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About the Conference

The 3° ICHSS 2013 is organized by MCSER-Mediterranean Center of Social and Educational Research. The conference addressed all studies across the social and human sciences. In the spirit of interdisciplinary interchange, there was no specific topic but the Conference has involved scholars, teachers and researchers working in a broad range of areas including: Education, Anthropology, Applied Sciences, Behavioral Sciences, Cognitive Science, Literature, Language, Communications, History, Economics, Environmental Sciences, Health Sciences, Humanities, Interdisciplinary Studies, Law, Management, Media, Politics, Public Policy, Psychology, Qualitative Methods, Quantitative Methods, Social Welfare, Sociology, Technology, Geography and many other areas related to the social and human sciences. The conference provides an opportunity for academicians and professionals from various social and human fields all over the world to come together and learn from each other. An additional goal of the conference is to provide a place for academicians and professionals with cross-disciplinary interests to meet and interact with members inside and outside their own particular disciplines. The third edition of the ICHSS is held in Rome on September 20-22, 2013, in the Congress Center of Gregorian Pontifical University of Rome.

Vision of the conference

The 3° ICHSS is a global annual event with the mission of furthering the advancement and innovation in human and social sciences. The Conference serves as a means to connect and engage professors, researchers, consultants, innovators, managers, students, policy makers and others to offers an opportunity to meet and share ideas. It also inspire a new generation of global scientists and leaders in countries around the world.

Co-Partners

The Conference is organized by Mediterranean Center of Social and Educational Research in collaboration with Sapienza University of Rome; African Society for the Scientific Research (ASSR); African Association for Teaching and Learning; Brainboosters Programme of South Africa; Universidad Azteca, Mexico; Congress Center of Pontifical Gregorian University of Rome.

Publications

All papers presented in the 3° ICHSS 2013 will be published in the following Journals:

- Mediterranean Journal of Social Sciences
- Academic Journal of Interdisciplinary Studies
- Journal of Educational and Social Research
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Enterprise Performance and Assessment Policy in Albania, Needs Social Development Strategies as an Important Key

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Abstract

This paper research overview of the leader behavior literature highlighted the fact that there are inconsistent relationships between the behaviors that leaders engage in and the effects of these behaviors on member attitudes, behavior, and group effectiveness. Making decisions is fairly simple if no responsibility is attached to those decisions. True leaders always assume the responsibility for their actions, their plans, their programmer and their decisions. Courage and personal honesty, the marks of leadership, will permit nothing else. Albania like the other transitional countries is left behind from the western countries concerning the real understanding of the term “management”. Also, management and the entrepreneurship skills are still considered as resources less efficient than the capital in a moment when management and entrepreneurship play a crucial role in business success and performance. The organizations are under pressure to show return on investment for training and development. Although positive trends, problems which management is faced are more challenging than the degree of preparation and performance that they offer, so their qualitive qualification remains the continuous preoccupation as the role of our school is in this direction. In this point of view education in distance can be considered as complementary approach and in some conditions as a worthy replacement of direct education, which still dominates educative systems in Albania.

Implementation of efficient financial and economic policies in order to develop a socio-economic strategy, ensures security and stability in the interest of citizens. For this reason that the need for economic reform remains a priority as regional and European integration depends precisely this fact. Since 2006, Albania as a candidate country that aspires to European Union integration has applied and is monitored periodically for development mode of implementation of these policies. As expected, the unfavorable economic situation in the European continent is expected to have a negative impact on the Albanian economy. Either way, the fact that it will continue to have economic growth is good news for the country, especially in the context of a European economy in crisis.

Keywords: Management, Multifactor Leadership, Performance, Human effort, Public sector, Decision-maker, Albanian leadership

1. Introduction

The leader must make timely predictive and reactive decisions. By predictive decisions we mean decisions based on future events rather than on present events. Reactive decisions are based on past events and present conditions. The leader must make timely predictive and reactive decisions. The more predictive decisions a leader makes, the better decision-maker he will be for progress and growth. (Madlen S 2011) The more reactive decisions he makes, the better he will be for administration, organization monitoring and evaluation, and staff functions. In general, true leaders make predictive decisions, while followers make reactive decisions. As time goes by, the capacities of the human resources as a whole and more specifically are considered as the main factors for making the organization more competitive. (Stogdill, R.M 2009)

It has been experienced many times from the Albanian practice that between the effective management, its competitiveness and organizational success wich existed “cause-effect” relationship. Increase of organization’s competitiveness, improvement of productivity and development of human and management capacities should be indivisible. (Dumi A, JESR 2012, vol2, nr 3) On the other hand are Keynes -inane, to develop the argument that fiscal...
crisis can only be solved by economic growth, which in the period of crisis precisely achieved through maintaining high level of public expenditure, non drastic reduction. (Zaccaro, S.J, Foti, R.J & Kenny 1991)


In each case, the argument is not about fundamental transformation of the structure of the economy, but to manage the situation through macroeconomic instruments owned by the state: tax policy, public expenditure policy and monetary policy. In short, state policies must be structural, such targeting fundamental transformation of the country's economic composition. (Dumi A, AJIS Vol 2, nr 1, 2013)

However, the rate of economic growth in itself says nothing about the quality of economic development that is happening. Albania is facing significant fiscal and economic difficulties in 2012, while the rate of economic growth in Albania, which remained one of the highest in Europe during the years 2008-2010 financial crisis, is now expected to fall significantly as a result of the effects of shorting measures in Greece and Italy. Budget in Albania have already led to serious spending cuts, with the possibility that these cuts go even deeper, especially the fact that the government can not cover deficits through the sale of public assets, as there is almost nothing left to privatize.

The predominating age of business managers varies from 30-39 years old. This fact is the result of a study conducted on the analysis of reforms effectiveness in public management using thus a comparative analysis among public and private sectors. A sample of about 500 questionnaires was used in the above-mentioned study, divided equally in 250 questionnaires to the public administration and 250 ones to private businesses. Our research was conducted in main towns (Tirana and Vlora) of Albania. (Dumi A, AJIS Vol 2, nr 1, 2013)

To complete the research, there was made a multi-phase selection to businesses. In the first phase, towns where the study would be conducted were selected. For this reason, bigger towns in Albania were selected. (See the following table). In the second phase, based on the number of businesses, questionnaires were distributed according the selected towns. (Dumi A, JESR 2012, vol2, nr 3)

![Cause-effect theory]

2. Management and Training methodology and content

Demand driven marketing for the 21st Century introduced participants to marketing mechanisms and environmental considerations for sustainable business development through formal presentations in a classroom setting. (Zaccaro, S.J, Foti, R.J & Kenny 1991) The presentations were organized as three hour sessions. Participants were provided with notebooks that contained daily overviews and detailed handouts that mirrored the overheads used during the presentations.

Most presentations contained a hands-on component such as a group or individual exercise that was discussed after completion. Presentation topics included: a review of basic marketing concepts, including price, promotion, product and place; experimentation with product/market diversification; effective market analysis - your industry, competition and customer profiles; whether or not export is right for your business; (Schlenker, B.R, 1980)

We visited and spoke to the owners and managers of businesses involving herb farming, flower cultivation, tree and flower nurseries, mushroom germination and packaging, botanical and medicinal oil manufacturers, natural products and health food, open air agricultural and gourmet products, small scale timber processing and others. The Albanians brought diverse expertise to the training including forestry, nursery development, botanical herb collection, wild mushroom gathering plus a wide range of business management skills. (AM report 1999, USAID)

Graph 1. The result of a study conducted on the analysis of reforms effectiveness in public management, (Dumi A, AJIS 2012, vol 1, Nr2)

2.1 Level of leadership and the management role.

The levels resonated and reminded me of another theory, Maslow’s Hierarchy of Needs, which is used help explain personal motivations and needs in reaching ones full potential. Check out the graphic with this post for each level of Maslow’s hierarchy. For PR practitioners, the most basic “need” or skill is to be an effective and strong writer. (Van Fleet, D.D & Yukl, G.A 1989) Young professionals cannot expect to climb the professional ladder without mastering the technical skills.

The nature of the public sector means that not all of these barriers can be removed. (Schlenker, B.R, 1980) The fact that the public sector is responsible for spending public money means that it has to have a different attitude to risk than the private sector. The work of the public sector cannot, and should not, be detached from political accountability. (Zaccaro, S.J, Foti, R.J & Kenny 1991) A key part of effective public sector leadership lies in dealing effectively with these constraints. Nonetheless, if leadership in the public sector is to be improved, then attention must be paid to removing environmental barriers as far as possible and to developing an environment that nurtures and rewards leadership. (Dumi A, AJIS 2012, vol1, nr 2)

These are policies that often preoccupy economists common structural economic policies are fundamentally different from this kind of policy. Of course, in advanced economies and complex, what is e.g. Western Europe or the U.S., the political debate focuses primarily on quantitative policy level. Despite the financial crisis of 2008 urged the need for much deeper state intervention in the economy; however debates revolve around quantitative policy. (Dumi A, AJIS Vol 2, nr 1, 2013) Particular case is the sovereign debt crisis in Europe. On one side are the militants of fiscal discipline, such as finance ministries leaders of countries such as Germany and the Netherlands, which require severe reductions in expenditures, despite the cost and the economic and social consequences.
2.1.1 The public sector must create a strong supply of good leaders

PR pros may be social media savants, but if they can’t effectively craft a well-written release or pitch, they can’t expect to be invited into senior leadership circles for decision making. Those who have made it to “level 4” leadership in PR have reached Maslow’s equivalent of self-actualization, or the best versions of their self because they have mastered the other skills, allowing them to make effective and meaningful contributions. (Stogdill, R.M 2009)

![Diagram of Maslow's Hierarchy of Needs](image)

Tab 2: The Maslow Hierarchy of Needs, (Stogdill, R.M 2009)

2.2 Personal Honesty

Personal honesty means more than “thou shall not steal.” It is a deep dedication to truth: truth to superiors, truth to subordinates, and truth to oneself. To a leader, to a professional, it makes no difference if the truth hurts, heals, destroys, or cultivates, it must be found, stated, and implemented. This is the only atmosphere in which a leader can accomplish and his organization’s goal or objectives. 3) Intelligence: - Intelligence and common sense are requisites for leadership. Individuals who lack these qualities occasionally find themselves in position of leadership, and the end is almost inevitable. (Zaccaro, S.J, Foti, R.J & Kenny 1991)

Blunders, insensitivity, and fearful actions generally lead to failure. (Van Fleet, D.D & Yukl, G.A 1986) The tragedy is that many innocent people are often hurt in the process. Government needs intelligent, far-seeing creative people at all levels of its organizational structure. These are people who generate new ideas and who are innovative. Their dissatisfaction with routine and commonplace thinking can make a strong push toward change and growth. (Dumi A, JESR 2012, vol2, n3)

A good career no longer means a “job for life”: the most important guarantees relate not to security but to employability. Any training offered as part of a recruitment package should have some portability or link to a recognised credential, like the new generation of part-time MPA degrees. This could form part of a “development guarantee” to the individual. (Dumi A, JESR 2012, vol2, nr 3)

3. Literature Review and Hypotheses

The intelligence that we are looking for in government is more than what an IQ test attempts to measure. It is intelligence plus human understanding, breadth of capability, judgment, reason, imagination, curiosity, and the desire to learn and grow. (Staw, B.M & Ross, J)

This model has become obsolete. A broader and more diverse group of leaders and future leaders needs to be encouraged to join the public sector, if the sector is to deliver the changes that are being asked of it. The key areas where it should focus its attention are:

- Employability – ensuring that people working in the sector gain skills and experience that will be useful, and are recognised in the wider labour market;
- Conditions of work – ensuring that the public sector maintains its lead in providing good conditions, including good work/life balance and a diverse workforce; (Zaccaro, S.J, Foti, R.J & Kenny 1991)
Graph 2: IER model of high quality leadership and human understanding, (Dumi A, AJIS 2012, vol1, nr 2)

Widespread high quality leadership depends critically on recruiting and developing people with the skills to lead. (Zaccaro, S.J, Foti, R.J & Kenny 1991) Several factors stand in the way. In the first place, the public sector may not be perceived as an attractive career option. In part, this may be a consequence of some of the features of the operational environment described above. Perceptions about pay, conditions of work, progression and the value placed on the work may also contribute. (Dumi A, AJIS 2012, vol1, nr 2)

3.1 Human Understanding and Personal Beneficial

Along with intelligence goes the true leader’s active concern for others his human understanding. This is a most complex and demanding requirement for leadership. Human concern is attained not only through logic and reason but also through the heart. (Zaccaro, S.J, Foti, R.J & Kenny 1991) That is, the rights and personal dignity of every man are sacred and cannot be violated or diminished for any purpose no matter how noble or beneficial that purpose, may be. A critical issue in the public sector’s attractiveness will be the future career prospects of those entering. (Van Fleet, D.D & Yukl, G.A 1986)

Tab 3: IQ tests and Management of HR, (Staw, B.M & Ross, J)

The person who would lead must be able to transmit his ideas, convictions, purpose, methods, and approaches to the force that will carry them into action. Further, he must communicate quickly and accurately, so there will be no confusion or delay in the implementation of his planned actions. (Zaccaro, S.J, Foti, R.J & Kenny 1991) Even more important, a leader must have ability to communicate to his staff the need for their personal dedication to whole organization. Only by communicating enthusiasm can a leader motivate his people to the level of achievement result in a successful operation. (Andrew Staw, B.M & Ross, J1980)
3.2 *The medium term strategic framework*

Taken together, these increased demands on organisations create a need for highly effective leadership and a requirement for new leadership skills. Alongside pressures on leaders to deliver “vertical” services more effectively (public demand for shorter waiting lists and higher school standards, for example), there is a greater demand for “horizontal” leadership within and across sectors. (Zaccaro, S.J, Foti, R.J & Kenny 1991) Leaders today are less able to manipulate the world through traditional “command and control” methods. They need to collaborate more, manage change through others and focus on customers whose problems may not be susceptible to solution by a single agency. (Quinn, R.E. Spreitzer, 2008 G.M)

![Graph 3: The environment and structures must promote good leadership, (Vroom, V.H & Yetton references 1973)](image)

3.3 *The essential behaviours and the context of management in organizational leadership.*

Leaders are not always given enough space to lead – almost by definition leadership involves making choices, rather than being solely an agent for decisions made elsewhere. Excessively tight control, and the coexistence of multiple levers of central control, can easily corrode the capacity to lead. Central government in particular should think carefully about how it defines tasks and rewards for leaders in the field. (Van Fleet, D.D & Yukl, G.A 1986)

These qualities are particularly important in complex areas requiring cross-agency cooperation. Findings from the project case studies and workshops suggest that many public service leaders demonstrate these qualities. However, they often lack a full understanding of why it is that their approach is proving. The environment and structures must promote good leadership. At present, the environment within which public sector leaders operate contains important barriers to good leadership. Some of these are discussed in a wider context in the PIU report Wiring it Up, and the findings of this project’s case studies and workshops contribute further to our understanding of them. (Vroom, V.H & Yetton references 1973)

3.3.1 *Key structural and cultural barriers within the public sector.*

- The public sector has an aversion to risk. Essential leadership behaviours, such as defining and communicating radical goals and achieving them by unconventional means, contain inherent risks. This sort of risk taking tends to be discouraged, and leadership along with it. (Dumi A, AJIS 2012, vol1, nr 2)
- There is a blame culture in the public sector. The public sector tends to be intolerant of failure and can make people working in the sector overly cautious about trying new and different approaches. This reflects fears that the media and parliament are much more likely to penalise failure than to reward success. The attempt to eliminate failure can therefore hamper the development of leadership and prevent the creation of learning organisations. (Staw, B.M & Ross, J 1998)
**Graph 4:** A similar picture emerges in relation to leadership development activities. (Dumi Alba JESR 2012, vol2, nr 3)

Lack of clarity about what makes leaders effective is reflected in lack of clarity about what makes leadership development programmes effective. The two key challenges facing the public sector in creating a strong supply of effective leaders are: • effective recruitment for leadership, whether recruiting people to take on major leadership roles, or at lower levels as future leaders; and • developing leaders effectively, to bring out the potential of those who will take key leadership roles in future. (Quinn, R.E. Spreitzer, 2008 G.M)

**Tab 3:** The three key challenges facing the public sector, (Quinn, R.E. Spreitzer, 2008 vol 3 G.M)

4. **Methodology and Research Goal**

The democratic context and the role of politicians is one of the distinguishing characteristics of the public sector. Politicians do not just set the current framework of control within which public services are delivered they are also leaders in their own right. Government ministers are accountable for public service delivery to parliament and to the wider electorate. Local political leaders are accountable to their local electorates. Both local and national leaders have a mandate to deliver the policies in their manifestos. (Van Fleet, D.D & Yukl, G.A 1986)

4.1 **The Situation on the Institutional Framework**

SME activity in Albania is closely linked with a variety of public institutions such as ministries, agencies, regulatory bodies, as well as the Courts, Institute of Statistics and local government. This is a complex range of organisations that do not always co-ordinate and co-operate in forging ahead with the agenda for improving the business environment. The principal responsibility for SME policy development falls to three main bodies: the Business Promotion Department of the Ministry of Economy, the Small Business Development Agency (the SBDA is expected to start operating at national and regional level in the near future); and the Economic Policy Committee, reporting to the Council of Ministers and operating at the inter-ministerial level.

5. **Data and methodology of study in this paper research**

Methodology cross the range of factors that motivate people, it is increasingly clear that the public sector needs to rethink the offer it makes to its employees. Implicitly, the “old deal” for public service employment: relied on people wanting to work in jobs and for organisations concerned with serving the public good; (Van Fleet, D.D & Yukl, G.A 1989)

- offered generally good pensions, benefits and job security, but limited prospects for promotion, which was
Generally slow; and provided limited flexibility in compensation and no direct link between pay and performance.

- Policy development
- SME and business development
- Efficient municipal administration
- Coherent links among urban planning, infrastructure and economic development
- Services and Employment

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<th>AA3</th>
<th>AA4</th>
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<td>Second choice</td>
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<td>111</td>
<td>92</td>
<td>63</td>
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<td>Zf= (R_2m - M_2)/SR_2</td>
<td>Zf= (R_3m - M_3)/SR_3</td>
<td>Zf= (R_4m - M_4)/SR_4</td>
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This article was made created by respecting all the methodological rules. The methodology of this article was based in two parts: Studying the foreign and Albanian literature, bibliographic studies, collecting data from official sources as ALR, BB Albania, MOE, CBR in Albania. (Dumi A, AJIS 2012, vol 1, nr 2)

Resources and from different publications such as magazines, practicing, which is related with the interviews with leaders and employees of the Public Administration. To collect the data for this article we made interviews, questionnaires and other researches. We created also a questionnaire, which was composed by 230 questions and 5.8% of the employees in the central level of the public administration answered.

We are concluding in these seven key factors for success, such as:

- A dynamic local government leadership
- A coherent strategy acted upon with determination
- A healthy climate of cooperation with business
- Local government's investment initiatives to jumpstart the stagnant economy

To the question "Is the performance evaluation objective in your institution?" - 30% answered positively, 64% avoided the answer and 36% of them think that it is dictated from the subjectivity of the leaders. According to the questionnaire the major part of the questioned employees think that the performance evaluation takes to conflicts between the subordinate and the superiors. This is also another factor that contests rewarding according to the performance.


Graph 6: The regression analyze in Albanian conditions. (Dumi Alba, JESR 2012, vol 2, nr 3)

- We calculate the factual value Zf and is compared with Zk that is the statistic value at a critic level.
- Zf= (R_1m - M_1)/SR_1 = (30-20)/4.8 = 2
- The variance is to from seven to nine {1, 7-9, 78}
- Zf> Zk; Z>1.76

This calculation shows that the hypothesis is not
valid. In the performance evaluation the subjectivism has high levels. It is important to find other parameters for the evaluation, and this is a commitment of this article in the future. (Dumi A, AJIS 2012, vol1, nr 2)

6. Conclusions and recommendation

Work experience gained should be clearly relevant to a wide range of employers. Beyond that, the existence of known career paths and the prospect of promotion based on ability (rapid, where merited) would help position the public services as attractive employers. The Ministry of Economy has the responsibility for SME policy development. The Ministry of Economy’s Business Promotion Department is responsible for designing, reviewing and implementing the SME policies and programmes. A key responsibility is the preparation and approval of the National SME Strategy, whose implementation the SBDA will oversee once it is created.

The first draft SME strategy was created in 1996 but due to a number of circumstances such as the economic and financial turmoil of 1997, Kosovo crisis of 1999, etc. this was only approved by the Albanian government in February 2001. The results from this article show that the performance evaluation is a very important element in the Public Administration, and it affects the improvement of the work in the state and central bodies.

We recommended these conclusions:

The performance evaluation conditions the emplacement and the implementation of the standards as referential points. Emplacing standards would increase the responsibility for each post in the Public Administration and will help in monitoring the performance of the institution. Lack of access to land and the ongoing process of fragmentation of family holdings have led to widespread poverty, prompting out migration. To meet these daunting challenges, the canton democratized its planning and management procedures.

1. Creating an enabling environment for private investment
2. Empowering citizens to pursue their own self improvement
3. Promoting privatization of the housing a stock and fostering the development of micro-enterprises
4. Ensuring the sustainability of activities initiated
5. Promoting the reliability of successful initiatives.

This process allowed the canton to build consensus, prepare a development plan, allocate municipal funds equitably leverage additional resources and improve infrastructure and living conditions. The participatory municipal management improve infrastructure and living conditions. The participatory municipal management process was institutionalizes ensuring representation of women and marginalizes groups. Introducing participatory planning and community-based development processes through neighborhood development committees and street representatives working in partnership with the city. Albanian government will be reality these points:

- A dynamic local government leadership
- A coherent strategy acted upon with determination
- A healthy climate of cooperation with business
- Local government’s investment initiatives to jumpstart the stagnant economy
- Creative use EU funds to implement local policy
- Efficient municipal administration

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To a Question of New Strategies of Ethnocultural Policy of Modern States

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Abstract

Today, when practically everywhere the structure of modern national states loses the uniformity, and explosive forces of multiculturalism generate very serious political and sociocultural problems, the question foregrounds, whether it is possible to find an adequate equivalent to reach a unification of the civil and ethnic nation. This article is an attempt to answer this question. The author undertook comparative research of the German, French and British models of multiculturalism and came to a conclusion that in Europe it is possible to speak about multiculturalism with a considerable bit of convention. The source of modern interethnic problems is rather not in cultural, but in the social and economic spheres without solving which the preservation of the multicultural society can be put under doubts. For the Russian Federation such comparison is very important as multicultural strategy, having become part of ideological baggage of liberal reforming of the Russian society, is as well vulnerable for criticism.

Keywords: multiculturalism; ethnocultural pluralism; ethnic minority; international relations; all-civil identity;

Multiculturalism, being a system of the representations, focused on recognition of the collective rights behind ethnocultural groups, preservation and development of ethnic and cultural diversity in the country and in the world, became a global challenge for "cultural hegemony" of modern national state (Gramshi).

At the end of 2010 — beginning of 2011 political leaders of Germany, Great Britain and France made statements for "a multiculturalism failure" that became a significant event in socio-political and ethnocultural life of Western Europe.

Certainly, leaders of three leading countries of the European Union didn't put into question the need of harmonious coexistence of representatives of various ethnocultures and religions in one state. They focused attention of the world community on incorrectly chosen principle of the organization of interaction of various ethnoconfessional and cultural communities living in the territory of the national state.

While tolerant Europe shows gradual withdrawal from pluralism, and the critic of ideas of multiculturalism has become the settled political tendency, in certain countries including Russia, the multiculturalism concept still remains an integral part of carried-out liberal reforms. It also explains the increased interest in a multiculturalism problem, and the search for new, adequate strategy of ethnocultural policy still remains an actual task for many modern states.

The term "multiculturalism" quite often designates an ethnocultural, confessional and ethnolinguistic diversity of the population of the country. Besides, there is a mixture of different levels of understanding of this term:

- as real situation in society;
- as politicians and management strategies;
- as theoretical construction and scientific concept (Orlova, 2011).

It is more acceptable, from the point of view of our research, to interpret the concept of "multiculturalism" as the policy of the state which is focused on guaranteed recognition of ethnic pluralism, the assertion of standards of social justice of each representative of national culture, and also theoretical, political and ideological justification of such policy.

Thus, the basic principles of multiculturalism policy are:

- the recognition of ethnic and cultural pluralism as the main characteristic of civil society by the state;
- the assistance in socialization of marginal cultural groups;
- the assertion of standards of social justice of each representative of the national culture (equal opportunities for all citizens of the country);
- the support of reproduction and development of ethnic cultures.

Multiculturalism discourse, at least declaratively, received political and ideological appeal in Europe in the 1980th – the beginning of the 1990th. The Schengen Agreements of 1985 and 1990 became the basis for coordination of the conditions of short-term visas issue for the countries, and the Amsterdam Agreement (of 1997 clause 73K) predetermined for the European Council the main directions of immigration policy in questions of lawful and illegal
entrance and stay. Members of the EC have the right to independently define methods of formation of civil society and forms of interethnic interaction in their countries. That is, the principles of the organization of interethnic interaction, the understanding and the content of the attitude towards multiculturalism in the European countries are various. The "probation" by multiculturalism happened and is still happening in essentially different countries by their economic, socio-political, ethnocultural, ethnodemographic characteristics, where it is part of the state policy and is secured by law (Canada, Australia), or where its main principles are taken into account when the strategy of internal political development of the state is worked out (Great Britain).

In other words, it is relevant to speak about the German, French and British models of multiculturalism which need serious examination. The matter is that the attitude to multicultural policy widely discussed in the 1980-1990th, regarding the European countries had more declarative character, than a real state policy. The concrete measures corresponding to ideas of multiculturalism were undertaken only in the Netherlands, Sweden and partially in Great Britain.

In 1957 the term "multiculturalism" characterized domestic policy of Switzerland. In the 1970th when the Canadian government admitted the Official Act of multiculturalism, these ideas gained official recognition in other European countries. In fact, the strategy of the Canadian approach grew from a number of political experiments undertaken in 1960th and 1970th, and, most likely, was used not only to facilitate the integration of immigrants from "the third world" and Europe in the Canadian society. It is possible to agree with the opinion that "multiculturalism was meant to be the program of nation construction" and was put forward as a counterbalance to Quebec separatism (Landi, 2013). The idea consisted in blocking Quebec separatism by recognition of broader ethnic and cultural diversity.

In 1972 in the structure of the Secretary of State Department was created the Directory of the multiculturalism, and a new state strategy was legislatively fixed in 1982 in the Declaration of the Rights and Freedom and in the Act of multiculturalism in 1988. The Canadian model of multiculturalism had to be a prototype for building of new national consciousness of citizens.

The distinctive feature of the Canadian multiculturalism has become the coexistence of two opposite ethnic communities (French and British), which gave an opportunity to choose the type of socialization, based on distinctions of culture, and excluded possibility of rigid assimilation. The main reference point of the Canadian model of multiculturalism is the protection and the investment with the special rights of collective individuals - representatives of other ethnocultures and ethnic minorities. Members of ethnic communities of Canada have a real opportunity to use "native" languages and a number of the rights from the Charter of Rights and Freedoms. Similar strategy, based on the recognition by the state of ethnic and cultural pluralism as the main characteristic of civil society, apparently, proves its efficiency.

Thus, in Canada it was succeeded to create what Ms. Teylor called "ideology of multiculturalism", i.e. "the idea that our society is capable to welcome and integrate distinctions" (Teylor, 2010).

The successful realization of the multiculturalism policy was shown also by Australia, where a number of laws focused on providing equal opportunities for polyethnic population of the country were passed. Multiculturalism in Australia was institutionalized in 1979 when under the initiative of the government the Australian Institute of cultural diversity was created. The Direction of multiculturalism problems was founded in 1987 (since 1996 it became part of Department of immigration), the National advisory board of multiculturalism, the leading aim of which was to develop main directions of the state ethnocultural policy was created in 1987. The government encouraged the establishment of different associations and the councils, and it was aimed at the development of various ethnic cultures. The main feature of the Australian model of multiculturalism is the state and individual responsibility for creating optimum conditions for representatives of non-identical ethnocultures and faiths. Authority concessions in favor of ethnic minority, in fact, changed the essence of adaptation processes: the members of national diasporas found it possible not to take into account requirements of the new environment. As a result the Australian society instead of international harmony received a cross-cultural distancing - voluntary isolation of representatives of ethnocultural groups, i.e."a segregation vice versa" (Tiryakian, 2003).

The difference between the Canadian and the Australian models of multiculturalism consists, first of all, in the fact that in Canada the essence of political programs was reduced to preservation and encouragement of ethnolinguistic communities, and in Australia it was focused on the recognition of the right to cultural identity and social integration for each individual.

Ideas of pluralism were as well fulfilled in the United Kingdom. In Great Britain multiculturalism was never proclaimed the official doctrine, and special measures for the support of ethnocultural minorities weren’t carried out. And though in Great Britain ethnic minorities never had a lot of collective rights, they were always considered as full members of multiculture society. Here the protection of ethnic minority ("racial minority") is represented, first of all, in legal support
which in practice is expressed that this or that representative of ethnic minority can go to court with an application of violation of his rights not as the individual but as the representative of ethnocultural minority. The events of August, 2011 in immigrant quarters of London and some other English cities (Liverpool, Manchester, Bristol), bloody massacre in south London on May 22, 2013 provide us with a reason to assume that weak points of the British multicultural policy were considerable, and that becomes more and more obvious. Today intolerance to any dissent replaces multiculturalism. Only 8% of the population of Great Britain support a state policy of ethnic and religious minority that certainly testifies the crisis of the British model of multiculturalism (Kondratieva, 2011).

The assimilative policy of France, which is forbidding group privileges and proclaims equality of all people, became an alternative to the British policy of pluralism. Despite the "mosaic" of the society France never positioned itself as the multinational state, and putting in practice all the principles of multiculturalism conflicted with the French understanding of "state nation" that eventually led to ethnopolitical conflicts in suburbs of Paris in the fall of 2005. Since 1990's in France charges against the dictatorial policy of the central government are growing from the regions, including the ethnocultural area. Probably, these events and processes became the reason of reconsideration by the French state policy of the ethnocultural diversity of the population.

Analyzing the domestic policy of France of the 1990's concerning ethnocultural distinctions, A.Hargrivs characterizes the problem, which the French government had, as a forcedly made choice between the policy of pluralism and the policy of exclusion. Having chosen the golden mean, the French policy is aimed to accept "cultural distinctions provided that the minorities should limit within dominating cultural norms" (Hargrivs, 1995). The republican principle of France says: all citizens of France are French people.

The multiculturalism model in Germany is based rather on the ethnic principles, than on the political. In Germany Turkish migrants for a long time weren't allowed to get nationality in the third generation and become part of the German society. Nowadays the existence of national schools, studying in Turkish, accommodation in national enclaves not only limit the need for learning Germans, but also block the possibility of getting higher in the society and being part of it. In practice such "multicultural" measures paved led to the emergence of the ethnocultural "parallel society" in social structure, provoked its resistant ethnocultural isolationism, and the host country received possible ethnopolitical instability and threat of the national security. It can be proclaimed that the policy of multiculturalism, in this case, was considered to solve the problem of mass labor immigration and was more focused on segregation, than on integration.

Thus, declarative multiculturalism itself creates conditions for existence of "parallel societies", isolates not only national minorities, but also the majority, interfering with the perception of national minorities. According to Ms.Teylor's remark "it is possible to integrate newcomers and to fight against discrimination only if society of the host country is convinced that the inflow of immigrants is the benefit and if the population welcomes bigger cultural diversity, as it considers that it promotes dynamic development and disclosure of creative potential"(Teylor, 2010).

Analyzing trends of modern ethnocultural policy development in some European countries allows us to consider the dynamics undergoing ethnopolitical and sociocultural processes, in some cases as a solution to actual economic tasks and labor migration, in others - as a search for optimum ways of artificial creation of united multicultural space. The conducted research allows to conclude that the declaration of the principles of multiculturalism doesn't give a guarantee of achievement of interethnic tolerance, on the contrary, its functional application, as a certain technique, is obvious unpromising right where the target state policy is realized. The establishment in the borders of one state of various cultural institutes separately for ethnic minorities and separately for the population not only doesn't solve a problem, but also provokes the increase in a cross-cultural distance. Resistant psychological estrangement of immigrants, their low political, social and economic status is indisputable confirmation of that.

Multicultural society only in that case can be kept unified if it is capable to combine ethnocultural distinctions and equality of initial opportunities for all citizens of the country. Respectively no declarations, target programs and governmental measures will bring desirable result if issues of economic, social and structural property aren't solved.

The incorporation of the inoetnichny population in social institutes is possible by its active inclusion in social reproduction of society which is understood as the reproduction of the person and social communities in all variety of their social qualities, in unity with material preconditions and social conditions of their existence, and also by formation of optimum conditions for division of labor. Structural differentiation, promoting modification of the acquired values will decline ethnic groups to integration into the accepting society. In the long term structural transformations in an ethnic group, and as a result, a unification of the civil and ethnic nation can become a consequence of such form of ethnocultural interaction. On the basis of such interpretation, according to Ms.Habermas's remark, - "the constitutional nationalism" can take a place of initial nationalism (Habermas, 2008).
Modern Russia has to solve the same problems which the European countries faced at different times: integration and consolidation of multiethnic society, formation of ideas of all-civil identity, uncontrollable migration, etc. Specifics of the Russian multiculturalism consists in the necessity of harmonization of the interethnic relations between citizens of one, as the growth of ethnophobia is directed, in first place, to the representatives of Caucasus people, who are citizens of the Russian Federation. Therefore functional application of this or that foreign experience of multiculturalism as certain technique in Russia is doomed to failure.

The Russian legislation, as in some foreign countries, doesn't operate with such concepts as "national" or "ethnic minority", they are regarded as synonyms, but according to international law, Russia fulfills the policy of preservation and development of ethnolinguistic and confessional identity of ethnocultural communities. The order and organizational forms of interests of cultural and language groups are mainly defined by the system of the federal structure developed in Russia.

According to the conventional principles and norms of international law ratified by international legal documents and acts, including The Framework Convention for the Protection of National Minorities (FCNM), and also being guided by the Constitution of the Russian Federation, the Russian state follows the principles of tolerance and the international consent that found reflection in the country legislation. In general, in our country a rather stable legal base providing protection of the ethnocultural rights of people of the Russian Federation is created. Nevertheless multicultural strategy of Russia has a number of disadvantages from the point of view of ensuring human rights. The matter is that the ethnic rights of ethnic minorities are completely provided in national subjects of federation, but have no appropriate protection out of their borders. At the same time, protection and ensuring the rights of not title people, including, Russians in the national republics in practice is under authority of local authorities and it deserves a lot of criticism.

Most likely there is a great need for institutional changes which would be focused not on mechanisms of functioning of socio-political system, but on the needs of individuals to which this system serves. The main goal of these changes should be the observance of human rights, which "have to precede and lie in the basis of modes of guaranteeing the cultural rights, and not the opposite" (Sokolovski, ). In this case it is a question of developing individualized (or personalized) multiculturalism.

Multiculturalism in Russia can become reality not only on condition of recognition of ethnocultural diversity and the rights of ethnic minorities, but mainly on condition of cultivating national values, providing and protecting of the rights not only ethnics, but as well citizens of the country.

However, successful realization of the principles of multiculturalism as a way of maintaining unified the elaborated society is possible only in democratic society that assumes existence of the developed associated society. Therefore the efficiency of multiculturalism, as a method of achieving interethnic tolerance in modern states without stable democratic institutes, can be put under question.

At the same time, we believe that movement to multicultural integration is inevitable. As domestic and foreign experience shows, formation and development of the multiculturalism, as a continuous practice of compromises and tolerance, is a long and inconsistent process. However, difficulties and problems in the sphere of the interethnic relations don't mean potential impossibility of realization of these principles.

References

Employment Status, Income Equality, and Poverty in Egypt

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Abstract

The present study examines trends in employment status in Egypt in an important era of democratic transition. It examines determinants of different labor force participation by gender. The empirical analysis is based on the World Values Survey of the fifth wave (2005-2008). A comparative descriptive approach is used to analyze the difference between males' and females' employment status. The study uses logistic regression analysis to examine the determinants of different labor force participation, and to examine the impact of different labor force practices and income equality on poverty. Empirical findings support a gender gap with respect to accessibility to full time paid work, only young females, regardless their computer skills, education attainment, marital status are more likely to be engaged in full time work, while those in middle age are more properly engaged in unpaid employment. The study also finds a gender gap in job search intensity. We also conclude that there is no linkage between employment status and poverty, however we find a positive and significant impact of females' perception regarding the importance of having more equal distribution of income and their perception regarding the importance of poverty problem. These results show that women in Egypt are less engaged in decent jobs because they are less educated, having lower skills, more affected by income inequality and poverty. Social security should be reformed to cover all women, reforms are also needed for pensions, and unemployment insurance, to cover all retired, old age, care-giving, and unemployed individuals.

Keywords: Employment Status, Paid-Unpaid work, Formal and Informal work, Decent Work, Gender, Income Equality, Poverty, Egypt.

1. Introduction

The British newspaper "Financial Times" pointed out on the twenty seven of February 2013, that unemployment in Egypt is a ticking time bomb that threatened to burst, almost 162 thousand citizens lost their work in the past three months, rising unemployment to 3.5 million from a labor force of 27 million employees.

The newspaper mentioned that the unemployment rate rose to unprecedented levels registered 13% during the last three months of the last year, 2012, which might lead to a sever sluggish in the labor market in the country. This increase in unemployment rate is mainly due to the continued deterioration of the economic and security situation. According to official government data, unemployment rates before the revolution did not exceed 8.9%, but after the revolution thousands of Egyptians lost their jobs especially those were working in the private sector and tourism companies.

The Egyptian economy is suffering from a lack of dynamism, with high unemployment; economic growth in 2012 did not exceed 1.9%, while it was between 4 and 7% before the revolution. The country's labor force participation is low, and the responsiveness of employment to growth has been so weak in the last period. Egypt like other Arab countries needs a new development model that creates prosperity through equal opportunities and the government should bear the primary responsibility for helping the poor in their countries. The economic reforms in Egypt should balance economic growth with providing enough jobs and social services that allow men and women and their families to live in security and dignity (IMF, 2013:P.21).

The focus of this paper draws on the employment, income equality, and poverty linkages, without a better understanding of such relationship, development strategies aimed at poverty reduction, social justice may be incomplete, as employment is the principal channel through which economic growth reduces poverty. However access to employment is not sufficient to reduce poverty and inequality, the type and quality of work are also important. Many youth, housewives, or retired people are trapped in low-productivity, low or unpaid or other types of work that fall short of their aspirations and that often do not open opportunities to move to more permanent, higher-productivity and better-paid positions.
Therefore, understanding the links between different types of employment status, poverty, and social justice are critical for formulating policy, as many reforms are needed regarding labor regulations to reduce disincentives for hiring and divert job seekers into the informal sector, where workers do not enjoy the same level of protection as in the formal economy, revisiting public sector hiring practices, active labor market policies needed also to lower unemployment and to promote youth and female employment, and reforming the education system.

This Paper aims first, to analyze and test the factors that influence different practices and participation in the Egyptian labor force, more specifically what determines an individual's choice to work for paid employment (full or part time or self employment), or has no paid employment (students of all kinds and levels, household duties, retired or pensioned, unemployed, and others), and to test if the impact of these factors will differ according to gender. Second, linking these employment statuses with poverty and income equality, the paper examines the impact of an individual's choice of a specific employment status, and his/her perception regarding the importance of having more equal distribution of income on his/her perception regarding the importance of poverty, as the most serious problem in his or her country.

1.1 Policy Importance:

The results underline the importance of analyzing the factors that affect the different employment and unemployment (paid and unpaid employment) practices in the Egyptian labor force and analyzing the linkages between employment, poverty, and income equality, as nowadays the country is struggling and in its ongoing movements towards democracy. Reforming the labor market in Egypt is a major challenge for the country for poverty reduction, creating more social justice and a successful economic transition.

One of the most important studies on the determinants of employment status in Egypt was made by (Assad et, 2000), they examined the factors that sort individuals in to different employment states by gender by using multinomial logit models. It seeks to elucidate what factors affect who is economically active and who is not, who is working and who is unemployed, and among those working, who is a paid employee versus a casual wageworker versus a self-employed or family worker. The factors included in these models are region, Age, marital and headship status, educational attainment, household assets, presence of children and other social and community level variables. The study found that educated young women are more adversely affected than men by the transition to a private sector-led economy. Work, whether paid or unpaid, is the foundation of a nation's economy, while paid jobs are counted in the Gross National Product GNP; unpaid work is not counted as national income. Unpaid workers are not considered part of the labor force, and they are neglected by the government and left out of pension schemes, and other programs to support workers (George et al. 2009, P.10). Unpaid employment is considered to be one type of informal employment (Agel- Urdinola, D.F., and Tanabe,K. 2012,P.8), they show that unpaid work such as housing and child care, old age pensions, and disability are outside the formal sector and had limited access to government benefits.

Informality is defined as the collection of firms, workers, and activities that operate outside the legal and regulatory framework (De Soto, 1989), it is caused by a set of factors related to law and order, business regulatory freedom, average years of schooling, and socio-demographic factors, there are many studies tried to measure the extent of informality and its causes (see for example: Elbadawi,I and Loayza,N.2008), the study also found a positive relationship between informality and income inequality on poverty in Arab countries. However, there is insufficient empirical information on paid and unpaid work determinants, and implications on poverty especially for Egypt, for that reason the study uses micro data to measure the extent of paid and unpaid work, and to test its determinants and implications on poverty.

As the growth pattern of Egypt does not appear to be pro-poor, improvements in the rate of growth appear to have at best halted the spread of poverty and income inequality. Weak productivity performance and the low quality of employment help explain the poverty record and the non existence of social justice in the country. We expect to have positive and weak (insignificant) relationship between employment status and poverty that all individuals despite their employment status (paid or unpaid) will agree that the poverty problem is the most serious in their country, and we also expect to have a positive and strong relationship between their perceptions regarding income equality with their perceptions regarding the importance of poverty problem.

The paper proceeds as follows: section two provides data and methodology, section three deals with the results of estimation, and the last section gives conclusions and recommendations of the study.
2. Data and Methodology

The study depends on data on 3050 individuals from Egypt from age 18 and over in 2008 data existed for paid employment only for full-time work (30 hours per week or more), and five status for non paid employment (retired, housewife, students, unemployed, and other-voluntary) obtained from the (2005-2008) wave of the World Values Survey (WVS), the study depends on this survey as it is a multipurpose and include a wide range of variables not only related to demographic, and labor related characteristics, but it includes many other variables related to the perceptions of individuals in many aspects in politics, economics, environment, and national identity.

Table 1 summarizes work status in Egypt in 2008 depending on the WVS data; the percentage of paid employment is 42.3%, while unpaid employment accounts for 57.7%, most of this unpaid work is performed by women (39.2%). This issue should be given be given a key priority by policy makers in reforming labor market.

Table 1: Employment status in Egypt in 2008

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>42.3 %</td>
</tr>
<tr>
<td>Retired</td>
<td>7.4 %</td>
</tr>
<tr>
<td>Housewife</td>
<td>39.2 %</td>
</tr>
<tr>
<td>Students</td>
<td>1.8 %</td>
</tr>
<tr>
<td>Unemployed</td>
<td>5.4 %</td>
</tr>
<tr>
<td>Other</td>
<td>3.9 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: WVS wave (2005-2008)

One stylized fact can be drawn from table 1 that unpaid work in Egypt is larger than the paid work, and it is not included in national income with a large portion of unpaid women. Such work should be included in the GNP of a nation, and it also constitutes another challenge for the government in reforming social security system. Formal sector employees continued to bear maternity benefit costs, which made hiring women less desirable, several studies on intra-household bargaining have pointed to the need for women to have access to social security and welfare benefits (Agarwal 1997, MacDonald 1998). The very absence of social services in care-giving may be a factor that relegates women to part-time, low-quality jobs (Ruwantura 2009, P.9).

Table 2 shows gender inequality for employment status in Egypt based on data from World Value Survey (2005-2008), female contribution in full employment is only 12.2% compared to 71.3% for men, while women in unpaid work account for 89.7%, compared to 28.7% for men. The largest share of the unpaid women work is for housewives 80.1%, a lot of studies found that the share of women in unpaid work is much more than men (see for example Antonopoulos, R.2008).

Table 2: Employment Status by Gender

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>Sex</td>
<td></td>
<td>Total</td>
<td>Sex</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full time</td>
<td>42.3 %</td>
<td>71.3%</td>
<td>71.3%</td>
<td>12.2%</td>
<td>-</td>
</tr>
<tr>
<td>Retired</td>
<td>7.4 %</td>
<td>12.8%</td>
<td>12.8%</td>
<td>1.9%</td>
<td>-</td>
</tr>
<tr>
<td>Housewife</td>
<td>39.2 %</td>
<td>-</td>
<td>-</td>
<td>80.1%</td>
<td>-</td>
</tr>
<tr>
<td>Students</td>
<td>1.8 %</td>
<td>2.1%</td>
<td>2.1%</td>
<td>1.5%</td>
<td>-</td>
</tr>
<tr>
<td>Unemployed</td>
<td>5.4 %</td>
<td>8.8%</td>
<td>8.8%</td>
<td>2.0%</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>3.9 %</td>
<td>5.3%</td>
<td>5.3%</td>
<td>2.4%</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3051</td>
<td>1557</td>
<td>1557</td>
<td>0</td>
<td>1494</td>
</tr>
</tbody>
</table>

Source: WVS wave (2005-2008)
Explanations for the existence of segregated labor markets are not new. Since the 1970s feminist and economists sought to explain the gendered nature of labor markets. Neo-classical economists' interpretation of segregated labor markets is based on the rationality of employers and workers, according to this theory women's participation in paid/unpaid work is determined by human capital level, women with low human capital and minimum level of skills and training may choose to be involved in low quality work with low wage or to engage in unpaid work as house and child care work. Other Institutional and Marxist economists added class, and/or ethnicity as important factors that explain labor market segmentation. Dual labor market theory indicated that segmentation of labor market is mainly affected by educational, skills, and productivity differences. Feminist theories emphasized the role played by culture, norms, and social practices in labor markets segmentation (Ruwanpura, 2009).

The study presents multivariate logistic regression models exploring the factors predicting paid employment (Full time), unpaid employment for (housewives not otherwise employed, retired employees, students, unemployed, and others). Second, as the central focus of this paper is also to evaluate the employment-income equality and poverty linkages in Egypt, the study provides another logistic regression model to assess the impact of different employment status, and perceptions regarding the importance of having income equality on poverty.

The following table provides a complete description of the variables included in the multivariate models.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment status = 1 if the individual has paid employment (full time) =1 No paid employment (retired/pensioned, housewife not otherwise employed, student, unemployed, and others).</td>
<td></td>
</tr>
<tr>
<td>Poverty = 1 if the respondent strongly agrees or somewhat agrees that people living in poverty and need is the most serious problem in his/her country.</td>
<td></td>
</tr>
<tr>
<td>Income equality = 1 if the individual strongly agrees or somewhat agrees that income should be made more equal.</td>
<td></td>
</tr>
<tr>
<td>Low/Medium and High income = Dummy for low/medium, and high income.</td>
<td></td>
</tr>
<tr>
<td>Human Capital = Dummy variables will be used for very good and good health, low, medium, and high education, and the use of personal computers.</td>
<td></td>
</tr>
<tr>
<td>Job Search Factors = Dummy variables will be used for the factors that would seem important for the respondent when looking for a job (wage level, safety with no risk of being retired or unemployed, working with people the respondent like, and satisfaction with job and accomplishment).</td>
<td></td>
</tr>
<tr>
<td>Demographic and personal Variables: Age = Age of the respondent, dummy variables will be used for ages (15-29, 30-49, and 50-more).</td>
<td></td>
</tr>
<tr>
<td>Married = 1 if the individual is married.</td>
<td></td>
</tr>
<tr>
<td>Having Child-Care Burden = Dummy for more than 3 children, and zero otherwise.</td>
<td></td>
</tr>
<tr>
<td>Social and perception of life Factors</td>
<td></td>
</tr>
<tr>
<td>Satisfaction with life = Dummy variables for low, medium, and high satisfaction with life.</td>
<td></td>
</tr>
<tr>
<td>Social Class = Dummy variables for low/middle and high class.</td>
<td></td>
</tr>
<tr>
<td>Discrimination against women employment= Dummy variables for (Being a housewife is just as fulfilling as working for pay, on the whole, men make better political leaders than women do, a university education is more important for a boy than for a girl, on the whole, men make better business executives than women do).</td>
<td></td>
</tr>
<tr>
<td>Political and security Factors = 1 if the respondent strongly agrees or agrees that it is very important to live in a stable economy and to fight against crimes.</td>
<td></td>
</tr>
</tbody>
</table>
3. Results of the Estimated Models:

Results are shown from tables (4-6), we omit males’ student model from estimation for statistical problems and caution should be taken in interpreting results from unemployed, females’ students, and retired models for low number of observations that may cause large coefficients.

Tables 4, and 5 show that young and middle aged men are less likely to be involved in full time work, while those who are in middle age are more properly retired or participate in other voluntary unpaid work. In contrast table 5 provides evidence that full time work is more likely to be among young females, while those who are in middle aged are more likely to be retired or involved in unpaid voluntary work. Results also indicate that early retirement and working in other unpaid employment are quite common for men and women surveyed in middle age as the number of hours spent on volunteer work increase with age (Johnson, et. 2008). Married males are less likely to be in full time work, while married females are more likely to be in full time work, the most relevant explanation to these findings that full time work is most properly available in public sector with low wage, but more flexible working conditions which makes it more attractive for women than men. Political and security factors have a weak impact on only participation in other (voluntary) work for males. Matching with the neo-classical economic theory, the study finds that education and human skills are important determinants of females’ employment status. There is a positive and highly significant impact of education on female full time employment. The study also finds that young females irrespective of their educational attainment, and computer skills, are more likely to be involved in full time work. Other factors related to culture, norms and social practices such as discrimination against women factors also play an important role in determining females’ participation in labor market for example, those who are strongly agree or agree that being a housewife as working for pay, and men make better executives than women have moderate and low positive significance impact on full time female employment. The most relevant explanation that perceptions regarding women’s role in the society compared to males, are more likely to make them choose to engage in full time work, with flexible working conditions. On the other side middle aged females are not likely to have full time paid work, results of table 5 also indicates that the large share of females who are inactive due to household activities are mainly composed by a larger proportion of full-time housewives although they are unmarried, and have computer skills.

The results also show that there is a negative relation between education level and the probability of being housewives. Females who are belonging to upper middle, and lower middle classes are also less likely to be housewives. The results also suggest that women that strongly agree or agree that being a housewife like working for a pay, and those who also strongly agree or agree that men make better business executives than women are less likely to be housewives. Not surprising, youth female are less likely to be students as shown previously they are more likely to be engaged in full-time employment, females with secondary or technical education are less likely to be students as they are not enrolled in higher education, they do not complete their education to have full employment work; they are married, with no computer skills, with law and middle satisfaction with life, and they are not belonging to upper class or upper middle and lower middle class. The probability of being a student in females is also shaped by perceptions regarding the bias towards men’s right in work and education, more specifically females who are strongly agree or agree that men make better business executives than women do are less likely to be students, but those who are strongly agree and agree that university education should not be for men only are more likely to be students. Unemployment in females is most likely to be shaped by age, education, and marital status factors. Those who are less educated, married, and not in young and middle age are more likely to be unemployed. Middle age females, who are married with either no, low, and moderate educations are strongly likely to be retired. The study also found that males who are strongly agree or agree that good income and safe job as the most important job search factors are more likely to be engaged in full time paid employment. The most relevant explanation to these results that job search intensity positively affects employment quality, because a more intense job search is likely to result in more job opportunities allowing the job seeker to choose the best alternative (Saks & Ashforth, 2002; Van Hooft et al., 2005). In contrast young and middle aged females, having lower job search intensity than men, job search factors are only significant for other unpaid employment only (Abdel-Mowla, 2011). Other factors that have a similar impact on males’ and females’ employment status include:

The Perceived Health Status and Satisfaction with Life: The perceived health status as very good and good is only significant in determining males’ employment status, those who perceive that they are in very good and good health are less engaged in full time paid work, we also noticed that those who are engaged in unpaid work are mostly among those who believe that they are in a very good and good health this findings may cause them to be either dissatisfied or with middle satisfaction with life. In general the study finds that those who are low satisfied with life are less likely to be engaged in full time work, on the other hand unpaid employment is more likely to be among those who are either
dissatisfied with life or have middle satisfaction with life (see for example, Johnson, 2008).

Social Class: results indicate that in general those who are belonging to upper class or upper middle and middle class are less likely to be involved in unpaid work.

Income Level: the study finds that in general low or middle income levels are less likely to be participated in unpaid work. The results shown in table 6 provide strong evidence to support that there is no/ or weak linkage between employment status and poverty in Egypt, for the entire sample surveyed we couldn't find any significance impact of the type of employment status on poverty, most signs were negative, only we found unemployed males are less agreeing that the poverty problem is the most important problem, on the other hand we found a moderate and significant positive impact of perceptions regarding the importance of the equality of distribution of income, and the perceptions regarding the importance of the poverty problem among females.

Table 4: Multinomial logistic regression of type of employment status for males

<table>
<thead>
<tr>
<th>Variables</th>
<th>Full Time</th>
<th>Unemployed</th>
<th>Retired</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>0.158</td>
<td>38.065***</td>
<td>1.519</td>
<td>2.588</td>
</tr>
<tr>
<td>Age 15-29</td>
<td>-2.103***</td>
<td>-0.779</td>
<td>0.000</td>
<td>0.200</td>
</tr>
<tr>
<td>Age 30-49</td>
<td>-1.934***</td>
<td>-1.328**</td>
<td>3.545***</td>
<td>1.732**</td>
</tr>
<tr>
<td>Age &gt; 50</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Married</td>
<td>-1.505**</td>
<td>0.431</td>
<td>0.838</td>
<td>1.366*</td>
</tr>
<tr>
<td>Children&gt;3</td>
<td>-0.109</td>
<td>0.572</td>
<td>0.101</td>
<td>-0.512</td>
</tr>
<tr>
<td>Very good and good health</td>
<td>-1.023***</td>
<td>0.431</td>
<td>0.697**</td>
<td>1.905***</td>
</tr>
<tr>
<td>No Formal Education</td>
<td>0.152</td>
<td>-0.782</td>
<td>0.869*</td>
<td>-2.657*</td>
</tr>
<tr>
<td>Basic Education</td>
<td>-0.107</td>
<td>-0.527</td>
<td>0.258</td>
<td>-1.229</td>
</tr>
<tr>
<td>Secondary and Technical Education</td>
<td>0.247</td>
<td>-0.827</td>
<td>-0.140</td>
<td>-0.918</td>
</tr>
<tr>
<td>Higher Education</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Never and do not know what computers are</td>
<td>0.281</td>
<td>-0.156</td>
<td>-0.233</td>
<td>-0.227</td>
</tr>
<tr>
<td>Low satisfaction with life</td>
<td>-0.193</td>
<td>0.537</td>
<td>-0.284</td>
<td>1.018*</td>
</tr>
<tr>
<td>Middle satisfaction with life</td>
<td>-0.393</td>
<td>0.975*</td>
<td>0.005</td>
<td>-0.008</td>
</tr>
<tr>
<td>High satisfaction with life</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Upper Class</td>
<td>1.080</td>
<td>0.000</td>
<td>-2.278*</td>
<td>0.000</td>
</tr>
<tr>
<td>Upper and lower middle class</td>
<td>0.003</td>
<td>-0.385</td>
<td>-0.458*</td>
<td>0.104</td>
</tr>
<tr>
<td>Working and lower class</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Good Income</td>
<td>0.786*</td>
<td>-0.537</td>
<td>-0.732</td>
<td>-0.878</td>
</tr>
<tr>
<td>Safe job</td>
<td>1.05**</td>
<td>-0.301</td>
<td>-1.252**</td>
<td>-0.727</td>
</tr>
<tr>
<td>Working with people you like</td>
<td>0.524</td>
<td>0.322</td>
<td>-0.867</td>
<td>-0.144</td>
</tr>
<tr>
<td>A feeling of accomplishment</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Being a housewife as working for pay</td>
<td>0.101</td>
<td>-1.244</td>
<td>0.164</td>
<td>0.761</td>
</tr>
<tr>
<td>Men make better political leaders than women</td>
<td>0.130</td>
<td>0.000</td>
<td>0.613</td>
<td>-0.960</td>
</tr>
<tr>
<td>University education is more important for boys</td>
<td>0.187</td>
<td>-0.005</td>
<td>-0.198</td>
<td>-0.266</td>
</tr>
<tr>
<td>Men make better business executives</td>
<td>-0.360</td>
<td>0.538</td>
<td>0.407</td>
<td>-0.706</td>
</tr>
<tr>
<td>Stable economy</td>
<td>0.001</td>
<td>-1.215</td>
<td>0.471</td>
<td>1.360**</td>
</tr>
<tr>
<td>Fight against crimes</td>
<td>0.003</td>
<td>-0.921</td>
<td>-0.549</td>
<td>1.317*</td>
</tr>
<tr>
<td>Low income level</td>
<td>0.572</td>
<td>-16.308***</td>
<td>-0.861</td>
<td>1.186</td>
</tr>
<tr>
<td>Middle income level</td>
<td>0.432</td>
<td>0.000</td>
<td>-1.169*</td>
<td>1.756*</td>
</tr>
<tr>
<td>High income level</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
</tbody>
</table>

Nagelkerke R² 0.323 0.162 0.425 0.410

Table 5: Multinomial logistic regression of type of employment status for Females
### Table 6: Multinomial logistic regression of the impact of employment status and income equality on poverty for Men (Model 1), and females (Model 2)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1</th>
<th>Model 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>0.788</td>
<td>0.119</td>
</tr>
<tr>
<td>Full time</td>
<td>-0.601</td>
<td>0.000</td>
</tr>
<tr>
<td>Housewife</td>
<td>0.000</td>
<td>0.121</td>
</tr>
<tr>
<td>Student</td>
<td>0.000</td>
<td>-0.006</td>
</tr>
</tbody>
</table>

* *, **, *** denote significance at 10%, 5%, and 1% respectively.
<table>
<thead>
<tr>
<th></th>
<th>Coefficient</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unemployed</td>
<td>-1.245*</td>
<td>0.000</td>
</tr>
<tr>
<td>Others</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Retired</td>
<td>-0.260</td>
<td>0.555</td>
</tr>
<tr>
<td>Age 15-29</td>
<td>0.182</td>
<td>-0.109</td>
</tr>
<tr>
<td>Age 30-49</td>
<td>0.171</td>
<td>0.176</td>
</tr>
<tr>
<td>Age &gt; 50</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Married</td>
<td>0.910</td>
<td>-0.007</td>
</tr>
<tr>
<td>Children &gt; 3</td>
<td>0.158</td>
<td>-0.139</td>
</tr>
<tr>
<td>Very good and good health</td>
<td>0.000</td>
<td>-0.174</td>
</tr>
<tr>
<td>No Formal Education</td>
<td>-0.470</td>
<td>0.199</td>
</tr>
<tr>
<td>Basic Education</td>
<td>-0.470</td>
<td>0.121</td>
</tr>
<tr>
<td>Secondary and Technical Education</td>
<td>-0.104</td>
<td>0.431*</td>
</tr>
<tr>
<td>Higher Education</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Never and do not know what computers are</td>
<td>0.133</td>
<td>-0.566**</td>
</tr>
<tr>
<td>Low satisfaction with life</td>
<td>-0.691*</td>
<td>-0.498**</td>
</tr>
<tr>
<td>Middle satisfaction with life</td>
<td>-0.316</td>
<td>-0.535***</td>
</tr>
<tr>
<td>High satisfaction with life</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Upper Class</td>
<td>0.004</td>
<td>1.124*</td>
</tr>
<tr>
<td>Upper and lower middle class</td>
<td>0.137</td>
<td>0.259*</td>
</tr>
<tr>
<td>Working and lower class</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Good Income</td>
<td>-0.718*</td>
<td>-0.235</td>
</tr>
<tr>
<td>Safe job</td>
<td>-0.384</td>
<td>-0.512*</td>
</tr>
<tr>
<td>Working with people you like</td>
<td>-0.429</td>
<td>-0.178</td>
</tr>
<tr>
<td>A feeling of accomplishment</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Being a housewife as working for pay</td>
<td>-0.710*</td>
<td>-0.003</td>
</tr>
<tr>
<td>Men make better political leaders than women</td>
<td>-0.710*</td>
<td>-0.232</td>
</tr>
<tr>
<td>University education is more important for boys</td>
<td>-0.756*</td>
<td>0.273*</td>
</tr>
<tr>
<td>Men make better business executives</td>
<td>0.251</td>
<td>0.482</td>
</tr>
<tr>
<td>Stable economy</td>
<td>-0.105</td>
<td>-0.373*</td>
</tr>
<tr>
<td>Fight against crimes</td>
<td>-0.202</td>
<td>-0.316</td>
</tr>
<tr>
<td>Low income level</td>
<td>-0.807*</td>
<td>-0.128</td>
</tr>
<tr>
<td>Middle income level</td>
<td>-1.033*</td>
<td>-0.285</td>
</tr>
<tr>
<td>High income level</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Income should be made more equal</td>
<td>-0.005</td>
<td>0.428**</td>
</tr>
</tbody>
</table>

| No of Observations   | 696         | 1472           |
| Nagelkerke R²        | 0.099       | 0.086          |

*, **, *** denote significance at 10%, 5%, and 1% respectively.

