetëstrukturohej nga rilindasit si i ndryshëm nga "turku", që ishte –Tjetri-, radikal, armiqësor. Ky strukturim i Vetes përballë Tjetrit, (turkut) i parë në linjën e konstruktivizmit liberal e vë në pikëpyetje faktin nëse identiteti mund të egzistojë realisht duke qenë se ndryshon dhe transformohet në mënyrë kontekstuale. E në logjikën e këtij supozimi, kjo tregon se identiteti më pak është i dhënë në natyralitetin e tij dhe më shumë është i përfituar nga një akt i ndërsjellë.[16] Duke qenë se identititeti etnik prodhohet dhe përfitohet nga një akt i ndërsjellë social, Vetja dhe Tjetri do të konfigurojnë dhe rikonfigurojnë imazhet për njëri – tjetrin. Në këtë rast, "turku", si imperator ka bërë dhe ribërë në mënyrë konjukturiale imazhin për koloninë para dhe gjatë pushtimit, sigurisht edhe kolonia do të ngrejë imazhin e vet për imperatorin. Kjo ndërmarrje politike do të ndërtojë Veten superior dhe Tjetri që do të pushtohet inferior, prandaj arrin edhe kolonializimin e etnive të ndryshme. Kështu kjo e forcon edhe më shumë pikëpamjen time se një identitet nuk mund të jetë i dhënë njëherë e përgjithmonë, por i nënshtrohet një procesi transformimi nëpërmjet refuzimit dhe pranimit sipas kontekstit social.

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[15] E. Sulstarova. (2006) *Arratisje nga Lindja*, Duda.

Bibliografi

Sami Frashëri, Sami. *Shqipëria çka qënë , ç`është e ç`do të bëhet* Shtëpia botuese, Tiranë, f. 45.

 Po aty, f. 68

 Poaty. f. 68

 Po aty.f. 69

 Po aty, f. 90.

 Said, E. (2009) *Orientalizmi, imagjinimi evropian i orientit.* Tiranë.

 Vasa. P. Vjersha "Shqiptar"

 O. Shmit. *Shqiptarët një histori mes Lindjes dhe Perendimit.* Botim, Gutenberg. Tiranë 2012

 Çajupi *Robëria*, *Shqiptar* Vepra poetike.

 Vëllimi poetik i Mjedës, Liria, Shtëpia botuese, Tiranë.

 Vëllimi poetik i Mjedës, Vaji i Bilbilit, Shtëpia botuese Tiranë.

 Asdreni, Poezi Shtëpia botuese 8 Nëntori.

Özkırımlı, U. (2000) *Theories of Nationalism: A Critical Introduction, Basingstoke: Macmillan*, p. 226.

Rumelili, B. (2004) '*Constructing Identity and Relating to Difference: Understanding the EU's Mode of Differentiation'*, Revieë of International Studies, 30, pp. 27-47 (at 29).

E. Sulstarova. (2006) *Arratisje nga Lindja*, Duda.

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Një analizë Juridike e Shoqërive Tregtare në Kodin Civil të periudhës së Monarkisë në Shqipëri

Abstrakt

Kodi Civil i vitit 1929 i miratuar gjatë kohës së Monarkisë në Shqipqri, ka qenë një nga hapat më domethënës të implementimit të legjislacionit shqiptar sipas modeleve më bashkëkohore të vendeve të tjera më të zhvilluara të Europës dhe më gjerë. Në këtë Kod janë parashikuar dhe konceptet e shoqërive tregtare. Në këtë shkrim do ju prezantojme me një koment të dispozitave të këtij Kodi lidhur me shoqëritë tregtare. Sipas dispozitave të këtij Kodi rregullohej menyra e krijimit të shoqërive tregtare, llojet e tyre, marrëdhëniet mes ortakëve të shoqërive, si dhe mënyra e administrimit të këtyre shoqërive tregtare. Gjithashtu parashikohej mundesia e regjistrimit të këtyre shoqërive tregtare si subjekt i veçane i së drejtës duke fituar personalitet juridik dhe duke u konsideruar si subjekt i së drjtës e cila përbënte një risi në legjislacionin shqiptar.

Fjalë kyçe: Kodi Civil 1929; shoqëri tregtare; shoqëri universale; administrimi i shoqërive tregtare.

Hyrje

Shoqërite tregtare kanë pasur hovin më të dukshëm të zhvillimit të tyre pas rënies së sistemit komunist në vitin 1992 me implementimin e legjislacionit të ri pas ndryshimeve demokratike. Për shkak të sistemit politik totalitar diktatorial, në përiudhën pas Luftës së Dytë Botërore u bë një regres i vazhdueshëm në drejtim të kufizimit dhe shkeljes së të drejtave dhe lirive themelore të individit, përfshirë dhe lirive ekonomike dhe të pronës private. Gjatë kësaj periudhe u ndalua me ligj ekzistenca e shoqërive tregtare dhe nuk mund të flitej më për sipërmarrje të lirë private.[17]

Por në kontekstin historik, në periudhën para Luftës së Dytë Botërore, në Shqipëri ka pasur një traditë të pasur juridike përsa i përket legjislacionit tregtar në përgjithësi dhe rregullimit të shoqërive tregtare. Ndërsa ne periudhen para miratimit të Kodit Civil të vitit 1929 në vendin tonë, përveç të drejtës zakonore ka gjetur zbatim edhe Kodi Civil Osman i njohur si "Mexheleja" i cili ishte një legjislacion i reformuar ne mes të shekullit të XIX gjatë reformave të Tanzimatit.[18] Vete legjislacioni osman edhe në kohërat më të hershme duke qenë i ndikuar nga e drejta islame i njihte konceptet e ndërmarjeve tregtare[19] që në fillimet e këtij korpusi normash e njohur si "Fikh". Gjithashtu në këtë periudhë ishin të zbatueshme Kodi Tregtar Tokësor i datës 28 Korrik 1850 bashkë me shtojcën e datës 30 Prill 1860 dhe Kodi Tregtar Detar i 1 gushtit 1863, si dhe dispozitat e të drejtës zakonore. Këto kode pavarësisht se ishin

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[17] Ligji 2022 dt. 02.05.1955 "Për Pjesën e Përgjithshme të Kodit Civil" hoqi në mënyrë përfundimtare mundësinë e themelimit të shoqrive tregtare në përgjithësi, pra edhe shoqërisë me përgjegjësi të kufizuar. Sipas këtij ligji nuk parashikohej fare mundësia e themelimit të personave juridikë private.

[18] Shih Hasan Bello (Instituti i Historisë – Tiranë), Kodi Civil Osman - "Mexheleja" dhe trashëgimia juridike osmane në Shqipërinë e viteve 1912 – 1929, publikuar në "Zani i Naltë" (*ISSN* 2305-655X) Nr.2 Tiranë 2013.

[19] Avram Udovitch, "Partnership and Profit in Medieval Islam", (Princeton University Press, 1970) p. 170; Muhammad Yusuf Salem, Islamic Commercial Law (Wiley Finance 2006) 111 – 122.

trashëguar nga Perandoria Osmane, në fakt ishin përgaditur sipas modelit të Kodit Tregtar të Francës, (*Code de Commerce Français)* të vitit 1807.[20]

Gjatë viteve 1920 dhe 1930 në Shqipëri janë implementuar norma tregtare të unifikuara, sipas traditës së vendeve më të zhvilluara të të civil law. [21] Gjatë periudhës së monarkisë në Shqipëri pati një evoluim të vazhdueshëm në kuadër të përmirësimit të legjislacionit në përgjithësi dhe atij civil ne veçanti.[22] Pjesë e këtyre zhvillimeve ishte dhe nisma për miratimin e Kodit Tregtar të viti 1932 i cili do të krijonte një infrastrukturë juridike më të plotë dhe bashkëkohore për subjektet e së drejtës tregtare në funksion të nxitjes së një ekonomie të tregut të lirë dhe rritjes së investimeve vendase dhe të huaja në Shqipëri nëpërmjet sipërmarrjeve tregtare.[23] Por rreth 3 vite para se të miratohej Kodi Tregtar i vitit 1932, konkretisht në 1 Prill të vitit 1929 është miratuar Kodi Civil i Mretnisë Shqiptare, në të cilin përveç shumë insituteteve të tjera civile, janë hedhur dhe bazat e koncepteve të shoqërive tregtare.

Kodi civil shqiptar i vitit 1929 është një vepër juridike me interes, që bazohehej në modelet më përparimtare të kohës si ligji civil francez dhe italian, e drejta zviceriane me disa urdhra të caktuar nga e drejta egjiptine me disa institucione të së drejtës zakonore shqiptare.[24] Burimi kryesor i këti kodi ishtë Kodi Civil i Napoleonit (kodi francez). Ky kod përafroi me legjislacionin e vendeve të Europës Përëndimore të drejtën civile shqipëtare.

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[20] "Shqipënia më 1937", Veprimi shtetnor gjatë njëzet e pesë vjetëve të parë të vetqeverrimit, vëllimi I, Botimet e Komisionit të Kremtimeve të 25 vjetorit të Vet-Qeverrimit 1912-1937, Tiranë, 1937, fq. 96- 97.

[21] Shih Artan Hajdari në punimin doktoral me teme; "Natyra juridke e administrimit te shoqërive tregtare" dorëzuar prane Fakultetit të Drejtësisë, Universiteti i Tiranës 2019. fq.25.

[22] Aurela Anastasi - Historia e të drejtës kushtetuese në Shqipëri 1912-1939, Tiranë: Pegi, 2007

[23] Bashkim Boseta punimi doktoral me teme "Veprimtaria Parlamentare në Shqipëri në vitet e Monarkisë Shqiptare, 1928 - 1939" i dorëzuar Fakulteti i Historisë dhe i Filologjisë së U.T. 2019. fq. 85.

[24] Fikret Karčić, *Studime për të drejtën e sheriatit dhe institucionet*, shtëpia botuese Logos – A, Shkup, 2015, f. 140.

Në këtë punim do të trajtojmë shoqëritë tregtare të formuara me kontratë sipas Kodit Civil te vitit 1929 pa përfshirë korporatat dhe të ashtuquajturat stabilimentet e të drejtës publike. Personaliteti juridik i korporatave fitohej me anë të dekretit Mbretëror, pas dhënies së mendimit të favorshëm nga Këshilli Ministror[25] dhe shpalljes në fletoren zyrtare të qarkut apo të kryeqytetit të vendit.[26] Punimi ndahet në 5 seksione. Seksioni i dytë paraqet një trajtim teorik të kuptimit të kontratës dhe llojeve të shoqërive tregtare të parashikuara në Kodi Civil i Zogut. Më pas, analiza vijon me detyrimet e anëtarëve të shoqërisë (seksioni tretë) dhe administrimi i shoqërimeve tregtare (seksioni katërt). Seksioni pestë trajton mbarimin e shoqërive dhe likujdimin e saj. Në mbyllje, punimi argumenton rëndësinë e studimit të dispozitave që rregullojnë shoqëritë tregtare në Kodin Civil të vitit 1929 në aspektin e zhvillimeve historike në këte fushë të së drejtës.

Kuptimi i kontratës së shoqërisë dhe llojet e shoqërive, personaliteti juridik i tyre

Kodi Civil i vitit 1929 apo siç quhej ndryshe Kodi Civil i Zogut, përcaktonte kuptimin e kontratës së shoqërisë në nenin 1655 të tij.[27] Ky nen cilësonte se:

> Kontrata e shoqërisë ishte kontrata me anë të së cilës dy ose më shumë persona bënin marrëveshje midis tyre për të realizuar një qëllim ekonomik të përbashkët me anë të zotërimeve apo përdorimit të një apo më shumë sendeve (me natyre pasurore ose kontribute në natyrë), apo industrisë që mund të disponojë secili prej tyre.

Ligji civil i kohës i kualifikonte shoqëritë në dy lloje kryesore. Ato ishin:
    I.   Shoqëritë e përgjithshme apo universale, dhe;

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[25] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 410, f. 127.

[26] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1689, f. 422.

[27] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, f. 413.

II.   Shoqëritë e pjesëshme apo siç cilësoheshin, ndryshe në Kodin Civil, shoqëritë partikolare[28].

I.**Shoqëria universale** mund të krijohej vetëm me marrëveshje të palëve që kishin zotësi të plotë për të vepruar dhe nuk u ishte ndaluar të përfitonin në dëm të tjerëve[29]. Nga vetë emërtimi i "shoqërite universale" kishin si karakteristikë që efektet financiare dhe pasurore të ortakëve të këtyre shoqërive shtriheshin ne mënyrë të përgjithëshme te të gjitha pasuritë e tyre ose te të gjitha fitimet e tyre në varësi të llojit të shoqërisë. Në kuptim të legjislacionit aktual këto subjekte ngjasojnë me ortaket e nje shoqërie kolektive apo te një shoqërie të thjeshte të cilët mbajnë përgjegjësi solidare të pakufizuar për humbjet që shoqëria mund të ketë ndaj të tretëve. Pra këto shoqëri janë të ndryshme nga shoqëria me përgjegjësi të kufizuar ku ortakët nuk marrin risqe të tjera përveç shlyerjes së masës së kontributit të tyre.[30]

Shoqëria universale kategorizohej në dy lloje kryesore, që ishin: i) shoqëria universale e pasurive dhe ii) shoqëria universale e fitimeve.[31]

i) <u>Shoqëria universale e pasurive</u>, ashtu siç kuptohet dhe nga emërtimi i saj, përbehej nga të gjitha pasuritë e momentit të anëtarëve të saj, pasuritë e luajtshme dhe të paluajtshme në kohën e lidhjes së kontratës si dhe nga fitimet (frutet civile) që mund të nxirreshin prej tyre. Po ashtu, me marrëveshje të anëtarëve të saj, shoqëria universale e pasurive mund të kishte për objekt dhe të përfshinte edhe pasuritë që do të përfitonin (*vetësonin*) secili prej anëtarëve të

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[28] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, f. 413.

[29] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1661, f. 415.

[30] Kuvendi i Shqipërisë, Ligji Nr 9901 dt. 14.04.2008 " Per tregtarët dhe shoqëritë tregtare"

[31] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, f. 414.

saj mbas formimit të shoqërisë[32]. Megjithatë kishte një kategori pasurish të anëtareve të kësaj shoqërie të cilat nuk konsideroheshin pjesë e shoqërisë, si rregull. Këto pasuri ishin ato sende ose të mira që i rridhnin anëtarëve të saj me anë të trashëgimit apo dhurimit dhe nuk përfshiheshin në objektin e shoqërisë universale. Ky ishte rregulli i përgjithshëm por përjashtimisht edhe këto pasuri mund të viheshin në përdorim të shoqërisë nëse ekzistonte një marrëveshje mes ortakëve për këtë të drejtë përdorimi ose gëzimi. [33]

Për të përcaktuar nëse një shoqëri universale do të ishte shoqëri universale e pasurive apo shoqëri universale e fitimeve kjo varej vetëm nga vullneti i ortakëve të shoqërise i cili duhej të ishtë i shprehur qarte nga secili ortak në themelimin e shoqërisë.Duhet të kemi parasysh që shoqëria universale e pasurive kërkonte një angazhim dhe kontribut më të madh të ortakëve të saj të cilët investonin në shoqëri dhe pasuritë e tyre të tashmë ose dhe të ardhme sipas marrëveshjes së tyre.

ii)   Shoqëria universale e fitimeve kishte për objekt të saj vetëm fitimet e palëve për aq kohë sa ekzistonte shoqëria Pra siç rrjedh dhe emërtesa e këtyre shoqërive universale të fitimeve, në ndryshim nga shoqëria universale e pasurive, ortakët e këtyre shoqërive vinin në dispozicion të shoqërise të gjitha fitimet e realizuara prej tyre nga aktiviteti tregtar, gjatë kohës që ishin anëtar (ortak) të këtyre shoqërive, por nuk vinin ne dispozicion pasurinë që ata disponoinin më përparë nga burime të ndryshme.[34] Do të ndodheshim përpara shoqërisë universale të fitimeve kur ekzistonte një deklarim nga ana e palëve për pjesëmarrjen në një shoqëri të tillë.[35] Pra lloji i shoqërisë përcaktohej nga vullneti i ortakëve.

