

RAIS CONFERENCE PROCEEDINGS

The 15th International RAIS Conference
on Social Sciences and Humanities

NOVEMBER 6-7, 2019

EDITORS: NADIR ALI KOLACHI

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This publication presents the proceedings of the *15th International RAIS Conference on Social Sciences and Humanities* held at Johns Hopkins University, in Montgomery County Campus, Rockville, MD, on November 6-7, 2019. The Conference was organized by Research Association for Interdisciplinary Studies.

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Preface

The *15th International RAIS Conference on Social Sciences and Humanities* held at Johns Hopkins University, in Montgomery County Campus, Rockville, MD, on November 6-7, 2019, was organized by The Research Association for Interdisciplinary Studies (RAIS).

The RAIS Conferences encourage academics and researchers from around the world to share their experiences, achievements, research findings, and to discuss and exchange ideas on issues in the field of social sciences and humanities.

The papers were reviewed by at least two independent reviewers under a double-blind peer review process. Out of the 107 received submissions, 45 papers were accepted for inclusion in this volume. The acceptance of manuscripts was based on originality, scientific content, significance, and readability.

Conference participants, including presenters and attendees, had the opportunity to listen to the research insights and ideas presented by the scholars representing many foreign universities and research institutions from Algeria, Brazil, China, India, Japan, Romania, Russia, South Africa, Taiwan, Turkey, Spain, Uganda, Ethiopia, Malaysia, Mexico, Nigeria, Netherlands, UK, UAE, and the USA.

We would like to express great appreciation to all members of the scientific and organizing committee, session chairs, presenters, and reviewers for making and putting this conference together.

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On the Political Economy of the European Union

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ABSTRACT: Political economy concerns historical, legal and heterodox economics analysis of complex systems. This article attempts to analyze the current state of the European Union from historical, legal and interdisciplinary economics perspectives. Historically, the ancient Athenian democracy, the Holy Roman Empire and the early formation of the United States serve as examples of early innovative legal constructs of their times that were *sui generis* and share key features with the current European Union. Regarding legal developments, this paper discusses the bicameral parliamentary structure, electoral processes and populist pressures. The future of the European Union economy is likely to see an AI (r)evolution shaping markets and rising big data revenues. This development necessitates the creation of a fifth fundamental freedom of data transfer within the European Union, as well as taxation of growth generated by big data. Heterodox economic growth theories will increasingly have to account for this growth.

KEYWORDS: Ancient Athenian democracy, Artificial Intelligence (AI), Bicameral parliament, Big data, Electoral system, European Union, Holy Roman empire, market disruption, political economy, Populist pressures, Taxation, United States

Historical analysis

Ancient Athenian democracy

The first known democracy developed around the fifth century BC in the Greek city-state of Athens, which featured the first government by its people. The supreme power was vested in the people and exercised directly by them or by their elected agents under a free electoral system. The ancient Athenian democracy became an important source for 18th-century revolutionaries' intellectual background during the American, French and other continental European revolutions. State constitutions around the globe and over time, political speeches and writings about nation states and society reflect the core principles conveyed in the ancient Athenian city state's democracy, which became a model shaping political structures around the world.

In 507 BC, the Athenian leader Cleisthenes introduced a system of political reforms called *demokratia* or rule by the people to ensure security, stability and prosperity to the entire community. Key features of modern democracy are equality, accountability, citizen participation, political tolerance, transparency, economic freedom and a multi-party political system. In the ancient Athenian democracy model, not every citizen had the right to vote, run for office and participate in political discussions. And yet, democracy was meant to protect and uphold the dignity of *all* people. Thereby the Athenian democracy bestowed a favorable climate in society without political equality of all citizens. To this day, democracy tends to generate the most advanced political order in an egalitarian society (Vlassopoulos 2009).

As a direct democracy, citizens voted directly on legislation and executive bills. However, participation in democracy was not open to all residents but limited to adult, male citizens excluding women, foreign residents and slaves. In ancient Athens, only male Athenian citizens who had completed their military training had the right to vote, and only about 10 to 20% of inhabitants actually participated in governmental decision-making. Women had limited rights and privileges, restricted movement in public and were legally segregated from men. Citizens whose rights were under suspension – foremost for failure to pay debts to the city – were also excluded from voting. Only descendants of both male and female Athenian parents could claim Athenian citizenship. Citizenship could also be granted by the assembly and was sometimes given to large population groups as a reward for service to the state. Slavery was widespread in Athens and seemed to have

been a key factor for its development. The ancient Athenian democracy is therefore thought to economically having been based on slavery, which allowed the more privileged members of the public to devote considerable amounts of time to political life.

The Athenian form of direct democracy does not only serve as an example of not all citizens being allowed to vote being a feasible governmental structure. Athens also featured a dual system of the Athenian citizenry. Citizens from associated territories that were not allowed to participate in political decision-making but subject to accept conditions imposed on them. Both – full citizens and those from abroad from associated territories – lived together in one functioning society in the ancient Athenian world.

We may draw lessons from the ancient Athenian world for today's European Union, its member states and associated countries, but also for the exit of one of its member states. In order to avoid external conflicts, which in the end weakened ancient Athens and brought down the first attempts of a democratic state, the Europe Union should formally acknowledge the special relationship between the two parts of Europe – the European Union and other European countries. In ancient Athens there were different classes of citizenship that lived together. As in the ancient Athenian democracy model, in today's Europe, not every European has the right to vote in European Union elections. Today's European landscape faces a game-theoretically similar situation, with the more powerful countries' voting rights within the European Union determining the common external relations of the European Union. However, these decisions affect the economic and legal situation of all European countries implicitly. In the end, the outcomes of European Union votes affect the outcomes of all European citizens, some more directly and other more indirectly.

A future European Union may place Europe into a landscape in which some countries enjoy full voting powers, while other countries, which are on European soil or close to Europe, will have to abide by the laws crafted within the European Union compound but not have voting rights. These countries are, at present, Switzerland, Liechtenstein, Norway and Iceland, and to a certain extent countries with association agreements such as Ukraine and Georgia. In the future, the United Kingdom may find itself in a similar situation. These countries would be well-advised to form a union among themselves and should be granted the same treatment or rights by the European Union, which is currently not the case. At present, the treatment differs between countries, in part depending on whether it that refused to join the European Union, never applied to join, and whether the country chose to exit the European Union. Norway, Iceland and Liechtenstein are members of EFTA and the European Economic Area (EEA), while Switzerland is not a member after voting against joining in 1992. And yet, it participates in the internal market and the Schengen zone through several bilateral agreements. In the case of European Union grants and research funding, Switzerland and Israel are allowed to apply for research grants as associated countries; the United Kingdom was most recently prospected to lose the ability to apply for European Research Council grants. If the associated countries would be treated alike, there would be no retaliation on a case-by-case decision making basis. The European Union would also cut on administrative and organizational costs by creating a uniform legal framework determining how to deal with these countries. The EU should strive to consolidate negotiations and discussions into a 'League of Associated' so that European Union officials would not have to deal with each country separately administratively. Monitoring and streamlining the concerted fairness of the European Union towards its third countries will determine the geo-political relation of the European Union with its other European allies. Understanding the history of the ancient Athenian city empire being brought down by conflicts with peripheral countries underlines the case that living in harmony with third countries based on mutual respect and fairness will determine the future of the European Union and its European allies.

Holy Roman Empire

The European Union and its unwieldy federal system can also be compared to the Holy Roman Empire – a multi-ethnic complex of territories in Western and Central Europe that developed during the Early

Middle Ages and continued until its end in 1806 during the Napoleonic Wars. The empire included large empires of the Kingdom of Germany, the Kingdom of Bohemia, the Kingdom of Burgundy and the Kingdom of Italy as well as hundreds of sub-units and smaller kingdoms, principalities, duchies, counties, prince-bishoprics, Free Imperial Cities and other domains (Johnson, 1996). The office of Holy Roman Emperor was traditionally elective, but remained in the hands of a small number of dynasties. The power of emperors was limited as for the *de facto* independence of individual territories within the entire Holy Roman Empire.

The Holy Roman Empire fell into decline during its later stages because it appeared outdated and administratively sclerotic in some ways. It still had a large number of small and heterogeneous political units that were prosperous for a long time, with only minimal central power though. The Holy Roman Empire did, however, provide some central features, such as imperial courts and an imperial army. Over the centuries, however, it shrunk in part because territories split off (e.g. Netherlands, Switzerland, Northern Italy), and because outside powers such as France continued to expand and annexed more and more of its territory. The havoc and destruction of the 30 Years War dealt a heavy blow, as the Westphalian Peace of 1648 expanded the sovereign status of its constituent parts. With the ascendance of nationalist ideology, it lost its legitimacy, thus allowing Napoleon to deal the final blow ending the Empire.

Drawing inference for today's European Union to maintain its position and its benefits, it must retain its legitimacy, both in fact and in perception. This means that it must perform the necessary functions for which it was designed, but not more. Consequently, it should not interfere with internal policies where it is not necessary for accomplishment of the common market, currency union and the freedoms. It should respect the principle of subsidiarity and allow some regulatory competition between the Member States. On the outside, it will have to provide some functions of a central government – especially in regards to trade policy, but also monetary and immigration policy, as well as external security. The monetary and immigration crises have undermined the credibility of the European Union in recent years because the European Union has not been capable of fulfilling these functions. In both cases, internal integration (of a currency union and a zone of free movement) cannot function without a considerable degree of centralization of policymaking and enforcement on the outside.

At the same time, the European Union has often been accused of overreaching on the inside as it arguably interfered with national policies to an excessive degree. This perception has bred economic conflicts, administrative hurdles and fueled exit sentiments. In other words, the European Union has been too weak in some areas and too strong in others. How can the European Union rebalance its activities to reclaim its legitimacy to effectively deal with the outside world again? This emerges as the salient question arising from Brexit. If the EU can reclaim its momentum, it should be able to stand the test of time internally and live in harmony with the League of Associated and even potential future exit candidates.

United States

Arguably, the European Union is in the process of transition from a supranational confederacy to a federal state system. We can learn about this evolution from the legal history of the formation of the United States in 1787. This historical example aids in understanding the currently ongoing European Union formation and integration endeavors (Kristoferitsch 2007). In the case of the United States formation, what first appeared to be a more economically-driven union led to a legal constitution and cultural integration. In the establishment of a constitution, the competencies between different state agencies was distributed differently and a common international affairs stance developed slowly. Military power bundling but also a stable federal judiciary were key in constituting a nation state. Voting systems evolved from state-level parliamentary votes and direct democracy action to a more detached indirect political establishment. Especially in light of constitutional powers and human rights, the European Union should envision tendency toward centralization.

In order to retrieve information on the European Union's capacity to regulate a large and nationally diverse territory while maintaining the nation states the ability to organize based on

democratic principles, the formation of the United States under economic distress may aid in drawing inferences. In the formation of the United States, the First Great Depression of 1836-1848 had a profound effect on the structure of the government in the United States and the state governments. For most of American history until the Great Depression of the 1930s, the responsibilities and apparatus of the federal government were relatively limited compared to the powers of the states (Roberts 2012). Struggles in the American history during economic crises transformed into political and social upheaval such as the Civil War. During these times established political alliances were wrenched apart and matters of economic interest tinged with questions of honor and national pride (Roberts 2012). While we may learn from the past struggles of the US for the current European Union formation, one has to give credit to the speed of the European Union. Compared to the US, it has integrated faster, given that it still had its civil war ahead at the age of existence at which the European Union is currently.

Many of the lessons learned during the beginnings of the United States in regards to economic fragility hold invaluable insights on the current European Union identity formation, but also Brexit. Open economies, Roberts (2012) argues are intertwined with domestic and international politics. Historians report a crisis of trust among US states and citizens resulting in early attempts to secede, which can be compared to the current endeavor of Brexit. State debt became one of the hottest issues affecting the US international relations during the First Great Depression and caused frictions. These were eventually overcome in the case of defaulting nation state threats within the European compound, considering in particular Greece. As American and British observers said at the time, the struggle within state capitals raised a basic question about the balance of liberty and order, resulting in central government extensions in taxing, spending and regulating (Roberts 2012). All of these questions are more than relevant in today's post-Brexit European Union negotiations. While in the US history economic crises, default-prone states and the civil war led to a consolidation of taxation and federal unity in the end, the contemporary pressures to form an identity may also be vitalized by splitting with default-prone nation states. Federal law was established to hear cases involving disputes between a state and citizens of another state and between a state and foreign states, citizens, or subjects (Roberts 2012). The US Constitution Article III acknowledged that federal courts could hear disputes between two states or between a US and foreign state, while the Eleventh Amendment only precluded suits brought by citizens of other states or foreign states (Roberts 2012). The negotiation of these differences was difficult, often testing the union based on mutual trust and diplomacy. Similar factors will also determine the outcome of the European Union project. It required constant bargaining and the careful cultivation of good will in the case of the early US, which will also be required in the current European Union evolution. Legislative pacts or mutual understandings will have to be consolidated in diplomacy on high level. It will be necessary to implement inequality alleviation strategies on a large scale – such as forming a fiscal union to generate Euro-wide revenues – in the wake of territorial and commercial expansions of the European Union to breed social harmony and pro-European Union sentiments (Roberts 2012).

Roberts (2012) argues that there was a dissolution of trust throughout the American depressions, which may offer insights into the current post-Brexit sentiment. With the decline of trust, the vast and delicate web of commercial transactions collapses and economic activity halted. As the economy declines, however, the breakdown of trust becomes more general (Roberts 2012). Legislators and political executives stop trusting one another, which also freezes legislative compacts. In the case of the European Union and the segregationist stance of the United Kingdom, trust declines among nations and is displaced by rancor and antagonism in light of a falling currency and foreign direct investments spooked from the financial service sector oriented British economy. An initial problem of decaying commercial trust will inevitably degenerate into a broader and more difficult problem of decaying societal and inter-societal trust, which freezes economic activity – such as housing transactions on United Kingdom soil. Political institutions then have to strike the right balance between liberty and order. Public institutions will have to organize so that sovereignty and social order are preserved. The European Union may need a transformation in

conventional wisdom about the role of government alongside institutional adaptations to restore order in the midst of economic, political, and social crisis of Brexit.

Legal perspective

Bicameral parliament

The European Union can already be described as having a legislative structure resembling a bicameral parliament: The national governments of the European Union (convening in the Council of the European Union) as the upper house, and the European Union Parliament as the lower house (Mandl 2019 in speech). Both are needed to legislate. Over the course of history, we generally see upper houses losing influence at the expense of lower houses – e.g. in the United Kingdom, but also the legislative structures in the late monarchies in countries such as Germany or Austria before World War I, compared to the modern republics where the lower house clearly takes precedence. In addition, we saw the United States Senate transitioning from a body whose members were delegated by the state legislatures to one with actual popular elections mandatory under the 17th Amendment since 1913, although it is still more powerful than the House of Representatives. Thus, legislative power resting in a popularly elected lower house seems to be characteristic of evolved democracies.

In the European Union, the Council still takes precedence. In the future, the European Union may prospectively go into the same direction – so that national governments as an upper house may lose influence relative to the European Parliament. Such a change would likely weaken the smaller Member States and impact the League of Associated. External negotiation partners have tapped into this current transition weakness of the European Union and invited national governments rather than the European Union Parliament to discuss trade and other economic agreements – e.g., Donald Trump but also the Chinese and Asian negotiators. This predicament of European Union or national governments as external allies that can eventually be pitted against each other has also been prevalent in international organizations such as the United Nations. To this day, the UN only acknowledges country votes but not the European Union voting as a united body. To solve this inner conflict and outside weakness of the European Union will likely determine a key source of credibility and economic power in the future of the European Union.

Electoral system

During the last European Union elections, the three main factions in the European Union Parliament were using a "*Spitzenkandidaten*" system, in which they promised to elect the leader of the largest party. In 2019, the liberal fraction defected from this model, apparently because President Macron, whose party constitutes many MEPs in the group, emphasizes the role of the Member States, particularly the leadership role of France. In the medium term, we may see the European Union take further steps towards a pan-European party system, and thus maybe a European Parliament that takes a more prominent role in the media and the minds of voters? With Brexit, it seems that one of the greatest obstacles on this – the royal United Kingdom – is leaving, yet the United Kingdom may still have a lasting influence on the European Union (Gelter 2017; Gelter & Reif 2017).

Populist pressures

One might suspect that the European Union has long been able to produce good results for economic development and market integration because it was largely immune to populist pressures and therefore considered relatively stable. The two leading party families have controlled the European Commission and European Parliament for decades, with elections being largely irrelevant to governance. Thereby, the European government has been largely isolated from populist pressures. European citizens often appear somewhat ignorant and apathetic about the control of the European Parliament and its elections. Citizens do not seem to care or react to political movements on a European level, even if they go against their own economic and social interests. Not to mention Brexit, but a number of member states including Poland – the largest recipient of European funds – systematically behave in an anti-European

manner. Many citizens remain inexplicably and deliberately extraneous to the process of forming political will by taking refuge in unproductive nationalist individualism.

One could say that the European Union supposed democratic deficit might actually be not a bug, but a benevolent feature if it comes to populist pressures. This may change with the ascendance of right-wing populist parties in the future but their entrance into the European Parliament stage appears somewhat slowed by the electoral system and the disparity of left and right wing representations within the European Union compound. Populist pressure, however, may attack the European Union from outside and bring about a fractionation of the entire system – if one considers the role of populist and demagogic tendencies during the Brexit vote.

Economic perspective

Artificial Intelligence (AI) market disruption

The entrance of Artificial Intelligence (AI) and the sharing economy into our contemporary markets, economies and society is believed to radically change the settings for companies, workers and investors. The introduction of AI in our contemporary society imposes historically unique challenges for humankind. The emerging autonomy of AI holds unique potentials of eternal life of robots, AI and algorithms alongside unprecedented economic superiority, data storage and computational advantages. Yet to this day, it remains unclear what impact AI and exponentially rising data transfer has on the workforce and economic growth. While globalization has been noted to have halted lately, AI-related industries are on the rise heralding a large-scale entrance of AI into our contemporary economy and society (Puaschunder 2019a, b, e, *The Economist*, January 24, 2019).

Technological development is bringing production and manufacturing closer to the end user in the sharing economy. The most obvious example is energy and a prospective attempt to decentralize renewable energy generation. Solar panel become more productive if energy need not be stored but simply can be shared with your neighbor when not needed it. Blockchain techniques used for decentralized energy grids are currently being tested, which could be used to share self-generated electricity. For instance, households could generate energy via rooftop solar panels not only for their own consumption but also to share energy among neighbors to overcome shortages and energy losses during storage. If such a decentralized energy grid takes off, renewable energy and sustainable consumption will change dependence on oil. Geopolitical implications would mean that the European Union becomes less dependent on oil reserves from third party territories.

There is also a projected impact of robotic development on international trade. With the ringing in AI revolution, technological development is bringing production and manufacturing closer to the end user. In the wake of the Fourth Industrial Revolution, robots are expected to become more efficient and affordable. With that, conventional globalization practices – such as offshoring manufacturing to cheap labor cost countries – will most likely decline. Reshoring will bring back production to where goods and services are actually and finally consumed. Robots are expected to be more accurate, can work 24/7, and less demanding than human workers. Millions of employees in the East may lose their jobs over the next few decades, substituted by robots in the West. In addition, advances in 3D printers may soon make it possible to substitute large factories with much smaller ones, closer to the consumer, where the manufacturing process is simplified thanks to the reproduction of models. A slowing of the traditional globalization feature of goods being shipped around the globe during production in global value chains and an overall reshoring trend are thereby expected to widen the gap between the rich and the poor. Globalized technology hubs are anticipated to grow economically, in which robotics, data and algorithms become new sources of productivity and revenue. In these futuristic hubs, even individuals who can afford a self-driving car or robots will be able to accumulate capital as their devices and tools work for them. Imagine a robot serving your community or your self-driving car transporting passengers while you are asleep. Traditional industrial sites relying on cheap labor will likely experience a relative decline in productivity compared to AI-run technology hubs. In addition, not being able to afford and lacking the necessary skills to integrate robotics into the workforce productively may cause a

decline in productivity. This may be coupled with reshoring trends of AI hubs employing robots that overtake traditional manual and repetitive tasks, which were previously outsourced to low-skilled labor countries. The gap between skilled and unskilled labor has never been as high as of now and this inequality is expected to grow with the ascent of robotics. Hence, the European Union would be well-advised to invest in new technologies – foremost robotics, AI and machine learning algorithms – and educate its population to integrate novel technologies into the contemporary European workforce and society (Puaschunder 2019b, f).

Future European economies must be prepared to measure the growth generated by AI and be foresighted about big data economic gains (Puaschunder 2016). Contemporary growth theories largely neglect these economic gains from AI and big data (Puaschunder 2019b). Economists are therefore advised to revising growth theories and integrating AI components into them (Puaschunder 2019b, e). The entrance of AI into economic markets should be modeled into the standard neoclassical growth theory – for instance by creating a novel index for representing growth in the artificial age comprised of GDP per capita and AI entrance measured by the proxy of Internet Access percent per country (Puaschunder 2019b). Such a futuristic outlook on the law and economics of AI entrance into our contemporary economies and society will facilitate a successful and humane introduction of AI into our world (Puaschunder 2019a).

Data freedom

Technological advances, including mobile phones and especially the internet, have contributed to globalization by connecting people all over the globe. The World Wide Web links billions of people and devices, providing innumerable opportunities for the exchange of goods, services, cultural products, knowledge, and ideas. The internet connectivity and volume of data crossing borders has risen exponentially in the last decade. The wealth of data provided about the single individual has never been as high as of now and is expected to continuously rise exponentially with the introduction of 5G technologies around the world (Puaschunder 2019b).

In an unprecedentedly interconnected world, the European Union is advised to push for domestic technology-enhanced production. While there are the four fundamental freedoms of the free movement of people, goods, services and capital, the European Union – to this day – does not have a standardized data freedom. Data is produced, generated and collected mainly on a national level. While high standards of privacy protection should be upheld for the sake of dignity in privacy, a fifth data freedom could help to share anonymized information freely within the European Union and building a European big data generating corporate world to harness data transfer deficits with the US and China. Without large data transfer pools, the European Union lacks the ability to produce big data storing companies and data provision monopolies, such as in the United States Google, Facebook, Instagram or Amazon, to name a few. The data deficit of the European Union to the United States and Asia – foremost China in Huawei but also the upcoming social credit rating – is enormous and not captured in standard neo-classical growth theories or economic accounting (Puaschunder 2019b). The European Union could therefore enhance its competitive edge by standardizing and fostering data exchange to bundle big data generating capacities within the European Union compound. A common data transfer rule within the European Union would also allow to gather and store data concertedly in order to derive well-informed inferences over trends and socio-economic needs of the European population. A possible way to enact an as such data freedom would be to enshrine Art. 1(3) of the General Data Protection Regulation (GDPR), which states “The free movement of personal data within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.” into the Treaty on the Functioning of the European Union. The initial idea of a common defense could be revived in establishing a common data pool for collecting and storing information on a European Union-wide scale for security purposes. Bundling data power and allowing to derive inferences on a grand scale are predicted to be success factors of future digitalized economies dependent on data understanding and sharing capacities (Puaschunder 2019a).

Taxing AI activities and big data revenues

Electronic outsourcing in the age of AI is likely to increase and with this trend a possible nudgital divide in the 21st century (Puaschunder 2017a, b, c). Future societies will derive economic growth from information sharing, which stands in direct contrast to privacy. Foremost established and codified in the GDPR and the Lisbon Treaty, human privacy is considered as an aspect of dignity that should be protected and upheld. Reaping of benefits of information shared by innocent citizens is thus to be regulated and monitored in the future (Puaschunder 2019a, c).

Future policies should address prescriptive recommendations how to educate individuals about the risks and dangers of information sharing in the digital age. It is important to pay attention to how to uphold accuracy in times of fake news and self-created social information. Certain societal segments that are not represented strongly online should somehow be integrated into big data in order to democratize the information, which is considered as big data ‘norm,’ or standard by which the social media user is measured on (Puaschunder 2016, 2018). At the same time, psychologically guided studies could unravel a predictive approach and validate the outlined ideas’ validity by testing the proposed theoretical assumptions in laboratory and field study settings. In particular, the proposed nomenclature’s validity could be studied and the percentage of information sharing types captured in the population. The moderator variable age could be phased in as it appears that younger people, who have more to lose given a longer time ahead to live are in particular prone to use new social media and lavishly share their lives in e-blasts to public.

Regarding direct state interventions and implications for the European Union, a data freedom would allow finding a concerted action on data transfer and the predicament between dignity in privacy and utility derived from information sharing (Puaschunder 2019a, c). A common agency that oversees data transfer – such as, for example, a prospective European Data Authority – would be in charge to determine monopoly powers within the IT sector to protect consumers. A more broad Corporate Social Responsibility view in the estimation of the benefits and harms of big data generating corporations is recommended. Splitting social media power cartels may be one solution to decrease the big data social media user disadvantage. Taxation of information transfer may create another incentive to slow down unreflected information share. Taxation of value generated via data transfer and data analytics may be used to offset problems of the costs and risks of social media privacy infringements or social stratification based on data in the big data era. In addition, fines for privacy infringement could help to uphold e-ethics in the digital age (Puaschunder 2019a, d).

The value of privacy must be measured to determine taxation schemes and fine control mechanisms. The privacy and information sharing predicament paradox may be scrutinized in behavioral economics laboratory and field experiments. For instance, laboratory experiments of behavioural insiders could measure how much money people would be willing to pay for repurchasing their data or having a social media account that can only be viewed but no personal data can be resold or put in context to others. Field experiments could be staged with data from online providers that offer stratified packages – online services that are offered for free in exchange of information or priced in exchange for privacy of the consumer. These attempts could also serve as a guideline for policy regulations and free market solutions. Social media could offer services of having accounts that are private in that sense that no surplus value can be reaped by reselling information or big data storage and computation can occur. This may serve as an indicator of revealed preferences of social media privacy. Potential individual influencing factors such as gender, age, trust and personality differences may be tested for in order to retrieve information on how to educate the social media user and regulate the social media provider.

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Factors Affecting Executive Compensation

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ABSTRACT: Executive managers represent the smallest percentage of employees in a business organization, but also the most important. An ideal executive compensation strategy ensures retaining and attracting the best talents, while minimizing the fluctuations. Executive compensation consists of basic pay, short and long-term incentives, benefits and perquisites. Since the 1970s, executive compensation started and continued to grow exponentially. The compensation ratio between executive manager and average employee has increased year by year. For these reasons, special attention of the scientific and general public is paid to the executive compensation, and to the factors affecting its level and structure. The paper provides an overview of factors that may influence the executive compensation, while seeking to determine the executive compensation strategy design, that supports the long-term business objectives. The paper analyzes the effect of organizational size, growth opportunities and risk, ownership and capital structure, as well as manager age, on the level and structure of executive compensation.

KEYWORDS: executive compensation, executive compensation components, executive compensation factors, salary, incentives

Introduction

Executive compensation is one of the most important corporate governance mechanisms. Affirmative design of compensation model should encourage managers to make profitable decisions and bind them to the organization in the long run. The compensation strategy is developed as a part of human resources management (HRM) strategy and is designed to support the strategic direction of organization. The compensation strategy develops and improves compensation structure, which will assist in attracting and retaining the appropriate employees, professionals and managers, necessary for organizational survival and development.

Executive compensation motivates managers towards higher volumes and quality of work. Appropriate structure of executive compensation is shaped by several criteria, the most important of which is the right relationship between reward and risk. The use of short- and long-term incentives, which is becoming increasingly popular in recent times, encourages managers to take short-term actions, or maximize shareholders value over the long term.

This study examines executive compensation as the important aspect of corporate governance. The purpose of this paper is to define and analyze the basic factors that influence executive compensation level and structure. The aim of this paper is to examine how executive compensation is determined, and what factors affect its level and structure.

Executive compensation strategy

Executive compensation strategy is developed within human resource management (HRM) strategy and is designed to support organizational strategic direction. It represents the design of motivational and incentive executive compensation model. Although each organization is specific, and has different requirements for managers; certain responsibilities, competencies and performances are almost unique in every executive compensation strategy. Organizations expect managers to achieve certain goals, to achieve specific performances, and to apply leadership skills that will lead all employees to desired behavior, and sustained organizational success (Davis & Edge 2004).

Executive compensation should primarily be aligned with organizational business strategy (Romero & Cabrera 2001). In doing so, the strategic perspective focuses on selection a compensation model that helps achieving and maintaining an organizational competitiveness. Executive compensation programs are subject to special requirements; they should maintain accountability to shareholders, competitiveness in order to motivate and retain key managers, effectiveness for successful managing of organization, and be aligned with existing law regulations.

Large organizations are constantly reviewing their executive compensation models, to determine if its structure and level are following general market trends. It is also important to determine, through executive compensation strategy, the desired compensation level relative to expected business performances. Different authors define various rules, steps, or principles in the process of defining an executive compensation strategy. According to Berger & Berger (1999), the optimal process of defining an executive compensation strategy consists of the following steps:

- determine the expectations of organization and managers regarding the compensation strategy; implement benchmarking process to determine the success of compensation strategy,
- identify organizational and HRM strategy, define all factors that affect the compensation strategy as a part of HRM strategy,
- define executive compensation strategy, identify the gap between current executive compensation programs and proposed future strategy, define a model to bridge that gap,
- design final executive compensation strategy, including specific programs, define the costs of each element of the new strategy,
- implement and test defined executive compensation strategy.

Executive compensation strategies should reflect the remuneration philosophy and goals, but also be in line with organizational culture. Tipuric (2008, pp. 448) believes that executive compensation strategy should include:

- definition of a competitive market and/or comparable group,
- target position of various components of executive compensation,
- target mix of total compensation (e.g. fixed to variable part, short-term to long-term incentives, etc.),
- desired relationship between achieved performances and executive compensation,
- importance of shareholder capital, value creation for shareholders, management of equity ownership,
- compliance with key legislative, tax and accounting regulations,
- executive compensation philosophy in organizational units outside the home country.

Large organizations define a competitive market for executive positions so they can continually, through benchmarking, check executive compensation practices. Compensations are ultimately based on current market trends, by comparison with „comparable groups“ that is, groups of the most important competitors. Numerous studies have shown that satisfaction with compensation is dependent on compensation level in organization's close environment (Wagner & Harter, 2008).

Cadman et al. (2010) state that executive compensation strategy also determines the desired level of executive pay, compared to expected business results and goals. In this context, it is necessary to effectively determine the ratio of fixed and variable part of executive compensation, the ratio of short-term and long-term incentives, as well as the relationship between payments in cash and in shares.

Joh (1999) states that by linking executive compensation to organizational performances, managers are motivated to achieve goals. The relationship between pay and performance is critical to organizational success. Therefore, organization must determine the required level of performances for the desired level of executive compensation. It is quite logical to expect an average salary for average performances, while salary above average is paid for significantly exceeded expectations, and salary below average is paid for poor performances. Therefore, managers should be paid according to the complexity of their job. As tasks change over time, so should the compensation contract. Greater incentives should be given to managers at riskier positions (Schwalbach 2001).

Adequate structure of executive compensation is shaped by several factors. The proper relationship between reward and risk is certainly one of the most important. While basic pay is a stable income, short-term and long-term incentives encourage managers to take short-term actions or maximize shareholder value over a longer period. Retirement programs, severance programs, special benefits and perquisites attract and retain talents in executive market. Buble & Bakotic (2013) state that different external and internal factors influence executive compensation strategy. External factors

that influence executive compensation strategy are: economic sector and financial state of sector; development of economic sector; long-term orientation of economic sector and the development of research & development in the sector; supply and demand for managers within economic sector; level of competition within economic sector; current and future economic conditions (Buble & Bakotic 2013). Internal factors that influence executive compensation strategy are: competitive position of organization within economic sector; level of organizational development; financial state of organization; ability to attract and retain talented managers (Buble & Bakotic 2013).

Authors, who have dealt with the problem of designing executive compensation strategy, have come to conclusion that an adequate strategy must support strategic orientation and strive to achieve the business goals of organization (Joh 1999; Romero & Cabrera 2001; Cadman et al. 2010); that it must be competitive to properly motivate and retain talented managers (Schwalbach 2001; Wagner & Harter 2008), and that it must comply with organizational culture and legal requirements (Tipuric 2008).

Influencing factors of executive compensation

There are many factors that, directly or indirectly, to a greater or lesser extent, influence the executive compensation. Following factors are considered to have the greatest effect on structure and level of executive compensation, as well as its components: organizational size, organizational growth opportunities, organizational risk, equity structure, ownership structure, manager age.

Organizational size. As control of manager work increases with the growth of organization, more detailed planning of executive compensation is needed in large organizations (Jensen & Meckling, 1976). Organizational size is a significant factor of executive compensation, and all its components. This positive connection means that larger organizations require higher quality of managers, and they must pay for such quality. Studies of Chalmers et al. (2006) have found a positive relationship between executive compensation and organizational size in Australian organizations but have not found a positive correlation between executive compensation and business performances. Numerous authors, such as Chourou et al. (2008), Core & Guay (1999) have found that rewards in stock options are significantly and positively related to organizational size. One of the best explanations for high compensations, and their positive relationship with organizational size, was given by Rosen (1992). In state of market equilibrium, the most talented managers would occupy the leading positions in the largest organizations; the marginal productivity of their stock options is significantly increased ahead of others, at lower hierarchical levels.

Ryan & Wiggins (2001) include the natural logarithm of organization's total assets to measure its size. As the organization grows, managers have more and more assets at their disposal, activities become more complex, and the possibility of agency conflict is simultaneously growing. Executive compensation increases with the size of organization and is approximately one-third higher for each doubling of organizational size (Sung & Swan, 2009). Gabaix & Landier (2008) emphasize that there is a positive relationship between compensation and organizational size, as large organizations employ managers with superior capabilities who deserve higher pay.

According to He (2011), pay-performance is negatively correlated with organizational size, while Kose et al. (2010) use two control variables as additional determinants of pay-performance sensitivity: organizational size and organizational risk. The same conclusion was reached by Schaefer (1998), who confirms that pay-performance sensitivity decreases with the size of organization. Bulan et al. (2010) argue that highly qualified managers of large organizations require greater compensations, because the nature of their work.

Organizational growth opportunities. A fundamental feature of each organization is future investment opportunity. Managers of growing organizations have higher levels of total compensation; consisting of base salary in a lower proportion, and long-term incentives in a higher proportion. Thus, the greater the organizational value represented by growth opportunities, the greater executive compensation (Gaver & Gaver 1995).

According to Giannetti (2011), the managerial job market and organizational growth opportunities have great influence on the structure of executive compensation. If the growth opportunities are large, shareholders find it optimal to offer long-term incentives and the overall level of compensation increases; if the growth opportunities are weak, shareholders find it optimal to offer less short-term incentives and lower compensations. In growing organizations, long-term incentives have higher share in total compensation, while in non-growing organizations, base salary occupies a larger share (Gaver & Gaver 1995).

Smith & Watts (1982) state that higher levels of compensation are expected because the choice of investment projects require a higher reward than controlling existing assets. In their research, Ryan & Wiggins (2001) find that managers of high-growing organizations are more difficult to monitor, because effective management of existing assets is less important than future investment decisions. Previous research has found that reward in the form of stock options can enable managers to act in the best shareholders interest. Moreover, several studies have found that asymmetric payments provided by stock options can reduce agency costs by encouraging risk taking (Efendi et al., 2007). Although Yermack (1995) has found a negative relationship between the growth potential of organization and the level of share-based compensation, he has stated that incentives in the form of stock options are greater in organizations with growth opportunities.

Previous research finds that growing organizations are associated with higher compensation and greater use of stock options. The authors believe that combination of growing level of stock options and high growth opportunities would lead to a lower agency costs and better organizational performances, because only in this way managers undertake risky investment ventures with positive results (Hutchinson & Gul 2006). Unlike managers of non-growing organizations, managers of growing organizations receive higher compensation; consisting of a base salary as a smaller part, and stock-based long-term incentives, as a larger part of compensation.

Organizational risk. Compensations based on equity are granted to managers to overcome managerial risk aversion and to introduce optimal risk taking. This is the main reason why equity-based compensation should align interests of managers and shareholders. Compensation risk (the level of expected compensation) can be reduced and increased with organizational risk. As the increase in compensation risk should translate into higher levels of compensation for risk-averse managers; an increase of compensation level as a decline in supervisory quality can be expected in equilibrium state (Core et al. 1999). As Core et al. (1999) stated, organization can choose a riskier compensation package if supervising managers is difficult. Thus, risk-averse managers will require higher levels of compensation when rewarded with riskier compensation packages. Organizational risk is also potentially important factor of executive compensation level. In his paper, Jin (2002) stated that base salaries of managers are related to organizational effectiveness in the stock market. Chourou et al. (2008) pointed to a negative relationship between incentives in the form of stock options and overall organizational risk.

Risk can be divided into two parts: systematic (market) risk and non-systematic (specific) risk (Hacioglu et al. 2014). Non-systematic risk is negatively correlated with the ratio of incentive compensation to total compensation, in other words, the higher the incentive or total compensation, the non-systematic risk is less, but there is no significant correlation between systemic risk and incentive level (Jin 2002). Because it is more costly for managers to take risks than shareholders, the optimal level of incentives should be reduced with market risk as well as organizational specific risk. It can be concluded that the main challenge is to formulate a compensation contract that balances the incentive benefits with disadvantages of assuming the risk. Other authors, such as Miller et al. (2002) believe that the effectiveness of compensation will be higher for moderate risk levels, than for high or low risk levels.

Capital structure. Major financial policy decisions on issues such as capital structure are made by managers, and this is one of the main assumptions of agency theory and conflict of managers and shareholders' interests. Numerous models of capital structure are based on the critical assumption that managers always act in the best interests of shareholders. Other theories, such as Jensen & Meckling

(1976), identify situations in which managers may deviate from maximizing the value of financial decisions crucial to shareholders, and represent their own interests.

Capital structure theories suggest that organizational ownership structure, executive compensation, and control mechanisms are interrelated. Managers are looking for the optimal capital structure to maximize their personal wealth. Many studies of executive compensation ignore the role of organization's capital structure, while Ortiz-Molina (2007) believes that capital structure is very important in determining executive compensation. According to contemporary agency theory, the financial structure of organization can affect the relationship between shareholders and managers, and conflicts of their interest can influence the optimal executive compensation. Grossman & Hart (1982) state that higher organizational indebtedness mitigates agency problems between shareholders and managers, forcing managers to focus on maximizing value when faced with the bankruptcy threats. Debt helps to mitigate agency conflicts between shareholders and managers (Jensen & Meckling 1976). It would be logical to expect that the higher debt level in the capital structure, the lower opportunity to use share-based incentives should be. Chourou et al. (2008) examine the relationship between debt levels in capital structure and capital based awards, and conclude that share-based incentives decline as financial leverage increases. According to Lin et al. (2012), shareholders are always capable of designing an optimal compensation contract to maximize their wealth, given the current capital structure of organization.

Ownership structure. Contemporary financial literature recognizes the link between organization's ownership structure and the executive compensation. Chourou et al. (2008) point out that in corporate governance systems, such as US and UK, where ownership is highly dispersed, managers seek to achieve their own goals. This could lead to excessive executive compensations and a lack of pay-performance sensitivity. In a corporate governance system like the Canadian one, a high level of ownership concentration serves as a monitoring mechanism, leading to a more effective executive compensations (Chourou et al. 2008).

The higher equity share of managers, the less need for equity-based incentive rewards. Thus, Chourou et al. (2008) point to a negative relationship between equity share of managers and incentives in the form of stock options. Equity share of managers and equity-based compensation plans reduce conflicts of interest between managers and shareholders. Equally, a large share of ownership by institutional investors is associated with lower base salaries and stronger long-term incentives for managers.

According to a study by Barontini & Bozzi (2008), shareholders with controlling stakes have greater interest to supervise managers. Therefore, high ownership concentration is associated with lower managerial pay. Better controlling activities by major shareholders should reduce the need for incentives for managers, and thus the sensitivity of executive compensation to organizational effectiveness. Murphy (1999) states that in economies with concentrated ownership, executive compensation is most often determined by large shareholders. In this way, the largest shareholders have a strong motivation to directly supervise the managers, and also to link executive compensation with organizational efficiency.

Ownership structure has a significant effect on executive compensation. Thus, Firth et al. (2007) find that organizations with significant state ownership, and organizations with large external investors, have lower executive compensation, while the presence of foreign shareholders is associated with higher managerial rewards. While Guidry et al. (1999) find that incentives and total compensation can motivate managers to act effectively in the short term, Jensen & Murphy (1990) find that managers have a long-term stake in ownership of their organizations as the greatest incentive. Hall & Liebman (1998) suggest that organizational performance is related to executive compensation. Lack of owner control allows management to extract greater compensation. Jiang (2011) finds that agency problems, caused by separation of ownership and control, exist because a greater concentration of ownership reduces the ability of managers to extract higher compensation levels.

Manager age. As both junior and senior managers try to achieve their goals in the shortest possible time, organizations should use more stock-based incentives for seniors as well as junior managers. While Lewellen et al. (1987) find a positive and significant correlation between the stock options rewards and manager age, Yermack (1995) does not find a significant correlation. Ryan & Wiggins (2001) state that senior managers have incentives for projects that will pay off before retirement, and younger managers have incentives to focus on short-term goals to build a reputation. Organizations should offer more equity-based incentives and less cash incentives to both junior and senior managers. Thus, a manager can earn his or her tenure by creating shareholder value, or may have a large ownership stake in previous rewards.

Manager tenure and age can determine their effectiveness in managing an organization. Thus, younger managers, with little experience, have limited performances because it takes time to gain a full understanding of the organization, while seniors or those with longer tenure may have a better understanding of organization and its industry. This leads to better business performances. As claimed by McKnight et al. (2000), the growth of a manager age improves his/her intellectual abilities, with respect to the knowledge and experience gained by position, as well as the education attained. So, managerial job market will determine the compensation that will grow with the growth of experience and education.

Cremers & Palia (2011) state that there is a positive relationship between tenure and executive compensation level, and a corresponding positive relationship between tenure and pay-performance sensitivity. Chourou et al. (2008) state that managers accumulate more and more shares in organization by extending their tenure, so that their interests become more aligned with those of shareholders, resulting in less need for incentives. The same thesis is confirmed by Ryan & Wiggins (2001), who find a negative relationship between managerial tenure and equity-based awards.

Conclusion

Executive compensation is one of the most important aspects of overall reward system that is closely linked to the successful business and competitiveness of the organization. Executive compensation differs from other employees' reward by structure and level. Managers are an important capital of every organization. Therefore, it is essential for an organization, that wants to achieve a business success and competitive position, to have managers with the right skills, and to enable continuous career progression and development through numerous programs and benefits. An adequate executive compensation strategy must be designed to support the strategic direction of organization, be competitive in order to properly motivate and retain talented managers and comply with organizational culture and legal requirements. It is necessary to determine effectively the ratio of fixed and variable components of executive compensation, then the ratio of short-term and long-term incentives, as well as the relationship between payments in cash and shares.

Adequately designed executive compensation consists of a base salary, short- and long-term incentives, benefits and perquisites determined by managerial status and position in organization. All of these components need to be properly aligned, and the relationship between them must be such as to motivate managers to achieve the desired business goals. The executive compensation should increase with organizational size, with above-average formal qualifications and proven entrepreneurial ability of manager. It should be competitive, that is, the „golden mean“ between the best and worst compensation of competing organizations.

This paper focuses on the certain factors that positively or negatively affect the executive compensation. A comparative literature analysis provides answers to research questions - how certain factors change the executive compensation. Study has confirmed that large organizations require higher quality managers and adequate compensation for such quality. There is a positive relationship between compensation and organizational size, as large organizations employ managers with superior capabilities who deserve higher pay.

The managerial job market and organizational growth opportunities have great influence on the structure of executive compensation. Growing organizations are associated with higher compensation and greater use of stock options. The combination of growing level of stock options and high growth

opportunities would lead to a lower agency costs and better organizational performances. Organizational risk is also important factor of executive compensation level. Because it is more costly for managers to take risks than shareholders, the optimal level of compensation should be reduced with organizational specific risk.

Capital structure is very important in determining executive compensation, since high organizational indebtedness has impact on its structure. Ownership structure has a significant effect on executive compensation. If ownership is highly dispersed, managers seek to achieve their own goals, and this leads to excessive executive compensations and a lack of pay-performance sensitivity. High concentration of ownership serves as a monitoring mechanism, leading to a more effective executive compensation. Manager tenure and age can determine their effectiveness in managing an organization. The growth of a manager age improves his/her intellectual abilities, knowledge and experience gained by position. Managerial job market will determine the compensation that will grow with the growth of experience and education.

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Detecting Earnings Management. An Analysis of Credit Institutions' (Banks) Trading in Hungary

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ABSTRACT: This paper examines evidence of Earnings Management (EM) in annual financial reports of foreign and domestic credit institutions' trading in Hungary, an ex-communist country and a Central European economy, by applying an alternative approach, the Distribution of the Ratios method. Analyses were performed with 14 banking specific ratios for the period of 1999-2015, by applying Burgstahler and Dichev (1997), DeGeorge et al. (1991) models, Kolmogorov-Smirnov, Monte-Carlo, Benchmark and Distributional tests. Primary findings confirm that (a) the Distribution of the Ratios method demonstrates that apart from significant evidence of EM presence, managers do not always manipulate the same variables, or one area of the financial statements, but at their discretion, choose different areas to engage EM and in different periods, and (b) Credit Institutions engaged in EM in the period Prior to and After the 2008 financial crisis. Additional Benchmark Analysis results present weak evidence of EM and should be read with caution; however, Benchmark comparison should not be excluded from research.

KEYWORDS: Earnings Management, Credit Institutions, Distributional Test, Ratios

Introduction

After the collapse of the communist regime in 1989, Hungary went through a political and economic transition. By 1999, credit institutions' (banks) have been privatized, and in 2004, Hungary becomes full member of the European Union (EU). Earlier papers of Szapáry (2001) and Várhegyi (2008) reported on consolidation, privatization, but no evidence of a research that examined Banks annual accounts, specifically in search for any evidence of EM. This paper set to fill this gap by testing annual statements of foreign and domestic credit institutions' (banks) trading in Hungary by applying a new approach. The rest of the paper is designed as follows: Summary of Literature Review, Methodology, Hypotheses and Data, Results, Discussion and Conclusion.

Literature review

Over the past 30 years, researchers have been mainly investigating non-financial company's annual accounts that might have led to accounting manipulations, thus to EM. Financial industry has not been as thoroughly investigated as non-financials due to strict rules that govern the financial industry and high financial penalties for cooking the books, sadly, the managers' incentive to engage in EM is not lower, but higher, see e.g., Shen and Chih (2005, 2696-2697). Since the '80's, studies investigated EM by applying accrual and/or the standard discontinuity models, see e.g., Beneish (1999), Shen and Chih (2005), or Gore, Pope and Singh (2007). Lately, an attempt to increase the power of tests were by Baber, Kang and Li (2011) and Dechow, Hutton et al. (2012) papers who attempted to incorporate reversal accruals into their testing models. However, the authors could not increase the testing power of more than 40%, due to reversal accruals timing effect. One of the earliest studies which investigated Loan Loss Provisions (LLP), a specific accrual for financials, was by Beatty, Chamberlain and Magliolo (1995) who show weak evidence in favor of EM, whereas Beatty, Ke and Petroni (2002) present evidence of EM in publicly traded banks. From 2002 onwards, authors published papers showing evidence of EM within financials both at a cross-country and at a country level, see for example Beretka (2016, 12-98). Earlier studies examined EM by testing financials, mainly the LLP variable, and the non-financials data. These and earlier evidence suggest that accrual testing designs with few variables are weak in examining EM, see e.g., Dechow, Ge and Schrand's (2010) exploratory study that outlines the summary of strength and weaknesses of five accrual models linked to theories, which have been used to test evidence of EM. This paper proposes a new empirical approach to investigate EM by testing all available variables from the annual financial statements. This is discussed in the section below.

Hypotheses, Methodology and Data

Hypotheses

This paper test total of 14 variables to investigate evidence of EM of foreign and domestic credit institutions' (Banks) annual accounts trading in Hungary. Two hypotheses were tested:

H0_(a): Credit institutions' (Banks) in Hungary do not manage annual accounts.

H0_(b): Credit institutions' (Banks) in Hungary do not manage annual accounts 'Prior to' and/or 'After' the 2008 financial crisis.

Methodology

Tests were performed with Burgstahler and Dichev (1997), Degeorge, Patel and Zeckhauser (1999) models, Kolmogorov-Smirnov, Monte-Carlo Method, benchmark and distributional tests. A total of 14 banking specific variables are tested on an annual basis. The two testing approaches are, see e.g., Beretka (2016, 129), *the Distribution of Ratios Method*, it has two testing designs, the *EMI* and the *EM2* models that test Hypothesis **H0_(a)**: and **H0_(b)**:. This paper calculates the 14 ratios by applying the *EMI* model, or,

$$EM1 = (AO_i - EO_i) / SD_i \quad (1)$$

where, *EMI* is Earnings Management Model 1, and is equal to the Actual Observation (AO) in period (i) minus the Expected Observation (EO) in period (i). $SD_i = \text{Standard Deviation}$, or, $SD_i = [Np_i (1 - p_i) + \frac{1}{4} N (p_{i-1} + p_{i+1}) (1 - p_{i-1} - p_{i+1})]^{1/2}$, where, $SD_i = \text{Standard Deviation}$ of the difference in period (i); $p_i = \text{probability}$ of an observation in interval (i); $N = \text{number}$ of total sample; $Np_i = \text{total number}$ of estimated Standard Deviation (SD) in interval (i); $p_{i-1} = \text{number}$ in interval $i-1$; $p_{i+1} = \text{number}$ in interval $i+1$. For additional explanation see Beretka (2016, 300-304). By applying the *EM2* model, or,

$$EM2 = T_n = [\Delta p_n - \text{mean} (\Delta p_i)] / \text{s.d.} (\Delta p_i) \quad (2)$$

where, $i \in R$, $i \neq n$. p_i is the ratio of the actual sample for year i of banks years, Δp_n is the difference of $p_i - p_{i-1}$. $\text{Mean} (\Delta p_i)$ is the average of Δp but excluding p_i and $\text{s.d.} (\Delta p_i)$ is the standard deviation of Δp , excluding Δp_i .

Test statistics with Kolmogorov-Smirnov (K-S) were performed, see, e.g., Massey (1951) for the Kolmogorov-Smirnov (K-S) test statistics, as well Lilliefors (1967, 399). K-S is applicable for ratio or interval data, a sample of N observations: $D = \max x \in R | F(x) - F_0(x) |$, where, $F(x)$ is the cumulative normal distribution, and $F_0(x)$ is the sample cumulative distribution, with $\mu = \bar{x}$ sample mean and $\sigma^2 = s^2$ sample variance with denominator $n-1$. $F(x) = F_0(x)$ for all x from $-\infty$ to $+\infty$; $F(x) \neq F_0(x)$ for at least one value of (x). The K-S one sample test is non-parametric and distribution-free, an exact test, see, e.g., Panik (2005, 570). Additionally, benchmark analysis was calculated for each 14 ratio. Benchmark formula reads as:

$$\bar{x}_{i,j} = \sum x_{i,j} / N_{i,j} \quad (3)$$

where, $\bar{x}_{i,j} = \text{Is the Mean}$; $\sum x_{i,j} = \text{The sum of all 'x' values}$; $N_{i,j} = \text{The number of 'x' values}$, $i, j = \text{Ratios and years respectively}$. Papers on benchmarking of non-financials are Kent and Routledge (2015); Sun and Rath (2012); Dechow, Ge and Schrand (2010); Crump and Teeguarden (2009);

Habib (2007); Dattakumar and Jagadeesh (2003); Yasin (2002). Testing sample on an annual basis with the *EMI* and *EM2* models for 'Prior to' and 'After' the 2008 financial crisis to test **H0_(b)**: with K-S test statistics with 14 banking specific ratios. The tested 14 ratios for **H0_(a,b)**: are:

- *Debt to Equity (DTE)* = Total Liabilities_(t) divided by Equity_(t).
 - *Equity to Loans (ETL)* = Average Equity_(t) divided by Loans_(t). Where: Average Equity_(t) = (Equity_(t) + Equity_(t-1)) / 2
 - *Loans to Deposits Ratio (LTD)* = Loans_(t) divided by Deposits_(t).
 - *Loans to Total Assets (LTA)* = Loans_(t) divided by Total Assets_(t).
 - *Gross Yield on Earning Assets (GYEA)* = Tot. Interest Income_(t) divided by Tot. Earning Assets_(t).
 - *Rate Paid on Funds (RPF)* = Total Interest Expenses_(t) divided by Total Earning Assets_(t).
 - *Sales Growth Index (SGI)* = Sales_(t) divided by Sales_(t-1).
 - *Interest (Sales) Receivables Index (IRI)* = [Accrued Interest receivables divided by sales_(t)] divided by [Accrued Interest receivables divided by sales in receivables_(t-1)].
 - *Gross Margin Index (GMI)* = Gross Margin_(t-1) divided by Gross Margin_(t). Where: Gross Margin_(t) = (Total interest income_(t) - Tot Int. expenses_(t)) divided by Total Interest Income_(t).
 - *Net interest Margin (NIM)* = Net Interest Income_(t) divided by Average Earning Assets_(t-1). Where: Net interest income = Total Interest Income_(t) - Total Interest Expenses_(t). Average Earning Assets correspond to all assets that earn income, assets.
 - *Profit Margin (PATM)* = Profit After Tax (PAT)_(t) divided by Net Interest (sales)_(t).
 - *Return on Equity (ROE)* = Profit After Tax_(t) divided by Average Equity_(t).
 - *Return on Asset (ROA)* = Profit After Tax_(t) divided by Average Total Assets_(t).
- Where: Average Total Assets = (Total Assets_(t) + Total Assets_(t-1)) divided by 2
- *Equity to Total Assets (EtA)* = Equity_(t) divided by Average Total Assets_(t).
- See, e.g., Beretka (2016, 142) for ratio calculations. Ratios are calculated for the same companies within a time frame, for example, company ‘z’ in year (t) is calculated with the same company ‘z’ in year (t-1) or in (t-2).

Data

Audited data of publicly and privately owned foreign and domestic Credit Institutions – banks (operating as Joint-Stock Companies in Hungary) were obtained from the Central Bank of Hungary – CBH and from the Hungarian Financial Supervisory Authority (HFSA). Since 1 October 2013, HFSA has become part of the CBH and operates under the umbrella of CBH, CBH/HFSA thereafter. Tested data is from 1999 to 2015 and consist of one listed (on the Budapest Stock Exchange; OTP Bank) and non-listed banks. For the period 1999-2015, CBH/HFSA published data annually and per Hungarian Accounting Standards (HAS); including for the listed OTP Bank. See HAS vs. IFRS differences in Table 3.1, Beretka (2016, 113-116). From 2017, CBH/HFSA introduces IFRS reporting, however, as per 2017 published data by the CBH/HFSA, only few banks switched from HAS to IFRS. For research purposes, CBH/HFSA gather individual companies (audited) annual accounts and create their own simplified version of the annual reports for each financial company, shown in Hungarian Forint (HUF). Hungary is not member of the European Monetary Union. Tested annual data consists of Profit and Loss Account and Balance Sheet. Cash Flow is not prepared nor published by CBH/HFSA. Number of individual banks per year is between 37 to 45 and per variable varies from 502 to 682 for the sample. This paper performed tests of Credit Institutions – banks annual accounts that were prepared under the HAS.

Empirical Results

Statistical results of Ratios tested on the Annual basis with the EM1 model

The Distribution of Ratio method is a hands on approach, based on statistical and distributional

Table 1 One-Sample Kolmogorov-Smirnov (K-S) test run for all ratios on an annual basis with the *EMI* model with $p = 0.01$ Significance level

Equity to Total Assets (ETA)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	29	29	29	29	28	28	26	26	26	31	27	27	27	30
Mean	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	-.02	.05	-.02
Std. Deviation	.01	.01	.00	.01	.01	.01	.00	.00	.00	.00	.00	.08	.23	.07
Kolmogorov-Smirnov Z	1.36	.93	1.11	1.22	1.81	1.56	1.28	.93	1.10	.99	.57	2.45	2.55	2.46
Asymp. Sig. (2-tailed)	.050	.357	.171	.104	.003	.016	.075	.349	.174	.284	.899	.000	.000	.000
Monte Carlo Sig. (2-tailed)	.036	.321	.163	.089	.000	.005	.064	.314	.168	.268	.867	.000	.000	.000
Equity to Loans (ETL)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	31	26	30	29	29	28	28	28	28	31	29	29	29	32
Mean	.00	.00	.01	-.01	.03	.00	.00	.00	.00	.00	.00	-.02	.06	-.03
Std. Deviation	.02	.06	.09	.15	.17	.05	.11	.05	.02	.01	.01	.12	.35	.12
Kolmogorov-Smirnov Z	1.07	1.34	2.13	2.46	2.60	2.05	2.24	1.97	1.52	1.15	.70	2.73	2.75	2.23
Asymp. Sig. (2-tailed)	.199	.055	.000	.000	.000	.000	.000	.001	.020	.141	.705	.000	.000	.000
Monte Carlo Sig. (2-tailed)	.165	.029	.000	.000	.000	.000	.000	.000	.010	.118	.666	.000	.000	.000
Gross Margin Index (GMI)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	39	39	36	36	36	35	35	35	36	35	30	30	30	35
Mean	-.02	-.01	.01	.02	-.03	-.01	.01	.01	.01	-.04	.05	-.01	.02	-.01
Std. Deviation	.03	.03	.04	.06	.05	.05	.06	.07	.06	.06	.15	.14	.12	.14
Kolmogorov-Smirnov Z	.56	.46	.73	1.35	.51	.71	1.35	.92	1.30	1.30	1.52	1.00	.83	1.18
Asymp. Sig. (2-tailed)	.910	.982	.659	.053	.956	.694	.053	.359	.068	.069	.019	.274	.501	.123
Monte Carlo Sig. (2-tailed)	.848	.965	.598	.045	.924	.610	.033	.310	.057	.047	.025	.238	.446	.109
Gross Yield on Earning Assets (GYEA)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	43	43	41	40	40	40	40	39	37	37	37	37	37	37
Mean	.00	.00	.02	-.01	.02	.01	-.03	.07	-.02	-.01	.02	.04	-.04	.00
Std. Deviation	.05	.05	.05	.07	.13	.10	.13	.39	.14	.05	.06	.06	.03	.01
Kolmogorov-Smirnov Z	1.44	1.32	1.34	.96	1.79	1.43	1.78	2.52	1.92	.72	1.08	.86	1.25	1.35
Asymp. Sig. (2-tailed)	.032	.060	.056	.310	.003	.034	.004	.000	.001	.670	.198	.452	.088	.052
Monte Carlo Sig. (2-tailed)	.027	.049	.040	.268	.002	.027	.002	.000	.000	.639	.175	.394	.077	.046

analysis of all computable ratios from the financial statements. *Table 1* presents K-S test statistics with Monte with Monte Carlo simulation for each 14 ratios with 99% Confidence Interval levels, as well as with $p = 0.01$ Significance levels. *Table 1.* presents test outputs of each ratio for the period from 1999 to 2015, with low Mean and S.D. outputs, and negative and positive values. Test results for

Table 1. Cont.

Interest (Sales) Receivables Index (IRI)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	35	35	35	35	35	35	34	34	34	35	30	30	30	35
Mean	.03	.05	-.04	.03	.02	-.04	.04	-.01	.01	-.01	.07	-.12	.04	.00
Std. Deviation	.30	.43	.14	.13	.17	.09	.13	.11	.09	.12	.11	.08	.09	.15
Kolmogorov-Smirnov Z	1.95	2.21	1.69	1.00	1.73	1.20	.94	1.28	.53	.78	1.18	1.18	.50	1.06
Asymp. Sig. (2-tailed)	.001	.000	.007	.268	.005	.113	.341	.076	.944	.580	.125	.124	.961	.208
Monte Carlo Sig. (2-tailed)	.000	.000	.000	.239	.000	.091	.297	.053	.922	.530	.100	.097	.953	.174
Loans to Total Assets (LTA)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	38	34	41	36	34	34	35	36	35	35	37	38	37	37
Mean	.02	-.04	.02	.00	.00	.00	.01	.01	-.01	.00	.00	.01	.00	.00
Std. Deviation	.04	.04	.03	.02	.03	.05	.06	.06	.05	.05	.05	.05	.05	.05
Kolmogorov-Smirnov Z	.53	.60	.53	1.17	.81	1.17	.98	.39	.65	.54	.78	.59	.96	.79
Asymp. Sig. (2-tailed)	.939	.869	.941	.130	.523	.131	.288	.998	.799	.931	.585	.883	.321	.557
Monte Carlo Sig. (2-tailed)	.897	.813	.899	.097	.450	.103	.264	1.000	.744	.886	.503	.824	.278	.481
Loans to Deposits Ratio (LTD)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	24	16	23	28	29	29	29	2	2	30	31	31	31	31
Mean	1.39	.68	-.09	.04	.04	.01	.05	.04	.09	.01	.04	.00	-.11	.06
Std. Deviation	7.14	1.29	.41	.39	.38	.44	.57	.51	.53	.26	.28	.13	.68	.38
Kolmogorov-Smirnov Z	2.20	1.26	0.97	1.63	1.38	0.99	0.87	1.13	1.35	1.40	1.32	0.80	2.30	1.79
Asymp. Sig. (2-tailed)	.000	.084	.305	.010	.043	.277	.436	.153	.053	.041	.061	.552	.000	.003
Monte Carlo Sig. (2-tailed)	.000	.057	.244	.008	.028	.234	.362	.129	.044	.018	.054	.519	.000	.003
Net interest Margin (NIM)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	38	38	36	36	36	35	35	35	35	35	30	30	30	35
Mean	.00	.00	.00	.02	-.01	.00	.00	.01	-.01	.00	.00	.03	-.03	.00
Std. Deviation	.05	.04	.05	.10	.05	.04	.06	.06	.04	.04	.07	.06	.03	.02
Kolmogorov-Smirnov Z	1.35	.97	.97	1.59	1.28	.88	1.30	.89	.96	1.40	.99	.72	.83	1.41
Asymp. Sig. (2-tailed)	.052	.298	.307	.013	.074	.421	.067	.409	.316	.040	.286	.683	.493	.038
Monte Carlo Sig. (2-tailed)	.037	.244	.267	.008	.076	.368	.066	.357	.277	.045	.240	.599	.450	.039

Asymp. Sig. and Monte Carlo Sig. statistically significant years for ETA are: 2001-2003 and 2010; for ETL: 2001-2003 and 2007-2012; for GMI, the results are statistically insignificant; for GYEA are: 2006-2008 and 2010; for IRI: 2010 and 2012-2014; for LTA, the results are statistically insignificant; for LTD are: 2001-2001, 2011, 2014; for NIM: 2011 for Monte Carlo Sig. only; for PATM: 2004-2005 and 2007; for ROA are:

Table 1. Cont.

Profit Margin (PATM)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	39	41	41	38	38	38	38	40	36	37	34	34	34	33
Mean	-.13	.12	.00	-.01	.01	.03	-.01	.00	-.02	-.01	.08	.03	-.01	.04
Std. Deviation	.44	.39	.18	.12	.17	.19	.17	.27	.08	.18	.43	.17	.29	.47
Kolmogorov-Smirnov Z	1.47	1.51	1.04	.79	1.00	1.44	1.38	1.99	1.16	2.00	2.59	1.32	.75	1.14
Asymp. Sig. (2-tailed)	.027	.021	.227	.561	.273	.032	.044	.001	.135	.001	.000	.063	.628	.148
Monte Carlo Sig. (2-tailed)	.015	.015	.194	.488	.246	.013	.025	.000	.121	.000	.000	.038	.580	.109
Return on Asset (ROA)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	38	38	37	37	37	35	35	35	37	35	31	31	31	35
Mean	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
Std. Deviation	.01	.01	.01	.01	.01	.01	.00	.01	.01	.00	.00	.00	.01	.00
Kolmogorov-Smirnov Z	1.02	1.10	.87	.78	1.03	1.06	1.05	1.76	1.83	1.03	.79	1.04	1.87	1.69
Asymp. Sig. (2-tailed)	.253	.175	.438	.583	.240	.215	.218	.004	.003	.239	.568	.234	.002	.007
Monte Carlo Sig. (2-tailed)	.220	.134	.396	.535	.191	.185	.187	.002	.000	.217	.500	.195	.000	.002
Return on Equity (ROE)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	21	15	18	18	16	18	17	18	17	20	21	20	21	25
Mean	-.17	-.14	-.16	-2.82	-1.90	-2.13	.54	-2.55	-.20	.11	-.18	.33	-.29	-.34
Std. Deviation	8.67	1.58	3.57	5.18	8.38	6.52	3.66	10.70	.72	.86	1.27	.92	.78	3.69
Kolmogorov-Smirnov Z	1.53	.76	.87	1.40	1.31	1.48	1.11	1.73	.96	1.36	1.07	1.11	1.28	1.76
Asymp. Sig. (2-tailed)	.018	.615	.431	.041	.065	.025	.171	.005	.317	.049	.203	.166	.074	.004
Monte Carlo Sig. (2-tailed)	.011	.558	.381	.038	.068	.023	.158	.008	.294	.049	.230	.196	.068	.004
Rate Paid on Funds (RPF)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	37	38	37	37	37	38	38	38	37	37	37	35	35	35
Mean	.00	.00	.00	.00	.00	.00	.00	-.02	.11	-.03	.00	.00	.00	.00
Std. Deviation	.00	.00	.00	.00	.00	.01	.02	.18	.72	.18	.01	.01	.00	.00
Kolmogorov-Smirnov Z	.76	.95	.81	.85	.97	1.35	1.90	2.99	3.23	3.05	1.07	1.17	1.04	1.25
Asymp. Sig. (2-tailed)	.617	.328	.534	.460	.306	.051	.001	.000	.000	.000	.202	.132	.228	.089
Monte Carlo Sig. (2-tailed)	.552	.300	.481	.413	.279	.052	.000	.000	.000	.000	.182	.107	.194	.074

2001-2002 and 2007; for ROE: 2001 and 2007; for RPF: 2005-2008; for SGI are: 2007-2009 and 2001 for Monte Carlo Sig only.

Table 1. Cont.

Sales Growth Index (SGI)	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
N	38	38	36	36	36	35	35	35	35	37	30	30	30	35
Mean	.01	-.02	.01	.01	-.04	.04	.00	-.06	.22	-.13	-.66	2.18	-.58	-.01
Std. Deviation	.07	.04	.06	.06	.09	.20	.23	.32	.20	.09	.39	1.59	.58	.30
Kolmogorov-Smirnov Z	1.25	.79	.99	1.51	1.33	2.07	1.92	2.11	1.19	.89	.74	1.33	1.13	1.53
Asymp. Sig. (2-tailed)	.088	.559	.285	.021	.058	.000	.001	.000	.117	.405	.642	.058	.158	.018
Monte Carlo Sig. (2-tailed)	.045	.502	.265	.004	.031	.000	.000	.000	.097	.356	.591	.045	.105	.008

Finance managers' skills have become so sophisticated in manipulating accounting entries that evidence of EM may not emerge only in one section of the financial statements, but evidence may arise in multiple, or in all areas of financial statements and in diverse time frames. *Table 1* presents this evidence, and as it was expected, not every year shows statistically significant test results, which suggests that EM is not present in every financial year for each ratio. This is in line with practise, as managers in order to hide they action, as well to avoid high financial penalties, they will engage in EM in different periods. The same is true for 95% Confidence Interval and at $p = 0.05$ Significance levels for the *EMI* model. Additional test statistics on annual basis for 95% Confidence Interval and at $p = 0.05$ Significance levels for the *EMI* model are available from the author.

Table 2 One-Sample Kolmogorov-Smirnov test run on an Annual basis with the *EM2* model, with $p = 0.01$ Significance level.

Debt to Equity (DTE)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
N	32	33	32	32	30	30	30	30	30	31	31	33	33	32	32	34
Mean	-.01	.04	.00	-.02	-.12	.09	-.55	.37	.10	.07	.03	-.05	-.01	.04	.03	-.01
Std. Deviation	.30	.51	.37	.04	.64	.71	2.98	2.05	1.32	.53	.13	.32	.29	.23	.22	.05
Kolmogorov-Smirnov Z	1.53	1.78	1.80	1.83	2.46	2.11	2.50	2.82	2.20	2.34	1.78	2.27	1.70	2.04	1.87	1.75
Asymp. Sig. (2-tailed)	.019	.003	.003	.003	.000	.000	.000	.000	.000	.000	.003	.000	.006	.000	.002	.004
Monte Carlo Sig. (2-tailed)	.026	.002	.008	.004	.000	.000	.000	.000	.000	.000	.004	.000	.006	.000	.004	.008
Equity to Total Assets (ETA)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	31	29	29	29	29	28	28	26	26	31	30	27	27	30	32	
Mean	.00	-.01	.01	.00	-.02	.02	.00	.00	.00	.00	-.01	.00	-.57	.51	.02	
Std. Deviation	.08	.09	.07	.07	.15	.15	.06	.03	.06	.05	.02	.06	2.81	2.66	.17	
Kolmogorov-Smirnov Z	1.39	1.31	1.06	1.11	1.74	1.92	1.70	1.40	1.10	1.17	1.34	0.50	2.55	2.53	1.80	
Asymp. Sig. (2-tailed)	.042	.064	.207	.172	.005	.001	.006	.040	.177	.127	.055	.967	.000	.000	.003	
Monte Carlo Sig. (2-tailed)	.023	.065	.190	.157	.007	.000	.009	.021	.146	.095	.056	.944	.000	.000	.000	

Table 2. Cont.

Equity to Loans (ETL)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	31	29	29	30	29	29	28	28	28	31	31	29	29	32	32	
Mean	.63	-.05	-.05	-.05	-.06	-.04	-.04	-.04	-.05	-.05	-.05	-.05	-.07	-.03	-.05	
Std. Deviation	3.78	.01	.03	.04	.10	.04	.07	.03	.01	.01	.00	.00	.10	.10	.03	
Kolmogorov-Smirnov Z	2.99	1.48	2.08	2.13	2.64	2.67	2.42	2.44	1.62	1.56	1.13	0.93	2.76	2.78	2.05	
Asymp. Sig. (2-tailed)	.000	.025	.000	.000	.000	.000	.000	.000	.010	.015	.155	.347	.000	.000	.000	
Monte Carlo Sig. (2-tailed)	.000	.025	.000	.000	.000	.000	.000	.000	.004	.007	.124	.306	.000	.000	.000	
Gross Margin Index (GMI)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	39	39	39	36	36	37	35	35	36	37	35	30	30	35	38	
Mean	.22	-.12	-.22	-.22	.41	-.15	-.39	-.02	.08	.24	-.64	.01	.28	.40	.14	
Std. Deviation	.33	.34	.42	.54	.70	.48	.62	.63	.77	.54	1.21	1.85	1.57	1.48	1.54	
Kolmogorov-Smirnov Z	0.87	0.92	1.07	1.20	1.15	0.63	1.15	0.62	1.24	1.44	1.51	1.28	1.28	1.23	1.50	
Asymp. Sig. (2-tailed)	.431	.365	.200	.115	.143	.825	.145	.831	.092	.031	.021	.075	.077	.097	.022	
Monte Carlo Sig. (2-tailed)	.358	.292	.171	.095	.117	.782	.114	.782	.074	.019	.011	.063	.063	.071	.013	
Gross Yield on Earning Assets (GYEA)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
N	40	43	41	40	40	40	40	40	39	37	37	38	37	37	40	42
Mean	-.03	-.10	-.20	.03	-.17	.03	.11	-.46	.38	-.08	-.16	.10	.65	.01	-.02	-.04
Std. Deviation	.39	.37	.47	.45	.90	1.02	.64	2.37	2.42	.57	.47	.53	.44	.12	.05	.08
Kolmogorov-Smirnov Z	1.11	1.39	1.39	1.05	1.55	1.65	1.43	2.60	2.37	1.05	1.09	0.90	1.11	1.61	1.19	1.40
Asymp. Sig. (2-tailed)	.171	.042	.041	.224	.016	.009	.033	.000	.000	.225	.183	.389	.173	.011	.119	.039
Monte Carlo Sig. (2-tailed)	.119	.027	.017	.165	.010	.006	.010	.000	.000	.193	.162	.350	.152	.003	.070	.022
Interest (Sales) Receivables Index (IRI)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	38	37	37	35	35	36	35	35	35	37	35	29	29	35	38	
Mean	-.04	.01	.07	-.06	.02	.06	-.07	-.44	.44	.05	.01	.15	-.13	-.03	-.04	
Std. Deviation	.29	.18	.41	.14	.25	.19	.14	2.77	2.58	.22	.15	.13	.13	.12	.32	
Kolmogorov-Smirnov Z	1.92	1.13	2.22	1.21	1.41	1.35	1.19	2.77	2.74	1.10	1.06	1.12	0.89	0.72	1.74	
Asymp. Sig. (2-tailed)	.001	.159	.000	.106	.037	.053	.116	.000	.000	.179	.215	.161	.407	.675	.005	
Monte Carlo Sig. (2-tailed)	.002	.137	.000	.101	.040	.042	.112	.000	.000	.152	.205	.131	.350	.656	.006	

Table 2. Cont.

Loans to Total Assets (LTA)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
N	38	33	33	38	37	37	37	38	38	37	37	38	37	37	39	42
Mean	.16	.34	-.59	-.26	-.07	-.13	-.09	.05	.16	-.15	.03	-.08	.02	.25	.15	.17
Std. Deviation	.92	.85	1.03	1.00	.69	.95	1.09	1.06	1.15	1.31	1.13	1.00	.83	1.07	.94	.62
Kolmogorov-Smirnov Z	0.50	0.59	0.77	1.10	1.20	1.18	0.96	0.89	0.74	0.55	0.76	0.56	0.67	0.79	0.79	1.23
Asymp. Sig. (2-tailed)	.962	.877	.588	.176	.111	.125	.314	.411	.647	.922	.606	.911	.766	.554	.554	.095
Monte Carlo Sig. (2-tailed)	.941	.834	.552	.133	.092	.099	.265	.336	.586	.899	.532	.876	.711	.487	.512	.060
Loans to Deposits (LTD)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
N	32	31	31	30	30	30	30	29	29	31	31	31	31	31	34	35
Mean	.00	-.66	.65	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
Std. Deviation	.06	2.79	2.80	.03	.02	.03	.01	.02	.02	.01	.01	.01	.00	.01	.01	.01
Kolmogorov-Smirnov Z	1.94	2.66	2.66	2.10	1.42	1.87	1.03	.88	1.26	1.64	1.53	.98	1.33	1.71	1.69	2.24
Asymp. Sig. (2-tailed)	.001	.000	.000	.000	.034	.002	.234	.418	.080	.009	.018	.290	.056	.005	.007	.000
Monte Carlo Sig. (2-tailed)	.000	.000	.000	.000	.028	.002	.234	.405	.056	.002	.022	.280	.065	.002	.008	.000
Net interest Margin (NIM)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	39	38	38	36	36	37	35	35	36	37	35	30	30	35	38	
Mean	-.06	-.09	-.04	-.37	.31	-.06	-.19	-.11	.17	-.14	-.08	-.22	1.02	.02	-.01	
Std. Deviation	.83	.90	.49	1.55	1.65	.29	1.05	1.11	1.11	.30	1.17	1.28	.77	.30	.24	
Kolmogorov-Smirnov Z	1.80	1.44	0.74	1.48	1.52	0.65	1.14	1.09	0.86	1.63	1.17	0.76	0.93	1.49	1.70	
Asymp. Sig. (2-tailed)	.003	.031	.636	.024	.019	.800	.149	.184	.458	.010	.129	.605	.348	.024	.006	
Monte Carlo Sig. (2-tailed)	.000	.030	.568	.024	.019	.763	.121	.155	.436	.009	.105	.589	.342	.024	.004	
Profit Margin (PATM)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
N	40	43	41	41	38	38	39	40	40	37	37	34	34	34	39	41
Mean	.15	-.32	.03	-.03	-.10	-.13	-.07	-.05	-.15	-.14	-.24	.19	.34	.00	-.05	.61
Std. Deviation	1.10	.96	.74	.33	.50	.49	.60	.85	.87	.40	1.39	1.17	.61	1.22	1.54	1.66
Kolmogorov-Smirnov Z	1.11	0.94	0.92	1.42	0.72	1.13	1.40	1.81	2.22	1.32	2.53	2.23	0.91	0.75	0.81	1.59
Asymp. Sig. (2-tailed)	.171	.340	.365	.035	.679	.156	.039	.003	.000	.060	.000	.000	.380	.634	.532	.013
Monte Carlo Sig. (2-tailed)	.177	.310	.362	.023	.628	.141	.026	.000	.000	.047	.000	.000	.333	.593	.494	.005

Table 2. Cont.

Return on Asset (ROA)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	39	38	38	37	37	37	35	35	37	37	35	31	31	35	37	
Mean	.38	-.48	.30	.00	-.01	-.24	-.05	.09	-.24	-.09	.04	.02	.38	.00	-.05	
Std. Deviation	1.07	1.50	1.25	1.36	1.12	.81	.70	.79	1.44	.23	.62	.61	.92	.82	.33	
Kolmogorov-Smirnov Z	1.23	1.11	1.26	0.92	0.94	1.45	1.26	1.32	1.90	1.27	0.77	0.76	1.69	1.85	1.52	
Asymp. Sig. (2-tailed)	.097	.173	.085	.359	.344	.030	.083	.061	.002	.080	.598	.609	.007	.002	.020	
Monte Carlo Sig. (2-tailed)	.067	.173	.085	.317	.297	.020	.091	.061	.000	.067	.570	.596	.002	.000	.019	
Return on Equity (ROE)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	31	29	29	32	30	28	27	27	29	32	31	29	29	32	33	
Mean	.09	-.08	-.02	.03	.05	-.02	-.10	.17	-.24	.04	.01	.04	.03	.03	-.03	
Std. Deviation	.44	.35	.19	.48	1.06	1.07	.32	2.57	2.52	.43	.13	.20	.16	.18	.24	
Kolmogorov-Smirnov Z	2.01	1.65	1.24	1.77	2.01	1.91	1.86	2.36	2.13	2.29	1.48	1.86	1.53	2.33	2.57	
Asymp. Sig. (2-tailed)	.001	.009	.092	.004	.001	.001	.002	.000	.000	.000	.025	.002	.018	.000	.000	
Monte Carlo Sig. (2-tailed)	.000	.007	.076	.002	.000	.000	.002	.000	.000	.000	.018	.002	.013	.000	.000	
Rate Paid on Funds (RPF)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
N	37	39	38	37	37	37	38	40	38	37	37	38	35	35	39	41
Mean	.00	-.01	-.01	.00	.00	-.02	-.02	-.01	-.42	.46	-.01	.01	.04	.00	.00	.00
Std. Deviation	.02	.02	.03	.03	.02	.04	.05	.24	2.82	2.84	.03	.04	.03	.01	.00	.01
Kolmogorov-Smirnov Z	0.85	0.68	0.59	0.93	0.62	1.47	0.82	2.72	3.22	3.23	0.90	1.03	1.10	1.62	0.98	1.51
Asymp. Sig. (2-tailed)	.461	.747	.883	.356	.840	.027	.519	.000	.000	.000	.392	.236	.180	.010	.295	.021
Monte Carlo Sig. (2-tailed)	.388	.695	.833	.292	.781	.022	.469	.000	.000	.000	.328	.207	.181	.013	.272	.020
Sales Growth Index (SGI)	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	
N	40	38	38	36	36	37	36	35	35	37	37	30	30	35	38	
Mean	.00	.00	-.02	-.02	.04	-.09	-.01	-.04	-.20	.30	-.06	-2.62	2.45	.16	.07	
Std. Deviation	.10	.10	.09	.09	.08	.23	.25	.50	.42	.26	.11	1.29	1.43	.56	.29	
Kolmogorov-Smirnov Z	1.35	1.08	1.15	1.32	1.47	2.10	1.59	2.40	1.61	1.16	1.07	0.68	0.83	1.86	1.60	
Asymp. Sig. (2-tailed)	.052	.196	.145	.060	.026	.000	.013	.000	.011	.134	.202	.748	.498	.002	.012	
Monte Carlo Sig. (2-tailed)	.030	.154	.110	.041	.015	.000	.004	.000	.002	.095	.160	.706	.437	.000	.004	

Notes: Statistically significant years with 99% Confidence Interval and with $p = 0.01$ Significance level for DTE are: 2000-2014; for ETA: 2001-2003, 2009-2011; for ETL: 2001-20013, 2007-2013, 2015, and additionally 2006 for Monte Carlo Sig. only; for GMI are statistically insignificant; for GYEA significant years are: 2007-2008, 2010, and 2002, 2009, 2011 for Monet Carlo Sig. only; for IRI: 2001, 2007-2008, 2013, 2015; for LTA are statistically insignificant; for LTD significant years are: 2000-2002, 2006, 2010, 2012-2015; for NIM: 2001-2002, 2006, 2015; for PATM are: 2004-2005, 2007-2008 and 2000 for Monte Carlo only; ROA: 2002-2003, 2007; for ROE: 2001-2002, 2004, 2006-2012, 2014-2015; for RPF are: 2006-2008, and 2002 for Asump. Sig. only; significant years for SGI are: 2002, 2008, 2010, and 2001, 2007, and 2009 for Monte Carlo Sig. only.

The *EM2* model in *Table 2*, for the same tested ratios, shows almost identical statistically significant results as for the *EM1* model in *Table 1*. This would suggest, that managers in order to outplay the strict financial rules, engage in EM by manipulating different areas of financial statements with different techniques, see e.g., Beretka (2016, 22-24), and at their discretion, in years / periods of their choosing. The results suggest that the hypotheses $H0_{(a)}$: and $H0_{(b)}$: ‘may’ be rejected for the statistically significant years. Only GMI, LTA and NIM ratios show overall statistically insignificant results for each financial year for both *EM1* and *EM2* models; therefore, the hypothesis $H0_{(b)}$: holds for GMI, LTA and NIM ratios. Statistical outputs for the 14 ratios for the *EM2* model for both Confidence Interval and Significance levels are very similar to *EM1* model. Additional test statistics on annual basis for 95% Confidence Interval and at $p = 0.05$ Significance levels for the *EM2* model are available from the author.

The 2008 Financial Crisis

This paper additionally investigates evidence of EM ‘Prior to’ and ‘After’ the 2008 financial crisis. Hypothesis $H0_{(b)}$: was tested with the K-S test statistics by applying the *EM1* and the *EM2* models with the 14 bank specific ratios. In order to analyse ‘Prior to’ and ‘After’ 2008 financial crisis, ‘Prior to’ 2008 years were set from 2001 to 2007, whereas ‘After’ the financial crisis years are from 2008 to 2014. As it can be seen in *Table 1*, only Gross Margin Index (GMI), Loans to Total Assets (LTA) at $p = 0.01$ Significance Levels have statistically insignificant outputs. Same is true for tests run with the *EM2* model, statistically insignificant outputs at $p = 0.01$ are for GMI and LTA ratio and at $p = 0.05$ LTA ratio only. Statistical test outputs for *EM1* and *EM2* models for significance levels of $p = 0.05$ are available from the author. The insignificance of the outputs for GMI ratio suggests that it is less likely that it is being manipulated. The statistical insignificance of LTA suggests that there are no outstanding loans and that the liquidity of the firms is well managed. This was not the case, as the LTA statistical outputs do not show the reality of the credit institutions’ operations, which had poor liquidity and high lending, as the DTE and ETL statistical results point out. Evidence bearing out that the LTA statistical outputs are false is shown in the lending practices to Households, Consumer and Corporate Sectors in Figures 3.1, 3.1, 3.3, Beretka (2016, 106-110). Lending was in significant increase from 2003 within all three sectors with its peak in 2009 that prompted illiquidity of the lending institutions and forced bailouts of some credit institutions trading in Hungary. From 2009, astonishingly, lending maintained its level for all three sectors. In summary, it can be argued, given by the evidence from *Tables 1 and 2*, that managers engaged in EM ‘Prior to’ the 2008 financial crisis possibly to maintain parent companies’ profit expectations, thus kept engaging in EM even ‘After’ the 2008 financial crisis. Tests statistics show clear evidence that hypothesis $H0_{(b)}$: ‘may’ be rejected.

Benchmark Analysis

Earlier evidence suggests that research papers seldom test Benchmark when investigating EM. *Tables 3 and 4* present Descriptive Statistics output for Benchmark and for Base ratios. Only a handful of papers argue, see e.g., Dechow, Ge and Schrand (2010, 351), in favour of including Benchmark analysis with test statistics and/or with a combination of histograms, see e.g., Beretka (2016, 189-199). By comparing each ratio between the Base and Benchmark outputs in *Tables 3 and 4*, it can be concluded that results differ, thus indicate that there is a significant difference for Mean and S.D. are for DTE and for LTD. Observing only S.D. for ETL, PATM and ROE we may conclude that outputs show high values, suggesting that they are widely spread and are less reliable; whereas high Means for DTE, LTD suggest that they are spread away from the central point. Skewness and Kurtosis are positive and negative for both Benchmark and Base ratios outputs. Negative Skewness for ROA and ROE in the Benchmark output suggest that the values are on the right of the distribution, whereas positive values are on the left. Positive Kurtosis for benchmark output in *Table 3* are positive thus suggesting ‘pony and heavily-tailed distribution,

Table 3. Benchmark Descriptive Statistics

	N	Min	Max	Mean	Mean Std. Error	S.D.	S.D. Variance	Skew- ness	Skew Std. Error	Kurt- osis	Kurt Std. Err.
DTE	17	419.4	6023	1608	308.4	1271	1617539	2.87	0.55	9.78	1.06
ETL	16	0.02	9.23	0.68	0.57	2.28	5.21	3.99	0.56	15.9	1.09
LTD	17	1.41	1807	228	107	444	197111	3.18	0.55	11.1	1.06
LTA	17	0.18	1.85	0.59	0.08	0.34	0.12	3.45	0.55	13.7	1.06
GYEA	17	0.07	0.96	0.49	0.06	0.27	0.07	-0.4	0.55	-0.67	1.06
RPF	17	0.00	0.53	0.06	0.03	0.12	0.02	3.85	0.55	15.38	1.06
SGI	16	0.87	12.5	2.01	0.71	2.84	8.07	3.82	0.56	14.93	1.09
IRI	16	0.19	3.04	1.18	0.14	0.57	0.33	2.18	0.56	8.40	1.09
GMI	16	0.78	1.25	0.98	0.03	0.12	0.01	0.39	0.56	0.10	1.09
NIM	16	0.05	0.40	0.29	0.03	0.12	0.01	-1.3	0.56	0.51	1.09
PATM	17	-3.54	8.87	0.15	0.60	2.47	6.08	2.85	0.55	11.13	1.06
ROE	16	-20.1	23.5	-0.5	2.99	11.9	142.9	0.21	0.56	-0.08	1.09
ROA	16	-0.02	0.02	0.00	0.00	0.01	0.00	-0.3	0.56	-0.33	1.09
ETA	16	0.01	0.22	0.03	0.01	0.05	0.00	3.93	0.56	15.60	1.09

Notes: Tests ran for the period 1999 - 2015.

while negative values suggest ‘flat’ distribution, see e.g., Field (2009, 138). However, Benchmark results should be read with caution, due to the specifics of the Hungarian Accounting Standards and the lack of quality research availability. *Table 3* Benchmark outputs were calculated from the same sample as the Base ratios statistics. Despite the lack of research material, Benchmark comparisons should not be excluded from research.

Table 4. Descriptive Statistics

	N	Min	Max	Mean	Mean Std. Error	S.D.	S.D. Var.	Skew- ness	Skew Std. Err.	Kur- tosis	Kur Std. Err.
DTE	568	0.00	152260	1566	315	7524	56610025	15.4	0.10	290	0.20
ETL	515	0.00	349.6	0.78	0.68	15.42	237.66	22.6	0.11	513	0.21
LTD	579	0.00	72149	257	134	3225	10403539	19.8	0.10	432	0.20
LTA	669	0.00	53.06	0.60	0.08	2.05	4.20	25.1	0.09	644	0.19
GYEA	682	0.01	13.63	0.49	0.02	0.65	0.42	12.9	0.09	250	0.19
RPF	664	-0.0	19.12	0.07	0.03	0.74	0.55	25.3	0.09	650	0.19
SGI	592	0.00	25.56	1.89	0.12	2.97	8.85	4.5	0.10	22.8	0.20
IRI	584	0.00	84.31	1.24	0.15	3.58	12.85	21.5	0.10	497	0.20
GMI	588	-2.3	5.38	0.99	0.02	0.48	0.23	1.0	0.10	29.6	0.20
NIM	591	-0.0	3.30	0.29	0.01	0.31	0.09	3.5	0.10	20.2	0.20
PATM	673	-118	324.4	0.06	0.52	13.47	181.4	19.8	0.09	511	0.19
ROE	502	-2062	1098	-0.4	5.46	122.4	14984	-8.9	0.11	179	0.22
ROA	596	-0.3	0.18	0.00	0.00	0.04	0.00	-2.4	0.10	16.6	0.20
ETA	502	0.00	5.89	0.03	0.01	0.26	0.07	21.8	0.11	486	0.22

Notes: Descriptive Statistics for Base Ratios for the period 1999 - 2015. No modelling was performed.

Discussion

The Distribution of Ratios research approach applies a technique to use all possible computable variables from the financial statements, thus ratios that do not contain assets and/or liabilities, as component in their formula, it eliminates the reversal accrual impact and increases the credibility and power of the statistical test results in comparison to accrual testing models. By rejecting Hypotheses $H0_{(a)}$ and $H0_{(b)}$ for ratios that comprise current assets or total assets (i.e. ETA, LTA, ROA), or current / long term liabilities (i.e. DTE, ETL, LTA, LTD), which may have influenced the test statistics due to reversal accruals, a component of assets and/or liabilities in the balance sheet, this study could have made a *Type I* error.

Conclusion

This paper examined an alternative research approach, the Distribution of the Ratios method in search of evidence of Earnings Management of annual accounts of the Hungarian credit institutions (banks). Test outputs run on an annual basis with the EM1 and the EM2 models for each ratio present more details, specifically highlighting that evidence of Earnings Management, thus rejecting $H0_{(a)}$. Furthermore, evidence for EM1 and EM2 models present an opportunistic approach by managers who manipulate accounting entries at their discretion in different time frames and in all areas of the financial statements, thus $H0_{(b)}$ is rejected. Benchmark analysis was performed with the same sample as the base ratios data. Due to lack of benchmark material for financials and for credit institutions in Hungary, the results should be read with caution. However, when industry benchmark data is available, it should be used for comparison. This paper also investigated the 2008 financial crisis, and concluded that ‘Prior to’ and ‘After’ the 2008 financial crisis there is evidence of Earnings Management, thus $H0_{(b)}$ is rejected. The *EM1* and *EM2* models test results on annual basis show statistical significant results for 99% confidence and $p = 0.01$ significant levels for all 14 tested ratios. Test results for 14 ratios for the *EM1* and *EM2* models tested with all sample and with annual data of 95% confidence interval and $p = 0.05$ significance level are statistically significant and they are available from the author.

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Narrating in Difficult Times

Introduction to a Dual-Self Model

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ABSTRACT: In times of difficulty, people rely on their narrating self, not only to release what they are going through but, more importantly, to express an intention of how they want to live given the presence of a particular problem, thereby living accordingly upon that intention. The Narrating Self is not the problem solver. Instead, it is the living supporter.

KEYWORDS: narratives, narrating self, experiencing self, living with the problem, intention

There is an abundance of heroic narratives about extraordinary lives overcoming an extraordinary situation. Some people, however, are not fortunate enough to escape from it, no matter how hard they try. That is when the Narrating Self surfaces in them to help themselves explore alternative ways of looking at the situation, and in the end, arriving at a particular way to explain the situation to themselves and others. This particular way gives what Jerome Bruner call “illusions of (the) reality” (Bruner 2002, 11), in which the extraordinary situation appears to be “unproblematic” to their everyday life. Whether the story told by the Narrating Self is verifiable or not does not matter much to them. What matters to them is whether or not the Narrating Self offers a story that is believable and acceptable to them and others within their culture.

1. Everyday Life

Everyday life is an important context to understand how the Narrating Self works. According to Peter Berger, it is “a reality interpreted by men and subjectively meaningful to them as a coherent world” (Berger and Luckmann 1967, 24). Firstly, everyday life is “subjectively meaningful” because it is “an exercise of our subjective preferences” (Vu 2018). What one likes over others, what he chooses over others, and the meanings he sees in that choice create a personal lifestyle of his own, an “integrated set of practices” (Giddens 1991, 82). One’s lifestyle is, therefore, personal and very different from one another. Secondly, that lifestyle provides him with a “certain unity– important to a continuing sense of ontological security– that connects options in a more or less ordered pattern” (Giddens 1991, 82). Thirdly, thus, his everyday life reflects not only what he does and what he values, but also what he is through the choices he makes to create his style of living. Once it is established in everyday life, the lifestyle not only “fulfil[s] utilitarian needs” but also “give[s] material form to a particular narrative of self-identity” (Giddens 1991, 81), which is a “coherent world” of his own.

For the reasons above, it should not be surprising that one is sensitive to any sign of deviation from that lifestyle, especially an “extreme transition” (Berger and Luckmann 1967, 23) that may “pertain[s] to a different reality altogether.” When one cannot avoid such a situation, which Berger calls “non-everyday experience,” he would find possible ways to solve and overcome the situation. What happens to him if choices for solutions are not available, the choices available are too difficult to make, or are not within his reach? Berger suggests a distortion of that difficult situation by using “the common language” to make the situation appear “unproblematic” again and “translate” the “non-everyday experience back into the paramount of everyday life” (Berger and Luckmann 1967, 26). And it is the work of the Narrating Self, and through this Narrating Self, that “we negotiate every day our preferences, that is, the meaning we attach to a given behavior of ours as it interacts with others, with the environment in which we behave, *and* with the other things we do” (Vu 2018). Bruner offers a virtually parallel argument. Narrating is an “astonishing narrative gift” (Bruner 1998, 95) to human being for its “peacekeeping functioning” through “presenting, dramatizing, and explicating the mitigating circumstances surrounding conflict-threatening breaches in the ordinariness of life,” (Bruner 1998, 95) hence he can “domesticate [a problem], to get things back on a familiar track.” (Bruner 2002,

89). The Narrating Self, in sum, makes it easier for us to continue living even when there is no obvious way for extricating ourselves from the difficult situation.

2. A Dual-Self Model

In our view of a Dual-Self, we call attention to another Self, which necessitates Narrating Self in the first place.

The Dual Self Model includes the experiencing Self and the narrating Self. The model postulate that people, when experiencing a problem to which there is no solution (yet), rely on their narrating Self – their capability to imagine – to explain the situation in order to comfort their living with the problematic experience. Good examples of such experiences include people living with terminal illnesses, people living in high risk-prone areas, disabled people, to name a few.

Paradigmatic Mode and Narrative Mode

We build the Dual Self Model making use of Bruner’s two modes of thoughts (Bruner 1986). The two modes of thought, the paradigmatic mode and the narrative mode, provide “distinctive ways of ordering experience, of constructing reality” and they are not necessarily “irreducible to one another” (Bruner 1986, 11)

The Narrating Self relies on both to explain the problem that the Experiencing Self is going through. When in the paradigmatic mode, the mode of science, the Narrating Self relies on existing paradigms, “universal truth conditions” that “transcend the particulars,” (Bruner 1986, 12) for logical explanations in the attempts for according solutions to a problem. With the flourish of science, technology, and expertise, the paradigmatic mode of thought prevails and dominates the Narrating Self, even for his daily concerns. From vocational training to higher education, education reinforces that mode. One’s personal experience is now explained and governed by “modes of technical knowledge which have validity independent of [those] who make use of them” (Giddens 1991, 18). One immediate consequence of the dominance of this paradigmatic mode is: one becomes less autonomous over his own experience. Once the mode of thought cannot help him explain the problem, he is at a loss.

The Narrative mode, on the other hand, is an act of particular individuals, their particular intentions (needs, wants, goals, and desires) and particular meanings that the individuals produce. It is important to note that the Narrative mode does not necessarily stand in opposition to the Paradigmatic mode. People rely on this mode to explain to themselves events that are “ambiguous and resistant to paradigmatic efforts to understand them” (McAdam 1993, 29). Another distinction between the Narrative mode and the Paradigmatic mode is that the former “exhibit[s] an explanation” while the latter demonstrates the explanation” (Polkinghorne 1988, 21). The function of the Narrative mode is, while not trying to deny the actual problem that the Experiencing Self is facing, “to find an intentional state that mitigates or at least makes comprehensible a deviation from a canonical cultural pattern” (Bruner 1998, 49-50). By coming up particular ways to connect different, discontinuous, or even conflicting, events, the Narrative Self places the problem in a different structure, a meaningful one, to create what Bruner calls a verisimilitude – a truth-like story (Bruner 2002, 11). Although the verisimilitude is, in a way, an “illusion of reality,” it appears more real to people because the materials for their stories are from the culture (religion, belief, folklores, among others) to which they belong. Within that culture, this “illusion” is shared, accepted, and sympathized, and therefore, it is closer to home than the reality itself.

In addition to that, one “accomplish[es]” identity, according to Mc Adam, only through the narrative mode. The mode integrates differences, and even conflicts, either synchronically (e.g., when I am at home, I am a quiet person, but when I am outside with friends I can be very hyper) or diachronically (e.g., I used to want to become a doctor, but now I am a social worker), and places them “as integral parts of the same self-configuration” (McAdam 2001). The narrative mode “situates him or her into a meaningful psychosocial niche and provides his or her life with some degree of unity and purpose” (McAdam 2001).

The Dual Self model

In our Dual Self Model (Figure 1), while the Experiencing Self is emotional and unstable due to the problem that it is experiencing, the Narrating Self is the more stable one. The Narrating Self, through acts of verbalizing (e.g., talking, writing, or thinking), constantly converses with the person, thinking for him, discussing with him, or representing him to talk with others about the experience. The Narrating Self not only tells about what the Experiencing Self is going through but also tells the person’s intention of how he wants to look at the experience. Narrate, as Bruner reminds us, derives from both “telling” (*narrare*) and “knowing in some particular way” (*gnarus*) – the two tangled beyond sort” (Bruner 2002, 27). This intention is his stable plot in explaining the experience, and giving a direction for his living everyday life, despite the ups and downs of the Experience. A “line” (quoted in Iyanga 2010, 20) would accurately summarize “points”: “we live entirely ... by the imposition of a narrative line upon disparate images, by the “ideas” with which we have learned to freeze the shifting phantasmagoria which is our actual experience.”

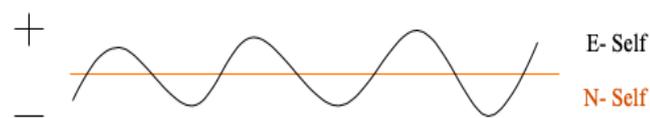


Figure 1. *The Dual Self Model*

3. The Narratives from the Field

Phu Cat is a vast District with a small population in a central-coastal Binh Dinh Province, Vietnam. The U.S. sprayed a large quantity of Dioxin-yielding herbicides in the area during the Vietnam War, and turned it into one of the three “hot spots,” along Bien Hoa further to the south and Da Nang to the north. The District has also witnessed a large number of health abnormalities among the residents of postwar generations. During the observation, we have interviewed over 100 families that have at least one child with disabilities (they are casually called Dioxin/Agent Orange victim families), half of whom we keep close contact with. We interviewed many of these families multiple times, which helped us decipher the hidden and sub-textual messages in the families’ narratives.

Narrative 1

Tu is 26 years old. Her medical condition can be casually described as follows: deformed face, speech impediment, limited perceptibility, inability to perform daily activities. Tu is entirely dependent on her parents and siblings for her daily activities. When her family members have other obligations elsewhere, they need to lock up Tu inside the house. We went back to visit the family on the afternoon of August 2018 (we have frequented our visit at least once a year since we first knew the family in 2016). Thuan, Tu’s younger sister, then 17 years old, in her final year at high school, was the only one at home with Tu at the time. During the chat, we dropped a casual question, “are you willing to take care of your sister later?” “Of course, I will,” without any hesitation, Thuan replied and added, “My sister (Tu) has shouldered the burden on behalf of our family. That burden could have been on any member of our family.” Fate narratives from families of similar situations are familiar to our ears after years of researching this area: “It is our Fate [to have a disabled child.]” This time, we found a new twist to this line of narrative. Having a disabled member in the family, without doubts, is a burden, financially and mentally, for the family, especially when the burden is not shared beyond that family network. From what the younger sister told us, the problem was not Tu with her disability. The problem was the disability that was believed to be imposed on her family as a whole. Given that, Tu “shouldered the problem” for her family, and she became what she is- disabled. In the eyes of the family, Tu is not a burden. Instead, she is their *heroine*, *their savior*, and for that, Thuan, and

probably the whole family, finds it natural and obvious in their obligation to take care of Tu in order to return the “debt” they owe her.

Narrative 2

Nga (47 years old) and Phuong (46 years old) are neighbors at Cat Hanh commune (Phu Cat District, Binh Dinh Province, Vietnam). Both are mothers to two disabled sons, Thai – 14-year-old, brain-damaged and epileptic seizure, and Hoang – 13-year-old, diagnosed with down syndrome (although his conditions looked worse than that). On February 20, 2019, we visited the two families the first time. The two mothers told us uncanny (to us) narratives of how they “domesticated” their extraordinary experience of living with their disabled son.

At Nga’s household (9 am): *“It (having a disabled child) is Fate. But it is good that he is healthy and can communicate verbally. That family (she referred to the other mother Phuong) also has a disabled son, but unlike Thai, their son can’t speak, and no one can’t understand what he wants.”*

At Phuong’s household (1:30 pm), about 5 minutes away by car from Nga’s house. *“What else can I do, my son’s life is numbered [...] Everyone has to keep an eye on him all the time. No one can reach him. He even destroys fruit offerings in the family altar [...] But I am still lucky that my son is healthy, he doesn’t get sick that often.”*

During the two hours we spent with each mother at their households, each shared with us many episodes in raising their disabled sons, e.g., the despair when they found out their sons were not only sick but disabled, the pain when signs of abnormalities became more evident as the boy grew, and the humble joy when they said *“but he can write letter 0,” “he can at least walk,” “he actually understands what I say.”* The most striking to us was the way they both cleverly crafted their experience by giving a whole new meaning to the notion “disability.” *“It is good that he is healthy,”* said mother Nga. *“I am lucky that he is healthy, he doesn’t get sick often,”* said mother Phuong. By “healthy” and “doesn’t get sick often,” they meant their sons were rarely in situations where emergency treatment (like rushing them to hospitals) was required.

“Disabilities,” once sentenced by medical experts as *“incurable,” “no way out,”* now also embrace *“healthy,” “good,”* and even *“lucky.”* The local medical experts gave up on their sons for not being able to remove their acute health problems. Other social institutions (e.g., rehabilitation centers, special schools) are not available to help them become less disabled. These mothers, out of despair, learned how to make their children, if not less disabled, improve with their own ways. Mother Nga even made an extra effort to make the condition of her disabled son look *better* in her eyes by referring to the son of Phuong – her five-minutes-drive-away neighbor, *“their son can’t speak, and no one can’t understand what he wants.”*

What is interesting is that the two mothers were very consistent in how they narrated about their son even on our second visit (August 2019), half a year since the two sons were sent the weekend class¹ that we opened for children with disabilities in the area.

Mother Nga: *“That boy [the son of Mother Phuong] may be calmer [than my son] but he doesn’t know anything.”*

Mother Phuong: *“What is good about this boy [her own son] is that he is more mature than that boy [Mother Nga’s son]”*

¹ We began the project in 2012, making use of classrooms at weekends at local primary schools and relying on scores of volunteer teachers from the same schools to offer basic training (writing, math, singing, physical training, and socializing) for the disabled children. The purpose was to secure space and time for disabled children to develop sociability, and medical treatment is not in its scope of activities. The children attend this weekend class, *Lop Hoc Uoc Mo* (Dream Class, as the volunteer teachers call them) once a week. We have four classes in four communes, and more are on the way.

This time, not only mother Nga, but also mother Phuong uses the similar comparative trick (“*calmer*”, “*more mature*”) to create “illusions” of their disabled sons. We did not detect any bad intention towards each other in the way they narrated. They were simply searching something “better” in their own sons.