We also note from table 6 that, there is a significant relationship between moderate education and perceptions regarding the importance of the poverty problem among females. Discrimination against women variables have a significant negative impact on male’s perceptions regarding the poverty problem, unlike females, most of these variables were insignificant and have a positive impact on poverty.

This gives indication that men are perceived that they have more rights than women in having better education and better work opportunities in their country and such perception has a negative impact on their perception regarding the importance of poverty problem. Other factors such as social class, computer skills, job search factors, satisfaction with life, political factors are also more important in explaining poverty among females, as most signs were negative and significant in model 2.

Our analysis has shown that females have more strong perception regarding the importance of the poverty
problem men. Supporting the women, who are often poor, with specialized programs and other sorts of assistance seems highly justified.

4. Conclusion

This paper assesses the main micro- determinants of employment status in Egypt, and the joint impact of employment status and income equality on poverty by gender applied on a sample of 3050 individuals obtained from the (2005-2008) wave of the World Values Survey (WVS); the study concludes that there is a discrimination against women's role in the economy that make them less accessible to better education, health, and technical skills, and in returns to better work.

Women also are more affected by the inequality in distribution of income which makes them also more affected by the poverty problem in Egypt. Supporting the poor especially women, who are often poor, less accessible to better employment with specialized programs and other sorts of assistance seems highly justified. Social security should be reformed to cover all women, reforms are also needed for pensions, and unemployment insurance which was almost non-existent before 2010, to cover all retired, old age, care-giving, and unemployed individuals.

The study also finds that employment status has weak and insignificant impact on poverty; such findings are resulted from the weak relationship between employment and growth. What is needed above all is an employment policy that puts the emphasis on strengthening the growth-employment linkages through promoting highly quality jobs and the notion of decent jobs in particular for the poor. The study also concludes that there is a positive and strong relationship between females' perceptions regarding the importance of having more equal distribution of income and their perceptions regarding the importance of the poverty problem in the Egyptian economy.

References

World Values Survey. Available at http://www.worldvaluessurvey.org/.
Albanians Have always Respected the Rules

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Abstract

Albanians always respected laws and rules. The oldest law was the make (rules), a kind of Constitution applied by the majority of Albanians throughout the centuries and in different regions. During the unity of Prizren, Albanians made the first attempt to edit a text in the form of the Constitution. In 1913, when Albania was recognized by the major European powers, the six major powers donated its first Constitution in the name Organic Statute. After the liberation from the fascists and the communists coming of 1946 on 11 January 1946, the Constitutional Assembly declared Albania Democratic Republic solving in this way the question of the form of government. The democratic changes in 1990 pointed the way of change and reform in the constitutional law of the country with the constitution of 1991 and the 1998.

Keywords: Rules, kanun, monarch, law, statute, government, reforms, constitution.

1. Introduction

The decision to write this conference relies on the finding that there is full development of the issue in Greece, due to lack of knowledge of the Albanian language by Greek writers. The analysis of this issue is of great importance because Albania was state with special status. For 45 years, the state had two constitutions, which actually did not recognize any political rights to their citizens. It is important for everyone to learn the constitutional evolution of the neighboring country. This article is divided into two chapters, which analyze the constitutional steps of Albania since the establishment of the Albanian state until today.

The first part of this conference is devoted to the first Albanian constitution starting with the code "make", which regulated the relations of the citizens especially those of the north. After the Kanun was the first "Organic Statute» Albania year 1914, which was in force for only six months and enshrined the constitution of the monarchy under foreign prince. The second "Organic Statute" with constitutional force was that obtained from the conference of Lushnja, which differed from the first, because a representative instrument of national character adopted it. Later this statute extended reformulating the monarchy as a form of government. In 1925, Albania Republic proclaimed the same year adopted the Basic Law of Albanian Republic, a full constitution drafted in a single document. In 1928, Zog announced the establishment of the monarchy as a form of government. After the release of the Italian fascists, Albania adopted the Constitution of the People's Republic of Albania (Constitution of the People's Republic of Albania) which was communist in nature and in force from 16.03.1946. This Constitution enshrined the political power of working in alliance with the class of residents of the province (farmers). The Constitution of 1946 was replaced by the 1976 Constitution, which he called Albania "Democratic Socialist Republic". The aim of this Constitution was to deepen the communist character of the state and class distinction.

In the second part of the Conference are analyzes the democratic changes in 1990, which led to significant adjustments to the constitutional laws of the country. On 29.04.1991 was approved the law no.7491/1991, which established democratic parliamentary system. On 21.10.1998 was approved the current Constitution of Albania, which has been described by many as a modern and liberal text. Of particular importance is ensuring the Constitutional Court,
an institution of Austrian-German origin. This Conference analyzes among others, the functions, powers, persons who initiate the proceedings before the Constitutional Court.

2. The constitutional order of Albania from 1878-1990

2.1 Background

1. The work of Sami Fraseri "Albania was what, what is and what will be done with it" helped the Albanian constitutional lawyers in the development of constitutional thought and various theories (Reso, R. 1978 pg. 10). The third part of this project like a written constitution (Anastasi, A. 2004 pg. 35). Fraseri was an enemy of absolutism and feudalism. He did not support the entire monarchical regime, however strongly supported the regime in which the people participate actively (Anastasi, A. 2004 pg. 5). At that time, the Albanian customary law had developed its own instruments and had special forms. These forms were collective, such as councils and the trials of elders (Luarasi, A. 1994 pg. 5). Fraseri appreciate the role of the individual, but as forms of governance rather collective forms (Reso, R. 1978 pg. 56). In his work, he cited that freedoms and rights ought to give the new country like freedom of conscience and the right to compulsory education.

2. The autonomy of local government: Fraseri presented the organization of local government as an important factor in the fate of the state and therefore devotes the third part of his work there (Frashëri, S. 1889 fq. 100). The country was divided into 15 communities, which will be divided in 3-4 kaza. Across the country, there were 15 governors and 50 lieutenant governor. Every small town would set up a council, who as supreme will governed by the general meeting composed of individuals who were the right age and fortune. The General Assembly elected village council and the judges who will be employed in the village (Anastasi, A. 2004 pg. 40).

3. Proposed political organization: The proposed policy organization in Albania had western connotation (Aurela, A. 2004 pg. 37) as head of state he envisioned a collective body the council of elders consisting of fifteen people elected by all the "hull" of the country. The board itself will elect its Chairperson and among them would apply beginning primus inter pares. Decisions would be collective, although the President would have the honor to be the first citizen of the country (Reso, R. pg. 87). Fraseri determined in a transparent way the powers of the Board and the qualifications of eligibility for membership. The responsibilities of the Council of Elders were: 1) To convene the General Council (Parliament), 2) To call in messages the General Council, 3) To appoint the government and signed the decisions, 4) To exercise its right of veto (veto) the acts approved by the General Council, 5) To direct the foreign policy of the country.

4. Bodies: The General Council (Parliament): The maximum representative body was the General Board (Anastasi, A. 2004 pg. 39). That would consist of 100 members, one member per 20,000 residents. This body would not be permanent as the council of elder (Reso, R. 1978 pg. 97-99).

5. The Cabinet: The Cabinet considered a collective body composed of independent institutions. One of the seven ministers would be the President of the cabinet. This instrument would be linked by a relationship of trust with the general council and the council of elder.

2.2 Previous Constitutions

2.2.1 The Kanun

First form of Constitution: Albanians always respected laws and rules. The oldest law was the make (rules), a kind of Constitution applied by the majority of Albanians throughout the centuries and in different regions. The origin of this term has generated discussion among Albanian writers. His father George pistachios in his introduction Lek Dukagjin expressed as follows: "The word is derived from the ancient Greek language and specifically from the word canon." Another historian believes that the word has Byzantine origin and specifically from the word 'normal' (Anastasi, A. Constitutional Law, 2004 pg. 33). Other authors argue that the term was introduced in Albania from the Turkish word "shop" (Kanunname). Make a law or collection of unwritten laws that have been passed down from generations to generations and reflect the social-economic status of the previous periods and each time protects the interests of specific social classes. They also make the totality of regulations coming from the common law. These codes regulate a wide sphere of social relations and the autonomous government of the people of northern Albania and heritage of Indo-
European culture and beyond that of the Illyrians. During the Turkish Empire, these codes have been adapted to ensure self-government the Albanians.

Most known legal codes of this type was the Kanun of Lek Dukagjin (Kanuni i Leke Dukagjinit) and make the Skanderbeg (Kanuni i Skenderbeut). The first codified in the XV century by an Albanian prince of the same name, the second the XVI century. The Kanun of Lek Dukagjin served the Albanians to maintain self-government and to exercise a democratic power. Another important do was make the Lamperise (Kanuni i Laberisë).

2.2.2 The Organic Statute of Albania 1914

In 1878, Albanians formed the unity of the Albanians of Prizren and simultaneously created a provisional government. For this period, it is worth mentioning the new do, the program section. During the unity of Prizren, Albanians made the first attempt to edit a text in the form of the Constitution. In 1913, when Albania was recognized by the major European powers, the six major powers donated its first Constitution in the name Organic Statute. This law remained in force for a few months during 1914. The government in the coming years based on a number of uncoded laws and provisional constitution.

In recognition of the independence of Albania by the Great Powers was an agreement for a form of monarchy as a system of government. Under the Statute of 1914 Albania had royal status as king Wld (This Constitution did not resist for a long time and the reason was that Albanians were against the king and the beginning of the First World War). This statute was elaborated by the International committee, and took effect on 10.04.1914 and ratified all the major decisions taken by the Conference of Ambassadors in London, 29.07.1913. A national assembly with representative character would have legislative powers and comprising members ex officio, members elected by the people and members elected by the prince. The right choice was limited because they require the age of 30 years for voters, knowledge of writing and reading. The Organic Statute was of particular significance, because it was an organic act taken based on an independent Albania from the Turkish Empire. The Organic Statute was a step in this direction by imposing the monarchical regime in Albania. The characteristics of Incorporation were (Aurela, A. 2004 pg. 34):

1) Monarchical character. Head of state was the prince, 2) it establishes an unfinished independent state, which controlled the major powers. The statute had the form of a document destined for vassal states. 3) The Statute meant steps in establishing a liberal state in Albania, but not a fully democratic state. Recognize that private property and the free exercise of economic, political, social activities, but on the other, the right representation was limited. 4) That statute was a quasi-constitution separate from the constitutions of other Western countries. A national institution as an organ of the Albanian people approved the Statute, but it was a donation of large forces to Albania. 5) The Statute was not making a drastic break from the Turkish state and not imitated European constitutions that era.

Organization of local government: Local governments were oriented format command of the Turkish state. The Statute regulates the organization of the judiciary of the country, which would consist of 1) The council of elder, 2) They magistrates, 3) The courts of first instance, 4) The appeal. For cases in which one of the parties were alien would apply "consular jurisdiction", which was a legacy of the Turkish Empire.

2.2.3 Lushnja Statute 1922

The national conference Lushnja took place on 28-31 January 1920 with the participation of fifty representatives from all parts of Albania (Husi, G. pg. 10-49). The conference received significant decisions for full self-government of Albania and strengthening of the Albanian people. Decision of constitutionalising the Albanian state as a full autonomous state run by institutions that have established themselves as Albanians. Compared with the "Organic Statute of Albania" in 1914 the Statute of Lushnja was adopted by a representative organ of national character, however, remained unfinished and was not a full constitutional text (Omari, L. pg. 23).

2.2.4 Extension of Lushnja Statute 1922

A full Constitutional Act adopted by the National Council in 1922, which was based on "regulatory bases of the Supreme Council" called "The Statute of the Albanian state" of 1922. This association reaffirms the monarchy as a form of government in the introduction. Further stressed that the board, which belonged to the king, would remedy the royal throne temporarily. Stating clearly the distinction of the three powers (legislative, executive and judicial). Skip to content observed an influence of the European constitution with monarchical regime eg that of Belgium (1831) and Italy (1848).
However, the statute appears features that give him an original character (Anastasi, A. pg. 44). Based on this legislative power shall belong to the council (parliament, Article 2). The people elected the council of elder for four years (Articles 59-60). Elections will be conducted based on the electoral law guaranteeing the right to vote only for men. Executive power is vested in the Board who exercised through the cabinet (Article 3). The Board consisted of four members who are elected for two years by the Board of Elder (Article 28). He was Head of State and is characterized by two fundamental characteristics: 1) collective and 2) elective.

The constitutional nature of the association took a particular form as this there were two basic principles: the irresponsible king and secondly the responsibility of ministers to Parliament. The statute accept a transparent and strict separation of powers. The statute of Lushnja 1922 represents a constitutional act democratic, national and originality while temporary and flexible format. In this thought safeguard our fundamental European democratic principles and basic human rights. Originality displays the imposition of single-member legislative power and the imposition of a prestigious council. By the possibility of revision or addition through a simple procedure, which differs from the procedure used for ordinary laws (Omari, L. 1994 pg. 40). For the approval of the latter sufficed to simple majority (The amendments were correct when were taken with a majority of 2/3 of the votes of the members of this organ).

2.2.5 The fundamental statutes of the Republic of Albania 1925

In 1920 the Albanians are living a period of political instability. After the triumph of his party Zog elections against the party of Fan Noli (party of revolutionaries) on 25/01/1925, Albania proclaimed democracy, to strengthen the authority of the Zog to ascend the throne. In 1925, the fundamental law of the Republic of Albania, a full constitution drafted in a single document. Democracy was based on the model of the Third French Republic (1870-1940). He was Parliamentary State led the President, who was Prime Minister of the country. The Association is comprised of 142 articles divided into four chapters. In Article 1 of the Statute was regulated that Albania is a parliamentary democracy with a head of state (The official newspaper of the state, 1925, No. 8 3.7.1925). The legislative power was dirimensise that of the parliament and parliamentarians. Two guidelines statutes were: Strengthening the independence of the new Albanian state and the imposition of a constitutional republican regime. In the Albanian literature claimed that the Albanian democracy in 1925 was a presidential republic based on U.S. model However, with an experienced and comparative glance it seems that the Albanian Constitution is more European and establishes a model similar to that of France in 1875 (Gjilani, F.1927 pg. 7). Some features of this Association were: 1) Restate basic democratic principles that were vested by statute in 1922 as the sovereignty of the state and the famous principle of separation of powers (Anastasi, A. 2004 pg. 47). 2) In Albania for first time adopts parliament consisting of two houses: The body of deputies and senators that (Article 7). The first consisted of representatives elected by indirect vote by the people every four years. The senate consisted of 18 Senators, the two thirds of which would be elected by the people under a special law and the third by the President of the Republic (Article 49). 3) The leader of democracy than the fact that Prime Minister were also supplied with wide-ranging responsibilities, which will envy the President of America. 4) The Albanian government was continental. Minister’s institution, was a ministerial body which was unlike the U.S. Government (Koka, V.1988 pg.58).

2.2.6 The Royal Charter of 1928

20 In June 1928, Zog realized that was the right time to declare his monarchy, for this reason proceeded to the necessary constitutional steps. On 1 June, the President of the Republic addressed a speech in divided legislature. On June 7, the body of parliamentarians and those of the Council in a joint meeting imposed an addition to Article 141 of the Statutes with the following content: The revision of the Constitution belongs to the constitutional convention. When necessary the revision of the Constitution in accordance with the set procedure the two chambers automatically dissolved and elections held for the constitutional convention under Article 147 of the Constitution. According to this article, the election was decided to be held on 17 August 1928 with an indirect vote. Each member of the Assembly represented 15,000 thousand inhabitants and for each dam exceeded 7,500. Declaring royal regime was too close since Zog had received and approval from Italy. In mid-August in Tirana and other Albanian cities held rallies in support of the monarchy. An opportunity was also returning from Zogou Dyraracheio on August 23, 1928 (Albanian newspaper, August 24, 1928). (Fischer J. B. 1996. pg. 135).

21 On August 25, 1928 saw the first meeting of the Constituent Assembly in 1930, the time when he was elected President (Pantelis Evangelos) the constitutional assembly. On 27 August at 16.00 held the second meeting where the deputies swore. On 29 August held the third meeting where read all telegrams from all over Albania supported the
monarchy. At the end of the meeting, an ad hoc committee to process the most important articles of the new Constitution. The committee met on 30 August 1928. On September 1, 09.00 held the fourth meeting of the Constituent Assembly, which viewed the report of the Committee, proclaimed Albania as a royal democracy and King Zog of the Albanians. At 10.00 on September 1, the Zog accepted the royal crown. The inauguration of the King held on 1 September at 17.00 (Albanian newspaper, September 2, 1928).

After three years, Albania has declared the royal parliamentary democracy. The Assembly elected by an indirect vote in the summer of 1928 on 01.09.1928 decided to elect to declare King of Albanians Ahmed Zogou, who 2.9.1928 gave the oath before the constituent assembly and shortly after, a Royal Constitution (http://sq.wikipedia.org/wiki/Kushtetuta_e_Shqip%C3%ABris%C3%AB). The statute was based on the constitution that enshrines the monarchies of that time, especially those of Belgium and Italy were modeled on French Constitution. Some provisions are typical of various Balkan countries (Giannini, A. 1929. pg.34). A model that influenced largely was the Statute of Albertina, the kingdom of Sardinia.

The statute took effect on 1 December 1928 under the name "The fundamental statutes of the Albanian kingdom" and proclaimed Albania democratic, parliamentary and hereditary kingdom (The fundamental statute of the Albanian Kingdom, 1929). With the Articles of Association, the Assembly decided to transform it into parliament. The hereditary throne belonged to the great son of the king. The legislative body composed of a body, while the executive power vested in the President of the State, the king and the council composed of the Prime Minister and ministers. The statutes restated the principle of a body. In this way, the king controlled better powers. The Statute provided for the first time the Council of State that he was working in the legal field, preparing and overseeing the bills and regulations. This method was an imitation of the French experience. Regarding the government in the Statute provides a clean distinction between the Prime Minister and the President of the Board. The cabinet was a collegiate institution referred before the king and parliament on matters belonged to the general policy of the state. The capital of the statutes regulating the judiciary was more complete than the previous statute. He held the general principles of the activity of the courts and the judicial system provided in Albania as an independent branch. The chapter on the rights and responsibilities of citizens as the previous Statute restate the fundamental rights of these

2.3 The constitutional law of Albania 1937-1946

In the fascist conquest and the persecution of King Zog of Albania, a de facto constitution of 1928 ended. The partners of the conquerors gave the Albanian royal crown in another country (Italy), in this case to Victor Emmanuel III, King of Italy, act violated the Constitution of the Royal democracy (Omari L. 1994.pg.39).

2.3.1 The Constitution of 1946

After the liberation from the fascists and the communists coming of 1946 on 11 January 1946, the Constitutional Assembly declared Albania Democratic Republic solving in this way the question of the form of government. The end of the Second World War brought about radical changes in Albania (Dhimo, Dh. 1963 pg. 79). The state joined in the way of major changes and reforms that were communist character, which is vested with the new constitution (The Constitution of the People's Republic of Albania, 1946). The Constitution of Albania valid from 16.03.1946. After completing the task, the constitutional assembly was not dissolved, but decided to turn a simple parliament exerting its activity as a parliament.

The content of the Constitution of 1946: This Constitution had Communist character and enshrine the political power of working in alliance with the rustic class (Aurela, A. pg. 53). The provisions of the Constitution expressed openly establishing a people's democracy in Albania (The constitutional law of the Socialist People's Republic of Albania. 1983. Pg.41-49). The Constitution consisted of three parts (The Constitution of Albania Republic of Albania, Tirana, 1946). The same guarantee as an important principle of the unity of power, which took the following form: all power is concentrated in parliament and in people's councils. Those practiced as legislative and the executive. Hierarchical first instrument was the parliament, which represented the sovereignty of the nation and the state. The parliament elected its Bureau, which was the highest organ of state with permanent activity. That was essentially a collective body of the state, proclaiming laws and accept foreign ambassadors. This body had proclaimed power to the laws of folk parliament and did not exercise the right of veto.

27 In the system of judicial bodies was part of the Supreme Court, the court of prefectures and ypononomachion and military courts. A law could be established and courts but for special cases. The Constitution proclaiming the
principle of independence of the courts and the prosecution institution of parliament as an institution for the legality

2.3.2 The Socialist People's Constitution of Albania 1976

The Constitution of 1946 along with the revisions made to it in 1950 was seen as the Constitution established the economic basis of socialism. In 1971, the Sixth Congress of the Socialist Party of Albania chairman (Enver Hoxha) proposed the drafting of a new constitution, which would better serve the economy, and development of the site. All editing of the text was entrusted to the Central Committee of the party. The Committee established a special committee on the drafting of the Constitution. On 12/28/1976 parliament approved by a vote of 100% new constitution called Albania "popular socialist democracy."

The communist content of the Constitution: The Constitution deepened communist character of the Albanian state and class distinction. One difference with the previous Constitution of 1946 was that the Constitution was inspired in its entirety by ideologies and principles of Marxism-Leninism (The constitutional law of the Socialist People's Republic of Albania. 1983 pg.51). Restate the leading role of the leader, proclaimed the socialist party as the only party in the country. Also did not recognize private property, but only the collective ownership.

3. The constitutional changes of 1990

This party state imposed by the communists together with the lack of fundamental freedoms of man and the difficult economic situation created much resentment in people. The democratic changes in 1990 pointed the way of change and reform in the constitutional law of the country. The drafting of a new law was needed to put an end to the old practice of communism (Loloci, K. 1999 pg.4). In 1991, the first pluralistic parliament that had come out of the elections this time was unable to draft a new constitution. All political parties agreed to adopt a constitutional package, which defines the main lines of organization in the public sector. On 29.04.1991 was approved with the nr.7491/91, who imposed a democratic parliamentary system, with a head of state. The legislative power is vested in the parliament consisted of a single body. The government exercises executive power, while the President would be an instrument of political balance, with increased responsibilities (Loloci, K. 1999 pg.5).

3.1 The Constitution of 1998

The Constitution of Albania adopted on 21.10.1998 (Tsatsos, D.Th. – Katrougalos, G.S. 2001 pg.3). It is divided into 17 parts, which are divided into chapters. The first part of the Constitution enshrines the basic principles of the state. Article 1 establishes the following: "1. The Albania is a parliamentary democracy 2. The Republic of Albania is uniform and the state is indivisible. 3. The government of the country is based on free, equal, general and periodic elections. "Article 2 enshrines the sovereignty of the Republic of Albania, which belongs to the people, who exercise it through their representatives elected by direct vote. In the third article of the Constitution guarantees the independence, integrity of the Albanian state, respect for basic rights and freedoms, religion. Under Article 4, the Constitution is the supreme law of the Albanian democracy whose provisions are directly applicable, except where the Constitution provides otherwise. In Article 5, the Albanian democracy applies international law, which is binding on it. Articles 7.6 establishes the government system in the country based on the separation of three powers.

Through Article 8 protected national rights of the Albanian people living abroad and performs in help. Enshrined in Article 9 of the constitution of a political party or organization, which must be consistent with democratic principles. Prohibited the establishment of political organization based on dictatorial methods. The parties are obliged to publish their expenses. In Article 10, guaranteeing the absence of any particular religion (Albanian Constitution, 21 October, 1998). Article 11 establishes the economic system based on private property and the free market. Article 12 enshrines the mission of the armed forces is to safeguard the independence and integrity of the country. Article 13 enshrines the principle of decentralization of local power and Article 14 enshrines the characteristics of the Albanian flag and the Albanian nation.

3.1.1 Analysis of Constitution

The basic rights and human freedoms enshrined in Part II of the Constitution, which is divided into 6 chapters from Article 15 to Article 63. The first chapter establishes the basic principles that underpin the basic rights and freedoms (Albanian
The second chapter of the second part establishes the rights and personal liberties (Albanian Constitution, 1998, Article 21-44). The third chapter guarantees civil rights and liberties (Albanian Constitution, 1998, Articles 45-48). The fourth chapter enshrines economic, social and cultural rights (Albanian Constitution, 1998, Articles 49-58). The fifth chapter enshrines the social objectives of the State (Albanian Constitution, 1998, Article 59). The sixth chapter enshrines the institution of the Ombudsman (Albanian Constitution, 1998, Articles 60-63). In the third part, which is divided into four chapters, enshrined the legislature (Albanian Constitution, 1998, Articles 64-85). The fourth part is devoted to the President of the Republic who represents the unity of the people (Articles 86-94). Defines the qualifications you need to have a candidate to be elected President. The term of office is five years with a right of renewal. Part V establishes the cabinet (government 95-107). The Government consists of the Prime Minister, Deputy Prime Minister and ministers. The sixth part of the Constitution enshrines the local government (Articles 108-115). The seventh part establishes administrative acts and international treaties of the country (Articles 116-123). The eighth and ninth of the Constitution establishes the Constitutional Court and other courts in the country, the powers thereof, the process of election of members, qualifications elected, incompatibility etc. (Articles 124 to 147). The tenth part enshrines the State Prosecutor, the sending of the role of the Advocate General of the State, so his choice (148-149). The eleventh part establishes the institution of referenda (Articles 150-152). The people (50,000 people) has the right to repeal a law and to require the President of the Republic to conduct a referendum on a serious issue. In addition, the fifth of the Members or at the suggestion of the cabinet can be decided on a referendum on a serious issue. The twelfth part enshrines the central election commission, which has the task of reviewing, address, preparation and everything else concerning the elections and after the end proclaims the results (Articles 153-154). All committee members shall enjoy immunity as senior judges in the country. The thirteenth place safeguards the public revenue of the country (Articles 155-161). The fourteenth part enshrines the Constitutional Court, which is the supreme organ of the state budget (Articles 162-165). The President of the Court is elected by the parliament with a proposal of the President of the republic. The term of office is seven years. Article 163 establishes the powers of the Court. The fifteenth part enshrine the armed forces (Articles 166-169). The President of the Republic is the head of the armed forces. The National Security Council is an advisory body to the President. The sixteenth part of the Constitution enshrines the imposing emergency measures when there is war or a natural disaster (Articles 170-176). The seventeenth part of the Constitution enshrines the process of revising the Constitution (Article 177). The initiative for the revision has the fifth Members. No review can be done during the term of the emergency measures. The eighteenth is the last part of the Constitution and enshrine some transitional provisions.

### 3.2 Constitutional Court

The democratic changes that occurred in the early 90s marked a radical change in the history of the Albanian state and its institutions (Omari, L. 2006. Pg 49). The democratic direction of the state demanded a series of reforms that would help in establishing the rule of law and respect for human rights. The basic principles followed these republics proclaimed originally by n.7491 dated 29.04.1991 for basic constitutional provisions and then continued with n.7561 of 04/29/1992 on basic constitutional provisions require the adoption of other acts to regulate the operation. The Constitutional Court is composed of nine members, five of whom were elected by the parliament and four by the President of the Republic. The President of the Constitutional Court are elected by secret ballot by the members themselves. The senior law determines the status of a constitutional court, responsibilities of, the power of his decisions.

On 15.07.1998 parliament approved the n.8373 on the organization and functioning of the Constitutional Court of Albania, who created a legal basis for the themes of the Constitutional Court. On 28.11.1998 applied the Constitution of Albania in which the Constitutional Court had an important part to constitutional provisions. Changes were and how to define the judges, their competence and underlying steps that move to the Constitutional Court. The President with the consent of parliament appoints judges for a nine-year term (Albanian Constitution, 1998, Article 125, par.1-2). The judges cannot anadioristoun. The Constitution required the adoption of legal instruments for the implementation, consistently on 10.02.2000 parliament to approve the 8577 Law "For the organization and functioning of the Constitutional Court of Albania", which was designed by the Venice Commission “Democracy through the law.” This law regulate such issues, eg way of application, the preliminary investigation, litigation procedures, capacity and mandate of the judge.

In conclusion, the activity of the court is divided into two periods. From its establishment until today, the court proceedings were rising and viewed from the cases that have been tried:

Affairs hearing of cases in all 92 ................. 12
3.2.1 Functions

The Constitutional Court of Albania is not included in the simple judicial system of this country. Based on Article 124 of the Constitution that is competent for constitutional review of laws and administrative acts. Guaranteeing respect for the Constitution and gives the final interpretation of this. In the exercise of its operation, that (court) always operates according to the rules of the Constitution (Article 124 paragraph 2 of the Constitution). The powers of the court under Article 131, under which that body decide on:

1) The contrast of laws against the Constitution or international agreements as provided for in Article 122 of the Constitution. The incompatibility of international agreements with the Constitution from being ratified.
2) The incompatibility of administrative acts with the Constitution and international treaties.
3) Disputes relating to the responsibilities between the powers of local authorities and the government.
4) The constitutionality of political parties, other political organizations, and their activity under Article 9 of the Constitution.
5) The resignation from office of the President of the Republic and the certification of the inability of his powers.
6) The issues relating to eligibility and incompatibility in the exercise of the functions of the President and Members and certification of election.
7) The constitutionality of the referendum and certify the results.
8) The final adjudication of complaints of individuals for violation of their constitutional rights to a fair trial, after exhausting all legal remedies.

The Constitutional Court decide on the constitutionality of:

1) the decision of parliament for the discharge of the President (Article 90 Fri the 3rd, 91 paragraph 2 of the Constitution).
2) of Parliament's decision to exempt judges of the Supreme Court (Article 140 of the Constitution).
3) the government's decision to exempt mayors (Article 115 of the Constitution).
4) the prosecution of a judge of the Constitutional Court (Article 126 of the Constitution) and the Supreme Court (Article 137 paragraph 2 of the Constitution).

3.2.2 The faces that move the process to the Constitutional Court

The proceedings before the Constitutional Court shall initiate the following subjects: 1) the President, 2) The Prime Minister, 3) One-fifth of MPs, 4) The President of the Court of Auditors, 5) Courts under Article 145 even .2 of the Constitution, 6) the Ombudsman, 7) the institutions of central government, 8) the organs of religious communities, 9) political parties and other organizations, and 10) individuals.

Applications that come to court shall proceed as follows: the President of the court shall transfer the application after its registration, to a judge, who is preparing the report and related documents for the preliminary investigation of the case (Omari L. 2002. pg.48). The Rapporteur presented the case to a board of three members. The
Board shall decide on the acceptance of the application, ie whether it should be passed or not. If no consensus hypothesis presented at the meeting of judges decide by a majority of votes. The case cannot be passed for consideration when the object is not subject to the jurisdiction of the court or where the applicant is not entitled to start the process (Omari, L. 2006. pg.39).

At the end of the examination of the case, the Constitutional Court expressed Decision: Decisions of the Constitutional court is justified in writing and are effective after publication in the official journal, except where the Constitutional Court decides otherwise. The court rulings are final and applied by all the institutions of government and not disputed by anyone (Article 132 paragraph 1 of the Constitution) (Omari L. 2002. pg.51). Normally Constitutional Court decisions are not retroactive. However, the law provides some exceptions: When it comes to decisions that remove criminal decisions in the phase of their execution, decisions interpreting the Constitution, are decisions that have not reached the achievement of legal consequences and court decisions that are not final

3.2.3 The Composition

The Constitutional Court consists of nine members appointed by a nine-year term. The President with the consent of parliament appoints the constitutional judges. The third of judges every three years. Those must have higher education and 15 years experience. The President appoints the President for three years with the right of renewal (Article 125 of the Constitution). The judges enjoy immunity and cannot be prosecuted without the consent of the tribunal (Article 126 of the Constitution). In addition, they may be exempted under the circumstances provided for in Article 128. Also, the office of judge is incompatible with any other public office or private activity (Article 130 of the Constitution). The term of office of a judge ends:

1) When ordered by a final decision.
2) When not perform his duties for six months without reason.
3) After completing 70 years of age.
4) Once resign.
5) When declared inability exercise tasks.

4. Conclusion

The analysis in this article is understood that now Albania has become a developed and modern constitutional order. The content of the Constitution gives to it the prestige of a State that respects the constitutional rights of citizens and foreigners living in Albania. The Constitution of Albania also recognizes the independent principles as enshrined in it. Lists in a proper way the powers of the President, the Cabinet and the Prime Minister. Enshrines the principle of popular sovereignty and the separation of powers as the basic principles governing the constitutional law of the country. Recognizes the rights of the minority who can use their own language and customs. In addition, the institution of the Constitutional court has helped the law to analyze and provide answers to complex issues, which was previously unclear. The setting of the composition and powers of the court in the Constitution gives to this institution a major prestige.

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Did Foreign Direct Investment contribute to the Libyan Economic Growth in Transition Period?

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Abstract

Despite the large body of research about the impact of FDI on economic growth; the results have been elusive. Whereas, research shows positive impact on some countries; some research illustrates negative effect in other countries. Accordingly, this paper aims to examine the FDI’s impact on the Libyan economy in the transition period 1990-2010. Also, the study compares the FDI performance in Libya and some countries in transition. I used many sorts of analyses such as: time-series analysis, correlation and regression analysis, to find out the impact of FDI on Libyan economy, and how the Libyan transitional economy followed the trajectory of other transitional economies in terms of FDI, and in what ways has it differed from other transitional economies. The research illustrates that the impact of FDI on Libyan economy was weak in transition period. Also, the comparison between Libyan FDI performance and some countries in transition shows dissimilarity in terms of FDI performance index. Furthermore, the study shows that the relationship between FDI annual change and GDP annual change in Libya was negative.

Keywords: FDI; economic growth; transition economy; Libya.
JEL classification: C22, F21, F43,

1. Introduction

The role of FDI in the economic growth has been at the heart of debate in developing countries such as Pakistan, India, Vietnam and many countries of transition in Central and Eastern Europe. Because the impact of foreign direct investment on economies mixed with a belief that FDI has a beneficial impact on economic growth; so this belief triggered a large body of literature about its impact on many economic features such as GDP, income, wealth, and productivity. A significant number of research (Benacek, Gronicki, Holland, & Sass, 2000; Javed, Sher, Awan, & Ashfaq, 2012; Ray, 2012) based on the assumption that FDI has a positive and effective role in economic growth. This fact has some merit on the surface; however the case of Libya seems quite different; where this impact was either weak or negative in the period between 1990 and 2010. Also, (Yousaf, Nasir, Naqvi, Haider, & Bhutta, 2011) indicate that the effect of FDI on economic growth is negative in Pakistan.

Furthermore, foreign Direct Investment (FDI) has been considered not only a significant source of external resource flows of money, technology, know-how, to developing countries over the years but also a substantial part of capital formation in these countries. Therefore, we should know what is the key factor that leads to the success of FDI in the host countries? Economists believe that, a recipient developing country only achieves benefits from FDI once they have sufficient absorptive capacity related to human capital resource, financial systems, physical infrastructure, technological, and institutional development. Some policies that improve host country absorptive capacities such as good education and training are extremely recommended (Massoud, 2008; Nauyen, Duysters, Patterson, & Sander, 2009).

If the mentioned conditions are being provided the host countries would have benefit from FDI inflows. Because it is well-established that, both policy-makers and economists believe that, the free flow of capital across national borders allows capital to seek out the highest rate of return. Furthermore, unrestricted capital inflows may also offer several other advantages. According to, (Feldstein, 2000) international flows of capital lower the risk faced by owners of capital by granting them to diversify their lending and investment. Also, the global integration of capital markets can contribute to
the spread of best practices in corporate governance, accounting rules, and legal traditions. Furthermore, the global mobility of capital limits the ability of governments to pursue bad policies. Also, the FDI has its benefit on other features of economy for example; firstly FDI allows the transfer of technology particularly in the form of new varieties of capital inputs that cannot be achieved through financial investments or trade in goods and services. FDI can also promote competition in the domestic input market. Secondly, recipients of FDI often gain employee training in the course of operating the new businesses, which contributes to human capital development in the host country. Lastly, profits generated by FDI contribute to corporate tax revenues in the host country (Loungani & Razin, 2001).

Despite the straightforwardness of the argument, empirical evidence on a positive relationship between FDI inflows and host country economic growth has been elusive. When a relationship between FDI and economic growth is established empirically it tends to be conditional on host country characteristics such as the level of human capital. Accordingly, this study aims to analyse the impact of FDI on Libyan economic growth. The period from 1990 to 2010 characterised by the fluctuation from negative figures in 1990s to high numbers in the early years of this millennium. Many analyses have been used in this research such as time-series analysis, correlation analysis and regression analysis to find out the relationship between the economic growth and the FDI inflows to Libya. Also, the other analyses were used to compare the impact of FDI on Libyan economy to other countries in transition in Eastern Europe. So, the results show that this impact was different between Libya and the mentioned countries.

2. The Review of Literature

Account of economic growth is a key question in economics; so this question brings to existence a large body of research. One of key factors that has a significant effect on economic growth in developing countries is FDI. Most research do not give a robust evidence about this impact. For example, whereas there was a positive effect of FDI on economic growth in India and some countries in Central and Eastern Europe; however FDI had a negative impact in Pakistan. It well-established that, the positive impact relies not only on technology which provides an important link between FDI inflows and host country economic growth, but also on Inflows of physical capital that increases the rate of economic growth. Accordingly, to benefit from FDI in terms of economic growth host countries should have good infrastructure, skilled worker to absorb the technology and physical capitals.

Obviously, the fluctuation of FDI inflows is the key reason of its impact on the economy. According to the UN Conference on Trade and Development the figures of FDI are fluctuating in the last fifteen years. For instance, total inflow of FDI in 1995 was only (300) billion, this number sharply increased in 2000 reached (1400) billion. Then after, in 2003 this figure plunged to (500) billion. In the period 2004 to 2007 the inflow of FDI significantly increased to (2000) billion. The report also illustrates that the transition economies acquire the lowest share of the FDI inflows. Chart -1 indicates these facts.

Chart 1. FDI inflows around the world 1995-2011: UNCTAD World FDI 2012 report

This fluctuation of FDI could affect the impact of FDI on economic aspects around the world. Of course, the political factor is playing the key role in FDI inflow such as the Libyan case. Where the regime used the FDI for political purposes and somehow succeeded in this issue. For instance, whereas the regime was classified as sponsor of terrorism by United Stated and most Western Countries in 1980s and 1990s; the regime became the intimate friend for those countries after 2004 because of FDI regardless of the human rights and democracy. Chart 2 illustrates that the figures of FDI inflows to
Libya fluctuating in the period of transition. Also, it can be seen that, figures in late 1990s were negative, and remarkably increased after 2004 when the economic sanctions have been lifted.


Obviously, the Libyan economy is highly dependent on oil and gas prices rather than any economic factors, for example agriculture contribute only 4 per cent of GDP (GAI, 2008). Also, the contribution of tourism to GDP in 2011 was -6.5 (WTTC, 2012). These facts show that the Libyan economy heavily dependent on natural resources. The chart -3 shows the direct relationship between the oil price and GDP. It can be seen that GDP increases when oil prices rise and vice versa. This might indicate that the impact of FDI on the Libyan economy is weak and its contribution was limited.

Chart 3. The relationship between Oil Price and GDP (OPEC, 2010) and (Mundi, 2012).

![Chart 3: The relationship between Oil Price and GDP](image)

3. Methodology

The aim of this paper is to examine the relationship between economic growth and FDI in Libya using the annual data of the period, 1990 to 2010 which cover the 21 annual observations. The two main variables of this study are economic growth and FDI. The real Gross Domestic Product (GDP) is used as the proxy for economic growth in Libya and we represent the economic growth rate by using the constant value of Gross Domestic Product (GDP) measured in US dollar. All required data for the sample period is obtained from the international institutions such as The World Bank, IMF and UNCTAD the United Nations Conference on Trade and Development. The study also compares the performance of FDI in Libya and some countries in transition in Eastern Europe. Accordingly, many analyses have been used in this study such as: time-serious analysis, regression analysis, the correlation analysis, ratio analysis, and standard deviation to find out the impact of FDI on Libyan economic, and how the Libyan transitional economy followed the trajectory of other transitional economies and in what ways has it differed from other transitional economies.
4. Analyses and Results

The growth of international economic activities can be driven by both economic and technological components. It is also driven by the on-going liberalisation of Foreign Direct Investment (FDI) and trade policies. One prominent characteristic of this phenomenon is the circulation of private capital flow in the form of foreign direct investment (FDI) towards developing countries, especially after 1990s. According to International Monetary Fund (IMF), FDI refers to “an investment that is made to acquire a lasting interest in enterprises operating outside of the economy of the investor”. Thus, the investor’s purpose is to have an effective voice in the management of the enterprise. FDI is the process by which the residents of one country (the source country) acquire the ownership of assets for the purpose of controlling the production, distribution and other productive activities of a firm in another country (Ray, 2012).

Data from Libyan authorities on FDI is unavailable and difficult to obtain; accordingly, I resorted to the international institutions to find the required data. We believe that the period of international sanctions did not enormously affect the FDI inflow to Libya. My point of view, the sanctions were imposed only on flights and arms trades. Consequently, the response of the regime was to prevent the international companies from investing in Libyan territories. This fact is clearly seen from the negative figures of FDI in 1990s when the outflows of FDI exceeded inflows chart 2.

4.1 Time series analysis:

The data from Libya about foreign direct investment is fluctuating from negative figures to enormous numbers in the first decade of this millennium. Accordingly, we used this model to get meaningful results about the futurist impact of FDI on Libyan economy. So, we found that the time-series following the random component; which is often referred to as “noise” in the data. A time-series with no identifiable pattern is completely random and contains only noise (Groebner, Shannon, Fry, & Smith, 2011). The following table shows the analysis of FDI for 21 years from 1990 – 2010.

**Table 1.** Time-series analysis of Libyan FDI inflows

<table>
<thead>
<tr>
<th>time</th>
<th>FDI inflow</th>
<th>Moving means</th>
<th>centred moving means</th>
<th>Time Period</th>
<th>FDI inflow in millions</th>
<th>centred moving means</th>
<th>ISE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>1</td>
<td>159.9</td>
<td></td>
<td>1</td>
<td>159.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>2</td>
<td>91.9</td>
<td></td>
<td>2</td>
<td>91.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>3</td>
<td>99.1</td>
<td></td>
<td>3</td>
<td>99.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>4</td>
<td>58.2</td>
<td>102.275</td>
<td>4</td>
<td>58.2</td>
<td>91.3625</td>
<td>-33.2</td>
</tr>
<tr>
<td>1994</td>
<td>5</td>
<td>72.6</td>
<td>80.45</td>
<td>5</td>
<td>72.6</td>
<td>80.025</td>
<td>-7.4</td>
</tr>
<tr>
<td>1995</td>
<td>6</td>
<td>88.5</td>
<td>79.6</td>
<td>6</td>
<td>88.5</td>
<td>53.25</td>
<td>35.3</td>
</tr>
<tr>
<td>1996</td>
<td>7</td>
<td>-111.7</td>
<td>26.9</td>
<td>7</td>
<td>-111.7</td>
<td>11.1375</td>
<td>-122.8</td>
</tr>
<tr>
<td>1997</td>
<td>8</td>
<td>-67.9</td>
<td>-4.625</td>
<td>8</td>
<td>-67.9</td>
<td>-29.6875</td>
<td>-38.2</td>
</tr>
<tr>
<td>1998</td>
<td>9</td>
<td>-127.9</td>
<td>-54.75</td>
<td>9</td>
<td>-127.9</td>
<td>-49.8</td>
<td>-78.1</td>
</tr>
<tr>
<td>1999</td>
<td>10</td>
<td>128.1</td>
<td>-44.85</td>
<td>10</td>
<td>128.1</td>
<td>-13.2625</td>
<td>141.4</td>
</tr>
<tr>
<td>2000</td>
<td>11</td>
<td>141</td>
<td>18.325</td>
<td>11</td>
<td>141</td>
<td>43.4375</td>
<td>97.6</td>
</tr>
<tr>
<td>2001</td>
<td>12</td>
<td>133</td>
<td>68.55</td>
<td>12</td>
<td>133</td>
<td>102.6625</td>
<td>30.3</td>
</tr>
<tr>
<td>2002</td>
<td>13</td>
<td>145</td>
<td>136.775</td>
<td>13</td>
<td>145</td>
<td>138.6375</td>
<td>6.4</td>
</tr>
<tr>
<td>2003</td>
<td>14</td>
<td>143</td>
<td>140.5</td>
<td>14</td>
<td>143</td>
<td>167.5</td>
<td>-24.5</td>
</tr>
<tr>
<td>2004</td>
<td>15</td>
<td>357</td>
<td>194.5</td>
<td>15</td>
<td>357</td>
<td>307.625</td>
<td>49.4</td>
</tr>
<tr>
<td>2005</td>
<td>16</td>
<td>1038</td>
<td>420.75</td>
<td>16</td>
<td>1038</td>
<td>660.625</td>
<td>377.4</td>
</tr>
<tr>
<td>2006</td>
<td>17</td>
<td>2064</td>
<td>900.5</td>
<td>17</td>
<td>2064</td>
<td>1363.875</td>
<td>700.1</td>
</tr>
<tr>
<td>2007</td>
<td>18</td>
<td>3850</td>
<td>1827.25</td>
<td>18</td>
<td>3850</td>
<td>2180.125</td>
<td>1669.9</td>
</tr>
<tr>
<td>2008</td>
<td>19</td>
<td>3180</td>
<td>2533</td>
<td>19</td>
<td>3180</td>
<td>2817</td>
<td>363.0</td>
</tr>
<tr>
<td>2009</td>
<td>20</td>
<td>3310</td>
<td>3101</td>
<td>20</td>
<td>3310</td>
<td>3081.625</td>
<td>228.4</td>
</tr>
<tr>
<td>2010</td>
<td>21</td>
<td>1909</td>
<td>3062.25</td>
<td>21</td>
<td>1909</td>
<td>3062.25</td>
<td>-1153.3</td>
</tr>
</tbody>
</table>

ISE is the individual seasonal effect is the difference between the raw data and the centred moving average. This is done for all available moving mean values. The individual seasonal effect is how far a data value is above or below the moving average. If the individual seasonal effect is positive the data value is above the moving average.

**Chart 4. Time-series trends in Libyan FDI inflows**

From the table and chart it can be seen that, the FDI to Libya fluctuated from negative figures such as -127.9 million in 1998 to 3,850 million in 2006. Making forecasting for the next years is very difficult for two reasons; firstly, the enormous fluctuation in data makes it difficult to forecast the forthcoming years. So, it’s random component and contains only noise. Secondly, the overall transition in both political and economic features that happened in Libya after February 2011 might have a different impact on FDI in the forthcoming years.

### 4.2 FDI performance index

According to (UNCTAD 2009), the Inward FDI Performance Index ranks countries by the FDI they receive relative to their economic size. It is the ratio of a country’s share in global FDI inflows to its share in global GDP. A value greater than one indicates that the country receives more FDI than its relative economic size, a value below one that means the country receives less (a negative value means that foreign investors disinvest in that period). Thus the index illustrates the influence of FDI on factors rather than market size, assuming that, other things being equal, size is the “base line” for attracting investment. The other factors can be diverse, such as business climate, economic and political stability, the presence of natural resources, infrastructure, skills and technologies, to opportunities for participating in privatisation or the effectiveness of FDI promotion.

Therefore, we compare the FDI performance index among Libya and other countries in transition such as Latvia, Ukraine, Czech Republic, Poland, and Hungary. The following table shows data about these countries in terms of FDI performance index.

**Table 2. FDI performance index in Libya and some countries in transition (UNCTAD, 2011)**

<table>
<thead>
<tr>
<th>period</th>
<th>Libya</th>
<th>Latvia</th>
<th>Ukraine</th>
<th>Poland</th>
<th>Czech Rep</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990-92</td>
<td>0.497</td>
<td>3.586</td>
<td>1.256</td>
<td>0.634</td>
<td>2.332</td>
<td>4.13</td>
</tr>
<tr>
<td>1991-93</td>
<td>0.353</td>
<td>3.43</td>
<td>0.995</td>
<td>1.453</td>
<td>3.224</td>
<td>6.47</td>
</tr>
<tr>
<td>1992-94</td>
<td>0.108</td>
<td>4.747</td>
<td>0.729</td>
<td>1.87</td>
<td>2.862</td>
<td>5.001</td>
</tr>
<tr>
<td>1993-95</td>
<td>-0.112</td>
<td>4.203</td>
<td>0.576</td>
<td>2.214</td>
<td>3.135</td>
<td>6.75</td>
</tr>
<tr>
<td>1994-96</td>
<td>-0.306</td>
<td>4.96</td>
<td>0.7</td>
<td>2.373</td>
<td>2.832</td>
<td>5.289</td>
</tr>
<tr>
<td>1995-97</td>
<td>-0.247</td>
<td>5.099</td>
<td>0.791</td>
<td>2.325</td>
<td>2.4</td>
<td>4.881</td>
</tr>
</tbody>
</table>
\[ \text{IND}_i = \frac{\text{FDI}_i}{\text{FDI}_w} \frac{\text{GDP}_i}{\text{GDP}_w} \]

Where: \( \text{IND}_i \), the inward FDI performance index of the ith country. \( \text{FDI}_i \), FDI inflows in the ith country. \( \text{FDI}_w \), world FDI inflows. \( \text{GDP}_i \), GDI in the ith country. \( \text{GDP}_w \), World GDP.

Regression coefficient and ANOVA analysis which used in this part is a parametric procedure used to determine the statistical significance of the difference between the means of two or more groups of values. By parametric, it is meant that the data is normally distributed in a normal or bell-shaped curve. Accordingly, it used to find out the relationship between the Libyan transition economy and other transition economies in Eastern Europe in terms of performance index. The coefficients with the exception of Ukraine ranging between (-0.219 and 0.067) that means apart from Ukraine the relationship is very weak.

**Table 3. Regression analysis of FDI performance index for Libya and some countries in transition**

<table>
<thead>
<tr>
<th>ANOVA</th>
<th>df</th>
<th>SS</th>
<th>MS</th>
<th>F</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>F</td>
</tr>
<tr>
<td>Regression</td>
<td>5</td>
<td>2.8135</td>
<td>0.5627</td>
<td>18.76705</td>
<td>0.000161</td>
</tr>
<tr>
<td>Residual</td>
<td>9</td>
<td>0.269851</td>
<td>0.029983</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>3.083351</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coefficients</th>
<th>Standard Error</th>
<th>t Stat</th>
<th>P-value</th>
<th>Lower 95%</th>
<th>Upper 95%</th>
<th>Lower 95.0%</th>
<th>Upper 95.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>0.0317</td>
<td>0.5201</td>
<td>0.0610</td>
<td>0.9527</td>
<td>1.2084</td>
<td>-1.1449</td>
<td>1.2084</td>
</tr>
<tr>
<td>Latvia</td>
<td>-0.0593</td>
<td>0.0951</td>
<td>-0.6240</td>
<td>0.5481</td>
<td>-0.2745</td>
<td>-0.4150</td>
<td>0.0681</td>
</tr>
<tr>
<td>Ukraine</td>
<td>0.5994</td>
<td>0.0654</td>
<td>9.1598</td>
<td>0.0000</td>
<td>0.4513</td>
<td>0.7474</td>
<td>0.4513</td>
</tr>
<tr>
<td>Poland</td>
<td>-0.2186</td>
<td>0.1267</td>
<td>-1.7247</td>
<td>0.1187</td>
<td>-0.5052</td>
<td>-0.4150</td>
<td>0.2777</td>
</tr>
<tr>
<td>Czech Rep</td>
<td>-0.0686</td>
<td>0.1531</td>
<td>-0.4483</td>
<td>0.6645</td>
<td>-0.4150</td>
<td>0.2777</td>
<td>0.2777</td>
</tr>
<tr>
<td>Hungary</td>
<td>0.0667</td>
<td>0.0519</td>
<td>1.2864</td>
<td>0.2304</td>
<td>-0.0506</td>
<td>0.1841</td>
<td>-0.0506</td>
</tr>
</tbody>
</table>

**Table 4. Correlation analyses for FDI performance index for Libyan and some countries in transition**

<table>
<thead>
<tr>
<th></th>
<th>Libya</th>
<th>Latvia</th>
<th>Ukraine</th>
<th>Poland</th>
<th>Czech</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Libya</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latvia</td>
<td>-0.24596</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ukraine</td>
<td>0.916748</td>
<td>-0.16206</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>-0.07341</td>
<td>0.619666</td>
<td>0.159626</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Czech</td>
<td>0.163345</td>
<td>-0.52195</td>
<td>0.106306</td>
<td>-0.2336</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>-0.010834</td>
<td>0.765823</td>
<td>-0.14667</td>
<td>0.401162</td>
<td>-0.07067</td>
<td>1</td>
</tr>
</tbody>
</table>
Apart from Ukraine Correlation analysis of data refers to negative relation. Also, standard deviation refers to the same results. ANOVA analysis illustrates the same outcomes; where number of p-value in column 6 is big and (should be 0.05 or less).

Also, the chart -5 shows that the relationship among the Libyan FDI performance and some countries in transition is either negative or weak.

Chart 5. The linear relationship of FDI performance index between Libya and some countries in transition

4.3 FDI inward potential index

This index evaluates the host country ability to attract FDI flows vis-à-vis other countries. So, the Inward FDI Potential Index captures several factors (apart from market size) expected to affect an economy’s attractiveness to foreign investors. It is an average of the values of many variables: the rate of GDP growth over the previous 10 years, which is proxy for expected economic growth. Also, it includes the share of exports in GDP, to capture openness and competitiveness. Furthermore, this indicator considered as an indicator of modern information and communication infrastructure, and the share of R&D spending in GDP, to capture local technological capabilities, the share of tertiary students in the population, indicating the availability of high-level skills, the world market share in exports of natural resources, to proxy for the availability of resources for extractive FDI. This indicator may include the share of world FDI inward stock, a broad indicator of the attractiveness and absorptive capacity for FDI, and the investment climate. The following table shows the FDI potential index for Libya and some countries in transition. I use the linear regression analysis to find out the relationship between these countries in terms of FDI potential index.

Table 5. FDI potential index for Libya and some countries in transition

<table>
<thead>
<tr>
<th>Period</th>
<th>Libya</th>
<th>Russia</th>
<th>Ukraine</th>
<th>Poland</th>
<th>Czech</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990-1992</td>
<td>0.208</td>
<td>0.259</td>
<td>0.204</td>
<td>0.183</td>
<td>0.184</td>
<td>0.182</td>
</tr>
<tr>
<td>1991-1993</td>
<td>0.209</td>
<td>0.248</td>
<td>0.181</td>
<td>0.189</td>
<td>0.196</td>
<td>0.183</td>
</tr>
<tr>
<td>1992-1994</td>
<td>0.202</td>
<td>0.252</td>
<td>0.181</td>
<td>0.193</td>
<td>0.212</td>
<td>0.186</td>
</tr>
<tr>
<td>1993-1995</td>
<td>0.202</td>
<td>0.274</td>
<td>0.201</td>
<td>0.212</td>
<td>0.249</td>
<td>0.21</td>
</tr>
<tr>
<td>1994-1996</td>
<td>0.192</td>
<td>0.263</td>
<td>0.182</td>
<td>0.211</td>
<td>0.249</td>
<td>0.211</td>
</tr>
<tr>
<td>1995-1997</td>
<td>0.185</td>
<td>0.262</td>
<td>0.177</td>
<td>0.214</td>
<td>0.24</td>
<td>0.213</td>
</tr>
<tr>
<td>1996-1998</td>
<td>0.248</td>
<td>0.263</td>
<td>0.173</td>
<td>0.251</td>
<td>0.258</td>
<td>0.238</td>
</tr>
<tr>
<td>1997-1999</td>
<td>0.241</td>
<td>0.272</td>
<td>0.166</td>
<td>0.253</td>
<td>0.262</td>
<td>0.245</td>
</tr>
<tr>
<td>1998-2000</td>
<td>0.24</td>
<td>0.291</td>
<td>0.157</td>
<td>0.253</td>
<td>0.263</td>
<td>0.247</td>
</tr>
<tr>
<td>1999-2001</td>
<td>0.267</td>
<td>0.281</td>
<td>0.153</td>
<td>0.248</td>
<td>0.259</td>
<td>0.258</td>
</tr>
<tr>
<td>2000-2002</td>
<td>0.254</td>
<td>0.291</td>
<td>0.156</td>
<td>0.256</td>
<td>0.263</td>
<td>0.269</td>
</tr>
<tr>
<td>2001-2003</td>
<td>0.28</td>
<td>0.32</td>
<td>0.191</td>
<td>0.252</td>
<td>0.268</td>
<td>0.267</td>
</tr>
<tr>
<td>2002-2004</td>
<td>0.257</td>
<td>0.344</td>
<td>0.217</td>
<td>0.255</td>
<td>0.265</td>
<td>0.271</td>
</tr>
<tr>
<td>2003-2005</td>
<td>0.269</td>
<td>0.36</td>
<td>0.24</td>
<td>0.255</td>
<td>0.271</td>
<td>0.265</td>
</tr>
<tr>
<td>2004-2006</td>
<td>0.298</td>
<td>0.379</td>
<td>0.26</td>
<td>0.264</td>
<td>0.277</td>
<td>0.269</td>
</tr>
</tbody>
</table>
Table 6. Regression analysis of FDI potential index for Libya and some countries in transition

<table>
<thead>
<tr>
<th>ANOVA</th>
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<tr>
<td>df</td>
<td>SS</td>
<td>MS</td>
<td>F</td>
<td>Significance F</td>
<td></td>
</tr>
<tr>
<td>-------</td>
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<td>---</td>
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<td></td>
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<tr>
<td>Regression</td>
<td>5</td>
<td>0.015166</td>
<td>0.003033</td>
<td>13.87892</td>
<td>0.000525</td>
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<tr>
<td>Residual</td>
<td>9</td>
<td>0.001967</td>
<td>0.000219</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>0.017132</td>
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<table>
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<tr>
<th>Coefficients</th>
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<th>t Stat</th>
<th>P-value</th>
<th>Lower 95%</th>
<th>Upper 95%</th>
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<tr>
<td>Intercept</td>
<td>0.01397</td>
<td>0.05015</td>
<td>0.27852</td>
<td>-0.09947</td>
<td>0.12741</td>
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<tr>
<td>Russia</td>
<td>0.13714</td>
<td>0.55061</td>
<td>0.24907</td>
<td>-1.10844</td>
<td>1.38272</td>
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<tr>
<td>Ukraine</td>
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<td>0.46744</td>
<td>0.35668</td>
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<tr>
<td>Poland</td>
<td>1.19419</td>
<td>0.67014</td>
<td>1.78199</td>
<td>-0.32178</td>
<td>2.71015</td>
</tr>
<tr>
<td>Czech</td>
<td>-0.99456</td>
<td>0.38198</td>
<td>-2.60368</td>
<td>-1.85866</td>
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<tr>
<td>Hungary</td>
<td>0.51241</td>
<td>0.76909</td>
<td>0.66626</td>
<td>-1.22740</td>
<td>2.25223</td>
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Table 7. Correlation analysis of FDI potential index.

<table>
<thead>
<tr>
<th>Libya</th>
<th>Russia</th>
<th>Ukraine</th>
<th>Poland</th>
<th>Czech</th>
<th>Hungary</th>
<th>Standard deviation</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>0.796804</td>
<td>0.735811</td>
<td>0.69037</td>
<td>0.668488</td>
<td>0.770834</td>
<td>0.0464</td>
</tr>
<tr>
<td>Russia</td>
<td>0.343839</td>
<td>0.697037</td>
<td>0.108647</td>
<td>0.143309</td>
<td>0.175375</td>
<td>0.0404</td>
</tr>
<tr>
<td>Ukraine</td>
<td>0.842888</td>
<td>0.735811</td>
<td>0.69037</td>
<td>0.927244</td>
<td>0.905557</td>
<td>0.0314</td>
</tr>
<tr>
<td>Poland</td>
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<td>0.668488</td>
<td>0.143309</td>
<td>1</td>
<td></td>
<td>0.0316</td>
</tr>
<tr>
<td>Czech</td>
<td>0.867</td>
<td>0.770834</td>
<td>0.175375</td>
<td>0.96912</td>
<td></td>
<td>0.0337</td>
</tr>
</tbody>
</table>

In terms of FDI potential index figures refers to a positive relationship in the mentioned countries in transition. Correlation is significantly big except Ukraine where the relationship is positive but weak. Also, standard deviation indicated to consistency in figures, and low scatter of the values.

From the tables (6) and (7) and chart (6) it can be seen that the relationship between the variables are positive. This does not mean that the performance is very good but the relationship between these countries is very strong. However, if a comparison has been made between Libya and some developed countries in terms of FDI potential index such as Australia, Germany and Singapore in the period 1998 to 2006 correlation results would be (-0.707, -0.540, and -0.418) respectively, that is negative relationship between these economies in terms of FDI potential index.

Chart 6. The linear relation between FDI potential index in Libya and some countries of transition

From the linear regression analysis and the chart it can be seen that, there is a positive relationship.
4.4 FDI/GDP Ratio

FDI normalized by the size of the host economy which is an indicator of the attractiveness of an economy to draw FDI (Quader, 2010). A country with a ratio of FDI to GDP that is greater than one is reckoned to have received more FDI than that implied by the size of its economy. It indicates that the country may have a comparative advantage in production or better growth prospects reflecting larger market size for the foreign firm. On the other hand, a country that has the ratio value of less than one may be more protectionist and technologically backward, or may possess a political and social regime that is not conducive for investments. Overall, FDI-GDP ratio is an index of the prevailing investment climate in the host economy. Table (8) illustrates this index in case of Libya.