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[32] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, f. 414.

[33] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, f. 414.

[34] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1659, f. 414.

[35] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1660, f. 415.

Shoqëria universale e fitimeve, edhe pse nuk përvetësonte (përfshinte) pasuritë e luajtshme apo të luajtshme të anëtarëve të saj në kohën e kontratës, megjithatë kishte të drejtën e gëzimit të ketyre pasurive[36]. Këto karakteristika të të dy tipeve të shoqërive në fakt ngjasojnë më shume me shoqëritë kolektive të parashikuara nga legjislacioni i sotëm.

Në dallim nga shoqëria universale e fitimeve, shoqëria universale e pasurive kërkonte një angazhim dhe kontribut më të madh të ortakëve të saj të cilët investonin në shoqëri dhe pasuritë e tyre të tashmë osë dhe të ardhme sipas marrëveshjes së tyre.

II.   **Ndërsa Shoqëria e pjesshme (partikolare)** nënkuptonte shoqërinë që kishte për objekt të saj vetëm sende të përcaktuara, përdorimin e tyre apo fryteve që mund të rrridhnin prej tyre si dhe ndarjen e punëve apo të sendeve nga ana e anëtarëve të saj për ushtrimin e përbashkët të një mjeshtërie, profesioni apo sipërmarrjeje[37]. Në këto shoqëri ortakët e tyre nuk ofrojnë të gjithë pasurinë e tyre por vetëm nje pjesë të saj. Pra në shoqëritë partikolare, ortakët e ketyre shoqërive kanë një pavarësi me të madhe përsa i përket gëzimit të pasurive të tyre të papërfshira në shoqëri dhe si rrjedhojë një ekspozim më të vogël ndaj riskut që vjen prej borxheve të shoqërisë.

Në Kodin Civil të vitit 1929 parashikohen vetëm dispozita për rregullimin e shoqërive të personit dhe jo shoqëritë e kapitalit. Shoqëritë e krijuara me kontratë sipas nenit 1655 e vijues të Kodit Civil të vitit 1929 kanë si element bazik raportin e mirëbesimit reciprok mes ortakëve të shoqërisë dhe mbështetjen tek njëri tjetri për shkak të cilësive personale (intuitu personae) në formimin e kësaj shoqërie.

Gjithashtu ne këtë kod nuk rregullohej shoqëria me përgjegjësi të kufizuar sipas konceptit te legjislacionit të sotëm. Por shoqëritë partikolare janë një nga modelet fillestare në legjislacionin shqipëtar ku shfaqen disa karakteristika të ngjashme me shoqërinë me përgjegjesi të kufizuar e cila do të parashikohej shprehimisht ne Kodin Tregtar të vitit 1932 si "*shoqni me garanci te*

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[36] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1659, f. 414.

[37] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1662, f. 415.

kufizueme"[38]. Gjithashtu sipas paragrafit të fundit të nenit 95[39] të Kodit Tregtar të vitit 1932 (i cili është miratuar pas Kodit Civil të vitit 1929) parashikohet edhe detyrimi që të gjitha shoqëritë tregtare të themeluara në bazë të ligjeve të tjera do tu nënshtrohen dispozitave të ligjit të ri që ishtë Kodi Tregtar. Në këtë kategori mund futeshin patjetër edhe shoqëritë që ishin themeluar ne bazë të Kodit Civil të vitit 1929, Ky ishte një parashikim që i detyronte të gjitha shoqëritë tregtare që të përshtaten me rregullimet e Kodit Tregtar të vitit 1932 dhe të organizoheshin në njërën nga format e shoqërive të parashikuara ne nenin 95 të tij.

Shoqëritë tregtare të formuara me kontratë sipas dispozitave të Kodit Civil të vitit 1929 mund të **fitonin personalitet** juridik dhe të gëzonin të drejtën për të marrë mbi vete të drejta dhe detyrime përvec atyre të drejtave dhe detyrimeve për të cilat janë përjashtuar apo kufizuar me ligj, apo ato që lidhen me cilësitë e vecanta të personit fizik. Kushti formal që shoqëria të fitojë personalitetin juridik ishte që të kryhej një procedurë e posaçme regjistrimi e parashikuar në nenët 1689 dhe 410 te Kodit Civil te vitit 1929. Sipas kësaj procedure shoqëritë duhet të regjistrohen në një radhor (regjistër) të posacem i cili ishte pranë Gjykatës së Shkallës së parë të vendit ku kishte qendrën e administrimit shoqëria.

Shoqëritë tregtare si persona juridikë përfaqësohen nga organet drejtuese te tyre (administratori ose administratoret) të cilët ngarkojnë shoqërinë më përgjegjësi për çdo veprim të kryer në emër të saj. Sipas nenit 414 të Kodit parashikohej dhe përgjegjësia ndaj personit juridik për veprimet e kryera nga përfaqësuesit e kësaj shoqërie. Madje shoqëria si person juridik mban përgjegjësi në raport me të tretët edhe për veprimet e paligjshme të organeve të saj drejtuese, pasi këto organe konsiderohen pjesë integrale e personit juridik.[40]

Marrëdhëniet midis ortakëve të shoqërisë

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[38] Shih nenin 143 e vijues të Kodit Tregtar të vitit 1932 botuar ne Fletoren Zyrtare të dt. 5 Mars 1932.

[39] Shih nenin 9539 të Kodit Tregtar të vitit 1932 botuar ne Fletoren Zyrtare të dt. 5 Mars 1932.

[40] Baltasar Benussi. *"Obligimet dhe kontratat përgjithësisht" (titulli II i librit IV të Kodit Civil).* Botim i Ministrise se Drejtesise; Tirane, 1932, fq. 135

Kodi Civil i Monarkisë shqiptare parashikonte detyrimet midis ortakëve të shoqërisë si dhe kundrejt të tretëve. Termi i përdorur për ortakët e shoqërise apo anëtarët themelues të shoqërisë tregtare në dispozitat e Kodit Civil të vitit 1929 është shprehja "shok". Me këtë shprehje duhet të kuptojmë të drejtat dhe detyrimet e ortakëve në një shoqëri tregtare. Gjithashtu si për kontratat e tjera kërkohej që objekti veprimtarisë së shoqërisë të jetë i ligjshëm dhe të mos jetë kundërshtim me ligjin dhe parimet e së drejtës.[41] Kjo shprehje e përdorur për ortakët si dhe vetë mënyra e krijimit të shoqërive me shfaqjen e përbashkët vullnetit të dy ose më shumë personave për të realizuar nje qellim të përbashkët ekonomiko-tregtar provon karakterin personal te ketyre shoqërive. (dhe jo te kapitalit si në rastin e korporatave)

Dispozitate këtij Kodi sanksiononin detyrimin e pjesëtarit të shoqërisë për të paguar kamat-vonesën për mos plotësimin të shumës së detyruar që rrjedh nga pjesëmarrja në shoqëri.[42] Ky koncept i detyrimeve të ortakëve ekziston dhe sot në Ligjin për tregtarët dhe shoqëritë tregtare (që është një ligj relativisht i ri dhe modern i vitit 2008) dhe është një nga detyrimet bazë edhe për ortakët e një shoqërie me përgjegjësi të kufizuar apo një shoqërie aksionare. Gjithashtu parashikoheshin rregulla për shmangien e konfliktit të interest te ortakëve në raport me shoqërinë. Sipas dispozitës përcaktohej që çdo ortak që kishte marrë prej buxhetit të shoqërisë një shumë monetare të caktuar dhe e kishte përdorur për përmbushjen e qëllimeve dhe interesave personale detyrohej për pagimin e kamatës që prej ditës që kishte e marrë atë. Parimet e shmangies së konfliktit të interesit janë të parashikuara edhe në legjslacionin aktual për shoqërtë me përgjegjësi të kufizuara apo format e tjera të shoqërive.[43]

Gjithashtu në kodin Civil të vitit 1929, ortakëve të tjerë të shoqërisë u njihte të drejtën për të kërkuar edhe dëmshpërlime më të mëdha se kamat –vonesa. Ligji civil në këtë rast nuk përcaktonte se sa do të ishte vlera financiare e

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[41] Baltasar Benussi. *"Obligimet dhe kontratat përgjithësisht" (titulli II i librit IV të Kodit Civil)*. Botim i Ministrise se Drejtesise; Tirane, 1932, fq. 102.

[42] Mbretëria shqiptare, Ministria e Drejtësisë, neni 1663, f. 415-416

[43] Shih nenin 13 e vijues të ligjit Nr.9901, datë 14.4.2008 "Për Tregtarët Dhe Shoqëritë Tregtare" i ndryshuar.

dëmshpërblimit por siç dukej një vlerësim i tillë lihej të çmohej nga vet ortakët ose nga gjykata ne rast mosmarreveshje [44].

Në ketë Kod parashikohej edhe përgjegjësia civile për veprimet e ndërrmarra nga ortakët në një shoqërie. Kështu, në nenin 1664 Kodit Civil të kohës së monarkisë thuhej se: "*Asnjëri prej shokëve nuk mund të bëjë për llogari personale të veta ose të tjetrit ndonjë veprim që mund ti shkaktojë dëm shoqërisë*"[45] Ortaku i shoqërisë nuk mund të shlyejë dëmin që i ka sjellë shoqërisë me fitimet që shoqëria ka realizuar si rezultat i kontributeve të tij [46] apo për shkak të industrisë së tij. Gjithashtu Kodi parashikon që; asnje prej ortakëve të shoqërisë nuk mund të ngarkojë shoqërinë me detyrime për shkak të interesave të tij personale apo për interes të një të treti.[47].

Ligji civil shqiptar i kohës së Zogut ka parashikuar norma të detajuara në rastet përdorimit të sendëve të shoqërisë nga njëri prej ortakëve apo marredhënieve të tjera që mund të lindin mes tyre. Për rastet kur ortakët kanë kontribuar me pasuri në natyre apo me sende të cilat i shërbejnë qëllimit ekonomik të përbashkët zbatohen rregullat e qiradhënies së sendeve si për rreziqet ashtu dhe për garantimin me të cilin detyrohet anëtari i shoqërise tregtare kur detyrimi për pjesëmarrje në shoqëri përbëhet prej gëzimit të një sendi. Kur detyrimi që buron nga pjesëmarrja (ortakëria) në shoqëri në cilësinë e anëtarit lidhet me një të drejtë reale të tij apo një të drejtë uzurfrukti atëherë zbatohen rregullat e shitjes.[48]

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[44] Mbretëria shqiptare, Ministria e Drejtësisë,„neni 1663, f. 415-416.

[45] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1664, f. 416.

[46] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1667, f. 416.

[47] Neni 1664 Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998.

[48] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1668, f. 417.

Me këto parashikime konstatohet që Kodi Civil i vitit 1929 ka siguruar nje mbrojtje të veçantë për pasurinë shoqërisë tregtare dhe ka disiplinuar ortakët që të mos trajtojnë pasurinë e shoqërisë si pasuri të tyren personale. Konstatojmë që ka pasur parashikime të qarta për shmangien e konfliktit të interesit në veprimtarinë e shoqërive tregtare. Kjo është një sfidë aktuale e legjislacionit tregtar edhe në ditët e sotme përsa i përket respektimit korrekt te marrëdhënieve mes ortakut dhe shoqërisë, qoftë në shoqëritë me përgjegjësi të kufizuara apo edhe në format e tjera të shoqërive.

Po ashtu në përcaktimin e të drejtave të ortakëve në shoqëri, një parashikim shumë i rëndësishëm ishte ai që lidhet me të drejtën e votës i parashikuar ne nenin 1677 të Kodit Civil. Sipas kësaj dispozite parashikohet që: Kur një vendim duhet të merret me shumicë, llogaritet në bazë të numrit të pjesëmarrësve,[49] pra duke i konsideruar të gjithe ortakët me të drejtë të barabartë vote. Kjo do të thotë që pavarësisht nga fakti që ortakët mund të kenë kontribute të ndryshme, e drejta e votës është e barabartë. Ky parashikim paraqet një dallim me konceptin e sotëm të shoqërive me përgjegjësi të kufizuar ku sipas ligjit në fuqi, e drejta e votës në një SHPK është në proporcion të drejtë më pjesën që ortaku disponon në kapitalin e kësaj shoqërie. Ky është rregulli i përgjithshëm, por edhe ne Kodin Civil të vitit 1929 në nenin1677 të tij, parashikon dhe përjashtimin nga ky rregull duke i dhënë epërsi marrëveshjes mes ortakëve në rregullimin e marrëdhënies mes tyre. Nëse në kontratën e shoqërisë parashikohet një marrëveshje e ndryshme nga rregulli i përgjithshëm, që nuk i jep të gjithë ortakëve të drejtë të barabartë vote, atëherë ky parashikim është i zbatueshëm.

Ndarja e fitimit.

Një përcaktim shumë i rëndësishëm që lidhet dhe me të drejtat e ortakëve në shoqërinë e formuar me kontrate është bërë në nenin 1669 që rregullon ndarjen e fitimit në këto shoqëri. Ligji parashikon të drejtat dhe detyrimet në mënyrë proporcionale me kontributin e secilit ortak në kapitalin fillestar të shoqërisë. Ky proporcionalitet duhet të respektohet qoftë në fitim apo në humbje. Ky

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[49] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1677, f. 419.

parashikim është shumë i ngjashëm me mënyrën sesi ligji aktual për tregtarët dhe shoqëritë tregtare ka parashikuar për ndarjen e fitimit në shoqëritë me përgjegjësi të kufizuara[50].

Në Kodin Civil te viti 1929 lejohej që ortakët të kontribuonin në shoqëri edhe me shërbime. Në lidhje me detyrimin dhe përfitimet e personit anëtar të shoqërisë i cili ka kontribuar vetëm me shërbime, pjesa e fitimit dhe humbjes është e barasvlefshme me atë të anëtarit të shoqërise që ka kontribuar më pak [51]. Megjithatë ligji parashikon që ortakët në kontratën e shoqërisë mund të bëjnë një rregullim të ndryshëm nga sa u tha më lart per parimin e proporcionalitetit. Në këtë mënyrë Kodi Civil i kohës i jepte prioritet vullnetit të palëve ne përcaktimin e raportit të fitimit të secilit (pra të drejtave te secilit ortak), me kusht që të jetë i shprehur ky vullnet në kontratën e shoqërisë. Fakti që ky vullnet duhet të ishte i shprehur ne kontratë do të thotë që për të pasur një menyrë të ndarjes së fitimit të ndryshme nga parimi i proporcionalitetit me kontributet duhet të shprehet vullneti unanim i të gjithë ortakëvë të shoqërisë pasi kontrata e shoqërisë duhet të nënshkruhej nga të gjithë ortakët.