4. The Narrating Self

“It is Fate,” “He is really good. He can understand what I said,” “he doesn’t get sick often,” “his conditions are still better than others.” We heard these same or similar narratives about Thai and Hoang also among other parents of similar situations. The narratives, for one thing, are not necessarily meant to counter the “sentence” indicted by the medical doctors – the experts – who once told them: *“there is no cure.”* To these parents, medical doctors are the authority that they have no means to challenge but trust them. The only concern they have is the truth from these experts is far too disruptive to bear, as Yen (35 years old), the mother of a 10-year-old down-syndrome boy, said, *“the whole world crumbled at our feet. My husband and I trembled so hard that we could barely hold our baby,”* after they were told by their doctor, *“even in the world, there is still no cure for the ailment that your son has.”* Like the mothers of Hoang and Thai, she said, *“but he is a good son. He can eat anything, and he can understand what I tell him.”*

The “other meanings” that Yen and the other mothers used to describe are truths that cannot be verifiable. They are the “*illusions of reality.*” Nonetheless, they seem more real to their everyday life, and more importantly, they help their living with the problem a little easier. The illusions, obviously, cannot fix the health conditions of their children, but they show an immediate efficacy: the parents feel better and relieved. Having a disabled child makes the parents an outlier in their clan and their community, but the belief that having a disabled child is the pre-determined arrangement of Fate makes their mishaps comprehensible and the cause for sympathy in the community. For the case of Tu, her sister’s narrative about Tu receives not only sympathy, but also the worship for her “*sacrifice.*”

The enormous disruptions to families with disabled members are not only about the adjustments in their lifestyle but also the adjustment in the hope they have about the future. There is a simple acceptance of social norms to have “expected utilities” of having a child in “normal” families: entertainment, security, and labor (Leibenstein 1974). They see children as an investment to hope for returns in “labor and security” in the future. Having disabled children closes the door to that hope, and leaves them with new insecurity, *“who will take care of him/her when we go?”* The Narrating self, by keeping the meaning of living from falling out of the boundary of everyday life, provides them with a “sense of unity” by integrating different and conflicting events in their life. It cleverly guides people’s attention from the disruptive truth “disabled therefore...” to myriads of possibilities of “disabled but...” narratives: “disabled” but “not get sick”, “disabled” but “healthy”, “disabled” but “I feel good/lucky”, “disabled” but “she saves our family.” The narratives are beyond those of verification and rationalization, and, as said above, cannot change the disabled conditions of their children. Nonetheless, they offer possible ways of looking at “disability” for the families and navigate the experience to the new realm of different and new meanings. Whether their narratives are true or not matters less to the families. What matters is what they believe to be true, and they need to rely on these “illusions” to make the experience less problematic and keep their living still consistent and continuous within the totality of everyday life.

5. The breeding ground for their narratives

One question: why do people need to create “illusions of reality” for themselves? Is it because of the despair of having a child with disabilities or the despair of having no way to help him/her? The answer lies in the latter in the cases we found in Vietnam.

Since the end of the 1980s, Vietnam has recorded remarkable economic development, with an annual growth rate always in the neighbourhood of 7% to 9%. Public spending on social services has also increased accordingly. However, the development has come with the usual distribution problems such as the widening income gap, especially before its trickle-down effects begin to spread and with a

delay in the improvements in particular social services, despite the increased spending for them. It mainly affects the wellbeing of the people with disabilities in two ways: the delay makes the available services far short of satisfying the needs of the disabled and deprives the disabled and their families of the motivation and opportunities to test the efficacy of their actions aimed at improving their wellbeing.

In 2010, Vietnam *Law on Persons with Disabilities* was introduced. The Law addressed the needs of the disabled in a comprehensive framework. It aims to promote the health and wellbeing of persons with disabilities in the areas of healthcare, education, employment, and a barrier environment for this disadvantaged group, in addition to money provisions to those with severe disabilities^[1] and also their caregivers. However, the reality for the disabled has fallen far short of Vietnam's ambitions, at both the national level and local level.

At the national level, the value of social assistance transfers in Vietnam remains small (only 6.7% of GDP per capita compared to 15% in other developing countries) with only limited impact on the wellbeing of the beneficiaries (Kidd et al. 2016, 51-52). As of April 2019, 1.5 million persons with severe disabilities and *exceptionally severe disabilities*² are provided with disability certificates, among whom 1,012,923 persons are provided with a health insurance card (VJSI 2019). Nonetheless, the increase in health insurance holders has only a limited effect on their *use* of public health services, e.g., only 2.3% of the children with disabilities make use of rehabilitation (GSO 2016, 17). A couple of reasons include the bureaucratic system of health insurance, the quality of public health services, and the competition of private health services.

Regarding education for children with disabilities, Education Law (2005, Vietnam) states that “the State shall give priority in enabling children of ethnic minorities, children of families in the areas with special socio-economic difficulties, targeted groups of socially prioritized policies, disabled and handicapped persons and beneficiaries of other social policies to realize their learning rights and obligations” (Education Law. Article 10). The message is unequivocal that health and other conditions of the concerned children are not the basis of their exclusion. The impact was immediate. The number of children with disabilities who began formal education jumped. 107,500 (at regular and special schools) at the school year 2003-2004 increased four times in 2008-2009 school year to 397,500 (390,000 at regular schools and 7,500 at specialized training facilities.) (DSA 2013). The most updated data from the Survey on Persons with Disabilities shows that the enrolment rate at the primary school is 88.7% (GSO, 19).

However, these enrollment figures conceal another significant indicator of the reality of inclusive education. The dropout rate among students with disabilities is alarmingly high at the primary and secondary levels, more than 30% (Tuoi tre 2015). This poor performance at school prevents them from benefiting from an important utility of education: employment. 61% of the disabled Vietnamese people are in the working-age, but only 40% of them can work and, of them, only 30% work (MOLISA 2016).

Locally, as of December 2017, 31,311 people are recognized and provided with disability certificates (excluding the mild cases, approximately 3000, 11 % of the total) in the Province of Binh Dinh, wherein Phu Cat is the District that has the highest number of people with disabilities – 4, 298 persons (who are recognized as such and receiving disability certificates). Most of the cases we visited have disability certificates, health insurance cards and monthly allowance ranging from 405,000 đồng (roughly \$20) to 675,000 đồng (\$32), depending on the severity of the disability. The process of determining the severity of disability³ does not necessarily correspond to the actual severity of disability of the person, nor the income level of the families. The intricate processes dictating the determination involve political, social, and even personal considerations.

² A Disability Degree Determination Council at local level (as regulated by Law on Persons with Disabilities in 2010 in its Article 16, Clause 2) includes only one medical specialist from Commune-level health station, one from commune-level People's Committee; a Commune official in charge of Labor, War Invalids and Social Affairs, head or deputy head at the commune-level of Vietnam Fatherland Front Committee, Women's Union, Youth Union and War Veterans' Associations, and the head of the Commune-level organization of persons with disabilities in the locality in which such an organization operates.

Regardless, the way the families utilize medical services has not seen any significant change over many years. No families have reported a regular clinic visit for the physical or mental deficiencies of their children. There is a pattern across these families: they spent much money (for transportation and medical fees) soon after they found out their children had some severe health issues. A few of them trekked the upward path of medical examination, from a nearby Commune Clinic to the District Health Center (3~10km away), to the Provincial hospital in Qui Nhon (30~40km away), and finally to Ho Chi Minh (650km away). At every step, the family has to hold back hope for a medical solution until they reach higher institutions. Their hope stops altogether after they are told: “there is nothing we can do.” The upward movement along the hierarchy of medical establishment usually comes with a greater disappointment for the disabled children’s parents.

The use of educational services fares no better. The families of disabled children and even local medical staff have difficulty seeing the point of investing time and resources for the future of the children with disabilities. During the first round of our research in 2004 and 2005, one repeated scene caught our attention: among all of the families we visited, none of the children went to school, even though some of them exhibited signs of learning ability. All of them stayed at home, doing nothing but hanging around with neighbourhood children, if the latter were home. Within the past five years, however, we noticed that there were more children with disabilities who had been to regular schools. In our weekend class project for the disabled,⁴ there are currently 71 students, of whom 25 have gone to regular schools, but only 4 are still going. Of the 21 who dropped out, 1 stayed on until ninth grade before dropping out, 6 quit soon after finishing first grade, 4 quit after fourth or fifth grade, 10 do not remember when they quit. The cost of sending the children may not have been high. However, if that choice produces no gain, the cost is still the cost. Many parents also do not hang much hope on the possibility that their children can receive any form of support to remedy even a fraction of their physical or mental deficiencies at regular school. Schools are disabled children’s local “hangout” in much the same way as their neighbourhood yards and alleys.

Regarding vocational training, none of these disabled children we met go to vocational school for the apparent reason: there is no such school in the area and anywhere near it. Nearly all of the disabled children stay home and grow up under the care of their parents and family members. If not bed-ridden and mentally sick, girls help mothers making straw hats at home, and boys help fathers with cow herding. The families just let the children do things “for fun.”

Having no means to overcome the problem, the children with disabilities in this District become complete dependents on their families. Poverty at the households that we visited is often times an attribute to their difficult situations. However, it is the poverty of choices (for this particular group) that put hopes of their families in desperation for not seeing the future in their child. The poverty of choices in this case is an illustration of the statement made by former British Secretary of State for Health, Alan Johnson: “the causes of poor health are not so much about the choices people make but the choices that they are able to make” (Quoted in Upton & Thirlaway 2010, 356).

As a consequence, the parents see their children with disabilities no other than an object of care, a loss for which other healthy siblings compensate. They have no choice but rely on their own family for the responsibility of taking care of the disabled child, and pass down that responsibility to other siblings of the disabled child. However, many of their (healthy) children have left the main house for other cities, either to get married or to work. “Who will take care of my child when we are gone?” This is the nagging concern that continues to gnaw at many of these parents. What is left for them is to rely on the Narrating Self for “illusions” of this harsh reality to make it easier to live with the consuming responsibility while no social and/or medical solution is within their reach.

6. Conclusions

Our Dual Self Model is still at its early stage. Our ambition is to develop it into a tool for field research in order to understand how people deliver their everyday life given a particular problem, and how their living environment influences, for better or worse, influences their living. An inquiry into

⁴ See fn.2 above

why they tell us the way they do would help researchers overcome biases against what people tell them even when it seems absurd and irrational. *Why they tell us the way they do* needs to be analyzed at the three world evolving people's everyday life: the social world, the cultural world, and the idiosyncratic world. The social world is the world of choices- what is (not) there for them to fall back on when they run into a problem, the constraints in this world feed the need for Narrating Self to take action. The cultural world is the world of “canonical norms” (Bruner 1998, 52) that offers “tool kits” (Bruner 1998, 12), or scripts for the Narrating self, but at the same time the norms in this world also limits the freedom to tell its own story of the Narrating self. Lastly, the idiosyncratic world is the world of individual intentions (beliefs, desires, wants, needs, goals) (Bruner 1998, 52). The three worlds interact with each other, conflicting each other, shaping each other, and together they create a narrative identity for the person. The analysis of people's living at the three levels is believed to provide essential feedback for policy-making schemes.

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Emotional Intelligence and Effective Leadership

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ABSTRACT: Currently, with the profound managerial changes that companies are experiencing, the leader plays a major role in the effectiveness of the organization. This explains why many recent researches are interested in the factors influencing leadership effectiveness. As such, emotional intelligence (IE) is considered as an important element in the development of the company's creative capabilities and explains the Effective Leadership (EL). This proposal is concerned with the case of the ENIE company, which is the Algerian largest electronic company. Our questionnaire was administered to a representative sample of 112 managers exercising supervisory functions. The results demonstrate that emotional intelligence has a significant and positive effect on effective leadership.

KEYWORDS: Emotional Intelligence (EI), Effective Leadership (EL), Emotional Quotient, Leadership Behaviour Inventory (LBI), Algerian ENIE Company

Introduction

We are living the transition from an industry-based economy to a knowledge-based economy. The great challenge of today and tomorrow is to make the work based knowledge profitable, because the creation of added value in companies of the 3rd millennium is based more and more on intangible capital. From now, the creation of added value requires conflict resolution, effective communication, group-minded development, managing change, a good ability to influence and mobilize employees and a good emotional climate. Therefore, the cognitive and emotional skills of the coaching staff play a key role in this new managerial era. Soft skills have been mainly theorized through the concept of Emotional Intelligence (EI), which is also known by the emotional revolution. This explains why a lot of recent research is looking at the factors that influence effective leadership (EL). EI is seen as an important element in the development of the company's creative capabilities and explains as such the effectiveness of leaders, because analytical intelligence is no longer enough to distinguish between an effective leader and a less effective one.

EI is important to the point that a brilliant person with prestigious background can completely miss his career, even his life (Kets de Vries 2007). Effectively, emotional intelligence describes a subjective ability to identify, evaluate and manage one's emotions and emotions of others at work. Therefore, managing through emotional intelligence increases the potential for influence and mobilization in order to make leadership more effective. More and more researches are emphasizing the link between emotional intelligence and effective leadership. This researches show that leaders with a similar level of cognitive intelligence can make wrong decision attributed to the difference in their emotional potential such as consciousness, self-assertion, empathy and impulse control (Bar-On et al. 2003).

After presenting, in the first part, all the concepts on which our contribution is based namely: emotional intelligence, leadership effectiveness and the links that connect them, we go into a second part, presenting the results of a study conducted at ENIE, Algeria's largest public electronic production company. Our questionnaire was administered to a representative sample of 112 supervisors. The objective of the study is to verify the existence of statistically significant relationship between the emotional intelligence of the supervisors considered in our sample and their results in terms of effective leadership. This study will allow us to provide some answers and draw some conclusions about the issues and strengths of emotional intelligence in the Algerian workplace. A workplace characterized by its own cultural specificities. In this respect, the Algerian employee prefers to live in a space open to all, where everyone can meet him at any time, rather than in a

reserved space. This cultural dimension completely distinguishes Algerian society from Western countries (Mercure & al. 1997).

1. Literature Review

1.1. Emotional Intelligence

The notion of emotional intelligence is relatively recent. In 1990, Salovey and Mayer gave the very first definition of the concept by considering emotional intelligence as a subset of social intelligence. These authors define emotional intelligence as: "a series of skills used to accurately assess and express one's own emotions and those of others; These skills allow you to adjust effectively to your own emotions and those of others; in addition, this sensitivity can be used to motivate, plan and complete one's life" (Mayer and Salovey 1997).

As such, emotional intelligence includes personality traits, such as the ability to control one's feelings to direct one's thinking towards more effective decisions. Another definition, widely used in the literature given by Bar-On (2005), consider emotional intelligence as a set of interacting personal, emotional and social traits that determine the effectiveness with which a person, in our case the supervisor, understands and expresses himself, understands his collaborators and acts with them, and faces the daily demands of decision-making. This design not only allows the leader to feel and express optimistic and positive emotions, but also to project them towards his collaborators in order to create bonds of trust and mobilization.

As for Goleman (1998), emotional intelligence is an individual's ability to recognize his feelings and those of others, and to motivate and manage his own emotions and relationships. Goleman places particular emphasis on emotional skills related to interpersonal relationships, such as empathy and how a leader treats and interacts with employees' emotions (Kotzé and Venter 2011). The subject matter experts distinguish: (1) models of mental ability, which focuses on the ability to process emotional information, and (2) mixed models that conceptualize EI as constructed including aspects of personality, motivation as well as the ability to perceive, assimilate, understand, and manage one's emotions and emotions of others.

In general, emotional intelligence can be considered to include certain components: an intrapersonal skills, which reflects the leader's ability to perceive and understand his own emotions, regulate them and self-manage them. Interpersonal skills related to empathy and the ability to understand the feelings felt by employees. Also, a skills related to the leader's ability to deal with his own problems and the problems of others at work. These problems are only the effect of the requirements of situational change and the regulatory potential that the leader is supposed to have. Another and final skills, on which the most recent studies emphasize, is the ability of the leader to inspire others by developing a vision about work and project it, Benabou (2017).

Now we will present the Bar-On (2000) model, which has been internationally valid in seven different countries by more than 22,000 subjects. This model is called the Emotional Quotient Inventory (EQ-I®) and consists of five components that form the five scales of measurements that we will adopt in the practical case and which are synthesized in Table 1, namely:

- the ability to be conscious and understand one's emotions, feelings and ideas;
- the ability to be conscious and understand the emotions and feelings of others;
- the ability to cope with stress;
- the ability to be flexible and change one's feelings in the face of new situations;
- and the ability to control one's emotions.

Table 1. Emotional Quotient Inventory Scales (EQ-I®)

EI Components	Component Definition
1. Intrapersonal skills:	
Ability to be conscious and understand one's emotions, feelings and ideas	
- Emotional awareness	Ability to recognize and understand one's own emotions
- Self-assertion	The ability to express one's feelings, beliefs and thoughts
- Self-esteem	Awareness and self-respect
- Self-actualization	Ability to implement one's potential and participate in activities that are appreciated
- Autonomy	Ability to autonomy and self-control of one's thoughts and actions
2. Interpersonal skills:	
Ability to be conscious and understand the emotions and feelings of others	
- Empathy	Ability to become aware about the feelings of others
- Interpersonal Relationships	Proximity Building Ability
- Social responsibility	Ability to cooperate and make constructive contribution to the group's well-being
3. Adaptive skills:	
Emotional flexibility in the face of new situations	
- Problem Solving	Ability to Deal with Personal and Social problems
- Reality test	Measuring the gap between perceptions and reality
- Flexibility	Ability to adapt feelings, thoughts and behaviors
4. Stress management skills:	
Ability to cope with stress and control of feelings	
- Stress Tolerance	Ability to handle bad events and stressful situations
- Pulse Control	Ability to manage and control pulses
5. General mood skills:	
Ability to be optimistic and express positive emotions	
- Happiness	Feeling of life satisfaction
- Optimism	Ability to stay positive in the face of hostile events

Source: Adapted from Kotzé and Venter (2011)

1.2. Emotional intelligence and effective leadership

Recently, much research has focused on EI's place in leadership effectiveness. It is established that emotional state influences the quality of decisions. These are generally better when taken in a positive emotional state Isen (2004). Emotional intelligence participates fully in the practical intelligence of the manager: it is a condition of the effectiveness of his action, which is not directly exerted on things, but necessarily going through others. The job of leader here is illuminated by a set of emotional skills, increasingly indispensable in decision-making. In this case, leadership is primarily about putting employees in a position to make a good contribution, by setting the conditions that will allow the work to be done productively (Haag and Laroche 2009).

Kouzes and Posner (2009) have developed a five-dimensional theory of good leadership practices. They argue that effective leadership is attributed to: (1) the way the leader designs the business management model, (2) the ability to inspire a shared vision to others, (3) the continuous development of processes, (4) the ease given to others to take the initiative, and (5) the encouragement of a management by "the heart". For their part, Anand and Udaya Suriyan (2010) have discovered that EI helps boost self-confidence among leaders and makes them more flexible to process a variety of requests and use the right approach at the right time.

Several models are proposed by the literature to evaluate the effectiveness of leadership. In this study we use the Leadership Behavior Inventory (LBI) developed by Kent (2004). This model is an inventor of all the behaviors of leaders that can be identified in the leadership literature. It takes into account five important elements in the leadership process: (a) Visualizing Greatness, (b) Empowering the "We", (c) Communicating for Meaning, (d) Managing One's Self, and (e) Care and Recognition.

Visualizing Greatness, is related to the leader's capacity of having a sense of establishing direction and a clear sense of the future, and continuously discussing that with collaborators in a way that tells them that the leader has such a vision to share.

Empowering the We seem intent on forming a sense of identity with a larger whole, a sense of "we" and instilling a personal feeling of value in that larger whole. Leaders appear to do this by getting collaborators involved in decisions, using words like "we" in place of "I," fostering collaboration on common goals, caring about others, celebrating the team's accomplishments, giving power away and enabling others to act.

Communicating for Meaning, is related to a quality of the leader's communicating style based on values and meaning of the work. Actually, it includes factors that reflect on the leaders ability to relate their ideas to others, to take the time necessary to communicate the underlying meaning of the message, and to discuss the ideas at a deeper level such as at the level of values, beliefs, and principles.

Managing One's Self. This fourth dimension is related to the ability of the leader to create a sense of purposefulness, consistency of focus and energy, and behavior that is reflective of one's underlying intent or purpose. In practice, it seems that the leader is able to establish and hold to a particular state of being that is discernible by respondents in his emotional consistency, persistence, focus and commitment to espoused values and principles.

Care and Recognition, is related to the sense of concern and caring that comes from the leader through the attention places on the team and individuals' successes and victories. This is an important component of leading to recognize the success and to make others speak about it.

2. Empirical study

2.1. Participants and measuring instruments

We will now report on the results of a study we conducted at ENIE, Algeria's largest public electronic production company. ENIE is a company with a share capital of 8.332 billion Algerian Dinars. ENIE is located in the west of Algeria and employs 1329 person. This company operates in a very hostile environment, given the strong presence of large private companies, such as Condor, Geant, Iris and of major international brands, such as Beko and Samsung.

The study was conducted through a questionnaire during the month of June 2016. A total of 112 supervisors (63 males and 49 females) participated in the investigation. The participants' ages ranged from 24 to 62. The majority have at least a university diploma, while their experience in supervisory missions is at least 5 years. The goal is to self-assess both their emotional intelligence and effective leadership and to verify the existence of statistically significant relationship between the emotional intelligence of the supervisors considered in our sample and their results in terms of effective leadership (Dulewicz and Higgs 2005).

The questionnaire contains ten dimensions. EI was assessed using the Emotional Quotient Inventory Scale (EQ-I® developed by Bar-On and Parker (2000), consisting of five dimensions (from 1 to 5 in Table 2) and comprising 15 items (e.g., "I am able to know and understand other people's feelings at work").

For the EL, we used the Leadership Behavior Inventory (LBI) scale, developed by Kent (2004), with 29 items. The LBI was developed (Kent, et. al., 2001, Kent, 2004) to assess individuals engagement in transformational leadership behaviors. The LBI is composed of five dimensions (from 6 to 10 in Table 2) namely: Visualizing Greatness (for example: "I speak enthusiastically of my professional future"), Empowering the "We" (for example: "I share with my collaborators the values, interests and ambitions"), Communicating for Meaning (e.g., "I explain to others the principles of decision-making"), Managing One's Self (e.g., "I have perseverance and self-confidence") and Care and Recognition (e.g., "I want to celebrate the success of my collaborators"). All items are evaluated using an Likert scale ranging from 1 ("Totally disagree") to 5 ("Totally agree"). In this research, the questionnaire has a good internal consistency (Alpha Cronbach - 0.919 for the EI axes and 0.944 for the EL axes).

The basic hypothesis of our research is:

H₁: EI is significantly and positively linked to the EL.

2.2. Results and discussion

Respondents in this study have a good score for their emotional intelligence potential (M=3.54, SD=0.62), in contrast to an average score for their leadership effectiveness (M=2.41, SD=0.579). Table 2 illustrates means, standard deviations, and Pearson correlations of the ten dimensions of the study. The highest average of EI is recorded by general mood dimension (M=3.63, SD=0.62), followed by adaptability (M=3.62, SD=0.69) and the lowest score is recorded by the interpersonal dimension (M=3.48, SD=0.47). These scores show that ENIE supervisors consider interpersonal skills to be less important in leadership effectiveness. This can be explained by the organization of ENIE which is very formalized and hierarchical, which discourages informal and interpersonal relationships. As for leadership effectiveness, we have noticed an average perception for all dimensions of this variable, hence the highest score is recorded by the perceiving of Managing One's Self (M=2.61, SD=0.73), followed by perceiving of care and recognition (M=2.58, SD=0.73), then by the perception of Empowering the "We" (M=2.47, SD=0.67), the perception of visualizing greatness comes in the fourth place (M=2.40, SD=0.62) and finally it comes the perception of communicating for meaning (M=2.34, SD=0.67).

As shown in the same table, we found that EL is positively and significantly correlated with all dimensions of EI, namely intrapersonal skills ($r = 0.21, p < 0.05$), interpersonal skills ($r = 0.32, p < 0.01$), adaptive capacity ($r = 0.43, p < 0.01$), stress management ($r = 0.42, p < 0.01$) and general mood ($r = 0.36, p < 0.01$). This reveals that the emotional intelligence of supervisors can be an important variable related to the effectiveness of leadership within the ENIE company. We have noticed that adaptive skills and stress management are strongly correlated with effective leadership. Unlike intrapersonal and interpersonal abilities that do not have a great relationship with the EL, this goes in the same direction of the averages discussed above.

We also found that adaptive capacity is positively and strongly correlated with two dimensions of EL, namely Empowering the "We" ($r = 0.43, p < 0.01$) and communicating for meaning ($r = 0.42, p < 0.01$). Furthermore, stress management is positively correlated with Empowering the "We" ($r = 0.45, p < 0.05$) and with communicating for meaning ($r = 0.38, p < 0.01$). The highest correlation is recorded between general mood and communicating for meaning ($r = 0.79, p < 0.01$). These correlations demonstrate, first of all, the importance of stress management as well as the adaptability in the EI potential of ENIE supervisors. Second, the importance of Empowering the "We" and communicating for meaning in EL practices. This findings are coherent with managerial literature where EI is used to manage leaders' stress, to control their impulse and develop their tolerance to stress (Bar-On, 2007). As well as to adapt to the circumstances of the internal and external environment.

Table 2. Pearson correlations between dimensions

Dimensions	1	2	3	4	5	6	7	8	9	10
1. Intrapersonal Skills	3.48 (0.476)									
2. Interpersonal Skills	0.652* *	3.488 (0.64)								
3. Adaptive skills	0.691* *	0.769*	3.623 (0.697)							
4. Stress management skills	0.678* *	0.769**	0.832**	3.506 (0.661)						
5. General mood skills	0.584* *	0.648**	0.683**	0.736**	3.639 (0.627)					
6. Visualizing Greatness	0.175	0.164	0.301**	0.263**	0.196*	2.403 (0.627)				
7. Empowering the “We”	0.234*	0.354*	0.431**	0.450*	0.385**	0.728**	2.476 (0.67)			
8. Communicating for Meaning	0.212*	0.284*	0.420**	0.380**	0.787**	0.536**	0.702**	2.348 (0.679)		
9. Managing One's Self	0.053	0.245**	0.325**	0.305**	0.262**	0.650**	0.752**	0.727**	2.616 (0.733)	
10. Care and Recognition Leadership Effectiveness	0.205*	0.279**	0.331**	0.324**	0.323**	0.325**	0.544**	0.583**	0.622**	2.584 (0.712)

* The correlation is significant at 0.05 level (bilateral)

** The correlation is significant at 0.01 level (bilateral)

Diagonal contains medium and (standard deviation)

To further investigate the results considered in Table 2, we conducted regression analysis to test EI's influence on EL. The simple regression model reveals that EI influence EL and explains as such, 41% of the recorded variations ($\beta = 0.414$, $p < 0.00$). This result confirms the hypothesis of this research. Indeed, EI not only has a significant relationship through its dimensions with EL but also plays a role in its activation. This result now joins the confirmations of several other studies on the major role EI plays in the effectiveness of leadership practices (Rosete and Ciarrochi 2005; Humphrey 2002; George 2000).

Since EI has a significant effect on EL, we will explore the influence of each dimension of EI on EL, using the multiple regression test.

Table 3. Multiple regression between EI dimensions and EL

Model	Non-standardized coefficients		Standardized coefficients	t	Sig
	A	Standarderror	Beta		
<i>(Constant)</i>	1.364	0.380		3.589	0.013
1. Intrapersonal Skills	-0.263	0.152	-0.216	-1.735	0.086
2. Interpersonal Skills	-0.071	0.133	-0.078	-0.533	0.595
3. Adaptive skills	0.312	0.142	0.375	2.197	0.030
4. Stress management skills	0.212	0.156	0.242	1.361	0.176
5. General mood skills	0.094	0.120	0.101	0.780	0.437

From reading Table 3, we find that EI has no effect on EL, through its intrapersonal, interpersonal, stress management and general mood dimensions. Furthermore, we find that adaptive capacity has a significant impact on EL. The β value indicates that perceiving adaptive skills emotions explains 37.5% of the variance in leadership effectiveness ($\beta= 0.375$, $p < 0.03$).

The results presented in Tables 2 and 3 clearly show that ENIE supervisors have the potential for emotional intelligence that seeks to make their leadership practices more effective. Accordingly, it appears that the results of this study are similar to those of other studies conducted in Western contexts. Now, this study has the merit of confirming the existence of a relationship between the dimensions of emotional intelligence and the effective leadership. The existence of a positive and significant effect of adaptive capacity on the effective leadership demonstrates the reality of the working climate within this company where supervisors had to deal with a changing environment. As such, ENIE is not only the subject of fierce competition, as a historical company, which for more than thirty years equipped Algerian homes; but also must adapt with new innovations and explore new niches, as it is doing with photovoltaics.

Conclusion

As has already been pointed out, emotional intelligence is a major issue and no managerial policy can obscure this factor to the extent that it contributes to the effective leadership. It is from this perspective that our interest in this theme and specifically in the context of Algerian companies has taken place. Our study aimed to explore leadership practices as presented in the (LBI) and to know how much they are influenced by the potential of the emotional intelligence of leaders.

The results of the analysis we carried out on a sample of 112 supervisors within the electronic production company ENIE, show that there is a positive and significant effect of EI on EL. Contrary to the current literature, this study found that EL is not perceived through intrapersonal and interpersonal skills, but rather through adaptability. This reflects a dichotomy between the company management style and the ambient culture of its employees.

This dichotomy is the result of a long historical development. In fact, since the seventies, Algeria has relied on big companies, such as ENIE. A company that has developed according to a bureaucratic model. This model has found an environment conducive to its anchoring in the company, given the colonial heritage, also marked by Colbertism. The management model that has emerged is characterized by a great formalization of roles, a strong centralization of decisions and a communication system that privileges the written. This management model is the result of a construction that is not directly supported by the cultural foundations of employees, in particular, when it comes to a high sense of community with a high dependence on groups of belonging. The employees expect the supervisor to be open, attentive, inspiring, a guide, able to listen to them and also, able to provide them with protection. In short, they prefer a prescriptive-social leadership style (Mercure et al. 1997).

Clearly, the potential of EI demonstrated in this study should encourage ENIE managers to restructure the management style around the cultural values of the company's employees, namely: a high sense of community, a culture of orality, a strong need to avoid uncertainty and risk, a preference for an intermediate level of hierarchical distance and an average level of centralization. In our view, taking these cultural values into account in the Algerian workplace is more relevant for emotional intelligence to find its place in leadership practices in this company.

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How do Migrants Turn Out to Be Extremists? Theoretical Models for a Sociological Analysis of Inclusion and Social Exclusion of Transnational Migrants in Everyday Life

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ABSTRACT: Current publications in professional literature often discuss terrorism and extremism in the system of coordinates developed by jurisprudence where the different phenomena are eclectically combined and grouped for analytical purposes. Charles Tilly in his works insisted that the terms terror, terrorism, and terrorist do not identify causally coherent and distinct social phenomena but rather strategies that recur across a wide variety of actors and political situations. This paper tries to depict basic theoretical models and methodological framework for doing field sociological inquiry on the hottest issue in current migration studies which is how the reality of social exclusion in everyday life turns immigrants to the practices of ideological extremism.

KEYWORDS: transnational migrants, extremism, everyday life, social inclusion and social exclusion of migrants

Introduction

The paper is oriented towards an exploration of several basic hypothetical presuppositions:

- 1) 'Traditional' (old) transnationalism that makes a stress on traditional forms of social interconnectedness and relations with relatives, and establishment of normal relations with a country of "exodus" in the XXI century is mixed with new ideological extremism that finds its milieu in the Internet
- 2) Transnationalism that is related to radical ideological (religious) organizations also (this way or another) propagates ideological extremism
- 3) The second generation of immigrants have different and lower level of traditional ties with the countries of 'exodus' and are more likely to be inflicted with ideological extremism
- 4) The most vulnerable group to be influenced by ideological extremism is the 1,5 generation of immigrants.

Theoretical and methodological substance

The theoretical and methodological approach that we apply in this paper has been developed in the framework of a neo-weberian historical sociology (Tilly, Mann, Lachmann, Collins). Further, in terms of theory we make a stress on new understanding of 'transnationalism', "new assimilation theory", new paradigmatic shift in sociological sciences (shift toward social existence). Theoretical shift from nation-states and formal institutions to everyday life and informal practices requires additional analytical tools. We refer to the works of P. Sztompka (the concept of social existence), R. Collins (theory of interaction rituals), A. Rawls. We agree with Sztompka that everyday life is constituted by routine interactions in social contexts. Therefore, analytics of human interaction is a clue to comprehension of everyday life including day-by-day inequalities. Structural and cultural factors should be "translated" into "language" of everyday worlds of migrants.

At the same time, we perceive everyday life as a reality of interpersonal/social relations, as opposed to the approaches based on the notion of "culture" ("culture of everyday life"). A similar idea was realized by A. Papakostas in the comparative study of trust and public sphere in Greece

and Sweden. Following Papakostas we treat everyday worlds, or "alternative life", as specific combinations of social relations with fuzzy boundaries. Just as social relations determine those groups, individuals and organizations being recognized as credible or not credible, everyday worlds (characterized by different interaction structures) isolate from each other not because of some intrinsic properties, but due to particular constellation of relations. For example, migrant workers interact with each other, authorities (the police, the Federal migration service), representatives of the host society in different ways.

Basic theoretical research problem is connected with conceptual understanding of how macro - and micro levels phenomena and processes of transnational migration interrelate with each other. On the one hand, the macro perspective of transnational migration flows is rooted in the capitalist system of relations, global and regional inequality and the division of labor in the twenty-first century, in the diversity of capitalist regimes in Eurasian and American continents. On the other hand, transnationalism is produced and reproduced in everyday life of local groups and communities, in everyday interactions of migrants and host societies. Thus, we face the need to study both social relations and (relatively) independent everyday life.

The pilot research that has been organized by USA-Russia research Lab "TANDEM" in 2018-2019 has showed the necessity of the field research to be guided by the following conceptual tools: interaction ritual chains theory by Randall Collins; Anne Rawls' theoretical and empirical findings on interaction order(s); cultural trauma and social performance theories by Jeffrey Alexander; as well as by institutional ethnography by Dorothy Smith. Amalgamating these concepts and approaches we frame everyday life as an ensemble of interactions in different social contexts (at home/dormitory, at work, at street, etc.) that constitute typical sequences ("chains") and are constituted by specific interaction orders.

One of the most fundamental theoretical problems of current comparative studies in race and ethnicity is the shift of conceptual focus: instead of explaining existing phenomena (searching mechanisms of conflicts as such) the researchers define a limited set of factors that determine (in a probabilistic or deterministic sense) the result. Meanwhile, this approach seems to be quite limited. The mechanism by definition cannot be entirely determined by the result that is produced by this mechanism: the same mechanism can produce an unlimited number of consequences. Furthermore, attempts to isolate the abstract (necessary and / or sufficient) mechanism are incorrect due to presence of stochastic elements for each case. Finally, the dominant approaches to identify mechanisms usually formulate "Why?" question, while the strategy of search mechanism requires its analysis of a series of successive "How?" questions about the structure of this mechanism.

We believe that three principles are crucial for comprehension of everyday interplay : 1) to analyze emotional dynamics of interactions in a variety of contexts; 2) to explore what social Self is constituted in social interactions; 3) to distinguish between "voluntary" and "forced" social interactions: former is practiced with goodwill and for social intercourse's sake, at least in part, while to latter human is impelled by the way of production of his/her life and it could be rather traumatic (including "lonely crowds" in urban areas). Therefore, social interaction research looks towards the issues of 'Self' and identity, on a one hand, and the mechanisms of how social bonds, communities and networks arise and reproduce, on the other hand.

Transnationalism as a new vision for studying migration

There are basically three approaches to study of migration phenomena. First, the traditional one (Castles and Miller 2009; Jasso and Rosenzweig 1990) implies analysis of migration as human movements; this approach has dominated in the second half of the 20th century. The second approach - a post-migration studies / dynamics / situation (Martiniello 2012) – is a relatively new trend that suggests analysis of what happens to people after their migration. The third approach, that we propose to implement this project, involves integration of research perspectives of the first and second approaches with the focus on specific phenomena of transnationalism - simultaneous

inclusion of migrants in social networks of countries of origin and the host community, the constant movement of migrants between different national spaces and everyday worlds, the financial participation of migrants in the country of origin and their economic activities in the host country. At empirical level, these new phenomena are the emergence of expats, transit migrants and transit host communities, return migrants, migrants-expatriates.

New social phenomena of migration require their reflection and analytics through a new conceptual apparatus. The concept of "transnationalism" needs a clear and theoretically grounded definition, and this definition should be clarified for different levels of social reality (supra-national flows, social relations, everyday worlds). Otherwise, the term "transnationalism" is to suffer from "blurring" of its meaning and to become a catch-word, buzz-word like "globalization" or "communication". Equally urgent is a task to clarify the concepts of "social inclusion / exclusion / non-inclusion", "social integration", "assimilation", "new assimilation", "acculturation", "ghettoization"

As it has been noted the "transnationalism" entered into migration studies lexicon in the 1990s. However, there no evidences that transnational approaches form a coherent theory or set of theories yet. They can be more adequately described as a perspective for studying cross border phenomena (Faist 2010).

A brief history of the concept "transnationalism" is reconstructed by Remennick (2002). The notion of transnationalism was coined with the purpose of description of the flows of capital and economic resources across and beyond national borders and then was adopted for the studies of migration and citizenship. In the 1990s social scientists also debated the historical novelty of transnationalism as an empirical phenomenon. Now it is probably commonly accepted that transnationalism of our contemporary, enabled by historically recent developments of the cheap means of transportation and communication, is qualitatively different in its scale and impact from transnational networks that existed earlier in history. During the debates some interesting distinctions have been made, e.g. between transnationalism-from-above and from-below: the former referring to the activities of global corporations and international organizations, the latter to the grassroots transnationalism – activities of small businesses and ordinary people, cultural and economic exchanges and interactions reaching beyond national borders. Further distinctions can also be made, e.g. between formal and informal aspects of transnationalism, etc. In this project the authors treat transnationalism in terms of the everyday life, thus being close to Remennick (2002) analysis of "transnational lifestyle."

Further research

The desk research and pilot research project allows us to formulate the general hypothesis of the further field research: under certain conditions and specific models of social inclusion and social exclusion ideological extremism and terrorism can be promoted among transnational migrants. Thus, the specific goal for a sociological field research is to find out the conditions and mechanisms that determine manifestation and development of ideological extremism and practices of terrorism in everyday life of the cities with transnational migrants. Remennick in her works has demonstrated that transnationalism can affect the life strategies of migrants in various ways and has ambivalent effect on their inclusion / exclusion in the host society (labor market, social system) that may vary in different generations of migrants (Remennick 2017). The impact of transnationalism on the extent and character of the migrants' integration into the host community is largely independent on their ethnic or cultural background but it is determined by the context of social relations in the host community.

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Garden Therapy: The Health-Enabling Capacities of Nature Contact

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ABSTRACT: We live in a world where new information and knowledge technologies and increased mobility simplify everyday life. However, at the same time, contact with the natural environment is shrinking. More than half of the world's population lives in urban areas with high population densities and, in many cases, with a little or no access to the quality green spaces. One of the consequences is that there is an increasing disconnection from nature and its sensory stimuli while the noise, air and visual pollution negatively affects the health and reduces the quality of life in urban areas. The "healing" capacity of nature is being increasingly discussed as well as the need of reconnection with it and its therapeutic, spiritual and psychological benefits. The garden therapy defined as a treatment and relaxation through contact with nature is attracting more and more attention, both, from academic field as well as from practitioners of different areas. Among others, a social care and health care, particularly in the case of the children with autism, hyperactivity, with lack of relational capital, psychiatrists (in the case of dementia) but also an architectural landscaping (Which characteristics must the gardens have to fulfill these benefits?). An interdisciplinary approach is needed in order to discuss concepts, benefits, potentialities and ways to implement these therapies. We will be presenting the results of a research project - With Nature to Mutual Understanding - developed by a consortium of seven European countries, on the potentialities of garden therapies to develop communication, social and entrepreneurial skills of the target groups (e.g. minorities, people with learning disabilities and physical and mental health problems, migrants and refugees).

KEYWORDS: garden therapy, green care, reconnecting with nature, well-being

Introduction

We live in a world where the everyday life is simplified by new information and knowledge technologies and increased mobility. The transition from the industrial society to the post-industrial society has brought profound changes in the production and consumption patterns, in the labour market, in our mobility, it has brought new forms of sociability and it has transformed the world into a small "village". New information and communication technologies not only facilitate the long distances interactions in a real time but they also allow the access to amount of information that would have been unthinkable in the recent past (Castells 2001).

At the same time, however, we are hyper-stimulated by the excess information, we live in an artificial spaces and the contact with nature is shrinking. The world's urban population, which represented 54% in 2014, will grow to 66% by 2050. Many of the largest metropolis have high population densities, as well as high soil sealing rates, low biodiversity, pollution and low air quality. The World Health Organization identifies the air pollution as the greatest environmental risk to the health, that affects all regions, socio-economic groups and age groups and estimates the number of deaths resulting from exposure to the environmental pollution at 3 million (WHO 2016). On the other hand, large cities will be affected by the climate change as the heat waves and floods can destabilize the food supply and together will the further aggravate of the quality of life and the health of its inhabitants. In many of the world's largest cities, where a thousands of inhabitants live, the percentage of public green areas (parks and gardens) is very low: for example, 4.9% in Bogotá, 2.2% in Istanbul or 9.5% in Paris. One of its consequences is that urban population is increasingly estranged from the contact with nature and its sensory stimuli while the noise, air and visual pollution end up negatively affecting the health and reduce the quality of life representing a burden on health systems.

Disconnection with nature is the result of several factors such as the scarcity of a nearby green spaces, a decontextualized teaching of environmental subjects, the globalization of food chains (Richard &

Zapata 2013), new sedentary and indoor leisure activities of the younger generations, lifestyles with long working hours, high stress levels, and reduced walking distances (Cooper et al. 2015; Deliens et al. 2015; Puig-Ribera et al. 2015), thus affect the vital connection we had with the nature in the past and where the personal interaction tends to be replaced by a filter-mediated interaction, as we can see in the case of children, by parents, the school and the media (Cox and Gaston 2016). Another negative aspect is that the less we interact with the nature, the less we value it, the less affinity and interest we tend to show for it, and the less likely we are to adopt the pro-environmental attitudes (Cox and Gaston 2018). Moving away from the nature and living in the artificial urbanized ecosystems gives us no idea of either the benefits of ecosystem services or the costs associated with the transformations we are imposing on them by creating the false idea that we can continually exploit a planet that has finite resources. On the other hand, an increasing number of lifestyle-related diseases and the trend towards an ageing population imply increased costs for health systems (Ding et al. 2016).

The consequences of losing the interactions with nature, especially in Western economies, include the degradation of the public health and well-being, the loss of emotional affinity for nature, and the reduction of pro-environmental attitudes and behaviours. These links need to be re-established and strengthened, particularly in the case of urban populations, which will contribute to the healthier and also more sustainable societies because they are more aware of the benefits of this interaction (Sempik, Hine and Wilcox 2010; Soga and Gaston 2016; Cox and Gaston 2018).

In order to improve the population's general health and to reduce the health systems expenditure, the new alternatives are needed. Increasing cities resilience to the climate change, as well as their inclusiveness and providing better quality of life is a global goal stated in objectives 3 and 11 of the 2030 Agenda for Sustainable Development. In Europe, currently over 70% of population lives in the cities and this is expected to increase to over 80% by 2050. In a Special Eurobarometer (2015) on Citizens' view on the nature-based solutions (some examples are parks, green walls and urban gardening) the majority of Europeans (53%) think that one of the main benefits of introducing more natural features in a neighbourhood or city is a better quality of life. The other most widely perceived key benefits are a better-looking neighbourhood or the city (41%), an improved health (36%) and a cleaner water and air (35%), which in some way is also related with health (Eurobarometer 2015, 26).

In this context, the recent years have seen a flourishing scientific interest in the benefits of the contact with the nature for human health and well-being, the “healing” role of nature, the need to reconnect with it and the therapeutic, spiritual, psychological and physiological benefits that come from its enjoyment (Hurly and Walker 2019; Bailey et al. 2013; Bowler et al. 2010). Despite the tremendous growth of a research on the nature-health connections there is still a research agenda to be developed including discussion of the concept of nature, many forms of contact with nature, through which nature is experienced ranging from plants in a room to views out of the windows, to camping trips to virtual reality imagery (Frumkin et al. 2017).

Nature-Based Therapies

Wilson's biophilia hypothesis (1984) suggests that humans possess an innate tendency of connection with nature and the emotional contact with other living organisms because of our shared evolutionary development. He further declares that this instinct is as powerful as the others are and it has been a driving force in our evolution as a species.

Nature-based therapies take an advantage of this innate instinct to benefit a human health and have been used as a part of health treatments for centuries; the first hospital-based garden program was created in Philadelphia in 1817 (Pieters et al. 2019). This term includes a wide range of interventions using the nature and the natural environment as a framework for carrying out the activities such as garden therapy or animal-assisted therapy with the aim of improving and promoting the (mental and physical) health of the participants (Sempik, Hine & Wilcox 2010). Even though a causal effect between nature-based therapies and the improvements in the health and the well-being has not yet been demonstrated, there is already a wide literature showing that there are correlations between their use and

increasing well-being (Ulrich 1984; Grinde & Patil 2009; Soga et al. 2017; Carver et al. 2018, Sempik, Hine & Wilcox 2010).

Ulrich's study (1984), which used two patient groups from a hospital (with and without access to windows overlooking a garden), is considered the first empirically reliable evidence that nature can affect the human health (Heerwagen 2009; Hurly and Walker 2019). Richard, Zapata and Angeoletto (2018) conducted an extensive literature review on the therapeutic and psychological wellbeing effects of the green areas and of the Urban Natural Reserves (RNU's). They have concluded that, both in the case of urban population as well as patients from health institutions that benefit from these green areas have formed positive and conservative attitudes about the nature that feeds back into their education and health. In a comparative study of two prisons, one in the UK and another one in a Nordic country with very different prison contexts, data was collected through a qualitative approach. The vast majority of prisoners interviewed in the UK reported the excessive presence of concrete in the outdoor spaces, the lack of plants and flowers, and the negative effects of not being able to see the trees, smell the flowers or feel the presence of grass. In the Nordic countries, where the green spaces are the most abundant and diversified, the prisoners clearly expressed the benefits of a sensory experiences arising from their enjoyment in accordance with the biophilia hypothesis (Moran and Turner 2019). Other studies have demonstrated the benefits of gardening as a horticultural therapy in terms of both, the physical and psychological health of elderly people with mental health problems (Carver et al. 2018; Han et al. 2018).

In the UK there are over 1000 therapeutic horticulture projects that provide services to 22,000 clients per week, and almost half of these projects (41%) target the clients with mental health problems (Sempik, 2010: 20). The authors claim that the social and therapeutic horticulture can be a very cost-effective addition to the treating and caring for people with mental health problems. While the studies described above have shown that the green spaces provide health benefits for a specific population groups, a variety of studies demonstrate differing health outcomes dependent on demographic factors including gender, age, ethnicity and socioeconomic status. They highlight the fact that the health benefits linked with access to the green space may be strongest among women, children, older adults and the lowest socioeconomic groups and minority ethnic groups. They are more likely to live in low income most densely populated neighbourhoods, suffer from socioeconomic deprivation and from a comparatively poor health, be more exposed to poor air quality and heat waves. Along with other factors, an access to the green space may contribute to reduce the health inequalities and improve well-being of these communities, to reduce sedentary lifestyle among elderly people and increase the sense of community and social ties (WHO 2016b).

People with the social and health disadvantages, minorities, migrants and refugees were the target groups of our research project.

The Project “With Nature to Mutual Understanding”

The project *With Nature to Mutual Understanding* (2016-2019) is funded by Key Action 2, Cooperation for Innovation and the Exchange of Good Practices, of the European Union's Erasmus+ programme. Lipka (school facility for environmental education), from the Czech Republic, is the project coordinator and as a partners, the Faculty of Social and Human Sciences – Nova University of Lisbon, (Portugal), The Henry Doubleday Research Association (United Kingdom), SOSNA (Slovakia) the Co. M. P. A. S. S. Social Cooperative Society (Italy), the Seiler Foundation (Switzerland) and the Arboretum (Slovenia) joined the consortium.

These actions aim to support the development, transfer and / or implementation of innovative practices at the organizational, local, regional, national or European levels, producing positive and lasting effects for organizations and those directly or indirectly involved in organized activities. Through the exchange of good practices, it is intended that the organizations involved can improve the effectiveness of their activities for local communities by implementing new or improved practices taking into account the social, ethnic, linguistic and cultural diversity as well as the specificities of their

target groups. It is also intended that they improve their management skills and start or deepen internationalization strategies by initiating or strengthening collaboration with EU partners, and acquire skills to prepare, implement and monitor EU and international projects. Finally, these actions are also intended to have a positive impact on the level of people directly or indirectly involved in the activities, by means of developing entrepreneurship and acquisition of foreign language skills.

The aim of the project *With Nature to Mutual Understanding* was to share experiences and good working practices of organizations that use nature under different approaches: using, for example, gardens, vegetable gardens, parks and forests as a communication tool between and within target groups that are sometimes perceived as representing an economic burden on the social and health system. The project focused on the possibility and potential of using nature therapy (green care concept) to aid the reintegration of three main target groups:

- people with social and health disadvantages (e.g. the elderly, disabled people, unemployed, war veterans, victims of violence, people with burnout syndrome and young people struggling with addiction);
- minorities (e.g. Romani communities and ethnic minorities);
- migrants and refugees.

Another objective is to create a network of organisations that use these therapies in several European countries, in order to facilitate the mutual exchange of cultural, work and learning experiences. Each partner country can take a different approach when working with these target groups and it is intended to compare their results as well as assess the difficulties. The project activities include visits and meetings with the participants to discuss and understand how these approaches work, what their perception of the benefits is, whether they have contributed to the development of communication, social and entrepreneurial skills and what challenges they have faced when using these therapies.

The project mainly developed through the exchange of good practices and the sharing of knowledge and experience gathered during visits that each consortium partner organized in their country.

The range of projects visited was broad (Pires, ed. 2019). From farming cooperatives that employ individuals suffering from intellectual disabilities or who underwent rehabilitation programs (detention, drug addiction and so forth), offering them real employment opportunities and specially the opportunity of not being institutionalized and so spent the majority of their time outdoors, to community gardens cultivated by immigrants, refugees and asylum seekers, who sometimes have to wait months for the reply of their asylum application. Gardens give them the opportunity to occupy their time, to produce their own products and so to be able to maintain their cultural diets and sell extra production, increasing the family budget. Gardening also proved to be a good therapy for unemployed people. Here they can develop social skills, build self-esteem and learn about running a small business while enjoying the gardens and learning about food growing. The garden provides a supportive environment, addresses participants' health and wellbeing and creates a sense of community. We also visited a former hospice that was renewed by a social civic association. Part of the renovation process was to create spaces in the garden with some privacy where clients can go with the beds and necessary devices and families can use the possibility to stay in the garden during their visiting time; when standing in the garden they don't feel as they are in a hospital, which is important to children visiting their relatives or grandparents. For bedridden patients they have enlarged the windows and oriented the beds in a way that clients can observe the gardens from the windows.

Another project visited was a live-in rehab centre that addresses different forms of addiction (alcohol, drug use, pathological gambling). The centre resembles a small mountain village with its more than 100 "inhabitants" where garden therapy activities are conducted as part of the program: gardening, flower growing, greenhouse cultivation, animal husbandry, apiculture. In other projects, work in a kitchen where fruit and vegetable jams were prepared or workshops on aromatic herbs drying and packaging for sale to the public complemented the work in the gardens.

The visits included a meeting to introduce the institution, its educational model and how they were taking advantage of nature's therapies for leisure and occupational activities as well as professional

training of its clients. The advantages of using these therapies and the receptiveness to their use was also presented and discussed. For privacy and protection purposes, it was not possible to take pictures, but it was possible to visit the facilities and, as far as possible, observe the ongoing activities and interact with the clients.

Conclusions

We visited a wide range of programs and initiatives, involving public and private organizations (agricultural businesses, social cooperatives, cultural associations, hospitals, environmental education centres) offering different activities: community gardens, gardening labs, universally-accessible nature trails, prison farm programs, animal therapy, to name only few of them. All the projects we have visited are putting evidence on the health benefits of the use of green spaces.

The project has shown that these therapies are being used in many situations and with very positive results namely with specific target groups. The opinion of the coordinators and of the technical staff involved in the implementation of activities that include the use of nature and the occupation of part of the time in the institution working in the gardens was very positive in all the projects visited. They highlighted benefits such as reduced medication, reduced conflict and increased perceived well-being of clients as well as contribution to the vocational training of young people, which will facilitate future labour market integration.

Thus, it was possible to observe the advantages arising from the use of nature therapies, and how its potential of application can be further explored and deepen. However, that will require a deeper and multidisciplinary discussion on the meaning of nature therapies, the situations in which they can be useful and the definition of appropriate indicators to assess the results of their use. Finally, organizing a network of institutions will allow identifying similar educational needs across all countries that can, eventually lead to the creation of an educational area dedicated to nature therapy and to training technicians whiling to take advantage of these therapies in their daily life.

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Media Consumption Trends: Comparing Millennials and Generation Z

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ABSTRACT: This study compared and analyzed the preferences and practices of two generations of news and information seekers. The two generations are the millennials born between 1980 to 1999 (now 20-39 years old) and generation Z, born at the turn of the century 2000-date (19 years and below). With the proliferation of misinformation, disinformation and fake news overshadowing professional media, the purpose is to identify consumption trends across these two generations as well as learning whether these generation of future leaders and decision makers are equipping themselves with reliable information from professional media sources in order to build a sound knowledge base. The respondents' media preference and use was therefore studied. Survey method was employed, to gather the necessary data retrieved from 300 questionnaires distributed. The results show the older generation, millennials, exhibit more confidence in their sources (Radio and Television being most popular) at 42% and only 9% getting some information off social media, versus generation Z with highest percentage using internet as news source at 54%, and 23.5% using social media. The study revealed an obvious trend among the generation Z for increasing use of new media and social media as news sources, even as they revealed that they cannot guarantee their sources' reliability.

KEYWORDS: new media, generation Z and millennials, media gratification

1. Introduction

In this age of the proliferation of misinformation, disinformation and outright made up (fake) news (Parikh et al. 2019) and what other studies on its negative impact reveal (Singerman, Silver-Vine 2016; Lazer et al. 2018), should we care about what the public and most especially young upcoming leaders growing with the internet, now 39 years and below (born 1980 to date), are constantly exposed to. Studies into the communication habits, and consumption of contemporary and future leaders of any nation is essential. From the perspective of media scholars, it provides useful information for further studies, and to the advertiser, where to place his commercials. So also understanding the various variables that come into play in determining what content is available, how content is accessed, on what kind of medium or device, and for what purpose. The answer will help us to understand the past and present in order to adequately plan for positive future communication outcomes. It also contributes in enabling us to understand the complexities of the communication industry.

For the relevant age group, this study intends to pose questions that will help us unravel relevant categories of variables along the communication chain, from the media contents of interest to them, where they come from, to the preferred devices that serve them, including why these devices are preferred over others. An authority on media studies (Jenkins 2006) asserted the trend by corporate profiteers to target the youth with hand-held devices, then base future improvements or upgrades on the youth's 'likes' more than their needs. While other scholars (Neufeld & Mate 2006) from the developmental psychology standpoint explain the devices' inherent additive nature. More recently the scholar (Jenkins 2019), sharing popular ideas from two authors of related books, "by any media necessary" and "No is not enough" assessed the reasoning behind professional media distrust among youths, in addition to his agreement with finding alternative sources acceptable to the youth to enable them connect back to the mainstream and positively participate in the general scheme of things within their communities.

Records indicate that Nigeria had 92.3 million internet users in 2018 (Clement 2019). This figure is projected to grow to 187.8 million internet users in 2023. In Nigeria for example, it is common knowledge that laptop utilization by far exceeds desktop, as far as ownership and use, with the main reason being frequent power outages. But the more convenient device today are the tablets and smartphones. PEW Research conducted even in the U S found that smartphone owners by age, penetration is highest among Millennials aged 18-24, 98% of whom own smartphones. Millennials

aged 25-34 are right on their heels, with a 97% ownership rate, followed by Gen Xers aged 35-44 at 96%, making smartphones nearly ubiquitous among these generational segments (PEW 2019).

Nigerians regardless of age prefer mobile devices, from the onset of the digital revolution. Even in Nigerian offices, desktop computer use is mostly in situations where professional performance and security mandates that such devices remain fixed within the confines of the offices, such as in banks, hospitals and media houses, where processing of official data must be a teamwork effort and at times immediate. One of the most obvious reasons for laptop preference over desktop computers is unreliable power supply, for which laptop, in addition to its being compact, mobile, and its wireless capability, also has storage battery that provides hours of use without direct connection to electrical outlet. Smartphones, tablets and other handheld device are however more popularly used in Nigeria, and far exceed the laptop in terms of use to access information online.

As to contents, available sources for information in addition to the internet are radio, television, and the internet (Wada 2019). Internet use actually surpasses all other forms of media, to the extent that television stations and other entertainment sources in addition to operating blogs provide podcasts, video-on-demand and live streaming of news and information by title and date, etc. To sum it up, therefore we may say the internet, and to some degree satellite services for audio-visual news and programing, combine to provide unique digital experiences for Nigerian consumers. It is also important to note that, in Nigeria, data purchased for use on mobile devices from mobile phone companies far exceed data subscription for home and office use (Clement 2019).

2. Statement of the Problem

A number of recent studies have indicated the rate at which traditional or mainstream media have been losing out to new media. In her words “As the internet expands there has been a rise in non-traditional sources being used side by side with traditional sources produced by professionals. There have always been non-traditional sources around but they are now becoming more legitimized as sources for news” (Alfille 2017). PEW study released this year (PEW 2019) revealed “roughly nine-in-ten adults (93%) in the U S get at least some news online (either via mobile or desktop), and the online space has become a host for the digital homes of both legacy news outlets and new, “born on the web” news outlets.” While PEW’s (Anderson 2019) study states “75 percent of online news consumers say they get news forwarded through email or posts on social networking sites while 52 percent say they share links to news with others via those means.” The most obvious reason is, much like your average social scientist, traditional media has a culture of checking their facts before writing, and also of properly identifying their sources by name and professional affiliation (for cross-checking if one desires to do so). Not only that they proudly own their stories (often with logos), and they would sometimes charge other media outlets a fee for using news stories they gathered and wrote. The traditional journalists’ work was valued as cardinal to the survival of democracy and guaranteed by the constitution (Press Freedom) in the U S and most other democracies globally, and much was expected from them in return. In a 2018 study of American adult population found “A majority (57%) say they expect the news they see on social media to be largely inaccurate” (Shearer & Matsa 2018),

Digital technology that gave birth to new media however has failed to moderate an invasion of bloggers and novice writers armed only with a cheap technology, most out just to express themselves and their ‘opinions’ without any supporting facts to back it up, or regard to the law and consequences of what they write. More disturbing are those who create non-existent news (fake news). The vulnerable generation are the youths, who may grow up ingesting any information out there, not being able to navigate the terrain for credible information. A recent PEW survey (Stocking, 2019) of 6,127 U.S. adults conducted between Feb. 19 and March 4, 2019 reveals; “more Americans view made-up news as a very big problem for the country than identify terrorism, illegal immigration, racism and sexism. Additionally, nearly seven-in-ten U.S. adults (68%) say made-up news and information greatly impacts Americans’ confidence in government institutions, and roughly half (54%) say it is having a major impact on our confidence in each other. Reactions revealed by the study shows “roughly six-in-ten (63%) have stopped getting news from a particular outlet, about half (52%) have

changed the way they use social media and roughly four-in-ten (43%) have lessened their overall news intake.”

This study, a comparative study, aims to find out the news sourcing habit of two generations; those 19 and under (Generation Z), and those between 20-39 (Millennials). More importantly it seeks to find out whether it even matters to those generations, to at the very least seek truthful information that educates them about the political, economic and social occurrences, talk less of getting involved in influencing important matters that affect their personal and community lives. As recognized in other studies above for its potential harm as one of the issues under study, “fake news” was not a term many people used four years ago, but it is now seen as one of the greatest threats to democracy, free debate and the Western order” (Carson 2019).

3. Scope of the Study

There are basically four generational groups today that together make up a greater proportion of working adult populations of various nations. A generational unit in any nation consist of a group with an average age range between one and twenty years – i.e. babies to adults capable of starting yet another generation of their own; adulthood being defined generally as 18-21 years old. The present four generational groups are between teenagers and 78 at the higher end of the ‘baby boom’ (US) generation. For baby boomers born between 1940-1960 about half of them have already gone into retirement. Next comes the generation X, who are between the age ranges of 39 and 59 (1960-1980), as of this year, 2019. These are the ones among the work force who are presently the most mature generation with greater energy and presumably greater work experience atop of educational qualifications. Then the 19-39 generally referred to as the millennials (1980-2000), because their age range are those who matured as the world enters the present 21 Century.

In the United States the generational divide is captured differently as per the table below

	Born	Age (in 2019)
Baby Boom Generation	1946 – 1964	55– 73
Generation X	1965 – 1979	54 – 40
Millennial Generation	1980 – 1999	20 – 39
Generation Z	2000 – Present	19 and under

For this study, the relevant age groups are the millennials and the generation Z, with the age range between 0 - 39 years.

4. Literature Review

A study into internet habits of teens and young adults (Lenhart, Purcell, Smith, Zickuhr 2010) finds the declining utilization of blogs as information sources, as technological changes to devices continues to occur over time. Since 2006, blogging has dropped among teens and young adults while simultaneously rising among older adults. Within just four years, i.e. between 2006 and 2010, there was a whopping drop of 14% in utilization of blogs by the millennials. They also found that 81% of adults between the ages of 18 and 29 are wireless internet users. By comparison, 63% of 30-49 year-old and 34% of those ages 50 and up access the internet wirelessly.

Another study was conducted of young college students on their use of video streaming websites, famous among them being Netflix and Amazon Video providing on-demand content for viewers to enjoy at their convenience. Results show viewers watching multiple episodes of television shows in a compressed time frame – a phenomenon termed as ‘binge watching.’ A study (Panda & Pandey 2017) of College students engaged in binge watching, shows they do that because of the various gratifications that it promises, including social interaction, escape from reality, easy accessibility to TV content, and advertising. And that if students are negatively gratified after binge

watching, then they spend more time doing it. Results from another study (Kilian et al. 2012) concluded, “although participation in and identification with social media is generally high, Millennials are less homogeneous than the literature suggests;” and ‘traditional media still represent integral parts of the overall media portfolio.’

As to the overwhelming media device use and peer influence among the youths of millennial and more especially generation Z, some scholars (Neufeld & Mate 2006) in their best seller titled ‘Hold Onto Your Kinds’ identified two major shifts responsible. The rapidly changing technology, as well as the slow speed or inability of culture to adjust quick enough to accommodate such changes. According to the two scholars, “culture today no longer provides the context for natural attachment of children to their nurturing adults” for proper guidance and emotional maturity needs, and that “social, economic and cultural trends in the past five to six decades have displaced the parents from their natural intended position as the orienting influence on the child, while the peer group has moved into this orienting void with deplorable results.” The scholars, citing child psychology development theories assert that, not only are devices providing links to peers, they “are commercially oriented” using natural psychosocial development strategies (Erikson 1950). The results show “because of children’s inherent and natural attachment needs, the content (electronic) is highly addictive, often becoming a major preoccupation” (Neufeld & Mate 2006).

5. Professional media waning

PEW Research has consistently indicated a rising shift to new media by a greater majority of the younger generation when it comes to seeking news, information and other day to day enlightenment materials. Others (Dolumbia 2013) have argued that the right knowledge and information is necessary in developing the proper perspective on life. “It helps us build opinions and have points of view on things in life. People debate over the subject of whether education is the only thing that gives knowledge. Some say education is the process of gaining information about the surrounding world while knowledge is something very different. They are right. But then again, information cannot be converted into knowledge without education.” In a study on social media and political engagement (Rainie et al, 2012), PEW survey of a nationally representative group of respondents found that “38% of those who use social networking sites (SNS) or Twitter use those social media to ‘like’ or promote material related to politics or social issues that others have posted.” While 33% of the social media users have used the tools to repost content related to political or social issues that was originally posted by someone else.’ While one cannot be certain as to why they are not engaging in providing content, the very fact that they are just ‘liking’ and ‘reposting’ other peoples content by itself is disturbing enough.

Traditional media’s role as the bridge between the citizens and those entrusted with leadership by votes, or politicians and their parties has always meant that media keep vigil on matters of importance, legislations concerning them, including finding and presenting experts from the industry and academia to further enlighten the public (McNair 2007). McNair adds “The public sphere is said to be in crisis. Dumbing down, tabloidization, infotainment and spin are alleged to contaminate it, adversely affecting the quality of political journalism and of democracy itself.” The generation under study however have expressed rebellion against most professional (traditional) media, especially its gatekeeping role, and ‘neglect’ of some issues plaguing them and other minorities. Also cited by other popular social movements are tendencies of professional media outlets to blindly support the interests of their corporate owners. However, scholars of communication (McNair 2007) credit professional media with providing a host of services such as trustworthy and reliable information, creation of awareness on issues, causing change in attitude, stimulating discourse based on realities of facts, etc.

6. Research Questions

The study seeks to find responses to the following questions among others,

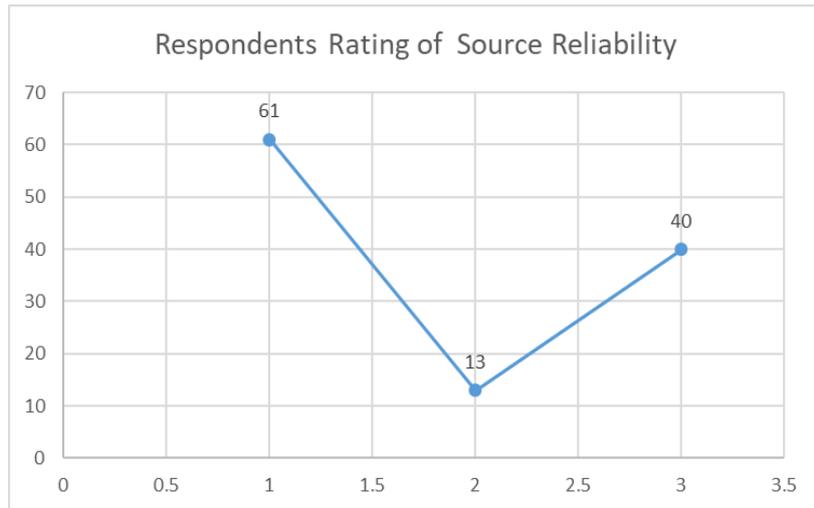
1. Whether the respondents’ primary news sources are those readily provided by their electronic devices, i.e. phone, laptop, internet provider.

2. Whether the respondents make efforts to seek alternative news and information from professional (traditional) media.
3. Whether they feel they have adequate knowledge to figure out what their political leaders are up to.

7. Data Presentation and Discussion

An equal number of questionnaires, 150 each, were distributed to respondents from both generations under study. For those 19 years and younger, (Generation Z), the results were quite interesting.

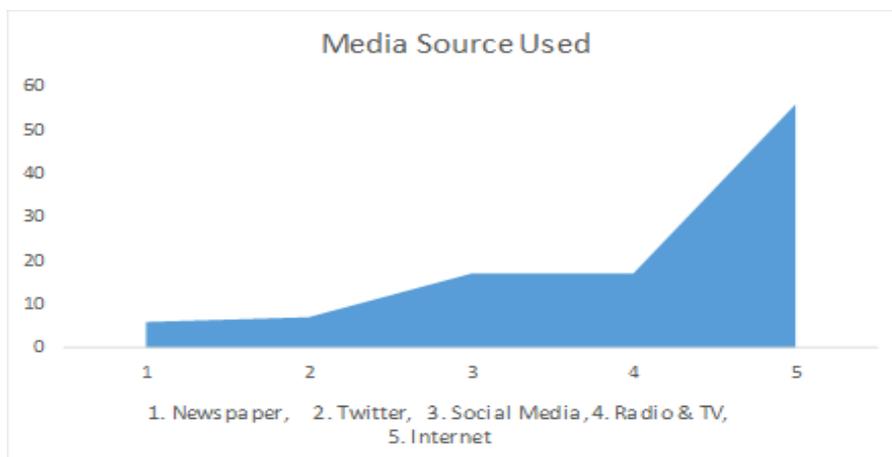
Chart 1. Respondents’ rating of source reliability



With an overwhelming rating of their sources as reliable, 61 out of 114, one would assume their preferred sources of news and information should be professional media. Their sources however were not traditional media but the ‘internet’, meaning they trust their source of news as reliable even though it may not be. When asked to indicate that source, internet was the most chosen as most popular news source 56 out of 103, the two most listed sources being google (browser) news and opera mini (also a browser). It is interesting however that about 38% 40 out of 114 are not sure of the reliability of the regular news source.

Chart 2, precisely indicates their responses as to which media they use for getting news and information. As is readily seen Internet far surpasses all other sources followed by social media.

Chart 2. Choice of preferred media



One of the most important finding in this research is the indication that generation Z are starved of knowledge of their country’s state of the economy and politics. When asked specifically “Do you think you know much about your country’s present political and economic climate?” the highest number of respondents chose the option ‘not as much as I want to,’ followed by ‘average knowledge’ at 47 respondents and ‘no knowledge’ at 6 respondents. Only 22 respondents out of 123 think they know much about the country’s economic and political climate.

Question nine asked “do you feel it’s a good idea to know what the authorities (your government) that make laws affecting your life are up to at all times? An overwhelming majority at 110 said yes, 5 respondents said they do not know whether that’s a good idea, while 4 said they do not care. Three respondents said no.

8. Comparative data between Generation Z and Millennials respondents

As far as comparative uses and trend between Generation Z, born at the turn of the century, and Millennials aged 20 to 39 years much discoveries were made. For example, in answer to question five which asked the respondents about their opinion regarding the reliability of their news sources, “is your news source reliable” out of 114 responses from Generation Z, only about half at 54% believe so, while that figure for Millennials was as high as 78% (Table 1). This is not surprising when one looks at what the predominant news source for the younger generation Z is, which is the internet at another 54%, compared to millennials choice of internet at 26%. The leading news source for the millennials is the broadcast media at 42%, a professionally processed source of news and information, (Table 2). The finding collaborates an earlier work (Killian 2012) in which he states that millennials are still using professional media significantly, contrary to common unverified assertions and beliefs.

Table 1. Is your news source reliable?

Choices Offered	Generation Z	Millennials
Yes	54%	78%
No	11%	7%
Not Sure	35%	15%
	100%	100%

What is equally interesting about the millennials is their utilization of (online) newspapers as sources of news and information. Question seven asks for specific news sources utilized, and as displayed on table 2, 23% of millennials use online newspapers as information source, and only 6% of generation Z do.

Table 2. What is your main news source?

Choices Offered	Generation Z	Millennials
Radio and Television	16.5%	42%
Social Media	16.5%	6%
Internet	54%	26%
Newspapers	6%	23%
Twitter	7%	3%
	100%	100%

As to the crave or urge for news and information in general probed as ‘do you care for news and information about what is happening around you?’ table 3 below exhibit the comparative responses from the two generations. It is obvious the older generation care more at 92% versus 79% for generation Z. Those who don’t care under generation Z is as high as 21% compared to Millennials at 8%.

Table 3. Do you care for news and information happening around you?

Choices Offered	Generation Z	Millennials
Yes	79%	92%
No	21%	8%
	100%	100%

Coming to one of the main issues studied, i.e. the value of news and how much what authorities are up to matters, asked as question nine; “do you feel it’s a good idea to know what the authorities (your government) that make laws affecting your life are up to at all times?” the comparative responses are displayed below.

Table 4. Interested in news on ongoing political and government affairs?

Choices Offered	Generation Z	Millennials
Yes	91%	96%
No	2%	4%
I don’t Know	4%	0%
I Don’t Care	3%	0%

The respondents’ opinion about what they believe their level of knowledge about what is happening in the country was also sought. Question 15 asked “Do you think you know much about your country’s present political and economic climate? The responses show much difference in only two categories; ‘not as much as I want for generation Z was quite high, at 39% while it was 9% only for millennials. Millennials, however, seem to have more confidence as to their general knowledge of politics and the economy with a combined high to average knowledge peaking at 87%, compared to 56% for generation Z.

Table 5. Respondents own rating of their knowledge of national affairs

Choices Offered	Generation Z	Millennials
Yes a lot	18%	29%
Average Knowledge	38%	58%
Not as much as I want	39%	9%
No	5%	4%
	100	100

9. Recommendations and Conclusion

The study has, among other things, confirmed the fear that with the internet and its resultant proliferation of various unprofessionally processed news and information, professional media continue to see a decline in their customers as time goes on. Generation Z mostly born during the internet era, appear to embrace the internet and social media more than the millennials.

To win back the youth from the runaway train of non-credible, junk and fake news world, requires a good understanding of the factors and variables at play. One way is to find ways to wean them from the devices they have become addicted to. With insights from the world renowned development psychologist Erikson (1950), Neufeld and Mate (2006) suggest that technology be used to augment the relationship between parents and their children, and for parents to ‘make relationship ‘safe’ before addressing behavior. “We do not compromise our *values* when we say the child is more

important than his conduct, we just affirm the obvious.” “When things are roughest is when we hold onto our children the most” (Neufeld & Mate 2006, 197). The youth are battling with a cultural flaw, i.e. its inability to reign in rapid technological changes, and the society need to acknowledge that.

Citing the book “By Any Media Necessary” describing how dissenting young people felt about governance and its media coverage, i.e. the language of politics was broken, both by partisanship, prejudice and dogmatism, turning away first time voters” and also Naomi Klein’s, “No is Not Enough” Jenkins makes the case that resistance to media and government is not enough to change what's wrong with global democracy. Jenkins agrees that concerned adults and the youths alike need to be willing to put efforts into identifying comfortable and acceptable value laden media or fora for the dissenting youths to remain within the mainstream (Jenkins 2019).

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The Stockholm Syndrome Psychosocial Varieties and Interdisciplinary Implications

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ABSTRACT: In August 1973, after the siege and the hostage situation in the Stockholm Sveriges Bank, caused by Jan-Erik Olsson, the entire psychiatric and psychological knowledges in the matter of victimology and posttraumatic stress disorder reached an unexpected level. After 6 days of siege, all the victims declared sympathy, emotional debt and gratitude, even infatuation towards the captor in contrast to hostility and fear towards the authorities. There are many hypotheses on this type of behavior; some believe that the syndrome is a temporary subconscious survival mechanism while others classify it as a mental disorder with pathological base that emerges in cases of psychological trauma. Since 1973, the symptoms of Stockholm syndrome have been recognized in other non-acute, abusive situations such as victims of domestic violence or child abuse with aspects of intergenerational transmission of violent behavior and heavy implications regarding the development of criminal behavior, potential therapy and social reinstatement of the victims. This paper will analyze the varieties of symptoms, the medical management, the characterization of both the victims and the offenders, highlighting the psycho-social foundation of this behavior, the interdisciplinary aspects and heavy implications of these situations, especially in secular, religious and patriarchic communities such as East European countries.

KEYWORDS: abuse, behaviour, psychiatry, Stockholm, victimology

Introduction

The Stockholm syndrome has been, from 1973 until present day, a real controversy in both scientific and social environments. We know that the first described symptoms were those present in the victims of the Swedish Kreditbanken robbery and hostage situation. The people that were taken hostage experienced a deep emotional connection with the captors, even after the police freed them and arrested the guilty. Even with the victims receiving psychological guidance, there were a lot of questions surrounding the situation and almost half of the scientific world believed that the phenomenon was just an urban myth or, at most, a form of Post-Traumatic Stress Disorder. The victimology of the Stockholm syndrome has been a powerful debate topic within the psychiatric and psychological society and although there are varieties of situations and symptoms recognized, the pathophysiology is based on just suppositions and case studies (McKenzie 2004, 15).

Once the pathology was unanimously recognized within the scientific society, Stockholm type behavior has been observed in different situations such as: abused children, abused women, members of certain religious cults, prisoners of war or, the most terrifying cases: some of the victims of concentration camps.

Within this paper, we will describe the main pathologic hypotheses of the syndrome and the varieties present in some particular social and cultural areas, especially in old traditional, secular, patriarchic, poor communities with vulnerable individuals easily exposed to violence but also we will note some important exceptions.

Elements of the paper

At first, the Stockholm syndrome was categorized as a Post-Traumatic Stress Disorder while some believed that the event was just an isolated behavior disorder. As more and more cases appeared, in different circumstances, the scientific community began to recognize the aspects of the syndrome as an independent pathological phenomenon with real need of patient management. It was also believed that it takes a particular type of personality of the victim and particular type of abuser personality with a long time relationship for the event to happen (captors, kidnaping victims and a long time of captivity). As more cases were attended, the varieties of symptoms shaped different

perspectives over the involved parties and more questions. It is certain and widely confirmed that the syndrome represents a modified survival instinct. The way this primary function is used by a particular individuals depends on his life experience, personality, education level, emotional filters and personal history of physical and emotional trauma. Finally, this complex will determine the symptoms and the temporary or definitive character of the pathology with future social and medical implications (Ekblad and Roth 1997, 109).

We will refer at the persons involved as "abuser" and "victim" because, over the years it was demonstrated that the captor-hostage relation is just one variety of the syndrome and do not define the entire phenomenon. The primary aspect of the Stockholm syndrome is represented by the emotional bond between the abuser and the victim. It has been demonstrated that developing an emotional connection with an abuser represents a complex psychological mechanism that is built on the intensity of the experience and not on it's length. Explaining this bond is the most difficult process and it holds the key for future management of the case. The foundation of the relationship between abuser and victim is not the captivity, which is a variable condition, but isolation. Isolation during captivity is somewhat a clear aspect but in abuse victims, isolation refers to removing that person from his family, friends, colleagues, social and professional activities and breaking any form of independence. Most of the times, victims don't even realize the isolation and the deep apurtenance until things are too far gone (Demarest 2009, 11)

Within the isolation, the victim will start to realize his/her life is in danger, often fear of the death is involved. Also, within the families with history of violence an abuse, the fear of physical and emotional pain will be the main emotion. Being cut off from any outside help, the victim understands that his/her survival and physical integrity depend on none other than the abuser. During the time of threat, the abuser may show signs of "mercy" or small gestures of affection or tenderness and for those gestures, victims will develop gratitude, those being the moments she is relieved of fear. Those signs of affection come often as a surprise, as a break in the habit, as an interruption of the somewhat "normal" existence. The feeling of gratitude is built as a more and more powerful emotion as the victim has no more control over his/her life and the abuser is finally seen not as the person who created a dangerous situation but as the man who offers a chance at life. The more this emotional bond is formed, the more the victim will find justifications and will blame themselves for the violent outbreaks of the abuser and she/he will develop aggressive tendencies towards outside people that try to save her. In the same time, the abuser will make everything in his power to limit the interaction between potential savers and his victim and also, if the victim wants to leave, he will resort to emotional blackmail, suicidal threats, begging for love, cutting the victim's access to material good, or threats towards the children, if they exist. The vicious cycle will continue, creating a fault in the mind and soul of the victim, making him/her see the abusive relationship as a normality. This is often the case of women abuse and the presence of the syndrome could be an explanation for a lot of cases in which the woman does not want to break up with the abusive partner even after strong physical abuse, for the small possibilities of therapy and low chances of social reintegration (Adorjan, Kelly & Pawluch 2012, 450).

Although there are a multitude of variants of Stockholm syndrome, this paper will refer at 2 aspects: long term abuse and short term abuse. This classification will help analyzing the social and educational circumstances as well as the consequences for involved persons, the social implications and psychological and psychiatric management. Short term abuse refer to people suffering short or limited time life threatening situations such as prisoners of war or different cases of hostages. Long term abuse is referring not necessary to an imminent life threat but to a long time of abusive relationship, with a known person, with anterior sentimental implications and a progressive evolution to physical, sexual or emotional violence. In these cases, isolation comes gradually. Understanding long term abuse is maybe most important as it's implications are heavy. The conditions that will lead to the abusive situation involve often small communities, rural or limitrophe urban areas, with low educational level, low material possibilities, with deep rooted religious or secular anti-values traditions such as "women are week, they do not need education, they need to be humble and prepare to be good housewives, good mothers", patriarchic values or

areas with high criminal rates. The "weak women" mentality is what gives power to the abuser through the eyes of the victim and also, is the main motive for them blaming themselves during crisis or unhappiness. Misinterpreted religious terms or values is another phenomenon that is transmitted to every generation and helps developing great differences between women and men. In rural environments, where religious traditions are deep rooted there are some beliefs that the woman has to be subjected to the man and if she will forgive him than she will receive blessings and power to endure the pain or, if she is worthy, she will receive the miracle of her husband transforming into a better man that doesn't abuse her. Also there are beliefs that no matter how big the physical or the emotional pain is, it is more important for the children to have both parents because this is the highest social standard that the community imposes. Divorces and separation of parents is judged and considered a sin and the society will push that woman and those children aside, isolating them and considering them a fault in the system. Educational features are essential when it comes to abusive long term situations. Education brings perspectives, high standards, offers multiple possibilities for the future offers a chance to career and to independence which lower the perspective of isolation and dependency for young women. In small communities, young women tend to abandon school looking for easy earned money and a comfortable life. In exchange for that, they sacrifice without knowing, the future of free choices, leaving a man (usually an older one), to take progressive control of their lives, promising material and family values. Later on, without personal income, without social or professional life, her existence will depend entirely on the man and the only psychological comfort and safety will be the emotional bond with the abuser. On the other hand, long history of family violence is a character that has been recognized as a transmitted condition within generations. Aggressive behavior will be taken over by every generation and children raised within these families will develop a need for abuse or violent relations. Many of the women that come for psychiatric or legal assistance due to abusive situations or for depression, describe having daughters that experience the same type of abusive relationships or sons that develop the same type of abusive personality as the father. Beyond the pathophysiological implications of the intergenerational transmission of aggressive behavior, it is certain that this phenomenon tends to be perpetuated and affect the future of young people. Also, history of personal psychological or physical trauma will explain certain psychological gaps that can serve as foundation for future relationship problems. On the other perspective, the one targeting the short term abuse, case studies and case descriptions cannot focus on particular tendencies and conditions that could lead to the syndrome developing. We can assume that the immediate life threatening situation and it's emotional impact is sufficient for victim to search for any humane or empathic characteristic in the captor and finding such signs will be enough for them to create that bond which they believe, will save their lives (De Fabrique, Van Hasselt, Vecchi, and Romano 2007, 98).

If we talk about consequences, the confirmation of the presence of Stockholm syndrome within abusive relationships demonstrate that they are indeed important as they affect not only the persons involved but the future of the communities and the entities involved in social, legal and medical management.

If we discuss the matter of short term abuse with victims developing the Stockholm syndrome, the aftermath tends to be less complicated. We established that symptoms develop within relative short or limited time of immediate life threatening situations with high emotional impact and moreover, it is the abuser's personality that makes the victim eventually feel safe around him; it is the way the abuser creates a safety net around the victim within the dangerous situation is what makes victims develop feelings for him. But when the situation is terminated and victims return to freedom and the elements of their lives before the event, the emotional bond is disabled; some victims may experience some symptoms for a while after the event but, with proper help, therapy and the family and social reintegration, those symptoms disappear. It is the strong anchoring in their previous life that helps them surpass the traumatic event and also the motive why the symptoms will unlikely remain for longer periods; the survival instinct that develops the syndrome in that limited time will fade away without any threats but, depending on the experience's characteristics,

victims may develop some forms of post-traumatic stress, depression or anxiety episodes that can receive psychiatric care with good results in the life quality (Cantor and Price 2007, 377). For victims of long term abuse that develop the syndrome, the story is very different. Most of the victims that experience long term abuse will have psychological and social background that ease the way to developing symptoms and later, a particular behavior. They often do not have any anterior different experiences in social, family or professional life so the survival instinct and psychological background create an absolute discrepancy between outside world and the pathological relation, building normality on the emotional bond with the abuser whom they think is connected directly to their existence. Victims believe that their life and every element of their life is depending absolutely on the person who created the situation and that is the reason why many women in those case will return in that environment even after important physical violence. In fact, the violent outbreaks will cause an inversion in the survival instinct that developed the Stockholm syndrome, and, for a short while they will tend to run away and ask for help in the outside world, seeking legal, medical and social assistance. But once the outbreak passes and her life is safe, the dependency and the emotional bond returns, the outside world becomes something strange and the outside people that want to help her become a threat for the relation that she considers normal, so, she will return to the abuser, at some point, depending on the emotional impact that the violent outbreak had on her. It is somewhat the same experience that abused children have because it is possible for them to develop Stockholm symptoms especially when they do not have any life experience, they are at an age of developing psychological, social and intellectual skills and growing in this type of family will create a different definition of normal that will determine their future. On the other hand, the age of the child can also be an advantage because extracting him at the right time from the pathological environment and integrating him within normal social standards can have a good outcome (Sackett 2001, 120).

Unfortunately, from medical, social and legal perspectives, Stockholm syndrome in cases of long term abuse, has a very low rate of positive outcome for victims. If in cases of limited time abuse, the anterior life of the victim and the legal prosecution of the offender will return the balance of life at almost all levels, the long term abuse comes with complicated elements that often result in the failure of management.

For abused women, extracting them from the pathological environment, is an almost impossible job. At least in Romanian communities, the management of these cases involve heavy efforts and good results come from less than 10% of the cases. As we presented above, violent outbreaks can cause such women to go and seek help; the police force will be involved first and after that, the forensic medicine will drive a complete physical and psychiatric expertise on the victim. After that, psychological and psychiatric therapy will try and assist the victim as well as social assistance with medication, psychological session and isolating the woman and eventually her children from the violent environment and integrating her into social groups. Moreover, the victim will be guided through the steps of regaining her independence by offering her a place to stay and educational possibilities. All those efforts focus on the victim regaining the control over her life. As we can see there is a big infrastructure and financial effort from all state authorities that will have no positive outcome as the women will return to their "comfortable normal" life. Some people will try and make a reference to the animals that grow in captivity. When you release them, they will often go back inside the cage where they feel safe instead of facing the freedom that they do not know how to use. Our own personal opinion is that this comparison is somewhat forced but it is clear that the mind and soul of these women are so cleaved that they truly believe that they cannot survive outside the pathological *status quo*. Another issue could be the legal implications for the abuser. Even if the woman is proven to be an abuse victim, without her official accusation, the police cannot investigate nor press any charges against the offender. And the truth is, the majority of the victims will drop all charges before they return within the relation. Some women are doing this out of fear, because of the power that they think the abuser has but most of them need to go back when the abuser start to show tenderness, emotion, guilt or when they start emotional blackmail. Psychologic explanation of the victim believing those clearly false love proves, is the

feeling the abuser induces in the mind of the victim: that he is weak, suffering, that he is in reality humane and lost without the woman that he wants. This false feeling is what empowers the woman for a short time; it is what makes her feel important and needed and it gives her a slight false impression of superiority over her abuser. But returning to that environment is a trap and the next violent outbreak will often be more aggressive and more violent than the previous ones. There were cases when the victims showed up being killed or in critical conditions at the hospital short time after the "escape attempt". As we analyze these situations we can see the sad truth: the victims of Stockholm syndrome within long term abuse have low to none chances of living a normal life and exiting the dangerous environment is not only a dead end but can result more dangerous for their lives than complying with the abusive relation. All this is completed by the important efforts of state authorities in helping these victims with almost zero positive results which can be defined as waste of material, infrastructure and medical assets in hope of resolving a tragic and severe social problem. Furthermore, there are studies within the Romanian communities that show that at some point in their lives, woman that endure and forgive for long time physical and emotional abuse can become themselves the aggressor. There is a debate on whether the cause for a woman killing her partner resides in the psychological deformation and the belief that her freedom will not be possible as long as the abuser lives or if the abuse of the children and an accentuated maternal instinct determine a psychological crisis and motivates the victim to become a killer. It is certain that from all perspectives, these women live in a vicious cycle that is very hard to brake (Jensen 2001, 110).

Regarding children that develop some forms of Stockholm syndrome after being exposed to different types of domestic violence (on them or witnessing the abuse), legal, social and medical management can be successfully applied on them with the condition that they can be extracted from the violent environment in time, meaning childhood or preadolescent period. Children exposed to domestic violence often reach adolescent period with lack of intellectual stimulation and developing psychological features that resembles the characteristics from their family. They often choose a criminal life with legal implications affecting their future and often social and educational reintegration is harder. As an adult, childhood trauma can affect the relationships they will choose, driving them to build pathological emotional bonds or accepting abusive and violent behavior as a normal experience. But not all is lost as not all children and adolescents that end up under legal custody will end up criminals, as the percentage of young people that are well social and educational reintegrated is higher than the one of women that are assisted post-abuse. The problem is still identifying the children that need such assistance as mothers in violent families do not ask for help and outsiders in the social environment don't involve in those matter out of some self-preservation instincts that surpass the need of doing the right thing. Even after a lot of state and non-profit organizations programs against domestic violence and despite all legal efforts to narrow this phenomenon, at least in Romania, there are still legal and social issues that prevent positive outcomes for these victims (Montagna, 2019, 300).

Conclusions

As a conclusion, the Stockholm syndrome can be defined not as a mental disorder but as a variety of symptoms that appear as a defense mechanism within people being isolated from the outside world by an offender. The term isolation has different connotation according to the circumstances of the event. It can refer to short term abuse with high an immediate life threatening situations such as prisoners or hostages in wars or criminal acts or it can refer to long term abuses where the condition develops progressively on a particular social, educational and psychological background such as women and children exposed to domestic violence.

The primary mechanism of the syndrome is developing an emotional connection with the abuser. On one side, the abuser will make the victim feel safe with small gestures of kindness and affection within the dangerous threatening situation; on the other side, the victim will develop a self-preservation process that imply an emotional bond and gratitude towards the man who has control over her/his life and that shows kindness. As the circumstances of the isolation are variable

and the psychological background of the victim and offender have certain particularities, the evolution of the syndrome can cause temporary or even long term effects on the victim's mental balance. Legal, social and medical management have positive outcomes for people with basic anterior normal life that can be easily reintegrated and assisted once the dangerous elements are removed and the abuser is detained by the authorities. For violent relationships with long history of abuse, victims develop a definition of normal within the pathological relationship that will act as protective shield but will isolate them more from the outside world. The outcome for these victims is often a sad one as even after very traumatic events, they choose to return to the pathological relation which they consider normal. For women in these situations there are low chances of exiting that environment but for the children there are more legal possibilities of extracting and reintegrating them in a safe social and educational life with possible good chances of a normal future. The main problematic consequence of such relationships enduring is that the abuser will not face law penalties and for the victim that her chances for a normal life are weak and furthermore, women and children exposed to these events can evolve themselves into aggressors.

A very interesting theory is that the syndrome is developing somewhere at subconscious level, where primary instincts reside. For people with good reality anchoring and normal conscious functions of comparison, abstracting, analyse and generalization and also with good conscious control over emotions, social rules and morals the temporary appearance of the syndrome can be explained by the high and immediate cut of conscious balance and knowledge in face of emotional impact and life threat which make the primary survival instinct to take control. For victims of long term abuse, often from communities with strong patriarch traditions, misinterpreted religious rule and lack of intellectual and social stimulation, primary functions, deep rooted rules and lack of educational stimulation can cause the survival instinct to be processed with uncontrolled emotions which will lead to the adaptation of the victim at a self built normal life and removal of every outside implication in order to secure the complete and successful survival of the individual, managing the known dangers by subjecting and loving the offender. Subliminal beliefs are stronger and harder to modify than conscious beliefs that are filtered by negative and positive thoughts, by implemented social standards and morals and by educational foundation because they do not suffer any alterations within judgement processes. If this theory was accepted by the scientific community, then at a legal level we would have the chance of demonstrating the lack of discernment even for adult victims which would legally make the extraction, therapy and further management of the case easier.

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Importance of Critical Thinking in Solving Society's Problems

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ABSTRACT: Critical thinking is essential in making a sound judgment and addressing concerns in real life. The importance of this seemingly small sphere hinges on its philosophical aspects and ability to blend one's common sense with reason, intellectual empathy, perseverance, and knowledge. From this perspective, my paper demonstrates how critical thinking can be practically used to solve society's issues. It articulates the best way of changing people's perception of this broad discipline. By examining relevant articles, specifically, *The Bell* by Iris Murdoch, I demonstrate how society can gain a precise sense of reality. Also, I delve on how people can solve their problems without assumptions and clouded misgivings. Fictitious characters are vastly used to illustrate how critical thinkers can design appropriate solutions to overcome society's competitive scenarios through situational analysis and evaluation of the environment. I review Murdoch's symbolism to explain the benefits of using critical thinking in any contemporary society. The article constructs a practical narrative that moral vision is equally or, arguably, more important in any problem-solving or decision-making process. Further, it focuses on the necessary critical thinking steps that can ensure independent thinking without emotional distractions. The steps are essential in guaranteeing that communities make the single best solution to each of their problems. The study relies on the connection between philosophy and fiction to create valid arguments and explore how society can embrace courage, intellectualism, and unbiased judgment to solve most, if not all, of its inherent problems.

KEYWORDS: critical thinking, intellectualism, *The Bell*, society, morality

Introduction and Background

Many industries and workplaces regard critical thinking as an important skill when recruiting employees. 'Critical thinking' refers to an individual's capacity to objectively evaluate information and take the necessary measures to address issues with sound judgment. Critical thinking is essential in many aspects of life, and this paper will outline its importance in solving challenges in society. Technological advancements and changes in environmental conditions have improved ways of thinking and the ways that human beings approach different matters in society (Boltanski and Laurent 2006, 47). Critical thinking is necessary to understand the validity of existing ideas and to generate new ones. Society's tendency to accept unproven ideas or narratives without evaluating them represents a deterioration in critical thinking skills, and measures should be taken to account for the involvement of critical thinking skills in making decisions.

Critical thinking is an essential skill in providing solutions to societal problems. Critical evaluation should be applied to vital issues of concern, and not to the facts that are already endorsed and accepted by society (Latour 2004, 226). Unity among members of the community is essential, and the process of critical thinking should be employed when making decisions on the appropriate measures to take in addressing challenges in society. Critical thinking has a vital role in the growth and development of economies, as well as in the overall well-being of a society, and should not only be a subject of theoretical discussion, but applied practically.

Sociological productivity in terms of critical thinking is considered ineffectual, and therefore, there is a need to search for other relevant techniques that can replace critical sociology, which requires an overall structural review. A focus on the social aspects of critical issues is possibly one of the main reasons for the reduced interest in this form of critique. Members of society must understand the importance of empirical discussions, and the need to include social productivity in the process of obtaining the necessary information, to solve problems in society. Adequate data should be gathered before making a critical judgment on an important issue.

The application of critical thinking and scientific evaluation in society is drastically diminishing, which may be as a result of a focus on the linguistic construction of facts rather than

the actuality of events. This is worrying, as it is the actuality of facts which provide critical information about a subject, and not the linguistic aspects. Latour provides an example of this, when a tragic event, the 9/11 attacks on the Twin Towers, was reduced to a linguistic construction in the form a book that claims that there was no attack, and that the buildings collapsed after failing to sustain their weight (228). Shockingly, the book was a best-seller because the public allowed themselves to be swayed by the words instead of focusing on the actual event. However, the public may not be entirely at fault, because the linguistic content is created by figures of authority in their respective fields. These people are aware of the power they hold, which makes them a viable channel for propagating conspiracies.

A Synopsis of *The Bell*

Iris Murdoch's *The Bell* is set in Imber Court, a house in rural Gloucestershire which houses Anglican lay members, and is neighbored by Imber Abbey, an enclosed community for nuns. Michael Meade owns the court and is the leader of the community, and Toby Gashe is a young man who visits the court to get exposure to religious life before he goes to university. Catherine and her twin brother Nick are also residents of the court. The story revolves around the ethical responsibility of abiding by community rules and the flawed nature of humans - in this case, the struggles of forbidden love. Michael wants to be a priest, but he is homosexual and had a relationship with Nick while Nick was still in school. He now struggles with his strong attraction to Toby. Catherine intends to become a nun, but she is conflicted because she is attracted to Michael. The concept of abiding by the societal construction of morals, and the ability to challenge and critique the set values, are explored through these characters' stories.

Analysis of *The Bell* and Critical Thinking

The critical thinking process involves the mechanisms of study, assessment, rationality, and reflection (Rodzalan and Saat 2015, 725). It is typical for the reasoning of humans to perceive themselves as being critical thinkers, able to solve problems in their own settings. However, critical thinking is more complex than this. Akin to the great realists James, Eliot and Tolstoy, Murdoch is troubled by the challenges facing the world today. She is particularly concerned about the ethical and moral challenges presented by a global society characterized by declining faith and accelerating change. She studied and published both philosophy and fiction, and her novels tend to investigate the fate of concepts once they become subjected to urgencies of everyday life (Murdoch 2016, 5). In *The Bell*, she blends social satire with a piercingly observant, yet empathetic, perspective of her characters.

Most often, the combination of philosophy and fiction produce a hybrid narrative of concepts, or the highly intricate symbolic narrative, a metaphysical kaleidoscope that generates a *Weltanschauung* (Kaehele and German 1967, 554). In contrast, Murdoch succeeds in creating a legitimate fictional world enriched - but not adulterated - by her philosophical perspectives. In her publication on Sartre, she states that modern philosophy and fiction both fail to establish a sufficient notion of human personality, which also involves critical thinking (Kaehele and German 1967, 555). This mirrors the current situation, where education is facing a dilemma on whether to foster critical thinking or teach an already agreed-upon body of knowledge.

In *The Bell*, Murdoch offers a realistic depiction of society and the environment, and generates characters whose destiny and individuality engage the interest of the reader. For example, after Dora leaves her husband, Paul, she realizes that she is even more afraid of him when they are apart than when they are together, and she goes back to him. Michael also faces a dilemma, as he struggles to reconcile his homosexuality with his intentions to become an ordained priest. Michael, James and Nick are characterized by temperament and negative strength, making them unable to give in to the world entirely, but their desire for the Lord makes them inadequate citizens of ordinary life. They are conflicted between abiding by the rules of the court and being free thinkers.

In blending reality with fiction, Murdoch manages to illuminate aspects of critical thinking in society. The novel starts with a meticulous foretaste of a Murdochian literary motif (Masong 2008, 11) in Dora, a besieged art student and the treacherous spouse of Paul, an art historian. Dora

lives in constant fear, which is the underlying driver for her two focal actions: leaving him and returning to him. These actions remain unchanged throughout the narrative – fleeing and returning to Paul. Although both Paul and Dora are art enthusiasts, they are unable to find common ground to cement their relationship and prevent conflict. Meanwhile, Michael learns that his sexual passions and consecrated calling originate from the same source.

Murdoch presents her message symbolically in the form of two bells, the old, original bell, and the new one set to replace it. Similarly, the Imber Abbey community has two distinct elements: the enclosed nuns, represented by the original bell, and the dwellers of the world (Imber Court), represented by the new bell. The latter group comprises the world of the unhappy souls whose want or desire for the Lord makes them substandard residents of normal life, but whose temperament and resilience makes them unable to give in to the word wholly.

Murdoch's concern for the eccentric or morally complicated has not contributed to a narrative of epic resistance and conflict between the bourgeoisie and the outsiders (Kaehele and German 1967, 555). The tale is set in a community that could represent contemporary society, where judgment is based on absolute principles, as opposed to a careful investigation of intricate and messy particulars. In the same manner, the characters in the narrative who are judged are not incorrigible violators of moral or social codes; instead, they are ordinary individuals, venial violators. The best example of this is the character James, who has little time for a man who deems his life too intricate and unique to align himself with the conventional rules. In contrast to many austere moralists, he is capable of loving and demonstrating empathy, as well as offering rational judgment, and takes no pleasure in meting out judgment. When it comes to working, he appreciates the value of individuality and explains society's desire to recapture some degree of sacramental labor quality. He offers Toby a warning about losing individual vocational sense because he feels ashamed for being referred to as a “crank” (Kaehele and German 1967, 556). His attitude becomes more easily understood when he states his belief that an individual's work represents them.

Any theory of critical thinking is only beneficial if it can ease the process of actual critical and everyday thinking. Any justifiable essential notion of thinking must construe the thought in such a manner that it captures most of what individuals already have in their minds when they hypothesize that developing the concept is an essential aspect of learning (Boltanski and Thévenot 72). In other words, the outcome of the thinking must be in alignment with the central meaning of the learners' or educators' logic of critical thinking. Responsible citizenship and moral integrity lie at the heart of all critical thinking. Theorists and educators tend to view the ethical and affective dimensions of education as they see all other learning dimensions: a compilation of learning more distinct, or separate from other forms, of learning or compartmentalized spheres. However, it is essential to acknowledge that individuals' basic approaches towards knowledge are inseparable from their simple ways of being or surviving (Honig 2013, 70; Honneth 2010, 380). The way people think mirrors their moral and intellectual values and similarly, their limitations in this field become evident in the decisions they make.

To foster the form of intellectual autonomy implicit in the logic of a robust critical thinking concept, it is imperative to state that there is the inherent essence to cultivate epistemological humility, integrity, perseverance, and credibility. Intellectual humility describes how an individual is aware of the restrictions of their knowledge, including the sensitivity to prejudice, bias, and inadequacies of individual perspectives (Toharudin 2017, 340). In *The Bell*, Murdoch is able to demonstrate how individuals can apply moral vision above moral understanding, taking into consideration the elements mentioned above. For example, in the first chapter, Dora is travelling to Gloucester in a packed train (Masong 2008, 13). She is on her way to visit Paul, who lives in the Anglican Benedictine abbey to study an antique manuscript. At some point during the journey, an old lady comes into the carriage and strikes up a conversation with another aged lady seated next to Dora. Dora listens to the conversation but stops when an appalling thought strikes her: should she have given up her seat? However, she rejects the idea, but it keeps coming back to haunt her. The lady appears to be very weak, and it would have been appropriate for Dora to relinquish her seat, since Dora is young and healthy. She ultimately decides to sit still and contemplate the issue, instead of moving.

Consequently, Dora experiences a series of thoughts, including the possibility that the gentleman seated on her other side could have given up his seat, the contemplation of her desired reward for arriving early enough, the position in question, and the pondering of other passengers within the carriage, who appeared uneasy with the situation (Masong 2008, 14). The other passengers were also hanging their heads in shame, implying that they knew they had not made the right decisions themselves. Ultimately, Dora's moral vision prevails over her ethical understanding and she stands up and gives her seat to the old lady, telling her that her destination is close and that she prefers to stand anyway. This illustrates the application of critical thinking in practical situations that require intellectual intelligence to come up with a resolution.

Such moral contemplations, which Murdoch uses throughout the novel, reflect her skillful style of operating the psychosomatic scalpel into the finer points of moral consciousness. Here, it is imperative to point out that Dora was not unpredictable or indecisive. Regardless of the care she took to reflect on the ethical responsibilities of civility, empathy and compassion are not derived, but innate and different in each individual. These attributes help guide the direction of people's critical thinking and the outcomes of different situations.

Another aspect that is of importance when discussing critical thinking is intellectual courage. This is when an individual becomes aware of the necessity to face and address beliefs, perspectives, and concepts, which are usually the subject of intense emotions. If an individual does this with ideas that they have not seriously considered themselves, it can be regarded as intellectual courage (Rodzalan and Saat 2015, 728). This critical component is presented multiple times in *The Bell*, in which Murdoch reacts to the existing philosophic predisposition in the United Kingdom during her era (Masong 2008, 15). Her perspective is that the principal cause of contemporary society's dilemma is that individuals have been left with an idea of a human persona that is far too insubstantial and shallow (Masong 2008, 14). This is most manifested in ethical philosophy contexts, where the opulence of human experience is toned down to mere public expression, behavior and expressions. Considering Mill's utilitarianism, human beings have learned a lot through experience. An action like a government provoking another country through threats, as was the case with North Korea when 'testing' their nuclear weapons, is known to have resulted in war. It then follows that the public's concern about the possibility of a war erupting should not be dismissed on the grounds of it being mere public opinion.

Still, there is a lack of scientific inquiry and certainty when it comes to decision-making and problem-solving in contemporary society. There is disproportionate confidence in believing ideological arguments that are postured as realities (Honig 2013, 62). Scholars have learned to separate facts from fiction, but the public is more prone to distrusting or disapproving good ideas that are disguised as inadequate or biased ideologies. For most problems, there is not one single best solution or answer and there may always be the feeling that another option could have been equally good, or even better. Murdoch captures this concept in *The Bell*, and her concern with questions regarding reality and existence are explored throughout the narrative.