Table 8. The FDI/GDP ratio and GDP real growth (UNCTAD 2011, World Bank 2010)

<table>
<thead>
<tr>
<th>Year</th>
<th>FDI inflows</th>
<th>GDP</th>
<th>FDI/GDP Ratio</th>
<th>FDI Change Rate</th>
<th>GDP Change Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>91900000</td>
<td>28904898118</td>
<td>0.32</td>
<td>8.90</td>
<td>10.68</td>
</tr>
<tr>
<td>1992</td>
<td>99100000</td>
<td>31992732972</td>
<td>0.31</td>
<td>-41.27</td>
<td>-4.17</td>
</tr>
<tr>
<td>1993</td>
<td>58200000</td>
<td>30660051911</td>
<td>0.19</td>
<td>24.74</td>
<td>-6.68</td>
</tr>
<tr>
<td>1994</td>
<td>72600000</td>
<td>28610549763</td>
<td>0.25</td>
<td>21.90</td>
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</tr>
<tr>
<td>1995</td>
<td>88500000</td>
<td>25541379187</td>
<td>0.35</td>
<td>9.17</td>
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</tr>
<tr>
<td>1996</td>
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<td>27884615385</td>
<td>-0.40</td>
<td>10.00</td>
<td>-4.17</td>
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<tr>
<td>1997</td>
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<td>30700887675</td>
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<td>-39.21</td>
<td>10.10</td>
</tr>
<tr>
<td>1998</td>
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<td>27251534530</td>
<td>-0.47</td>
<td>88.37</td>
<td>-11.24</td>
</tr>
<tr>
<td>1999</td>
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<td>30484399896</td>
<td>0.42</td>
<td>-200.16</td>
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<tr>
<td>2000</td>
<td>141000000</td>
<td>33896600871</td>
<td>0.42</td>
<td>10.07</td>
<td>11.19</td>
</tr>
<tr>
<td>2001</td>
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<td>-5.67</td>
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<tr>
<td>2002</td>
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<td>1.07</td>
<td>149.65</td>
<td>38.74</td>
</tr>
<tr>
<td>2005</td>
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<td>44000000000</td>
<td>2.36</td>
<td>190.76</td>
<td>31.80</td>
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<tr>
<td>2006</td>
<td>2064000000</td>
<td>56484375000</td>
<td>3.65</td>
<td>98.84</td>
<td>28.37</td>
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<td>2007</td>
<td>3850000000</td>
<td>71803278689</td>
<td>5.36</td>
<td>86.53</td>
<td>27.12</td>
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<td>2008</td>
<td>3180000000</td>
<td>9136770163</td>
<td>3.41</td>
<td>-17.40</td>
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<td>3310000000</td>
<td>6236046571</td>
<td>5.31</td>
<td>4.09</td>
<td>-33.07</td>
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</tbody>
</table>

$R^2 = 6$ percent. This refers to the heterogeneity of the figures. Also, by calculation the correlation between these figures it is only 0.24 which less than 30 percent referring to the weak relationship between FDI and GDP annual change.

Chart -7 the linear relationship of FDI/GDP annual change

The table indicates that $R^2$ is very low = 6 percent illustrating that relationship between the mentioned variable (FDI/GDP ratio and GDP growth) is very weak. Furthermore, the correlation between the percentage change of GDP and FDI is
very weak. Where, this number is less than 30 percent. That is, the impact of the FDI on economic growth is very limited.

5. Conclusion

Despite the remarkable role of FDI in the economic growth in many countries around the world; its contribution to the Libyan economy seems very weak. This can be seen in the first years of transition from the socialism to the free-market. Therefore, the fluctuation of FDI figures makes forecasting the forthcoming years difficult or may be impossible. Furthermore, the study reveals that Libyan economy did not follow the trajectory of other countries in transition in terms of FDI. For example, the performance index is unlike to those in Eastern Europe. The similarity in terms of FDI does not mean that these countries including Libya do very good; because the comparison with other countries such as Australia, Germany, and Singapore refers to negative relationship. Also, FDI/GDP ratio is indicates that, the ratio is very low or even negative in the period from 1996-1998. That is, the impact of FDI on Libyan economy is weak. Finally, the generalisation of the notion of the positive impact of FDI on economic growth is very sensitive issue. Because every country has its own political and economic factors and environment, and each case (country) should be studied separately.

References


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Governing the Street Space Contestation and Conflict Through the Empowerment of Indigenous Community in Bali-Indonesia

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Abstract

Nowadays, the city is challenged by more complex problems in the economic, social, cultural and political sector. One of the problems reflected on scarcity of urban space in correlation with unbalanced population growth, uncontrolled urban street vendor, limited resources, and environmental degradation. The top-down governance approach often encounter difficulties in directing social movement in accordance with recent policies by rejection or inability to manage communities then the social conflict is potentially arisen. It is reflected in the increased tension of space contestation on street space following its economic value. A Street has been commodified or commercialized as a privatized rental space for parking, street vendor and other individual activities. Thus, who has the authority to exploit economical gain towards the street as public space? Is it private sector, community, or municipality? Who will manage the actors who control a certain segment of the street? Who will gain the lost and advantage and guarantee that its justice? It will definitely need an active actor who capable to apply good governance and justice in street space contestation, when the local municipality with its fix, passive and procedural administrative difficult to manage street activities. In this paper, the role of Bali’s indigenous community is evaluated in relation with its unique capability to control street space in their territory. With its local wisdom, active communication and cooperation to all urban actors, coordination and leadership can contribute a positive result in street activity management and minimizing horizontal conflict.

Keywords: Street, contestation, indigenous community, control

1. Social conflict on the street space

Denpasar street has been used and contested from traffic, car and motor cycled parking, individual contemporary storage, street vendors, social and religious ceremonial space, political and economic space. It creates an ambiguity of street function and community activity’s order expressed in street chaos like the pedestrian who walking in the middle of the street because the sidewalk is being used as vendors stall or motorcycle parking space and in other cases, half width of street has been used for car parking, wedding or funeral ceremonial space, and also often being used as a building material temporary storage. Conflict as a form of disagreement over different perspectives of the right to use the street space often produce tension between various groups (Madanipour, 2010). Madanipour (1996) also argues that these irregular people behaviour defines conflict, create unusual activities (Geertz, 1993) that should not be conducted in certain space as a result of human behaviour that often differ because of their personal needs and interest (Ritzer, 2005). People differences in personal uses of street space have been indicated by Fink (1968) as an ‘antagonistic interaction’, a systematic character of conflict. While managing interaction among people is not a simple matter as it is related with various actor backgrounds, way of communication (Luhmann, 1995) and different perspectives over specific space that has different material and immaterial values. This complexity of conflict has created a big challenge in community governance in regard to manage conflict, which should carefully outline its definition and justify each conflict in fair consideration of its negative and positive impacts.

The negative impacts of conflict are community disintegration, personal discomfort, group domination and social material and immaterial cost. Disintegration or the division of specific individuals or groups from their main community is mainly caused by the internal and external factor. External factor outside the setting of space such as outsider or actor outside communities trying to take control of street space with its related economic resources outside from local communities right, for example the presence of ‘new-comer’ security or parking man regulator, new investor or external ‘political’ actor who has an intention to disintegrate certain communities for specific interests, which often happened in Denpasar. The other internal factor relates with internal
member competition towards the distribution of resources and different perspective towards equality and justice over material and immaterial subdivision. Both internal and external factor of community disintegration usually lead to personal discomfort. With the previous conflict or inherent social conflict, an individual member will suffer personal inconvenience level while gathering with people in the range of dispute. This behaviour is expressed in the place preference of vendors for specific street space to hang out which inevitably create small group of actors with certain territorialisation zoning that share the similar psychological and emotional intimacy. When the individual grouping of similarities becomes larger it will express a certain domination of group over the minority one as happened to the case eleven ‘Pasar Sanglah’ street occupation when zoning of street trader often directed by domination of similar activities and actor relationship. When certain length street is being dominated for motorcycled parking area with a specific ‘ethnic’ group control then another ‘new’ parking controller will be difficult to replace them. It is also happened with group of vendor relationship that dominant in a certain area that resistant to other new vendor to use street space, especially when the ‘new user’ characteristic such as ethnicity and language are distinctive that create difficulties for maintain balance interaction with the dominant group.

While negative impacts of conflict often are considered to be minimized, it must be valued that conflict also bring a positive influence to2 community such as enhancing community solidarity, positive and creative transformation and individual and group quality development. In Denpasar the expression of territoriality belongings is quite high, which is expressed through its built environment such as ‘Banjar’ community meeting place and their Temple that represent both identity and dignity therefore maintenance and renovation of ‘public’ community building always become first priority in community budgeting. Apart from visual evidence of territorialisation through architecture manifestation, it is influenced to the social everyday life, that the comprehension of indigenous community dominant right towards space, especially public space still unchangeable. The sense of Balinese community is noticeable when a religious and social community ceremony being held in certain length of street where the indigenous community will gather around the street and collaborate together to use and modify the street for their private communal intentions. This behaviour is not only expressing the sense of space territoriality, but furthermore, into an expression of domination of space and power to be other minor conflicting communities. When a religious ceremony being held on the street and traffic directed by ‘Pecalang’ community regulator, then the common ‘small’ friction is happened between the ordinary commuter and Pecalang, arguing the right to trespass and use the public street. When this case happened, other community members will support their regulator, by group and face the intruder together as a bulk group of people against the conflicting agents. It is conducted similarly when the indigenous wants to control resident's legality in their territory, then the solidarity of indigenous commonality will enlarge to demonstrate the ‘real’ community that has the power over space.

In addition with this solidarity behaviour against the conflicting agents, it is significantly affecting community transformation. This community transformation is created from experienced gained through the conflict interaction. As witnessed in ‘Paruman’ or Balinese community meeting it is shown that there is no absolute agreement on the community decision especially dealing with conflict resolution. When there is one statement for conflict solution being stated, there are still a group or individuals who disagree with the statement. For example, in community initiated migrant control in Desa Pakraman Sesetan (Sesetan Village), when there is one statement about the objection of non-Balinese user or Street Vendor on a certain street, there is another group or individual who has an opposite action towards community action because of their personal relation with non-Balinese actor or there is another economic interest. This contradiction and discussion for conflict solution produce another updated norm which is called ‘Perarem’ which suggest that the original norm of Balinese community call ‘Awig-awig’ has been added and updated into new transformed regulation that coherent with recent community condition and problems. Therefore, the existence of conflict can contribute positive community's transformation, not only related with external factor such as migrant intrusion in Balinese setting as an effect of space commodification, the intern conflicts such as caste, age, idea and power differences over certain community policy or resource's distribution are developing community structure, norm and regulation to better stage that adaptable to the urban continuous change.

Social Conflict as a result of competition, difference, contradictory communication (Luhmann, 1995) over material and immaterial resources will generate a new transformed community based on its responses to negative and positive impact of conflict. In Denpasar street setting with various actors and activity, conflict will move further than the competition over territorial gain, but it also recreates community identity as well as redefinition of the community opponents (Gebrewold-Tochalo, 2009), as indicated by transformation of resident acceptance from Hindus-Balinese people that moderately accepted another resident with different character. Community is transformed followed by the dynamic dimension of community conflict, which requires complex understanding and integration from many factors, especially in Indonesia that Indonesia consists of 656 tribes with six main religions (Sopandi, 2012). This plurality of
Street conflict management is a complex and interrelated issue caused by various differences in economy, social, political, culture, race, gender, ethnic, religion and other matter, which can cause preference distinctions. With the plurality of street conflict, the local municipality often confronts some difficulties to construct a certain agreeable common will for harmonious community, especially regarding the one who has authority to occupy, govern and maintain street between local indigenous community, street user and municipality and create a sense of justice in resource’s distribution without considering actors background differences as mentioned in previous section; SARA (race, ethnic, religion, class). When the justification of conflict factors is clear then a suitable solution to reduce or manage conflict will be more effective and efficient.

A differences often lead to racism, which believes a certain domination and superiority of an ethnic group over the other. Denpasar community define Race more into genetic difference such as Chinese, Western, and local (domestic) people while ethnic determine people based from geographic origin indicated by language accent beside physical appearance. Positioned as indigenous inhabitant, Balinese dominance over other race indicated in their different response of interaction especially economic one. Based on interview with several Balinese people, it is revealed that Chinese tribe categorized as trader and major business investor owning or leasing most store along Denpasar major street. This tribe can be categorized as problematic exclusive actors, as they inhabit in Balinese territory but with less and passive contribution to community. With a background as a migrant from outside Bali, they force the value, norm and equality principle as Indonesian citizen to disrespect the local community norm except economic and social sanctions of indigenous norm are powerful enough to direct them. Different Chinese’s understanding to indigenous activities that block access or occupy the street along the street can create small friction relates to the right of street accessibility and the effect to their business, but with Chinese actor’s understanding to indigenous value, this potential disagreement can be solved; however, this understanding is not applied to all Chinese residents. Therefore, a certain local force is still required. Other races that occasionally create community conflict are western or non-Asian race that commonly treated as tourist-visitor, an outsider but unaware of the value of ‘sacred’ place or occasion, for example when Balinese community conducted a religious ceremony, the ‘tourist’ race considers it as a tourist object then starts documenting the session with inappropriate dress or not realizing that they are standing in a sacred place which can be categorized by community as tradition values offences. The common dispute about the right of outsider presence in a certain place or ceremony still become a hot debate among community, especially the exclusive one.

The ethnicity difference is a more complicated conflict factor to be solved. The complexity of ethnicity is resulted from the ambiguity of ‘equality’ meaning for Indonesian citizen. When the race difference relates tightly with minority, it is not applied similarly with ethnic, as Balinese categorized them as ‘Tamiu’, a resident who has a different right of street resources and obligation to their area. This comprehension of the content of Balinese traditional norm has been utilized as the de-facto legality of Balinese people to use the street for their personal and community space, while the other ethnic group claims that Denpasar, public space belongs to all Indonesian citizens inclusively. The inclusivity and accessibility objectives of Public space are contested. The indigenous ethnic community has to consider their public space has certain value because it is related with certain religion and social ceremony in their everyday life, and when equal accessibility being introduced in democratic city naturally it will produce disagreement by indigenous one that prefer exclusivity in relation with place value. As stated by the community leader of Banjar Pedungan that ‘...the problem of street vendor that most of them from outside Bali are they the persistence to use certain street space but not responsible for its maintenance, especially they often disregard specific Balinese sacred place as their vendor spot preference,”...’ Thus, the territorial conflict related with ethnic actor differences not only a matter of equal distribution of resources but further more into a justice of right and obligation.

The critical problem of creating justice in community is the difference conception of justice itself. Denpasar
community considers justice simply into the term of equality fairness. Therefore, it often creates conflict as the distribution of resources is difficult to be always equal in quality and quantity. Cook and Hegvedt (1983) argue that community integration can be achieved if it follows justice conception with fair exchange, allocation and procedure, but another big challenge comes from the existence of class on community. Common social classification can be based on wealth, power and prestige while indigenous Balinese community classifies their community based on their hereditary caste such as Brahmana, a priest highest caste, Ksatria for noble, Waisya for trader and Sudra, the lowest caste. This community classification has been applied since generation until now and often being utilized as community discrimination because of caste differences. Both common social classification and indigenous one potentially create social conflict because it often affects on an unfair social decision process over distribution of social resources such as the size of individual to use street or other public space. The frequent case of inequality based on social class is expressed on the appropriateness of the community leaders, especially when it is related with potential economic or social resources then the lower social class has a big challenge to compete with the highest one. The social classification also difficult to be minimized as class closely related with personal physical attributes. In modern societies that higher community class is represented by the possession of luxury cars, houses and jewellery it is almost similar with the indigenous one that bring the physical attribute such as first name, dress mode, colour, jewellery, accessories and distinctive architecture of family temple inevitably create another tension inside Balinese community that often creates internal conflict as the treatment and degree of respect to every individual frequently based on caste system.

With the fast urban growth in economic, social, political that influence to development of individual creates another complex conflict based on social class, for example, when the lower social castle becomes wealthier than the highest caste then force the equal community respect as the highest caste and in the contrary when the highest caste has lower resources than the lower caste but demands the higher community respect. The tension of Balinese community in social classification is more complicated as its relation with resources and inequality of respect and interaction that can construct a conflict.

Another social conflict factor and also the most sensitive in Denpasar city is social conflict based on religion differences. The case of the terrorist bomb attacks in Bali in 2002 and 2005 that killed more than 200 people has been related with religion conflict even the trial of terrorist has several difficulties as its relation with religion dispute and support from the major and dominant religion group in Indonesia. However, the religion conflict is happened in everyday Denpasar urban life and one of them relate with the contestation over street space for an extension space for religion activities. When Balinese community can claim and block certain street for religion space then the other conflicting religion starts to force their intention to have an equal right to use street space. The street consumption related with religion activities is dealing with large space consumption for vehicle parking, especially for the biggest religion ceremonial date. In this case certain group of communities based on religion commonality often exploit the indigenous Hindu’s street religion ceremony frequency to be equal with the others where the Balinese reject this proposition. If there is no coordination and understanding between communities with different religion than conflict is ahead. Religion is not simply a way of communication between human and its creator but often being utilized as social and political tools to mobilize community and directing perception. Dealing with religion conflict in Denpasar city must be carefully justified whether this is pure religion conflict or another social, economic, and political motivation that exploited religion as the efficient and effective way to create social conflict.

Based on the conflict factors (SARA) in Denpasar explained above, it can be summarised here that social conflict over street space contestation come from the lack of social difference appreciation that leads to discrimination of actor or group, which creates injustice of the decision process of material and immaterial value distribution. Denpasar urban community consists of multi-ethnic, cultural and religion that should be appreciated equally. Street actor conflict on street space fighting for 'potential' interest space mainly started by individual competition then enlarge to group conflict as commonality solidarity which express social structuration of conflict generated from certain issue's differentiation (European, 2007). Zukin in Madanipour et al. (2001) argues this social differentiation as a factor of social division, create a zone of street actors based on similarities of actor character and sense of group. Social division expressed in physical and social segregation, such as blocking the street accessibility or the presence of street regulator develop the sense of social discrimination from the one who is categorized of the 'owner' of street–public space and the later actor which categorized as intruders (Madanipour, 2010). This segregation as a result of social discrimination inevitably reduces and challenges the street space freedom of access. It became less democratic and contested public space (Madanipour, 1996). Then conflict is a complex disagreement framework involving value, social, political, cultural, psychological and physical differences, which result individual to structured group dominance of another one (Wetherell and Potter, 1992). Managing these various conflict factors cannot use a singular autonomous top-down
power and approach but integrated one to maintain social order and conflict problem solving, which need integration of actors as well as the interrelated managing actors, regulators and authorities who act together to shape suitable ‘everyday’ governance that can determine conflict type and its solutions (European, 2007).

3. Indigenous management of street space conflict

How people behave and act on the street is influenced by the internal factor such as personal physiological and physical needs and external factor from social and environmental restriction which made the resolution for conflict focus on people as an individual and as a part of community become main consideration of good democratic local governance in a decentralization system (UNCHS, 2001). Managing community especially the one involved in street use contestation definitely requires good action and manner in governing individual actors with various differences. In this section, the process of managing people on the street by Balinese indigenous people will be discussed especially in balancing traditional embedded values and applying a democratic principle on the street. Based on observation and interview with interrelated actors involved in street space use, the management of street actors and activity horizontal and vertical conflicts have been conducted through avoidance, local force imposition, adjustment, and applying a principle of social integration.

Dealing a conflict, especially when it has already become social structured conflict will be more difficult than avoiding it. Therefore, the first unconscious or conscious action to be taken by individual or group is avoidance to enter or encounter conflicting agency or specific territory. As stated by one of mobile street vendor, Wawan, a meat ball seller that explains the preference of street route and timing based on avoidance to meet specific people that ever harass and ask for ‘security’ money, and he got beaten when not giving it, as a result he changes the route and also timing with the purpose to avoid specific conflicting group or individual also for his security reason. Other street traders stated the similar thing when they have to select a specific street spot they must carefully study by initial observation, information from another vendor experience or group that specific length, spot or area on Denpasar street space is ‘clear’ zone from group dominancy, which relates with potential conflict to be avoided. It is also indicated from vendor preference of street space, especially around the potential street such as near city market, school or other public building. The vendor that categorized as a new comer will prefer to select a certain place away from the former vendor ordinary spot. The sense of avoidance of conflict factors often mix comprehended with the discrimination and segregation but for the minority group or the less powerful one, the action of avoidance against domination power is the safest decision to avoid conflict. In this case, the act of avoiding the opportunity of the intruder to enter a specific territory by several indigenous groups can be evaluated as an effort to maintain dominancy and reducing an opportunity for encountering conflicting factor, which also means defining the exact border and segregation (European, 2007) through applying social norm and physical separation between groups by Balinese community can be considered as the initial contribution to maintain social conflict.

Enforcing power by controlling behaviour, accessibility and filtering actors are another way of Balinese community to minimizing conflict in their territory. Balinese often use the term ‘Adat’ or ‘Indigenous custom’ in their daily community practice to legalize certain action of enforcing community policy. Another term known by Denpasar urban is ‘Dimana bumi diinjak disana langit dijunjung’, which means that everyone must obey whatever regulation and policy right on the spot they are standing, another conception of power delegation and authority to smaller scale of space that even in the public space of Denpasar city, it is not following one general rule but more into segregated and compound of small agency regulation with the specific regulators. Community is structured as well as its regulation. Denpasar municipalities consist of four sub-district (Kecamatan) with forty three village (Desa Pakraman), where each village can consist another sub community organization (Banjar), every structure level from the municipality to the smallest group of people on the street has their own regulation which should be coherent or related but it is not easily controlled. This is just an expression how structured the interrelation of urban community really are, but on the other hand express the long distance of municipality authority to directly govern their society. Desa Pakraman and Banjar is an indigenous community organization conception that always being preserved and maintained as it tightly related with inherited and embedded community value, belief and religion. The distinction and the purpose of indigenous community domination to force their certain value and norm is another tension of preserving or deleting custom value in regards of equality principle in a democratic city.

When the powers of local community are not strong enough or resulting from bigger social conflict, then several enforcement or strategies must be adjusted. The adjustment of indigenous action to maintain social harmony is based on their life’s principle called Tri Hita Karana, which means maintaining harmonious relation between people with God,
human and environments. With this principle as the main guidance for other detailed norms and social regulation, then many adjustments have been applied in Balinese community such as decreasing social segregation between indigenous community and migrant by accepting the ‘intruder’ into community organization structure. While the distinction between local and migrant still obvious from differentiation of resource and power distribution, but at least giving permission for an outsider into Balinese social and physical territory is a good adjustment process for better social collaboration. Other indications of this social collaboration is the use of everyday language, which is indicated on the migrant non Balinese street vendor interaction with the indigenous one. It is found in the field work that in average more than fifty per cent of mobile street vendors comprehends local language with the fastest time to learn it within six months, while around thirty per cent of them can communicate actively using local language. On the other side Balinese, community also behaves similarly with their ability to comprehend other ethnic languages. The interesting points found in this phenomena is that base of conflict is disagreement of human interaction while interaction itself is based on the quality of human communication such as language. Therefore, the openness to learn other languages for better communication is a simple approach for social harmony, when people can share, comprehend and respect others mutually.

The openness of indigenous community to minimize conflict also expressed in the process of profit sharing from street parking to Denpasar municipality. Unlike modern city, that parking can use self-parking meter. In Indonesia this system has not been applied for security and low public law awareness reason with the other important reason that street parking business provides job opportunities for a significant amount of community, especially for the local neighbourhood unemployed people. There are two types of parking system stated by Gede Agustina from Denpasar Public Parking service such as on-street parking, a parking system that uses street traffic space for motor cycle and car parking, and the second type is off-site parking for parking retribution that uses sidewalk and other space beside the street.

Initially, the tension between submitting all parking retribution to local municipality encounter many problems, conflict and controversy by the former parking regulators as it means their livelihood threat, but with good communication and through several bargaining, it comes to collaboration between local community group and municipality for parking retribution sharing. Sixty per cent for community and forty per cent for municipality proportion has been agreed as the balance proportion of parking retribution sharing. Although municipality has fewer amounts compared to the expected public space revenue, it offers a stage when all the other competing activity be cooperated with minimum conflict. People livelihood still can be preserved not eliminated, local neighbourhood still can work in their home range area; local community still have power to coordinate their own community member and maintain their indigenous power and respect, while municipality still can coordinate street actor efficient and effectively as being fully supported by local community. In summary, conflict over street space, disputing its economic value can be solved by sharing it profit, while it seems unequal but with agreement between all disputed actors. Duncan in Kellett (2006) argues that community cohesion can be achieved through mechanism, structure and composition of distribution value and power, surplus and opportunity in that create stable harmonious community participation integrated with local municipality (Beard and Dasgupta, 2006).

Community integration is both product and process of conflict management related with actor identity and distribution of economic, social, political resources, value and power. The previous interaction between Denpasar municipality, indigenous community and street actors define that there is a good cooperation between all urban agency that can accommodate and assimilate needs and interest between them to create integration. To discuss further that the sixty-forty agreement is not merely an economic generated factor but also relates with the adjustment of social structuration. Indigenous that initially self-government and exclusive community restructuring themselves with allowing external actor such as municipality and other street actor to be embedded to their inherited indigenous structure. It shows that, dealing with street contestation of space both municipality and indigenous organization restructure their direction and distribution of power to combine and integrate with others. When previously separated and autonomous based on their own comprehension of legitimation into something new, transformed, integrated and assimilated one. However, this organization restructuration for negotiating conflicting agency is not enough, as the agreement itself must be in a written form with all detailed item agreed by conflicting actors who form new consensus as based of conflict management mechanism. This new community consensus is a form of defocusing conflict to integration which means when the consensus has not created, the conflicting agency will focus their action to segregation and differentiation but when consensus is created then focus will be directed to the act of integration and conflict reduction as argues by Ross (1993) as psychocultural theory.

The frequent of community gathering for both discussing community problems in ‘Bale Banjar’ community meeting place or working together ‘Ngayah’ community social work in specific place and street such as cleaning and
decorating before any community occasion shows that Balinese people has strong social capital which shown by their collective action. This collective community activity shows that the class differences between community member is being overlooked and replaced with the democratic communication where every member have equal obligation, voice and right to develop community. The recent positive of Balinese community transformation is their openness to new member of the original ‘indigenous’ one. Beside the rapid urban community mobilization that even the former community can relocate to other places for various reasons that inevitably restructure the composition of community inside ‘Desa Pakraman’ territory. When the quantity is decreasing it open the ‘new’ member to enter the group, including migrant as a connection of community coordination and reconciliation (Madanipour, 2010). While the distinction still exist but the limitation of member sometimes successful to create a new compound Balinese community with no absolute indigenous domination. With this multi various actor partnership, the occupation and maintenance of space inside community territory become common responsibility which directly greater the sense of community, ownership and place attachment (Madanipour, 2004).

Furthermore, Madanipour (2004) suggests that social difference reconciliation from the outsider actors and the richness indigenous community will be initially developed by economic relation then followed by another social and political integration with the condition that transparency, rule of law and democratic principal being applied. Therefore the presence of local regulation and norm such as Awig-awig and Perarem in Balinese community is not merely a social constraint that enforcing indigenous domination but should be considered as a tool for avoiding community conflict and problem (Kellett, 2006). It is reflected on Denpasar street that have been considered as another ‘home of community’, a place for social relationship that strengthen the relation between various street user with many difference’s background (Kellett, 2008).

4. Conclusion

Social conflict is a unique social phenomena that has their own character in urban society, which determined by the uniqueness of difference's factors and the quality of ‘SARA’ (social conflict based on tribes, religion, race, and social class differences) management and distribution of street actor's needs, rights, interests, powers and material and immaterial resources. The existence of conflict produces both negative and positive impacts that gradually transform the structure of community to adapt and adjust the recent development of urban growth. With a more inclusive process, it produces and reproduces a new form of social, community and neighbourhood structuration. Balinese community indigenous norm equipped with more detailed-adjusted rule, shows their creative ‘responsibility gap’ concept (European, 2007) as their key of community governance. A street in Denpasar is a part of Balinese economy, social and cultural space embedded with traditional and religion value, which made as sense of community ‘ownership and well being’ (Madanipour, 2004:285) which is still allowing flexibility of street occupation for various actors and activity redefining what the meaning of street as ‘Balinese home of community’ space.

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A New Institutional Economics Approach to Contracts and Cooperatives

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Abstract

This article discusses agricultural cooperatives' capital structures with the New Institutional Economics Approach, in particular the Transaction Cost Economics point of view. At the end, it is possible to conclude that the cooperative enterprises, as a consequence of the financial and social structure governance costs, present a wider structure of transaction and agency costs, when compared with other forms of business organization. Our objective in the above discussion is to advance a conceptual framework using new institutional economics theories that draws attention to the importance of the organizational structure of contractors for the design of the proliferation of contracts increasingly governing agricultural production. Understanding the interplay between organizational form and contract structure is a necessary step in understanding why and how contracting is occurring, where and when it does. This article also shows that Transaction Cost Economics theory is an efficient tool to explain the organizational capital structure and the micro-analytical details not yet appreciated by the usual analyses.

Keywords: Transaction Cost Economics (TCE), Cooperatives, Property Rights and Behavior Organization

1. Introduction

The cooperatives present a particular structure of organization, as compared to other organizational architectures; the cooperatives do not initially intend to obtain business profits, and at the end of the account period they present only operational surpluses, which are distributed “pro-rata” and are proportional to the operations of each associate during this period. “Consolidation and increased coordination throughout the agro-food sector are rapidly reshaping the role of cooperative organizations in agriculture. Increased concentration, both up and downstream, raises the specter of the traditional cooperative role of counter-balancing market power. However, increasing demands for coordination among players throughout the agro-food system point to a different role in which cooperative organizations may have a unique advantage” (Sykuta M and Cook M, 2001).

2. Conceptualizing Business Co-operation

While a rich body of literature has developed that seeks to explain the nature of business cooperation, two broad streams of economic analysis can be distinguished that have been of particular importance. The first applies neo-classical microeconomic theory to human behavior (Becker 1976). Starting from the premise of methodological individualism, that the individual actor is the relevant unit for analysis, Becker assumes that individuals make rational choices according to their self-interest, although their rationality can be bounded due to lack of information. Neo-classical economists have usually argued that voluntary co-operation for the management of common property resources is infeasible and that either privatization or external intervention is necessary.

Second, in contrast to the neo-classical conceptualization, Williamson (1985; 1991) focuses on transaction costs, giving rise to what is often referred to as 'new institutional economics.' For Williamson, the core problem for all participants in an economic system is to ensure that the contracts laid down between two actors will be fulfilled. According to this school, cooperation can be understood as a form of hybrid organization between markets and hierarchies (enterprises and bureaucracies). The choice of co-coordinating mechanism is conditional on the institutional environment in which it is located so that changes in the latter (property rights, contract laws, the credibility of the judiciary, norms, customs etc.) induce changes in the comparative costs of markets, hierarchies and hybrid organizations (Williamson 1998).
Granovetter (1985), in his seminal paper, criticized these economic conceptualizations of co-operation. For Granovetter, an understanding of embeddedness requires detailed attention to be paid to the mechanisms and processes of the social construction of institutions. Several commentators have argued that there is a growing need to understand how and under what circumstances social structures assist or impede local economic performance (Uzzi 1996; Rowley et al. 2000).

3. The institutional nature of the cooperatives

To analyze cooperatives, it is necessary to understand some important factors in the formation and the maintenance of economic collaboration. Basically, cooperation only is established among the agents when it is more interesting for the group as a whole. So, the institutional point of view of property rights, division between property and control, transaction costs, and agency problems, could be a sufficient tool to analyze this organization.

Zylbersztajn (1993) describes that the co-operatives are organizations with property rights above the corporations, since each member has the power to interfere in the company performance, not proportionately to his participation in the capital or as a stockholder, but according to the principle that each individual has only one vote – the doctrinal principle “one man one vote”. The agricultural co-operatives transactions occur with geographic specificity characteristics, since the agricultural products need a certain combination of ecological factors for their development. Thus, frequent transactions with high specificity of assets determine a bilateral or unified governance structure for these contractual relationships. The institutional environment is also important in the co-operative characterization. Cook (1995) defines five stages since appearance, then growth, and finally extinction of this form of organization, by means of an institutional reading.

“Every transaction relationship involves three basic institutional economic components: the allocation of value (or the distribution of gains from trade), the allocation of uncertainty (and any associated financial risks), and the allocation of property rights to decisions bearing on the relationship” (Sykuta M and Cook M, 2001). “Given their producer-owned and producer-governed nature, cooperatives have an inherent producer orientation.”

The property rights theory can perform a central role in the institutional theory and property rights means the right to have power, to consume, to obtain an income or transfer assets. In cooperatives, the associates withhold residual rights in the income flow generated by the organization. However, the assets property rights are divided among several people, and there is not a complete separation, the owners are not allowed to take complete possession of the flows arising.

“This property rights perspective forms the basis of the arguments Cook makes regarding the evolution of cooperatives and the rise of the “new generation” cooperative structure. He defines five “vaguely defined property rights” problems devolving from the traditional cooperative organization’s division of residual claims and control rights: Free Rider Problem1, Horizon Problem2, Portfolio Problem3, Control Problem, and Influence Costs Problem” (Sykuta M and Cook M, 2001).

New institutional economic theories of agency, property rights, incomplete contracting and Williamson’s transaction cost economics have been advanced to provide a finer theoretical focus to analyze the structure of transactions and their governing institutions.

“…These theories suggest how the rights and responsibilities incumbent to the transaction are allocated will depend on the characteristics of the transaction, the costs of monitoring and enforcement, the relationship of the trading parties, and their respective negotiating skills or bargaining position, which might be influenced by control rights over complementary assets…” Bombaj F, 2010.

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1 The Free Rider Problem results when gains from cooperative action can be accessed by individuals that did not fully invest in developing the gains, whether those individuals are new(er) members or non-members.
2 The Horizon Problem results from residual claims that do not extend as far as the economic life of the underlying asset.
3 The organization’s investment portfolio may not reflect the interests or risk attitudes of any given investor/member, but members cannot withdraw and reallocate their investments.
Agency theory addresses information asymmetry and incentive incompatibility between trading parties. The institutional analyses allow apprehending that the doctrinaire principles, in which cooperativism is grounded, influence directly the enterprise success. In our eyes a) the principle of democracy demands high transaction costs, when decision making occurs by means of general assemblies; b) the equality principle, one man one vote, implies directly in high costs of agency derived from the lack of incentives for the productive activities; c) the principle of solidarity, and the non-existence of profits, makes impossible a clear delimitation of property rights, leading to high costs not only for agency but also for transaction.

4. The capital structure and the Transaction Economics Costs (TCE)

The Transaction Economics Costs – TCE approach, based in the characteristics of the transactions and assets, could understand the financial corporation analysis. The assets specificity characteristics influence the investments, the capital structure, and the financial governance. TCE analysis tends to focus particularly on the roles of asset specificity and bounded rationality, in the context of opportunistic decision behavior, as the key determinants of organizational form.

The general implications are that as assets involved in a transaction are more specific to the transaction, as the potential for opportunistic behavior increases, and as the need for coordination between parties increases, the more likely hierarchical mechanisms will be used to govern the transaction. In the context of contractual governance mechanisms, this suggests more fully specified terms with more decision rights vested in the contractor.

To develop TCE analysis, Williamson (1996) assume that there are a capital structure characterized by the situations, enterprises with open capital in stocks exchanges, or the situation in which the enterprise financing exclusively by the bank loans. These two opposite situations must be associate the idea of financial governance. A hierarchical governance, due to the process of opening the capital called “equity” - in which the necessary financial resources are obtained inside the company by shareholders - and a governance via market called “debt”, when the firm is financed by means of loans. In the case of governance via market – “debt” - the financial agent, bank, settles a certain interest rate for the operation, and the capital cost is also embedded with the transaction costs of the operation. The agent also considers the period to pay the loan, the liquidity of the business, and the guarantees, in order that, in case of non-payment the operation can be duly honored.

Williamson (1996) assumes that probably occur, for more specialized business, a growth of assets specificity used in the transformation process. This implies, directly, in a certain degree of impossibility to use these assets in other activities and a lower level of liquidity in the market. That is, in case an asset has to be sold it probably will worth less than its actual financed value, since it cannot be used in alternative activities with the same grade of utilization and generation of income. In case of non-payment or bankruptcy of the firm the assets would be non-effective guarantees of the financial operations, and can also need complementation, as a function of worth difference and uncertainty of the situation. Thus, if it were considering, at first, a competitive financial market the financial agents will have approximate operational costs and, second a competitive economic situation, the firms, of a particular economic sector, would also present approximate income levels. Loans as a financial operation are different due to their cost, among other aspects, due to the uncertainty that the financed amount is paid back, a direct function of the guarantee liquidity and, as a consequence, of the assets specificity.

Financial governance costs through the market – “debt” - is positive and grow financial governance costs through the market – “debt” - is positive and grows proportionately to the growth of the assets specificity - k, that is, inversely proportional to the guarantee liquidity. Defining these costs as D(k), has:

\[ d(D(k))/d(k) > 0 \]

On the other hand, in an opposite situation, financial governance totally inside of the organization boundaries - financing operations by means of open capital – could be distributed property rights and business risks and the composition of the transaction costs is different. The importance of the assets specificity for determination of the transaction costs is diluted in consequence of a greater number of investors, and of the proportional participation in the business income. Since each invested amounts are reduced – divided among many investors – some costs are also reduced, due both to the uncertainty of the operation and the possibility of failure of the firm. This characteristic only exists because IOF’s have a different distribution of property and the decision rights inside the company. Thus, following

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4 IOF : (Investor – Owner – Firm)
Williamson’s (1996) arguments, one can notice that, as the assets specificity increases, a more adequate capital structure can appear according to the transaction costs and contractual relationships aspects in the enterprise.

In the structure called “equity” – E(k) - the transaction costs increase proportionately to the growth of the assets specificity, so:

$$d(E(k))/d(k) > 0$$

Comparing the two structures, “debt” and “equity”, both grow according to the assets specificity, but some differences can be observed. When the assets specificity is very small, there is high marketability for them due to the existence of n+1 possibilities of alternative applications in several different economical sectors; the uncertainty is very small considering the differential between worth of these assets, the invested value and the market value, implying in a high level of security for bank operation. These characteristics reduce the financial costs. As a consequence, the operation can be more adequate, presenting lower costs than the owned capital that, in many cases, can be used in other applications with higher financial results. Consequently, one can consider that D(k) < E(k) when k=0. Therefore, when the company has a low level of assets specificity, the structure “debt is more efficient under the transaction costs point of view. As this specificity grows, the costs of the structures “debt” and “equity” are modified, and behave like this:

$$d(D(k))/d(k) > d(E(k))/d(k)$$

Transaction costs associated to the capital structure “equity” grow proportionately less than the financial and transaction costs of a structure based exclusively in bank financing, when the assets specificity varies. Williamson (1996) modeling and comments this situations, and describes that when assets present a high potential of reutilization will be financed, preferentially, with loans – “debt” – and those which can not be redeployable in other alternative activities, preferentially, with owned capital – “equity”.

Figure 1 shows the representation of the transaction costs variation, as a function of the assets specificity, given a certain level of financial governance. When E(k) = D(k) , there is k’ representing a boundary between the financial governance structures “debt” and “equity”.

On the other hand, the cooperatives also would be located in the curve D(k) in a function of the difficulty to capitalize and grow with owned capital, scarce among the associates, and, consequently, their direct dependency from “debt” to finance. In other size for profits enterprises – IOF’s - can be characterized by another similar curve. Thus, it is possible compare IOF’s financial strategies and cooperatives strategies in function of the costs of capital in particularly situations.

Adapting the model of Williamson (1996), it is possible to analyze the financial governance costs of the cooperatives organizations when it is compared with the IOF’s. This situation is a generalization of strategies but could explain the cooperative debt structure.
“A common theme across all of these approaches is that transaction costs are positive; information is imperfect, costly, and frequently asymmetric; the allocation of decision rights (or property rights more generally) affects performance; and governance structures are designed to mitigate the hazards, or minimize the costs, involved in effecting economic transactions. While the frequent focus is on firm boundary questions, the concepts also directly apply to alternative contractual governance forms” (Sykuta M and Cook M, 2001).

5. Conclusions

The mainstream conclusion is that the New Institutional Economics, Transaction Economics Costs, could offer instruments that complement the analyses of the capital structure of the cooperatives, explaining details not yet clear enough to the usual theoretical analyses, particularly the concepts of financial governance. Our objective in this article is to advance a conceptual framework using new institutional economics theories that draws attention to the importance of the organizational structure of contractors for the design of the proliferation of contracts increasingly governing agricultural production. Understanding the interplay between organizational form and contract structure is a necessary step in understanding why and how contracting is occurring, where and when it does.

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Images of Needlework: The Category of Memory in Aurora Levins Morales’s Remedios

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Abstract

The present paper is devoted to the exploration of Puerto Rican female identity through individual and collective memory in Aurora Levins Morales’s prose poetry cycle Remedios: Stories of Earth and Iron from the History of Puertorriqueñas. To preserve the past against oblivion and restore justice the author intertwines personal accounts and historical records, combines archive documents and oral narratives, highlights verbal and non-verbal texts. The stories of the lost ancestors passed through such acts of creation as weaving, knitting, embroidering and sewing are of special interest in the present paper. These acts of non-verbal creation described in Remedios are associated with social, philosophical and other issues and as a result become memorial representations of women in history and culture.

Keywords: needlework, feminine identity, cultural memory, individual memory, informative memory, creative memory, non-verbal text.

1. Introduction

From time to time we forget and then rediscover silenced pages of our individual or communal past. “The interplay of the present and past in socio-cultural contexts” is defined as cultural memory (Erll & Nünning, 2008, p. 2). Changes in the system of cultural codes, shifts in the paradigm of “memory-oblivion” and revision of the U.S. national culture model as an amalgamation of ethnic traditions have stimulated interest in the category of cultural memory. Yurii Lotman distinguishes two types of cultural memory: “informative memory” that includes texts that preserve the results of societal activity and factual information and “creative memory” that generates new concepts and actual texts on a certain stage of human development (Lotman, 1992, p. 200). The dynamic character of cultural memory offers “heavily edited versions of the self and its world” (Caldicott & Fuchs, 2003, p.12). Once silenced, the stories of non-existent marginalized women become actual and important with the changes of our perception of the surrounding world.

Lack of textual evidences about women’s contributions makes the author “seek out and read the available non-verbal texts with which people create a life record, whether or not these people ever take up the pen” (Murthy, 2003, p. 641). Analyzing “the heterogeneity of the discursive and non-discursive manifestations of American cultures of memory”, Udo J. Hebel points out that women’s artifacts function as sites in the circulation of historical and cultural memory (Hebel, 2008, p. 47). This work reveals the role of women’s images of needlework in Aurora Levins Morales’s book Remedios: Stories of Earth and Iron from the History of Puertorriqueñas and shows how they help the author make women’s absences visible in the social struggle against patriarchal rule.

2. Literature Review

Traditionally needlework has been always associated with women. Needlework is “the most powerful metaphor of feminine existence” (Zakreski, 2006, p. 16). Being broad and encompassing, the term needlework includes stitching, sewing, knitting, quilting, embroidery, crocheting, tatting, macramé and some other techniques in which women of different cultures and strata of society have been skilful. Throughout its history needlework has been used “either for the most utilitarian of purposes, such as mending or garment construction, or for the most artistic reasons, such as silk embroidery or tapestry work” (Sirna, 2006, p. 9). In addition to practical, social and aesthetic purposes, needlework techniques “travelled with merchants and explorers, creating a legacy of cross-cultural exchange” (Leslie, 2007, p. xii).

Puerto Rican women have always been involved in needlework. Sewing, crocheting and embroidering were “part of Puerto Rican school curriculum taught as early as the second or third grades” (Sanches Korrol, 1983, p.94). In 1900s migration to the continent lead to the increase in the number of women working in the garment industry. Anthologies
Aurora Levins Morales is a contemporary writer, poet and essayist with diverse cultural backgrounds. She was born in a family of a Puerto Rican mother and a Jewish father whose Ukrainian family were Holocaust survivors. The development of historiographical studies in the USA and dissemination of feminist societal attitudes greatly influenced her creativity. In the late 1980-s – early 90-s she concentrated on the works of Basil Davidson on the history of Africa, Marija Gimbutas on the stages of European civilizations, Mercedes Lopez Baralt and Jose Juan Arrom on the history of the Antillean Islands, Fernando Picó, Enriqueta Vila Vilar and Angel Lopez Cantos on the history of Puerto Rico. For Aurora Levins Morales, “memory, individual and collective, is clearly a significant site of social struggle” (Levins Morales, 1998a, p.13).

The author worked in the archives, studying scanty historical materials about the fates of those who were subject to colonization. Interest in historiographic works enabled A. Levins Morales to understand the past as the organizing beginning of her literary creativity. As a result, in 1998 she published the book Remedios: Stories of Earth and Iron from the History of Puertorriqueñas that reflected her creative search for restoring her ethnic past and the manifestations of feminine identity in the historical and cultural panorama of society.

In Remedios: Stories of Earth and Iron from the History of Puertorriqueñas A. Levins Morales constructs an alternative history of the marginalized, highlighting the fates of Puerto Rican women. To preserve the past against oblivion and restore justice the author intertwines personal accounts and historical records in a larger context of the struggle against different types of oppression. Levins Morales’s “medicinal history” is based not only on archive documents but is inspired by oral narratives and other acts of creation that reflect very emotional, often traumatized women’s experience.

According to Aurora Levins Morales, when the sphere of female communication is limited to family and restricted by dominant culture, women's needlecraft products become the most important ways of representing woman’s Self, her creativity, personal style, and expressing social concerns. In the prose poetry cycle Remedios needlework is related to weaving, embroidering, knitting and sewing female characters. For A. Levins Morales in the process of needlework everything matters: preparation of fabrics, participants, the process of needlework and the conditions in which it occurs. The writer endows with special meaning each stage of work and connects the image of needlework with other images in the book.

The image of needlework occurs at the initial stage of A. Levins Morales’s career as a writer and multilaterally develops in her subsequent works. In her first book Getting Home Alive (1986), written together with her mother Rosario Morales, she researches multiple, fluid female identities. With the help of the sewing metaphor Rosario Morales connects Puerto Rican, Jewish and American parts of her Self: “I ran small running stitches up my scalp, small chain stitches down my face” (Levins Morales, A., and Morales, R., 1986, p. 158). Every stitch is physically palpable and painful and is made with much care as a result of painstaking search, as a reflection of her own thoughts and feelings, as a desire to find her place in the world around her. The daughter joins her mother’s attempt to make sewing a revolutionary weapon, invites other women to create their own designs. As Carmen Rivera explains: “Mother and daughter profess a social commitment and solidarity that goes beyond the island, the American continent, or Israel to embrace all humanity in its multiplicity and contradictions” (Rivera, 2002, p. 74). A. Levins Morales continues her mother’s fight for the female representation in human history.

From time immemorial, women were engaged in needlework decorating their homes, sewing and knitting for themselves and their families. The process of needlework begins with the manufacture of handicrafts and dyeing fabrics. The prose poem – 4,000: Colors – West Africa is probably one of the most radiant episodes in the cycle Remedios. The process of creation, coloring the fabrics is accompanied by the sun rays. The color palette of fabrics corresponds to all colors of the rainbow. In folklore, rainbow means “transfiguration, heavenly glory, and different states of consciousness” (Cooper, 1978, p. 136). In the process of dyeing fabrics, not only the transformation of the material, but the psychological transformation of thoughts and feelings of their creators is important. What matters is also experiencing the joy of the participation in the process of creation and transformation of the surrounding world, merging with nature. Iridescent colors of fabrics are associated with the preparation for “a flowery quilt” of the American nation that embraces all races and classes.

In the prose poem 1493 to 1511: Leyendas – Puerto Rico A. Levins Morales concentrates the readers’ attention on...
the ornament details of the embroidery, which the legendary Puerto Rican girl prepares for her uncle. She “made a special length of cloth <…> with zig-zag patterns like the backs of storm clouds or iguanas as a sign of Iguanaboina, the cave from which all weathers come. Between the zig-zags she painted the spiral sign of Guabancex, the storm mother, to keep him safe and powerful” (Levins Morales, 1998, p. 72). Archaic themes and characters of Guanina’s embroidery are notable for their rigor and solemnity, the geometric interpretation. All the embroidered pictures are aimed at satisfying men’s needs and interests. Zig-zag lines symbolize “lightning, fire from lightning and fecundity. It’s an attribute of all storm gods” (Cooper, 1978, p. 198). They must accompany male luck. The cave is “a primal image of shelter” (Tresidder, 2004, p. 91) that protects men from enemies in case of an armed conflict. Semantics of Guanina’s images and ornaments of embroidery reflects the distribution of gender roles in patriarchal society, the existence of a universal political structure of male dominance over women. Society with a pre-defined asymmetric distribution of roles polarizes role behavior, prescribing activity and aggressiveness to men and unconditional submissiveness and passivity to women in private and public spheres of life. The image of the Goddess of Guabancex, the storm mother, on the man’s clothes appears to protect him, “keep him safe and powerful” no matter what blew other people’s way (Levins Morales, 1998, p. 72). In this context, Guanina assumes the role of a defender protecting her people from invaders.

Almira Usmanova, speaking about the role of feminist criticism, connects the non-recognition of women’s art with the existence of the opposition of “high – low” art, which, in turn, arose in modern times as a result of cultural stratification along class lines, etc. Decorative arts, crafts (embroidery, etc.) were classified as “low” art (if art at all) and were interpreted not as a free artistic activity, but as labor and family responsibilities of women – as “women’s work” (Usmanova, 1999). That’s why in the texts of male authors the motif of needlework (sewing, knitting, embroidery) often has a lower nuance, whereas in the works of female authors, including A. Levins Morales’s book, the image of needlework is not only linked to domestic work but also performs other functions and, above all, it is one of the ways to approve women’s creativity, and return to “Self”.

In the prose poem 900 to 1200: Poets of al-Andalus – Muslim Spain the notions of needlework, memory and word are tightly intertwined. Wallada, known in history as the daughter of the murdered minister al-Mushaïf and the object of adoration of a famous poet Ibn Ziyadun is an extremely talented person. However, her poetry did not earn her fame and prosperity in life. People will remember her verses embroidered on the sleeve of her shirt: “I am made, by God, for glory, and I walk proudly on my own road” (Levins Morales, 1998, p. 43). It signifies her independence and self-sufficiency. She doesn’t want to reconcile with the woman’s subordinate position within the conventional patriarchal hierarchy. The image of embroidery here is, on the one hand, a memorial embodiment of Wallada’s creative talents and, on the other hand, the woman’s desire to express herself not through Another, a man – a father or a lover, but through the construction of her own identity, her own creativity.

The connection of the image of needlework with creativity is observed in the works of other American writers of Puerto Rican descent. In the autobiography When I was Puerto Rican (1993) by Esmeralda Santiago embroidering napkins by Negi’s grandmother is not just an everyday necessity of running the house, but a way of self-expression of an elderly woman, a noble work that requires much effort, challenging thoughts, concentration of attention, focus and manifestation of creative imagination when designing a pattern.

In the genealogy of her own family A. Levins Morales finds a long line of women whose lives were connected with needlework: relatives on her mother’s line, grandmothers and great-grandmothers whose images “become alive” in the prose poem 1934: Needleworkers. The leitmotif detail of the images of seamstresses, immigrant women who had to work in dark rooms for meager salaries to earn for living is alliteration – the repetition of the sounds [s] and [z], that imitate the deafening noise of sewing machines and are confluent with the voice of women’ indignation: «But the meaning is the same in their singing and sighing and angry whispers and on the picket signs and leaflets in the streets» (Levins Morales, 1998, p.185). Levins Morales shows that sewing at the garment factory is a mechanic process that suppresses women’s individuality. She turns this traditional occupation of immigrant women in an artistic means of expressing a conflict, an unwillingness to tolerate in silence their marginal status in the world that is doubly strange: “male” and “culturally foreign.” Immigrant women were forced by poverty to labour at this economically unrewarding and physically exhausting work. Sewing, here, does not signal of womanly modesty and compliance. It is oppressive and uninspiring.

In the prose poem 1950: Threads – New York, Puerto Rico, Illinois A. Levins Morales connects knitting with the notion of fate as a way of life predetermined by a supernatural power and defining principal moments of man’s life, the time and circumstances of his death. Women fate deities exist in different cultures (e.g. Greek moirai, Scandinavian norns and valkyries, Anglo-Saxon virdies, Latvian laimas). In Levins Morales’s book women, participants of the political struggle for the independence of Puerto Rico are trapped in a prison cell: Ethel Rosenberg knits sweaters for her children, Lolita Lebrón sews cloths at the garment factory, Jane Speed crochets. They all determine the fates of their
children deprived of maternal care and abandoned to the care of their relatives and neighbors, and husbands left without their wives’ care. The work at the garment factory in New York determines Lolita Lebron’s fate associated with the ideas of the island’s independence. Lolita sees “thread turning on thread, binding one thing to another, and imagines an infinite flag, endless stripes flowing from her needle into the streets” (Levins Morales, 1998, p.195). Needlework is their therapy; it helps them recover from the tragedy of separation from their beloved. They cope with the shock thanks to the comfort of their needlework. Facing the threat of death, repressed on all sides by the circumstances, these women are fighting for their lives and the lives of their loved ones: “turning fear into motion, the needles twist threads into something colourful and warm”, they “do not let life unravel from their hands” (Levins Morales, 1998, pp. 194, 196). Twisting threads is not just telling the story about the fates of individual women but also a metaphor for the love of life, the continuation of life, unwillingness to surrender to fate or obey the fatal circumstances. Female characters in this prose poem stand up for an unconventional way of their self-realization, choose the way of their life behavior that is inconsistent with the traditional role ascribed to them by the society, they strive to change their fate and the fate of their people.

Throughout the cycle, the writer strongly emphasizes the relation of the image of needlework to the category of memory. In A. Levins Morales’s work vanished civilizations, destroyed cities and villages become the manifestations of psychic disharmony. However, the fragmentary picture of the world acquires its integrity and completeness in women’s handicrafts because in the weavings “the universe that conquest shattered is remembered whole” (Levins Morales, 1998, p. 126). According to Levins Morales, the primordial integrity of existence is revealed in female artifacts.

In a number of prose poems Levins Morales emphasizes women’s desire to pass down the skills in embroidery and knitting to their daughters. As Sanchez Korrol puts it, the transmission of needlework skills from one generation to another “fortified cultural and community traditions while providing a degree of economic security” (Sanchez Korrol, 1983, p. 95). Levins Morales emphasizes that teaching young women needlework continued the tradition of their ancestors and avoided breaking the threads connecting different generations. (1696: The Weavers of Tayasal – Guatemala).

4. Conclusion

Thus, the manifestations of needlework in Remedios suggest that each type of feminine needlework acquires very stable associative relationships: embroidery symbolizes the top of creative female activity, embodies her individual style; knitting serves a sign of fate, sewing is associated with an expression of protest against the foundations of society and the desire to restore justice. The writer explores the famous mythological motif of needlework, enriches it with contemporary socio-cultural, philosophical and ethic associations. As a result, this motif is filled with new contents and becomes an important means of expressing the author’s idea about the restoration of her ethnic past and “feminine” in history and culture. The images of needlework in works by multicultural authors play a very important role as they enable them to reveal silenced pages of history and connect the parts of their split identities.

References:


The Tribal Philosophical Thoughts of the Higaunon of Iligan City, Philippines

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Abstract

Studies on tribal philosophical thoughts are rare or non-existent in a Philippine society that included over a hundred tribes. This study brings into mainstream Philippine philosophy the thoughts of the Higaunon tribe regarding space and time, being and the self, ethics, and epistemology. Descriptive qualitative method was employed in this study. Higaunon stories from their culture and past were gathered through interviews with authoritative tribal leaders and shamans. Analysis was substantiated through community immersion and regular interaction with the tribal leaders so that structures of their thoughts can be revealed and considered as philosophical. The study found that the Higaunon consider space and nature as equally important as human beings, and duration instead of time prevails in their stories. Their “being” is found in the will of the Magbabaya, their one God. Their concept of “self” works under a tripartite structure that enables the learning of the past to be manifested in the projection of a future and in decision-making in the present. Decision-making is connected to their ethics, which essence is called Ginagawa, the source of love, compassion and judgment. The individual judges present circumstances and acts on them in the exercise of themselves as weighing scales referred as Gantangan. In terms of leadership, the Datu becomes Batasan Adansil, the exercise of Gantangan through tribal leadership. Epistemology is taken from human engagements and is kept within tradition by the Baylan. The study concludes that tribal philosophical thoughts are indeed viable and the Higaunon is a good example of it.

Keywords: tribal philosophy; Higaunon; Iligan City; indigenous peoples; Philippines;

1. Introduction


In the west, there were already movements concerning awareness on tribal philosophical thoughts like the neo-paganism of Mercia Eliade and the works of Vine Deloria Jr. on the philosophical foundations of native religions in the United States. Given the rich oral tradition of the indigenous peoples of the Philippines, it is ironic that such movements toward understanding tribal philosophical thoughts do not even exist. This study aims to be a pioneering work on the movement towards a greater understanding of the tribal communities through understanding their philosophy and worldview.

2. Theoretical Framework

Eliade (1954) argued that “Archaic man [man living under traditional indigenous cultures and ancient civilizations]...tends to set himself in opposition...to history, regarded as a succession of events that are irreversible, unforeseeable, possessed of autonomous value. He refuses to accept it and to grant it value as such, as history” (p. 95). Deloria, Jr. (1994) stated that the “western preoccupation with history and a chronological description of reality was not a dominant factor in any tribal conception of either time or history. Indian tribes had little use for recording past events” (p. 99). Both however believed that the traditional, archaic and tribal peoples possess a history of a different nature. However, the...
researchers simply argue that there is no need to consider the tribal past as something historical (as a "chronological description of reality") in order for it to have validity; and that understanding of tribal oral tradition as such is just an attempt to undermine and limit the possibilities of these oral narratives as means for disclosing what it really means to think like the tribals.

The central paradigm of this paper is a modified version of historicism, especially in understanding how philosophical thoughts emerge from tribal oral narratives. In his *Elements of the Philosophy of Right*, Hegel (1821) maintained that wisdom could only emerge after concrete historical events occur (pp.12-13). The researchers propose that in the absence of history, the tribals have stories and other narratives that are considered central to the understanding of their past experiences. The examination of these experiences is a way to establish the philosophical thoughts of the tribe.

3. **Methodology**

The general method of this study was that of compiling through interviews the Higaunon past from their available oral narratives. Interviews were also used for corroboration purposes whenever applicable. A focus group discussion was initiated with the intention of ascertaining the possible limitations of the paper (see the discussion on epistemology). The informants were not given a specific set of philosophical questions but were made to answer inquiries on their culture and past. Community immersion was used to merge horizons with the Higaunon informants. Informal interviews were conducted within the tribal lifestyle itself either through an early morning walk by the hillside, or in ordinary conversations after dinner. Interpretation became an apparent need for the Higaunon cannot answer direct philosophical questions. The second group discussion was initiated for the Higaunon to share the stories about their past. Through the interpretation of these stories, Higaunon philosophical thoughts are disclosed.

3.1 **Sampling and data collection method**

The Sangcoan clan in Iligan City was selected as respondents for this paper because they belong to the *Datu-Baylan* (Tribal Leaders-Shaman) line, a royal line in Higaunon culture. As this is a descriptive study, the researchers used the purposive non-probability sampling procedure. The main respondents were *Baylan* (Shaman) Eladio Sangcoan, his wife *Bae* (Female Tribal Leader) Carmelita Sangcoan, and their son *Mangohod ha Datu* (Young Datu) Kilala Lanelio Sangcoan. All the stories in this paper came from the shaman and his wife, while further elaboration and translation was provided by their son. Apart from the Sangcoan family, *Mangohod ha Datu* Kaela Fausto Demeterio, a well-travelled Higaunon who mastered agriculture through the Ifugao tribe in the island of Luzon and cultivated domains in several parts of the Mindanao island. Some of the data were also contributed by *Bae* Kiram Connie Saturno, a Higaunon tribal leader from a neighboring community near Iligan City.

4. **Finding and Discussion**

The researchers were able to gather at least ten stories and a few general description of the Higaunon culture. From these stories were extracted the Higaunon philosophical thoughts. Note though that knowledge, in the western tradition, is a product of scientific and objective studies. There is an objective reality from which man acquires data. However, knowledge and wisdom for the Higaunon came from the deities; thus, the necessary rituals. Tradition and longevity—both outcomes and gifts from the divinities rather than scientific evidences—define truth. It is best to understand Higaunon knowledge not as a section of a conglomerate universal knowledge that most educated people understand today.

4.1 **The Stories**

The first oral account was entitled *Nanangun ho Alagasiya* about a time when giants still roam Mindanao. It tells the story of a tribal leader and a shaman who used their wits instead of their power to defeat a brutal giant bent on destroying a Higaunon settlement. The second one was *Ambawa*; about a rat who was blinded by his delusion to sing the most beautiful song that he failed to observe his surroundings, which resulted to his failure to learn the said song and eventually to his death. There was also a narrative titled *Kaboli-Boli*, a man who was obsessed with this self-worth that he projected his value towards his own feces. Another narrative was *Su Pino ha Datu daw Su Pito ha Pipinditon*, which
was about the challenges met by seven Higaunon warriors as they were tested by a rival tribal leader. The triumph of the warriors became possible only with the help of their old and wise father, who was their tribal leader. The next story was Kalimanggud, which was about a caterpillar, challenged by a snake in terms of beauty. The caterpillar won when he became a butterfly. The sixth was a narrative on the Higaunon ancestor named Baybayan, whose lineage came from the shamans that fought the Spaniards during the Spanish conquest of Mindanao. Next was the story about Apo-a Pamulaw, a kind-hearted tribal leader who welcomed both the Muslims and the Spaniards in his domains. Then there was the story of Bata Buling, a despised man known as “dirty” since childhood but became surprisingly strong and eventually turned out to be a very capable leader. Mantaw-antaw was a story of a man who was warned by Magbabaya (god) of a great flood coming from a river near their domain. The last narrative was Su Tultulanon ho Tambacan, a story of how the Higaunon ancestor Lungkayaw defeated and massacred a group of Iranun pirates about to raid their land. Shaman Sangcoan also included the Higaunon story of the creation of the world and of man, but this will be discussed in a later section.