Kodi Civil i vitit 1929 ka parashikuar dhe nje mënyrë tjetër te ndarjes së fitimit dhe të humbjes përsecilin ortak, (pra të drejtat për secilin ortak) mënyrë kjo që nuk gjen aplikim në legjislacionin e sotëm. Sipas kësaj mënyre parashikohej që edhe një person i tretë (pra jashtë shoqërisë) mund të ngarkohej për të caktuar pjesën e fitimit dhe të humbjes për secilin ortak të shoqërisë. Në një rast të tillë ligji ka parashikuar mundësinë e ortakëve për të kundërshuar këtë mënyrë të ndarjes së fitimit nëse nuk janë dakort. Një kundërshtim i tillë mund të bëhej në një afat tre mujor përndryshe kjo e drejtë parashkruhej. Kjo e drejtë lind në rastin kur anëtari i shoqërisë,që pretendon se është dëmtuar, ka marrë dijeni për atë si dhe në rastin kur ai nuk e vë në zbatim[52].

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[50] Në nenin 76 pika 2 e ligjit Nr.9901, datë 14.4.2008 "Për Tregtarët Dhe Shoqëritë Tregtare" i ndryshuar parashikohet si vijon: ". Me përjashtim të rasteve kur parashikohet ndryshe në statut, fitimi u shpërndahet ortakëve në raport me kuotat e zotëruara."

[51] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1669, f. 417.

[52] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1670, f. 417.

Ashtu si ne ligjin aktual për Tregtarët dhe shoqëritë tregtare, edhe në Kodin Civil të vitit 1929 ka pasur të parashikuara edhe dispozita që parashikonin pavlefshmërinë e kontratës së shoqërisë tregtare. Sipas nenit 1671 të Kodit Civil të kohës përcaktohet se kontrata e shoqërisë tregtare është e pavlefshmë në rast se ortakët e saj janë përjashtuar nga e drejta për të përfituar prej saj fitimet si dhe për të marrë pjesë në humbjet e shoqërisë. Megjithatë ky rregull parashikon dhe përjashtimin e tij. Sipas paragrafit të dytë të këtij neni lejohet të të përjashtojë nga humbjet ortaku i shoqërisë i cili ka kontribuar vetëm me industrinë e tij (shërbimet e tij) në shoqëri. Subjektet e legjitimuara për të kërkuar pavlefshmërinë absolute të kontratës së shoqërisë tregtare janë personat anëtarë të shoqërisë të cilët janë përjashtuar nga fitimet e shoqërisë apo janë të detyruar për të kontribuar vetëm në humbjet e saj[53]. Parashikimi i këtij përjashtimi të përmendur më lart, paraqet ngjashmëri me ortakun me përgjegjësi të kufizuar ne një shoqëri Komandite sipas ligjit aktual[54]. Pasi një parashikim i tillë në kontratën e shoqërisë sipas nenit 1671/2 të Kodit Civil të vitit 1929 është bërë pikërisht për ti krijuar një garanci si një kategorie ortakësh siç është përgjegjësia e kufizuar për humbjet e shoqërisë.

Detyrimet e ortakëve të shoqërisë ndaj të tretëve. Neni 1678 parashikon që ortakët e shoqërise nuk kanë detyrime solidare për detat (angazhimet) e shoqërisë përveç përjashtimeve të parashikuara me ligjet tregtare dhe me kontratë. Ndërsa për detyrimet ndaj kreditorëve me të cilët ortakët vetë kanë kontraktuar personalisht në funksion të sipërmarrjes tregtare te shoqërisë ata rezulton të kënë detyrime në pjesë të barabarta pavarësisht pjesës së kotributit

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[53] Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1671, f. 417 ku përcaktoht se; "Asht nul kontrata e shoqënisë, në të cilën një apo më shumë shokë janë përjashtue nga marrja pjesë në fitimet ose në humbjet

Megjithëkëtë, shoku që ka vënë vetëm industrinë mund të përjashtohet nga çdo marrje pjesë në humbjet".

[54] Në nenin 56 pika 1 e ligjit Nr.9901, datë 14.4.2008 "Për Tregtarët Dhe Shoqëritë Tregtare" i ndryshuar parashikohet si vijon: "Shoqëri komandite është shoqëria, në të cilën përgjegjësia e të paktën njërit prej ortakëve është e kufizuar deri në vlerën e kontributit të tij, ndërsa përgjegjësia e ortakëve të tjerë nuk është e kufizuar"

që zotëron secili ortak në shoqëri. Nga ky rregull i përgjegjësisë së barabarte mund të bëhet përjashtim në rast se në kontratën e lidhur me kreditorin kufizohet detyrimi i ortakut të shoqërisë deri në pjesën që ai ka në shoqëri[55].

Pra sic rezulton nga nenet 1678 dhe 1679, të Kodit Civil të vitit 1929 është parashikuar mundësia që ortakët e një shoqërie tregtare të parashikojnë klauzola të tilla në kontratat me kreditorët të cilat i garantojnë këtyre ortakëve një përgjegjësi të kufizuar për borxhet, deri në pjesën që ortaku ka në shoqërinë tregtare. Ky është një koncept i ngjashëm me përgjegjësinë e kufizuar të ortakëve me përgjegjësi të kufizuara, koncepte këto të cilat gjetën zhvillim më vonë në legjislacionin shqiptar me miratimin e Kodit Tregtar i vitit 1932.

Administrimi i shoqërisë

Përsa i përket administrimit të shoqërive tregtare në Kodin Civil të vitit 1929, parashikohej që administrimi mund të bëhej nga një ose me shumë ortakë. Këtë çështje ortakët duhet ta zgjidhnin që në hartimin e kontratës ose me një marrëveshje që ndryshon dispozitën përkatëse në kontratë. Administratori i shoqërisë ishte dhe përfaqësues i vullnetit të kësaj shoqërie në raport me të tretët dhe çdo veprim i përfaqësuesit të saj është detyrues për shoqërinë.[56] Në rastin kur administrimi i shoqërisë i është ngarkuar njerit ortak me një marreveshje të vecantë kjo marrëveshje mund të jetë pjesë e kontratës për formimin e shoqërisë ose mund të jetë si një akt i mëvonshëm mes ortakëve.

Kodi Civil i vitit 1929 bën një diferencim përsa i përket qëndrueshmërisë në detyre për administratorin në varësi të faktit nëse është caktuar në kontratën e shoqërisë apo është caktuar si administrator me një akt të mëvonshëm. Në rastin e parë kur administratori është caktuar në kontratën e shoqërisë, kohezgjatjen e kësaj detyre ligji nuk e lidh me ndonjë afat të caktuar kohor, mjafton që administrator të veprojë në përputhje me kornizën ligjore në fuqi

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55 Mbretëria shqiptare, Ministria e Drejtësisë, Kodi Civil i vitit 1929, Botimet Toena, Tiranë, 1998, neni 1678-1679, f. 419-420.

56 Baltasar Benussi. *"Obligimet dhe kontratat përgjithësisht" (titulli II i librit IV të Kodit Civil).* Botim i Ministrise se Drejtesise; Tirane, 1932, fq, 102, fq.135, fq136.

dhe në interes ë shoqërisë. Ndërsa në rastin e dytë kur administratori është caktuar si administrator me një akt të mëvonshëm (pra pas kontrates se shoqërisë tregtare)[57] atëherë vendimi i emërimit te këtij administratori është i revokueshëm në çdo kohë si porosia (kontrata e porosise). Domethënë, mund të revokohet pa pasur nevojë për arsye thelbësore prej ortakëve të tjerë. Pra konstatohet lehtësisht që në rastin e administratorit që është caktuar në kontratë kemi të bejme me një administrator shumë më të qëndrueshëm i cili është pjesë e vetë vullnetit të themelimit të shoqërisë dhe qëndrueshmëria e tij lidhet me vetë fatin dhe suksesin e shoqërisë së themeluar me kontratë.

Në rastin kur detyra e administrimit u është ngarkuar disa ortakëve por pa u ndarë tagrat e administrimit (pra pa iu përcaktuar funksione te caktuara secilit administrator) dhe pa përcaktuar që duhet të veprojnë së bashku, atëherë secili nga këta administratorë ka të drejtë të bëjë veçmas të gjitha veprimet e administrimit të shoqërisë. Në një rast të tille të gjithë administratorët konsiderohen të barabarte njësoj si nje përfaqësuesit me prokurë solidare, ku secili prej tyre ka të drejtë të kryejë veçmas të gjitha veprimet e përfaqësimit.[58]

Në rastet kur është rënë dakort në aktin e emërimit që administratorët duhet të vendosin me unanimitet apo me shumicë, atëherë duhet të respektohet ky parashikim dhe administratorët nuk mund të kryejnë veçmas veprimet e administrimit të shoqërisë. Bëjnë përjashtim vetëm veprime të ngutshme, shmangia e të cilave do ti shkaktonte shoqërisë dëm të rëndë dhe të pariparueshëm.

Nga ana tjetër ligji ka përcaktuar një sërë rregullash të detyrueshme për zbatim lidhur me mënyren e administrimit të shoqërisë kur nuk ka marëveshje specifike midis anëtarëve të një shoqërie tregtare për administrimin e saj. Në ktë kuptim ligji ka përcaktuar se:
a)   Prezumohet që çdo ortak i shoqërisë mund të gëzojë të drejtën për të kryer veprime administrimi të shoqërisë edhe në rastin kur nuk ka marrë miratimin paraprak të anëtarëve të tjerë të shoqërisë. Në një rast të tillë cdo

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[57] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1672, f. 418.

[58] Baltasar Benussi. *"Obligimet dhe kontratat përgjithësisht" (titulli II i librit IV të Kodit Civil)*. Botim i Ministrise se Drejtesise; Tirane, 1932, fq. 148.

anëtar i shoqërisë ka të drejtën të kundërshtojë veprimin e ndërmarrë nga pjesëtari tjetër që ka vepruar në cilësinë e administratorit para se të përfundohet ky veprim.

b)   Cdo ortak i shoqërisë gëzon të drejtën e administrimit të aseteve të shoqërisë sipas destinacionit që ato kanë, mjafton që të mos vijnë në kundershtim me interesat e shoqërisë dhe as te mos ndalohen ortakët e tjerë ti përdorin.

c)   Cdo ortak i shoqërisë gëzon të drejtën për t'ju kërkuar ortakëve e tjerë të shoqërisë për të kontribuar në shpenzimet e nevojshme lidhur me ruajtjen e aseteve(pasurive) të shoqërisë.

Në çdo rast ligji ka parashkuar detyrimin e cdo ortaku të shoqërisë për të mos ndryshuar destinacionin e sendeve të shoqërisë pa miratimin eortakëve të tjerë, edhe nësëi konsideron të dobishme për shoqërinë[59] Këto kompetenca administrimi në lëgjislacionin e sotëm i hasim tek shoqëria kolektive tek e cila të gjithë ortakët e saj mund të ushtrojnë kompetenca administruese..

Në rastet kur shoqeria me një akt të posaëem ka caktuar një apo disa ortakë si administratorë, vetëm këta ortakë mund të kryejnë veprime administrimi ndërsa ortakëve të tjerë nuk u lejohet. Ortakët e shoqërisë të cilët nuk kishin detyra administruese gëzonin të drejtën e informimit mbi librat dhe aktet e shoqërisë.[60] Madje për të garantuar të drejtën e informimit në shoqëri parashikohej shprehimisht ne ligj, që çdo klauzolë e kontratës apo marrëveshje që ndalon të drejtën e informimit të ortakëve të tjerë është e pavlevshme.

Në nenin 414 parashikohet dhe përgjegjësia e administrotorëve për dëmet që mund ti shkaktojnë shoqërisë. Sipas këtij neni Administratorët e shoqërisë janë personalisht përgjegjës për dëmet që i vijnë shoqërisë për shkak të vepimeve të tyre të kryera me faj. Kjo do të thotë që përgjegjësia personale e administratorit lidhet vetëm me kryerjen e një veprimi në dëm të shoqërisë me dashje ose pakujdesi të rëndë. Megjithatë në raport me të tretët dhe dëmet që mund tu shkaktohen të tretëve nga veprimet e kryera nga përfaqësuesi i shoqërise në

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[59] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1675, f. 418-419.

[60] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1676, f. 419.

emër të shoqërisë, është përgjegjësia e shoqërisë për të shlyër dëmin të tretit.[61] Në çdo rast, pushteti i administrimit në një shoqëri pushonte kur vetë shoqëria tregtare merrte fund apo zgjidhej kontrata e shoqërisë tregtare[62].

Mbarimi i shoqërisë dhe Likujdimi i saj

Kodi Civil i vitit 1929 kishte parashikuar mënyrat me anë të të cilave shoqëria mbaronte. Këto ishin:
a)Me kalimin e kohës për të cilën është lidhur kontrata
b)   Më humbjen e sendit objekt kontrate apo me përfundimin e punës
c)Me vdekjen e njërit prej ortakëve të shoqërisë
d)   Me paaftesine dhe falimentin e njërit prej ortakëve të shoqërisë
e)Me vullnetin e lirë të secilit ortak të shoqërisë[63]

Ky ishte rregulli i përgjithshëm, megjithatë për disa prej këtyre rasteve (si më poshtë) mund të bëheshin dhe përjashtime me parashikime të posaçme në kontratën e soqërisë ose marrëveshje të palëve. Së pari, shoqëria mund të vazhdonte të ekzistonte në mënyrë të heshtur kur pjesëtarët e shoqërisë kryenin veprime të cilat formonin objektin e shoqërisë pavarësisht kalimit të afatit kohor të përcaktuar në marrëveshje ose përmbushjes së qëllimit për të cilin ishte krijuar shoqëria.[64] Së dyti, shoqëria nuk mbaronte në rastin kur humbiste vetëm njëri prej sendeve zotërimi i të cilit kishte qenë i miratuar në shoqëri.[65] Së treti, shoqëria mund të vazhdonte së ekzistuari, në rastin vdekjes së njërit prej ortakëve edhe sikur trashëgimtarët e ortakut të shoqërisë që kishte vdekur

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[61] Baltasar Benussi. *"Obligimet dhe kontratat përgjithësisht" (titulli II i librit IV të Kodit Civil).* Botim i Ministrise se Drejtesise; Tirane, 1932, fq.135.

[62] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1687, f. 422.

[63] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1680, f. 420.

[64] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1681, f. 420.

[65] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1682, f. 421.

të ishin të mitur. Së katërti, një tjetër rast i vazhdimit të shoqërisë ishte kur për shkak të vdekjes, falimentit, paaftësisë, se njërit ortak shoqëria vazhdonte së ekzistuari midis pjesëtarëve të tjerë të saj.[66] Secili nga ortakët e shoqërisë tregtare kishte të drejtë të kërkonte zgjidhjen e kontratës së shoqërisë për shkaqe të arsyeshme. Nëse kjo kërkesë nuk pranohej nga ortakët e tjerë ortaku mund ti drejtohej gjykatës për të marrë një vendim të tillë[67].

Gjithashtu ortakët mund ti kërkonin gjykatës dhe përjashtimin e e një ortaku tjetër sjellejet e te cilit çojnë shoqërinë kontratën e shoqërisë drejt zgjidhjes dhe të vazhdojnë kështu shoqërinë mes ortakëve të tjerë. Ky është një koncept i cili edhe në legjislacionin viteve 1992 - 2008 në Shqipëri nuk ekzistonte në Në ligjin Nr.7638, datë 19.11.1992 "Për shoqëritë tregtare" Edhe Gjykata e Lartë e mbledhur ne Kolegje të bashkuara me Vendimin Unifikues Nr 39 dt. 30.05.2002[68] ka konkluduar se "…*rezulton qe ortaku (kur jane me shume se nje) i nje shoqerie te kesaj forme (sh.p.k.) nuk mund te perjashtohet nga te qenit ortak, pra, nga ortakeria, per asnje veprimtari te ushtruar prej tij ne kete shoqeri, pavaresisht nga natyra dhe pasojat qe mund t`i vijne shoqerise nga kjo veprimtari*". Vetëm në ligjin e ri Nr. 9901 te vitit 2008 "Per tregtaret dhe shoqëritë tregtare" u përfshi në nenet 101 dhe 102 të tij ne dispoziatet per largimin e ortakut me vullnetin e tij dhe per përjashtimin e ortakut nga ortaket e tjerë.