Similarly, she makes clear her belief that the most vital and permanent sense of being is experienced by people who share in James' conviction, that reality refers to something beyond individuals (Masong 2008, 15). Any action, like love or work, which compels individuals to deal with issues beyond themselves, is conducive to the realization of exterior reality, and therefore, to the sense of being. As opposed to what the philosopher Kant envisioned, nature has an unspeakable particularity, not formlessness. The link between an individual's logic and his or her notion of reality is depicted vividly by Dora's experiences. While she might not be as adept at self-analysis as Sartre's protagonists, she shares their solipsistic outlook of the world. She does not possess any of the tastes or concerns that generally develop a person's awareness of external reality: she no longer writes, she has poor memory, the past means nothing to her, and she does not go to work. Similarly, her prejudices towards religion are driven by superstition, and her thoughts concerning others are too shallow to offer her a true discernment of their being or identity. Her efforts to achieve the feeling of true being, through creating and enacting individual roles for herself, have accomplished

nothing, since her vision exceeds her capacity. Despite this, she takes time to think before performing certain acts. For example, when she feels the need to act, she ponders for a while and concludes that only one decision suits her: to board the train to London (Masong 2008, 16). This decision makes her feel free to make decisions without informing Paul, who, naturally, would be extremely upset. Again, it is critical to point out the psychological objective of critical thinking. In this case, Dora hopes that her decision to leave for London would be punishment for Paul. She believes that by acting independently, she can demonstrate to her husband that she is not his slave and can still make autonomous decisions. Dora here tries to employ critical thinking to overcome her situation with Paul, and this enables her to live most appropriately with people. Dora does not allow her emotions to distort her thinking, as this could lead to making the wrong decision.

As mentioned earlier, it is not enough to cite moral understanding and obligations when discussing the role of critical thinking in solving societal problems. This is evident when it comes to the sphere of ‘public things’ (Honig 2013, 59). In this context, neoliberals attempt to privatize public amenities by alleging wastage due to bureaucracy, and that civil servants are unreliable as a result of a lack of motivation. It is further suggested that private markets do not suffer in the same way. Lobbyists and empirical investigators can argue about whether the private or public sector produces more waste, but, as Bonnie Honig argues, there are usually other reasons apart from efficiency that lead to the need for embracing public amenities.

In the same way, critical thinking is influenced by factors besides economic or social values. For example, a fair-minded individual might view one perspective of an action as being more vital than others would. In *The Bell*, James appears to be rational in his thinking and does not seem to follow the precedents or general rules set by society. With the character of James, it is possible to view Murdoch's thinking and her perspective on how the community ought to embrace intellectualism and intellectual courage.

Conclusion

In conclusion, critical thinking is a seemingly small - yet wide - sphere that should be explored in greater detail. Iris Murdoch's novel, *The Bell*, is an excellent example of how fiction can meet philosophy in explaining critical thinking in contemporary society. Critical thinking is not only an aspect of philosophy, but also a process that blends common sense with intellectual empathy, knowledge, perseverance, and reason. This process is not entirely based on moral understanding, but also moral vision, which is where an individual ponders the consequences of his or her actions following a decision. Murdoch uses the characters in her narrative to offer a fictitious, yet practical, analysis of the use of critical thinking in solving society's issues.

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Role of Indigenous Women in Securing Sustainable Livelihoods in Western Himalayan Region, India

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ABSTRACT: The ecology in the Western Himalayan region transforms with the change in altitude. The current study focuses on women of indigenous communities of Pangi Valley which is located in the state of Himachal Pradesh, India. The valley is bifurcated into three different areas – Saichu, Hudan Bhatari, and Sural Bhatari valleys, and the altitude of the valley ranges from 2,000 m to 6,000 m above sea level. The Pangi valley is inhabited by ‘Pangwals’ and ‘Bhots’ tribes of the Himalayas who speak their local tribal language called ‘Pangwali’. Due to the difficult geographical location, the daily lives of these people are constantly challenged and they are most of the time-deprived of benefits targeted through government programs. However, the indigenous communities earn their livelihood through livestock and forest-based produce while some of them migrate to nearby places for better work. The current study involves snowball sampling methodology for data collection along with in-depth interviews of women members of Self-Help Groups and women farmers. The findings reveal that the lives of these indigenous communities largely depend on forest-based products. So, it creates all the more significance of enhancing, maintaining and consuming natural resources sustainably. Under such circumstances, the women of the community play a significant role of guardians in the conservation and protection of the forests. They are into cultivation of products like ‘Hazelnut’, ‘Gucchi’ rare quality mushroom, medicinal plants exclusively found in the region thereby promoting long term sustainable conservation of agro-biodiversity of the Western Himalayan region (Sharma, 2019).

KEYWORDS: Forest Conservation, Indigenous women, Sustainable Livelihoods, Sustainable Development, Poverty Alleviation, Western Himalayas

Introduction

The Indian Western Himalayan region covers 10 Indian administrative states namely Jammu & Kashmir, Himachal Pradesh, Arunachal Pradesh, Uttarakhand, and Sikkim. Various ranges of the Himalayan Mountains include the Pir Panjal Range, Trans Himalayas, Dhauladhar Range, Zaskar Range, Ladakh Range, Shivalik Range, Great Himalayas, and East Karakoram Range. Geographically, the Western Himalayan range stretches from Badakhshan in Afghanistan to Tajikistan in Southern part, passes through North India covering Himachal Pradesh, Jammu & Kashmir, and Uttarakhand, and ends at central Nepal. In India, the Western Himalayan region comprises of Zaskar range, the Pir Panjal Range, the Great Himalayas and parts of Siwalik Range. The current study focuses on the indigenous community residing in the remotest tribal area of Himachal Pradesh. The Pangi Valley is an isolated valley, located in the interiors of Chamba district of Himachal Pradesh which is cut-off from the mainland due to heavy snow and lack of proper roads.

Description of Study Area

The Pangi Valley is a remote, rugged and poorly developed tribal area of the state. The entire valley is divided into Saichu, Hudan Bhatari and Sural Bhatari valley, which is inhabited by the indigenous community at elevations of 7,000 feet (2,100 m) to 11,000 feet (3,400 m) above sea level. The valley is poorly developed due to inaccessibility created by a lack of roads and limited resources available within the region. The semi arctic-like weather conditions make the life of locals difficult and full of challenges each day.

The Pangi Valley falls in Chamba district, surrounded by Lahaul and Spiti district of Himachal Pradesh in South and East respectively, and Jammu & Kashmir in the North. This particular valley can be approached through different routes -one of the routes is from Chamba, crossing either Sach Pass at an altitude of 4,500m or Chehni Pass at an altitude of 4,350m. These passes remain snow-clad for the most part of the year. The other route is via Kullu-Manali (H.P.)

and another is via Kishtwar in J&K. The most commonly used route to reach the valley is through Saach Pass which is open for vehicular entry between June and October but closed at other times of the year due to heavy snow in the region.

The valley is mostly inhabited by ‘Pangwals’ and ‘Bhot’ tribes. They speak ‘Pangwali’ language and follow Hinduism or Buddhism religion. As per the country’s census 2011, the Pangi Valley has 3933 households with 18894 of the total population. The socio-economic condition of indigenous people especially women is very poor in the region. With low literacy rates, improper health & education facilities, lack of resources and lack of accessibility of government programs have led the community members to engage into unorganized sector and less paying self-employed work (Census, 2011) There is also absence of financial literacy amongst people which prevents them to engage into small scale entrepreneurship activities and sustainable livelihood opportunities (Sharma, 2019).

Tribal Women – Harbinger of change in the Pangi valley

Mountain ecosystems are fragile and generally identified as having vast agro-biodiversity, sensitive ecological conditions, and socio-economic backwardness. The mountain regions are susceptible to accelerated soil erosion, landslide, uneven glacier melting phenomena, depleting agro-biodiversity, and a rapid loss of habitat. With accentuated climate change conditions, the mountain ecosystem is also under the threat of environmental degradation (Meena, 2019). One of the important aspects of resilience building within the mountain community is the gender inclusiveness and acknowledging the role of women as managers of natural resources & change agents within their community (ICIMOD, 2017). Indigenous women have been playing a crucial role in mitigating environmental risks and combating hazards created due to climate change phenomena (Dhakal & Leduc, 2010). The use of traditional knowledge and conservation practices that are handed over from one generation to another has been proven for the healthy survival of community members in the valley region.

The lives of these indigenous communities largely depend on forest-based products. So, it creates all the more significance of enhancing, maintaining and consuming natural resources sustainably. Under such circumstances, the women of the community play a significant role of guardians in the conservation and protection of the forests. They are the custodians of traditional knowledge of environment conservation practices that have been followed for many years in the region (Subramanyam, 2013). The present study also sought to establish a relationship between some of the development initiatives undertaken by the women in the valley that stimulate sustainable mountain economy and conservation practices. These initiatives include cultivation of products like Hazelnut, ‘Gucchi’ rare quality mushroom, medicinal plants exclusively found in the region thereby promoting long term sustainable conservation of agro-biodiversity of the Western Himalayan region. The measures taken by the community women are commendable as they ensure access and distribution of natural resources as well as manage them for future generations. Apart from this, the tribal women have actively formed Self-Help Groups promoting financial inclusion through various activities that augment ownership and accountability towards the overall development of the communities. These women groups comprise 7 -10 members in each group who engage in various activities and ensure the financial stability of each member through the mutual lending model. Despite literacy levels being low in the females, the consciousness towards the environment is commendable. Therefore, a study was conducted to capture some of the sustainable livelihood practices followed by tribal women.

Objective of the Study

The current study aims to understand various environment-friendly practices followed by local women farmers. It also attempts to understand how indigenous women can earn livelihood opportunities ensuring environmental sustainability.

The particular study involved an interview schedule for primary data collection whereas secondary data was collected from village level Panchayats and various other reports generated by District

level government agencies, articles published in journals. The researcher has used both quantitative and qualitative methods of data collection. The researcher used an interview Schedule for the quantitative method and focus group discussion and in-depth interviews with the women farmers for the qualitative method. The research design is descriptive cum exploratory as it explores the role of the tribal women in securing sustainable livelihood along with protecting the ecosystem. Whereas it is descriptive as it describes the best traditional practices of the community members in conserving forests of the region.

Pangi Tehsil in Chamba district, Himachal Pradesh, has a total population of 18,868 as per the Census 2011. The population constitutes of 9,579 males and 9,289 females. The male literacy rate is 72.17% and female literacy rate is 52.27% in the region. As far as caste classification is concerned, there is a 90.2 % Schedule Tribe (ST) population and 6.6% Schedule Caste (SC) population.

The current study covered 10 villages of the Pangi valley. Respondents included 5 - 6 SHG women from each village thereby making sample size as 60. As per the Census 2011, the maximum of the female population in Pangi are marginal workers. Out of the total population, the females engaged in other occupations are as follows: (Census 2011, Figure 1)

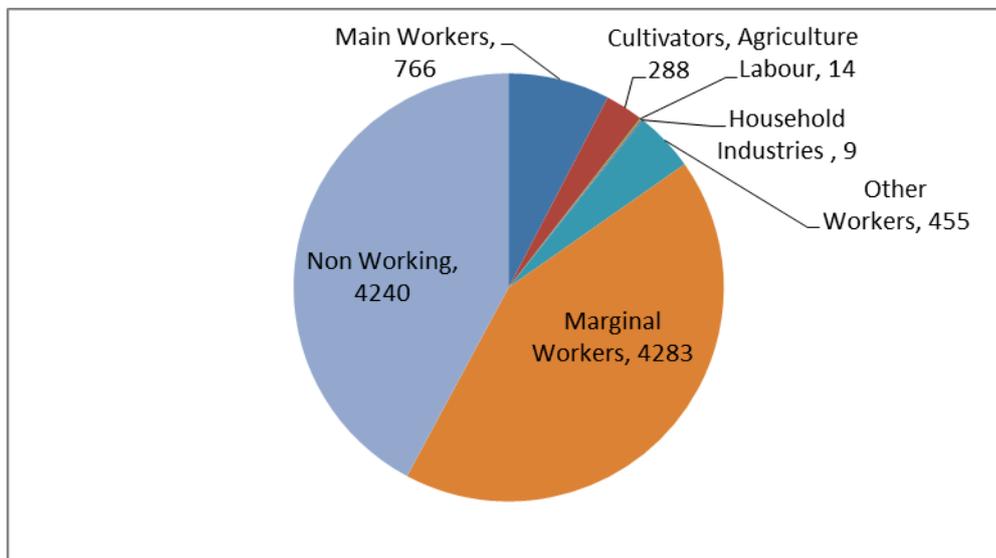


Figure 1. Occupation distribution of tribal women in Pangi Valley

Alternate Livelihoods Availability in the region

The study focused upon various livelihood alternatives available and identified by the respondents in the region.

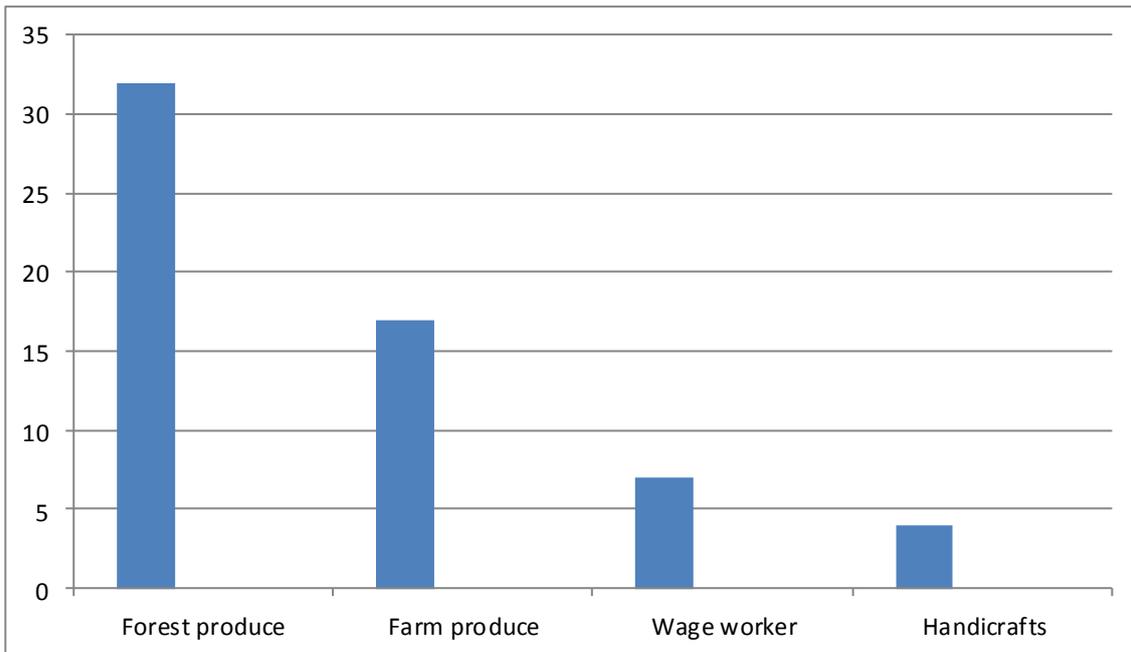


Figure 2. Livelihood Alternatives for tribal women

As it is observed, out of total respondents (n=60), 53% of women mentioned their dependency on the forests for livelihood whereas 28.3% mentioned engaging in farming activity to earn a livelihood. Rest 11.6% of women are into wage workers and attain employment under the government’s NREGA (National Rural Employment Guarantee Act).

Impact of SHG in the lives of tribal women

Out of the total respondents, 90% of the women SHG members reported an increase in their monthly income after associating themselves with the group. About 60% of the women SHG members mentioned the increase in their monthly income ranging from Rs.5000 – Rs. 10000, giving rise to more savings in their bank accounts. Apart from this, other positive indicators highlighted by the respondents include (figure 3):

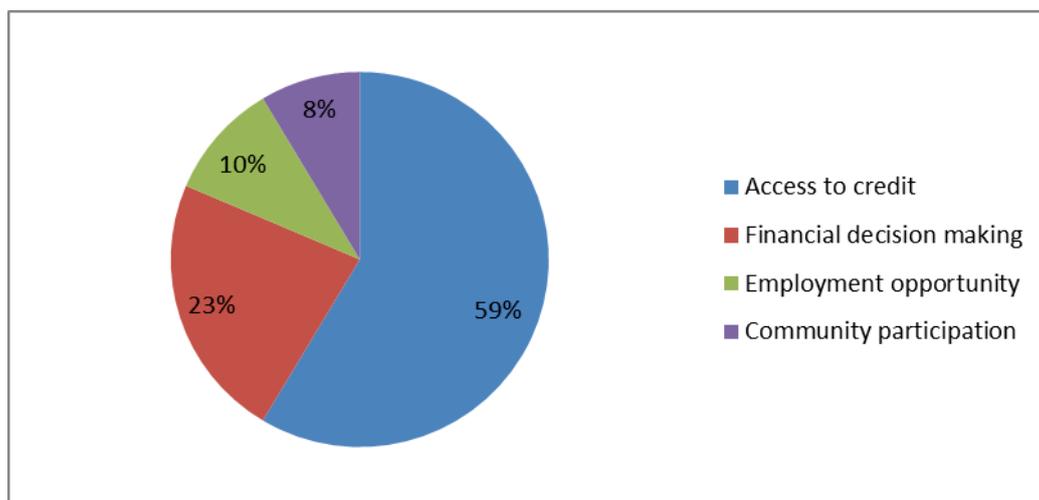


Figure 3. Impact of SHG

Sustainable Livelihood Practices

Tribal women of the community have been following traditional practices for the sustenance of their families for many years. These practices fall perfect with the SDG model that is discussed across the globe. But for this particular indigenous community, the extreme weather conditions and sustaining life within it have instilled co-existing with nature in their lifestyle. Some of the practices as highlighted by the tribal women include:

- 1) Identifying areas of forest that are under environmental risks and prohibit procurement from those regions for around 10 years. This allows replenishing the forests.
- 2) Once the community understood the concept of value addition especially concerning the cultivation of Hazelnut, they collectively decided to restrict the cutting down of Hazelnut trees.
- 3) Bhojpatra trees found at the higher altitudes of the region were extensively used as fuelwood. But excessive cutting down of trees triggered the melting of glaciers so tribal women decided to restrict cutting of Bhojpatra trees.

Conclusion

The current study attempts to study the role of indigenous women in reviving the environment along with earning their livelihood in the Western Himalayan region. Women farmers have adopted many such environments supportive techniques that help them combat present climate change conditions existing in the Pangri valley. As observed, the sustenance of the tribal community in the valley largely depends upon the forests in the region. They procure food, timber, medicinal plants, herbs, material for house construction, etc. One of the commonly found trees in the region called 'Bhojpatra' in the local language, also known as Himalayan Birch (scientific name – *Betula Utilis*), was extensively cut and used for household purposes by the community. This particular tree is found at higher altitudes. It was observed by the community members that the depleting forest cover triggered the melting of glaciers, rising temperatures in the valley, soil erosion and avalanche increased in the region. Therefore community collectively decides to restrict any activity in those areas for a few years to mitigate the changing environmental conditions. This eventually replenishes the forest cover in those regions. Other practices adopted by the women farmers include the use of animal manure which maintains soil fertility and mixed crop technique which promotes traditional crop biodiversity in the region and protects from total crop failure. The adoption of the organic method of farming and no premature harvesting makes farming ecologically and economically viable.

The study highlights tribal women's role in contributing and reviving the mountain economy by adopting sustainable livelihood alternatives available in the region. The recent demand for organic food has provided an opportunity for women farmers to earn better (Sati & Juyal, 2008). There has been a rising demand for forest-based products like Hazelnut in both national and international markets. Earlier, the Hazelnut trees were cut extensively to procure fuelwood but after the intervention of local non-profit organizations and value addition in the product, the women farmers are protecting and cultivating more such trees. The value chain approach has opened many avenues for the tribal women of the valley. Sustained demand for the Himalayan forest-based produce like apples, honey, hazelnut, medicinal plants, herbs, and walnuts is fetching good income and building strong market linkages. With the continuing efforts from the local non-profit organisation, the tribal women have been actively participating in community development programs and forming Self Help Groups for supporting income-generating activities. All the members of SHG have their bank accounts and can collectively avail credit from the bank for any income-generating activity. This has also promoted individual savings by the group members which allows them to take money for personal needs based on the mutual lending concept of SHG functioning. The money loaned from the group is used for house construction, paying children's school fees and other meeting social expenses. It is a quiet revolution underway in the isolated Pangri Valley of Himachal Pradesh. Despite the women who work tirelessly on farm fields and walk long rugged paths to procure various forest-based products, they are still so not get the right to own

land under their name. The patriarchal beliefs do not allow them to inherit any ancestral property in the region. This gap needs to be addressed to strengthen the role of tribal women in the community.

The patriarchal beliefs do not allow them to inherit any ancestral property in the region. This gap needs to be addressed to strengthen role of tribal women in the community.

As a concluding statement, the local tribal women, long pushed to the margins because of caste and gender, should be recognized for the strenuous efforts they put to take care of their families and surrounding. They enhance, maintain and consume natural resources sustainably.

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“Nano-Killers”.

Aluminium Toxicity in the Human Body

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ABSTRACT: In order to be in a permanent equilibrium, the human body needs small quantities of heavy metals. When heavy metals from water, air or ingested food exceed normal concentrations, they can be a real danger to the health of the individual, causing health disorders that can culminate in the death of the person. But what can happen when these small amounts of heavy metals are introduced into the body, constantly, at short intervals? If in the bone, aluminum replaces calcium in the mineralization process, can we consider that the body can gradually adapt and accept a higher concentration of heavy metals without completely attacking and destroying any organ? Can heavy metals become "invisible enemies", difficult to detect, due to events similar to other diseases? Can, also, all these reactions of the body to intoxicating, against a background of emotional disturbance, to push the subject to suicide?

KEYWORDS: aluminum, emotional disorder, heavy metals, intoxication, suicide

Introduction

Heavy metals are natural compounds of the earth's crust (Figure 1). They cannot be degraded or destroyed. They reach our body in a very small amount, along with food, drinking water and air. As essential elements, some heavy metals (e.g. copper, selenium, zinc) are vital in maintaining the metabolism of the human body. However, in high concentrations they can be toxic. The negative effects of heavy metals may result, for example, by drinking contaminated water (e.g. lead pipes), high levels of air concentration around the emitting source, or uptake via the food chain. Heavy metals are dangerous because they tend to accumulate (David 2019). Once released, the chemical compounds are taken in more or less aquatic and terrestrial organisms. They can reach levels significantly higher concentrations in comparison with the bodies which are taken abiotic compartments (Vasile 2019). Bioaccumulation means the increase in time, in biological organisms, of the concentration of the substance in an amount compared to the concentration of the substance in the environment. Compounds accumulate in living organisms when they are assimilated and stored at a higher rate than they are destroyed (metabolized) or eliminated (David 2019).



Figure 1. Classification of heavy metal (www.alsenvironmental.ro)

There are 35 metals that are in the attention of international organizations due to their presence in the workplace or in homes. Of the 35 metals, 23 are heavy metals: antimony, arsenic, bismuth, cadmium, cerium, chromium, cobalt, copper, gallium, gold, iron, lead, magnesium, mercury, nickel,

platinum, silver, tellurium, thallium, tin, uranium, vanadium and zinc. It is mentioned that not all metals are harmful to the human body. Certain metals are essential in carrying out metabolic processes. The metals are different from other environmental toxins by the fact that the body does not have the ability to remove heavy metals by the usual methods. They remain solid in the body and accumulate in the kidneys, liver, bones, nails, brain and hair and lead to various kidney diseases, developmental problems such as autism, Parkinson's, Alzheimer's, cancer and in some cases cause death of the body (Popescu 2013).

The benefits of heavy metals

In small quantities, certain heavy metals are essential in carrying out metabolic processes. These metals are: iron, copper, magnesium and zinc and their different forms are naturally found in foods, fruits and vegetables or in different nutritional supplements. These elements can also be found in industrial products such as batteries, alloys, electronic components, paint, steel and others (Popescu 2013).

Toxic heavy metals

As mentioned above, many heavy metals become toxic when the body cannot eliminate the surplus. They can enter the body through water, air, direct contact with the skin or through food. The most toxic heavy metals are: aluminium, cadmium, mercury, lead and arsenic. The most common way of accessing heavy metals in the body is to ingest them. Children can reach a high level of heavy metals in the body only by inserting their fingers into their mouth after playing in a polluted environment or by ingesting non-food materials. Lead is also used as a radiation shield during X-rays (Popescu 2013).

General symptoms

Heavy metal intoxication can be life-threatening, so medical testing is very important if there are severe symptoms of heavy metal toxicity, such as impaired ability to walk, severe nausea or other important symptoms of the body and determined their concentration to establish the best course of action for detoxification of heavy metals in the system. Because the early symptoms of heavy metal toxicity may also be symptomatic of other conditions, it is vital to have adequate early tests before the symptoms worsen. Hair analysis can show exactly the harmful substances and then proper detoxification of heavy metals can be implemented (Drochioiu 2013, 57). Symptoms (cramps, nausea and vomiting, pain, sweating, headache, heavy breathing, confusion, difficulties in thinking, walking and talking and convulsions) are not difficult to recognize because they are usually severe, rapid, and may be associated with a recent event (exposure or ingestion), but, symptoms of chronic intoxication (they occur over long periods) are just as easily recognized as the others just as they closely resemble symptoms of other diseases and sometimes they can disappear and appear and thus delay the search for a treatment, the person in cause believing that the symptoms have other causes (difficulties in thinking, walking and talking, nervousness and emotional instability, insomnia, nausea and lethargy (Popescu 2013).

People can come in contact with heavy metals in industrial work, pharmaceutical industry or agriculture. Children can be poisoned when playing on contaminated soil. Lead poisoning in adults has been discovered when using lead-based glaze from ceramic vessels used for food. There is also contamination with herbal remedies. Also, the arsenal and the waist were mixed with food or drink for suicide or to poison others. The following nine elements are toxic: aluminum, antimony, arsenic, bismuth, cadmium, lead, mercury, nickel and tin. Hair can be used to determine their concentration because it accumulates heavy metals. However, literature shows that not all heavy metals accumulate in the hair. Heavy metal toxicity or poisoning occurs when the body accumulates an excessive amount of a heavy metal, such as mercury, lead, arsenic, cadmium, nickel or aluminum, thus exposing the individual to serious illness or death. These heavy metals do not play in the body. Humans have no known biological role, unlike some microelements, such as selenium, which is an effective antioxidant, iron, which is required for blood cells or copper, which is an integral part of

many enzymes. Since these metals are not useful to the body and because the body has the ability to store them, these heavy metals can accumulate in tissues over time and cause serious health problems. If symptoms of heavy metal poisoning appear, these metals should be investigated in the body with analytical methods such as colorimetric microanalysis or atomic absorption spectrometry. In the case of determining a certain degree of toxicity, it is resorted to a removal of the heavy metal by treatment with chelators or it is addressed to the doctor. However, a number of symptoms of lead or mercury poisoning may also occur in other circumstances that have nothing in common with the toxicity characteristic of heavy metals. These general symptoms include a combination of prolonged fatigue and mental confusion or lack of concentration. However, just fatigue or mental problems are not enough to suspect heavy metal poisoning. Some of the toxic heavy metals, such as lead, mercury, aluminum, are suspected in any noticeable decline in motor skills and balance. However, if the body becomes heavier and unbalanced, and this condition lasts a while, heavy metal poisoning can be excluded. Problems with balance and / or decreased motor skills are rarer than fatigue or mental confusion and may indicate other medical conditions besides heavy metal intoxication. Therefore, the specific symptoms of heavy metal poisoning must be detected (Drochioiu 2013, 56-57).

Sources of heavy metals for plants, animals and humans

The presence of toxic metals in our body is very important because they are capable of causing serious health problems, because they interfere with normal biological functioning. Although these metals can be found in high concentrations in the body, a number of heavy metals (aluminum, beryllium, cadmium, lead and mercury) have no known biological function. Others (arsenic, copper, iron and nickel) are considered to be essential in low concentrations, but are toxic at high concentrations. Heavy metals disrupt metabolic functions in two ways: 1) they accumulate and therefore disrupt the function of vital organs, such as the heart, brain, kidneys, bones, liver, but also the glands of the body; 2) they replace the vital nutrient minerals in the body, where they fulfill a biological function (Drochioiu 2013, 60).

Air can be a source of contamination representing a way of transporting metals and depositing them on the ground, plants (e.g. lead emission from cars). Heavy metal air pollution is the result of numerous anthropogenic activities: coal combustion, oil production, non-ferrous metals production, steel and iron production, cement production. **Soil** can be another sources of metals, for example the use of fertilizers, pesticides containing metals (fungicides containing mercury, copper, arsenic, zinc). Depending on soil type and geographical location, it contains high amounts of heavy metals or may be deficient in them. **Water** can be an important source of contamination, as a result of the discharges, the activity of the sewage and pre-treatment stations, the discharge of sewage, the household waste. The hardness of the water and the content of organic compounds can lead to its enrichment with the lead from the crossed pipes. Also, an important source of contamination with heavy metals of food may be **contact** with machines, installations or processing machines, preserving preserves in metal packaging. There are also **accidental sources**: the use of containers and pipes in underground installations for the manufacture of crackers, the use of different compounds of heavy metals for spoilage. For humans, an important source of intoxication is also the specific of the workplace, leading to the appearance of professional diseases in certain industries (Graduo.ro 2019a). From **household products** (aluminum cooking vessels), or **cosmetic products** (antiperspirants, shampoos, makeup, toothpaste, tattoos, talcum powder) to the **traces of airplanes** left in the sky or sunscreen creams, all these contain traces of heavy metals. **Vaccines** are also a source of heavy metals, aluminum, more precisely - it is injected directly into the bloodstream and can cause neurological problems. Other sources: fish (salmon, tuna, swordfish), mercury thermometers (if broken), cheap electric bulbs (if they break), pesticides, benzene, tobacco, food additives, drugs (Echim 2016; Core Inergetix 2019).

Heavy metal intoxication

Heavy metal poisoning is the toxic accumulation of heavy metals in the soft tissues of the body. The most commonly involved in accidental poisoning and poisoning are lead, mercury, arsenic and cadmium. More recently, the waistline has attracted media attention as the poison used in crime cases in the 1990s. Some heavy metals, such as zinc, copper, chromium, iron and manganese are needed in the body in small amounts, but the same elements can be toxic in larger quantities. Heavy metals can enter the body through food, water, air or through absorption through the skin. Once it reaches the body, it competes and replaces essential minerals, such as zinc, copper, magnesium and calcium and interferes with the vital functions of the body's organs. One form of mercury poisoning, common in the United States is self-injection of mercury under the skin. Some boxers inject themselves with mercury in the belief that they increase their muscle mass. Metallic mercury is also used in folk medicine or in religious rituals in different cultures. These practices increase the risk of mercury poisoning of children in these ethnic groups or subcultures (Drochioiu 2013, 58).

Over the past 50 years, exposure to heavy metals has increased dramatically. Every day, we are in contact with them, whether it is air, water we drink or food. Chronic exposure to these harmful toxins comes from the chemical residues present in processed foods, toxins from personal care products, lead from paint and tap water; mercury leads from the dentist, the workplace environment (welders, workers, painters), dental technicians and dentists, metallurgy workers, engravers, photographers, potters, printers, cosmetics and many others). Some people may remove these toxins from the system, but others, especially those with chronic health problems, tend to develop metal accumulation. In addition, heavy metals can accumulate in the body over time, which leads to symptoms that may not lead you to heavy metals. Often, the symptoms caused by metal toxicity are misdiagnosed as depression, chronic fatigue syndrome, multiple sclerosis and autism (Onciu 2017).

The severity of the toxic effect is dependent on the nature, the quality and the chemical form under which the metal is found in the food product, the weight that the contaminated food has in the structure of the menus, the resistance of the organism, the synergistic or antagonistic effect of other chemical contaminants and other factors. An important property that determines the degree of toxicity for the body is the solubility of metals and metal compounds. Gastric juice, intestinal juice, blood contain salts, acids, bases, fats, so the solubility of metals and compounds in these liquids may be different from their solubility in water. Some metals begin to exert their harmful action only after they have accumulated in the body in a sufficient quantity. They are retained in the tissues and each new quantity of substance introduced into the body is added to the old one, and at a certain moment, when a sufficient quantity has accumulated, the disease starts. Another mode of action of toxic metals is by accumulating the effect, which is manifested by the fact that, always acting on the same tissues and each new quantity of substance introduced into the body is added to the old one, and at a certain moment, they become very sensitive and the penetration of even a very low dose of the toxic substance triggers the process of intoxication (Graduo.ro 2019b).

Heavy metal poisoning is a condition that requires emergency treatment and can endanger the patient's life. It can manifest both in acute and chronic form, the signs and symptoms being different depending on the metal with which the poisoning occurred. The treatment consists of emergency steps that help to eliminate the effects and eliminate the metal from the body. Poisoning occurs as a result of prolonged exposure in an environment impregnated with such metals or as a result of accidental or willful ingestion. The body has a series of "filters cleaning" that specialize in removing heavy metals from the body without causing any damage its functioning. When a large amount of heavy mattresses enter the body or especially when the person exposed to such a toxic environment suffers from a chronic disease or immune system, the harmful substances fail to be completely eliminated by remaining in the body and causing serious harm. The ways of penetrating the heavy metals in the body are represented by their inhalation, swallowing or even passive penetration through the skin and mucous membranes. When exposure to heavy metals is continuous but their concentration is low, the person may develop chronic heavy metal poisoning over time.

But if exposure is done in an environment concentrated in such substances, the poisoning is acute and becomes much more dangerous, which could endanger the patient's life (Lataifas.ro. 2014).

Heavy metal poisoning occurs mainly by accidental contact of the body with different heavy metals, in the industrial environment or at home. The penetration of the heavy metals is by ingestion or by inhalation, or by contact with the skin, but in most situations, by chronic exposure, but also acutely. The metals are inhaled in the form of powders, smoke or vapours. When metals are ingested through contaminated foods or beverages, their gastrointestinal absorption varies greatly depending on the specific chemical form of the metal and the particularities of the body. After absorption, the heavy metal passes into the bloodstream and is subsequently confined to different organs (bones, liver, kidneys), where it achieves relatively high concentrations for years. Most metals are eliminated renal and / or gastrointestinal, but there are different metals, which are eliminated particularly in saliva, perspiration, expiration, lactation, nails or hair. Regardless of the type of heavy metal with which the poisoning occurs, the first therapy strategy is to interrupt the exposure, concomitantly with the administration of the specific chelating agents (Scribd.com 2019).

Heavy metal poisoning has become topical, with the industrialization and mechanization of human activities. It can be produced by ingestion, inhalation or direct contact. The main sources of intoxication can be: metal boxes (doses of juice, preserves), aluminum foils, chemically treated vegetables and fruits. Metals such as iron, zinc, copper, chromium and cobalt are essential for health, but even in large quantities, they become toxic. In contrast, mercury, lead, aluminum and cadmium are non-essential and dangerous, even in moderate quantities. Heavy metals are dangerous because they are bioaccumulative, their concentration increases over time, being stored in fat (Vasile 2019).

From a chemical point of view, in the heavy metals category there are almost 40 metals that have a harmful effect on food if they come in contact with them. In more common terms, this category of "heavy metals" includes the most toxic metals. Heavy metal toxicity is the result of their binding to important enzymatic systems in the animal cell or to certain components of cell membranes. Heavy metals are associated, as secondary factors, to complex pathological processes encountered in humans and animals. The toxic effect is manifested when exceeding a certain threshold below which some (Co, Cu, Fe, Ni, Zn) may even be essential components of proteins involved in different metabolic pathways. Thus, if food were completely devoid of metals then nutritional deficiencies would occur. Heavy metals are found in different concentrations in soil, water, air, food of plant or animal origin, depending on different factors that cause their pollution (www.graduo.ro).

It has been known for decades that metals accumulate in the hair and can be detected weeks or even months after the initial exposure. Numerous articles describing the detection of heavy metals in hair have been published. More recent investigations have focused on using hair as a sample for drug use detection. Analytical techniques have also been developed to prepare the sample and to allow a serial analysis of the drugs using several milligrams of hair. In theory, hair analysis for the detection of addictions offers more benefits than the use of other body fluids (Drochioiu 2013, 52).

For the detection of the heavy metals existing in our body the most relevant is the analysis of the hair (tissue mineral analysis). Blood or urine tests are not conclusive because heavy metals accumulate in the fatty tissue, hair and nails (Echim 2016).

Although toxic metals can be found in high concentrations in the body, a number of them (aluminum, beryllium, cadmium, lead and mercury) have no known biological function. Others (arsenic, copper, iron and nickel) are considered to be essential in low concentrations, but are toxic at high concentrations. In general, heavy metals disrupt metabolic functions in two ways: First, they accumulate and therefore disrupt the function of vital organs, such as the heart, brain, kidneys, bones, liver, etc., but also the glands. Second, they replace vital nutritional minerals that fulfill a biological function. For example, enzymes are catalysts for biochemical reactions, and metabolism, representing all of the chemical reactions in the body, supports the processes of life. But instead of calcium from an enzyme, lead or cadmium may enter. Toxic metals cannot play the same role as

nutritional minerals, so their presence becomes disruptive to enzyme activity. Due to their impact at such a fundamental level, heavy metals can be morbidity factors. At work or in other life circumstances exposure to heavy metals should be minimized or even eliminated. There are several ways these toxic compounds can be absorbed into the body - through food and beverages, skin exposure, or inhaled air. Whenever possible, wear gloves, use respiratory protection devices, and provide fresh air ventilation (Drochioiu 2013, 60).

Chronic exposure tends to produce symptoms that are much more easily confused with symptoms of other conditions and, as they develop over time, are more difficult to recognize due to the toxicity of heavy metals. Because toxic metals block the absorption and use of essential minerals, they can bring on an avalanche of symptoms that gradually worsen over time (Onciu 2017).

Signs of chronic exposure

Symptoms vary, depending on the nature and amount of heavy metals ingested. Patients may complain of nausea, vomiting, diarrhea, stomach pain, headache, sweating and a metallic taste in the mouth. Depending on the metal, there may be blue-black lines in the soft tissues. In severe cases, patients have obvious cognitive, motor and linguistic incompetence. The expression crazy on the head comes from the mercury poisoning spread in the 17th century in France, among the makers of hats that soaked the skin of animals in a solution of mercury nitrogen to soften their hair. They poisoned themselves over time and had specific dementia symptoms (Drochioiu 2013, 58).

In the long term, physical, muscular and neurological degenerative processes can be reached, they can mimic the symptoms associated with Alzheimer's disease, Parkinson's disease and multiple sclerosis, produce premature aging, without the realization that exposure to heavy metals is the real cause (Core Inergetix 2019).

Chronic failure, that is, a general feeling of fatigue, illness and discomfort; Chronic pain, especially in tendons, muscles or soft tissues of the body; Fog on the brain (confusion and amnesia); Digestive problems such as constipation, bloating, gas, diarrhea, heartburn or indigestion; Dizziness; Migraines or headaches; Amendments to the provision; Visual disorders; Depression or anxiety; Nervous system disorders such as numbness, tingling, burning or paralysis of the extremities; Reproductive problems in women, such as infertility, pregnancy loss and menstrual; Neurological disorders, concentration problems, learning difficulty and poor memory, recovered after intellectual; Depression or anxiety, effort problems; Decreased motor control, hearing, speech, sight and walking; Chronic fatigue, weakness, poor recovery after physical exertion, insomnia (Onciu 2017; Core Inergetix 2019).

The conditions that can be triggered by an increased level of heavy metals in the body are among the most serious: Cancer; Kidney disease; Liver disease; Autism; Autoimmune diseases; Joint disorders; Nervous system disorders; Neurodegenerative diseases such as Parkinson's or Alzheimer's; Endocrine disorders; Deformities of the fetus during pregnancy; Allergies (Echim 2016).

Aluminium

As far as heavy metals are concerned, the body does not have the capacity to eliminate them by the usual methods. They remain solid in the body and accumulate in the kidneys, liver, bones, nails, brain and hair, causing various kidney diseases, developmental problems such as autism, Parkinson's, Alzheimer's, cancer, and in some cases cause the body's death. The most toxic heavy metals are: **aluminum**, cadmium, mercury, lead and arsenic. The most common way of accessing heavy metals in the body is to ingest them. Symptoms of heavy metal poisoning are easy to recognize because they are usually severe, rapid, and may be associated with a recent event (exposure or ingestion). We are talking about cramps, nausea and vomiting, pain, sweating, headaches, heavy breathing, confusion, difficulties in thinking, walking and talking and convulsions (Laboratoarele ALS Life Sciences n.d.).

Aluminum is one of the most widespread trace elements in the earth's crust (8% of all minerals), occupying the third place after oxygen and silicon. The daily intake of aluminum by food has large variations, depending on the diet. According to O.M.S, the intake of aluminum for adults is 7 mg / kg body weight / week, i.e. 65 mg / day and for children 2 mg / kg (David 2019).

Aluminum is a chemical element (metal), found in nature (food, air, water, medicines, cosmetics) in various forms and introduced into the body by inhalation, ingestion and trans-dermal. The largest amount of aluminum reaches our body through the digestive system. At the body level, aluminum affects the metabolism of calcium, phosphorus, iron, fluorine, which is why ingestion of a large amount of aluminum is considered to be associated with the risk of Alzheimer's and Osteoporosis (Reginamaria.ro 2019; Kaplan and Sadock, 34-35).

Aluminum in the body above the allowed limit can cause: allergies, arthritis, muscle pain, extreme fatigue, lack of concentration, neuron-vegetative disorders, autoimmune diseases, depression, insomnia, muscle cramps, low potency (Munteanu 2019).

People who are overexposed to aluminum may have encephalopathy, a demented form characterized by convulsions, tremors, psychosis and various changes in speech and behavior. Encephalopathy, as a result of excess aluminum exposure, is most commonly encountered in patients who are on dialysis. Aluminum uptake may cause anemia, osteoporosis (soft or sausage-bearing bones, due to deep disturbances in phosphorus and alkaline metabolism in bone mass), and heart attacks. Aluminum is also associated with other bumps that affect the nervous system, such as Lou Gehrig's and Parkinson's. But the most feared are pre-senile dementia, mental disorders, premature aging and Alzheimer's (Academia.edu n.d.).

Aluminum is a ubiquitous metal. The following keywords indicate **The role of aluminum**: alum, aluminum foil, animal feed, antacids, aspirin, car, powdered decoction, beer, bleached flour, cans, ceramics, cheese, cigarette filters, color additives, building materials, dishes, cosmetics, dental amalgams, deodorants, drinking water, drying agents, dust, insulated cables, medicinal compounds, dairy products, nasal spray, pesticides, pollution, salt, tap water, tobacco smoke, toothpaste, treated water, powdery mildew and also **The effects of aluminum**: ALS, Alzheimer's disease, anemia, loss of appetite, behavior problems, cavities, colds, colitis, confusion, constipation, dementia, dry mouth, dry skin, loss of energy, excessive sweating, flatulence, headache, burns, hyperactivity, inhibition of enzymatic systems, renal dysfunction, reduced immune function, learning disability, leg muscle spasms, liver dysfunction, memory loss, neuromuscular disorders, numbness, osteoporosis, paralysis, Parkinson's disease, peptic ulcer, active peptic ulcer, psoriasis, senility, skin problems, spinal pain, stomach aches and weak muscle aches (Drochioiu 2013, 61).

Conclusions

A real danger to our health can be heavy metals. When they exceed certain concentrations they can seriously harm us even if some of them are needed in very small quantities. We can consider that, heavy metals are "invisible enemies", that attack our health through the air we breathe, the water we drink or the foods we consume. The big danger is that the heavy metals have no smell, taste, color and it accumulates in the body over time, their elimination is slow and difficult and the intoxication is very difficult to detect because the manifestations are similar to those of other diseases.

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Teaching Children of Color

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ABSTRACT: The purpose of this presentation is to discuss teaching and learning strategies that will generate encouragement and support with cultural sensitivity for diverse learners. Three Key Learning Objectives: (1) Recognize and identify the different learning styles of diverse learners, (2) Develop and support differentiation instruction to meet the needs of diverse Learners, (3) Construct and summarize effective teacher characteristics to engage diverse learners in reaching their maximum potential. This presentation will be information for early childhood educators to locate information on challenges that they can encounter and solutions to solve these challenges. The presenter will discuss how the following components are relevant for teaching children of color and how relevant these components are to building positive self-esteem in children of color. These are (1) the teacher's attitude, (2) the learning style of the students in the classroom, (3) the parent/family's role in the education of the student, (4) exploring the student's cultural background and (5) resources that are available. The components will be critical in helping each student reach their maximum potential. This paper will demonstrate how to meet the needs of the diverse learners by empowering teachers, families, and students. The information will service all educators, including novice and tenure teachers, families, and administrators. Educators can use the information as a referral guide that will demonstrate respect and appreciation for the diverse learners.

KEYWORDS: Cultural sensitivity, Diverse learners, Multiple Intelligence Theory, "All About Me" Profile, English Language Learners (ELL)

Introduction

When one thinks of children of color and what changes need to be made to assure that all students are reaching their maximum potential for learning, it is necessary to explore the following: (1) the teacher's attitude, (2) the learning styles of the students in the classroom, (3) the parent/family's role in the education of the student, (4) exploring the student's cultural background, and (5) resources that are available. It would be necessary to start with the teacher's attitude about teaching diverse children as many teachers are not giving all students the appropriate attention needed to be successful in school. Teachers can no longer be allowed to refer to students "as those students" or "the apartment children". This idea of labeling students is viewed as judgmental and disrespectful.

Delpit (2006) mentioned that students she has talked to have reported that teachers deny themselves as the source of knowledge necessary for students to learn. Delpit explains that to exhibit one's personal power as expert source is viewed as disempowering one's students. She feels there are two qualifiers necessary: (1) the teacher cannot be the only expert in the classroom and (2) merely adopting direct instruction is not the answer. She feels to deny students their own expert knowledge is to disempower them. Also merely adopting direct instruction is not the answer. Writing for real audiences lets students know they have an important voice in their own learning processes.

Teachers must begin with self. They must be honest with themselves and analyze what they are doing, what is appropriate, and what needs to be altered. Everyone has some biases. Change will occur when one is honest about self. Once teachers have done an analysis, they can begin to ensure that they are practicing equity that encounters each student in the classroom. In every classroom, there will always be a student that may be a little difficult and teachers will find when they use positive reinforcement, and begin to allow that student to be the leader, or recognize that particular student for any positive behaviors that the student may exhibit, then the distraction will become more of an asset than a disturbance.

Teachers may want to keep a daily personal record that indicates, daily, what has been accomplished in terms of building on a student's strengths and giving the necessary compliments to build a positive self-concept. When students recognize that a teacher is interested in them reaching their optimal potential in their learning, they will become more attentive to their tasks in the classroom and will begin to do their best work because they know their teacher cares, and in return they will want to

please their teacher. Building this kind of bond between the teacher and the student is necessary so that the student can reach their maximum potential.

1. The teacher's attitude

The teacher's attitude is a critical component in making change in the education process. Teachers must view themselves first and must be honest about biases that they may have regarding children, families, and race/culture. Teachers must appreciate and respect the different cultures that are in their classroom. There was a time that teachers would express a negative attitude towards students that were different or children who did not come from the same background as themselves. Teachers can no longer possess the mindset that different is bad or better. Students from another culture or background must be entitled to the same educational privileges as all others in the classroom.

There is a poem that says, "attitude is everything". It is important that teachers demonstrate positive attitudes towards every student in the classroom. It is necessary that when students are different that teachers go the extra mile to extend themselves by talking to all the students and inquiring from student's information about their culture. Sometimes, just a smile and a warm greeting can make a student feel very welcomed.

Knowing each student in the classroom can be an asset to developing a positive rapport with their teacher. It can be helpful to know students' likes and dislikes so that the teacher can build concepts on things that are familiar relatable to the students. They will then begin to develop a trust and bond with the teacher when they recognize the teacher is interested in them and is demonstrating that they care about the students learning and have the students' best interest at heart.

Teachers will need to make sure that all student jobs such as line leader, passing papers, taking attendance and taking the lunch count to the office are rotated so each student will receive an opportunity to participate. Paying daily compliments to students can be rewarding to building a positive self-concept. Of course, the compliments must be sincere. All efforts that teachers make to develop a foundation for equity in the classroom must be viewed as genuine feelings. Students will know if the teacher does not mean what they are doing or saying and the results will not be positive from the students perspective. Of course, when the teacher develops and builds the equity in the classroom that environment will be a valuable benefit for all involved. It will also be the model of what is appropriate for the students.

Learning about the many cultural differences and similarities can be a learning experience for the teacher and students. When the teacher demonstrates that a student is important and their culture is important too, it really gives the student that feeling of belonging and wanting to meet the learning objectives that the teacher has established.

Every student is unique. In a single family with children being from the same biological parents, every child in that family is different, so we know there are many differences in a classroom.

2. Learning Style of the Students

The beginning of recognizing the learning style of the students could be from the home questionnaire or survey. Some teachers will send home a questionnaire or survey that asks questions about the student. If students are older, the teacher can let the student complete this survey in class. Keeping in mind that the parents are the first teacher of the child and their perspective regarding who their child is can be very beneficial for the teacher in getting familiar with the child.

When children are old enough to describe themselves and who they are can be important as well. As we discuss who the child is, the parent or primary caregiver's perspective and the child's perspective would both help the teacher in developing an academic plan that would benefit the child.

As the teacher reviews the "All About Me" profiles for each child from the parents/caregiver and from the child's perspective, the teacher can begin to integrate the different likes of the child into the curriculum that will be taught. Children will gravitate towards familiar concepts and feel more like they are a part of the curriculum. In other words, although the curriculum is already developed, the implementation can be personalized to meet the needs of the children in the classroom.

An example of this kind of implementation can be the picture books you can order with the child's name in the story with the child becoming the main character of the book. Sometimes, if the child has a dog its name and or other things in their environment which personalizes the story can be considered. Another example would be if the teacher knows a child has an aquarium then its individual items can be implemented into what must be taught.

The "All About Me" profile will enable the teacher to use it as a referral guide throughout the school year. It will be instrumental for the teacher to use it for grouping the students, developing skills that the student may not have developed, and for other activities that the teacher will be able to encourage. The teacher can build on the students' strengths but also display weaknesses that may no longer be a weakness but could be developed into a strength. Instead of the classroom being highly competitive and pushing the quiet or shy student to the side, the classroom has now incorporated all the students, all the skills, all the strengths and all the weaknesses into a supportive mechanism that produces positive outcomes and as a result, all the students feel empowered and intelligent. Students will show differing skillsets, but they will be able to observe and appreciate that though all the students are different, they have strengths in different domains.

Teachers know that every child is different. As teachers approach all the differences within our classroom, what is being taught should reflect how the students learn. Once again, it is important to be intentional about how and what is being taught. Since learners can be a visual or/auditory learner.

Howard Gardner's Theory of Multiple Intelligences can be extremely instrumental in teaching diverse students. The premise of the theory builds on students' strengths. The theory categorizes students into different kinds of learners according to the kind of intelligence that best describes the student. When teachers intentionally implement the Multiple Intelligence Theory into the curriculum it will be rewarding for each student. Students will be learning concepts by using their learning style. This theory is demonstrating the uniqueness of each child in the classroom. Also, it reminds students that everyone is different and learning concepts can vary with each student. Indirectly, the theory is reflecting on how important students are and that although each student is different, they are not only important but critical to learning the lessons that are being taught. This way of teaching is individualized but collective. The idea is showing students that they are important, that their learning styles have been identified, and that they will learn the concepts that are being taught.

This attitude of teaching sets such a positive premise for all who are involved. It is showing students that they are going to reach their maximum potential and that the curriculum is about how they learn and retain concepts. What a different way of helping all our students benefit from what is being taught.

The implementation of the Multiple Intelligence Theory has leveled the playing field and it will eliminate the inequities that exist in education. The system is not using the self-fulfilling prophecy that dictates that skin color or who the child is or where he or she lives will dictate the grade level or whether the child is going to do well. Although, we do not verbalize these kinds of feelings to our students, they will easily feel that they are different, inferior, and inadequate when they are treated differently than the other students. How defeated a child must feel, if they are not being treated fairly or equally to other students in the classroom. In retrospect, if a student goes into a classroom and knows that the help, the supports, the kindness, the caring environment, and attitude of the teacher is in their favor, they cannot help but do well.

It has been over fifty years, beginning with *Brown vs. the Board of Education* in 1954 that mandated that segregation of public schools was unconstitutional. Since then, some progress has been made in improving racial disparities, but it has been slow, uneven, and incomplete (Center for Education Policy Analysis). Thus, the time for educational changes has become apparent. Beginning with the "new attitude" that would be a criterion for all teachers. The attitude of the teachers must be taught, and training must occur for this positive change to occur.

The Multiple Intelligence Theory can be implemented. We can let the students know the curriculum revolves around them learning concepts and that the curriculum will be building on their strengths. Critically, however, the teacher must demonstrate that he/she cares. The appreciation, respect, and caring environment will filter down to every child in the classroom.

Roberts and Inman (2009) suggest facilitating lifelong learning with children as they move up the academic success ladder requires three keys which are: (1) support the child with rigorous classes or assignments (2) help a child find interest in and outside of school, and then encourage those interests (exposure to a topic can result in, a passion to learn about the topic), and (3) help others realize that academic success must be defined by more than just good grades. Talk to children, parents, colleagues, and decision-makers to advocate for continuous progress and excellence at various levels. The result is hard work and persistence.

3. Parent/Family Roles

Ryan and Cooper (2010) give five-steps to making the parents of children the teacher's allies. The teacher must ensure that these steps should be accomplished at the beginning of the school year, The teacher must (1) prepare a short statement introduction which is to be carried home and must be returned with the parent's signature, (2) send home disciplinary and homework policies that are to be signed and returned, (3) on the first day, get the parents or guardians home, work, and cell telephone numbers, (4) call all parents at the beginning of the year, especially if a student is falling behind or there is a behavior problem and (5) if any problem persist, insist on a parent visit.

Always stress "we" with parents that means you will be working together on behalf of the child. It would be great if every student could have a parent/family representative when special events happen in the classroom such as grandparent day, father's breakfast, or Mother's Day luncheon. This is a good time to call on volunteers or community helpers when a teacher knows that some students will not have anyone to accompany them with one of these specific activities. It makes students happier and they feel a part when they have someone who is there for them.

Teachers should be mindful that parents are the students first teacher and the teacher should want parents to be inclusive in the classroom activities. The teacher, child and family/parents working together on behalf of the child will encourage and support the learning of the student. As the teacher moves forward with developing skills for the child, it will be a smooth academic transition when a bond has been created and all are school partners. Douglas (2017) discusses how one educator created a welcoming family space at her program and changed the morning drop-off protocols to allow parents to come into the building and have an opportunity to speak with teachers.

Teachers should make sure that the classroom is a place that parents feel welcomed and if there is a language barrier then the school can arrange to have an interpreter. All parents cannot make it to meetings because of work or additional children at home, however a volunteer sheet can carry home that is inclusive of tasks that do not always require a parent school attendance but something which can be accomplished from their home. Some examples of activities such as making decorations, making booklets or making costumes for a program. When teachers can accommodate parents and include them in the classroom activities, the teacher has created a trust and has shown respect for the parent/family. In addition, it is always an educational experience to show parents that as teachers learning about their culture is something that they can share with the class. This is another method of building a bond and building the self-concept with the student.

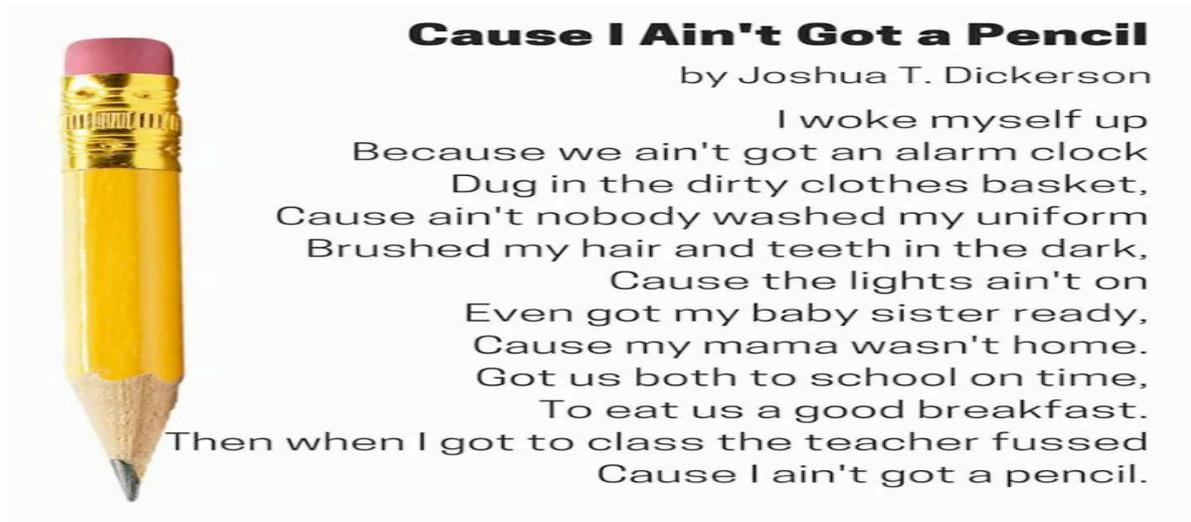
4. Student's Cultural Background

When students have bonded with their teacher, the learning environment becomes an ideal situation for both teacher and student. It is important that daily that teachers speak to each child every single morning. When teachers arrive to school, it should be about having a great day for everyone in the classroom. The teacher should want to know if a child had a difficult evening. This gives the teacher an indicator of how the child is feeling and if any activities should be altered or if any additional discussions are needed within the day.

Some examples of additional discussions could be if a child lost a pet, a snow or storm event during the evening, if a student or family member had to go to the hospital emergency, and if a child's parent returned home from the military or a travel trip for their job. In addition, in the evening a student may not have eaten dinner or possibly no breakfast in the morning, or gunshots in their neighborhood,

as a result of any episodes of this nature, a student will know that once they arrive to school that their classroom will be welcoming, positive and full of fun and rewarding learning activities could be extremely instrumental for the student. The student should know that they will be happy, safe and smart in their classroom and this knowledge will have a positive impact on the growth and development of the student.

The teacher should greet the child in the morning, ask how they are feeling and, in the evening, so each child can share their reflection of the day. There is a poem that reminds teachers that they do not know what their students have encountered before they get to school. This poem is by professional author and poet Joshua Dickerson. It is called “Ain’t Got a Pencil.”



When the child is leaving in the afternoon, the teacher should always tell each child to have a good evening and give them a reminder of doing any homework assignment. It is also a good idea to end the day with a positive quote or have a moment at the end of the day to have “afternoon reflections.” At this time, students can share how their day went—what they enjoyed and what they would like to see enhanced. The teacher can also give the students oral compliments of encouragement, accomplishments, or improvements that they made during the day. Closing the day with these positive affirmations may help a child’s evening at home be inspirational and gives the child positive feedback to share with their parents/families. During the day, any disappointment or challenges that occurred the group can collectively come up with a solution to the issue. This kind of closure to the day is like sharing in the morning. This whole afternoon reflection will give students time to help each other resolve issues and to demonstrate the importance of reflection daily. Students will learn that reflection is a way to solve situations and to prepare one’s self to endure the next challenge.

Lessons that are taught from this activity demonstrates to students that their peers are also a support group. Each day the teacher reviews the likes and dislikes of the day. In addition, the students resolve or manage any dislikes that they have experienced within the day. The students will look forward to the next day. This activity can be written sometimes too. The activity can be the culminating learning experience for each day. The activity can be oral, written or pictorial drawings.

The teacher may want to have each student have a reflection journal that can be used for this activity. This would allow the student’s experiences to be captured and at the end of the schoolyear, the student has a journal that will exhibit the student’s experiences and accomplishments throughout the schoolyear. Also, it should always be shared so the students know they have their peer support. Although, we have not mentioned the student’s culture, as the teacher gets to know his or her student, the culturally aspects will be a natural phenomenon.

5. Resources Available

Irvine (2003) discussed a center Emory University called the Center for Urban Learning/Teaching and Urban Research in Education and Schools (CULTURES) which in 1994 assisted approximately 120 practicing elementary and middle school teachers to work effectively with culturally diverse students to enhance the quality teaching and learning in their urban schools. The purpose of CULTURES was to respond to the demographic challenges associated with the increasingly culturally diverse public-school systems in the Atlanta metropolitan area. This program provided a supportive, nonevaluative, nonthreatening environment in which teachers learned to transform their classrooms and schools into learning communities for students of color who previously only experienced school failure.

In addition, Irvine (2002) offers a proposal for change to create and sustain effective urban, culturally diverse classrooms and schools. The change would be based on reconceptualizing roles for teachers in six ways as follows: Culturally responsive pedagogists, systemic reformers, members of caring communities, reflective practitioners and researchers, pedagogical-content specialists, and antiracist educators. Irvine offers a description of each of these roles.

However, as teachers working with students, the key is parent involvement. The parents being a part of the education of their child is critical for achieving the optimal academic performance of the child. Sometimes, parents may not be able to participate but trying to have a representative for each child in the classroom would be the optimal goal.

It is important to inform parents how necessary their involvement is to the growth and development of their child. If by chance, there are some students who do not have a family representative, the teacher should have volunteers who can participate in the classroom for field trips, tutoring, and other kind of activities/projects. Many parents work so it is important that some activities can occur during the evening. Some ideas can be a special activity for Dads, a project-base activity for parents, and of course field trips and what about grandparent day.

Espinosa (2010) gives four positives characteristics for ELL families and children's parent involvement programs: (1) employed practices that are culturally and linguistically appropriate for the families, (2) provide comprehension services (ex. focus on the whole child), (3) promote high levels of reciprocal communication (parents are partners, not just recipients of school information) (Epstein 2001), and (4) mobile parents to advocate for the educational needs of their children. Although, Espinosa has provided this information for ELL families and children, it would be beneficial to all families of children of color.

The parent involvement is the best resource. It is making the child's education an extension of the child's family life. Remembering that the parent is the first teacher of the child. At the beginning of the schoolyear, having parents complete a parent participation form can be helpful in knowing how parents can connect with their child's education. The participation form should have everything from possible things parents can make at home for the classroom, to field trips, and to assisting in the classroom. Of course, parents can share their jobs or careers.

As teachers connect with parents, the parents may have family members or friends who can offer an educational opportunity to the students. Teachers should welcome these friends into the classroom to share their expertise.

The community that the school may be in could have some academic interests such as food store, bank or library. The teacher should inquire to the various places of businesses to see how they can become part of activities in the classroom. Students learning real life experiences within the school community can be valuable life lessons. The bank experience could be the beginning of how to save money whereas the grocery store can teach students about all the different kinds of nutritional foods and the importance of nutrition in their growth and development. The appropriate materials for activities and projects are necessary. Sometimes, businesses many discard things that can be useful in the classroom. Also, there are organizations that may have free materials for educators. These would be important for teachers to inquire about so that the classroom would have the needed materials to implement and complete activities/projects.

Lastly, technology is essential. Technology has so many virtual activities that can be an excellent resource for students and educators. What students can't experience in real time; technology will allow for virtual trips. Making sure there is adequate updated computers for the children in the classroom and for older students assuring that every child has a computer or iPad at home is important.

Knowing that our diverse students are the future, teachers should support equity across the board and ensure that all students will meet their maximum potential in the classroom. Although teachers may not be familiar with all the different cultures within their classroom, they can always ask parents for help in providing a multicultural experience for students in the classroom.

Discussion

Duncan and Murnane (2014) explain that the longstanding strengths lie in values and commitments. Americans at least rhetorically, believe the value of equality of opportunity and a commitment to education as the primary social institution for achieving high-quality education for low-income children. While there are sharp disagreements on the best way to improve education for children from low-income homes, most Americans accept that doing so is an important societal objective.

However, Payne (2006) feels that race is a highly salient topic for young people interested in education. White students may wonder whether they can teach children of color; students of color may feel a tension between teaching and group loyalty. When they go into schools, they feel race is salient but rarely talked about in any public way. For more experienced nonwhite teachers, know perfectly well that much of what they see around them cannot be explained without reference to race. Although, one of the privileges of being white in this country is that it largely insulates one from critical discussion. What it tells us is that if we can learn to question our presumptions, we all have a chance to make a difference.

Conclusion

Teachers, parents and students working in partnerships is a critical aspect of teaching children of color. Teachers must analyze their own biases and build a classroom that appreciates and respects diversity.

Recognizing that the parent is the first teacher of the child, teachers should involve the parents in encouraging and supporting the learning of the child. An additional educational opportunity is learning about families' culture and sharing these cultures in the classroom. There should always be a welcoming environment so parents will feel inclusive.

Incorporating and appreciating the child's culture is important in developing the self-concept. Knowing that each child is unique, it is necessary to develop activities that integrate different learning styles. Teachers know that every child is different. As teachers approach all the differences within our classroom, what is being taught should reflect how the students learn. Once the teachers build trust with their students, the learning environment becomes an ideal situation for teacher and student.

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The Role of Dubai Government in Supporting Responsible and Sustainable Practices of the Private Sector: A Case Study on the Dubai Chamber of Commerce and Industry

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ABSTRACT: The increasing profile of CSR as a concept in government action linked to the challenges of globalization and economic change in the late 20th century, such as corporate citizenship, and the interrelationships between trade, investment, and sustainable development. The purpose of this study is to provide a deeper understanding of how governments support the practices of social responsibility, by identifying the roles adopted by Dubai government to support and promote the responsible and sustainable business practices in Dubai, via case study approach on Dubai Chamber of Commerce and Industry. The study also aims to monitor and analyze Dubai Chamber's efforts and policies in this regard, in order to draw lessons learned and to make suggestions that can be used to improve the performance of governments and to create pioneering experiments in this area. For data collection of this study, the researcher used a qualitative analysis and case study approach, based on in-depth interviews with those responsible for the Center of Responsible Business (CRB) at Dubai Chamber. The main findings of the case study demonstrate that Dubai Chamber promotes CSR as an opportunity and competitive advantage for business, as it adopts win-win relationship "mutual benefit" with the private sector. It plays different and integral roles (awareness role, regulatory role, legislative role, and endorsing role) to entrench the principle of corporate citizenship and to support businesses to work in a responsible and sustainable manner.

KEYWORDS: corporate citizenship, corporate social responsibility, Dubai government, sustainable development

Introduction

The World Business Council for Sustainable Development (WBCSD) has defined corporate social responsibility as "The commitment of business to contribute to sustainable economic development, working with employees, their families, the local community and society to improve their quality of life" (Fox et al. 2002, 1). Moreover, CSR has been defined as a concept whereby companies decide voluntarily to contribute to a better society and cleaner environment (Albareda et al. 2007).

Corporates of all sizes, types, and fields of business are an essential source of economic activity and a vital component of the social fabric, so they drive the elements of their survival from the surrounding environment. Therefore, they committed to the values and customs prevailing in society. According to this principle, the companies are committed to contributing to achieving society's hopes and aspirations. Moreover, participating effectively in the process of its development and well-being (Knudsen et al. 2015).

This voluntary approach to CSR changes governments' roles in relation to the promotion of business, social and environmental practices (Midttun 2005; Matten & Moon 2005). In recent years, corporate social responsibility has turned from voluntary actions into a new approach for business management, which aimed to build and sustain long-term relationships with stakeholders (Steurer, 2013; Altuner et al, 2015). Hence, the governments sprang to employ and support this trend by supporting responsible and sustainable practices of the private sector (Spitzeck 2009).

The assessment of private sector corporates is no longer dependent on only their profitability, reputation or financial positions (Campbell 2007). Modern concepts have emerged to help create a working environment capable of dealing with rapid economic, technological and managerial developments around the world. One of the most prominent of these concepts is the concept of Corporate Social Responsibility (Gao 2011). Therefore, the private sector alerted to its social role and the need to expand its activities to include not only productive ones but also the concerns of the society and environment, taking into account the three pillars of the World Business Council for

Sustainable Development: economic growth, social progress, and environmental protection (Kapoor & Sandhu 2010).

The purpose of this study is to provide a deeper understanding of how governments support the private sector practices of social responsibility, by identifying the roles adopted by the Dubai government represented at Dubai Chamber of Commerce and Industry, to support and promote responsible and sustainable business practices in UAE.

Literature Review

The governments' roles in supporting Corporate Social Responsibility Practices

The global economy has led to many challenges that require governments to seek new frameworks for cooperation with companies and civil society organizations (Albareda et al. 2008). Therefore, governments' performance has changed with the development of communities and business organizations. Recently, governments have played a vital role in improving community conditions by promoting the growth and development of CSR practices and ensuring that these practices carried out in accordance with the customs and norms of society. Government policies have tended to support CSR practices not only in the social field, but also in various areas such as environmental, infrastructure, employment, and human resources development (Thomsen 2004; Peters et al. 2011).

Modern governance has two features. First, it builds on partnerships with the private sector and community during public policy-making and implementation, and second, it relies on approaches such as dialogue, knowledge sharing and volunteerism (Lepoutre et al. 2007).

Fox et al. (2002) in a study for World Bank identified four key roles for governments to stimulate CSR practices:

- Mandating: Government at different levels defines minimum standards for business performance embedded within the legal framework. Moreover, it establishes a system of incentives and accountability.
- Facilitating, through incentives and awards for best responsible practices by private sector companies, such as tax incentives and frameworks of voluntary agreements for supporting civil society.
- Partnership, by dealing with the private sector as stakeholders in achieving sustainable development of society, conducting an endless dialogue with the business community and emphasizing the principle of participation based on mutual benefit.
- Endorsing, through the support, praise, and appreciation of good practices by the government and the media.

The European Commission in 2002 asked the governments of EU Members States to take policy initiatives to foster CSR, through the following (Albareda et al. 2007):

- Enhancing the visibility of CSR and disseminating good practices.
- Exchange of information and experiences in the area of social responsibility with business organizations.
- Developing managerial skills in business practices of CSR.
- Further integrating CSR into education, training, and research.
- Merging corporate social responsibility into community policy.
- Setting rules for accountability, accountability, and evaluation.

Wilson & Olsen (2003) classified government's roles in supporting corporate social responsibility practices in three groups as following:

- Effectiveness: The Government's role in building and strengthening partnerships with business corporations and civil society on the basis of the Win-Win Relationships, a role that harmonizes the market economy.
- Standards: within the framework of this role, the government shall enact legislation and establish regulations governing the practices and applications of social responsibility in society, bearing in mind that the work of companies in this activity is voluntary and therefore its legal responsibility much diluted.

- Methodology: When the government undertakes this role, it must take into account the economic, social and environmental challenges locally and globally. This role related to a clear vision and specific objectives for the government before the plans, programs, and initiatives adopted by the business community.

Zadek (2006) proposed three roles for governments in supporting CSR practices:

- Consolidating the principle of corporate citizenship. Profit should not be the only motivation for business. Society as a whole should consider as stakeholders, and its development must be the duty of all business organizations.
- Establishing the principle of competitive citizenship by encouraging and supporting good and responsible corporate practices, and monitoring rewards for pioneer experiences in this area.
- Adopting the principle of accountability and transparency, through the legislation that regulates the work of the business community.

Another approach to the understanding of CSR public policies is the flexible policy approach introduced by Joseph (2003), in which the role of government viewed as collaborative and facilitated using simple tools and means – always in collaboration with the private sector. In the same context, Post, Preston, and Sachs (2002, 9) emphasize that ‘the capacity of a firm to generate sustainable wealth over time, and hence its long-term value, is determined by its relationships with critical stakeholders’ and ‘any stakeholder relationship may be the most critical one at a particular time or on a particular issue’ (Post, Preston, and Sachs 2002, 8). In addition, Nomin & Parker (2013) indicates that governments are now a stakeholder in the business community and this relationship based on the principle of mutual benefit and interests.

Research Model

According to reviewing the theoretical framework, the researcher suggests a model (Figure 1) that illustrates four basic roles of government to support responsible and sustainable practices of the private sector, which are awareness role, regulatory role, legislative role, and endorsing role. Achieving these roles provide an enabling CSR environment based on responsible business, corporate citizenship, corporate sustainability, corporate accountability, and sharing values and benefits, consequently, contributing effectively to the well-being and sustainable development of society.

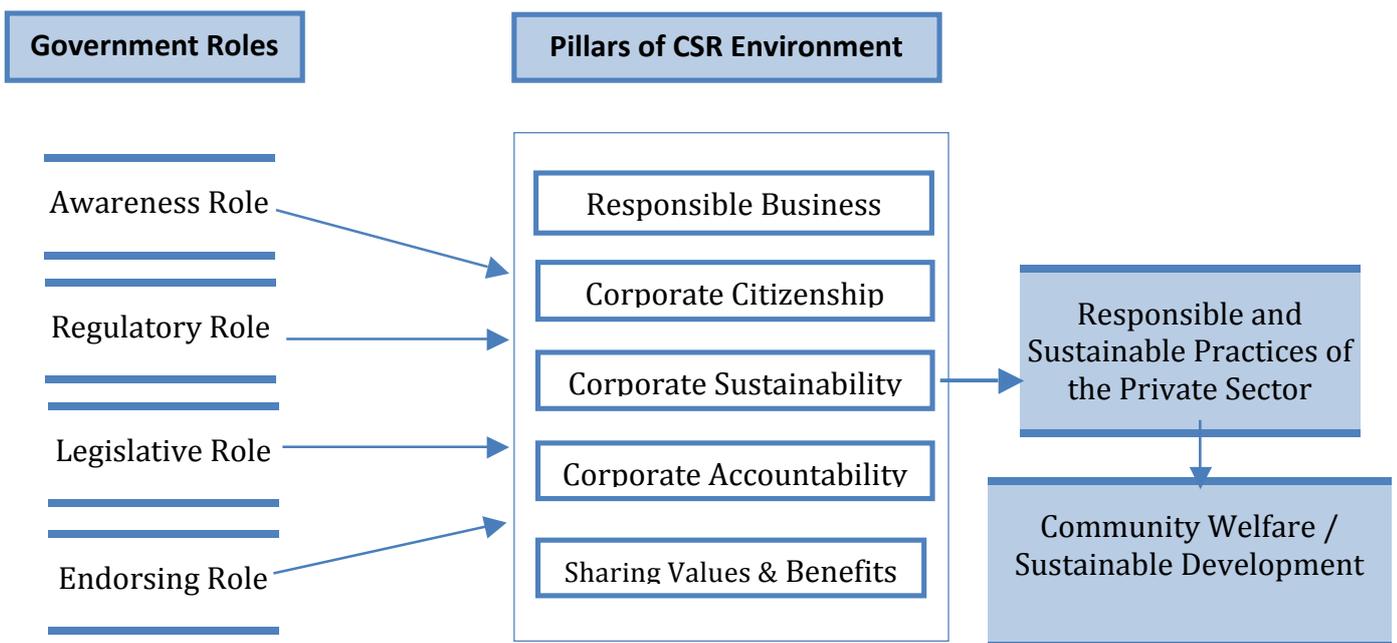


Figure 1. A proposed research model

Research Methodology

A qualitative analysis methodology and case study approach was utilized in this study, based on in-depth interviews with those responsible for the Center for Responsible Business (CRB) at Dubai Chamber. Moreover, the information gathered from the website of The Dubai Chamber of Commerce and Industry, “CSR Today” Issued by the Dubai Chamber in Arabic and English, as well as the reports and researches published by the Dubai Chamber about the practices of social responsibility in the UAE. The data collected used to answer the following Research Questions:

1. What are the Values that govern (DCCI) in supporting the responsible and sustainable performance of private sector companies?
2. What are the main activities and events of the (DCCI) to develop sustainable social responsibility practices in UAE society?
3. What are the roles of the Dubai Government, represented by the Dubai Chamber of Commerce and Industry (DCCI) in supporting responsible and sustainable practices of the private sector?
4. What are the challenges facing the Dubai Chamber of Commerce and Industry (DCCI) in applying responsible business practices in UAE society?

The Case Study

The Government of the United Arab Emirates is interested in developing partnerships with civil society, non-governmental organizations, and the private sector (Almatrooshi et al, 2018). This reflected in its Vision 2021, which aims at encouraging businesses and citizens to participate in providing a developed social and economic environment, and building an economy based on knowledge, diversity, innovation, and sustainable development. In this regard, the Government of Dubai was proactive by activating the role of the Dubai Chamber of Commerce and Industry and the Centre for Responsible Business.

Reasons for selecting Dubai Government and Dubai Chamber of Commerce and Industry as Case Study:

- The United Arab Emirates has become an important trading center in the Middle East, ranking first in the Arab Region and 12th in the world at the global competitiveness, according to the 2015 report by the International Institute for Management Development (Yaprak & Thiruvattal 2015).
- The UAE is a leader in the adoption of CSR practices in the Middle East and at the global level. Dubai is the most open source of interest in social responsibility and sustainable development practices. Companies operating in Dubai achieve the highest level of awareness and application of socially responsible and developmental practices in the country (Pick 2014).
- The Dubai Chamber of Commerce and Industry (DCCI) represents the Government of Dubai in establishing the concept of social responsibility and sustainability in the corporate strategies of the UAE business community.

The Dubai Chamber of Commerce and Industry (DCCI)

The Dubai Chamber of Commerce and Industry (DCCI) has developed an integrated approach to solidify the concept of social responsibility and sustainability in the strategies of companies operating in the UAE business community, especially in Dubai. It also sought to identify the latest global trends that would develop responsible and sustainable practices in society.

The Centre for Responsible Business (CRB):

The Dubai Chamber of Commerce and Industry established CRB in 2004 to support and promote the concepts and practices of corporate social responsibility (CSR) and sustainability.

The Center aims to encourage the business community in Dubai to arrogate its responsibility and play a greater role in adhering to the social and environmental needs of the community. The Center for Business Ethics is a leading center with extensive experience in CSR, sustainability, and governance.

The CRB supports companies operating in Dubai to implement responsible business practices in the community that enhances performance and competitiveness among themselves through:

- Promoting the practices of social responsibility, sustainability, and good governance, within the Dubai business community, through the dissemination of knowledge, awareness, and the development of tools that help for the proper application.
- Assessing the performance of the business community in the area of social responsibility, providing direct advice, technical advice and training.
- Encouraging companies to integrate CSR practices into their strategy, management, and operational processes at all levels.
- Measuring and documenting social responsibility practices in Dubai and the UAE.

In the following section, information of the case study will reviewed to answer the Research Questions:

1- The Values Govern DCCI in Supporting CSR Practices: (CSR Today, Jan-Feb 2017)

- **Citizenship**
The business community is a pivotal partner in the development process in the UAE. In recent years, this role has progressed from social responsibility to institutional citizenship to deal with the company as a productive cell in the homeland, has its rights and duties.
- **Partnership**
DCCI has applied the principle of creating shared value, by aligning corporate objectives with social and environmental purposes of CSR and sustainability. It has also pursued policies and practices that enhance corporate competitiveness while at the same time placing societal and environmental issues at the heart of its operational strategies and processes.
- **Sustainability**
Sustainability is a cornerstone of inclusive development. Responsible and sustainable practices are an integral part of modern business strategies and an important factor in their success. Therefore, the Dubai Chamber has launched the "Dubai Sustainability Network" as a platform for companies to exchange information and experiences of responsible and sustainable social practices.
- **Innovation**
Dubai Chamber provides a stimulating environment to develop a knowledge of innovation and support it morally and financially through the adoption and application of ideas and creative initiatives. In the first half of 2015, the Dubai Chamber established an innovation strategy to support the private sector. The strategy included the launch of the Dubai Innovation Metrology Index and the Dubai Innovation Lab to increase the competitiveness of the private sector. Moreover, it launched an electronic platform called "Innovation Pioneers" and a research center that manages ideas and turned them into applied practice.

2- The main Activities and Events of (DCCI): ¹

Table 1. The main activities and events of DCCI

Activities	Description
<i>Research & Case study Directory</i>	The directory of research and case studies highlights the best practices and experiences of CSRs within and outside the UAE. Furthermore, it analyzes and interprets the motivations for applying responsible practices, how they are applied, and their impacts and challenges.
	In 2008, CRB collaborated with Business in the Community (BiTC) and launched Engage Dubai program to facilitate business' role in sustainable development

¹ This question was answered through interviews with officials at the Business Ethics Center at Dubai Chamber and the Dubai Chamber website, online at: www.dubaichamber.com/what-we-do/business-excellence/centre-for-responsible-business

<p><i>Engage Dubai Program</i></p>	<p>through engaging their employees with the community in which they operate.</p> <p>Engage Dubai is a voluntary program; it is a part of an international network of businesses and community organizations working in 23 countries around the world, that collaborate to support the development of healthy and sustainable communities by increasing the quality and quantity of employee volunteering in their local communities. The program aims to increase non-financial strategic contributions to the community by enhancing staff participation in and improving the quality of their communities.</p> <p>The program is the prime in the Middle East. The number of companies joining the program in Dubai reached 140 in 2018. Its employees provide about 6,000 volunteer hours per year for the community's side. The program aims to spread the culture of volunteering among employees and provides a database for companies operating in Dubai to initiate volunteer efforts with their employees in coordination with charitable organizations that seek to recruit volunteers, which helps them to unite their social efforts with the company's strategic objectives. The program has helped companies operating in Dubai to explore successful and effective volunteer areas and opportunities for their employees.</p> <p>The advantages of Engage Dubai for member companies:</p> <ul style="list-style-type: none"> • Enhancing the company's reputation as a responsible organization, thereby magnifying its competitiveness in the market. • Expanding the markets for the company's products and services by increasing its community network. • Enhancing staff morale, and the company's pride in their achievements, which lead to a quality work environment and maintain staff loyalty. • Increasing the ability of staff to take initiative and cope with change. • Activating the sense of teamwork among employees. • Creating a greater understanding of the issues and challenges that affect society, and its impacts on the environment of the business community and the ways to address them.
<p><i>CSR Label</i></p>	<p>The Dubai Chamber CSR Label launched in 2010 to provide a diagnostic framework for assessing responsible practices of the business community. The acquisition by any company of this award is evidence of its ongoing and concrete efforts in the field of social responsibility and its commitment to developing its responsible practices.</p> <p>The CSR Label designed to meet the needs of companies in the Middle East, UAE, and Dubai in particular. It aims to help companies by:</p> <ul style="list-style-type: none"> • Providing a clear optional standard for the application of CSR in business practices in Dubai and the UAE. • Reviewing and evaluating corporate strategies and performance in the adoption of social responsibility and sustainable development programs in society. • Providing a tool for all stakeholders to demonstrate the company's commitment to responsible practices and performance within the community. <p>By applying for the Dubai Chamber CSR Label, the companies will:</p> <ul style="list-style-type: none"> • Develop a better understanding of its approach to CSR and a roadmap for further progress. • Conduct a detailed internal assessment of its current CSR activities. • Receive a detailed feedback report on its strengths and opportunities for improvement. • Gain external recognition and extensive promotion for its CSR activities.
	<p>DSN launched in 2011, as an essential platform for the business community, it plays a key role in promoting the concepts of CSR and sustainability by sharing information and best practices about how to implement responsible and sustainable practices in society.</p>

<p><i>Dubai Sustainability Network</i></p>	<p>DSN offers several advantages to its members including:</p> <ul style="list-style-type: none"> • Providing an opportunity for companies to highlight their responsible practices in Dubai. • Using the logo of the Dubai Sustainability Network on the company’s website. • Communicating and sharing experiences with companies of common interest in CSR, Sustainability, and Governance. • Participating in the periodic multi-stakeholder meetings to discuss issues of sustainability, governance and social responsibility to help companies apply best global practices in this area. • Free participation of two delegates in all paid CSR/Corporate Governance Trainings throughout the year. • Be recognized as DSN members via having speaking opportunities at various CRB and Chamber events and a chance to be part of press releases and media publicity. • Free assessment for the CSR Label.
<p><i>Dubai Dialogue</i></p>	<p>The Dubai Dialogue, which held twice a year, is the largest sustainability conference in Dubai and started its first copy in 2009. The conference includes participants from different industries and sectors to work together for creating a unified vision of social responsibility practices and sustainability in the UAE. The dialogue is a platform for all concerned and interested to discuss all strategies and initiatives available or needed by the business community in the UAE to reach a sustainable and responsible economy.</p> <p>The CRB aims to bring the best creative ideas in the area of social responsibility to the region and expedite dialogue and discussions among academics, practitioners and business leaders on CSR and Sustainability, as well as highlight the most sustainable practices of the global business community.</p>
<p><i>Sustainability Directory</i></p>	<p>The Dubai Chamber Sustainability Directory was set up in 2011 for:</p> <ul style="list-style-type: none"> • Helping individuals and businesses in Dubai to be more sustainable by facilitating their access to sustainable products and services. • Highlighting and promoting companies that offer sustainable products, services, and solutions in the UAE to the local and international audiences.
<p><i>CRB Training</i></p>	<p>The CRB creates a supportive learning environment that helps companies to create new ideas and set ambitious goals for their responsible organizational initiatives. It aims to enhance the learning experience among a wide range of target audience based on business types, industry sectors, employee levels, and governance.</p> <p>The training courses designed to be practical and interactive using the latest technologies and ideas in the organizational culture and learning. These include case studies, role-plays, group activities, videos, and individual exercises.</p>
<p><i>CSR Today Magazine</i></p>	<p>In 2007, CRB issued a monthly publication “CSR Today”; it provides a snapshot of how Dubai businesses are making a difference, thereby raising awareness of and supporting responsible business practices in the UAE.</p> <p>CSR today published in both Arabic and English, as one of CRB early initiatives to promote awareness among companies of the importance and impact of their responsible practices on the development and advancement of society. This publication designed to encourage companies to explore the opportunities that social responsibility practices can offer. In its various print and electronic editions, the newsletter has reviewed several initiatives adopted and launched by the business community. It also introduced several tools, resources, and ideas to help companies implement and integrate CSR programs into their operational processes.</p>

3- The Roles of (DCCI) in Supporting Responsible and Sustainable Practices of the Business Community:²

The researcher identified the main roles adopted by governments to support responsible practices of the private sector, as follows: awareness role, legislative role, regulatory role, and endorsing role. In this context, the roles of the Dubai Chamber of Commerce and Industry to support the best practices of the business community determined as follows:

The Awareness Role

- Issuing specialized publications in the field of social responsibility, such as CSR Today, to introduce the most important social responsibility programs and initiatives and raise awareness of their importance and impact on UAE society and sustainable development.
- Producing publications of volunteer work to announce the needs of charitable organizations for volunteers of their various projects. These bulletins explain the quality of the projects, the fields of volunteering, the number of volunteers required, time and place, and how to participate.
- Launching awareness campaigns in the media to urge the business community and individuals to engage in responsible practices under the slogan "Leave your mark on society".
- Using the DCCI website effectively to raise awareness of the importance of responsible and sustainable business practices.
- Highlighting the leading experiences of businesses in the field of social responsibility and sustainable development by issuing printed and electronic publications entitled "Best Practices" to encourage and support the movements of companies in servicing society.
- Organizing training courses for corporate employees to raise their awareness regarding the importance of social responsibility and its benefits to society and individuals, as well as the reputation of companies and their brands.

The Regulatory Role

The Dubai Chamber of Commerce and Industry (DCCI), represented by the Centre for Responsible Business (CRB), has the following regulatory roles:

- The Research Department of the Center conducts studies aimed at identifying priority areas and projects that should receive the attention and support of state institutions and the business community. Moreover, recognizing the drivers and constraints of social responsibility practices in Dubai, especially those faced by SMEs.
- Organizing volunteer work in Dubai through "Engage Dubai program, which invests the efforts of private sector employees in voluntary activities aimed at developing healthy and sustainable communities. The program provides a database for corporate staff in Dubai and coordinates with charities seeking to recruit volunteers, as well as organizes training courses for these employees to develop their skills in how to manage volunteer activities.
- Dubai Chamber analyzes and evaluates the performance of companies in the area of social responsibility. According to this evaluation, the Chamber sets rules and procedures that encourage leading practices, providing support to companies that have a desire to serve the community but need technical help and training. As well as, it put in place the roles to deprive companies who are ineligible for community service from incentives and support in the business environment.
- Organizing events that discuss issues of social responsibility such as The Dubai Dialogue, which held twice a year, such events invite academics, specialists and international experts

² This question was answered through interviews with officials at the Business Ethics Center at Dubai Chamber and the Dubai Chamber website, online at: www.dubaichamber.com/what-we-do/business-excellence/centre-for-responsible-business

in the field of social responsibility to shed light on their experiences and exchange knowledge between them.

- Preparing guidelines for social responsibility to identify the areas of this responsibility and the criteria for their application, which entitles companies to obtain the Dubai Social Responsibility Award. The guides issued in both Arabic and English, such as:
 - o A guide to sustainable environmental practices and projects.
 - o A guide to health, safety, and well-being in the workplace.
 - o A guide to responsible practices in the labor market.
 - o A guide to developing community investment strategies.
 - o A guide to building partnerships with civil society and the business community.
 - o A guide to best practices and case studies.
 - o A guide to Sustainability Network.
 - o A guide to Dubai Initiatives.

The Legislative Role

- Studying and discussing the laws, and regulations governing the practices of companies in society, to suggest the proper amendments that encourage the business community to adopt practices of social responsibility and sustainable development in the society.
- Dubai Chamber was instrumental in proposing the UAE Commercial Companies Law, which approved in October 2015. This law regulates the relationship between commercial companies and public sector. This law aims to strengthen the legal and regulatory framework of the State to enhance its efforts in sustainable development, to cope with the economic changes taking place in the international environment and the UAE business environment, and the growing role of the business community in supporting community and environmental activities.
- Dubai Chamber is currently studying a law that regulates the work of family businesses and how to benefit from the governance system as one of the economic dimensions of social responsibility; to make the UAE business environment stimulating and suitable for attracting international investments.

The Endorsing Role

DCCI provides an enabling environment for companies to adopt responsible social practices through:

- Highlighting and promoting the prominent corporate social responsibility efforts and practices through the Dubai Sustainability Network reports, the DCCI's website and official pages on social networking, as well as, the traditional media and various forums and events.
- The partnership of the leading companies in the field of social responsibility with the government sector in launching the community and environmental initiatives, and developing strategies for social and sustainable work in the UAE, which reflects the state's confidence and support for these companies and contributes to strengthening their reputation and brands in the market.
- -Candidacy pioneering companies in the field of CSR to receive the Dubai CSR Label, which indicates their continued efforts to develop their responsible practices and provide viable ideas and initiatives that serve society and the environment. This award is an appreciation of the government and society to the leading companies in this field.
- Designing training courses that help companies to understand the key concepts and proper application of social responsibility and sustainable development strategies. The training courses cover a wide range of topics such as; how to plan social responsibility programs, the preparing of social responsibility reports, how to support brand equity by adopting responsible social practices.

4- The Main Challenges Facing Dubai Chamber for Implementing CSR Practices:

- Meeting the needs and aspirations of the state and its citizens in the future, through the preservation of the environment, and the improvement of professional capabilities and functional competence of the state employees (Pick 2014).
- Changing the perception about CSR practices, because some companies still consider social responsibility as a financial donation to some charitable projects. However, charitable and voluntary work is different from social responsibility programs, as its objectives are short-term and may target some rather than all stakeholders. As these actions classified as occasional programs that may offer under certain conditions or religious events if the companies have an adequate budget, it not done periodically.
- Few companies have a specific policy to measure the effectiveness of social responsibility practices. The Dubai Chamber has recently established a performance measurement system in the area of social responsibility, in an attempt to link investment in corporate social responsibility and performance, taking into account the size of the companies, their areas of business, and their essential operational processes.
- Developing leaders in sustainable development through training and developing the employees' skills. DCCI is currently preparing the Sustainability Pioneers program, which aims to prepare specialists to lead sustainable development programs in the society (Rettab 2015).
- SMEs represent about 90% of the business community in Dubai, contributing 35% of the emirate's GDP, and employing about 60% of the total workforce. It plays a key role in society and has enormous impacts on the environment and the community. However, these companies suffer because of their size, weak potential and lack of information, so they became incapable to socially and environmentally responsible practices. They need technical support through training and counseling to help them adopt programs and initiatives that suit their needs and capabilities (Rettab & Maaytah 2015).
- Many companies do not have a specific strategy for social responsibility, but barely a variety of independent initiatives that have no social impact and do not enhance the company's long-term competitiveness. Therefore, DCCI has begun in developing a strategy to promote a responsible and sustainable business practices culture in the business environment and to introduce companies to the benefits of seeking responsible and sustainable policies that benefit their business and their community (Rettab et al. 2014).
- Some companies believe that their social responsibility is only towards the community, and does not realize that they include the responsibilities towards their internal audience of employees and stakeholders, headed by customers and consumers. In this concern, DCCI recently launched guidelines for social responsibility that identified areas of responsibility and tools that can used by corporates to integrate and apply responsible business practices into their strategies (Rettab, Ben Brik & Mellahi 2008).

The Case Study Analysis

In this section, the main results of the case study (Dubai Chamber of Commerce and Industry) will reviewed as follows:

- Dubai Chamber of Commerce and Industry (DCCI), adopt an integral strategy for supporting and motivating responsible behavior and ethical investment policies of the private sector. It plays an awareness role; by spreading knowledge of the value of social responsibility and its benefits to the individual and society, The regulatory role; through setting priorities for sustainable development and the prime areas of interest to be supported by business. Also the legislative role by proposing laws and setting regulations, which organize the responsible practices of the business community. Finally, the endorsing role by; supporting the pioneering experiences in CSR, providing technical guidance for businesses in this field, and maintaining effective partnership with the private sector to serve and develop society.

- Dubai Chamber adopts a comprehensive strategy to support the practice of corporate social responsibility and sustainability practices. It does not focus only on social challenges but develops an effective and comprehensive CSR strategies and policies. Therefore, it attaches concern to the issues of environment and sustainable development, innovation, productivity, occupational health and safety in the workplace, and responsible practices in the labor market towards the stakeholders.
- Dubai Chamber Promotes CSR as an opportunity and competitive advantage for business, as it embraces a win-win relationship with the private sector. Therefore, businesses adopting CSR practices consider as an effective marketing strategy to support the value of their brands in the market.
- The Dubai Chamber plays a pivotal role as a link between the private sector and the government sector and sets the framework for effective partnership between these two sectors and other stakeholders in the community. This partnership allows for dialogue and exchange of experiences among companies of common interest in CSR, sustainability, and governance. Furthermore, the partnership with international organizations in the field of CRS allows DCCI to use global expertise, and to take advantage of the best international practices in this area.
- The Dubai Chamber provides a promising environment for innovation by adopting and implementing creative ideas and initiatives that provide productive and innovative solutions to the problems and challenges facing the community, to cope with the rapid growth witnessed by Dubai and to confirm its reputation as the best destination for international business.
- The Dubai Chamber has been keen to carry out studies and adopt systematic work planned based on the current and future needs of the community, and involve stakeholders in the development of strategies for social action and sustainable development. As well as seeking to support small and medium enterprises in identifying and strengthening their social responsibility strategies, as these companies are the mainstay of the national economy in the UAE.

Conclusion

The changing global economic system, characterized by increasing corporate influence and dominance over the economies of countries, has led to many challenges that require governments to pay attention to the application of CSR practices, through the partnership with the private sector, as a stakeholder in the sustainable development of society. Hence, in a globalized economy, governments must adopt practices that are consistent with their social circumstances, their organizational and political structures, their economic growth, and the nature and size of the business community. Moreover, it should not be isolated from global economic variables and challenges such as globalization, competitiveness standards, global quality standards, corporate citizenship, governance, and others.

CSR is no longer considers as voluntary efforts to serve and develop the community, but it turns from social responsibility to corporate citizenship, so that companies treated as a pivotal partner in the development process. In addition, companies adopt clear and specific social responsibility strategies that have many advantages including strengthening their reputation, enhancing employee loyalty, increasing customer satisfaction, building strong relationships with governments, improving quality and productivity, and consequently increasing their economic efficiency.

The Government of Dubai's experience in supporting and developing the responsible and sustainable practices of the private sector is a successful model in the UAE and the Arab region. It has succeeded in establishing an effective partnership with this sector, based on the principle of the win-win situation. It has embraced a comprehensive strategy to support these practices through a methodology based on inclusiveness, integration, and sustainability, by converging not only social challenges but also economic, environmental, educational and research hurdles. In addition, it

utilizes and applies the creative ideas and initiatives, that offer innovative solutions for existing and future challenges that society may face.

The outcomes of this study will help the governments strengthen their roles as an intermediary among all stakeholders, identify initiatives to be launched and procedures that should be improved to encourage companies to be more socially responsible. Furthermore, it highlights the most important challenges facing governments in managing CSR practices such as: providing a system for measuring the effectiveness of these practices and their return on investment, developing a clear agenda for CSR investments in partnership with the private sector, focusing on the country's development priorities in the different areas. Finally, the number of researches on this matter in the Arab context is insufficient, so future research should focus on examining policies and operations taken by governments to contribute toward more sustainable CSR environments.

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Ethical Leadership and Work Engagement of Mobile Telecommunication Firms in Port Harcourt

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ABSTRACT: This paper empirically examined the association of ethical leadership and work engagement of Mobile Telecommunication Firms in Port Harcourt. From a population of six hundred employees, a sample size of two hundred and forty was drawn based on which questionnaire were distributed and retrieved. The demographic and univariate data were presented with descriptive statistics and hypotheses were tested using the t-test and multiple regression analysis. The result showed a positive relationship between dimensions of ethical leadership and measures of work engagement. The study concluded that ethical leadership is not only good for the leaders' reputation, but is also a contagious practice that is capable of stimulating positive workplace value and practices among workers. The study however recommended among others that: (1) leaders should endeavor to treat their followers with fairness and justice (2) leaders should be responsible enough to recognize that their actions or inactions have effect for the future of the organization and that (3) leaders should carry themselves in a transparent manner as against having their actions shrouded in secrecy

KEYWORDS: ethical, leadership, employee, engagement, mobile, telecommunication

Introduction

Engagement is a construct naturally subsumed within the increasingly popular domains of positive psychology and positive organizational behavior, which aim to enhance employees' positive experiences of work (Shekari 2015). Employee engagement is a desirable condition, has an organizational purpose, and connotes involvement, commitment, passion, enthusiasm, focused effort, and energy so it has both attitudinal and behavioral components (Mills 2012). Today's organizations are indisputably on the search for ways of gaining and sustaining competitive advantage in the face of the dynamic and volatile business milieu they are operating; and of all the resources of business, the contribution of human resources in this direction is not questionable (Chaudhary, Rangnecker and Barua 2012). One way through which employee's performance can improve is through engagement to work. In recent past, the construct of employee engagement has received unprecedented attention as a key determinant of several positive organizational outcomes (Macey, Schneider, Barbera and Young 2009; Bates 2004; Bakker, Demerouti, and Brummelhuis 2012; Baumruk 2004; Markos and Sridevi 2010; Harter, Schmidt and Hayes 2002; Richman 2006).

Employee engagement is an active, positive work-related state that is characterized by vigor, dedication, and absorption (Schaufeli et al. 2006). It is also an independent, persistent and pervasive motivational psychological state that accompanies the behavioral investment of personal energy (Schaufeli and Bakker 2010). And it is mostly about passion, commitment, and the willingness to invest oneself and expend one's discretionary effort to help the employer succeed (Madu, Asawo and Gabriel 2017). Engagement like its related constructs is exhibited in response to other antecedents that may arise from other parts of the organization; and one of such parts could be the leadership. Leadership is simply the process of influencing others in a desired direction and it remains a major determinant of the direction an organization may go.

Brown and Mitchel (2010) contend that within a work environment, leaders set the tone for organizational goals and behavior and leaders are often in a position to control many outcomes that affect employees, and what leaders incentivize communicates what they value and motivates employees to act in ways to achieve such rewards. It is not surprising, then, that employees rely on their leaders for guidance when faced with ethical questions or problems (Treviño 1986). Research supports this contention, and shows that employees conform to the ethical values of their leaders

(Schminke, Wells, Peyrefitte, & Sabora 2002). Furthermore, leaders who are perceived as ethically positive influence productive employee work behavior (Mayer, Kuenzi, Greenbaum, Bardes, & Salvador 2009) and negatively influence counterproductive work behavior (Brown & Treviño 2006b; Mayer et al. 2009).

Work engagement is unarguably one of these productive work behaviours; and identifying the situations that foster it is vital for the sustainability and growth of organisations (Bakker and Demerouti 2008; Den Hartog and Belschak 2012; Tims et al. 2011). Several scholars have search for work engagement through other lenses. For example, Chaudhary et al. (2012) looked at it from the perspective of occupational self-efficacy, Saks (2006) studied employee engagement through job characteristics, perceived organizational support, supervisor support, rewards and recognition, procedural justice and distributive justice. Madu et al. (2017) looked at it from the view of work environment as predictor; while Engelbrecht, Heine and Mahembe (2017) studied engagement as a consequence of integrity, ethical leadership and trust. Similarly, ethical leadership has been studied as a predictor of employee performance and in one instance with employee engagement as mediator (Resick et al. 2006; Walumbwa et al. 2009; Zehir & Erdogan 2011; Sabir et al. 2012), there is however a paucity of research that have studied ethical leadership as a predictor of employee engagement, especially in the Nigeria context. It is on this backdrop that our point of departure is rooted to look at ethical leadership as a predictor of employee engagement of manufacturing companies in Nigeria; especially because researchers have begun to treat ethical leadership as a leadership style of its own as against its previous consideration as an accompanying feature of other established leadership styles (see Brown et al. 2005; Kalshoven et al. 2011; Yukl et al. 2011).

Literature

Theoretical Foundation. Social Learning Theory (SLT)

According to social learning theory, for leaders to be seen as ethical leaders by their followers, they must be attractive and credible role models. Social learning theory sheds light on why some individual characteristics of the leader and situational influences are related to followers' perceptions of a leader as an ethical leader. Social learning theory helps to explain why and how ethical leaders influence their followers. Social learning theory (Bandura 1977, 1986) is based on the idea that individuals learn by paying attention to and emulating the attitudes, values and behaviors of attractive and credible models. Most individuals look outside themselves to other individuals for ethical guidance (Kohlberg, 1969; Treviño 1986). Ethical leaders are likely sources of guidance because their attractiveness and credibility as role models draw attention to their modeled behavior. Power and status are two characteristics of models that enhance their attractiveness (Bandura 1986), thus making it more likely that followers will pay attention to ethical leaders' modeled behavior. Brown, Treviño, & Harrison (2005) ground their conceptualization of ethical leadership in social learning theory (Bandura 1977, 1986).

This theory suggests individuals can learn standards of appropriate behavior by observing how role models such as teachers, parents, and leaders behave. Accordingly, ethical leaders "teach" ethical conduct to employees through their own behavior. Ethical leaders are relevant role models because they occupy powerful and visible positions in organizational hierarchies that allow them to capture their follower's attention. They communicate ethical expectations through formal processes (e.g., rewards, policies) and personal example (e.g., interpersonal treatment of others). Effective "ethical" modeling, however, requires more than power and visibility. For social learning of *ethical* behavior to take place, role models must be credible in terms of moral behavior. By treating others fairly, honestly, and considerately, leaders become worthy of emulation by others. Otherwise, followers might ignore a leader whose behavior is inconsistent with his/her ethical pronouncements or who fails to interact with followers in a caring, nurturing style (Yussen & Levy 1975). When followers learn how to be ethical from their leaders, it follows that they will also act ethically and by so doing exhibit positive work behaviours which engagement is one.

Ethical Leadership

Ethics can be defined as the reflection on what is morally right or wrong, good or bad (Pauer-Studer 2010). On the other hand, leadership is “the ability to influence, motivate, and enable others to contribute to the effectiveness and success of the organizations of which they are members” (Bass & Bass 2008, 23). The construct-ethical leadership is a product of the amalgam of the two words-ethics and leadership; and it was first introduced by Treviño et al. (2003) and has received a remarkable amount of scholarly interest ever since. Researchers have begun to consider ethical leadership as a separate leadership style in itself rather than focusing only on the ethical elements of other leadership styles (e.g. transformational, authentic and servant leadership) (Brown, et al. 2005, De Hoogh & Den Hartog 2008, 2009; Kanungo 2001; Kalshoven et al. 2011; Yukl et al. 2011).

The fundamentals of ethics according to the Webster dictionary are dealing with what is good and bad, moral duty and moral obligation. This relates closely to how Kanungo (2001) conceptualizes ethical leadership. He takes an altruism approach and addresses ethical leadership as a tension between altruistic and egoistic motives (e.g., Kanungo 2001; Turner, Barling, Epitropaki, Butcher, & Milder 2002). This approach suggests that an ethical leader is driven by a system of accepted beliefs and appropriate judgments rather than self-interest, which is beneficial for followers, organizations and society. This way, Kanungo (2001) and Aronson (2001) emphasize the effect of leader's actions on others as a major concern in ethical leadership. Brown et al. (2005, 120) defined ethical leadership as “the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to followers through two-way communication, reinforcement, and decision-making”.