The most obvious observations that one can get out of these stories are that they are not definite in time and space, and that chronology does not matter at all. In the telling of these stories, there was no attempt to arrange them in a chronological manner the same way history arranges dates and events in a chronological timeline. However, what is important here is that truth is not a subject of verification but that of tradition. When the researchers asked whether these stories did happen, the shaman Eladio Sangcoan answered that they did. Since these stories existed for generations, they are beyond questioning.

4.2 Space and Time

Placing the stories in a synchronic manner manifests outright the absence of the modern and contemporary conception of time, and the prevalence of human experience within space rather than the space itself. Contemporary society is much accustomed to tracing space in relation to time that the researchers felt great discomfort when these stories ended up not having definite time and specific locations. The Higaunon place emphasis on the experiences that occurred in space and see duration in it rather than subjecting it to time. Phrases like “in the neighboring land” and “on the top of the mountain” (in the Alagasiya), “faraway places” (in Ambawa), “two kingdoms facing each other” (in Su Pino ha Datu Daw Su Pito ha Pipinditon), “the wide plain” (in Kalimanggud), “the world specifically to the mountains” (in the Baybayan), “Spaniards from the north” (in the story of Apo a Pamulaw), “In the midst of a thick forest in a mountain” (in Bata Buling), and “on this world” (in the story Mantaw-antaw) offer the observer with a glimpse of the Higaunon’s understanding of space.

The Higaunon accepts the benevolence of the natural world. There was no need to ask metaphysical inquiries on the nature of space, for it is merely accepted as such, as nature. Space is a given—part of creation—what is relevant are the things done on and in it. It is enough to point to a general understanding of the “where”, without giving weight to the “where exactly” because the relevance is on the meaning of the events. Specific locations are not relevant to the telling of stories. Chronological reality is fundamentally absent when recalling past events considered relevant by the Higaunon. When Kaboli Boli saw a fly on his feces, it is not on this disturbance in space that made him angry. The elements of space, particularly his feces, are only given meaning by his fondness for his life; for space is, according to Kaboli Boli, “connected to my entrails, the very entrails that I woke up with in this world”. It was not dirty inasmuch as it was part of him. In this story, like many others, space is a mere background. Because space, within which nature settles almost in static, is created by the deities, it is alienated from active participation in most of the stories.

The same thing can be said when the tribal leader Bataay set a trap against Alagasi the giant. The agong (gong) that the giant was so fond of found a twin in space in the shape of a beehive, which coincidentally appear provided by nature for the triumph of the hero. When Ambawa went on his quest for a song, one is not offered a sense of direction at all. It was only when the Pugo (an owl) specified a place that space arrived unfortunately to the ruin of Ambawa. He was instructed not to go to certain place, yet he did. It was the cause of his death.

The modern and contemporary understanding of time found no position in any of the stories. The sense of duration, not the sense of time, mimics the Higaunon understanding of duration in space. This is not surprising since the Higaunon did not develop a calendar as extensive as that present in some sophisticated ancient societies. Duration in a day is determined using the position of the sun and “the direction of shadows”. They do not tell time nor have any understanding of it the same way as most people today would (K. F. Demeterio, personal communication, January 14, 2013). Longer durations are measured through the phases of the moon (E. Sangoan, personal communication, October 26, 2012). The sun and the moon played its role in knowing that a certain duration in space has occurred.

The glaring consequence of these views on space and time are as follows. Since space is alienated from human
activity (space considered as an entity in the background, not as human possession or subject to human control), treated as sacred and as belonging to the proper domains of the deities rather than that of humans, private ownership of land became impossible. “Ang Lumppad” (nature) is a creation of the deities and so are human beings; thus, it is difficult for the Higaunon to imagine that a creation can own its fellow. Many of the Datu during their meeting, where the researchers were invited as guests, emphasized that they do not worship nature. Instead, what is mistaken by modern man as nature worship is the Higaunon’s proper gesture of respect to the natural world that stand co-equal in dignity with human beings. “Sama rana sa murespeto ka sa tag-iya sa balay nga imu bisitahon o kanang murespeto ka sa mga butang nga dili imoha” (That is the same when you respect the owner of the house you are visiting or when you respect properties that are not yours) (K. L. Sangcoan, personal communication, January 12, 2013).

4.3 Being and the Self

There are two realms in the interpretation of reality by the Higaunon. The concept of space and time presented above composes what the Higaunon believe to be the material realm, which is signified simply as Lumppad (nature). The spiritual realm, signified as Baya, is the realm beyond space and time. Before the Lumppad came to be, the Magbabaya resided within the Baya. The Magbabaya is so powerful that it exists in- and for- itself. “Nagpuyo siya didto sa iyang kaugalingong kagahum” (The Magbabaya resided in its power) (K. F. Demeterio, personal communication, January 14, 2013). Then within this power, the Magbabaya created from within itself: Magbabaya Nangadun, Magbabaya Luminimbag, and Magbabaya Nananghaga. The Magbabaya Luminimbag then created the Lumppad through the Hulmahan Agpangan, words in dreams used in the “paghulma sa kalibutan” (moulding of the world) and in the “pagbuhat sa tao” (creation of humans). This happened within the spiritual realm called Limbagan (the place where everything is created).

After nature took shape upon creation, the Magbabaya Luminimbag then created the first humans, known as Natanyag and Natanghaga. They were neither male nor female. The Magbabaya Nangadun was responsible for providing faces and appearance to all creatures. The Magbabaya Nananghaga was responsible for giving names to all of creation. In these early moments of human existence, the Baya and the Lumppad were not far apart that if someone exists in the Lumppad he or she could reach and feel the Baya with his or her arms. (E. Sangcoan, personal communication, October 26, 2012). Thus, there existed the spiritual realm of the Baya and the material realm of the Lumppad.

This was where “being” began. The will of the absolute and eternal Magbabaya held sway among all creations, all of Lumppad. The Magbabaya provides meaning for everything, including the meaning of existence. “To be” is defined by the Magbabaya. As for the early humans, Natanyag and Natanghaga, they were offered the fruits of the Kalintubo, the Tree of Life in the Baya. They were to eat from the fallen fruits of the Kalintubo. From such fallen fruits the immortality of the two were secured, including eternal bliss. They were prevented from doing only one thing, to get the fruit from the tree itself and to eat it. Nevertheless, the Magbabaya wanted to test the capacities of the two by sending entities to tempt them in getting the fruit from the Tree of Life. Unfortunately, they disobeyed the Magbabaya and committed the first “sala” (fault or inappropriate behavior). There and then “nagsugod ang kinatao sa bae og laki” (started their lives as woman and man) (E. Sangcoan, personal communication, October 26, 2012).

They were no longer provided the fruits from the Tree of Life and they became mortals and suffered the finite nature of existence just as the rest of Lumppad. All their descendants shall then become mortals too. The Baya began moving away from the Lumppad until its gap can no longer be fathomed. Thus, began man’s becoming—given the freedom to choose a life of his own with purpose unknown and with immortality gone. The “self” is comprised by the being provided for by Magbabaya and human actions. This story of the beginning of everything demonstrates well the freedom to choose a life of his own with purpose unknown and with immortality gone. The “self” is comprised by the being provided for by Magbabaya and human actions. This story of the beginning of everything demonstrates well the structure of the mind of the Higaunon Baylan. Being and self are defined in two realms. “Being” as the nature of existence provided for by the Magbabaya, and the “self” as the nature of existence within the world or man’s worldhood, the self that can determine the “I”.

“Being” is the role already acquired by birth. The lines of Datu and Baylan are already determined by the Magbabaya, so one can be born following the footsteps of those who became Datu or Baylan in the clan or one is simply born to a common family. A Higaunon, in a sense, is thrown into the world by the Magbabaya and he or she has no dictates over which family he or she is born with. The Higaunon is molded by the Magbabaya to existence, but “destiny” is limited to the circumstances the Higaunon find himself or herself in. Mantaw-antaw cannot go against circumstances provided by the Magbabaya. The fact of the Higaunon’s existence is no longer necessary to inquire, the same way, as there is no need to ask the essence of space or nature. Inquiries on the nature of things, such as those in metaphysics,
cannot change the “fact” of one’s existence. This is the Higaunon’s being.

The “Self” or Kagwolong is the understanding of the Higaunon individual of his or her role in Higaunon society (being) and awareness of his or her actions that resulted into choices of what he or she can become (becoming). The Higaunon sees himself as a creature of the Magbabaya, acknowledges his being upon recognition of the clan circumstances he found himself in, and then determines his becoming by creating the path of his career. It is through this engagement in the world that Kagwolong is weighed. Though in the spiritual realm one may assume that the Magbabaya values its creation, in the material realm the action and engagement of the Higaunon individual determines the worth and value of the individual. In a personal conversation with Baylan Dionesio Sangcoan, he complained about a distant relative of his who ruined his path by going against his parents and the clan, dropped out of school, and became a drug addict. “Kanang in-ana nga tao, nahulog nga walay bili. Mas maayo pa maqbugi og iro, sa saktong pagka storya” (A man like that is worthless. It is better to raise a dog, practically speaking). So when the researchers asked if the value of the individual is already set, or that one must prove value through actions, he agreed on the latter. (D. Sangcoan, personal communication, October 27, 2012).

The becoming of the self can be viewed in a tripartite structure. First, the Kagwolong, the identification of the Higaunon of his or her “self” and everything that happened to the self as it stands in the present. The Kagwolong includes all human engagements that the Higaunon undertook and the role (being a tribal leader, a shaman, a farmer, etc.) the Magbabaya set for him. The Magbabaya determines a Higaunon’s being. Then second, the Higaunon, by looking at his engagement in the world and by understanding the role the Magbabaya set for him, utilizes his Kagwolong to project a future for himself or herself. In any given moment, the Higaunon looks at his past and his role and weighs it to project future outcomes of his choices. Long before Islam and Christianity influenced the Higaunon, the bases of their lives were actual engagements in the world and not scriptures and texts. The Higaunon used their lives and its connection with nature (its involvement in the world) as the source of its decisions and choices. They never needed any book whatsoever.

However, just as the Magbabaya tested Natanyag and Natanhaga, so are the Higaunon tested with its ability to weigh situations every day. “Mao nang dili mawala sa ato ang pagsulay” (that is why we always face trials in life) (E. Sangcoan, personal communication, October 26, 2012). Thus, the third is that the present continues to provide trials for the self in order for it to make choices. A consequence of the first sala (fault), the Higaunon must face trials and act on different situations. The self must act under a sense of propriety. Its Kagwolong is already provided by its being and by its past, it has the ability to project future outcomes, but it must learn to weigh the present. This act of weighing is what comprises Higaunon ethics.

4.4 Ethics

At the heart of Higaunon ethics is the concept of balance. In the stories, this is a repeating theme. The great devourer giants Alagasi and his family were made to pay for their crimes by the Datu Bataan using their weakness as the source of their downfall. Their lack of wisdom made them devour their servants, and that lack of wisdom resulted to an unbalance. The same lack of wisdom was used for their death. Ambawa was made to realize that gaining something means losing something. He gained a song, but lost something in return. When he succumbed to his whims by doing what was forbidden, he lost the song and eventually his life. Kaboli Boli by defecating caused an unbalance in his surroundings. A fly came for his feces but it also invited the curiosity of a chicken, which got the attention of a dog, which in turn got the attention of a boar. Since Kaboli Boli gained satisfaction in his action, he must realize that if he value his feces extraordinarily then he must guard it. His anguish ended only upon this realization. The seven warriors on the other hand were made to realize by the Pino ha Datu that the arrogance and strength of youth must be complemented by the wisdom and knowledge of old age. They are strong that is true, but since they lack wisdom, they endangered themselves and was only saved through their loving brother who learned from their wise father, who in the beginning of the story they agreed on burying alive as he was old and already a nuisance. Agyu, Baybayan and the Spanish Missionary who courted Agyu’s sister, despite having been granted a place in Baya, still requested to return to Lumppad. It was granted but the three returned as Dwata (nature spirits) in exchange.

This give-and-take structure, which echoes the fate of Natanyag and Natanhaga, and the occurrences of unbalance because of the whims of humanity, is a good demonstration of the concept of Ginagawa (balance). There is balance in nature that is required to be kept, and this balance resemble the perfection, the oneness, of the creation of the Magbabaya. The Apo-a Pamulaw, for example demanded respect from the Spaniards for they are all created by a common God. Ginagawa is intrinsic in creation and as such is part of the Kagwolong of the Higaunon existence. To deny
the Ginagawa is to deny oneself as being Higaunon thereby causing unbalance.

In ethical judgment, the Ginagawa becomes the concept of Gantangan (weighing or scaling), wherein the Higaunon weighs the circumstances of his life—or, in the case of the Datu during times of settling conflicts, weighs arguments and decides upon them. This system of weighing and keeping balance is called Batasan Adansil. The Batasan Adansil adjusts in every situation, uses the past as a guide for judgment and exercises the Gantangan to weigh things down and deliver justice. Judgments passed are recorded in memory and oral tradition and becomes part of the Kagwolong of the Datu in times when the Datu becomes Batasan Adansil, meaning the system of justice. Thus, the Batasan Adansil is thus a role played by the Datu in exercising judgment. In this instance, the Datu also becomes Gantangan in a political sense, for his decision becomes part of conventions that found expressions in oral tradition. In most cases, decisions are always towards keeping Ginagawa. There are hundreds of examples in this, but the Higaunon Datu and Baylan treats them as a compendium of laws already beyond the scope of this paper.

Human engagement is thus the dynamic process of becoming in the mandates of his or her being. The very nature of the Higaunon self is directly connected to the foundations of his or her ethics. In the decision-making process, the Datu and Baylan treats them as a compendium of laws already beyond the scope of this paper.

Kagwolong from Gantangan is thus a role played by the Datu in exercising judgment. In this instance, the Datu also becomes Batasan Adansil. Experience grants him the rank of Pino ha Datu. The second ritual opens the door to spiritual knowledge so that the Pino ha Datu can study Linggas ha Tanod (spiritual wisdom) and may become a Poon ha Datu (literally “The Wisest One”, generally called Baylan or the shaman). The Higaunon shaman is an authority on both the material and spiritual aspects of Higaunon existence. When the researchers asked Baylan Eladio Sangcoan if there are things that he know about the nature of the creation of the world other than what is in this paper, he remarked that he is limited to what the ritual allowed him to teach. In asking Mangohod ha Datu Kaela Fausto Demeterio about the meaning of the rituals, he apologized that he never had the knowledge on linggas ha ugsak, saying “aw, wala man kaayo ko ana” (I do not have much idea on that) (K. F. Demeterio, personal communication, January 13, 2013). The Bae, roughly considered as the female counterpart of the Mangohod ha Datu, cannot become a baylan because they cannot perform specific rituals, like sacrificing chickens, for “ang kahimtang sa babae kay gapanganan siya (she delivers babies)” and “kada bulan muagi sa Lumppad ang babae (every month she undergoes menstruation)” (E. Sangcoan, personal communication, October 27, 2012).

This prohibitive nature of Higaunon knowledge manifests in their language itself. There is the Higaunon language for common usage that many of Higaunon still know, but the language of the shaman is the sangunsangun, the spiritual language that is now very rare in usage in Higaunon communities. The sangunsangun is the language of the finest ones and they use it without toleration for changes in structure. According to Mangohod ha Datu Kilala Lanelio Sangcoan, when words do not fit in the prescribed structure of usage in the sangunsangun, the shaman can interpret this as a form of treachery and mischief (K. L. Sangcoan, personal communication, January 12, 2013).

In general, the exclusivity innate in Higaunon knowledge created a defining limit in this study. There is a strict line that divides what the first ritual can offer for those who are merely researching, and for those who are on the process of being Mangohod ha Datu. The reader must remind himself or herself that not anyone can become a tribal leader or a shaman; that one must belong to the original line of Higaunon leaders that found its origin in the beginning of everything.

The extent in which Kagwolong affects engagement in the present, of how understanding of the past and knowing the fact of one’s life, contributes to the projection of a future demonstrates the power of knowledge in Higaunon society. To reiterate a point implied earlier in this study, Higaunon knowledge is not statically objective and does not exist outside the tripartite structure of Higaunon Kagwolong to form an independent objective standpoint as a separate body of knowledge. Knowledge is an active participant to the understanding and identification of the Higaunon “being”. Engagement in the world is the primary source of knowledge and knowledge is composed of lessons learned in the worldhood of becoming. Thus, wisdom—usually viewed in the modern world as a product of subjectivity—and knowledge—usually treated as a product of objective science—are not at all dissimilar. The story of the seven warriors

4.5 Epistemology

Knowledge in the Higaunon scheme of things is based on a hierarchy. Those who are seeking Higaunon knowledge faces the wisdom of the Higaunon shaman, and then undergoes rituals asking permission to the deities for knowledge to be imparted. These rituals play as doorways to Higaunon knowledge. The rituals are of two kind in this instance. The first ritual is for the basic understanding of Higaunon culture that is enough for some to become Mangohod ha Datu (a young tribal leader in the process of becoming wiser). In this level, the Datu learns the fundamental nature of ethics and knowledge contained in their Batasan Adansil. Experience grants him the rank of Pino ha Datu. The second ritual opens the door to spiritual knowledge so that the Pino ha Datu can study Linggas ha Tanod (spiritual wisdom) and may become a Poon ha Datu (literally “The Wisest One”, generally called Baylan or the shaman). The Higaunon shaman is an authority on both the material and spiritual aspects of Higaunon existence. When the researchers asked Baylan Eladio Sangcoan if there are things that he know about the nature of the creation of the world other than what is in this paper, he remarked that he is limited to what the ritual allowed him to teach. In asking Mangohod ha Datu Kaela Fausto Demeterio about the meaning of the rituals, he apologized that he never had the knowledge on linggas ha ugsak, saying “aw, wala man kaayo ko ana” (I do not have much idea on that) (K. F. Demeterio, personal communication, January 13, 2013). The Bae, roughly considered as the female counterpart of the Mangohod ha Datu, cannot become a baylan because they cannot perform specific rituals, like sacrificing chickens, for “ang kahimtang sa babae kay gapanganan siya (she delivers babies)” and “kada bulan muagi sa Lumppad ang babae (every month she undergoes menstruation)” (E. Sangcoan, personal communication, October 27, 2012).

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facing the test of the Pino ha Datu is a good example. Saved in the end by the wisdom of the Poon ha Datu, the warriors were grateful and apologized for their recklessness in decision-making. However, the tests provided by the Pino ha Datu are tests of practical knowledge (not Sphinxian/philosophical riddles) that presupposes tremendous engagement in the world and not abstract understanding of reality.

Wisdom and knowledge are the same. They are dynamically modified through engagement and change within the world. The tripartite structure acting as the dynamo of Higaunon Kagwolong. Becoming is the process of change and change is intrinsic in the world. Bata Buling was an outcast because of his appearance and smell ever since he was born, but change turned him into someone unlike his name. The snakes were not wise in challenging the caterpillars to a beauty contest for they failed to acknowledge that change can transform the caterpillars to colorful and beautiful butterflies. Change made the Higaunon accept the impermanence of the world, and the impermanence of man. Knowledge cannot necessarily be universal and absolute (unchanging, characteristics of objective knowledge) for everything change and decisions must adapt to it.

In closing, it is indeed obvious how the elements of Higaunon thoughts explained in the preceding pages are connected to each other. Space and time, being and the self, and ethics are all intertwined into a body of knowledge. This body of knowledge is not a passive ivory tower overlooking everything from its objective standpoint, but an ubiquitous sun that permeates in the becoming of the Higaunon in the material world with the Baylan as its walking reminder.

5. Conclusion

This study shows that though the tribal peoples, like the Higaunon, does not possess a systematized philosophy, it is only a matter of training before it can be done. Their culture is rich in human engagements and experiences that what is only required is a creative mind to fully capture their thoughts and place them in a philosophical structure. This study, as mentioned before, is far from complete. Though hermeneutics was exercised to better understand Higaunon culture, the researchers can only imagine what a Higaunon philosopher, who is trained in the craft and remained loyal to his or her culture, can do. Nonetheless, looking at the findings of this study, there are many things that contemporary society can learn from Higaunon thought.

Knowing that nature is as much a respectable entity as human beings is paramount for any environmentalist. The Higaunon does not see themselves as mere caretakers of the world. They see themselves as living in and beside it. The respect made them treat nature just like human beings. Contemporary society poses itself as an overlord over nature that many members of it feel that it is either we save or destroy it. The Higaunon does not subordinate nature to the whims of man, but understands it as its equal. Many may criticize these people as animists and nature worshipers, but this is only because contemporary society mistakes the tribal show of respect for nature as a kind of worship. The Higaunon only worship the Magbabaya and the rest are merely expressions of Ginagawa.

Though to the trained eye Higaunon ethics appears akin to existentialist thoughts, their ethical standards are based on balancing personal whims and personal discipline. Kaboli Boli, Ambawa and the Seven Warriors reminds contemporary society of restraining the pleasure-seeking principle that dominates it. In the ancient days before the arrival of the Muslims and the Spaniards, the Higaunon came to live life without the usual instructional scriptures that determine human values, virtues, judgments, and behavior.

That knowledge is not just an objective exposition of reality (as a product of science), but a living and breathing wisdom is something the academicians of today may appreciate. Knowledge is not a passive entity looked upon as a model, but an active participant in the Higaunon’s journey in life. Truth is that which works, the west needed the development of pragmatism to realize what was already exercised in Higaunon society many years before the Judeo-Christian-Islamic traditions reached them.

References


The Role of Administrative and Implementing Law Reforms in Public Administration and Cultural Heritage in Albania

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Abstract
The judicial power is one of the important fields of the legal state. As stated in the Albanian constitution, one basic principle is: equality and control between governments. Our paper research will analyze the justice reforms in Albania, will analyze bailiff organizational management (private or state form). This paper identifies and addresses of the important factors underlying of the, bailiff office in Albania and changes in the form of organization, under the administrative and implementing reforms in law. The paper also introduces with the changes in national law, private or state organizational form. This is done in order to seek an independent and impartial tribunal’s or court’s determination as to whether one’s legal rights and obligations are being infringed, and if so, to obtain appropriate compensation and remedy. Civil litigation should be distinguished from criminal litigation. The main difference is that civil litigation is normally undertaken by an individual to seek monetary compensation, to recover properties, or to enforce obligations, while the criminal litigation is instituted in the name of the Government (i.e. the Vlore region Special Administrative Region during 2009-2011 years) to suppress crime and to punish criminals.

Keywords: Administrative reform, Justice Processes, Law services, State services, Changes in administrative services.
JEL Classification: K0, K12, K22, K23, K40, K42

1. Introduction

On jurisprudence, the European Committee of Human Rights decided that, although the European Convention of Human Rights makes no reference to a penal liability of juridical persons, it is not incompatible with such a liability. Consequently, when a penal accusation against a juridical person exists, it has the guarantee of receiving an equitable trial, ensured by article 6 of the European Convention of Human Rights. (Benness 2009) This jurisprudence is in compliance with the orientation of the European doctrine, which estimates that art. 6 and 7 of the European Convention of Human Rights do protect both physical and juridical persons. On the other hand, the Bailiff Section in Albania plays an important role in promoting full compliance with Court and Tribunal of Albania judgments and orders, for example, if a judgment debtor who has been ordered to settle a debt, or a person who has been ordered to vacate premises, fails to do so, application can be made to the Bailiff Section to take the appropriate steps to try to recover the debt or deliver the premises to the applicant. A civil case relates to the legal rights and obligations between two or more persons or institutions. In the event that the parties concerned cannot resolve a dispute themselves, either party may start a civil litigation.

2. Literature Review and Hypotheses

2.1.1 Which is a general concept of administrative law reform?

To the purposes described above, the project will examine and compare the legal framework regarding Cultural Heritage in four different areas (Europe, Africa, Americas, Asia).

To this end, four main issues will be taken into account: the definition of Cultural Heritage and cultural property;
functions delivered by public administrations; the institutional framework; public and private partnerships instruments. (Blownner A 2009)

About the first issue: the project will consider national legislations and will highlight the legal requirements and criteria according to which cultural objects are identified and regulated.

• About the second issue: the research will focus on the functions carried out by public administrations in this sector.

• About the third issue: the project aims at analyzing the institutional framework existing in the different countries selected.

• About the fourth issue: public and private partnerships mechanisms will be analyzed from a dual perspective.

When it comes to criminal organized groups even the persons who support, or the ones who know about the group’s existence, who accept their rules and agree to help the organization in a criminal act or ensure the necessary materials to commit a crime are sentenced by the Court. Also the attempts for committing a penal act are convicted, even if the attempt has failed and the act is not realized, even reaching in an agreement on doing a penal act is enough to get a conviction, which means that the other person who accepted and agreed to commit the act can be sentenced. The Bailiffs of the Magistrates Court are appointed Officers of the Magistrates Court and as such are required by their office to conduct their duties of office in accordance with the Rules of the Court. Service of all process and execution of matters coming before them will be handled in an ethical manner in accordance with the Court Rules and without favor to any party and in an impartial manner. Service and execution of all process will be attended to without delay and fees charged will be only that which is allowed by law. Multiple attempts at service and execution will be made at no additional cost to the client, so as to effect service/execution or until it can be confirmed that the matter cannot be bought to conclusion.

2.2 Specific Objectives in this paper research

2.2.1 H 1: What is quality of governance and how can this quality be advanced in multifaced national and international governance processes and structures?

Governance concerns the involvement of public (and private) actors to address social problems, including policy-making and implementation. Quality refers to a diversity of values, including the ethics and integrity of governance. Other criteria refer to the rule of law, democracy and legitimacy, and effectiveness of governance.

Topics of this paper research is to be explored include: 1. Quality of Governance: Good Governance in Context Good governance as managing public values good and well, law and integrity, in politics and administration, relating elite and street-level values and involvement. 2. Good governance policies, systems, instruments, leadership. Many initiatives to improve the quality of governance are proposed or present. 3. Quality of Governance Organization and Relations. The relationship between quality of governance and the structure of governance (including centralisation-decentralisation; public-private partnerships, the involvement of civil society and third sector organizations). 4. Quality of Governance and Governance Studies: theory and methodology.

Reflection on the state of the art in this field paying extra attention to theoretical and methodological advancement, including the aim to stimulate comparative international research. (Blownner A, Hozel S. 2009)

The European Union through the definition of organized groups tried to give the notion of organized crime. According to the common plans of the countries of the European Union, in 21 December in 1998, a criminal organization would be: the organization that has a structure made from two or more persons that is created to act during a certain period and that commits crimes that can be sentenced at least four years or more by the law. And this is how the Penal Codes of different countries gave the definition of “organized crime”. A full Affidavit of Service or a full Report as to non service/execution will be returned to the parties concerned outlining the reasons that the matter could not be served or executed and suggesting alternative actions that can be enforced in accordance with the Rules of the Court. (There is no cost for an Affidavit of Service or written report to an action). Points to consider, assist with prompt and effective service of process.

2.2.2 Which is a general concept of administrative court service?

Process that requires service, after being filed and sealed by the Court of issue, should be forwarded to the Bailiffs Office (Albania Bailiffs Office) or to the Bailiff of the Magistrates Court District where the party to be served can be located. In
Albanian region the bailiff offices are Execution must be defined and supported by a clear legal framework that defines the powers, rights and responsibilities of the parties.

2.3 Administrative Management and Administrative Services. Correct address of service.

[1] Ensure the address of service is correct and complete and if the action is hand written, all details are legible. [2] Include with the process a note giving any information that may assist in the speedy location of the person to be served, such as: Directions to the address of service, if the address is known to be difficult to locate. [3] Information, if known, as to when is the most likely time to find the Defendant at a given address. [4] Any information that may assist the bailiff to locate the defendant without undue delay. The Bailiffs Office organizes service of process on a daily basis, covering all Court Districts within the greater and surrounding areas. [5] Process for service will be attempted within 24 hours of receipt and if not served further attempts will be made at various times day and night until service is effected or it is confirmed that service can’t be accomplished by normal means.

Normally service is affected and the completed affidavit of service is returned to the Plaintiff within working days. Bailiffs' service fees may be paid at the Bailiffs Office by cash or c during business hours or if process is sent by post a tax fee or Money Order made out to “Bailiffs Office” should be enclosed with the process. A receipt for fees will be returned to the person lodging documents. Service documents for service, in the same Court District where the documents are filed, may be left at the Court with the appropriate service fees in a sealed envelope for collection by the Bailiff sector. [8] [9] [10]

2.3.1 H 2. The Bailiffs Office organizes service of process covering all Court Districts within the greater surrounding areas.

The person who has obtained a court decision or as it’s called the creditor, in order to materialize his right must in accordance with: Article 515 of the Code of Civil Procedure, choose one of two services the public one or the private bailiff service, in addition the creditor shall provide a) Executive title (original or notarized and b) execution order only in original also the payment of the fee issue in the execution, which will be returned to the person lodging documents and only where is appropriate, the person’s attorney, who represents the creditor party.

2.3.2 General functions and Administrative compatibility.

Constitutional Albanian Court obliges the institutions to pay reparations and money back to employees Bailiff Office and legal institutions will need to make better accounts before dismissing their dependents. There are innumerable cases where employees wander through the doors of the courts to obtain redress unfair break from work and after he won the trial must wait for months until receiving the money. But a decision last days of the Constitutional Court is likely to end this practice. The Court had to examine a typical case to come from the city of Portland for which has come to the conclusion that the unreasonably long judicial issue in these cases as well as time of employees that have earned this right by a court decision is a violation of the Constitution.

In most cases, the indemnity institutions drag their former employees on the grounds of limited funds. Based on this fact, in a given decision in the case Constitutional states that lack of funds can’t be used by institutions as an argument for profitable of the debt of employees if the court concluded that he was dismissed from work without the right [11] [12] [13]

2.4 Democracy and Public Administration, foreign experiences

The issues of ‘democracy’ and good public administration or ‘good governance’ have largely been decoupled in theory and practice. This may be for several reasons – divisions between scholarly communities; ‘real politik’ in intergovernmental organisations; the Webberian idea that ‘bureaucracy’ is a relatively discrete phenomena; etc. Whatever the reasons, it is clear we do not know enough about the following questions:

- In the early ‘western’ transitions to democracy (in Europe and North America), what was the inter-relationship between this and the rise of ‘progressive public administration’?
- Did public administration go through a qualitative transition in parallel with the democratic transitions in
political systems?

- If so, what is different about PA under democratic and non-democratic political regimes?

Similar questions can be asked about many countries transitioning from colonial, authoritarian, military, communist and other non-democratic regimes. The purpose of the proposed ‘Democracy and Public Administration (DPA) Study Group’ is to explore these issues. We do not expect to be able to definitively answer them all, but at a minimum to be able to establish what we already know and what remains to be discovered – i.e. develop a research agenda and community to take this beyond the term of the Study Group.

2.5 Albanian justice and European Convention of Human Rights

State authorities can not cite lack of funds as an excuse for not respecting a financial obligation that comes from a court decision, cited in most of the arguments with which the Court justifies its decisions. The event that has set in motion the Constitutional Court dates back to the city of Albanian region. In spring 2008 a citizen of the Inspectorate dismissed the National Urban Construction district court addressed the claim that during her discharge violated procedures are provided in the Labor Code. Court decides in favor of former employee forces to indemnify him in five months’ salary and a bonus for seniority for a period of six months and a half. After receiving the execution order of execution of some office notes that they could not impose Urban Construction Inspectorate to pay the fine and issue passes bailiff's office in Tirana. [Albania Civil Code, USAID and MOJ, year 2010 pp 23, 24, 26]

Set the excessive length of judicial proceedings in violation of the European Convention on Human Rights and the rejection of the argument of lack of funds to indemnify the employee is considered a support to hundreds of individuals who continue to wander through the doors of the courts, and a message clear to the judicial power to court proceedings concluded in time. According to the Albanian Court, the lack of money can’t be used as an argument by the institutions not to pay damages to workers unjustly dismissed from work. (For example: Review of the case has as starting point a judicial process in some Albanian offices where worker sue the institution for two years but with time could not obtain indemnity. The court had decided to pay indemnity to the employee for five violations of the provisions of Labor Code during its break from work. Unreasonably long judicial processes or the implementation of the decision of the court regarded as violation of right to a fair trial by prejudice to the Constitution EU calls on all political parties to urgently proceed with the appointment of a new people treatment. [Albanian Civil code year 2008, pp123]

2.5.1 H3.EU stalemate is hampering the work of institutions for private and public sector.

The escalating political situation in the country which brings delay in undertaking important reforms to the country viewed with concern by representatives of the European Union Delegation in Albania. In a response of EU delegation notes the absence in the operation of some institutions because of the political stalemate. Among these institutions, the changed stated (public and private sector and its function) that because of the dispute is not doing its replacement with a new name.

**Grap.1:** The indicators of distribution cases by bailiff general office. [Series 3 is showing the advantages of private bailiff sector under EU suggestions.]
3. Improving Information and Methods in the Collection Process

The procedural code and insufficient resources in the courts create problems in collecting court judgments. The Systems for Enforcing Agreements and Decisions (SEAD) Program will support the efforts of government and legislators to improve legislation; the ability of courts to gather information from other government agencies, from debtors, and from third parties; and to bring new vigor to court orders. The SEAD Program will also work to improve working methods within courts so that cases, orders, and information are better used. The Bailiffs Office, within the jurisdiction of any district court of first instance make the local level of organization and administrative subordination of the General Directorate Normally service is affected and the completed affidavit of service is returned to the Plaintiff within 15 working days. Bailiffs' service fees must be paid before execution of the decision began as a fundamental condition to lay down by:

Article 515 “Putting in execution [Amended by Law No. 10 052, dated 29.12.2008 Article 17]

Tab 2. Amended by Law No. 10 052, dated 29.12.2008 Article 17

The execution order is executed by the bailiff service, public or private, by a bailiff, at the request of the creditor. The creditor, in addition to execution, you must submit:

a) Executive title (original or notarized);
b) execution order (original);
c) payment of the fee issue in the execution;
d) where appropriate, the person's attorney, who represents the creditor party”
A receipt for fees will be returned to the person lodging documents.

When not properly fulfilled the above documents for executing the order of execution, the bailiff leaves the applicant a 5-day deadline for filling the gaps. When the applicant does not meet these deficiencies within the prescribed period, the documents returned to him. When shortcomings are avoided in due course, demand for executing considered registered by the date it is submitted to the bailiff. Putting in the execution of an enforcement order is made within 15 days from the date of submission of the creditor. [Amended Law No 10052, Article 17]

4. Methodology and Results

The highlight the key results and conclusions from the empirical studies, evidence or experiences presented; it ensures that results are clear, precise and justified. In this paper is analyze the Albanian reforms under developing government reforms. The methodology of this research is creating the frame conditions for innovations and institutional system of innovation. The proposed definition of the field of entrepreneurship is complex, as is the phenomenon itself. It's of interest only if it allows researchers to reach a minimum level of consensus on what the field is and is not. We are using correct data that are analyzing on statistical and analytic models. The data are gathering by programs and projects that are implementing in Albanian region under developing government reforms.

For the first time (1995) since the transition, Albanians did not consume as much as they produced. In 1992, consumption and investment were nearly twice (1.9) as high as GDP, with investment accounting for only 4-5% and mainly from the state sector. By 1995, consumption and investment were only 1.2 times as high as GDP, with investment accounting for 20-21% of GDP. Indeed, total savings for 1995 were estimated at 24-25% of GDP, compared to 22% for
the European Union.

The above mentioned Strategy constituted the basis for the simultaneous preparation of the first Report on the Environmental Situation in Albania and the National Environmental Action Plan (NEAP). These documents constituted the first effort in bringing together development and environment in Albania. The impact of all economic activities on the natural environment was considered and the most affected zones were defined according to the economic activity origin of the environmental damage. The NEAP provided the basis for future actions of the different institutions and organisations which are obliged to take into account environmental considerations in their development plans.

The cases for year 2010

Tab 1. The distribution of executions of an enforcement order, year 2010, Albania Region

4.1 Development of Hypotheses

4.1.1 Public Sector Reforms in the 21st Century'.

The main objective of the study group is to map and compare the reform agendas of national states between different regions of the world in the beginning of the 21st century as they unfold under the pressures of globalization. In this century, national states will be confronted by increasingly globalized problems, such as climate change, transnational migration, terrorism, economic inequalities, and the financial crisis. Although the challenges are the same, the responses in terms of reform agendas will be very different.

Western European countries are faced to constraints imposed by the international crisis, and some of them are trying to resist against the assault on the Welfare State machine; the agenda thus tends to protect their bureaucracy that has been transformed in the last quarter of 20th century. In other regions, or for emerging economies, there is a movement towards an expansion of the State machine, in a context marked by an unfinished agenda of reforms – here the agenda needs to focus on reforming bureaucracy and the search for results.

This paper research aims at improving and strengthening the capability of public administrations to protect and to enhance Cultural Heritage, as a key factor for boosting state, regional and local attractiveness, economies for contributing to sustainable development.

At this end, it seems important to share and to compare the experiences of regulatory actions enacted in order to guarantee cultural heritage safeguard and improve its fruition and knowledge as of direct- action State, regional and local authorities have undertaken to this purpose. Many of these tools proved hard to handle and seem to claim further and more exhaustive reflections and studies.

Especially difficult has been, in a lot of experiences, implementing effective models of partnerships between public and private cultural sector actors, despite the emphasis put on privates involvement in Cultural Heritage Enhancement.

In article( 394-a-) it is clearly expresses that the founder or creator of a terrorist group, band or organization who aims penal acts such as murders, kidnapping, damaging public objects like transporting vehicles, infrastructure or information systems, this article also foresees punishment for the individuals or groups who aim to steal airplanes, who produce, posses and sell nuclear weapons, biologic, chemical or any other sort of weapons and dangerous materials, also the distribution of radioactive materials, toxic substances, individuals that may cause fires or explosions, damage water-supplies, energy-supply or any other fundamental resources, and aiming to frighten citizens and to put at risk the constitutional regulations of the country or the interests of international unions.
5. Conclusions and recommendations

Albania Government worked with donors on the public financial management agenda by strengthening core public financial management units (Ministry of Finance, Supreme Audit Institute, Procurement Directorate within the Office of the Prime Minister) as well as the financial management units within each line agency (e.g., budget departments within line Ministries). On matters relating to public sector human resource management, the reform strategy envisaged addressing this issue in two major stages: civil service reform and broader public sector human resource management reform. During the stage, the reforms aimed to create the managerial and professional nucleus required to lead any serious efforts to improve the accountability and performance of public institutions.

Different policies against organized crime must be part of the engagement of all the societies and must aim the prevention and the control of this sort of crime. The penal legislations must involve the newest forms of organized crime from time to time, especially those related to human traffic and cyber crimes, because even though in our country they are not very developed, they remain very dangerous and harmful acts. Another important issue is the implementation of the penal legislation which has a major importance in the prevention and in an effective fight against the organized crime.

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School Violence: A Cross Cultural Analysis

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Abstract

This research is part of an international project on disaster management planning for coping with acts of extreme violence in schools. The project was funded by the SSH Research Council of Canada and carried out by an academic team from University of Quebec at Montreal (UQAM). In this article, the author seeks to provide some insights on the matter of culture as a root-cause of school related violence, by conducting a cross cultural analysis of five school shooting events. The results show that some cultural factors at national/community/organizational level were among the root-causes of school’s vulnerability to extreme violence. Further, these factors have played an important role in enhancing violence in schools and/or in delaying the intervention process. The results underline potentially critical cultural issues that relevant stakeholders - such as policy makers, educational institutions, communities, and families – should consider in order to proactively and effectively cope with new emerging risks related to extreme violence in schools.

Keywords: organizational culture; school violence; school shootings; Case study method.

1. Introduction and definition of terms

After 1990, some new social phenomena - such as ‘work violence’ and ‘school violence’ - have become subjects of concern for national governments. The term “school violence” refers to various forms of violent behavior on school property, such as acts of disrespect toward teachers; verbal violence; gang activities, bullying at school and cyber-bullying, and; physical attack with a weapon. However, the roots and patterns of violent behavior in schools seem to be diversifying. In some universities, tenure-track professors killed the administrators who had denied them tenure. In some others, graduate students killed their thesis advisers. In other schools students killed classmates who, they claimed, had bullied them, or some of their teachers who, they maintained, had wronged them. Finally, some outsiders selected a specific school as a target and perpetrated a violent attack against its student population. All of these attacks took the form of a ‘rampage shooting’ and the tragic event is commonly known as “school shooting.”

Dumitriu (2013) shows that, contrary to the popular belief that “a crazed killer enters a school and starts shooting,” only a few of the attackers were, in fact, diagnosed with a mental disorder. Moreover, in most of these cases, their mental illnesses were diagnosed only during the trial by retrospective assessments by physicians who testified at the proceedings. A school shooting is, in fact, a multiple-victim event and an act of extreme violence that is perpetrated on the school’s premises, generally by a school-related perpetrator (student, former student, teacher or outsider who has ties to the school or its community) who carefully plans in advance his or her act (Dumitriu, 2013). The school that is confronted with such an event faces a crisis situation. Therefore, schools should prepare themselves to deal with stressful circumstances and respond to such organizational crises.

2. Literature review

Cameron (1981; 2005) discusses various analytical frameworks and models of organizational effectiveness and shows that, according to some of them, an organization is only effective to the extent that it reaches its goals and/or meets the expectations of its key stakeholders and various interest groups. According to some other frameworks, an effective organization is one that has distinctive capabilities to acquire resources. Finally, some other frameworks emphasize the role played by the consistency of the organization's internal functioning and its stability in improving its effectiveness. This author also reviewed some variables used by researchers to measure organizational effectiveness that are based either on structural factors (e.g., decision-making processes and job design) or on cultural factors (e.g., group cohesion, social justice, and culture). However, Cameron (2005, p. 4) concludes that “Complex and changing environments give
rise to different appropriate effectiveness criteria than do stable and undemanding environments.”

Even if researchers appear to agree that cultural factors have an impact on organization’s effectiveness, and that they have a certain role in its adjustment to various disruptive factors in its external environment, there is no consensus on the definition of culture. The term ‘culture’ has numerous meanings. Kroeber et al. (1952) identified more than 160 definitions of culture in the literature. They include: (a) ‘descriptive definitions’ that make reference to culture as civilization, including “people's products and activities, social and religious order, customs and beliefs” (p. 81); (b) ‘normative definitions’ according to which culture comprises all of a community’s standardized social procedures, traditions, and beliefs; (c) ‘psychological definitions’ in which emphasis is given to the capacity of the society, at a certain point in its development, to adjust to its environment to satisfy people’s economic and social needs; (d) ‘structural definitions’ that deal with aspects related to social interactions and social systems, including the organizational culture and its subcultures, and; (e) ‘genetic definitions’ that describe culture as a result of an interpretation of various artifacts.

With regard to these various definitions of culture and the relationships among them, Hofstede’s model of cultural differences (2001) shows that nations and countries differ in five cultural dimensions that depend, to a certain point, on the societal culture of each country, but which also play an important role in shaping the organizational cultures in the respective country. According to Dimmock (2000), the various organizational cultures that are found in the educational system differ mainly in their practices and less in their values. He also emphasizes that the main difference between organizational and societal cultures lies in the fact that “membership of an organization is usually subject to some degree of choice, whereas the country and culture in which people are born and bred are decided for them.” (p. 54). He further concludes that, in what concerns the educational system, it is easier to change an organizational culture than a societal culture, because the latter is “more enduring” and changes “only gradually over longer time periods.”

There is very little research dealing with organizational factors and their relationship to school violence. Garrett et al. (2004) show that researchers who have examined the relationship between the school’s size and its student behaviour “in terms of violence, bullying, suspensions or incidents” have obtained contradictory results. Similarly, Jensen (2004, p. 643) concluded that “Despite the importance of cultural concepts in all sociological perspectives […], there is very little research that is relevant to the empirical merits of these disparate views of the manner in which culture affects violence.”

3. Research Design and research method

Ten schools that had experienced a school shooting incident were selected for in-depth qualitative case studies (Yin, 2003). First, data were collected from the strategic plans of these schools at the time of the event, as well as governmental reports of inquiries into these events, police reports, newspaper articles and archival documents. Then, field data were collected in six countries through semi-structured interviews and/or focus-groups. The respondents were key stakeholders: school administrators, teachers, and students; senior officials of the Ministry of Education and other government officials in various countries; psychologists and other healthcare professionals who assisted the victims after the tragic event; members of the emergency medical teams and law enforcement agencies who were directly involved in the intervention during these events.

4. Findings

4.1 Case 1: Monash University (Australia) versus Virginia Tech (USA)

Australia is a multi-ethnic and liberal society, in which more than 200 languages and dialects are spoken. Australians are described as “open minded”, very casual, and friendly. Also, although the great majority of the population is of European descent, Australian culture is very similar to American and British cultures, with English as its official language.

4.1.1 The organizational culture

Prior to the event, Monash University had experienced very rapid growth, as a result of many direct investments abroad (Table 1). This had an immediate impact on its organizational culture, which has become very “performance-driven” and very heterogeneous.
Table 1: Monash University: Growth strategy (2002)

<table>
<thead>
<tr>
<th>Monash University: Internationalization</th>
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<tr>
<td>▪ The largest public university in Australia (55,000 students in 2002)</td>
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<tr>
<td>▪ &quot;Onshore international students&quot;: 4,146 new students enrolled in 2002, a 30% growth over 2001</td>
</tr>
<tr>
<td>▪ &quot;Offshore international students&quot;: &quot;Monash University Malaysia&quot;, a joint venture with a local business conglomerate; &quot;Monash South Africa&quot;, a wholly-owned subsidiary; an European academic centre in Italy; &quot;Monash University Center&quot; in London; Distance education in over 40 countries; pre-university programs in China, Singapore and Indonesia.</td>
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<th>Monash University: A performance-driven culture</th>
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<tr>
<td>▪ A &quot;research-focused tertiary institution&quot;—founding member of the &quot;Group of Eight&quot;, (1999) known as the group of &quot;Australia’s Leading Universities&quot;</td>
</tr>
<tr>
<td>▪ A number-driven approach in setting objectives (2002): to increase (a) the number of students by funding source; (b) the Median Tertiary Education Rank (TER scores); (c) the proportion of fields of study at Monash where the overall satisfaction of graduates was at or above the national average; (d) the percentage of teaching and research staff who have published in at least one of the best scientific journals (A1, B1, D1 and E1).</td>
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Source: Monash University strategic plan (2002) and public documents of the Ministry of education

The new values embedded in the university’s organizational culture, such as high academic standards, internationalization, and aggressive competitiveness subjected professors and students to a great deal of pressure as they were required to continuously perform better. Thus, they appeared to have become more individualistic individuals, who were “obsessed with performance” and preoccupied mainly with their individual goals and needs. As a result, they paid less attention to others, especially international students who were newly established in Australia. This subtle change in culture does not apply uniquely to Monash University, but also to other large research universities that strive to obtain a “place on the podium.” The international ranking agencies that assess the quality of educational services offered by schools and universities use “the podium model” (Van Parijs, 2008) according to which “ranking high in terms of the scores constructed . . . is immediately interpreted as belonging to the ‘top,’ ‘best,’ ‘greatest’ universities in the world.” (p. 6).

Also, like any large public university, Monash was under extreme pressure from competitors and the government. Accordingly, the university endeavoured to attain ambitious goals (Table 1), while conciliating the competing demands and needs, but neglecting some related social aspects. Many of the foreign students who were enrolled on its Australian campuses struggled to cope with the high academic standards imposed by Monash, while confronting social stresses related to their integration in a new economic, cultural and social context. One of their greatest difficulties was becoming proficient in English. Monash University established a Language and Learning Service. However, the number of international students was increasing at such a rapid pace that this center could no longer cope with the increasing demand for assistance (Rees, 2002). On October, 21, 2002, a Chinese graduate student, who was teased relentlessly by his colleagues for his lack of proficiency in English and who had become very frustrated because students and teachers did not understand his oral presentations, climbed onto his desk on the day on which his oral presentation was scheduled and begun to shoot at students and teachers, shouting “You never understand me!”(Rees, 2002)

Virginia Tech University faced a similar situation in 2007, when a student of Asian origin killed 32 persons. He had been suffering from selective mutism, a certain type of autism disorder that prevents a person from properly communicating in organizational settings and public situations. However, a majority of individuals who are affected by this mental disorder perform at or above average and, according to medical opinion, are not expected to pose a danger to themselves or others. However, Cho begun to show signs of aggressive behavior at school and was referred to Cook Counseling Center, a Virginia Tech dedicated unit that provided mental health services to students and staff. He asked for help from practitioners at this medical center, but was met with the indifference that prevailed in that organization at that time. The report of inquiry into the shootings has strongly criticized the staff at Cook Counseling Center for their lack of intervention. After the shootings, the police found a note in his dorm room, stating, “You caused me to do this.” (Potter et al., 2007) Like Monash University, Virginia Tech was a research university that was on a ‘rapid growth’ path. When the shootings occurred, the main objectives that were stated in its strategic plan were to implement new technologies and to “increase doctoral numbers, expand graduate degree offerings, increase competitiveness and diversity and international offerings.” (Virginia Tech, Strategic Plan 2006–2012). However, no specific objectives were stated with regard to the Cook Counseling Center.
4.1.2 The national culture

Another common feature of these two cases – Monash University and Virginia Tech – was that a student of Asian descent encountered specific difficulties in the university located in the host country despite being a resident of the respective country and, supposedly, having had sufficient time to adapt to its culture. These difficulties could eventually be explained by the differences that exist between his native country and the host country, in national culture, as they are measured by the Hofstede’s (2001) model (Figure 1).

Individualism (IND): in each of these two cases, the attack was perpetrated by an Asian student who had been a hard-working student and who had not shown signs of serious violent behaviour prior to the attack. Both the USA and Australia score high on the ‘Individualism’ dimension of national culture (such as this dimension is defined by Hofstede, 2001). Indeed, they are individualistic societies, in which individuals (a) are self-centered; (b) focus on individual achievement rather than integrating in groups, and; (c) do not avoid confrontational situations. In these societies, personal privacy is respected and embodied within the cultural norms. In contrast, South Korea and China score low on this dimension because they are ‘collectivist’ societies in which the most important personal goal of an individual is to belong to a certain group, often at the cost of sacrificing personal privacy. Group achievement is more highly valued than personal achievement and confrontational situations are avoided.

![Figure 1: Cultural differences between the shooter’s native country and his host-country](image)

High versus low Power Distance (PDI): both shooters grew-up in countries with national cultures that score high on the ‘Power Distance’ dimension. In these societies, people accept that power in society is distributed unequally (within the family, school, firm, etc.): social status is important and; respect for “power” shapes relationships among individuals (child-parent; student-teacher; employee-employer). Clemans et al. (2012) found that high authority-directed respect is positively correlated with lower levels of aggression and ‘social manipulation.’ In contrast, the United States and Australia have national cultures that score low on this dimension. The power is distributed more equally and the relationships with the authority figures (parents, teachers, employers) are informal and based on ‘social equality’ rather than obedience and authority-directed respect.

4.2 Case 2: The Islas Malvinas Middle School (Argentina)

“Escuela 202 Islas Malvinas” is a public school in Carmen de Patagones, a small, tranquil city (30,000 people) in Buenos Aires district where, according to some inhabitants, “almost nothing ever happens.” With its churches and fortifications that date back to the 18th century, and its “street of the canyons,” the city is a symbol of Latin America’s history.

Before 1990, the Argentinean educational system was rather centralized. However, it underwent great transformation in the 90s, and new laws have come into effect that called for the transfer of some responsibilities regarding educational services to the provinces. Accordingly, both authority and responsibility for educational services were further decentralized to the school level. Thus, schools were allowed to make their own decisions on certain issues, such as their organizational structure, the organization of the school day and learning hours, the choice of teaching modules and the group of teachers who were responsible for them as long as the curricula established by the province was observed. Soon after, Argentina’s schools began to experience high rates of violence, such as aggressive behaviour among students and attacks against teachers. Two months before the event, the department of education (Buenos Aires
province) sent a memo to some schools to warn of the rising number of violent acts perpetuated in schools. However, according to some of our interviewees, Islas Malvinas Middle School was not among the schools that had been notified of these concerns.

At Islas Malvinas Middle School, classes began at 7:30 AM each day. On September 28, 2004, a 15-year-old student, entered his classroom where his 29 classmates were waiting for the arrival of the teacher of their Human Rights course. Suddenly, the student began to shoot at his classmates. When he stopped firing to reload his gun, another student immobilized him. The police subsequently discovered three sentences written on his desk at school: “lies are the basis for the happiness of men,” “if anyone has found the meaning of life please write it here,” and “the most sensible thing we, humans, can do, is to commit suicide” (according to our interviewees - police and courts that ruled on this case).

The analysis performed in this study showed that Islas Malvinas School (2004) had adopted a “laissez-faire” culture. According to the lawyers who represent parents in their legal action against the school (which is still an ongoing process), the tragic event was the result of the “lack of discipline and control” in the school. At the meeting organized by the school following the shootings, the parents claimed that teachers and school management had been negligent, and blamed teacher CR of not being in class when his course was scheduled to begin. Moreover, the psychologists who assisted the students immediately after the shootings were strongly critical of the school: “The adults [teachers and supervisors] said that they had been there and did this and that, but when one listened to the boys, they were alone. [...] The teacher was not in class and had not arrived... it was said that the shots were heard so that children across the school came running, and they even entered classrooms to ask teachers to come and help. However, no one came. This was terrible. A terrible aspect is that at the school meeting that we held in order to share our findings, the teachers did not assume their share of responsibility.” (interviews; translated from Spanish). Some school officials, whom our research team interviewed, admitted that the school staff committed many errors at that time and that “teachers were preoccupied mainly with their jobs and their own goals, and paid little attention to the children.” Finally, according to others, this event was the result of a process of transformation that affected Argentinian society in the early 1990s. “We do not listen to others. We do not respect others’ opinions. The only way in which we express ourselves is by aggression, [...] individualism, and an attitude of non-involvement” - said IR (interviews; translation from Spanish).

4.3 Case 3: The Columbine High School (USA)

In Columbine, where a school shooting occurred in 1999, 37 percent of the population over 25 years of age held a Bachelor’s Degree or higher. More than 40 percent of the inhabitants were managers and professionals and about 20 percent of the households had an annual income of $100K or more (U.S. Census Bureau, 2000).

The Columbine High School is an upper-middle-class suburban school. When the school shooting occurred, one of the first priorities of the school had been the achievements that its students obtained in athletic competitions. The analysis revealed that the organizational culture of Columbine High School (1999) was dysfunctional in its group dynamics, because it seemed to favor a certain “elite” (students who achieved exceptional athletic performance) – a fact that was a major stress factor for other students who did not possess such athletic abilities, including the shooters themselves. Another feature of Columbine’s culture was its tolerance of verbal and physical violence; racist taunts; students’ odd appearance (students wearing odd clothes); and violent writings (Dumitriu, 2013). As in all organizations, this culture was propagated by various values, rites, artifacts, and symbols. Sports trophies were displayed inside the school in the most visible areas. Further, in the school yearbook, the quality of the paper displaying sporting events and athletes’ photos was better than that devoted to academic events. Long before the tragic event, students and parents had complained that “athletes” teased others students and enjoyed many privileges in school that were not available to others. For example, one particular wrestler was permitted “to park his $100,000 Hummer all day in a 15-minute space.” (Adams and Russakoff, 1999). School administrators did not consider these repeated complaints. Perhaps as a result, some students formed their own organization (“Trench Coat Mafia”) “to give themselves a sense of belonging in the face of teasing and bullying by other students, especially athletes.” This organizational culture contributed to widening the gap that was being created between the different groups of students in the school. Four main groups have been identified in this study (Figure 2).

• The Popular Student group: the most important values of those in this group (also known in American folklore


as “cool people”) were “being liked” and “being popular.” These students were perceived by their classmates as opinion leaders, and not necessarily for their academic grades or achievements in sports, but rather for how they walked, spoke, danced or acted in their day-to-day activities and for the clothes they wore or the car they drove, etc.

**Figure 2:** The Columbine High School (1999): group dynamics as root of school violence

- **The Believers:** for students in this group, the religious values were essential in their lives. Some of them volunteered for religious organizations, others never left their Bible at home and, finally, others composed religious poems. This group was representative of the community in which this school is located. In an article published by Time Magazine (US & CNN) in May 9, 1999 reporter Nancy Gibbs described Colorado as being “the heart of America’s evangelical community, home to the Promise Keepers, James Dobson’s Focus on the Family and vast and growing mega churches.” Let us remind the readers that Colorado is described as being “the heart of America’s evangelical community, home to the Promise Keepers, James Dobson’s Focus on the Family and vast and growing mega churches” (Nancy Gibbs, 1999).
- **The Athletes:** this group was formed by students who performed exceptionally in sports or athletics
- **The High Achievers:** the main values shared by the students of this group were not related to popularity or religion stewardship, but instead to achievements that they sought in some specific activities (either academic or specific extracurricular activities). As some military bases were located in that area, some students of this group dreamt of a military career, while others simply wanted to follow in their parents’ footsteps and work for the United States Armed Forces.
- **The TCM Group:** “Trench Coat Mafia” emerged as a balancing counter-force to the school’s other groups. Its members were often teased or bullied by students in other groups, especially the Athletes, and felt marginalized. They wore black trench coats, played extensively violent video games, admired the “NAZI culture” and wore clothes with Nazis symbols. They were described by some of their classmates as “computer-savvy,” but also as individuals who “disliked minorities and made derogatory remarks about Hispanics and blacks.” (Paulson, 1999).

Two of the members of the latter group decided to initiate a school shooting and targeted specific members in other groups at school. As one Columbine student explained, “With all the animosity among the various social groups at Columbine, something like this was bound to happen.” (Weinhold, 2000).

4.4 **Case 4: The Nickel Mines Amish School**

The Amish have limited contact with the outside world and have adopted values related to a rural, religious, and simple life while striving to maintain religious purity. According to “Gelassenheit” (the core principle of the Amish social structure and values system), each community member must surrender to “God’s will” and embrace a set of values that include simplicity, non-violence, forgiveness and humility, while rejecting the “English community’s” values, such as modernism, worldliness and sophistication (Byers, 2008). Zehr et al. (2005) emphasize that many habits of their everyday life, like wearing plain conservative clothing and using horse-drawn buggies as their preferred mode of transportation, convey these values. The intricacies of family, seclusion (from the outside world), school particularities, hard work and religion appear to best represent the Amish way of life. Zehr et al. (2005, p. 60) illustrate these cultural constancies of the Amish...
culture by the “separation of boys and girls in the school cloakroom” and the “seating arrangement when the Amish meet to worship in their homes”.

The ‘Amish school’ is generally a one room schoolhouse where children between ages 6 and 14 (the “scholars”) are taught together by a young female teacher. Older scholars are often tutors for younger scholars and parents may assist in the classes without prior scheduling. Thus, an Amish school is very different from a large public school, where various conflicts may arise among different groups of students or between students and some teachers. An Amish school is more like a “gated community” where everyone knows everyone and where all of the members, students and teacher, share the same values. Not only does the teacher know each “scholar,” but she also knows his/her parents, and his or her brothers and sisters who often attend the same school at the same time. Accordingly, strangers are unable to enter the school without being noticed.

However, on October 2, 2006, Charles Carl Roberts, a non-Amish, local milk truck driver entered the school in which 15 boys, 11 girls, a teacher and some female visitors were present. He then freed the visitors and the Amish boys and shot the girls, killing five and wounding the others before committing suicide. He had been a devoted Christian, the son of a police officer and a “perfect father” of three children. In the suicide note found in his home, he explained that the death of his infant daughter, Elise, in 1997, had changed his life forever by creating an “unimaginable emptiness” that left him “filled with so much hate towards himself and God.” Neither the police team who managed the intervention at the Amish school, nor the Amish spokesperson- both of whom were interviewed by our research team - could explain this tragic act or the shooter’s motive. However, the fact is that Roberts was “filled with anger towards God who had taken his daughter from him.” He might have decided to get “revenge” on God by shooting the Amish girls, who were perceived by him as a symbol of a very religious community.

5. Concluding remarks

The analysis of these cases revealed that cultural factors have an impact on school violence. The vulnerability of the school to violence-related risks and the magnitude of the impact of these risks depend on numerous culture-related factors, such as:

- the “social heritage or tradition” (e.g., the differences between the “cultural heritage” of the perpetrator that was acquired in his native country, and the national culture of the host-country; (Monash University and Virginia Tech are such examples);
- the “material culture” of the school and some normative factors, such as goals, rules and regulations guiding administrators, and; patterns of the decision making process (strategy and structure): all the schools analyzed;
- artifacts (e.g., the Columbine school case);
- the “subjective culture” – shared beliefs, values and assumptions, including religious issues (the case of the Amish school), and;
- group dynamics, inter-group conflict and sub-cultures in the school (e.g., the case of the Columbine high school).

The results also suggest that educational systems that have undergone rapid decentralization of the decision making process are more susceptible to school violence during the transition period (from a centralized to a decentralized system), especially when the transition process is rapid or not well planned in advance.