Pas vendimit për zgjidhjen e kontratës së shoqërisë apo mbarimit të saj për cfardo lloj shkaku procesi që e pason është likujdimi dhe ndarja e pasurive. Kodi Civil i Monarkisë kishte parashikuar se në lidhje me likujdimin e shoqërive tregtare zbatoheshin rregullat që i përkisnin pjesëtimit të trashëgimit, për sa është e mundur midis pjesëtarëve të një shoqëri tregtare[69].

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[66] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1683, f. 421.

[67] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1685, f. 421.

68 Shih Vendimin Unifikues të Kolegjeve të Bashkuara të Gjykatës së Lartë nr. 39 dt. 30.05.2002. http://www.gjykataelarte.gov.al/web/nr_39_dt_30_05_2002_c_77.doc .

[69] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1686, f. 422.

Si rregull, në pozitat e likuidatorit të shoqërisë tregtare mund të caktohej një person që shprehte vullnetin e të gjithë anëtarëve të shoqërisë ose të gjithë anëtarët e saj. Dhe se, vetëm në rast të një mosmarrëveshjeje likuidatori emërohej nga gjykata.[70] Ligjvënësi i kohës parashikonte dhe mundësinë e revokimit të likuidatorit për shkaqe të arsyeshme që sillnin ose mospermbushje te rregullt te detyres.[71]

Sipas nenit 417 e vijues te Kodit, likujdatorët kanë të njëjtin pushtet drejtues si administratorët dhe zëvendësojnë administratorin në detyrën e tij. Kur kemi më shumë se një likujdator vendimet merren me unanimitet përveç kur është urdhëruar ndryshe në aktin e emërimit. Likujdatorët kanë për detyrë të mbarojnë punët që janë në vazhdim, të mbledhin kreditë, të shësin aktivet dhe ti konvertojnë në para, të paguajnë kreditorëvë dhe të ndajnë atë tepricë asetesh që mbetet mes ortakëve sipas kontributeve ose sipas kontratës. Personaliteti juridik i shoqërisë vazhdon deri me marrjen fund të procesit të likuidimit të shoqërisë.[72] Pas komunikimit të këtij procesi shoqeria çregjistrohej nga regjistri i posaçëm dhe merrte fund dhe personaliteti juridik i saj duke pushuar së ekzistuari si një subjekt i së drejtës.

Konkluzione

Kodi Civil i vitit 1929 duke qenë një nga hapat më madhorë në ndërtimin e korpusit ligjor të periudhës pas formimit të Shtetit të pavarur Shqipëtar ka dhënë një kontribut të rëndësishëm në njohjen me konceptet e larmishme të se drejtës Civile në tërësi, si dhe të drejtës së detyrimeve dhe kontratave. Një nga risitë që solli ky Kod në realitetin juridik shqiptar të kohës, ishin dhe konceptet kontratën e shoqërisë tregtare si një nga llojet e kontratave, por dhe si një mënyrë e krijimit të subjekteve të reja të së drejtës që janë personat juridik, në formën e shoqërive tregtare të personit. Ishin pikërisht dispozitat e këtij Kodi

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[70] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1687, f. 422.

[71] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1687, f. 422.

[72] Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i Vitit 1929*, Botimet Toena, Tiranë, 1998, neni 1689, f. 422.

qё i dhanё mundёsi qytetarёve shqipёtar qё tё zhvillonin sipёrmarrjet tregtare tё vogla e tё mesme duke u mbёshteur nё bashkёpunimin mes tyre nё funksion tё ushtrimit tё tregtisё. Kёto koncepte sё bashku me insitutet juridike qё solli Kodi Trgtar i vitit 1932 nё fushёn e sё drejtёs trgtare pёrfaqёsonin standartet mё tё pёrparuara dhe bashkёkohore qё ekzistonin edhe nё vendёt mё tё zhvilluara tё Europёs Pёrёndimore.

Studimi i dispozitave tё Kodit Civil tё vitit 1929 lidhur mё shoqёritё tregtare nuk ka vetёm vlerё historike, por na jep mundёsinё tё njohim dhe realitetin dhe zhvillimin e marrёdhёnieve nё fushёn e tё drejtёs tregtare nё Shqipёri nё periudhёn nga viti 1929 e deri nё implementimin e sistemit komunist nё Shqipёri, i cili pёrveç tё gjithё pasojave tё tjera negative nё aspektin e tё drejtave dhe lirive tё njeriut, çrrёnjosi dhe tё drejtёn pёr njё inisiativё tё tregtisё lirё dhe shfuqizoi konceptin e shoqёrive tregtare si subjekte te sё drejtёs nё Shqipёri. Kёto institute do tё rikthehesin ne legjislacionin shqiptar pas ndryshimeve demokratike tё vitit 1991 dhe instalimit tё njё sistemi tё ekonomisё sё tregut tё lirё, pronёs dhe iniciativёs private.

Referencat

Artan Hajdari nё punimin doktoral me teme; "Natyra juridke e administrimit te shoqёrive tregtare" dorёzuar prane Fakultetit tё Drejtёsisё, Universiteti i Tiranёs 2019. fq.25.

Aurela Anastasi - Historia e tё drejtёs kushtetuese nё Shqipёri 1912-1939, Tiranё: Pegi, 2007

Avram Udovitch, "Partnership and Profit in Medieval Islam", (Princeton University Press, 1970)

Baltasar Benussi. *"Obligimet dhe kontratat pёrgjithёsisht" (titulli II i librit IV tё Kodit Civil).* Botim i Ministrise se Drejtesise; Tirane, 1932, fq. 135

Baltasar Benussi. *"Obligimet dhe kontratat pёrgjithёsisht" (titulli II i librit IV tё Kodit Civil).* Botim i Ministrise se Drejtesise; Tirane, 1932, fq, 102, fq.135, fq136.

Bashkim Boseta punimi doktoral me teme "Veprimtaria Parlamentare në Shqipëri në vitet e Monarkisë Shqiptare, 1928 - 1939" i dorëzuar Fakulteti i Historisë dhe i Filologjisë së U.T. 2019. fq. 85.

Fikret Karčić, *Studime për të drejtën e sheriatit dhe institucionet*, shtëpia botuese Logos – A, Shkup, 2015, f. 140.

Hasan Bello (Instituti i Historisë – Tiranë), Kodi Civil Osman - "Mexheleja" dhe trashëgimia juridike osmane në Shqipërinë e viteve 1912 – 1929, publikuar në "Zani i Naltë" (*ISSN* 2305-655X) Nr.2 Tiranë 2013.

"Shqipënia më 1937", Veprimi shtetnor gjatë njëzet e pesë vjetëve të parë të vetqeverrimit, vëllimi I, Botimet e Komisionit të Kremtimeve të 25 vjetorit të Vet-Qeverrimit 1912-1937, Tiranë, 1937, fq. 96- 97.

Kodit Tregtar të vitit 1932 botuar ne Fletoren Zyrtare të dt. 5 Mars 1932.

Ligji 2022 dt. 02.05.1955 "Për Pjesën e Përgjithshme të Kodit Civil"

Ligji Nr.9901, datë 14.4.2008 "Për Tregtarët Dhe Shoqëritë Tregtare" i ndryshuar.

Mbretëria shqiptare, Ministria e Drejtësisë, *Kodi Civil i vitit 1929*, Botimet Toena, Tiranë, 1998, neni 410, f. 127.

Muhammad Yusuf Salem, Islamic Commercial Law (Wiley Finance 2006)

Vendimin Unifikues të Kolegjeve të Bashkuara të Gjykatës së Lartë nr. 39 dt. 30.05.2002.
http://www.gjykataelarte.gov.al/web/nr_39_dt_30_05_2002_c_77.doc

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A cultural studies approach to a novelist at the crossroads

Abstract

The aim of the current text is to place David Lodge's early fiction (especially The British Museum is Falling Down) within the new cultural contexts emerging in the 1960s, among which the ones associated with the Birmingham Centre of Contemporary Cultural Studies feature prominently. There arose new voices advocating the ordinariness of the culture shared by most British people at that time and since then and the failure of traditional institutions to support as convincingly as previously what one has come to call canonical, elite culture. Apart from the unity in diversity that important thinkers usually display, there are important features which they share, particularly in relation to a certain paradigm shift concerning attitudes to what culture has become and to its pivotal institutions and practices. Are these institutions falling down or, if not, to what extent are they affected by the new cultural, especially Cultural Studies turn? The Cultural Studies thinkers and some of the literary writers of the age refer, sometimes from different ideological positions (Lodge and Larkin from more conservative, but equally critical and ironic and self-ironic ones), to the new challenges to Englishness and its central position in the cultural institutional dynamics of the time.

Keywords: British Cultural Studies, the Birmingham Centre for Contemporary Cultural Studies.

To find points of cultural convergence and dialogue between academics with apparently extremely different cultural careers as David Lodge's, Richard Hoggart's, Raymond Williams's, Terry Eagleton's, Philip Larkin's, might be seen as far-fetched, to say the least. However, they have a lot in common, in keeping with significant cultural developments in postwar British culture. It is an age of dramatic changes sweeping Britain both at home and throughout its still extended Empire in the 1950s and 1960s.

One of these developments had to do with the democratization of a previously very rigid class system, which had been seen as particularly conspicuous in the realm of higher education. Another common ground that they inhabit in postwar Britain has to do with a certain symptom that John Harley identifies as providing the substance of Cultural Studies: "widespread doubt and disillusion about the continuity of the ability of inherited truths to command assent"(2). In keeping with it, one can detect a considerable degree of skepticism and diminished expectations from the grand pose of imperial culture.[73] In this context, Raymond Williams paves the ground for a balanced view on the complex ideological relationship in which the social sciences and literary works interact in The Long Revolution, an emblematic work for what would become the early stage of British Cultural Studies culturalism:

It was certainly an error to suppose that values or art-works could be adequately studied without reference to the particular society within which they were expressed, but it is equally an error to suppose that the social explanation is determining, or that the values and works are mere by-products (Williams 45).

It is the aim of the current text to place David Lodge's early fiction (especially *The British Museum is Falling Down*) within the new cultural contexts emerging in the 1960s, among which the ones associated with the Birmingham Centre of Contemporary Cultural Studies feature prominently. There arose new voices advocating the ordinariness of the culture shared by most British people at that time and since then and the failure of traditional institutions to support

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[73] One cannot ignore, on this particular connection what Edward Said states from the very title of his 1983 volume, *Culture and Imperialism.*

as convincingly as previously what one has come to call canonical, elite culture. Apart from the unity in diversity that important thinkers usually display, there are important features which they share, particularly in relation to a certain paradigm shift concerning attitudes to what culture has become and to its pivotal institutions and practices. Are these institutions falling down or, if not, to what extent are they affected by the new cultural, especially Cultural Studies turn?

The Cultural Studies thinkers and some of the literary writers of the age refer, sometimes from different ideological positions (Lodge and Larkin from more conservative, but equally critical and ironic and self-ironic ones), to the new challenges to Englishness and its central position in the cultural institutional dynamics of the time. David Alderson specifically refers to Terry Eagleton's contribution to the revisionary cultural dialogue on this important issue: "the term is arguably the dominant ideological trope of that culture – indeed, it is constitutive of the very notion of 'culture' – a fact which Eagleton has consistently highlighted"(38). Arguably, David Lodge is closer, ideologically speaking, to his fictional liberal humanist Philip Swallow in his campus fiction trilogy, than to the revolutionary Marxist professor Fulvia Morgana in *Small World*, but the irony and comic wit he uses to engage with cultural shibboleths in an age of change bring him closer to the Cultural Studies critics. Some of the traditional institutions, if not actually crumbling, as the title of *The British Museum is Falling Down* seems to suggest, are being reconsidered with "less deceived" minds, as Philip Larkin might be seen to say. In addition to a reconsideration of Englishness in a post-imperial age, a certain attitude to the way the Anglo-American special relationship repositions the UK on the geopolitical stage, while seeing the former British Empire being largely affected by American mass culture unites both the new left thinkers included in the above-group, associated with the emergence of Cultural Studies and those who, like Lodge and Larkin, stand on different ideological positions, while equally critical of the new developments in their fiction and poetry, respectively.

The above-mentioned prominent cultural figures have crossed paths, have combined theoretical works on literature with distinguished activity in the groves of academe (four as professors, one as university head librarian). Basically, they represented the new trend in postwar academic upward

mobility. They had come from ordinary British families in less privileged, working class parts of England, whose children were the first generation to enjoy a university education (with the exception of Larkin, whose father had risen through merit, not upper class privilege or elite education, to the position of the City Treasurer of Coventry).

Richard Hoggart, like Terry Eagleton, had come from a working class family in the northern part of England. He was born in the industrial surroundings of Leeds and, as a young orphan, he was brought up in the southern part of that city. A bright scholarship boy, he was sent to a grammar school, quite an event for a young working class British subject of the pre-WWII age. He enlisted and fought in the Second World War, to become a tutor at the University of Hull after demobilization. While there, he published his most famous volume, the *Uses of Literacy* (1957). Like Raymond Williams's works, which would also provide part of the foundation of British cultural studies, Hoggart advocates the ordinariness and authenticity of culture as shared by the vast majority of average Brits, at a time when genuine popular culture was contrasted to the rise of the culture industries bombarding wider and wider sections of the population with mass culture, largely American. It is worth noting that Hull University marked the stage in Hoggart's career which announced his later emergence as the first prominent figure of what would become the Birmingham Centre of Contemporary Cultural Studies (through the above mentioned seminal 1957 work). While acknowledging the importance of high culture, Hoggart and his cultural fellow travellers also pay attention to a closer look at the features of an emergent mass society in his essay on humanistic studies and mass culture, for example:

> The closer study of mass society may make us have sad hearts at the supermarket, but at the same time it may produce an enhanced and tempered sense of humanity and humility, instead of the sense of superiority and separateness that our traditional training is likely to have encouraged (p. 455).

Hoggart's Hull academic experience also marked the intersection with another cultural figure that artistically reflects ordinariness in British postwar literature, the poet Philip Larkin. Larkin's poor eyesight and speech impediment had prevented him from following a professorial career. An Oxford graduate, he

nevertheless came to get an important academic job at Hull University, that of Head Librarian. Although, unlike most of the other evoked literary figures here (with the exception of David Lodge), he appears to have expressed more conservative political views, Larkin is clearly the post-war British poet that best expresses the commonality, the ordinariness of the average English person.

David Lodge taught literature at Birmingham University after important transatlantic journeys, after Richard Hoggart himself had started teaching there. It is interesting to see how young Lodge comically represents Birmingham University, to which he would dedicate his whole academic career, as pathetically provincial, under the fictional name of Rummidge … In such comic masterpieces of the campus fiction genre as *Changing Places* and *Small World*, provincial Rummidge is contrasted to flamboyant Euphoric State University, Plotinus, Eseph. Considering the limited scope of this article, though, the emphasis will be on Lodge's *The British Museum is Falling Down* as an emblematic institution and on developments that can be associated with it at that post-imperial time.