The first part of this definition relates to the “moral person” facet of ethical leadership and the second part to the “moral manager” facet (Brown and Trevino 2006). Ethical leadership can be defined as the —demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to followers through two-way communication, reinforcement, and decision-making (Brown, Treviño, & Harrison 2005, 120). Ethical leadership is a relational concept in the sense that it is constructed in and through social interactions with followers. Furthermore, being an ethical leader is about being both a moral person as well as a moral manager (Treviño, Hartman, & Brown 2000). The moral person‘ part of ethical leadership can be viewed as the personal traits and characteristics of a leader—such as honesty, trustworthiness and integrity—and the moral nature of that leader’s conduct (Treviño & Brown 2005; Treviño et al. 2000).

Dimensions of Ethical Leadership

Resick et al. (2006) empirically distinguished various dimensions of ethical leadership, such as character and integrity, altruism, motivating, encouraging and empowering. Kalshoven et al. (2011) identified similar dimensions, namely fairness, integrity, people orientation, role clarification, ethical guidance and power sharing. In line with these dimensions, Eisenbeiss (2012) identified a humane orientation and a justice orientation of ethical leadership. For the purpose of this work however, the seven dimensions of ethical leadership would be used as follows-

- **People orientation:** This implies the behavior of having true concern for people; a prominent feature in Blake and Mouton’s Managerial Grid. Incidentally, this dimension happens to be one of the most frequently mentioned parts of ethical leadership in Treviño et al.'s (2003) qualitative study. Resick et al. (2006) also describe ethical leaders as people-oriented. The people orientation component in ethical leadership reflects genuinely caring about, respecting and supporting subordinates and where possible ensuring that their needs are met (Kanungo & Conger 1993; Treviño et al. 2003).
- **Ethical guidance:** it has been pinpointed that ethical leaders clearly convey standards regarding ethical conduct (Treviño et al. 2003). Organizations and top management set rules, standards and codes of conduct, which provide guidelines for ethical behavior (Beu &

Buckley 2001) and leaders can raise subordinates' awareness of such guidelines. Ethical leaders also use rewards and punishments to hold subordinates responsible for their actions (Treviño et al. 2003). According to Brown et al. (2005), ethical leaders guide followers in setting priorities and in ethical dilemmas they experience. We label this ethical guidance, which implies communication about ethics, explanation of ethical rules, and promotion and reward of ethical conduct among subordinates.

- **Fairness:** Kalshoven (2011) described fairness as an important form of ethical leader behavior and argued that ethical leaders act with integrity and treat others fairly. In furtherance, other scholars are not in dispute to the effect that ethical leaders make principled and fair choices; are trustworthy and honest, do not practice favoritism, and take responsibility for their own actions (Brown et al. 2005; De Hoogh & Den Hartog 2008; Treviño et al. 2003). In essence, this kind of leader would give every subordinate equal and deserving treatment in the affairs of the organization. He or she can be trusted for seeing everyone as equal members with applicable status in the organization as against treating some as being more equal than the others.
- **Integrity:** Integrity behaviors are described as word-deed alignment or the extent to which what one says is in line with what one does (e.g., Dineen, Lewicki, & Tomlinson, 2006; Palanski & Yammarino 2007, 2009). Leaders who keep promises and behave consistently can be trusted or believed because they work or behave as expected (Simons, 2002). Similarly, Yukl (2006) describes leaders as being ethical when they keep promises and behave consistently. Thus, ethical leaders keep their promises and act consistently, in a predictable way, which we label integrity (Kalshoven 2011).

Employee Engagement

Kahn (1990) coined one of the most recognizable definitions of engagement: “the harnessing of organizational members’ selves to their work role”. Work engagement is a state of enthusiastic and complete involvement in work (Rich et al. 2010; Cooper-Thomas et al. 2014). In furtherance, others have defined work engagement as “a positive, fulfilling, work-related state of mind characterized by vigor, dedication, and absorption” which can influence employee health (Schaufeli et al., 2006, Inoue et al. 2013); independent, persistent and pervasive motivational psychological state that accompanies the behavioral investment of personal energy (Schaufeli and Bakker 2010). And as a work-related construct that is multifaceted, and concerns employee emotional and intellectual commitment, involvement, passion for work, as well as a discretionary effort that is characterized by vigor, dedication, and absorption while at work (Perryman and Hayday 2004; Schaufeli et al. 2002; Khan 1990). Common among these definitions are that engagement is a positive behavior, it is willfully exerted, related to work; involves vigorousness, dedication, and absorption, and more importantly, it contributes to organizational success.

Truss, Schantz, Soane, Alfes & Delbridge (2013) argued that William Khan was the first to introduce the concept of WE and that (Khan 1990) posited that employees use varying degree of their selves, physically, emotionally and cognitively in the work roles they perform. They further averred that employee engagement occurs when employees know what is expected of them, have what they need to do their work, have opportunities to feel an impact and fulfillment in their work, perceive that they are part of something significant with co-workers and have chances to improve and develop. Furthermore, there seem to be a consensus to the effect that employee engagement as a construct is built on the foundation of earlier concepts like satisfaction, job involvement and employee commitment (Hallberg and Schaufeli 2006; Robinson, Perryman and Hayday 2004; Schaufeli, Salanova, Gonzalez-Roma and Bakker 2002). Accordingly, they maintain that EE is broader in scope. entails a two-way relationship between the employer and employee, has the potential to bring employers and employees closer to the benefit of both, affords employees the opportunity to experience a sense of oneness while at work, the space to express positive attitude

and be themselves, control or impact upon their environment and make positive contribution to the goals of the organization.

Measures of Employee Engagement

Schaufeli, Salanova, Gonzalez-Roma and Bakker (2002) operationalised the construct of employee engagement as being characterized by vigor, dedication and absorption. They mentioned that engaged employees invest physical effort in their work, experience increased meaningfulness on their job and thus are more likely to be cognitively and emotionally attached to their work. This study adopts the three branches of employee engagement as discussed hereunder.

Vigor

Vigor refers to energy, mental resilience, and determination and investing consistent effort in job (Rayton and Yalabik 2014). Similarly, Macey & Schneider (2008), Schaufeli et al. (2002) described vigor as employee work situations that are characterized by high levels of physical, mental energies and resilience exerted on the job. Vigor is the willingness to invest effort in one's work and persistence when faced with difficulties at work. It is a positive state of mind exhibited by employees which propels them to selflessly take on more work, exert extra energy when confronted by challenges or work pressure in order to get work done. Employee vigor reflects a strong drive demonstrated through the exertion of energy, time spent and concentration on the job or activities related to the organization. Schaufeli and Bakker (2004) described vigor as the pace and focus which the employee brings into the job as a result of increased morale, motivation, sense of duty and connection to the goals of the organization. Employees who exhibit vigor at work are self driven, result focus, and determined to complete given tasks within the specified time frame.

Dedication

Dedication according to Rayton and Yalabik (2014) is about being inspired, enthusiastic and highly involved in your job. It is an individual's deriving a sense of significance from work, feeling enthusiastic and proud about the given job, and feeling inspired and challenged by the job (Song et al. 2012). According to Schaufeli and Bakker (2004) and Schaufeli et al. (2002), employee dedication reflects employees' sense of significance, passion, motivation and pride. Employees feel dedicated when they are inspired by challenges on the job. Dedication is about employees' persistence, consistency and continuity on the job aimed towards organizational goals. Employees' who display high levels of dedication are believed to be highly involved on their job roles and are seen to exert positive feelings towards the job and the organization. Dedication is synonymous to complete enmeshment into the blood veins of one's calling.

Absorption

Absorption points to a sense of detachment from one's surroundings, associated with a high degree of concentration on the job, and a general lack of conscious awareness of the amount of time spent on the job (Rayton and Yalabik 2014). On a similar note, absorption has been described as concentration and being engrossed in people's work, whereby passing time will be intangible and being detached from the job has some difficulties for them. This is characterized by being totally and happily immersed in one's work and having difficulty detaching oneself from it. It involves high levels of concentration, assimilation and embeddedness at work to the extent that one finds it difficult to separate from the work. Schaufeli et al. (2002) and Castellano (2015) noted that absorption has much to do with how much an employee is engrossed in a role and the intensity of his/her attention.

Ethical Leadership and Employee Engagement

Ethical leadership has been reported as having positive relationships with a variety of followers' attitudes, such as satisfaction with the leader, trust in management and perceived leader effectiveness

(e.g., Aronson 2001; Brown et al. 2005; Den Hartog & De Hoogh 2009; Kanungo 2001; Hartog & Belschak 2012) and specifically employee engagement (Kacmar et al. 2011; Sugianingrat, et al. 2017). Justifying this result, it was argued that employees, who feel supported, cared for and fairly treated are more likely to develop satisfaction and trust (cf., Brown et al. 2005; De Hoogh & Den Hartog 2008). In addition, Den Hartog and De Hoogh (2009) found a relationship between ethical leadership and commitment, and commitment is not too far from involvement, hence if ethical leadership can inspire commitment, it can also prompt involvement. When employees are treated in a fair and respectful way by their leaders, they are likely to think about their relationship with their leader in terms of social exchange (Blau 1964); rather than economic exchange.

Furthermore, they are likely to reciprocate by putting extra effort into their work, through enhanced job dedication (Brown et al. 2005) and willing to become more actively engaged in work (Macey et al., 2009). Ethical leaders take their followers into consideration and through open communication (Brown and Trevino 2006) clarify goals of the organisation's and what is expected from subordinates, which inspires employee engagement (Macey et al. 2009). Brown et al. (2005) found a positive correlation between ethical leadership and job dedication, which is a major element of work engagement (Schaufeli and Bakker 2003). In their study, using a regression analysis, Den Hartog and Belschak (2012) confirmed that ethical leadership has a positive relationship with work engagement. They found that followers tend to report higher engagement in their work when they perceive their leaders as acting ethically. Drawing from the foregoing, we are using four dimensions of ethical leadership and three measures of employee engagement to hypothesize as follows:

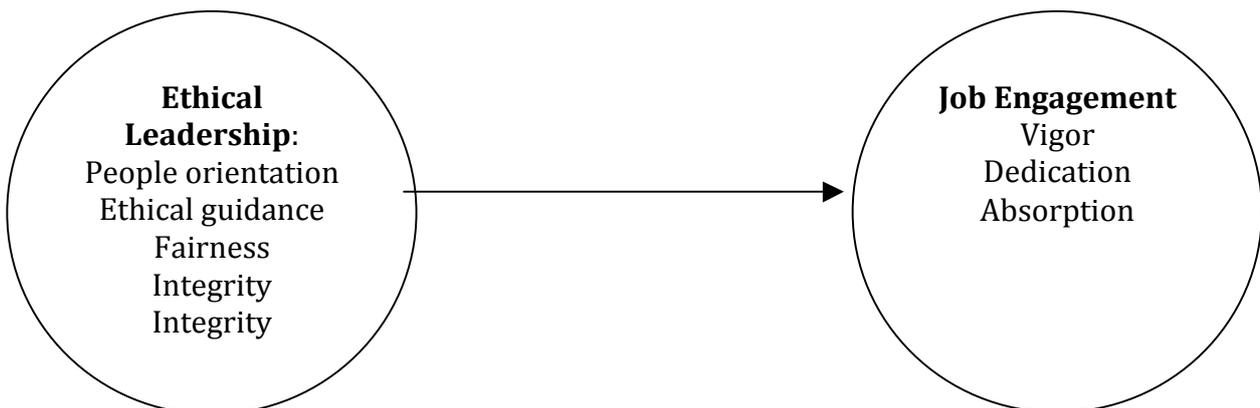


Figure 1. Operational Framework of Ethical Leadership and Job Involvement

H0₁: Ethical leadership is positively associated with job engagement of Police Officers in Port Harcourt.

Methodology

Research Design

This study adopted the descriptive method based on the relational screening model. Descriptive-relational screening studies according to Kaya, Balay & Gocen (2012) describe a situation or event as it is and show the relations between variables that caused the situation, their effects and rates.

Population

The population of this study comprises six hundred employees of five mobile telecommunication companies in Port Harcourt.

Sample Size

The sample size was two hundred and forty of employees of mobile telecommunication companies and was drawn through the Krejcie and Morgan Table of 1970.

Research Instrument and Procedures

In determining the ethical leadership scale (ELS), the study used four latent variables out of the total of seven that was developed by Kalshoven (2011) as dimensions of ethical leadership. The adopted four latent variables have a total of thirty instruments. For the dependent variable, three latent variables of vigor dedication and absorption were adopted. The work engagement scale of Shaufeli et al (2002a) with seventeen items was equally used.

Validity and Reliability

The questionnaire was construct and face validated by experts in ethical leadership and those in work engagement. The participants were also satisfied with the design of the questionnaire because they were simple and easy to answer to. On the other hand, reliability was calculated using the Cronbach's Alpha for each of the subset of the questions. The results showed satisfactory level of internal consistency.

Data Analysis

Data were first presented using tables and simple percentages and frequency tables. Subsequently, the hypotheses were tested using the T-Test and later the Multiple Regression Analysis was done to ascertain the association of dependent and independent variables.

Results. Questionnaire Administration

Table 1. Questionnaire Distribution

Name of Institutions	Population Size	Sample Size	No. Distributed	No. Not Returned	No. Returned	No. Discard	Useful Copies
Airtel Nigeria Limited	73	29	29	4	25	-	25
9Mobile Nigeria Limited	97	39	39	2	37	4	33
Globacom Telecommunications Limited	109	44	44	3	41	4	37
MTN Nigeria Limited	321	128	128	20	108	5	103
Grand Total	600	240	240(100)	29	211(88%)	13	198(82%)

Source: Survey Data 2019

Table 1 shows the copies of questionnaire distributed and retrieved, out of (240)100% copies sent out 211(88%) was retrieved, while 198(82%) was correctly filled and useful for the analysis.

Demographics Analysis of Respondent Profile. Age Bracket of Respondent

Table 2. Age Bracket of Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Below 20 yrs	16	8.1	8.1	8.1
21-30 yrs	59	29.8	29.8	37.9
31-40 yrs	107	54.0	54.0	91.9
40 yrs and Above	16	8.1	8.1	100.0
Total	198	100.0	100.0	

Source: SPSS Output 2019

Table 2 showed that majority of the respondents, 107(54.0%) were within the age range of 31-40 years, 59(29.8%) were within 21-30 years. This shows that majority of the respondents are in their youthful years apparently follows a consistency between graduation and working experience, having the capability to give valid responses to our findings. While 16(8.1%) were within below 20 years and finally 16(8.1%) of the respondent were 40 years and above.

Marital Status of Respondent

Table 3. Marital Status of Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Single	90	45.5	45.5	45.5
Married	108	54.5	54.5	100.0
Total	198	100.0	100.0	

Source: SPSS Output 2019

Table 3 revealed that 108(54.5%) of the respondents were married while 90(45.5%) were single, therefore, it observed that majority of the respondent are married people.

Sex of Respondents

Table 4. Gender of Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Male	88	44.4	44.4	44.4
Female	110	55.6	55.6	100.0
Total	198	100.0	100.0	

Source: SPSS Output 2019

Table 4 above revealed that majority of the respondent are female 110 (55.6%) of the respondents were female while 88 (44.4%) are male.

Educational Qualification of Respondents

Table 5. Educational Qualification of Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SSCE	14	7.1	7.1	7.1
B.Sc	102	51.5	51.5	58.6
P.G Degree	82	41.4	41.4	100.0
Total	198	100.0	100.0	

Source: SPSS Output 2019

The academic qualification of the respondents in Table 5 indicate that 14(7.1%) of the respondents had SSCE education, majority of the respondent had 102 (51.5%) Bachelor degree while 82 (41.4%) of the respondent had Post-Graduate Degree.

Working Experience of Respondents

Table 6. Years of Service of Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Below 5 yrs	56	28.3	28.3	28.3
5-15 yrs	57	28.8	28.8	57.1
16-20 yrs	85	42.9	42.9	100.0
Total	198	100.0	100.0	

Source: SPSS Output 2019

The working experience of respondents understudy in Table 6 above indicates that respondents who had below 5 years working experience consist 56 (28.3%) of the responses drawn from this segment of the study, while 5-15 years working experience were 57 (28.8), while those that had 16-20 years and above working experience were 85 (42.9%) respectively. This show a high level experience of respondents used for this study.

Univariate Descriptive (Analyses of Research Questions)

The study adopted 5-Point Likert scale ranging from 5= Strongly Agree (SA), 4=Agree (A), 3 Neutral (N) 2= Disagree (D) 1= Strongly Disagree (SD) while the interpretation of the mean score and standard deviation is according to Asawo's (2009) categorization where all the responses with mean value (x) between 1.2 considered as low, 2.5-3.5 considered as moderate, 3.5–4.5 considered as high and 4.5 above considered as very high.

1. People Orientation as a Dimension of Ethical Leadership

The response rate of people orientation was analyzed using descriptive statistics indicating mean and standard deviation.

Table 7. Showed Descriptive Statistics on People Orientation

	N	Minimum	Maximum	Mean	Std. Deviation
My boss is interested in how I feel and how I am doing	198	1	5	3.67	1.196
My boss takes time for personal contact	198	2	5	3.44	.915
My boss pays attention to my personal needs	198	1	4	2.89	1.082
Takes time to talk about work-related emotions	198	1	4	3.04	.889
My boss is genuinely concerned about my personal development	198	1	5	2.52	.877
My boss sympathizes with me when I have problems	198	1	5	3.57	.952
My boss cares about his/her followers	198	1	4	2.81	1.014
Valid N (listwise)	198				

Source: (SPSS 22) Output 2019

Table 7 indicate the responses of respondents as it relates to people orientation with mean and standard deviation and scale in 7-item. All the items in the table above are considered as moderate. Item-1 in the table above shows respondent affirmed that their boss is interested in how they feel and how they are doing with a high mean score of ($x=3.67$). Followed by item-6 respondents affirmed that, there boss sympathizes with them when they have problems with high mean score of ($x=3.57$). Item-2 respondents affirmed that their boss takes time for personal contact with workers with moderate mean score of ($x=3.44$), followed by item-4 respondents also affirmed that their boss takes time to talk about work-related emotions with a moderate mean score of ($x=3.04$), other item in the table like item five, three and seven respectively respondents also affirmed that their boss pay attention and care for them in the organization with score of ($x= 2.89, 2.51$ and 2.81). The response rates show that their boss is considered moderately people oriented in the Telecommunication companies in Port-Harcourt.

2. Ethical guidance as a dimension of ethical leadership

The response rate of ethical guidance was analyzed using descriptive statistics indicating mean and standard deviation.

Table 8. Showed Descriptive Statistics on Ethical Guidance

	N	Minimum	Maximum	Mean	Std. Deviation
My boss clearly explains integrity related codes of conduct	198	3	5	2.36	1.682
My boss explains what is expected from officers in terms of behaving with integrity	198	2	5	3.27	.724
My boss clarifies integrity guidelines	198	1	5	3.50	1.014
My boss ensures that employees follow codes of integrity	198	1	5	2.84	1.226
My boss clarifies the likely consequences of possible unethical behavior by myself and my colleagues	198	2	5	3.47	1.036
Valid N (listwise)	198				

Source: (SPSS 22) Output 2019

Table 8 indicate the responses of respondents as it relate to ethical guidance with mean and standard deviation and scale in 5-Item. All the items in the table above are considered as moderate. Item-3 in the table, respondent affirmed that their boss clarifies integrity guidelines with a moderate mean score of ($x=3.50$). Followed by item-2 respondents affirmed that their boss explains what is expected from officers in terms of behaving with integrity with a moderate mean score of ($x=3.27$). Item-5 respondents also affirmed that their boss clarifies the likely consequences of possible unethical behavior by myself and my colleagues with moderate mean score of ($x=3.47$), other item in the table like item 1 and 4 respectively respondents also affirmed that their boss clearly explains integrity related codes of conduct with mean score of ($x= 2.36$ and 2.84). The response rates show that their boss is considered moderately ethical oriented in the Telecommunication Companies in Port-Harcourt.

3. Fairness as a dimension of ethical leadership

The response rate of fairness was analyzed using descriptive statistics indicating mean and standard deviation.

Table 9. Showed Descriptive Statistics on Fairness

	N	Minimum	Maximum	Mean	Std. Deviation
My boss holds me accountable for problems over which I have no control	198	1	5	3.16	1.035
Holds me responsible for work that I gave no control over	198	3	5	3.67	.636
Holds me responsible for things that are not my fault	198	2	5	3.35	.809
Pursues his/her own success at the expense of others	198	3	5	3.79	.617
My boss is focused mainly on reaching his/her own goals	198	1	5	2.96	1.004
Valid N (listwise)	198				

Source: (SPSS 22) Output 2019

Table 9 indicate the responses of respondents as it relate to fairness with mean and standard deviation and scale in 5-Item. All the items in the table above are considered as moderate. Item-4 in the table, respondent affirmed that their boss Pursues his/her own success at the expense of others with a high mean score of ($x=3.79$). Followed by item-2 respondents affirmed that their boss Holds me responsible for work that I gave no control over with a high mean score of ($x=3.67$). Item-3 respondents also affirmed that their boss Holds me responsible for things that are not my fault with moderate mean score of ($x=3.35$), other item in the table like item-5 and 1 respectively respondents also affirmed that their boss is focused mainly on reaching his/her own goals with a moderate mean score of ($x= 2.96$ and 3.16). The response rates show that their boss is considered high and moderately fair to the workers in the Telecommunication Companies in Port-Harcourt.

4. Integrity as a dimension of ethical leadership

The response rate of integrity was analyzed using descriptive statistics indicating mean and standard deviation.

Table 10. Showed Descriptive Statistics on Integrity

	N	Minimum	Maximum	Mean	Std. Deviation
My boss keep to his/her promises	198	1	5	4.12	.904
My boss can be trusted to do the things he/she says	198	1	5	3.06	.899
My boss can be relied on to honour his/her commitments	198	1	5	3.21	1.236
My boss always keeps his/her words	198	1	5	2.44	1.272
Stakeholders developed a strong confidence on my organization.	198	3	5	3.83	.720
Valid N (listwise)	198				

Source: (SPSS 22) Output 2019

Table 10 indicate the responses of respondents as it relate to integrity with mean and standard deviation and scale in 5-Item. All the items in the table above are considered as moderate. Item-1 in the table, respondent affirmed that their boss keep to his/her promises with a high mean score of ($x=4.12$). Followed by item-5 respondents affirmed that Stakeholders developed a strong confidence on the organization with a high mean score of ($x=3.83$). Item-3 respondents also

affirmed that their boss can be relied on to honors his/her commitments with a moderate mean score of ($x=3.21$), other item in the table like item-4 and 2 respectively respondents also affirmed that their boss always keeps his/her words with a moderate mean score of ($x= 2.44$ and 3.06). The response rates show that their boss is considered high and moderately integrity to his words in the Telecommunication Companies in Port-Harcourt.

Measures of work engagement

1. Vigor as a Measure of work engagement

The response rate of vigor was analyzed using descriptive statistics indicating mean and standard deviation.

Table 11. Showed Descriptive Statistics on Vigor

	N	Minimum	Maximum	Mean	Std. Deviation
At my work I feel strong and vigorous	198	1	5	2.64	1.477
When I get up in the morning, I feel like going to work always	198	1	5	3.09	1.390
I can continue working for very long periods of a time	198	1	5	3.02	.945
At my work, I am very resilient, mentally	198	2	5	4.07	.846
At my work I always persevere, even when things do not go well.	198	1	5	2.99	1.294
Valid N (listwise)	198				

Source: (SPSS 22) Output 2019

Table 11 indicate the responses of respondents as it relate to vigor with mean and standard deviation and scale in 5-Item. Respondent are in agreement that at their work, they are very resilient and mentally with a high mean score of ($x- 4.07$). Responses on the 2-item also affirmed that when they got up in the morning, they feel like going to work at a time with a moderate mean score of ($x-3.09$). The respondents on the 3-item affirmed that they can work for very long periods of a time with a moderate mean score of ($x-3.02$). Item 5 and 1 respondent also indicate a moderate mean score of ($x-2.99$ and 2.64) respectively. Therefore all the items in the table above are considered as moderate in the Telecommunication companies in Port-Harcourt.

2. Dedication as a measure of ethical leadership

The response rate of dedication was analyzed using descriptive statistics indicating mean and standard deviation.

Table 12. Showed Descriptive Statistics on Dedication

	N	Minimum	Maximum	Mean	Std. Deviation
I find the work that I do full of meaning and purpose.	198	1	5	3.42	.972
I am enthusiastic about my job.	198	1	5	2.68	1.289
My job inspires me	198	2	5	3.76	.714
I am proud of the work that I do	198	1	5	2.31	1.105
To me, my job is challenging	198	1	5	3.48	.986
Valid N (listwise)	198				

Source: (SPSS 22) Output 2019

Table 12 indicate the responses of respondents as it relate to dedication with mean and standard deviation and scale in 5-Item. Respondents of 3th-item confirmed that their job inspires them with a high mean score of (x- 3.76). Responses on the 5th-item also affirmed that their job is challenging with a moderate mean score of (x-3.48). The respondents on the 1st-item affirmed that they find the work they do with full of meaning and purpose with a moderate mean score of (x-3.42). The 2nd and 4th Item in the table above respondent also confirmed with a moderate mean score of (x-2.68 and 2.31) respectively. Therefore all the items in the table above are considered as moderate in the Telecommunication companies in Port-Harcourt.

3. Absorption as a measure of ethical leadership

The response rate of absorption was analyzed using descriptive statistics indicating mean and standard deviation.

Table 13. Showed Descriptive Statistics on Absorption

	N	Minimum	Maximum	Mean	Std. Deviation
Time flies when I am working	198	1	5	2.73	1.034
When I am working, I forget everything else around me	198	1	5	3.41	1.113
I feel happy when I am working intensely	198	2	5	3.50	.828
I am immersed in my work	198	2	5	3.13	1.091
I get carried away when I am working	198	1	5	2.99	1.230
Valid N (listwise)	198				

Source: (SPSS 22) Output, 2019

Table 13 indicate the responses of respondents as it relate to absorption with mean and standard deviation and scale in 5-Item. Respondents of the 3th-item confirmed that they feel happy when they are working intensely with a moderate mean score of (x- 3.50). Responses on the 4th-item also affirmed that they am immersed in their work with a moderate mean score of (x-3.13). The respondents on the 2nd-item affirmed that when they are working, they forget everything else around them with a moderate mean score of (x-3.41). The 5th and 1st Item in the table above respondent also confirmed with a moderate mean score of (x-2.99 and 2.73) respectively. Therefore all the items in the table above are considered as moderate in the Telecommunication companies in Port-Harcourt.

Regression Analysis (Test of Hypotheses)

The multiple-regression analysis was used to empirically test the twelve hypotheses on whether to reject or accept the null hypotheses. The basics were to establish the association between the predictor variables and the criterion variables. The hypotheses were tested at 95% level of confidence in order to draw conclusion.

Model 1 Showed the Nexus of Ethical Leadership (People Orientation, Ethical Guidance, Fairness and Integrity) on Vigor.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.789 ^a	.778	.748	.660

a. Predictors: (Constant), Integrity, Fairness, Ethical guidance, People orientation

Source: (SPSS 22) Output 2019

Model 1, above showed the result of regression analysis (R-value 0.789) between the criterion variable (**vigor**) and the predictor variable of Ethical Leadership (**people orientation, ethical guidance, fairness and integrity**) that taken together. The (R-value =0.789) indicates that the predictor variables had a strong association with the criterion variable. The coefficient of determination (R²-value 0.778) implies that both predictor variables explain 77.8% variance of **vigor** while remaining 22.2% could be due to the effect of extraneous variables.

Table 14. Multiple Regression Analysis Showing Nexus of Ethical Leadership (People Orientation, Ethical Guidance, Fairness, Integrity) and Vigor

Model	Unstandardized Coefficients		Standardized Coefficients	T	Sig.
	B	Std. Error	Beta		
1 (Constant)	-3.251	.458		-7.096	.000
People orientation	.916	.069	1.042	13.185	.000
Ethical guidance	-.345	.090	-.265	-3.826	.000
Fairness	.213	.076	.142	2.783	.006
Integrity	.084	.075	.069	1.121	.264

a. Dependent Variable: Vigor

Source: (SPSS 22) Output 2019

Hypothesis 1

H₀₁: There is no significant relationship between people orientation and vigor in the telecommunication companies in Port-Harcourt, Rivers State.

Table 14 above indicates the result of correlation coefficient. The relationship between people orientation and vigor is statistically positive and significant with a (t-statistic value of 13.185) at significant level of (P=0.000) at 95% level of confidence and (t-crit =1.96). The t-cal=13.185 with (P>.000) indicates that there is a strong positive and significant relationship between people orientation and vigor. **Thus, the alternate hypothesis is hereby accepted.** Similarly people orientation as a predictor variable contributes ($\beta=0.916$) to the variation of the criterion variable (vigor). This means that people orientation makes a strong and unique contribution to explain the variation in criterion variable (vigor).

Hypothesis 2

H₀₂: There is no significant relationship between ethical guidance and vigor in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.18b above indicates the result of correlation coefficient. The relationship between ethical guidance and vigor is statistically negative and significant with a (t-statistic value of -3.826) at significant level of (P=0.000) at 95% level of confidence and (t-crit =1.96). The t-cal= -3.826 with (P>.000) indicates that there is a negative and significant relationship between ethical guidance and vigor. **Thus, the alternate hypothesis is hereby accepted.** Similarly ethical guidance as a predictor variable contributes ($\beta= -0.345$) to the variation of the criterion variable (vigor). This means that ethical guidance makes a unique contribution to explain the variation in criterion variable (vigor).

Hypothesis 3

H₀₃: There is no significant relationship between fairness and vigor in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.18c above indicates the result of correlation coefficient. The relationship between fairness and vigor is statistically positive and significant with a (t-statistic value of 2.723) at significant level

of ($P=0.006$) at 95% level of confidence and ($t\text{-cri} = 1.96$). The $t\text{-cal} = 2.723$ with ($P > .000$) indicates that there is a positive and significant relationship between fairness and vigor. **Thus, the alternate hypothesis is hereby accepted.** Similarly fairness as a predictor variable contributes ($\beta = -0.345$) to the variation of the criterion variable (vigor). This means that fairness makes a unique contribution to explain the variation in criterion variable (vigor).

Hypothesis 4

H₀₄: There is no significant relationship between integrity and vigor in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.18d above indicates the result of correlation coefficient. The relationship between integrity and vigor is not statistically significant with a ($t\text{-statistic value of } 1.121$) at significant level of ($P=0.264$) at 95% level of confidence and ($t\text{-cri} = 1.96$). The $t\text{-cal} = 1.121$ with ($P > .264$) indicates that there is no significant relationship between integrity and vigor. **Thus, the null hypothesis is hereby accepted.** Similarly integrity as a predictor variable contributes ($\beta = 0.084$) to the variation of the criterion variable (vigor). This means that integrity makes a low contribution to explain the variation in criterion variable (vigor).

Model 2 Showed the Nexus of Ethical Leadership (People Orientation, Ethical Guidance, Fairness and Integrity) on Dedication.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.688 ^a	.676	.675	.554

a. Predictors: (Constant), Integrity, Fairness, Ethical guidance, People orientation

Source: (SPSS 22) Output, 2019

Model 2, above showed the result of regression analysis (R-value 0.688) between the criterion variable (**dedication**) and the predictor variable of Ethical Leadership (**people orientation, ethical guidance, fairness and integrity**) that taken together. The (R-value =0.688) indicates that the predictor variables had a strong effect on the criterion variable. The coefficient of determination (R^2 -value 0.676) implies that both predictor variables explain 67.6% variance of **dedication** while remaining 32.4% could be due to the effect of extraneous variables.

Table 15. Multiple Regression Analysis Showing Nexus of Ethical Leadership (People Orientation, Ethical Guidance, Fairness, Integrity) and Dedication

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-3.448	.402		-8.584	.000
	People orientation	.090	.061	.124	1.483	.140
	Ethical guidance	.057	.079	.052	.716	.475
	Fairness	.658	.067	.527	9.825	.000
	Integrity	.299	.066	.294	4.525	.000

a. Dependent Variable: Dedication

Source: (SPSS 22) Output, 2019

Hypothesis 5

H₀₅: There is no significant relationship between people orientation and dedication in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.19a above indicates the result of correlation coefficient. The relationship between people orientation and dedication is not statistically significant with a (t-statistic value of 1.483) at significant level of (P=0.140) and 95% level of confidence, (t-crit =1.96). The t-cal= 1.483 with (P>0.140) indicates that there is no significant relationship between people orientation and dedication. **Thus, the null hypothesis is hereby accepted.** Similarly people orientation as a predictor variable contributes ($\beta=0.090$) to the variation of the criterion variable (dedication). This means that people orientation makes a low contribution to explain the variation of the criterion variable (dedication).

Hypothesis 6

H₀₆: There is no significant relationship between ethical guidance and dedication in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.19b above indicates the result of correlation coefficient. The relationship between ethical guidance and dedication is not statistically significant with a (t-statistic value of 0.716) at significant level of (P=0.475) and 95% level of confidence, (t-crit =1.96). The t-cal= 0.716 with (P>0.475) indicates that there is no significant relationship between ethical guidance and dedication. **Thus, the null hypothesis is hereby accepted.** Similarly ethical guidance as a predictor variable contributes ($\beta=0.057$) to the variation of the criterion variable (dedication). This means that ethical guidance makes a low contribution to explain the variation of the criterion variable (dedication).

Hypothesis 7

H₀₇: There is no significant relationship between fairness and dedication in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.19c above indicates the result of correlation coefficient. The relationship between fairness and dedication is statistically positive and significant with a (t-statistic value of 9.825) at significant level of (P=0.000) and 95% level of confidence, (t-crit =1.96). The t-cal= 9.825 with (P>0.000) indicates that there is a statistical positive and significant relationship between fairness and dedication. **Thus, the alternate hypothesis is hereby accepted.** Similarly fairness as a predictor variable contributes ($\beta=0.658$) to the variation of the criterion variable (dedication). This means that fairness makes a unique contribution to explain the variation of the criterion variable (dedication).

Hypothesis 8

H₀₈: There is no significant relationship between integrity and dedication in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.19d above indicates the result of correlation coefficient. The relationship between integrity and dedication is statistically positive and significant with a (t-statistic value of 4.525) at significant level of (P=0.000) and 95% level of confidence, (t-crit =1.96). The t-cal= 4.525 with (P>0.000) indicates that there is a statistical positive and significant relationship between integrity and dedication. **Thus, the alternate hypothesis is hereby accepted.** Similarly integrity as a predictor variable contributes ($\beta=0.299$) to the variation of the criterion variable (dedication). This means that integrity makes a unique contribution to explain the variation of the criterion variable (dedication).

Model 3 Showed the Effect of Nexus of Ethical Leadership (People Orientation, Ethical Guidance, Fairness and Integrity) on Absorption

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.788 ^a	.775	.725	.601

a. Predictors: (Constant), Integrity, Fairness, Ethical guidance, People orientation

Source: (SPSS 22) Output, 2019

Model 3, above showed the result of regression analysis (R-value 0.788) between the criterion variable (**absorption**) and the predictor variable Nexus of Ethical Leadership (**people orientation, ethical guidance, fairness and integrity**) that taken together. The (R-value =0.788) indicates that the predictor variables had a strong effect on the criterion variable. The coefficient of determination (R²-value 0.775) implies that both predictor variables explain 77.5% variance of **absorption** while the remaining 22.5% could be due to the effect of extraneous variables.

Table 16. Multiple Regression Analysis Showing Nexus of Ethical Leadership (People Orientation, Ethical Guidance, Fairness, Integrity) and Absorption

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-2.546	.427		-5.965	.000
	People orientation	.493	.065	.643	7.625	.000
	Ethical guidance	.492	.084	.432	5.867	.000
	Fairness	.035	.071	.332	1.117	.432
	Integrity	-.447	.070	-.419	-6.378	.000

a. Dependent Variable: Absorption

Source: (SPSS 22) Output, 2019

Hypothesis 9

H₀₉: There is no significant relationship between people orientation and absorption in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.20a above indicates the result of correlation coefficient. The relationship between people orientation and absorption is statistically positive and significant with a (t-statistic value of 7.625) at significant level of (P=0.000) and 95% level of confidence, (t-crit =1.96). The t-cal= 7.625 with (P>0.000) indicates that there is a statistical positive and significant relationship between people orientation and absorption. **Thus, the alternate hypothesis is hereby accepted.** Similarly people orientation as a predictor variable contributes (β=0.493) to the variation of the criterion variable (absorption). This means that people orientation makes a unique contribution to explain the variation of the criterion variable (absorption).

Hypothesis 10

H₀₁₀: There is no significant relationship between ethical guidance and absorption in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.20b above indicates the result of correlation coefficient. The relationship between ethical guidance and absorption is statistically positive and significant with a (t-statistic value of 5.867) at significant level of (P=0.000) and 95% level of confidence, (t-crit =1.96). The t-cal= 5.867 with (P>0.000) indicates that there is a statistical positive and significant relationship between ethical

guidance and absorption. **Thus, the alternate hypothesis is hereby accepted.** Similarly ethical guidance as a predictor variable contributes ($\beta=0.492$) to the variation of the criterion variable (absorption). This means that ethical guidance makes a unique contribution to explain the variation of the criterion variable (absorption).

Hypothesis 11

H₀₁₁: There is no significant relationship between fairness and absorption in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.20c above indicates the result of correlation coefficient. The relationship between fairness and absorption is no statistically significant with a (t-statistic value of 1.117) at significant level of ($P=0.432$) and 95% level of confidence, (t-cri =1.96). The t-cal= 1.117 with ($P>0.432$) indicates that there is no significant relationship between fairness and absorption. **Thus, the null hypothesis is hereby accepted.** Similarly fairness as a predictor variable contributes ($\beta=0.035$) to the variation of the criterion variable (absorption). This means that fairness makes a low contribution to explain the variation of the criterion variable (absorption).

Hypothesis 12

H₀₁₂: There is no significant relationship between integrity and absorption in the telecommunication companies in Port-Harcourt, Rivers State.

Table 4.20d above indicates the result of correlation coefficient. The relationship between integrity and absorption is statistically negative and significant with a (t-statistic value of -6.378) at significant level of ($P=0.000$) and 95% level of confidence, (t-cri =1.96). The t-cal= -6.378 with ($P>0.000$) indicates that there is a statistical negative and significant relationship between integrity and absorption. **Thus, the alternate hypothesis is hereby accepted.** Similarly integrity as a predictor variable contributes ($\beta= -0.447$) to the variation of the criterion variable (absorption). This means that integrity makes a unique contribution to explain the variation of the criterion variable (absorption).

Discussion

Ethical leadership was found to be positively associated with employees' work engagement as all the dimensions of ethical leadership were associated with the measures of employee engagement and this result reflects similar findings where ethical leadership was found as having positive relationships with a variety of followers' attitudes, such as satisfaction with the leader, trust in management and perceived leader effectiveness (e.g., Aronson 2001; Brown et al., 2005; Den Hartog & De Hoogh 2009; Kanungo 2001; Hartog & Belschak 2012) and specifically employee engagement (Kacmar et al. 2011; Sugianingrat, et al, 2017). Justifying this result, it was argued that employees, who feel supported, cared for and fairly treated are more likely to develop satisfaction and trust (cf., Brown et al.,2005; De Hoogh & Den Hartog 2008). In addition, Den Hartog and De Hoogh (2009) found a relationship between ethical leadership and commitment, and commitment is not too far from involvement, hence if ethical leadership can inspire commitment, it can also prompt involvement. When employees are treated in a fair and respectful way by their leaders, they are likely to think about their relationship with their leader in terms of social exchange (Blau, 1964); rather than economic exchange.

Furthermore, they are likely to reciprocate by putting extra effort into their work, through enhanced job dedication (Brown et al., 2005) and willing to become more actively engaged in work (Macey et al. 2009). Ethical leaders take their followers into consideration and through open communication (Brown and Trevino 2006) clarify goals of the organisation's and what is expected from subordinates, which inspires employee engagement (Macey et al. 2009). Brown et al. (2005) found a positive correlation between ethical leadership and job dedication, which is a major element of work engagement (Schaufeli and Bakker, 2003). In their study, using a regression analysis, Den Hartog and Belschak (2012) confirmed that ethical leadership has a positive relationship with work

engagement. They found that followers tend to report higher engagement in their work when they perceive their leaders as acting ethically. Drawing from the foregoing, we are using four dimensions of ethical leadership and three measures of employee engagement to hypothesize as follows:

Summary

1. People orientation is positively associated with work engagement of the telecommunication companies in Port-Harcourt, Rivers State.
2. Ethical guidance is positively associated with work engagement of the telecommunication companies in Port-Harcourt, Rivers State.
3. Fairness is positively associated with work engagement of the telecommunication companies in Port-Harcourt, Rivers State.
4. Integrity is positively associated with work engagement of the telecommunication companies in Port-Harcourt, Rivers State.

Conclusion

Ethical mindfulness is incontrovertibly a sine qua none characteristics of every leadership style, but ethical leadership itself has come to stay and is speedily gaining scholarly attention across leadership literature. The bequeathing of ethical leadership on followers is a great way to demonstrate leadership by example. When leadership is approached from these ethical dimensions, it will result in an increase in the employee's sense of control, broaden an individual's responsibilities, and create a sense of psychological meaningfulness, thus inducing greater motivation and increased effort by employees (Piccolo et al. 2010). In fact, ethical leadership is not only good for the leaders' reputation, but is also a contagious practice that is capable of stimulating positive workplace value and practices among workers. Similarly, having employees who are engaged in their work would contribute in no small measures to the overall performance of the organization; hence the overarching value of ethical leadership in today's organization.

Recommendations

Going by the findings of this study, the following are our recommendations

1. Leadership should be people oriented in administering the enterprise so that employees can be stimulated towards being dedicated, showing vigor and being absorbed at work.
2. Leaders should provide ethical guidance to their subordinates and in so doing; such subordinates will also learn and extend such attitude in delivering their jobs.
3. Leaders should be fair to all and sundry by avoiding favoritism, nepotism, and other biased judgments in dealing with subordinates so that they can be trusted and willingly obeyed which can culminate in work engagement.
4. Leaders should have great concern for their personal integrity because they are the immediate role models of their subordinates who would like to do as their leaders do.

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When Jungle Order Rocks the Boat of Legal Order: Inevitability of State Stability for the Peace and Security of Mankind in Africa

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ABSTRACT: This paper discusses the disorder that characterizes the legal order of the modern state in parts of Africa. The capacity to maintain law and order and to exercise monopoly over means of coercion constitutes some of the *raison d'être* of the Westphalian state model that pervades every nook and cranny of the continent. However, the inability of the state to meet the existential exigencies of its citizens and, *ipso facto*, its consequent loss of legitimacy, has generated a groundswell of discontent that has triggered the emergence of centrifugal forces – non-state actors – variously described as rebels, insurrectionists, insurgents, armed bandits, separatist agitators, terrorists, amongst others. But although these forces initially set out as viable alternatives to the state, they soon lose track and threaten not only the peace and security of the state but also of everyone else including their compatriots and neighbouring or contiguous states. Amidst the incapacity of the state to reclaim its lost power or glory, these non-state actors create a jungle order that harks back at Thomas Hobbes' state of nature where life is short, nasty and brutish. Such has become the lot of so many states in Africa. From Nigeria to Central African Republic through the Democratic Republic of the Congo to Somalia, the narrative is similar. This paper examines the background and the foreground of the failure of the legal orders of the state, the disaster that armed non-state actors have become for their compatriots and territorial neighbours and the reluctance of the international community to effectively respond to restore order. Finally, the paper suggests some ways in which the legal order of the state can be rejuvenated in such a way as to be able to meet contemporary needs of law and order on the one hand and freedom and liberty on the other.

KEYWORDS: legal order, jungle order, non-state actors, law and order, peace and security, freedom and liberty

1. Introduction

Societal belief in the sanctity of human life is reflected in the positive obligations states have undertaken under the regime of international protection of human rights both in conventional and customary international law. But events happening in many parts of the world especially Africa belie such notion as the social reality replicates Thomas Hobbes' state of nature where life is short, nasty and brutish. A few instances are apposite here.

In Nigeria, between January 2016 and October 2018, bloody clashes between herders and farmers in North Central Nigeria or in the Middlebelt part thereof, fuelled by government inaction and associated impunity, claimed close to 4,000 lives (Amnesty International 2018, 6). In 2017 and 2018, one of the federating states of the country worst hit by such human catastrophe, Benue State, was frequently conducting mass burials for the slaughtered to the embarrassment of those who place high premium on human life. Amnesty International documents "the failure of the Nigerian government in fulfilling its constitutional responsibility of protection of lives and property by refusing to investigate, arrest and prosecute perpetrators of attacks" (Amnesty International 2018, 6). But till date, the machinery of justice has neither been invoked against the perpetrators nor the conditions for the resurgence of another round of massacre taken care of. Government inaction was so appalling that the Economic Community of West Africa (ECOWAS) court had to rule that government must investigate the mass murders and bring the perpetrators to book (Sahara Reporters 2019).

Also, since Central African Republic (CAR) got independence in 1960, it has known no peace as its eastern and western parts have been at the mercy of violent non-state actors up in arms against one another in a bid to secure their spheres of influence within the country. The conflict is worsened by the religious dimension it has assumed between Christians and Muslims (Global Conflict

Tracker 2019). Consequently, the state has lost control of as much as two third of its territory to these non-state actors. The groups have overwhelmed the state which is now unable to exercise any form of control beyond the precincts or vicinity of its capital. Ultimately, there is severe deterioration of the country's security infrastructure with adverse or dire consequences for its citizens.

Moreover, the experience of the Democratic Republic of the Congo (DRC) is similar to that of Nigeria and CAR. DRC is a country where armed groups numbering up to about 120 have posed serious challenge and threat to the security of lives and property in the eastern part of the country. Because the government could not cope with their activities, the United Nations Organization and Stabilization Mission in DRC (MONUSCO) has since 2010 occupied the troubled country with the mandate of neutralizing armed groups and reducing their threat to state authority and civilian security (Marcucci 2019, 6). There is no indication as to when the situation will normalize or when the UN mission will wind up its operations.

Furthermore, terrorism has worsened the structure of domestic and international security. There are so many terrorist groups operating within territorial states and, more often than not, across borders, including Al-Qaeda, Al Shabaab, Boko Haram, etc. They ply their 'trade' indiscriminately leaving in its wake sorrow, tears and blood. Terrorists have seized states by the jugular and established therein parallel 'governments.' The states are simply helpless; they just endure the terrorists (Igbinedion 2017, 511).

From the foregoing, it is pretty clear that there are non-state actors (NSAs) engaged in challenging the existence or legitimacy of the state. The intriguing part of this development is that they are not so ambitious as to aim at establishing their own independent state *a la* ISIS but they are content with remaining an integral part of the state to, like termites, eat away its substance. The primary purpose or function of the state is to maintain law and order for the benefit of itself, its citizens and the international legal order. In order to do this effectively, the state is presumed to possess monopoly of violence. In fact, the state is usually described as a coercive legal order because it has the power and authority to subject every person or entity within its territory to legitimate violence for the purpose of its corporate existence, survival or preservation. However, NSAs are increasingly contesting state monopoly over means of violence through their illegal acquisition and use of a variety of weapons to wreak havoc on lives and property within the state and to impose their dis(order), parallel order or anarchy therein. Incidentally, not a few NSAs have so firmed up their acts that they can be arguably said to have dispossessed the state of such monopoly. As this happens, the state is deemed to have lost its *raison d'être* or legitimacy. The aims of the actors are narrow and their *modus operandi* oppositional to the purpose of the state. But the effects of their anarchic operations are not only internalized; they also negatively affect the international obligation of the state to control its territory harmoniously with its obligations to contribute to maintaining the peace and security of mankind.

This paper examines the increasing capacity of non-state actors to challenge the state to such an extent that the former dangerously affect the security of lives and properties of persons within the territory and, perhaps more important, the peace and security of mankind. Section 2 considers the existing Westphalian order while Section 3 examines the disorder therein. In Section 4, the paper suggests some measures that may help the state to regain its strength and exit such messy order. Section 5 concludes the discussion.

2. The Westphalian Order

The foundation of contemporary modern state system is largely traceable to the signing of the Peace of Westphalia Treaty (concluded in Münster and Osnabrück) on 24 October 1648, which formally ended the 30-year internecine war (1618-1648) in Europe (Al-Kassimi 2015, 2; Pietras 2007, 135). The Westphalian model is based on the sovereignty of the territorial state and elucidates that each nation-state has sovereignty over its territory and domestic affairs, to the exclusion of all external powers, on the principle of non-interference in another state's domestic affairs (Al-Kassimi 2015, 1).

According to Daud Hassan, the Treaty ensured that Westphalia sovereignty was tied to state territory, implying separation of states and the absolute temporal power or authority of its government over the affairs of the territorial state (Hassan 2006, 67). Therefore, Lebedeva and Marchetti outline the features of the Westphalian state to include sovereignty, formal equality of states, indifference of international organizations to domestic matters, non-interference in internal affairs and the right to self defence (Lebedeva & Marchetti 2016, 3). The UN Charter of 1945 contains two of the principles, including that of sovereign equality and non-intervention in the domestic affairs of the state (Article 2(1) & (7), UN Charter 1945).

There are broadly two types of sovereignty, namely, external sovereignty and internal sovereignty. External sovereignty is addressed to states, powers or entities outside the beneficiary state to let the latter be. It restrains those outside powers from interfering in the internal affairs of the state. Otherwise known as negative sovereignty, it is contained in article 2 of the UN Charter 1945. Additionally, external sovereignty extends to, in the context of decolonization, the transformation of the prerequisites for statehood from empirical sovereignty to juridical sovereignty (Kreijen 2004, Caps 3 & 4) and the principle of *uti possidentis juris* (as you possess continue to possess). On the other hand, internal sovereignty is the objective features or qualities the state exhibits including those of territory, population, government and capacity to enter into legal relations (Montevideo Convention 1933, art. 1). Moreover, within the context of recognition, the European Union (EU) has added another layer of features, guidelines or conditions to be met by states intending to join the regional body. In December 1991, foreign ministers of the EU set the conditions to include: respect for human rights, guarantees for minorities, respect for inviolability of frontiers, acceptance of commitments to regional security and to settle by agreement all issues bordering on state succession (Hillier 1994, 114).

International law erects these protective devices in order to lay a solid foundation for the state and its government to be as responsible and responsive as possible to its citizens and to the international community. International legal order does not permit the existence of multiple or cacophonous voices. Therefore, the state, including those comprising federated units, is one with one voice. Out of the attributes of statehood enumerated by the Montevideo Convention, that of 'government' is outstanding. This is because, with the state as a mere abstraction, the government is the human agency that symbolizes state sovereignty and is saddled with the responsibility of carrying out its purposes. Incidentally, the quality of the government largely determines the wellbeing of the state, its citizens and its capacity to adequately handle its relations with the outside world. In other words, there is a proportional relationship between a good government and a responsible state and vice versa. If the government gets it right, the state is at peace with itself and its neighbours. Specifically, the state would be able to lay a foundation for the provision for at least the bare necessities of life for its citizens and maintain law and order within its domestic terrain, and contemporaneously meet its international obligations towards the international community relating to human rights protection and the peace and security of mankind. Otherwise, things may fall apart and slide into anarchy within its territory and such outcome may have negative consequences for the state's citizens and its capacity to fulfil its international obligations. Therefore, in order for the state to do well in this regard, it is invested with monopoly over means of violence which, as the need arises, it may deploy to maintain or sustain law and order in its territory. The responsibility and responsiveness of the state can make the difference as to whether it is ultimately successful or unsuccessful.

According to Chaudhry (2013, 168-170), determining the success or otherwise of a state necessarily entails the consideration of certain indices, including legitimacy, capacity, the worth of individual interest as opposed to collective interest, and the inclusivity or exclusivity of its constituent parts. The successful state is legitimate if it relies on consent rather than coercion, on authority as opposed to power (Chaudhry 2013, 170-172); it has capacity to provide collective goods including both first and second generation rights (the maintenance of security and order to health care and welfare) (Chaudhry 2013, 169); collective interests prevail over narrow individual

interests based on the rule of law; and it is socially, politically and economically inclusive (Chaudhry 2013, 169-70). Therefore, Brookst simply concludes that a state would be successful if it controls defined territories and populations, conduct diplomatic relations with other states, monopolizes legitimate violence within its territories, and is able to provide adequate social goods to their populations (Brookst 2005, 1160).

Thus, it is when a state fulfils these parameters that it is able to effectively maintain law and order within its territory and meet its international obligations regarding the peace and security of mankind. The next section examines the disorder in the state.

3. Disorder In The State

The reality of post-1945 international law has reduced states from exclusive subjects to primary subjects of international law (Lanovoy 2017, 563) as evidenced by the admission to the international plane of non-state actors (NSAs) such as international organizations and individuals (Reparation for injuries suffered in the service of the United Nations Case (1949) ICJ, 179). Although such states retain their dominant status as subjects of international law, NSAs have been able to demonstrate their presence therein, however peripheral or marginal (Lanovoy 2017, 563). Their emergence, aided by the wave or gale of globalization and human rights movement that swept across the nook and cranny of the global community, has been largely beneficial. Thus, NSAs such as multinational corporations (MNCs), other business firms, non-governmental organisations (NGOs) and philanthropic foundations fill functional spaces instead of territorial spaces (Chaudhry 2013, 176), take on key governance roles in the authoritative allocation of values for societies by developing, monitoring and even enforcing standards, rules and practices that regulate some aspects of social life, including business, human rights or labour across jurisdictions (Breslin & Nesadurai 2018, 188).

However, the activities of some other NSAs such as Violent Non-State Actors (VNSA) are inherently detrimental to the state. Citizens of many states have discovered to their chagrin that the state's promise of the good things of life, for example, democracy, freedom and good governance, etc, has become a ruse or pipe dream. Many of the states are weak, soft or failing (Kreijen 2004, Cap. 1). Their governments display poor response credentials and actually lack the capacity to adequately resolve the concerns of their citizens either proactively or reactively, present the state as a polity of economic and political zero sum game and a haven that is hostile to or intolerant of contrary views or alternatives. In fact, these governments demonstrate acute incapacity to create the enabling environment for their compatriots to access the necessities of life. For example, the incumbent Nigerian government demonstrates these traits through its poor delivery of goods and services, lack of commitment to the rule of law, disobedience of court orders, promotion of narrow interests over general interests, privileging of nepotism over nationalism contrary to constitutional provisions and lopsided law enforcement based on base politics and parochial considerations. Such dismal performance undermines the good will of the state and weakens its ability to attract the patriotism of its citizens. It is worse for developing states whose historical colonial past has actually triggered in the citizens poor sense of fidelity to nationhood and loyalty towards the primordial public than to the civic public (Ekeh 1975, 92-93) According to Chaudhry, states with such capacity gaps tend to develop functional holes that offer opportunities to non-state actors (Chaudhry 2013, 169).

But because the state lacks the statecraft, finesse or initiative to handle these challenges from its constituent parts, it simply resorts to brute force. The ensuing sour relationship between the state and its citizens drives the latter to the conviction of the inevitability of employing force to counter the state and seeking ways to undermine its monopoly over the means of violence or to dethrone the state from its exalted position as a monopolistic user of the means of legitimate violence by acquiring weapons of attacks and warfare. With such empowerment, aggrieved citizens aggregate and articulate their grievances through several media including riots, violent demonstrations and, in the extreme of cases, outright struggle for self-determination, as demonstrated by Indigenous People of Biafra (IPOB) in Nigeria, Ambazonia Defence Forces (ADF) in Cameroon and Catalan Independence Movement in Spain.

VNSAs, which include bandits, militias, rebels, revolutionaries, terrorists, etc, are inherently “illegitimate vis-à-vis the classical state system in part because the essence of being a state is having a monopoly on the legitimate use of violence” (Chaudhry 2013, 173). They confront and mercilessly mess up the state and, with their access to weapons of war, they embark on militancy, gangsterism, banditry and terrorism and in the process challenge state monopoly over means of violence. In many parts of Africa, VNSAs have so successfully wrestled or contested with the state that they have carved out spheres of influence or power for themselves in the territorial state. In the worst of cases, some of their activities violate rules of international criminal law, for example, the genocidal attacks by herders on targets in Benue State of Nigeria (Amnesty International 2018, 6). The activities of VNSAs such as Boko Haram insurgents and other violent actors throw the state or a part thereof into anarchy reminiscent of Hobbesian state of nature where life is short, nasty and brutish. Specifically, the consequent disorder regenerates further insecurity ranging from electoral violence, thuggery, armed banditry and it gets even complicated when they seek to sustain themselves and their illegal enterprises by embarking on mercantile activities such as kidnapping, illegal mining, oil bunkering, drugs trafficking and collection of tributes from their subjects. Their activities destabilize the state and create the regime of fear to torment their compatriots who, being forced to embark on illegal emigration, acquire the status of political and economic refugees in foreign land. Through such disorder in place, VNSAs undermine the capacity of the state to fulfil its domestic and international obligations particularly those relating to guaranteeing the peace and security of mankind.

Unfortunately, the international community keeps quiet, expecting the state to act for itself. But in many cases this may be impossible especially where high ranking government officials are behind the violent activities or at any rate tolerating them, for example, the genocide in Rwanda, xenophobic attacks in South Africa and herdsman slaughter of farmers and everyone else in Benue.

The foregoing shows that VNSAs have come of age and are determined to use all means necessary to delegitimize the state and mess up the lives and property of their compatriots and create problems for others in far flung jurisdictions. The next section proffers some suggestions for reform.

4. Suggestions For Reform

The diagnoses of the incapacity of the state to assert itself and retain its status as the monopolist user of legitimate means of violence in the face of existential challenges posed by NSAs is unfortunate. Nevertheless, in order to help the state out of such disorder, the paper recommends certain steps below.

4.1 Economic Empowerment

It is true that the agitation of non-state actors is substantially founded on the inability of the state to provide the basic necessities of life. But many states cannot do this under the current international economic order. To the extent that the order does not help majority of the states to break even, it is deficient. This was actually the context of the sponsorship by developing states in the 1970s of the New International Economic Order (NIEO). However, because it was not and is still not supported by the critical actors on the world stage, especially the West, all proposals, recommendations or resolutions made thereunder have floundered. Thus, the developed states and the developing states remain as sharply divided over the right to development (which derives from NIEO) as they were in 1986 when the right was declared. Therefore, states need to build a consensus around the NIEO that will assist the developing states to improve their economic fortunes. Additionally, developing states need the assistance of the developed states in recovering assets plundered from the former but laundered in the latter by corrupt public officials. Corruption is one of the channels through which the much or little resources of the state, meant for human and national developmental purposes, is siphoned out of the state to the foreign-based private estates and bank accounts of corrupt public officials. States adopted the United Nations Convention against Corruption (UNCAC) 2003 as, inter alia, a tool to facilitate the recovery and repatriation of such assets but practical problems bordering on state sovereignty and legal

evidential proofs hinder victim states from recovering their assets. Therefore, custodial states (usually the developed states) need to genuinely use their municipal legal orders towards the end of proactively assisting states victims of economic despoliation to recover assets.

4.2 Democratic empowerment

It is necessary to couple the preceding suggestion with democratic empowerment of the citizens of states towards the end of their having real capacity to decide who gets into political office, when and how. The world-acclaimed way of accessing power and office is regular or periodic elections. But, in many developing states, incumbent presidents or Heads of States and other politicians manipulate the electoral process for their narrow interests to the detriment of the general public. The international community invests much interest, hope and resources in the electoral processes of many states but such efforts are wrongly targeted or channelled. The international community takes it for granted that it is enough to financially assist electoral agencies of states, rely on the promises offered by state agents of free, fair and credible elections or to send electoral observers to some polling booths on elections day. These are grossly inadequate because by and large elections are nonetheless rigged and candidates who lost declared winners. But the truth of the matter is that elections are manipulated towards a particular end not only on the day of elections but throughout the processes from the preparations to the declaration of winners and losers. The international community has done little or nothing to critically follow the trail leading to elections and the declaration and the installation of candidates. The international community need to be more involved in the democratic process so as to help these states and their citizens elect candidates that would form responsive and responsible governments capable of patriotically, pragmatically and creatively care for their people or meet their needs. Specifically, the input from or the involvement of the international community should be an active one that can assist citizens to easily ease off irresponsible and reckless rulership through the ballot box.

4.3 Legal intervention

There could be irreconcilable differences between the state and its constituent part, manifesting in armed struggles and the attendant loss of lives and property and the weakening of the capacity of the state to maintain law and order within its territory. Such circumstances can lead to refugee crises to the detriment of neighbouring economies and the inability of the state to prevent the commission of heinous crimes or atrocities injurious to the peace and security of mankind. Therefore, in order to avoid further damage or carnage, any constituent desirous of exiting the state on the basis of the principle of self-determination ought to be allowed to go. But current international law does not favour such peaceful step based on such principles as *uti possidetis juris*, sovereign equality and non-intervention in the internal affairs of states. These principles need to be revisited so that where a centrifugal force is able to demonstrate the sufficient interest to exit an existing state, the international community should assist it to do so. Otherwise, the current hostile attitude of international law to self-determination leaves only one option to the agitators: armed struggle. Unfortunately, this was what happened before Eritrea got independence from Ethiopia, and South Sudan from Sudan. The narrative needs to change. Essentially, we need to interrogate traditional beliefs or principles of non-intervention or non-interference especially where human lives, peace and security are involved. Fortunately, an aspect of current international law allows humanitarian intervention but the benchmark needs to be adjusted so that the gladiators do not get to the boiling point of breaking limbs and bones before humanitarian intervention is contemplated.

5. Conclusion

This paper examined the order of the state and challenges posed to its existence or legitimacy by non-state actors especially those that are of violent character, that is, VNSA. It observed that though the life of the state is boosted by both external and internal sovereignty, its internal dynamics, including its incapacity to provide for its citizens and the terribly poor governance strategies of its government create the enabling environment for non-state actors oppositional to the state.

Consequently, the citizens are disenchanting. But because the state cannot manage such disenchantment with maturity, it erroneously employs brute force to quell voices of dissent. And since citizens are not willing to submit to such intimidation, they strategize to confront the state with tools of violence and eventually succeed in dethroning the state as the lone monopolistic user of the means of violence in the land. Ultimately, the VNSA throws the state into a state of anarchy to the detriment of their compatriots, the state's capacity to responsibly maintain law and order in its territory and its ability to fulfil its international obligations relating to maintaining the peace and security of mankind.

Therefore, the paper suggests some economic, political and legal measures to re-empower the state to be responsible and be restored to its lost position as the monopolistic possessor of the means of legitimate violence within its territory.

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Trends in the Use of Information Technology in Maritime Transportation

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ABSTRACT: We set out to discuss in this paper about maritime transportation. It is known that more than 90% of global trade is supported at sea. In the last century, the shipping industry recorded an increase in total trade. The growth of industrialization and the liberalization of the national economies have favored free trade and increased demand for consumer products. The development of technologies has caused maritime transport to evolve efficiently and become a prompt method of transport. A look at the international maritime transport system presents a system consisting of three components, namely: the maritime transport system (freight and passengers), auxiliary maritime services (any activity related to cargo handling in ports and ships) and port services (activities related only to management ship in ports). Maritime transport and is an integral, sometimes less visible, part of the world economy.

KEYWORDS: global trade, maritime services, maritime transport, ships, world economy

Introduction

The history of the development of civilization provides clear evidence that navigation was one of man's oldest duties. The beginning of navigation occurred several hundred thousand years ago, when one of our ancestors, to escape either from the danger of wild animals, or from the calamities of nature, or to find a place to feed, ridden on a log and was carried by the waters of the river or further, offshore, by the sea currents. This act of courage and, perhaps, of curiosity for him was the first step in discovering a new activity that would become what we call navigation today.

The development of this activity, from the hollow log to the modern ship of today, has been and represents a means of communication between people, a means of exchanges or the way to discover and conquer new lands. The evolution of navigation has been slow and the seaway has always been full of dangers, and the man who operates on the ship is deprived of the advantages of the one who carries out his activity on land.

But with all these risks and privations, the sea drew the man, and the man sought to confront and subdue it. It can be said that the current ships, equipped with high technical equipment and offering increased comfort, represent a collective effort, in order to carry out the safe transport for the human, the ship and the cargo on board.

Within the complex and specific activity of maritime transport, an important place is the signing of the contract, the location of the cargo on board, so that the maritime shipment is carried out in complete safety, the goods do not move and do not endanger the stability of the ship, in any kind of weather and sea conditions.

Then the goods will be delivered to the destination as it was loaded. Since ancient times we have remained the written testimonies of some profane in the problem of maritime transport, but people with great authority in the world of scholars of those times, who show their admiration for the craftsmanship with which they were arranged, in the small space of a ship, huge quantities of goods intended for sea transport. Today, even with the means of modern technology, stacking is still an art and constitutes the visiting card for sea carriers.

However, the perfect loading and stacking of goods does not definitively solve the problem of maritime transport. During the transport period, a number of factors intervene that tend to change both the stacking and the condition of the goods.

In its journey, the ship is subjected to sea movements - roll and tang, which are very often extremely violent. The merchandise is subjected to great demands and, if it is not tightly tied (well tied and fixed by stacking), it can come off. The cargo thus released may be rolled inside the ship,

damaged or may remain on board, endangering the stability of the ship. Therefore, careful supervision of the goods during transport is required.

Then the ship, crossing areas with different temperatures, will be subjected to large temperature differences, which are transmitted to the goods inside the warehouses and it is known that the biggest enemy of the goods at sea is the moisture. So even in this situation, special care is required for the ventilation of the goods.

Once arrived at the destination, the goods must be delivered under the same conditions as when loading. The ship's personnel have the obligation to supervise the unloading of the goods, taking into account that the delivery of the goods in the same state as the loading will raise the prestige of the company to which the ship belongs and will lead to the avoidance of disputes. In this last stage of maritime transport other factors are involved, which will be shown during the work and which the ship's personnel will have to take into account.

If the problem of the transport of goods in maritime traffic was looked at very carefully from Antiquity, all the more the emphasis is nowadays that this problem is based on scientific basis because people are today driven to operate and exploit the colosses that cross the seas. Under safe conditions and with maximum efficiency. This is why the need for maritime transport has to be carried out according to precise rules and regulations, which limit the risks to seafarers and ships.

The terms used are those of international circulation; where the Romanian specialized literature does not have an equivalent of the foreign term, the corresponding English term, used exclusively in the field of maritime transport, will be used.

The work was sought to cover all the problems related to maritime transport and, where appropriate, it was exemplified by practical problems, most common in maritime transport.

Based on the general presentations it can be emphasized that the economic advance registered in the human society lately has involved, through real inter-relationships, an unprecedented increase of world trade, of the traffic with the basic raw materials needed for the industry, agriculture and exchanges of finished products. Industrial or food, when the general development orientation tends towards an adaptation to the postindustrial economic systems (the transition from the economy based on energy and transport to a economy focused on communications, in which the structural elements prior to this period will be only complex. mentality, while maintaining its importance and capabilities) (de Rosnay 1992, 28).

In achieving the movement of the huge volume of goods, naval transport has a first-class role, both quantitatively and operationally, as the seas and oceans form an indubitable, neocolitous, but also trainable, efficient and necessary bridge between the states of the world.

Paper content

Speaking about the primacy of world trade as a form of manifestation of the global economic circuit, it is necessary to underline the primordial form (arbitrarily selected based on the volume of goods circulated through it) to concretize the development of the international flow of goods, namely trade carried out by sea transport.

Modern maritime trade is a vast and complete economic activity, both as a volume of goods in annual traffic and as a material value of them, in addition to the huge, high-tech investments, represented by ships, as means of transport and transport modern ports as transshipment modes.

The maritime transport, as an economic activity of national (state or private) or international invoice, must be conceived and organized in a compulsory manner, both in terms of necessity and in order to ensure the profitability. It is one of the main factors of global economic cooperation. Its main function is to make the connection between production and consumption. The current conditions of the development of the world economy, characterized by cooperation and interdependence, impose on the maritime transport two essential features of an economic nature (Gheorghe 1996, 135):

1. Economic efficiency, in the sense of full satisfaction of the material requirements;
2. The profitability, as an essential condition of a broad economic activity, in the amount of the costs the transports and their related operations having their determining role.

The fundamental objective of trade and implicitly of maritime transport is to ensure the normal flow of goods at national and international level in safety, in time, with economic efficiency and in accordance with the conventions and contractual clauses in force.

Another aspect of the analysis of the economic efficiency of the transports is their implication in the final volume of the price. The price is constituted by the sum of the expenses incurred until the end of a process and can consist of the packing costs, the transport costs, the insurance costs and other expenses (taxes and charges, etc.). Within them, the transport costs are structured according to the delivery conditions, but also to the form of transport addressed.

The world ocean is today the most advantageous communication channel and which, in the context of international changes, conditions the huge annual traffic of billions of tons of goods. Among the means of transport it is known that the cheapest one is the one on water, which, according to world statistics, is estimated as realizing 90% of the volume of world-wide exchanges (the total quantity of goods that form the object of world trade transported by sea representing 65% of total exchange value).

At the current technical stage reached by civilization, no other means of transport other than ships can ensure the traffic of goods across the seas and oceans of the billions of tons of goods entered annually in the international trade circuit.

As a result, maritime transport fleets have seen a significant increase in global tonnage, accompanied by the diversification of types of ships, thus maritime trade becoming a vast and complex economic activity, both in volume of goods in annual traffic and in value (Anton 1988, 38). As the transport of the sea intensified, it became necessary and it was gradually necessary to improve these activities, to carry out the most efficient safety and insurance measures for ships, cargo, crews and to establish the most appropriate legal framework, which would allow the normal conduct of maritime trade.

These technical, economic and legal measures are indispensable as in the maritime transport the distances traveled are very large, as well as the quantities transported; In addition, crossing a single travel of several climatic zones can expose the goods either to the depreciation of the load or even to their definitive loss.

The world economic circuit, in its various forms, is conceived only to the extent that the states of the world enter into reciprocal relations. These relationships can stimulate or, on the contrary, slow down the various international economic flows. These economic flows have a permanent tendency to diversify, which makes their content heterogeneous.

The international flow of products can take different forms, each presenting particularities regarding the evolution of demand and supply, the formation of prices, etc. The reason for being of the world economic circuit is given by the existence and deepening of the world division of labor, of the specialization of national economies in certain directions, in order to optimize resources of the world market. For a long time, practically until the end of World War II, the main flow of international economic relations was trade in tangible goods.

In closer times and at present, trade, especially foreign trade, has a priority role in the economic life of countries such as Japan, or European countries such as the Netherlands, Belgium, Denmark, etc.

International trade in goods tangible has therefore in an important place in international economic relations, but within them appeared to have developed, especially in the twentieth century in the last three or four decades, and other flows with a dynamic evolution usually trade higher than territorial.

Thus, in the second half of the twentieth century, the invisible trade or the trade with services developed rapidly: international tourism, international transport and telecommunications, scientific-technical services, etc. The deepening of international economic relations results from the faster growth of the volume of economic affairs in the last two decades, compared to the earlier periods of modern history.

After the Second World War, the future of international economic relations showed a cautious optimism, expecting that international trade will develop faster than between the two world wars, but will not reach the known rhythms. During the period of free trade. In fact, in the last four decades, international trade has developed at an average rate of over 10% per year - with some differentiation of rhythm from one period to another -, these rhythms reflecting convincingly. Deepening international economic interdependencies

Obviously, these average rates reflect large differences in terms of the absolute volume of growth between developed countries, on the one hand and underdeveloped countries, on the other. The deepening and diversification of economic interdependencies also results from the structural changes that have taken place in each flow of international economic relations.

Thus, in the period following the Second World War, significant changes have occurred in the structure of international trade. If, until World War II, the basic products had the highest value share, accounting for 2/3 of the world export, in the post-war period the situation gradually changed in favor of manufactured products.

Significant for the inter-production-transport relationship is the period of the 1990s, which completely characterizes the end of the millennium, by the value increase of the transported goods, implicitly efficiency and technological specialization, post-industrial characteristic.

The change in the weight and place of the two product groups in international trade in favor of manufactured products is the result of several factors (Dobrotă 1992, 226):

1. Emphasizing the industrial character of the world economy;
2. The technical-scientific revolution, under the impact of which the industry is in a permanent process of modernization, diversification and superior exploitation of the national resources and the resources subject to processing;
3. The accentuation of the international division of labor and, first of all, of the industrial division of labor, which has led to a considerable increase in trade with these processed (manufactured) industrial products.

Conclusions

For Europe, maritime transport is a real catalyst for economic development and prosperity, as illustrated in this paper.

Maritime transport allows trade exchanges and links between all European nations. It ensures the security of energy supply, of goods and food and the transport of people, while facilitating European imports and exports to and from the entire world. About 90% of the European Union's foreign trade is by sea, and short sea shipping (SSS) accounts for 40% of intra-European trade. It is also worth noting that more than 400 million passengers are boarded and disembarked in European ports every year.

Overall, the maritime industry is an important source of income for the European economy. Considering the importance of the maritime transport field, the International Maritime Organization laid the foundations of the e-navigation concept in 2006, to increase offshore and offshore safety, to avoid accidents and to facilitate the safe movement of ships. This concept involves providing ships with navigation systems that have a standard user interface, making the exchange of data between ships, between them and shore or from shore to shore more accessible. The e-navigation objectives also include increasing efficiency in transport and logistics, efficient monitoring and coordination of ships through coastal technological systems, improving the management of naval traffic and developing an infrastructure to allow the rapid transfer of information between all users.

The European Commission aims to make maritime transport safe and efficient. Thus, in the medium and long term, the most important initiative in the process of developing the maritime transport is e-maritime of the European Union. It focuses on the simplification and cohesion of administrative requirements and procedures in maritime transport. E-maritime is meant to provide standardization, interoperability and security of information exchanges that will lay the groundwork for strategic cooperation networks within intermodal operations. In short, e-maritime should

eventually lead to the emergence and consolidation of commercial and public services in electronic format, which will result:

- Enhancing the safety and security of maritime transport goods and services, as well as environmental protection;
- Increasing the competitiveness of the maritime transport industry of the European Union and strengthening its presence on the international stage;
- The integration of sustainable and efficient maritime transport services and secure “in-door-to-door” transport services in Europe and beyond;
- Strengthening the human factor, in particular supporting the development of seafarers’ skills and well-being for them.

It can be said that encouraging the co-modality and optimal integration of maritime services in the logistics chains has become the key strategy of the European Union. This new notion of co-modality aims to reshape the transport market.

In order to achieve its objectives, the European Commission has set up several initiatives closely related to the e-maritime initiative, including short-distance shipping (SSS), freightwise, e-customs and others.

Therefore, the European Commission’s objective is to protect Europe by strict rules that eliminate poor quality maritime transport services, reduce the risk of serious maritime accidents and minimize the impact on the maritime transport environment. The Commission is also actively working against threats of piracy and terrorism. Another important activity refers to the social dimension, namely to ensuring the working conditions, health, safety and professional qualifications of seafarers.

Finally, the European Commission works to protect citizens as users of maritime transport services, to ensure safety and security conditions and to respect their rights as passengers.

As far as Romania is concerned, it has adopted the legislation of the European Commission on maritime transport, but it does not have a fleet.

As for the use of information technology, as we have shown in the paper, the so-called Templates MSW.ro (Romanian Maritime Single Window) is partially used. We expect the use of information technology to extend to the port of Constanta, as well as to other ports of the European Union and worldwide.

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Institutionalized Corruption and National Development Crisis in Nigeria

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ABSTRACT: Globally, corruption has become one of the major threats to development especially in developing societies that lack strong institutions capable of preventing or inhibiting the manifestations of corrupt acts. In Nigeria, corruption has been deeply rooted in virtually all spheres of national life. More worrisome is the degree of rot in many institutions saddled with the duty of combating corruption in Nigeria. The paper argues that the endemic corruption ravaging state institutions in Nigeria is a major threat to national development. We extracted some of the basic propositions of the elite theory as the theoretical guide while utilizing documentary method of data gathering. Its analytical rigour is anchored on qualitative descriptive analysis. It concludes that the elites who manage major state institutions and seem to shoulder the responsibility of anti-corruption fight have remained the major perpetrators of corruption in Nigeria. Hence, ending corruption becomes undeniably not feasible. The paper therefore recommends a paradigm change from the hitherto elitist driven corruption eradication programmes and agencies to more radically independent corrupt institutions that will be capable of penalising all involved in corrupt practices without fear or favour.

KEYWORDS: institution, corruption, national development, crisis

Introduction

Globally, corruption has become one of the major threats to development especially in developing societies that lack strong institutions capable of preventing or inhibiting the manifestations of corrupt acts. Since 1960, when Nigeria became independent, one of the issues that have gained considerable attention at both public and private fora is corruption (Nwanegbo & Odigbo 2015). Earlier, Akindele (2005) has aptly demonstrated through a retrospective analysis of politics from independence to date that corruption has permeated so deep into the fabrics of Nigerian society. In Nigeria, corruption has been deeply rooted in virtually all spheres of national life. More worrisome is the degree of rot in many institutions saddled with the duty of combating corruption in Nigeria.

Thus, prior to the return to civilian rule, there seems to be a convincing impression that the recurring incidences of corruption in Nigeria is as a result of inexperienced and dictatorial tendencies of military juntas. The popular view was that the military was not trained to rule, hence the slogan “return to barrack”. The return to civil rule in 1979 demonstrated in concrete ways that corruption is not mutually exclusive to military or specific military juntas. In other words, the military is the product of Nigerian society therefore their administrative traits cannot be dissociated from the character of society that trained them. Hence, the succeeding civilian government in 1979 led an era of corruption bedevilled haemorrhage economy. For instance, Ribadu (2006) termed the period between 1979 and 1998 “the darkest period” in Nigeria’s history of corrupt regimes. For him, the civilian administration of 1979-1983 was bedevilled with profligacy, “wanton waste, political thuggery and coercion...disrespect for the rule of law...bare faced, free for all looting of public funds through white elephant projects” (cited in Fagbadebo 2007, 30-31).

Indeed, optimism was upbeat in 1999 with the return to democratic governance but whether this optimism is well founded remains to be seen. The Obasanjo led government established anti-craft agencies to curb corruption. These agencies include the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC). Although, these agencies have superintended the detection, arrest and prosecution of many individuals accused of corrupt related practices, yet corruption in Nigeria and more specifically in state institutions is growing daily in a geometric ratio. As a result, national development appears to be a mirage. This study therefore examines institutionalized corruption and the extent it impacts on national development in Nigeria.

Conceptualizing Corruption and National Development

There seems to be a global consensus among scholars that corruption is a major impediment to governance and development. This consensus points to the fact that corruption is a global phenomenon. Corruption of course is a universal problem, with complex causes; its net effect is commonly regarded as negative for all societies, especially developing countries (Ghana Center for Democratic Development 2001). More importantly is to state that in spite of its universality, manifestations, tendencies and complexities of corrupt practices vary across borders. For instance, the rate or rather the occurrence of corrupt incidences varies from developed and undeveloped societies. The sophistication to carry out corrupt practice is also not same. This is because technological inventions and strong institutional mechanisms capable of detecting and punishing offenders exist and are more effective in developed societies than the underdeveloped. The level of literacy and public awareness towards resisting the temptation of corrupt practices are also not same. Thus, the pervasiveness of corruption tends to make it a household concept as it traverses all nooks and crannies of every society though at different magnitude (Odigbo 2017).

Thus, Al Gore argued that corruption is “a cold, vicious, often violent sacrifice of citizen security for a narrow, greedy, private, personal profit on the part of a crooked official” (cited in Iyare 2008, 4). For United Nations Development Programme, UNDP (2004) stated that corruption is the misuse of public power, office or authority for private benefit-through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement (cited in Nwabughio 2016). Incidentally, corruption has become a common word and has become part of everyday usage in Nigeria. In fact, in Nigeria corruption has become a household name hence, it appears to have been integrated into the national life.

Thus, Huntington (1968), the concept is seen as abuse of public office for private ends. For him, corruption is a behaviour of public officials which deviates from accepted norms in order to serve private ends. Although, Jean-François (1998) argued along the lines that corruption in Africa is closely associated with neo-patrimonialism and clientelism, and that the basis for the entrenched corruption in Africa is mainly the lack of distinction between public and private (cited in Andvig J, Fjeldstad O, Amundsen I, Sissener T and Søreide 2001). However, it is important to note that such distinctions exist but more importantly is to state that ethnic and religious affiliations tend to have impeded the capacity of African societies and her people from abhorring corruption in both public and private space. This is Africa’s and indeed Nigeria’s greatest challenge. It is big problem because corruption promotes economic decay and social and political instability, perverts the ability of the state to foster rule of law and eventually corrodes trust and undermines legitimacy (Ghana Center for Democratic Development 2001). It has been institutionalized to the extent that families, communities and the entire sub-societies find reasons for justifying any alleged corrupt act perpetrated by indigene(s) of their own extraction.

The above explanations undoubtedly have severe implications on national development of a state. Studies on development have continued to explained that man is the subject and object of development, hence the assumption that development is all about human well-being (Naomi, 1995; Gboyega, 2003; Nwanegbo & Odigbo 2013). Specifically, development is usually taken to involve not only economic growth, but also some notion of equitable distribution, provision of health care, education, housing and other essential services all with a view to improving the individual and collective quality of life (Naomi 1995). Thus, Gboyega (2003) explains that development is an idea that embodies all attempts to improve the conditions of human existence in all ramifications. It implies improvement in material well being of all citizens, not the most powerful and rich alone, in a sustainable way such that today’s consumption does not imperil the future, it also demands that poverty and inequality of access to the good things of life be removed or drastically reduced.

It seeks to improve personal physical security and livelihoods and expansion of life chances. For Nwanegbo & Odigbo (2013) development could be seen as the process of empowering people to maximize their potentials and the ability to exploit nature to meet daily human needs. It can also be

seen as a process by which quality of human lives and capacity to surmount daily needs are considerably improved.

Following from the above, national development entails an ensemble of sustained improvement in the political, social, economic, health, and environmental aspects of any organized political society. It explained the degree by which state transformation is coordinated and sustained. This can be in terms of state capacity to systematize the process production, allocation and distribution of social goods for the betterment of man (Odigbo 2017). According to Onuoha, (2013, 18) the concept of:

national development, depicts unending process of qualitative and quantitative transformation in the capacity of a state to organize the process of production and distribution of material benefits of society in a manner that sustains improvement in the wellbeing of its individual members in order to enhance their capacity to realize their full potentials, in furtherance of the positive transformation and sustenance of their society and humanity at large.

As can be seen, if corruption undermines collective necessities through the abuse of public office for private ends, there may be no doubt that developing the socio-economic and political spheres will suffer a huge setback. For instance, nations with strong government institutions, less corruption incidences tend to experience steady and rapid development, unlike nations with huge corruption incidences. Africa and Nigeria in particular appears to have made little or no improvement in the areas of national development, but has made tremendous improvement in establishing corruption as a national guide. In fact, in some instances national awards are given to highly corrupt individuals who have demonstrated disservice to the people while in public office. In Nigeria, there seems to be no punishment for corruption. What amplifies corruption in Nigeria is that punishments have been substituted for praises and national awards for individuals alleged to have engaged in corruption acts. The implication has being the ever growing unemployment, insecurity, economic hardship, poverty that under-develop the already under-developed Nigerian society.

Corruption and National Development Crisis

There is no gainsaying the fact that corruption impedes national development. However, our contention in this study is that institutionalized corruption in Nigeria has stalled national development trajectories, hauling national development to a crisis status. Arguably, corruption has over the decades in Nigeria appears to be more institutional and political in nature. This is because the ruling class has proved to be the major promoters of corruption, indeed; the continued high prevalence of corruption in Nigeria is as a result of the fact that beyond institutional weaknesses, leaders seem to have infiltrated escaping roots in the making of anti-corruption laws (Nwanegbo & Odigbo 2015). As a result, political corruption has been on its peak with overwhelming monumental negative effects and consequences in Nigerian political system (Nwanegbo & Odigbo 2015). For instance, over a decade Nigeria has always been rated very high among the globally most corrupt nations as rated by the Transparency International. The table 1 and figure 1 below show that between 1996 and 2018 the Transparency International has rated Nigeria high among most corrupt States in the world.

Table 1. Nigeria's corruption perception index by Transparency International from 1996 to 2018

Year	Nigeria's Score	Nigeria's Position	Total number of Nations Surveyed
1996	0.6	54	54
1997	1.7	52	52
1998	1.9	81	85
1999	1.6	98	99
2000	1.2	90	90
2001	1.0	90	91
2002	1.6	101	102
2003	1.4	132	133
2004	1.6	144	145
2005	1.9	152	158
2006	2.2	142	179
2007	2.2	147	180
2008	2.7	121	180
2009	25	130	180
2010	24	134	178
2011	24	143	182
2012	27	139	176
2013	25	144	177
2014	27	136	174
2015	26	136	170
2016	27	136	176
2017	28	148	180
2018	27	144	180

Source: Author's compilation from TI website



Figure 1. Graphic Representation of Nigeria's corruption perception index by Transparency International from 2009 to 2018

Source: <https://tradingeconomics.com/nigeria/corruption-rank>

Unfortunately, the more corrupt practices increase, the more development plans are in disarray. Since independence in 1960, Nigeria has developed more than eight development plans. None of these plans has ever been implemented to the benefit of the people. Some of the notable developmental efforts of various governments in Nigeria since independence according to Sanusi (2012) are:

- First National Development Plan (1962-1968);
- Second National Development Plan (1970-1974);
- Third National Development Plan (1975-1980);
- Fourth National Development Plan (1981-1985);
- Structural Adjustment Programme;
- Vision 2010;
- National Economic Empowerment and Development Strategy (NEEDS);
- Vision 2020, and a host of others.

Thus, since the discovery of oil in large quantity in Nigeria development plans appear to be tied on the oil economy. Incidentally, the “oil boom and burst” experiences of the 1990s till date impacted negatively on the economy. Beyond this challenge, it seems clear that high incidences of political corruption, enabled by weak state institutions tend to undermine the whole essence of national development. Yet, every past military junta and all civilian regimes claimed to be fighting corruption in public institutions.

Most disheartening is the gullibility of the majority of Nigerian people. Secondly and perhaps more importantly is people’s poor orientation and misconception that when property acquired illegally with public fund is confiscated by the agencies of government, it means the government is winning the war on corruption. Also, when looted funds are being recovered, it means corruption will come to an end. Experiences of the years have shown that looted monies are been recovered and re-looted the incumbents.

As a result, national development has not become only elusive but has degenerated to crisis level. For instance, since 1999, Nigeria’s key indicators to national development still show a low level of improvement. It appears that there was no forward or backward shift from the 2014 Nigeria’s 152nd position in the 2016 report of the African Human Development Index, HDI, released by the United Nations Development Programme, (UNDP). According to the report, Nigeria’s HDI value for 2014, according to UNDP’s 2015 report was 0.514 which put the country in the low human development category, positioning it at 152 out of 188 countries (Nwabughio, 2016). According to Bertelsmann Stiftung, Report (2015) Nigeria’s human development index score as of 2015 was 0.459 which puts Nigeria on position 156 out of 169 in the country ranking. According to the report:

There is widespread and deep-seated social exclusion, caused by poverty. The HPI is 0.368, which translates into a ranking of 114 out of 135 countries. More than half of the population of 170 million lives on less than \$2 per day. Nigeria’s Gini Index is 42.9, the gender equality index gives a value of 0.39 and the inequality index 0.246, while the education index is 0.422 and the literacy rate is put at 60%. Inadequate education is reflected by very poor scores of just 0.648 and by a school enrolment of 53%, although government expenditure on education is 10% of the current annual budget (Bertelsmann Stiftung 2015, 13).

Similarly, unemployment rate is growing rapidly. Just very recently, the African Development Bank stated that unemployment situation in Nigeria is frightening and could become catastrophic if decent jobs are not created for the country’s youth population (Ihuoma, 2019). According to the National Bureau of Statistics, Nigeria has some of the highest unemployment and underemployment rates in Africa, put respectively at 23.1 percent and 20.1 percent (Ihuoma, 2019). The figure below shows Nigeria’s unemployment rate between 2016 and 2018.

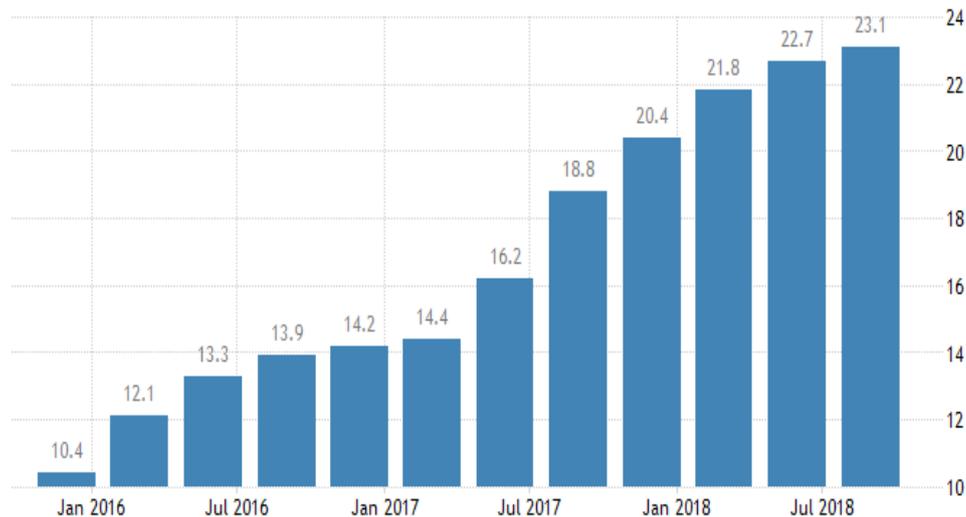


Figure 2. Nigeria's unemployment rate between 2016 and 2018

Source: <https://tradingeconomics.com/nigeria/unemployment-rate>

From the figure 2 above, unemployment has doubled in Nigeria from 10.4 to 23.1 between 2016 and 2018. While these figures seem frightening, the reality is more pathetic. This is because the greatest undoing of the Nigerian State is providing accurate data for national planning and development. Issues concerning information for national planning are ethnically, politically or religiously doctored. This known fact also has negative impacts on national development because data is indispensable for planning. Unsurprisingly, poverty and insecurity have also risen to assume a monstrous status. The implication is more corruption, more abandoned national plans, more under-development in Nigeria.

Conclusion

From the above analysis, we have established that though corruption is a global phenomenon, its impact on nation's quest for development varies. Thus in Africa, corruption has become a monster. In Nigeria, it has become a way of life and its pervasiveness has stalled national development plans. The endemic corruption ravaging state institutions in Nigeria is also a major threat to national development. Noticeably, the growing poverty, unemployment and insecurity have snowballed into national development crisis. The paper therefore recommended a paradigm change from the hitherto elitist driven corruption eradication programmes to more radically independent and strong corrupt institutions that will be capable of penalising all involved in corrupt practices without fear or favour. Also, important is the development and strict implementation of national development plan that can address the issue of poverty, unemployment and security.

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The Impact of ‘Banks Specific Regulations’ on Determinants of Financial Performance: Empirical Evidence from Ghana - A PMG ARDL Approach

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ABSTRACT: The world financial cataclysms bring tremendous monetary flaws in the financial framework for the entire world. In many countries, the situation in the financial division turned out to be severe to the point that the legislature was forced to begin to expand the bundle to maintain the financial segment. In this study, a PANEL approach was used to assess the impact of bank specific regulation (BSR) on financial performance (FP) of bank in Ghana for the period of 10 years. In this examination, the association is divided between financial performance (FP) and BSR (the interest rate (IR), foreign exchange rate (FER) and credit risk (CR)) between banks in Ghana. To begin with, the direction of stationary factor was affirmed. A panel test by Pedroni and Kao is used to achieve the long-term relationship between the factors in the model, in which FP is endogenous variable and BSR is exogenous. Also, the test of causation was built by (Granger, 1969) to direct whether a causal relationship exists among the factors. The examination showed long-term relationship depending by the Granger causal relationship which shows a bi-directional, Uni-directional connection in the middle of a factor.

KEYWORDS: bank-specific regulations, credit risk, foreign exchange rate, interest rate

Introduction

According to (Ng & Rusticus 2011) banks are vital pieces of a country's development. In their standard position as fiscal middle people, banks make certain the transmission of value go from surplus to deficiency contraptions and serve to fulfill the need of the individuals who need subsidizing. Banks encourage spending and speculation, which fuel boom inside the financial framework. However, regardless of their fundamental job inside the economy, banks are anyway powerless against disappointment. Banks, similar to some other venture, can cross bankrupt. However, with the presence of globalization, banking sports are presently not controlled to the fringes of any individual us of a with go-outskirt banking exercises hurriedly expanding, the need for universal collaboration in monetary foundation law has in like manner extended. (Sami Ben Naceur & Omran 2011) illuminated that the current money related emergencies have discovered the hugeness of bank principles to support against the inordinate risk credited to disparities in banks' permanency sheets. In assistance, they work provident methodology that mitigates the aftereffects of money related emergencies on the stableness of the financial framework and next going with macroeconomic results.

On the other hand, lopsided rules may furthermore development the cost of intermediation and decline the gainfulness of the financial business. Altogether, as banks end up being more prominent constrained, their ability to build credit and commitment to financial increment can be hampered. (Williams & Nguyen 2005) sorted financial regulations into organizations as indicated by their interests and abilities. The three most extreme regulation orders are characterized as (1) Structural approaches are the hindrances situated on modern banks deciding the games wherein they could take an interest from the ones from which they are suspended. Permitting of modern banks and denials from doing mechanical exercises, are instances of auxiliary guidelines utilized. (2) Prudential law underscores the administration of methodical threat through primarily accounting

report imperative alongside capital sufficiency and admissible bank fixation (level of banks resource held with the guide of a chose edge or individual) proportions; and it sets up pointers to keeps money with the intention of keeping up security and soundness of the financial contraption and cautious the clients of fiscal administrations, for example, setting limits on home loan to a solitary borrowers or companies. (3) Monetary law is the way toward putting financial inclusion orders intended to result in foreordained macroeconomic results by method for that spend significant time in intrigue costs.

Chortareas, Girardone, & Ventouri (2012) have examined "Bank the board, mandate, and viability proof from the European Merger." with the guide of taking for an example of 22 EU countries. They have utilized non-parametric information Envelopment Investigation (DEA) way to deal with catch actualities about banks' productivity, notwithstanding the conventional methodology. They have utilized summed up straight molds and a truncated relapse model joined with bootstrapped confidence interims the utilization of an as of late created econometric system by utilizing (Simar & Wilson 2007). Likewise, they have played out an affectability assessment utilizing partial logit estimator to crosscheck the impacts. Their confirmation demonstrates that there might be a strong hyperlink among different kinds of banking law and supervision and monetary establishment execution. The essential research on the elements of the bank in general execution in creating countries was accomplished. On account of Colombia (Barajas, Steiner, & Salazar 1999) record the huge effect of money related progression on bank side interest edges in Colombia. Despite the fact that the general spread has not declined after money related change, the pertinence of the different factors in the back of the financial foundation spreads had been influenced by such measures. Another trade associated with the progression procedure become the development of the coefficient of home loan top notch after the advancement. (Afanasieff, Lhacer, & Nakane 2002) utilize panel insights systems to locate the essential determinants of the monetary establishment pastime spreads in Brazil. A step method because of (Ho & Saunders 1981) are utilized to degree the general effect of the smaller scale and full-scale components. The results recommend that macroeconomic factors are the greatest significant components to give a clarification for bank diversion unfurl in Brazil.

Samy Ben Naceur & Goaid (2001) reviewed the elements of the Tunisian bank exhibitions eventually of the 1980-1995 interims. They infer that the extraordinary showing up banks are the ones who've attempted to improve work and capital profitability, the ones who've kept up an over the top level of store cash owed in respect to their possessions and at last, the ones who have been equipped for meat up their reasonableness. Guru, Staunton, & Balashanmugam (2002) endeavor to recognize the determinants of effective store manages an account with a reason to offer practical distributions for improved gainfulness normally communication execution of these foundations. The examination is basically founded on an example of seventeen Malaysian business banks over the 1986-1995 lengths. The gainfulness factors were apportioned in principle classes, explicitly the internal components and the outside determinant. The discoveries of this yield a glance at found that effective costs the board transformed into one of the greatest sizable in clarifying over the top money related foundation productivity. In the middle of the full-scale pointers, high-interest proportion becomes identified with low monetary establishment productivity and swelling become seen to have an astounding impact on bank execution.

Hazlina Ahmad, Ramayah, Wilson, & Kummerow (2010) have considered "Determinants of Profitability and Efficiency Of World Islamic Banks" by means of taking an example of seventy-eight banks certainties for time of 1992-2009, where Profitability is estimated the utilization of ROA, and that they established that the proportion of working consumptions to add up to resources (OE/TA), that is utilized to offer information on bank's effectiveness of overseeing running costs contrary to resource have, exhibit pleasant seeking with money-related foundation gainfulness. Bank length has resolved to be unquestionably connected with gainfulness bigger banks revel in preferable income over littler keeps money with the guide of misusing economies of scale. Alluding with the impact of capitalization, it changed into found that EQUITY/TA uncovers phenomenal pursuing with productivity. Samy Ben Naceur, Ghazouani, & Omran (2008) played out an

examination on the name "The Effects of Bank Protocols, Competition, and Monetary Restructurings on MENA Banks' Profitability" by method for the utilization of 173 banks from 10 nations, from 1988-2005 periods. Much has been composed with respect to governments' job in managing business budgetary establishment exercises because of the way that banks' danger taking conduct has money related ramifications and adds to monetary unsteadiness. Studies have demonstrated that bank action guidelines adversely affect bank effectiveness and capital principles development bank soundness because of the way that capital prerequisites and stringency diminish bank chance taking conduct. Ongena, Popov, & Udell (2013) better bank execution is thought to be subject to higher capital sufficiency necessities, since banks', contributors', and moneylenders' motivations could be adjusted to decrease the danger (Admati, DeMarzo, Hellwig, & Pfleiderer 2010). Accordingly, those are open intrigue benefits; though the non-open intrigue see contradicts these capital prerequisites making the not uncommon case that reasonableness is lavish. The individual leisure activity sees additionally asserts that other administrative limitations, together with confining a monetary establishment's games, might need to diminish a banks expansion, consequently bringing down its establishment charge and decreasing motivators for green conduct (Beltratti & Stulz 2012).

The objective of banking law is to blast a budgetary organization's dissolvability and liquidity and to make a stable monetary quarter (BCBS III, 2011). In spite of the fact that there's a settlement between controllers, investors, and scholastics that stricter guideline will prompt financial equalization, there's no accord near the effect on money-related foundation productivity (Lee & Chih 2013). As indicated by (Barth, Caprio Jr, & Levine, 2013), there's no unmistakable forecast of monetary foundation guidelines on money-related organization proficiency. There are clashing points of view on this locale: the "open premium view" and the "non-open side interest see," where the past is spoken to by methods for governments following up in the interest of the open's top-notch enthusiasm to produce a solid monetary area and the last is spoken to through a minority that says money related foundation rules block banking exercises and slow down monetary increment (fundamentally asserting a change-off among budgetary strength and budgetary development, as (Admati et al. 2010) announced. In view of a current see by methods for (Barth et al. 2013) veiling 4050 bank perceptions speaking to 72 nations from 1999 to 2007, it transformed into established that confinements on banking exercises adversely impact bank effectiveness and stringent capital guideline decidedly impact bank execution.

These contradicting results are something to be considered through policymakers. Reinforcing genuine supervisory vitality additionally demonstrated a compelling impact on bank proficiency, however best for countries that had gifted and fair supervisory specialists. Likewise, banks that had additional straightforward records and monetary divulgence moreover affirmed a heavenly effect on banking proficiency. Much has been contemplated and composed on bank execution; in any case, in venture with (Barth et al., 2013) no total research on the effect of bank guideline, supervision, and observing on budgetary organization execution exists. The reason, as characterized, is because of obliged certainties accessibility which obstructs developing important measures to speak to banking law. As indicated by the small scale prudential and the large scale prudential speculations there might be a relationship among guidelines and monetary execution in budgetary foundations. The speculations goal of achieving fiscal equalization and protecting citizens' leisure activities. This may furthermore have the effect of hindering the monetary presentation of business banks (Hanson et al. 2011). The global monetary subsidence of 2008 has instructed us that there is a essential to manage financial foundations (Sherman 2009).

However, various research has been explored on banking regulations and determinants of banks' performance all around, the little center has been given regarding banks in Ghana unequivocally. As for past explores among others, the above articles, for the most part, researched the effect of BSR on the FP of banks utilizing various estimation factors just as various districts together with various techniques. As for Ghana restricted examinations have explored both the elements of high BSR and the repercussions on both the nation and bank productivity

notwithstanding the circumstance that standard of these investigations has been in different locales and nations. A ration of the vital elements of moneymaking banks productivity incorporate BSR which is among the few examinations. In the Ghanaian point of view, the examination on BSR yield into the record the determinants from various discernments and various factors to gauge BRS. This paper contrasted with the previously mentioned examinations utilized a bank-explicit variable to gauge FP, for example, (IR, FER, and CR) for the primitive researched the effect of BSR on FP dependent on board PMG approach. The Panel PMG estimator has various advantages in examination with other econometric strategies. For example, Panel PMG estimator through the ARDL technique paying little respect to whether factors are joined of request $I(0)$ or $I(1)$, the long haul and transient evaluations can be acquired regardless of whether the event of cointegration isn't formally dappled and well gives strong outcome in the event of heterogeneous boards. Further, the PMG model is a board blunder amendment perfect with short-keep running just as long-run impacts assessed together from an ARDL ideal with the short-run result being permitted to vary through countries.

Additionally, however there exist an important number of investigates looking at the result of BSR on FP, those using the panel case frequently utilize econometric strategies that accept as well as cross-sectional autonomy or potentially heterogeneity. Depending on cross-sectional freedom and homogeneity alone is prerequisite to create deceptive outcomes in the event that the panel being utilized is really cross-sectional dependent and heterogamous. Along these lines not at all like different examinations, we utilize a homogeneity test by (M. H. Pesaran, Ullah, & Yamagata 2008) just as cross-sectional dependence test by (M. H. Pesaran 2004) in order to avow that the panel times series information occupied with this investigation has cross-sectional connectedness and heterogeneous. The examination in this way contrasted with previously mentioned inquiries about applies panel estimation techniques that effective and powerful to the event of cross-sectional reliance and heterogeneity.

Data and Econometric methods

This examination utilizes a panel time series information to research the impact of BSR on FP for 15 business banks in Ghana covering the period 2007 to 2017 for the factors which incorporate IR, FER, and CR. The information with detail to the aforesaid factors was accomplished from the surveyed money related reports of the 15 plausible banks in Ghana. The prime bank of Ghana requires all banks to distribute their evaluated fiscal report freely on a yearly premise. The information per every factor was changed over into common logarithm in order to derive the parameter estimations with regards to the definitiveness of the reliant variable (BSR). Tested banks for this investigation includes Ecobank Ghana Limited, Access Bank Ghana Limited, Agricultural Development Bank (ADB), Ghana Commercial Bank (GCB), Barclays Bank Ghana Limited, Fidelity Bank Ghana Limited, UT Bank Limited, Sahel Sahara Bank Limited, Guarantee Trust Bank Limited, Universal Merchant Bank Limited, HFC Bank Ghana Limited, First Atlantic Bank Ghana Limited, National Investment Bank Ghana Limited, First National Bank Limited, and Cal Bank Limited. These are the biggest banks and added to over partial of the financial framework resource and have been appraised by the degree.

Results from the information were brought forth utilizing EVIEWS 9.0 and STATA 13.0 together with SPSS 20.0. Table 1 shows the outline of the informational index while the engaging measurements (mean, standard deviation, skewness, and kurtosis) of the different factors incorporated into the panel time's series information are delineated in Table 2. Table 1 delineates the profile of the aforementioned factors (all in common logarithm amid the time of 2007-2017). The drifting of the graphs could give the suggestion that the factors utilized in the examination are non-stationary. This, accordingly, should additionally be affirmed by the panel unit root test which introduced in the ensuing area. The information utilized in the examination were as per the following.

Table 1. Data set

Variable	Definition	Source
FP	Financial performance of banks	Bank of Ghana
IR	Interest rate	Bank of Ghana
FER	Foreign exchange risk	Bank of Ghana
CR	Credit risk	Bank of Ghana

Descriptive statistics

Synopsis of Table 2 demonstrates the graphic indicators for the factors Financial Performance, Interest Rate, foreign exchange rate, and credit Risk separately. Every one of the factors from Table 2, as expressed as of now are changed over into a characteristic logarithm. Engagingly, Table 2 uncovers that, for the sample of banks utilized in the investigation, FP and CR on the normal are 14.361% and 1.374 with a standard deviation of 0.414 and 1.374 individually, which are genuinely enormous contrasted with the mean and standard deviation of IR ($M=1.105$, $SD=0.279$). FER conversely, when contrasted with every one of the factors had a base mean estimation of 7.537 and $SD=0.209$. CR with the most elevated standard deviation estimation of 1.374, implying that CR influence FP of banks in Ghana. With respect to the skewness, every one of the factors is adversely skewed, complimenting to one side when contrasted with the ordinary dissemination. With respect to the kurtosis, FP is over the ordinary esteem demonstrating the sharp of FP is leptokurtic whiles the sharp of IR, FER, and CR are mesokurtic since they have their individual kurtosis incentive to be roughly 3. By and large, for an arrangement to be regularly disseminated the skewness and kurtosis should around be 0 and 3 individually. In this manner, the primary end from the shape insights is that every one of these circulations FP, IR, FER, and CR can't be declared to be ordinarily appropriated. This is in agreement with the JB-TEST which delineate that, there is an adequate affirmation to dismiss the typicality invalid theory for all the circulation. There, the arrangement isn't ordinarily dispersed.