Also, the results suggest that school violence-related risks may be greater for schools that adopt a rapid growth and a market-oriented culture and have not established specific structures to help students and staff to cope with the rapid change that they have initiated. These results support those of Simons (1999) who showed that organizations experiencing rapid growth are more vulnerable to various risks immediately after the expansion period, unlike counterparts that adopt an incremental approach to expansion. This is partly because the extreme pressure of struggling to support rapid growth sometimes leads to a neglect of key aspects and, in turn, new risks can emerge.

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Daylight Design Strategies: A Lesson from Iranian Traditional Houses

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Abstract

Iranian traditional houses had shown an intimate connection with nature, responsive to climate and occupant's requirement. A great aspect of these houses is its adaption to the special climate (Hot and Arid) of the most parts of the country, while, most of the modern houses nowadays have lost this link. In Iran, courtyard houses is the most prominent house type in Hot- Arid region and physical feature of it reflects natural needs and environment responding. This paper aims to focus on quality of daylighting in these houses, which can sign impact on personal emotional needs of well-being. This study analyzed the application of the building elements and solutions to bring daylight into different parts of these traditional courtyard houses. Twenty selected traditional houses in this region were examined. The analysis includes accessing the quality of space within these houses in term of form, opening and shady elements. This paper has concluded with daylight design strategies ascertain from the analysis of these traditional houses that may be adopted in modern house design in Iran and enhance the quality of their design.

Keywords: Traditional House, Courtyard, Daylight, Hot- Arid region

1. Introduction

Light and life go hand-in-hand. Our perception of space is dependent upon light; it is not possible to gauge spatial relationships with the lack of light. Light is capable of changing the quality of space and phenomenon. It illuminates objects, and shadows casted from light change the monotony of space, contrasting our mental picture. Nothing is more conducive to a healthy and pleasant house than adequate sunlight.

The traditional architecture of Iran has been a subject of scrutiny for decades, and via such researches, many mysterious tricks are discovered, with architects utilizing them to create meaningful spaces (Arjmandi, Tahir, & Shabani, 2010). Besides its functional aspect, day lighting was important in traditional architecture, due to its spiritual and decorative aspects. Day lighting was integrated with other elements of architecture, and remains inseparable from it.

In the Hot- Arid region of Iran, lower levels of humidity and the lack of clouds results in extreme temperature fluctuations during both day and night (Iranmanesh & Bigdeli, 2009). This phenomenon prompted designers and architects to use natural climatic approaches in order to adapt to these harsh conditions (Taleghanli, Behboud, & Heidari). Thus, in this region, more than a few architectonic elements, with those illustrating various strategies, have been developed with major environmental and cultural potentials.

The majorities of traditional houses are introverted, or look inwards. All the spaces were arranged around an open, rectangular courtyard that links the different areas of the house. The arrangement follows certain geometrical configuration. This paper aims to examine the factors and spaces in traditional Iranian houses, related to daylight.

2. Methodology

In order to analyze the criteria of traditional houses, the researcher used multiple case studies (Yin, 2009) and examined
twenty traditional houses located in different cities of the Hot-Arid region. Based on the data from the Cultural Heritage Organization in Iran, twenty traditional houses that are still in good condition were selected. Other selection criteria for case studies include: all these houses must registered with the Cultural Heritage Organization in Iran; they were all built between 1850-1880 AD (Qajarian era - the prominent point in the architecture of this era was housing, so these samples are the best samples in Iran); and located in the Hot-Arid region. Field trips to these twenty selected traditional houses were carried out by the primary author in year 2012 (August- November). With a set of checklist, non-participation observation and systematic photography record were collected during the field trips.

3. Hot-Arid region of Iran

In different regions of the world, due to its climate, will employs its own construction techniques, materials, and designs in its respective buildings (Moosavi, 2011). The Hot-Arid region encompasses the majority of the central Iranian plateau (Daniel, 2006)(see figure1). Summer is very hot and arid, while winter is very cold, with less rain and snow. The sky, for the most part of the year, remains cloudless, while the temperature fluctuates greatly in this area (Kasmaei, 2003; Qobadian, 2006). Due to these climate factors, the builders should provide logical solutions to ensure comfort (Soflaee, 2005).

4. Traditional Houses

Houses in traditional architecture of Iran were all based on special principles, which still remain in practice today (Pirnia, 2005). All of these buildings were built in order to fulfill people’s requirements (Arjmandi et al., 2010). It emphasizes the relationship between the building and the user (Shabani, Tahir, Shabankareh, Arjmandi, & Mazaheri, 2011). The physical features of traditional Iranian houses reflect natural, cultural needs and the occupant’s requirements (Mirmoghtadaee, 2009).

5. Building Orientation

Topography is a necessary parameter that determines the architecture of the hot and arid area in Iran. In this region, traditional buildings are molded according to the slope of a hill of the city; and due to the sun, wind and weather, they are oriented in two distinct directions. Owing to the characteristics of sun and wind in this region, the North East-South west and North West-South East (see figure2) are suitable position for orientation in order to maximize summer and winter room’s usage, as well as service rooms at the east façade (receiving west daylight) acting as a buffer zone for the heat (Pirnia, 2005; Qobadian, 2006).
6. Building Form

Most of the traditional houses in Iran are known to have a courtyard (see figure2). Literature reviews suggest that courtyards house type are an environmentally responsive building form for Hot-Arid climates (Ratti, Raydan, & Steemers, 2003). These houses are common in Hot-Arid climates, and remain standing in many historical regions in the Middle East (Bekleyen & Daikiliç, 2011). In Iran, courtyard houses are the most prominent type of house (Moradi & Akhtarkavan, 2008). In addition to climatic factors, this form fulfills several functions in the Hot-Arid region (Bahadori, 1978; Fathy, 1986; Ratti et al., 2003). It usually functions as a heart of the house in the spatial, social and environmental context. A courtyard can provide security, privacy and comfort within a home. The inward-looking courtyard and the various configurations of windows constitute the day lighting channels in these houses (Belakehal, Tabet Aoul, & Bennadji, 2004). The idea of a garden and a courtyard complements the hot and arid plateau of Iran (see figure3), and remains as significant representation of the concept of paradise during the Islamic era (Ardalan, Bakhtiar, & Nasr, 1973).

7. Daylight design strategies of traditional houses

Natural light is the primary source of lighting in a building, due to the lower costs and its permanent status. Different spaces in traditional houses have unique response towards daylight (Arjmandi et al., 2010).

8. Daylight elements in traditional houses

There are different daylight elements in traditional houses, which play a vital role in transferring daylight to the other spaces in the house.
9. **Courtyard**

The courtyard model provided various functions for the residents and its users. Many scholars in Iran have displayed this model as an appropriate solution to the functional, climatic, social and cultural needs of the Iranian people. Climatically, courtyards acted as efficient micro-climate controllers and important element to distribute daylight, as all of the rooms and spaces surrounds the courtyard (Bahadori, 1978) (see figure3).

The pool inside the courtyard is a transparent element, which plays an important role in light reflection and passing the light to the internal layers of the house (Arjmandi et al., 2010).

10. **Iwan**

Iwan, or semi-open areas, are used to provide a shade and cool living spaces during the day (Pirnia, 2005). The Iwan is a closed passageway in front of the rooms that permits a common life inside (an open living room inside the house). They are usually oriented to the south. It is also noted that south and east-oriented Iwans are very cool, and provide shady spots during the sweltering heat of the summer afternoons (Nabavi, Yahaya, & Goh, 2012)(see figure4).

![Iwan diagram](image)

11. **Shape and type of the opening**

Each opening in a traditional house consists of many details that play an important role in optimizing daylight (see figure5).

11.1 **Tabesh Band**

It is an edge around the window that functions as a canopy. It could also be a tore with a different size. It is usually placed on the window in the room, designated for either winter or summer (Pirnia, 2005).

11.2 **Lattice Frame**

These frames are beautiful wooden frames with unique motifs, which control day light, especially intense rays of the sun in the hot summer (Qobadian, 2006).
11.3 **Colorful Glass**

Colorful glass controls the light and creates beautiful patterns in the rooms. It is not difficult to imagine the great ambience made by rays of light, poured through the stained glass windows, in the rooms. Some special colors function as insect repellants during the hot summer days (Nabavi et al., 2012)(see figure5).

12. **Daylight sequences (spatial arrangement)**

The spatial arrangement was collecting different spaces near each other and around the courtyard to allow light to pass by a specific sequence. After passing the courtyard as an open space, they were semi-open spaces, and their functions were semi-public. These spaces were unrestricted to open spaces, and blocked by a closed space.

In most traditional houses, in terms of lighting, the indoor area is divided into three layers. The primary layer is the one that is closed to the openings, and receives daylight from the central courtyard in a straight line. This space has the most potential in passing light to other spaces. The second layer, which is shown to be darker, is the area that gets the light from the first part, and uses natural daylight as well (Arjmandi et al., 2010). This space works as a mediating space for the purpose of light sharing. The last layer is the one that receives the light from the intermediate area, or from the small apertures on the ceiling.

There is a daylight sequence in entering part of a traditional house as well. The first and important principle in designing the entrance is hierarchy. In a traditional house in Iran, the main entrance was made up of a vestibule (Hashti); a small enclosed traditional space that one steps into after entering the doorway. It is a decorated space with skylight, and without any windows. After this part, there are indirect corridors, which usually do not have any holes in the ceiling. After passing a corridor, the courtyard acts as a spot light inside the house (Tavassoli, 2002). The play with both shadow and light in this sequence creates a sense and meaning for the space.

13. **Result and Discussion**

After analyzing twenty traditional houses in the Hot-Arid region of Iran, most of the daylight strategies are confirmed. The results are shown in the table 1. By and large, these strategies area as follows:

i. All of the houses follow the rule of orientation, which are North East- South west, or North West- South

ii. All of these houses possess an inner rectangular courtyard and other spaces surrounding the yard. There is a pool inside the courtyard, with trees and other plants.

iii. There is an entering sequence in all of these traditional houses (Bright space, semi-bright, dark and spotlight). Only in few cases, due to the land size, vestibules are absent.

iv. All the openings abide by the aforementioned rules, which are beautiful lattice wooden frame, with colorful glasses decorating the façade surrounding the courtyard.
v. The layering of spaces is designed correctly, and abides by the rule for bringing light into inner spaces of traditional house.

<table>
<thead>
<tr>
<th>NO</th>
<th>NAME</th>
<th>Orientation (North East-South West or NE-SW) (North West-South East or NW-SE)</th>
<th>Form – Inner Courtyard with Pool</th>
<th>Entering Sequence</th>
<th>Opening – with Lattice frame and colorful glasses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Akhavan</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>2</td>
<td>Al-e-Yasin</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>3</td>
<td>Arab-Alireza</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>4</td>
<td>Arab-Bibi roqayeh</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>5</td>
<td>Ardakanian</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6</td>
<td>Bakuchi</td>
<td>NW-SE</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>7</td>
<td>Boroujerdi-ha</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>8</td>
<td>Esfehanian</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>9</td>
<td>Farhangi</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>10</td>
<td>Fateh-ha</td>
<td>NW-SE</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>11</td>
<td>Lar-ha</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>12</td>
<td>Malek-zadeh</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>13</td>
<td>Mahmoodi</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>14</td>
<td>Mashrouteh</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>15</td>
<td>Meshkian</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>16</td>
<td>Mortaz</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>17</td>
<td>Mozaffari</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>18</td>
<td>Olumi-ha</td>
<td>NW-SE</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>19</td>
<td>Rasoolian</td>
<td>NE-SW</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>20</td>
<td>Tabatabae</td>
<td>NW-SE</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

14. Conclusion

As it can be concluded from the consequences of the case study, there are many different ways for bringing daylight into the house. As far as the importance of natural light in human’s life is concerned; there have been severe attempts in architecture for bringing in daylight. The traditional architecture of Iran is enriched by various openings, apertures and meaningfulness of the space, admitting daylight from more than one side of a space where possible.

Most of these daylight design strategies are useful in contemporary houses design, which have unfortunately been largely forgotten. Consequently, consideration and development of the aforementioned strategies highlighted in this paper allows contemporary architects and designers to build modern architecture in a more sustainable, comfortable and self-sufficient way.

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Picture’s references

Figure1:I.R of IRAN meteorological organization
Figure2, 6: Cultural Heritage Organization of Iran
Figure3, 4, 5: The author
Household Consumption of Dairy Products - An Analysis of Consumer Behavior in Albania

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Abstract

Household consumption of dairy products is one the major component in the total sales of the Albanian dairy industry. Therefore, understanding the factors which may significantly influence household consumption is important in the planning of farmers, processors and manufacturers. Consumers' responses to changes in price and non-price factors are basic to an economic analysis of almost all the policy decisions related to industry or government programs. Forecasting the future direction of household consumption, and how that direction might be modified through industry efforts or by national programs and policies, requires information on the relationships among prices, incomes, household characteristics and consumer demand. This study focuses on households as consuming units, explains and analyzes their purchasing behavior for dairy products. As milk is a very important component of the Albanians diet, this study explores consumer preferences for milk in Albania and also tries to determine consumers profiles based on their preferences and socio-demographic factors. To reach these objectives, this research designed a conjoint choice experiment survey and collected primary data in the most populated cities of Albania. This study provides useful information to different stakeholders including milk producers and importers. The milk industry and its marketers may benefit from this information by using it to strategically market their milk to different groups.

1. Introduction

Household consumption of dairy products is one the major component in the total sales of the Albanian dairy industry. Therefore, understanding the factors which may significantly influence household consumption is important in the planning of farmers, processors and manufacturers. Consumers' responses to changes in price and non-price factors are basic to an economic analysis of almost all the policy decisions related to industry or government programs. Forecasting the future direction of household consumption, and how that direction might be modified through industry efforts or by national programs and policies, requires information on the relationships among prices, incomes, household characteristics and consumer demand. This study focuses on households as consuming units, explains and analyzes their purchasing behavior for dairy products.

As milk is a very important component of the Albanians diet, this study explores consumer preferences for milk in Albania and also tries to determine consumers profiles based on their preferences and socio-demographic factors. To reach these objectives, this research collected primary data in the most populated cities of Albania, Tirana and Durres. A descriptive statistical analysis has been carried out to describe the dairy products in Albania and also a cross tabulation to look into the consumers groups. The study provides useful information to different stakeholders including milk producers and importers. The milk industry and its marketers may benefit from this information by using it to strategically market their milk to different groups.

2. Milk production in Albania

Livestock production is seen as a backbone of Albania's agriculture. The value of livestock production has increased from 63 328 million leek in 2000, in 78438 million leek in 2010, which makes 57% of the total value of agricultural production of 138260 million leek (Statistical Yearbook 2011). Livestock products constitute a main source of food, and a high share of production still serves for subsistence purposes and as feeding for the calves.
Dairy activities have a long tradition in Albania due to the favorable natural resources for dairy production. In the plains, cattle production is dominant, while in the hills and mountains, sheep and goat production are more suitable. Traditional dairy products are yoghurt, butter, curd and different kinds of cheese from cow, sheep and goat milk. According to the statistics of MAFCP total milk production has increased from 948000 ton in 2000, up to 1016000 ton in 2010 from which cow milk production was 868000 ton in 2010 (MAFCP statistical yearbook 2007). Some data of milk production through the years are given below in Figure 1.

Figure 1: Milk production through the years (000 ton)

Source: Ministry of Agriculture, 2008

Milk production and collection system (mainly cow milk) in Albania is characterized by the existence of the informal (direct selling from farmers) and formal market channels (collection & distribution by dairies). Milk production in Albania suffers still from problems of quality assurance. According the annual survey of the MAFCP in 2010 only 23 % of produced milk is going to the dairies for processing, 45 % of it is directly marketed, 19 % it is used for self consuming and 13 % is used for animal feeding (calves). A very big part of milk it is consumed directly and not processed and or controlled. The dairy sector is one of the most important industries in the agro-business sector. It provides 90 % of the milk supply for Albanian consumers. This sector has been very significantly growing during the last five years. If we see at some statistical data of the investments done in these industry there has been a significant increase in the years 2005 and 2006, Figure 2.

Figure 2: Investments in the milk industry through the years (million ALL)

Source: Ministry of Agriculture, 2012

However, the industry remains relatively immature; although the raw milk production increased at a rate of 15% (MAFCP-statistical yearbook 2010) over the last five years. The production of high quality milk is the key to establish a profitable
future for the dairy industry. The dairy sector is often exposed to risks linked to the raw material supply because there is not in place a vertically integrated system, concerning the raw material supply and the distribution of the products to the final consumer. In the dairy industry milk remains the most important component in terms of production and also in consumption. If we look at the share that milk has in the dairy industry it is significant higher compared with other products like cheese, butter and yogurt, Figure 3.

Figure 3: Share of dairy agro-industry production in 2011 (ton)

Source: Ministry of Agriculture, 2012

3. Results and Conclusions

From the data collected in 186 households in Tirana and Durrës city it can be said that milk consumption is a very important component in the Albanian daily diet. Only 4.7% of the households haven’t consumed milk recently, whereas the rest of them stated that they consume milk 2-3 kg a week. 87 (46.5%) of the households listed “health benefits” reason as the most important one for their every day milk consumption. Regarding the children influence in the household consumption we have got the following answers. As it can be seen from the figure below the majority of the households are very highly affected from the children presence in their milk consumption.

Figure 4: Children influence in Milk consumption

In this study we have also investigated how do the households react towards the places where to buy milk. The households involved answered almost equally regarding the place of purchase. They are divided among the three possibilities, if they buy the product in “Supermarket”, “Small neighbourhood shop” or “At home”, equally.
Figure 5: Purchase place of milk

Milk type and the consumer reaction towards it has been another important point of the research. According to their answers the majority of the households prefer "Fresh pasteurized milk".

Figure 6: Consumer preferences towards milk type

During this study was also thought that presented an interest to see how they the household are distributed among the two variables included in the study, type of milk and income. For this reason we have done a cross tabulation as below:

Table 1: Consumers distribution according to milk type and household income (€/month)

<table>
<thead>
<tr>
<th>Consumers income</th>
<th>UHT imported</th>
<th>UHT domestic</th>
<th>Fresh pasteurized</th>
<th>Row milk</th>
<th>No preference</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 400€</td>
<td>6</td>
<td>10</td>
<td>5</td>
<td>9</td>
<td>4</td>
<td>34</td>
</tr>
<tr>
<td>400€ - 800€</td>
<td>17</td>
<td>19</td>
<td>24</td>
<td>22</td>
<td>4</td>
<td>86</td>
</tr>
<tr>
<td>800€ - 1300€</td>
<td>6</td>
<td>12</td>
<td>22</td>
<td>6</td>
<td>6</td>
<td>52</td>
</tr>
<tr>
<td>Over 1300€</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
<td>45</td>
<td>55</td>
<td>39</td>
<td>15</td>
<td>186</td>
</tr>
</tbody>
</table>

This is done keeping in mind the purpose of the study to identify groups of consumers with special features that prefer a certain type of milk. If we take a look at the observed cross distribution of the households, most common groups of customers focus on consumption of fresh pasteurized milk and that row combined with a level of more than towards the highest income.
4. Conclusion

Our study focuses on consumers’ preferences for milk in Albania. The idea that motivated this research is that before any course of action supporting the domestic milk production industry can be undertaken, we need to know what consumers want. Milk producers must meet consumers’ demand for milk when there is demand in order to remain competitive. Once we are able to clearly describe the existing demand for milk, a marketing strategy can be properly developed.

This study makes it possible to identify four milk consumers groups according to their preferences on the product attributes. All these groups represent different potential market segments with specific characteristics. The most populated consumers groups preferred fresh pasteurized milk and this is most common in the middle income groups. Also interesting is the high percentage of the raw milk consumption, but in the case of Albania quality and safety of the dairy products especially milk is not very much reflected in the consumer behavior.

References


Paradigm Shift in UN Peacekeeping in the Post Cold War Era

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Abstract

UN has carried out 67 peacekeeping operations since 1948. Surprisingly, 54 of them have taken place since 1988. As international relations are dominated by Great Powers to analyse their attitudes through peacekeeping after 1990, it can be clearly seen how realpolitik still shapes the political world. Peacekeeping was adopted during the Cold War as a substitute for collective security and in response to the stalemate between the Permanent Members of the Security Council. In practice, UN peace operations have developed as ad hoc responses to particular crises. Therefore the key concepts of traditional peacekeeping (consent, impartiality, minimum use of force) are often interpreted differently in different missions, broadening the way in which the international community understands what a threat to international peace is. Andersson (2000) asserts that the increasing number of peacekeeping operations after 1990 was due to a change from realpolitik to idealpolitik. UN Secretary-General Boutros-Ghali reflected in his document Agenda for Peace the same universalist and communitarian approach; and has declared the commitment to the primacy of values over interests in the international community. The egoistic passions and self-interests of Great Powers who are the permanent members of Security Council have motivated the increasing number of UN peacekeeping operations after 1990.

The proposed paper will try to explore such a paradigm shift in the UN Peacekeeping operation.

1. Introduction

This work deals with the changing paradigm of UN peacekeeping in the post cold war era. Can a self sustaining and lasting peace be constructed in societies torn apart by war or gross violations of human rights? This has been one of the pressing issues faced by the UN since the end of the cold war. The UN has engaged in efforts to step up operations involving intra-state conflicts in Cambodia, Somalia, Angola, Haiti and the former Yugoslavia. However, while traditional UN peacekeeping missions were designed to keep the peace between states, the management of intra-state conflicts required keeping the peace within states. Thus the UN began to develop a new pattern of peace support activities and tasks designed to respond to the challenges of intra-state conflicts, consolidating civil order and establishing the political and socio-economic conditions for sustainable peace. As a result UN became engaged in building peace in war-torn societies. By the 1990s and its peace operations involved three principal activities: conflict prevention and peace making, peacekeeping and peacebuilding. Thus UN peacekeeping came to be recognised as a wider form of peacekeeping or second generation peacekeeping.

A major guideline to boost up this concept was found in the work of UN Secretary General Boutros Boutros Ghali’s work captioned “An Agenda for Peace”. Peacekeeping has been defined as the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Besides this, it also gives a clear exposition of three other concepts- peacemaking, preventive diplomacy and peacebuilding. Ghali defines peacemaking as activities designed to bring hostile parties together by peaceful means. Peacebuilding is defined as activities to build peace after a conflict in order to avoid its recurrence. (Ghali,1992)

The ‘Agenda for Peace’ was however relatively limited in scope and content. Besides, the root causes that need to be resolved in the prevention of conflicts are not adressed in the Agenda. The significance of economic despair, social justice and political oppression as causes of armed conflict are not discussed at all. The UN was hesitant to adress these issues for fear of being accused of interfering in the internal affairs of member states. Despite these lacunae, the Agenda for Peace became a pivotal instrument for the UN’s fairly activist role during Ghali’s tenure as Secretary General though with a number of setbacks. In 1995, a supplement to “An Agenda for Peace” was published by Boutros Ghali. It has used the term “peace-building” to refer to both pre and post conflict measures. Like “An Agenda For Peace”, the supplement has focused overwhelmingly on preventive diplomacy on the one hand and post conflict peace-building
on the other. The long-term prevention mission was described as “the creation of structures for the institutionalization of peace”. It has also introduced a concept of “preventive peace-building” or “structural prevention” which addresses the basic causes of armed conflict. It is a comprehensive strategy integrated preventive measures of peace-building with preventive diplomacy and post conflict peace-building policies.

2. Operationalization of the New Paradigm of UN Peacekeeping

The principles of the Agenda for Peace found its first successful application in the UN mission of Mozambique in December 1992 where its mandate clearly shows the amalgamation of the principles of peacebuilding along with peacemaking.

Let us closely look at its mandate. It indicates as follows:

1. To monitor the ceasefire, verify the separation and concentration of forces, their demobilisation and the collection, storage and destruction of weapons.
2. To monitor and verify the complete withdrawal of foreign forces and to provide security in the transport corridors.
3. To monitor and verify the disbanding of private and irregular armed groups.
4. To authorize security arrangements for vital infrastructures and to provide security for United Nations and other international activities in support of the peace process.
5. To provide technical assistance and monitor the entire electoral process.
6. To coordinate and monitor humanitarian assistance operations, in particular those relating to refugees, internally displaced persons, demobilized military personnel and the affected local population.

As highlighted before, the supplement to An agenda for Peace in 1995 has addressed the basic causes of armed conflict. Throughout the 1990s, the UN Security Council Resolution records portray the role peacebuilding has played in UN efforts while reacting to the international crises. The more recent engagement reflecting peacebuilding is the joint UN-African Union Mission in Darfur (UNAMID).

2.1 Scope of Humanitarian Intervention in Peacekeeping

Michael Walzer in his paper “Just and Unjust Wars” suggests that the aim of the intervening army is simply to stop the killing. Its leaders must emphasize that their motives are primarily humanitarian. Intervention by the UN for humanitarian purposes has emerged as a new element in UN peacekeeping after the end of the cold war. Earlier it had been a basic assumption of international law since 1945, as given by Articles 2 (4) and 2(7) of the UN Charter, that the use of force is illegal. Two exceptions to this rule can be in self-defence and collective security. Until the end of the cold war, most international lawyers have agreed that intervention for the purposes of humanitarianism or democracy building could not supersede the existing principles of national sovereignty allowing only for these two exceptions. This is strongly emphasised in the UN Charter’s context and purpose-an effort to delegitimise individual acts of war by vesting sole authority for the non-defensive use of force in the Security Council. (Walzer, nd)

There were two reactions to this legal opinion arising out of a debate among international lawyers as to whether the general prohibition on the use of force enshrined in Article 2 (4) should be made more flexible to accommodate other important principles of the U.N. like the promotion and protection of human rights.

The first one was by the ‘Restrictionist’ lawyers ie. Christine Gray and Simon Chesterman who were opposed to such flexibility in the Article and were reluctant about endorsing the use of force in the name of defending human rights. The second argument was by the ‘Counter – Restrictionist’ lawyers such as Christopher Greenwood who were in favour of the Charter being made more flexible to accommodate other exceptions besides Article 2 (4) and who supported the use of force to protect human rights. They highlighted on a series of cases from the 1990s as states’ promotion of a new customary rule, with statements by western government’s articulating humanitarian motives.

It is now believed that international law is not static and that the intensity and frequency of international behaviour has increased at the rate at which new custom is being generated. The present record of state practice shows a mixed trend. Firstly despite there being no explicit amendment to the U.N. Charter, the realities of post – 1990 practice demonstrates support or at least toleration, for Security Council has authorized actions with a clear humanitarian objective. It is found not only through the use of Security Council Resolutions that authorize “the use of all means necessary” to secure humanitarian outcomes but also in the UN endorsements given to those interventions carried out by regional coalitions of states. (Buyers & Chesterman, 2003). In the 1990s, enforcement operations have been regarded
as legitimate when people are bitterly affected by a proven tyranny of the state’s governing authority. So it gives them a moral right to approach the U.N. or other regional organizations for protecting their human rights and improving their lives.

Due to this, most cases of intervention in the post-cold war era (with the clear exception of Kosovo) have involved Security Council Resolutions that invoke Chapter VII. While the Charter sanctions unilateral action for the purposes of self-defence, the legality of other forms of military action currently rest upon the presence of backing by the Security Council. However, the concept of ‘Responsibility to Protect – (R2P)’ has also emerged to support the expanded scope/interpretation of what humanitarian intervention might entail or imply. This relates to a state’s responsibility towards its population and to the international community’s responsibility in case a state fails to fulfill its responsibilities. First, it involves an intervention by external actors (preferably the international community through the U.N.) in a state that is unwilling or unable to prevent or stop genocide, massive killings and other massive human rights violations. The increase in intra-state conflicts, the growth of international civil society, the increased recognition of human rights and the growing appreciation of global interconnectivity and the responsibility of governments to their citizens during the 1990s have created a lot of pressure on states to protect the civilians in countries other than their own.

Supporters of R2P view it as a method of establishing a normative basis for humanitarian intervention and its consistent application. Detractors argue that by justifying external breaches of state sovereignty, R2P encourages foreign aggression by stronger nations. The R2P principles were first developed by the International Commission on Intervention and State Sovereignty (I.C.I.S.S), established by the Govt. of Canada in the December 2001. It was also submitted in the report of Secretary General Kofi Annan entitled, “The Responsibility to Protect”.

2.2 Emerging Challenges to humanitarian Intervention

But a major problem with the concept of humanitarian interventions are the ambiguities present in the concept of genocide, which has been used to justify such interventions. Genocide can be simply defined as the mass destruction of a particular ethnic group through a series of indiscriminate killings of the members of that group.

Raphael Lemkin had defined genocide in 1943 before the U.N. gave its interpretation. According to him, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. Article 2 in the Genocide Convention of 9 December, 1948, defines genocide as the “intent to destroy in whole or in part, a national, ethnical, racial or religious (Genocide Convention, 1948) Genocide could be practised towards a particular section of people even based on gender. Another vicious form of genocide is female infanticide and foeticide. Such killing of infant daughters finds an alarming example in India. (Intersections, 2009).

There is a problem with the U.N. definition of genocide which is simply too broad and loose and therefore allows for no qualitative differentiation between situations where truly huge numbers are killed or threatened and where much smaller numbers are killed or threatened. Nor does the definition distinguishes between different (lethal and less lethal) forms of ‘ethnic cleansing’ which can range from territorial expulsion to mass incarceration to mass murder.

2.3 Three Major Positions on Humanitarian Interventions

There are three positions regarding the issue of humanitarian intervention in conflict-ridden areas and whether it is justified to have external military intervention. The first one is the principle scrupulously respecting the sovereignty of all nations i.e. the right of national self-determination. This is a vital means of protecting the weaker and newly emerging countries with respect to the more powerful nations. Existing international law in this respect, particularly the U.N. Charter has been formally accepted by all member-states. It has become a plea for not supporting humanitarian intervention in the form of external military force in order to protect human rights in any nation.

The second view favouring humanitarian intervention is by those who are holding a normative position for humanitarian intervention. They maintain that morality must take a priority over legality and moral considerations demand intervention no matter what is the internationally recognised legal position.

The third view is based on the normative principle of respecting the freedom of peoples. It recognises and respects the fact that we live in a world where different nations are constituted by different peoples. It insists that we must respect the rights of people to overthrow their own tyrants. For instance, only the people of South Africa had the right to overthrow the white apartheid regime in South Africa.
Mass expulsion of a people does not qualify as a justification for such an intervention as people retain their agency to struggle for justice even in exile. In the last few decades, there have been three such occasions when the existence of a people was at stake. i) In 1975, East Timor suffered a massacre by the Indonesian troops, determined to hold on to East Timor, though its native population was waging a just struggle for national liberation. One third of the people of East Timor were massacred once the U.S. had given the signal to Indonesia in January, 1975 to invade. ii) Another instance where such an intervention took place was in Rwanda in 1993, when a majority of the Tutsi people were massacred. Neither the U.S. nor any European power had any interest in intervening to prevent this slaughter since Rwanda had no strategic-political value for the west. iii) Finally, there was the Vietnamese invasion of Kampuchea in 1979 to put an end to the Pol Pot regime which eliminated around half of the population of the country by its acts of genocide. Whatever be the strategic reasons or motives behind Vietnamese action, it was definitely wished for.

2.4 US Domination in UN Peacekeeping

But the U.S.A. being the sole superpower began to exert a more dominant role in the Security Council’s decision-making process. So it began to create more obstacles in the peacekeeping process in the post-cold war phase when compared with the cold war period. For example it used its vetoes more frequently in Security Council resolutions and instigated ‘peace’ missions where its interests were threatened. America has been the greatest financial contributor to the U.N. in its various activities and to its peacekeeping missions.

3. Modifications in the Peacekeeping System of the U.N. in the Post Cold War Era

Regarding the performance of the U.N. in keeping peace since its creation during the forty year period from 1948, when the U.N.T.S.O. was despatched, to the Middle East, in January, 1988, as the cold war was winding down the U.N. had deployed thirteen peacekeeping operations. By contrast, during the next sixteen years, till the end of 2003, the UN has launched forty-four peace operations.

There were many factors leading to the sudden increase, but the primary cause was the end to the East – West competition in the Security Council and the constant threat of the veto by members of the P –5. While there were some 300 vetoes by Security Council members during the cold war period, since 1991, when the Soviet Union ceased to exist, there have been fewer than ten. The Council has not only overcome its deadlock but its ability to agree on any number of issues has greatly increased.

Many of the recent peacekeeping operations have been undertaken in situations of internal conflict and failed states. These situations would have been very difficult during the Cold War, not only because of territorial spheres of influence but also because the Council was not able to reach a consensus on a system for rebuilding a society emerging from instability. It was impossible for the world body to out rightly support a democratic ideology based on private enterprise and capitalism or even a Communist ideology with a centrally planned economy. The end of the cold war implied that a number of civil wars happening in Kampuchea, El Salvador and Mozambique or the freedom struggle in Namibia were available for mediated solutions.

3.1 Conflict Prevention as An Emerging Peace Instrument In The Post Cold War Era

Prevention of conflicts has also been a salient feature in the expansion of the peacekeeping mechanism of the U.N. in the post cold war era. “Preventive Deployment” of troops, peacemaking and preventive diplomacy have been referred to by Boutros Ghali in his “An Agenda for Peace.” In this context, the gap between the early recognition of a crisis (early warning) and an early action to prevent it has been a major deficiency in the U.N.’s handling of crisis situations. Two classic instances where this gap was found are in the case of genocide in Rwanda and Kosovo, which have been discussed as follows – i) In the case of Rwanda, there was plenty of early warning. Operation Turquoise took place only after 800,000 people had already been slaughtered, inspite of the presence of a U.N. Blue Helmet mission (U.N.A.M.I.R.). The U.N. chose not to authorize the strengthening of the Blue Helmet force or the force commander’s request to take preventive measures, and instead reduced the force when the violence began. According to U.N. estimates, a deployment of around 5,000 soldiers in April, 1994 would have been sufficient to check the countless human tragedies.

ii) In the case of Kosovo, there was a lack of a common strategy. So it took nearly a decade after the suspension
of Kosovo’s autonomy for the international community to decide on military intervention. Kosovo was generally sidelined in the peace discussions at the Balkans because it was clear that the parties would never agree over it. N.A.T.O.’s military action in April 1999 was not a preventive effort, but strategically motivated (U.S. expressing its continuing authority in Europe) as well as a reaction to a humanitarian dilemma that had been giving off warning signals for some time. The early recognition of conflict by the experts never led to appropriate political measures. (Bernhard & Varvik, n.d, p.120)

3.2 Concept of Peace Enforcement in the Post Cold War Era

The debate on the legality of humanitarian intervention assumed a greater significance in the 1990’s. The instrument which has some times been used by the U.N. to conduct this is the use of force. There is a general restriction on the use of force in the U.N. charter found in Article 2 (4), where according to the dominant legal opinion, the application of Article 2 (4) refers to the use of military force between states. This however does not prohibit the use of force in a general sense. Some exceptions to their abolition are in case of:-

a. Collective Measures against a disturber of peace on basis of chapter VII.
b. The right of self – defence against an armed attack according to Article 51
c. Measures taken against former ‘enemy states’ according to Articles 53 and 107 (Gareis & Varvick, 2005, pp.67-69).

A ‘Declaration of Principles’ by the General Assembly has a telling influence in this regard. It considers the abolition on the use of force to be the underlying principle of state behaviour. These comprise the following:-

i) Aggressive wars are branded as crimes against peace. ii) States may not use or threaten the use of force in order to harm the existing status of international borders and may not make use of a propaganda of aggression. iii) They may not use force in measures of retaliation. iv) They may not involve themselves in the formation or support the formation of irregular armed forces or armed bands which have as their purpose, the violation of the sovereign territory of other states. v) They must refrain from the organization, incitement on support of acts of civil war or terrorism in another state, and may not suffer the support of such actions to take place in their sovereign territory. vi) They may not obtain the sovereign territory of another state through the use of force. (GAOR 2625, 1970)

4. Conclusion: Status of Humanitarian Interventions in the Post Cold War Era

The 1990s witnessed a series of military actions for enforcing peace ostensibly supported by a humanitarian objective. This rationale boosted the concept of humanitarian intervention on the following grounds:

1. The U.N. Mission in Somalia (1992) was the first instance of humanitarian intervention implying that force was used solely for providing humanitarian relief to the people affected by civil war in Somalia.

2. The need for humanitarian intervention was very urgently and desperately needed in Rwanda in 1994 which became one of the most burning example of genocide in the 20th century. It could not be prevented in time by the UN as about 1 million innocent civilians were massacred within a period of 3 – 4 months in the name of national interest and in violation of the established rules of international law. (Gareis & Varvick, 2005, p.48)

The fundamental argument in favour of humanitarian intervention is that the principles of sovereignty and non – intervention cannot be sacrosanct in the face of massive human suffering caused by either the collapse of a state into civil war and anarchy or a government’s behaviour towards its people. But there remain, of course, serious differences about the legitimacy of external military interventions in specific political contexts. Not being sacrosanct is not the same as saying there is automatic justification for such intervention.

Though the humanitarian imperative is not yet a self established norm, it is much more widely accepted now. This was evident in the declaration of September 2005, U.N. Summit which said that “Each individual state has the responsibility of protecting its population from genocide, war crimes, ethnic cleansing and crimes against humanity.” (GAOR.60 in Lanham et al., 1998). As quoted by Michael Ignatieff, while gripped with man-made humanitarian calamities, the Council may well find itself trapped between cross – pressures from people and governments. The former, influenced by media accounts of gross violations of human rights and ethnic cleansing are likely to press for quick and decisive action. (Ignatieff in Lanham, ed., 1998). Member States, on the others side, reluctant to pay the costs and take the risk of intervention, may be all too ready to delegate the tasks to the Security Council or to regional organizations. Hence, they have been known to quietly discourage forceful Council action in places like Rwanda, Srebrenica and Darfur, as a very recent case. This is quite evident in Kofi Annan’s “In Larger Freedom Report” which highlights that “nowhere is the...
gap between rhetoric and reality – between declarations and deeds – so stark and so deadly as in the field of international humanitarian law”. (Annan,2005) With the passage of time, the Council’s interest in humanitarian goals has certainly grown, even if its willingness to act quickly has developed at a slower rate. Moreover, the Council has never had a monopoly on inconsistent and manipulated decision making. For example, while there are few constitutional restrictions on the Council’s freedom to choose and decide, the extent to which other states and actors obey the Council’s decisions, or respect its political and legal authority, varies from case to case and resolution to resolution. In these cases, the service, though actively done has a political angle, tilting towards powerful nations, rather than pursuing in a principled and impartial manner a humanitarian cause for the people in distress.

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The Causes of the Balkan Wars 1912-1913 and their Impact on the International Relations on the Eve of the First World War

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Abstract

The Balkan Wars of the 1912-1913 are the most important event in the history of the Balkan people and beyond. They are composed of a series sharp and bloody conflicts that swept Eastern Europe in the recent years. During the First Balkan War, the Ottoman Empire fought the united alliance of the Balkan states which included Bulgaria, Greece, Montenegro and Serbia. During the Second Balkan War, Bulgaria fought the coalition of Greece, Montenegro, Serbia, Romania and the Ottoman Empire. If we talk about the origins of the war, we must emphasize that the situation of the Balkan wars at the time and especially the situation that followed, was very alike to the conditions that existed before the Turks came to Europe. At that time, both during and after the Balkan Wars, the Christian states constantly fought against each other for hegemony in the peninsula. But in terms of international relations of the time it should be noted that since the end of XVIIIth century Paris, London, Vienna and St. Petersburg had a special operational plan for dealing with the problems in the East. For the more serious and real judgment we should also see the impact and performance of the situations and events in the Balkans, with the new changes in the geopolitics of the European continent, at least since the early nineteenth century and the credit for this goes to the European Concert (1815).

Keywords: Balkan wars, states, Ottoman Empire, Great Powers, annexation, national aspirations, territories, coalition ect.

1. Introduction

The Balkan Wars were a series of sharp and bloody conflicts that fell over South-Eastern Europe during the fall of 1912 and winter, spring and summer of 1913. If we'll talk about the origin of the war, we should emphasise that the situation, during and after the Balkan Wars, was reminiscent of the conditions that existed before the arrival of the Ottoman Empire in Europe. At that time, during and after the Balkan Wars, christian states were in constant conflict against each other for hegemony over the peninsula. However, during the otoman occupation, even if the people were troubled and beaten, national consciousness didn't vanish entirely. Simultaneously, we are aware over the advancement of national spirit in Balkan, starting from the beginning of the turkish occupation. Various authors assert that, the Great Powers had anticipated the division of the Otoman Empire almost a century before the Great Easter Crisis.

2. European Concert, securing peace stability and the removal of nationalism

Austrian Metternich, Fon Hardenberg of Prussia, Castlereagh of Brittain, Tsar Alexander the 1st of Russia, Taleyran as representative of Louis XVIII, just restored in France, were the players of this concert. These five men attained what they had planned. After the Vienna Concert of 1815, "Old" Europe, characterized from ongoing wars for power, experienced the longest period of peace it ever had. In 40 years there were no war between the Great Powers. After the war at Crime in 1854, there was no general war for another 60 years. This was due to a strong equilibrium, wich proposed the existence of France, Germany, Austro-Hungary and Russia as main elements, having the support of England wich had the naval fleet superiority. In this complex structure based not only Europe, but also ensuring U.S. Kissinger says that: “A peaceful international order punitive withholding because winners were loads of war-weary task to keep track of a country that is determined to derail the chosen path”.1 That would be the worst of the Treaty of Versailles. Winners of the Congress of Vienna as the winners of World War II avoided this kind of mistake. It was not easy to tregoheshe patient and generous to France, which was trying to subdue and rule Europe. But statesmen in Vienna, concluded that Europe

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1Borici Gj. (2008), Politika, marëdhëniet ndërkombëtare dhe diplomacia në shekujt e historisë 1600-1899, Tiranë : Geer Editor , pp. 275
would be safer if France will be relatively pleased than offended and unfriendly. France was stripped of her conquests, but what you gave her borders "ancient" therefore, although they represented a much wider territory he had run out of Richelieu. So if you see a chronological unexplained events begin before East crisis, the Balkan Wars and after the First World War, we see that the world had been for nearly half a century of peace. The concert of Europe have experienced diplomats. Each of them have distinctive skills and knew how to use them properly. Undoubtedly pointed out: the aristocratic elegance and Metternich diplomatic, intelligence and cunning Taleyran, reasoning of Lord Castlereagh. And the results were seen with what is offered diplomacy, political and human history of those years. But immediately after this period resumed military and economic forces have changed significantly. On the one hand, the scene of powers and interests, unfolding a multinational Ottoman empire too weak economically and militarily, whose ship was sinking path to take. Consequently, increased efforts of the Great Powers, especially Russia to take part when it happened (the Russo-Turkish War). On the other hand brings the creation in 1871 of the German state, the great Chancellor Otto von Bismarck. Germany have an economic and military too large, changing the ratio of forces on the continent. But that failed merger Chancellor of Germany would not live forever, and his descendants will be sadly lacking in diplomacy what he had majority, maturity. Various analysts have concluded that, Congress of Vienna, among other things, in favor of peace, nationalism aside. Nationalism was seen by European leaders as the cause of revolutions which undermine the existence of traditional monarchies. “The term revolution as a notion and doctrine had no greater enemy than the Prime Minister of Europe, Prince Klemence von Metternich ... According Metternich and the threat of an outbreak of a revolution, nationalist movements to come from the conquered peoples”. So, in a way closely related revolutions nationalism, were challenge decisions of the Congress of Vienna. But time will show that despite efforts to ban Metternich revolutionary movements, they will not stop, even Metternich itself will leave the political scene. So after the concert, Germany and Italy were left as divided states, but strong nationalist movements and revolutions led to the unification of Italy in 1861 and Germany in 1871.

3. Post-Bismarck policy position

Powers became aware of Prussia’s military potential, with its victory over Austria at the Battle of Königgrätz 1866’s. Meanwhile, four years later, they saw the Prussian army to destroy fortifications Parisian. Those who had been a symbol of power and majesty. On the other hand, it was made clear throughout that greatness, French culture and British absolute dominance in trade and industry was coming to an end is. Another superpower would come on stage, disrupting European balance, and giving a new breath and European policy interests. Parallel with this change, walked and ran and one of the leading figures in the history of German Chancellor Otto Eduard Leopold von Bismarck-Sainthausen. Bismarck was one of the most prominent European aristocrats of the nineteenth century. Bismarck was born on 1 April 1815 and died on 30 July 1898. Year of birth of Bismarck ĕhtē year marked the political and diplomatic agenda of the European continent. That year, the coalition holy accounts closed once and decided to Napoleon Bonaparte and an international order in the world. It was this international order, which Bismarck inspired to achieve what will be making his name immortalized in centuries of history: “Unification of all German states into a single state”3 Realpolitik Bismarkian (foreign policy based on the calculation of the force and the national interest), brought the unification of Germany in 1871, right in the heart of France, who had driven the hated union and, in the palace of the statements in Versailles. But reunification Realpolitiks made to close itself, reaching the opposite of what he expected to arrive. On the other hand Realpolitiks made the mistake of starting life insulting state of permanent enemy who will not forget tja tja reward until just a few years later with the same currency even more, thus insulting the pride of the German nation seriously. Since the modern state system emerged at the time of Richelieu, countries on the periphery of Europe: Britain, France and Russia, continue to put pressure on the center. Now, for the first, middle, becoming very strong pressure to the periphery. He still called the Concert of Europe, was actually divided into two groups hostility, enmity between France and Germany and the growing animosity between the Austro-Hungarian and Russian. This hostility between Russia and Austria, managed to overcome the monarchs unitetin conservative. Pan-Slavism and expansion fanatic and outdated adventurous came to the aid of Russian policy in the Balkans. Just cause fear stays parallel to the Austro-Hungarian empire. Over time, the conflict in the Balkans, Russia and Austria became unmanageable. If the balance of power had functioned in the form of its most pure, the Balkans will be divided into spheres of influence of Russia and Austria. Bismarck at the Congress of Berlin was arrogant, but because. He had the ability to understand the incentives of participants went on to meet the disagreements,
and had as its ability to give the characters realize that others working in the interest of tëtjerëve, he had no personal interest and that of the best of. In other words, he cleverly hinted that there was no "client" of the Balkan peoples, despite his main goal in diplomacy, was to establish such a balance to prevent alliances antigermane. But, regardless of merit, if any leader and divine what they had given to his country, is not eternal, is first and foremost a man, a mortal. Time Bismarck was golden but if he had the ability to distinguish the finish line where military strength and diplomatic used it, those who came after him had these skills, and it will prove fatal not only to the German nation but for all mankind. "Nobody eats from the tree of immortality impunity", Bismarck wrote for his friend von Roon 4. In this sense Bismarck planted the seed, not only the achievements of his country but his tragedies of the 20th century. After unification, Germany became the most powerful country on the continent and consistently strengthened after each decade. Berlin turned into a European economic center becoming a symbol of that development. But besides the economic and military, diplomacy postbismarkiane left much to be desired. Content virtue that had so rationally and appropriately Bismarck, his successors had little to say not at all. 15 years after the death of Bismarck, these positions will bring their fruits in conflicts that would affect the Balkan Peninsula, and throughout Europe and the world in one of the major wars that involved humanity.

4. Macedonia

It is known that 100 years before the Balkan wars, the entire Balkan Peninsula, the Aegean Sea and Turkish straits to the border of the Russian Empire, Austria-Hungary, with few exceptions, was under Turkish sundmin. As a result of developments known during the nineteenth century, the Turks were retreating southward defray of birth and now the remaining parts of the southern peninsula. “However, states created in the liberated areas in the nineteenth century and twentieth century fillimtë as Greece, Serbia, Romania, Montenegro, Bulgaria, entirely governed by monarchies, where borders were almost ambiguous and lacked stability Peninsula international”. 5 Austria and Russia pursue their interests in the Balkans. Geography and Ethnography, the report said Cornegier Foundation, have divided the Balkans into two spheres of influence, eastern and western, Bulgarian and Serbian areas. History of diplomatic or insert them under Russian or the Austrian influence. Thus there are two opposing withdrawal: Withdrawal "German" from north to south and pull "Slavic" from east to west. “Vardar Valley, which divides Macedonia into two parts, was destined to be the arena where the two influences meet and encounter”. 6 Russia has outlined the boundary of the area of influence since the Treaty of San Stefano, which all form part of Macedonia’s inherent Bulgaria. Austrian politics has counter-attraction to the formation of the Russian secret treaties of 1881 and 1889 by Serbian King Milan Obrenovic, who was promised areas of Vardar Macedonia and the western half, in order for Serbia to give up goals Adriatic, to give consent to sanjak of Bosnia and Herzegovina annexed all countries serbistholëse to Zagreb. Any increase of the Serbian Kingdom, any extension to the sea, especially the Adriatic, each elevation and reinforcement of national consciousness of its people, endanger the Dual Monarchy. Within the Austro-Hungarian Empire are millions of Slavs and “Austrohungaria can not arinin in their appearance in the sea - Trieste and Fiumme - without going through the territories inhabited by Slavs of the south”. 7 While pan-Slavism threatened the integrity of Austria-Hungary, the main features of this latest in the Balkans was a harsh suppression of national aspirations among its populations of the South Slavs (Kroaciosë residents, Dalmatia and Bosnia-Herzegovina), a wary and jealous opposition to any territorial or resource achievement of the Kingdom of Serbia and a strong determination to stop the constant Serbian expansion to the Adriatic. For these and other reasons, that many scholars, among whom and J. Schurman, claim that the cause of the war between Turkey and the Balkan shtetve 1912 was Macedonia. Being geographically between Greece and Serbia, Bulgaria, Macedonia and as a race-types ethnic mix was intended to act as a magnet to newly freed Christian nations of the Balkans. Macedonia was and is at the crossroads of the Balkan Peninsula. To go from Central Europe to the Aegean port of Thessaloniki, or the Adriatic Sea in Istanbul, traders will always pass through Macedonia, to avoid mountain roads. Furthermore, and Bismarck, known for his contempt for all Balkan affairs, acknowledged its strategic position. “Those who own the Vardar River valley, he said, are the masters of the Balkans”. 8 So all these facts lead us to think that Macedonia has been one of the causes of the Balkan conflicts even just getting started and the existence of this region, and being in that position and what specific geographic mix populations, such that for all these country would be subject to often targeted by neighbors for political or

4 Luftërat e tjera ballkanike, (1993) Tirane : Onufri Editor, pp. 5-6
5 Luftërat e tjera ballkanike, (1993) Tirane : Onufri Editor, pp. 36
8 Durham E, Brenega e Ballkanasve, Tirane: Argeta-LMG Editor, pp.73
economic purposes and military. Gives a very interesting definition and Edit DURHAM, which "concerns the Balkan" says: "Macedonia, if observed, is a very elastic term, which is summed up for all those countries which wish to ask the annex. It is a free term, and therefore the wrong term. I have met with people who believe that there is a breed called "Macedonian" ... The truth is that in this country that has no boundaries and that its own officials had no limits never stable, six races live peoples who all have claims to the right to view". This statement is quite original because it shows us that some people are fragile and mixed culture or ethnicity, which often become the object of fulfilling the interests of stronger nations or ethnicities that rrothojnë more solid. In other words, they have a national identity not steady because of various wars, they spend time or become part of a state, and another time, becoming so in this sense a permanent source of conflict. In case you have chosen to study the existence and consequences of these differences Macedonian, they will be "the match will light cools the conflict" and wars that will not only feel the Macedonians, but all the peoples of the Balkans.

5. The Tractat of Saint Stephan and the Berlin Congres

The concept of nationalism, which found from France and the German states in the early nineteenth century began to shpërhapej in the Balkans. The initial impact was mainly cultural. Intellectuals made great efforts to standardize and all my popular daily Balkans also often reminding states that had existed in the Balkans before Ottoman invasion. Very soon became the focus of political nationalism, a desire to achieve national unity motivated Balkan countries to deal with their former occupiers ottoman. Balkan leaders assume that only the achievement of national unity after their states can go towards the development and prosperitetit.In this aspect of the Balkan peoples tried to follow the example of the political and economic success in Western Europe, especially West Germany by adopting the concept of nationalism as a model for their national development. Balkan peoples perceived nationalism as a justification for the creation of special geopolitical units. Vasil Levski, a Bulgarian revolutionary activist of the nineteenth century, says: "We are a people who want to live in complete freedom in our land, where Bulgarians live in Bulgaria, Thrace and Macedonia." This concept of Western European nationalism moved the old Ottoman millet in the Balkans, which actually had allowed every major religious group autonomy in administration management. The millet system allowed the Muslims, Orthodox, Catholics and Jews live together without inserting the nose into the affairs of one another. This system gave the Balkan peoples a limited degree of cultural autonomy. Every Balkan people imagine restoring medieval empires that used to base their national ideas. Bulgarians asked borders of the empire of the first or second Bulgarian revival of Byzantine Greeks, Serbs and Montenegris and asked to lie on the territory of the empire of Stephen Dushan. In 1876 Serbia and Montenegro war against the Ottoman Empire to create large national states in the western Balkan Peninsula. In the same year an anti-Ottoman revolt erupted in Bulgaria. In 1877 Russia intervened in the Balkans, Bulgarian nationalists allied. After nine months of hard fighting, the Russians dominated. The Treaty of San Stefano, signed in March 1878, and ended the Russo-Turkish war by creating an independent state of Bulgaria's large and expanding Serbia and Montenegro. The Treaty of San Stefano maximum territorial aspirations fulfilled Bulgarian nationalists. Bulgaria's new included most of the territory in the eastern Balkan peninsula between the Danube and the Aegean Sea. It also included Macedonia. For the first and only time in modern history, a Balkan nation had achieved all its national goals. The Treaty of San Stefano was faced with a negative response from core Europe, which for the last 200 years had the privilege of international arbitration matters. A desire to limit the ambitions of the Russian Empire in the Balkans and to restore order in chaotic conditions Ottoman Europe, especially by Austria-Hungary and Great Britain made the major powers to accept the offer of Otto von Bismarck to organize a conference to resolve the Balkans. Bismarck promised to serve as an "honest broker, who really wanted to do business." Bismarck invited the representatives of the Great Powers to meet in the German capital. After the Congress of Berlin was attended by leading diplomats of the time, including Lord Salisbury Great Britain and Count Andrassy of Austria-Hungary. This significantly reduced the size and independence of the new Bulgarian state. Instead of a large independent Bulgaria, the Berlin Congress created an autonomous Bulgarian principality under the Ottoman sovereignty, a semi-autonomous Eastern Rumelia under the authority of the Ottoman Sultan, and the back Macedonia in direct rule of the sultan. These decisions were catastrophic for Bulgarian nationalism. E.Geshov Ivan, who led Bulgaria in the First Balkan War in 1912, wrote: "When we read in Plovdiv ominous Times in July 1878, the published text of the agreement, in which diplomacy ditëskhurtër Berlin our shared homeland, remained fascinated. Was such a possible injustice? Could one of them was turing into injustice ". Berlin Congress also recognized the independence of Serbia too full a bit smaller and Montenegro deprived of gains versus sanctioned in San Stefano.

\[9\] Schevill Ferdinand, (2002)"Ballkani, historia dhe qytetërimi", Tiranë: Wegen Editor, pp.371
Herzegovina Sanjak of Novi Pazar and northern Albania. Austria-Hungary advanced to the Western Balkans and occupied Bosnia-Herzegovina and Novi Pazar sanjak. These territories were de jure part of the Ottoman Empire. They were also the national aspirations of Serbia and Montenegro. Greek continuing claims led to a tussle in Berlin decisions. Bulgarians were not the only ones who felt frustrated over the Berlin decisions. Greeks, Montenegrins and Serbs are perceived as the Treaty of Berlin as an obstacle to their national aspirations. The famous French historian and A.Rambo E.Lavis stated: "Rarely in history faced the situation so strange and so unfair. Equilibrium in the Balkans broke". Now, in fact, seemed to Austria near the Mediterranean Sea and Carigradit (Kostandnopoja) than Russia. Serbian people, hoping to rebuild the national integrity, against his will and explicit, found himself in July 1876 divided in three parts, while Austria tried at all costs to establish any kind of relationship with. Similarly, against the wishes of his people, and Bulgaria was divided into three parts.

6. Bosnian crisis of 1908-1909

The decisions of the Berlin Congress made the Balkan peoples to oppose the Ottoman Empire and Austria-Hungary, and, moreover, Balkan nations opposed each other. In this complex situation was strengthened people's liberation movement rather than Turkish (where, among other things, attracted the attention of the powerful movement of Albanians, especially with known activity during the League of Prizren and beyond), who had remained under the yoke of the Sultan and movement of the South Slavs and other ethnic groups who were under the power of Austria-Hungary. Serbia dominated by Ilia Garashanini program (Naçertanje 1844), provided a territorial expansion of Serbia, who became leader of the activities in the field of foreign policy of the country. This document is known as the "bible of Serbian nationalism". He pointed to the fact that the Serbian expansion will not only mean the destruction of the Ottoman Empire (European part), but with a potential conflict against Austria, which was preparing her go back brakes Turkish possessions in the Balkans. Under this program was alive Serbia should the former glory of the kingdom of Stefan Dusan. But the limits of this new empire, "Naçertanje" - will enter many areas of neighboring countries including Northern Albania and Kosovo, the Serbian minister baptized with the name "Old Serbia". This view was reinforced by the fact of annexation of Bosnia and Herzegovina by Austria-Hungary in 1908 and its goal for itself to ensure access to the Aegean Sea, the region of Thessaloniki. Austrian monarchy was because at that moment and the situation was in favor of it, not to mention leaving Germany and support. Austria reached as far as stating that: "I do not know the power of the sultan in this country and that will detach from the empire, then fire you really threw gasoline". Austria, even strengthened its position in the Balkans without giving any compensation Russia, the latter in military terms, in that moment too incompetent to withstand an Austria which was backed by Germany. In addition, Russia does not enjoy the support of France and Britain that their attitudes had clearly indicated that it will not engage in a war in Serbia's interest. These attitudes led to the end of March 1908, Russia to recognize the annexation of Bosnia and Herzegovina. In fact, this annexation, instead of serving for a solution to the issue or sedation of the South Slavic population, led to a further aggravation of the situation. The first simple this crisis was resolved through diplomacy and not through war. In January 1909, Aehrentali strengthened Austria's diplomatic position through an agreement with Turkey, which the Ottoman government recognized the annexation of Bosnia and Herzegovina by Austria in exchange for monetary compensation. On the other hand that was developed in 1906 with Serbia "War pigs" and trade blockade. Serbia could not be supported by Russia which was militarily too weak to face a war at that moment, while Britain's Liberal government was preoccupied with social legislation and in France Klemansoit government was completely anti-German, this Last behind Austria despite reservations. But despite the success of diplomatic and peaceful solution by Austria and Germany, on the international reputation and they also suffered losses in the sphere of interests because they abandoned the strategic sanjak of Novi Pazar. It should be noted and something that is very sensitive and in the interest of our study, that the Austrian monarchy, this solution was a "mixed blessing". On the one hand, Austria achieved its purpose, which was the annexation of the province, and the fact of the forced carry-on as Serbia or Russia-in the "surrender" in the face of this reality. But the other side of the coin was that would be very difficult for Austria to administer or govern these provinces, because the very southern Slavs were against the annexation. Russia will use this fact as to "take revenge", prompting a Balkan peoples resistance against the Habsburg Monarchy. While all these reasons, Serbia asked before whether you can it withstand Austria - Hungary. This threat became one of the main reasons that forced the Serbian ruling circles of felt for a territorial expansion towards the Turkish possessions in Europe, primarily in Macedonia and other regions in Albania etc..

7. The Tripolitania War

While the Moroccan crisis has attracted the attention of the Great Powers, Italians realized that they had made an agreement with France in December 1900, an agreement was proper. In exchange for a free hand to the left France in Morocco, Italians now aiming to achieve a victory similar to that of the French in connection with the North African provinces and Kirenajakës Tripolitannia, which were still part of the Ottoman Empire. Italy had faith and in fact it turned out to former true that Austria and Germany would not mind to avoid disturbing the tripartite alliance. In October 1909, Italy further strengthened its diplomatic position, by ensuring Russia's consent to receiving Tripolitannia from Italy, in exchange for Italy's support for Russia wanted changes in the Straits Convention. On 28 September 1911, the Italians suddenly handed an ultimatum to Constantinople, where required the Ottoman government, within twenty-four hours, to agree to an immediate invasion of Italy by Tripolitannia, this requirement is justified on the grounds of establishing "law and order". Twenty-four hours later, no matter the response of the Turks, Italy declares war on Turkey. On November 5, they announced the annexation of these territories, which is called Libya, the ancient Greek name for this region of Roman North Africa. After about a year on October 18, 1912, in an agreement signed in Lausanne, Switzerland, Turks made peace with Italy and agreed to withdraw troops from Tripolitannia and Kirenajakë. This decision not only you imposed on them by the Italian successes on the battlefield, but also of a new attack on the Ottoman Empire was being prepared, this time of the Balkan countries. In fact, the great powers such as France and Britain were not too concerned about the fate of this population or those tojeve which were almost deserted, than the fact that any attack on the Ottoman Empire was a precedent for the launch of the Eastern Crisis. But Germany and Austria feared that the Italian attack would serve as an incentive to attack Russian or Balkan countries over turkey. Time showed what great powers feared happened. Despite contradictions Balkan joined forces to create an alliance against Turkey. In the landscape of international diplomacy Tripolitannia War, regarded as a driver of the Balkan peoples in the struggle for independence from Turkey. All Balkan countries, except Romania were on the border with the Ottoman Empire and all were keen to take land from its holdings. Russians for a long time has wanted to form a coalition of Balkan countries, but until then it had not been possible because of rivalries and extreme positions itself as the Balkan and their fear that Russian aid will not be turned the reason to come under another pick, but not this time Russian Orthodox Muslim. So at any time there was a fear of becoming hostage to Russia. Italian attack on Tripolitannia succeeded him what he could not achieve for a long time Russian diplomacy. While an important part of the Turkish army was in North Africa, the Balkan countries saw an opportunity or a situation conducive to realize their ambitions against the Ottoman Empire. So after the engagement of Turkish troops in Africa and the impact of Russian diplomats and agents, Balkan countries except Romania gathered in a coalition and saw for the first time admitted the possibility of the recovery table to pluricentennial Ottoman yoke.