At the time Lodge was writing *The British Museum Is Falling Down,* Terry Eagleton was responding to the progressive changes announced by Vatican II, initially through his involvement in the publication, at Cambridge, of the radical left-wing Catholic journal *Slant*, ideologically closer to Marx at the time than to the more conservative Irish priests advocating the preservation of traditional attitudes. Eagleton's journalistic activity there, starting in 1964, confirmed his previous association with Raymond Williams (who supervised his doctoral dissertation) and with the emergence of British Cultural Studies, of which his mentor was one of its theoretical pillars. Eagleton's attitude to radical attitudes in the Catholic church, while welcoming, was tinged, very much like in Lodge's *The British Museum*, with mild irony, as in his largely autobiographical *The Gatekeeper:A Memoir*. The book introduces the monks as "lifers,"[74] while recording such observations as the following: "aloof, ascetic monks suddenly reinvented themselves as raucous thigh-slapping Trotskytes"(21). David Lodges himselves realizes that Eagleton and himself

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[74] The first chapter is called "Lifers," a word that brings together dangerous prison inmates serving time sentences and monks, having dedicated their whole lives to God in monasteries.

are kindred spirits, judging by the appreciation he makes on the back flap of the 2002 hardcover American edition of Eagleton's book: "Combining serious reflections with caustic wit and packed with anecdotes that make you lough out loud." Both young Lodge and young Eagleton employ an ambivalent attitude, combining fondness for what the characters they fictionally represent with comedy and satire.

Terry Eagleton taught in a series of British and American universities. Like David Lodge, he had grown up in modest, working class Catholic family. Apparently, Eagleton's and Lodge's ideological orientations, while linked to a similar distancing movement away from a more conservative Oxbridge academic culture, couldn't have been more divergent. However, aspects showing similarities and dissimilarities in their cultural trajectories are worth considering, as well as the assessment of their activity's relevance to important developments in a postwar world which they both shared, particularly in relation to the emergence of ideology as a presence to be reckoned with in literary and cultural studies. This ideology is critical of previous perceptions, announcing new perspectives in the critical cultural discourses of the subsequent years.

In the emerging Cultural Studies of the 1960s, the realization that key institutions support traditional expressions of culture, thus exerting considerable ideological and political control, becomes apparent. Both in David Lodge's early fiction (the focus here will be on *The British Museum is Falling Down*) and in Terry Eagleton's early career, well established institutions such as the Museum, the University and the Church (in the two authors' case, the Catholic Church around the time of the Second Vatican Council, 1962 – 1965) are more than settings associated with awe-inspiring architecture (The British Museum, the Catholic cathedral, the time-honoured Oxbridge college building), inviting radical, equally humorous and entertaining, evincing an outstanding sense of humour, redefinitions of British culture in the most dramatic of the postwar decades, the 1960s. Both Lodge and Eagleton, in their distinct ways, cope with evolving patterns of changing discursive formations linked to the above-mentioned institutions and assuming important positions in the distribution and interplay of power relations in a 'brave new world', to (mis)use the phrase giving its name to Huxley's dystopian 1931 novel. The new world is the one that the Birmingham Centre for Contemporary Cultural

Studies is beginning to redefine, in the new realization of culture as ordinary, but also as a site of struggle.

There is a lot of "anxiety of influence" (although compounded with a distinctly comic mode) in David Lodge's 1965 *The British Museum is Falling Down*, although Harold Bloom started writing the first draft of his well-known theory of poetry two years later, in 1967. Should we read the American's volume as a misprision of the British novelist's comic book? Should we read Lodge's novel as a misprision of the lyrics of George and Ira Gershwin's musical piece *The British Museum Had Lost Its Charm*? The main thesis of the current text is that it should be read within the new framework provided by the British Cultural Studies of the age, even if Lodge is not aware of that. Time-honoured institutions are beginning to lose some of their awe-inspired authority, culture is no longer elite culture, imposed by the people at the top of the social and political ladder.

In the 1980 *Afterword,* Lodge recounts significant aspects of the genesis of his work in the early 1960s, foreshadowing other important theories, such as that expounded by Roland Barthes in his essay on the death of the author (as Author). Lodge's working title had been *The British Museum Had Lost Its Charm,* which did not change until the novel was completed. Then something went wrong, as Lodge reminisces:

> The proofs of the novel had been sent to me in San Francisco, corrected and returned to London, and the book was about to go into the final stages of production, when it occurred to Tim O'Keeffe to ask me if I had obtained permission to use the words of the Gershwin song in my title. I had not (p.172).

Although the author pleaded with the Gershwin Publishing Corporation in New York, his request was categorically turned down. Lodge then had to come up with other tentative titles, although none of them conveyed an idea he had had in mind: *Wombsday* and a host of other equally unfortunate proposals, out of which the omnipotent agent chose what we readers have now, *The British Museum Is Falling Down,* which is not that unfortunate, after all. On the contrary, it may be seen as prophetic. From a 21st century perspective, in a

world which had been seen as postmodern until recently by most critical thinkers and theorists, both respectable institutions and their discursive practices "are falling down," in the context of a widespread "incredulity toward metanarratives," the defining feature of what Jean Francois Lyotard calls "the postmodern condition." In the previous contexts provided by the first decades of the rise of British cultural studies rise, the failure of the cultural institutions heralded a new paradigm shift proclaiming Raymond Williams's statement that "culture is ordinary."

Lodge remembers his work in the British Museum with nostalgia, although what he evokes about the arduous process of naming his third novel draws attention to the power of institutions, structures, traditions, rules (including copyright laws and literary agencies) over the author's (and the book's protagonist's) own individual agency as more or less free will. However, both Lodge's agency and his protagonist's seem to assert themselves in the long run, in spite of the difficulties. They appear to illustrate the "culturalist" orientations in the British Cultural studies of the time which, although critical of prevailing cultural institutions, were intent on giving voice to less privileged voices, seen as having agency and being able to assert themselves within the emerging conditions. It is a time of questions and reconsiderations.

In Lodge's early novel, some of the questions which invite answers concern the way The British Museum "had lost its charm." In what figurative way is it falling down, how does the power of the famous British institution affect the characters, and how does the emerging cultural world, in its turn, affect the British Museum and everything it stands for? Although the author is not a militant for the new ways of dealing with culture in the new ideological frameworks provided by some of the voices that have already associated with him in the previous section of this text, the comic mode adopted tends to encourage a critical, nonconformist attitude, in keeping with developments in British Cultural Studies, but also in relation to one important component of culture: religious faith and its attending institutions.

The second of the novel's epigraphs, Dr. Johnson's "I would be a Papist is I could. I have fear enough, but an obstinate rationality prevents me,"

humorously announces that the novel deals with Catholic issues. The novel is set at the time of the divisive and sensitive dilemmas linked to the possibility of contraception and to family planning in Catholic circles in the early 1960s. Having a Catholic background, Lodge deals with the difficult Catholic problems, key cultural questions, in as serious manner as a comic fiction writer is able to. For Adam Appleby, however, these issues are more important than a display of a sense of humour, so, it is understandable that, for him, The British Museum had lost its charm at that time. There are signs that his fourth child is on its way, he lives in digs in a small flat, he isn't making much progress with his PhD work, and the chances of getting a decent job are slim. One of the institutions that have lost their power in the post-war cultural renegotiation, of the new realization that culture is a site of struggle, is the Church. For Appleby and for Lodge, it is the Catholic Church as an institution regulating their lives.

The lyrics of Gershwin's song creates a context for the piece's title: an "I" is all alone in foggy London, close to the British Museum, until a miracle happens and "you" will appear, the stuff romance is made of. In Lodge's text, the miraculous person only initially appears to be a very young woman who tries to seduce him. The character who, very ironically, saves Adam Appleby's day is the American who, initially, back in the States, had planned to buy the British Museum, to dismantle it, to have it carried over the ocean to Colorado. One of the signs that Britishness is on the wane?

Adam Appleby, the protagonist, a Catholic young (family) man desperately trying to write his Ph.D. thesis, has so deeply immersed himself in the books whose style he is attempting to critically deal with that the effect of art on his life is overwhelmingly confusing. Art, in this context, is both the canon of literature, especially the modernists, and the space which it haunts, together with other powerful ghosts, such as that of Karl Marx, whose seat in the Reading Room is currently taken by Adam Appleby. This imitation, as it has already been said, has a lot to do with powerful influences and the anxiety which they instill in characters like Adam Appleby, even if, at first, we are given, in a comic mode, a different, more benign interpretation of the British Museum and of its role: "The British Museum was returning to its winter role –

refuge for scholars, post-graduates and other bums and layabouts in search of a warm seat" (p. 34).

Gradually, however, the museum turns out to be more than a shelter for loafers. In the shadow of Bloomsbury as an emblem of Modernism (or, at least of Woolf and the Bloomsbury Group) and of the Reading Room of the British Museum as the authoritative cultural presence of the literary canon, Adam gets the impression that episodes of his life are re-enactments of literary excerpts from important authors, and those particular episodes or scenes from his life are rendered in a style which parodically follows significant works he is planning to deal with in his thesis. In this polyphonic, dialogic, postmodern mixture, where parody and pastiche feature prominently, the overall design reminds of Joyce's *Ulysses,* while other details (topography, minor characters and incidents) also link the novel to Virginia Woolf's *Mrs Dalloway.* In addition to a host of oppressive modernist writers including Joyce and Woolf, there is also a young Virginia (not Woolf) literally harassing him on his visit to the owner of the Merrymarsh manuscript. Nevertheless, in the overall framework in which an American is planning to buy and take over a considerable part of traditional, British culture, this oppressive presence is more an element to create comic effects than an ominous, authoritative presence. British culture, including its prominent institutions, is falling down.

Like Woolf's Mrs Dalloway or Joyce's Ulysses, Lodge's novel narrates a day in the life of its protagonist. A number of scenes and episodes are artistically rendered in styles which are reminiscent of such previous masters as, in addition to, James Joyce and Virginia Woolf, Franz Kafka, D.H. Lawrence, Ernest Hemingway, Joseph Conrad, Graham Greene, Henry James. The long, one-sentence, interior monologue at the end of the novel is a pastiche of Joyce's famous monologue at the end of Ulysses. The long series of "yes-es" in Molly Bloom's stream-of-conscious sequence is replaced by what appears to be a very British "perhaps" in Barbara Appleby's final interior monologue.

Adam, a practising Catholic, is worried. His anxiety is mainly caused by the impact of the conservatism of the leaders of the Catholic Church at the time of the Second Vatican Council (1962 – 1965) on his increasing family size, as

well as by the oppressive and overwhelming presence of the literary tradition reigning at his current workplace, The British Museum (which does not, at least not initially, appear to be literally falling down). However, since Lodge has decided to become a comic author, there is one more source of anxiety to support the approach, in addition to his wife's possible pregnancy: he must have pulled a muscle in his leg.

The beginning of the novel ironically and humorously shows some of the defining features of the stream-of-consciousness technique, with focalization on the protagonist's consciousness, whose thoughts and feelings are faithfully recorded by a 3rd person narrator. While the narrator as mediator speaks, the focalizer sees, thinks and feels, everything rendered in disjointed, rambling, long sentences, with obsessive repetitions betraying exaggerated concern. Every major concern about the shortage of time, the deadline he has to meet, family problems, his important means of transportation (an old scooter), is followed by the same obsessive though as an important addition: "and that his leg hurt." (Lodge, 1981, pp.7-8) The protagonist's frustrations, worries, and concerns will mark Adam's tribulations during his whole one-day odyssey. Robert Morace (1989), in an interesting volume on the dialogic novels of Lodge and Bradbury, notes that "Lodge is able to carnivalize so adroitly because he cannibalizes so well." (p. 135) Morace confirms the above-mentioned claim by revealing the ways in which Lodge the author pounces on and swallows a wide range of text types: "The novel devours and adapts not only literary authors, styles, and works at a bewildering rate, but literary and subliterary forms as well, including newspaper reports, advertising jingles, encyclopedia entries, unpublished manuscripts […]". (ibid.) Morace examines the novel's perception in terms of either its comic or its parodic dimension, notes its dialogism , linked to what he describes as a "disturbing confusion of realms": "realism and parody, life and literature, feed on and reflect each other, creating a comical but nonetheless disturbing confusion of realms." (pp. 132-133) The disturbing confusion of realms may be seen as one of the symptoms of the new cultural reassessments of the 1960s. One might take issue with Morace about Lodge's performance in this novel. Is the author establishing his credibility as a writer and as an individual Catholic or is he just playing, and, in so doing, undermining his above mentioned positions?

A few years after the publication of *The British Museum Is Falling Down* Lodge wrote the essay "The Novelist at the Crossroads"(1971), a British response to Robert Scholes's critical book, *The Fabulators.* In that volume, the American critic claims that novelists ought to leave realism to other media, such as film, and concentrate on the purely fabulative resources of written narrative. The concept of "fabulation" will be complemented by Scholes (1979) with "metafiction" in *Fabulation and Metafiction*, an updated version of his 1967 book, to address innovative, self-reflexive fiction of the 1960s and 1970s.

In those days of cultural uncertainty Lodge felt he was one of the contemporary novelists that were "at the crossroads." Traditional realism, then already seen by many innovative writers to be a boring path, lay straight ahead, while fabulation, metafiction and non-fictional narrative diverged sideways. Two decades later, Lodge is surprised to see how successful traditional realism has managed to remain, despite Scholes's grim anti-realist forecast, how seriously it qualifies as a serious option for the fiction writer. (1996, p. 6)

In retrospect, going as far back as *The British Museum is Falling Down*, Lodge can be seen not as a fabulator or metafictionist, but as a novelist "at the crossroads," who takes advantage and makes the most of a wide range of styles and trends, including the self-reflexive devices of what he himself accepts as one important mode, metafiction. However, it is also important to see how he anticipates or foreshadows important developments which mark significant cultural shifts both in Britain and in the world as a whole, a smaller and smaller world becoming increasingly globalised (or Americanised).

In a way, The British Museum as an emblem of traditional cultural authority *is* falling down, even if Bernie the American realizes that the building is much too big for him to dismantle and move to Colorado, in an age in which the first generation of British Cultural Studies figures such as Richard Hoggart or Raymond Williams deplore the demise of authentic British culture and the arrival of American mass culture. America seems to be taking over. It has been patiently biding its time.

In Lodge's early novel, Adam Appleby has a tempting job offer from the American, and might trade his temporary workplace in "the less deceived" British Museum in the early 1960s for a trans-Atlantic assignment. In a novel which David Lodge himself lavished praise on, as member of the Booker Prize jury in 1989, Ishiguro's *The Remains of the Day*, the symbolic role of Darlington Hall and of its very English butler, Mr. Stevens, changing hands, from Lord Darlington to the American Mr. Farraday, seems to be telling the same story. What about Terry Eagleton who, like the academic knights-errant of Lodge's global campus novel *Small World*, crossed the Atlantic to bridge the gap between new and old worlds, between Lancaster University and The University of Notre Dame, Indiana, USA? One can see Eagleton, although following a consistently Marxist trajectory even in an age the great political thinker of the 19th century seems to have entered a limbo, a theorist at the crossroads, very much like Lodge, a novelist at the crossroads in a Britain which is itself … at the crossroads.

BIBLIOGRAPHY

Alderson, D. (2004). *Terry Eagleton*. Houndmills, Basingstoke and New York: Palgrave Macmillan.

Eagleton, T. (2002). *The Gatekeeper: A Memoir*.New York: St. Martin's Press.

Hoggart, R. (1970). Humanistic Studies and Mass Culture. *Daedalus, Vol. 99,(No. 2), Theory in Humanistic Studies*, pp. 451-472.

Lodge, D. (1981) *The British Museum is Falling Down.* London: Penguin.

_____. (1996)*The Practice of Writing*. New York: Penguin Books.

Morace, R. A. (1989)*The Dialogic Novels of Malcolm Bradbury and David Lodge*. Carbondale, IL: Southern Illinois University Press.

Scholes, R. (1979). *Fabulation and Metafiction.* Urbana: University of Illinois Press.

Williams, R. (1966) *The Long Revolution*. Revised edition. New York: Harper & Row.