Table 2. Descriptive statistics (data transformed in natural logarithm)

Statistic	<i>FP</i>	<i>IR</i>	<i>FER</i>	<i>CR</i>
Mean	14.361	1.105	7.537	10.077
Median	14.420	0.936	7.601	10.218
Std. Dev.	0.414	0.279	0.209	1.374
Skewness	-0.370	-0.451	-0.634	-0.668
Kurtosis	3.553	1.641	2.047	2.735
Jarque-Bera (JB) test value	2.735	18.2875***	17.294***	12.771***
Probability of JB	0.053	0.000	0.000	0.000
Observation	165	165	165	165

Note: *** indicates the rejection of the Jarque-Bera (JB) null hypothesis of normality at 1 percent significance level.

Correlation analysis and multicollinearity test

The results from Table 3 demonstrate a dynamic graphical vitrine in the middle of the arrangement of the factors IR, FER and CR have a factual momentous positive connection with FP, the resilience esteem, the VIF and pairwise connection network among the arrangement of indicators gives an assorted variety of measures for surveying the problem of Multicollinearity in a numerous relapse diagnostics. Multicollinearity is contamination of one of the desires for relapse investigation. (Dormann et al., 2013) proposed a strategy for diagnosing and identifying Multicollinearity. A resistance estimation of a little measure of 0.10 or 0.20 which is comparable to a VIF of 5 or 10, p value >0.05 and the pair-wise connection appearing straight reliance of 0.90 or more. The outcomes uncover that the VIF for indicators IR, FER, and CR cognizant us that the fluctuation of the normal elements is incredibly expanded and exceedingly associated with at any rate one of the mediators in the model. The results determine that IR has a huge moderate positive association with FP ($r=0.640$, $P<0.01$). This infers a rate increment in IR compares to an ascent in profits for resources as an estimation of FP of banking foundations considered for the examination. Essentially, FER($r=0.544$, $P<0.01$) and CR($r=0.582$, $P<0.01$) have a measurably moderate association with profits for resources utilized as an estimation of FP. The outcomes likewise infer that FER has a moderate positive association with the loan fee ($r=0.850$, $P<0.01$) and CR has a moderate association with IR($r=0.611$, $P<0.01$). Additionally, credit risk from the outcomes likewise demonstrates a moderate positive association with FER ($r=0.636$, $P<0.01$).

Table 3. Correlation analysis and multicollinearity test

Variables		FP	IR	FER	CR	Tolerance	VIF
FP	Pearson correlation	1					
	Sig (2-tailed)						
IR	Pearson correlation	0.640**	1			0.270	3.708
	Sig (2-tailed)	0.000					
FER	Pearson correlation	0.544**	0.850**	1		0.256	3.903
	Sig (2-tailed)	0.000	0.000				
CR	Pearson correlation	0.582**	0.611**	0.636**	1	0.577	1.733
	Sig (2-tailed)	0.000	0.000	0.000			

Note: ** indicates the significance at 5%. The statistical significance or insignificance at 5% level refers to sample evidence which allows the researcher to reject or not to reject the null hypothesis with a probability of type 1 error of 5%.

Analytical Model

This examination looks at the relationship in the midst of bank-specific regulation and the effect on FP of banks in Ghana by including IR, FER, and CR as estimation factors estimating BSR to shape a multivariate structure. These factors (IR, FER, and CR) for the most part are found to affect the FP of banks. Henceforth, our proposed model concerning the impact of BSR takes the accompanying structure

$$FP = f(BSR) \quad (1)$$

where *BSR* represents bank specific regulations and *FP* denotes financial performance measured using Return on Assets (ROA).

Since the variable bank-specific regulations are measured using the measurement variables; interest rate, foreign exchange risk, and credit risk, equation (1) is rewritten as;

$$FP = f(IR, FER, CR) \quad (2)$$

where *IR* represents interest rate, *FER* is foreign exchange risk, and *CR* denotes credit risk.

The relation from equation (2) essentially indicates that financial performance (*FP*) is a function of interest rate (*IR*), credit risk control (*CR*), and liquidity risk (*LR*).

For the purpose of econometric estimation and the data employed being time dependent which spans from 2007 to 2017, equation (2) can be written as in the following form:

$$FP_t = \beta_0 + \beta_1 IR_t + \beta_2 FER_t + \beta_3 CR_t + \mu_t \quad (3)$$

where t represents the time in years.

Since the investigation exclusively focusses on a panel data involving (15) banks in Ghana from 2007 to 2017, equation (3) can additionally be written in a board model structure as pursues;

$$FP_{i,t} = \beta_0 + \beta_1 IR_{i,t} + \beta_2 FER_{i,t} + \beta_3 CR_{i,t} + \varepsilon_{i,t} \quad (4)$$

where i represents the individual commercial banks.

So as to address issues of heteroscedasticity, every one of the factors incorporated into the proposed financial performance execution work in condition (4) are changed into a characteristic logarithm. The log-linear model used to investigate the impact of BSR (interest rate, foreign exchange rate, and credit risk) on the FP of banks is accordingly figured as;

$$\ln FP_{i,t} = \beta_0 + \beta_1 \ln IR_{i,t} + \beta_2 \ln FER_{i,t} + \beta_3 \ln CR_{i,t} + \varepsilon_{i,t} \quad (5)$$

where $\ln FP_{i,t}$, $\ln IR_{i,t}$, $\ln FER_{i,t}$, and $\ln CR_{i,t}$ are the natural logarithms of financial performance, interest rate, foreign exchange rate and credit risk of an individual bank i at time t , and $\varepsilon_{i,t}$ represent the individual error terms.

Econometric methods

In order to dissect the result of BSR on the FP of recorded banks in Ghana from 2007 to 2017, the scrape of whether a cross-sectional reliance and homogeneity exist in the midst of the factors inside the panel data must be built up. Cross-sectional reliance and homogeneity among factors inside a panel time series data show the conspicuousness with respect to the variety for extra tests utilized in the examination which contains pane unit root tests just as panel cointegration tests. This investigation thus previously assessed the cross-sectional independency among the factors with the (M. H. Pesaran 2004), CD test and (M. H. Pesaran & Yamagata 2008) CD_{LMadj} test and homogeneity test by (M. H. Pesaran & Yamagata 2008) utilizing the balanced delta tilde. After the cross-sectional reliance test and homogeneity test, the examination later investigated the joining dimension of the factors utilizing as of late created panel unit root tests by (M. H. Pesaran 2007) which incorporates the Cross-sectional Augmented Dickey Fuller (CADF) and Cross-sectional IPS (CIPS) panel unit root tests. Having set up the cross-sectional conditions and non-stationarity of the factors, the examination went further to research the nearness of an auxiliary long-run relationship in the midst of the factors utilizing the two Pedroni panel cointegration test by (Pedroni 2004) and Westerlund-Edgerton bootstrap panel cointegration test likewise by (Westerlund & Edgerton 2007). The investigation at last utilized the pooled mean gathering estimator (PMG) estimator through a panel Autoregressive Distributed Lagged (ARDL) model in order to decide both the long haul and momentary evaluations of the aforementioned factors utilized in the examination. The panel ARDL model as of late has been used all the more attributable to some significant advantages it has over different models which incorporates (i) paying little mind to whether the arrangement is I(1) or I(0), this model can be utilized and (ii) both the present moment and long haul assessments can be gotten in the meantime.

The $ARDL(p, q)$ model comprises of lag p for the dependent variable and lag q for the independent variables. Generally, the $ARDL(p, q)$ model as proposed by (A. Pesaran, Keyser, & Burch 1999) is given by the relation as follows;

$$y_{i,t} = \sum_{j=1}^p \mu_{ij} y_{i,t-j} + \sum_{j=0}^q \Omega'_{ij} x_{i,t-j} + \varepsilon_{i,t} \quad (6)$$

where $i = 1, 2, 3, \dots, N$ represents the number of individual banks used in the study; $t = 1, 2, 3, \dots, T$ denotes the time in years, y_{it} is the response variable, x_{it-j} represents a $m \times n$ vector consisting of the natural logarithm of the explanatory variables, μ_{ij} is a scalar vector, Ω'_{ij} represents the $m \times 1$ coefficient vector whereas ε_{it} is the error term with zero mean and a finite variance.

Taking into account a maximum lag of one for all the variables (both dependent and independent variables), the ARDL (1, 1, 1, 1) model from equation (6) is formulated as;

$$y_{it} = \mu_{1i}y_{it-1} + \sum_{j=0}^1 \Omega'_{1j}x_{it-j} + \varepsilon_{it} \quad (7)$$

Equation (7) can be reparametrized in error correction form as;

$$\Delta y_{it} = \psi_i(\Delta y_{it-1} - \Theta'_i x_{it}) + \sum_{j=1}^{p-1} \mu_{ij} \Delta y_{it-j} + \sum_{j=0}^{q-1} \Omega'^*_{ij} \Delta x_{it-j} + \varepsilon_{it} \quad (8)$$

where $\psi_i = -(1 - \sum_{j=1}^p \mu_{ij})$, and $\Theta = \frac{\sum_{j=0}^q \Omega_{ij}}{\psi_i}$.

Θ represents the long-run relationship between the response and explanatory variables (y_{it} and x_{it}) whereas Ω'^*_{ij} in furtherance of signifies the short run effect in the x_{it} 's on the y_{it} 's. The ψ_i again denotes the error correction term which is used from measuring the speed of convergence of the response variables in moving to its long-run equilibrium as the explanatory variable changes. ψ_i is expected to be both negative and significant to show the existence of stability in the long-term relationship.

Per our study, the modified model with financial performance (FP) measured using ROA as the response variable from equation (1) can, therefore, be formulated in the panel ARDL format as;

$$\begin{aligned} \Delta FP_{i,t} = k + \psi_i(\Delta FP_{i,t-1} - \Theta'_{1i} IR_{i,t} - \Theta'_{2i} FER_{i,t} - \Theta'_{3i} CR_{i,t}) + \sum_{j=1}^{p-1} \mu_{ij} \Delta FP_{i,t-j} + \sum_{j=0}^{q-1} \Omega'^*_{1ij} \Delta IR_{i,t-j} \\ + \sum_{j=0}^{q-1} \Omega'^*_{2ij} \Delta FER_{i,t-j} + \sum_{j=0}^{q-1} \Omega'^*_{3ij} \Delta CR_{i,t-j} \\ + \varepsilon_{it} \end{aligned} \quad (9)$$

Equation (9) is evaluated using the PMG estimator. As compared to other estimators, the PMG has several merits. For instance, this estimator limits the long run estimates to be constant across all cross-sections with a panel but allows the intercepts along with the short-run coefficients and error variances to vary across countries. Correspondingly, it can be used regardless of whether the series is I(1) or I(0) and interpretation of long and short-run connections can be drawn even though the occurrence of cointegration is not formally identified

As earlier reported in many studies, the confirmation of structural long-run relationship (cointegration) further implies the existence of causalities among the variables. The study, therefore, documents Granger Causality. Causality is a significant conception in the empirical investigation and refers to the ability of one variable to forecast or effect the other. The (Granger, 1969) connection technique is established to test for a causal relative. Conferring to Granger, Y effects X if the past value of Y can be used to predict X more exactly than merely using the previous values of X and vice versa. Consequently, the significance of this experiment is to regulate the direction of causation amid two variables (X and Y) in panel data. The idea overdue this examination is to run the following bi-variety regression models if we want to decide the direction of connectedness amid X and Y.

$$X_t = \gamma_0 + \sum_{i=1}^n \delta_i X_{t-1} + \sum_{j=1}^m \delta_j Y_{t-j} + \mu_{it} \quad (10)$$

$$Y_t = \alpha_0 + \sum_{i=1}^n \alpha_i X_{t-1} + \sum_{j=1}^n \beta_j Y_{t-j} + \mu_{2t} \quad (11)$$

where m and n are the number of lagged, X and Y are the terms respectively, μ_{it} are the random errors, equation (10) predicts that is related to past values of itself as well as that of an equation (11) forecasts comparable trend for if we decide to check whether X causes Y or / and Y causes X we carry out F-test on the joint significance.

$H_0: \sum_{i=1}^n \delta_j = 0$ and $H_0 \sum_{i=1}^n \alpha_i = 0$, respectively

we reject, if the calculated, k is the number of parameters estimated in equation (11) and (12), n is the number of clarifications then we do not reject.

Empirical results and Discussions

Both CD_P -test and the CD_{LMadj} test are utilized to research variable in other to investigate whether panel time series data has cross-sectional conditions. The results from the previously mentioned cross-sectional reliance tests are classified in Table 4. Signifying to the related likelihood values, the invalid assumption of cross-sectional independence for interest rate, foreign exchange rate and credit risk is rejected. This, consequently, gives the suggestion that the panel time's series data which incorporates the broke down factors has cross-sectional independence. Moreover, in advancement to the homogeneity test utilizing the (Dogan & Seker 2016a), the findings uncover that the invalid theory of homogeneity is dismissed additionally at 1% noteworthy dimension showing that, the slope coefficients are heterogeneous over every cross-area. Expected the measurement that the panel time's series data including the factors under confab show cross-sectional conditions and heterogeneity the paper stays with panel systems that accept cross-sectional conditions and heterogeneity. Henceforth this paper in the accompanying stage utilizes the CIPS and CADF panel unit root test in the resulting segment to research the incorporation properties of the factors.

Table 4. Results from cross-sectional dependence test and homogeneity test

Variable	Cross-sectional dependence test			
	CD_P -test	p-value	CD_{LMadj} test	p-value
FP	30.906***	0.000	57.079***	0.000
IR	33.985***	0.000	70.672***	0.000
CR	32.440***	0.000	63.644***	0.000
FER	33.985***	0.000	70.671***	0.000

Note: *** represents the rejection of the null hypothesis at a 1% level of significance. The CD_P -test of (M. H. Pesaran, 2004) and CD_{LMadj} test of (M. H. Pesaran & Yamagata, 2008) tests the null hypothesis cross-sectional independence.

Panel unit root test

As indicated in the methodology of this examination, CIPS and CADF panel unit root tests are utilized as an option of ordinary unit root test, for example, Breitung, IPS, and LLC panel unit root tests (Gengenbach, Palm, & Urbain 2009). This is because of the reality the ordinary panel unit root test makes them inadequacy regarding the existences of cross-sectional independence. Most fundamentally, the CADF and CIPS unit root test produce reliable outcomes in the event of cross-sectional independence as kept up by the consequences of (Dogan, Seker, & Bulbul 2017). Results of the CIPS and CADF test are then expressed in Table 6. The two tests illuminate that the factors

under investigation are not stationary at their first difference. Therefore, this gives the sign that the factors interest rate, foreign exchange rate, and credit risk are altogether coordinated at a similar request (I(1)).

Table 5. Results from panel unit root tests

Variables	CADF				CIPS				Decision
	Levels		First difference		Levels		First difference		
	Constant	Constant and trend	Constant	Constant and trend	Constant	Constant and trend	Constant	Constant and trend	
FP	-3.678	-3.958	-4.349***	-4.322***	-3.969	-3.968	-4.345	-4.227	I(1)
IR	2.610	1.700	2.610	1.700	2.610	1.700	2.610	1.700	I(1)
FER	2.610	1.700	2.610	1.700	2.610	1.700	2.610	1.700	I(1)
CR	-3.011	-3.198	-3.011***	-3.198***	-3.635	-3.581	-5.065	-5.302	I(1)

Note *** and **, and * represents the rejection of the null hypothesis at 1% and 5% and 10% level of significance respectively. The CADF and CIPS panel unit root tests assume the null hypothesis of non-stationarity among the series. I(1) indicates the order of integration of the variables used in the study.

Panel cointegration test

Table 6 introduces the findings in advancement to the (Pedroni 2004) Panel Cointegration test. Among the seven measurements from the Pedroni panel cointegration test, five proposed to the rejection of no cointegration null hypothesis. Inside this arrangement of five statistics, we discovered Panel PP and Group PP-measurement just as Panel ADF and Group ADF-statistics as progressively noteworthy and solid. Per the outcome from the Table 6, the invalid assumption of no cointegration is rejected at 5% by the Panel V-statistics while the PP-statistics for both Panel and Group alongside the ADF-statistics additionally for both Panel and Group rejects the invalid theory at a significant of 1%. We can, therefore, conclude that there exists a long-run connection in the midst of Financial Performance, Interest Rate, foreign exchange rate, and credit risk in our example of 15 banks.

Table 6. Results from (Pedroni, 2004) panel cointegration test

Common AR coefficients (within-dimension)		
	Statistic	Weighted statistic
Panel v-statistic	1.805*	-1.439
Panel rho-statistic	1.287	2873
Panel PP-statistic	-8.613***	-3.723***
Panel ADF-statistic	-4.671***	-5.048***
Individual AR coefficient (between-dimension)		
Group rho-statistic	3.932	
Group PP-statistic	-7.011***	
Group ADF-statistic	-4.671***	

Note: *** denotes the homogeneous coefficients at the crucial stage regressors over the cross-section using the equivalent approaches as the Pedroni cointegration test.

With respect to the results of the Kao panel cointegration test showed in Table 7, it is recognized that the investigated factors are cointegrated and consequently have Cointegration associations. This is on the realities that there is sufficient proof to dismiss the invalid theory of no cointegration for the elective hypothesis of cointegration at 1% significant level. On the other hand, the consequences of both the Pedroni and Kao panel cointegration tests, we reach on the nearness of cointegration between the investigated factors utilized in the examination.

Table 7. Results from the Kao panel Cointegration test

	t-statistic	Probability value
ADF	-1.890	0.029

***represents the rejection of the null hypothesis at the 1% significance level. The Kao panel cointegration test is based on the null hypothesis of no cointegration

Moreover, the Pedroni and Kao Cointegration tests are effective and widely utilized in writing they have their own curbs with regards to the existences of cross-sectional connections and heterogeneity. As per (Dogan & Seker, 2016b), the disappointment for a strategy for cointegration to have the option to address the issues of cross-sectional reliance and heterogeneity prompts loss of proficiency in uncovering the nearness of a long-run relationship among factors. In this way in checking for the robustness of the previous outcomes from the Pedroni and Kao Panel Cointegration test separately. The examination further utilized the Westerlund-Edgerton Panel bootstrap cointegration test. This panel cointegration test is viewed as a second era cointegration test and considers the issues of cross-sectional conditions and heterogeneity. This test also considers various measurements dependent on gathering and panel individually. Outline of findings from the Westerlund-Edgerton board bootstrap cointegration test is accounted for in Table 8. From the outcomes in table 8, G_t , G_a , P_t , and P_a recorded the null assumption of cointegration considering the P-values. Considering the P-value which was attained from bootstrapped p-values (where the p-values are bootstrapped) the unacceptable assumption of no cointegration is not terminated by all cases demonstrating more grounded proof of auxiliary long-run relationship in the midst of Financial Performance, Interest Rate, foreign exchange rate, and credit Risk among banks in Ghana. In order to utilize (Pedroni 1999), (Kao 1999), (Westerlund 2005) Panel cointegration tests, there should not be a cross-sectional reliance in a model. In spite of the fact that there is no cross-sectional reliance, following panel cointegration tests planned by (Westerlund & Edgerton 2007) panel cointegration test structured by (Westerlund & Edgerton, 2007) was utilized in our examination. The test can be utilized together in instances of cross-sectional reliance and freedom. Moreover, the test permits heterogeneity among the units framing the panel. Along these lines, they are more finished than (Pedroni 1999), (Kao 1999), (Westerlund 2005) tests.

Table 8. Results from (Westerlund & Edgerton 2007) bootstrap panel cointegration test

Statistic	Value	P-value	Robust p-value
G_t	-0.607	1.000	0.705
G_a	-0.577	1.000	0.715
P_t	-4.622	0.642	0.365
P_a	-1.278	0.967	0.440

Note: The Westerlund-Edgerton bootstrap panel cointegration test considers the null hypothesis of no cointegration. The number of bootstrap replications used to obtain the bootstrap p-values (robust p-values) is set to 200; this is robust against cross-sectional dependencies.

As determined in the previous sections, the bootstrap strategy can be utilized when there happens cross-sectional reliance in a model. In the nonexistence, the asymptotic standard conveyance is dominant. Giving to the bootstrap strategy, both the gatherings and the panel are factually unimportant. As per the asymptotic standard dissemination, both the gatherings and the panel measurements are factually significant. Hence, the unacceptable theory of no cointegration is dismissed in asymptotic conveyance despite the fact that it is not dismissed in the bootstrap

technique. In our model, the consequence of the asymptotic standard conveyance is thought about since there is no cross-sectional reliance on the model. In this unique circumstance, we can make a conclusion that there is a cointegration in our model and IR, FER, and CR, are connected over the long-run.

Results of the Granger causality test

Table 9 present outcomes from the Granger causality test performed in the investigation to characterize the basic long-run connection between the factors: Financial Performance (FP), Interest Rate (IR), Foreign exchange rate (FER) and Credit risk (CR). The outcomes show Uni-directional causation among IR and FP significant at 1% level correspondingly. There is Uni-directional causation which keeps running from FER to FP measurably noteworthy at 1% level and a Uni-directional relationship in the midst of CR and IR at 10% significant dimension. On the other hand, the outcomes additionally demonstrate that CR granger causes FP at 5% factual noteworthy and show a bi-directional association and FER granger cause IR at 5% demonstrating bi-directional causation. At long last, there is no-causality running from CR to IR. The Granger causality test result demonstrates proof of causal relations in the midst of bank-specific regulations (IR, FER, and CR) and financial performance estimated with ROA affirming the theory of causal relations between bank-specific regulations and FP of Banks in Ghana.

Table 9. Results from the Granger causality test

hypothesis	Obs	F-statistics	P-value	Decision	Type of causality
IR-FP	150	18.372***	0.001	Reject	Uni-directional
FP-IR		0.098	0.754	Fail to reject	
FER-FP	150	19.851***	0.002	Reject	Uni-directional
FP-FER		2.681	0.104	Fail to reject	
CR-FP	150	5.464**	0.021	Reject	Bi-directional
FP-CR		5.904**	0.016	Reject	
FER-IR	150	53.517***	0.002	Reject	Bi-directional
IR-FER		62.649**	0.006	Reject	
CR-IR	150	2.820*	0.095	Reject	Uni-directional
IR-CR		0.179	0.673	Fail to reject	
CR-FER	150	0.000	0.980	Fail to reject	No-causality
FER-CR		0.398	0.529	Fail to reject	

Conclusions and policy implications

The world monetary emergency brought about extraordinary monetary pain in the money related segment and uncovered shortcomings in the financial framework all through the world. In numerous nations, the circumstance in the financial part turned out to be severe to the point that legislatures were compelled to start to expand salvage bundles to keep the money related division. Henceforth, in the wake of the world economic emergency, much spotlight has been put on the best way to control banks later on, so as to wipe out or possibly lessen the danger of such an intricate emergency reoccurring, or if nothing else diminish the results of such. In this discourse, it is anyway important to draw on the experience from the occasions on the world money related emergency, to evaluate the proficiency of the guideline connected, and survey which results guideline had on the performance of banks. Build up another comprehension of the job BSR play in a nation and the effect on economic performance to offer significant arrangement suggestion on the motivation behind computing exceptional financial strategies concerning BSR into the nation. This paper researches the effects of BSR on the FP of banks utilizing IR, FER, and CR as an

intermediary to quantify FP by utilizing yearly information from 2007-2017. In heading to direct the stationary qualities of the factors being referred to, we utilized the CADF and CIPS tests approach. We likewise utilize a panel cointegration strategy created by (Westerlund & Edgerton 2007), to recognized the long-run effects of factors on one another to get suitable outcomes.

Managerial implication

The results of this paper give some development suggestions to BOG and different supervisors that are concern with the planning of money intermediation in the nation, for example, the Microfinance sector, small scale credit, singular moneylenders and the business banks. ROA is reasonable as an estimation variable for BSR to guarantee banks execution is not constrained and could be enhanced by researchers all around and can offer increasingly characterized and impeccable policy mandates for the economy. This paper gives the feeling that banks and policymaker should think of approaches to attract strategy orders to guarantee great and successful BSR due to the nearness of common relationship existing among these factors and for the long run understanding advantages to be figured it out. Firstly, this article investigated how BSR impacted the performance of banks. We accordingly recommend the utilization of these administrative instruments by expressing that they will settle and build the flexibility of the financial division. In particular, low IR is contended to diminish the danger of bank runs and accordingly settle the financial area, just as to secure the individual investors of the bank. Secondly, striking FER then again contended to diminish bank chance taking, as it influences the managers of the bank to put a greater amount of their assets in the bank and henceforth, chance experiencing more noteworthy misfortunes expanded risk-taking. In conclusion, CR management is said to lessen banks' capacity to participate in progressively hazardous business regions, which will likewise settle the center financial exercises. By relapsing these administrative factors on a few bookkeeping performances estimates the dimension of execution, there is commonly discovered help for the worries about expanded good risk. Bank regulation is an intricate subject, which still needs further examination. Also, a few of the referenced examinations in the proposition demonstrate that the impacts of guideline potentially have various impacts relying upon both the market structure and individual attributes of the banks. Consequently, there still remain zones of worry to be explored. The consequences of this paper anyway demonstrate that guideline of banks is anything but a subject to be dealt with gently and feature a few territories of worry about the future guideline.

Limitations

This examination was constrained by the assumption of the outcome. The results of the paper remained grounded on an example of 15 banks and excluding other financial associations, for example, the microfinance institutions, rural banks, credit and loans, and so forth that offer credit to the business. In spite of the fact that these money related associations envelop a lot of the Ghanaian business market and they are said to add around 70 percent to Ghana's total national output and report around 92 percent of organizations in Ghana (Villars 2004). An extra constraint concerns the systems utilized in the displaying examination per the variable, there are different factors that could be of significance to quantify the performance of banks, for example, (bank scope, the board estimate, liquidity risk) which this investigation did not address for. The examination considers a couple of bank-explicit and nation explicit determinants of banks credit. It does not address all credit determinants factors which measure financial performance. These additional parts of credit the board ought to certainly justify thought in an approaching investigation on the loaning systems of the other money-related establishment that gives credit.

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Appendix A

Table 1 the long-run and short-run estimate

Variable	Coefficient	Std. Error	t-Statistic	Prob.*
Long Run Equation				
LN_IR_	1.399258	0.343874	4.069103	0.0001
LN_FER_	2.455297	0.182738	13.43613	0.0000
LN_CR_	-0.478978	0.135241	-3.541651	0.0006
Short Run Equation				
COINTEQ01	-0.139527	0.040968	-3.405766	0.0009
D(LN_IR_)	0.135024	0.227899	0.592474	0.5548
D(LN_FER_)	-0.503538	0.206635	-2.436851	0.0165
D(LN_CR_)	0.064183	0.034754	1.846785	0.0677

Forensic Identification of Persons by External Signals

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ABSTRACT: Since ancient times, it has been necessary to differentiate one person from another, using for this purpose elements of individualization such as the external appearance of the face, corpulence, the existence of congenital or accidental malformations, of certain habits. The distinctions between the external aspects of the persons were used with the passage of time and by the state legal bodies, in order to identify the criminals. Among the fundamental concerns of the judicial bodies were those regarding the identification of persons based on the external characteristics specific to each individual, and on the other hand, the creation of a system of records and registration of persons who contravene the legal norms. Based on the generalized practice of the judicial bodies, it was concluded that the main elements that can underpin the identification of missing persons, after signals, are given by the differences between the anatomical and functional properties of each individual.

KEYWORDS: anatomic, criminal, face, individualization, malformation, missing, signals

Introduction

The individuality and relative stability of the somatic characteristics of each adult individual constitutes the scientific basis of this identification. In order for a person to be able to be distinguished from another, under a forensic report and at the same time identified, it is necessary that the description of his anatomical characteristics be made according to scientific methods, using appropriate terminology and precise criteria for appreciation of the dimensions. The signals - the external characteristics of the persons allow their identification in order to discover the criminals, to follow and to arrest the investor and the convicts who escape from the execution of the punishment, the recognition of the recidivists the search for missing persons or the identification of unknown bodies (Buzatu 2013, 91). The description of the signals - named in the specialized literature and the method of the spoken portrait - has the characteristics of the body in its entirety, the emphasis being placed on the anatomical particularities of the face, being targeted in the description the volume, the shape, the position and the color of the observed parts, each element being appreciated in the report with other anatomical elements that make up the described assembly. The modalities of description differ depending on the person performing them, but also on the technical equipment auxiliary to this purpose (Dumitru and Panghe 1974, 125). In some cases, the description of an individual by the eyewitness may be incomplete or even erroneous, due to objective or subjective circumstances, which impede a good perception. For this purpose the witness can be helped through various technical procedures, starting from the drawing - composition and ending with the computerized robot portrait (Stancu 2008, 173).

Description of static shapes - the spoken portrait method

In describing the signals of a person, a precise and unitary terminology must be used in a logical sequence (Buzatu 2013, 92). The identification of persons by the method of the spoken portrait is based on the principles of forensic identification, which is based on the thesis of didactic materialism, according to which all the objects of the material world are identical only with themselves, they are individual, and their characteristics are not repeated. When the spoken portrait of a person is drawn up, the characterization of the signals will be made according to size, shape, position, and to some and by color (Locard 1931, 119).

In determining the sex, when directly observing the person, certain elements such as the expression of the physiognomy, body constitution, facial and bodily hair, the degree of development of the breasts, hips, and the clothing that represents a defining element must be taken into account. Age or age is probably determined, because the evaluation of an age can be influenced by certain factors. The description of the shoulders is made according to their inclination and their width. In terms of width, they can be straight, raised or lowered. In practice and in forensic theory, the main elements of the face are described according to their location, starting with those located in the upper area, continuing with the middle one and then the lower one (Engels 1966, 180). The forehead is described viewed both from the front and from the profile, insisting on the height, the width, the contour, the inclination and the particularities. The eyelids are presented according to the length, width, shape of the description, considering whether they are large, medium or small. The nose is examined from both the front and the profile. The ear is appreciated as one of the most informative organs of the face. It is of particular importance because of its position on the contour of the head, but also its shape, size or other morphological elements (Minovici 1900, 50).

Description of dynamic forms

By dynamic signals are meant those characteristics of a functional person it is meant to complement the possibilities of identification and they concern in particular the body, the way of walking, mimicry, look, various forms of manifestation (Dumitru and Panghe 1974, 7). The body's condition depends on how the muscles are contracted, the harmony of the movements, etc. Particularities may be observed that are conditioned by the shape of the spine (prominent chest, cock) or attitudes characteristic of certain professions. The position of the head is usually within the general outfit of the body, but it presents some of its own characteristics through a certain more constant position that can be bent forward, backward, right or left. The allure of a person's gait is an important element for their identification, due to the fixation of movements through dynamic stereotypes. Mimics - in general, when describing expressivity, a special attention is paid to the gaze, which involves both the movement of the eyes and part of the muscles of the face, establishing a stable element in the image of a person (Ifrim and Niculescu 1988, 30).

Description of particular signs

Particular signs are defined as anatomical or functional defects due largely to congenital malformations or are the consequences of accidents or surgical interventions, of a wide and varied variety (Panghe and Dumitrescu 1974, 10). They can wear different shapes, such as: scars, skin color, warts, moles, blemishes, other birthmarks, tattoo, etc. These are particularly important elements for the identification of persons and bodies (Buzatu 2013, 95). Scars - their appearance on a person's body usually appear as a result of surgery or accidents. In medical analysis, the scar is a connective tissue that unites the lips of a wound of any kind: operative or traumatic, which replaces where necessary, the lost tissue. The description of the scars is made by color: red, pink, vineyards, discolored, black, whitish etc.; by shape: rectilinear, circular, oval, semi-oval or stellar; by size: large, medium or small. Wrinkles and skin of the face - represent those wrinkles of the skin, described by their shape and depth, but also by the area in which they are positioned on the human face. From an identification point of view, an informational value is represented by the frontal wrinkles and those positioned in the orbital area, described in terms of contour, number and depth. The tattoo is known since ancient times and is still applied for aesthetic or medical reasons (in order to hide certain scars) (Voinea 1999, 10). Tattoos were later noticed in Europe than in Africa, Asia or America and spread among sailors, detainees people with disabilities women with mild morals (Ilie and Nitu and Boalbes 2008, 243).

Thus, it was very easy to identify a person in terms of morality, profession, surroundings, or even the person's past. In the contemporary period, tattoos represent distinctive signs belonging to bands, or are inscribed on the skin as emblems of events or the names of persons who have been part of an individual's life. Scars - their appearance on a person's body usually appear as a result of surgery or accidents. In medical analysis, the scar is a connective tissue that unites the lips of a wound of any kind: operative or traumatic, which replaces where necessary, the lost tissue. The description of the scars is made by color: red, pink, vineyards, discolored, black, whitish, etc.; by shape: rectilinear, circular, oval, semi-oval or stellar; by size: large, medium or small (Cârjan and Chiper 2009, 187).

The sketched portrait

The sketched portrait or portrait sketch consists of drawing a portrait, after the description of the victim or witnesses, by a person with very good plastic qualities (Buzatu 2013, 95). In the elaboration of the sketched portrait, the figure of the person is described as in the description of the head, taking into account the specific elements, noticeable at first sight, but a good portraitist can reproduce different features of the body, the attire, etc. For its preparation, it is necessary the collaboration of two parties. On one side are the witnesses, the people who have visual information or the victim, and on the other side is the criminal. The criminals to facilitate this method, have provided witnesses with a series of photographs with famous criminals and criminals, and the people who describe can choose photos that portray certain features of the described individual (Pășescu 2000, 33).

The photorobot

The photorobot is the method of identification through a photographic collage of facial elements taken from photographs of the signals belonging to different persons. The album intended for this purpose is composed of a set of photographs taken under similar conditions of framing and size, so that the three facial areas (frontal, nasal, oral) overlap perfectly. Criminals have recommended that the areas be divided into a number of five, in order to widen the range of possibilities of making the robot portrait of the person pursued. The photographs are selected along these areas and allow the witness to select and blend the facial areas that he considers similar to the perceived image. Finally, the obtained image is retouched and later refocused (Ciopraga and Iacobuță 2001, 196).

Identi-kit and Photo-identi-kit

The fundamental premise of identification systems is that nature never creates two identical persons. These methods are among the technical means frequently used in the practice of criminal investigation bodies. Thus, it is made available to the witness or victim, an album featuring dozens of variants of facial elements. It should be specified that, in performing this process, each facial element in the album is reproduced separately on a transparent film bearing the same code number (Ionescu 2007, 150).

The computerized robot portrait

In the search for a method that will not fail, the specialists in electronic computing have perfected another method of composing the facial elements within a system in which the information provided by witnesses, victims or other persons or information regarding criminals or missing persons is stored. (Popescu and Nica 1995). The electronic image obtained in this way, is made from the graphic rendering of the human figure, but also certain elements taken from different photographs. All this information is stored in a program known as a computer portrait (Popa 2011, 25).

Anthropometric techniques

Automatic identification systems for papillary fingerprints, also referred to as AFIS - Automated Fingerprint Identification System - show multiple advantages compared to the classic working system of fingerprint libraries and optical instruments such as: Automatic fingerprinting even the traces of traces fingerprints; Image processing to fill gaps by intensifying areas with clear meticulousness, adjusting the contrast or inverting ridges (black and white, left-right); Direct fingerprint reading by electronic scanning; The processing of the fingerprints and the operative establishment of the identity of the persons and the committed acts, irrespective of the distance between the place of the investigation and that of the crime (Ștefănescu and Cârjan 1990, 213).

Identification of missing children in suspicious circumstances through the digital aging technique of photography

The number of juveniles declared missing increases each year, most of them being located or returning home shortly after the disappearance. When a juvenile is declared missing, it is essential for the investigator to know his or her signals and to have all relevant information referring to the person of the minor. If the disappearance of the child was reported many years ago, the original photograph loses its usefulness, because the minor progressively changes its appearance as time goes by. The investigator must have one the most recent photo of the missing child in order to identify the statements of people who might recognize him, to publish posters and flyers and to launch on new search directions. It is uncertain that a person will recognize a minor based on a photograph in which he is 2 years old or a photograph that is long dated. The ability to recognize a person can be influenced by changes in the figure of the person that appear naturally as they grow older. The progressive aging program systematizes knowledge about the anatomy of the most important 14 bones and over 100 muscles as well as how they develop (Șerfezeu and Lăzău 2008, 114).

Conclusions

The theory of forensic identification has proven to be indispensable to the practice of expertise, investigation but also of judgment. Ignoring the possibilities offered by forensic identification in a developmental stage of science and technology, such as misinterpretation of the data obtained, has made important facts remain unknown, sometimes delaying or even preventing the truth from being discovered. According to this graded passage, the identification process goes through two major stages, namely the determination of generic membership and individual identification. In this regard, I believe that the active inclusion of technology in the field of forensics is strictly necessary, and some of the most efficient methods of identification are those that are achieved by processing information such as: Image-track, computerized robot portrait, Photo-identikit or identikit. I believe that the highest degree of accuracy is the identification based on the registration in the genetic database. Although the system is relatively new, the accuracy percentage is very high, and such probabilities only create the certainty that the identification is optimally done and the errors will be absent, which in principle interests us, because no one should held liable for an act that he did not commit, or the identity of one person should not be attributed to another in this sense as his rights are being harmed.

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Tele-Working in European Legislation and the Romanian Law System

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ABSTRACT: At the present, labor legislation is at a crossroads, the changes at both national and European level have shown that a radical change of vision on working relations is necessary. One of the most recent legislative changes is the regulation of a new type of special contract – tele-working. In support of the flexibility of the labor relations and their modernization. Romanian legislation has adapted to these requirements, by adopting the Law no. 81/2018 on regulation of teleworking activity, in force since April 5, 2018. The scope of the Law is undefined, while the text of Art. 1 par. (2) regulates that “This law shall apply in the fields of activity where it is possible to carry out tele-work activity”. In other words, without specifying who is the addressees of the law, it concerns a category of employees who are connected to the realities of communication technology in a broad sense, to the latest news of the field in which they work and, in general, to the daily universe through the Internet, social networking and mobile applications. In other words, the recipients are the workers involved in the information society through its use and development, and not every worker holding a terminal that can connect to information and communication technology, since it is a “tele-employee” only the one who is willing to use the equipment needed to deliver the result of his work in an employment relationship, of course in agreement with the employer.

KEYWORDS: labor legislation, labor relations, tele-work, tele-employees

Introduction

*“The pleasure of work brings its perfection”
Aristotle*

Starting from the assertion that Aristotle made about 2300 years ago, we proposed that in this study we demonstrate both the advantages and disadvantages of regulating a special type of work contract - teleworking. Of course, the hypotheses we will set out will relate to the numerous specialized studies in the field, conducted both internally and externally, and we will try to provide a clearer vision of the concept of telework, a concept first used during the oil crisis of the “70s by Jack Nilles, later referred to as the parent of this concept. Broadly speaking, he believes that ‘information technology has the capacity to replace physical movement through electronic communications and so work can be done at a distance’” (Ștefănescu 2009). Thus, through a comparative analysis and, at the same time, through an empirical research, we will try to draw some conclusions, one year after the internal regulation of Law 81/2018 of March 30, 2018 regarding the regulation of the teleworking activity published in the Official Monitor no. 296 of April 2, 2018.

Comparative aspects regarding the concept of telework

Although semantically we are talking about the same thing, the term telework is found in the specialized doctrine in various forms (telework, "telecommuting, virtual organization" etc. (Madsen 2003)), forms that are constantly growing. However, we cannot overlook the distinction that Jack Nille makes in terms of telework / teleworking (favored by Europeans) and telecommuting (mostly used in the US), in the sense that the latter is a form of teleworking, in the idea that it can only cover the problem of distance from the workplace and is by no means a particular form of organization of work, such as teleworking. In practice, both doctrinally and through legal regulations, various definitions are becoming increasingly broad (Ștefănescu 2009).

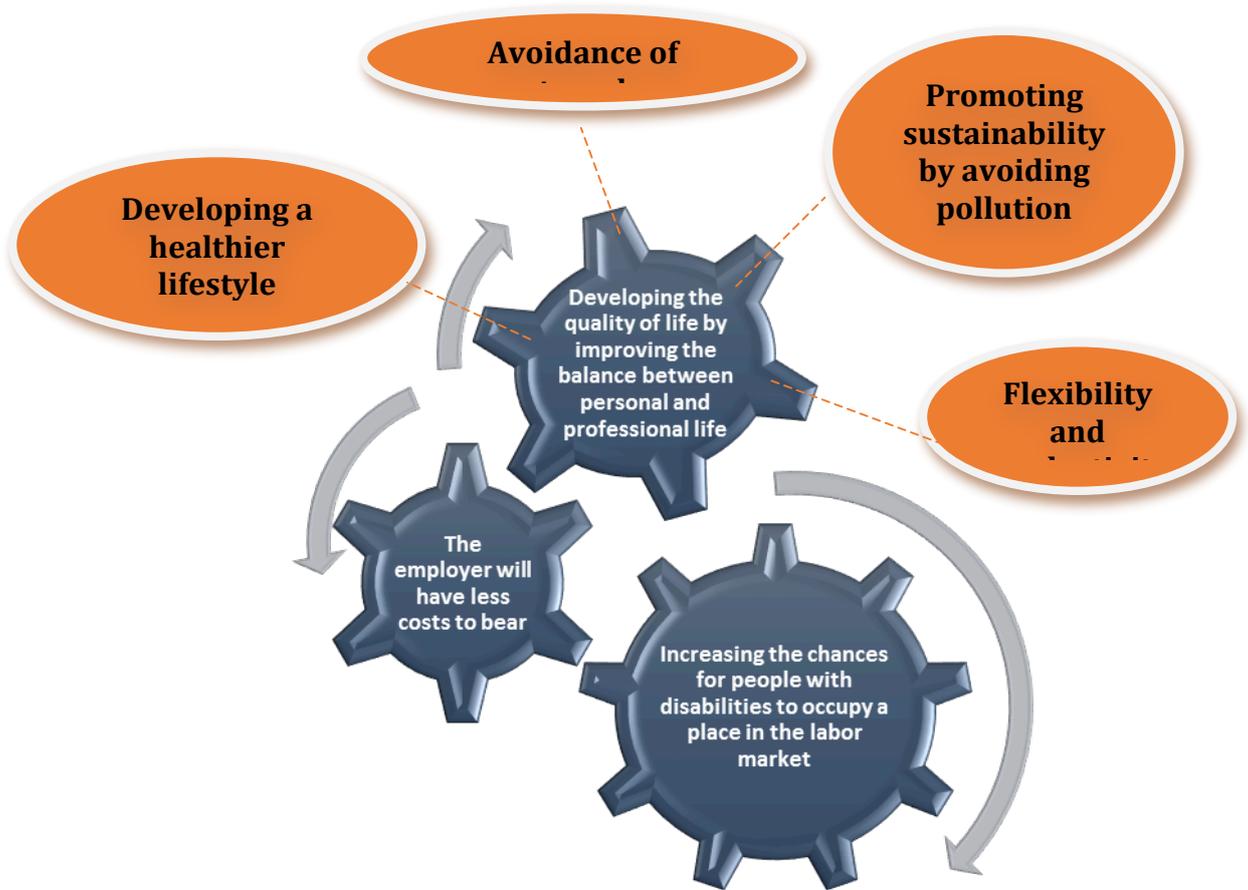
At a meeting of the Lisbon European Council, a meeting that took place in 2000, the foundations of a strategic objective for the states of the European Union were laid in the idea of modernizing labor relations and increasing productivity. Thus, it was the European Commission that invited the social partners to join and collaborate to the negotiations regarding the telework.

This process started on September 20, 2001 and ended on July 16, 2002 when the Framework Agreement on Teleworking was signed (Varachiu 2017). Thus, at European level, this special type of employment contract becomes regulated only in 2002 as a result of an European framework agreement aimed at improving work organization and career prospects. Of course, these have been transposed in accordance with its own procedures of each state, gradually. Moreover, we mention that this process can be constantly followed, as there are a lot of teleworking researches, ongoing researches, as Eurofound and Eurostat periodically compile statistics on the impact of teleworking in EU member states. Thus, in the present 17% of the employees in the European Union have opted for mobile work or work in the teleworking regime, our country having a limited number of teleworkers (What Europe Does For Me 2019). Moreover, taking into account the real competition between Europe, the USA and the countries of East Asia, the European Commission's efforts are directed, in particular towards stimulating teleworking. Thus, the 2002 European Teleworking Framework Agreement is inspired by the documents called the White Paper and the Europe Report and the Global Information Society, also known as the Bangemann Report. Of course, the Framework Agreement is not a directive, but it is applied by the social partners, independently of the Commission (Ștefănescu 2009).

“The agreement - the European framework for telework that was concluded in Brussels in 2002 defines, according to art. 2 paragraph (1), telework as that form of organization and / or accomplishment of work using information technologies in the framework of a contract or employment relationship, in which the work - which could equally be performed in the employer's premises - is performed outside them, on a regular basis. Moreover, paragraph (2) of the same article stipulates that the party who performs the work in such a contract bears the name of tele-employee” (Ștefănescu 2009). It is noteworthy that the definition of the agreement has also been implemented in other countries, including: Belgium (art. 2 of the National collective agreement on teleworking no. 85 of November 9, 2005), France (art. 1 of the National interprofessional agreement of 19 July 2005 on teleworking), Italy (art. 1 of the Inter-federal agreement for the implementation of the European framework agreement on teleworking, of June 9, 2004) and even in Romania (Ștefănescu 2009).

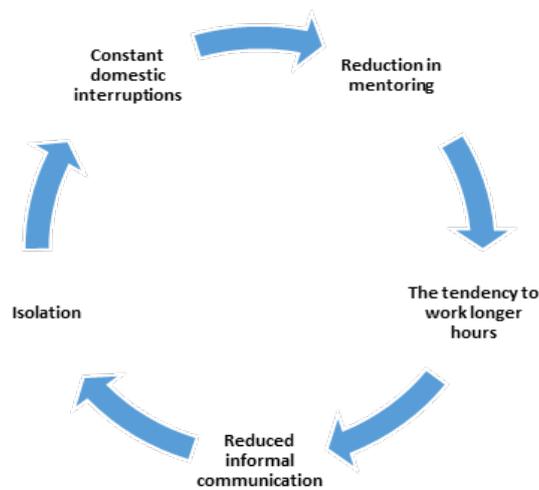
Stricto sensu, at national level, the telework, known as a “form of work organization by which the employee, on a regular and voluntary basis, performs the specific duties of his / her job, occupation or profession, in a place other than the place of work organized by the employer, at least one day a month, using information and communication technology” (Law no 81/2018 of March 30, 2018 regarding the regulation of the teleworking activity published in the Official Gazette no. 296 of April 2, 2018) was recently introduced in our legislation, although it was used for the first time 15 years ago. In this regard, we note the presence of a Decision of the Council of Ministers no 1956/1970 which aimed at carrying out the work at home for the execution of handicraft articles, as well as other products and works. Of course, this act was only valid until 1980 (Zanfir 2018), but we cannot challenge his fingerprint in forming a custom of working at the employee's home. Thus, we can say that working at home (Legally recognized under the term of teleworking) has its roots in the territory of our state well before the present regulation and, more than that, even the regulation at European level. However, as we have stated before, in Romania this type of special contract has not been developed very much, and this fact is largely due to the short time that has elapsed since the date of the regulation 81/2018.

What is the telework? We will try in the following lines to show some advantages and disadvantages.



Scheme I (above). The benefits of telework regulation

(Colorful.hr. 2019)



Scheme II (above). Disadvantages of telework regulation

As stated in the specialized doctrine (Fuerea 2016, 247), "decisions and agreements are adopted as institutional acts" and do not have the legal nature of secondary legislation at EU level, such as the case of the Regulation or the Directive, but they must be implemented by the social partners in the member states, in accordance with the Treaty on the Functioning of the European Union (PeliFilip 2019).

Thus, a first noteworthy element for us is that if in countries such as France, Austria, Germany and so on, this Agreement was implemented through Collective Contracts (as is the case of Denmark, France, Greece, Italy, Luxembourg, Sweden, Belgium), guides (as in the case of the United Kingdom of Great Britain), recommendations or codes (as well as the British and Irish conduct lines), in other states it was decided to implement it through normative acts (Italy, Portugal, Hungary, Czech Republic). In the latter case, we can include states such as Czech Republic, Slovakia and even Romania. Basically, a first element of differentiation between our state and other EU states, is the type of adoption of the agreement (Ștefănescu 2009).

Given that our state has regulated this type of contract to a difference of 16 years from the first states, this can be seen from the gaps present in our law. Of course, this will improve over time, as it has happened in several states that have accumulated a lot of experience in this time.

An edifying example in the awareness of the discrepancies may also be the problem of work accidents that are not clearly stipulated in law 81/2018, and this continues in practice to become an increasingly acute problem. Thus, we can say that a revision of it is needed as soon as possible.

Conclusions

If at European level we can say that there is a solid basis for the legal implementation and regulation of telework, considering that most states have 15-16 years of experience from implementation, for us there is still an intervention in a rudimentary form. However, if more and more companies in Romania choose to alternate their working schedule, so that at least one day a week their employees can work from home. Of course, we do not deny the fact that, despite the lack of regulation in this regard, for a long time, the parties did not hesitate to agree by mutual agreement to draw up their own rules regarding the place and manner of the work performance. In addition, more and more young people are choosing to become freelancers, as there are numerous benefits that bring to the pack the idea of freedom and autonomy. Thus, we are talking about a gain for both the employer, which reduces costs and for the employee, which saves the time spent in traffic. In addition, such regulation also supports the protection of the environment and the encouragement of sustainable living, by reducing the number of cars in traffic. Also, this plan could help the population from rural areas to stay in the native place with their family, working from home and helping to develop the extra-urban space that is in a real crisis of resources.

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Contributory Factors to Internet Crimes in Nigeria – A Survey

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ABSTRACT: Internet crimes, also known as Cyber-crimes are act punishable by law. Nigeria government, in order to curb excessiveness of Internet crimes enacted different regulatory and prohibitory laws in support of views of some theorists who claimed that social factors increase users' vulnerability to computer and Internet attacks. Social factors such as security policy severity, security policy certainty, attitude and attachment have little or no significant relationship with the level of Internet crimes in Nigeria; involvement as a social factor has the strongest significant relationship with the level of Internet crimes in Nigeria; this is followed by commitment, belief and knowledge. Internet users can be tricked, conned and sometimes forcefully compelled to compromise and breach security metrics; security metrics are easily breached if users do not understand or employ security mechanism. Presented in this paper is the survey of the contributory factors to Internet crimes in Nigeria. Data used were gathered by questionnaire.

KEYWORDS: social factors, internet crimes, cyber-crimes, security, questionnaire, Nigeria

Introduction

Features of Internet crimes are "crimes carried out by means of the Internet and other computer networks, handling especially the infringements of copyright, Computer related extortion, child pornography, and breaching of system security." In the supplementary informative report, Internet crimes are moreover alluded to as "the Internet offenses" that are "either perpetrated against the integrity and privacy of computer systems and telecom networks." Nevertheless, despite the fact that this execution is moderately careful, there are significant gaps with respect to the determination of each element of the above definition (Tsakalidis and Vergidis 2017, 1). The pervasiveness of Internet crimes poses a peculiar risk on the economic stability of Nigeria (Waziri 2009, 1).

The upsurge of the Internet attacks and the slow action of the Nigerian government in solving it has smeared the nation globally and tarnished the credible image of the country. Consequently, foreign investors are either wary or not interested to engage in business or economic transactions with Nigeria, especially businesses that can be anchored virtually. In Ibikunle and Eweniyi (2013), the authors in their study reviewed that Nigeria is ranked among the countries where Internet crimes are rampant. The authors presented a list of challenges faced by Nigeria in fighting against Internet crimes; low enforcement of national and international laws; poverty rate, corruption and unemployment are part of the salient factors listed as impediments to curbing Internet crimes in Nigeria. Also, Ani (2011) listed human attributes such as negligence and lack of technical knowledge as parts of enabling factors to Internet crimes in Nigeria. Therefore, this implied that it is important to incorporate social factors such as users' attitude, knowledge and awareness in ensuring effective cyber security in Nigeria.

Most especially, the criminal activities that are rampant in Nigeria are financial scams, fraud, identity theft and other criminal activities that are perpetuated through the use of the Internet (Roseline and Moses-Òkè 2012). In essence, corrupt users of the Internet have continued to use the dynamism of the Internet technology to perpetuate criminal activities on other users in Nigeria. This situation has witnessed sophisticated and exceptional upsurge in recent times to the extent of becoming a global menace. As many other nationalities from around the globe are increasingly falling victims of these insidious criminalities (Ogwezzy 2012, 86). This has called for swift solution by beefing up cyber-security standards that would adequately ensure the safety of cyber

space and Internet users in Nigeria (Okonigene and Adekunle 2009, 93). Social factors usually demonstrated by people are major alleviation to every Internet security attack.

Even though security applications or other mechanism are in place, users misbehave one way or the other, either by leaking out their passwords or secret codes unknowingly or sharing it intentionally to a masquerading attacker. This again implies that Internet itself is a social-technical system that cannot function fully with technical arrangement unless it is socially employed by the users (Kainda, Flechais and Roscoe 2010, 275). Remarkably, Internet criminals in Nigeria are getting innovative, as new methods of perpetrating Internet crimes are invented on daily basis; this makes it difficult to curb the cyber criminals with existing methods (Ibikunle and Eweniyi 2013, 1). The victims of Internet crimes are increasingly growing in naiveté at the tricks impelled by these crooks. Therefore, the issue of cyber-crimes and cyber security continue to be a national concern as the current measures are deemed ineffective to ensure safety in the cyber space of Nigeria.

Pursuing this further, theorists have argued that ensuring effective Internet security stretch beyond technical measures. Hence, extending the measures of Internet security beyond technical concerns is not eccentric, as few theorists such as Mitnick and Simon (2003) claimed that social engineering serve as the most vulnerable and gullible means of launching computer and Internet attacks; this is because Internet users can be tricked, conned and sometimes forcefully compelled to compromise and breach security metrics. In fact, some researchers such as Zurko and Simon (1997) have noticed that Internet security metrics are easily breached because users do not know or understand how to employ security mechanism. Cases like this compel researchers to approach Internet attacks or crimes on both social and technical terms.

Socioeconomic Internet crimes known as 419 crimes in Nigeria might be conceptualized as purposeful extortion-based crimes that are computer or/and web-intervened, for example, Internet swindle, romance scam, and e-misappropriation. In this manner, 'Internet crime' in the Federal Republic of Nigerian is established in socioeconomics (Ibrahim, 2016). In this paper, we set the following as the objectives: 1) to carry out survey on the contributory factors to Internet crimes in Nigeria; 2) to explain the factors through statistical analysis. The rest of the paper is organized as follows. In section 2, we present the methodology used in achieving the paper objectives, the results are presented and discussed in section 3, and section 4 concludes the paper.

Methodology

The data used for this work was gathered through questionnaire. It was administered manually; however, purposely because of the large number of respondents and for the researchers to get in-depth information for the survey, the questionnaire was well packaged into sections. But it can be established that the research follows high confidentiality standard principles and with high esteem of respondents' privacy. Nevertheless, the questionnaire showcases some germane information of every participant which is key to the findings.

The Survey

The survey was based on questionnaire involving closed questions. The questions were based on respondent profile and questions on security policy severity, security policy certainty, attachment, commitment, involvement, belief, attitude, knowledge, and Internet crime.

Section One: Respondent Profile

Shown in Table 1 is the format employed in designing the questionnaire on social factors:

Table 1. Demographic Profile

Demographic Profile Please tick the appropriate answer	
1. Gender: a. Male <input type="checkbox"/>	b. Female <input type="checkbox"/>
2. Age group: a. Under 18 <input type="checkbox"/> b. 19-24 <input type="checkbox"/> c. 25-29 <input type="checkbox"/>	d. 30-39 <input type="checkbox"/> e. 40-59 <input type="checkbox"/> f. 60 or older <input type="checkbox"/>
3. Household income: a. Under N5,000 <input type="checkbox"/> b. N6,000-50,000 <input type="checkbox"/> c. N51,000-100,000 <input type="checkbox"/>	d. N101,000-500,000 <input type="checkbox"/> e. N501,000-N1million <input type="checkbox"/> f. Above N1 million <input type="checkbox"/>
4. Education level: a. High school <input type="checkbox"/> b. College/Diploma <input type="checkbox"/> c. Bachelor's degree <input type="checkbox"/>	d. Graduate or professional degree e. Postgraduate <input type="checkbox"/>
5. Do you have a computer? Yes <input type="checkbox"/> No <input type="checkbox"/>	
6. Do you have Internet access? Yes <input type="checkbox"/> No <input type="checkbox"/>	
7. Do you have a broadband or high-speed internet connection? Yes <input type="checkbox"/> No <input type="checkbox"/>	
8. Do you use wireless Internet access? Yes <input type="checkbox"/> No <input type="checkbox"/>	
9. Do you use Internet at all? Yes <input type="checkbox"/> No <input type="checkbox"/> If your answer is YES for the above question, please choose the activity you use the Internet for from the following: School/academic Work/employment Computer game Online gambling Online shopping Financial management Social network Communication	

Section Two: Social Factors**A. Security Policy Severity**Please **encircle** to indicate your opinion with the following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	If I get involved in Internet crime, I will be severely punished by the government			1	2	3	4	5
2	I think it is a problem for me if I am severely punished			1	2	3	4	5
3	I think receiving punishment would have bad influence on my life			1	2	3	4	5
4	I think being reprimanded would have bad influence on my life			1	2	3	4	5

B. Security Policy CertaintyPlease **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	If I get involved in Internet crime, I would probably be punished			1	2	3	4	5
2	There is possibility that I would be punished, if I get involved in Internet crime			1	2	3	4	5
3	There is probability that I would be reprimanded, if I get involved in Internet crime			1	2	3	4	5
4	I think Internet security policies are effective in Nigeria			1	2	3	4	5

C. AttachmentPlease **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	This country is important to me			1	2	3	4	5
2	I love this country			1	2	3	4	5
3	I really feel as if this country's problems are my own			1	2	3	4	5
4	I have achieved a lot of benefits through this country			1	2	3	4	5
5	I would be very happy to spend the rest of my life and career in this country			1	2	3	4	5

D. CommitmentPlease **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	I desire to succeed in Nigeria			1	2	3	4	5
2	I spend and invest much time to succeed in Nigeria			1	2	3	4	5
3	Being successful in Nigeria is important to me			1	2	3	4	5

E. Involvement

Please **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	I am often involved in consulting Internet for helpful information			1	2	3	4	5
2	Internet play a vital role to help with my work/studies			1	2	3	4	5
3	I often use Internet to meet new people to socialize with			1	2	3	4	5
4	I feel I spend most of my time on Internet solving work or academic related problems			1	2	3	4	5
5	Sometimes, I feel there is nothing to do on the Internet			1	2	3	4	5

F. Belief

Please **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	I don't think Internet crimes are harmful to anyone			1	2	3	4	5
2	I have lots of respect for a policy			1	2	3	4	5
3	It's OK to get around a policy if I can get away with it			1	2	3	4	5
4	Rules are made to be broken			1	2	3	4	5

G. Attitude

Please **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Strongly disagree	Disagree	Neutral	Agree	Strongly Agree				
1	I am willing to use the available antivirus to protect myself against Internet crimes and threats			1	2	3	4	5
2	I am cautious of Internet crimes threats when I'm accessing the Internet			1	2	3	4	5
3	I am willing to avoid getting involved in any Internet crime activities			1	2	3	4	5
4	I am willing to acquire more knowledge on how to protect myself from Internet crimes			1	2	3	4	5
5	I am convinced that available firewall can protect me against Internet crimes			1	2	3	4	5

H. Knowledge

Please **encircle** to indicate your opinion with following statements

1	2	3	4	5				
Novice	Beginner	Intermediate	Advanced	Expert				
1	I have enough computer skills to protect myself against Internet crimes		1	2	3	4	5	
2	I understand the functions of all the tools used to commit Internet crimes		1	2	3	4	5	
3	I know my responsibilities to protect myself against Internet crimes		1	2	3	4	5	

4	I have enough knowledge of the Internet crimes	1	2	3	4	5
5	I have enough knowledge of possible Internet crimes on email systems	1	2	3	4	5
6	I have enough knowledge of possible Internet crimes on social network systems	1	2	3	4	5
7	I have the technical ability to protect myself online against Internet crimes	1	2	3	4	5

I. Internet Crimes

Please **encircle** to indicate your belief on the effectiveness of the following Internet security techniques:

		1		2		3		4		5	
		Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree	
1	There are efficient security measures to protect users against Internet crimes in Nigeria	1	2	3	4	5					
2	Security measures are reliable to protect Internet users from Internet crimes in Nigeria	1	2	3	4	5					
3	Security measures are effective in protecting Internet users against Internet crimes in Nigeria	1	2	3	4	5					
4	I think security measures cannot protect Internet users against Internet crimes	1	2	3	4	5					
5	I have no awareness about Internet crimes in Nigeria	1	2	3	4	5					
6	I have little technical knowledge about Internet security measures that protect users from Internet crimes	1	2	3	4	5					
7	Internet crime is not a disturbing issue in Nigeria	1	2	3	4	5					

Results and Discussion

Discussed in this section are the contributory results of each social factor to Internet crimes, the information got from questionnaire was used to achieve this section.

Survey Response Rate

This section highlights the respondent rate. A total number of 130 respondents were targeted and 130 questionnaires were distributed to all of them, out of which 120 questionnaires were retrieved and 8 questionnaires were considered disqualified basically on the issue of incomplete fillings, high rate of missing responses to relevant questions and similar issues, so, the overall valid retrieved questionnaires were 112 which is 93.33% usable for the purpose of the analysis. Table 2 shows the overall study survey response rate.

Table 2. Survey Response Rate

	Frequency	Percentage (%)
Questionnaire Distributed	130	100
Questionnaire Returned	120	92.31
Questionnaire Rejected	8	6.67
Questionnaire Retained	112	93.33

Table 3 is the descriptive statistics that shows the mean and the standard deviation of all social factors that were considered in this study.

Table 3. Descriptive Statistics

Social Factors	Mean	Std. Deviation	N
A1	.48	.502	112
A2	2.66	1.018	112
A3	2.20	1.236	112
A4	2.94	1.093	112
A5	.17	.377	112
A6	.71	.458	112
A7	.76	.430	112
A8	.21	.412	112
A9	2.94	.774	112

Key: A1-Security policy severity, A2-Security policy certainty, A3-Attachment, A4-Committment, A5-Involvement, A6-Belief, A7-Attitude, A8-Knowledge, A9-Internet crime

Respondent Profile

A. Gender

The research respondents’ demography data as seen in section 2 revealed that male has 51.8% and female has 48.2%. This goes to show that men have more affinity for the use of computers than the female as revealed in this study data. It also revealed that in all the location and survey site of this study, male is more than female using computer. The result in gender differences of respondent is shown graphically in Figure 1.

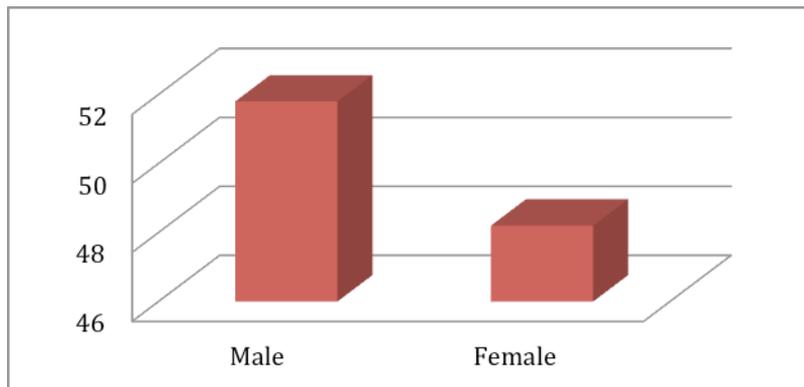


Figure 1. Graph of the gender differences of respondents

B. Age

The age bracket of all the respondents is shown in Figure 2. It shows that those in the age range of 30-39 years recorded the highest percentage of 36.6 against those in the range of 25- 29 years which recorded 26.8%. The respondents in the age range of 19-24 have 15.2%, while those in the range of 40 -45years recorded 19.6%. The respondents in the age range of 60 and older have 1.8%.

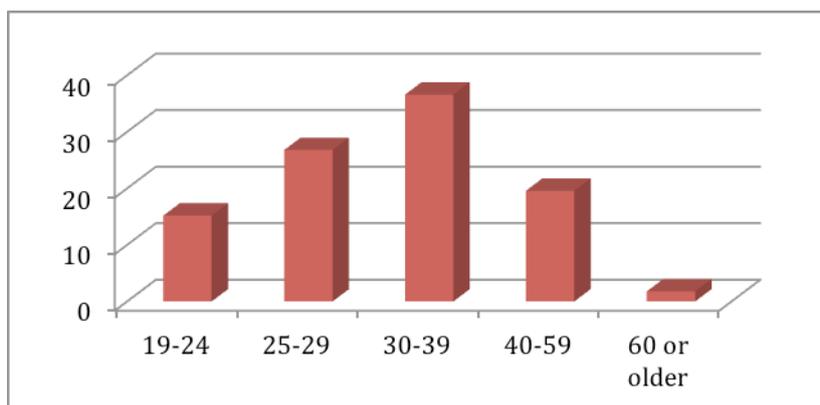


Figure 2. Graph of the age group of respondents

C. Education Level

The education level of all respondents is shown in Figure 3 and it reveals that those with postgraduate degree have the highest percentage of 45.5 while those that have bachelor degree have the closest figure of 30.4 percentage. Those with graduate or professional degree have 13.4 % while those with College/Diploma have 10.7 %.

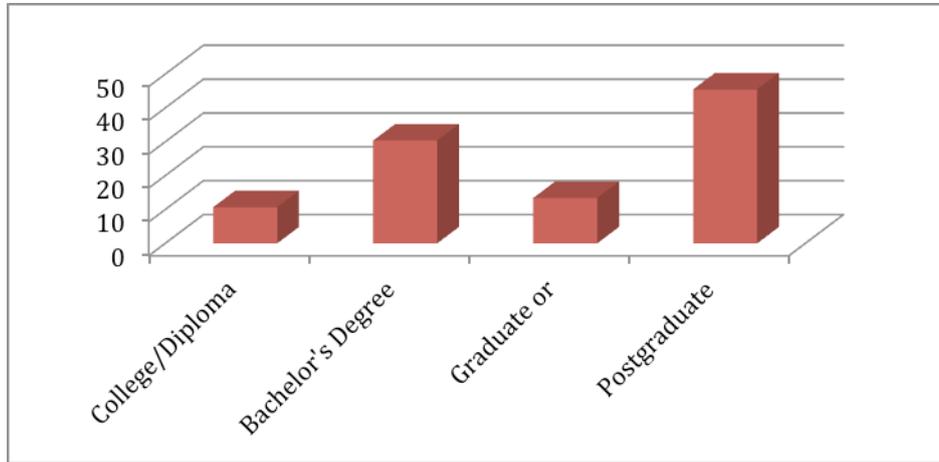


Figure 3. Graph of the education level of respondents

General Questions

The question about the possession of computer at home has 83% of the respondents declared yes while those without computer at home have 17%. Likewise, the question related to Internet accessibility at home has 70.5 % of the respondents answered no, while 29.5% of the respondents answered yes. Also, the question about broadband and high-speed Internet connection recorded 75.9% respondents answered no while 24.1 % answered yes. The question about usage of wireless Internet access recorded 78.6 % for respondents with yes as answer against 21.4% that have no as answer. The question about the use of Internet from the respondents has 99.1% that answered yes while 0.9% answered no.

Conclusion

This paper has been able to reveal the contributory factors to Internet crimes in Nigeria. This is for the purpose of understanding the criminal activities that surrounded Internet and the penalties for each offence committed. The following conclusions were reached after the study:

- i. Most of social factors considered in this survey as measurement variables have low standard deviations that have values towards the mean of the set except for three of them which are security policy certainty, attachment and commitment respectively.
- ii. Majority of the respondents have computer at home and have access to Internet facilities and broadband as well as fast speed Internet facilities.
- iii. That male individual is more open to the use of computer than female in Nigeria and hence more prone to Internet crime than their women counterpart.
- iv. Those in the age bracket of 30-39 years are more users of computer and Internet in Nigeria and they constitute the youth age of Nigeria.
- v. Majority of the populace that are computer and Internet users are people with household income that is within the range of N101,000- N500,000; and they are not the highest household income earner in Nigeria.
- vi. Those that have postgraduate education qualification form the majority of people that have and use computer and Internet facilities among Nigeria populace and the least users are the people with colleges and diploma certificates.

Concerning their contributory significances, Involvement as a social factor has the strongest significant contribution to the level of Internet crime in Nigeria; this is also followed by

commitment, belief and knowledge. All these social factors contributed immensely to the level of Internet crimes in Nigeria. The social factors such as security policy severity, security policy certainty, attitude and attachment have little or no significant contribution to the level of Internet crimes in Nigeria.

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Horizontal Inequality in Urban India: A Human Development Perspective

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ABSTRACT: In the current global scenario, India stands at the 130th position in the human development ranking for 2018, wherein the major challenge highlighted is that 26% of this human development remains lost due to inequality (UNDP 2018). Even though the notion of ‘vertical’ inequality remains a pertinent issue across the globe, the issue of inequality across social groups in India, arising from a historical discrimination and segregation, continues to remain a deep-seated worry for India’s overall development. The level of well-being of the individuals remains directly linked to the groups’ standard of living. The statements mentioned are also supported by evidence on social group inequalities, wherein the India Exclusion Report 2014-15 states that 59% of the Dalits are employed as labourers in Rural India, 46.5% of the Adivasis are falling in the same category, as against the overall rural population in which only 40% of the individuals are labourers. It is also important to note that, urban inequality remains the major driver for rising inequality in India, thereby requiring an in-depth understanding of inequality (India Inequality Report 2018). This paper focuses on understanding horizontal inequalities across the major social groups in India, Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs) and the unreserved/ general category in the urban spaces for India. The evidence for horizontal inequalities is scattered, and there remains a lack of quantification and consolidation of evidence for inequalities across social groups. This paper aims to measure horizontal inequalities with a human development perspective, for urban spaces in India utilizing the India Human Development Survey (IHDS) (Round 2), and therefore create actionable evidence for matters of gaps and linkages that remain in the capability’s achievement for all the social groups in India.

KEYWORDS: Horizontal Inequality, social groups, human development, capabilities approach, urban

Introduction

As per the Report of the Backward Classes Commission, 1980, ‘*There is equality only among equals. To equate un-equals is to perpetuate inequality*’. The narrative of equality across the world speaks of everyone deserving to be treated equally, but the very idea that all the individuals who have been deprived in their endowments to begin with, gives an unfair start to many social groups. As per ‘Human Development in Unequal Spaces’, the debate on inequality has focused only on the idea of income inequality, wherein the issues of social and cultural aspects continue to remain ignored. It is vital to understand that the issues of deprivation and distribution go beyond the income aspect and are spread across other non-income issues as well (Prabhu and Iyer 2019). There is a tendency for social-cultural differences to create deprivations, which pushes the expansion of horizontal inequalities, culminating into more losses of capabilities of the individuals. Especially in India, the historical segregation based on caste and tribes has created scope for uneven human development.

According to the Shastras i.e. the valid text in India, there are various categories created under which individuals fall, they are the Brahmins who cultivate knowledge, the Kshatriyas who bear the arms, the Vaishya’s who trade and lastly, the Shudra’s who serve to the other three. In contemporary Indian society, the shudras are known as Dalits which means ‘broken men’ in Marathi. There have been evidences of horizontal inequalities in private ownership, where ST’s owned 4.6% of the private enterprises, but the higher castes owned 44.6% of the same in 2005 in rural India (Sadhana and Thorat 2009). The inequality starts from the economic assets to food access as well, where the Dalits are unable to access the benefits of PDS and Mid-day Meal Scheme (Thorat and Lee 2005). The economic status and the education paradigm reflects the state of SC’s and ST’s as being abysmal, where 59% of the Dalits were employed as labourers, and 44% of the Adivasis were self-employed, for the year 2009-10 (India Exclusion Report 2014-15). With the changing conditions of some of the Dalit Households, there is a wave of Sanskritization among them with respect to their dietary habits, dressing and other social interactions (Guru 1984). However, a composite picture reflecting the state of SC’s and ST’s in India has not been presented, leaving fragmented results for analysis which does not have enough clarity on how to

proceed further with the problem of horizontal inequalities. There is ‘a denial of access to equal opportunities imposed by certain groups of society upon others’ (Thorat and Newman 2007).

The concern here arises that there is plethora of fragmented analysis of the condition of the SC’s and the ST’s in India, yet no concrete quantification of horizontal inequality has been done, especially with reference to urban India. A human development approach has been taken to understand the problem of horizontal inequalities to identify the basic norms across which comparisons can be made. This paper explains the framework of horizontal inequalities that has been adopted and moves to the existing evidence of social inequalities that prevail in India. The paper then talks about the methodology adopted in order to show evidence of multiple layers of deprivations and inequalities that exist within the urban spaces of India, and how the historical segregation has its roots seated so deeply that the human development outcomes of social groups remain unequal. The paper creates evidence for action and explains the silos in which inequality prevails and creates losses for human development.

Horizontal Inequality

The presence of vast inter-generational and intra-generational inequalities, hinder possibilities of equal opportunities for individuals in society. ‘HIs are inequalities among groups of people who share a common identity. Such inequalities have economic, social, political and cultural status dimensions. Horizontal inequality differs from vertical inequality (VI) in that the latter is a measure of inequality among individuals or households, not groups- furthermore, measurement of VI is often confined to income or consumption’. The pervasive presence of any form of inequality: (vertical/horizontal) causes inequality traps, wherein, inequalities in one form of capability would accentuate inequalities in other parameters (Stewart 2005).

Inequalities can exist due to multiple reasons, as per Frances Stewart in the paper ‘The Dynamics of Horizontal Inequality’, wherein if a group starts off with a lower surplus, it prevents them of having that initial head start to save and accumulate resources, both physical and human. The initial starting position prevents them from catching up, creating a cumulative effect in the absence of affirmative policies. The inability to earn enough, leads to lower accumulation and therefore lesser education, poor access to education, keeping the groups in a vicious cycle, unless state intervenes for their betterment. The other prominent reason is the presence of social capital, wherein a larger social connect happens within their own religious/cultural group rather than with others, limiting their opportunities if they reside in an area with a different majority of religion/culture/language. The third reason is that the same there exists complementing capabilities, wherein education capabilities have a tendency to have higher returns if there is financial capability. Similarly, evidence from Peru has also shown that for indigenous groups, the return for education have been the lowest. The fourth source of such inequalities is the inherent discrimination in the society, via informal, formal and/or government organizations, wherein formal discrimination is not allowed, yet informal forms of discrimination continue to persist. Lastly, political inequalities also have an effect on other economic/non-economic opportunities available for the politically subordinate group (Stewart 2011).

Group-based inequalities have many sources, wherein it comes from race, gender, age, ethnicity or religion. Besides the mentioned sources, inequalities also arise from the spatiality, wherein location of individuals in a particular location also determines their socio-economic status. Existence of a fully autonomous individual is a myth, which implies that individuals are affected by institutions and norms. This dependence implies that one cannot simply rely on the individuals, therefore the state needs to step in since individuals on their own will not be able to have a human development, capability enhancing approach to actions. Complete autonomy of the state is a viable option, but it is not feasible for a democratic nation. To ensure the elimination of horizontal inequalities, there is a need to evaluate the kind of impact these policies will have, wherein a direct policy or targeted policies are designed for special groups, whereas indirect policies are more universal in nature and have an impact on the population in its entirety. Educational quotas or reservations in jobs for specific groups are examples of direct / affirmative policies, wherein there is an increase salience of the fact that certain groups are targeted specifically, because of their identity, but they can be very effective. The condition for effective direct policy is also that the identities for the group remain unambiguous and uncontroversial. In the

presence of strong grievances that lead to friction in the society, it is better to resort to affirmative policies which also reflect an act taken for the section of the society, taken as a symbol that resolves the friction to some extent (Stewart 2013).

Policy and Horizontal Inequalities in India

Affirmative policy has been at the heart of public policy which is directed towards the socially disadvantaged in India. The policies have largely focused on increasing the access to education and employment in a developing country like India. These policies were earlier restricted to the scheduled castes and the Scheduled tribes, but now they have been expanded to include the other backward classes. The process of incorporation of the excluded communities has been constitutionalized in India, and dates to the 1950s, wherein the Article 46 pronounces the following:

“The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled castes (SC’s) and the scheduled tribes (ST’s) and shall protect them from social injustice and all forms of exploitation.”

The paper ‘Was the Mandal Commission right?’, states that even though there have been clear identification and definitions of the Scheduled Castes and Scheduled Tribes, however, there were some grey areas regarding the definition of ‘depressed classes’ or the ‘socially or educationally classes of citizens’, which also spills into the clear demarcation and definition of the ‘Other backward classes’ (Gang, Sen, Yun 2011). The Mandal Commission was established in 1979 under the Janata Party government, under the Prime Minister ship of Morarji Desai, to identify ‘the socially or educationally backward’. In 1980, the commission report reaffirmed the affirmative action practice wherein the lower castes, which included the SCs, STs and OBCs, have been given a portion of the government jobs and slots in public universities, and altered the quota and increased it to 49.5 % as opposed to 27% previously.

Data & Methodology

In terms of determining the right measure of inequality, the paper ‘Monitoring and Measuring Horizontal Inequalities’, states that for vertical inequality there are given three desirable properties, independence of the distribution from the mean, Pigou-Dalton principle of transfers, and transfer sensitivity. However, the third principle remains questionable for the measurement of horizontal inequality, wherein two other proprieties need to be considered; firstly, the measure should be descriptive more than evaluative so that the inequalities can be observed, secondly, and the measure should quantify the group inequality rather than understanding the contribution of that group to social welfare or to the society, as a whole (Stewart 2010).

The most suitable measure, therefore, becomes the ratio of one group to another, but the measure remains limited to two groups only. However, there remains a need for synthetic measure which incorporates all group inequalities in one reflective variable reflecting HI. Possible measure for HI are:, Group Gini, and the Group Theil. The GGINI is also a suitable measure for calculating horizontal inequalities, however, the groups are calculated as per the economic category (interest/ income), but HI requires calculation via religion/ethnicity/ social groups. GTheil is sensitive to the lower end of the distribution and is decomposable to capture the within and across group inequalities. The measures of horizontal inequality utilized in the paper are GGINI and Theil’s T Index, the formulae for which are stated below:

$$GGINI = \frac{1}{2\bar{y}} \sum_r \sum_s p_r p_s |\bar{y}_r - \bar{y}_s| \quad (1)$$

$$GTHEIL = \sum_r p \frac{\bar{y}_r}{\bar{y}} \log\left(\frac{\bar{y}_r}{\bar{y}}\right) \quad (2)$$

Where, $\bar{y}_r = \frac{1}{n_r} \sum_i^{n_r} y_{ir}$ is group r mean value, R is group r 's population size, p_r is the group r 's population share; y_{ir} is the quantity of the variable of interest (e.g.: income or years of education) of

the i th member of the group r , and Y is the grand total value of the variable y in the sample (Stewart 2010). STATA commands have been used for calculation of Theil T Index (Burnette, Zhang 2019) as well as for Group Gini Index (Dollar, Glewwe, Agrawal 2004) to arrive at the evidence stated in the paper. In order to fully comprehend the within as well as between group inequalities, a graphical representation of Lorenz curves is taken for each social group. The Lorenz curves are created in STATA and estimating the concentration of outcomes of human development (Jann 2016).

To capture the horizontal inequalities that exist across a socio-cultural milieu can be captured across multiple types of indicators that reflect the state of human development in urban India. To capture the scenario of horizontal inequalities in India, the data source used is India Human Development Survey (IHDS) 2012-13 Round 2 for Individuals. With the context of horizontal inequalities in urban India, this paper will only look at the inequalities across social groups i.e. scheduled caste, scheduled tribe, other backward classes and the unreserved category (Unreserved = Brahmin + Forward/General, except Brahmin).

Here, the unreserved category refers to all the other social groups that do not fall under the social groups that have been excluded in the processes of human development. The Scheduled Castes and the Scheduled Tribes are defined as per the Article 341 and 342 of the Constitution and have been at the receiving end of social exclusion. The constitution obligates the government under section 340(1), 340(2) and 16(4) to promote the welfare of the Other Backward Classes (OBCs) (Ramaiah 1992). Given that the constitutional coverage for promotion of welfare remains directed towards only SCs, STs and OBCs, the other sub-categories can all be clubbed into ‘Others’ as defined by Census India for all social groups besides SCs and STs. (Census (2011) considers ‘Others’ to be all the social group categories besides Scheduled Castes and Scheduled Tribes. This paper refers to ‘Others’ as a narrower category and refers to all the social group categories and sub-categories that do not fall under the SCs, STs and OBCs). The paper looks specifically at the human development reflectors for the social groups. For the purpose of the analysis of horizontal inequality across the mentioned social groups, an indicator selection process has been carried. Given the methodology of horizontal inequality that has been mentioned above, only the variables which are continuous in nature have been selected across the human development perspective.

Under the human development perspective, it is important to highlight and analyse a representative indicator for each pillar of human development i.e. income, education and health, taken with reference from the human development framework (UNDP 2018). The indicators chosen are stated below:

Table 1. Human Development Indicators

Human Development Dimension	Indicator
Economic	Consumption Expenditure per capita (INR) Annual Earnings for the individual per annum (INR)*
Education	Number of years of education completed (for the age group above 25 years)
Health	Total Expenditure on short term morbidities over the Household Consumption Expenditure (INR)** Total Expenditure on major morbidities over the Household Consumption Expenditure (INR)***

*The indicator has only been taken for individuals who are 15 years of age or more. The source is IHDS 2.

**The total expenditure on the short-term morbidities has been calculated by adding all the key points of expenditure on short term morbidities (costs associated with outpatient and in-patient costs in visiting doctor, medicine costs and travel costs). The source of the indicators is IHDS 2.

***The total expenditure on the major morbidities has been calculated by adding all the key points of expenditure on major morbidities (costs associated with outpatient and in-patient costs in visiting doctor, medicine costs and travel costs). The source of the indicators is IHDS 2.

Rationale for indicators: The indicators have been selected keeping in mind the human development dimensions, and ensuring only continuous indicators are chosen, given the limitations of the horizontal inequality measures. The household consumption expenditure per capita is reflective of the economic status and their standard of living. The annual individual earnings are important to take note of to understand the economic opportunities of the individuals above the age of 15 years, that is also reflective of how individuals are able to convert their capabilities into functionings. For the purpose of capturing the extent of human development, the completed years of education has been taken as an indicator, reflective of the human development opportunities, and how individuals from all social groups are able to access educational opportunities and utilize the potential to convert their endowments into human development. The third factor taken into consideration is the aspect of health and well-being, wherein the representative variables used are the expenditures on short term as well as major morbidities. The rationale being that there is limited access to health care, as stated before, and there continues to remain inequality in terms of well-being across social groups. A representative variable for health is an adjusted variable i.e. the ratio or proportion of expenditure done by the individual over the household expenditure. The adjustment has been done, since the expenditure in itself will not be representative of the state of human development, as the expenditure will be a function of the household income. However, once a proportion of health expenditure over the total expenditure is taken, it is reflective of the value attached/ monetary investment done to health and well-being, by different social groups.

In order to see the statistical strength of the indicators, a principal component analysis was done to understand how the indicators are reflective of the state of human development. A Principal Component Analysis is carried out to identify structure within a set of variables, and to reduce the number of variables that are reflective of the theoretical framework taken into consideration. The focus is to extract the minimum number of factors that are representative of the maximum proportion of the variable's total variance. The principal components result when carried out for all the 5 indicators show that the eigenvalues are approximately 1 or greater than 1 for the first three components. Therefore, as per the Kaiser Criterion, the analysis can utilize the first three components, wherein they explain 76% of the variation in the data. The scree plot of the principal component analysis is given below:

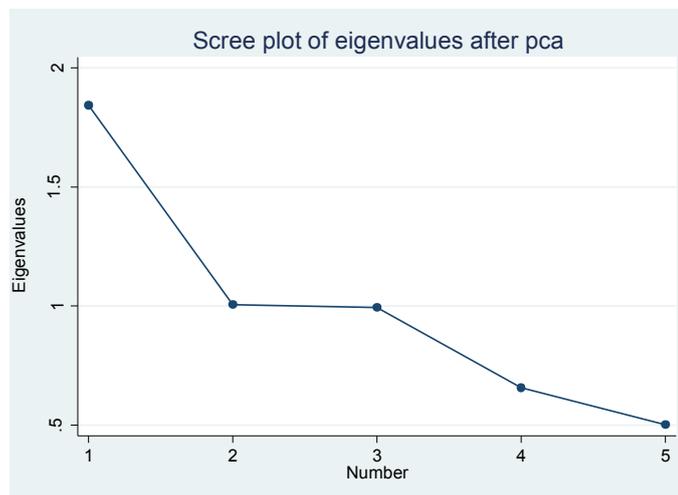


Figure 1. Postestimation Scree plot for Principal Component Analysis

The scree plot also shows a slight kink/elbow after component 3, indicating that the first 3 components must be considered. The eigenvectors of the first component when taken into consideration shows that the principal component coefficients for the first three indicators (consumption expenditure, education and earnings) are the highest. The PCA coefficients or the eigenvectors explain the correlation between the component and the indicator, therefore the first three components remain more representative of the state of human development. The Kaiser-Meyer-Olkin measure of sampling adequacy (overall) is 0.6502, which remains mediocre but acceptable.

Evidence of Horizontal Inequality

To be able to capture the basic state of human development, an overall economic picture is to be taken across the social groups. The state of monthly household expenditure per capita for all the social groups is reflected in the graph given below. The nuances of human development as represented in the economic dimension of urban India are showing visible horizontal inequalities across the historically segmented social groups. Here, it is evident that the mean of monthly household consumption per capita for the unreserved category is INR 38806. It is evident that the economic status or the state of economic well-being as one of the barometers for human development is higher for unreserved categories, wherein the urban narrative for Scheduled castes remains the worst with reference to the monthly household consumption expenditure per capita. The distribution shows that the mean household expenditure per capita for all the historically segregated social groups remains below the overall average, reflected by the red line.

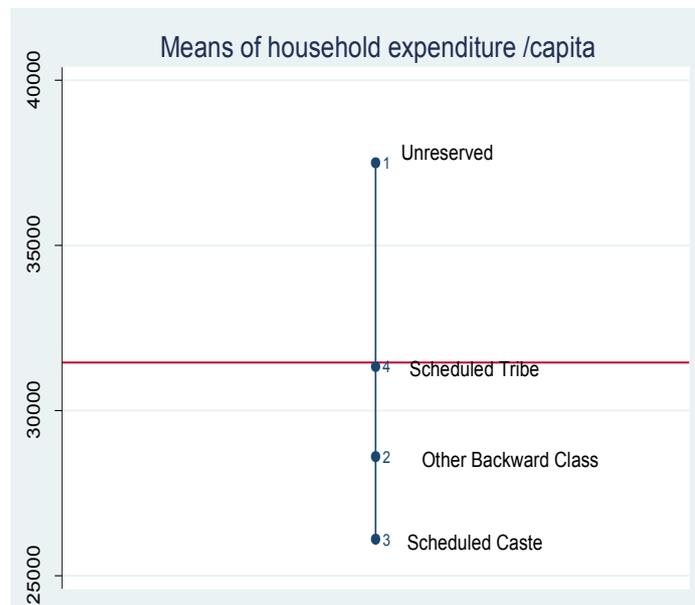


Figure 2. Mean of Per capita household expenditure across social groups

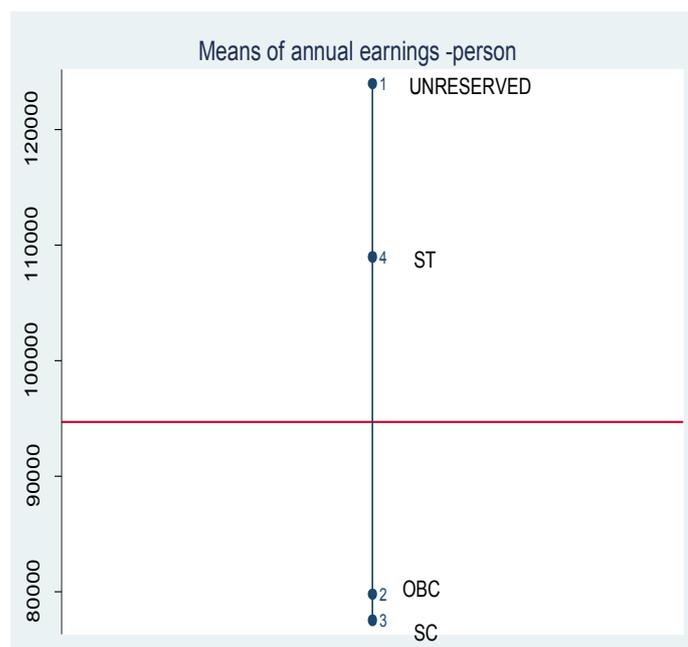


Figure 3. Mean of annual earnings across social groups

To understand the economic status from a point of view of the availing of economic opportunities by different social groups, a similar pattern is noted as in the state of economic well-being. The state of horizontal inequalities remains evident in the deprivation of conversion of the existing opportunities into a state of well-being, in terms of generating income at the individual level, wherein the order of mean annual earnings is – unreserved, STs, OBCs, SCs. The state of economic well-being of the individuals across social groups remains alarming, as the social groups mean annual earnings of the Unreserved category remains 1.5 times that of SCs and OBCs. This is reflective of the dire state of economic deprivation as well as an inability to convert their current state of opportunities and capabilities into functionings. The economic dimension of human development shows severe differences in the earnings of the individuals across social groups, which necessitate affirmative action. This also highlights that the intensity of inequality for social groups that are historically discriminated has not changed even till date, wherein the SC's and OBCs in the urban spaces across India continue to remain excluded from economic well-being, and thus differ in their state of human development. Even though the current reservation policy in India obligates 15%, 7.5% and 27% reservation in direct employment, it is important to note that there still continues to be severe horizontal inequalities across social groups, wherein the issues of within group inequalities remain unnoticed.

The education dimension is also indicative of similar results, wherein the unreserved category remains far above the overall average, and stands at about 10 years of completed education, as opposed to SCs only having complete 6.7 years of schooling on an average. The terrifying reality of certain social groups unable to complete as many years of education as the unreserved category, stated as the benchmark category, and even unable to earn as high an income as them shows that there are inherent gaps and flaws in the way human development opportunities are made available to all sections of the society. The urban picture for education as a dimension of human development, shows intense inequality, wherein on an average the historically discriminated do not have the same state of well-being or educational opportunities as the unreserved. The current educational outcomes of the SCs, OBCs and STs, collectively remain below the average across individuals, and largely below unreserved category. There is a need to understand that the inequalities in the outcomes of education and employment showcase that the inherent structural inequalities based on history have not been removed. All the individuals across social groups deserve to be exposed to the opportunity to attain education and to earn decent income, however, this narrative speaks of the deprivations of the SCs, OBCs and STs, who continue to remain relatively deprived (Bourguignon 1999), further feeding into the inequalities in the urban spaces. India also has policies for education, wherein Right To Education section 12(1)(C) obligates reservation for economically weaker and socially disadvantaged weaker sections of the society, especially in high income private schools. The higher education arena in India also provides spaces for reservations, yet the tangible outcomes of such affirmative action continue to remain missing. There is a gap of about 3 years in the educational outcomes between unreserved and SCs which highlights issues that are entrenched far too deep in history, and that the economic deprivations of certain social groups also prevents them from converting such opportunities into outcomes of human development.

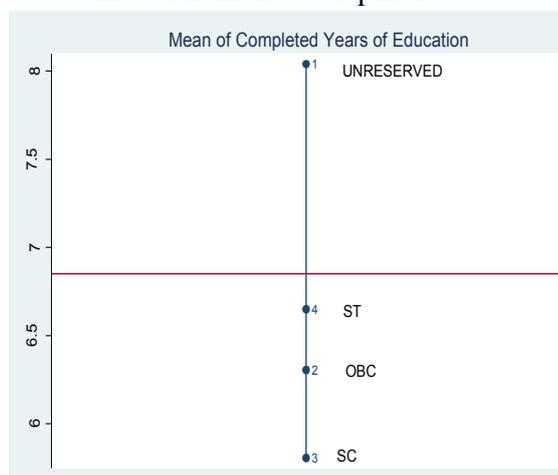


Figure 4. Mean of completed years of education across social groups

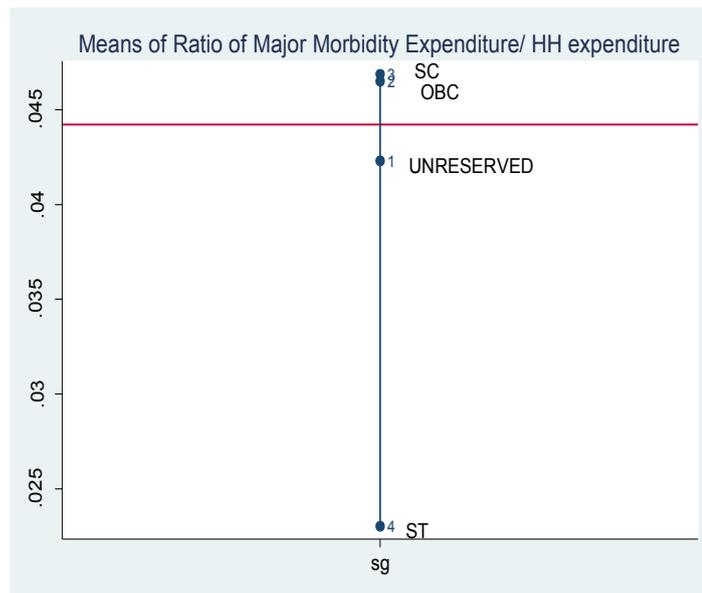


Figure 5. Mean of Ratio of Major Morbidity expenditure to household consumption expenditure per capita

In terms of the health aspect, the paper has attempted to look at the human development investment done to cater to short term morbidities and major morbidities. The indicators have looked at the ratio of costs incurred to the overall monthly household expenditure for the individuals. The results for ratio of expenditure on short term morbidity expenditure remains highest for OBCs, and SCs, followed by STs and then unreserved. This is assuming that the same type of morbidities affects all social groups. The interesting evidence is that the expenditure ratios and even the overall expenditure on short term morbidities, remains highest for OBCs and SCs, wherein these groups remain the most deprived in their earnings and their overall consumption expenditure per capita. A different story follows in major morbidities, wherein the overall absolute expenditure is the maximum by unreserved, followed by OBCs, SCs and finally STs. However, once the ratio of expenditure on major morbidities is considered, it is noted that the SCs and OBCs are spending far more in proportion to the unreserved individuals.

The health outlook is taken in terms of expenditure, adjusted to their per capita household expenditure to see the proportion of resources invested in attaining a decent level of health and well-being for better human development. Even though certain social groups remain deprived in their economic aspirations, the level of expenditure ratios highlight that there is an inherent health inequality across social groups, wherein the SCs and OBCs are not only struggling to maintain their level of human development, but have been spending disproportionately more than the unreserved category to attain that level of well-being. Even though the occurrence of short-term morbidities (fever, cough diarrhoea) remains very similar across the social groups (this has been verified using IHDS 2 data), for each short-term morbidity, the ratio of expenditure highlights that SCs and OBCs are pushing their economic boundaries to resolve their health concerns and be at par with the benchmark of the unreserved category. There is a need for affirmative action in the health scenario, necessitating targeted health policies for socially excluded groups in urban India. Even though India has recently created one of the biggest healthcare schemes in the world, there continues to remain a need for targeted affirmative action that caters to the fact that certain social groups have never had the equal starting point. So even though there are government policies for welfare across all social groups, the inherent horizontal inequality of opportunity and access needs policy change and a direct policy rather than a sole reliance on universal policy.

The urban spaces are a model for creating more equal opportunities, but the evidence proves otherwise for India, wherein social segregation has seeped into the economic and educational outcomes. There is a need to understand that the urban setting must be watched closely and worked

on with a sensitivity attached to the social groups. The historical discrimination does not end with the urbanization process here, instead the urban spaces have showcased an evident gap between the different social groups, highlighting horizontal inequalities. In order to further create stronger evidence on the existence of horizontal inequalities, the paper attempts to look at the two key measures of group GINI and Theil T Index. The analysis of the inequality measure is carried out, with reference to within group and between group inequalities, with a specific mention on the within the group inequality via Lorenz curves for each social group.

Inequality – Theil

The value of Theil’s T index can vary from 0 to infinity. The human development dimensions and indicators taken into consideration showcase existing horizontal inequalities across social groups, as represented in the table below. The Theil index shows that the major horizontal inequalities arise in the annual individual earnings as well as in the ratio of health expenditure (both short term and major morbidity). In all the dimensions across the human development space, it is noteworthy to see that even though the Theil T Index is ranging from 0.29 to 3.3, there is an evident higher inequality between these groups in the urban spaces as compared to between the group inequality. In terms of per capita household expenditure, about 4% of the inequality is explained via between groups, wherein 96% of the inequality exists within the groups. Similarly, the between group inequality is limited to 4-5% for annual earnings as well as completed years of education, wherein 95% of the inequality in the given dimensions of human development arises from within the group inequalities.

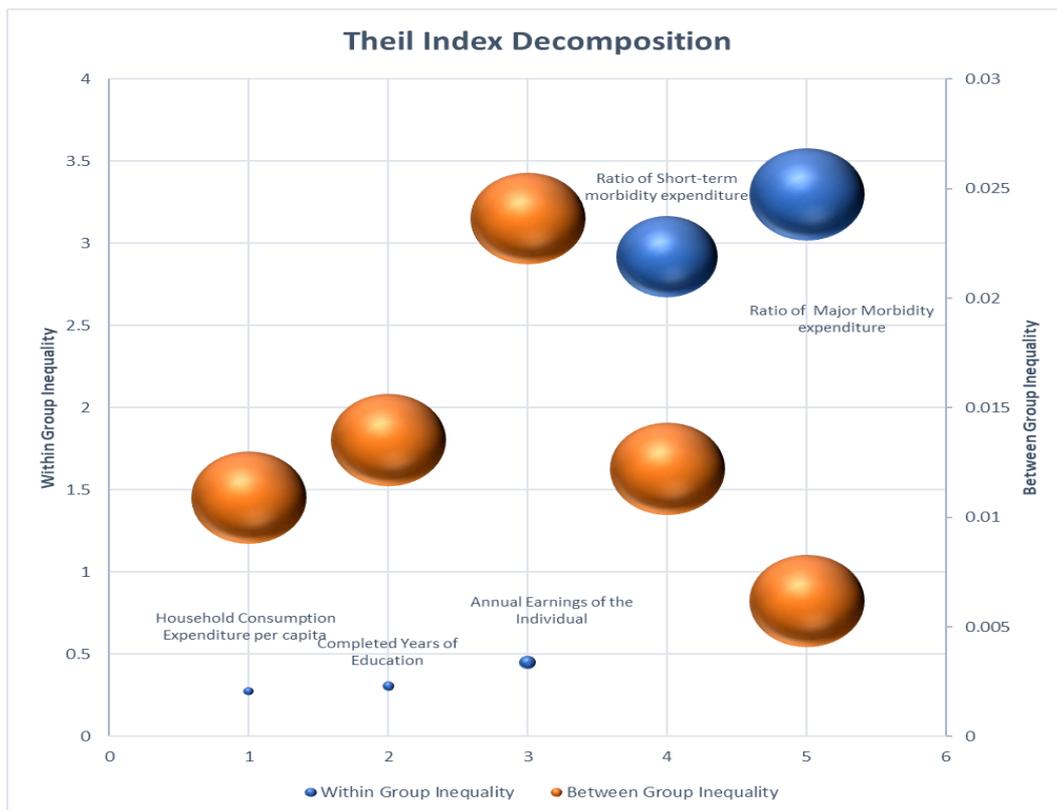


Figure 6. Theil Index - Decomposition across human development indicators

The graph above showcases that the Theil T index remains high for health expenditure ratios but remains adequately high for other dimensions of human development. The evidence reflects the domination of within group inequality over the between group inequality, wherein the ‘within group inequality’ has the width reflected by the Theil index overall. The Theil index decomposition has also highlighted that for per capita household expenditure, the scheduled tribes form 3.5 % of the population, and have the share of expenditure as 3.5% as well. However, for the unreserved who form 36% of the population, they have 43% of the share of expenditure. Similarly, for annual

earnings (taken for the urban individuals who are 15 years or above), even though the unreserved category forms 31% of the population, their share of annual earnings is 42%, wherein OBCs form 40% of the population, but are only able to attain 34% of the annual earnings. 22.8% of the population belongs to the SCs, wherein they are only earning 18.6% of the total earnings. A gross horizontal inequality remains visible in terms of their population share and the share of the indicator which has been received by every social group.

Inequality – GGINI

The following table looks at the decomposition and the Gini coefficient of all indicators in the human development spectrum. The results of GGINI are similar to the ones reflected by the Theil T Index.

Table 2. Group Gini Decomposition across human development indicators

Indicator	GINI	Within Group Inequality	Between Group Inequality	Residual
Household Consumption Expenditure per capita	0.38428	0.12991	0.07802	0.17635
Completed Years of Education	0.38454	0.12749	0.08716	0.16989
Annual Earnings of the Individual	0.51827	0.16078	0.10985	0.24765
Total Short-term morbidity expenditure	0.95113	0.31960	0.08307	0.54846
Total Major Morbidity expenditure	0.96760	0.33434	0.03898	0.59429

Both the measure, GGINI, and Theil T Index showcase that the highest inequalities exist in the domain of health expenditure ratios, followed by the annual earnings of the individuals, and lastly in the household consumption expenditure and completed years of education.

Inequality – Lorenz Curve – Within Group Inequality

To understand the within group inequalities, the paper has also highlighted the group-wise Lorenz curves, largely of the economic and education dimensions. The following two graphs indicate that there is an evident inequality between groups as well as within each group. The Lorenz curves here are showcased for 4 social groups (Unreserved 2- OBC 3 – SC 4 – ST are the meanings of the social group Lorenz curves here).

Across the economic dimension, the household consumption expenditure per capita, all social groups tend more towards the line of equality, except for Scheduled Tribes, implying that an existence of relatively more within-group inequality in STs in urban India. In terms of annual earnings as well, there is a huge gap between the Lorenz curve of unreserved and STs from the line of equality, implying that there is yet another layer of inequality that prevails in social groups in India. It is not only limited to the horizontal inequalities that remain pervasive between historically discriminated social groups, but it is the engrained within group inequality in economic dimensions that creates losses for human development. The educational outcomes of completed years of education also showcase inequality within SCs and STs, which is pictorially also clear to see. The evidence from Lorenz curves for all the social groups also indicate that the inherent horizontal inequality also comes attached with layers, wherein the between group inequality is a concern, but adding to it there is within group inequalities across the historically segregated social groups in India, which necessitates affirmative action on a much deeper level.