8. Albanian insurrection in the years 1910 -1912

These uprisings served as a powerful catalyst in the development of events in the Balkan peninsula, at the end of the first decade of this century. Researcher very dear to Edith Durham Albanians had thought that if it was to give a definitive and Albania (after the Treaty of Berlin), definitely you will not need to be made other moves populish. The view that existed after this Treaty, to recognize Albania as its only fair mountainous strip of land along the coast, will bring great disaster. «A nation like this, with all the special quality, swinging should have enough places to live. If you will not be given, they will receive him himself. This is one of the most fundamental issues of current difficulties. While Albania remains without its borders, under the so-called Turkish government, its status will be anarchic and Balkan situation has improved to be almost impossible.» Taking into account the situation of that time would be absurd to accept that the Albanian factor has not affected the throes of the Ottoman Empire. In this direction, attentive and serious researchers and undisputed facts convince us that one of the main reasons, if not the main one, the outbreak of the Balkan wars are Albanian uprisings, especially the General Uprising of 1912's, the thing which forced the Ottoman Empire on August 17, 1912 to accept demands for autonomy Albanian insurgents in four Vilayet the area 90 100 sq km and a population of 2,725,410 inhabitants. Certainly the Ottoman Empire was found in front of a fait accompli, Albanian patriots in November 1912 had raised the Albanian flag in some cities to crowned in Vlora on 28 November 1912. The right choice of the Albanian question, did not like anyone Albanian territories around the country and their actions created a folder that terrible conflict made many disasters and tragedies with colossal damage for nearly a century. Concerns of the Balkan states, especially Serbia, increased more after the liberation of a number of major cities of Kosovo Vilayet etc. and,

moreover, after the triumphal entry kryentișëve more than 30,000 Albanians in Skopje, the capital of Kosovo Vilayet, this success was a blow to conspiracy spring Balkan alliance. «Tension increased after the count's proposal Berhtold Austro foreign minister, on August 13 Great Powers, the best course of action for decentralization measures the Sublime Porte in the Balkans of 169,000 sq km, respectively vilajets six, and four of whom vilajets Albanian ethnic Albania would form the 90 100 square kilometers».12 Historian Ferdinand Schevill writes that victory felt Albanian allies, already inevitable, through which Albania was being built as an autonomous state consisting of four vilayet, Shkodra, Janina, Monastir and Kosovo. In fact, the reality was that, if fighting the Albanian proposal will be accepted each of the four allies would see the door closed in a given province, which each particularly coveted. But after uprisings concerned Albanians, was the Russian pan-Slavism, which in order to achieve its goals, hiding behind the Serbian factor, continually urging him to targeted Albanian factor. In view of these personal interests Russian diplomatic activity conducted a succinct trying to secure the support of England and France in favor of its Balkan allies. "First in the Balkans are our interests, the interests of Serbia, Montenegro, and Greece", would declare chairman of the Russian Government. So Albanian ideas of liberation and unification combined with claims of ruling circles in Serbia, Greece and Romania to foreign lands, where there lived measures populist contacts with the countries concerned nationality. Different scholars in their studies ee affect the issue of targeting Balkan countries for hegemony. This time paying special attention to the professor Damjanov Simeon, one of which was initiated in the developing events in the Balkans in 1912-1913. "To establish their hegemony in the peninsula - he wrote - and then fought Bulgaria, Serbia, Greece and Romania. But, if Bulgaria was intended for hegemony through a natural attempt to unify national, relying on the fact that the Bulgarian population in the Balkans is more numerous in number, the hegemony of Serbia, Greece and Romania became possible only with the emergence of these countries outside the framework of legitimate expectations only way the invasion of foreign lands (mainly Albanian and Bulgarian lands)13. This fundamental distinction must only keep in mind in assessing the political and territorial claims of each of the countries in the Balkan war.

9. Socio-economic situation of the Balkan peoples under Turkish rule

The Balkan region and especially those who seceded from the latest Turkish Empire, Ottoman rule inherited from a very low economic level. Most of the population lived in the countryside, the market economy was in a phase of stagnation, lack infrastructure, not to forget that the bulk of the population was illiterate. Here's how Demeter Anatakovic Austrian consul expressed in Sarajevo in the period of Ottoman occupation, which he inter alia kostatonte policy reforms that advertisements had entered a vicious circle. “Sarajevo is dead. Trade and crafts are stopped altogether. Last weekend the city was brought very little food shopping goods. Eye not beasts of voice, or because they are from military requisitioning, or because the peasantry has mountains to save them ... As seizures have often allowed themselves to emphasize the villagers, Muslims and Christians alike, are burdened in every way ...”.14 Many studies refer to the fact that the political character of the reasons that conditioned the beginning of the Balkan War, should be included and the socio-economic and population conquered by the Turks, which was kept under a pressure of wild and was deprived of political rights, national, social, religious and other rights. "And, besides political and socio-economic slavery was strengthened and national oppression .... While the ruling circles of the Turkish state refused to reforms proposed course of action in the Congress of Berlin. After Bulgaria's declaration of independence in 1908, this population experienced an even more ferocious repression. Most progressive representatives enslaved population under the European dominions of the Ottoman Empire and the Balkan states community, trying to find a radical solution to the national issue, which was actually a continuation of the liberation war renaissance period for the elimination of feudal and semi system national self-determination for the people not Turkish. Given the rapidly developing events and conditions on which was popullili,

14 Reconstruction (1865-1877) in U.S. history, period during and after the American Civil War in which attempts were made to solve the political, social, and economic problems arising from the readmission to the Union of the 11 Confederate states that had seceded at or before the outbreak of war. Each state had to accept the Fourteenth or the Fifteenth Amendment intended to ensure civil rights of the freedmen. The newly created state governments were Republican in character and were governed by political coalitions of blacks, Northerners and Southerners who collaborated with the blacks and Northerners. Southerners particularly resented the activities of the Freedmen's Bureau, which Congress had established to feed, protect, and help educate the newly emancipated blacks. The use of fraud, violence and intimidation helped Southern conservatives regain control of their state governments, and, by the time the last Federal troops had been withdrawn in 1877, the Democratic party was back in power. The most fundamental failure of Reconstruction was in not effecting a distribution of land in the South that would have offered an economic base to support the newly won political rights of black citizens. (Du Bois, 1992)
leading circles of the Balkan countries decided that they had been charged with the mission of resolving historical issues in their countries. The goals of the First Balkan War itself crash involving semi feudal system under the European dominions of the Ottoman Empire, where the Turkish population not subjected to savage repression of political, economic, national, social and religious. Another aspect was the struggle for the liberation of the enslaved fellow thing that would lead to national unity Balkan peoples and the establishment of homogeneous states. This aspect of homogeneity will make the confusion, the territory of the State the nationality. On behalf of the nation state will become mass expulsions, rape, murder and genocide, which unfortunately will accompany the Balkan region to this day. These goals, set in a certain way progressive character of the First Balkan War, continuing the idea of liberation Russo-Turkish wars of the nineteenth century, which makes that a good part of the Balkan peoples to gain freedom. She played the role of a bourgeois democratic revolution in European dominions of the Ottoman Empire. But the downside was that followed the war and other purposes can be realized. This caused controversy in defining its character. One of these contradictions was the annexation of Albanian and Macedonian territories.
African American's Struggle for Equality and African American Literature

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Abstract

After the period of Reconstruction (1865-1877), the social position of Southern Negroes became worse. Negro leader Booker T. Washington, advocated gradual economic advancement of Negroes which was possible only if they relinquished their demand for political and civil rights. He believed that only self-reliant Negroes could more efficiently engage in the struggle for social equality. Other Negro leaders strongly opposed these tactics of gradual development. William E. B. Du Bois, historian and intellectual, was more radical in his ideas. He believed that Negroes must be united in their constant protest against discrimination in the white society and should insist on getting full political and civil rights immediately as well as the right to be educated according to economic circumstances and intellectual abilities. He highlighted the advantage of higher education as only educated Negroes could set realistic goals for the Negro population and lead them in their struggle for social equality. Although Washington and his opponents had the same goal, their methods to achieve it differed. Washington strove to reach that goal indirectly, without creating white opposition. African-American literature depicts the reality discussed by politicians on the ideological level and transfers it into the spheres of intimate human drama giving it a moving quality and emotional recognizability. The principle of authenticity, one of the principles of poetic realism, requires an artistic and detailed analysis of reality which leads to the principle of criticism. The Negro author essentially becomes a critic of the reality he has used in his work.

Keywords: Political rights, civil rights, economic advancement, the U.S.A., southern Negroes, black leaders, discrimination in the white society, discriminatory laws, higher education, industrial education, organized protest.

1. Introduction

This paper analyses and compares the political programs of Booker Washington and William Du Bois for the complete affirmation of the black population in the USA. The aim of the author is to show which of the programs is more efficient at achieving the final goal, i.e., social equality in the American white society. During the period of 40 years after the beginning of Reconstruction1 (1865), the position of Southern Negroes worsens. The American government adopts the policy of “non-interference in the racial problem” in the American South and leaves the Negroes at the mercy of ex-slaveholders. From 1896 to 1900, “Jim Crow”2 laws depriving Negroes of the right to vote and discriminating them both in society and in all spheres of human activities are enforced throughout the South. Physical violence, lynching and killing Negroes become so common that they don’t provoke any public reaction. The Negroes are actually enslaved again. Black leadership faces the problem of how to help Southern Negroes achieve their civil and political rights. This problem causes conflicts among black leaders some of whom advocate return to their homeland-Africa while others propose active resistance and protest against injustice as a way of achieving their rights. However, the majority of blacks believes they will obtain their rights gradually, in a peaceful and democratic way. At the beginning of the 20th century a most heated controversy raged between two most prominent black leaders, Booker Washington and William Du Bois. Although they had the same goal, to help Negroes achieve full civil and political rights, their political programs were quite different. Booker Washington advocated economic advancement first followed by gradual achievement of civil rights which was contrary to Du Bois's strategy of a radical political activity in the existing sociocultural and political circumstances.

1 “Jim Crow” law –In U.S. history, any of the laws that enforced racial segregation in the South between the end of the formal Reconstruction period in 1877 and the beginning of a strong civil rights movement in the 1950s. Jim Crow was the name of a minstrel routine (actually Jump Jim Crow) performed beginning in 1828 by its author, Thomas Dartmouth ("Daddy") Rice. The term came to be a derogatory epithet for blacks and a designation for their segregated life. (Woodward, 1974)

2 The Compromise of 1877 was an unwritten, informal deal between the Republicans and Democrats of Congress to recognize the Republican president if the following actions took place: removal of all federal troops from the Southern states, appointment of at least one southern Democrat into Hayes's administration, construction of a second transcontinental railroad in the South, legislation enacted to help industrialize the South. (Norton et al., 2005)
The paper also incorporates literary descriptions depicting the reality Washington and Du Bois were parts of and presenting the reactions to their controversy in literature.

2. “Atlanta Compromise”

Booker Washington in his Atlanta Exposition (1895) address urges whites to provide blacks with jobs and industrial education and in return, Southern Negroes will stop insisting on social equality. Taking into account the deteriorating position of Negroes in southern society resulting from The Compromise of 1877, Washington tries to help Southern Negroes as much as possible under the circumstances so he advocates industrial education which will help them survive. In his opinion, blacks must believe in “paternal” Southern whites and accept the white supremacy. He highlights mutual dependence of blacks and whites while at the same time he says that they have to be separated in all public places (railways, city transport, theater, cinema...): “...In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress...” (Washington, 1986, p. 221-222) Washington tries to dissuade blacks from political activity as he believes that due to their ignorance they are not competent to use this privilege. He is convinced that the blacks will obtain social equality gradually: hard work, thrift and their excellence in crafts will make them useful to the community which will finally acknowledge them as equals with full political and civil rights. His thesis is artistically presented in The Color Purple: the business success of the main character’s (Celie) stepfather is based on his applying this strategy successfully.

...Before I planted a seed, I made sure this one and that one knewed one seed out of three was planted for him. Before I ground a grain of wheat, the same thing. And when I opened up your daddy's old store in town, I bought me my own white boy to run it....I bought him with whitefolks' money...(Walker, 1983, p. 155)

Washington delights the audience in Atlanta with his ideas on Negro progress which correspond to the general attitude of the whites at that time. He cunningly manipulates with the symbols and myths as “social darwinism” and “the gospel of wealth”. With such submissive politics he gets huge financial support and a truly great power among the black population of the American South. Dominant, wealthy Northerners who invest money in the American South totally approve of Washington’s politics of accommodation and his educational program. Southern whites agree with his politics as well as it advocates Negro inferiority and doesn’t include any program aimed at getting political and civil rights for Negroes. His program is also accepted by white philanthropists, some of whom are really interested in the Negro advancement while others are impressed by a practical program of educating “an inferior race” and creating a semi-qualified working force which will be used in the future industry of the South and in agriculture.

African-American literature depicts the reality discussed by politicians on the ideological level and transfers it into the spheres of intimate human drama giving it a moving quality and emotional recognizability. The novel The Color Purple presents the problem of an enriched Negro who died because of the white majority that couldn't bear the advancement of a member of an inferior race.

...Once upon a time, there was a well-to-do farmer who owned his own property near town. And as he did so well farming and everything he turned his hand to prospered, he decided to open a store, and try his luck selling dry goods as well. Well, his store did so well that he talked two of his brothers into helping him run it, and, as the months went by, they were doing better and better. Then the white merchants began to get together and complain that this store was taking all the black business away from them, and the man's blacksmith shop that he set up behind the store, was taking some of the white. This would not do. And so, one night, the man's store was burned down, his smithy destroyed, and the man and his two brothers dragged out of their homes in the middle of the night and hanged...(Walker, 1998, p. 148)

The black reality obviously offers a great number of similar examples thus the principle of authenticity, one of the principles of poetic realism, requires an artistic and detailed analysis of reality which leads to the principle of criticism. The Negro author essentially becomes a critic of the reality he has used in his work.

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3 Plessy v. Ferguson case in which, on May 18, 1896, the U.S. Supreme Court, advanced the controversial “separate but equal” doctrine for assessing the constitutionality of racial segregation laws. The Plessy v. Ferguson case was the first major inquiry into the meaning of the amendment’s equal-protection clause. This ruling served as a controlling judicial precedent until its reversal in the case of Brown v. Board of Education of Topeka (1954). (Norton et al., 2005)
3. The Key of Success of Washington's Philosophy

Washington acted as an experienced politician and judged the situation in the American South well. He was convinced that a Negro insisting on social equality would be counter-effective. Washington was aware of the fact that at that time Negroes were completely unprepared and incapable of responsibly consuming their rights as well as fulfilling their duties resulting from the democratic constitution of American society. He claims that Negroes must start from the bottom, but he strongly believes that in the end they will achieve their goal:

...It is important and right that all privileges of the law be ours, but it is vastly more important that we be prepared for the exercises of these privileges. The opportunity to earn a dollar in a factory just now is worth infinitely more than the opportunity than to spend a dollar in an opera-house... (Washington, 1986, p. 223-224)

Using this clever parable Washington picturesquely presented his attitude on priorities for reaching full Negro emancipation and after that their integration. The fact which mustn't be disregarded is that if at the moment Negroes aren't equal to the whites it doesn't mean that in an ideal perspective they won't be socially and politically equal to the whites. Washington flattered both Northern and Southern whites for the crumbs from the good they had done for the black population. He also develops a strategy aimed at increasing financial and logistic support of the whites which will be used for the implementation of his program. At the same time his program becomes widely accepted by the growing Negro middle-class population. The emphasis on economic advancement which will indirectly solve the question of their civil and political rights, the interest for industrial education as well as advocating black pride and racial solidarity and denying any interest for social equality become the dominant ideas in the black community at that time.

It is really too difficult to deal with the burden of racial segregation particularly in the context of the search for identity, an essential phase in the development of human beings which can often be very painful, as French existentialist Jean Paul Sartre describes it. Together with denied identity a Negro constantly feels, it becomes logical why some black individuals strove to fit into the white community, which was very often tragical. Such an individual is Pauline, the black character from the novel The Bluest Eye, whom the girl from the white family she works for intimately calls Polly while her own daughter Pecola addresses her “Mrs Breedlove”. One day Pecola and her friends visited her mother while she was working. Pecola liked the smell of the hot blueberry pie her mother had just made. The pan accidentally fell to the floor and the hot pie splattered Pecola. Instead of helping her Pauline “...was on Pecola, and with the back of her hand knocked her to the floor...slapped her again...” She said to her angrily: “...Crazy fool...my floor, mess...look what you...work...get on out...now that...crazy... my floor, my floor...my floor...” The frightened white girl started to cry and Pecola's mother comforted her as if she were her own child: “...Hush, baby.hush. Come here. Oh, Lord, look at your dress. Don't cry no more. Polly will change it...” The girl asked several times who the girls were and Polly replied: “...Don't worry none, baby...” (Morrison, 2007, p. 84-85) Pecola's mother herself projects the whites' hostility towards the blacks. It is her way of fitting into the white community. Her tragic misconception is a literary confirmation of both Washington's and Du Bois's attitude from the beginning of their political activity blaming Negroes themselves for their subordinate position.

An extreme example of self-denial is Pecola's obsession with blue eyes. She longs for parental love and desires to be accepted by the community. The ugly black girl believes that blue eyes will earn her both her mother's love and friendship with her peers. She wants Soaphead Church to help her as he has a “supernatural power”:

...Maybe you can do it for me...My eyes...I want them blue...Soaphead pursed his lips...it was at once the most fantastic and the most logical petition he had ever received. Here was an ugly little girl asking for beauty...A little black girl who wanted to rise up out of the pit of her blackness and see the world with blue eyes...For the first time he honestly wished he could work miracles... (Morrison, 2007, p. 137-138)

Such miracles cannot happen, but in a metaphorical and symbolic sense such a transformation corresponds to the most sublime human aspiration which is the inconquerable ideal of complete freedom of self-expression. It is an existential ideal requiring a perfectly just and a truly humane society for it to be fulfilled.

4. Du Bois's Support of Washington's Philosophy

In the late 1890s Booker Washington and William Du Bois on several occasions comment very similarly the ways and actions for the betterment of the Negro position. Namely, both leaders hold that economic advancement is more
important than the right to vote. A certain level of knowledge and property, not race, must be a prerequisite for voting which must be applied to both blacks and whites equally. They firmly believe in black solidarity and economic cooperation within the black population as it is the only way to accumulate property and gradually advance in society. Both of them are convinced that it is crucial to civilize ignorant Southern Negroes, ensure their elementary and industrial education which will enable them to accumulate property and improve their position in American society. Although Du Bois agrees with Washington as to the education of the masses of Southern Negroes, he thinks it is crucial to open several Negro colleges to educate intelligent and talented Southern blacks. The question of Negro education will cause their further disagreements.

As the indirect result of Washington's politics of Negro submission to the whites, Negroes lose the right of suffrage, they become “second class” citizens inferior to the whites. Black colleges cease to be supported financially. In 1896, the Supreme Court of the USA in the case Plessy v. Ferguson4 upholds the constitutionality of racial segregation supporting the “separate but equal” doctrine. In 1901 Du Bois criticizes strongly the Southern discriminatory politics although at the same time he remarks that blacks must get used to such a situation. In his opinion blacks must accept segregation.

...Earn a living; get rich, and all these things shall be added unto you. Moreover, conciliate your neighbors, because they are more powerful and wealthier, and the price you must pay to earn a living in America is that of humiliation and inferiority... (Broderick, 1967, p. 71)

The path leading to economic advancement and social equality follows educating black leaders of industry and missionaries of culture who will set an example and use their knowledge to help their brothers.

...The Negro race, like all races, is going to be saved by its exceptional men...The college-bred Negro... is, as he ought to be, the group leader, the man who sets the ideals of the community where he lives, directs its thoughts and heads its social movements... (Washington et al., 2010, p. 15-25)

5. Du Bois's Criticism of Washington's Philosophy

Although Du Bois understands the importance of accepting economic segregation and often advocates it but only as a temporary solution of the Negro problem, he doesn't give up his belief that blacks mustn't accept their disfranchisement. Only their political action can help them improve their position. It is obvious that the ruthless Negro reality influences Du Bois's philosophy which has changed and become different from his early attitudes in the 1890s.

Du Bois becomes more critical towards black industrial schools as these schools train students for obsolete crafts and a very small number of trainees become efficient and competent workers. "...A really efficient workman must be today an intelligent man who has had good technical training in addition to thorough common school, and perhaps even higher training..." (Washington et al., 2010, p. 33) It is clear that Booker Washington and William Du Bois disagree as to the concrete solutions of the serious problems of Southern Negroes. They have completely different attitudes not only with regard to educational programs for blacks but also to their basic problem which is the right of suffrage. Both of them talk about the "leaders of industry". When mentioning them Washington actually refers to the advantages of industrial education unlike Du Bois, who stresses the importance of higher education. Because of the striking racial prejudice and discriminatory laws both leaders highlight the importance of black solidarity, especially in business.

In Du Bois's opinion Washington faces the triple paradox of his philosophy. He is striving to make Negro artisans business men and property-owners, but it is impossible for workingmen and property-owners to defend their rights without the right of suffrage. He insists on thrift and self-respect, but at the same time counsels submission to civic inferiority. He advocates common-school and industrial training, and depreciates institutions of higher learning although the majority of teachers from Tuskegee were trained in Negro colleges. (Du Bois, n.d., p. 5) These are the reasons for the parting of the two leaders and the basis of their public confrontations. Although Washington on several occasions openly condemns the cases of lynching blacks and stresses the significance of political rights, he also mentions some

4 Tammany Hall also called Tammany, the executive committee of the Democratic party in New York City historically exercising political control through the typical bossist blend of charity and patronage. When Tammany was organized in New York in 1789, it represented middle-class opposition to the power of the “aristocratic” Federalist party. Incorporated in 1805 as a benevolent body, the Society of Tammany became identified with the Democratic Party by means of identical leadership within both organizations. The society’s appeal to particular ethnic and religious minorities, the doling out of gifts to the poor, and the bribing of rival political faction leaders leaders, among them the notorious “Boss” William M. Tweed, made the name Tammany Hall synonymous with urban political corruption. (Wiles, http://goo.gl/kgdt0 14.05.2013.)
dangerous half-truths, as for example, he justifies the Southern whites for their behaviour because of the low level of civilization among blacks, and passes the responsibility for the Negro advancement in Southern society on the very blacks as they are allegedly “guilty” themselves of their position. According to Du Bois this part of Washington's doctrine reflects his weakness and has a counter-productive effect in solving the Negro question, as Washington's propaganda undoubtedly speeded up the Southern Negro disfranchisement and to an extent gave rise to more pronounced segregation as well as the withdrawal of financial aid to black colleges. The fact that industrial schools gained such a popularity at the expense of black colleges irritates Du Bois who warns about the narrow-sightedness of this practice because the isolated black community needs black leadership, i.e., college-bred leaders of industry and scholars who will help black population progress economically and culturally and who have an insight into the Negro problem from a broader perspective. (Du Bois, 1910, p. 99)

6. The Split between Booker Washington and William Du Bois

The main reason of the split between the two black leaders is Du Bois's advocating open protest against injustice in society and critics towards abating any, even the slightest opposition to Washington's politics. William Du Bois and other black intellectuals like Monroe Trotter, Kelly Miller and J. W. E. Bowen are embittered because of Washington's racial politics leaving Negroes at the mercy of the whites. They feel responsibility towards the masses of poor and ignorant Southern blacks so they openly confront Booker Washington by affirming a political strategy quite different from Washington's politics: active, persistent, organized and constant protest of blacks against white oppression and discrimination. The opposition to Washington's politics becomes more articulated especially in 1901 when black intellectuals, Monroe Trotter and George Forbes start publishing the Guardian, the magazine read by Negroes throughout America. To save his reputation of an unerring black leader Washington, in 1902 launches Boston's Advocate, and in 1903 Colored Citizen employing a large number of talented journalists who manage to deal with Washington's critics in the Guardian. In this polemic Washington's political power grows, the “Tuskegee Machine” gets stronger and becomes established even more in the American educational system thanks to the financial aid of Northern philanthropists as well as the Southern whites' support. Washington's racial philosophy fits perfectly into the plan of Northern businessmen lobbying for his prestige and power among blacks. They were convinced that with their support of Washington and his “Tuskegee Machine” they will suppress the black intelligence and prevent the emancipation of black workers.

7. Du Bois’s Radical Political Program

In 1905 William Du Bois sends a call to a few selected persons “...for organized determination and aggressive action on the part of men who believe in Negro freedom and growth...” Then he organizes a Negro conference to “…oppose firmly present methods of strangling honest criticism; to organize intelligent and honest Negroes; and to support organs of news and public opinion.”(Du Bois, 1968, p. 248) In January 1906 the Niagara Movement is founded. The program of the Movement is: freedom of speech and criticism, unsubsidized press, manhood suffrage, the abolition of all caste distinctions based on race and colour, the recognition of the principle of human brotherhood, applying laws equally to both whites and blacks, the recognition of the highest and best human training as the monopoly of no class or race, a belief in the dignity of labour and united effort to realize these ideals under intelligent and courageous leadership. In spite of the open and courageous protest of its members, the Niagara Movement didn’t weaken the power of Booker Washington. Nevertheless, due to the pressure of black radicals, Washington, on several occasions, advocated the Negro rights openly and determinedly which wasn't typical of him at all. (Broderick, 1967, p. 88) In 1904. Washington openly condemned lynching Negroes:

...three members of my race have been burned at the stake; one of them was a woman. No one ... was charged with any crime even remotely connected with the abuse of a white woman ...The custom of burning human beings has become so common as scarcely to excite interest... (Meier, 1964, p. 109)

The Niagara Movement didn’t exist long, mainly because of disagreements among its most influential members. Similar Negro organizations, like the African-American Council and the American Black Academy rivalled the Movement whose leadership didn't manage to integrate them. The radical program of the Niagara Movement also influenced the decrease of the number of its members. Du Bois, in 1910, becomes a member of NAACP (National Association for the Advancement of Colored People). NAACP is a coalition of Washington’s critics from the Niagara Movement and different
groups of whites advocating the rights of any individual regardless of his race or religious affiliation. Du Bois, due to his long-term experience in advocating protest and his academic background, becomes the ideal candidate for the post of the main editor of the Crisis magazine launched by NAACP. NAACP is focused on fighting Negro discrimination in society and especially their segregation. The methods suggested by the Association are education, legal fights and organized actions. It also appeals to courts and legislative bodies so that they help remove the barriers hindering Negro progress. Moreover, NAACP strives to mobilize all progressive parts of American society increasing public awareness that the problem of black segregation is the problem of each civilized American. In his first editorial Du Bois presents his vision of solving the racial problem:

...Catholicity and tolerance, reason and forbearance can to-day make the world-old dream of human brotherhood approach realization; while bigotry and prejudice, emphasized race consciousness and force can repeat the awful history of the contact of nations and groups in the past. We strive for this higher and broader vision of Peace and Good Will... (Du Bois, 1910, p. 10)

Although the main goal of NAACP is the progress of all humans and the removal of obstacles hindering the progress of any individual, regardless of his skin colour, Du Bois, unlike the other members of the Association, fights for blacks and naturally doesn't believe the whites. He claims that Negroes must channel their physical strength, intelligence and spiritual ideals within the black population only if they want to contribute to general welfare. With such an attitude Du Bois declares himself a racist. He doesn't agree to the equal representation of whites in the struggle for human rights and democracy and excludes them from the Negro struggle.

8. Du Bois’s Radicalism

During the second decade of the 20th century Du Bois appeals to truth and the conscience of Americans through his editorials on Negro reality. The position of Negroes in the USA is characterized by their disfranchisement, social segregation and a very great number of Negro Lynchings. He comments on it and with a strong ironic note he says that “...This is the real tragedy of the Negro in America: the inner degradation,...the sort of upturning of all values which leads some black men to “rejoice” because “only” sixty-four Negroes were lynched in the year of our Lord 1912...”(Du Bois, 1913, p. 291) Malcolm X agrees with Du Bois claiming that “...The black man in North America was mentally sick in his sheeplike acceptance of the white man's culture... for centuries he had accepted the white man's Christianity-which asked the black so-called Christian...to endure the cruelties of the white so-called Christians...” (Haley, 1973, p. 319-320) Malcolm remembers the blacks from Roxbury (neighborhood in Boston) who behaved differently from the majority of blacks. They felt superior to the blacks from the ghetto. They lived in nice houses with mowed yards. These Negroes walked along the sidewalks looking haughty and dignified, on their way to work. But they were a city version of those “successful” Negro bootblacks and janitors back in Lansing. The only difference was that the ones in Boston were more anti-Negro in their behaviour. They prided themselves on being incomparably more “cultured”, “cultivated” and better-off than the blacks in the ghetto. In order to be “better” than other blacks, they tried to imitate whites. Foreign diplomats could have modeled their conduct on the way the Negro postmen, Pullman porters and dining car waiters of Roxbury acted. Eight out of ten of Negroes of Roxbury worked as menials and servants who didn't want to say what their job was. They would say they worked in banking or in securities which were impressive-sounding job titles to many blacks, but the reality was that they worked as bank janitors or bond-house messengers. Malcolm could never understand why such a huge number of blacks humiliated and deceived themselves although in his youth he imitated whites as well. After he had straightened his hair he was happy because he looked like a white man, but soon he became aware of his own voluntary degradation.

...This was my first really big step toward self-degradation: when I endured all of that pain, literally burning my flesh to have it look like a white man's hair. I had joined that multitude of Negro men and women in America who are brainwashed into believing that the black people are “inferior”- and white people “superior”- that they will even violate and mutilate their God-created bodies to try to look “pretty” by white standards... (Haley, 1973, p. 56-57)

The author of The Color Purple introduces a different character, the proud Negro woman Sofia who dares to confront a white because of which she is pronounced guilty even without a trial and ends up in jail. The author of the novel talks about her arrival in town together with her children and friend and her fatal encounter with the mayor and his wife who asked her to be his servant. Sofia refused and the mayor slapped her. Sofia knocked him down. The police
came and as she started to fight they injured her badly. "...Sofia really start to fight...They crack her skull, they crack her ribs. They tear her nose loose on one side. They blind her in one eye..." (Walker, 1986, p. 76-77) Sofia is only one of those proud and strong individuals who are very aware of social segregation and face it courageously. Just like tragic female characters from Greek tragedies she sacrifices herself to confirm her own system of values. These situations and persons like Sofia are the driving force of Du Bois's action. In a moment of his life, when he makes a compromise, the beliefs of many Sofias were surely his fountain of power and the driving force for further action.

Claudia, the proud girl from Morrison's novel The Bluest Eye differs from other black girls as she doesn't accept the white standards of beauty.

...The big, the special, the loving gift was always a big, blue-eyed Baby Doll...Adults, older girls, shops, magazines, newspapers, window signs—all the world had agreed that a blue-eyed, yellow-haired, pink-skinned doll was what every girl child treasured...I destroyed white baby dolls. But the dismembering of dolls was not the true honor. The truly horrifying thing was The transference of the same impulses to little white girls... (Morrison, 2007, p. 13-15)

Claudia's feelings are a natural reaction to the question every man asks at a certain moment in his life: "Am I not free to develop my own qualities and live worthily?" Degraded and endangered individuals as well as social classes naturally revolt and transform their frustration into an armed resistance. After Negro lynchings in Coatesville, Pennsylvania, in 1911, Du Bois threatens openly: "...If we are to die...let us perish like men and not like bales of hay..." (Du Bois, 1911, p. 195) Malcolm X agrees with Du Bois. "...when the law fails to protect Negroes from whites' attack, then Negroes should use arms to defend themselves...I believe it's a crime for anyone who is being brutalized to continue to accept that brutality without doing something to defend himself..." (Haley, 1973, p. 373-374) In Du Bois's opinion lynching of blacks in the American South will stop when blacks start to defend themselves even at the expense of their lives. He claims that no nation gained freedom without using arms. Regarding this Du Bois's and Washington's attitudes differ completely and neither of them gave up their beliefs even then when they were close to each other in political activities, i.e., in the politics of voluntary economic segregation.

9. The Decline of Washington's Political Strategy and His Loss of Power

Black migrations change the picture of American towns. Negroes become numerously a respectable part of the population not only of Southern rural areas but also of Northern towns. They are not the ethnic group from Washington's beginnings any more. There are visible signs of their social, political and democratic maturity, which is testified in widespread black media. The black media will play an important role in raising Negro consciousness since a relevant number of blacks is in the system of education, and some of them have academic titles. The fact that blacks start accepting, slowly but persistently, more progressive and more radical ideas of the solution to their problem, proves their political and social maturity. The changing life conditions of blacks decrease Washington's power among the black population while Du Bois's prestige grows. Du Bois, after travelling to the American West, across 30 American states says that urban blacks are "...alive with a new ambition and determinedness...I thanked God for this kindliest race on His population while Du Bois's prestige grows. Du Bois, after travelling to the American West, across 30 American states

10. Du Bois's Political Pragmatism

After 1920 Du Bois persuades Negroes to give support to Congress, state legislative bodies and senators from whom they can expect support of their programs and requirements instead of supporting presidential candidates who are not interested in their programs. The president might condemn lynching, but it is the senator who uses his power to open...
institutions such as new schools and can also ensure higher efficiency of police officers and other vital services for the black community. Negroes won’t achieve much trying to influence political parties. They can improve their position only if they succeed in interesting politicians or local political bodies in their problems. With these messages Du Bois approaches the views of his bitter opponent Washington, who unfortunately isn’t alive to rejoice in it. The idealist Du Bois must face reality and give up some of his ideals. He accepts the black alliance with corrupted Northern politicians as it is the only way for blacks to achieve some of their goals. Ensuring the black support to “Tammany Hall”\textsuperscript{5} in New York and “Thompson Machine”\textsuperscript{6} in Chicago Du Bois sacrificed his fragile friendship with white liberals which he had fostered because of possible political benefits for blacks. In 1928, a black candidate, Oscar DePriest was elected to Congress as the representative of the Republican party. DePriest stood for Negro causes: War Amendments, the Dyer antilynching bill, the abolition of Jim Crow in interstate commerce. “...Du Bois wished that DePriest also stood for the destruction of a political alliance with big business...and criminals,...but if DePriest had stood for virtue he would never have been elected...” (Broderick, 1967, p. 162) His example proves that a Negro can be elected to Congress only if involved in crime and with white politicians’ support. In gratitude for political support, white politicians help insignificantly the growingly isolated black community.

11. Conclusion

From the life and political activity of Booker Washington and William Du Bois it can be concluded that both Negro leaders contributed equally to the Negro struggle for social and political equality in American society. The two black leaders complement each other; Washington, “the philosopher of the possible”, uses his influence on wealthy whites in the best possible way and, in spite of racial prejudice and discriminatory laws, enables Southern Negroes industrial education thus ensuring the conditions for their survival. Washington’s politics of accommodation and his advocating Negro inferiority can be understood in the context of his life circumstances: born as a slave, spends his early years in slavery, and later, after the Civil War, he attends industrial school earning high-school education. Washington believes that Southern blacks must adapt to the situation, work hard, as he did, and gradually earn their rights. The inefficiency of Washington’s submissive attitude towards white aggression gives rise to the appearance of radical opposition headed by William Du Bois. Du Bois, born as a free man in the American North and educated at the most reputable universities, has a completely different vision of Negro emancipation. He insists on American Negroes having their civil and political rights immediately and advocates organized, constant political protest which culminates in the March on Washington in 1963. In 1964 the American Congress passes the Civil Rights Act ensuring at least formally political and social Negro equality.

The contribution of Booker Washington to the Negro struggle was indisputable, nevertheless radical, persistent, organized and public political pressure was crucial to achieve social and political Negro equality. More precisely, Du Bois’s political program, from a historical point of view, changed radically the social position of the American Negro and made him equal to the white man. The fact that US citizens, for the first time in the history of American democracy, elected a black man President confirms this thesis.

Nevertheless both leaders confirmed a universal truth; each program which basically stems from the same vision invariably helps in the realisation of the vision. Washington sets the basis for the vision, and Du Bois its future. The two leaders parted and came close to each other, each of them denying the merits of the other, but in the end they built together a firm foundation of the future struggle for Negro emancipation.

References


\textsuperscript{5} The term Thompson Machine refers to urban political machiness, built largely on the votes of diverse immigrant population, dispensed jobs and assorted welfare benefits while offering avenues of social mobility at a time when local governments provided a paucity of such services. In 19th and early 20th centuries, Chicago sustained a strong two-party tradition that prevented the development of a centralized political machine. Neither the Democrats nor the Republicans succeeded in consolidating power citywide. Republicans prevailed most often in national elections; the Democrats won the majority of local contests and both parties experienced considerable divisiveness that prevented any faction from establishing hegemony. (Encyclopedia of Chicago, http://goo.gl/gGT0C 14.05.2013.)

\textsuperscript{6} http://europa.eu/legislation_summaries/enlargement/western_balkans/r18011_en.htm
The Traditional Mechanisms of Conflict Resolution & Peace Building in Darfur; From an Anthropological Perspective

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Abstract

The study assesses the Volunteering & social interaction between components of Darfur that remain active and peaceful as long as these mechanisms remain active. Historically, Darfur society enjoys accumulative and stratified stage of norms and traditions that processed over experiments and experience of generation throughout centuries and converged to unrecorded law which all subjected to it. Norms and traditions were transformed orally from one generation to another. The research found that many indigenous affected by conflicts resolution in Darfur, i.e. the native administration, ajaweed council (al-judia), mechanisms of farmer, herder conflict the rakuba and so on. And on other side their mechanisms for peace building like: al-Nafeir, Social relations, Hunting group, al-fazza, al-darra, local markets, life cycle event, folke literature …etc. The study concludes with recommendations to for promoting these mechanisms in order to contribute efforts aimed at identifying ways of achieving sustained peace in Darfur.

Keywords: Traditional, Mechanisms, Conflict, Peace, Darfur.

1. Methodology and Structure:

This study is based mainly on primary date from the field. The data was collected in al-Fashir; north Darfur during (2008-2009). This data was collected through conducting individual and group. Interviews the sector of our people is Ajaweed, ethnic leaders, native Administration personally and other data is secondary data which we collected from books, articles, published and unpublished theses.

This study is structured as follows: The socio-cultural context in Darfur conflicts mechanisms, peace building mechanisms, the change which happened in this mechanisms, how can developing this mechanisms at last we outline the conclusions and recommendations of the research.

2. Introduction

2.1 Description of Community/Region/People:

Darfur region is located in the extreme west of the Sudan between latitudes 20 and 10 north; and longitudes 22 - 27 west. The size of Darfur is approximately 510,000 square KM. Darfur population is estimated at 5 million (1995 census) and current at 6 million composed of 170 tribes and ethnic groups, speaking more than 24 local dialects. Arabic represents the lingua franca for these groups. Darfur has the second highest population densities in the Sudan as coopered to the central region. The population of Darfur represents 23% of north Sudan (Ibrahim, 2006).

The climate of Darfur is semi-desert and desert in the north, poor savannah in the central areas and rich savannah in the southern part of Darfur. The vast area with diverse climate have endowed the region with many natural resources such as fertile land in the central and southern part, but it has increased desertification in the northern part rendered the competition between farmers and pastoralists on scarce resources (Lompen, 1950).

The population as such is divided into traditional farmers, agro-pastorals and pastoral groups. The camel herders lives in the arid northern part, these are namely northern Rezaigat and Zayadiya who are from Arab roots, the Meidob and the Zaghawa who are from African roots. The central area is habited by indigenous farmers and agro-pastorals citizens (mainly Fur, Tongur, Barti, Masalit and Bergit) and the southern rich savannah is habited by Arab tribes such as Rezaigat, Habbana, Taisha, Bani Halba and Falatta (Michel More, 1932).

Darfur in contrast to other regions of Sudan has rich cultural and ethnic diversity, hundreds of Africans and Arab
tribes and ethnic groups have lived together for centuries. The majority of Darfur’s population lives in communities guided by the tribe and clan. Islam is the only religion among the region for both Arabs and Africans (Ibrahim, 2004).

2.2 Background

The Darfuri cultural consciousness is full of principles that encourage individuals to live in peace with others. If we trace out life of an individual from the family to the big society, we find that in Darfur, children are born in the hands of a mid-wife called at any time to provide humanitarian service for free. What she receives from the parents of the newly born is a gift not a wage. Then, the child is guarded by all the surrounding individuals until he grows to the age of circumcision or excision which is also done for free. When children are circumcised, their colleagues and mates collect hens from throughout the village not necessary from relatives or friends until the circumcised are cured. Playground also provides a good chance for children to play collective games where today’s mates can become tomorrow’s contestants.

The child then migrates to become a disciple of one of the sheikhs who also offer instructions for free. The accommodation of these disciplines is provided by the inhabitants around the massik. When he reaches certain oversets (sharaffa) the neighboring community offers him her gifts and celebrates the occasion.

Marriage in Darfur is not only a family business. The family receives material support from neighbors and friends to meet the expenses of the wedding ceremony. In these ceremonies women prepare food and men build a house for the couple. These events are accompanied by dances and songs performed collectively and freely. This cooperative life continues until the one is dead where all people gather to bury him.

3. Conflict resolution mechanisms

3.1 The Native Administration

The British administration has first recognized and developed the tribal system, existing for centuries, by issuing legislations to suit their purposes, into administrative units in the head of each figures a Nazir, Malik, Sultan or Demingai. The succession is always by inheritance (O’Fahey 1977).

Restric legislations are made to prevent tribes to move from their lands except in the emergencies; droughts, wars, epidemic diseases… provided that they return as the moment when the danger is over.

After the independenc e, this system has regress ed gradually as new concepts about administration, state, individual rights, freedom of movement emerged. In addition, the smaller tribal groups rejected the rule of the bigger ones and started searching new forms of administration which caused conflicts that rapidly turned into war with all its political, social and cultural consequences.

A great portion of Darfur, notably the rural areas, has adopted the native administration system. The power hierarchy starts with the Sheikh at the village level. Group of sheikhs are under the authority of an Omda who is in turn, owes loyalty to the Nazir, Shartai or Malik.

Shape 1. The native administration system in Darfur

This division is not generalized in Darfur. In some areas it follows the same order but differ in the names. The top of the
pyramid, for example, is sometimes called Sultan, or call him Nazir... while the bottom is called sheikh or farsha (Bathily, 1977).

This type of authority is highly respected because it is deeply rooted in the mentality of the population.

3.2 Ajaweed Council (al-Joudia)

It is one of the most important social institutions in Darfur which is used to resolve conflicts. It is the ajaweed who resolve problems within the village, area and the towns. They are always the elderly people who have good reputation of wisdom and experience. The session of this council is also known as joudia. The informant Malik Rahamtalla Mahmoud tells "the joudia is a heritage in Darfur used to solve the little problems before they escalate into conflicts.... The term ajaweed is derived from joudia which means a council for generosity and reconciliation. The ajaweed are those who lived for long time and learnt from fathers. The proverb says: the one who lived with his father knows the sayings of his grandfather. The joudia is called in wdai fashiriya, they say there are relations between Darfur and Chad".

This is confirmed by the informant Abdalla Ibrahim Teirab one of the notables of Darfur and a famous ajwadi:

"ajaweed is driven from joud, the one who is in good wealth is the most generous. For example, if someone travels the ajwad pays for his family until he is back. If guests arrive, it is the ajwad who takes the charge. If there is dispute in farm boundaries, people say it won't be solved unless the ajaweed sit. What they say is convincing and obeyed by all. So it is called majlas alajaweed"

3.2.1 Qualities of the ajaweed

To be an ajwad to solve problems in Darfur one must have the following characteristics, as all informants confirm:

- long life experience
- age and reason
- good knowledge of peoples life and traditions
- Gain the trust of all.
- Knowledge and wisdom
- Patience
- Generosity
- Good negotiation abilities and democracy.

The joudia could, then, be defined as: mediation led by a group of people to end a conflict between individuals or groups. From this definition we can conclude that the ajaweed must enjoy a good knowledge of the traditions and the history of the area. The joudia in Darfur gained a status near to divinity. The one who rejects its rule must immediately be rejected by the society (Fadoul, 2008).

The local courts of justices are one way or other types of joudias. In some cases even the formal courts of justice advice the protagonists to go back to their villages to let the ajaweed see the predicaments and if they fail they can come back to the court (Ibrahim, 2007).

In this regard, the informant Idriss Albanani Adam Eltahir tells us “in Darfur the Joudia constitutes an important mechanism to solve problems among individuals, families, tribes… in villages and cities. The one who participates in the joudia is called ajwad. When the ajwad comes to a joudia, he has no money to pay. He only has reasonable ideas to convince the parties of conflict to compromise until an ideal justice is reached. When he decides, his judgment is obeyed." And he continues "the joudia has its traditions and rites. It covers predicaments in land, livestock, farms, family problems…. Its judgment is accepted more than any verdict delivered by a formal court of justice".

The benefit of joudia goes beyond the range of the local traditional conflicts in Darfur to cover areas like reconciliation conferences held by the state. Aamir Adam Tobelharir affirms: "we, in local governments department, call on the ajaweed in case of conflicts on land between sedentary and nomads to help us solve the problems. We can say that the ajwaad who ruled for centuries exist and they can rule up to this moment."

3.2.2 Description of the Ajaweed Council

Joudias vary according to the type of conflict that, generally, we can classify them into two main categories:

- conflict tackled at the family or area level
- Tribal conflicts tackled by the authorities in big conferences.
The traditional joudia is held either immediately or spontaneously after the disagreement takes place or after the ajaweed are invited by the parties of conflict. The council can be formed from a group of 3 to 9 members provided that they are accepted by both parties as neutral and credible. But generally, people make use of what is known as village angles (the sheikh or dimlij, the imam) in addition to the ajaweed of the village and sometimes the ajaweed of neighboring villages. When it is in session, it can tackle cases like; injuries, killings, theft or robbery, land aggression, confrontations between nomads and sedentary, tribal conflicts, family troubles.

Since the entire population of Darfur is Muslim confession, the rules are driven from the Islamic jurisprudence but some pre-Islamic rites interfere from time to another.

Adam Idris Albanani describes the joudia saying: "as long as people live in the same place, conflicts normally. People in Darfur say that the Ajouad is a needle to sew the torn. In case the problem is not solved at the village level rather people seek for solution at an upper ajaweed level".

According to this study, the researcher can say that conflicts in Darfur are, generally, of two types. Conflict between sedentary and nomads and conflicts of competition over natural resources.

3.3 Mechanisms of farmer-herder conflicts resolution

Conflicts take place between individuals and communities from time to another notably for rain fed agricultural lands, fruit farms and Arabic gum concessions. There are also conflicts between farmers and herders on water resources but conflicts for land are the most prominent. There are traditions which solve these problems and these traditions are closely related to land use systems.

As it is mentioned earlier, land in Darfur is owned by tribes. Its ownership is not absolute; it is only to organize its use (O’Fahiy, 1977). The efficiency of these mechanisms is summed up in the following points.

3.3.1 Farm border conflicts (kleikab): The border between two farms is always marked by non-cultivated space, water run, trees...etc. Conflict arise when one of the neighbors deform these borders to expand his farm. When this happen the other party can complain to the land sheikh who is supposed to know the borders. When he fails to identify the border he can make use of ajaweed who in turn call on the local population to help. Generally people accept he verdict of the ajaweed. If a solution is not reached, the conflict will be transferred to be viewed by an upper level of ajaweed or authority (Ibrahim, 2002).

3.3.2 Arabic gum concessions conflicts: Gum forests are inherited from generation to generation. When a conflict on border or possession arises the same steps are followed as in the previous type of conflict.

Hakoura property conflict: When there is a conflict on the possession of a hakoura, the parties must show the documents. If the documents are lost, witnesses are called. Boarders in Darfur are generally marked by a tree, water pond, valley, rock or mountain. In addition, people make what's known as boarder holes; a hole of one / two meters and many meters deep to be filled by tar, raw iron and millet ..... When digging and filling these holes all inhabitants must attend to witness that this a boarder point. The successive generations come from time to time to check that it's intact. When a conflict arises witnesses come and dig to check it out.

Idris Albanany continues: (after the Ajaweed are chosen they deliberate until the conflict is solved. If the deliberation continues for more than one day the chief is responsible for the accommodations. The moment the solution is reached it must be documented and endorsed by the stamp of the chief). Regarding the same problem of hakoura conflict, Abdella Ibrahim Teirab adds: (The reason behind the existence of ajaweed comes from the fact that problems break out between families and tribes. Those who have hakouars inherited from ancestors and those who haven't. Trees as boarder markers usually disappear therefore people often rely on the natural boundaries like mountains, ponds, and if there are no any people dig holes. The importance of digging these holes is that children must attend. When there is a conflict witnesses come and swear that they and x and z were there when this hole is buried and this land belong to x or z. The verdict is then written and stamped to be used in future as document).

3.3.3 Conflicts on valley board farms: It is known that water runs in the sandy lands changes and shifts from time to another. Which causes conflicts on lands? Abdullah informs us that (regarding the conflicts of valley farms we see that the valley changes it’s stream and people start to quarrel over the property of the land. The Ajaweed intervene to resolve the problem and define the boarders of each farm).
3.3.4 Leaving the land uncultivated for long time can cause problems when the owners come again to use it. Boarders may disappear. The ajaweed can intervene to solve the problem.

3.3.5 If animals graze in one's farm the farmer advises the owner of the animals not to let them repeat it.

3.3.6 If they do for the second time the farmer takes them to arrest concession (zaribat alhawamil). Then the sheikh calls on the ajaweed to evaluate the damage. It is in the traditions that the value of the damage is divided into three. The farmer concedes a third and the owner of animals must pay the two-third. But generally, even these two-thirds are dispensed.

3.3.7 If the accident is repeated the case will be transferred to the native administration court which generally orders the owner of the animals to compensate the farmer and pay and amend to the court.

3.3.8 In case of damaging Arabic gum trees, the damage is evaluated by specialist and must be paid.

3.3.9 There is a rule to safeguard the rights of animal herders not to implicate in these troubles. It is known that village atounsphere which is one to two kilometers areas left around the village for grazing.

3.3.10 Concerning the efficiency of these customs in resolving conflicts between farmers and herders, Idris Albanay says (there are traditions which regulate the passage of the nomad herders from the ancient times. In the rainy seasons they must be in the northern part of Darfur and in summer they must go southwards up to Bahral-arab. This passage Murhal must be respected by all).

3.3.11 The traditions between nomads and sedentary are constituted by the following: before the arrival of the nomads to an area the chief must send representatives to that area's leader demanding the permission to enter and to stay for a short time. They must confirm their commitment to respect the traditions and customs of the area. Accepting the demand, a place will be allocated for camping and another area for grazing will be defined too. The local chief informs his subjects that Arab nomads are coming and they must be treated in a respectable manner.

If disagreements happen when livestock damage farmer unintentionally for example, the solutions follow three steps:

a) If the pastor is present, the farmer warns him and advises him to move away from his farm. He apologizes and leaves.

b) If the damage is big or the action is repeated, neighbors and ajaweed may be called from both parties to evaluate the damage and in most cases the farmer forgives.

c) If the ajaweed fail to solve the problem, the case may be tackled in a local court where the owner of the animal must compensate the damage. The informant continues: "there is always representative of the nazir or malik with the nomads to help them solve troubles with their wives, children, and neighbors. Concerning the rights of their movements, nomads generally meet after dinner to decide when and where to go. They send a messenger to look for place where water and grass are abundant. When they go and do not stay for long time in the same place in order to avoid overgraze. They leave a portion for their returning journey."

3.4 The Rakoba

Al- rakoba "the shelter" is a custom used in Darfur when there are material damages or deaths. When damage is caused to any family or clan by another, ajaweed sit to evaluate the damage and write it in a document. It is never paid. It's kept as a debt. When a member of this clan or family caused damages to that family it also put on the shelter (Fadoul,2008).

Al- rakouba as a traditional conflict resolution mechanism in Darfur is tightly related to the jouidia. When the jouidia is called for a session, they start investigating the two parties by listening to their testimonies then their witnesses. It worth mentioning here that any jouidia is composed of three delegations equals in number to represent the two parties and the neutral ajaweed. After the deliberations the ajaweed hold a close session then declare the verdict. Generally their judgment is accepted by both parties. The dimlij issues then a written document and finds the way to implement it.
Idris Albanany says in this respect: (the dimlij and dowana are tribal leaders dominated by their tribes as spokes persons and the ones to represent the tribe in front of others. And Malik Rihemtalla adds (The dimlij is not appointed by the State. He is delegated by his tribe. His mandate is to guard the agreements with the other tribes as well as the traditions of his own tribe. The dimlij has authorities more than the Shertai or the Omda. He has direct access even to the Sultan's home at any time).

Returning back to the Rakouba, when there is a conflict the damlij reviews the precedent incidents to see if there is a similar case. If he finds one, the case is then solved alternatively. If he does not, a new Rakouba will be established to be a reference for the probable coming cases.

An example of Rakouba and how it settles the conflict is the case of murder. If a murder takes place, people go back to see similar cases within the last ten years and it was solved similarly. This traditional practice is entirely acknowledged even by Sudanese national courts.

The tradition in such case is to give parties and the mediation time to deliberate about reducing the compensation decided by the ajaweed. When a final compromise verdict is reached, the dimlij must inform all demalij in Darfur and all demlijs of his own tribe throughout Sudan.

A basic concept to be mentioned regarding the Rakouba is the Monsas. The monsas is an agreement between two tribes to share indemnities and compensations (some sort of insurance). It helps the little clans and tribes to settle their duties within a frame work of big tribal alliance.

Later, many social, cultural, environmental and political changes reduced the efficiency of this mechanism to solve conflicts in Darfur. That is what we investigate in the coming chapter as well as the other mechanisms of peace building in Darfur.

4. Peace Building Mechanisms

4.1 The social relations between the inhabitants of Darfur

Darfur is a region of diversified social and cultural structures. The bigger part of its population is still rural. The features of the rural societies are obvious in the everyday life of the inhabitants of the region as the majority of the population practice agriculture, pastoralism, fishing, wood cutting and exotic fruit collection.

People of Darfur are very cooperative as all rural communities. We find the homogeneity and the importance of the extended family which constitute the nucleus of the clan which constitute in turn the nucleus of the tribe. As in the other rural areas of the world, the village or the camp constitute the individual's world that his activities rarely exceeds its social and geographical boundaries. Boys imitate fathers and girls imitate mothers. The most important value acquired in this community is that the individual must be voluntary and committed to satisfy the basic needs for welfare of the extended family. This social harmony appears in some of the social institutions like the Darra where people take the morning and evening meals together. Solidarity in the life cycle events is also shown in the Dara.

The farm lands constitute another opportunity for the inhabitance of the different villages to meet and create multiple relationships.

In wedding ceremonies, for example, the work is divided. Some people go to collect wood, others bring water and another group builds a shelter for the new couple. The same happens in the death. Even if when one family receives a guest, all inhabitants of the village bring food and accompany the guest for some time as if he is the guest of all.

These relationships can include also cooperation in hostile or aggressive activities such as combating enemies. These activities are justified by the fact that people feel insecure in deserts and forests where starvations as well as wild animals threat human life. All these make individuals search a refuge in the tribe as it plays a decisive role in providing security in the areas inaccessible by the State. The ongoing conflicts and instability in Darfur could be interpreted as the Minimum requirement for defending the existence and the vital interests of the individuals and their tribes.

The people of Darfur, to adapt itself culturally in the context of linguistic, ethnic and cultural diversity, created institutions of integration like joudia, naffier, rakouba, fazza, massik, hunting campaigns etc. These people also produced cultural and social heritage that directly used as peace making and keeping mechanisms that are deeply rooted in the believe system of Darfurians like the following manifestations:

4.2 al- Nafier:

It is a voluntary social and economic institution through which people achieve operations like: helping in farming,
constructing houses, digging water sources as well as all other activities where an individual needs the help of others. It is to state that participation in the nafier is voluntary. Nothing is paid in exchange of labor. But in cases like natural disasters it becomes obligatory (Ibrahim, 2004).

The Nafier in Darfur satisfy the human social and spiritual needs. The individual feels he is a constituent part of the community. It is practiced in Darfur from the remote past and transferred from generation to another up to the present with its entire heritage like: songs, dances and folk music used to encourage the participants (Haaland, G.1977).

The Nafier has the ability to consolidate the pacific coexistence and peace building. It is made to shape the man of the area to produce what can absorb all internal and external influences and to affront all possible problems facing his life.

The Nafier as instrument for peace building:
- Insures the public participation in peace making, building and keeping
- Consolidates collective work.
- Could be used as voluntary system of peace building.
- Could be used to settle conflicts and keep the social security.
- Permits Peace culture to be defused through the accompanying folklore.

4.3 Hunting Groups (al- ganis)

Collective hunting trips are considered as one of the traditional mechanisms for peace building in Darfur. People gather after hearing the horn with their dogs and instruments to hunt. The hunting group is one of the most disciplined groups.

4.4 al-Bramka Groups

Baramka organizations are widely expanded in western Sudan among the Baggarra tribes in Kurdfan and Darfur. The Barmky distinguish himself in the society as being the most generous, courageous, cooperative and decent. He respects carefully the rules of politeness. He is always elegantly dressed. Their favorite drink of them is tea. They have rules for organizing sessions to drink it during which poems are recited. The individual Barmky is called harif. There are other nicknames given according to the ranks, omda, nazir, ghafir…. A non-barmky is called, among the baramka, (kamkaly).

The Baramka is a voluntary, educational and open membership institution working to help its members acquire the highest social values through organizing barmakka sessions. People join it to learn what helps them to become good members of the community.

4.5 al-fazza

It means lending someone a hand when he needs help to avoid a danger. When life stock for example, is robbed or lost, villagers go to look after it. It starts with a horn sound announcing the event. All people who are able to hold arms are supposed to participate without exceptions (Ibrahim, 2007).

The participants are divided into two groups; the first one (alkassib) the brave fighters on their horse or camels' backs follow the traces. The other group (alaagib) trace back from where the thieves come. Where ever they pass by a village, the inhabitants must provide them with food and water and some of them accompany the campaign. If they find the livestock they come back in carnival through all villages where they are warmly welcome and generously hosted. If they do not, they just describe the lost animals to whoever they meet fixing a prize to the one who gives any information about them. During the campaign, participants recite (doubate) and encouragement songs. The traditions in Darfur impose penalties by the (ageed) on those who do not participate. Informants of the research area enormously stated that the insistence on participating in the (fazza) reflects the fatal effects that attacks of other groups can cause to the tribe.

4.6 al-darra

Al-darra is a place where the inhabitants of the village meet to have morning and evening meals as well as Ramadan breakfast. It is always located in front of the house of the village elder or in front of or inside the massik. In the bigger villages it is possible to find more than one darra. Its importance comes from the point that it constitutes a social solidarity, institutions and a place for exchanging news and daily life matters.
4.7 Local markets

There are two types of markets in Darfur. Bigger markets where people gather from remote areas and local ones distributed between villages to provide materials of everyday consumptions. They are generally distributed and held on one week day; Sunday market, Monday market, for example. It constitutes a social link between the inhabitants in addition to selling and buying. The market is also a place for the traditional court of justices and other social transactions.

4.8 Life cycle events

The Darfurian cultural consciousness is full of principles that encourage individuals to live in peace with others. If we trace the life of an individual from the family to the big society, we find that in Darfur, children are born in the hands of a mid-wife called at any time to provide humanitarian service for free. What she receives from the parents of the newly born is a gift not a wage. Then, the child is guarded by all the surrounding individuals until he grows to the age of circumcision or excision which is also done for free. When children are circumcised, their colleagues and mates collect hens from throughout the village not necessary from relatives or friends until the circumcised are cured.

Playground provides also a good chance for children to play collective games where today's mates can become tomorrow's contestants.

The child then migrates to become a disciple of one of the sheikhs who also offer instructions for free. The accommodation of these disciplines is provided by the inhabitants around the massik. When he reaches certain oversets (sharaffa) the neighboring community offer him gifts and celebrates the occasion.

Marriage in Darfur is not only a family business. The family receives material support from neighbors and friends to meet the expenses of the wedding ceremony. In these ceremonies women prepare food and men build a house for the couple. These events are accompanied by dances and songs performed collectively and freely. This cooperative life continues until the one is dead where all people gather to bury him.

Man in Darfur cannot produce all his life needs alone. He is always assisted by others who share experience, knowledge and labor with him. That is one of effective mechanisms for peace building in Darfur.

4.9 Folk literature

The social and cultural structure of Darfur has influenced the popular literature. The continuous changes and the multitudes of ethnic origins and languages enabled the various groups to produce a rich literature that could be used in peace building.

As an example, we can mention al-haday who is a traditional poet among the Arabs groups of Darfur and the falatta in particular. He composes poems to praise or insult people or horses. He also acts as guardian of the heritage and political support to the power of the tribe.

The popular poet works to reflect the image of the tribe. He praises the heroes and history of the tribe and the brave warriors, confirms the pure Arabic descent of the tribe as well as the noble origin of their animals too. The non Arabic groups as the fur do the same in their frengabia. They sing the bravery, strength and cavalry values. The hakama plays a dominant role here. She incites the men to fight bravely. She also sings the defects of the others.