Dr. Valmora Gogo

Audiovisual communication in digital media in Albania

Abstract

The research focuses on the characteristics of audiovisual communication in digital media in Albania, compared to the typology of audiovisual communication on television. Typologies encountered, broadcast product, format, digital media-television crossover, differences between them; these are some of the issues addressed in the study.

The research has investigated several typologies of digital media, from those related to television from a proprietary point of view to typical digital media that have specially converged audiovisual communication. The approach of this research is based on the knowledge of the world patterns of audiovisual and multimedia communication and studies on them as well as individual prior research on the object.

Keywords: Audiovisual Communication, Audio-Visual Communication in Digital Media, Television Broadcasting, Network Television, Multimedia Broadcast Typology, Network Broadcasting Features.

Hypothesis: Audiovisual communication on digital media in Albania (unrelated to television) is expanding its space, taking on particular importance. The products, in terms of market competition, are adapting to network audiences, though not entirely to the pace and quality of international models, to diminish the supremacy of television-related digital media in the country.

The research questions that form the axis of this research are: What are the typologies of digital media in the multimedia communication view? What are the features of this audiovisual communication? What comparison can be made? The milestones and differences with the mainstream media? Why for digital media unrelated to television the audiovisual communication is increasingly important? How has redimension audiovisual communication influenced the superiority of television-related digital media?

The methodology consists of: monitoring, comparative analysis, interviews. Authors: Salaverria, Deuze, Domingo, Pavlik, Scolari, Manovich, Chapman & Chapman, Jenkins, Dominick, Zguri, Bourdieu, Castells, McQuail etc.

Terminology: Mainstream Media, Digital Native Media, Bigital Born Online Media, Purely Online Media, Multimedia, Multiple Media, Multimedia Storytelling, Transmedia Storytelling, Pure Players, Print+Online, Print+Broadcast+Online, Broadcast + Online, Online, Online+Broadcast, Participatory Journalism, Online Media, Mojo (Mobile Journalism), Podcasting&Vodcasting, Live Streaming, Web TV, Hypertext, Interactivity, Multimedia Convergence.

Audiovisual Communication in Digital Media in Albania

This is the story of the competition between television and the internet. Television shareholders, executives and managers earlier started using the Internet to broadcast their products in new channels, with the goal of exploring unknown audiences and reducing costs: they created online, one-domain digital media, audiovisual productions of which were fed with the current ones, the televisions products and sources.

But now, many years later, the weight of the importance of audiovisual communication over the Internet has begun to shift. Digital media in Albania, unrelated to television are increasingly seeking opportunities to expand the use

of audiovisual communication, to further compete for television supremacy, always retaining their audiences and finding new ones.

Where are we exactly? Although development has not been at the same pace as global processes, here will begin the analysis of why audiovisual communication is gaining more and more importance in online-born digital media (Purely Online Media).

1. Theoretical Approaches to digital journalism

Digital journalism known in several terms, ranging from "Digital Journalism" to "Cyber Journalism", "Online Journalism" as well as "Multimedia Journalism" is the kind of journalism that uses cyberspace to research, produce and above all to disseminate news content, delivered through digital technology and beyond, that includes all forms of journalism that utilize digital resources, not only the internet and mobile networks, but also television and digital radios **(Salaverria; 2018).** As Salaverria concludes, pure digital media research is gaining ground, given the explosion of the social media phenomenon, bringing the prognosis that in the years ahead, these studies may see a shift in focus from non-digital media to digital media (to those born on internet). At a time of convergence, which **Jenkins** characterizes as the ability of different network platforms to maintain the same types of important services, where telecommunications operators provide multimedia systems on their networks, television transmitters can provide the same data services in their networks and cable operators can provide a range of telecommunications services, etc., the role of the consumer is crucial, on which the movement of media content depends. Convergence, therefore, does not occur through media devices however sophisticated they are, but within the brains of individual consumers and through their social interactions with others **(Jenkins; 2006).** In the four dimensions of convergence such as integrated production, multiple professional capability, multiple distribution platform and active audiences, developing each dimension is not a linear process, but each one may have a different level of development **(Domingo et al., 2007).**

Digital journalism has gone through four stages of content development. **Repetition** that constitutes the basic level, that of reproducing genres and text formats taken from previous media, usually from print *(More or less*

newspapers published online), **enrichment** that is intertwined with elements of hypertextuality, multimedia or interactivity *(by also used audiovisual resources),* **renovation** related to reconfiguring previous genres from cyberspace communicative capabilities *(such as multimedia infographics, for example)* and **innovation** that is the creation of new genres in cyberspace media, without starting from previous ones such as print or audiovisual media genres *(Weblog genre eg)* **(Salaverria and Cores, 2005).** Hypertextuality, multimedia and interactivity are the three main features of the digital journalism language, as summarizes the concepts of the leading research authors of this kind of journalism Ramon Salaverria **(Salaverria, 2018).**

In this scientific research we will dwell on multimedia, to understand in depth the multimedia communication (part of which is video and audio communication), for which there are two defining paths. Firstly, presenting the news package using two or more media formats such as writing, music, movement, images, graphic animations *(hypertextual and interactive elements),* etc. And secondly, as an integrated presentation of this package with different media, with a website, e-mail, sms, mms, radio, television, teletext, newspaper, magazine etc. **(Deuze, 2004).**

2. Digital Journalism in Albania and a hypothesis

Going back to the first few stages of the development of digital journalism, we can recall the conclusions of **Joseph Dominick,** who explained that online newspapers had some advantages over traditional newspapers, among which was unlimited news, updateed several times a day, interactivity, video, photo, audio enrichment and highlighting of user-generated content. **(Dominick, 2010).**

At what stage of this development is digital journalism in Albania? Did it outstrip the traditional? Is it in the second phase, or do we have elements of the third and fourth period?!

Rrapo Zguri has studied the landscape of online journalism in Albania and he makes a synthesis about where this journalism was until 2014-2015. In this period in Albania, we have mainly operated online media in addition to traditional media, with few born online media *(Digital Born)* so that they had produced original audiovisual content with curated multimedia elements *(using Multimedia Storytelling)* **(Zguri, 2015).** *"However, it is gradually assumed that*

there is also a third period, when classic online media, which invests more in form rather than in content, more in site design than in content, begins to interact more strongly with social media and Social media recaptures the problem transmitted from classical online media, with the latter increasingly referring to social media, especially politicians' channels, public figures, media being "pure players", etc. The fourth of the potential development of an online journalism is still in its initial stages. " (**Zguri, 2015; 153**).

Zguri finds that original videos are scarce on Albanian websites, relying mainly on television channel material or videos taken from the Internet. "(**Zguri, 2015; 124**). Although the author cites instances of original video production, he finds that many of them simply bring video footage from the reported event, without accompanying this video with the audio narrative of the one making the video (**Zguri, 2015; 125**). According to the researchers, lack of human resources in the field and shortcomings in the specialization of journalists are among the main reasons cited not only for the gap in *Live Streaming* on internet but also the low number of original web videos.

Has there been any development in digital journalism in Albania over the past 5 years in terms of multimedia development and audiovisual communication? As we shall see below, it appears that audiovisual broadcasting (audiovisual communication) on Albanian online media (unrelated to television) is expanding its scope, assuming particular importance. The products, in terms of market competition are adapting to network audiences, though not entirely to the pace and quality of international models, to diminish the supremacy of television-related online media.

Asked for this study[75], editors in chief, editors, journalists, media owner in Albania give their opinions, saying that there is an expansion of space for original content in digital media and at the same time an expansion of the audiovisual communication space. "*The future seems to work more about digital media, because people are increasingly on the go and choosing to be informed over the phone, "* says **Anila Jole**, the news editor-in-chief of "News24" as she wonders how resizing the importance of audiovisual

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[75] Interviews: Anila Jole, Alfred Lela, Arianit Filopati, Miranda Kastrati, Artan Cena, Jetmir Olldashi, Anta Muçaku, Elsa Kallanxhiu, Sejrie Baleta.

broadcasting has affected the online media unrelated to television in front of the superiority of television-related portals. The same question is answered by the director of digital media "Politiko.al", **Alfred Lela**, saying: "*It has influenced by pushing towards the audiovisual, pushing at the same time in error, which is wrong. You can't beat TVs in their territories, but by inventing new elements that are not television's like old media, but of course they relate to 'vision', which is universal.*" **Arianit Filopati,** Director of Programming and Production at another informational television, "Report TV" continues to hold on the idea that even today, in this comparison, the basis is television. But most open to embracing the notion of expanding this space to information portals are portal managers. **Anta Muçaku,** editor-in-chief of online-born news agency "Newsbomb.al", notes increased audience interactivity when using video: "If social media interactivity is low for a usual news, the interactivity of a video often exceeds our expectations. You can also watch videos that have exceeded 1 million viewers on our "Facebook page", and this is completely changing online news". In appreciation of this new way is also the editor in chief of "Syri.net",

Artan Cena. According to him, audiovisual communication is a new way of communicating with fans. *"Portals that haven't had a television or other media have become more competitive in the market, precisely because they have embraced new technologies faster. Today it is easier and less costly to watch news online than on a traditional screen.* "says Cena. While Boldnews.al manager **Jetmir Olldashi** makes an interesting finding when comparing the products of this broadcast between proprietary web-connected and non-television-related webs. *"Regardless of the infrastructure and human resources that television-related websites have, simple websites have found another way to compete at some point. Through the uniqueness of trying to bring them to the web. So, if television websites have videos, on websites without televisions support more attention is paid to quality.* ", thinks Olldashi.

Miranda Kastrati, deputy editor-in-chief of "Balkanweb.com", a television supported angency, says that although without audio-visual broadcasting, the growth in the online market is more difficult, the growth of this type of communication depends on the technology, innovations and information contained in the portal. *"... television-linked portals make it easier to absorb new audiences and preserve what they have,"* comments Kastrati.

3. Audiovisual communication on television and digital media

Digital journalism that has reached the MOJO form in the world, what can be translated into mobile journalism or podcasting and vodcasting that are processes on-demand, are at another stage in Albania. In terms of how it works, audiovisual communication and the use of multimedia, there are generally some typologies of informative digital media (portals) in the country:

1-**Informative online media, Television Add-ons** (http://top-channel.tv/, https://tvklan.al/, http://oranews.tv/ etc.)

2- **Informative online media with Support on Television** (https://shqiptarja.com/,https://balkanweb.com/, https://faxweb.al/ etc)

3- **Informative online media unrelated to television** (https://syri.net/, https://boldnews.al/, https://politiko.al/ etc)

4- **Informative online media with WEB TV development (**https://syri.net/,https://boldnews.al/, etc.)

In the first typology we encounter the same audiovisual content as television, with special additions to the portal. In the second typology we find mainly audio-visual content of the portal, with audiovisual television *additions (although the audio-visual content of the television is often overlooked here)*. In the third typology we have distribution of specially produced audiovisual content by the portal, attaching television or network productions unrelated to the portal, while in the fourth typology we encounter informational portals, after which we have also added televisions whose audiovisual content tends to be original. Parallel to these audiovisual channels are their profiles on social networks like "Facebook" or "Instagram". All of these typologies perform audiovisual broadcasting on the web, internet channels or social networks. The size, quality and originality are different.

Audiovisual communication in informative digital media has been developed for a number of reasons, ranging from how the Internet is viewed *(where any user can produce their own "programs" and have their own voice on the network)* in order to exit traditional classical media schemes *(mainstream media),* from the impact on the audience to the ease of production (*citizen journalism, mojo etc*) without requiring greater human resources than television *(requiring operators, journalists, editors, drivers, voice technicians, etc.).* Today, everyone owns a cell phone, online or paid montage programs, journalists have advanced their skills by acquiring multimedia features, speeds in distribution as well as cost-free channels where a single Web Tv studio suffices *(television that broadcasts only on the online platform),* unlike the typical television that needs a larger number of studios. Audiences are on the move, not having the time to follow linear transmission but using search *(On-demand, nonlinear tracking)* etc.

Multimedia in informative online media in Albania is found in the two ways Deuze put forward **(Deuze, 2004),** in which are found storytelling, reporting, investigations, arguments etc. with text, photos, videos, audio, graphics etc. *(Multimedia Storytelling),* events that are reported in several media, in different forms, even within the companies of the same media group *(Transmedia Storytelling),* multimedia in terms of presenting news packages in different formats, sms, applications, notification, Youtube, social networks, mojo, podcasting, vodcasting, web, television etc

How is audio-visual content generated on these portals? Its source can be journalists or newsroom executives, support newsrooms, rival newsrooms, citizens who use citizen journalism, audiences that give online signals, and so on. For the realization of this content mainly in Albania are used cameras,
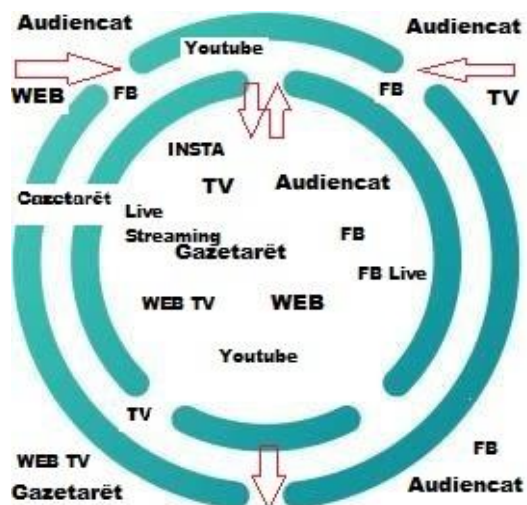

Figura 1. Qarkullimi i hapur i burimeve nga ku gjenerohen përmbajtje audiovizuale në portalet informatike në Shqipëri, si përpunohet dhe si shpërndahet

mobile phones, television videos, "Youtube" videos, "Dailymotion" videos, Web TV videos, social media videos etc. Their editing can be done on mobile, computer *(with paid and free software available)*, by editors or multimedia journalists *(who have found the audiovisual product themselves, which they process, add other multimedia elements and are ready to distribute and following by themselfs the interactivity of audiences).* While distribution of audiovisual products is realized through television, web, online live streaming *("Youtube"),* "Facebook", FB-Live, "Instagram" etc.

Media	Traditional/ Digital Born	Audiovideo from TV/ Originals	Sources (Camera, cellulare, citizens, Journalis, TV, Internet, Youtube etc)	Distribution (Web, Web TV/FB live, Livestream, FB-video, Insta, Insta Live, Youtube etj)	Multimedia Storytelling (Text, Photo, Video, Grafics etj) Multimedia Application, Notification	Traditional Journalists/ Multimedia Journalists	Followers on "FB"
top-channel.tv	Traditional	Both, mostly the first	All	Web Livestream, FB-video, Insta, Youtube	Both	Both, mostly the first	1.422.977
tvklan.al	Traditional	Both, mostly the first	All	Web, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the first	953.222
abcnews.al	Traditional	Both, mostly the first	All	Web, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the first	30.365
shqiptarja.com	Traditional	Both, mostly the first	All	Web, FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second	419.947
oranews.tv	Traditional	Both, mostly the first	All	Web, FB live, Livestream, FB-video,	Both	Both, mostly the first	452.436

				Insta, Youtube				
balkanweb.com	Traditional	Both, mostly the first	All	Web, FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second		293.913
faxweb.al	Digital Born +TV	Both, mostly the first	All	Web, FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second		30.340
syri.net	Digital Born	Both	All	Web, Web TV/FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second		472.303
newsbomb.al	Digital Born	Both	All	Web, FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second		126.901
boldnews.al	Digital Born	Both	All	Web, Web TV/FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second		48.800[76]
politiko.al	Digital Born	Both	All	Web, FB live, Livestream, FB-video, Insta, Youtube	Both	Both, mostly the second		88.408

Figure 2. Table with the characteristics of audiovisual communication in some of the informative portals in Albania [77]

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[76] Followers data was viewed on 28/04/2019 and 29/04/2019

[77] Other media to be part of the studies are: Lapsi.al, Hashtag.al. Exit.al, Panorama.com.al, Gsh.al, Dosja.al, 360grade.al, Tiranapost.al, Gazetatema.net, Javanews.al, Kohajone.com, Droni.al, Standard.al, Shekulli.com.al, Vizionplus.tv, Oranews.tv, Alpenews.al, A2news.com, Reporter.al, Cna.al, Tiranatoday.al, Intv.al, Gazetamapo.al, 27.al, Opinion.al, Tpz.al, Telegraf.al, Sot.com.al. Gazeta-shqip.com, Durreslajm.al, Infoelbasani.al, Sarandaweb.net.