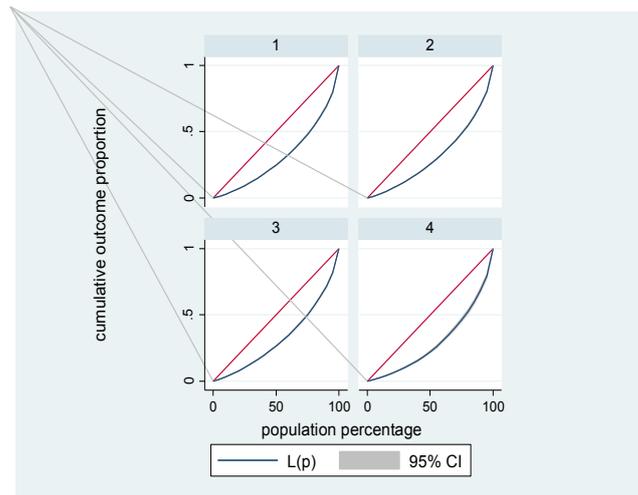


Figure 7. Lorenz Curve for per capita household consumption expenditure across social groups

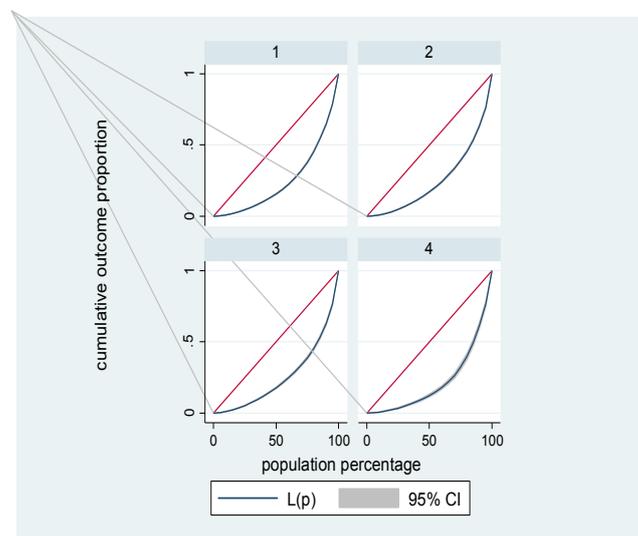


Figure 8. Lorenz Curve for Annual Earnings across social groups

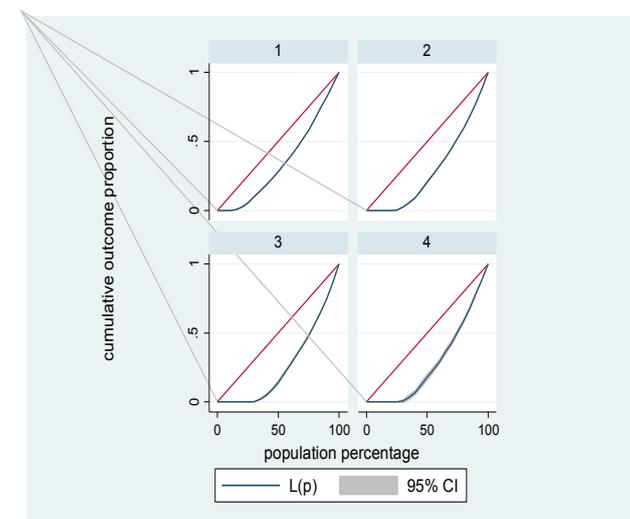


Figure 9. Lorenz Curve for completed years of education across social groups

Conclusion

This paper has made an attempt to understand and quantify the extent of horizontal inequalities that exist across the urban spaces in India. Even though there is evidence of inequities and unequal access to human development opportunities, a consolidated evidence of horizontal inequalities across SCs, STs, OBCs and unreserved category remained missing. The paper has identified indicators across dimensions of human development and has laid out a framework for horizontal inequality measurement across continuous variables.

The evidence of horizontal inequality in urban India shows the presence of not only between group inequalities, but highlights that there exist multiple layers of relative deprivations, horizontal inequalities as well as inequalities that prevail within historically discriminated social groups in urban India. Even though there are policies designed to cater to the concerns of SCs, STs and OBCs, depth of the historical social exclusion has prevented the social groups to be on the same level as the unreserved category. The human development outcomes showcase a need for targeted affirmative action in the space of employment opportunities, their access, enhanced educational opportunities and access to health and well-being. The socio-cultural milieu in urban India has prevented an equal starting point for all social groups, thereby requiring special attention to be given to the historically discriminated social groups, in order to bring every individual, across all groups, at the same state of human development. There is a need for direct policy action that uproots the historical discrimination and eliminates horizontal inequality, allowing for an even human development across all sections of the society.

The extension to this paper would be assimilating more indicators and creating a more representative take on horizontal inequalities across human development indicators in urban India.

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Particularities of an Effective Playground – Related Accident Investigation

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ABSTRACT: Establishing the circumstances of an accident is essential in determining the elements that provide an adequate analysis of legal classification as well as in identifying any criminal liability and form of guilt. Therefore a conclusion regarding culpability should be based on whether the material evidence can accurately indicate the circumstances of the accident, especially when all measures regarding the safety of the play environment and the conformity of the equipment's have been complied with.

KEYWORDS: accident, child, culpability, investigation, playground

Introduction

Many playgrounds are not properly certified or do not comply with the specific provisions; or if the safety standards are met and all security measures are taken, in fact it can be that the play equipment's are not always individually accompanied by certain warnings in usage as they should; and so it is up to the parents and children themselves to assess their level of skills in choosing the right one to use. Children need to learn to cope with the risks and this can lead to blows and bruises and even occasionally to broken limbs (ASRO, SR EN 1176-2, 2010).

The main duty of any investigator in such events is not only their discovery and comprehensive examination of the circumstances, but also the responsibility in taking action to remove any element that might facilitate the occurrence of similar incidents – prevention activities. This consists in detecting the causes and disclosing them to the other relevant organizations, so that everyone can join forces to eliminate the deficiencies arising from the investigation (Golunski 1961, 395).

Playground accident prevention initiatives, focused on making these spaces as safe as possible, were launched in the 1970s (Canadian Public Health Association 2019, 3). Since then, worldwide implemented safety standards include provisions such as the use of impact-absorbing surfaces, height and weight restrictions, safety margins, materials that have to meet certain requirements and so on, for all types of play elements.

According to specific regulations, the manufacturer, authorized representative, importer or distributor, as the case may be, has the obligation to provide the operator/ administrator/ tenant, along with the leisure equipment's, the following documents (H.G. 435/ 2010, Art. 5):

- a) The overall drawing of the equipment;
- b) Instructions for use, assembly and maintenance instructions;

These documents must be presented to the relevant authorities, upon request. At the same time, they need to be accompanied by a detailed description of the risks that children are exposed to when choosing to use a certain equipment and how to manage them, such as:

- choosing the appropriate play space according to the age group;
- supervising children under the age of five and those with health issues while they are playing and overseeing the way they use the equipment's according to the instructions displayed.
- clothes with ropes and cords should not be worn in the play area as they are a cause of accidents;

The rest of prevention activities should present the risks that the operators of the play space are to avoid by following these measures.

For example, the contact surfaces need to absorb any shock and to not show traces of sharp or deteriorated objects, the surface of the impact areas and the space between the devices need to be accurately calculated and protected in order to avoid potential collisions.

Crime scene investigation of playground accidents

This action is of great importance as the actual resolution of the case depends on its overall quality (Stancu 2015, 665).

It is natural that the initial measures should be aimed exclusively at administering first aid care to the victims of the accident, limiting or removing imminent danger and returning equipment's to operation as urgently as possible.

Rapid transformations might occur at the scene, and material evidence must be protected so as not to be destroyed or altered (Ionescu, 2007, p. 28). Therefore, the investigator must urgently apply measures both for preserving the traces and for preventing other similar incidents.

The objective of the crime scene examination is to allow the investigating authorities criminal investigation body to learn with utmost precision the place of the accident, the traces left, the remaining material objects, their position and condition, in order to be able to come to a legitimate conclusion regarding the unfolding of the entire event (Nedelcu 2014, 282). The evidentiary material can answer all the main questions such as who committed the crime and whether or not it was intentional, what are the reasons and the aim - in case the culprits are identified and the existence of an actual crime can be established - for the correct determination of the circumstances.

One of the initial matters that require special attention is the establishment of the modifications inflicted on the scene (Stancu 2015, 666). Any change, of any kind, in the position of objects that were involved in the accident, is strictly forbidden. The state of affairs resulting from the occurrence of the event should not be transformed, but if maintaining it facilitated the appearance of other events or aggravated the condition of the injured, then on site situation could be modified. In this situation, it is mandatory to sketch or photograph the place, to identify and bring in any item bearing traces to be handed over to investigators. Such changes will be recorded by the owner of the playground in a report representing evidence.

There is also a particular type of situations called controversial circumstances, determined by the contrast between the different categories of traces. It sometimes happens that the culprit, wishing to evade responsibility for his actions, tries to conceal his felony by forging another, for which he creates at the scene fragments that are usually formed by committing the simulated act or tampers with some existing ones instead. But almost always he ineffectively mimics another crime by failing in fabricating other evidence, so that there is an indisputable discrepancy between them, which highlights the artificial climate at the crime scene (Mircea 2010, 237).

Elucidating these possible controversial circumstances is important in the elaboration of criminal prosecution versions, but they also represent the intention of the perpetrators to conceal their act or even to throw off the investigation. Thus every side needs to be turned in order to verify and confirm the crime scene findings through accurate results from the activities undertaken (Vasile 2013, 49).

The judiciary bodies must gather all the necessary and indispensable information to prove the material existence of the imputed fact, the existence of the crime with all its elements and the guilt of the culprit, by resorting to those means of evidence which are appropriate to the requirements of the criminal case.

The method of investigating the different types of crime does not set as its primary scope the elaboration of indications that will be applied mechanically in each specific case. The methodical indications find their application, first of all, in the typical cases, but at the same time they are formulated so that they allow the criminal investigator to apply them, creatively, under the concrete conditions of each criminal case (Golunski 1961, 388).

The investigation of the crime scene implies that the prosecution body is notified about a criminal offence being committed, through official documents concluded by other bodies established by law or *ex officio* and entails the observance of general tactical and procedure rules, so that the outcome is achieved (Nedelcu 2014, 286).

In the static phase of the investigation, the overall appearance at the scene will be established - the placement and condition of the equipment's, analyzing, among others, whether they were

supervised by trained personnel (in the case of indoor play spaces), if no anomalies were observed in their functioning, etc.

In the dynamic phase, the thorough research of the traces will be carried out, as well as the detection, consolidation and collection of all the means of evidence that can serve to clarify the circumstances of the event. Moreover, all documents will be verified (registries, journals) together with records and diagrams that include data regarding the condition of the play equipment's, to determine if the periodical check-ups and proper maintenance have been performed.

At the same time, it is extremely important to gather copies of documents attesting the conformity, certification, guarantee, safety of the equipment's, which confirm the compliance of the requirements regarding the security of the playground, the right of operation, approval and authorization necessary for the activity, as well as the identification data, the job description, the labor agreements of all the employees who performed their activity at the time of the accident - in the case of indoor play spaces that involve clients paying an access fee so that their children can play inside a supervised playground.

Settling the results of the investigation is done by known means, the minutes being the main way of recording them. The document concluded by the criminal prosecution bodies will be accompanied by photographs (overall and detail), videos, sketches, notes.

It is important to note that these video recordings taken at the scene can be compared to those from the time of the event (caught by video cameras in the premises or its proximity) to check illicit activities of hiding / modifying / replacing certain equipment's that might be involved in the accident.

Organizing and enforcing the legal expertise

Over time, it was provided that the evidence represents any factual element that is destined to confirm the existence or non-existence of a crime, to identify the perpetrator, instruments and harmful substances, to know the circumstances in which the event took place, being necessary for the just settlement of the case. In addition to forensic expertise, they can determine the causes and nature of the injuries caused by the accident, as well as the technical-scientific expertise and data (Voinea and Teodorescu, 2018).

Traces will be picked up through known methods and sent to the forensic laboratories.

If in the nature of these traces there have been various modifications, the investigators are obliged to mention them in a procedural document through a detailed description of these changes and the determinant causes, so that the relevant information is brought to the knowledge of the specialists. The experts must take into account also the videos and photographs taken at the scene of the accident in order to be able to correctly interpret the traces and objects subjected to the expertization process and to acknowledge their subsequent alterations.

In such situations where traces and objects cannot be submitted to the expert, their features must be described as accurately as possible while being individually determined and located. All modifications and any other external elements allowing the reconstruction of the conditions of evolution of the trace will be recorded (Ionescu and Sandu 2011, 26).

Experts must also evaluate and determine the technical condition of the play equipment involved in the accident, concluding if it has shown any defects or non-conformities in use before the accident occurred and if it could have actually been the cause of the event. At the same time, they must also establish whether or not faulty mechanical parts of the device have been changed during the investigation and replaced with functioning ones.

Hearing the witnesses and parties involved in the accident

The witness can be any natural person, regardless of social status, age, sex, religion, citizenship, including persons with sensory or mental deficiencies, but also persons in the process of executing a sentence deprived of liberty (Buzatu 2013, 118).

Witnesses or the parties involved in the accident are most able to sustain some aspects that clarify the circumstances of the event. That is the reason why the objective and subjective

conditions that could influence the perception process (distance, speed, lighting, etc.) should be taken into consideration. These individuals could indicate if at the moment of the incident, the injured one was using equipment intended for their age category and the device was displaying the risks in use, if the technical prescriptions were observed, and in the case of an indoor space, if supervision was properly ensured and by a sufficient number of trained personnel.

It is imperative to hear also the technical staff /in charge of the maintenance of the equipment, to determine if the procedures were followed according to training and if the device was working accordingly.

In order to establish the truth and accountability of all those involved, other acts of criminal prosecution may be carried out if necessary, such as reconstitutions, searches, confrontations between the parties.

However, in such situations that involve playground-related injuries in children as a result of the use of an equipment, these prosecution acts are somewhat inconclusive, because they cannot accurately verify or compare all the specifics arising from the event. On one hand, the circumstances might be determined by the details presented by the witnesses, but on the other, they usually perceive them differently from the victim, who may detail them in a divergent or inaccurate manner, or not to remember them at all.

Conclusions

The evidentiary material must clarify without a doubt whether the owner of the play space has operated compliant equipment's with a valid warranty and usage term, with all the certifications in force, according with European standards and norms. Moreover, it is necessary to prove the level of preparation for the employees who attend to the playground, general and specific procedures for each position, periodic trainings, in the attempt to prevent accidents of this kind.

Provided that the evidence cannot demonstrate the non-observance of any legal obligation on behalf of the owner of the play space, or the performance of any unlawful act, then all the elements of the accident converge upon the idea of a fortuitous event.

This is another explanation of how such an incident can occur, being a situation that can neither be predicted nor prevented by the person held accountable. According to doctrine, the fortuitous case describes an external cause that materializes into an unpredictable and inevitable event, the source or presence of which is found in the human field of activity and of nature to remove the guilt of the person held accountable, precisely because of the unforeseeable component such an event involves.

The grounds of an effective investigation rises from the validation of the circumstances of the accident, in order to establish the elements that dictate a proper legal classification of the offence; and in case there are culprits, to identify them and to establish the form of guilt.

Therefore a conclusion regarding culpability should be based on whether the material evidence can accurately indicate the circumstances of the accident, especially when all measures regarding the safety of the play environment and the conformity of the equipment's have been complied with.

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Theoretical and Practical Provocations of the New Romanian Personal Insolvency Proceedings

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ABSTRACT: The legal framework that acknowledges personal insolvency in Romania has finally been adopted on 18 June 2015, after more than 25 years of hardships for the consumers, and only took effect, after many delays, on 1 January 2018. This paper aims to present what is meant to be a procedure that protects the consumers that contracted obligations and by no means of their fault are not able to cover their debts. Furthermore, of great importance is the analysis of the particularities of the Romanian procedure by comparing to similar procedures of other jurisdictions.

KEYWORDS: consumer protection, debt, Insolvency

Introduction

Having been long due, the Insolvency proceeding law of the private person, Law no 151/2015 (published in the Official Gazette no 464 of 26 June 2015, has finally taken effect on 1 January 2018 after many delays imposed by the need of establishing and preparing of the professional body that would conduct such proceedings.

Bankruptcy as a procedure, whoever the subject of such proceeding might be – a business, a natural person, or even a municipality – has one common denominator in each case: a debtor's inability to pay ones overdue debts and the collective effort of said debtor and its creditors to cover most, if not all, of the owed obligations. One study has found that "the business bankruptcy rate is a significant determinant of the personal bankruptcy rate. Based on the estimated coefficient, a 10% increase in the business bankruptcy rate leads to a 3.43% increase in the personal bankruptcy rate" (Platt and Demirkan 2010).

It is essential for a stable and prosperous market that its over-indebted, of good faith, consumers be protected through clear and coherent regulations from situations where, due to none of their fault, the accumulation of debt is truly cumbersome.

The Romanian economic context that appeared after the financial crisis of 2008 was characterised by increasing numbers of people in a position of not being able to pay their bank loans. This led to a need for legislative resolution. Thus, the first draft of a personal insolvency law has been proposed and passed by the Senate in 2010. Unfortunately, the draft bill wasn't accepted by the Parliament having faced fierce critique. According to a study conducted by London Economics (London Economics 2012, 83), the 2010 bill was a cause of concern for the majority of the bank system in the sense that due to the crisis and austerity programs implemented, the potential for turning towards the personal insolvency law in bad faith was greater; also banks, in a worst case scenario, would have to increase their capital and also a larger volume of provisions. Lithuania shared Romania's difficulties in adopting a personal insolvency law, sharing some of the criticism from the commercial banks, even though the two countries were among very few to have such proceedings (Ambrasaitė and Norkus 2014, 177).

Having a personal insolvency law fail to be adopted, the Romanian consumer was left with only few tools to combat uncontrolled rise in payment instalments due to fluctuating exchange rates or fluctuating bank interest index, or inability to cover a debt:

- i) The unpredictability legal clause, prescribed in article 1271 of the Romanian Civil Code. According to article 1271 paragraph 2, if the execution of the contract has become excessively burdensome due to an exceptional change of circumstances which would make it manifestly unfair to oblige the debtor to perform the obligation, the court may order, either the adaptation of the contract, in order to equitably distribute the losses and benefits resulting from changing circumstances, or, termination of the contract, at the time and

- under the conditions it establishes. Some conditions still have to be met in order for the unpredictability clause to be duly invoked: the change of circumstances took place after the conclusion of the contract; the change of circumstances and its extent were not and could not be reasonably considered by the debtor at the time of the conclusion of the contract; the debtor did not assume the risk of changing the circumstances and could not reasonably be considered to have assumed this risk; the debtor attempted, within a reasonable time and in good faith, to negotiate the reasonable and equitable adaptation of the contract (Matefi and Zamfir 2019, 29).
- ii) The law for abusive clauses, Law no. 193/2000 (published in Official Monitor no. 543 of 3 August 2012). According to article 4, a contractual clause that has not been negotiated directly with the consumer will be considered abusive if, by itself or in conjunction with other provisions of the contract, it creates, to the detriment of the consumer and otherwise to the requirements of good faith, a significant imbalance between the rights and obligations of the parties; also, a contractual clause will be considered as not being negotiated directly with the consumer if it has been established without giving the consumer the opportunity to influence its nature, such as pre-formulated standard contracts or the general conditions of sale practiced by traders in the market of the respective product or service (Lupu 2014, 82).
 - iii) *Datio in solutum* Law – The law for credit payment in the form of transfer of property of immovable goods, Law no. 77/2016 (published in the Official Monitor no. 330/2016 of 28 April 2016). Being one of its kind in the world (Groningen, 2016), one of the main advantages of this law is that the consumer has the right to extinguish the debts arising from the credit agreements with accessories, without additional costs, by paying the mortgaged property in favour of the creditor, if within the stipulated term of 30 days from the notification of such intent, the parties to the credit agreement do not reach another agreement (Badiu and Nita 2016, 38). Pursuant to article 4 paragraph 1, in order to extinguish the debt arising from a credit agreement and its accessories by giving in payment, the following conditions must be met cumulatively: the creditor (credit institutions, non-banking financial institutions and the assignee of consumer debt) and the consumer belong to the categories provided in article 1 paragraph 1, as defined by the special legislation; the amount loaned, at the time of granting, did not exceed the equivalent in lei of 250,000 euros, the amount calculated at the exchange rate published by the National Bank of Romania on the day of the conclusion of the credit agreement; the loan was contracted by the consumer with the purpose of purchasing, building, extending, modernizing, arranging, rehabilitating a building with housing destination or, regardless of the purpose for which it was contracted, it is guaranteed with at least one building having the destination of home; the consumer has not been convicted by a definitive sentence for offenses in relation to the credit for which the application of this law is requested.
 - iv) For fiscal debts, the insolvency procedure in accordance to article 265 of Fiscal Procedural Code. It is considered insolvent the debtor whose incomes and / or assets are of a lower value than the tax liabilities or which has no incomes or assets. For the purpose of declaring the insolvency status of the debtors the enforcement bodies have certain obligations: to investigate the situation of the debtors' assets by requesting information from any relevant public register (City hall, Land Registry, Agricultural Registry etc.), from any banks the debtor might have accounts open, or even by first-hand ascertainment of the debtors' estate; to compare the aggregate value of the assets and incomes of the debtor with the total of the main fiscal obligations and accessories due and not paid at the date of comparison.

None however had the most sought after effect: debt release. As I will discuss further in more detail, the debt release system opted by the Romanian law-maker is congruent with the continental approach, being a lot different than the Anglo-American one. The prevalence of “earned fresh start”

over the already well established quick-and-easy American “fresh start” is evident in the eyes of Thomas Jackson, who considered that courts ought not to protect all of the earnings after an insolvency proceeding but only a determined level (Jackson 1986, 254-257).

1. Who does and who does not benefit from the prescriptions of the Romanian personal insolvency law?

While the commercial insolvency is meant to free the market from the bankrupt entities and to provide a rescue mechanism for the entities that can survive, the insolvency of the natural person aims to offer the consumers the possibility of debt discharge in the conditions provided by the law. Thus, according to article 1 of Law no 151/2015, the purpose of this law is to establish a collective procedure to rectify the financial situation of the natural person debtor, of good faith, to cover its liabilities as much as possible and to aim for discharge of debts, under prescribed conditions.

The procedures provided apply to the debtor, a natural person, whose obligations do not result from the exploitation by him of an enterprise, within the meaning of article 3 from the Civil Code. *Per a contrario* interpretation leads us to the conclusion that legal entities or professionals who exploit an enterprise fall out of the scope of regulation of this law. In view of the Civil Code, the operation of an enterprise is the systematic exercise, by one or more persons, of an organized activity that consists in the production, administration or alienation of goods or in the provision of services, whether or not for profit. If a natural person’s financial distress is caused by obligations assumed in exploiting of an enterprise, for example him being an authorised natural person and conducting commercial activities, the remedy is that of Law no 85/2014, the Business Pre-Insolvency and Insolvency Act – the simplified procedure of liquidation. It can be noted that it seems a rather unjust regulation approach, leaving the professional natural person with only a procedure of liquidation while the consumer also has the possibility of arranging a court-backed debt repayment plan.

Besides the condition of being applicable to a non-professional natural person, the debtor must a) have his habitual residence, residence or residence for at least 6 months prior to submission demand in Romania; b) be insolvent, and there is no probability reasonable to become, within a maximum period of 12 months, able to execute obligations as they were contracted, maintaining a reasonable standard of living for self and for the people he has to maintain; c) the total amount of its outstanding obligations is at least equal to the threshold value of 15 minimum monthly wages.

The law allows any natural person that didn’t fulfil legal formalities of registration to access it’s provisions as long as he has lived “habitually” in Romania for at least 6 months and has income or assets here. The rather short term of habitual living condition imposed leaves room for forum shopping. For example an indebted student from Lithuania can apply for a 1 year Erasmus study grant in Romania and after at least 6 months of living and part-time working here can easily obtain the opening of insolvency proceedings. According to article 2 paragraph 2, Lithuanian personal insolvency law (Law no XI-2000 of 12 May 2012) imposes an indebtedness threshold of 25 minimum monthly wages, meaning around 13.875 Euro for 2019 and 15.175 Euro in 2020, as compared to Romania’s 6.570 Euro, less than half of the Lithuanian threshold. So now, after being taken under the protection of the national Romanian court, demonstrating its Centre of Main Interests having moved here by moving most assets, studying and working, one can follow-up with a request for recognition of Romanian insolvency proceedings as main proceeding under EU Regulation 2015/848 on insolvency proceedings, thus leaving the creditors back home only to be satisfied in a secondary proceeding of liquidation of assets; pursuant to the last thesis of article 34 of the EU Directive, the effects of secondary insolvency proceedings shall be restricted to the assets of the debtor situated within the territory of the Member State in which those proceedings have been opened.

Certain limitations in accessing the proceedings are imposed through the provisions of article 4, paragraph 3-4 of the Romanian personal insolvency law due to protection of the good-faith principle of the natural person subjected to them. Thus, a debtor, in order to successfully file for an insolvency proceeding must, *inter alia*, not have benefited from such procedures prior 5 years. The reason is that, in the law’s view, by the end of any procedure the natural person must be a more

financially responsible individual and be more careful to the perils of indebtedness. Other restrictions fall upon those who were definitively convicted for committing a tax evasion offense, a forgery offense or an intentional offense against the patrimony through abuse of confidence; who were dismissed from work in the last 2 years for reasons attributable to him; who, although able to work and without a job or other sources of income, did not submit the reasonable diligence required to find a job or who refused, in a manner unjustified, a proposed job or other income-generating activity; who have accumulated new debts, through voluptuous expenses while he knew or should have known that he is insolvent.

We can observe that the time the liabilities were contracted is not a factor in determining the applicability of the Romanian procedure of personal insolvency. But according to Ambrasaitė and Norkus (2014, 178) it was cause of debate when drafting the Lithuanian personal insolvency law. Finally it was established that the new Lithuanian law was not able to impose a worse treatment for creditors' rights due to the fact that, even though payment does in fact represent the prize in the creditors' race, if creditors would satisfy their claims individually it would lead to inequality amongst them; moreover, a debtor will try his best to hide his income and assets in turn minimizing the chances of covering creditors' claims to their fullest.

Even though Law no 151/2015 has been adopted for more than 4 years now, gaining enough publicity in the conscience of consumers, and although it has entered into force almost 2 years now, it still lacks the appeal one could imagine it would generate. In comparison to the *Datio in solutum* Law, which generated over 8.450 notifications in the first 2 years of implementation, Personal insolvency law, using the same period frame reference, generated merely 24 proceedings. This situation could be explained in part due to the fact that Romania has had good economic growth for some time now. This however is not the case everywhere. Zywicki (2005) finds that in the USA, during one of the most prosperous periods for the economy, with low unemployment and low interest rates, insolvency case filing soared from 250.000 in 1979 to over 1.5 million in 2004.

2. What are the applicable procedures?

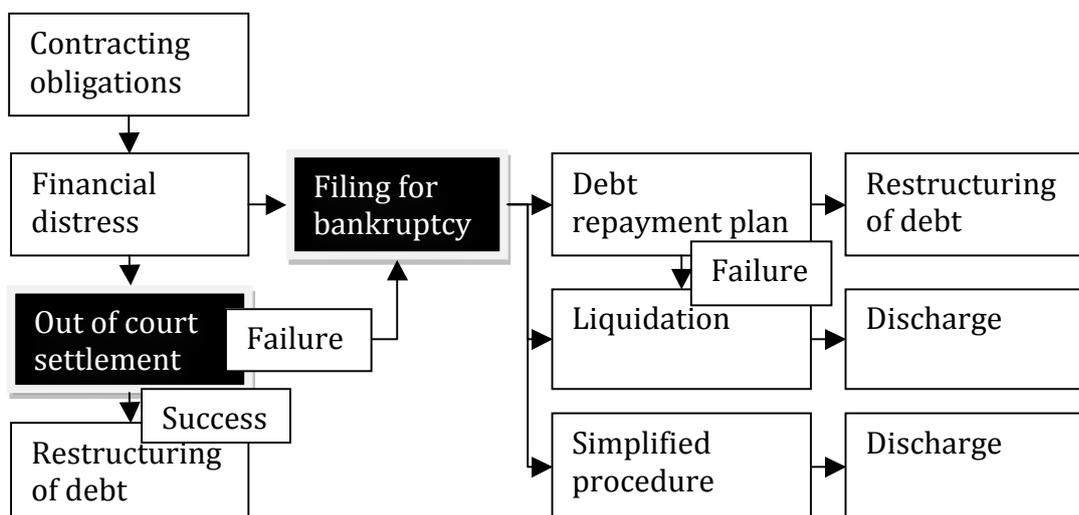


Figure 1. Overview of personal insolvency procedures

According to article 5 of Law no 151/2015, there are three regulated proceedings: the insolvency procedure based on a debt repayment plan; the judicial insolvency procedure by liquidation of assets; and the simplified insolvency procedure. (See fig. 1)

Debt repayment plan based procedures are administrative procedure, conducted under the supervision and control of the Insolvency Commission. The insolvency commission in whose constituency the debtor had his domicile, his residence or habitual residence at least 6 months

before submitting the application to open an insolvency proceeding is competent to exercise the attributions. One of its main obligations is to appoint an administrator of the procedure from the insolvency practitioners, court executors, lawyers and public notaries enrolled in the List of procedure administrators and liquidators for the insolvency procedure of natural persons.

The very first step taken by the debtor towards a debt repayment plan based procedure is through notifying its creditors 30 days prior, as per article 13 paragraph 4 of the law. Afterwards, the debtor must submit a formal request, which is a standardized form that contains data and information relating to a self-assessment of why he came to be bankrupt, the state of his wealth (including all bank accounts, all income revenues, assets, etc.), pertinent information regarding his creditors (names, amount of debt owed each, disputed or undisputed, etc.), personal information (past sentencing, proof of employment, if he held the position of administrator or shareholder in the past), past transactions (gratuities or any *quid-pro-quo* type contract), and, most importantly, a proposal for a debt repayment plan, which contains at least the amounts which the debtor considers that he will be able to pay his creditors periodically. Pursuant to these filings, the Commission must, in 30 days, decide whether to admit in principle the request and appoint an administrator or, noting that the financial situation of the debtor is irrevocably compromised can notify the court, with the consent of the debtor, in order to start the judicial insolvency procedure by liquidation of assets. The whole process engaged by the adoption of a payment plan can take up to almost 1 year, the implementation having to span on a maximum of 5 years from the admission of the request with a possibility of extension of 1 year in accordance with the conditions layed out in the plan.

The second applicable procedure is the judicial insolvency procedure by liquidation of assets. Such procedure ensues either voluntarily from the beginning, when the debtor knows there is no chance of restructuring of debt, or the commission refuses the repayment plan proposed or if no reimbursement plan was confirmed by court; voluntarily after the debt payment plan fails through no fault of the debtor or at the request of all creditors after the debtor fails to keep up with its payment plan due to his negligence (article 46 of Law no 151/2015). It mainly resembles that of Chapter 7 of US Bankruptcy Code.

A unique prescription by the Law no 151/2015 is that of the special *Datio in solutum* (article 59 of Law no 151/2015). In case that, even though all the measures provided for by law have been taken, the liquidator of the procedure has failed to liquidate an asset within 2 years after the inventory has been made and also the definitive table of receivables, it notifies the creditors about it, in view of exercising the option to acquire the property of the asset in the account of the debt. If a single creditor has exercised the option then he acquires the property of the asset in the account of a part or of the entire debt, depending on the value of the asset and the sum of the debt. If more creditors pursue the asset then the creditor with a preferential clause will have greater claim over the option of the others. If no creditor exercises his right of option, the asset will be excluded from the valorisation in the procedure, with the maintenance of the preferential causes, if any, and, until the date of the definitive stay of the decision to release the residual debts, this good can be valorised on the path of individual forced execution, under the terms of the common procedure. If until this date the good has not been redeemed, all the causes of preference which affected the good are extinguished.

The last procedure of personal insolvency is the special procedure. Besides the general conditions of residence, insolvency, minimum threshold it can be instituted under special conditions regarding the debtor: the total amount of its obligations is at most 10 minimum wages per economy; he does not have non-exempt goods or incomes; is over the standard retirement age or has lost all or at least half of its ability to work.

Careful observation of the conditions in which a personal insolvency proceedings commence leads us to an interesting conclusion: the fact that only debtors may initiate these proceedings may leave some creditors in a disadvantage if we take into account the beneficial regulation of annulment of past contracts. Thus, if a creditor feels that some of the debtors' past transactions seem detrimental to its interests, for example constituting security, privilege or guarantee towards another creditor (article 60 paragraph 1 point e from Law no 151/2015), outside the procedure of

personal insolvency it would be harder to prove. The same goes, for example, when the debtor has deeds of transfer of property to a creditor for the settlement of a previous debt (the case with *Datio in solutum* payments) or for its benefit, made within 6 months prior to the opening of the procedure, if the amount which the creditor could obtain in the proceeding is less than the value of the document of transfer; but during an insolvency proceeding few are the times when the satisfaction of a sole creditor from a certain asset is not lesser than in a multiple-party proceeding (article 60 paragraph 1 point e from Law no 151/2015).

In a different approach, Australian personal bankruptcy law, Bankruptcy Act of 1966, states that bankruptcy proceedings may also be commenced by the creditors; article 43 (1) of said law stipulates that certain conditions be met “[...] the Court may, on a petition presented by a creditor, make a sequestration order against the estate of the debtor”. (Ramsay and Sim 2009, 29) Furthermore, article 44 (1) continues to state that “[a] creditor’s petition shall not be presented against a debtor unless: a) there is owing by the debtor to the petitioning creditor a debt that amounts to \$5,000 or 2 or more debts that amount in the aggregate to \$5,000, or, where 2 or more creditors join in the petition, there is owing by the debtor to the several petitioning creditors debts that amount in the aggregate to \$5,000; b) that debt, or each of those debts, as the case may be: i) is a liquidated sum due at law or in equity or partly at law and partly in equity; and ii) is payable either immediately or at a certain future time; and c) the act of bankruptcy on which the petition is founded was committed within 6 months before the presentation of the petition.”

One other issue that might arise during proceedings is the ability of the debtor to select the Insolvency Commission and the insolvency court of his choosing. According to article 8 paragraph 2 of Law no 151/2015: “*The insolvency commission in whose constituency the debtor had his domicile, his residence or the habitual residence at least 6 months before submitting the application for the opening of an insolvency procedure is competent to exercise the attributions provided in paragraph 1*”. Romanian phrasing can be used to interpret this article in two different ways: 1. The competence is granted to whichever insolvency commission’s constituency the debtor lived for more than 6 months consecutively; or 2. The competence is granted to the insolvency commission under which’s constituency the debtor found himself at least 6 month prior to the date of the proceedings not taking into account that he might have lived under said constituency no more than a few days. In Romania, jurisprudence is of less significance than in the common law states, *ergo* the importance of such forum-shopping possibilities.

One interesting finding in the study of US personal Bankruptcy is the level of exemptions compared to the one in Romania. There are two protection levels through exemptions available in the US: a federal bankruptcy exemption, and a state bankruptcy exemption, with the possibility for the state to choose either to adopt the federal exemption, or issue exemptions of their own or even let the debtors choose one of them. Some states are more generous than others. For example, Texas has a generous homestead exemption of unlimited value for a residence on 10 acres (roughly 40.000 sqm) or less in a town; Florida also offers unlimited exemption on properties of maximum 0.5 acres in a municipality and 160 acres elsewhere (Florida Statutes – Title XV – Chapter 222). It is no surprise that through these and other exemptions (motor vehicle exemption, pensions and retirement fund exemption, insurance policies and annuities exemptions, etc.) Americans can protect most if not all they own. However, there are exceptions of non-dischargeable debt that can really break a debtor’s spirit: student loans. John Pottow (Pottow 2007, 245) observes that the federal student loan is a multi-billion dollar system and that the “[...] *troubling trend of accelerating tuition, coupled with the fact that real income has stagnated for men and increased only modestly for women over the past two decades, means that more and more students are going to need to turn to borrowed money to finance their degrees absent a radical restructuring of the postsecondary education system*”.

By comparison to the American homestead exemption, in Romanian proceedings the administrator of the proceeding, after careful analysis of the living conditions of the debtor, may sell the house and until such time let the debtor live there; after selling of the house the debtor has a

preference for renting it (article 26 paragraph 2 point d). That's the only living facility the Romanian law has to offer.

Even so, we can see that the list of exempt goods can add up to quite a high amount. According to article 3 point 2 of Law no. 151/2015 the list of exempt goods consists of: “a) personal or household goods, including furniture, necessary for the debtor and the family for a reasonable living, but without the value of each exceeding 5,000 lei; b) cult objects, if they are not more of the same kind, but without the value of each to exceed 2,000 lei; c) a vehicle, if it is indispensable to the debtor and his family including for commuting from / to the workplace and worth at most 5,000 euro, and the cost of its acquisition is not subject to a claim against the debtor's assets; d) the objects reasonably necessary for the debtor suffering from a disability or the maintenance persons in this situation and the objects intended for care patients; e) the foods necessary for the debtor and the persons in his maintenance for the duration conducting the procedure; f) the goods that serve the pursuit of the occupation or profession of the debtor; g) agricultural inventory, including working animals, feed for these animals and seeds for the culture of the land, if the debtor deals with agriculture, to the extent necessary to continue the works in agriculture, unless on these goods have a real guarantee right or a privilege to guarantee the debt; h) personal or family letters, photographs and pictures and the like.” Also, article 3 point 25 deals with the list for exempt income: “a) the amounts necessary to provide the housing, food, transport, health and other current needs of the debtor and the persons to whom they are currently providing maintenance; b) the amounts necessary for the debtor and the persons to whom they provide maintenance in order to attend the compulsory education courses, as well as the amounts necessary to start or continue the post-secondary, university or post-university studies; c) the amounts necessary to pay the compulsory insurance premiums”.

The value of the monthly minimum consumption basket represents the minimum threshold below which the expenses cannot be set to ensure a reasonable standard of living. This value represents the amount of money from the debtor's income that cannot be stopped for debt payments because it is necessary to cover the expenses necessary to ensure daily living for himself and his family.

Killborn (Killborn 2005, 33) argued that debt payment is morally fair, but so is maintaining a reasonable standard of living. But what is reasonable standard of living? The Central Insolvency Committee approved for 2019 the General criteria to establish a reasonable standard of living (Decision 7/2018). It sets out, for a family of 2 active adults and 2 children, an income of 2.600 lei (approximately 550 euro) of which the amounts allocated to each member of the family look like so: Adult – husband 797 lei; Adult – wife 797 lei; Child over 14 years old 587 lei; Child under 14 years 419 lei.

According to article 3 of Decision 7/2018, in any of the insolvency procedures used, the amount of expenses to ensure a reasonable standard of living can be equivalent to the value of the minimum monthly basket of consumption or may exceed this value depending on the particular needs of each debtor and his family members that cannot be covered by this amount and whose satisfaction is imperative to ensure respect for their human rights, fundamental freedoms and dignity.

Conclusion

Multiannual payment plans specific to the European personal insolvency procedures, as opposed to the American ones, which involve an immediate debt discharge, most of the time lead to the same effect: no creditor will be paid out of non-exempt amounts but the procedure comes as a warning for the consumer in order not to reach the same situation again.

The debt repayment plan system of 5 years I believe should stimulate the debtor into finding a responsible solution by getting a job and not risking the debt discharge he is owed for good-faith. If there is no incentive for the debtor, he is left to concentrate all of his efforts into not paying his debts, and trying to hide all of his income by not declaring it – this would be a real social and psychological downturn for the personal and professional evolution of any person.

The personal insolvency procedure also seems to be a true spiritual path for the debtor of good faith who, in essence, extracts the necessary economic-financial education, thus helping and thus helping the long-term economic environment to be a stable environment, profitable to all parties involved. , with informed consumers making decisions dimensioned on their real needs.

It has been a long journey since the Roman's approach to personal insolvency by cutting ones insolvent debtor into pieces on the third market day or even selling him to foreigners beyond Tiber (Norton and Walker, 2013). Modern times saw penalties shift application from the body to the rights of the individual.

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International Events and Grand Strategy Adjustment after the Cold War: Examining Chinese Grand Strategy Using a Neoclassical Realist Model

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ABSTRACT: There is a two-fold purpose of this paper. First, the author attempts to test whether the Type III of the neoclassical realism model developed by Ripsman et al. (2016) has better explanatory power on China's grand strategy adjustment after the Cold War era than other models. Second, the author examines how international events have impacted Chinese grand strategy adjustment in the everchanging systematic dynamics. The author argues that Type III of the neoclassical realism model provides a suitable model to explain a state's grand strategy adjustment, as this model can explain medium to longer-term dependent variables. According to the model, unit-level factors, such as leader images and strategic culture, have impacted the grand strategy decision-making and its foreign policy implementation, which resulted in the grand strategy adjustment over a long period. In terms of the case study, the author succinctly traces and examines how international events have impacted China's grand strategy, such as the dissolution of Soviet Union (1989), 9/11 terrorist attacks (2001), and the Global financial crisis (2008). This paper contributes to the study of Chinese grand strategy.

KEYWORDS: Chinese grand strategy, neoclassical realism, foreign policy

Introduction

The grand strategy of the People's Republic of China (PRC) has become a crucial issue in International Relations (IR), Security Studies, and Strategic Studies since the rise of China at the end of the Cold War era. However, the real Chinese grand strategy is not easy to identify. The goal and logic of the Chinese grand strategy can be comprehended only when a broader time frame is applied (Goldstein 2005). In IR, realism traditionally focuses on military threats, hard power (the use of military and economic means to influence the behavior of other states) and systemic constraints. However, this tradition has failed to understand the extent to which a state's grand strategy represents "a political-military means-ends chain, a state's theory about how it can best cause security for itself" (Posen 1986). Grand strategy is, therefore, the level at which systemic and unit-level factors converge, where matters of national security are mediated through public diplomacy (Mor 2006, Kitchen 2010). In realism, although defensive realism and offensive realism can explain the impact of systemic incentives on a state's foreign policy, it is hard for both strands to explain the ideational factors and the role of leaders in grand strategy decision making. Thus, by reviving classical realism's insights about the state, neoclassical realism is better able to explain the changes in grand strategy that is not wholly derived from a shift in international structure (Kitchen 2010).

Thus, this research paper is a preliminary analysis with an attempt to examine Chinese grand strategy development by using the neoclassical realists' approach. More specifically, this paper utilizes the Type III of the neoclassical realism model developed by Ripsman et al. (2016) and argue that it has better explanatory power on China's grand strategy adjustment after the Cold War era. To support this argument, the author succinctly selects three international events and examines their impacts on the Chinese grand strategy.

Research Question, Method and Data

The research question of this paper is, "How have international events impacted Chinese grand strategy adjustment since the Cold War?" The independent variables of this paper are international events, the dependent variable is China's grand strategy adjustment, and the intervening variables are domestic factors. The article has selected three notable international events as case studies, namely the dissolution of the Soviet Union (1989), the 9/11 terrorist attacks (2001), and the Global financial crisis

(2008). The international stimuli have impacted the unit-level intervening variables which in turn affect the output of Chinese grand strategy. In terms of research methods, this qualitative research paper uses historical and archival research methods. The data were collected from original texts and Chinese Communist Party official publications.

Defining Grand Strategy

The origin of the concept of grand strategy stems primarily from the history of the Western world. It is based mostly on the experience of the European great-powers and the United States. It is significantly imbued by the Judeo-Christian tradition (Danner 2018). Initially, the concept of grand strategy was used especially referring to wartime. Thus, the strategy usually focuses on military strategy. Clausewitz is often credited with originating the concept by asserting that true military strategy inevitably extends beyond war. Clausewitz provides an argument of “war as the continuation of politics by other means,” already encapsulates much of the same thinking (Clausewitz 1976). Another influential figure is Helmuth Karl Bernhard Graf von Moltke. Moltke is often time viewed as the strategist who operationalized Clausewitz’s theories. According to him, “strategy is a system of expedients. It is more than a discipline; it is the transfer of knowledge to practical life, the continued development of the original leading thought by the constantly changing circumstances. It is the art of acting under the pressure of the most difficult conditions” (Hughes 1995).

The term “grand strategy” was officially introduced by Liddell Hart in 1967 (originally published in 1929), which emphasizes that grand strategy was about more than winning the war but achieving “a state of peace, and of one’s people, [that] is better after the war than before.” The role of grand strategy – higher strategy – is to coordinate and direct all the resources of a nation, or band of countries, towards the attainment of the political object of the war – the goal defined by the fundamental policy. While the war bounds the horizons of strategy, the grand strategy looks beyond the war to the subsequent peace (Hart 1967). Later, according to Bernstein et.al (1994), grand strategy expands on the traditional idea of strategy in three ways: First, expanding strategy beyond military means to include diplomatic, financial, economic, informational, etc. means; second, examining internal along with external forces, which takes into account both the numerous instruments of power as well as the internal policies necessary for their implementation; third, including consideration of periods of peacetime in addition to wartimes (Bernstein, Knox, and Murray 1994).

The major modern interpretations of grand strategy to which scholars most frequently refer include those of an assortment of historians, strategists, and political scientists- Paul Kennedy, John Lewis Gaddis, Edward Luttwak, Barry Posen, and Robert Art (Milevski 2016). Art’s offering is the narrowest of all, as he states that grand strategy “concentrates on how the military instrument can best be used to support foreign policy goals” (Art 2009). Posen describes grand strategy as “a political-military, means-end chain, a state’s theory about how it can best “cause” security for itself” (Posen 1986). Gaddis posits that grand strategy “is the calculated relationship of means to large ends” (Gaddis 2002). Luttwak asserts that grand strategy is at “the level of final results. This is also the common form of strategy, because the dynamic workings of the paradoxical logic are constantly present in international politics, even when the war in any form is only a highly theoretical possibility” (Luttwak 2001). Kennedy has suggested that grand strategy is “about the evolution and integration of policies that should operate for decades, or even centuries” (Kennedy 1991).

Silove provides a most comprehensive review of grand strategy, and she offers a typology of grand strategy concepts. According to Silove, if the concepts of grand plans, grand principles, and grand behavior are understood, each concept consists of two constituent elements, ends, and means. The concepts have the characteristics of being “long-term,” “holistic,” and “important,” then definitions for each of the concepts can be derived as the following table (Silove 2018). According to Silove:

- *Grand plans are the detailed product of the deliberate efforts of individuals to translate a state’s interests into specific long-term goals, establish orders of priority between those goals, and consider all spheres of statecraft (military, diplomatic, and economic) in the process of identifying the means by which to achieve them.*

- *Grand principles are overarching ideas that are consciously held by individuals about the long-term goals that the state should prioritize and the military, diplomatic, and/or economic means that ought to be mobilized in pursuit of those goals. They tend to be expressed in single words or short phrases.*
- *Grand behavior is the long-term pattern in a state's distribution and employment of its military, diplomatic, and economic resources toward ends.*

The Type III of the Neoclassical Realist's Model

Neoclassical realists regard the structure of the international system as providing states with information about the costs and benefits of particular courses of action, but how that information is processed and weighed depends on the way states understand the world, their preferences, their ideas and their ethics (Kitchen 2010). Grand strategy emerges through the processes of empirical assessment and ideational competition within the state. Although in most cases the primary requirement is for security from threats. By placing a systemic analysis of the distribution of power at the heart of grand-strategic decision-making, grand strategy involves much more than simply the identification of, and response to, threats. At the heart of the process, strategic ideas provide policymakers with guidance in conditions of uncertainty, reflecting the considerable autonomy and scope for creativity on the part of the state to use ideas to shape grand strategy in response to external pressures (Dueck 2004). Thus, it is argued that the neoclassical realist approach is the more appropriate given that the strongest states have the greatest degree of strategic choice because they possess more power than is required to meet their basic security requirements. Looking inside the strongest states to understand the mechanisms driving their choices of auxiliary goals is necessary to provide a proper understanding of the nature of the international system itself (Kitchen 2010).

In terms of measuring grand strategy adjustment, Dueck has suggested that we measure change by reference to the policy instruments typically associated with strategic decision making. Thus, we should look for shifts in areas such as military deployments and spending; alliance commitments; foreign aid; and willingness to commit to diplomatic initiatives, as well as considering the overall tone of a state's stance towards its adversaries and the international system in general (Dueck 2004). He further identifies two levels of strategic adjustment – first-order changes entail a “massive shift in the extent of strategic commitments”, and second-order changes are “less fundamental.” Dueck rightly points us in the direction of policy instruments as our variable factors, and we might look for rhetorical shifts to indicate whether a shift is “massive” or “less fundamental” (Dueck 2004).

The neoclassical realist position takes that admission further, arguing that variables at the unit-level – in the ideas and perceptions of actors within the state – play a “pivotal” role in the selection of a grand strategy (Rosecrance and Stein 2016). Thus, grand strategic change can result from shifts at either the unit or the systemic level. Since the most important element in international relations remains the balance of power between states, changes in the international distribution of power encourage strategic adjustment (Kitchen 2010). It is shifted in the level of external threats that are the most likely cause of strategic adjustment (Dueck 2004).

This paper will employ the “Type III” neoclassical realism developed by Ripsman et al. (2016), which is a body of theories that explains phenomena ranging from short-term crisis decision-making by individual states up to and including broader patterns of international outcomes and structural change (Ripsman, Taliaferro, and Lobell 2016). According to them, three types of neoclassical realism can be identified. Type I focuses on explaining anomalous cases, whereas Type II uses neoclassical realist theory as a theoretical approach to the study of foreign policy. Both have their uses, but the authors are aiming for a “Type III”, which is a theory of international politics rather than simply a study of foreign policymaking (Messmer 2016). In this model, grand strategy adjustment is impacted by international stimuli through unit-level factors. In the grand strategy decision-making process at the domestic level, several variables affect the decision-making process, namely leaders' images,

strategic culture, state-society relations, and domestic institutions. Due to the page limits, this paper focuses primarily on leaders' images and strategic culture.

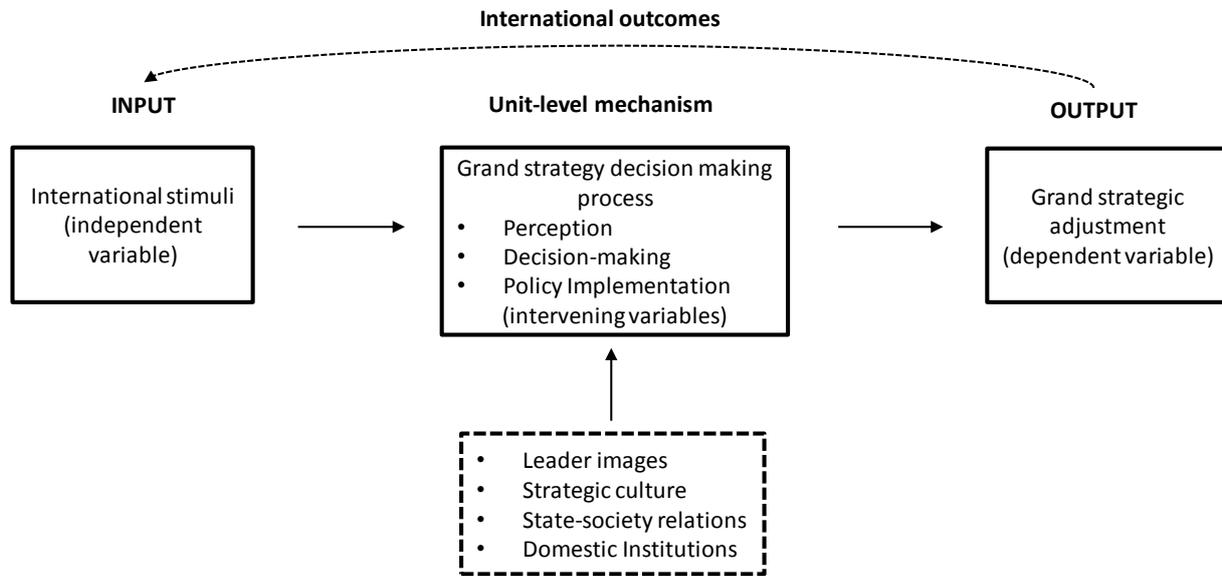


Figure 1: Type III Neoclassical Realist Model

(modified by author, based on Ripsman et al. 2016)

Fitting in the Model: Leaders Images, Strategic Culture, and Chinese Grand Strategy

There are several diverse viewpoints about China's grand strategy represented by various factions. First, some scholars believe that China either has no grand strategy and is still in search of one or is merely acting pragmatically. Second, there is an argument that China does have a grand strategy, but it is a contradictory one. Third, some observers have argued that it is not in China's culture to have one coherent grand strategy but rather to seek a middle way. And fourth, China may be shifting from "Peaceful Development" to another grand strategy (Danner 2018). Buzan once commented: "The question is therefore not whether China does or doesn't have a grand strategy. It does. The key issue is whether the logic of this grand strategy and the contradictions within it are fully understood and whether China has sufficient depth and coherence in its policy-making processes to implement such a strategy" (Buzan 2014). Thus, the debate is "whether China actually has a cohesive grand strategy, and whether incoherence could be a sign of either China being in the process of changing to another grand strategic course or not having a grand strategy at all" (Danner 2018).

One of the most prominent approaches to examine China's grand strategy is the strategic culture approach. Strategic culture can place severe constraints on the ability of elites to undertake strategic adjustment to systemic changes. Specifically, as Kupchan observes, decision-making elites can become trapped by strategic culture, which can prevent them from reorienting grand strategy to meet international imperatives and avoid self-defeating behavior (Ripsman, Taliaferro, and Lobell 2016). Two types of analysis have been common: Conventional thinking was that China's Confucian tradition was a key determining factor in Chinese strategic thinking. Because of Confucianism, in this interpretation, China tends to favor harmony over conflict and defense over offense (Kierman and Fairbank 1974). Other analysts, usually focusing on Sun Tzu's *Art of War*, have stressed a Chinese predisposition for stratagem over combat and psychological and symbolic warfare over head-to-head combat on the battlefield. Johnston identified the existence of two strands of Chinese strategic culture: a "Parabellum" (or Realpolitik) one and a "Confucian-Mencian" one while two strands existed, only

one—the Parabellum strand—was operative and the other was purely for “idealized discourse.” Johnson argues that Chinese realism stems from ideational sources rather than structural factors (Johnston 1998).

Scobell, unlike Johnston, argues that both the Realpolitik and Confucian-Mencian strands are operative. Scobell contends that the two strands interact in a dialectic fashion to produce a distinctive “Chinese Cult of Defense” (Scobell 2003). Scobell suggests that a country’s strategic culture be conceptualized as one layer in a multi-layered cake. This cake contains various tiers of culture: political, civil-military, organizational, and strategic. Scobell further points out that the vast majority of strategic culture adherents have limited its analysis of the impact of strategic culture to explain how one country’s own strategic culture influences its strategic behavior. They have missed the ‘second face of strategic culture’—the strategic cultural image that the political and military elites of a country hold of a particular adversary or potential adversary. Leaders’ perceptions of another country’s capabilities, activities, and intentions are filtered through how these elites conceive of the other country’s strategic culture (Scobell 2003).

With the purpose of examining the Chinese grand strategy using the neoclassical realist model introduced above, this paper defines grand strategy as the operationalization of a state’s foreign policy for medium to the more extended period, focusing on political-military-economy means and end at the unit level. Furthermore, due to the page limits, this paper will only focus on Chinese state leaders’ images and strategic culture, the two most critical intervening variables in this research paper. The author makes two arguments: first, on Chinese state leaders’ images, the author argues that Chinese leaders perceive and use the three international events as “important strategic opportunity (*zhongyao zhanlue jiyu qi*),” which have affected Chinese grand strategy making. Second, the author argues that the traditional Chinese strategic thinking is mainly defensive. The Chinese strategic culture has three elements: the first one is “Preparation for Warfare (*bei zhan*)”, the second is “Prudence for Warfare (*shen zhan*).” The third element is “strategic conservatism,” which deems war as a last resort. It is important to note that this type of strategic culture does not mean that China never became offensive or will never become offensive. It only suggests the nature of Chinese strategic culture provides a constraint for its strategic behaviors.

Preliminary Analysis with Empirical Cases: Chinese Grand Strategy after the Cold War

According to Wang Jisi’s account, “a unique feature of Chinese leaders’ understanding of a country’s history is their persistent sensitivity to domestic caused by foreign threats. From ancient times, the ruling the day has often been brought down by a combination of the uprising and external invasion” (Jisi 2011). In modern China under Communist rule, the Chinese Communist Party (CCP) has always played a dominant role in foreign policy decision making by framing the strategic and macro-level guidelines, principles, and policies on the basis of the ideology and political theories of the CCP, including Marxism-Leninism, Mao Zedong thought, Deng Xiaoping theory, and the discourse of the “Three Represents.” Despite its changing functions and structure from time to time, the Standing Committee of the Politburo and the Foreign Affairs Leading Small Group, which include the chairman/general secretary of the CCP, are the de facto foreign policy-making institutions. The organizations of the CCP exist widely in departments at all levels in charge of foreign affairs (Hao and Hou 2009). By utilizing the neoclassical realist model laid out above, this paper offers three cases with brief analysis, which shows how international events have affected Chinese grand strategy after the Cold War.

Case 1: The Dissolution of the Soviet Union (1989)

The dissolution of the Soviet Union at the end of the Cold War introduced an American unipolarity in which Washington had a variety of grand strategic options to pursue as the sole great power (Posen and Ross 1997). For China, this is the first strategic opportunity after the policy of “reform and openness” (*gaige kaifang*) announced by its leader Deng Xiaoping in 1978. In fact, in the post-Deng era, Chinese foreign policymaking tends to show more collective characteristics, but the role of individual policymakers remains crucial in some major foreign policy areas, especially in solving

crises (Hao and Hou 2009). For example, in response to the dissolution of the Soviet Union and the unipolarity of the U.S., Deng Xiaoping proposed a foreign policy strategy of “*tao guan yang hui*,” which means “to put your brightness in your quiver behind your back and then to nourish your capabilities secretly.” Another strategy is called “*bu dangtou*,” which means “don’t stick your head up” (Pillsbury 2000). After the collapse of Soviet Union, China has become the number one leader in Communist camp; however, Deng took a strategy of not to get out in front and not to draw the attention of the global hegemon of the world- the United States. Instead, China continued to focus on its economic development and military buildup.

With a decisive push provided by Deng Xiaoping and sustained by Jiang Zemin, aggressive economic reforms re-ignited rapid growth catalyzed by large-scale foreign trade and investment (Zhao 1993). The resulting boom had international political effects as Beijing refocused on development as the central themes of its diplomacy. It stepped up the emphasis on improved relations with neighboring states - engaging in constructive dialogue about border disputes, normalizing state-to-state relations, and working to manage “problems left over from history” (Goldstein 2001). In the Fourteenth National Congress of the Communist Party of China in 1992, Former General Secretary Jiang Zemin confirmed that social market economy (*shehui zhuyi shichang jingji tizhi*) and socialism with Chinese characteristics (*zhongguo tese shehui zhuyi lilun*) are the guiding principles to address the domestic and external challenges (Jiang 1992).

Case 2: The 9/11 terrorist attacks (2001)

The Bush administration came into office in 2001, seeing China as a “strategic competitor” and was poised to take a more adversarial approach toward Beijing than its predecessor. When September 11, 2001, occurred, the terrorist attacks shifted the administration’s strategic focus. After the incident, the Bush administration adopted a unilateral foreign policy and deployed a preventive-war doctrine for military adventurism in Middle East, especially in Afghanistan and Iraq. With America’s strategic spotlight focused on counterterrorism and Iraq, China perceived another “period of strategic opportunity” in which it could concentrate on developing its “comprehensive national power” (Wang 2006). Most importantly, after the global attention shifted to terrorism, global powers did not pay close attention to Chinese military buildup while war on terror was raging in Middle East. Anatol Lieven commented that China is “the quiet winner in war on terror” (Lieven 2011).

In the Sixteenth National Congress of the Communist Party of China in 2002, Jiang Zemin stated that China has “overcame the adverse effects the Asian financial crisis and world economic fluctuations had on China and maintained a relatively rapid economic growth” (Jiang 2002). He confirmed that the paths set up by Deng Xiaoping and the core strategy of developing economic strength are correct. With China’s accession to the World Trade Organization (WTO), Jiang considered it a significant achievement of the open and reform policy. He further pointed that, “we (China) propose a fair and reasonable international political economy order,” because that the traditional and non-traditional security threats, terrorism and hegemonism have intensified the conflicts across the borders (Jiang 2002). Indeed, China has seized and made the most of the important period of strategic opportunities for China’s development since 2001, which has made Chinese economic and military development steadily growth in the first decade of the 21st century.

Case 3: The Global financial crisis (2008)

In September 2008, the lingering more than year-long sub-prime crisis culminated in the fall of Lehman Brothers, triggering a financial meltdown of the Wall Street, which then quickly turned into a global financial crisis and economic recession that had never been witnessed since the Great Depression (Lardy 2010). In response to the financial crisis, President Hu Jintao, addressing in the Eighteenth National Congress of the Communist Party of China in 2012, admitted that “the global financial crisis caused acute difficulties to Chinas development”, however, “by making resolute decisions and taking major countermeasures on the basis of sizing up the overall development in a scientific way, we (the party) made China’s economy the first in the world to make a turnaround, and we have gained important experience in effectively defusing external economic risks and maintaining

steady and robust growth” (Hu 2012). Also, Hu stressed that, to promote China’s overall development, China has to “take the pursuit of development in a scientific way as the underlying guideline and to accelerate the change of the growth model as a major task” (Hu 2012).

Chinese leaders considered the period after 2008 as another important period of strategic opportunities for its development. China still holds economic development as the central goal for enhancing the country’s prosperity and strength and continues to pursue the goal of building a moderately prosperous society in all respects by 2020. As the global financial crisis swept the West, China emerged to be the only big economy that prospered in the shadow of the global recession. Partly driven by the 4 trillion yuan stimulus package, China becomes the first economy of global scale to not only recover from the crisis but also does so in a sustainable manner, and it became the second-largest economy in 2010 (Lardy 2010).

Conclusion

This paper provides preliminary research on using a neoclassical realists model to examine the Chinese grand strategy. The author argues that this is a better-suited model when examining the impact of international events on China’s foreign policy and grand strategy, as shown in history, China’s grand strategy and foreign policy have impacted by external factors. At the unit level, leader’s images and the strategic culture are the most important variables that have affected China’s grand strategy decision making. From the above analysis, the Chinese leaders consider the three international events as strategic opportunities for China to continue to grow. China follows the Economic development path designed by Deng Xiaoping and quietly built up its overall strengths when other major powers got tied up with international incidents. This paper also confirms that the “Type III” neoclassical realist model helps explain China’s grand strategy adjustment after the Cold War.

As for future research, it requires a more in-depth research program by using the analytical framework proposed in this paper, by looking into Chinese history and its grand strategic development over a more extended period. Especially, how China was forced to abandon its traditional Tributary System and integrated into the Westphalian system after the Opium Wars in 1840, and what were the impacts on Chinese grand strategy development, is a recommended historical point for further investigation.

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Development of Water Infrastructure in Cambodia

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ABSTRACT: Cambodia is currently ranked sixth in the world in GDP growth. The growth has been assisted by three factors: economic aid received from other countries, contributions from non-governmental organizations (NGOs), and internal reform. Despite these advances, Cambodia continues to be hampered by the long-lasting damage caused by twentieth-century events: the bombing by the United States during the Vietnam War, the genocide under the Khmer Rouge, and the take-over of the country by the Vietnamese. Cambodia in the 1990s was suffering not only significant loss of basic infrastructure, but also a shortage of human talent due to the systematic destruction of its intellectual class. This paper focuses on deficiencies in one aspect of infrastructure: the lack of systems to deliver clean, sanitary water to the country's urban and rural areas. Clean water is necessary for the health of the citizens as well as industrial development. Water-borne disease adversely affects the well-being and productivity of workers; clean water is also essential for most industrial processes. The problem is especially acute in rural areas, where water is necessary for agriculture. Developing clean water systems requires expertise as well as money to locate, filter, and transport water. This paper will propose concrete steps Cambodia should take to improve its sanitary water infrastructure.

KEYWORDS: Cambodia, clean water, infrastructure, allocation of economic resources

Introduction

In order for Cambodia to continue economic growth, it must address its inadequate infrastructure for the delivery of clean, sanitary water for use by its citizens, industries, and farms. Access to clean water is essential for the health of a society. The reasons for Cambodia's inadequate infrastructure have to do with political and social turmoil that occurred during the second half of the twentieth century. As a result, Cambodia lacked an administrative, professional, and technical class that could design and implement a system for obtaining and delivering clean water where it is needed. We will analyze the problem and suggest solutions to help Cambodia improve its standing in the global economy.

1. Brief Review of Relevant History of Cambodia

The first humans to settle in Cambodia were Stone Age hunters and gatherers. Farming was later introduced into Cambodia in the periods around 2,300 BC. The ancient farmers used stone tools as well as weapons, which were made from bronze. The first civilization was realized in the periods around 150 AD, as facilitated by the Mekong River delta in South Vietnam. With civilization, kingdoms were established, including the Khmer empire, which was primarily supported by agriculture. In the 1850s, Cambodia became a colony of France, which controlled Southeast Asia.

Following World War II, Cambodia continued to be a colony of the French. Events in neighboring Vietnam had a profound effect on Cambodia's future. Three significant developments during the second half of the twentieth century shaped and influenced Cambodia's current situation: the bombing by the United States incidental to the Vietnam War, the rise of the Khmer Rouge and the purging of the intellectual class, and the invasion of Cambodia by the Vietnamese.

A. U.S. Bombing

The four-year-long carpet bombing from the skies over Cambodia was started on March 18, 1969, by the U.S. The bombing was an attribute of the Vietnam War. The United States, as part of its strategy, attacked a network of North Vietnamese supply routes that crossed through Cambodia. In the process of the progression of the war, the U.S. deliberately invaded both Cambodia and Laos with an attempt to disrupt the routes (Sutter 2019, 235). The U.S. dropped an estimated 2.7 million tons of bombs on Cambodia, resulting in the displacement of 30% of Cambodia's population.

B. Purge by the Khmer Rouge

The destruction of Cambodian society by the Khmer Rouge took place between 1979 and 1985, when the despot, Pol Pot, gained ascendancy. Pol Pot's regime marked the most destructive and lethal period of Khmer history. In an effort to create an agrarian revolution, Pol Pot destroyed the Cambodian culture and civilization. His actions caused a concomitant deterioration of the mental and physical health of the society. It resulted in the destruction of the educational system and a breakdown of morality (Lostal 2015, 589). U.S. bombing earlier in the decade of the 70s facilitated the rise of the Khmer Rouge, allowing the regime to gain support. The victory of the Khmer Rouge in 1975, ultimately resulted in decimating millions of Cambodians through forced labor, expulsion from the country, and mass execution. When the Khmer Rouge was ousted in 1985, Cambodia was left with few intellectuals, government administrators, and adults in general. Most of the population was under the age of 15.

C. Vietnam Invasion

Vietnam launched a full-scale invasion of Cambodia. This was a turning point in the history of Cambodia; it extended the war between the two countries, both of which were oriented toward communism (Sutter 2019, 237). Through this invasion, Pol Pot was forced out. Most commentators agree that this war was a proxy for larger international tensions associated with the Cold War.

2. Effects of the U.S. bombing, Khmer Rouge Purge, and Vietnam Invasion

The U.S. bombing resulted in the loss of lives, displacement of people, contraction of diseases, and starvation. The purge by the Khmer Rouge, which involved a radical plan to restructure Cambodian society and create an “ideal” communist agrarian economy, led not merely to extreme loss of life, but also the destruction of the administrative, professional, and intellectual class.

A. Loss of Intellectuals

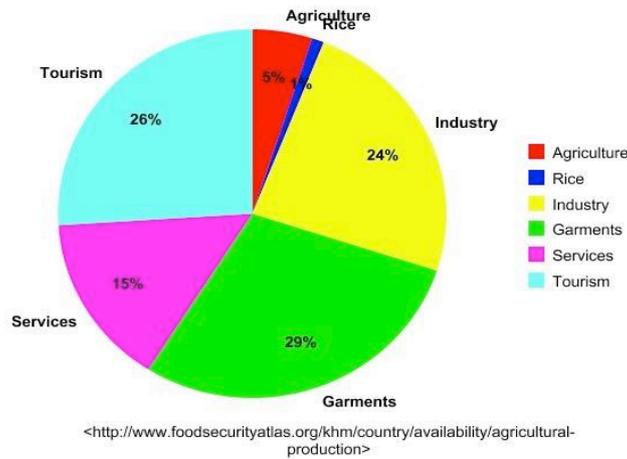
The targets of the purge by the Khmer Rouge and “influences” considered by Pol Pot to detrimental to his ideal society included Buddhists, foreign influences, Muslim Cham, Chinese, and Vietnamese. As a result, intellectuals were expelled or executed. The Vietnam invasion resulted in the establishment of infrastructure, which included agrarian development, political reorganization, restructuring of agriculture, legal and military institutions, and ultimately empowering economic production and consumption (Lostal 2015, 590). After the Khmer Rouge took over, Pol Pot feared that intellectuals would pose threats to the communist. He, therefore, shut hospitals, colleges, and factories. All lawyers, teachers, and doctors were forcefully evacuated from Cambodia while others were killed without mercy. The effect was a massive loss of intellectuals.

As a result of the rule of the Khmer Rouge, Cambodia not only lost its productive adults--the lawyers, university professors, businessmen, and other professionals that a modern society needs to thrive, it also suffered the destruction of its institutions and infrastructure.

3. Infrastructure

Since establishing a constitutional monarchy through the Paris Peace Accords of 1991, Cambodia has made a sharp transition from conflict to peace. The country's progress has paved the way for international recognition, the inflow of cash donations, foreign investment, subsistence economy, and improved economic growth. Infrastructural development achieved by Cambodia includes improvement to transportation, telecommunications, water, and energy.

Diagram 1. Cambodia’s GDP Growth by Sector



Source: <https://sites.google.com/site/cambodiaseasiaproject/home/socio-economic-status>

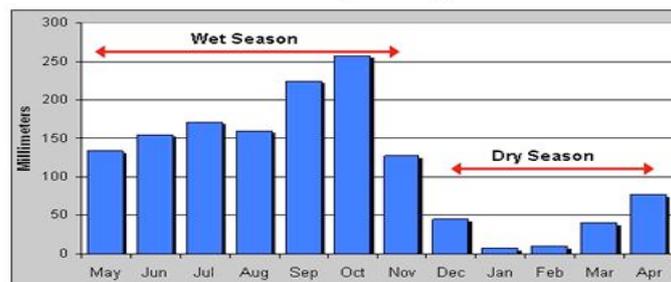
A. Water

Piped treated water Infrastructure is one of the critical areas that the Cambodian government has put more emphasis on. Moreover, the 3i private sector is stimulated via a funding initiative to ensure that piped treated water is accessible to rural areas where water scarcity is experienced. The government is also providing grants alongside technical support to unlicensed piped water private operators as an attempt to improve and expand their piped water infrastructure and coverage in the rural areas and other places with water scarcity (Bréthaut, et al. 2019, 154).

The government has put in place a support program that offers support to the licensing of water facilities to ensure an adequate supply of treated piped water for agricultural purposes. Cambodia has also made significant steps towards helping the communities access to clean water and improved sanitation services. Such measures are more pronounced in urban areas where it is estimated that one-fifth of the population resides. Generally, access to clean water in Cambodia has reached an estimated 71% of the population, an indication that the country is meeting the Millennium Development Goal promulgated by the United Nations. However, a combined analysis regarding access to clean water and sanitation reveals that approximately 4.3 million residents within the country do not have access to an adequate water supply, while 9.4 million people lack access to improved sanitation and other cleanliness services.

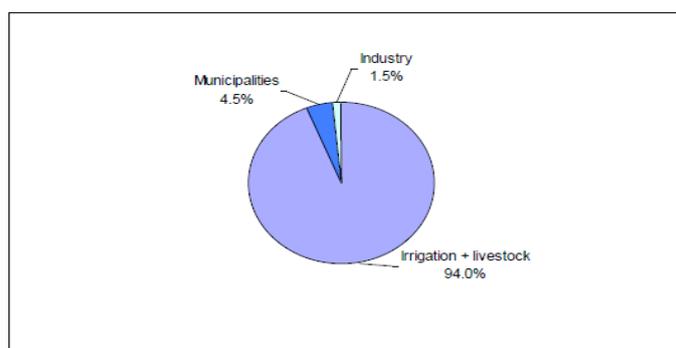
Cambodia's water availability is also affected by the rainfall pattern as indicated by the graph below:

Diagram 2. Cambodia’s Average Monthly Rainfall



Source: <https://ipad.fas.usda.gov/highlights/2010/01/cambodia>

Diagram 3. Water Withdrawal by Sector



Source: http://www.fao.org/nr/water/aquastat/countries_regions/KHM

B. Financial Support

From the time of the Paris Peace Accords, Cambodia has been receiving considerable support from global donors. Such supports have been initiated to aid the development of the country and implement post-conflict rehabilitation programs. The supports include direct aid, development loans, and infrastructural funding from multilateral, bilateral, and private donors. The big donors that have been consistently supporting Cambodia are Japan, the United States of America, and the Asia Development Bank.

C. Current State of Cambodia's Water Infrastructure

Approximately 3 million Cambodians lack access to clean sanitary water; more than 6.5 million Cambodians have no access to improved sanitation. In rural Cambodia, 77% of the population has poor access to safe water and sanitation. Judging from these statistics, the rural population is severely affected by the lack of clean water and poor sanitation (Bréthaut, et al. 2019, 154). Despite Cambodia being one of the fastest-growing economies in Asia, it is still affected by the significant problem of access to water connections and scarcity of affordable water sanitation for families and their homes.

Table 1. Sources of Water in Cambodia

Source	Quantity
Renewable water sources	476.1 cu Km
Freshwater withdrawal	4.08 cu Km where 1% is for domestic, 0%-industrial and 98% agricultural
Per capita freshwater withdrawal	290cu Km
Access to improved water sources	61% of population
Access to improved sanitation	29% of population

Source: http://www.fao.org/nr/water/aquastat/countries_regions/KHM

Clean water is essential to the health of a country. Clean water is necessary for agriculture and food production. Clean water is part of the critical ingredients for the production of food. Clean water is essential for improved sanitation. With clean water, domestic activities such as washing, cooking, and cleaning are essential for good health. Diseases related to contamination are prevented when people use clean water for domestic purposes. Through clean water, hunger within the community can be eliminated or controlled. Clean water promotes food security (Bréthaut, et al. 2019, 160)

Cambodia, a developing country with a recent history of civil unrest, had its water infrastructure severely damaged. However, after the peace deals, the country has focused on re-establishing its physical infrastructure in an attempt to reduce poverty and enhance access to clean water. Unfortunately, the efforts targeted at improving access to clean water are faced with challenges, including corruption, infrastructure development, security, and human capital issues. Yet Cambodia has not prioritized the need for clean water as compared to other sectors of its economy.

Cambodia experienced rapid population growth in urban areas. An exacerbating factor is an increase in its service and tourism sectors, placing pressure on per capita urban water use. Similarly, the rapid population growth puts pressure on the current water supply infrastructure. Estimates are that by 2020, the Phnom Penh Water Supply Authority (PPWSA) will need to supply 500,000 m³ per day to meet the ever-increasing demand for water use within the country. Increased water supply also means increased wastewater. This is a problem because Cambodia lacks a proper system to treat wastewater. Consequently, this has led to contamination of water quality, with attendant adverse effects on human health.

The improvements needed are more investment in the water supply infrastructure. The Japan International Cooperation Agency (JICA) has an office in Cambodia to facilitate the establishment and operation of water infrastructure projects. The project can be useful in the treatment of wastewater. Cambodia also needs the engagement of the private sector to participate in improvements to sanitation and hygiene and to invest in clean water. Proper planning, coordination efforts, and implementation capacity are needed to enhance good governance to ensure that the initiatives are successful. Law enforcement strategies, currently weak, will also have to be beefed up (Dang, Thanh Duc, et al. 2016, 3833).

Foreign donors partnering with government and private interests is essential to plan, implement, monitor, and evaluate infrastructure projects to effectively and efficiently distribute clean water. The public should also be educated about water use and control to minimize waste. The Royal Government of Cambodia will provide financing, while additional funding will come from both governments and NGOs from the USA, Japan, China, India, and others.

4. Plan: Specific Steps and Allocation of Sources

A. Sources of Funding

Governments in Asia are the primary source of funds for investment in water infrastructure in Cambodia. Investors from the private sector have argued that the Royal Government of Cambodia alone cannot provide the required financial and technical resources needed to improve the water infrastructure. Funds will be obtained from donors, who are responsible for the development of the irrigation sector in Cambodia. Most of the donors are from bilateral and multilateral institutions. These sources include:

1. The Mekong Secretariat, as a representative of donors, has prepared an inventory for potential hydropower responsible for emergency rehabilitation of the irrigation infrastructure of rural Cambodia.
2. The Asian Development Bank provides funds for special rehabilitation projects for enhancing access to clean water. Recently, the Bank has financed water projects in the province of Kampong Thom, including the rehabilitation of canals and water delivery systems.
3. Japan's International Cooperation Agency has provided \$10 million for floodplain area establishment and colmatage development.
4. The World Bank assists the Royal Government of Cambodia to improve its water infrastructure. In a recent instance, the World Bank extended technical assistance through a grant of \$2 million towards increasing the capacity of MOWRAM staff.
5. Food and Agricultural Organization (FAO) has funded the initiation of a project designed to control water technologies.

6. The European Union also forms part of the program by providing funds in developing local capacities and strengthening farmers association (Dang, Thanh Duc, et al. 2016, 3827). The funds provided by the European Union have been instrumental in supporting the research and study of small and medium-scale irrigation schemes in both Kampong Thom and Kampot.
7. NGOs offer significant assistance to the water and agricultural sectors, with 20 such organizations currently involved in irrigation (Arias, et al. 2019, 3). They provide financial assistance, technical assistance, materials, and equipment. They put more focus on rehabilitating the existing irrigation and sanitation system, including the repair of water reservoirs, outlets, repair of pumps, and canal networks to increase access to clean water. Since 1991, NGOs have been involved in the organization and promotion of farmers' unions to encourage proper water usage and participation by farmers in the planning and operation of the irrigation systems (Arias, et al. 2019, 5).

B. Allocation of Resources

The Royal Government of Cambodia allocates experts taking part in the improvement of the water infrastructure through various ministries and departments. International bodies also allocate experts through collaboration and consultation with governmental agencies (Dang, Thanh Duc, et al. 2016, 3838), including the ministry of industry; the ministry of mines and energy-- which is responsible for water supply to cities and towns within a province; the ministry of rural development-- responsible for water supply, land drainage and sanitation in rural areas; the ministry of finance-- which is in charge of water management; the ministry of public works and transport--in charge of water supply and sanitation; the ministry of planning--which oversees the plans for development of water infrastructure programs; the ministry of health--controlling the quality of water consumption for public water supply; the ministry of environment--in charge of water protection, and ministry of agriculture, forest and fisheries--in charge of policy implementation process for irrigation schemes, forests, and fishing areas.

C. Application of Filtration Systems

The most used filtration system in Cambodia is the Ceramic Filtration System, which has been constructed and installed by using locally available materials and sources. The financial aspects have been funded from both external and internal sources. Since the system was installed, pure drinking water has been made available for the neighboring communities. The mechanics of the operation involves the removal of impurities through a ceramic pot placed inside the top of a large water storage vessel. Contaminated water is then poured into the pot; as the water flows through the openings, impurities are removed. Pure drinking water is then collected in a cistern, from which it is available for consumption.

This clean water can then be delivered to farmers, households, and industrial plants. The other method is reverse osmosis and water treatment.

The strategy and mechanisms for delivery will ensure that clean water is accessible to areas where water is scarce or unavailable. The citizenry is educated by various bodies on how to use and control water. The education program is aimed at improving water hygiene and sanitation, as well as ensuring that water waste is effectively minimized.

Conclusion

In order for Cambodia to grow, improvements to its water infrastructure need to be implemented. Programs, funding, and administration are in place to achieve the necessary changes to help Cambodia succeed.

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Some Aspects of the Right to a Fair Trial from the Perspective of the European Convention on Human Rights

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ABSTRACT: The European Convention through Article 6 establishes a fundamental principle for a democratic society and a rule of law. The right to a fair trial is applicable both in civil matters and in criminal matters, where the rights, freedoms and legitimate interests of the justiciable must be guaranteed. This right must be respected by all the judicial bodies, because by violating it or ignoring it, serious damages can be brought about the person's freedom, access to justice, equality of arms, the right not to incriminate s.a.m.d. Precisely for its importance, the right to a fair trial is considered as a pillar of support for the democratic state. In Romanian domestic law the right to a fair trial can be found in the Romanian Constitution art. 21 paragraph (3), the Code of civil procedure in art. 6, the Criminal Procedure Code art. 8, as well as in art. 6 of Law no 304/2004 on judicial organization. The right to a fair trial should not and cannot remain only at the theoretical level, but it must receive effective applicability in practice, otherwise it will remain an illusory right. But in order to be used in practice he must be well known and promoted at the same time, in order not to allow his violation.

KEYWORDS: democracy, equality of arms, free access to justice, fundamental principle, justiciable, rule of law, the right to a fair trial

Introduction

Article 6 of the European Convention on Human Rights on the right to a fair trial provides: (1) “Everyone has the right to a fair, public and reasonable trial of his case, by an independent and impartial court established by law, which will decide either on the violation of his rights and obligations with civil character, either on the merits of any criminal prosecution against him. The decision must be made publicly, but access to the meeting room can be forbidden to the press and the public for the entire duration of the trial or part of it in the interest of morality, public order or national security in a democratic society, then when the interests of the juveniles or the protection of the privacy of the parties to the proceedings challenge it or to the extent considered absolutely necessary by the court when, in particular circumstances, the publicity would be liable to prejudice the interests of justice”.

Paragraph (1) of art. 6 of the E.D.O. states that the right to a fair trial is applicable in civil and criminal matters, also devoting the guarantees offered by it. In verifying compliance with this right, the European Court of Human Rights has the task, through the provisions of the Convention to ascertain whether the procedure as a whole was a fair procedure.

The notion of “fair” has the meaning, according to *Dexonline*, something which is based on truth, justice and non-partisanship. In this sense the court hearing must have a public character, so that any person can attend a trial, whether he has an interest or is a foreigner of the trial. But the public character of the court hearings is not an absolute one, but it can be restricted only in certain exceptional situations, when the publicity of the trial would prejudice the interests of minors (e.g. victims of sexual offenses with minors; rape on a minor, etc.), when certain statements made before the court could undermine national security (e.g. terrorism), witness statements could harm the intimate life of a party in the trial (e.g. one of the spouses is unfaithful).

Also, the trial must be conducted within a reasonable time, in the sense that a trial should not drag on for too long, considering that in court proceedings the parties are summoned to appear before the judicial bodies and have give explanations regarding certain facts, circumstances etc.

These calls, if they are for long periods, become embarrassing and lead to the loss of citizens' trust in justice. The reasonable term must be appreciated in relation to the complexity of the cause, the behavior of the parties and of the competent authorities.

With respect to the content of art. 6 paragraph (1) of the Convention E.D.O. in Romanian civil procedural law, instead of “reasonable term”, the Romanian legislator used the phrase “optimal term”, this because there were different opinions regarding the meaning of the acceptance of “reasonable”. In one opinion (Roșu 2019, 13), it is considered that the Romanian legislator's choice to replace “reasonable” with “optimal” is justified by objective considerations that circumscribe both the rights and interests of all parties to the process, even if they are contradictory, but also the procedure, the actual circumstances of the case, the intrinsic as well as the extrinsic aspects, which can influence the duration of the civil process. Therefore, it is appreciated that the solution in a “optimal” term of the civil process does not necessarily mean “with celerity”, because, sometimes, celerity can be harmful to one party, even if favorable to the other from the perspective of the right to a fair trial, indifferently what procedural position he holds (active or passive), this being in close connection with the right to defense, with free access to justice etc.

In the criminal case, the legislator imposes the respect of the right to a fair trial, stating in art. 8 Code of Criminal Procedure: “The judicial bodies have the obligation to carry out the criminal and judicial prosecution with respect to the procedural guarantees and the rights of the parties and of the procedural subjects, so that the facts constituting offenses, no innocent person can be ascertained in time and completely not be criminally liable, and any person who has committed an offense shall be punished according to the law, within a reasonable time”. In criminal cases, in order to comply with the requirement provided by art. 6 para. 1 of the Convention, it will be followed as the initial moment the official formulation of a criminal prosecution against a person. The notion of “accusation” is an autonomous one, including the notification of the accusation of a person for committing an offense, and the opening of a preliminary investigation, arrest or other such facts.

The scope of art. 6 of the Convention

This right is applicable to complaints regarding the rights and obligations of a civil character or to criminal charges of any natural or legal person. The electoral litigation, the civil service litigation and the tax litigation are excepted. The constitutional dispute is included in the analysis of art. 6 of the Convention, insofar as it influences the solution in the litigation analyzed by the court of common law.

The judges of the Court analyze the criminal character for each act separately, without taking into account the qualification given by the national law. The criminal character of an act is determined according to the purpose and severity of the sanction. It includes in the sphere of criminal applications: all the criminal procedures of a state, some disciplinary procedures (e.g. deviations regarding the penitentiary discipline), certain administrative procedures (road contraventions or disturbance of public order and peace). Over time, the Court removed from the scope of art. 6 of the Convention: the expulsions and extraditions, the procedures regarding the electoral sanctions, the procedures regarding the dismissal of the president of a state as a result of the violation of the Constitution (Spătaru-Negură 2019, 148).

Guarantees the right to a fair trial

Article 6 of the Convention offers the following guarantees to all trial participants:

- 1) The right of access to a court or, more precisely the right to be effectively judged by an independent court vis-à-vis the executive and the parties, impartially, stability of law.
- 2) The right to settle the case within a reasonable time - the speed of the procedure (Spătaru-Negură 2019, 149-151).
- 3) The right to publicize the procedure.
- 4) The right to an internal appeal for exceeding the reasonable duration of the judicial procedure by accelerating the procedures and granting compensation.
- 5) Special guarantees for criminal proceedings according to article 6 paragraph 2 of the Convention:
 - a) the presumption of innocence, which is essential to ensure a fair trial.
 - b) the burden of proof lies with the prosecution, doubt taking advantage of the accused person.

- 6) Special guarantees for criminal cases according to article 6 paragraph 3 of the Convention:
- a) the right to be informed about the nature and cause of the accusation.
 - b) the right to have the time and the necessary means of defense.
 - c) the right to defend oneself, the right to free legal aid or the right to be represented by an elected lawyer.
 - d) the right to benefit from witnesses.
 - e) the right to an interpreter.

The obligation of some independent and impartial courts, is provided in art. 124 paragraph (3) of the Constitution, which provides that “the judges are independent and subject only to the law”, and one of the guarantees of this independence is their immovability, provided by art. 125 par. (1) of the Constitution (rule according to which judges can be moved by transfer, delegation, detachment or promotion only with their agreement - article 2 paragraph (2) of Law no 303/2004 regarding the status of judges and prosecutors). Also, in order to ensure impartiality of judges, the law establishes a series of incompatibilities and prohibitions.

Also, the contradictory nature of the procedures provided by the code of criminal procedure that specifies that the judgment is made before the court in the adversarial, being immediately forced to question the requests of the prosecutor, the parties or other procedural subjects and the exceptions raised by them or *ex officio* (Micu, Slăvoiu, Păun 2017, 13).

The right to a fair trial also includes the possibility that the parties and procedural subjects may defend themselves or be assisted by a lawyer. Therefore the defense can be realized either personally or with the help of a person specialized in the field of law. In some situations, the law establishes the obligation of legal assistance from the lawyer, starting from the premise of the impossibility of the party or of the main procedural subject to provide a single defense efficiency (for example, when the defendant is a minor or is arrested, even in another case or the injured person or the civilian party lacks exercise capacity or limited exercise capacity).

The parties, the procedural subjects and the lawyer have the right to benefit from the time and facilities necessary to prepare the defense. This right includes the right of the defendant to consult the file in accordance with the law. But the consultation of the file can be restricted during the criminal prosecution by the prosecutor, but only if this would affect a good progress of the criminal prosecution, and after starting the criminal action, only for a period of maximum 10 days.

Also, in order to prepare the defense, the defendant's lawyer has the right to become acquainted with the whole material of the criminal prosecution file in the proceedings carried out before the judge of rights and freedoms regarding the private or restrictive measures of rights, to which the lawyer participates.

Conclusions

The knowledge of human rights and freedoms is essential for the progress of democratic states, because only by respecting these rights will the arbitrariness of decisions be avoided and more than that, the confidence of the citizens of a state in public institutions and authorities will be even greater. Knowing our rights we will be able to protect them and demand their respect, but at the same time we have the obligation to respect the rights of others. These rights are of particular importance to each of us. If we go back in time we will find that these rights we enjoy today, for our forebears were some ideals for which they fought, even at the cost of life. Therefore it is our responsibility to defend these rights and to promote them through education in this regard. The more effective the promotion of human rights, the fewer violations of these rights. The right to a fair trial can also be viewed from a subjective point of view, in the sense that its owner can ask the authorities involved to adopt a certain conduct under the sanction provided by law. The provision of this right in the E.D.O Convention and then the introduction into the fundamental law is a first guarantee of its respect.

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Identification of Missing Children in Suspicious Circumstances

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ABSTRACT: In most cases, the authorities face cases in which the parents are desperate for the disappearance of the minor children, with the paid pedophiles, with the traffickers, with the pimp, which to some extent infringes on the fundamental rights and freedoms of the minors. The number of juveniles declared missing is increasing every year, most of them being located or returning home, but there are also cases in which minors are never found or identified as victims of crimes. Taking into account the deep pain and suffering of the parents of the missing children, who often do not know their fate for years, the authorities make every effort to speed up investigations and locate the missing children. When a juvenile is declared missing, it is essential for the investigator to know his or her signals and to have all relevant information referring to the person of the minor. If the disappearance of the child was reported many years ago, the original photograph loses its usefulness, because the minor progressively changes its appearance as time goes by. In cases where the description of a minor, after the external reports, is ambiguous, does not have sufficient information or the ones that have been rendered are not sufficient for his identification, the technique jumps to the aid of the criminals and through methods that are constantly developing, establishes certain vital details or information required.

KEYWORDS: disappearance, forensics, identification, minors, photography

Introduction

The cases of disappearance of the minors are considered solved when the minors are found or their identification, after the localization. It should be noted that missing children may be found alive or dead. The most difficult cases are those in which there are constant indications that the missing children were victims of the murder crime, their bodies or other physical evidence not being discovered.

The ability to recognize a person can be influenced by changes in the figure of the person that appear naturally as they grow older. The progressive aging program systematizes knowledge about the anatomy of the most important 14 bones and over 100 muscles as well as how they develop.

Updating the photographs of the missing children by the digital aging technique presents a relative degree of probability, representing rather a robotic portrait of them, due to the fact that the actual height of the missing children cannot be determined, the weight or the shape of the haircut, indicators depending on the living conditions. as well as the dangers to which minors were exposed. The requests for digital aging of the faces of the missing children are discussed together with the police officers and by mutual agreement it is established what case this procedure requires.

Identification of minors based on photographs

An important role in the identification of a minor is played by the forensic examination of the portrait under study, which results in establishing the identity of the minor. The possibilities of the portrait expertise are extended, expressing the description of the characteristics of the person being identified, but also as a method of solving the investigations regarding the discovery of the offenders.

In cases where the description of a minor, after the external reports, is ambiguous, does not have sufficient information or the ones that have been rendered are not sufficient for his identification, the technique jumps to the aid of the criminals and through methods that are constantly developing, establishes certain vital details or information required.

The photograph represents at present, the most used biometric method, being known as a graphical representation of a specific physiognomy or features, made under specific lighting conditions.

Considering that a number of features of the face are changing, sometimes quite quickly, some equipment uses a series of anthropometric data, which can be measured on a two-dimensional image for identification purposes. For example, it is recommended to measure the distance between orbits, the thickness of the nose, the shape of the cheeks, the thickness of the lips, etc.

Automatic comparison of the physiognomy image with the stored information makes it necessary to use digital techniques for storing and using images.

Another way that is more difficult to apply, but more secure, is to use a hologram, which has a great advantage in memorizing both the light intensity and the signal phase.

The investigator must have a most recent photograph of the missing minor, in order to identify the statements of persons who might recognize him, to publish posters and flyers and to launch on new directions of search. It is uncertain that a person will recognize a minor based on a photograph in which he is 2 years old or a photograph that is long dated.

The technical and scientific tools of the police, as well as the new support technologies in investigating disappearing cases, have made considerable progress. The process of digital aging at the same time is an art and a science that allows a graphic artist to draw a current portrait of a missing child, with a photograph of it.

The role of the aging effect in the criminal activity is found in the operative identification of the missing children long ago. The face can be likened to a 3D puzzle, with the thickness divided into distinct units around the eyes, forehead, cheeks and mouth. The young face is characterized by a smooth transition between these compartments, and as we age, there are changes in the contours of these regions due to loss or gain in volume and resetting of the compartments (Şerfesu and Lăzău 2008, 42).

The aging method of photography is based on the development of the respective figure of the child's appearance. It uses a multitude of joint anthropological data around the eyes, nose, and upper lip. These values allow the use of a certain warping program known as warping, to extend or contract the parts of the face, without altering other areas that do not concern the same types of changes.

The second factor that intervenes is the resemblance of the minor with the family members, starting from the photographs of the parents and possibly of the brothers or sisters, made at the same age as that of the missing minor, will be performed a recess of the dominant features. All these features will be used as a guide in the process of "morphing" amorphosis between the deformed portrait established after the first stage and the photographs of the family members.

In order to be able to carry out the process of digital aging of the photograph of the missing minor, the following conditions must be met:

- The child must be at least 2 years old;
- The child must have been declared missing for at least 2 years;
- Existence of photographs of the minor, obtained as far as possible at the time of disappearance;
- Existence of photographs of biological parents, as well as those of brothers and sisters made at the same age as that of the minor at the time of his disappearance;
- Photos may be color or black and white;
- Photographs should not have any notices, modifications or deletions;

Existence of as many photos as possible for the graphic designer to get a good look. What makes the digital aging process specific is that the police involved in the search for the missing child do not have the certainty that the child looked exactly like the photograph taken by the digital technique, but in the absence of other relevant evidence the digital physiognomy remains most likely closer to reality.

Identification of minors and perpetrators based on external signals, clothing and portable objects

These elements do not constitute stable components of a person, but can contribute to the realization of the spoken portrait of the perpetrator, the victim or other persons involved. In applying this method two

categories of signals are used, respectively anatomical or static and functional or dynamic. an important role is played by the particular signs, clothing and portable objects whose characteristics make identification easy (Buzatu 2013, 92). Clothing plays a crucial role (Doraş 1996, 208) in recognizing people with unknown identities. We can list among these objects:

- Head coverings: hat, scarf, cap, etc.
- Suitable clothing: blouses, sweaters, suits, dresses, coats, skirts, etc. Footwear: shoes, boots, boots, sandals, etc.

It is very important to consider the name of the object, the color and the hue, the degree of wear, some characteristics such as defects, deteriorations, materials from which they are made, inscriptions, etc.

Particular objects represent more or less stable things that are in the possession of a person. Here we can exemplify: purses, bags, bracelets, medallions, rings, umbrellas, watches, etc. All these objects are described in terms of their size, of the materials from which they are made, the way or shape they are worn (by hand, neck, finger, arm). We mention that the success of an identification based on the external signals must be achieved through the close and fruitful collaboration of the judicial bodies with witnesses or victims. From the point of view of forensic tactics, listening and interpreting statements represent a very important role in the making of the spoken portrait, and together with understanding and circumscription, the judicial bodies will obtain categorical information related to the appearance of the person whose identity is uncertain.

Criminal investigation

The criminal investigation, begins after obtaining the data that make plausible the version according to which the missing person is the victim of a murder.

All aspects related to the personality, concerns family relationships of the missing person as well as the working relationships should be clarified in the preliminary acts of the actual research as they serve to obtain information or information regarding the possible death.

It is necessary that the bodies found unidentified be studied in order to be able to make comparative examinations and to determine if there are characteristics similar to the missing person. For this operation a recognition presentation can be organized in the presence of family members or other close persons, based on the most recent photographs of the victim or specific signs indicated by relatives (Stancu 2010, 539).

The suspicion of the disappearance related to the murder is more frequent in the case of psychically balanced persons, with a normal behavior and existence, with organized families, who have not so far attempted to leave their family. It should be mentioned that there are people with a behavior and doubtful morality, who prefer to run away from family or criminal responsibilities and have the interest of simply disappearing.

The role of the forensic prosecutor leading the investigation team is to order the periodic checks of health units or other similar institutions in which there may be interned persons with unknown identity. The efficient and operative correlation of the investigations between magistrates and the police is required especially in cases where the disappearances of people enter the realm of organized crime - the abduction of persons in order to obtain money as redemption.

In the activities carried out with the occasion of the on-site investigation, in the majority of cases, in order to identify the perpetrators it is necessary to obtain data that could contribute to the realization of an image of it that can be used in criminal investigation.

The same problems can also occur in cases where it is necessary to establish the identity of a corpse. The realization of the "spoken portrait" on the spot is the result of the collaboration between eyewitnesses, victims, other persons and the forensic specialist, and in cases where bodies are found without an identity document on them, the forensic doctor also participates.

The subjectivism of some people, determined by age, sex, occupation, life experience, psycho-physiological structure, can influence the phenomena of perception, memory and playback of signals.

In criminal investigations, eyewitnesses, victims of crime or even other persons can provide valuable data on the perpetrator's signals. Recognition based on external features can be a means of proving criminal activity.

The person to be recognized is presented together with at least three other people who are not related to the investigated cause and presents some common features with the person concerned, such as age, sex, height, hair color.

The assistant witnesses will attest to the objectivity of the entire action by signing the minutes. When the recognition also includes dynamic elements, the people in the group are asked to execute the respective movements in turn. Recognition can also be made based on photographs of the person to be identified.

Conclusions

In cases where the description of a person, after the external signals, is ambiguous, does not have sufficient information or the ones that have been rendered are not sufficient for his identification, the technique jumps to the aid of the criminals and by means of methods in continuous development, establishes certain vital details or information required.

An important role in identifying a person is played by the forensic portrait examination under study, which results in establishing the identity of the person. The possibilities of the portrait expertise are extended, expressing the description of the characteristics of the person being identified, but also as a method of solving the investigations regarding the discovery of the offenders.

Thus, we will deal with some of the techniques and methods successfully used in identifying people, after external signals.

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The Tactic of Executing Searches

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ABSTRACT: The information technology search became one of the investigation ways often met in practice and that is due to the numerous crime, such as corporate crimes or corruption crimes that can be executed through the information technology systems. The ways of crimes found in the information technology crime are carried out by attacks over the information networks and systems. It must be noted that the information technology crimes are not grouped together under one title/chapter, but those are found either in the crimes against property, forgery crimes, and also in the area of crimes against public safety. The ways of executing such are found in most of the information technology crimes. Most of the cases of information technology crimes, the search on the information system, used for executing the crime, might bring out the most important pieces of evidence with the purpose of proving the causal link between the material element and the immediate result of the crime.

KEYWORDS: crime, defendant, evidence, information technology, search

Introduction

The information technology revolution has led to fundamental changes in society and it is very likely that these profound changes will continue to occur (Buzatu 2013, 185).

The search is the probationary procedure by which, in order to pick up, objects, documents or any other objects that can be used as evidence in the criminal process are sought. The search may be domicile, corporal, computer or vehicle; regardless of its nature, the search must be conducted with due respect for dignity, so that it does not constitute a disproportionate interference with private life (Udroiu 2018, 413).

Not ignoring the legal depositions, the particular purpose of the search results also from the fact that, considering the major interest of the justice, the criminal investigation bodies have the possibility to carry out this act even in the conditions where it would mean a violation of the inviolability of the domicile, of the person or the secret of correspondence, as is the case with flagrant offenses.

According to art. 157 para. (1) The Code of Criminal Procedure, the home search or of the goods in the home may be ordered in the following two cases:

a) If there is a reasonable suspicion regarding the commission of an offense, (for which the criminal prosecution was initiated) by an identified, identifiable or unidentified person and it is assumed that conducting the search may lead to the discovery and collection of evidence regarding this offense, the preservation of the traces of the crime or the arrest of the suspect or the accused.

b) If there is a reasonable suspicion regarding the possession of objects or documents related to an offense for which the criminal prosecution was started and it is assumed that conducting the search, it may lead to the discovery and collection of evidence regarding this crime in the preservation of the traces the commission of the crime or the arrest of the suspect or defendant.

The search can only be ordered by the judge of rights and freedoms, by reasoned conclusion, during the criminal prosecution, at the request of the prosecutor or during the trial, by the court, *ex officio* or at the request of the prosecutor (Udroiu 2018, 334).

The material competence to order the search during the criminal prosecution, belongs to the judge of rights and freedoms from the court whose competence would be to judge the case in the first instance or from the corresponding court in whose grade the district office of the prosecutor's office is located which is part of the prosecutor who carries out or supervises the criminal prosecution.

The functional competence rests with the judge of rights and freedoms, the personal competence rests with the judge of rights and freedoms from the court whose competence is to

judge the case in the first instance by reference to the factual situation retained in the criminal prosecution documents.

The alternative territorial jurisdiction rests with the judge of rights and freedoms from the court whose competence would be to judge the case in the first instance or from the corresponding court in its grade, in which the headquarters of the prosecutor's office of which the prosecutor who supervises or carries out is located prosecution.

The search has been defined in the doctrine as the process by which in certain places the objects and the documents that can be used as evidence in the criminal process are searched, and in case of discovery, they arise from the natural or legal person to which they are found (Udroiu 2018, 413). Unlike the previous regulation, which provided only two categories of searches (home and corporal), two new categories (computer and a vehicle) were introduced in the current regulation.

Computer search involves "research, discovery, identification and collection of evidence stored in a computer system or storage medium of computer data, carried out through appropriate technical means and procedures, so as to ensure the integrity of the information contained therein" (Volonciu 2014, 363). It is necessary to specify that the authorization procedure is similar to the one used in the home search, with the mention that the elements included in the application and in the authorization are less, the object of the activity being a computer system.

If a computer is the result of crime (in North American terminology), an instrument of crime or evidence, the search warrant must target the computer itself and in the alternative the information it holds. The mandate should be as detailed as possible regarding the description of the components to be raised. Where possible, data on the manufacturer, model, other information that may be used for identification shall be included (Vasiu 2001, 38).

Access to a computer system involves entering into a computer system or part of it, or into a storage medium for computer data, for the purpose of obtaining evidence, either at the place where the system or support is accessed, or from a distance, using special software (Udroiu 2018, 416).

Ways of committing cybercrime

To begin with, it is necessary to mention that the operation of computer systems and networks is made up of a series of events, events that involve changing the state of a system or device.

Compared to the idea of computer security "the changes of state" appear the effect of the action directed on some targets (Moise and Stancu 2017, 238). Thus, by way of example, it may be remembered that a computer system was accessed, the action being represented by the user's access control program authentication, according to an identity controlled by username and password.

Thus, for a good understanding, authors of the specialized literature (Moise and Stancu 2017, 238) defined the event as "an action carried out on a target system by which it is intended to change the state of the system".

The forms of perpetration that are encountered in cybercrime are achieved through attacks on computer systems and networks.

The attack on a computer system goes through the following steps:

- Researching the computer system in order to obtain information represents a first step in the computer attack. Thus, this first step aims to obtain important information that can be used in attack such as finding out the type of hardware used, the software version.
- Penetration into the information system. Subsequently, the identification of the target information system and the gathering of information about the respective system starts the launch of the attack in order to enter the system.
- Changing the computer system settings represents the next step after entering the computer system. Through this step the attacker re-enters the already compromised computer system.

- Communication with other information systems. As soon as the system / network has been compromised, the attacker will use them to attack other computer networks / systems.
- Affecting networks and devices involves deleting or modifying files, stealing important data, destroying computer systems or DOS (Denial of service attacks) attacks.

Attacks on computer systems can be carried out by malicious programs (malware) through which is understood the software that enters a computer system without the owner's knowledge and consent (Vasiu 2001, 160). At the doctrine level, the malicious programs have been classified according to their objective (Moise and Stancu 2017, 239): Viruses and worms (Moise and Stancu 2017, 239) are two types of malicious programs, programs whose main objective is to infect the computer system.

Virus means the program that "infects" executable files or object files (Moise and Stancu 2017, 240). As soon as a virus has infected a computer system, it will perform two tasks. The first is to multiply himself by spreading to other computer systems. As soon as it has multiplied by spreading on other computer systems, it will proceed to perform the second task by activating its malicious function.

Worm means a program that seeks to gain the advantage over a vulnerability in an application or operating system in order to penetrate a computer system. As soon as the worm has exploited the vulnerability of a computer system, it will investigate other computer systems that have the same vulnerability.

Compared to the virus, the worm is a standalone program that exists independently of other programs, without needing other programs to run (Amza 2003, 115).

Through the forensic investigation of a computer system, the aim is to ensure a high degree of accuracy of the conclusions that can result from the action. According to the *Introductory Guide for the application of the legal provisions regarding cybercrime, the main features of the investigation activity* are (Moise and Stancu 2017, 246):

- authenticity (proof of the source of provenance);
- credibility (lack of any doubts about the credibility and soundness of the evidence);
- completeness (taking all the existing samples and their integrity);
- lack of interference and contamination of samples as a result of investigation or manipulation of samples after their collection;
- the existence of predefined procedures for situations encountered in practice;
- anticipating the possible criticisms of the methods used, based on the authenticity, credibility, completeness and affectation of the offered evidence;
- the possibility to repeat the tests performed, with identical results being obtained;
- anticipation of problems related to the admissibility of evidence;
- accepting the fact that the research methods used at one point may be subject to changes in the future.