Proverbs in turn reflect the image of self and the others. In Darfur there are proverbs supporting the pacific coexistence and others call for the contrary. Most of these proverbs are used in discussions to settle conflicts.

5. Conclusion

Social interaction between the components of Darfur remained active peacefully as long as these mechanisms remain active. Availability of natural resources and native administration were key factors for the sustainability of peaceful coexistence. Natural, social and political changes caused drastic changes that affected directly in the relationships between the inhabitants which resulted in conflicts between small groups at the beginning of development to conclude major ones through ethnic support. Ethnicity is still deep in these ethnic groups.

The traditional tools fell behind to solve the ever developing conflicts. In fact these mechanisms were expected to be weakened by the intervention of the central government in its orientation. The situation is utterly worsened by the abolition of the native administration; the late reformation of the native administration was based on hands on these who enjoy upper hand in the central government. None theses the government have created new administrative units for
groups which were historically not recognized in the conformity of the traditional administration mechanisms. The government decrees only widened the conflicts and escalated polarization among the ethnic opponents. Generally it is worth mentioning that different conditions accelerated competition among many different ethnicities and in tensed other small disputes which would have been settled tribal leaders were empowered, through traditional mechanisms. Hence it looks vital that these mechanisms are still needed to settle the complicated problems of Darfur.

References


Gender Policy and European Integration

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Abstract

This article will focus on gender mainstreaming as a strategy for achieving gender equality and the fight against domestic violence, the progressive harmonization of national legislation with the European Community legislation (acquiscommunautaire), the international legal framework as well as national policies and mechanisms for achieving gender equality in Albania. In most modern democracies the concept of equality before the law excludes any possibility of discrimination on the basis (ethnic origin, social, sex, religion, etc.) and it is a cornerstone concept of a democratic development in an emancipated society. Albania's ability to meet the commitments set out in the Stabilization and Association Agreement is the most important criterion to assess its readiness for further advancement towards full membership in the European Community. Fulfillment of commitments under this Agreement, marks the beginning of a comprehensive reform of state governance and society as a whole, in order to adapt to the political, legal, economic and institutional standards of the European Union. Description of the current situation, problems and achievements in the field of gender equality and domestic violence, will be analyzed in this article.

Keywords: legal framework, gender mainstreaming, gender equality, domestic violence.

1. Introduction

Albania’s integration into the European Union is a major mission and strategic objective of the State. At any time, this objective has found the support of the Albanian Parliament and the general public opinion. In this long way full of challenges, Albania has the support of the European Union EU. Governments of the EU member countries, together with the European Council EC have agreed to expand the European perspective of the countries of South East Europe; a gradual process which carefully managed creates a situation where all parties are winners. Albania is already very close to be part of Europe Union.

2. Albanian Progress in the EU Integration Process

Albania's ability to meet the commitments set out in the Stabilization and Association Agreement is the most important criterion to assess its readiness for further advancement towards full membership, prioritizing, planning, monitoring and evaluation of full harmonization of the Albanian legislation with the EU acquis communautaire as an essential condition for Albania membership in the European Union.

By signing the Agreement, Albania undertakes a series of commitments and their implementation within the established deadlines. Deadlines vary depending on the area concerned, while the deadline for meeting the obligations of the Agreement is 10 years from the date of its entry into force. This Agreement entered into force on April 1st, 2009 after the ratification by the European Union and all its Member States. The deadline for the implementation of obligations under the Stabilization and Association Agreement is the March 31st, 2019. In the area of gender equality and women's rights, the National Plan for the Implementation of the Stabilization and Association Agreement pays attention to harmonization of legislation with the EU acquis communautaire in the field of equal opportunities.
2.1 European Partnership with Albania

This document is an instrument of the Stabilization and Association process, through which the aim is to offer further support for the Albanian government for the implementation of European integration. The main requirement set forth in this document is the harmonization of national legislation with the Community. European Partnership with Albania is a reference framework for the financial assistance provided by Community funds.

In particular, on gender equality and women's rights the European Partnership document emphasizes the need for:
- Establishment of a structure within the Ministry of Labor, Social Affairs and Equal Opportunities, currently Department of Equal Opportunities Policy and the Family.
- Further efforts to prevent domestic violence.

European Partnership priorities regarding gender equality are:
- Facilitation of the involvement of women in the labor market and their involvement in decision-making processes.
- More efforts to prevent domestic violence.

Implementation of the European Partnership with Albania is monitored under the stabilization and association process and its mechanisms. Specifically, the Commission presents its annual report, called Progress Report on Albania. The purpose of the Progress Report is to monitor, assess and report on the achievements of the candidate countries or potential candidates, during the year. In the 2012 Progress Report special attention is given to gender equality, by highlighting the achievements and gaps in this area.

2.2 As stated in the report:

“Little progress can be reported in the area of equal opportunities between women and men. There is still a gap between the legal framework and the actual level of equality in relation to employment, pay, access to entrepreneurship and credits. In July 2012, a Council of Ministers decision on gender mainstreaming in the medium-term budget program for all line Ministries was approved. Awareness-raising activities have focused on women's political participation and gender quota, women's entrepreneurship and combating violence against women. However, women continue to be under-represented in the labor market, in particular in political and economic decision-making. Sufficient financial and human resources are lacking at central and local government levels leading to slow implementation of the 2011-2015 national strategy on gender equality”.

2.3 EU financial support

The main purpose of the support provided by the EU for Albania, potential EU candidate, is to support the country's progress towards meeting the Copenhagen criteria for its membership and to prepare the country for the EU integration in the future.

2.4 Instrument for Pre-Accession Assistance IPA

For candidate countries and potential candidates, programs and financial support of the European Commission are set out in the Instrument for Pre-Accession Assistance. The main objective is to support institutional development and implementation of law, human rights, including minority rights, gender equality and non-discrimination, administrative and economic reforms, economic and social development, reconciliation and reconstruction, as well as regional and cross-border cooperation.

3. International Legal Framework on Gender Equality Issues and Women's Rights

Universal Declaration of Human Rights: The Declaration expresses the rights and fundamental freedoms for men and women which should be applied without discrimination. Articles 2 and 22 - 27, specifically address women's rights.

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1 http://www.mie.gov.al/?f=bench&a=6&gj=gi2&kid=111
2 http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx
Albania became party in the year 1989.

The Beijing Platform for Action formulated and adopted at the Fourth World United Nations Conference on Women [FWCW] in 1995, a period in which Albania became party and was represented by the central government and civil society. EU has not signed the document as a corporate body, but the ratification of this platform is made individually by its member states. National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence, 2011-2015 is designed in full compliance with this document. In implementing this platform Albanian State reports periodically according to the agreed timetable.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)\(^4\)

This Convention is known as a leading and comprehensive international agreement on women's rights. Albania adhered in the Convention with the Law no. 7767, approved by the Albanian Parliament in 1993\(^5\). Article 11 stated that countries which have ratified this Convention shall take the necessary measures to ensure equal rights between women and men.

Consisting of 30 articles, it defines what constitutes discrimination against women and sets a program on national action plans to stop gender-based discrimination. The thirty articles of the Convention are based on three basic principles:

States that have ratified the Convention are legally bound to implement in practice the measures provided by this Convention. These countries are also required to prepare national reports, at least every four years, on measures they have taken to meet the obligations of ratifying this Convention. Albania has ratified this convention on May 11\(^{th}\), 1994. The Albanian government has submitted a single report\(^6\), combining the previous report and the second in the 28\(^{th}\) session of the Convention, in the year 2003. In 2008 it has been prepared and submitted the third national periodic report on the implementation of this Convention.

4. European Legal Framework on Gender Policy

EU legislation in the field of equal opportunities is a result of the Treaty of Amsterdam and includes all EU directives that have come out in support of the Treaty.

Founding Agreement (1957) has some articles that are directly related to gender equality: Article 2: EU should promote equality between men and women.

Article 3 (2): EU in all its activities should... aim to eliminate inequalities and to promote equality between men and women.

Article 13: The Council acting unanimously, on a decision that comes from the EC and after consulting the European Parliament can take action to combat gender discrimination, racial, ethnic, religious or on faith, age or sexual orientation.

Article 141: Each Member State shall ensure the principle of equal pay for men and women workers, for equal work or of equal value.

The approximation of national legislation with EU legislation on gender equality, are as follows:

41985X0507\(^7\) Resolution of the Council and of the Ministers for Education, meeting within the Council of 3 June 1985 containing an action programme on equal opportunities for girls and boys in education (85/C 166/01).

Providing equal opportunities for girls and boys in education, elimination of stereotypes in education through awareness campaigns, trainings, meetings, debates, etc., actions and programs undertaken in education, are part of the National Strategy for Gender Equality, Reduction of Gender-based Violence and Domestic Violence, 2011-2015

32000Y0718(01)\(^8\) Communication from the Commission of 7 July 2000 addressed to Member States on the Commission Decision relating to a gender balance within the committees and expert groups established by it (2000/C 203/03).

This communication is partly aligned to the Law no. 9970, dated 24.07.2008 “On gender equality in society” article 15 which requires balanced participation in the executive, judicial, and public structures. Also in line with the National Strategic Goal no. 2 “Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence”, 2011-2015.

\(^4\) http://mobile.ikub.al/Article.aspx?ArticleNo=1103110122
\(^5\) http://www.mpcs.gov.al/dpshb/en/monitoring/monitoring-reports-
\(^6\) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41985X0507:EN:NOT
\(^7\) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000Y0718%2801%29:EN:NOT
\(^8\) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992H0241:EN:NOT
In relation to what this document seeks to balance participation and nomination of men and women in the expert groups part of various committees in EU, EC and beyond it is requested to the Ministry of Foreign Affairs to apply this communication in this cases the nomination of experts in different groups or commissions abroad is requested.

31992H0241 Council Recommendation of 31 March 1992 on child care (92/241/EEC) the Council of the European Communities, Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

This Council Recommendation deals with providing child care measures and programs to support employees with family responsibilities.

Taking special measures for workers with family responsibilities and awareness activities provided by Law on Gender Equality are provided in the National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence, 2011-2015. Also the most recent changes to the Labor Code provide for measures associated with combining work and family responsibilities.

Concrete measures should be envisaged in the Gender Equality Strategy for the years 2015-2020. Specific studies and work with the social partners are provided too.

52008PC0426 Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (presented by the Commission) {SEC(2008) 2180}{SEC(2008) 2181} Regarding this Directive the Ministry of Labor, Social Affairs and Equal Opportunities has begun its work on sexual orientation through an action plan, review of legislation and a survey supported by the European Council. 32006D0771 Decision No 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) — towards a just society European Parliament's decision to declare 2007 as the European year of equal opportunities for all. This decision has completed its power to act. Albania has also been part of this campaign.


Increase of women's participation in decision-making processes has a number of legal documents and strategic goals in the National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence, 2011-2015, and other programs and projects. However, it should be evaluated in more detail, because it requires the commitment of political parties.

32000Y0731 Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council of 29 June 2000 "On the balanced participation of women and men in family and working life (2000/C 218/02)

There are several legal provisions in the Law on Gender Equality and Labor Code. The implementation of this resolution requires drafting of new legislation, especially programs and budget, increasing of the supportive services for women who work and have children or other dependent persons. In this process should be included social services structures, local government, private sector, etc. Especially, it is required the dialogue with the social partners. 41995X1110 Resolution of the Cuncil and of the representatives of the Governments of the member states, meeting within the Council of 5 October 1995 on the image of women and men portrayed in advertising and the media. Regarding this resolution Ministry of Labor, Social Affairs and Equal Opportunities, Parliament, the Media Institute and National Council of Radio and Television have their obligations. However the National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence, 2011-2015 obligates the media to promote the image of women, to combat gender stereotypes, increase the representation and training of journalists, as cross cutting measures.

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13 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000Y0731%2802%29:EN:NOT
14 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41995X1110%2801%29:EN:HTML
Council Recommendation of 13 December 1984 on the promotion of positive action for women

The Council recommendation has to do with positive measures to promote dignity in employment, encouraging women to participate in the branches of private sector industry dominated by men, to promote equal employment opportunities through awareness; performing surveys on women in the labor market; positive measures to increase the representation and so forth.


Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process (96/694/EC).

Balanced participation of women and men in decision-making processes is a strategic priority of the National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence, 2011-2015, Law on Gender Equality in the Society, and one of the priorities of the government and a request for the EU integration.

Ministry of Labor, Social Affairs and Equal Opportunities, as the responsible authority for gender equality issues can meet the recommendations in collaboration with other stakeholders, institutions at central and local government, social partners, parliament, media, civil society, academic fields, etc.


This resolution has some recommendations on gender mainstreaming in employment, social cohesion and long life learning, including categories such as women with disabilities.

Meeting the recommendation requires to undertake policies and programs, funds and commitment of many stakeholders besides the Ministry of Labor, Social Affairs and Equal Opportunities. Gender Equality Strategy envisages several measures related to achievement of equal opportunities in the labor market between women and men and measures to support the economic empowerment of women.

It is important to understand that Directives, in support and in accordance with the Treaties, are continuously amended and enriched in order to make way for democracy and development.

Albanian Parliament ratified the Council of Europe Convention, "For preventing and combating violence against women and domestic violence" with the Law no.104/2012 dated 11.08.2012. With the ratification of this Convention, once Albania expresses its commitment to cooperate in regional and international level against gender-based violence and domestic violence, as well as undertaking of legislative, policy and executive measures to fight against this phenomenon.

European Union structures on promoting gender equality

- Directorate-General for Justice
- European Institute for Gender Equality
- European Parliament Committee on Women’s Rights and Gender Equality (FEMM)
- Advisory Committee on Equal Opportunities for Women and Men
- High-Level Group on Gender Mainstreaming
- Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities
- Interservice Group on Gender Equality
- Network of Experts on Gender Equality
- European Network of Legal Experts in the Field of Gender Equality
- European Network of Women in Decision-Making in Politics and the Economy
- Governmental Expert Group in the Field of Non-Discrimination and the Promotion of Equality
- Network of Socio-economic Experts

17 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003G0724%2802%29:EN:NOT
18 http://mobile.ikub.al/Article.aspx?ArticleNo=1212070213
19 http://www.gwi-boell.de/web/eu-gender-politics-institutions-eu-commission-3055.html
20 http://www.km.gov.al/skedaret/1231927768-Constitution%20of%20the%20Republic%20of%20Albania.pdf
5. Albanian Legal Framework, Policy and Institutions on Gender Equality Issues and Women’s Rights

The main focus of the government in the field of gender equality, in the long term, is the progressive harmonization of Albanian legislation with the Community’s in the field of working conditions, notably on health and safety at work, and equal opportunities and the cooperation to facilitate the reform of Albanian employment policy, in the context of strengthening economic and integration reforms aiming at the adaptation of the Albanian social security system to the new economic and social requirements, and the adaptation of the Albanian legislation regarding work conditions and equal opportunities for women. (Article 77 and 99 of the SAA).

5.1 Albanian legal framework on gender equality

Article 18 of the Constitution of the Republic of Albania21 (1998), provides that “all citizens are equal before the law and that no one may be discriminated against on grounds such as gender, race, religion, ethnicity, language, political opinions, religious or philosophical beliefs, economic, educational and social ones.”

The Criminal Code22 of the Republic of Albania provides for equality between men and women in all areas of life, health, property and dignity. Under this Code, for the same crimes, women receive the same punishment as men. This code addresses a set of offenses and punishment measures for on crimes that are based violence against women. The legislation provides that the commission of criminal offenses on gender motives, constitutes an aggravating factor and increases the penalty for sanction of the author / authors of accomplishment. This provision also provides the aggravating circumstance of committing criminal offenses based on weak motives. The concept of weak motivation is elaborated by jurisprudence by including the killing of women committed in the name of honour (honour crimes). In these circumstances, can decide the appointment of a security period, during which no bail is allowed to the offender (Article 64 of the Criminal Code).

One of the most important legal amendments is the sanctioning of domestic violence as a criminal offense in the Criminal Code. Domestic violence is a crime provided in Article 130 / a of the revised Criminal Code23, which foresees the forms of violence, as well as measures and the subjects protected by this article. Amendments included systematic psychological and economic abuse, as well as measures to liberate the victims of domestic violence from the obligation to launch prosecution in the case of "minor physical injuries." Article 121 / a "persecution" provides protection of persons in the family, gender or intermarry or cohabiting relationship by threats or harassment and penalties against persons who have caused this to four years.

Civil Code approved by Law no. 8781, dated 03.05.2001, recognizes to women equal rights in all legal processes, such as the right to press lawsuit against someone or to be judged.

The Labor Code24 (2003) recognizes the right of equal employment for men and women. Equal rights as well as the protection in the workplace, equal pay for work of equal value and paid vacations. This Code stimulates materially the employer/s for hiring women and girls jobseekers. Formulations of articles of the Labour Code are based on international labor standards.

However during the last two years the Ministry of Labor, Social Affairs and Equal Opportunities has worked to revise the Labour Code of Albania, in order to resolve some problems arising during its implementation in practice. The draft law prepared remarks and reflects the recommendations of the Committee of Experts of the International Labor Organization ILO and the European Committee of Social Rights, and its provisions are harmonized with the acquis communautaire and are taken into consideration the recommendations of the Committee on the Elimination of

22 Ammended by the law nr.23, dated 01.03.2012 “On some amendments in the law no.7895,dated 27.01.1995 “Criminal Code of the Republic of Albania” as amended
Discrimination against Women in July 2010.

Some amendments that are specifically related to issues and recommendations presented by the CEDAW Committee are as follows:

In the draft revision of the Labour Code, it is provided:

- The term "sex", to be replaced with the term "gender" and a more detailed definition is given to the terms "employment and profession"
- Prohibition of overtime for pregnant women and women after childbirth, until the child is 1 year old.
- Permit required for the postpartum for woman is 63 days.
- When a pregnant woman decides to return to work after 63 days and the previous place of work deemed unsuitable for the health and safety of women and children at breastfeeding, the employer's obligation is to adopt the workplace – transfer the woman in a similar and appropriate work. When the transfer is objectively impossible, to the woman is guaranteed benefit under the legislation in force.
- To the women breastfeeding is guaranteed paid leave for child's feeding 2 hours during the working day, or reduction of working time to 2 hours, according to the employer.
- Amendments to Article 115 that guarantees equal remuneration for work of equal value for men and women.
- The definition of sexual harassment is approximated with the EU directive on equal treatment.
- Regarding the burden of proof: "When the issue presented for review to the court and the prosecutor presents evidence of which can pretend discrimination, the defendant must prove that it has been no violation of the principle of equal treatment , or that there was a violation of the principle of equal treatment.

Labor Code provides for some specific rules for the protection of women workers on heavy works. The legislation does not prohibit the legal provisions of night work for women, but under Article 108 of the Labor Code, night work for pregnant women is prohibited. Amendments to the code shall be in accordance to the Article 6 of the Convention no. 171 for night work, 1990, for a more comprehensive approach to the protection of women during and after pregnancy.

Family Code adopted in 2003, by Law no. 9062/2003, recognizes the equal right of men and women to freely choose marriage and divorce commitments, and mutual rights and obligations to family and children's education. The age of marriage is unified for both men and women (18 years old).

Law no. 8876, dated 04.04.2002, "On Reproductive Health" supports and guarantees women's reproductive rights. This law highlights that "Every woman free and exempt from any form of discrimination, coercion and violence, has the right to control and to decide freely on all matters relating to her sexuality and sexual and reproductive health .".

Amendments to Law 9355 dated 10.03.2005, "On social assistance and services" (as amended) in 2011, sanctioned the right of economic aid not only to the household, but also to the violated women when they are provided with protective orders from the court. Women have access to benefits and economic aid in cases where spouses are in the process of divorce and no final court decision is given yet.

Law no. 9232 dated 13.05.2004 "On Social programmes aimed at housing the inhabitants of the urban areas" as amended by Law no. 54/2012, dated 10.05.2012, in Article 5, paragraph 1/c/v has provided social benefit programs to accommodate the "victims of domestic violence" including violated women.

Law no. 9970 dated 24.07.2008 "On Gender Equality in Society" supplemented the legal framework on gender equality in education, employment and decision-making. The purpose of this law is: a) to provide effective protection against discrimination on grounds of gender and any form of behavior that incites discrimination because of sex, b) determine the necessary measures to guarantee equal opportunities between women and men, to eliminate gender-based discrimination, in whatever form it appears c) to define the responsibilities of state authorities, central and local, to design and implement normative acts and policies that support the development and promotion of gender equality in society. Innovation that brings the law relating to the introduction of new definitions such as the prohibition of discrimination on grounds of gender, which is consistent with the definition of discrimination provided under CEDAW, gender mainstreaming, definition and prohibition of harassment because of gender, definition of gender equality, the definition of equal gender representation and prediction of temporary special measures in political and public decision provided in the form of quota neutral to the extent of not less than 30% for the underrepresented sex; definition and allowing as discriminatory of temporary special measures, the creation of new policy structures, executive and protective,

25 http://www.legislationline.org/documents/id/16421
29 http://www.mpcs.gov.al/dpshb/images/stories/files/ligjet/3.4.2.1_Law_on_Measures_Against__Violence_in_Family_Relations.pdf
the introduction of special measures in the field of education and employment, unpaid work, as well as the obligation to collect gender statistics.

The legal basis for addressing violence is the Law no. 9669, dated 18.12.2006 “On Measures against Domestic Violence”\(^\text{30}\). The adoption and entry into force of this law in 2006 and its amendments in 2007 and 2010 is a further important step towards completing the legal framework in the field of domestic violence. This law has two important directions: First, it stipulates that the state authorities have duties and powers to respond to domestic violence. Second, the law allows courts to issue protection orders against perpetrators, an additional remedy to protect victims of domestic violence. In October 2010 the Albanian Parliament approved several amendments to the law "On measures against domestic violence" supported by the Network of Associations against Gender Violence and Trafficking, UNDP and UNIFEM (now UN Women). These amendments relate to, among other things, the establishment of a national shelter for victims of domestic violence and the legal regulation of coordinated response system and referral to domestic violence cases.

6. National Policy and Mechanisms on Gender Equality in Albania


This strategy is designed on the analysis and treatment of two key issues: Gender Equality and Reduction of Gender Based Violence.

The vision of this strategy is: "A society in which gender equality is respected and valued, taught, supported and encouraged, where gender-based violence of any kind is not tolerated, but punished, while those affected by it are supported and and where equality of opportunity is protected and equal treatment is a reality for all, regardless of gender".

Four priorities are defined: 1) Strengthening Institutional and Legal Mechanism 2) Increasing Women’s Participation in Decision-making; 3) Economic Empowerment of Girls and Women; 4) Reducing Gender-Based Violence. The Strategy is also accompanied by a clearly defined action plan associated with measurable and monitorable objectives.

The Action Plan has 14 specific objectives and 113 activities towards achieving Strategic Priority Goals during its implementation by 2011-2015.

The strategy adopted is sensitive to the needs and rights of both genders and attempts to address the needs and rights of comprehensive interventions, especially taking into account the needs of specific groups of women who experience significant disadvantage associated with disabilities, ethnic or social origin and their sexual orientation.

National Strategy for Development and Integration (2007-2013)\(^\text{31}\), was approved by the Council of Ministers in March 2008.

The aim of this strategy in the field of gender equality is "the achievement of gender equality through the integration of a gender perspective in all aspects of policy formulation and implementation. This means equal participation of women/girls and men/boys in the social, economic and political life of the country, as well as equal opportunities for public services, ensuring equal results for both genders, in order to enjoy all their rights and to put at the service of society, individual potential."

A special place is given to the importance of treating victims affected by domestic violence, providing information for their protection through civil and criminal legislation, health counseling and social support, prevention and treatment of early signs of violence, and putting the abusers to justice. Actually the National Strategy for Development and Integration 2014-2020 is in the drafting process.

6.1 National mechanisms on gender equality

To give a definition on national mechanisms for gender equality, is used the manual on institutional mechanisms for promoting gender equality, prepared by Giorgia Testolin\(^\text{32}\), the Council of Europe in 2001. According to this document, "a gender equality is a government institution and, in some cases, parliamentary structure created to promote the

31 http://www.coe.int/t/dghl/standardsetting/equality/03themes/standards-mechanisms/EG%282001%297_en.pdf
advancement of women and to ensure ownership by women of all their rights. Its main function is to monitor and ensure the implementation of the law, the principle of non-discrimination and equality between men and women "(Testolin, 2001).

According to Law no. 9970 dated 24.07.2008 "On gender equality in society" and Law no. 9669 dated 18.12.2006 "On measures against domestic violence" as amended, the Minister performs the above function through the responsible structure, the Department of Equal Opportunities Policy and the Family which operates since 2006. Its mission is "the formulation and development of policies to promote equality in areas such as gender equality, equality/inequality in skills, problems of ethnic minorities, linguistic and ethno-cultural, age inequalities, generational and racial." After the approval of the Law No. 10 221, dated 04.02.2010 "On Protection from Discrimination"33, the Directorate was also tasked to work for implementation of this law. This Department consists of two sectors: Gender Equality and On Measures Against Domestic Violence sector and the sector for Child Rights and Protection.

National Council on Gender Equality is established by the Order No. 3 dated 8.1.2009 of the Prime Minister. This is an advisory body for gender policies. In four years, the Council is directed by the Minister responsible for gender equality issues and is composed of nine deputy ministers and three members representing civil society organizations selected through open competition process based on criteria that assess the commitment of these organizations in gender equality.

Gender Focal Point at the Local Level facilitates the collaboration between local government and central government bodies for the implementation and monitoring of legislation and policies on gender equality and domestic violence.

On the steps taken by policy and executive structures of the Albanian state it is visible the continuous development of gender policies, focusing on strengthening the role of women and girls on the social and political development.

Our society still does not accept that the physical, psychological, sexual violence, has irreversible consequences in the development of human personality, there are cases where violence is considered as "necessary" and "useful" or light acts of violence.

Albania is still working and there is too much work to be done in the area of gender equality in the society, to not tolerate gender-based violence of any form, where its victims are protected, integrated as equals in society.

In conclusion of this research, we conclude that concrete measures has to be taken in short term and long term to improve the legal framework on equal opportunities and prevention of domestic violence. Development of measuring criteria and indicators to measure any form of domestic violence. Greater support is needed from central and local government to empower local level mechanisms. The professional development of staffs working directly on this phenomenon as a social, health care, policy and justice system one.

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33 L’auteur ajoute qu’aﬁn de le distinguer des préjudices écologiques lésant les intérêts humains, on le désigne souvent par l’expression de préjudice écologique pur.
CELEX 32003G0724(02) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003G0724%2802%29:EN:NOT
http://www.gwi-boell.de/web/eu-gender-politics-institutions-eu-commission-3055.html
Law no. 9232 dated 13.05.2004 "On Social programs aimed at housing the inhabitants of the urban areas" as amended http://www.minfin.gov.al/minfin/pub/17_ligi_9232_date_13_may_2004_1319_1.pdf
The Polarization of the Political System in Albania and the Problems it has Caused

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Abstract:

The Albanian transition, apart from the others, was passing from a party-state to a party pluralism. In Albania there are 123 political parties. Although the Albanian political life is dominate by the two biggest parties, the Socialist Party and the Democratic Party. The political debate among these two parties is characterized by high tones arrogance and from the total lack of democratic culture. There has been no readiness between them to do compromises, no desire to cooperate and no will to put the national interests over the partial ones. In this qualifying study I am going to describe an analytical panorama of essential political polarity in Albania, during the transition years based on the documents of the international institutions; Commission European, Council of Europe, OSCE-ODIHR and publications of foreign and Albanian authors. What are the peak moments of the political polarization in Albania? What kind of problems has this feature created for Albania? These are some of the question I am going to answer in this paper. From the made research it is arrived in the conclusion that the political polarity in Albania has created dislike and distrust in the people, prevented the progress of the country, the work of parliament and the European integrity of Albania.

Key words: political polarization, transition, cooperation, compromises,

1. Introduzione

L'Albania ha sofferto per quasi mezzo secolo di regime dittatoriale crudele, che si basava su un estremo accentramento politico ed economico. Il Partito del Lavoro, e il suo leader, Enver Hoxha, avevano il monopolio del potere politico in Albania. Questo è stato approvato dalla Costituzione del 1976, che ha vietato l'attività di altri partiti politici. Secondo questa Costituzione l'ideologia marxista-leninista era l'unica ideologia dominante e la lotta di classe, la forza motrice della società (questo significherebbe guerra aperta contro ogni "nemico" del comunismo).

Nel 1990, le proteste popolari e le riforme realizzate dallo Stato hanno messo l'Albania sulla via della democratizzazione. Nella scena politica, sono apparse organizzazioni, movimenti e partiti politici con idee e programmi vari, il Partito Democratico, Socialdemocratico, Ecologico, Repubblicano, ecc. Il 31 marzo 1991 in Albania si sono tenute le prime elezioni multipartitiche, le uniche dopo la Seconda Guerra Mondiale. La transizione verso la democrazia è stata molteplice; transizione politica - dal partito statale al pluralismo partitico; pluralismo economico - da un'economia centralizzata ad un'economia di mercato; transizione sociale - da un sistema chiuso e controllato in una società libera; transizione della sicurezza nazionale - da un Paese isolato ad un Paese che lavora per l'integrazione europea.

2. Descrizione della situazione politica in Albania


Tabella 1. Voti ottenuti da PD e PS nelle elezioni parlamentari in Albania (CEC)

<table>
<thead>
<tr>
<th>Data elezioni parlamentari</th>
<th>Partito Democratico</th>
<th>Partito Socialista</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% dei voti</td>
<td>Seggi in parlamento</td>
</tr>
<tr>
<td>22 Marzo 1992</td>
<td>62.08</td>
<td>92</td>
</tr>
<tr>
<td>26 Maggio 1996</td>
<td>55.50</td>
<td>122</td>
</tr>
</tbody>
</table>

Questi due partiti hanno maturato una lotta politica molto aspra, che molte volte supera i limiti di una cultura democratica. Al dibattito politico manca la comprensione, la tolleranza, il consenso tra le parti. In una democrazia il dibattito è essenziale, perché proprio esso rafforza ed espande la democrazia. E' abbastanza normale che il governo e l'opposizione abbiano opinioni e atteggiamenti diversi, molte volte contrari, poiché il dibattito stimola la crescita. Ma questo dibattito deve essere costruttivo e all'interno di norme etiche.

Il dibattito politico in Albania non si sviluppa come ideologia, o concetti politici, ma si concentra molto sul confronto tra la gente e a volte sembra prendere la forma di avversioni personali. Di questo punto di vista è anche Prof. Gjergj Sinani, il cui ha detto:" Per il fatto che i partiti non sono abbastanza consolidati a trasmettere agli elettori messaggi programmatici chiari, allora ci troviamo di fronte ad una caratteristica molto interessante, il dibattito politico tende verso atteggiamenti personali carismatici. Ironia della sorte, i vecchi modi di ragionare ereditati dal precedente regime, cioè la separazione della politica polarizzante "noi" (i sostenitori della "linea giusta") e "loro" ("i nemici del popolo e del partito"), continua a sopravvivere. (Sinani, 2007)

La situazione politica in Albania rimane una preoccupazione e la polarizzazione partitica è alta. Retorica provocatoria e la mancanza di dialogo e consenso continuano a tenere alta la tensione politica. Questo panorama si nota di più' durante il periodo delle campagne elettorali, periodo in cui la tensione è più alta e più duro il dibattito. I discorsi dei candidati durante le campagne sono pieni di accuse senza fine per la parte avversa, al posto di rivelare i loro programmi politici. Nel suo libro, l'Albania in transizione, Elez Biberaj descrive così la tensione durante i periodi elettorali: "Questi due partiti hanno visto le elezioni come un concorso dove il vincitore vince tutto e chi perde perde tutto, spesso ignorando le regole democratiche, manipolando le procedure elettorali, cercando di reprimere il sistema giudiziario e i media, opponendo ogni atto sfavorevole per loro." (Biberaj, 2011, p. 521)

La polarizzazione partitica e la mancanza di consenso tra i partiti politici in Albania è stato notato più volte dalle istituzioni internazionali, considerando la mancanza di tolleranza e di comprensione come i roditori che corrodono la democrazia.


Nel rapporto del 2005 della Commissione Europea per l'Albania, tra le altre cose si dice: "Il clima politico in Parlamento ha continuato ad essere problematico. Diverse sessioni plenarie si sono svolte in un clima molto conflittuale, dove i due campi opposti non sono stati in grado di mostrare uno spirito costruttivo..." La relazione del 2007 della Commissione Europea, ha osservato: "le dispute politiche hanno ritardato le elezioni amministrative del 2007 e hanno portato a molte carenze tecniche."

La relazione della Commissione Europea per l'Albania, del 2010 evidenzia anche la mancanza di dialogo politico in Albania e la necessità di trovare un compromesso tra i partiti politici del paese. Nel rapporto c'è scritto: "La forte cultura della politica di parte polarizza le opinioni in parlamento, questo ostacola il buon funzionamento dell'Assemblea e delle sue commissioni... Non c'è consenso tra i partiti in Parlamento riguarda il funzionamento del parlamento e gli standard da seguire...L'attività parlamentare, sia in termini di emanare leggi, così come esercitazione delle funzioni di vigilanza, per molti anni è stato caratterizzato da un dialogo profondamente difficile e spesso non costruttivo. Il lavoro del Parlamento è stato oscurato e minato dallo stallo politico." (http://www.mie.gov.al)

In questi 20 anni di pluralismo politico in Albania, le forze politiche continuano in interrotamente le loro lotte e si sono rifiutati di collaborare e di risolvere i grandi problemi del paese. Di seguito elenchiamo alcuni dei momenti in cui la polarizzazione partitica e la mancanza di un consenso hanno realmente causato gravi problemi per il paese:

- Approvazione della Costituzione, la legge fondamentale di uno Stato. Nonostante la sua necessità per
l'approvazione, i partiti politici non hanno raggiunto un accordo tra di loro. La mancanza di consenso tra le parti ha fatto che l'Albania è stato l'ultimo paese dell'ex blocco comunista, il quale ha approvato una costituzione propria. Ma ancora una volta la sua approvazione non è stata raggiunta con il consenso di tutte le parti.

- Il suo picco, la polarizzazione dei partiti, è arrivato alla fine del 1996-inizio del 1997 e in combinazione con il malcontento popolare hanno provocato una grave crisi economica, sociale e politica nel 1997. Elez Biberaj descrive la situazione politica in Albania nel corso del 1997: "Mentre la retorica oscilava tra dure dichiarazioni di arroganza ed espressioni di volontà di compromesso, i Socialisti e i Democratici non hanno mostrato alcuna volontà di assumersi la responsabilità comune per risolvere i problemi del paese". (Biberaj, 2011, p. 470)

- Il dibattito politico feroce e l'impossibilità di trovare un terreno comune fra le parti, hanno portato nelle proteste anti-governative innescate dall'opposizione nel 1998, che degenerarono in scontri tra manifestanti e forze di polizia.

- All'inizio del 2004 l'opposizione organizzò delle proteste anti-governative (proteste contro il governo Nano, con lo slogan "Nano vattene"), accusando il governo di brogli elettorali e di non aver adottato le riforme necessarie per migliorare gli standard di vita.

- Le elezioni dei due ultimi presidenti, Bamir Topi e Bujar Nishani, sono state realizzate in una situazione di tensione. I partiti politici non hanno raggiunto il consenso di un unico candidato, il quale avesse il sostegno di tutti i partiti. Anche se in conformità con la Costituzione, le elezioni presidenziali non sono riuscite a soddisfare le aspettative sull'inclusione, così come non ha aiutato nel consolidamento del dialogo e della cooperazione politica. Questo ha portato ad un temporaneo rallentamento della riforma nei settori chiavi, indovinato necessitava il consenso politico.

- Poiché non si riesce a trovare un linguaggio comune in termini di riforma elettorale, non esiste ancora una soluzione incontrastata riguardo a questo problema.

Così, ripetutamente, la politica albanese non è sfuggita alla situazione di stallo in cui entrava, grazie alle dispute e controversie che coinvolgono le principali forze politiche del paese. Nei momenti difficili di dibattito politico, la tentazione di usare il boicottaggio è stata continua. Il boicottaggio è stato utilizzato da entrambe le parti, come una forma di non conformità con la situazione politica nel paese, in contrasto con le azioni o le decisioni della controparte, come rifiuto di sostenere le iniziative della parte avversaria, ecc.


- Il Partito Democratico ha boicottato il parlamento nel 1998, poiché il governo ha deciso di perseguire i sei ex - funzionari del governo per usar il gas mortale allo scopo di reprimere le proteste del 1997.

- Il Partito Democratico ha boicottato il secondo turno delle elezioni amministrative del 2000.

- Dopo le elezioni parlamentari del giugno 2001 fino al gennaio 2002, l'opposizione destra ha boicottato il parlamento a causa di irregolarità elettorali, secondo lei.

- Il Partito Democratico alla fine del 2003 ha boicottato il parlamento per protestare contro l'atteggiamento del
governo e l’esito delle elezioni locali dell’ottobre 2003

- Le elezioni legislative parziali del 2007 sono state boicottate dall’opposizione (Partito Socialista) a causa dei dibattiti in continuità.
- L’opposizione socialista ha boicottato il parlamento dopo le elezioni del giugno 2009 per contestare il risultato di queste elezioni e ignorare questi esiti. L’opposizione ha concluso il boicottaggio parlamentare nel giugno 2010.
- In seguito delle elezioni amministrative del 2011 e le varie problematiche che sono state create in relazione al conteggio dei voti per la città di Tirana, il Partito Socialista ha boicottato il parlamento. Questo boicottaggio continuò fino al settembre dello stesso anno.

3. I problemi causati al Paese dall’estrema polarizzazione politica

Il mancato raggiungimento di un accordo sulle regole del gioco politico ha alimentato l’ostilità e la violenza, portando via ogni speranza per il consolidamento della democrazia in Albania.

I partiti hanno allontanato le persone con i conflitti interni e i conflitti inutili tra di loro. Questo parere sostiene Mr. Björn von Sydow, Presidente per gli affari politici del Consiglio d’Europa, nell’intervista pubblicato al giornale “Panorama”, il 7 ottobre 2011, dove si esprime: “La scena politica albanese dominata dalla polarizzazione partitica ha frustrato e deluso gli albanesi negli ultimi decenni. La situazione politica appare congelata nel suo aspetto da quasi 20 anni. I due principali partiti politici non hanno mostrato la volontà politica di raggiungere un consenso su questioni fondamentali.” (Partite te kalojne ne veprime konkrete, 2011)

Questo fatto si nota anche nei dati preliminari del sondaggio di SOROS, condotto in Albania nel periodo dicembre 2012 - febbraio 2013. La tabella dei dati ed il grafico seguente mostrano com’è la fiducia nelle istituzioni albanesi e gli enti locali. Dai risultati preliminari del sondaggio viene capito che gli albanesi hanno poca fiducia in queste istituzioni e la fiducia nei politici e i partiti è inferiore a quella di altre istituzioni e le parti analizzate.

Tabella 2. Fiducia nelle istituzioni / attori locali (SOROS, 2013, p. 4)

<table>
<thead>
<tr>
<th>Fiducia nella polizia</th>
<th>Le aree urbane</th>
<th>Le zone rurali</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4.5</td>
<td>5.4</td>
</tr>
<tr>
<td>La fiducia nel sistema legale</td>
<td>3.2</td>
<td>3.9</td>
</tr>
<tr>
<td>Fiducia in parlamento</td>
<td>2.8</td>
<td>3.1</td>
</tr>
<tr>
<td>Fiducia nei partiti politici</td>
<td>2.2</td>
<td>2.4</td>
</tr>
<tr>
<td>Fiducia nei politici</td>
<td>1.8</td>
<td>2.2</td>
</tr>
</tbody>
</table>

Figura 1. Fiducia nelle istituzioni / attori locali

Ma, secondo i risultati preliminari di questo questionario, alla domanda “Con quale partito ti senti più vicino?” il 47,8% degli intervistati ha risposto che non si sentono vicini a nessun partito, solo il 19,6% di loro si sentono vicini al Partito Socialista e il 22,7% si sente più vicino al Partito Democratico. (SOROS, 2013, p. 14) La diminuzione è anche verso
interesse per la politica, in generale, il 34% degli intervistati non sono interessati alla politica. Nella classifica europea, fatta da Soros, l’Albania è classificata al quinto posto, mentre al primo posto è il Portogallo, dove il 42% degli intervistati non sono interessati alla politica. (SOROS, 2013, p. 12)

D’altra parte, questa costante polarizzazione ha ostacolato il processo di integrazione europea dell’Albania. La polarizzazione politica molto evidente in Albania è spesso un ostacolo al progresso del paese e potrebbe compromettere gli sforzi verso l’adesione all’Unione Europea - dice l’analista di problemi balcanici, Janusz Bugajski, in un’intervista con la Voice of America. Qui egli afferma: - C’è il rischio che la polarizzazione porti in una tale scissione del partito, che nulla possa essere approvata in Parlamento, che le principali questioni, come ad esempio la lotta contro la criminalità e la corruzione non siano riguardati, che la legislazione necessaria per completare questa lotta non si applichi, che il dibattito pubblico sia così politicizzato, da non permette lo svolgimento del lavoro legislativo. Questo è un problema per l’Albania, così come per gli altri paesi, e può ostacolare il progresso verso l’adesione all’ UE. (http://www.pressonline.com.mk/default-al)

Questo problema lo mette in rilievo anche il rapporto della Commissione europea, del 2007, che ha dichiarato: "C’è stato un progresso limitato per poter arrivare in un consenso costruttivo tra i partiti politici ad attuare le riforme necessarie per l’esecuzione del processo di stabilizzazione e di associazione" (http://www.mie.gov.al)

Albania ancora non ha ancora trovato la sua strada, in termini di una proficua collaborazione tra le forze politiche, di prendere decisioni e di avere un programma comune per il bene del paese e verso l’integrazione euro-atlantica. All’Albania è stato negato per tre volte consecutive la richiesta per lo status di paese candidato e una delle ragioni d’interesse individuale o di parte, gli interessi della nazione.

La polarizzazione politica, l’inadeguato livello di disponibilità a fare compromessi e i boicottaggi frequenti (analizzato in precedenza) ha impedito l’organizzazione di svolgere il suo lavoro in modo corretto. I periodi di stallo politico nella primavera-estate del 2006, farmonarono i tentativi del Parlamento di affrontare adeguatamente le questioni importanti delle riforme, soprattutto quelle che richiedono un ampio consenso politico. Il clima politico debole ha ostacolato il lavoro dei gruppi parlamentari sulla riforma elettorale e delle accordanze politici lenti hanno ritardato la nomina dei membri della Commissione Elettorale Centrale. Ciò ha portato ritardi per attuare le raccomandazioni dell’OSCE/ODIHR in seguito alle elezioni parlamentari del 2005. Questa situazione viene costantemente ripetuto in ogni rapporto della Commissione Europea sull’Albania:

- Nella relazione del 2005, ha dichiarato: "Il clima politico in Parlamento ha continuato ad essere problematico. Diverse sessioni plenarie si sono svolte in un clima molto conflittuale, dove i due campi opposti non sono stati in grado di mostrare una predisposizione costruttiva riguarda le leggi importanti. Nonostante l’intensificazione dell’attività parlamentare, l’atmosfera, in alcuni casi, ha determinato un rallentamento o prevenuto iniziative legislative fondamentali".

- Questo si ripete nel rapporto del 2007: "Il lavoro parlamentare spesso è dominato da un programma politico a breve termine, che ha polarizzato il dibattito. Le decisioni parlamentari sono spesso in ritardo a causa di dispute incentrate su interessi stretti partitici, di preparazione affrettata, o discussioni inadeguate. Questo ha rallentato le riforme, in particolare la riforma elettorale e della giustizia."


A causa del dibattito politico molto aspro e la mancanza di compromesso nel Parlamento albanese è stato spesso difficile approvare leggi che richiedono una maggioranza. Questo è stato ostacolato per il lavoro del Parlamento in elaborazione delle leggi, e come una reazione a catena, si bloccava l’impegno di riforme importante, lo sviluppo del paese, la crescita e il benessere, ecc. Prof. Piro Misha, accusa la classe politica della povertà del paese e dei problemi sociali. Egli scrive: "Albania, il paese che essi [i leader politici albanesi] hanno già governato da anni come presidenti, primi ministri, vice ministri, ministri, parlamentari, capi di partiti, continua ad essere non solo uno dei paesi più poveri e sottosviluppati, ma è malato e confuso, un luogo dove quasi tutti vogliono fuggire, come in fuga da una nave che viene affondata! Allora, di chi è la colpa?" (Misha, 2009, p. 173)

Come viene accennato in precedenza, la polarizzazione politica diventa più intensa e sentita nei periodi elettorali, che si svolgono in un clima di polarizzazione e diffrizione. Secondo i rapporti, l’OSCE/ODIHR in Albania non si sono mai

Questa stessa frase si trova in qualsiasi rapporto dell’OSCE/ODIHR sulle elezioni politiche in Albania. Dopo la certificazione dei risultati delle elezioni, il dialogo politico si fa più difficile. Il partito che non ha vinto le elezioni inizia un fiume di accuse verso la parte avversaria per aver manipolato le elezioni, commercializzare i voti, alterare i risultati, ecc, ecc. Dalle dichiarazioni di cui sopra, in materia di boicottaggi, si capisce che i risultati delle elezioni in Albania sono stati sempre contestati dal partito che va all'opposizione. È diventata pratica comune per i partiti politici in Albania. Gli unici casi in cui la rotazione politica è avvenuta in modo abbastanza tranquilla, sono quelli del 1992 e del 2005. Così, dopo 22 anni di pluralismo politico e di elezioni pluralistiche in Albania, il paese continua a soffrire di "incubo dalle elezioni".

La polarizzazione politica e il dibattito violento tra i partiti politici si riflettono anche nel lavoro della Commissione Elettorale Centrale (CEC), i cui membri sono eletti dal Parlamento. I membri di questo comitato che sono eletti come rappresentanti di partiti politici, riflettono nell’attività del CEC il battibecco politico tra i partiti. Questo è stato notato anche nelle relazioni dei processi di valutazione elettorale dell’OSCE / ODIHR. Abbiamo il rapporto di valutazione sulle elezioni parlamentari del 2009: "CEC spesso era diviso secondo le linee politiche di maggioranza-minoranza, in particolare sulle questioni più controversie... Questa politicizzazione ha avuto un impatto sul lavoro del CEC, in particolare al suo dovere di amministrare le elezioni in modo neutrale ed efficiente." (OSCE, 2009, p. 9) Il seguente ha continuato: "Durante le lamentele post-elettorali, le divisioni politiche all'interno del CEC sono diventate ancora più evidenti che nel periodo pre-elettorale. I membri della CEC e i rappresentanti dei partiti hanno fatto dichiarazioni politiche e osservazioni inutilmente lunghe e personali, piuttosto che facendo riferimento ai fatti e ai questioni procedurali." (Ibid, p. 29)

Questo fatto non manca neanche nelle relazioni della Commissione Europea, "Il risultato delle elezioni per il sindaco di Tirana è stato molto controverso e le decisioni della Commissione Elettorale Centrale (CEC) sono stati presi in spirito di parte, mancava la razionalità e avevano discrepanze ".- si dice nella relazione intermedia del 2011. (http://www.mie.gov.al)

Quindi, è chiaro che la polarizzazione politica albanese e gli scontri continui e feroci tra i principali partiti politici del paese hanno causato grossi problemi, hanno ostacolato lo sviluppo del paese ed hanno disorientato la società. La polarizzazione politica è espressa in varie forme, dai boicottaggi parlamentari ai conflitti violenti tra i gruppi politici. La polarizzazione politica ha perfino preso forme estreme. Tale è il caso dell’aggressione di un deputato socialista, Gafur Maze, in Corrijar, che è stato fatto per ragioni personali piuttosto banali, eppure era a causa della forte tensione politica tra i due partiti. La polarizzazione politica e la mancanza di volontà delle forze politiche di risolvere i loro problemi in modo pacifico ha continuato a provocare la perdita di vite innocenti, come il caso del 21 gennaio 2011, quando quattro manifestanti delle proteste antigovernative organizzate dall’opposizione, sono stati uccisi.

4. Conclusioni e raccomandazioni

- La polarizzazione estrema politica sta danneggiando il funzionamento della democrazia in Albania e sta impedendo importanti riforme che sono necessarie per il progresso del paese sulla strada verso l'integrazione nella CE e il funzionamento dello stato di diritto comunitario.
- La situazione politica rischia di provocare la polarizzazione profonda e prolungata della classe politica, con gravi conseguenze per la disponibilità al compromesso e trovare consenso sulle riforme chiave.
- Il dialogo costruttivo tra le parti è necessario per garantire il buon funzionamento del parlamento sulla base delle sue regole.
- Il dialogo politico è sempre peggio e di più, spesso conflittuale e totalmente improduttivo o inesistente.
- La forte cultura della politica di parte polarizza i posizioni in Parlamento e questo complica il buon funzionamento dell’Assemblea e delle sue commissioni. Lo stallo politico e l’impedimento del lavoro in parlamento, approfondisce la debole vigilanza parlamentare.

I politici albanesi devono:
• raggiungere un ampio consenso politico e mettere gli interessi nazionali sopra le agende stretti e appartenenze partiziche,
• trovare un approccio pragmatico, in cui le opportunità e le sfide del Paese sono discussi in modo equilibrato e neutrale. Ciò richiede una responsabilità piena di tutte le forze politiche del paese,
• lavorare in maniera seria e sistematica allo scopo di rafforzare la democrazia, di aumentare la fiducia nelle persone che l’Albania ha tutte le capacità di costruire uno standard di democrazia europea,
• imparare ad essere tolleranti e disposti al compromesso, rispettare i risultati positivi dei governi precedenti, per potarli oltre e rafforzare la democrazia.

In conclusione tramite questo studio spero di aver dato un contributo, anche se piccolo, nell’analisi di questo fenomeno della vita politica in Albania lancio un invito ai sociologi e ai politologi di studiare l’influenza della tradizione comunista sugli approcci dei lider politici albanesi e l’influenza del loro comportamento sull’atteggiamento dell’elettorato albanese.

Bibliografia

Metaphor and Materiality

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Abstract

To think about the material life of metaphors means to understand space as the projection of the inner self of their occupants. In order to occupy a foreign space one has to negotiate one’s own vision of the world with the landscape one occupies. In the case of migrant writers metaphors of space are especially significant. This paper will discuss the novels Milenijum u Beogradu (Millennium in Belgrade) and Venecija (Venice) by Vladimir Pištalo, and the collection of short stories Infidelities: Stories of War and Lust by Josip Novakovich. Pištalo and Novakovich were born respectively in Bosnia and Croatia and now live and write in the USA and Canada. In Pištalo’s literature places house memories and meditations about the Balkans and Mediterranean, while Novakovic explores a war-torn Balkan world which determines his protagonists’ lives even when they migrate to a better and safer space where they have a fresh start. The aim of this paper is to explore the concept of “home” as the “original shell” (Bachelard) according to which every place in which we dwell has the “meaning of the universe”. In addition, it will tackle Bhabha’s vision of the home of migrant writers in the discursive space of their own literature.

Keywords: metaphor, space, dwelling, mapping, personal cartography, Carnival, mask, archetype, identity, quest

There are quite a number of critical studies which explore the connection between mental or cognitive mapping and literary craft. Among the first who systematically wrote about this topic was Gaston Bachelard (1958). In his study The Poetics of Space Bachelard holds that to give an object a poetic space is to give it more space than it actually inhabits (Bachelard, 1994). More recently Peter Turchi, in his book The Maps of the Imagination: The Writer as Cartographer (2004), uses the term mental mapping as a metaphor for writing. “Writing and mapping… overlap, intermingle, and impersonate each other” (Turchi, 2004, p.12). Turchi writes that surveying, just as writing, includes selecting, omitting and inventing. In the influential study The Mirror of Herodotus: the Representation of the Other in the Writing of History (1988) Francoise Hartog puts the emphasis on surveying as a metaphorical equivalent of storytelling, thus exposing the connection between mapping and text:

The space of language is like a grid that can be applied to concrete space. Out of the jumble of dispersed, unapprehendable pieces, it constructs a puzzle in which the pieces fit together…. The narrator is thus a surveyor and, in a number of cases, a rhapsode, but he is also a bard, in that the inventory of the oikoumene, cannot fail to be an invention of the world (Hartog, 1988, p. 354).

The idea of space which is structured as a mental map has been especially interesting to trace in the works of migrant writers. In his essay “The World and the Home”, Homi Bhabha examines the changed concepts of authenticity and home in the modern end-of-the-century world (Bhabha, 1992). In Bhabha’s view the twentieth century’s migrations and “cultural relocations” produced “deep stirrings of the world” in the private space of home. Bhabha claims that the “extra-territorial initiation” in the “house of fiction”, brings various cultural voices into the original, authentic home. Accordingly, the discursive space of migration literature with the deep stirrings of cultural hybridity, presents, in Bhabha’s words “my own corner in the world”. Thus, the metaphors of home and authenticity mentally structure the spaces in which migrant authors dwell and meditate. Ultimately, they become materialized in the discursive space of their fiction.

The metaphors of home which resonate with the “discordant voices” of history shape the narrations of Vladimir Pištalo and Josip Novakovich. Vladimir Pištalo was born in Sarajevo and lived in former Yugoslavia until the last decade of the twentieth century. He now lives in the USA where he teaches history and writes novels and short fiction. Josip
Vladimir Pištalo’s novel *Milenijum u Beogradu* (Millennium in Belgrade) reinvents the space of Belgrade, Serbia. Pištalo begins his novel by literally mapping the ground on which the edifice of the invented city will be built. The narration sets out with a legend about the idea of the city. According to the narrator, legend has it that the city was dreamt about at the “dawn of time”. Namely, a man was fleeing from wild and outrageous centaurs who roamed the nearby mountains. He swam in the city rivers and fell asleep. Allegedly, he dreamt about a white and beautiful city - its temples and courts, its theatres and squares and its lovers and poets. Its angelic people strolled along streets in which “one would like to age”. His passage foreboded the city space in its subsequent shape. He started from the foot of the nearby mountain Avala, then, followed the current of the rivers, the Sava and the Danube, right to their confluence beneath the city fortress Kalemegdan. This is where the dreamer reposed. When he finally opened his eyes an angel invited him into the City. Despite his longing, he could not find the courage to cross the city walls. He felt that he was too insignificant and small for the angelic city and he turned away from it. That is how he provoked divine rage: Gods cast a curse upon the City. This is the curse: “Let this place be a wound which cannot heal. Let dirty nails peel off its scab. Let the generations of sons never continue the deeds of their fathers. Let its inhabitants sneer at their own desires. This was the divine punishment to the man who turned away from his dream” (Pištalo, 2009, p 6).

The portrait of the city is painted along the axes of historical and “timeless time”. The legend refers to eternal human fallibility and its tendency towards suffering. This human vulnerability marks the beginning of the historical existence of the city and situates the metaphor of the city, along with its beauty and damnation, at the intersections of the timeless with time. On the other hand the horrible account of the curse sets the stage for the subsequent pattern of events. Thus, the narrator foreshadows the character of the city depicting it as eternally torn between opposing metaphysical forces – to perish and to abide. Later in the text it will turn out that the dream has an important role as a macabre symbol of spiritual unity as each of its inhabitants over time take their share in it: “Last night I dreamt that I founded the city. It was whiter than bone. Whiter than chalk. It is curious that finally I didn’t enter it, but I turned away from it and came back to the roaring wilderness” (Pištalo, 2009, p. 34). They dream without understanding the meaning of it.

After situating the city in its mythological context, Pištalo goes on to describe the fragments of its communal and individual history. Milan was born “many years after the dream about the city”. However, as in the case of the legendary dreamer, his life depends on it. “Belgrade moved in its usual rhythm whose pulse beats in my blood” (Pištalo, 2009, p. 94).

The narration is woven out of several storylines that depict Milan’s relationships with the people who “were Belgrade for me” (Pištalo, 2009, p. 26) revealing their mutual growing up, personal development, and the beginning of their ideological divergence. Milan’s recollection of his adolescence in Belgrade links the life stories of several generations of inhabitants of Belgrade. Milan’s ancestors, father and grandfather were famous artists while Milan was “still becoming… and has already failed to be what he really is” (Pištalo, 2009, p. 32). The metaphors of becoming and the futility of their quests loosely link several generations of fathers and sons who repeat the dream-curse, never to follow their desires, the sin for which they must be punished. Bane’s grandfather was a Russian immigrant whose family actually returned to that country after several centuries as a voluntary exile. Milan’s own grandfather was a surrealist artist and an “unbearable egoist who knew André Breton”. They were followed by the generation of partisans of the Second World War – the city liberators. This was the generation of Milan’s father, bohemian and poor, who left the country to become an acclaimed painter in Paris. His own father hated him because he was a better painter than he himself had ever been. The members of the third generation are the rock-an-roll kids of the 70s and 80s – Milan and his friends. They were linked by the same aura of wanting and pursuing, never being able to settle. Three generations are connected by the same space and “curse”, and their relations to their mutual friend and lover Olga.

After a night spent in her apartment, Milan learns that his father Andrija was the love of her life. Olga’s ex-husband is the father of Milan’s girl-friend. As a token of love Andrija painted Belgrade on the walls of one of the chambers of...
Olga’s apartment. Andrija’s wall painting captures all threads of the stories about the generations of Belgrade dreamers and travelers in a picture which depicts the harmony of the adverse worlds as “medieval ogres meet Renaissance peace.”

“Andrija’s Belgrade was the space of someone who grew up as nobody’s dog, during the German occupation, stealing charcoal from German storehouses... I asked myself who the figures were [in his pictures] with the skinny limbs and ghostly bodies? ... Later... critics in Paris will call them ‘metaphors of danger and spite’.... When Olga asked, Why do you paint such nastiness?, Andrija would answer, Your ex-husband... was a communist and he has ideals. He embellished the world. And what did he create? This, that is in my picture” (Pištalo, 2009, p.115).

As the metaphor of the painting constitutes a spatial representation of cyclical time, the city stories provide the narrative link between the events and Belgrade streets, parks, quays and squares. The spatial dimension of the narration is never far from the focus of the narrator as he punctuates his telling with remarks like, “the story is [italics are mine] a girl I loved, three friendships, one horrible war and many other wars, about the dissolution of the concept of the fatherland, about the continuous elopements and loss of support, the crashing of the world into its particles, and the long-lost Byzantine technique of mosaic, about the mirror that can reflect the image of the soul and my attempt to see my reflection in others and the city I live in” (Pištalo, 2009, p. 40). The careless accounts of aimless hanging encode the feelings of loss and human smallness against the merciless force of history and power.

The grand historical narrations of the last decade of the millennium in Belgrade reside in the crevices of the personal accounts. They contribute the insecurities, fear and anxiety of Milan’s generation to the portrait of Belgrade. Among Milan’s friends, the ex-rock star Bane was forced to go to war. His life story merely continues the chain of yearnings, frustration and painful departures as it repeats the stories of the grandfather Teofil, father Andrija and Bane’s own mother, years before.

Vladimir Pištalo locates the joys and sorrows of the people within the city space of the past and present as the narration implies that the continuation of anguish of Belgrade inhabitants is a result of the spiritual cycle which is written in the Divine curse and embodied in the idea of circularity as a pattern of life in Belgrade. As Milan and his friends are, so were their fathers and grandfathers captured in the pattern of suffering, struggling, failing to understand, leaving and returning to the mythical space of the city.

A slightly different type of literary mapping shapes the narration in Vladimir Pištalo’s novel Venecija (Venice). The reading of the space of Venice draws on mental mapping as much as on the symbolism of Venice. The portrait of Venice is set against the background of a broader picture of the Mediterranean which is painted as an abstract sum of history, legends, rituals and architecture. The narrator announces that the Mediterranean is:

... the mumbling of prayers to the suffering Jesus and the passionate Priapus... [It is] yearning for bodies and sea.... Masks, clowns, deceivers, singers, wrestlers and gluttons. Prayers to the God whose name is Passion.... Flamenco and fado.... Churches that are braided with mosques that are built into the walls of churches again... Gaudi’s prayer that is a dance.... Checked tablecloths and bills in glasses... Old women who look like embodiments of Fates.... Epileptic passion of quarrels... Revenge. The dream of mercy.... Cat-like people with whiskers and sweat-sour smiles, the lovers of Circe, washed in foam, whose target is to reach the world’s end. [The Mediterranean is] where a man and a snake drink from the same vessel at the funeral feast. When Sybils mumble the unfathomable destiny under cypresses. Mornings and tragedies of the Mediterranean. Peaceful corpses on sarcophaguses. Caper bushes that grow from tombs. Dogteeth in the shape of leeks that protrude from the mouth of Gorgon (Pištalo, 2011, p. 35).

However, the image of the Mediterranean also includes the anonymous inhabitants, travelers, and whoever has participated in its becoming and metamorphosis. As if the events and feelings are inscribed in the bodies of “all these lovers after swimming and drinking. The imaginary summer orgy...” (Pištalo, 2011, p. 35).

As the narrator intimates in this description of the Mediterranean, the city space of Venice is read simultaneously in terms of the archetypal symbolism and private encoding. He strays in the streets and squares of Venice inhabiting its space and filling it with the images of his own life - episodes from his youth, high-school adventures and stories about love. As he roams he dwells in the ideas and images of memory.

Venice serves as a Grail figure – a metaphor of the treasured knowledge. “I needed that imaginary city as anti-
Croatia, he found it easier to write about it from America and his feeling of being another and chose to become an American citizen and to write in English rather than in Croatian. After he had left, he would feel those issues because he grew up with them and they were part of his psychology. He left one country for another and chose to become an American citizen and to write in English rather than in Croatian. After he had left, he would feel those issues because he grew up with them and they were part of his psychology.