In television-based online media we encounter some forms of audiovisual broadcasting, for which televisions have been interested in gaining ground *(Note: these online media have been generated in addition to televisions, feeling the need to expand to new audiences, like of digital born media and feeling the need to adapt to technological developments but also being in competition with online media)*. These media broadcast mainly full-length news edition, the same of supporting television, audio-visual promotion of TV programms, audio and video segregated from them, which are accompanied by text and also broadcast on social networks or video channels such as "Youtube" and also produce and distribute news with multimedia elements the audiovisual source of which is not television *(may be is social media, "Youtube", other media, etc.)*.

On the process of audiovisual communication, it seems that online media *(also known as Digital Born or Purely Online Media)* have found more sophisticated forms to reach their audiences. They mainly[78] feature elaborate video / audio *(consisting of short video, summary material, synchronous, audio journalism, subtitles, explanations, investigations etc.),* news with more curated multimedia elements *(more careful selection of videos moments illustrating a development or spicy statements)*, which are also transmitted on social media to Web TVs such as the cases of "**Syri.net**" and **"Boldnews.al".** Are present to these media also raw audio and video.

4. Audiovisual communication on online born media in Albania. The first Web TVs

One of the new developments in digital journalism in Albania concerns the birth and functioning of network television *(WEB TV)*. The first television to broadcast online is "SyriNews" *(which has full programming and is broadcast on the "Syri.net" portal)*. After it, another portal has launched an online audio-visual broadcast, **"Boldnews.al".** "Syri.net" broadcasts "Live" most of the

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[78] The finding came after the observation of these media: http://top-channel.tv/, https://tvklan.al/, https://shqiptarja.com/, http://oranews.tv/, https://balkanweb.com/, https://faxweb.al/, https://syri.net/, https://boldnews.al/, https://politiko.al/ etj. Televizionet "Top Channel", "Tv Klan", "ReportTv", "Ora News", "News 24" dhe "Fax News".

events in the country, as well as the news edition or studio interviews. Network television has simple, non-24-hour programming. "Syri" editor-in-chief

Artan Cena says that followers coming directly to Web Tv in recent months have seen an increase. Another information portal that has followed this development is "Boldnews.al", an on-line information platform that, according to manager **Jetmir Olldashi,** provides qualitative and quantitative reporting in Web-text format, as well as preparing and publishing audio-visual chronicles. He points out that the video material is prepared by a specialized staff, who also provides technical assistance in real-time live reporting of important developments in Albanian reality through social networks *(mainly "Facebook").* "Boldnews.al" launched online publications as an informational portal based on text reporting, but according to Olldashi, there was a need to provide a better quality for the audience that encouraged editorial staff to engage in capacity building for the preparation of audiovisual materials. *""Boldnews.al" ... feels the weight of competition from its counterparts, especially those that rely on consolidated television in the Albanian market. However, "Boldnews.al" is aiming to create a personality in the media market -line through qualitative reporting and especially those with an investigative sense, "*says the manager of "Boldnews.al ".

The editorial staff of this WEB TV in Albania has provided the minimal means for preparing the materials technically, as Olldashi points out for the purposes of this study that there has been a progressive increase in the visibility of their audio-visual chronicles. Olldashi thinks that the way Internet-born portals are competing with television add-ons is quality care: *"Regardless of the infrastructure and human resources that TV-related web sites have, simple web sites have been found another way to compete a little bit. Through the uniqueness that is being attempted on these web sites. If television web sites have a lot of video, on non-TV web sites quality is more important."*

However, there is a problem with preparing the video for multimedia distribution, which Chapman & Chapman find out due to the end-devices and the limited capabilities with which it is processed. The authors envision several ways of "sacrificing" video quality, from frame size & frame rate to color depth or image quality **(Chapman & Chapman, 2000).** According to the authors, reducing the size of the frames, or video frame as it is known in the technical language, is a painless way, as computer and mobile monitors are close to the eyes of the followers.

Although according to **Alfred Lela,** audiovisual communication on Albanian online media has changed slightly under competition, there are attempts to introduce new concepts: *"The Albanian media is still in the old templates where long interviews and lack of interactivity are distinguished. But there are attempts to introduce new media concepts such as multimedia".*

From a close monitoring of the online media taken in this study under analysis, in Albania we can identify some forms of audiovisual communication.

> *1.* **Audio and video included in the news** *(Multimedia)*
> *2.* **Summary chronicle of about 2 minutes, for events, investigations, etc.** *(Audiovideo using graphic elements, etc.)*
> *3.* Interview edited and published on the Web
> *4.* **Chronicles of news editions** *(Web Tv and TV editions)*
> *5.* **Video-editorial is also planned** *(Politiko.al)*[79]

5. Conclusions

Audiovisual communication on Albanian online media (unrelated to television) is expanding its space, taking on particular importance. The products, in terms of market competition, are adapting to network audiences, though not entirely to the pace and quality of international models, to diminish the supremacy of television-related information portals in the country.

The development of online media and multimedia communication has come about due to market competition between televisions and online media and adaptation to changing audiences, preserving the current audiences. One of the other reasons is the production of original content after blocking material from major international and national platforms.

At Fake News area development *(Popularly known as "Fake News")* **video and audio are facts for the audiences. Just as news portals have been new channels, where information in audio and video** has flooded into free and different spaces from classical media, so seriousness, humor, spiciness, curiosity, interactivity have brought together from followers.

There is a resizing of storytelling concepts through the multimedia and tools that online media outlets have available for reporting events, storytelling,

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[79] Interview Alfred Lela

etc., no longer being held hostage to the concept of "we have text, we add video", but by trying to find the easiest, most efficient, and most interesting way for the follower to absorb information in the most qualitative, fastest, and simplest way. We no longer have a typology of journalism coming from newspapers or television and gaining some additional knowledge of how to capture mobile images, how to assemble them, how to cast them "live" but encounter the preparation of a journalist who understands multimedia in deeper dimension, not just as a tool, but as a concept, as the basis from which journalism innovations develop.

Televisions still have greater financial and human resources to produce audiovisual material than online media, but coordination with the online media they open often leads to video repetition *(often the same ownership channels function as competitors, not complementary ones. It happens what the protagonists of the creation and distribution of news call the "burning" of the news).*

TV's audiovisual production teams are currently reduced in number (*no more need for cameraman, driver, journalist, voice technician etc.).* Live broadcasting can be done directly from the camera and the portal team can only have one cell phone reporter *(because it tolerates lower quality, provided the visual information matters)*. Televisions have also in some cases broadcast videos of lesser quality in social media due to the importance of the information they bring and competition with online media.

Classic TVs want to go to Web TV, podcasting and vodcasting.

We are experiencing better quality of Multimedia Storytelling *(Videos still do not fit well for online audiences, compared to worldwide models from both TV and online media),* though online media place more importance on this aspect as they are more connected to online audiences *(micro view, have few audiovisual product etc).*

We see the development of the first Web TVs in online media, the development of live streaming (*Live Streaming, with their own or other sources)* and the more advanced use of audiovisual broadcasting on social networks such as "Facebook Live".

New to the conclusions of this study are the plans of online-born media executives to develop new audiovisual genres such as video editorial.

6. Bibliography

-Chapman, Nigel, Chapman, Jenny, *"Digital Multimedia",* John Wiley &Sons. LTD, Chichester, 300-345, 376-413, 2000

-Deuze, Mark, *"What is Multimedia Journalism? University of Amsterdam, The NetherlandsJournalism Studies",* Volume 5, Number 2, 139–152, 2004

-Dominick, Joseph, *"Dinamika e komunikimit masiv. Media në periudhën digjitale",* UET Press, Tiranë, 156, 2010

-Jenkins, Henry, *"Convergence Culture: Where Old and New Media Collide",* New York University Press, New York and London, 2-3, 2006

-Kolodzy, Janet, *"Convergence Journalism: Writing and Reporting Across the News Media",* Rowman& Littlefield Publishers, INC, Oxford, 49, 2006

-Lev, Manovich, *"The language of new media",* The MIT Press, Cambridge, Masachusetts, London, England, *2001*

-Ramón Salaverría, Ramon, Cores, Rafael, *"Géneros periodísticos en los cibermedios hispanos",* *2005,* 148-149 http://dadun.unav.edu/bitstream/10171/7284/1/cap5_generos_ciberperiodistico s_en_los_cibermedios_hispanos.pdf, parë më 28 prill 2019

-Salaverria, Ramon, *"Digital journalism: 25 years of research.* http://elprofesionaldelainformacion.com/contenidos/2019/ene/01.pdf*,* 1-15, parë më 23/04/2019

-Scolari, Alberto, Carlos, *"Transmedia Storytelling: Implicit Consumers, Narrative Worlds, and Branding in Contemporary Media Production, International Journal of Communication 3" (*2009), University of Vic Catalunya, Spain 586-606, http://www.guillaumenicaise.com/wp-content/uploads/2013/10/transmedia-storytelling.pdf*,* parë më 28 prill 2019

-Zguri, Rrapo, *"Gazetaria Shqiptare në Internet",* UT, Tiranë, 124-153, 2015

-Qualitative interview for the study: Alfred Lela, Anila Jole, Arianit Filopati, Artan Cena, Elsa Kallanxhiu, Miranda Kastrati, Jetmir Olldashi, Elsa Kalalnxhiu, Serije Baleta.

-Monitoring: top-channel.tv/tvklan.al/abcnews.al/balkanweb.com/shqiptarja.com/oranews.tv/fax web.al/ syri.net/newsbomb.al /boldnews.al /politiko.al

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The importance of fluency and accuracy in promoting english as a foreign language

Abstract

This study aims to influence students, moreover to make a description of how accuracy and fluency contributes to the enhancement in terms of the main elements and also how it promotes the development of coherent and fluent ideas in speaking as an essential tool for communicating. There is a huge struggling between teachers so students should focus more on the accuracy or fluency to became fluent speakers. Technology and grammar itself are essential tools for enhancing any language skillwhen they are used wisely. Becaming a fluent or even an accurate speaker is the most important goal for the majority of English language learners, but to achieve the goals and developing speaking in both terms of language acquisition requires a lot of hard working, also as to what the teachers should do te facilitate the process. Both of them are key componets in accordanace of the second language acquisiton but laso it is important to mention that it depends on the student if tey prefer to learn them both combined together or sepparately. Most of formalist has been through different discussion about accuracy and fluency mentioning that learnig a language means to learn the rules and the forms of a language but others argue that learning a language means to learn how to use a language. Lastly shouldn't be forgot that accuaracy and fluency are not contradictory because they affect each other and are the perfect match to give to the students the opportunity of acquiring a SLA.

Key words: accuracy, fluency, speaking, EFL

Theoretical Background

Nowdays people tend to learn the foreign languages for different reasons and purposes as it may help them to interact with different people, to know new traditions and cultures about a specific country. To became a good user of a second foreign language students should be able to perform two specific key components of a language which are accuracy. In todays world, it appears that learning the components of the utilization of punctuation and concentrating on accuarcy are underlined by numerous language students. Accuracy means to be able to produce grammatically and lexically english sentences while fluency is the ability to produce laguage in a coherent , effortless way. A student who is more focused in the fluency is consiered to be more succesful at communication than someone who is more accurate.The discussion over accuracy and fluency has been a controversial issue centered in the formalists attention for many decades. Although some of them contend that learning a language implies learning structures and rules, a few activists take an alternate view and guarantee that learning a language implies figuring out how to utilize a language (Antunez B. , 2002)

Early instructing techniques advanced accuracy over fluency, for example the Grammar-Translation Method has been utilized by language educators for a long time since it is specfied as the conventional styleof showing strategy focusig on the sentence structure clarification and interpretation. As per such a technique, it is significant for students to find out about the type of the objective language. Teacher is the power in the auditor and students only do and realize what the instructor says. It is imperative to realize that there is a harmony among accuracy and fluency among different stages and exercises in a lesson . Students for the most part accomplish a more significant level of proficiency in receiving abilities rather than productive ones . Achieving the language abilities, such as mastering any sort of expertise, comes with a high cost. In the teachig-learning development process the student should became step by step more proficient (Antunez B. , 2002).According to Hartman and Stork, they suggest that an individual is supposed to be a fluent speaker of a second language when he can utilize its structure precisely while focusing on content as opposed to shape, utilizing the units and examples naturally at ordinary conversational speed when they are required (R, 1976). Fillmore proposed four sorts of fluency: 1. Capacity to fill with talk, without akwar delays for quite a while, 2.ability to talk in rational , contemplated and

semantically dense sentences, 3.ability to have fitting comments in a wide scope of settings and 4. Capacity to be innovative and creative in utilizing the language. In any case, ought to be aso seen that Fillmores idea of familiarity is restricted to oral profitable language (Fillmore, 1979). Fluency somehow is regarded to be as a naturale language use and according to Fillmores four kinds of fluency are related also to four different characteristics: speed, contuinity, sensitivity and creativity (Brumfit C.J, 1984, p. 56).Accurate speakers are able to use the language grammatical pattern fearlessly, like pronounciation , vocabulary or grammatical issues like corect tenses, prepositions etc. It is important to mension that many English learners pays more attenton to the accurate use of the language than being a fluent speaker so there is no doubt that accuracy is as much important as fluency in acquiring a second language acquisition. But also being accurate means going through the complexity of the language use , because the learner is going to face with lots of difficulty in the lexico-grammatical mistakes, errors and difficulties. If the learners are inaccurate in the writing or speaking a second language, it can lead in misunderstandings and also taking as a favor it can bee seen to reflect carelessness alack of attenion.

There are different activities for teachers and students to practise on accuracy such repeating practice of the specific target language, minimum amount of free speaking,corrctness of the errors by teachers etc. If you are able to speak accurately it means that you have mastered the ability to speak correctly and with few mistakes but if you speak fluently it means that you have became fluent and you are able to speak without pauses, this also a reason why researchers have been more focusing on the fluency rather than accuracy because accuracy is rather a relaitve issue. Adults may be able to gain and learn the ability to master all the difficulties of the grammar issues but children are les effortless on learning grammar. As we all know the learner is the most important person in the classroom, the teachers duty is to make the lessoning plan as interesting and attractiv for students as possible, but sometimes to much focus on the errors that students do most of the time leads to the learner losing the interest on the teachers lessoning plan, failing on the completion of the syllabus. So each teacher should be concerned for the students progress and should not lead his personality became the center of the classroom.