The forensic investigation activity of the information systems involves the use of both the law elements, as well as the information and communications technology in order to collect and analyze the data from the information systems, networks, wireless communications and devices for storing the computer data, so that all these can be used as evidence in a court (Moise and Stancu 2017, 246).

In the case of the emergence of new forms of crime (For example, deception through the computer, cloning of electronic means, for example, computer attacks for collecting data with economic value), to overcome the difficulties of the investigation due to the absence of traces in the classical sense, because the crime between the perpetrator and the injured person does not take place in the real space, but in the virtual one, the reaction of the criminal is to develop new methods and techniques of investigation, to capitalize on the computer traces and to manage the digital samples (Grofu 2019, 116).

Searching in a computer system or a computer data storage medium, also called a computer search, represents the process of researching, discovering, identifying and collecting the samples stored in a computer system or computer data storage medium, carried out by some means. Appropriate techniques and procedures, such as to ensure the integrity of the information contained therein” (Grofu 2019, 117).

Thus, in order to gather evidence, the competent body established by the criminal procedural law, will be able to arrange, whenever necessary, the computer search.

In order to obtain information, with probative value, which are stored, processed or transmitted through a computer system, it is compulsory to have, by the competent judicial bodies, the carrying out of both the home search and the computer search, and, not lastly, the issuing of the criminal investigation bodies of the corresponding mandates.

In this context it should be mentioned that the procedural law of search conflicts with the fundamental rights and freedoms with is individual freedom, the inviolability of the domicile, the inviolability of the secret of correspondence, the right of private property (see art. 23, art. 27, art. 28 and art. 44 of the Romanian Constitution). In this conflict that can be born between the right of the search process and the individual right on the person, home, etc. the procedural law takes precedence, this being the exception. In order to carry out the computer search, the following preparatory activities will be taken into account:

- maintaining a permanent connection with the police units with attributions in the field of cybercrime in order to establish the details regarding the date and place of conduct;
- carrying out the procedure of summoning the person whose information is to be searched, mentioning the date, time and place of the activity as well as announcing the defendants of the suspect or the defendant about it;
- making available the information systems and storage media to be subject to search, and in the end, taking over the sealed and sealed information systems;
- making available all the documents useful for carrying out the computer search, such as: the address from the unit requesting the search, the delegation order from the prosecutor's office, the computer search warrant;
- mention of the purpose of the search for the specialist to perform the search.

The search of an information system can be ordered both in the criminal prosecution phase and in the non-trial phase.

In the phase of criminal prosecution, at the request of the prosecutor, the judge of rights and freedoms from the competent court to judge the case in the first instance or from the corresponding court in its grade, in whose constituency is the headquarters of the prosecutor's office of which the prosecutor is a member or supervise the criminal prosecution will be able, by *reasoned conclusion* to carry out a computer search (Moise and Stancu 2017, 250).

The request of the prosecutor regarding the approval of the search is solved (unlike the procedure for obtaining a home search, art. 158 para. (5) NCPP, which provides for a period of 24 hours - in the case of information technology, there is no regulation within which the request must be resolved) in the council chamber, without summoning the parties, but the prosecutor's participation is mandatory.

The conclusion by which the judge of rights and freedoms rules on the application is not subject to appeal.

The reasoned conclusion of the court will have to contain the standard elements, and the search warrant should contain the same elements, such as “court name, date, time and place of issuance, name, first name and quality of the person who issued the warrant, the period for which it was issued and within which the ordered activity must be performed, the purpose for which it was issued, the computer system or the storage medium of the computer data to be searched, as well as the name of the suspect or the defendant, if known, the signature of the judge and the stamp of the court” (Volonciu 2014, 360).

We should mention that, before starting the criminal investigation, the computer search cannot be arranged. During the trial, the computer search is arranged "by the court by reasoned conclusion, ex officio or at the request of the prosecutor, of the injured party or person, when for the discovery and collection of evidence it is necessary to investigate an information system or a storage medium of the computer data" (Moise and Stancu 2017, 252).

In this case, the warrant for carrying out the computer search will be communicated to the case prosecutor, who has the obligation to execute it. In most cases, this form of search is ordered after the computer system is picked up and transported to a forensic laboratory, as a result of a home search. In case the computer system can be lifted and transported the search was carried out in a forensic laboratory. However, if the computer system or the data storage medium cannot be picked up and transported, the search will be carried out at the place where the computer data storage system or media is located.

When, on the occasion of performing the computer search, it is found "that the sought computer data are contained in another computer system or storage medium of the computer data and are accessible from the initial system or support", the prosecutor has the obligation to order the preservation immediately, copying the identified computer data and will urgently request the completion of the search warrant.

In order to ensure the integrity of the computer data stored on the raised objects, the prosecutor may order the copies to be made, using technical means and appropriate procedures, so as to ensure the integrity of the information contained therein.

This form of search can only be carried out by a specialist, from the judicial bodies or from outside them, only in the presence of the prosecutor or the criminal investigation body.

As a result of performing the computer search, information can be obtained regarding: addresses, audio-video recordings, databases, email correspondence, web pages visited, deleted files, images, etc.

The result of the computer search activity, the possible objections, as well as the answer to these are recorded by the preparation of a report, to which will be attached the statements of the audited persons, other annexes (the photographs taken, the documents taken, screenshots) as well as the Program report. Forensic investigation of the cybercrime that was used in the investigation process.

In the case of cybercrimes, the on-site investigation can be carried out when it is necessary to ascertain the location of the crime, the discovery and fixing of the traces of the crime: establishing the position and status of the material means of evidence and the circumstances in which the cybercrime was committed (Stancu 2010, 351).

In the case of computer crimes, the on-site investigation includes *a static phase investigation and a dynamic phase investigation*.

In the static phase, the research aims to ascertain the state of affairs, not intervening in any form on the apparatus, which should not be started, but not stopped if it works. In the situation where, it is required that the objects be moved, this will be done only after fixing its position by appropriate notations in the minutes, by shooting, filming or sketching, if appropriate.

In the *dynamic phase* the stages of collecting, examining and analyzing the samples can be included, which the investigator must go through in the investigation process (Moise and Stancu 2017, 255). From a technical point of view, in the case of computer crimes, the computer search and the on-site investigation include the same stages / phases of investigation.

The phases of the process of investigation of cybercrimes are as follows (Moise 2011, 213-251): preparation of the investigation; collection of evidence; examining evidence; sample analysis; reporting the results obtained.

In the case of computer crimes, the notification of the criminal prosecution body is the usual one, respectively the notification by complaint or denunciation, as an external notification mode. However, there are also cases of ex officio notification of the criminal prosecution bodies, these being equivalent to a referral, when one becomes aware of the act of a deed by another way than by complaint or denunciation (Buzatu 2013, 194).

Conclusions

The main reason for choosing the theme lies in the fact that, in the last decades, computer searches have become one of the forms of investigation commonly encountered in practice and this is because many crimes, such as business crimes, corruption offenses, can be committed with the help of IT systems.

It should be noted that cybercrimes are not grouped into a single title/chapter, but they are found both in the category of crimes against the patrimony, the crimes of forgery, but also in the field of crimes against the public security. The computer search is an act of criminal prosecution that raises the objects that can constitute evidence regarding the commission of certain forms of crime. At the same time, computer search is the probationary procedure used to obtain digital evidence. With the title, for example, the threat of crime, it can be proven, in certain situations, with the help of emails containing, in the header section, information regarding the IP address of the computer system.

Digital evidence is nothing but that information that is stored, processed or transmitted using the computer system, being accepted by the courts.

In most cases of computer crime, the search of the computer system, used to commit the crime, can provide the most important evidence in order to prove the causal relationship between the material element and the immediate follow-up of the crime.

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Taking a Mental Vacation: A Problem-Solving Method using Metaphor in Creative Incubation Processes

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ABSTRACT: Mounting pressures on problem-solving teams require creative thinkers to take a “break,” “downtime,” or even a mental “vacation,” in order to regroup before re-tackling the problem. Indeed, creative insight can arise during an unrelated train of thought in what is known as *incubation*. The greatest benefit of incubation is the ‘aha’ moment that it can produce, when the unconscious releases an idea that is relevant to the original goal of the task at hand. Several theories have been offered as to how incubation produces effective ideas, however, most refer to leaving the problem (at least in part) before returning to it. Further research on unconscious processes suggests that metaphor works in the unconscious, even while *conscious attention*, or the focused processing of different levels of perception, is directed elsewhere. This paper investigates how a facilitated group incubation process using metaphor to direct conscious attention might generate creative outcome. It then offers a basic *directed metaphorical processing method*. “Synectics,” devised in the 1960’s by marketing researchers, is given as an example for further investigation.

KEYWORDS: problem-solving, incubation, metaphor, conscious attention, synectics

Introduction

Creativity and problem-solving are inextricably linked; it can be said that any thought processes that are applied to problems which produce novel outcomes (related or unrelated) requires creativity (Ward 2012). *Creative problems* can be defined as problems that necessitate novel and original approaches (Gilhooly, Georgiou, Garrison, Reston & Sirota, 2012). One of the most well-established descriptions of the problem-solving process comes from Graham Wallas’s *The Art of Thought* (1926), which originally included seven stages:

Encounter (a problem or challenge is identified), *Preparation* (information is gathered), *Concentration* (an effort is made to solve the problem), *Incubation* (ideas churn in the person’s head), *Illumination* (what seems to be a solution becomes apparent), *Verification* (the individual checks out the apparent solution), and *Persuasion* (the individual attempts to convince others that the product really does solve the problem) (Cropley & Cropley 2010, 309).

Wallas’s process has been typically reduced to four stages: *preparation*, *incubation*, *illumination*, and *verification*, with the majority of references to it being the *incubation* and *illumination* stages. There are a multitude of problem-solving process descriptions that are either based on Wallas’s stages, are derivatives of it, or are new theories of the process. A few are: Hadamard’s (1945) four stage model, Osborn’s (1963) six steps of “*finding*” (as described by Doak, Jambura, Knittel & Rule, 2013); Mumford and colleagues’ eight individual core processes, and Runco and Chand’s two-tiered model (Basadur, Gelade & Basdur 2014). More recently, Basadur, Gelade & Basdur (2014) have proposed creative problem-solving process *styles* that include finding problems before they start. Few of the many process descriptions available today focus on *incubation*, and seem to imply it rather than have it as an integral step.

The incubation stage has held fascination for decades, and empirical research shows that it contributes to creative thinking (Ritter & Dijksterhuis 2014). What remains compelling is how it works and benefits the creative process. The story of incubation goes like this: when one is troubled by a creative problem, setting it aside for a time may either lead to spontaneous novel ideation or a more rapid appearance of ideas once the original problem is re-approached; more so than if one keeps “the nose to the grindstone” without an incubation stage at all. Ritter & Dijksterhuis (2014) have reported that unconscious thought in incubation has shown to lead to more divergent ideas than conscious thought. They suggest that engaging in tasks that aren’t taxing during incubation

contributes significantly to increased creative solutions. Physicist and philosopher Henri Poincaré describes his now famous personal experience with incubation:

Just at this time I left Caen, where I was then living, to go on a geological excursion under the auspices of the school of mines. The changes of travel made me forget my mathematical work. Having reached Coutances, we entered an omnibus to go some place or other. At the moment when I put my foot on the step the idea came to me, without anything in my former thoughts seeming to have paved the way for it, that the transformations I had used to define the Fuchsian functions were identical with those of non-Euclidean geometry. (Simon 1977)

Contemporary thought suggests that indeed there was something paving the way for his illumination, and that it is not so much directed processing taking place in the unconscious as previously thought, but rather more casual and unintended combinations of ideas and thought processes below the horizon of conscious awareness (Csikszentmihalyi 2014).

Unconscious Work

Gilhooly, Georgiou, Garrison, Reston & Sirota (2012) suggests three different theories (or groups of theories) of the incubation effect, and the roles of conscious or unconscious awareness (for the purposes of this paper, I'll refer to the unconscious and subconscious equally, to support the terminology of those referenced herein; see Simon 1977). The first, *intermittent conscious work*, allows for individuals to carry out conscious work directly related to the problem, but only intermittently throughout the incubation period. This process still stimulates unconscious processes while the target task is briefly attended to. The next theory, the '*fresh look*,' involves passively distracting the individual to help them forget the problem so that a fresh start can be applied after the incubation period is over. The *fresh look* uses *selective forgetting*, as described by Simon in *Models of Discovery* (1977). In selective forgetting, the individual starts out with a main goal along with sub-goals; during conscious work on a sub-goal unconscious data is picked up from the problem environment that adds to the main goal. The sub-goals, whether accomplished or not, can be selectively left (and then forgotten), and when the individual returns to the main goal they will approach it with different information available from the subconscious, so that when the task is resumed, new ideas are more readily able to come forth. Although some research suggests that a restive state allows mind wandering to enhance our creativity during incubation (Baird et al. 2012), selective forgetting allows the individual to work consciously on other tasks, and then when they leave them and forget about them, their minds will be more apt to make the creative connections they need to upon return to the problem.

The third theory is *unconscious work*, which involves active but unconscious processing of the original problem. Poincaré offers information which can be included in this approach: “this appearance of sudden illumination [is] a manifest sign of long, unconscious prior work... [This unconscious work] is possible, and of a certainty it is only fruitful, if it is on the one hand preceded and on the other hand followed by a period of conscious work” (Csikszentmihalyi 2014, 75). Gilhooly, Georgiou, Garrison, Reston & Sirota (2012), however, suggest otherwise, indicating that immediate incubation during the problem-solving process, just after the problem material has been ingested, is just as effective if not better than delayed incubation (where the individual(s) incubate only after a period of conscious work).

Either way, incubation is not an individual experience. Whether an individual experience's it when isolated from others, or whether a team of workers do it as a group activity, incubation has a social dimension, as argued by Csikszentmihalyi (2014). He suggests that the conscious and subconscious elements of incubation always have social influences. For example, an individual's creativity is affected in three ways: first, their personal experience; second, the *field*, or the social group / section of society whose prevailing thinking defines a body of practice (i.e., other employees with a similar practice, institutions, a 'society'); and third the *domain*, or the body of practices that are deemed separate from others (i.e., 'accounting' in an organization, or an area of interest like 'literature'). There are multiple levels of fields and domains, in and out of an

organization. This makes sense when an organization's team is working on a particular creative problem, that there are a multitude of influences on the incubation and thus illumination stages of the process.

Conscious Attention

Although research shows that focused deliberation, which is when an individual thinks in a concentrated and focused way on the problem task, undermines creativity (Baird et al., 2012), there is another more open attentional state that includes focus but has a multi-modality quality. *Conscious attention* can be defined as the processing of perceptual information available to cognition as a phenomenal experience (Montemayor & Haladjian 2015). It was found that during conscious attention, large-scale information is able to be integrated in various brain regions, suggesting an efficiency of information gathering and integration during all levels of perception (Bob et al. 2012). As a result, multiple sources of information are processed into a coherent percept, across modalities (Montemayor & Haladjian 2015), in 'global' manner. For example, when approaching an intersection on foot, auditory and visual information is processed coherently in order to know when to cross. Conscious attention takes up one level of awareness that is immediate to perception, but does not consume the entirety of the conscious/subconscious mind. Csikszentmihalyi (2014) suggests a three-level mental model during incubation that incorporates *conscious attention*. The first level of conscious attention remains open and perceptive; however, there are personal and social dimensions to whatever the individual invests with their attention. Heredity, motives, interests and values all play a part of what and why a person places their attention on something or someone (or both). The next level is *semiconscious filters*, which are processes that choose which information is to be considered relevant enough to pass into the subconscious. The third is *subconscious processing entities*, which allows multiple sources of information to be processed simultaneously, where many entities are interacting randomly and working collectively on many problems. Though the individual may only be able to process one idea at a time within conscious awareness, once ideas are working in the subconscious, they may be processed synchronously. This mental model shows us the complex nature of incubation, that while the conscious attention is working on one process, others may be working related to or even independent of what is being held by the conscious attention, as determined by what is filtered and what is not.

It has been shown that active unconscious processes in incubation contribute to creative output, and that unconscious thought may be active in finding remote associations (Ritter & Dijksterhuis 2014). Associative processes lead to *relationships of correlation*, such as analogy and metaphor (Gabora & Kaufman 2010). White (2011) suggests that unconscious thought is "cognitively organized through the medium of metaphor" (153), and suggests that metaphors help us in creatively structuring more complex meaning via unconscious processes. Lakoff & Johnson (1980) tell us that we automatically and unconsciously classify our experience through metaphor (82-83), and that the very concepts we live by are based on "how we in part structure our experience, consciously or unconsciously, by means of metaphor" (158).

Cognitive metaphor theory suggests that metaphors may have been planted in our minds since we were very young, suggesting an unconscious processing of our environment through them, enabling us to understand abstract ideas and concepts easier as a result (Marin, Reimann, Castaño 2013). Metaphors related to creativity also have been shown to increase creative outcome, possibly because they access earlier experiences of creativity, which can motivate an individual's creative intent (Marin, Reimann, Castaño 2013).

Metaphors can help psychologically abstract or 'distant' concepts seem closer and thus more personal through the use of psychologically concrete or 'near' concepts, which can allow individuals or groups to tackle problems in a much more effective and adaptive way (Jia & Smith 2013). This is helpful for creative problem solvers who are tackling large-scale problems such as climate change, when the necessary solutions seem distant in the far-off future.

Due to their associative nature, metaphors may be at work in our unconscious processes, even from the time of our youth, and since they are connected to creative output and helping understand abstract concepts, metaphors may be useful in the incubation stage to stimulate creativity.

A Metaphoric Vacation

When a group is working on a creative problem, incubation has shown benefit; however, a deliberate process during the incubation stage to generate novel ideas may be applied instead of idly waiting for the magical ‘aha’ moment to appear. A *selective forgetting* approach during a group’s incubation period may help. The group starts with a main creative goal, but instead the group gives conscious attention to a sub-goal, and in doing so, allows their unconscious or subconscious processing of other integrated information to be picked up during the sub-goal and other incubation tasks. It is the dynamic multi-modality nature of the unconscious that can process associative thinking while keeping attentive to the sub-goal. Since metaphor works with the unconscious, not only relating embodied experience since childhood but also remote associations and abstract concepts to conscious thought, it allows the construction of creative meaning out of complex situations. Since unconscious data is acquired through the whole sub-goal process, at the end of the selective forgetting process, the main goal may be served.

I suggest that *directed metaphorical processing methods* during incubation may lead to creative illumination. For example, perhaps a group reaches a creative impasse, or perhaps at the very beginning of their creative session (as per Gilhooly, Georgiou, Garrison, Reston & Sirota 2012), the group decides instead of simply taking a break, to engage in a *metaphoric ‘vacation;’* that is, a dedicated period of time away from the problem environment but focused on a process that uses metaphors to stimulate creativity. During this incubatory stage away from the main goal, instead of entering a restive state such as drinking coffee, the group engages in a facilitated process that is less strenuous and more enjoyable than the problem environment, but focused enough to direct conscious attention on a *metaphor problem* instead. The metaphor problem is associated to the original problem but less complex and different enough so the group may convincingly leave the main problem and work on different aspects of metaphoric representation to generate solutions to the new metaphor problem. The original problem is complex, thus why it is a “problem,” however, a simpler metaphor problem to the original problem allows the group to engage in fun and creative wordplay, so that the group works with the metaphors to sort out different ways of looking at the problems that might be connected to it. Once the metaphor problem has been “worked out” to some degree sufficiently, variant possible solutions generated (although not necessary), and enough time has passed for the ‘vacation,’ the group forgets the metaphor problem and leaves incubation. They then readdress the original problem with a fresh look, using any appropriate associations from the metaphor problem to instigate novel concrete ideas out of the abstract ones. Such an incubation process would allow for associative subconscious entities to interact collectively on the problem(s), while conscious attention works on a relatable but distinct sub-goal so that unconscious data is picked up and added to the original goal. Of course, the domain, field, and social dimension of the group would add complexity to the internalization of metaphoric representation within each individual and group; however, the large-scale information processing as described by Bob et al. (2012), could allow for an efficiency of integration.

Prince (2012) has created a practical method that is similar to the above in *Synectics*. In collaboration with W. J. Gordon and others through years of studying organizational group dynamics, mostly through recording marketing teams in creative problem-solving processes, Prince writes about how the collaborators found the most constructive way of ideation was through the use of metaphor. They crafted an eight-stage method which incorporates multiple techniques that includes what’s called an *excursion*, which is an incubation-like process for teams to become more creative and that is founded on metaphorical response. The *synectics* method originated in the early 1960s and has since been used with companies around the world; however most academic papers on the method are descriptive or anecdotal.

Conclusions

The incubation stage of creative problem-solving has fascinated the public and the research community for years, and several explanations have arisen as to how it works. However, although it can potentially facilitate the generation of creative output, there have been few proposals for how to best approach the potential for creative stage. Conscious attention has been shown to work in tandem with subconscious processing in incubation, and the active process of finding remote associations as a possible result. Metaphors appear to work in the unconscious and can be applied to abstract thought. A reasonable method, as a result, has been proposed as a *directed metaphorical processing method*, that uses metaphor as conscious attention during the incubation stage to have the problem-solving group work on a metaphor problem, drawing associations of abstract concepts to novel concrete ones about the original problem upon return. Synectics by Prince (2012) is such a method, and used as an example of what is proposed here. Though there is little empirical research on metaphorical incubation processes leading to creative output, and the apparent success of Synectics despite its documentation over decades still lacks peer-reviewed empirical study, still, this paper outlines an interesting proposal for the incubation process that has the potential to reveal practical application in elucidating how incubation effects might arrive through conscious attention processes, which deserves more research.

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Some Aspects of Crime Scene Investigation

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ABSTRACT: The crime scene investigation represents the procedural and criminalistic tactical activity whose object is the immediate perception of the place where the crime was committed; searching, discovering, revealing, fixing, picking up and examining traces and other means of evidence; specifying their position and status; determining the path taken by the offender (*iter criminis*), with the purpose of establishing the nature and the circumstances of the commission of the act, as well as the data necessary to identify the perpetrator. The crime scene investigation is the most important place for the criminal investigation, being, most of the times, the starting point of the forensic investigation. It is the richest in traces or data regarding the fact and its perpetrator, so how the entire investigation, search and collection of the traces or material evidence is carried out, as well as the determination of the results of the investigations, will depend on the discovery of the crime and the identification of the perpetrator.

KEYWORDS: circumstances, crime, investigation, perpetrator, traces

Crime scene investigation concept

The evidentiary procedure, called by the Romanian Criminal Procedure Code – crime scene investigation - known in Western laws and as the crime scene investigation or crime scene, as is the case of the Anglo-Saxon or American judicial system - represents the onset act of investigations in particularly dangerous crimes.

This activity, which contributes to the achievement of the purpose of the criminal trial, in order to establish the truth and where it is registered, is also the crime scene investigation, term which in the judicial practice has a wider content, namely the forensic investigation of the place of the crime.

The crime place is the most important place for the criminal investigation, being, most of the times, the starting point of the forensic investigation (Buzatu 2013, 27).

Crime scene investigation purpose

The crime scene investigation has as immediate objectives:

- a. To discover the traces and to highlight the circumstances capable to lead to the identification of the perpetrator, to clarify the circumstances in which the crime was committed, discover the *corpus delicti*;
- b. To obtain by the investigating body and the magistrate, through the direct knowledge and study of the crime scene, of the correct conclusions, regarding the manner of committing the crime and the person who committed the crime, an aspect that can highlight the main function of the crime scene investigation (Amza 2014, 141)

Crime scene investigation purpose

The importance of crime scene investigation is underlined in the specialized literature, both procedural-criminal and criminalistic, the vast majority of authors agreeing that we are facing a probationary process with a deep significance in finding the truth. In other words, moving the judicial body to the scene is one of the most effective procedural measures.

The crime scene investigation is carried out, in general, by the criminal prosecution body and exceptionally by the court (Udroiu 2011, 172). The fact that the criminal prosecution body, as well as the court, have the opportunity to investigate directly the place of the crime and the consequences of the crime, to establish the circumstances in which the criminal act was committed and to identify the perpetrator - by discovering, fixing, picking up and by forensic investigation of the traces, of the material items of evidence - is likely to contribute effectively to the achievement of the purpose of the trial.

It is even more necessary to underline the importance of such a procedural activity, as there are more crimes that are practically impossible to be solved without investigating on the scene. For example, in the case of homicide, offenses against public and personal property (theft, robbery, destruction), serious work accidents, railway, naval and air disasters, traffic accidents and so on.

Crime scene investigation tasks

In the situation in which on-scene investigation is carried out without delay and qualitatively, the body invested with its execution, based on a consistent and rational study of the changes that have resulted from the illicit act, will strive to determine the following (Mihail 2014, 40):

a) *The legal nature of the crime*

The overall picture of the place investigated, the objects present or missing, the traces left by the conduct of the criminal activity, the status of the material object of the crime, can lead to the establishment, sometimes definitely, of the nature of the act (natural death, murder, suicide, accident).

b) *The place and time the crime was committed.*

As it has been pointed out, the place investigated does not always coincide with the one where the criminal activity took place. The corpse can be discovered and investigated in a completely different place than the one where the victim's life was suppressed. The criminal prosecution bodies encounter this situation whenever the perpetrator removes the corpse from the place where the act of murder was committed. The place of the theft and the one in which the stolen goods were discovered are investigated separately.

c) *The way the crime was committed.*

The way of committing a criminal act includes the means and methods of preparing and carrying out the criminal activity or covering up its consequences. The perpetrator choice of a certain modus operandi from the multitude of possible modalities is conditioned, on the one hand, by the circumstances and situation in which it is activated, and on the other hand, by the skills and experience of the perpetrator, including his/her criminal experience.

d) *The perpetrator, the motive and the purpose of the crime.*

A particularly important task that must be solved by the investigation on the scene consists in obtaining information that can contribute to limiting the circle of persons from which the subject of the crime is going to be recruited and, finally, to ensure his/her identification. The valorisation of the data obtained through the on-scene investigation can lead to the delimitation of the *criminal motive and purpose*.

e) *Victim identity and quality.*

To know the victim and its quality is important, first and foremost, for the orientation of the investigation activity, because, in most cases, his/her personality represents the starting point in the logical activity of elaborating and verifying the versions regarding the motive and the eventual purpose pursued by the perpetrator (Tudorache 2010, 171). Depending on the relationships, the functions and occupation of the victim, the persons suspected of committing the crime can be delimited to a narrow circle and it can be established the procedural and extra-procedural activities required for their detention.

f) *Other circumstances in which the crime was committed.*

Depending on the nature of the crime, the on-scene investigation will also seek to determine the harmful effects of the crime or deed, whose criminal character is going to be determined, and the factors that caused or favoured their triggering or to determine other factual circumstances which may contribute to the conscientious implementation of prophylactic measures in accordance with the requirements of the procedural-criminal legislation in force (Mihail 2014, 41).

Crime scene investigation stages

The specialized literature distinguishes two phases of the investigation of the scene: static and dynamic.

1. Static phase research

In the static phase of the investigation, a careful examination of the crime scene is carried out, both as a whole and on the most important areas, without doing any modification. The investigation can start from the centre and continue to the edge of the scene, or to the main object such as, the victim's body, the outbreak of a fire, a broken vault, etc. In open places, the investigation can be carried out along the room's walls, and, in open places, on well-defined portions of land from the centre to the edge or vice versa. The possibility of conducting the investigation is not excluded, considering the supposed path that might be followed by the perpetrator of the crime (Coman 1976, 428-429).

Among the most important activities carried out in the static phase of the investigation are mentioned:

- ***establishing the status of the position of evidences***, the visible traces, the material traces as found by the investigation team;
- ***measuring the distance between the main objects***, between them and traces or access places, an aspect that can help to clarify some circumstances of the case.
- ***execution of orientation photographs***, sketch and photographs of the main objects, as well as fixation by magnetic video recording.
- ***determining any changes that occurred prior to the arrival of the investigation team***

By corroborating the results of these first investigations with the elements deduced from the changes of the normal appearance of the place of the crime and the actual consequences of the criminal act, it can be obtained important data regarding the nature of the crime, the time and the circumstances in which it was committed and even regarding the perpetrator (Ciopraga 1996, 67).

2. Dynamic phase investigation

The dynamic phase or, as it is also called, the detailed investigation phase, involves carrying out a thorough and orderly examination of all the objects, of the material items of evidence found in certain relationships with the crime committed, as well as the traces that are a consequence of the crime committed.

The dynamic phase is the most complex and laborious stage of the investigation on stage, since it involves the participation of all team members in carrying out investigations and the full use of the forensic technical-scientific means at their disposal (Stancu 2004, 42). This moment of the investigation involves:

- ***a thorough examination of the victims' body***, of object that can possible have traces or which served to commit the crime, being allowed to touch or change their position. Also, special attention is paid to discovering, fixing and picking up the traces of the crime, according to their type and nature (traces of hands, feet, etc.), in this category being included the items of evidence.
- ***execution of the photos and the detailed video recordings***, of the two-dimensional photographic measurements, the sketch of the crime scene being finalized and it beings the writing of the report.
- ***the first statements of witnesses and victim are taken***, if it is still on the scene, including suspicious persons. The statements will be of course taken separately, without any appreciation from the judiciary body, without influencing the persons listened in a certain way, respecting the listening tactical rules specific to the phase of the investigation.
- ***clarification of the negative circumstances*** caused by the incongruity between the factual situation and the event supposed to have occurred, by the absence of traces or objects which normally should have existed on the scene.

Aspects regarding fixing the investigation of the crime scene

All on-scene investigation activity is described in the minutes by the criminal investigation body that conducts the respective investigation. The minutes are among the most significant sources of probative information. From this perspective, the procedural document in question must satisfy certain requirements arising from the procedural - criminal legislation in force, namely:

a) To reproduce objectively the factual circumstances on the scene. The minutes must present an impartial description of the crime scene in the status in which it was at the time of the arrival of the investigation team, avoiding categorically the subjective interpretations and deductions. The statements of the victim and other persons involved are recorded in the minutes but to the extent that these concerns the location of the crime scene and the changes produced to its environment until the investigation team arrived;

b) To represent completely and faithfully the situation on the scene, the traces and objects discovered and picked up in order to be used in the probation process. From this point of view, it is advisable to insist in the minutes on the overall picture of the place, its location and topography, as well as on all the modifications that constitute the consequences of the criminal act. By its content, the minutes must offer the possibility to those who will study it, to easily imagine the place and the circumstances in which the wrongful act took place, and in critical situations, to ensure their reconstitution.

Regarding the traces and the material items of evidence, they are described in the minutes by the general characteristic elements (the destination, the shape, colour, dimensions), but also by certain specific signs (defects of wear, repair elements, etc.) (Popa 2014, 134).

c) To be drafted in a neat, clear and accessible language. The use of ambiguous terms, dubious constructions or with multiple interpretations is contraindicated. Formulas of the type "probably ...", "not far from ...", "approximately to ..." should be avoided. The scientific terms of reduced circulation will be used only if they cannot be replaced with the appropriate terms of wide circulation.

d) To represent the findings made on the occasion of the investigation on the scene in the succession in which the judicial body subordinated the activity of investigating the scene. The description of the crime scene must be carried out from the recording of the data obtained in the general observation phase, subsequently recording the established facts and the circumstances following the detailed examination. The on-stage investigation minutes is expressly provided for in the law and is composed of three parts:

- The introductory part;
- The descriptive part;
- The final part.

The introductory part contains brief reports on the place and date when the investigation was conducted on the scene; the name and profile of the unit that is part of the investigated body, thoroughly factual and legal of the investigation; the name, forename, surname and the quality of the persons who participated at the criminal prosecution actions; the name of the institution in which the specialists who participated in the investigation activates, the name and profile of the unit from which belong the protection workers involved, the meteorological and lighting conditions in which the investigation was carried out. At the end of this part of the minutes it will be noted that the participants, specialists and other persons involved in the investigation activity were familiarized with their rights and obligations under the law. The descriptive part of the minutes begins with a general characterization of the crime scene, its location in relation to the cardinal points or to certain relatively stable landmarks - neighbouring building, street, railway, forest, river etc. In the case of investigation an open land, it is indicated that in the minutes, a special attention to be paid to the relief and its topography, as well as to the delimitation elements by the neighbouring objects (fence, construction, ditch) of the investigated space. Regarding the closed places, in the minutes the data regarding the destination of the room of the house, office, auditorium or class for studies, house on the ground, garage, cellar, location (locality, county, sector, block, floor, etc.) will be reported, the characteristics and the ambience (walls, floor, ceiling, doors, windows, the state of their locking devices, furniture etc. (Stancu 2014, 204).

Conclusions

In this paper, I went through one of the foremost actions of forensics, namely the on-scene investigation, which is the initial act of criminal prosecution. On-scene investigation is one of the procedural and

tactical activities of the criminal prosecution body, which is usually performed at the beginning of the criminal prosecution, with the aim of immediately knowing the crime scene, of discovering, fixing and picking up the traces created during the crime. According to the data obtained during an on-scene investigation, on this depends not only on the argument for committing the case, but also to find out the basic truth. Through the content of the paper my goal was to form a defining, exact conduct of the operative investigation of the traces of the crime, the general and special tactical rules of the investigation, the stages of preparation for carrying out the investigation, the forensic technical-scientific means used in the preliminary stage and of the effective investigation of the crime scene in the static and dynamic phase.

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The Role of Forensics in Criminal Investigations

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ABSTRACT: We intend to discuss in this paper about forensics and the role it has in for discovery, investigation of criminal offenses and to identify persons involved in committing them based on other sciences such as physics, biology, chemistry, mathematics. The basic ideas which we will discuss are the first steps taken in the investigation of homicide, peculiarities research on site in case of murder, the peculiarities of the research killing depending on means and methods used by the perpetrator to suppress the victim's life, activities for investigation of murder, development version prosecution valuations type personality profiling the offender and carry out criminal prosecution.

KEYWORDS: criminal investigations, criminal offenses, forensics, victims

Introduction

Crimes against life are the most serious crimes against the person, by committing their man is the most precious good steals that is life. For this reason, acts against human life have been incriminated in ancient times, it is always punished with great severity.

Crimes against life concern the legal relations concerning the right to life, each person individually, appears under the right essential to life, and all other persons appearing obligation to refrain from committing any acts that would bring the right to life of the holder. This property once lost cause missing person. Mankind has always sought to protect their right to life. No one shall be applied intentionally besides execution of death sentences handed down by a court if the offense is this penalty.

The oldest criminal doctrine is assumed that a person is alive or not from the time after birth has an ectopic existing independently from breathing (Coroiu 2014, 1755). Progress in medical sciences, legal sciences as were imposed, however, a much higher opinion that the appearance of the right to life lies at the onset of biological birth process (Stancu 1995, 220).

To kill is to suppress the maker of history, created goods beneficiary together with others. By defending the priceless values it is protected not only human beings but also the huge mass of social relations (Dongoroz 1971, 7). It endangers human life is an act that endangers not only the existence of the individual, but himself all social relations, the man representing the essence of these relations.

Among the many defenses of human life, recall and legal means, among which an important place being occupied by one's own criminal law. It is necessary to resort to term investigation in the sense to research the criminal investigation of criminal offenses, as enshrined in the criminal prosecution activity primarily to highlight both the complexity and difficulties, but also some become increasingly common terminology. This typically defend individual existence is but a comprehensive character, cannot be considered only in an organized survey to establish the truth, forensic technical and tactical activities occupy a special position.

Importance of forensic investigation in solving crimes against life as other crimes, resulting from the fact that science criminalistics offers reach judiciary methods and the technical-scientific measures necessary discovery attachment, seizure and examination of traces of homicide, identification of the author and possibly the victim.

However, the tactical rules for conducting criminal prosecution, as well as research methodology murder is possible to gather evidence necessary to establish the truth.

Forensics provides scientific instruments both shaping elements of the offense and identifying the perpetrator and the imposition of a sentence according to his guilt. Forensics has emerged as an objective necessity dictated by the failure of criminal justice means fighting against forensics, coupled with the increasing number of offenders and improving the means and methods of committing crimes.

Hans Gross forensics defined as a science of the facts in criminal proceedings (Naghi 2014, 29). Forensic science is a legal, autonomous and unitary comprise a body of knowledge about methods, their technical and tactical procedures, for discovering, investigating crimes, identifying persons involved in committing them and prevent antisocial acts (Stancu 2004, 12).

Homicide is defined as the science develops tactical methods and the technical-scientific discovery, research and crime prevention (Ion 2010, 3).

In other definitions, forensics is considered a multidisciplinary science that deals with developing the technical-scientific methods and tactical methods of discovery, retaining, managing and examination of samples for research purposes and crime prevention (Anghelescu 1984, 48).

As an independent discipline and consistent, it should be noted that it is not confined to research traces but develop procedures to prevent, detect and investigate crime and identify persons who have committed or are related to their commission (Ionescu 2011, 15).

According to literature, forensics subject must be regarded more nuanced. In this regard should be highlighted in scientifically its main lines of action, namely:

- Development of technical methods for the discovery and examination of traces of the crime, both man-made and other traces left in the field of crime, instruments used means of transport, the physio-chemical phenomena all having as the identification of persons and objects bearing traces creative times;
- Adapting to the needs of specific methods other sciences: physics, biology, chemistry, mathematics;
- Develop a system of methods and specific in accordance with the criminal procedure law and taking into account the positive experience generalized prosecuting authorities based on the use of logic and forensic psychology and other applied sciences, for Preventing and investigation of crimes in order to obtain optimum results with minimum expenditure of effort, resources and time (Colectiv 1984, 196);
- Study of jurisprudence in order to capitalize and scientific substantiation of experience prosecuting authorities in the work of investigating crimes;
- Knowledge evolution of crime and modes of operation used in the commission of the criminal actions in order to identify the most effective methods of prevention and control (Bercheșan 2002, 17);
- Develop specific measures and methods to prevent crime (Bercheșan 1998, 61-62).

Science against crime, as was rightly called, it appears as a science with a complex structure consisting of three distinct but closely related branches namely:

a) Forensic technique, represented by all means necessary technical and scientific methods search the detection, revealing, fixing, lifting, and means of examining and interpreting traces of the sample material, carrying out scientific and technical-expert (Colectiv 1976, 15).

b) Visitors forensic form rules of organization and development of the activity of the prosecution and trial, such as crime scene investigation, reconstruction, identify the perpetrator or the victim, determining causal links, hear the accused and others, verification provisions, performing searches, seizure of property and documents;

c) Methodology forensic recommended specific means of investigating offenses according to their nature: murder, grievous injury to bodily integrity or health, abortion, rape, theft, robbery, fraud, embezzlement, tax and bribery, perjury, forgery, accidents, road, sea and aeriean, fires and explosions.

Crime scene examination usually starts with a tour of the area and route crime. This tour aims marker present evidence, the entry point of the author, the location of the victim, where the author was cleaned or left certain objects, the exit of the author, and other detailed that can be realized.

Thus, the team:

- Notes as the scene changes, the traces there when the incident occurred, who is the victim and who seek there, mobile offense if any, existing real possibilities for discovery and arrest the accused. However under certain princes: speed, objectivity, thorough research;

- Start researching the place from the outside or vice versa, and the surface is stretched recourse to its division. The crime scene investigation is carried out in two phases, static phase and dynamic phase.

The static phase

The static phase represents the first contact with the place of the act, without reaching anything, the research being summarized in observation (Buzatu 2013, 37). Research murder scene starts with taking preparatory measures by the prosecutor leading the research team. Coaching is, among other things, completion and verification of the original measures taken by the prosecuting authority come first to spot activity that circumscribe the first measures taken in such cases. In phase Static crime scene investigation proceed to a careful examination of the crime scene as a whole, and the most important areas, without an amendment thereof. Research can start from the center and continues to the edge of the crime scene or the main object such as the victim's body, the outbreak of fire (Mircea 1998, 150).

The dynamic phase

The dynamic phase involves moving objects, looking and examining them everywhere, with the necessary precautions. it is the most complex and laborious stage of investigating the place of deed (Buzatu 2013, 38). The dynamic phase will be examined in order:

The body clothing and shoes, interesting characteristics as well as existing marks or on them. Precor also will lack some elements of them or leaving traces specific wedding ring on the wrist or fingers. Will be studied carefully every pocket, indicating the content and position, as well as dirt or stains. The entire garment must be carefully checked.

The body is examined here is based on the general elements, such as the physical constitution, color, special marks, including cadaver signs. After establishing and documenting general elements, will move to a comprehensive review of the entire body, from the victim's head, then neck, chest area, abdomen, back region, the upper and lower limbs. Visible lesions will be described as position, shape and size, each spot as a biological or otherwise, in a word, any trace that might take a certain connection with the murder. They will also be examined nails hands and body, which can be found hairs, loose clothing, textile yarn or buttons torn during the fight with the aggressor. The deposit can discover cellule epithelial traces of blood, bits of hair coming from the offender.

Dynamic research phase, running pictures of detail, dimensional photographic measurements is finalized crime scene sketch and start writing the minutes.

Examination of a corpse carried out by forensic medical examiner with the prosecutor in charge of the investigation, is an essential activity of the crime scene investigation. Examination of a corpse will start only after the coroner found the death, diagnosis made based on signs cadaver installation specific biological death and confirmed during autopsy examination.

The first thing you need to establish when examining a corpse is the time in which the death. During bringing often significant changes in body condition, it is imperative to keep track of time that has passed from death to date. After that, it needs to ascertain the cause of death.

A death can be caused by:

- a) Strike or injury;
- b) Hanging;
- c) Poisoning;
- d) Choking.

It is not always easy thing to determine definitely which of these types of death was subject person killed, as are sometimes guilty to cheating justice and to prevent them from discovering their tracks do after death, injuries cadaver, firearms or other instruments or bodies throat and prints hang on the part of the body signs that are to believe that was hanging and others.

The prosecution in proving the existence of the crime of murder, determine:

- If the activities carried out by the perpetrator, the means used by him and produced results or not a causal link.

- If the concrete ways in which to act and the actions or inactions of those is death or were likely to produce this result.

To exist for murder must be a causal link between criminal activity carried out by the perpetrator, the means used by it and the result produced. Given that the offense of murder is an offense can be committed by action and by omission. Murder committed by direct action when the author kills the victim acting directly (by shooting, hitting, choking). Murder committed by indirect action is when the author in order to achieve the goal set in motion a material force (set a dog barking on the victim) or expose the victim to dangerous situations.

Murder is committed by omission if the offender does not meet the act was required by law.

In category fall objects peaks stabbing or sharp blades.

- Stinging objects produce sharp, usually smaller than those of the sharp object.

The shape of the opening, on the outside, will depend on the shape of the object pungent. Point holes left by the needle after injections or require an examination with a magnifying glass in order to differentiate the biting insects.

- Stinging - cutting lesion objects with smooth edges, sharp angles, linear or broken, shallow or deep.

- Objects splitters split lesion cut on the skin, as well as the fracture.

With these objects are produced, as a rule, heteroagresive lesions, but are cases of auto-aggressive lesions, such as multiple lesions in the head of a suicidal mentally ill. Committed violent death by suffocation mechanics, is a very common way of homicide, and suicide. Asphyxiating gas metabolism disorders are characterized by rough deprivation of oxygen, the main phenomena and a consequent increase in carbon dioxide as a secondary phenomenon.

The phenomenon improper means lack of pulse. But exact synonym is anoxia. Death by suffocation may be due to: crunch, sealing airway blockage of the larynx or trachea, chest compression and drowning. When the body was found hanging review should proceed on the lungs and the brain vessels, because these organs depicts significant alterations when death was accommodated by asphyxiation. By using firearms are created additional clues both weapon and ammunition and target objects. Each of these tracks can provide some useful information to identify the weapon that fired and those who used it.

Traces of products with rifled barrel weapons:

a) Tracks formed on the gun

- is burned powders deposited on the chamber walls and on the inside of the blast pipe;
- If new weapons, rifling are prominent, while the weapons used more often, rifling are dull;
- On butt in particular, and the other component can be found fingerprints of the drawer and even bloodstains from the victim (Botoş 2012, 114);

b) Marks printed on ammunition:

- At the time of firing the bullet will be expelled to target. Tube goal is expelled out of the weapon remaining and being set up, usually the scene. The traces of the bullet:
- As a result of the fact that the diameter of the projectile is greater than the distance between two opposite grooves, the bullet is "forced" to pass through these bumps that will print on the projectile in the form of parallel stripes. The number, orientation grooves, their linear continuity can lead to the identification of certain weapons that were fired.

Chalking empty tube:

The pressure of gases formed by burning walls cartridge will be pushed outwards them into the micro combustion chamber of the gun. The collar cartridge prints left behind claw extractor. The positioning of all, the depth, shape, distance from the bottom of the cartridge are the detail that can be used to identify the weapon.

Needle striker hitting staple deforming, and it prints its microrelief.

c) Traces formed on the human body: When using a firearm for injuring or killing a person, the victim's body was found some traces whose interpretation allows for the weapons of the boarding fired and circumstances that you committed the act. These traces are created either by the projectile, or by products blasting factors (flame, hot gases, burnt and unburnt powder)

Murder by poisoning is rare because it requires the perpetrator can access in the privacy of the victim. Murder by slow poisoning is committed, in most cases, women are hard to discover. Toxic reactions occur and damage specific to their nature, as well as the dose which have been inserted into the body, death occurring at a longer or shorter time, at times it may be spread over a long period of time, such as chronic professional intoxication.

The violent death of a person can be produced with means above and other factors, such as, for example, the death caused in car accidents, marine, airborne in accidents, deaths caused by various physical energies (heat, cold, electricity). Special mention ought to be made by the so-called death produced psychic agents, which occurs rapidly after intense emotions (fear particular, excessive joy, anger). Shock psychiatric produce a reflex death by sudden stopping of vital functions. Determining the nature of this death is particularly difficult since it is necessary to prove psychic medium ability to produce such an effect, as predisposition passive subject to death by psychological shock due to pain like atherosclerosis, heart failure, asthma.

The body that task will require work and determination object falls expertise (findings), valuing correct formulation and clear questions (problems) which will have to respond specialists or experts. Assessment of the appropriateness arrangement involves studying and learning material on which work is to be ordered, so as not to delay necessary for an expert solution concerned. As late layout and arrangement premature expertise can have negative consequences on the investigation, they may cause degradation of the material in question is either insufficient examination material. Identification of the subject expertise and classical formulation of the questions are also extremely important, a common request in the context of judicial ballistic expert, to decide whether the expert is presented firearm weapon. Or, call the expert is not to rule on the issue of law, but only the facts or circumstances of the case. Such experts may tell whether the weapon is a firearm then the disputes atypical, military, hunting, etc. and if it works on the principle of firearms, but legal qualification is the task of the judicial body. Questions to be pursued expertise are generally subject to the need for clarity, indicating precisely the object end features targeted.

After researching on the spot, making the determination or forensic represents another milestone of violent death elucidation of the problem that, for objective reasons, cannot be answered from the start. Moreover, in these conditions, according to criminal procedure, finding forensic be ordered by the prosecuting authority as forensic expertise is required to determine cause of death unless prepared a forensic report. To the significance of this act forensic in the settlement researched, recommended it is that necropsy be performed, if possible by the very medical anatomopathological who attended the crime scene investigation or to provide the minutes of the crime scene investigation and photos, videos made on this occasion.

Forensics helps accurately identify the nature of the injuries on the body of the victims, their age, the effect they have on the human body in the context of certain offenses committed by the offender. Forensics is the science that studies pathological condition related to life, health and human activity as incriminating facts or social relations protected by law in order to provide scientific evidence characters (Gheorghe, 1970, 13).

Classification forensic death distinguish between:

a) Natural death that occurs after wear body's physiological and does not require investigation criminology or forensic autopsy, unless the cause of death was attributed erroneously medical history;

b) Pathological death that occurs in an internal cause, pathological factor determined without external intervention. Can be slow or fast, also called sudden death. Sudden death is characterized by a rapid onset in individuals apparently healthy, so I'm always suspicious criminal prosecution body and requires autopsy. It can be caused by cardio-vascular brain.

c) A particular problem raised by the so-called death by inhibition occurs almost instantly, some people hit the abdomen or testicles, without finding at autopsy, injuries to explain the cause of death. Also, the bottleneck may cause sudden stopping of the heart or respiration, occurs before a choke, a case of violent death;

d) Violent death, which is due to an external factor, the physical mechanical or chemical means. Death occurs rapidly or slowly, by complications.

Category violent death are: murder, suicide and accidents.

The basic rule by which to guide judicial bodies investigate criminal offenses against life is the organization of the judicial investigation and prosecution plan in order to clarify fully the circumstances of committing murder and identify the perpetrator.

A central place occupied earlier drafts prosecution, on the nature of violent death, the person of the author, the motive and purpose of the offense and the circumstances or conditions under which it was committed.

For development versions, the prosecuting authority, leading the investigation, will be allowed a minimum of precise and concrete information concerning the action.

These data are obtained both by procedural and springs Forensics expert specializes able to search, discover and raise the material traces left at the scene, the victim and the aggressor clothing and body and the delicate bodies. He is able to perform comparative examination of those marks with their creative subject, reaching firmly identify this object and how they acted and produced these tracks. This activity is not a judgment, but an examination and a demonstration rigorous scientific on their dynamics and scientific identification by physical and chemical nature of all material found at the scene, the clothing and body of the victim or perpetrator.

Conclusions

Murder is practiced in prehistoric times. Ancients killing various animals for food, to procure clothing and various other items that might be useful. With civilization of mankind, in the struggle for land, power and wealth appeared wars between nations. Over time, certain important people, killing villagers to have fun. Organized various games battle between humans or animals. Peoples began to kill each other because of disagreements. Over time, there were codes prohibiting certain crimes, some punishing defendants to death, therefore, the murder became a penalty for the unlawful act committed.

The world's first code was the code of Hammurabi the Great, the king of Babylon. This code was largely destroyed, and parts of it were found french. Forensics has emerged as a necessity, the science that has knowledge about methods, their technical and tactical procedures for discovery, investigation of criminal offenses and identify persons involved in committing them, based on other sciences such as physics, biology, chemistry, mathematics. Forensic shall function both on the ground at the spot of committing an offense, and in the laboratory to investigate and identify samples collected in the field. Research on the spot is divided into two phases, static phase and dynamic phase.

The static phase will carry out certain tasks such as setting state and position produced in evidence, executing shots guidance, sketches and photographs object main attachment filming or recording vidomagnetics, determine any changes made prior to arrival of the research team in dynamic phase will examine clothes, garments and shoes body, aiming to both their characteristics and existing marks or stains on them. Examine the corpse body to observe the physical constitution, colour, special marks, including marks cadaver. After that will examine the whole body, from the victim's head, neck, thorax region, abdomen, the back region the upper and lower limbs. In this phase of the detail images is performed, two-dimensional photographic measurements is finalized drawing the scene. All these features will be recorded in the minutes made onsite. Murder may be celebrating the light weapons, bodies blunt by asphyxia by shooting, poisoning or could be caused by other factors such as death caused in car accidents, air, sea, accidents at work or caused by various physical energies as They are heat, cold, electricity. Murder occurs quickly if emotions are very intense when fear is great, excessive joy or sorrow. The sudden stop of vital functions. To investigate the murder is making other investigations such as layout forensic expertise that is through studying and learning object work, separate consideration of the work material at issue and the comparison, comparative examination, demonstration and finally, conclusion.

Another murder investigation is layout used for research of forensic examinations. This expertise makes clear the type of death. Death is divided into natural death, pathological, by inhibition and violent death. To facilitate their work, forensics resort to earlier drafts prosecution. It refers to the nature of violent death, the person of the author, the motive and purpose of the offense and the circumstances or conditions under which it was committed. This is done by accumulating data from the site and the statements of witnesses, relatives or investigation concerning the victim.

Finally, we will check to see which version is most plausible. In more severe cases such as assassinations, occult murders, rapes, robberies, bank robberies, analysis obscene letters or terrorist arson, rape and murder recourse to geographic profiling or as it is called, to psiho-criminalistics. This profiling includes age, race, residence, occupation, marital status, external appearance, intelligence, vehicle owned record degree of sociability and aggression of the accused. To carry out criminal acts recourse to hearing witnesses, hearing the suspect or defendant, making confrontation, conducting searches, making reconstructions. Without all these measures, research and investigation, the task of judicial police to solve cases would be much more difficult and perhaps impossible in certain situations.

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Improving Sustainable Development and National Security through Office Technology and Management Programme in Nigeria

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ABSTRACT: The development of skills, knowledge and competence through functional education which is the main focus of office technology and management cannot be over-emphasized. This study is undertaken to examine how sustainable development and national security can be improved through office technology and management. The survey research design was adopted while the population consists of stakeholders in office technology and management in Ekiti State. A sample size of 100 respondents was used. Two research questions guided the study and two hypotheses were formulated for the study. The research instrument used was the questionnaire and it was validated by experts in the field. The mean and standard deviation was used for the analysis of the data and chi-square was used for the hypotheses formulated. The study revealed that sustainable development and national security could be improved through office technology and management if adequate attention is given to maintenance of standard and funding of the programme. It was therefore recommended that government at various levels and other stakeholders in education should give the needed attention to adequate funding of the programme to achieve better result.

KEYWORDS: sustainable development, national security, office technology and management

Introduction

Education as a concept has been viewed by various scholars as the foundation of every society and a fundamental tool for national development. The various descriptions of education have shown that it is the key to national development, modernization and globalization. According to Odiba cited in Olowe and Ogunode (2015), education is a companion which no misfortune can depress, no crime can destroy, no enemy can alienate and no despotism can enslave. In addition, they posited that upon the substantial role that education plays in national development and globalization, there has been a global quest for more functional and qualitative education. Olawole (2013) regards functional education as a vital tool, the only means of achieving sustainable development and especially the life ultimate objectives.

For any nation to be economically vibrant according to Adesina cited in Fasae and Elemure (2008), each person that is a consistent of that nation must be fully equipped with skills, knowledge and aptitude that would help him function and contribute effectively both to the development and the growth of achieving the goal of production of manpower, possess the requisite knowledge, skill and attitude for harnessing other resources and bringing them into cooperative relationship, yielding the goods and services provided by the society for the satisfaction of their wants and needs. Office technology and management education programme is believed to be playing a vital role in equipping the recipients with the ability to become economically efficient and effective thus promoting national security.

Noted from the above view therefore is that there is the dare need for an educational programme which can provide a type of training in office education which will inculcate into people particularly the teeming unemployed youth and poverty stricken populace the competencies or skills needed for managing a personal business and at the same time, providing relevant services that will help in improving the economy of the country. Jubril (2010) averred that vocational education could contribute in great measures to the society. According to him, it could stimulate

industrial development by producing competent workers that are capable of developing and utilizing technologies for economic growth leading to general development of any nation. For our economy to be developed and sustained therefore, there is need for a functional education that will enable the recipients to be self reliant or self sustained through self employment and any education that fails this acidic test has failed all (Akintonde, 2008). Therefore this paper empirically examined the significance of office technology and management programme in improving sustainable development and national security in Nigeria.

Literature Review

An overview of Office Technology and Management Education

Office technology and management as viewed by Osuala cited in Udoudum and Usoro (2013) is primarily concerned with the acquisition of mastery of office related skills needed to perform in the business and technological world. This emphasizes the knowledge, skills, attitude and technicalities that learners will be expected to display on completion of their training. Olafare (2007) however gave a more practical approach in describing office technology and management. According to him, it a curriculum that has as its controlling purpose the preparation of individuals for useful gainful employment and life-long education; hence, it has the potential to effectively empower the citizenry. The empowerment stimulates sustainable national development, enhances employment opportunities, improves the qualities of life, reduces poverty and limits the chances of social vices occasioned by joblessness. Jubril (2010) submitted that vocational office technology and management education in our education system could open wide opportunity to improve industrialization in Nigeria. The use of vocational knowledge by the recipients would help in expansion and establishment of more businesses in the society, ultimately promoting national development and security. Thus, office technology and management is aimed at shifting emphasis from white collar jobs to manipulative skills which will help its beneficiary to be a responsible member of the community.

Sustainable development

Sustainable development as described by Umezulike and Okoye (2013) is a state of having well balanced, steady and effective use of human, material and capital resources for total economic independence and development of a nation. They however maintained that suitable and sustainable development can only be achieved if government and economic policy makers should be transparent in their dealings. To maintain a high degree of transparency therefore according to Umezulike and Okoye (2013), government should stop paying lip service towards the promotion of business education programmes at various levels of education because its services are the major key and custodian of government vital information for managerial presentation, analysis and judgment of economic activities.

Moreover, Bagudu (2013) maintained that sustainable development is the development geared towards the need of the present without compromising the ability of future generations to meet their needs. This contain two key concepts namely the concepts of needs in particular, the essential needs of the world poor, to which overriding priority should be given and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet the present and future needs.

National security

The state of insecurity in Nigeria today has brought about so many challenges with various negative effects. This has led to political, social and economic disruption which in turn has resulted in slow economic growth and development (Sani, 2013). There is no doubt that a lot of measures would have to be put in place to address security issues in the country. Folaranmi and Adegbenro (2007) admitted that graduate unemployment in the country today has become a serious problem and has constituted a serious threat to the nation's economy with its attendant social problems of armed robbery, youths restiveness, prostitutions, female trafficking, insurgency and advance free fraud which has reached an

alarming height and every efforts the federal government of Nigeria had put in place to solve the problems seem to have failed.

Eme and Anthony (2011) posited that matter of safety and security are topical issues in today's Nigeria and life has always been precarious in the country as it is subject to all manners of dangers. They further argue that there is the fear of kidnappers, political and economic related assassination and extra-judicial killings which have rapidly become familiar features of our landscape. The impact of this massive sense of insecurity on both psychic and overall functioning of Nigerians cannot be overestimated. In view of this, Adetokunbo (2011) admitted that there is the challenge to rethink and improve on policy and institutional means of dealing with security concerns in the country.

Olanipekun and Alabi (2007) further viewed that Nigeria in recent times has witnessed an unprecedented level of insecurity which has ranked the country low in the Global Peace Index signifying a worsened state of insecurity in the country. The most serious security threats according to them in Nigeria at the moment are those in the category of the violent religious extremism of Boko Haram, the Niger Delta militants, the discontent and separatist call by IPOB and MASSOB, high rate of kidnapping, robbery, the Fulani herdsmen and many other violent acts. The activities of these sects have led to the untimely death of many Nigerians including foreigners. The Boko Haram terrorists employ such tactics as suicide bombing, organized attacks on security men and rural communities while the militants and others engage in kidnapping for ransom. Amen (2018) asserted that clashes between herdsmen and farmers in Adamawa, Benue, Taraba, Ondo and Kaduna have resulted in 168 deaths in January 2018 alone. According to her, in 2017, clashes between nomadic herdsmen and local farmers resulted in at least 549 deaths and thousands displaced across Enugu, Benue, Taraba, Zamfara, Kaduna, Plateau, Cross Rivers, Adamawa, Katsina, Delta and Ekiti States. Sustainable development cannot be achieved in a country where security challenges are monumental.

The insecurity in Nigeria is sending a wrong signal to the international community. As a result of this, many international agencies and countries according to Adesina cited in Gbadamosi and Omidiji (2017) have intensified their warning to their citizens of the risks involved in traveling and doing business in some part of the country. The question for everyone in Nigeria today is 'can there ever be security of lives and properties in Nigeria?' This can only be answered when attempt is made to lay emphasis on educational programme that can engage the teeming youth in self employment and sustain the economy.

Office Technology and Management, the concept of sustainable development and national security

For development to occur in a nation, the people in the community must be well organized and properly oriented so that there can be remarkable prosperity through efficient management of scarce resources (Akorede 2005). According to him, an assessment of the kind of education offered today in our nation needs to be taken. This becomes imperatives because the needed skills are virtually not seen upon graduation in most citizens and this call for re-orientation and finding ways of making the teeming population to be equipped with necessary skills that will make them to be self reliant. Umezulike and Okoye (2013) opined that a nation's developmental viability depends largely on the productive and innate wealth potentials of their selfless and dedicated citizens who built their wealth of experiences out of small and medium scale enterprises.

Accordingly, Umezulike and Okoye (2013) further asserted that great nations are those that stand and defend even the single soul within their environment but the reverse is the case in Nigeria, which cannot defend itself due to security problem which was brought about by high rate of unemployment in the country. In his observation, the unemployment problem was caused by the government neglect in promotion and sponsoring functional business education programme in both formal and informal settings. Akintonde (2008) observed that office technology and management education can play effective role in getting graduates to function effectively in the world of work

because it is an education that helps to serve individuals in making adjustments in economic arena as a worker, citizen and consumer.

Purpose of the study

1. To identify the potentialities of office technology and management education in improving sustainable development and national security.
2. To determine measures that can be taken in the quest for improving sustainable development and national security through office technology and management education.

Research Questions

The following research questions guide the study

- Are there potentials inherent in office technology and management for improving sustainable development and national security?
- Are there measures needed to be taken in the quest for improving sustainable development and national security through office technology and management?

Null Hypotheses

- Ho₁: There are no potentials inherent in office technology and management education for improving sustainable development and national security.
- Ho₂: There are no measures needed to be taken in improving sustainable development and national security through office technology and management education.

Methodology

This study adopts a descriptive survey research approach to find out how sustainable development and national security could be improved through office technology and management education. The population of the study consists of education stakeholders such as lecturers, graduates and graduating students in Office Technology and Management education in Ekiti State. Simple random sampling was used in selecting a polytechnic, a university and a college of education for the study and 100 respondents were randomly selected for the study. A 20 item self administered questionnaire was prepared and distributed to the respondents that were used for the study. The instrument was validated by experts in business education. A four-point Likert type rating scale was used with value assigned to the four response categories as follows: Strongly Agree (4 points), Agree (3 points), Disagree (2 points), and Strongly Disagree (1 point). The data obtained from the respondents were analyzed using mean ratings, standard deviation and chi-square. Consequently, any factor with a mean score of 3.00 and above was considered an important factor while any response below 3.00 was regarded as not important for the study.

Data Analysis

Research Question 1

Are there potentials inherent in office technology and management for improving sustainable development and national security?

Table 1: Potentials in Office Technology and Management for improving sustainable development and national security

S/N	Item Statement	X	SD	Decision
1.	Reduction in unemployment and crime level in the country	3.19	0.88	Accepted
2.	Increase employment prospects for graduates and youth	3.32	0.82	Accepted
3.	Effectiveness and progress of graduates in employment	3.18	0.82	Accepted
4.	Reduction in the level of poverty among citizens	2.98	0.92	Rejected
5.	Inculcation of relevant skills and ability needed for self reliance	3.35	0.68	Accepted

6.	Promotion of private enterprise that reduces dependence on government jobs	3.13	0.86	Accepted
7.	Entails entrepreneurial skills needed to grow the economy	3.36	0.77	Accepted
8.	Makes the recipients to be financially independence hence reducing agitation and insecurity	3.06	0.89	Accepted

The analysis of the result presented in the table above shows that Office Technology and Management has the potentials needed in improving sustainable development and national security. This can be deduced from the response of the respondents which has a mean of not less than 3.00 in all the items except that it was agreed that Office Technology and Management may not be all that is needed to reduce the level of poverty among citizens.

Research Question 2

Are there measures needed to be taken in the quest for improving sustainable development and national security through office technology and management?

Table 2: Measures needed to be taken in improving sustainable development and national security through office technology and management education

S/N	Item Statement	X	SD	Decision
1.	Provision of educational facilities and infrastructure to implement OTM curriculum	3.47	0.71	Accepted
2.	Adequacy and availability of teaching staff	3.42	0.64	Accepted
3.	Adequate security and proper maintenance of OTM equipment in institutions	3.45	0.41	Accepted
4.	Adequate and timely funding of OTM programme by relevant authorities	3.25	0.74	Accepted
5.	Availability and reduction in the prices of OTM books	3.19	0.71	Accepted
6.	Updating the knowledge of teachers through relevant developmental programmes	3.50	0.61	Accepted
7.	Ensuring strict adherence to curriculum implementation for quality output	3.14	0.81	Accepted
8.	Integration of more entrepreneurial contents into the curricula to meet current needs	3.20	0.79	Accepted
9.	Appropriate policy that will encourage more enrolment in OTM programme	3.24	0.72	Accepted

The result of the data presented in the above table shows that the entire item raised stand as measures needed to be taken in improving sustainable development and national security through office technology and management education. This can be inferred from the response of the respondents which has a mean of not less than 3.00 in all the items.

Testing of Hypotheses

Table 3: Chi-square tests on the potentials in office technology and management for improving sustainable development and national security

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	32.927 ^a	21	.047
Likelihood Ratio	33.098	21	.045
Linear-by-Linear Association	.203	1	.652
N of Valid Cases	799		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.95.

A critical examination of table 3 indicated that the P-value (0.047) is less than the level of significance of 0.05. It is very clear therefore that the result is highly significant. The H_{01} is therefore rejected. That is, there are potentials inherent in office technology and management education for improving sustainable development and national security.

Table 4: Chi-Square tests on measures needed to be taken in improving sustainable development and national security through office technology and management education

	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	43.759 ^a	24	.008
Likelihood Ratio	45.555	24	.005
Linear-by-Linear Association	10.834	1	.001
N of Valid Cases	900		

a. 9 cells (25.0%) have expected count less than 5. The minimum expected count is 1.89.

Table 4 shows that the P-value (0.008) is less than 0.05 level of significance. With this value, it is therefore evident that the result is highly significant. The hypothesis that states that there are no measures needed to be taken in improving sustainable development and national security through office technology and management education is not accepted.

Discussion

This study centres on improving sustainable development and national security through Office Technology and Management education. The result of the study shows that there are lots of potentials inherent in office technology and management education for improving sustainable development and national security. This view was corroborated by Ade cited in Olafare (2007) who submitted that business education exposes its recipients to wide opportunities for careers in the world of work and helping them to understand what contributions these careers can make to their own lives and public welfare and it further equips its recipients with the knowledge, skills and attitudes needed for their contributions to nation building both as producers and consumers of goods and services. This also agrees with the view of Jubril (2010) who posited that vocational office education could help to reduce

the rate of unemployment in Nigeria by the development of saleable skills in students who could become employable after schooling. According to him, it could stimulate industrial development by producing competent workers that are capable of developing and utilizing technologies for economic growth leading to general development of any nation.

In the view of Omeje cited in Kolawole and Elemure (2007), Office technology and management education places a significant role in equipping its recipients, youths and other individuals with entrepreneurial skills, competencies and attitudes for self-reliant and sustenance. These skills are the business skills acquired to enable them function effectively in a turbulent society as ours. Kolawole and Elemure (2007) further pointed out that youths development and acquisition of entrepreneurial skills that will enable them to establish small business ventures comes through business education which has the potential of equipping youths with appropriate entrepreneurial skill, adequate knowledge, abilities and competencies that will in turn enable the individual to be self-employed and self reliant leading to sustainable economic growth and poverty reduction.

The result of the study also shows that there are measures to be taken in improving sustainable development and national security through office technology and management education. This view was in agreement with the view of Akintonde (2008) who opined that for a develop and sustainable economy to be achieved, there is need for a functional office technology and management education that promotes self sustainability through self employment which serves as part of the measures to improve the economy of the country. He further pointed out that to achieve any meaningful development; citizens must possess the requisite knowledge, skills and attitude for harnessing other resources and bringing them into a cooperative relationship yielding goods and services demanded by society. Fasae and Elemure (2008) further noted that in order to achieve the goal of empowering the citizen with the needed skills for the purpose of sustaining the development of the nation, there is the need for the re-orientation of the citizenry towards office technology and management education programme and a heavy injection of funds to improve the delivery of office technology and management programme in schools.

However, for office technology and management programme to be meaningful and be a wheel of development of the nation, Olafare (2007) viewed that there must be adequate funding to enable institutions to provide adequate and latest facilities that will make the trainees acquire the most relevant skills and the curricula will need to be re-designed to meet the challenges of modern society in training recipients to be self-employed, self-reliant and self-sufficient.

Conclusion

The deplorable state of the nation's economy calls for an education programme that will address the mirage of problems and the challenges currently facing our country. Office Technology and Management education which include knowledge in vocational education, business education and occupational skill development is no doubt needed to fill the gap. A lot of opportunities abound for recipients of office technology and management education programme which make them fit into many sectors of the economy having been exposed to the development of the right and needed employability and entrepreneurial skills to enable them function effectively in the world of work. To ensure that this noble objective is achieved, necessary support will be needed for the promotion of a vibrant office technology and management programme in the country.

Recommendations

- Funds needed for the development and sustenance of office technology and management education programme in various institutions of learning should be adequately provided by government and other stakeholders in the education sector.
- There is need for the provision of office technology and management education in a distance learning programmes for more enrolments of young and interested youths as a strategy for sustainable development and ensuring national security.

- There is the need for the integration of office technology and management education programme in all the tertiary institutions in the country including the universities.
- There is need for re-orientation of the public on the need to embrace vocational education programmes so as to reduce the menace of unemployment and other social vices in the country.

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Firearms – A Double-Edged Sword

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ABSTRACT: The dual nature of the human race has been the major cause for both positive and negative actions throughout history. Socrates insisted that a man must have a clear representation of both good and bad, so he may choose the proper approach. Therefore, any direction followed by an individual can lead to either desirable consequences or the opposite. Firearms were created as a means of protection and prevention from invaders. However, even if during periods of conflict they have proven their usefulness by defending homelands and other key locations, in the hands of an ordinary person they provided the possibilities to take the criminal activity to another level. In this manner, crimes could be committed at a faster rate, with more accuracy from a safe distance, lowering the chances of the victim to be able to defend themselves. In order for one to understand the concept of the firearms being a “double-edged sword”, he requires to have a clear representation of the complexity shown by a weapon structure, the key components, the power which can be generated by using a firearm and the damage done. Also, the representation, besides the mechanical and structural part, must include the criteria based on which an individual can have, keep and use a firearm, with the general differences from one legal system to another.

KEYWORDS: components, firearms, legal criteria, structure

Introduction

A firearm represents a structure composed of several parts which work in harmony with the single purpose to launch the projectile at a certain target in order to create damage on the surface of the object.

A brief history of the creation and modernization of the firearms is necessary so that one may understand better the changes that can happen to a human invention based on the direction taken by its users.

The first ever created firearm was the arquebus. In order to be maneuvered this weapon had to be handled by two people at once. Even if the interval between the loading and the actual shot was long due to the difficulty of the design, the bullet could reach a distance of 100 to 200 meters.

In the fifteenth century the musket was brought on the battlefields proving its worth mainly because it was lighter and more efficient, also some modifications were done to the projectiles.

Between 1625 and 1630 A.D. the country of France will come up with a new and better invention named “Rifle”. The rifle can be considered the main ancestor for the other models created in the centuries to come.

The quick progress made in this area of technology was caused by the repeated wars and conflicts in the last 400 years, to be more specific from the start of the colonial age up until today.

During the last century, as a result of two world wars and other regional battles, improvements of the highest importance were made both to the rifle and the pistol. One of the most worth mentioning is the creation of the machine gun. This weapon proved its superiority to her previous models in the domains of speed fire, time of loading and precision. As for the pistol, the first to be created was the revolver, followed by the modifications made by Samuel Colt. At last, the automated pistol made its appearance during the years 1850-1860 ending the era of the Colt model.

Even if the gunpowder was discovered by the Chinese people, it wasn't until the transition to the European continent that this element would become the main fuel for the new generation of weapons. This can be considered the decline of the ancient weaponry such as swords, bows and arrow.

Having their design forged and transformed in a timeframe of hundreds of years with more wars fought than lasting peace, nowadays firearms have reached a certain complex structure. As such, the first component to be presented is the pipe of the gun. Currently there are two types of pipes: the hinged and the smooth.

The hinged pipes have the remarkable feature that they present inside of them cuts made into a spiral form which have the function of providing a circular rotation to the bullet when launched, for a better precision. The composition of the hinged pipes begins with the detonation chamber, followed by the connection cone and the hinges themselves (Dobrin and Pleșea 2018, 23).

Smooth pipes have the disadvantage that the distance of the shot is considerably reduced, due the fact that the axe rotation of the bulled is not present when the fire is commenced (Dobrin and Pleșea 2018, 23).

Another piece of the firearms is the groove for the guns with a pipe longer than 60 cm. It is meant to be hold by the hand opposite to the shoulder serving as support for the gun bed.

Paper content

The body of the weapon keeps the pieces in one solid device and assures the connection between the internal mechanisms. Next to be presented it the weapons lock which introduces the cartridge and locks the cartridge room in the meantime preparing the release of the shot. The mechanism of extraction and ejection takes up the role of getting out the remaining tubes after the bullet is put into motion. In the same manner, the charger holds the ammunition.

There are several parts of the firearms which detain an accessory role. These pieces can be separated based on their nature.

With the mechanical nature, we are in the presence of accessories such as the weapon sight, the gun hunt and the target line. As for the optical nature, we can add the gun rear.

Some additional pieces can be used to enhance the performance of the device, for example the noise damper alongside the recoil reinforcer.

A good gun is a clean and well maintained gun, therefore the brush, the coat and others such are used for the good preservation of the components.

Ammunition can be categorized as the lifeline of a firearm, without it the main objective of the instrument being lost. The term is based on the french word “munition” declaring a general name for the cartridge.

From an objective perspective the ammunition can be defined as the total elements which bring together the cartridge of the weapon, for instance the tube, the staple, the load overturning and the bullet (Dobrin, Pleșea 2018, 25).

Having covered the development history of the firearms and its basic components, it is important to understand the circumstances and the conditions in which a person can possess, carry and use a gun. We will be referring only to the ordinary civilians, not the military personnel. This focus on the everyday citizen of a certain country is the best approach to place into evidence the social reflexes which have transpired into the modern society in regards to this subject.

The legislation of every country is a result of her past experiences, socially developed behaviors and accepted conducts. A nation is founded, developed, dragged through internal and external conflicts, reforms and reorganizations, bringing it to a certain point of self-awareness. It can be said that a state is essentially the representation of a normal human but at a much larger scale. The state experiences certain events, understands and learns from past experiences, resulting in measures taken in order to improve some aspects or to prevent a series of past mistakes. This is done by the state's institutions, which work in order to realize the general interests of the society.

The comparison on the legislation of firearms will be done taking into consideration two countries from two different systems of law. The systems approached are the system based on the Romanic descent and the Anglo-Saxon.

Romanic systems of law are a direct result of their heritage from the Roman Empire's juridical composure. The main characteristics are the following: it is a written system structured in different levels based on the importance of the springs of law; a pronounced accent is placed on the codification of each law; it is divided into public law and private law; there are a series of fundamental principles which serve as a guideline for the application of the legal norms; it is segmented into several institutions and branches (for example: criminal law, civil law, administrative law, constitutional law etc.) (Popa 2008, 58).

Anglo-Saxon systems are substantially different from the ones mentioned above. In this manner, mostly the codification of the legislation is not present, it is not divided into public law and private law, the accent is placed on common law, equity and statutory law (Popa 2008, 59). In these system the practice of the courts can serve as a model and implement a certain decision when a case shows up and has the same circumstances as a past one. We could say that the court practice has the power to create legislation. However, the practice in the Romanic system does not have this ability, it can serve only as a reference for future cases.

Romania is part of the Romanic family systems of law, in the domain of weapons possession having laws which specify the conditions necessary for a civilian to have, carry and use a firearm. Also, the legislation is aligned with the international agreements, especially the ones implemented throughout the European Union. At a national level, the main law displaying the lines to be followed in the event that a Romanian citizen wishes to purchase a gun is Law number 295/2004 with the modifications up to date. The firearms are divided into five categories.

Category A is represented by the military arsenal (rocket launchers, automated guns), these can be used by the personnel of the institutions which have roles in the national defense domain and public safety system. Category B incorporates the short and long firearms semi-automated which are available to the persons who acquire a special permit. C and D category weapons must be registered and authorized according to the legal norms, we can mention the revolver for the first mentioned group and the tranquilizers for the second one. Lastly, we have category E, these do not require to follow the registration and authorization procedures. As an example, we can name the paintball devices and Airsoft guns (Law no 294/2004, Chapter I, Art. 4).

Citizens have to purchase the weapon at a legally recognized weapons store. Also, the gun has to be presented to the police section where all the data and the characteristics will be entered in a tracking system. The police are the main authority in granting the right to detain and use a gun. Complementary, in order to assure that the public interest is protected, and the weapon is not given to a mentally unstable individual, the “candidate” is bound to take several medical and psychological exams.

Romania has acknowledged and implemented the laws created for the European community by the measures taken as a result of the 91/477/CEE directive of the European Parliament, proving that is an active and interested member of the external matters.

The United States of America have their legislation based on the common law system. In this, manner, USA is part of the Anglo-Saxon law structures family alongside the United Kingdom, Australia and New Zealand.

The constitution is the main focal point for all the laws that govern the American society. As for the subject for gun usage and possession, the Second Amendment states that for the protection of the free state, the people have the right to keep and bear arms. (USA Constitution, Second Amendment).

Although this has sparked numerous debates, some believing that the amendment refers only to an organized Militia having the right to guns, it was decided in 2008 by the Supreme Court that any citizen has the possibility to keep and use a firearm for self-defense. This ensures that an American citizen can protect his property and his/her loved ones from any aggression. Subsidiary, the right to have and bear guns is tied to the obligation that only in a situation of necessity should this freedom be exercised.

Conclusions

Based on the above presented information we can draw a series of conclusions. The concept of “a double-edged sword” is applicable to the firearms as they have proven to either defend a community, a general interest or to help raise the criminality to another degree. As a result of the new methods that the potential criminals had at their disposal, the authorities have had to implement several regulation to combat and prevent illegal actions taken by certain individuals.

Based on past experiences, a legislation of a nation develops accordingly. Such is the case of the United States of America. Having been at war since its founding days either with the British

Empire or the native people of the land, a social reflex has formed, thus the population being used to carry guns all the time for defense purposes. Fast-forward to present day, the Constitution guarantees the right for any individual to use a firearms in order to defend what is dear to him. At the opposite part, Romania created a series of conditions which require to be met for the ordinary citizen to use a gun. Even if the right to bear arms is recognized by the state, military weapons are not accessible to the general public. We can place this effect on the argument that Romania, being part of the Romanic systems of law, has written laws in regards to this subject, special laws with imperative norms which cannot be interpreted otherwise than their original meaning.

As we have seen, the historical part of the firearms is complex and diverse, having went through several development steps with each century. Guns and pistols present a series of components with the primal objective to work in harmony, transforming the chemical energy into kinetic energy so that the bullet may be fired at the target.

On the planet there are different systems of law, from the Romanic to the Anglo-Saxon and from the Muslim to the Hindu, all based on a historical and social heritage. Finally, with all the laws and regulations, the way a gun is used manifests as a direct result of the discerning, education, concepts and empathy of each human. A man or woman raised in a violent environment, will choose the path of evil. At the opposite polar, a child raised with empathy, kindness, good education and correct knowledge will become productive member of society, only as a last resort choosing to hurt others.

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The Comparison of the System of Lao Zi's *Tao Te Ching* and Socrates' *Plato's Complete Works of Plato*

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ABSTRACT: The origins of definition of philosophy put Laozi system and Socratic system in philosophic origins. As a result, the similarities between the two systems are presented. After discussing the similarities between the two systems, the "Clash of Civilizations" has short legs.

KEYWORDS: Socratic system *Complete Works of Plato*, Laozi system *Tao Te Ching*, philosophy, philosophical origin, civilization

Introduction

In all the ideological and cultural phenomena that appear in human beings, the highest level of knowledge is the metaphysical principle of philosophy. The earliest, the best and the most satisfying philosophical theories are the origin of philosophy.

1. Defining philosophy and defining its origins

1.1 The definition of philosophy

1) The definitions of Socrates

Complete Works of Plato says that philosophers are lovers of wisdom, and he loves not only one part of wisdom, but all of it (Plato 2002). In other word, philosophy is the study of love for all wisdom.

In *Metaphysics*, Aristotle (2003) said: "Intelligence is about the science of certain origins and causes."

2) The definition of Philosophy in *My Concorde*

Philosophy is that people use natural intellect in their souls to explore and comprehend the knowledge of the initial, highest natural wisdom with kindness, curiosity and inquisitiveness to love all of it. In other words, Philosophy is the use of human reason to speculate or comprehend the original cause and ontology of human beings and the creation (Meihuai 2014).

3) Main Basis of Philosophy

The definition of the above philosophy contains the basic components of philosophy: metaphysics, ethics and physics, and epistemology. Aristotle divided philosophy into several types, according to the basic elements of it, that metaphysics is the first philosophy, physics is the second philosophy, logic belongs to tool work, and political science, literature and art are not philosophical.

4) The Nature of Philosophy

Originally, philosophy, goodness, is the crystallization of human innate goodness and natural wisdom. But as time goes by, people's kindness and natural wisdom are blinded by the expansion of material desire, and there is pseudo-philosophy, fabricated into a set of theory and philosophy, of pursuing wealth, power, and fame. This pseudo-philosophy is a vicious philosophy that begins as blasphemy. Thus, two opposite philosophies of different natures are brought into being: the philosophy of goodness and the philosophy of evil.

5) The Wrong Philosophical Definition

1. Bullock (1998) definition of philosophy. A word cannot be defined as a no-objection with a single formula, used as a general term for various intellectual activities, which combine a high degree of generalization with assertions that rely almost entirely on reasoning rather than observation and experience. If, in other words, a single short formula is used to define philosophy, then the least objectified formula is: philosophy is thinking about thinking. This definition distinguishes philosophy from a variety of first-order thinking, that is, thinking about a particular part or aspect of

its ideas, methods, and discoveries of practical things (ie, science, history). The main components of the unanimous recognition of philosophy are epistemology, metaphysics and ethics. Each of the main forms of intellectual activity that does not have a universal scope has its own philosophy: science, history, religion, art, and others.

This definition is the most excellent and authoritative definition of Western philosophy since the Renaissance. However, compared with the definition of Socrates, the statement of it is not concise, and there is some misunderstanding content. First, tracing the viewpoints of the Socrates and the Plato system in the origin is lacking. It, a collection of many philosophical schools, only stays in many philosophical schools in the West. Secondly, it is acknowledged that there is a philosophy of rational activity that does not have a universal scope and there is no distinction between “first” and “second” as Aristotle did. Meanwhile, the wide definition makes the philosophical definition too ambiguous that as long as it is thinking or intellectual activity, it is philosophy, and even minor ones can be a philosopher. Socrates once criticized: "If curiosity can be regarded as wisdom, then you will find that many absurd characters can be called philosophers. Third, it is not enough to define it only with thinking, which makes the partial definition. Thinking is only a concept in philosophical epistemology, which has other main components. Fourth, thinking for ideation is the superlative degree, ranking for the first. The talking, philosophy is different from all kinds of first-order thinking, is the mistake of synonymous repetition and circular reasoning. Fifth, this definition abandons the original meaning of "PHILO-SOPHIA" and it is not correct to leave "fundamental".

2. Hu Shi's (2004) definition: The definition of philosophy has never been certain. If must given a definition, then the knowledge, the researches on the important things in life all need to a fundamental solution, essentially, is called philosophy. Hu Shi's definition only stays on the surface of philosophy and does not capture the core content of it. That is to say, the definition only focuses on the usage of philosophy, ignoring the essence, which belongs to the pragmatic views. This progressive definition involves the ethical outlook on life and discards the metaphysical component. But the used concepts have no intelligence, thought, and idea, etc.

3. The definition of Taiwanese philosopher Wu Kunru (2005): The question what philosophy is can be condensed, literally, it is love wisdom, and wisdom is philosophy. Using knowledge well is wisdom. And arranging life is a specific function of philosophy. Philosophy is human philosophy, God does not need philosophy, and material world does not understand philosophy.

The definition of Wu Kunru is complex. Although it is based on love wisdom from the origin, it is also affected by the views of Western philosophical schools and Hu Shi. First, love of wisdom is not equal to Socrates' love all wisdom. The partial love of wisdom cannot be philosophy. Second, using knowledge well is wisdom. However, this wisdom is not in the definition of Socrates, not natural wisdom. Because knowledge has empirical knowledge, the emperor used knowledge to make a name for himself, and a famous adviser used power tactics knowledge to conspired and intrigued. Can this be considered as philosophical wisdom? If can, then Liu Bang, good at planning when against enemy, could be considered as a philosopher. The definition is ridiculous. Third, arranging life and using knowledge are Hu Shi's pragmatic views, which are the end of philosophy.

The above three are classic philosophical definitions. In addition, there are many erroneous philosophical definitions, for example, the definition of German philosophers, the definition of empiricists, the definition of materialists, the definition of evolutionists.

1.2 Defining the philosophical origin

Origin is the derivation of the school and the source of philosophy is the source of various schools of thought. The philosophical system that is called the philosophical origin has four characteristics, the earliest, the best, the highest wisdom and the most satisfying. The earliest refers to the earliest people who created the philosophical system in ancient civilizations. The best is that the principles of metaphysics and pragmatic ethics and political science are all good. The highest wisdom means the highest artistic concept, the most rigorous logic, and the most precise wording. The most satisfying covers three major factors of philosophy, not words that are incomplete.

2. The Laozi System and the Socratic System are Philosophical Sources

The ideological and theoretical system with the earliest, the best, the highest wisdom, and the most satisfying four characteristics in ancient and modern China and foreign countries is only the Laozi system and the Socratic system, the philosophical sources of human beings. In ancient Chinese civilization and ancient Greek civilization, although there were also philosophical papers, some of them were good and some of them were bad, the perfection was not good, and the logic was not strong, before the Laozi system and the Socratic system, and it cannot be a theoretical system due to incomplete text. The discourse of Laozi's *Tao Te Ching* (Laozi 2012) and *Complete Works of Plato* (Plato 2002) is a kind of ideological and theoretical system, kind and logical, covering the three elements of philosophy. Confucius's writings and Aristotle's writings are later than the *Tao Te Ching* and *Complete Works of Plato*. *Guanzi* is the work of the Northern and Southern Dynasties, not the work earlier than Laozi. After the emergence of the *Tao Te Ching*, there were other thinkers in ancient China, and after the emergence of the *Complete Works of Plato*, Aristotle has his monograph and Western Europe has its many ancient philosophical works. Therefore, the Laozi system of *Tao Te Ching* and the Socratic system of *Complete Works of Plato* are the philosophical origins of East and West. For human beings, it is lucky that God gave birth to Laozi and Socrates in the same century, giving them the chance to awake to the truth, in the case where the East and West are separated from each other, giving them the possibility to create a philosophical system with the same ideological content in different languages and expressions, which proves that everyone has the same good deeds and human beings have universal values for the benefit of mankind.

3. The Tao Te Ching and the Complete Works of Plato

The *Tao Te Ching* is written in Chinese ancient scriptures, with only 5,000 words. The *Complete Works of Plato* has more than five million words translated into modern Chinese. Maybe someone would say that as far as the content is discussed, how more than 5 thousand words can be compared with more than 5 million words? My answer is that this is the difference between different language and expression, and has nothing to do with the content. In terms of language, the content of ancient Chinese ancient texts is difficult to express in dozens of sentences in modern Chinese. Using modern Chinese to explain the whole content of the *Tao Te Ching* needs a lot of text. Nevertheless, the *Complete Works of Plato* is written in Latin, and the translation into modern Chinese characters will be reduced. In terms of expression, *Tao Te Ching* is a purely holistic paper, and *Complete Works of Plato* is a dialogue of sub-themes. If the ideas of the various works of Plato are concentrated into a complete theory, and the number of words is less than one million words.

In terms of ideological thought, the basic principles of the three elements of philosophy covered by *Tao Te Ching* and *Complete Works of Plato* are the same. It is proved that they are two systems in different regions, but a same system in terms of ideological content.

4. The metaphysical principles of the two systems are the same

Both *Tao Te Ching* and *Complete Works of Plato* discuss the basic principles of metaphysics. Laozi's ontology concept is permanent rule and Socrates is the most noble good. In the theory of creation, Laozi's concept of the Creator is the correct reason (Ceres, ultimate perfection, human nature) of being and non being after permanent rule, and Socrates' is the soul of the most noble good (God, good idea, human nature).

The first basic principle is that the ontology is the beginning of the universe (a girl becomes a mother), nothing is stirring around, and nothing exists but at the same time, everything exists without creation directly. The creator is the mother of all things in heaven and earth, when the girl becomes a mother. For the coexist of being and non being, dynamic and static combination, the heaven and earth has come into being. Second, the process of creation. Laozi's philosophy is the Way bears sensation, sensation bears memory, sensation and memory bear abstraction, and abstraction bears all the world. For Socrates, the form is one, and when one form divides into two, the real object is brought about so that more objects are emerging. Third, Laozi has a theory that the body and the

spirit are one, and the theory that correct reason is not dead, and the Ceres is not dead, and the theory that restoring human nature. Socrates has the theories that Soul Creationism, Soul Immortalism, and Reincarnation.

5. The ethical principles of the two systems are the same

The basic concepts of Laozi's ethics are: goodness and austerity (simplicity), "five goodness" (five behaviors of kindness), no desire, desire, few desire, five colors, up virtuous, down virtuous and so on. Socrates' concepts are: perfectionism, virtues (justice, wisdom, courage, moderation), opinions and beliefs, beauty itself, beauty phenomena, necessary desires, unnecessary desires, and so on

The first basic principle is that the two people share the same idea, human nature. For Laozi, permanent rule has no partiality, the universe is unconscious; it regards everyone as insignificant, the saint has a heart for the people, no injustice. For Socrates, the concept of goodness is the biggest problem, and the beauty itself is the most beautiful object and defining justice.

6. The same political system of the two systems

Both of them believe that the human historical movements are all circular movements, and the transformation of the political system is the same. The figure of the regime transformation of Laozi: Tae Sang (ancient primitive society) → Qin yu zhi (relative and honorable society) → Wei zhi (frightening autocratic society) → Mu zhi (maternal society) → "I am natural" in "a small Utopian society" ideal country. The figure of the regime transformation of Socrates: healthy city and state → honorary political system → oligarchy political system → primary democratic political system → Tyrant political system (tyranny political system) → "philosopher as king" ideal country.

The basic views of governing the country are the same: 1) Socrates advocates freedom and equality, democracy and the rule of law, and philosophers are kings and do not let politicians go their own way. 2) For Laozi, the nature includes naturalization of people, the natural richness of the people, the redress of people, and the simplicity of people. People must follow the laws of nature and follow the natural operation and follow the rules of natural logic, doing what they should do. Laozi insists that the legislation is made by people engaged in law, law enforcement is carried by rule of law, and the sage is indifferent. Socrates believes that citizens represent legislation, court enforcement, and administration is a straw dogs. 3) They all oppose the war of aggression of injustice and advocate the necessary war.

7. The two systems have the same educational perspective

Both of them opposed the rulers' indoctrination of their subjects. Socrates uses the "ground hole metaphor" to describe the description. For Laozi, people should learn from nature and consider the heaven and earth as a teacher. What is a sage but a guide to peace and harmony? What is a materialistic traveler but the sage's focus? For the student not to value the teacher or the teacher not to love the student or for the followers not to acknowledge the leader or the leader not to care for the followers, is the cause of great confusion. This is a key to peace and harmony, teachers and leaders remind others of who they are and their oneness with infinity. Kind people should be treated by kindness; for those who are not kind, they are treated well, so that people can be kind, so that everyone is good. For the trustworthy person, trust him; for those who are not trustworthy, also trust him, so that you can get good faith, so that everyone is trustworthy.

8. The two systems have the same epistemological views

The method of cognition of two systems is the same method which is from gradual enlightenment to epiphany. Laozi's "self-knowledge", Socrates's "identifying yourself"; Laozi's "the knowledge will depreciate day by day when in Daoism" and the rational speculation of Socrates's "reconnaissance pseudo-wisdom", which is a process of gradual enlightenment. Laozi's "keep in the house, to know the world", Socrates thinks wisdom can go straight to the world of ideas, all of which have reached the realm of the epiphany of ontology of heaven and earth.

The world blueprints conceived by two systems are the same. Both of two systems divide the world into four parts: the world of ideas (Laozi called it the big Tao world) → the world of ideas and images (Laozi called it "the indefinite world") → the world of substance (Laozi called it the world of "all living thing in nature") → The world of substance and images (Laozi called it "the five colors make people's eyes dizzy).

The division of the knowledge level of two systems is the same. The ontology of knowledge of "the idea of the goodness": absolute truth (Laozi called it the knowledge of Tao that the sage obtained and knew the knowledge that cannot be known) → ideology knowledge: relative truth (Laozi called it the knowledge of Tao that inferior literati obtained → opinions and beliefs: empirical knowledge (Laozi called it the knowledge of Tao that the medium literati obtained) → Emotional knowledge: the poetry and art (Laozi called it the knowledge of the Tao that the superior literati obtained).

9. The personal virtues and encounters of the ten and the two are the same

They are all philosophers of the world. Laozi wants the saints to enter the world to govern the country. The mission of Socrates life is to detect false wisdom, and all have the virtue of justice, temperance, courage and wisdom. They were unfortunate at the time when the society was not recognized, and Socrates was sentenced to death (Plato 2002) Laozi was forced to flee written in "Chinese culture changes before Shan defended the Zhou Dynasty" by Wang Zhenjin in 2014.

10. The sufferings of the two systems are the same and different

Their theoretical, not accepted by society at that time, encounters were roughly the same. Unfortunately, they were also distorted and rejected by the authoritarian society of the later generations. Nietzsche (2016) screamed: Socrates is the biggest villain of mankind. Qian Mu scolded that Lao Tzu was a conspiracy (Mu 2007). The theories of Socrates and Laozi with a long history have always been inherited and passed down. In the West, the Cicero system, the Augustine theology philosophy, the Thomas Aquinas theology philosophy, the Locke system after the Renaissance, the Rousseau system after the Enlightenment, etc. are all successors of the Socratic system. In the East, the successors of the Laozi system are Zhuangzi system, Lu Buwei system, metaphysics system, and Li Zhuowu system.

However, the encounter of their theories is very different after the Western Renaissance. The Socrates and Plato systems are first used in the West, recognized as the source of Western philosophy, forming a vast world of democratic trends. The Laozi system has been misinterpreted so far, not accepted and used by Chinese, and has not been recognized as the source of Eastern philosophy.

11. Incomplete philosophical system

A. Bullock said intellectual activities with incomplete universal scope had philosophy, such as science, history, religion, art (Bullock, 1988) . If we agree with A. Bullock's point of view and call this incomplete theory a philosophy, then at best it can only be called an unsatisfactory philosophical system. In other words, all philosophical theories that cannot cover the basic elements of philosophy are not satisfying. This unsatisfactory philosophical system is not the highest philosophical wisdom, but the numerous philosophical schools that emerged after the Renaissance with a large number and continuing to increase. In particular, the Germans have this unsatisfactory philosophical system and used it to steal the philosopher's crown. The most influential and most harmful philosophical systems are Hume's empiricism, Kant's a priori theory, Spencer's theory of social evolution, Hegel's dialectic, Feuerbach's materialistic atheism, Bergson's theory of life evolution, Schopenhauer and Nietzsche's voluntarism, Weber's social theory, Sartre's existentialism and egocentricity, Heidegger's theory of social-ego, Deconstructionism by Derrida, Foucault, and Rorty, as well as hedonism and skepticism, etc. In China, there are Confucian emperors, materialism, legalism, and so on.

12. Concluding remarks, comment on Clash of Civilizations

A famous theory was put forward by Samuel P. Huntington, a professor of political science at Harvard University, in 1993. That is, after the end of the Cold War, with the collapse of Soviet communism, ideology will no longer be the driving force of global conflicts, and culture, religion, and identity will be the main sources of conflict. Wars will not erupt between countries, but between different civilizations. Among the possible conflicts are Western civilizations in Europe and North America, and Chinese civilizations composed of China and many Asian neighbors of it. Huntington believes that the post-Cold War era world is a world of seven or eight civilizations; cultural commonalities and differences affect the confrontation and unity between nations. There are two forms of conflict between civilizations. At the regional or micro level, conflicts, particularly prevalent among Muslim and non-Muslim countries or groups, occur between neighboring countries that belong to different civilizations. At the global or macro level, conflicts in core countries occur between major countries of different civilizations, which are typical problems of international politics (Huntington 2002).

The Eastern Laozi system and the Western Socratic system in the philosophical origin are kind, intelligent and non-malignant, without pseudo-intelligence, and the ethics and political science that are derived are universal values rather than characteristic values. The basic principle is the same without conflict. If the connotation of civilization is kindness and wisdom, the extension is on the philosophical origin rather than the ideological genre, and there is no clash of civilizations, with the limit divided between civilization and barbarism. If there is malignant and pseudo-intelligence in the connotation and extension is in the school of thought, then of course there is a clash of civilizations with ambiguous limit. The concept of civilization is sacred and cannot be replaced by other concepts. It cannot be used in general terms. Therefore, as far as philosophical origins are concerned, Huntington's clash of civilizations is unclear, the concept is unclear, and the words are incorrect. If changed into value conflict theory and ideological conflict theory, then the division is clear, the concept is clear, and the word is accurate.

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Examples of Good Practices in the Field of Museology. Case Study – ASTRA Museum

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ABSTRACT: From the nomadic to the sedentary people, human communities have always wanted to make unique elements, specific to their identity, although they often received major influences from other neighbouring or most powerful communities. For example, archaeology reveals the identical geometrical elements found on ceramic vessels in peoples that were at some distance in time to each other or even geographically. Thus, we can see that not all elements of a civilization are authentic and that many times a motive formed by a group can become a leitmotif for many peoples. However, since ancient times, every community has tried to preserve at least one original element to help it differentiate among other peoples. In contemporary times, these elements are gradually extinguished, but there are still some places where the custom is preserved, and perhaps the most edifying example in this regard is the open air museum. Basically, this study will focus on this type of exhibition, approaching an edifying example, in this case, the ASTRA Museum in Romania, the largest open air museum in south-east Europe.

KEYWORDS: art, museum, sustainability, vernacular architecture, tradition

Introduction

The idea of an open-air museum is the subject of much discussions, but we can see that there is no real research in this regard, as the world often catalogues temporary and permanent exhibitions in two broad categories: museums and galleries. Of course, the open air museum is included in the category of museums, but this implies, from many points of view, another approach. Thus, beyond exposing an example of good practice, the ASTRA Museum, we also want to note some elements to consider when working with this concept of an open air museum. However, we have thought about starting in a new way, considering that we intend to promote and cultivate the interdisciplinary, in the sense that we will list at first a few key terms that we will use and which we want to emphasize, as it follows:

- **Heritage** – the notion of heritage is common in various fields, but we will focus on the definition of museum heritage, which represents “the totality of assets, rights and obligations with patrimonial value belonging to a museum or, as the case may be, subject to the right of private property ” (Law on museums and public collections no. 311/2003, art. 8);
- **Museum** – “public institution of culture, in the service of society, which collects, preserves, researches, restores, communicates and exhibits, in order to know, educate and recreate material and spiritual testimonies of the existence and evolution of human communities, as well as of environment ” (Law on museums and public collections no. 311/2003, art. 2);
- **Open air museum** – “a non-profit institution, permanently in the service of society and its development, open to the public, which acquires, preserves, researches, communicates and presents, for the purpose of study, education and pleasure, the tangible and intangible evidence of people and their environment” (ICOMOS 1999);
- **Non-formal education** – The Law on National Education no. 1/2011 approaches this concept in different forms, but in the sense that we can understand that "lifelong learning takes place in formal, non-formal and informal learning contexts" (Law on National Education no. 1/2011, Art. 130, paragraph 1);
- **Vernacular architecture** – the traditional and natural way in which communities ensure their living. It is a continuous process including necessary changes and continuous adaptation in response to social and environmental constraints. The survival of this tradition is threatened throughout the world by the forces of economic, cultural and architectural homogenization" (ICOMOS 1999, *Vernacular Heritage Charta*).

Incursion into the world of open air museums

The world of museums has a rich history, perhaps whose beginning is not fully clear, but whose mystery we are all faithful friends. Ever since ancient times, man has been tempted to put aside certain things and the most valuable objects were by far the ones acquired through travel or even the war booty. Moreover, this last example, before being deposited, was exposed in a kind of itinerary to the winning people, although perhaps we were talking about slaves who were considered, in the end, household objects. Is this the first temporary exhibition? I think we could say that in this regard there would be a positive answer, but about this point we intend to discuss in another article.

If in time, the museum went from its rudimentary stage, in which we met with an universal museum that housed from manuscripts to statues, to a more advanced stage in which the diversity of museum types extends by the day. Thus, if initially we had several types of exhibitions that highlighted certain key areas, such as history, archaeology, literature and so on, today the floor has expanded, so we can even talk about banana museums.

What lies behind museum concepts? The need for specialists to discover, with the public, new elements of exposure or the desire to attract an audience that is losing more and more of the educational component? Could we add the desire for conservation, especially in the case of museums dedicated to science? Where does one reasoning stop and another can be outlined? Is the open air museum an extension of the past and a brush for the future?

The history of open air museums can be said to have started with the world, as this special exhibition comes to keep a living community, a community that is gradually lost in the past. As I said in the beginning, the open air museum is “a non-profit institution, permanently in the service of society and its development, open to the public, which acquires, preserves, researches, communicates and presents, for the purpose of study, education and pleasure, the tangible and intangible evidence of people and their environment.”

If the first open air museum in Romania is the Village Museum "Romulus Vuia" in Cluj, established in 1929 (Ethnographic Museum of Transylvania. 2019), the first open-air museum in the world, the Skansen Museum, was born in 1881 at the Royal Court of King Oscar II (The Romanian Peasant Museum 2019). Thus, it is not surprising that the most frequently cited model in the European space, when it comes to open air museums, is the Skansen Museum in Sweden. The living tradition of this space attracts through the uniqueness of the exhibition discourse and, at the same time, through the many events that attract numerous tourist year after year.

ASTRA Museum

The largest museum in south-eastern Europe, however, is the ASTRA Museum on the territory of Romania, a museum that began to write its history more than a century ago, being located in Dumbrava Sibiului, with over ten kilometers of alleys and also a lake (Astra museum 2019).

At a brief visit of the website dedicated to the museum, we find out why we should cross the threshold of this museum:

- “The Lipovan household in Mahmudia, Tulcea County, faithfully reconstructs the fisherman's life in the Danube Delta, both by its location near the lake in Dumbrava Sibiului and by the exposed fish objects.
- The pastoral household in Poiana Sibiului is a dwelling typical of the old rich shepherds of the Sibiu Border and can be easily recognized, being painted in an intense blue, locally called “Proud Mary”.
- In the functional household of a Saxon viticulturist from Șeica Mică, Sibiu County, visitors are invited to know the exposed objects closely, to warm themselves at the mouth of the stove and to take part in various workshops.
- The windmill from Curcani, Constanta County, is not only the only canvas mill on display in the museum, but also the last such specimen that has survived in Romania to this day.
- The church in Dretea, Cluj County, is the oldest monument of the museum, dating from 1672, with an extremely well preserved painting and a significant artistic and utilitarian value.

- The priestly household in Stănești, Alba County, has, according to the oral tradition of the area, a special memorial value - it is said that here he taught two primary classes Avram Iancu.
- The vineyard house in Vlădești, Vâlcea County, draws attention through its sidewalk and high stone pedestal, being very similar, as the visitors noted, with the house illustrated on the 10 lei bill.
- The two households in the village of Găleșoaia, Gorj County, now depopulated, are representative for the typological evolution of the houses in the area after the peasants' ownership after the First World War.
- Etno Tehno Parc is an area for children, with functional models of some technical installations in the museum, a playground and a school from Ticera, Hunedoara County, where they can take part in interactive workshops.
- At the Country Fair, visitors are invited to meet local producers and to participate in workshops that include, in addition to traditional foods, other segments of popular culture and civilization.”

And yet, why is the ASTRA Museum an exhibition model? Although there are many open air museums in the European area, not many of them maintain a lively atmosphere, and this example is an uplifting one, as we encounter unique exhibition elements (see fig. 1), various events are often organized to bring custom to the heart of the museum, and the exhibits are surrounded by various animals. Thus, if you walk through the ASTRA Museum, numerous specimens of birds and mammals will introduce you to their world, whether you are older children of the villages or you are children of the cities. Moreover, And yet, why is the ASTRA Museum an exhibition model? Although there are many open air museums in the European area, not many of them maintain a lively atmosphere, and this example is an uplifting one, as we encounter unique exhibition elements (see fig. 1), various events are often organized to bring custom to the heart of the museum, and the exhibits are breath-taking. Thus, if you walk through the ASTRA Museum, numerous specimens of birds and mammals will introduce you to their world, whether you are older children of the villages or you are children of the cities.

Moreover, for specialists in the ethnographic, historical and architectural fields, this place represents an oasis of study in a continuous metamorphosis. In addition, the arrangement of the houses is not a classic, linear type, but the passage from one building to another is done only by passing certain streams, bridges, wooden beams, sheep flocks... you can only say that it is more alive than a Romanian village, that you can wander at will as in childhood. Also, another thing to note is the lack of custodian and easy access in exposed houses. Thus, you can accidentally discover both the exterior and interior of the exhibits.

The story of open-air museums is ultimately the living story of the community, the righteous custom that has survived in time.



Figure 1. ASTRA Museum (photography from personal gallery).
(The image shows the last specimen of mill with sails from the Romanian space)

Conclusions

The research carried out at the moment comes to complete many aspects of comparative order between the practices of some states from different regions. Thus, we can say that there are certain tendencies that are repeated, lacking the exhibition act of the essential element-authenticity. In other words, although our state offers an example of extraordinary best practices - the ASTRA Museum - we believe that great things can still be done in this segment with the help of experts both from home and abroad, and the initiatory steps are, in our opinion, based on three elements (see fig. 2), as follows: carrying out a solid bibliographic research to discover the process and the stage in which the open air museum is located in your state, the empirical research that you can do as authentic as possible through visits of good practices in museums, as well as through a fair analysis of what we have studied both through libraries, and especially on the field.

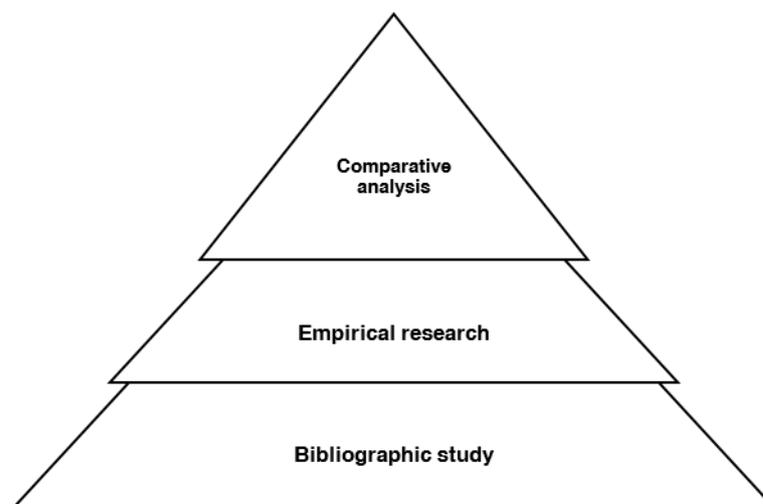


Figure 2. Methodology of study in the field of museology

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Tort Liability

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ABSTRACT: The object of this paper is the tort liability, which represents an important element of the legal relationships. This paper refers at the legal regulation of the tort liability, as well as its scope. This paper also refers at the two types of liability, representing the general liability that we find in the civil law, which is the relation between the tort liability and the contractual liability. This paper also presents the comparison between the tort liability and the criminal liability, as well as the relation between the tort liability and the patrimonial liability specific to the labour law. We shall speak of the types of tort liability and their classification, referring at the hypotheses regulated by the Civil Code and the related legislation, as well as of the criterion of the fundamental principle of liability.

KEYWORDS: criminal liability, contractual liability, patrimonial liability, tort liability, unlawful act

Introduction

Tort liability represents one of the most interesting and important domains of the civil law. The Civil Code regulates, under arts. 998-999, civil liability for one's deed, respectively each human's deed which causes to another a prejudice compels that one that had caused it to repair it. Articles 999 and 1002 of the Romanian Civil Code are a reproduction of art. 1328-1386 of the French Civil Code, and art. 1003 of the Romanian Civil Code gets its inspiration from the Italian Civil Code.

Thus, the tort liability may be defined as a form of the legal liability consisting in a mandatory report, respectively any person must repair the prejudice caused to another person, by his/her deed. Any violation of a subjective right or of an interest belonging to another person results in a type of liability. Tort liability, as institution of the civil law, has similarities with other types of liability, which are specific to other branches of law, such as: criminal liability, contractual liability, patrimonial liability specific to the labour law. Tort liability interferes in all the situations when legal dispositions are violated.

Legal Regulations

Tort liability is regulated by arts. 998-1003 of the Civil Code. These state the principle of tort liability for the deed, in the well-known definition of art. 998, according to which: “each human's deed which causes to another a prejudice compels that one that had caused it to repair it”.

As for the tort liability, at the forefront of each case stand the direct interests of a person whose patrimony was prejudiced by an unlawful act (Statescu 2009, 1). Whereas articles 998-999 of the Civil Code regulate the liability for own deed, articles 1000-1002 refer at the liability for other human's deed, the liability for prejudices caused by things, in general, by animals and ruin of the building. Art. 1003 defines joint and several liability, when a prejudice is caused by the unlawful act committed by two or more persons.

The liability for other human's deed is an additional measure of protecting the interests of the prejudiced victim. This does not substitute to the liability for the own deed of the author of the prejudice, but is added to it, leaving to the victim the option of a way to follow in order to get indemnified.

The direct consequence of such a manner of conceiving the liability for other human's deed is that it functions only in the relationships with the victim of the prejudice, not in the relationship between the author of the prejudice and the one who is liable for it (Stanescu 2009, 1-2).

The tort liability for one's own deed is the general principle, the common law of tort liability, because it is normal and fair for every person to be liable for his/her own deeds and acts (Florescu 2002, 249).

Terminology

The tort liability is, in reality, a legal relationship of obligations resulting from an unlawful and prejudicial act. Therefore, the tort liability relationship is, this time, one and the same with the obligation relationship (Pop 2000, 192).

The unlawful deed giving birth to the legal relationship of liability is called “civil tort”, which makes the liability for this deed to be called “tort liability”. Another way of saying is that the unlawful deed causing prejudice triggers tort liability which content is the civil obligation of repairing the prejudice caused. The Civil Code makes a distinction between tort, which is an unlawful deed committed with intent (art. 998) and quasi-tort, which is an unlawful act committed by negligence or recklessness - art. 999 (Adam, 2004, 249-250). The consequences of these two categories of wrongful or identical acts are that the author or the liable person must repair the entire prejudice (Pop 2000, 194).

Legal Nature of the Tort Liability

The judiciary literature and practice consider that the tort liability is a civil sanction applied in case of committing an unlawful act that causes prejudice, therefore, it is relief-related, without being also a punishment.

Punishments, no matter their nature, can only be applied and executed during the lifetime of the author of the deed. Unlike punishment, tort liability seen as a civil sanction, applies not in consideration of the person who committed the unlawful act, but in consideration of his/her patrimony.

Even if the civil liability is a sanction not related to punishment, there is no reason for not associating this civil sanction to a punishment. This is the case when the unlawful act is at the same time an offence or administrative misconduct, situation in which, in addition to the criminal punishment foreseen by the law or to the administrative sanction applied, to the author of the deed it is also applied the civil liability of indemnity payment obligation (Adam 2004, 250-251).

Scope

As it results from the definition of the tort liability, its principles and rules are applicable in all the situations when a person to whom a prejudice is caused by an extra-contractual tort (Pop 2000, 194).

The extra-contractual tort is the way in which the obligation of not harming the legitimate rights and interests of the other persons is violated, as well as the failure to fulfil *lato sensu* the obligations born from an unlawful act and from a unilateral legal act (Adam 2004, 250).

The tort liability is also engaged when a prejudice is caused by a thing or an animal under our watch, as well as by the ruin of the building. This can also be engaged in the hypothesis when the prejudice is caused to a person because of the default of the debtor to fulfil obligations or if the default is a deed foreseen and sanctioned by the criminal law.

In conclusion, the tort liability represents the common law in civil liability matter.

Tort Liability and Contractual Liability

These two types of liability have a common essence resulted from the same finality their functions confer, respectively the repair of the unjust prejudice suffered by the victim even when the repair in kind is not possible (Niculaescu 2001, 298).

They form together only one legal institution. There are also some differences between these types which, though not of essence, have practical importance due to the legal consequences they determine. These differences are also as many arguments to realize that the contractual liability is a special liability, characterised by derogation from the tort liability (Pop 2000, 353).

The main difference refers at the burden of proving the fault: respectively, with regard to the tort liability, the victim must prove the negligence of the author, whereas, with regard to the contractual liability, the victim must prove the contract and the violation by the debtor of the

obligations assumed therein, respectively the non-fulfilment, the improper fulfilment or the delayed fulfilment of the obligations (Neculaescu 2001, 300).

Another difference refers at the extent of the fault. In case of tort liability, the extent of the repair is decided depending on the amount of direct, predictable and unpredictable prejudices; in contractual matter, in order to decide the extent of the damages-interests, only direct and predictable prejudices will be taken into account, except for the case when the debtor is guilty of deceit (Pop 2000, 354).

The severity of the fault is almost insensitive at the tort liability, where, the least severe fault is taken into account, whereas, with regard to the contractual liability, it may be triggered differently, depending on the type of obligation assumed by the debtor (Neculaescu 2001, 301).

In case of tort liability, if the prejudice is caused by two or more persons, their liability is joint (art. 103 of the Civil Code); in case of contractual liability, if there are two or more debtors, their liability is divisible, proportionally with their obligation (Pop 2000, 354).

All the persons with the capacity of good judgment will be liable in case of tort liability. As for the persons under 14 years of age, there is a relative presumption of lack of good judgment, whereas, for the minors above 14 years of age, there is the contrary presumption that they have good judgment (Neculaescu, 2001, 301).

As for the matter of tort, the author of the prejudice is deemed in default *ipso jure*; on the contrary, in order to trigger the contractual liability, it is usually necessary to put the debtor in default by means of a payment order (Pop 2000, 355).

The non-liability clauses are easily admissible in case of contractual liability, whereas these are basically inadmissible in case of tort liability.

Invoking the statute of limitation is different: in case of contractual liability, beside the general period of limitation, a series of special periods are established; in case of tort liability, the period of limitation is only general. The territorial competence is different, depending on the tort or contractual liability (Neculaescu 2001, 301).

Tort Liability and Criminal Liability

In all the situations when the unlawful acts causing prejudices are at the same time crimes, beside the tort liability, there will also be the criminal liability. Both types of liability will act as a consequence of committing an unlawful act that harms law-protected social values (Adam 2004, 235).

The differences between the civil liability and the criminal liability result from their different purpose. The civil liability's purpose is to repair the prejudices caused to the individuals and legal entities, due to a contractual or extra-contractual unlawful act.

The source of the tort liability is any unlawful act that caused a prejudice to another person. The criminal liability is based on the principle of legality in criminalisation of acts (Pop 2000, 172).

As general principle, both criminal liability and the civil liability are based on the guilt of the author of the unlawful act (Adam 2004, 237).

The subjects of civil liability can be individuals and also legal entities. The subjects of the criminal liability can be, in accordance with the law, only the individuals. The extent of the civil liability is established depending on the value of the prejudice caused, on the type and degree of guilt.

The civil liability is patrimonial, consisting in the obligation of repairing the damage. The criminal liability has basically non-patrimonial character (Pop 2000, 172).

The capacity of the persons summoned to be liable for their unlawful act is different. In both cases, it is necessary for the person who committed the unlawful act to have acted with good judgment (Adam 2004, 237).

The action in tort liability is at the disposal of the person who was prejudiced and the criminal liability is exercised *ex officio* by the Public Ministry (Pop 2000, 174).

Tort Liability and Patrimonial Liability in the Labour Law

The patrimonial liability is that form of legal liability consisting in each employee's obligation of repairing the prejudice caused.

The patrimonial liability in the labour law is a civil contractual liability which has certain particularities resulting from the labour legislation, the collective labour agreement and the individual labour agreement (Pop 2000, 175).

In accordance with the Labour Code, the patrimonial liability is applicable only to the employees, not to the persons hired with service-level agreement (Florescu 2002, 247).

There are many similarities between the tort liability and the patrimonial liability, among which we remind the most important ones (Adam 2004, 244):

- a) these two types of liability are engaged in the presence of the same general conditions: unlawful act, guilt, prejudice, the existence of a causal relationship between deed and prejudice;
- b) their purpose is identical, respectively the repair of a prejudice caused to another person.

Types of Tort Liability

One of the fundamental principles of the legal liability is that everyone is liable for his/her own deeds. This principle is also valid for tort liability (Stătescu and Bârsan 1998, 143).

There are several types of tort liability, particularly, it can be subjective and objective (Motica and Lupu 2005, 414).

- 1) Direct tort liability or tort liability for one's own deed – is regulated by art. 998-999 of the Civil Code, consecrating the rule of principle that every person is liable for his/her own deeds;
- 2) Liability for other person's deed – is of three types: the liability of the parents for the unlawful acts committed by their minor children; the liability of the teachers and trainers for the prejudices caused by their pupils and apprentices who are under their supervision; the liability of the principals for the prejudices caused by their agents (Adam 2004, 251).
- 3) Liability for the prejudices caused by things, animals and the ruin of the building – the social life has proven that a person can suffer a prejudice caused to him/her, without his/her deed, by a thing, an animal or the ruin of a building. The Civil Code regulates this liability as follows (Pop 2000, 196):
 - a) the liability for the prejudices caused by the things that are under our judicial protection;
 - b) the liability for the prejudices caused by the animals which are under the judicial protection of a person;
 - c) the liability of the landlord for the prejudice caused by the ruin of the building;

The scope of the objective tort liability is made of (Motica and Lupan 2005, 416):

- a) the liability of the principals for the prejudices caused by agents;
- b) the liability for the prejudices caused by things;
- c) the liability for the prejudices caused by animals;
- d) the liability for the prejudices caused by the ruin of building;
- e) the liability for the prejudices caused by illegal administrative acts.

Unlawful Act

The unlawful act, as element of the tort liability, is defined as being any an act subsequent to which prejudices are caused to the subjective right belonging to a person, in violation of the norms of the objective right (Stătescu and Bârsan 1998, 172).

The act is unlawful when it is contrary to the law and when it also violates a subjective right of a person or at least a legitimate interest of that person, which is not antagonistic to law or morality.

The unlawful behaviour may consist either in committing a forbidden deed or in the omission to commit a deed required by the law (Florescu 2002, 251).

Usually, the unlawful acts damage the right of property and the other main real rights. The unlawful act has the following features (Pop 2000, 213):

- a) the act is objective or has material existence and consists in a behaviour or exteriorised human manifestation;
- b) the act is the means of making objective a subjective psychical element: the will of the person who chose a certain behaviour; therefore, the unlawful act is the result of a psychical attitude ;
- c) the act is contrary to the social order and is condemned by the society.

The acts are extremely varied and therefore their listing is impossible and would be useless. However, they can be grouped in two large categories: commissive or actions and omissive or inactions (Motica and Lupu 2005, 419).

Conclusions

The content of this paper presents the fact that the action in tort liability is regulated in arts. 998-1003 of the old Civil Code, which represents not only the form of liability for own deed, but also other forms, such as liability of some categories of persons for the unlawful act committed by another person.

The obligation of the person who committed the unlawful act is to repair the prejudice caused. The unlawful act represents the attitude, manifestation of will of a person, which is contrary to the law. The tort liability interferes in all the situations where the legal dispositions are violated.

In order for tort liability to exist, there should exist an unlawful act, which violates a certain obligation, the commitment of a deed with guilt, the existence of a prejudice and of a causality relationship between the unlawful act and the prejudice.

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Family Institution and Marriage Regime

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ABSTRACT: Accompanying the man throughout his life, the family proved to be one of the oldest and most stable forms of human community, which ensures the perpetuation of the species, the evolution and the continuity of the social life. Many approaches understand the family as a basic social form, based on marriage, which consists of the husband, wife and their descendants.

The family is the basic cell of society, it is the one that makes man go from selfishness to altruism, the place where tribulations and joys are shared. The family is the first divine settlement, founded by God for man in heaven. The family is the fundamental institution in all societies. So it is a relatively permanent social group of individuals linked by origin, marriage or adoption.

KEYWORDS: family, family functions, matrimonial regime

Introduction

The family was, is and will be the basic cell of the society, it is the first social institution with which an individual has contacted him from his birth until his death. If we didn't know the rules, the basic rules of the family, then we couldn't even live in society. However, we do not know much about the family institution. Most of us know only one type of family, the one imposed by the European Christian world. On the other hand, this limited knowledge does not allow us to understand the complexity and universality of the family institution. It is certain that the family represents, in any society of the present or of the past, the most important social institution. For this reason, her analysis is an essential one in knowing the social life.

Thus, the family is a group of people who are related on the basis of blood, marriage or adoption (Rasfoiesc.com 2019). These 3 types of connections are also the three forms of relationships on which families can be based.

Blood ties are defined based on the direct relationship between the offspring between children and parents, based on birth and also on all relatives who have consanguineous relationships.

Marriage is, in its turn, a social institution, which plays a fundamental role in establishing a new family group. Marriage is the mechanism of society meant to organize or organize, control the many human relationships arising from the physical fact of bisexuality (Urantia.ro 2019).

Adoption is also an institution that concerns access to a family and, although it seems a relatively new institution, it is, in fact, very old. In family analysis as a social institution it is necessary to mention its main functions that it holds in society:

1. The function of sexual regulator;
2. The reproduction function;
3. Socialization function;
4. Affective function;
5. The status function;
6. Protective function;
7. Economic function.

Family institution

We understand that the family institution, without diminishing its importance in today's society, is no longer a conservative institution, but one that is increasingly adapted to the transformations of democratic and open society. The family is increasingly integrated into the dynamics of society, increasingly conditioned by economic and social changes, influencing, in turn, the global evolution (Popescu 2010, 1-10). Changes in the last decades in Western society have given rise to the idea

that we are in front of a new civilization, different from the previous one, called industrial, postindustrial, postmodern, second modernity or reflective modernity, late, radicalized. The institutions that developed in modernity have continued and continue to assume the functions of the family, which were provided once by the family institution. For example:

1. Economically;
2. Cultural;
3. Education;
4. Solidarity.

The development of the sphere of services promoted the activity of women outside the house and favored the emancipation of women both socially and at family level. Individualization, economic independence and personal autonomy have determined individuals I, in particular, to be less willing to sacrifice for family unity. Women have begun to assert themselves and become more actively involved in the labor market, as well as advocating for equality between women and men. All this, as well as the employment of women in the labor market, have contributed to a reassessment of gender roles, but also to an economic collaboration from equal perspectives between women and men. Change, instability, diversity become characteristics of daily life. Bauman (Zygmunt Bauman was a Jew, sociologist and Polish philosopher) talks about "the tourist syndrome, which would characterize the life of the individual in contemporary times, faced with instability on all levels: they frequently change their work place, their residence, their friends, life partner, finds a "tourist" through his own life (Popescu 2010). The contemporary man has for his own life the detachment of the traveler who is in a place that does not belong to him.

The institution of the family goes through a period not just successful for it, a period of change, the changes were more expressive in nature: a family in which decisions are increasingly made in common, in which the domestic, parental, couple roles are negotiated, economic, a freer family, more strongly connected and integrated into society. The essential transformations that the Romanian family has undergone can be reduced to the model of a democratic family inside and more open to the outside.

Matrimonial regimes

Corresponding to the above, there is a close connection of the family institution and the changes it has undergone over the years and the matrimonial regimes that have been instituted, applied and in the Romanian society, these have appeared as a need for the individual in context social current. In the absence of concrete data, it is not possible to establish exactly when the idea of organizing / regulating the patrimonial relations between spouses appeared (Nicolescu 2009).

In Romanians, the dotal regime (Dota is the wealth that is brought to the man, on behalf or on behalf of women), to help support the tasks of marriage. (Lege5.ro 2019) characterized by the economic independence of each husband, is the one who would triumph. The existence of the dowry created pecuniary links between the spouses and here we find the origin of the matrimonial regimes, which functioned as a legal regime, in the Romanian law the marriage contracts were not known.

Unlike the millennial institution of marriage, the principle of freedom of matrimonial conventions has appeared relatively recently, only at the end of the sixteenth and the beginning of the seventeenth centuries, when the tendency to consider that legal regimes are not imperative or prohibitive, derogations could be made by way of private conventions (Nicolescu 2009).

The influence of the Germanic peoples on the European continental law is manifest also in the sphere of matrimonial regimes: it is considered that the communitarian regime is of Germanic origin or inspiration, being subsequently "imported" into France and elevated to the rank of legal matrimonial regime of common law.

In the Romanian space, the traditional regime, regulated by the old legions, was the endowment regime, taken over as a conventional regime and in the Civil Code of 1864, which would consecrate, as a legal regime, the separation of goods regime. Along with the will, the dowry sheet represented an extremely important act, which increasingly governed the social life of the

Romanian people. Regarding the matrimonial conventions, it is important to note that they are traditional in our system of law, being regulated also by the laws prior to the Civil Code.

In the current Civil Code we have of 3 distinct matrimonial regimes:

1. The regime of the legal community, regulated in the Civil Code under articles 339-359. Within this matrimonial regime, the assets acquired during the legal community regime by any of the spouses are, from the date of their acquisition, common assets in the devaluation of the spouses; the quality of the common good does not have to be proven; for movable property acquired prior to the marriage, an inventory will be drawn up by the notary public or by private signature before the conclusion, if the parties so agree. In the absence of inventory, it is presumed, until proven otherwise, that the goods are common; regarding the belonging of a good to the community, any of the spouses may request to be mentioned in the land book or, as the case may be, in other advertising registers provided by law; the change of the destination of the common good can only be done through the agreement of the spouses; each spouse may conclude single acts of conservation, acts of administration in respect of any of the common assets, as well as acts of acquisition of the common goods (Avocatdivort.ro 2019).
2. The regime of separation of goods. Under this regime, each of the spouses is the sole owner of the assets acquired before the marriage ends, as well as those which he acquires in his own name after this date; in the case of adopting this regime, the notary public draws up an inventory of his own movable property; in the absence of this inventory, it is presumed, until the contrary proof, that the exclusive property right belongs to the possessor spouse; if the spouses acquire property together, they will be co-owners on shares and not landlords as in the case of the legal community of goods; neither spouse can be held by the obligations arising from acts committed by the other spouse; they will be jointly and severally liable for any of their obligations to cover the usual expenses of marriage and those related to raising and educating children (Avocatdivort.ro 2019).

The regime of the conventional community can be applied when, by marriage agreement, it derogates from the provisions regarding the regime of the legal community; in this variant of matrimonial regime, by convention, the spouses can derogate from the regime of the legal community under certain limiting aspects provided in art. 367 C. civ.: the spouses may include in the community certain goods or debts, they may exclude from the community certain common goods or debts, they may establish the need for the express consent of both spouses at the conclusion of certain administrative acts, they may include the clause or they may provide ways to liquidate the conventional community; unless by marriage agreement, the legal regime chosen by the spouses is supplemented by the provisions regarding the legal community regime (Avocatdivort.ro 2019).

Conclusions

In conclusion, it is necessary to understand that the matrimonial regime is represented by all the legal norms governing the patrimonial effects of the family institution in the current social context and they maintain and sustain in one form or another the family as the basic cell of the society. Matrimonial regimes encompass certain common features that are likely to print a unified nature despite legal controversies

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The Somatic Idiomatic “Fear” Concept in the Book of the Prophet Jeremiah

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ABSTRACT: In this article we intend to study lexemes that express emotions produced by fear from the perspective of lexicography and prophetic semantics, the lexem generating, depending on the relationship between the linguistic sense and the literary image, different directions of meaning: direct through constitutive features of the semantics of ascending emotions or indirect, through the syntactic structures in which they integrate. From the perspective of conceptual analysis (studying the meaning of all the words and expressions that are associated with a certain concept and which includes their systematization) we defined the term as a cultural phenomenon accompanied by a specific historical development, corresponding to the keyword of the proposed topic, also having an important presence in the Biblical text.

KEYWORDS: affective terms, fear, fright, emotion

Introduction

In addressing the theme we will focus on the coordinate of the Biblical text, especially on the Book of the prophet Jeremiah, in the text being a series of words to indicate *fear, terror, fear, fearing, horror, fright, reverence*, lexeme analysis will go beyond the semantic sphere (it starts from the lexical unit to the semantic content), starting from the sense towards the means of expression. We will also start from Mary Buchowski-Kurus's (2015) conception which states that: "fear-based emotions stimulate the release of a set of chemical substances, while those based on love, a completely different set of substances." When fear-based emotions are prolonged and chronic in the human body, the immune system and the endocrine system are affected. Hidden or repressed emotions cause major difficulties in the human body and the energy system. These affect the person's relations with others, the growth of the spiritual person and the change of the level of consciousness. (Manolache 2012, 33-55; 2019, 56-64). So, there are only two basic emotions that we all experience: love (joy, happiness, caring, trust, compassion, truth, gratification, satisfaction) and fear (anxiety, anger, sadness, depression, confusion, pain, loneliness, guilt, shame, fright), (Buchowski-Kurus 2015; Manolache 2017, 33-41).

1. The contextual meanings of the lexeme

The inventory of anticipatory sociomorphic affections is based on the concept / fear /: *fearful, frightened, terror, to scare, scary, to terrorize; horror, to (be) terrified; dread, to frighten, aghast, terrified; to (be) scared, frightened; to be fearful, fear, fearsome, fearful, fearless, fear*. All other emotions are variations of them and, as the linguist Wierzbicka (1986, 584) states, they may be specific to certain cultures, rendered in the respective language. Thus, the cultural-affective dimension is the religious one (fear of God / of thy neighbor). According to G. Stoica's statement, retrospective emotions have an affective cognitive model, therefore, the epistemic-anticipatory (euphoric) emotion class implies a future design of affective evaluations (Stoica 2012, 128).

The lexicographic definition of the word *fear* has a clear terminological note: starting from the liminal distinctions in the *Small Academic Dictionary* (2010, s.v. **fear, horror, terror**), thus, we will notice that in the synonymic series of the lexeme **fear** two of the terms are inherited from the Latin language: **fright** and **terror** (the lexeme **fright** names a 'tolerable feeling', referring to *the anxiety of the soul* in the face of a foreseeable evil, but doubled by the tendency to avoid it, and **terror** means 'negative emotion'). Aristotle defines fear as an anticipation of a negative event: "We are obviously afraid of what provokes fear, and what provokes it is, generally

speaking, evil; therefore, fear is defined as expectation of evil. Therefore, we fear all evils, such as dishonor, poverty, illness, lack of friends, death” (Aristotle 2003, 48).

Instead, the lexeme *horror* comes from Slavonic and is defined as ‘fear, scare caused intentionally by threats or other means of intimidation’ (with a rich lexical family: *terrible, to terrify, terrified, terrifying*), followed by the *fear* loan from Gr. *φρίκη* used in popular form, also encountered in the magical imprecations of the I-VI centuries, but in addition to this popular form in ancient Greek was also used the noun *φρίξ, φρικός* (<*γύρος: ω*) ‘fear, terror, horror’. In fact, the Neo-Greek language has also retained the form *φρίκη* (αίσθημα τρόμου ή αποτροπιασμού // πράγμα φριχτό ‘sense of horror or terror // frightening thing’), (Mihăescu 1966,6). The term *fear* has the Greek correspondent *φόβο* with the meaning ‘the one who frees you from the fear, the mighty’, for example in Genesis 31:42 according to a translation from the Hungarian language, has the sense of ‘relative, affine, protector (stronger)’, (Gafton 2010, 49).

At the same time, there are also a number of neologisms that enrich the synonymic series of the term studied: *anguish, horror, poltroonery* and others.

The lexical family of the basic word *fear* includes *fearing-feared-fearful-fearless*, the lexeme being associated as meaning with *seeker, mortal, grinder*, but also with *mistrustful, distrust, suspicion* (synonyms). From the morphological point of view, the term *fear* is used with substantive, verbal and adjectival value (*fearful, to frighten and frightened*) instead the term *fright* is largely used with verbal value in the imperative way. The expressiveness of the terms is augmented pejoratively or appreciatively by the suffix. Even though the suffix implies the formation of adjectival derivatives, the term being used as a noun, since it is frequently interchangeable with *fright* and, infiltrated in church texts, it could also name the special relationship with the Divinity (“man with the fear of God”).

According to the Dictionary of Synonyms, the noun *fear* enters into a synonym relationship with the following words: *apprehension, worry, concern, anxiety, stress, doubt, fright, anxiety, irascibility, feeling, nervousness, remorse, solicitude, uncertainty*. In the WordReference Romanian-English Dictionary (n.d.) we find adjective synonyms of the lexeme *anxious*: alarmed (alarmat), concerned (neliniștit, îngrijorat), distraught (aiurit, înnebunit), distressed (stresat), disturbed (deranjat), edgy (enervate, iritat), fearful (înfrișat), fraught (plin de primejdii), fretful (framîntat, irascibil), jittery (iritat), nervous (nervos), nervy (nervos, enervant), on edge (pe margine), overwrought (foarte agitat, surescitat), perturbed (tulburat), restless (neastîmpărat, neliniștit), tense (tensionat), troubled (necăjit), uneasy (stingherit, stînjenit), upset (supărat), watchful (vigilant, atent), worried (neliniștit).

1.1. The basic meaning of the lexeme *fear* is “don't fret”

The semic analysis of the behavioral verb will be outlined in different contexts, the combinability with other verbs, as well as the specific completion of the actantial and circumstantial positions can maintain or modify its systemic significance. Thus, for starters the present meaning of the verb is the same as the lexical one.

Jeremiah 1:8: ‘**Do not be afraid** of them, for I am with you to deliver you’, declares the LORD.

The verb in the imperative mode “do not be afraid” implies the rebuke of God for lack of courage, but also the encouragement to lean in the Arm of the Lord, the emphasis being placed on God's love.

Jeremiah 5:24: *They do not say in their hearts, ‘Let us fear the LORD our God, who gives the rain in its season, the autumn rain and the spring rain, and keeps for us the weeks appointed for the harvest.’*

In this context, the term renders the Hebrew *nîrah* in a cohortative way, highlighting the people's refusal to trust the God who sends rain on time, the Israelites attributing these rains to Baal. The use of the conjunctive mode also highlights other emotional/affective states: *admiration, wonder and respect*, the conjunctive being the way of doubts and hesitation that underlines the soul tension, (Jeremia 2012, 111).

Jeremiah 10:2: *This is what the LORD says: “Do not learn the ways of the nations or be terrified by signs in the heavens, though the nations are terrified by them”.*

In ancient times, astrology was a landmark in religious beliefs, and the comparison of idols with a scarecrow highlights the power of God compared to that of idols that are nothing more than man's creation of stone, wood, silver and gold, an idea rendered also in verse 15 *they are a thing of nothing, a deceitful work, and they will perish when the punishment comes.*

Jeremiah 10:15: *These gods are like a scarecrow of birds in a field of cucumbers, and speak not; they are carried by others, because they cannot walk. Do not be afraid of them, for they cannot do any harm and are unable to do any good.*

1.2. The meaning of 'be terrified' is broader than the usual one, because an "enrichment" of the semantics of the verb takes place by involving the subject and the way of performing the action called by the verb.

Jeremiah 1:17: *"Get yourself ready! Stand up and say to them whatever I command you. Do not tremble before them, or I will make you tremble before them"*

To understand the message of the verse, we stop at the formula, *says the Lord* based on the Hebrew *whispering, saying a secret*, so that the message was a familiar and not authoritative encouragement as we find in v. 17 by using the imperative *do not tremble*. The compulsory semantic components of the imperative are the sign of finality and expressiveness, associated with its affirmative or negative forms. As directional eloquent acts, the statements with the targeted mode are based on two cognitive mechanisms of imperative semantics: the explicit and the implicit ones. In many contexts, the imperative is competed by the conjunctive and the indicative, joining verbal and adverbial modalizers.

God assures Jeremiah that He will not allow the enemies to defeat him, on condition *tie your belt, get up and tell them*, the verbs in the imperative way having the role of announcing the danger rendered through the subordinate sentences *to make you tremble*. The repetition of the verb has the role to underline a fundamental truth, God is sovereign, has solutions, long patience, thus emphasizing a dynamic relationship between the nominal opposition I-God / you.

Seize - cover and cry for your sins, pray, groan before the Lord. The verb introduces the dynamic perspective, but also the obvious semantism in the field of derivation (*to fear, fearless, braveness*).

From the perspective of the phrase syntax, the message conveyed emphasizes the condition and consequence that *I don't somehow make you*, in the translation (Munteanu 2015, 713) the consequence is not rendered, but on the contrary the condition is underlined *Do not to fear them, cause we will not make you afraid of their sight*.

P1 – Do not tremble before them,

P2 – I don't somehow make you. The purpose of the behavior revealed by the verb is achieved in the role of the final / circumstantial sentence of purpose:

P3 – to tremble before them

In Romanian, the topic is important for deciphering the meaning of an utterance, meaning coming from the context, thus, in the verse in Matthew 5:16 "Therefore I say unto you, *Do not care for your soul what ye shall eat*", the Greek verb *μεριμνάω* - 'to be uneasy, to be caring for, to worry, to be disturbed' has been translated with 'to care for', possible meaning for this verb (*μή μεριμνάτε*), but meaning an anxious care, (Pîrvuloiu, 2009, 193).

Jeremiah 5:22: *Should you not fear Me?" declares the LORD. "Should you not tremble in My presence? I made the sand a boundary for the sea, an everlasting barrier it cannot cross. The waves may roll, but they cannot prevail; they may roar, but they cannot cross it*

At the level of discourse, God's invitation to dialogue is made through rhetorical interrogations, questions that remain unanswered. The repetition of the verb *should you not* followed by direct complementary sentences whose predicates are expressed by the verb in the conjunctive way *to*

fear and *tremble* externalize the idea of duration and intensity of the action that takes place over a period of time and is realized through repetitive structures based on coordination through juxtaposition (with comma).

From this context, the inability to understand the greatness of God and the refusal of people to fear from not paying attention and lack of wisdom are apparent. Dependence on evil removes man from God, so he no longer recognizes His authority. Why did God put a border of sand for the sea, the sand that can symbolize fickleness, contempt? The sea in the Middle East symbolized the destructive forces of chaos.

Jeremiah 10:10: *But the LORD is the true God; he is the living God, the eternal King. When he is **angry**, the earth trembles; the nations cannot endure his wrath.*

The fear of Divinity is encountered, for the first time, when Adam feels empty, and God calls upon man to raise awareness of the terrible continent of evil to which he freely opened himself to, while losing his freedom. Man's uneasiness and insecurity in the pursuit of Divinity make him feel insecure, so that the feeling of fear takes him away from God.

1.3. The meaning “fright and horror” predetermines the basic semantic roles in the given context, other actants being involved as well: *heavens*.

Jeremiah 2:12: *Be appalled* at this, you heavens, and **shudder with fright** and great horror*****,” declares the LORD. (*Jer. 6:25, **Jer. 6:24 *We have heard reports about them, and our hands hang limp. **Anguish*** has gripped us, pain like that of a woman in labor. v.²⁵ Do not go out to the fields or walk on the roads, for the enemy has a sword, and there is **terror** on every side, 15:8, 50:43)**

The aorist ἐφριξεν is translated in the 1688 Bible by *becoming frightened, stay stony*, which ‘indicates the feeling of thinning hair due to a strong fear’. The noun *horror* comes from Gr. ἐκστασις, εως and may have the meanings ill sion , terror , astonish ent , dro siness , fright Munteanu 2014, 223).

The added drama of the sense of horror is given by the comparison as the pain of a woman giving birth, which leads us to the verse in Genesis chapter. 3 in which the woman is cursed after she has sinned, therefore this image can be correlated with God's judgment.

Jeremiah 15:8: *I will make their widows more numerous than the sand of the sea. At midday I will bring a destroyer against the mothers of their young men; suddenly I will bring down on them **anguish and terror***

The young man's mother refers to the city, the same term in Hebrew can mean "terror", "horror", but also "citadel, city". Thus, the two notions that express emotions and sensations have different intensities contextually, even if they are expressed through the same semantics.

Jeremiah 4:29: *At the sound of horsemen and archers every town takes to flight. Some go into the thickets; some climb up among the rocks. All the towns are deserted; no one lives in them.*

Jeremiah 46:5: *What do I see? They are **terrified**, they are retreating, their warriors are defeated. They flee in haste without looking back, and there is **terror** on every side,” declares the LORD.*

Feelings of fear, terror or anxiety, if not verbalized, cannot be rectified, because the inner feelings of the soul give rise to behaviors. This externalization of emotions involves, besides the **function of language communication** (through which the contents of the psychic life are externalized, the psychomorphic profile is externalized, other personality traits, the character), **the cognitive function** (which facilitates knowledge and fixes this information in words), but especially **the regulation function** (the change of the behaviors of other people is realized, the language being a means of relaxation, of disconnection).

1.4. The meaning of "turmoil, agitation" is also found in the translation of the Orthodox Bible, rendered also by expressive language with the help of comparison. *Their heart melts with fear; there is a sea in the storm that cannot be quenched.* Comparison can be another way of highlighting the action of the verb, in order to help underline the notion of *fear*.

Jeremiah 49:23: *Concerning Damascus: "Hamath and Arpad are dismayed, for they have heard bad news. They melt with fear, troubled like the restless sea".*

Jeremiah 49:23: *Concerning Damascus: "Hamath and Arpad are dismayed, for they have heard bad news. Their heart melt with fear, there is a sea in the storm that cannot be quenched".*

According to the Explanatory Dictionary of the Romanian Language, fear means 'deep anxiety and disorder, caused by real or imaginary danger; lack of courage, fear, fright. '* Loc. adj. Without fear = fearless; brave. * Loc. adv. With fear = with fright, being afraid. Without (no) fear = with courage. No fear = certainly not, not at all, once with the head. * Expr. To put fear in (someone's) bones = to scare (someone). To carry one's fear (or something) = a) to be afraid of someone or something; b) be afraid of something bad happening to someone. To carry the fear in the back (or in the breast) = to be in a constant state of anxiety, fear. To fear someone = to listen to someone because you're afraid of him.

The feeling of fear derives from the fight between body and soul, the rupture causing a tension addressed to perception (feeling) and not to understanding (idea). Thus, another determinant of the terms *fear, fright* can be both substantive and verb. The verb rarely appears in the associative structures, and the suspension points are a means of characterization of the character, suggesting a state of fear. Emotions can be associated with rhetorical figures (interrogations, invocations and rhetorical exclamations), considered cognitive by evoking values, but emotional statements involve empathy and participation.

Another lexical difference between the *1688 Bible* and the *Bible* translated by Cornilescu is given by the introduction of the subject expressed by the noun *heart* which, personified, takes over the attributions of those who receive a news that produces fear, the heart being the center of the feelings and *from the depths of the heart the mouth speaks*.

Jeremiah 51:46: *Do not lose heart or be afraid when rumors are heard in the land; one rumor comes this year, another the next, rumors of violence in the land and of ruler against ruler'*

The verbs in the imperative, in this situation, contain a series of unwritten commands regarding an attitude, because man is lost by alienating himself from God, in the mechanism of social relations. The reduced frequency in the associative structure of this phrase is explained by the fact that the verb appears, in general, rarely in the Romanian associative structures as reactions to nouns, probably, and because the nouns in surveys are given in the unarticulated form, and the conjugation with a verb imposes their articulation. The determinants of *fear*, in the associative structures, are: "troubled", "hesitant", "frightened", "restless", "worried", "emotional", "stressed", "tense", "agitated", "scared", "anxious", "panicked", "overwhelmed", "terrified" and so on.

1.5. The lexeme *fear's* Romanian equivalent is *respect*

Jeremiah 10:7: *Who should not fear you, King of the nations? Yours is the fear among all the wise leaders of the nations and in all their kingdoms, there is no one like You.*

In the translation (Munteanu 2015, 721) the meanings of 'honor -' fear' are preferred.

Who should not fear you, King of the nations? For Yours in the honor, among all the wise tongues and in all their kingdoms, there is no one like You

It is noteworthy that the subject has a decisive role in changing the meaning, the first semantic component of the statement is one of referential nature, this being given by relating the content of the statement to the denoted situation. Linguist Ion Bărbuță mentions the abstract

character of the subject (the function of identifying the object about which something is said in the statement) and of the predicate (the role of saying something about this identity). Thus, the statement, from the perspective of combining the subject with the predicate, gets to make an assertion, that is to say something in relation to an object that serves as a starting point for communication, (Bărbuță 2008, 66).

If the subject of the verb is a being or a movable thing, the verb realizes a meaning that belongs to the sphere of *emotions*, when the subject is God, lexemes *fear*, *fright* acquire a meaning from the sphere of *relationships*. The commutation of the meaning is also determined by the grammatical value of the term: *not to be afraid* - predicative verb, negative form, active diathesis; *the fear is due* - the verb is to reflexive diathesis, and the studied lexeme has a substantive value, expressing the cognitive attitude of the speaker towards the described state.

1.6. The verb to be afraid in correlation with the verb 'to guard'

A correct vertical relationship (man-God) removes the feeling of fear (Rotaru 2011,4), an idea emphasized also in the New Testament (eg in John 4:18: *In love it is not fear, but perfect love drives away fear, because fear carries with it the punishment, and one who fears is not perfect in love*). We are warned that the ignorance of God leads to this feeling (the verb *do not fear* is rendered by Gr. *μὴ φοβεῖσθε*, in some contexts the verb *to fear φοβέω* appears in correlation with the verb *to guard φυλάσσω*, used in translation in the conjunctive mode), (Irimia 2008: 246). In the same context, in the verse in Ecclesiastes 12:13 (*Let us hear the conclusion of all the teachings: Fear God and keep His commandments. This is the duty of every man.*) the same verbs are imperative, suggesting the connection between the fear of God and observance of His precepts are commanded.

Therefore, we notice that we cannot talk about emotional neutrality when we refer to the feeling of *fear*, *fright*, we have a choice, because the emotional intensity is about relationships, contexts, limits and environment. On the other hand, fear can also be a virtue, being the condition of knowing God (Proverbs 1: 7, *Fear of the Lord is the beginning of science, but fools disregards wisdom and teaching*; Proverbs 9:10). The fear of God is born of faith and has the effect of knowledge and repentance.

The feeling of fear we find in Jeremiah from the moment God calls him into His service, assuring him that He will be with him. This feeling deepens with the attitude of the mocking people (Rotaru 2015, 231-239), but the prophet does not let the fear of people cause him to give up his desire to serve God. From the meeting with Zedekiah (Jeremiah 38: 19-20) that assures him that he will escape alive, it is observed that Zedekiah is encompassed by this feeling, because he does not listen to what God says to him (he has a hardened heart), the Evil one being able to keep him trapped in the chain of fear of people, thus losing the legacy and the throne. On the other hand, Zedekiah is afraid of Jeremiah out of respect for him. Jeremiah has found the source of trust in the Divine Almighty, under whose influence no one can escape. Fear comes from lack of love, faith.

In the selected sequences, at the level of discourse we observe the presence of lexical-grammatical marks by the first person plural auctorial, associated to the subjectivity with cognitive verbs, discursive constructions of emotions using affective marks (exclamations / rhetorical interrogations, interjection, repetition, imperatives, substantive in vocative, constructions, incidents).

2. The phraseological expressions of the given concept

In the Romanian language we find somatic phraseological expressions that also reproduce the concepts of fear / horror / fright. The fact that fear is the strongest of emotions is also confirmed by the integration of the lexeme into linguistic expressions: *to tremble in fear*, *to feel the fear into the bones*, *to have goosebumps*, *to wrinkle the skin of fear*, *to make the hair stand on end*, *to live in fear*, *to chill the blood in the veins*, *to be frightened*, *to be horrified*, *to die of fear / fright*, *to make a half-mouthed statement*, *to seize fear*, *to put one's heart to heart*, *to make oneself shudder*, *to stand on barbed wire*, *to put fear in someone*, *to become small (of fear)*, (Dumistrăcel 2011, 56).

The linguist al. Zugun considers that the verbal expression to chill (or to stay, to stop, to slay, to dilute) the blood in the veins (see the entry vein < Lat. pop. vena) "To be frightened, to be frozen in fear" Is based on the word vein, which retains its Latin meaning of "any blood vessel", meaning both "vein, blood vessel that ensures blood flow from the capillary vessels to the heart" and "artery, blood vessel that ensures blood circulation from the heart to the capillary vessels" (the people of old did not distinguish between the two categories of blood vessels, the difference that the two corresponding neologisms make; the first one having the etymon Fr. *veine* [ven] and Lat. lit. *vena*, and second, Fr. *artère*), (Zugun. 2008, p. 29).

Thus, we notice that fear is associated with the hair, skin, flesh or mouth, with the cold state (as a result of the decrease in temperature, the skin becomes pale, teeth tremble, legs tremble, the skin wrinkles), with the fear of speaking (Bădescu 2011 , 145). Somatic idiomatic expressions render universal concepts, so that in other languages (eg Eng. *Shame*) we find lexemes that refer to parts of the body, fear being a manipulation tool.

Conclusions

There is a whole vocabulary of emotions that helps us express what we feel, but at two opposite poles of human emotions are fear and happiness. Like any emotional state, fear has varying degrees, from insecurity, restlessness, anxiety to panic, terror and overwhelm.

Some synonymic series, in the gradient, perimeter the implications of *fear*:

- at the level of emotion: *restlessness - distress - fear - fright - horror*;
- at the level of feeling: *uncertainty - doubt - alteration of the self*;
- at the state level: *nervousness - sadness - remorse*;
- at the level of consequences: *panic - imbalance - stress*.

The feeling of fear may arise from the uncertainties, so you can become a man without direction, finding a narrowing of the perceptual **field**. **Fear, anger, anxiety** can disrupt human behavior. As we have observed, fear can also be considered an important theme in the Biblical text, being approached dichotomously: the plane of Divinity, on the vertical axis (fear of God) and the plane of relationships, on the horizontal axis (fear of humans).

At the morphological level, the frequency of the verb is observed in the imperative mode, the negative form *do not fear, do not tremble*, structures that express decisive states in relation to those around us, and, on the other hand, the use of the conjunctive mode can substitute the imperative, emphasizing the Christian's attitude of hesitation and uncertainty (*Do not weaken your heart and do not be afraid*).

Therefore, the meaning of the lexeme *fear* has been traced starting from the concrete sense to extended, concrete or abstract meanings, polysemy being possible through semantic, concrete or abstract extension mechanisms. From the selected examples, we find that fear can be an instrument of education, but also manipulation in a community, and God rewards those who overcome fear (Rotaru 2012,7). Repeating certain words can induce fear.

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Social Representations of Violence against Women in Cuba Is It a Consequence of Economic and Political Changes?

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ABSTRACT: The main purpose of this research is to analyze social representations (SR) of violence against women in three generations from Sancti Spiritus in a context of sociocultural changes. With this purpose, 28 people from three different generations were interviewed using the Snowball method. As part of the methodology, the semi-structured interviews, as well as the Free Association method (written variant) and the non-participant observation were used. The data obtained was interpreted with the qualitative paradigm. Myths about violence were found anchored in the collective imagination, without distinction of age. Likewise, there were changes in the SR of the three generations towards violence: the generation of older adults exhibits beliefs more attached to the government-supported discourse on equality; the youngsters blamed more the victim of violence and showed SR in which the control of man over woman is normalized. The intermediate generation exhibited SR more in accordance with reality. This generation, raised in a context of educational and social achievements, where inequality and social precarious brought by the special period, didn't have a dent in social values and norms, showed a less macho ideology.

KEYWORDS: social representations, violence against women, collective imagination, myths, victim

Introduction

Violence against women (VAW), as any other type of violence between human beings, has existed throughout the history of mankind in every country. In some cases it has been encouraged and justified by creed and culture (Postigo, Vera and Cortés 2016).

Cagigas (2000) defined it as "the direct relation of power between men and women in which men, who have interest in control, use, submission and oppression of women, effectively carry out their interests." For it to occur effectively, the means is the abuse of force, in other words, violence and all forms of power due to sex, hence its name of gender violence or misogynist violence (Díaz 2009).

This exercise of domination or violence is transversal. It takes place without distinction, in every cultural, economic and ideological level, and it is used against individuals in a disadvantaged position (Cagigas 2000). The belief of man's possession over women is what causes violence, because he considers his wife as his object. They believe that they are dominant by nature and women submissive, so any contempt will be experienced as an offense to manhood (Connell 1995).

This is aggravated by women's lack of knowledge about their own rights, by their limited access to information, help or legal protection, by the lack of laws that effectively prohibit it, by fear, shame at the complaint and by their own cultural formation in which the male role is seen as superior (Díaz 2009).

The VAW is one of the main problems that countries face currently. According to estimates published by the World Health Organization (WHO), approximately one in three women worldwide have suffered sexual and/or physical violence, by their intimate partner or a stranger, (quoted in Siqueira 2015). The most affected regions by this scourge are: Southeastern Asia with a prevalence of 37.7%, Eastern Mediterranean with 37%, Africa with 36.6%, America with 29.8%, Europe with 25.4%, and the West Pacific with 24.6% (in this order), which is quite alarming considering that Latin America occupies the following position after Africa.

According to recent data (CEPAL 2018), every day at least 12 Latin American and Caribbean women die in average by the mere fact of being a woman. In Cuba, for example, the situation is similar to the one in Latin America according to some researchers, since the indexes of violence against women have significantly raised (Salas and Pujol 2011) although there are not official figures that back up such affirmation.

Most authors agree that it is difficult to eradicate it because it is socially learnt from beliefs on the possession of woman (Postigo, Vera, and Cortés 2016). Nevertheless, there are cultural, social, familiar and individual factors that make it more likely and complex. All of them answer to a common denominator: patriarchy culture and learning the roles and principles that are produced in society and family.

However, authors like García-Moreno (2000) express that the subordination of women is generally more likely to take place in a precarious socioeconomical level, hence that countries from Africa, Latin America and particularly Cuba, seem more vulnerable to the increase of this violence in the measure inasmuch as the growing precarity. This is also confirmed by Proveyer (2008) expressing that, "when there are difficulties of any type: occupational, economical, housing difficulties... stress is caused and conflicts, violence, moral and principle crisis increase. It is a spiral that grows, reproduces and installs itself in a couple's relationship and family", explains the author.

Some of these forms of violence against women are normalized and praised by social representations (SR) imbued with machismo and have prevailed for years. Thus, some theorists warn that "not a single mind escapes from the conditioning imposed by culture, through language and the system of representations, to the thought and perception" (Moscovici 2000, 23). Following this line of reasoning, Moscovici (1985) emphasizes the importance of ideologies, cultural and economic systems, social and historical conditions.

In this same line of thought, Flores-Palacios (2012) considers that the historical, sociocultural and economic conditions noticeably influence in these representations, as each person is the result of their own interaction in their cultural context. This interaction is measured by a complex process of designation of meanings and representations that constitute their own existence and form the structure of their reality (Flores-Palacios 2012, 356). There is a metasystem in her, constituted by social regulations that intercede with models, pre-established beliefs, norms and principles (Flores-Palacios 2012, 343).

For a better understanding of what is meant by social representations (SR), hereunder is a personal concept based on the one given by Flores Palacios (2012) suggesting that:

The SR are conceived as the form of common sense that is denoted in everyday language typical of each social group and in the behavioral repertoire of each individual. They work in a narrow bond with the social norms that rule in a particular context. It allows communities to explain their reality in a coherent way with the frame of mind and constitute a social construct that is internalized by the individual who reconstructs it and gives it back to society (Martin 2018).

All of these postulates can be useful in the analysis of the following paradoxical situation:

The changes (political, economic and social) that took place from the triumph of the Revolution in 1959, caused in the country a series of modifications in every order that favored the equality of rights and women's opportunities. For more than fifty-seven years, the Cuban State has incorporated women to Cuba's working, economic and political life with laws and measures that have guaranteed the participation of women in every field of public life. This way, with equal value jobs, the State promoted non-discrimination at work and professional training, and wage equality between men and women. It also looked after the fair distribution of job positions between men and women, passed the Maternity Benefit Act and, in the Family Code, advocated the equality of women's rights and obligations in the marriage, among others (Bobes 1999).

Despite everything, following the socioeconomical crisis of the nineties, and more acutely in the last years, there have been social regressions that are linked with gender. More women are tolerating different forms of violence from their partners and acquaintances, both in public and private (Hernández and Delgado 2016). This does not happen in a homogeneous way, but it has

occurred with greater notoriety in the youngest generations. The acceptance of such behaviors indicates the acceptance of SR less critical about violence against women.

The cultural learning acquired in the Cuban patriarchal context (among which SR stand out) and how the social norms of that context have an influence on violence against women, would be the explanation of a social problem that seems to continuously reproduce despite the social policies that pretend to eradicate it (Hernández and Delgado 2015).

General Objective

Analyze the SR of violence against women of three generations of Espirituanos in the Cuban sociocultural context.

In order to answer to the objective, some of the alleged theoretical assumptions of the author Fátima Flores-Palacios (2012, 343-356) were used. For example, that each person is the result of their own interaction in their cultural context, which is measured by a complex process of designation of meanings and SR. Considering that the SR contain sociocultural products, this allows us to identify common issues in the SR of the people, for being common in their context. This allows us to understand that the modification of the contexts, within the economic, social, political and cultural can have an impact in the SR.

Method

The work presented consists in an exploratory study developed from a non-probabilistic sample and in chain, using the Snowball Sampling. Based on a qualitative analysis, the speeches of the interviewees from the Sancti Spíritus province, Cuba, were interpreted.

For the collection of information, a bibliographic review was made and instruments such as the Semi-Structured interview, the Free Association (written variable) and the Non-Participatory Observation. All of them with the purpose of analyzing the SR of violence against women.

Twenty-eight people from Sancti Spíritus province were interviewed without sex distinction. These interviewees were selected according to three age ranges that were previously established, which means they belonged to three different generations. Amongst these groups of interviewees, a ten-year gap was left so that the group characteristics were more different.

Chart 1. Criteria of the selection of the interviewed generations

Youngsters (18-25 years)	Adults (35-45 years)	Elders (55-70 years)
<ul style="list-style-type: none"> -They were born after the special period. -They were socialized in a context of social precarity, inequality and the so-called "moral crisis". -They grew up among a society that has increasingly prioritized consumption, as well as promoting personal non-effort in studies because it does not guarantee a decent life. 	<ul style="list-style-type: none"> -They were studying when the special period occurred. -They have memories of how their life changed. -They see the "moral crisis" and the noticeable interest in consumption as something alien to their generation. -They grew up in the 1980's which was the one with greatest equality in Cuban society. -They studied in the years when education in Cuba was of excellence. 	<ul style="list-style-type: none"> -They were born before, during or in the first years of the Cuban Revolution. -Many were protagonists of the changes in the social position of women. -Their experiences allowed them to value social achievements better. -Likewise, their life experiences gave them a procedural criterion of the changes that occurred.

With these three groups a comparison of the SR was established on: violence against women and the myths associated to this problem. Likewise, the SR on street harassment as well as the normalization of sexist stereotypes were explored, analyzing changes, similarities, advances and setbacks among the generations interviewed.

To analyze the SR, the methodology proposed by Yazmín Cuevas (2016, 114) was used, because it allows to identify and interpret the content of the SR from a procedural perspective. Cuevas (2016) suits the analysis of the meanings and senses, of the SR insert in culture. This analysis supposes that the context works as a source of determination of the SR, after providing the ensemble of economic, social and historical conditions that characterize society and the moral system that circulates in it as she previously established (Ibáñez 2001).

Results and discussions

Social representation of the VAW

The young group represented violence against women (VAW) as physical violence (beating, assault and death) and to a lesser extent they represented psychological and verbal violence. For the youngsters, sexual violence, workplace and street harassment, as well as economic/property violence seem to be more normalized since these were not mentioned.

In the case of adults between 35- and 45-years old, violence against women was mostly represented in the physical form, but with more clarity over the asymmetry of underlying power. As well as the psychological form expressed as: "emotionally leaving a mark on a woman just because she is a woman". This group showed a greater command of the "soft" forms of violence against women, including control as one of these. Violence is seen by them as "everything that subdues women...", "not considering her as a person".

On the other hand, the third group (adults between 55 and 70 years old) represented violence against women mostly in the physical form but showed greater SR on macho violence. Although many forms of violence such as street and workplace harassment were normalized. In this group many interviewees specified the relation between violence and jealousy and the macho qualities of men. Also, this third group identified the control of man over woman as a form of violence, not like the group of youngsters.

It was surprising that not a single generational group mentioned street and workplace harassment among their SR, which shows how little visibility this type of violence has in this context. Macho violence was always represented as domestic violence against the wife, making invisible the one that takes place in every day social life.

Normalization of macho stereotypes

When looking into the youngster's attitudes and morals towards equality in intergender relationships, the answers were very varied. In some occasions, the violence that a father exerts over a "bad mother", was accepted as something valid in certain circumstances. This coincides with Connell's approach (1995): "the belief of possession of a man over a woman is the one that originates violence, because he considers his wife as an object, as his belonging over which he can exert his natural and arbitrarily domination".

The university subjects between 35 and 45 years old, demonstrated a deeper reflection than the youngsters of the same school level. Adults, on their behalf, noticed that gender equality is the biggest accomplishment to aspire and that VAW is a problem solved by the Cuban Revolution. These results are coherent with the experiences lived by this group, that being part of all the social, political and economic transformations took place with the revolutionary triumph, saw how the Cuban woman became a protagonist in such changes.

When comparing the three generations, the adults of the second group demonstrated to have more criticism than the adults of the third group about the machismo that still exists among Cuban society as a revolutionary backwardness. This suggests a setback in the visibility that exists of VAW among the generation of youngsters regarding the one of adults between 35 and 45 years old.

Likewise, it corroborates one of the conclusions of Hernández and Delgado (2016) when saying that demonstrations of social regressions have taken place since the crisis and that the problem of the VAW in Cuba has had nuances in the last two decades.

Without doubts, as Proveyer (2014, 45-47) expressed, the transformation of Cuban women's situation has had an important economic, political and social repercussion. But it has been a process that has passed through contradictions and cultural barriers. One of the most significant has been the control and submission, the traditional gender roles, and the differential socialization of both sexes. All of this is typical of a patriarchal and discriminatory culture, that hasn't been changed in spite of the incorporation, by the Cuban Revolution, of the woman to the political, economic and social life in Cuba.

The criteria that equality has already been achieved, demonstrate that many forms of violence against woman have been normalized. The same happens with everyday sexual harassment, with objectification of women, among other forms that infringe upon the right to equality between both sexes. This confirms what Proveyer (2014, 9) expressed when she sentences that the normalization of violence and the invisibility of power asymmetries between genders do not allow to give VAW an effective treatment.

Although the political discourse of the first years declared a priority to end with women's discrimination, this goal was not translated in politics specifically created for this social group, since they believed that the end of exploitation, the incorporation of women to work and the egalitarian politics would eliminate by itself discrimination. This is why Bobes (1999) claims that it was a participation without gender identity.

SR about men's control over women in couple's relationship

With the exception of two youngsters (both with higher education), the rest considered that the control men have over women is reasonable if it is exerted "through communication between both parties". Some thought that: "there are limits for all, women's attire can't disrespect man. Since the man may require it to be in a particular way". This control, in words of Proveyer (2014, 45-47) is still the result of traditional gender roles and the differential socialization of both sexes.

In the groups of adults, the majority of the interviewed suggested that the way men exert control has to be with conversation, because communication is very important in every couple. In this two groups of adults there was a major criticism against control as a way of domination and violence, as there was a greater proportion of expressions against control than in the other groups: "...nobody has the right to control another person".

From the group of elders, half of the interviewed spoke in favor of trust in a couple and against control, for being violent. This group had more criticism than the previous one towards the macho violence that comprehends this one.

The relapse that was shown in the youngest generation in almost every aspect studied, coincides with the breakdown of social achievements, since the economic crisis or special period, which ruled the emphasis in social inequality gaps, from one ideology more centered in consumption, and more dissociated from the personal effort to not guarantee good living conditions. Likewise, this "special period" is considered a watershed in the collective imagination because it modified morals and ruled social norms that everyday accept more female objectification, prostitution, State robbery, corruption and violence against women.

These sociocultural characteristics seem to have had a greater influence in later generations than in previous generations, which were educated under other morals and in another social and economic context, where the educational achievements also suffered the consequences of this crisis. Therefrom, it seems that this stage has favored the conformation of SR that normalize control as a form of VAW.

Conclusions

The theory turned out to be useful when analyzing the changes within the SR of VAW in the interviewees according to the sociocultural changes that took place in the Cuban context due to the

special period. This is confirmed, for example, by the fact that sexual violence seems to be more normalized in the group of youngsters, which perceives a more accentuated tendency in Cuban society to female objectification. Nevertheless, in the Cuban patriarchal and macho context, other forms of violence have been made invisible such as street and workplace harassment which occur in a normalized way.

In this macho context there are many gender expectations that are significantly unequal for women and for men, which implies acceptance of standards towards certain forms of violence. The "deserved punishment" inflicted to a "bad mother" reveals the great pressure and demand behind this role, to which some people consider physical violence as something justifiable. This belief is more present in youngsters, and it was in this group in which less SR criticism was expressed about control as a form of macho violence, because almost for everybody was well accepted the control of a man over a woman without having any criticism about this form of subordination and inferiorization.

The influence of the context on the SR was also confirmed with regard to the evaluation of the current state of VAW in Cuba. In this sense, not only the youngsters interviewed were the less critical, but also the elder group. For this last group, the attained was much more of what was originally expected, therefore they have SR that everything was guaranteed by the State. The social representation of equality that these groups have, is based fundamentally on women's participation in Cuba's political, economic and social life, without gender identity (Bobes 1999). This apparent equality attained in Cuba does not reveal the essence of inequalities: the asymmetries of genders in current everyday nature imaginary, roles and stereotypes.

Generally speaking, there was a certain tendency in the generations of interviewees to as, the younger they are, the less they represent control as a form of violence that is unacceptable, even though these differences were mild from a group to another. This remains normalized as something valid for the majority, which corroborates the modification of SR and the most accepted social norms towards some types of VAW. This may be due to the own psychological characteristics of these age groups and the differences marked in education received by the generations. All of this confirms that, the SR on VAW have been modified in accordance with the sociocultural aspects of the Cuban context and have suffered a relapse regarding criticism and visibility.

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Managing Diversity in Business Education: A Case of Dubai International Academic City (DIAC)

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ABSTRACT: Education is an important factor in developing any nation around the world. Today's developed countries are much focused on education in varied fields. This has become possible through meaningful diversity in every field. Latest developments & innovations are the backbone to compete in today's competitive world. Best business education in Europe & North American countries have opened avenues of competition for other nations. These initiatives of being accredited by AACSB is a clear direction for successful business schools. UAE has been a preferred destination for more than two hundred nationalities who are working in different fields. Such diversity is the reason of varied developments in almost every domain. The educational projects, research based initiatives, business forums and meetings made it possible to get exponential growth in UAE and Dubai in particular. Dubai is one of the most demanded place to live and work in different companies & universities. Referring to this case research, education is the most focused area and set as top priority of government's projects for 2020. There are few AACSB accredited Business Schools in UAE and others are trying best to get it done through varied skills as possible through diversified opportunities in Dubai. Dubai is leading in education sector in the region where all nationalities are working and being educated in multiple fields. Dubai's diversity has made it much attractive to be educated in the multicultural city.

KEYWORDS: diversity, business education, business schools, different cultures and international standards

Introduction

Government has taken lucrative initiatives to maintain such environment of diversity and growing each day. It is great opportunity for education sector through diversity as set up in DIAC. The purpose of this research is to report on the essentials of diversity in Business schools. Teaching through case situations has become a challenge especially in today's diversified age. Business Faculty should be equipped with diversity exposure to transform the same to students who are more inclined to diversify phenomena. The purpose of writing such situations is to offer some practical suggestions to adopt a diversified approach of teaching in order to have a salutary effect on students' learning. The Case situations are specially developed to help students and faculty to enhance their exposure with required exposure. The purpose of this research is to write mini comparative cases to enhance students' capability to understand the diversified culture in order to plan & operate good business. The simple design based on descriptive aspects with case study approach. The proposed case situations will have a greater practical implication on Business schools and organizations in modern times.

Table 1. (Managing diversity & its impact)

Ministry of Education, UAE KHDA (Knowledge & Human Development Authority) DIAC (Dubai International Academic City)	
<u>Managing diversity</u> <ul style="list-style-type: none"> • Diversified Culture • Business Education • Human Development • Business Opportunities • <u>Diversity programs</u> <ul style="list-style-type: none"> ○ Sharing diversified exposure ○ Exchange of varied experience ○ Impactful education 	<u>Impact of Diversity on Business Education</u> <ul style="list-style-type: none"> • Research • Collaboration • Intellectual Capital • Mini Cases / Mini Stories • Short videos / Small Posters / • Small groups / Brief demos • Writing half page cases
Diversity in Professional and Ethical Education	

Methodology

This research will also offer mini situations on diversified culture that becomes the reason to achieve business development in the particular region. This is well supported by the accurate guidance in form of diversity exposure in business schools. This research has developed such case studies to cover the contents and regions as mentioned above. Teaching is a great art that is earned through student centric approach. The rapid pace of technological aspects made everything available but still lack expertise in certain fields but diversity in education has filled such gap with effective initiatives on quality education & diversified learning experiences. This means that diversity background made difference in effective educational programs. This is a case study research that also investigates about the Diversity in Education (Diversity refers to many nationalities living in UAE with special focus on Dubai). The purpose of this research is to see and explore the different aspects of diversity in Education (different nationalities, different approaches, and different methods of teaching, different technological approaches in teaching and learning)

Research Question

- Which Business schools have more diversity and why?
- How such diversity is managed in Dubai, UAE?
- How HR managers and Deans evaluate the diversified Faculty in Business Schools

Findings and Propositions

The research has found diversity as most important aspect in modern times. The result showed that Dubai is increasing the diversity aspect at phenomenal pace. The research has found that the learning methods, delivery, research and educational leadership have been very effective due to diversity initiatives & programs. Few propositions on diversity are mentioned in the case study. The research proposed a diversity framework that showed the hierarchical activities on diversity. This proposed framework is just a sequential process to maintain educational standards.

Expected Contribution

This research will be beneficial for government officials who supported educational institutions. This will also help policy makers, VCs and other relevant authorities. The research has shown a

diversity framework that can be a guiding note for educational heads at varied Universities. This research will market the importance of diversity in educational sector. The Diversity aspects will ensure varied styles in teaching & learning.

- Successful educational setup
- Blended methods
- Technology integration
- Practical Case methods
- Interactive sessions
- Faculty exposure & development
- Students' development initiatives
- Governmental support & guidance
- Quality of standards & criteria
- International advisory boards

Brief on Mini Case example

Dubai Business School, University of Dubai has been accredited by AACSB. Before such accreditation, this university had approximate more than 5000 enrolments and still is growing after high standards of AACSB. This prestigious accreditation has gained not only same enrolment but increasing more as demand of quality students are lined up to make an entry into such reputable Business School. More will be covered in the detailed case study.

Brief on Data source

1. DIAC: <http://www.diacedu.ae/about/about-diac/>

The world's largest free zone dedicated to higher education and the pursuit of intellectual growth: Dubai International Academic City (DIAC) was launched in April 2007 to cater to the needs of the region's growing and diverse academic community. Home to numerous regional and international colleges and universities, it serves over 24,000 students from all around the world. With more than 400 undergraduate and post-graduate programs currently offered to students, DIAC continues to expand and grow as per the needs of its robust and talented academic community (<http://www.diacedu.ae/about/about-diac/>)

2. DUBAI: <http://www.diacedu.ae/about/about-dubai/>

The tertiary sector in Dubai is comprised of International Branch Campuses (IBCs) as well as local Universities funded by the federal government. The UAE itself has the highest number of International Branch Campuses of any country in the world, with nearly 40 in the UAE out of over 220 worldwide. The UAE is growing as an education hub with many international higher education institutions setting up here, catering to transactional students from across the world. The increase in transactional students can be attributed to the rise in educational tourism placing UAE as a global tourist destination and focus on international attention. With Dubai expecting a growth in tourist numbers at 7-9% annually, the rise of educational tourism towards emerging markets will play a big part in this shift (<http://www.diacedu.ae/about/about-dubai/>)

Clarity note: This is just an extended abstract and considered for this particular Conference. The Case study paper is still in progress and more explanation on results will be added in full paper.

How Effective is Microfinance on Poverty Reduction? Empirical Evidence on ACSI (Ethiopia)

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ABSTRACT: As per the World Bank report (2015), in 2000 Ethiopia had one of the highest poverty rates in the world, with 56 percent of the population living on less than (U.S.) \$1.25 purchasing power parity (PPP) a day. According to International Fund Agricultural Development (2008), “Under the IFAD, initiated Rural Financial Intermediation Programme (RUFIP), impressive results have been achieved over the past five years in expanding outreach in the delivery of financial services by operationally sustainable microfinance institutions (MFIs) and RUSACCOs, with the clientele growing from about 700,000 to nearly 2 million poor rural households. The programme has demonstrated the potential of rural finance in enabling a large number of poor people to overcome poverty. Women account for about 30 per cent and 50 per cent of beneficiaries of MFIs and RUSACCOs respectively. However, much remains to be done, particularly in improving management information systems and expanding outreach to access-deficit and pastoral areas” Republic (2008). Based on the strategy of poverty eradication, microfinance institutions are playing significant role on the reduction of poverty and increase source of income by providing financial services, such as saving and credit to rural poor household society particularly poor women household. Therefore Amhara credit and saving institution (ACSI) has a significant effect on poverty alleviation and the institution stands for poor rural household and enable them to invest small sum of money in productive activity.

KEYWORDS: microfinance, poverty reduction strategy, sustainability

Introduction

Poverty is a situation that a person or community lacks a capacity of accessing finance and basic life satisfaction. According to the World Bank development report (1990), “An inability to attain a minimum standard of living, poverty means a shortage of having enough to eat, a low expectancy, life, a higher rate of infant mortality, low educational standard, enrollment and opportunities, poor drinking water, inadequate health care, unfit housing conditions and lack of active participation in decision making process.”

Ethiopia is the second largest populated country in Africa with a population of 99.4 million (World Bank 2017), among these, Amhara region has a population of 12.5% of the total population of the country, the region is suffering with extreme poverty every year and became dependent on the government funds and international donors support. The government of Ethiopian has planed various strategies for the alleviation of poverty and to reach the middle income country over the last two decades, eradication of poverty and rural agricultural development is one of Ethiopian development agenda.

Microfinance institutions in Ethiopia

Most developing government believes that MFI has a significant contribution for poverty reduction strategy, therefore, developing countries government and donors supports microfinance institutions from the establishment of the institution. Ethiopian Microfinance institutions are recent development phenomena while the country’s financial institution to accelerate recent development was before the Italian invasion period, Ebisa et al. (2012), according to Daniel (2014), “the establishment of the Ministry of Agriculture in 1943 and Agricultural bank of Ethiopia in 1945. The main objective of the bank was to assist small land holders whose farms had been devastated during the Italian occupation through loans to purchase agricultural inputs and repaired houses. Now a day’s variouse micro finance institutions are launched for poverty reduction strategy.

Amhara credit and saving institution

Amhara is the second largest state in the country, the state was suffering with food insecurity for the last decades, therefore Amhara credit and saving institution more focus on the depth of poverty (area of food insecure) and gender base target, most women are vulnerable to poverty “Given the level of poverty in the region, essentially therefore service delivery by MFIs like ACSI has been on a priority basis, focus being on the poorest, particularly women, as this is believed to have the highest impact on poverty /food insecurity through bringing about improvements upon both the rate as well as depth of poverty/food insecurity” (Gobezie & Garber 2007, 9).

ACSI is working in collaboration with NGOs and government, when the government involvement in food security is less, ACSI involvement became significant on poverty reduction strategy and secure the food insecurity indirectly, therefore ACSI is making a great effort improving the economic status of poor society in the region and secure the region of food insecurity, “While government is not involved in managing the day- to-day operations of ACSI, there is a strong link, particularly as ACSI integrates its activities with government and NGOs working towards achieving food security and poverty alleviation in the region” (Brislin & Dlamini 2006, 24).

As a matter of fact, the current none governmental organizations (NGO) and donors believes that microfinance is a tool for poverty reduction strategy therefore authors agree the “aid dependency to self reliance” according to Kidane (2007, 1) “Microfinance is a better intervention as a development strategy for Ethiopia, which is addicted to aid and identified with a brand of deep-rooted poverty. It is one way to shift from aid dependency to self- reliance.”

Mapping a way out of poverty

According to Helmore “A 2006 World Bank report shows a strong correlation between reductions in poverty and the development of the financial sector. If African countries are to achieve long-term development more quickly, the poor in Africa – like people everywhere – must have access to an array of flexible, cost-effective financial products and services targeted to their needs, including savings, credit and insurance” (CARE 2009, i), accordingly, the target of most of microfinance institutions in developing countries are to alleviate the need for finance to poor people and to sustain economic and social development to the poor community, then among these microfinance the achievement of ACSI on sustainable development program were significant.

As it is known, microfinance services provision to poor households are one of the way out of poverty line, ACSI involved in the community who are living under extreme poverty line, according to IFAD (2008), report “In a country where almost half of the population barely survives on less than a dollar a day, (therefore) microcredit offers poor people a unique opportunity to engage in small businesses or improve their agricultural production.” As the region of Amhara is under list of ‘food insecure’, the institution is more supported by international donors, the Amhara credit and saving institution (ACSI) is progressively improving the service on the bases of poverty reduction in rural areas of the region, according to the author, the poor community in the region was improved their income, health, education and empowerment after the service offered by the microfinance institution. Therefore, “(t)he “graduation model” is a unique sequencing of safety- net interventions integrated by technical and microfinance services provision aimed to create and support pathways for the poorest out of extreme poverty” (Component 2014).

Amhara state is reported as ‘extreme poverty’ and ‘poverty’ in the region, according to the institution profile, ACSI targets, “at area as well as household level and gender focused. ACSI seeks to reduce poverty by targeting financial services to the poor both directly (through means-testing) and indirectly (through product and service designed to attract the poor)” Dar (2014) the area targeting more concerns food insecurity “Area Targeting: Priority is given to those areas which are more food insecure. This is conducted in consultation with the Woreda and Kebele administration. Thus, within a given Woreda, the most food insecure Kebele (suffering from ‘chronic’ food insecurity) is given the priority.” Dar (2004), therefore insuring the food insecurity in the region would relief the government budget, House hold is other kind of targeting method as Dar B. “Individual Targeting: Generally, ACSI lending programme essentially targets the

productive poor: those if appropriately assisted could by themselves create the activities that could enable them to get out of poverty -- the entrepreneurial poor. This derives from institutional values and principles” Dar (2004), most poor households are productive in the region, then, these productive poor can change their life style and make others to change. ACSI targets women and “Gender Focus: Special focus is given to women as they are the ones who most suffer from all kinds of poverty and deprivation, and at the same time improvement in women's income can have immediate impact on household poverty and nutrition. Women are encouraged to start some business activities so as to improve their bargaining power within the household through enhancing their ‘breakdown position’. ACSI has a target of delivering at least 50% of the credit service to women” Dar (2004).

Does microfinance really effective on the eradication of poverty?

There are various types of poverty reduction strategy in developing countries, the international donors supports the development effort in developing countries to come out of poverty, Ethiopia is one of the country supported by donors for the eradication of poverty in various activities, some international donors turns to work with microfinance institutions in development countries since microcredit plays an important role on sustainable development by increasing the living standard of the poor community.

In fact, most microfinance institution involves various financial facilities beyond saving and credit facilities on the bases of poverty reduction, of course poor may not have saving account in the institution but after the service offered to the poor household, they start surviving and increase their income through productive income generate activities and these poor household would start saving their money. Most of microfinance institutions usually stands for poor households and communities providing small loans and savings, among other microfinance institution, ACSI plays significant role on sustainability development to achieve millennium development goal, and the institution supporting development program on poverty eradication campaign, according to the USAID “ACSI is amongst the many vehicles that government supports and endorses as part of its sustainable development and poverty reduction efforts” (Brislin & Dlamini 2006, 6).

The services of microfinance in poor rural household community has direct impact on poverty reduction program, “The idea of poverty reduction through MF has generated enormous enthusiasms among donors and NGOs as an instrument for reducing poverty in a sustainable manner. The results of few case studies have indicated that access to finance can reduce poverty” (Chirkos 2014, 48). Moreover, the recent microfinance institution has enormous effects in rural poor community including rural factors of social, economic, cultural and political on the bases of poverty eradications, and the institution has an immediate impact on income, education, health, nutrition and fertility, Morduch (2002), hence microfinance institution improves socio and economic welfare of the poor household particularly in local areas. Most development experts and authors address the positive impact of microfinance on poverty reduction, according to United Nations Office of Special Adviser on Africa (2013) “when properly harnessed and supported, can economically empower individuals and small enterprises and enable them to contribute to and benefit from economic development”, currently most developing countries target is enabling poor to economically empower through microfinance institutions, “Poverty reduction has been a concern of developing countries through emerging microfinance industry” (Chirkos 2014, 49).

Many authors emphasis the positive impact of microfinance for low income households, but as per some literatures, there are debates of microfinance whether the microfinance institution exactly targeting the poor society and poverty alleviation, and these authors questioned whether women are targeted and empowered through microfinance, as a matter of fact many developing countries of their inequality gap between rich and poor is increasing every time, according to global development (2015), this shows that the effectiveness of poverty reduction strategy in some developing countries is under question mark, of course microfinance provide credit to low income households unless mismanaged behavior of credit, borrowers results benefit the would show a positive impact of the service on the household borrowers, but some do not fully agree, from the point of view of Dr. Martina Mutheu in Rosenberg (2009), “Most of the credit given to the target

segment is used to finance saturated business activities whose margin of return is far less than what is charged on the borrowed funds, the outcome is a deficit, pushing the borrower further into debt and in effect making him poorer”, in addition to this argument “micro- credit increases poverty by increasing debt and that husbands use their wives as conduits to secure loans” Burra, as cited by Adeyemi (2010), but this argument was reacted and tackled by Richard Rosenberg as “repeated use does not by itself prove that a service is benefitting users. No one would make this argument about repeated use of heroin, for instance. People do not always borrow wisely. With microloans or any other loans, some borrowers will inevitably over-indebt themselves and be worse off as a result” (Rosenberg 2010).

In fact microcredit is a tool for poverty eradication and a core for sustainability development as studied by different researchers, but microfinance alone cannot eradicate poverty according to Yunus “Micro-credit is not a miracle cure that can eliminate poverty in one fell swoop. But it can end poverty for many and reduce its severity for others. Combined with other innovative programs that unleash people’s potential, micro-credit is an essential tool” (Yunus 2003, 171).

Socio-Economic Profile and ACSI

Ethiopia is one of world’s oldest civilizations and richest in natural resources but now the country became the world’s poorest country, and Ethiopia is recurring drought as a result of rainfall shortage and this causes shortage of food and economic migrant from rural to urban every year, on the other hand Ethiopia has diverse resource potential for agricultural development World Bank (2017).

Amhara region is one of the area with good potential resources that able them to survive during rainfall shortage, however due to unfavorable topography of the region, development was delayed and hindered them to alleviate poverty, and the transport network became limited, in addition to this the provision of different services became poor to access.

“Poverty levels within Amhara State are the highest in the country as reported in 1999/2000. The proportion of people in Amhara who is absolutely poor⁶ was 42 percent and overall 52 out of 113 districts⁷ in Amhara are categorized as chronically food insecure⁸ with variations between the urban and rural areas” Brislin & Dlamini (2006, 9). However Amhara credit and saving institution is struggling to achieve the target (poverty reduction) in the region.

Moreover, according to authors microfinance has an impact on political, economic and social relation, the ACSI designed to provide credit to poor household, and borrowers (poor household) improve their economic status through microfinance services then their economic security will change the life style of their household member, therefore the poor borrowers after treatment shows that a positive impact on social and economic development. Microfinance borrowers participate on investment and economic development sectors, and finally the poor household borrowers will have access to the following activities such as education, health, finance, social services and different activities, therefore in the long run the poor household transform to development activities would lead to decision making power, participation on political and social activities.

MF on the wide range of poverty reduction strategy

According to authors, microfinance has an immediate impact on income, education, health, nutrition and fertility. Recent evidence revealed the effect of fertility that has direct relation on poverty reduction strategy, ACSI institutions targeting women on credit facility has increased the capacity of female control over their fertility rate and make a decision on their family planning, most women in developing countries have high number of children and uncontrolled fertility rate, these family size causes poverty and affects the socio economic effect “(t)he ability to control fertility can have broad social and economic consequences, as families experiencing unwanted pregnancies may find it harder to pay for their children's education, healthcare, and general wellbeing” (Desai and Tarozzi 2011). According to the policy as cited by Desai J. and Tarozzi “Recent evidence suggests that access to contraceptives may improve economic outcomes and reduce poverty by allowing women to optimally time births, increasing investment in education and participation in the labor market at childbearing ages.

Knowledge and availability of contraceptive methods are both important factors influencing contraceptive adoption decisions” (Desai and Tarozzi 2011).

ACSI became successful on targeting women for the development goal, therefore, by improving women will decrease inequality and improves women decision making independently, according to IFAD “Women's status, both in their homes and in their communities, is improved when they are responsible for loans and for managing savings. When women control their own income, they gain a level of power that allows them to make decisions independently and command more respect” IFAD (2008).

Access to credit and ACSI

According to the World Bank (2017), Ethiopia has achieved high economic growth over the past decades; however the access to credit service is relatively less compare to sub Saharan African countries, Ethiopian microfinance institutions are emerged in recent years to achieve the development goal, among these institutions Amhara credit and saving institution (ACSI) is one of the institution that functioning to alleviate poverty in the region, ACSI began operations in 1995 the access to credit institution is not yet sufficient in the country, and the institution is trying to reach at least 30% of the total population of the region, and which is relatively similar to different microfinance institutions in Ethiopia, currently Amhara credit and saving institution (ACSI) is improving the economic status of the region by increasing access to finance to poor households particularly in rural area of the region, “ACSI’s primary mission is to improve the economic situation of low income, productive poor people in the Amhara region primarily through increased access to lending and saving services. It will maintain cost effectiveness in service delivery, and integrates its activities with government and NGOs working towards achieving food security and poverty alleviation in the region” (Dar 2004, 4).

ACSI is working on sustainable development goal by increasing the living standard of poor and absolute poor in the region, Amhara region has large number of people living under absolute poverty compare to other regions in Ethiopia, according to Ibok, Khandker and Momoh as cited by Setu (2014, 50) “absolute poverty is a type of poverty where people are starved, living without proper housing, clothing or medical care people who struggle to stay alive. Relative poverty is a type of poverty where people are considered to be living substantially less than the general standard of living in the society”.

Women and credit access

According to the USAID (2017) report, in Ethiopia 80% of the population resides in rural areas, and the percentage of women participation in agricultural duties, housekeeping child care is much better than men, though all these responsibility has fallen in women but the access to own the resource is usually taken by men and this causes women face economic or financial constraints and lack of access to credit than men, basically women are more likely successful to manage resources effectively and they have better habit of saving and managing the expenses of money for the betterment of their family life. In accordance with the program of USAID, the program promotes women’s decision making power within households so they can better influence personal, family and community decisions, ACSI focus women in rural household by providing the access to credit and enhance to start business, women business participation in different sectors has its own immediate impact on poverty reduction, therefore ACSI targeted at least more than half percent of credit service to women in rural areas, “ACSI’s focus has always been on the poorest of the poor, and particularly on women. This is mainly because women are believed to have the highest impact on poverty and food security within the household. ACSI has a target of delivering at least 50 per cent of the credit service to women” (Brislin & Dlamini 2006, 16).

According to Reed (2015), “Health shocks often trap families in poverty or pull them back into it. They can also cause loan defaults and account closures. Financial services providers can support growing livelihoods for their clients, and reduce risk in their portfolio, by providing health financing and health training, and by partnering with others to deliver health products and provide health services”. moreover Andrea illustrate the relationship of microcredit and women health, in

developing countries women are susceptible to health problem, as a result of women powerlessness on finance, they are susceptible on health problem (HIV/AIDS transmission), access to finance has a direct relation to health, where there is poor income, there is less health care and less productivity particularly women productivity “the social/economic impacts of a huge population of unempowered women who are vulnerable to health problems such as HIV/AIDS. This is critical because where a substantial proportion of the population is poor, less paid, less educated and faced with limited choices and opportunities, there is a huge impact on social policy and the overall well-being of society.” Adeyemi (2010), Amhara credit and saving institutions has multiple effect on basic services therefore the ACSI microfinance institution is successful in improving the living condition of the poor people and improving the economic and social factors of poor clients in order to attain the millennium development goals in relation with poverty eradication Chirkos (2014), ACSI is working with and for the poor and poorest sections of the society. Such a remarkable performance shows the attainment of the twin targets of institutional sustainability and serving the poor who are excluded from banking services (Ereda 2007).

An innovative financial arrangement for the poor

According to Frezer Ayalew “Ethiopia, . . . , has had a long history of armed conflicts that have contributed to a high poverty rate. Despite these challenges, it has also emerged as one of the shining examples of innovative and successful financial inclusion initiatives throughout Africa and the developing world ” (Mccarthy & Konstantinakos 2016).

“(F)ormal credit institutions rarely lend to the poor. Special institution arrangement thus becomes necessary to extend credit to those who have no collateral security to offer. Microfinance thus refers to the range of financial and non-financial services including skill up gradation and entrepreneurship development rendered to the poor for enabling them to overcome poverty.” Patricia (2015, 15). In this case microfinance provides loan and saving facilities for poor those who have excluded from commercial financial sectors. Therefore the current microfinance has significant role in development sectors, in line with the literature microfinance represents more than microcredit does, beyond saving and lending, it refers remittances, insurance, pawns in sum to much wider range of financial services (Tankha as cited by Christabell & Raj 2012).

Microfinance and its limitations

Most of developing countries are working their own strategy of poverty alleviation and they are struggling to make poverty history, according to Sisay (2006), “UNDP advocates for the nationally owned solutions and helps to ensure their effectiveness by creating innovative pilot projects, connect countries to globe best practices and resources, promote the role of women in development and bring governments, civil society and donor together to coordinate their effort (UNDP 2003)”, Microfinance become one of the institute that provides credit to poor households and community, there for MFI is playing numerous role for development.

In accordance with the literature of Haftom Gebremeskel (2011), the growth of microfinance programs specifically designed to target poor are not yet very widespread. It is still being debated whether reaching the poorest with these programs is even desirable. An added concern is that funds are targeted to help the poor and /or landless, but there is generally little available to help small and medium size farmers from falling deeper into poverty.” the literature illustrate little availability and less access to poor. According to Sisay (2006) ‘lack of financial resource is one of the major problems facing poor households. Formal financial institutes are inefficient and inaccessible in providing credit facilities to the poor (Assefa et al. 2005). This shows that microfinance institutions might face lack of financial resource to provide credit facility to poor.

As a matter of fact the objective of microfinance in Ethiopia is to provide financial services by reaching limited access with formal financial sectors to the poor household and to make poor to let the poor save their money from their profit for long term financial stability, however, the access to reach poor household, weak internal management and fund limitations are the most common problem in Ethiopian microfinance institutions.

Conclusion

Microfinance became a tool to fight against poverty. Lack of finance, lack of institution and lack of opportunity were the major problem of poor household society particularly in Amhara region, the micro credit involvement in the region were significant effect in poverty reduction program, the data shows the improvement of the poor economic status in the region after getting the credit service, the analysis of this paper carried out how microfinance is effective on poverty reduction and address the intervention of microfinance in the poor community has positive impact on socio economic and political activities, but some scholars argues the negative effect of microfinance on poor household, Richard Rosenberg reacted as, due to repeated credit and poor management of the service (credit) might create debt, therefore, no concrete evidence described the negative side of microfinance service on poor household.

The financial inclusion on sustainable development program proves the positive impact on poverty eradication strategy, in this paper analysis, it addresses the positive effects of ACSI in the country, when the Ethiopian government was less capacity to insure food insecurity, ACSI involved the campaign on insuring the food insecurity, therefore the Ethiopian government and international donor revealed that ACSI had a significant contribution for sustainability development in the country, Dar (2004), therefore microcredit positively affecting the development strategy and in the conclusion, microfinance has enormous positive impact on sustainability development in developing countries and improves the economic status of poor households by increasing income and let them economically empower, but it is not the only solution of poverty reduction.

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Analysis of the Different Education Policy Reforms in Uganda (1922 – 2000)

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ABSTRACT: Since the colonial era, Uganda has instituted several commissions of inquiry aimed at reforming the education sector. Despite these commissions, the sector still faces multiple challenges ranging from financing, poorly trained teachers, high level of teacher and student absenteeism, inadequate learning materials and large class sizes. The paper argues that much as policy reforms on primary education development that were made during the colonial times were criticized because colonial education was seen as alien, Ugandanisation of education after independence and the reforms by the successive governments did not change the sector so much. As a result, it has failed to embrace the virtues of quality, equity and efficiency yet the successive policy reform commissions have among other things been tasked to ensure that the trio is achieved. The paper is guided by both the Public value management theory and the Human capital theory. The findings of the study will inform the government about the challenges of primary education in Uganda and what went wrong with the successive policy reforms with a view to rectifying the anomalies in the future policy reforms.

KEYWORDS: policy reforms, public value theory, human capital theory, universal primary education

Introduction

For any country to pride in a strong economy, education is key and it's also a preliquisite for social and economic growth (Ozturk 2001). Formal education in Uganda dates as far back as the 1880s and was initially provided by the Christian missionaries (Syngellakis & Arudo 2006). During the period 1924 and 1962, several commissions were set up by the then colonial government to review the education policies in Uganda and make recommendations (Ojijo 2012). By independence time (1962), Uganda's education system was not yet clearly defined until the establishment of the 1964 education Act which was formulated by Professor Edgar Castle's 1963 education commission report (Sekamwa 2000). From the report, government was to take over all the schools and this gave birth to the public school management system. Unfortunately, Uganda experienced a civil war in the 1970s and this didn't give room for the implementation of the policy (Syngellakis & Arudo 2006).

When the new government, the National Resistance Movement (NRM) captured power in 1986, the first task in the education sector was to rehabilitate and reconstruct the education system and facilities (Ojijo 2015). The new government instituted the Prof. Senteza Kajubi Commission in 1987 that produced the Education Policy Review Commission (EPRC). In 1992, the EPRC gave birth to the government white paper on education (GWPE) whose major aim was to eradicate illiteracy and equip the individual with basic skills and knowledge to exploit the environment for self -development as well as national development for better nutrition, family life and the capability for continued learning.

Theoretical framework

The paper is guided by two theories: the Public Value Management theory and Human Capital Theory.

The Public value management theory (PVM): This was espoused by Moore in 1995 as an alternative approach to "New Public Management". The theory is centred on the needs of the public as citizens as well as consumers, the creation of value rather than achieving targets (Turell 2017). Public value is more than the aggregation of individual needs with deliberation as to what constitutes public value at its core (ibid). According to Coats and Passmore (2008), the theory explores how public organizations are operationalizing the principles of public value. The two authors further state that the theory equally focuses on the role of public engagement by amplifying the idea that public

services are different from private competitive markets. Public value, according to the theory, therefore, is designed to get public managers to think about what is most valuable in the service that they run, and to consider how effective, management can make the service the best it can be (Coats & Passmore 2008).

Human Capital Theory. The theory assumes that formal education is highly instrumental and even necessary to improve the production capacity of a population (Almendarez 2010). Also, it assumes that an educated population is a productive population (ibid). Schultz argued that population quality and knowledge constitute the principal determinants of the future welfare of mankind (Schultz, 1961). Human capital therefore suggests that individuals and society derive economic benefits from investment in people (Scott 1996). The investment feature of this suggestion significantly differentiates human capital expenditure from consumptive expenditure (Vaizey 1962 in Scott, 1996). On the other hand, Pascharopoulos (1985) states that education is widely regarded as the route to economic prosperity, the key to scientific and technological advancement, the means to combat unemployment, the foundation of social equity and the spread of political socialization and cultural vitality. The theory thus emphasizes that education increases the productivity and efficiency of workers.

Methodology

The paper adopts a historical design where history is used to understand the past and to untie the present in light of past events and developments. In this study, documents such as the Government White Paper (1992), the primary school curriculum, and policy reports were reviewed to generate secondary data.

Analysis of the different Education Policy Reforms in Colonial and Post-Colonial Era in Uganda (1894 – 1990) was also done.

The pre-independence period

In the 1920s and 30s, education in Uganda was available to a small group of people, and as Syngellakis & Arudo (2006) state, these were mainly children of the aristocracy, clergy and tribal chiefs. However, as time went by, the government's role in education was expanded to include more people into the system though not everybody could access and succeed in it (Kakuru 2003). As a solution to this problem, several commissions were formed by the then government to look at the education system in Uganda.

The Phelps Stokes Commission, 1924-25

The Phelps-Stokes Commission visited Uganda towards the end of 1924 and stayed in the country for a short time at the beginning of 1925 (Ssekamwa 2000). On the invitation of the British government, the commission was to examine the state of education for Africans in Kenya, Tanzania and Uganda (ibid). The commission established that the education offered in Uganda was too literally, the activities in the schools were not related to community needs of the people and among the essential components missing in the curriculum were for instance agriculture, health science, hygiene and care of children by women (Ochieng & Waiswa 2019).

In Uganda, the Phelps-Stokes Commission recommended that the colonial administration should participate fully in the educational activities of the country (Ssekamwa 2000) and should not leave those activities to the missionaries who had started them during the last quarter of the 19th Century. The commission also recommended the teaching of technology and handiwork, geography and handiwork, geography, science, history and music. This paved way for the government to take over the control of the education system in the country changing its development completely (Okello 2014:19-20 in Ochieng & Waiswa 2019). According to Ssekamwa (2000), the colonial government in Uganda accepted the recommendations of the Phelps-Stokes Commission, which led

to the establishment of the department of education in 1925 on Makerere hill. The colonial government used this department to direct and finance the educational system in Uganda (ibid). Importantly, the Commission emphasized that the government of a country was duty bound to take top responsibility for the education of the children of that country. Before 1925, the colonial government in Uganda had left the duty of education to the missionaries. It was only giving them some money on request to assist them, but without being committed to financing fully the education system and to the direction and supervision of education in the country (Ssekamwa 2000).

The de La Warr Commission, 1937

The commission was chaired by De la war (Uganda's governor between 1935-1940). Its work was to examine the state of higher education in East Africa (Ssekamwa 2000). The commission recommended that Makerere University which was established in 1922 be remodelled as a regional institute serving the British East African territories (New Vision 17th July 2012).

According to Ssekamwa (2000), the recommendations of de la war commission saw Makerere University turned into a University college in 1949 and began to offer degree courses from 1950. What this meant was that secondary schools in the East and Central African region had to be developed to feed Makerere College. As such, the Commission affected the quality of secondary schools as they had to be put on some standard to produce candidates for joining Makerere College (Ssekamwa 2000).

The Thomas Education Committee of 1940

The committee was appointed to review the education system in Uganda since 1925 (Ssekamwa 1997). Specifically, the committee was requested to examine the issue of starting non-denominational schools under the government (ibid). Among the many recommendations, two important ones deserve mention: First, it recommended the system of boards of governors for secondary schools, teacher training colleges and technical schools. Secondly, the committee recommended the financing of primary schools to be undertaken by local governments (Ssekamwa 1997). Although the committee emphasized the administration of education along religious lines (which already existed), it refused the building of non-denominational schools under the government (Ssekamwa 1997).

The Post-Independence Period

The 1963 Castle Commission

Uganda government set up the Castle commission in 1963 with the following aims: (i) to examine, in light of the recommendations of the International Bank Survey missions report, Uganda's financial position and future manpower requirements, the content and structure of education. (ii) Identify mechanisms for improving and adapting education to the needs of the country (Ssekamwa 1997).

The commission recommended large scale expansion of post primary education as a means towards training of high level manpower to manage newly gained independence (Oketch & Rolleston, 2007). Also among its recommendations was the expansion of girls' education, emphasis on secondary education and advocacy for increased parental contribution to education (Tumushabe et al. 1999).

The 1977 Education Policy Review Commission

In 1977, the government appointed a commission to review existing policies since the Castle commission of 15 years earlier. The new commission confirmed the proposal of the 3rd Five-year Development Plan (1972-76) to introduce Universal Primary Education by the year 2000. To make this a reality, the following were to be implemented: A) intakes in Primary one (i) were to be increased, (ii) free universal primary education in age group 6-10 was to be achieved by 1990 and (iii) by 1990, after largely achieving free universal primary education for classes P1 to P5, there would be an expansion so that upper primary would attain universal enrolment in classes up to P7. While these seemed good

recommendations to bolster universal access to primary education, the report of the commission was never considered by government and was not published for wider circulation due to the 1979 liberation war between Uganda and Tanzania (Ssekamwa 2000). The major constraint to achieving Universal Primary Education was the negative political climate that culminated into the 1978/9 war which in turn led to massive destruction of educational infrastructure and deterioration of facilities (MoES 1989). Another period of insurgency ensued and government was preoccupied with the guerrilla war between 1981 and 1985.

The 1989 Education Policy Review Commission

The New government (National Resistance Movement) appointed the Education Policy Review Commission under Professor Senteza Kajubi in 1987 and gave the commission the following terms: (i) recommending policies at all levels i.e. primary, secondary and tertiary, (ii) making policies about aims and objectives of education, (iii) coming up with policies about the structure of the education system and (iv) integrating the role of the private sector in education.

Professor Kajubi led a team of high profile people to do the job for which he was appointed and after thorough consultations with all stakeholders, the commission came up with, the following recommendations: (i) Universal Primary Education (UPE) for children of age group 6-10 should be achieved by the year 2000, (ii) by the year 2000, it should be ensured that children enter school at the right age of 6 years and that (iii) Universalization of primary education for children aged 6-13 should be achieved soon after 2000 and not later than 2010. The spirit of the framers of the Education Review Policy Commission Report was that the goal for UPE should be that all children aged 6-10 years are enrolled and that they complete at least five years of schooling in order to be equipped with essential literacy, numeracy and other skills envisaged in the package of basic education (Ssekamwa 2000).

Once the above was achieved, the next target was achieving full universalization of primary education covering all children of the age group 6-13 corresponding to grades 1 to 8 (MoES 1989). The Report of the education Policy Review Commission was debated by government which consolidated the latter into the Government White Paper (MoES 1989). However, the Association for the Development of African Education, DAE (1995) states that the commission did not fully exploit the supportive conditions of post-war period to consult with citizens and key education stakeholders at all levels of society and in all regions of the country. Its consultations were only held in urban centers and therefore the rural communities were never consulted. In other words, those who drafted the commission's terms of reference and the top education officials who sanctioned and issued them did not encourage the commission to maximize stakeholder participation (DAE 1995).

The 1992 Government White Paper

In response to the Education Policy Review Commission Report, government appointed the White Paper committee to examine the report and identify recommendations which would be acceptable and feasible to implement and make amendments where necessary. The White Paper Committee largely accepted the recommendations of the Education Policy Review Commission with a slight modification. It shifted the target of achieving UPE from 2000 as per Education Policy Review Commission to "as soon as possible" but not later than 2001/2 (MoES 1992) according to the White Paper. In this regard, the white paper recommended the introduction of free compulsory primary education starting in 1992/93 in which case fees would be eliminated in phases through the following manner: 1992/93: abolishing fees for Primary four (P4) in all schools in Uganda. 1993/94: abolishing fees for P5 in all schools and continuing to add one class upwards per year until P8 would be reached in 1996/7. 1997/8: abolishing fees for P3 in all schools and continuing to add one class downwards per year until the whole primary cycle would be covered (P1-P8) in 1999/2000. Making school attendance compulsory for every class in which free education was introduced and all basic education, free and compulsory by the year 2000/1.

It should be noted that there was considerable delay in finalizing the draft White Paper and hence recommendations to achieve the envisaged targets could not easily be implemented. While the Report of the Castle Commission was the main policy document in the area of education in the first three decades of independence, the Education Policy Review Commission report and by implication, the Government White Paper has remained the main education Policy document in the area of education to date.

The advent of Universal Primary and Secondary education

While plans for UPE had been finalized by 1992 as per Government White Paper, the implementation came to pass in 1997 after Museveni (the President of Uganda) announced that free education for 4 children per family would commence in January 1997 amidst the 1996 presidential election campaigns. The key objectives of UPE as summarized by Hedger, Williamson, Muzoora, & Stroh (2010) were:

- i) Making basic education accessible to the learners and relevant to their needs as well as meeting national goals;
- ii) Making education equitable in order to eliminate disparities and inequalities; • establishing, providing and maintaining quality education as the basis for promoting the necessary human resource development;
- iii) Initiating a fundamental positive transformation of society in the social, economic and political fields and;
- iv) Ensuring that education is affordable by the majority of Ugandans by providing, initially, the minimum necessary facilities and resources, and progressively the optimal facilities, to enable every child enter and remain in school until they complete the primary school education cycle.

While President Museveni's initiative was pragmatic and well received, it was at variance with what government had accepted in the White Paper (the phasing of UPE implementation) for not only weren't there enough teachers, instructional materials and physical facilities to accommodate the surge in enrolments, it also became a sudden financial burden to government. In addition, the definition of the family was also problematic and compounded by polygamy and single parenthood. It was later accepted that all children could enrol in school under UPE. This haphazard implementation of the UPE policy, in the context of high population growth rates and declining public resources has caused "enrolment shocks" that have led to the decline of quality in schools (Deininger 2003; Lewin 2009; Oketch & Rolleston 2007).

As part of the implementation of the Poverty Eradication Action Plan 2005-2010 (PEAP), the Ugandan government introduced the Universal post primary education and training Policy in 2007. Through the policy that has taken on the appellation "Universal Secondary Education (USE) Policy", government was to provide free tuition to secondary school students starting with 300,000 primary school graduates in 2007.

Challenges to education sector in Uganda

Amidst the many policy reforms as shown above, Uganda's education sector still faces many challenges. Importantly, the biggest challenge facing the education sector in Uganda is financing. For instance, NPA (2019) states that education expenditure from the national budget has been on the decline or stagnant in the range of 10-12% compared to 22% in 2001/2. Over the last 20 years, UPE capitation grant has been stagnated between UGX 5,737 and UGX 10,000 far below the estimated threshold of UGX 59,000 (NPA 2019). NPA (2018) states that the share of public expenditure allocated to education has significantly declined since 2001/02 in line with changing government priorities and the high population growth rate. Compared to countries in the East African region, Uganda has the lowest education spending as proportion of GDP (ibid).

Further, majority of primary schools have limited capacity to provide the quality of education required. For instance, school management in majority schools are clueless and apathetic; majority of teachers are pedagogically weak; and teacher professionalism is on a steady decline (NPA 2019)

Aguti and Fraser (2005) state that the issue of quality is still unresolved in teacher education. True, through these programmes a number of trained teachers have been added to the system; but the enormous increase in primary school enrolments and the growing numbers of secondary schools in the country still exceed these efforts by far. Much more therefore needs to be done, otherwise schools will continue to be filled with untrained teachers and this could have an adverse effect on the quality of primary school education.

The automatic promotion policy in UPE schools has caused more problems than it has solved. Although the policy was meant to ensure a smooth flow in the UPE system and enable a reduction in repetition rates (NPA 2018), it has greatly undermined the quality and skills acquired by children as well as encouraging both pupils and parents to wrongly assume that what matters in order to gain promotion is to do exams and not necessary to pass (ibid).

The quality of teachers has too been a big challenge. According to Overseas Development Institute (2005), in 2003, there were 145,703 primary schoolteachers, of whom 54,069 (37%) had no formal teacher training. Further, 7,960 had just a teaching certificate, obtained after training on completion of primary education (ibid).

Corruption and embezzlement of funds has been another major challenge. The media in Uganda for the last decade has been awash with reports on gross embezzlement of UPE funds. To cite a few, Semakula and Nsubuga (2010) reported that the headmaster of Kiyagi Primary School in Najjembe sub-county embezzled Universal Primary Education (UPE) funds amounting to 800,000 UGX meant to lay a foundation for two block classrooms.

Tiberondwa (1999) summarizes the challenges of UPE in the first two years of implementation thus: (i) high pupil teacher-ratios (100:1) while many qualified grade 3, grade 5 and graduate teachers were not employed; (ii) increased enrolments at primary that were not catered for at post primary level; (iii) big classes, smaller rooms and few teachers; (iv) teachers had lost income through the abolition of PTA fees; (v) shortage of latrines at schools to cater for increased numbers; (vi) shortage of water supplies in schools; (vii) increased wage bill on the part of government and (viii) expected fall in quality due to high pupil teacher ratios.

Conclusion

From colonial times up to date, despite the numerous efforts to rehabilitate and reconstruct the education system and facilities aimed at improving the inequalities and inefficiency through several policy documents implemented through Ministry of Education, Sports and Technology, primary education has remained poor. Much as policy reforms on education development that were made during the colonial times were criticized because colonial education was seen as alien, Ugandanisation of education after independence and the reforms by the successive governments did not change the sector so much. As a result, it has failed to embrace the virtues of quality, equity and efficiency yet the successive policy reform commissions have among other things been tasked to ensure that the trio is achieved.

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