A well organised teacher should be modest and a facilitator , should guide them and changed by the knew knowledge.This is as important as being also

accurate and fluent at the same time, because every foreign language should be considered as a natural language which should be mastered by every learner. Richards, Platt and Weber characterize fluency as the " highlight which give discourse the characteristics of being regular and typical , including native-like utilization of stopping, mood, inflection, stress, pace of talking, and utilization of interposition and interference. In a second and unknown dialect circumstances, fluency describes a degree of correspondence proficiency (Richard Jack; John Platt, heidi weber, 1985, p. 108). Fluency has been used in the literature in two senses, which labels the broad and narrow senses. he definition function as a term for oral capability which speaks to the most elevated point on a scale that estimates verbally expressed order of an unknown dialect. The thin sense is characterized as being one probably isolatable segment of oral capability and this sense is especially found in the techniques for evaluating and assessments (Lennon, 1990, p. 388).

Fluency activities should be introduced in the language classes and the learners interested is the basic one which should be involved and increased. Students should convey information, to be able to make a conversation and what is the basic of the fluency as a concept is the freedom of the expression. A student should be able to express themselves without fearing that they are making errors because this fear can prevent them from being native speakers and lead them on fosilization. The problem is the same for all the learners of a foreign language. They can more easely understand than speak a language, because is more easy to became accurate than fluent, grammar is the first step of learning every language, you just take a bunch of words all together and start using them step by step, but what is the most important thing is the way of how you start using them, how able is each learner to speak withou hesitation.There shoud be a frame picture of choices for students for what they choose to communicate.

Tips to become fluent and accurate

After over 20 years as the dismissed objective of the reading instruction , fluency has at long last become the interesting issue among the understanding analysts, proficient advancement supporters , and instructors (Allington R.L and NICHD, 1983 and 2000). In light of the aptitudes of building up an unknown dialect reading comes the first for a student to experience various

phases of obtaining a subsequent language. Without a doubt most instructors has heard the message that if a student is not adequate in his reading , he wont have adequate understanding. This finding has been long enough upheld by a solid agreement of excellent exploration studies, educators and administrators wherever for ides to enable their students to become fluent speakers (Allington R.L & NICHD, 1983 and 2000). To become a fluent reader requires hardworking and lots of time. Learners should read a lot of different books and extra materials. Marilyn Jager Adams (1990) claimed in her networthy study about reading that " if we want childrent to read well we must find a way to induce them to red and practice a lot" (Adams, 1990, p. 5). A few schools urged instructors to invest a lot of time in having the students and teacher read silently as long as 30 minutes per day, in addition to an extra 15 minutes recording their reflections reflections on what was perused (Sierra-Perry, 1996). Independent and silent reading could really be benficial for all students as it might turn out that some students might find it diffuclt to read it aloud in front of the whole class. (NICHD, 2000).

Since the importance of fluency has become very recognizable by every teacher , they are giving all their efforts to improve students fluency , and silent reading seem like a very good idea and additional practice.Round Robin also is a very useful method for students as it focuses on the oral practice (Allington R.L & NICHD, 1983 and 2000).

- Practice: Practicing English speaking is a must for each of the foreign language learners. If a student does not start to practice all the gramatical and phonetical items it can not learn english otherwise.At the first time this may sound extremely weird but it is the first step to start speaking fluently.
- Short conversations: a second important step is to learn how to collect together all the pauzles of the English language, what you already have learned up to now. A student should be able to start a short conversation, because it will gow the confidence itselfe.Start with simple sentences for example: " how are you" or "How is the whether today", just to break the ice. If you might find diffulcties understanding the person it is nothing wrong to ask it to repeat again because if you fill coy or if you hesitate because you think this is wrong then you will not be able to go through other difficulties of the language.

- Confidence: Confidence is also an important element because the learner shoul be confident on what he or she is learning. He or she might face with different difficulties while it is practicing, with grammatical or phonetical patterns but the big issue is to not be fearing. Each learner should be confident to ask the person indeed to repeat it once or twice if he or she is not able to understan what they are talking. Chances are to understand that you are in the learning process.

- Try not to use google translate or translation at all: Use dictionaries instead of google translate, when you try to translate a phrase or an idiom or a word that might sound difficult for you, it is better and much helpful to use a dictionary than easely google translate. It will just simply confuse much more than help you. When you hear a sentence or a phrase try not to translate it in the mother tongue or vice versa because some words are difficult to suit in the mother tongue and it will actualy ruin the meaning of the sentences. Try to understand in the target language as much as you can.

- Listening:Just reading or speaking or writing is not sufficient for fluency, it is important to listen as mush as possible to hear how people speak and pronounce, how the words are use and sounds, in this way you are observing how other people speak.

- Read books, watch movies and listen to music: these are the best element to start practicing not even English but any type of language that you are starting to learn.They help you to stick on the formation of the sentences, dialogues and concersations between characters.Songs stick in your mind and you will be able to repeat it yourself as many times as you can.

- Idioms and Phrases are the essential parts of every language. If you don't understand them then you will not be able to master the ability to speak fluently.You may hear different idioms like "brek a leg " before an exam or an activity so you migh misunderstand the real meaning of it, because it means " good luck" so it would be better to keep an eye on it.

- Think in English and do not think yourself as a student: try always to think in english not in your mother tongue, whenever you are thinking to yourself try to use your words in english because it will make you feel more comfortable than speaking aloud   The most important

thing for a learner is not think itself as a student. Always think like you are that type of person who can manage to speak english fluently. If you start thinking as a student then you will find yourselfe studying grammar books, but even if you make mistakes while you are learning there is nothing to be scared, these are the walls that you are meant to break.

- Keep records of yourselfe: start recording while you talk to yourselfe because meanwhile you can listen and correct the errors that you have made. Start doing it everyday because is less embarrasing than talking in fron of the class, it will help you understand when you will be ready to speak freely and without hesitation in the public.

- Try to understand all the parts of speech and especially every word in a sentence can be categorized in a word class. Try to figure out which words are nouns , pronouns, verbs, adverbs, prepositions, conjuctions etc.

- Try to understand the prepositions because preposition is a word that shows the relation of a noun or pronounto other words in a sentence.

- Focus on the extensive listening going further with the material which include long conversations and dialogues, video books, recordings, videos,

- Try to pick up topics which identify the relation between phrases like:and, or, but, as well as, etc

- Try to perform as much as possible grammatical excercises. There are a lot of opportunities for learners to perform o grammar excercises, like internet or grammar schoolbooks.Try to complete at las two to five excercises a day, this is the best way to learn grammar correctly.

- Try to speak with a native speaker and while you do this do not think about mistakes but be confident this will help you to speak freely.

- Write as much as possible, foucs on the snetences and short dictations, complete excercises because it will challenge youtoanswer questions and choose the right word.

- Focus on the culture, literature and local history it is important because it will help you also learn more about specif dialect of the specific languages

- Use dictionaries, play with words,writte journals,, use every piece of grammar that you have learned, ,identfy and look fo structures,,practice and make as much excercises as possible.

- Start tutoring with a friend who knows much more than you. It will b able to make you understand and guide through the language patterns. He or she will correct you.
- Work hard and treat yourself because a har working and a self motivation are the best elements to start a new path. (Clemons, 2014)
- Use tongue twisters sentences : These are words difficult to say so it wil be very helful for you and will place your mouth and tongue and also will help you with the pronounciation
- And try to not focus so much on grammar only on fluency, take as much notes as posssible , write down every idiom that you might see in the books or in th movies or you might listen through music. Use the specific target language dicitonaries to translate not in the mother tongue..
- Py attention to stress words,common sayings, specific situations, and tell a story from mother tongue language to target language, try to play with words what you already know, show yourself and the level of your achievness.

- Relax and be patient, everything needs the specific time, the preparation and the steps that you have been taking up to now will show when you are ready to become a fluent speaker.
- //www.fluentu.com/privacy.
- **fluentu.com/blog/english/how-to-improve-spoken-english/ (april 2015)**

Is useful and valid this distinction of accuracy and fluency among the students and teacher?

Fluency and accuracy are two contrasting things. The former is how smoothly and effortlessly one speaks and writes while the latter is speaking and writing without grammatical and structural flaws. They each bring different effects to students. In a study done by Nilsson (2012), she found that those who were in the fluency group were more motivated to learn; while those in the accuracy group were pretty demotivated as evident when at the end of the study, only two students in the group stayed when the others had left. Nevertheless, both groups have shown

tremendous increase in their fluency, accuracy and self-confidence. In a scholastic or even proficient setting, this is one of the abilities to concentrate on for an oral introduction or discussion. The manner in which you clarify your subject or demonstrate your point smooth, clear and succinct without such a large number of delays or dithering – is as significant as the substance of your work. Outside of the school, fluency can assist you with associating with local English speakers and stay away from false impressions. To improve your fluency in English, work on talking each day by taking part in a discussion with someone. Once in a while, through in the new word or expression you have recently learned. In any case, recall, don't let the dread of committing punctuation errors hold you back. (Nilsson.E, 2012).

- Depending how valid is this for teachers and student this depends on them which of them would they prefer mostly to develop their oral skill communication balancing between fluency and accuracy in teaching, many scholars like Hemmens (2011) and Cotter (2013) have come up with the recommendation that accuracy should be introduced first in the beginner level and fluency comes along as the learner progress. The reason being is that, as learners don't have much vocabulary and knowledge of the language in the beginning. They are not really able to engage in a lengthy conversation with others and as a result of this, they should the basics first. Fluency and accuracy tasks can on the contrary be presented many positive comments such as; good communication way among students in the speaking classes based on teacher's activities for improving their accuracy and fluency of speaking, a good way of learning, new friends (because of their new attempts for more communication with other students in their classes), fun, new ideas, good variation, and learnt much. The negative comments on the fluency and accuracy tasks were related to difficulties with the language, the time factor and frustration with other students not being prepared (Thornbury, 2000).
- (https://youtu.be/oEc9u4oO4nc)

L2 proficiency is definitely not a unitary construct, but instead it is multi compositional in nature, and its central parts can be productively caught by the thoughts of unpredictability, fluency and accuracy. Recently these have became a remarkable supplement to other set up capability models, for example, the

conventional four-skills model and sociolinguistic-psychological model of L2 proficiency (Bachman & Bialystok, 1990, 1994). However, this might be complex for students and teachers sometimes, because it is yet uncertain if students are more capable to learn by self-correction or by teachers correcting their errors. Different claims support their ideas but for a student to become a better L2 acquisition learner is to be able to manage the error-free. If the student will be able to know where he or she has been doing it wrong that means that it is ready for further steps. But it should not be neglected the fact that the more complexed are the tasks given to the students by teacher, the more will be the complexity in the grammaticalized speech production (Robinson, B. C. Mervis, 1998).

Conclusion

To assist students with growing better relational abilities, educators ought to give them the chance to watch, reflect and turn out to be progressively mindful of how they convey and think about the others correspondence. Likewise, they should give them chances to rehearse their relational abilities through various gathering undertakings and activities. While we as a whole realize that accuracy and fluency are both significant ideas for the L2 securing, we should know that language learning isn't just about the connection between the two, is about the capacity that students can learn them both without isolating one from another. It is anything but difficult to make an order of all speaking and communication abilities under the heading of the fluency to do so would be a mistaken portrayal of the complexities of imparting in an unknown dialect as there is considerably more to speaking than perfection. (Michael, C. Merrill s., 1980).

In order t to speak a new language we need both fluency and accuracy and the complexity which it is found in any of the difficulties of a second language acquisition. Both of them are significant in the learning procedure. Every language course needs to consider where a language student is in wording their utilization. It isn't so much assistance attempting to utilize just fluency as your methodology with a student who is a at the first steps or accuracy for a middle student. They have no system, no body words that they can use to begin speaking. If you need them to become fluent or accurate right you have to construct a little stage for them to stand. In any case, you can do this by consolidating real true use and practice into the accuracy part of each course

regardless of what level they are. This may sound straightforward and sensible however it is anything but difficult to attempt to consolidate components of both into your exercises. Ensure there are open doors for the two sorts of exercises to guarantee students outwit both and get practice with both accuracy and fluency. Even there is given a certain degree to fluency and students who are more fluent are considered to be successful at the communication than someone who is more accurate, classroom tasks should not be concerned more with more fluency activities because accuracy is just as important. Both work together and not separately in education but sometimes it depends on the students need if its necessary for those two to combine them together or use them separately to improve English speaking skills.

Lastly it should be mentioned that accuracy and fluency do not contradict but they affect each other. Accuracy and fluency improve each other (Willerman B, 2011). They are strongly related in the complexity of the given tasks, and measuring learners' performance. The duty of both elements is to ensure students' performance on the learning language. A teacher should not focus too much on accuracy and fluency because learners can be demotivated, because both are important in acquiring a second language. Every event that occurs during classroom activities should be a gradual shift from accuracy-based activities to fluency activities. Errors correction also should be made by students because if they are made by teachers it can lead on the students losing the confidence and fossilization.

Bibliography

Willerman B. (2011). Teaching speaking fromaccuracy vs fluency to accuracy plus fluency. college life.

Adams, M. J. (1990). Beggining reading instruction in the United states. Washigton D.C: office f educational research and improvement.

Allington R.L, N., & NICHD. (1983 and 2000). Fluency: The neglected reading goal in reading instruction. The reading teacher. Washington D.C U.S: government printing office.

Antunez, B. (2002). Implementing reading first wit english language learners. new york: directions in language and education.

Antunez, B. (2002). Implementing reading first with english language learners. new york: directions in language and education .

Antunez, B. (2002). Implementing reading first with English language learners. New York: directions in language and education.

Antunez, B. (2002). Implementing reading firstwith English language learners . washington DC: National institute of education .(april 2015).

B, F. M. (1983). Teacher-made tests .Windows on the classroom. In W.E Hathway(Ed.) Testing in the school . New directions for testing and measurement. (T. i. measurement, Ed.) San Franisco: CA:Jossey-Bass.

Bachman, L. B., & Bialystok, E. (1990, 1994). FUNDAMENTAL CONSIDERATIONSIN LANGUAGE TESTING,Analysis and control in the developent of the second language proficiency. oxford,: oxford university.

Brumfit C.J. (1984). Comunicative methodologyin language teaching.The roles of accuracy and fluency. Cambridge: Cmbridge university press.

Clemons, E. (2014). How to Speak English fuently in a week . USA: kindle edition.

Cotter, C. (2013). Accuracy and fluency . retrieved froms hemmens .

David Ausubel, J. D. (1968). Educational Psychology: A Cognitive View. New York.

Fillmore. (1979). Individual difference in second language acquisition. New york: Academic press.

Larseen- Freman, D. (2006). the emergence of complexity fluency and accuracy in the oral and written production of five chinese learners of english. applied linguisitc.

Lennon, P. (1990). Invenstigating fluency in EFL. A quantitative approach . Fchbereich 8: university of kassel postfach kassel FRG.

Michael, C. Merrill s. (1980). theoretical bases of communicative approaches to second language teaching and testing . applied linguistic.

NICHD. (2000). REPORT OF THE NATIONAL READING PANEL , TEACHNG CHILDREN TO READ . An evidence based assessment of the scientific research literature on reading and its implications for reading instruction. Washington D.C: govrenment printing office.

Nilsson.E. (2012). A comparison of the effects of accuracy and fluency based tasks on student motivation self confidence accuracy and fluency. Halmstad university.

R, H. a. (1976). Dictionary of Language and Linguistic . Dortmund germany: elsevier sciences.

Richard Jack; John Platt, heidi weber. (1985). Longman distionary of applied linguistic. Harlow, essex england: Longman.

Robinson, B. C. Mervis. (1998). Disentangling early language development : modeling lexical and grammatical acquisition using an extension of case-study methodology. developmental psychology.

Sierra-Perry, M. (1996). Standarts in practice . Urbana III : national council of teachers of english.

Thornbury, S. (2000). Accuracy fluency and complexity. the english teaching profesional. pontyprid cardiff: university of south wales.

Widdowson, H. (1978). Teaching language as a communication. Oxford: oxford university pres.

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