There was a period in his life when he wanted to be fully American and believed "that America was a cosmopolitan, multinational and transnational country" (Novakovich, 2012, p. 11). The problems of class still exist in all societies and nations, although they do not necessarily have the same form in all societies and nations. Novakovich tries to find the answer to the question of whether he is a Croatian writer or American or Croatian-American. Although he has lived in America for thirty years and his children are Americans, the question of nationality is still open. He became an American citizen and wrote in English rather than in Croatian. After he had left, he would feel those issues because he grew up with them and they were part of his psychology. He left one country for another and chose to become an American citizen and to write in English rather than in Croatian. After he had left, he would feel those issues because he grew up with them and they were part of his psychology.

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 poison for the unreality of my life. I was beginning to search for it" (Pištalo, 2011, p. 14). The ambiguous refrain of the narration, “I was looking for her” could refer to the city, the goddess of love, Venus, or the narrator’s own anima – all pointing to the quest archetype. The idea of formation is emphasized by numerous references in the text to the formative years of adolescence and episodes from high-school. Although the narrator repeats that “Venice cannot be described in terms of reason”, the narration represents an attempt to search and know and to internalize the space through the process of telling.

“To inhabit is to experience the space by means of thoughts and dreams”, says Bachelard, as the viewer begins to enter the space through a dialectical game of the I and non-I (1994, p 5). In other words, for Bachelard, as for Bakhtin, cognitive mapping stems from the dialogue of the Ego with its Otherness and ultimately gets engaged in language.

The constant dialogue between the Ego and the archetypes of the unconsciousness seem to be almost tactile (and spatial) within the space of the Venetian Carnival. The idea of a masked body is probably the most powerful spatial representation of the metaphorical “immensity”. Pištalo exploits the archetypal, metaphorical, and spatial potentials of the Carnival. The psychological quest, searching and becoming is finally embodied in the archetypal thickness of the carnivalesque space and its potential to symbolically accommodate compressed time. Bakhtin also explains: “Carnival was the true feast of time, the feast of becoming, change and renewal” (Bakhtin, 1984, p. 10)... As Bakhtin has it ‘[The body at the Carnival] is presented not in a private, egotistic form, severed from the other spheres of life, but as something universal, representing all the people...a people who are continually growing and renewed’ (Bakhtin, 1984, p. 19).

In the spirit of constant movement and change, the notion of the carnival questions the boundaries between the present and past. The narration feeds upon the tension between the historical and mythical time in which “the masques around me spoke the language of the Jungian archetypes” (Pištalo, 2011, p. 153). The narrator confesses that “over time” he has been, “sometimes a hunter, sometimes prey, sometimes a fish, sometimes a bird, and both the archer and the one who has been killed” (Pištalo, 2011, p. 156). The flexibility of time engenders the sense of openness and unity in which ‘the exalted and the lowly, the sacred and profane are levelled and are all drawn into the same dance’ (Bakhtin, 1984, p. 160). The narrator acknowledges the blurring of identities in a metaphor which is one of the refrains of the narration, “We are You, you are we.” (Pištalo, 2011, p. 7). Thus, carnival masks which hide the identity paradoxically open the Self to the vibes of the world’s social, temporal and cultural immensity.

The pattern of life which is grounded in the idea of the Carnival, the Mediterranean and travelling transgresses each individual history. It is represented in the episode about the narrator’s ancestor Trifun, or Tripko. Tripko was a sailor who came to Venice to trade his Montenegrin goods. He took to the Venetian spirit - its ritual and revelries. His amorous adventures, feasts, indulgences, transformations and secrets testify to the abstract orgy of many generations of Venetian travelers and merchants. His own history in Venice embodies the life stories of numerous Mediterranean salesmen and sailors who braided their own story with the story of Venice. Yielding to the human ambition to be immortalized in space, the narrator generously offers the space of his story: “Had that ancestor of mine rented a house or flat? Had he donated money to churches? Had he ever changed or built anything in the city? Had he put a single stone in the city’s walls? If he hadn’t, let his stone be this book” (Pištalo, 2011, p. 59).

The “voices of history” are also present in the mind of Josip Novakovich’s characters. He has a flexible notion of borders, travels a lot and makes comparisons, showing great understanding of cross-cultural relations. His intimate writing style is full of humour, although his characters are often put in absurd situations caused by the unexpected war conditions.

In his essay “Shopping for a Better Country” Novakovich explains his relations towards exile, immigration and homeland. Having left the homeland of Yugoslavia as a transfer student in 1976, he was often considered as an exile from the Communist Block, but that was not true, because he could return to his homeland whenever he wanted. Although he finished his studies at Yale Divinity School and continued his education as a graduate student in the USA, he was not sure that he would not return home. During the war for independence he returned to Croatia to see what was happening there. The war affirmed that he could never feel like an American and that he could never reject his country. Although he has lived in America for thirty years and his children are Americans, the question of nationality is still open. Novakovich tries to find the answer to the question of whether he is a Croatian writer or American or Croatian-American.

There was a period in his life when he wanted to be fully American and believed “that America was a cosmopolitan, multinational and transnational country” (Novakovich, 2012, p. 11). The problems of class still exist in all societies and the rich are getting richer and the poor even poorer all over the world and would, even if nations did not exist. Novakovich would feel those issues because he grew up with them and they were part of his psychology. He left one country for another and chose to become an American citizen and to write in English rather than in Croatian. After he had left Croatia, he found it easier to write about it from America and his being in America strengthened his feeling of being a
Croat. He feels he has two nationalities, two identities, something he finds characteristic of America: dual identities are a part of most people's heritage. The notion of migration is constantly present in his thoughts:

I think for me the essence of emigration, of being an émigré, is that I have not resolved the issue of national identity and that I never could. My coming to America took place too long ago: it has lost its freshness. I am tempted by the possibility or impossibility of another shift in identity. The shifting may be more important than the concrete choice of where to move and what national belonging to strive for. (...) being an émigré depends on breaking down the borders and definitions of national identities. I am exiled from easy definitions, from clear identity. Exiled from the exile, but not from migration, emigration and immigration. Who am I? It would be best if I could answer, Mensch, citizen of the world (Novakovich, 2012, p. 15).

Novakovich's collection of short stories Infidelities: Stories of War and Lust deals mainly with the contradictions of war. The territory of former Yugoslavia is suddenly divided into different countries, and people of different nationalities, who once lived together become enemies over the night. The author explores a war-torn Balkan world, the world which determines the protagonists' lives even when they migrate to a better and safer space where they have a fresh new start.

“Spleen” is a short story told by a female protagonist, an immigrant from Bosnia, half Serb, half Croat, who has been living in America for seven years. She has a good job at a bank and from the outside, she feels at ease in America. The news that a Bosnian family has moved to their neighbourhood suddenly brings memories from the past: namely, she was brutally attacked in her home during the war and one of the masked men tried to rape her. She grabbed the knife and stabbed him on his left side and somehow succeeded to escape, running naked through the cold November night. Even now sometimes she has nightmares and sleeps only with lights on. She begins dating Dragan, the neighbour’s nephew, who seems familiar to her. She feels better among people from her homeland, she likes the smell of Turkish coffee and the taste of a smoker's kiss. All that reminds her of home, but at the same time she grows suspicious of the young man who is about the same age as her rapist. She feels lust for him, but when they make love he refuses to take off his shirt, what makes her even more suspicious. She has a nightmare, and in her dream she touches a brown scar on his left side under the ribs in the spleen area and it starts to bleed. The next day she hides a kitchen knife under the pillow. She is surprised to find out that hate and lust are not antonyms – she wants to make love with him, to see him naked because he might be her rapist, but she is surprised that at the same time she is so attracted to him. In the end, Dragan does not have a scar, and she finally starts enjoying him without second thoughts.

Mixed feelings of love and hate are also present in other stories such as “Snow Powder” and “Ribs”. In “Snow Powder” the young school boy Mirko is disappointed with the school and the colleagues from his class, especially with the girl he admires and who has made a fool of him. At home his parents also seem not to understand him. One day, while he is skiing, he finds enemy soldiers on a hill who make him bring them plum brandy from the village. Instead of telling his parents that they are surrounded by Serbs who would bomb the village, he tries to steal the brandy, but is caught by his father who hits him severely. He decides to join the Serbs, goes to their bunker and watches them bomb the village. In his childish revenge he wants to watch the school blow up along with all the teachers and pupils who have teased him. As he looks at the smoke in the valley, that grows higher and wider, he is happy. Child warriors, drunken soldiers and love of destruction are parts of every war.

An absurd situation also appears in the short story “Ribs”, where Mira, whose Croat husband is lost in the war, tries to prevent her son from being enlisted. She gets an offer from the director of the recruitment centre to sleep with him and as a favour he will spare her son from being sent to war. At first she is determined to reject him, but after a while, she decides to accept the offer and sacrifice herself. When she is left alone with him in a room, she is not sure if there will be any sacrifice: she has a fear of him, but at the same time she is attracted to him. She actually wants sex, but it turns out that he loses his desire for her. He participated in a Bosnian war massacre together with Mira's husband. They were forced by the officer to go from door to door and kill Bosnian women and children. As Mira's husband protested against the killing, he was brutally shot by an officer. He was probably buried with the Muslims. Nothing could be done about pulling his body out because the Croatian army had not been there officially and the whole story might end at the Hague court. Mira felt helpless. She had not got along with her husband, he was a nuisance, but now that he is dead, she feels unrest, because he has not been buried properly. She continues her affair with the director, but begins hallucinating, but when her late husband appears in front of her and she feels as though her mind is deceiving her. Her constant thoughts about his unfortunate fate prevent her from distinguishing the dream from reality and in the end she sees his body on their bedroom floor and feels his ribs under her fingers as though she is looking for a hole.

Novakovich's stories inspire questioning about the absurdity of war: what is infidelity, where is the line between lust, love and hate, as well as how much a person is determined by the soil where s/he comes from and brings with when
migrating to other places.

In their houses of fiction Pištalo and Novakovich negotiate their own space with the spaces which they inhabit in the "world", mainly through the tropes of cultural hybridity and identity quest. Their narrations about "home" ironically chart various other locations of the "dislocated world" in which Vladimir Pištalo reasserts the power of fiction when he symbolically addresses the space of discourse, "I will let you have the truth, I will only keep the metaphor" (Pištalo, 2011, p. 92).

References

Le Droit à L’environnement, Nouveau Fondement à la Réparation du Dommage Ecologique en Droit Positif Marocain

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Abstract

In Morocco, the protection of the environment is coming a major concern; it has found a substantial legal translation in recent years. But undoubtedly, the inclusion of the protection of the environment in the text of the new constitution of 2011 is the revealer of an acceleration of environmental awareness. Articles 19 and 31 of the new constitution stipulate that the State, public institutions and local authorities work towards the mobilization of all available means to facilitate equal access of citizens and citizens to the conditions allowing them to enjoy the right to a healthy environment. Just as the right to health care, the right to education on attachment to the Moroccan identity to national constants, immutable. One wonders if the right to the environment is likely to provide satisfactory answers where traditional mechanisms of civil liability have shown their limits. We are trying to make some preliminary clarifications to the concept of the right to the environment and the legal scope of its constitutionality then identify the potential offered by the right to the environment compared with the law of liability for ecological damage.

1. Introduction

Le Maroc s’est engagé dans un processus de réformes accélérées touchant de nombreux secteurs. Le domaine de l’environnement n’échappe pas à cette dynamique de réforme. La protection de l’environnement est devenue une préoccupation majeure, a trouvé une traduction juridique importante durant ces dernières années. Mais incontestablement, l’inscription de la défense de l’environnement dans le texte de la nouvelle constitution du 29 juillet 2011 (B.O, 2011) est le révélateur d’une accélération d’une prise de conscience d’ordre environnemental.

En dépit des critiques et des doutes quand à l’effectivité du droit à l’environnement, sa reconnaissance par la constitution a le mérite d’être soulignée dans la mesure où elle constitue la preuve de l’importance de la protection de l’environnement pour l’ensemble de la société marocaine. Le droit à l’environnement conçu comme un principe directeur, a vocation à être développé, à prendre consistance dans le monde juridique, et partant être invoqué par les justiciables et défendu devant le juge.

Le droit à l’environnement contribue aussi à rendre effectifs certains droits de l’homme classiques tels que le droit à la santé, la famille ou même à la liberté d’expression comme l’a bien exprimé le juge Weeremantry dans son opinion devant la CIJ (Prieur,M. 2009) : « la protection de l’environnement constitue ...une partie essentielle de la doctrine contemporaine des droits de l’homme car elle est une condition sine qua non du respect de nombreux droits de l’homme tels que le droit à la santé et le droit à la vie elle-même » (CIJ, 1997). Ces droits fondamentaux coïncident avec les intérêts écologiques et permettent de découvrir un contenu écologique à ces droits (Belaid.N. 2008). Particulièrement le droit à l’environnement peut réellement étendre sa protection à des domaines non expressément protégés.

Le droit à l’environnement peut ainsi être un nouvel outil pour répondre aux dommages environnementaux, ne laissant plus la seule responsabilité civile occuper tout le terrain. Désormais, en présence d’un dommage environnemental, la victime sera susceptible d’opposer à l’auteur du dommage non seulement les règles de la responsabilité civile, mais également son droit à l’environnement. Les deux mécanismes se rencontrent donc, ils sont susceptibles d’être invoqués concurremment dans le cadre d’un litige environnemental opposant deux personnes privées. Ce sont ces rapports entre responsabilité civile d’une part et droit à l’environnement d’autre part auxquels il convient de s’intéresser.

On se demande si le droit à l’environnement est susceptible d’apporter des réponses satisfaisantes là où les mécanismes traditionnels de la responsabilité civile ont montré leurs limites.

Nous tentons dans une première partie d’apporter quelques précisions préliminaires sur la notion du droit à l’environnement et la portée juridique de sa constitutionnalité ensuite identifier dans une deuxième les potentialités offertes par le droit à l’environnement par rapport au droit de la responsabilité en matière de réparation du préjudice écologique.
2. Genèse du droit à l’environnement

Le droit à l’environnement n’est que rarement défini mais en termes élémentaires, le droit à l’environnement c’est aspirer à un environnement sain et équilibré (Mekouar, M. A. 1988). Le droit à l’environnement conduira à poser les questions sur son fondement, sur sa constitutionnalité, sa justiciabilité et sur les garanties procédurales.

2.1 Fondement du droit à l’environnement

Le droit à l’environnement trouve son fondement dans la nouvelle constitution. Pour s’en tenir aux principales dispositions. L’article 19 de la nouvelle constitution déclare que : « L’homme et la femme jouissent, à égalité, des droits et libertés à caractère civil, politique, économique, social, culturel et environnemental, énoncés dans le présent titre et dans les autres dispositions de la constitution, ainsi que dans les conventions et pactes internationaux dûment ratifiés par le Royaume et ce, dans le respect des dispositions de la constitution, des constantes et des lois du Royaume».

L’article 31 ajoute pour sa part que l’Etat, les établissements publics et les collectivités territoriales œuvrent à la mobilisation de tous les moyens à disposition pour faciliter l’égal accès des citoyennes et des citoyens aux conditions leur permettant de jouir de droits entre autres droit à un environnement sain. Tout comme le droit aux soins de santé, le droit à l’éducation sur l’attachement à l’identité marocaine aux constantes nationales immuables.

Il va sans montrer que l’objectif qui est derrière l’inscription de ce droit dans notre constitution est de « protéger et améliorer l’environnement pour les générations présentes et pour les générations futures », lequel objectif s’inscrit à coup sûr dans la logique du développement durable.

Le droit de l’homme à l’environnement apparait comme un droit fondamental, un droit de la troisième génération, un droit qui exprime des solidarités nouvelles : solidarité entre l’homme avec la nature, entre le nord et le sud.

2.2 Portée juridique de la constitutionnalisation du droit à l’environnement

«La constitutionnalisation peut être définie comme le changement de valeur normative d’une norme préexistante, qui devient constitutionnelle ( Barbé,V)». La constitutionnalisation a pour effet principal de créer des droits fondamentaux (CIJ, 1997), c’est d’ailleurs dans le titre II « libertés et droits fondamentaux » de la constitution que figure le droit à l’environnement, ce qui permet non pas de limiter le législateur mais de lui attribuer une compétence dans ce domaine dont il ne peut se dessaisir au profit d’un autre organe principalement un organe titulaire du pouvoir réglementaire. La constitutionnalisation permet ainsi de protéger une compétence du législateur dans ce domaine, et celui-ci est obligé d’agir. L’article 71 de la constitution a bien spécifié que relève du domaine de la loi entre autres les règles relatives à la gestion de l’environnement, à la protection des ressources naturelles et au développement durable, le régime des eaux et forêts et de la pêche.

En outre l’élévation de droits au rang constitutionnel a également pour conséquence de limiter d’autres droits et la conciliation entre deux droits constitutionnels qui est parfois délicate. Par exemple, le juge grec a déjà fait prévaloir le droit à l’environnement sur d’autres droits notamment sur la liberté religieuse, en interdisant la construction d’une église dans un parc municipal, mais a fait primer le droit à la santé par rapport aux exigences environnementales en acceptant l’installation d’une station de traitement biologique des déchets liquides sur un site boisé protégé(CIJ, 1997).

Egalement, la constitutionnalisation peut confirmer des droits déjà consacrés au niveau international c’est par exemple du droit d’accès aux informations environnementales et le droit de participation.

2.3 Justiciabilité

L’intérêt de la constitutionnalisation réside notamment dans l’élévation au rang de la norme suprême de droits invocables directement devant les tribunaux.

2.3.1 Droit invocable devant le juge constitutionnel

Le droit à l’environnement peut être invoqué devant le juge constitutionnel à travers le mécanisme du contrôle qui s’exerce sur toutes les lois adoptées dans toutes les matières, et non seulement sur les lois adoptées en matière de protection de l’environnement. Ce contrôle nécessitera bien entendu que le juge constitutionnel procède à une conciliation entre le droit à l’environnement et les autres droits de l’homme. Il le fera probablement à l’occasion du
contrôle de constitutionnalité opérée par le législateur entre le droit à l’environnement et d’autres dispositions constitutionnelles comme la liberté d’entreprendre et le droit de propriété notamment en matière d’urbanisme (Capitani,A. 2008).

Le contrôle de la constitutionnalité s’exerce à priori et par voie d’action, de sorte que toutes les lois peuvent faire l’objet du contrôle de leur conformité par rapport au droit à l’environnement. Mais la nouvelle constitution ne se contente pas du contrôle à priori, elle a créé une voie de contrôle de constitutionnalité a postériori, par voie de question préjudicielle « lorsqu’il est soutenu par l’une des parties que la loi dont dépend l’issue du litige, porte atteinte aux droits et libertés garantis par la constitution. Une loi organique fixe les conditions et modalités d’application du présent article (l’article133) ».

En droit comparé français, la loi constitutionnelle n° 2008-724 du 23 juillet 2008 a instauré la possibilité de saisir le Conseil constitutionnel au cours de tout procès (Rebeyrol,V. 2010, p. 41). De nombreuses lois antérieures à l’adoption de la charte pourraient alors être déclarées inconstitutionnelles.

La question de constitutionnalité pourra être soulevée devant toute juridiction judiciaire ou administrative.

2.3.2 Droit invocable devant le juge administratif

Le juge administratif peut assurer le respect du droit à l’environnement proclamé par la constitution dans le cadre du contentieux de l’annulation (Rebeyrol,V. 2010, p. 43).

Le nouveau droit de l’homme à l’environnement pourrait servir de base légale pour attaquer pour excès de pouvoir les actes administratifs qui seraient contraires à la protection de l’environnement. La reconnaissance de ce droit pourrait renforcer l’obligation pour les pouvoirs publics de respecter l’environnement.

Les procédures d’urgence sont aussi un terrain de prédilection pour la consécration du droit à l’environnement par le juge administratif.

En droit comparé français, la première décision de la juridiction administrative rendue en ce sens par l’ordonnance en date du 29 avril 2005 (Rubio,N), le juge des référés du Tribunal administratif de Châlons-en-Champagne a jugé « qu’en adossant à la Constitution une charte de l’environnement qui proclame en son article 1er que « Chacun a le droit de vivre dans un environnement équilibré et respectueux de la santé », le législateur a nécessairement entendu ériger le droit à l’environnement en liberté fondamentale de valeur constitutionnelle » et il a jugé que ce droit fondamental avait été en l’espèce violé par le préfet, lequel ne s’était pas opposé au déroulement d’une manifestation de type rave-party sur un site d’une très haute valeur environnementale comprenant de nombreuses espèces végétales et animales protégées.

2.3.3 Droit invocable devant le juge judiciaire

Le juge judiciaire pourrait être amené à appliquer directement le droit à l’environnement dans les litiges entre particuliers. En effet, la jurisprudence française de la Cour de cassation montre que celle-ci n’hésite pas à appliquer directement les libertés fondamentales proclamées par le préambule de la Constitution. Il en va ainsi du « principe d’égalité, qui est de valeur constitutionnelle et que le juge doit appliquer », de l’interdiction des mesures discriminatoires, du droit de grève ».

La Cour de cassation pourrait de même décider que le juge judiciaire doit appliquer le droit à l’environnement consacré par la nouvelle constitution.

Droit invocable à l’encontre des pouvoirs publics, peut être même invoqué à l’encontre des personnes privées.

Le droit de l’homme à l’environnement renvoie non seulement à un droit mais à un devoir. Etant un droit procédural, celui-ci nécessite pour sa concrétisation la reconnaissance d’un certain nombre de droits.

2.4 Reconnaissance des prérogatives procédurales

Les prérogatives procédurales ont trait au droit à l’information, droit à la participation et droit d’ester en justice, servant de support au droit de l’environnement

2.4.1 Droit à l’information

Il s’agit d’informer le public sur les dangers, les risques graves de pollution et garantir au public l’accès à l’information, que celle-ci soit claire et exhaustive (CEDH, 2004).
Le droit à l’information trouve son fondement au niveau international dans la convention d’Aarhus. Cette convention vise à faciliter l’information, la participation du public concerné et l’accès en justice en matière d’environnement.

Au Maroc, conformément à la nouvelle constitution, le droit à l’information est désormais un droit constitutionnel garanti par l’article 27 qui prescrit « les citoyennes et les citoyens ont le droit d’accéder à l’information détenue par l’administration publique, les institutions élues et les organismes investis d’une mission de service public. Le droit à l’information ne peut être limité que par la loi, dans le but d’assurer la protection de tout ce qui concerne la défense nationale, la sûreté intérieure et extérieure de l’Etat, ainsi que la vie privée des personnes, de prévenir l’atteinte aux droits et libertés énoncés dans la présente constitution et de protéger des sources et des domaines expressément déterminés par la loi ».

C’est ainsi que sous l’influence du droit international qui évolue en interaction, une première pierre a été posée au Maroc par un projet de loi sur le droit à l’information en matière d’environnement qui à l’adoption marquera une nouvelle étape.

2.4.2 Droit à la participation

La participation est un apport majeur de la contribution de l’environnement à la protection des droits de l’homme : par son double aspect qui apporte à la fois droits et devoirs aux individus, le droit de l’environnement transforme tout ce domaine en sortant les citoyens d’un statut passif de bénéficiaires et leur fait partager des responsabilités dans la gestion des intérêts de la collectivité toute entière.

Au niveau international, l’article 6 de la convention d’Aarhus est consacré à la « participation du public aux décisions relatives à des activités particulières », l’article 7 de ce même texte à la « participation du public en ce qui concerne les plans, programmes et politiques relatifs à l’environnement » et l’article 8 de la convention à la « participation du public durant la phase d’élaboration de disposition réglementaires ». Le processus décisionnel doit comporter la réalisation des enquêtes et des études d’impact pour évaluer à l’avance les effets des activités qui peuvent porter atteinte à l’environnement et aux droits des individus.

2.4.3 Droit d’ester en justice

Le droit à l’information est complété par le droit d’ester en justice. Ce droit est notamment consacré par la Convention d’Aarhus. Son article 9 prévoit trois hypothèses d’accès au juge en matière d’environnement : d’une part, dans le cas où une demande d’accès à l’information en matière d’environnement a été ignorée ou rejetée abusivement par l’administration, d’autre part, lorsqu’est contestée la légalité de toute décision concernant la participation au processus décisionnel en matière d’environnement et enfin dans le cas d’une violation des dispositions du droit national de l’environnement.

Si l’administration refuse la demande d’accès aux informations environnementales, l’administré peut formuer un recours pour excès de pouvoir devant le juge administratif. C’est ainsi que les associations de protection de l’environnement peuvent engager un recours devant les tribunaux administratifs et peuvent même se voir reconnaître la capacité à se porter partie civile à l’occasion de poursuites dirigées devant le juge pénal.

Ces composantes procédurales du droit à l’environnement précitées sont essentiellement finalistes : elles visent à intégrer les titulaires du droit dans le processus d’élaboration des projets et des décisions relatives à l’environnement, dans le but avoué que l’intervention active de ces titulaires permettent de contribuer à la conservation et à l’amélioration de l’environnement.

Il appartient donc au législateur de concrétiser les droits à l’information et à la participation à l’élaboration des décisions et d’ester en justice.

Mais au-delà de ses potentielles répercussions en droit public de l’environnement, la reconnaissance d’un droit de l’homme à l’environnement est également porteuse d’évolution potentielle en droit privé. En effet si le droit à l’environnement peut s’analyser comme un droit subjectif, reconnu à chaque personne juridique et opposable aux autres sujets de droit, il est susceptible d’être invoqué par les personnes privées dans leurs rapports entre elles.

Cette évolution suppose cependant que le droit à l’environnement soit considéré comme un véritable droit subjectif et non comme une simple pétition de principe.
3. **Potentialités offertes par le droit à l’environnement en matière de réparation des dommages environnementaux**

On a souvent insisté sur l’inadéquation des principes du droit commun de la responsabilité pour appréhender les problèmes spécifiques suscités par les faits de pollution en particulier ceux relatifs à la preuve de causalité. Face à ces difficultés, le droit à l’environnement, conçu comme un véritable droit subjectif et à travers la notion d’atteinte au droit, permet de s’affranchir des encombrantes conditions de fait générateur et de préjudice réparable exigées par le droit de la responsabilité. L’existence d’une atteinte au droit est plus facile à démontrer que ne le sont les conditions de l’action en responsabilité. En outre, le mécanisme protecteur du droit subjectif impose une restauration effective de l’environnement, une réparation en nature alors qu’en statuant en matière de responsabilité civile, le juge opte pour une simple réparation pécuniaire.

### 3.1 La question de la titularité du droit à l’environnement

Avec le droit à l’environnement, la conception de l’environnement est prise au sens le plus large possible. La protection de l’environnement concerne non seulement les éléments de la nature mais aussi l’homme dans la mesure où ils forment un tout écologiquement indissociable. Ainsi la constitution fait référence à la sécurité, la santé, l’essor économique, le progrès social, elle inclut alors des considérations socio-économiques. Ces références confèrent au droit constitutionnel de l’environnement un profil anthropocentrique beaucoup plus affiné (Lecuq,O. 2008)et donc plus large que la conception éco centrique limitée aux ressources naturelles. Ensuite il est nécessaire de protéger non seulement l’homme d’aujourd’hui mais l’homme de demain.

On se bornera à souligner qu’en droit positif seul l’homme et non la nature est titulaire du droit à l’environnement. La réparation du préjudice à l’environnement en tant que tel n’était pas prise en compte par le droit positif. Les arbres ne sauraient engager une action en justice, pour reprendre la formule fameuse issue des débats devant la cour suprême américaine dans l’affaire *Sierra Club* du 19 avril 1972.

Bien que récemment un bouleversement jurisprudentiel ait lieu en France. L’arrêt rendu par la Cour de Cassation dans l’affaire *Erika*, le 25 septembre 2012. Pour la première fois, la Cour de cassation reconnaît pleinement la réparation du préjudice écologique. Celui-ci ne consiste pas seulement en une atteinte à la nature à la flore ou à la faune, « il touche des relations plus encore que des choses, il se manifestera surtout par la rupture de certains équilibres, l’atteinte à des processus écologiques, des écosystèmes, à des espèces et non simplement à des individus (Littman,M & Lambrechts,C. 1992) »

Cette « révolution juridique » créée par la décision de la cour de cassation française, est susceptible de faire évoluer l’état de droit marocain dans ce domaine. En effet, la réparation du dommage écologique n’est traitée partiellement qu’à travers l’atteinte aux personnes et aux biens par le Dahier des Obligations et Contrats (D.O.C) ou à travers la théorie des troubles anormaux de voisinage (Mekour, M, A) qui impliquent l’exigence de préjudice personnel. Or, certaines atteintes à l’environnement touchent davantage des intérêts collectifs et n’ont pas de répercussions immédiates et apparentes sur les personnes. C’est le cas, par exemple de la destruction d’un écosystème marin à la suite d’une pollution par hydrocarbures (Neyret,L. 2008).

On peut imaginer un nouvel enrichissement du droit commun, par l’inscription du principe de préjudice écologique dans le droit civil marocain, et de ce fait on disposera d’une obligation claire de réparer les atteintes causées à l’environnement et d’un fondement juridique incontestable.

### 3.2 La notion d’atteinte au droit et la dispense de la charge de preuve du fait générateur

Pour qu’un dommage soit réparé par application des règles de responsabilité, la victime de ce dommage doit rapporter la preuve d’un fait générateur de responsabilité, d’un dommage et d’un lien causal. En exigeant de la victime qu’elle rapporte la preuve d’un fait générateur, le droit de la responsabilité la contraint à s’interroger sur l’origine, sur les causes de la pollution qu’elle reproche au défendeur à l’action. Au contraire, sur le terrain de la protection offerte par le droit à l’environnement, le titulaire d’un droit n’aura qu’à prouver l’altération de l’environnement pour réclamer la mise en œuvre de la protection offerte par le droit subjectif. Le droit à l’environnement le dispense de la charge de la lourde preuve d’un fait générateur de responsabilité. C’est incontestablement la première utilité que procure le droit à l’environnement en matière de réparation des dommages environnementaux.

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3.3 La notion d’atteinte et la dispense de la charge de la preuve de l’intérêt à agir

Dans le même ordre d’idée, en droit de la responsabilité, la recevabilité de l’action est gouvernée par l’adage « pas d’intérêt pas d’action ». Normalement c’est à la victime d’un dommage qui a intérêt à demander réparation. Or ici nulle victime ne dispose de la personnalité juridique, c’est-à-dire des res communes ou des res nullius. Le dommage écologique n’atteignait que la nature. Or le droit à l’environnement permet de faire l’économie de cette lourde preuve. Tout d’abord, dès lors qu’il est admis que tout sujet de droit est titulaire du droit à l’environnement, le pollueur ne pourra plus se réfugier derrière l’absence d’intérêt d’agir du demandeur, même en cas de dommage écologique pur. Celui-ci est envisagé en tant que tel indépendamment de ses répercussions sur l’homme (Jourdain, P. 2006). En effet même si la pollution n’affecte pas directement le demandeur dans sa personne ou dans ses biens, toute atteinte à l’environnement constitue néanmoins une atteinte à l’un des droits subjectifs de ce demandeur. Le droit à l’environnement ouvre donc la voie à une action populaire, tout sujet de droit étant autorisé sur le fondement de ce droit de saisir les tribunaux pour leur demander d’ordonner la cessation d’une pollution et la remise en état du milieu, même sans avoir été directement affecté par cette pollution. Ainsi les associations de protection de l’environnement ont un intérêt à agir dès lors qu’elles invoquent une atteinte à leur droit subjectif à l’environnement, sans avoir besoin d’être habilitées pour ce faire ni de démontrer plus avant avoir subi un préjudice personnel.

Donc le droit classique de la responsabilité n’a vocation qu’à réparer les conséquences d’une atteinte à une personne ou à un bien. Il ne permet pas d’intervenir sur l’atteinte elle-même. Au contraire le droit à l’environnement, droit subjectif permet d’intervenir sur l’atteinte elle-même.

L’action en justice pour la réparation du préjudice écologique ne devrait pas être l’apanage du ministère public et des associations mais également ouvrir des opportunités aux personnes privées. Dans ce sens le recours à l’action du groupe ou class action qui est destiné à réparer le préjudice collectif et de masse (Gueye, D. 2011) est favorable à la réparation du préjudice écologique et autres préjudices qui peuvent survenir dans les domaines de la consommation, de la concurrence, de la santé publique et de transports.

Le juge peut prévoir des mesures de rétablissement. Elles consistent en mesures de remise en état et en réparation par équivalent (Duffrène, M. 2009), étendues à la réparation des services écologiques (Doussan, I). Ainsi la destruction d’un arbre n’est pas seulement compensée par la plantation d’un autre arbre, il faut aussi tenir compte dans la réparation du service écologique que rendait l’arbre détruit (Duffrène, M. 2009, p. 116).

4. Conclusion

Le droit à l’environnement tel qu’il est affirmé par la nouvelle constitution n’a pas vocation à demeurer une « coquille vide », un droit sans substance.

Pour que la figure nouvelle du droit à l’environnement soit invoquée devant le juge, et notamment devant le juge judiciaire en matière de réparation des dommages environnementaux, il faut à l’évidence d’une part entreprendre un effort de délimitation des contours du nouveau droit et que ses conditions de mise en œuvre soient précises.

En définitive, la consécration d’un droit à l’environnement, outil dont les juristes doivent se saisir, ne doit pas faire oublier que chacun demeure « responsable », non pas seulement d’un point de vue restrictif et juridique mais aussi d’un point de vue global et éthique de l’environnement qu’il laisse aux générations futures.

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l'article133. (s.d.). la nouvelle constitution.


Culture - Specific Items And Literary Translation

PhD. Ilda Poshi

Abstract

In most societies literary translation is of vital importance for the very progress of the human society. Meanwhile, within this field, translation of culture-specific items is the challenging task to be performed by a translator. Translation is mainly concerned with a multitude of human relationships, involving the transposition of thoughts expressed in one language by one social group into the appropriate expression of another group. It entails a process of cultural de-coding, re-coding and encoding. More and more each day cultures are brought into greater contact with one another and the translator is greatly entailed with numberless of multicultural considerations. Therefore, they influence us when we are trying to comprehend a text before finally translating it. This is because we are not just dealing with words written in a certain time, space and sociopolitical situation but in a certain "cultural" aspect that should be taken into account. This whole process is reflected before the eyes of the target reader and it should make him feel the text credible. Thus, in the present paper attempts are made to explore the concept of literary translation. Finally, the discussion is restricted to culture-specific items, presenting the possible relevant solutions.

Keywords: literary translation, culture-specific items, source language, target language, visibility and invisibility of the translator

1. Introduction

Translation is a widely spread phenomenon and so widely differently understood. This is why we all have bumped into different definitions and each reflects a specific core model based on one or more theories. On the other side, as translation is a process that is evolved between humans – humans of different or same cultures, the term 'culture' addresses three relevant specifications within the human cycle:

'personalization' – we are individuals, we think and function as such using language;
'collectiveness,' - we think and function always in a social context in the same language or in different languages;
'expressiveness,' – an essential part of the language, it is the way society expresses itself in relation to its individuals and their thoughts and functions,

According to the American theorist Lawrence Venuti, translation is "a process by which the chain of signifiers that constitutes the source-language text is replaced by a chain of signifiers in the target language which the translator provides on the strength of an interpretation" (Venuti 1995: 17). Its aim is: "to bring back a cultural other as the same, the recognizable, even the familiar; and this aim always risks a wholesale domestication of the foreign text, often in highly self conscious projects, where translation serves an appropriation of foreign cultures for domestic agendas, cultural, economic, and political." (Venuti 1995: 18)

In Venuti's view, the viability of a translation is established by its relationship to the cultural and social conditions under which the translation is produced and read.

2. Literary Translation

Of all the types of translation, literary translation has engaged the most persistent minds of theorists such as Landers, Bush, Lambert, Newmark. All have been concerned with the process of literary translation, the translator, the reader. They have come up to several considerations about this type of translation and especially treating it indispensably related to culture.

- According to Landers, literary translation “lets one consistently share in the creative process of translation” (Landers 2001: 4-5); "literary translation entails an unending skein of choices" (Landers 2001: 9).
- According to Bush, literary translation is "an original subjective activity at the center of a complex network of social and cultural practices" (Bush 1998: 127).
- According to Lambert, "a published translation is the fruit of a substantial creative effort by the translator, who is the key agent in the subjective activity and social practice of translation."
First, literary translation has to do with a text, which in turn implies reading, repeated research and enables the translator to identify patterns important for the process of conveyance. Therefore, literary translation is an imaginative rewriting of the existent patterns making new ones in a different language based on a personal reading, interpreting and activity of the translator, based on what he believes it is the intention of the original author.

Second, the previously mentioned idea means that, the process of literary translation is different from translator to translator, because what one translator imagines to convey is inevitably different from what another does. Moreover, the process is influenced by the particular work chosen for translation. Thus, the reader is introduced to several versions, imaginary thinking and activity and can create an idea of how much has one translator been accurate and used language elegantly; how and how much has one tried to overcome the linguistic barriers maintaining the individuality of the source text author and the target text normal usage of language; how selective has one translator been in finding a representative work for translation or how much particular is the archetypal use of language or the feeling it invokes in the source culture.

Third, what the translator aims at is publication. Hence, we should think of an existent market for that literary translation. When we rewrite a chosen source-text, we want it to be seriously reflecting the thought, emphasis, style or rhythm and sound, if it is poetry. Thus, we aim at producing new patters with the same moral and aesthetic power of the ST, pleasing while read, informative and functional but most importantly accurate and economically written. This means that all patterns, involved in a ST, entering the process of transference from one language / culture to another, should not be neither overestimated nor underestimated. They should meet the same rates of function, accuracy and aesthetics of the ST patterns. Particularly, when it comes to elicit all the connotations, poly-semantic words and expressions, adapting cultural metaphors or transforming fictional proper names maintaining their meaning and morphological features.

Finally, we can’t always define the conditions the translation process will take place, be evolved or investigated. There are many literary works which are imported from one language / culture to another so, we should employ in studying systematically the core issues in the development of literatures. Literary translation is not an exact science, like math, it does not have the right answers built on formulas. It is mainly of subjective essence and as such it must be considered open to several alternatives and each alternative is assigned as the solution to one problematic. Many are the problematic of translation. We all should seek for publication. Translating for pleasure is one thing, but if we are dedicated to our work we should share this with our target readers or critics; we should fulfill the need to get an analysis of the strategies we have followed or explain the dynamics of culture and traditions, we need to relate to the target reader in seek of communication, discourse and descriptive research. Therefore, we can create a profile of the literary work translated in a new established environment, watch it grow up or understand how much of the problematic it occupies and if it incites interest to the target reader, critic and to the theory of translation as a whole. All cultures have norms and models. We should make these norms and models meet to understand the real dynamic change of language. One literary translation is a cultural product of a certain era, evolved in a significantly changing environment, influenced by cultural factors.

3. Culture-Specific Items in Literary Translation

Many theorists have been engaged in defining culture, it relation to the translated text and treating the culture-specific items.

- In 1984 Larson defines culture as “a complex of beliefs, attitudes, values, and rules which a group of people share” (Larson 1984: 431).
- In 1998, Newmark remarks that culture is “the way of life and its manifestations that are peculiar to a community that uses a particular language as its means of expression” (Newmark 1998: 94)
- Schmitt in 1999 maintains that culture is composed of “everything that a person should know, be able to feel and to do, in order to succeed in behaving and acting in an environment like somebody from this environment” (Schmitt 1999: 157 cited in Gambier, 2004: 33-4).
- In 1997, Shuttleworth argues that cultural translation is a term used to refer to those types of translation which act as a tool for cross-cultural or anthropological research.
- According to Nida and Taber, cultural translation is “a translation in which the content of the message is changed to conform to the receptor culture in some way, and/or in which information is introduced which is not
linguistically implicit in the original" (Nida and Taber 1969/1982: 199).

- Larson notes that "different cultures have different focuses. Some societies are more technical and others less technical." This difference is reflected in the amount of vocabulary which is available to talk about a particular topic (Larson 1984: 95).

- Newmark also introduced ‘cultural word’ which the readership is unlikely to understand and the translation strategies for this kind of concept depend on the particular text-type, requirements of the readership and client and importance of the cultural word in the text (Newmark 1988: 96).

- Baker refers to such cultural words and concedes that the SL words may express a concept which is totally unknown in the target culture. She points out that the concept in question may be "abstract or concrete, it may relate to a religious belief, a social custom, or even a type of food." Baker then, calls such concepts ‘culture-specific items’ (Baker 1992: 21).

- Nord uses the term ‘cultureme’ to refer to these culture specific items. He defines cultureme as "a cultural phenomenon that is present in culture X but not present (in the same way) in culture Y" (Nord 1997: 34).

- Gambier also refers to such concepts as ‘culture-specific references’ and asserts that they connote different aspects of life such as education, politics, history, art, institutions, legal systems, units of measurement, place names, foods and drinks, sports and national pastimes, as experienced in different countries and nations of the world. (Gambier 2004: 159)

- The point in regard to the systematic way of translating a literary text is that "in each period of time the degree of loyalty with regard to interpretation and translation of literary texts varies regarding the three points of author, reader, and the text." Therefore, the literary translator has to know well the critical approaches as well as their underlying structure (Abassi 2005: 32).

It results that, culture is essential to understanding all the implications of the literary translation. The translator should be well aware of the beliefs, attitudes, values and rules of the source culture, to understand them pro se and to adequately translate them in the target culture. But translating culture-specific items is a complex experience; we should feel ourselves as being part of the religious, political, historical and traditional customs and usage of the source culture. Anyway, we should consider that even a source reader might not be acquainted with the cultural ideas present in a translated text and thus feel its own culture foreign and consider the present text a necessary pit of information and communication. As a result, the translation message can produce the same mental reaction to different readers, the same or different physical or emotional response due to a foreign stimulus of the source text to them, same or different cultural experiences meet and change the way the reader reacts or behaves in relation to the message conveyed. So the translator should convey culturally the content and the intent of the source message no matter if the receptor reader will decode it according to its own experience or culture.

Also, the translator should know that if both cultures are similar the probability to find a proper equivalent is higher than in the case of different cultures. So the translator should be careful in not distorting the meaning of a cultural term, especially in the case of metaphorical, idiomatic or proverbial use. There are cases when cultural achievements have been made by one or more cultures, and this cannot be adequately transferred into another culture where this achievement is not present. But anyway, there are other components besides culture, such as extra contextual distinguishing components which remind us of the motivation and the linguistic level of readership. These are important as well, but persisting on culture-specific items means just recognize that there are elements deriving from a cultural approach significant in translating literary texts and in the process of communication.

Finally, the translator must be not only bilingual but bicultural, if not indeed multicultural to succeed in the cultural transposition of a literary work. In this way the literary text translated becomes a magnum opus which can even surpass the original in terms of quality, but that remains an exact replica of the original indeed. This does not mean that it is imperfect, on the contrary, it makes the text accessible to the target reader and expands new boundaries of language. Reshaping without remaining stubbornly faithful to the original language, avoiding redundancy, makes the literary work respire and present itself without frustration to the target reader. The target reader then accepts the literary work gradually. It is its own culture that will provide the appropriate state of naturally embracing the unfamiliar text, because what is more important than the translation theory is the intuition and sense of language. The literary translator will just be the hawk-eyed editor especially with the culture-bound wording. Culture-specific items are a bulk of independently cultural structures which evolve in the course of historical, political and traditional development of a society; they enrich the language and therefore the texts where language is used; they help overcome linguistic and aesthetic boundaries between languages and nations; they make people come out of strictly-framed formations and help them communicate and emphasize remarkable ideas about ways of accepting one onus: interrelate and procreate words, feelings... cultures.
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The Observance of the International Acts from the Albanian Penal and Procedural Penal Legislation in Consideration to the Juvenile Protection

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Abstract

The juveniles’ right bore and is getting developed as a very important branch of the law. The principals that should be followed to respect the juveniles’ rights in the normative and institutional aspect dwell there. The foundations of these principals are placed in many international acts, specific for the juveniles. This work aims to fulfill a comparative study between the international legislation and that of the Albanian state, in protection of the juvenile. The aim is a two-folded one: firstly to observe up to what stage the Albanian legislation guarantees this protection keeping in mind the international standards and secondly to identify in the specific internal laws of the Albanian government the provisions that ensure the juvenile protection. It cannot be spoken of a mere juvenile justice system in Albania that not only can recognize their rights but also execute them accurately. The first step made toward this direction is the recognition of these rights in the Albanian legislation, the ratification of different international acts in protection of the juvenile. The circle of the rights presented to the children in the internal juridical order in Albania is growing. It is of a great importance that even in Albanian the branch of the juveniles’ rights can be observed as a special branch of the justice in general with its own principals accompanied by a convenient judicial practice. This, in order that the juvenile (mainly the delinquent juvenile), can have reliefs to grow up and get developed within the social community where he lives. The internal laws that will be analyzed are: The Constitution, The Penal Code and The Code of Penal Procedure of the Albanian Republic.

Keywords: juvenile, juveniles’ law, comparison of legislations, guaranties and the assured protection within the internal laws.

1. Introduzione

La delinquenza minorile rappresenta un fenomeno sociale molto importante e un problema criminologico affrontato in continuazione da studiosi ed esperti⁴. La società albanese, nel suo attuale stato di sviluppo, si trova di fronte a una dualità di generazioni, ove i giovani d’oggi stanno crescendo con una mentalità diversa da quella delle generazioni precedenti. I fattori socio-economici sono evoluti e cambiati drasticamente, soprattutto dopo gli anni ’90, contribuendo alla trasformazione del fenomeno di delinquenza minorile rispetto a come si presentava prima. In queste condizioni, è di massima importanza adottare un sistema legale appropriato per il trattamento del minore delinquente e del fenomeno della delinquenza minorile in generale.

Nel corso di questi due decenni, lo stato albanese ha elaborato la sua legislazione, introducendo principi e strumenti che, benché operanti all’interno del processo penale ordinario, consentono un approccio del minore indagato e imputato orientato alla finalità di recupero mediante la sua rieducazione ed il suo reinserimento sociale. Di conseguenza, l’insieme dei diritti che sono riconosciuti ai minori nell’ordinamento giuridico interno è aumentato in modo considerevole, specialmente in seguito alla ratifica degli atti internazionali a tutela dei diritti dei minori dallo Stato albanese. Comunque, in Albania, ancora non si può parlare di un vero e proprio sistema di giustizia minorile che non solo riconosca i diritti dei minori, ma che ne garantisca anche l’applicazione.

2. Una breve panoramica storica della legislazione penale riguardante i minori in Albania

Il concetto “minore” nella legislazione penale albanese, ha subito dei cambiamenti frequenti a secondo le circostanze storiche.

1. La legge penale ottomana, sanciva nell’articolo 40:
   - Il reo che non ha compiuto i tredici anni non può essere condannato penalmente, ma si pone sotto cura

⁴ Art. 8 della Legge n. 253 del 24 dicembre 1946 “Disposizioni generali penali”, entrato in vigore dopo la seconda guerra mondiale.
dei genitori, tutori, oppure si rinchiude in un centro di correzione;
- Il reo dell’età dai tredici fino ai quindici anni, può essere condannato da 5 – 10 anni di carcere quando comette un delitto che è punibile con la pena di morte, l’ammanettamento o l’ergastolo;
- Per il reo dell’età dai quindici fino agli anni diciotto, la pena più grave non può superare i 15 anni di reclusione e quella più bassa non può superare la metà della pena prevista, a seconda della disposizione.

2. Il codice penale del Regno d’Albania del 1928 sanciva negli artt. 54 e 56 l’età minima per l’imputabilità quella di dieci anni e l’età massima quella di diciotto anni. L’art. 54, comma 1, di questo codice stabiliva che “non è imputabile colui che nel momento della commissione del reato non ha compiuto dieci anni”. Si applicavano misure sanzionatorie diverse per i minori colpevoli di reato dell’età dai dieci fino ai quindici anni e diverse per i minori colpevoli di reato dell’età dai quindici fino ai diciotto anni.

3. La legge n. 253 del 24 dicembre 1946 in materia di “Disposizioni generali penali”, stabiliva l’età minima di quattordici anni per considerare un minore imputabile. Per i reati di rapina, lesioni gravi, omicidio, i reati contro lo stato e il popolo, il sabotaggio economico, era imputabile anche il minore di dodici anni.


5. Il codice penale del 1952 aveva previsto l’età minima di quattordici anni per considerare un minore imputabile. Se il minore degli anni quattordici era considerato socialmente pericoloso, poteva essere sottoposto alle misure di educazione. L’art. 19 di questo codice sanciva il divieto della pena di morte per i minori che nel momento in cui avevano commesso il reato, non avevano compiuto i diciotto anni.

6. Il codice penale del 1977, aveva stabilito l’età minima di 14 anni per essere considerato imputabile un minore. L’art. 12 di questo codice sanciva il divieto della pena di morte per i minori che nel momento in cui avevano commesso il reato, non avevano compiuto i diciotto anni.

7. Il codice penale vigente, entrato in vigore il 1 giugno 1995 (art. 12) sancisce:

Non è imputabile chi, nel momento in cui ha commesso il delitto, non aveva compiuto i quattordici anni.
Non è imputabile chi, nel momento in cui, ha commesso la contravvenzione penale, non aveva compiuto i sedici anni.

Si può notare che la legislazione penale albanese nel corso degli anni ha sempre stabilito un’età minima riguardo all’imputabilità del minore. Il minore colpevole di reato non è stato soggetto della pena di morte. Si nota anche che l’età minima per essere considerati imputabili i minori autori di reato, è stata generalmente quella di quattordici anni. Questa minima età è stata stabilita tenendo in conto fattori tali come la capacità intellettuale dei minori, la loro maturità e le condizioni sociali. La valutazione di questi fattori ha servito per stabilire l’abilità di un minore di riconoscere quale azione comporta un reato e quale no.

3. I diritti dei minori e rilevanza costituzionale

Dopo la caduta del sistema comunista, l’adozione del codice penale e quello di procedura penale nel 1995 e della nuova Costituzione nel 1998, in Albania finalmente si è iniziato a parlare anche di diritti dei minori, diritti menzionati prima di tutto nella Costituzione albanese, entrata in vigore il 28 novembre 1998, la quale conforme all’art. 116 della stessa, costituisce la legge fondamentale dello Stato, sul rispetto della quale devono ispirarsi tutte le leggi dello Stato.

La rilevanza costituzionale del minore trova il suo fondamento nell’art. 3 della Costituzione della Repubblica d’Albania, secondo cui i diritti umani (comprese quelle dei minori) sono valori fondanti dello Stato che prende in carico di proteggere e rispettare.

La Costituzione albanese riconosce e garantisce tali diritti e libertà dell’uomo, sia come singolo sia all’interno delle

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2 Artt. 7 e 8 di questo codice penale.
3 Art. 6 del codice penale del 1952.
4 Questa minima età era prevista dall’art. 7 di questo codice penale.
5 Tale disposizione normativa è del tutto coerente con l’art. 1 della Convenzione sui Diritti dell’Infanzia.
6 In conformità a quest’articolo, al primo livello della gerarchia delle fonti del diritto nell’ordinamento giuridico albanese si pone la Costituzione e al secondo, i trattati internazionali. In conformità all’art. 122 della Costituzione albanese, i trattati internazionali ratificati hanno efficacia immediata.
7 Articolo 54 della Costituzione della Repubblica d’Albania.
formazioni sociali ove sviluppa la sua personalità. Una di queste formazioni è la famiglia, la quale prende cura del minore dalla nascita fino alla sua maturità, per far in modo che lui sia capace di vivere la vita in maniera indipendente. Ai minori si garantisce una protezione speciale da parte dello Stato. È questo momento di massima importanza perché, quanto più lo Stato prende cura dei minori e della loro educazione, maggiori saranno i profitti della società, perché i minori di oggi saranno i cittadini di domani. Per raggiungere questo scopo è necessario costruire un sistema legislativo efficace e non solo, ma anche le strutture necessarie all’interno delle quali le norme sono materializzate. Questi principi di base sono specificati in altre leggi come il codice di famiglia della Repubblica d’Albania, il quale nella sua interezza è guidato dal principio del superiore interesse del minore, principio base della Convenzione sui Diritti dell’Infanzia in conformità all’articolo 3 della stessa.

In conformità con la normativa internazionale, specialmente con le convenzioni ILO 138 e 182, l’articolo 54, comma 3, della Costituzione albanese elenca una serie di divieti e garanzie in materia di protezione dei bambini dalla violenza, abusi, sfruttamento e l’utilizzo per il lavoro, soprattutto sotto l’età minima, con lo scopo di procurare ai minori un normale processo di crescita, sia fisico sia psicologico e morale. A questo proposito, il codice di lavoro dell’Albania specifica in maniera dettagliata le garanzie per la tutela dei minori nei rapporti di lavoro.


La Costituzione albanese presta particolare attenzione ai casi di privazione della libertà e la necessità di rispettare i diritti delle persone private della libertà. Così l’art. 27, comma 2, della Costituzione in materia di casi della limitazione della libertà di una persona, afferma che la libertà di una persona non può essere limitata, ad eccezione dei seguenti casi:

d) la vigilanza di un minore a fini d’istruzione o per scortarlo a disposizione dell’autorità competente.

Quest’articolo è in conformità all’art. 5 della Convenzione Europea per la Salvaguardia dei Diritti dell’Uomo e delle Libertà Fondamentali. Inoltre, i casi di restrizione della libertà dei minori sono previsti in leggi speciali come il codice penale e il codice di procedura penale. Il codice penale prevede anche la protezione giuridico-penale del minore dai reati diretti contro di lui.

4. Analisi comparativa della normativa internazionale a tutela dei minori e la legislazione penale albanese

L’imputabilità, la differenziazione nel trattamento durante il procedimento penale e nel sistema delle pene per i minorenni e per gli adulti, la specializzazione dei soggetti istituzionali che operano nel processo minorile, rappresentano i principi della normativa internazionale a tutela dei minori sui quali prende forma la giustizia minorile.

L’art. 40, comma 4, della Convenzione sui Diritti dell’Infanzia (così come gli artt. 52-59 delle Linee guida di Riyadh e l’art. 2, comma 3, delle Regole Minime delle Nazione Unite sull’Amministrazione della Giustizia Minorile) stabilisce che Gli Stati Parti si sforzano di promuovere l’adozione di leggi, di procedure, la costituzione di autorità e di istituzioni destinate specificamente ai minori sospetti, accusati o riconosciuti colpevoli di aver commesso reato.

Il legislatore albanese, dopo aver ratificato questa Convenzione, ha incluso nel codice penale e quello di procedura penale numerosi principi, i quali forniscono sufficienti garanzie per i minori e creano un trattamento differenziato a loro favore quando sono soggetti di un processo penale. È un fatto di massima importanza poiché queste norme obbligano le autorità giudiziarie di procedere penale di trattare i minori delinquenti in maniera diversa dai maggiori. Comunque, non esiste ancora in Albania un sistema di giustizia minorile in conformità con la normativa internazionale (Convenzione sui Diritti dell’Infanzia, le Regole Minime delle Nazione Unite sull’Amministrazione della

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8 La promozione e la tutela dei diritti dei minori è un obiettivo dell’Unione in conformità all’art. 24 della Carta dei diritti fondamentali dell’Unione Europea.
9 Resa esecutiva in Albania con legge n. 8086 del 13.03.1996, pubblicata nella gazzetta ufficiale n. 6, p. 261.
11 Da ora in poi citato come Linee Guida di Riyadh.
12 Resa esecutiva in Albania con legge n. 8137 del 31.07.1996, pubblicata nella gazzetta ufficiale n. 20.
13 Da ora in poi citato come Regole di Pechino.
15 Art. 290 del codice di procedura penale albanese.
Giustizia Minorile, le Linee Guida delle Nazioni Unite sulla Prevenzione della Delinquenza Minorile e le Regole delle Nazioni Unite per la Protezione dei Minori Privati della Libertà), a cui fare ricorso in alternativa al giudizio.

In questa parte del lavoro ho cercato di fare un’analisi comparativa tra i principi della normativa internazionale a tutela dei minori e la legislazione penale albanese (codice penale e codice di procedura penale) riguardo ai diritti dei minori autori di reato.

L’art. 40, comma 4, lettera (a) della Convenzione sui diritti del minore prevede la definizione di una età sotto la quale i minorenni devono essere considerati non capaci di infrangere la legge penale. Lo stesso principio è stabilito dall’art. 4 delle Regole di Pechino, ove è richiesto di stabilire un minimo di età per l’imputabilità tenendo conto della maturità affettiva, mentale e intellettuale. La definizione di questa età è prevista dall’art. 12 del codice penale dell’Albania, sopra-citato. L’art. 41 del codice di procedura penale albanese obbliga il pubblico ministero e il giudice di accertare l’età della persona, poiché, per l’imputabilità occorre provare che la persona sottoposta alle indagini abbia raggiunto i quattordici anni se ha commesso un delitto e i sedici anni nel caso in cui ha commesso una contravvenzione penale. Quando vi è incertezza sulla minore età, l’autorità processuale dispone, anche d’ufficio, la perizia. La minore età è presunta, qualora, anche dopo la perizia, permangano dubbi. Per l’autorità processuale, l’accertamento dell’età è importante in primo luogo per decidere se il soggetto che ha commesso reato sia minore o meno e in secondo luogo se trattasi di minore imputabile o meno. Nel caso in cui si stabilisce che il minore non ha raggiunto l’età minima per essere considerato imputabile, l’organo d’accusa, ossia, il pubblico ministero, dispone tramite decreto motivato a non esercitare l’azione penale. Il codice di procedura penale dell’Albania non prevede l’accertamento della capacità di intendere e di volere oltre all’accertamento dell’età. Questa capacità non è stata prevista neanche dalle disposizioni generali del codice penale.

L’art. 40, comma 2, della Convenzione sui Diritti dell’Infanzia stabilisce delle garanzie che devono essere riconosciute ai minori dagli Stati Parti. In conformità a quanto stabilisce questa convenzione, l’art. 7 delle Regole di Pechino sancisce che ai giovani devono essere assicurate sempre garanzie procedurali di base quali la presunzione di innocenza, il diritto alla presenza del genitore e del tutore, il diritto alla notifica delle accuse, il diritto al confronto e riconosciuti ai minori dagli Stati Parti. In conformità a quanto stabilisce questa convenzione, l’art. 7 delle Regole di Pechino definisce l’età imputabile, l’organo d’accusa, ossia, il pubblico ministero, dispone tramite decreto motivato a non esercitare l’azione penale. Il codice di procedura penale dell’Albania non prevede l’accertamento della capacità di intendere e di volere oltre all’accertamento dell’età. Questa capacità non è stata prevista neanche dalle disposizioni generali del codice penale.

- Il minore non può essere perseguito, accusato o riconosciuto colpevole di reato penale a causa di azioni o di omissioni che non erano vietate dalla legislazione nazionale o internazionale nel momento in cui furono commessi. Questa garanzia trova espressione nell’art. 2 del codice penale albanese dove è sancito quanto segue: "Nessuno può essere riconosciuto colpevole di un reato che non è già previsto nella legge come delitto o contravvenzione penale. Nessuno può essere punito con pene che non sono stabilite dalla legge".

- Il minore deve essere considerato innocente fino a che la sua colpevolezza non sia stata legalmente provata. Questo principio è previsto dall’art. 4 del codice di procedura penale albanese, secondo il quale, l’imputato si ritiene innocente sino alla condanna definitiva.

- Il minore deve essere informato sollecitamente e direttamente delle accuse a suo carico, o all’occorrenza, tramite i suoi genitori o tutori. Questo principio è rispettato dall’art. 34, comma 1, del codice di procedura penale albanese che sancisce il diritto dell’imputato di essere informato sulle accuse a suo carico, però tale articolo si riferisce all’imputato in generale e non all’imputato minorenne in particolare.

- Il minore deve avere la propria causa istruita senza indugi da un organo giudiziario o da un’autorità competente, indipendente e imparziale in un’udienza equa e conforme alla legge. Il codice di procedura penale albanese stabilisce che il tribunale è indipendente, imparziale, precostituito per legge, le cui decisioni si prendono di seguito alle prove analizzate in udienza (art. 3 di questo codice).

- Il minore non deve essere obbligato a testimoniare o a confessarsi colpevole. Gli artt. 38, comma 2, e 166 del codice di procedura penale d’Albania, riferendosi all’imputato in generale, riconoscono il diritto di costui di non sottoporsi a metodi che influiscono sulla libertà di agire e di pensare e di essere interrogato con il suo consenso.

- Il minore ha il diritto di interrogare o far interrogare i testimoni a carico e ottenere la comparizione e la deposizione dei testimoni a discarico, in condizioni di uguaglianza. Nella fase del giudizio, secondo il codice di procedura albanese, le parti chiedono le prove e le quali si formano come tali in sede dibattimentale (artt. 151, comma 2, e 359 di questo codice).

- Il minore ha il diritto di avere assistenza legale. Questo principio, di estrema importanza, è previsto dall’art. 35,

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comma 1, del codice di procedura penale della Repubblica d’Albania, riferendosi però all’imputato in generale. Inoltre, il codice di procedura penale dell’Albania prevede un’ulteriore garanzia riconoscendo che l’assistenza legale per i minori di 18 anni è obbligatorio (art. 49, comma 2, di questo codice). In quanto a questo diritto, l’imputato A. L, in età minorenne ha ricorso alla Corte Costituzionale della Repubblica d’Albania chiedendo di dichiarare non conforme ai principi della Costituzione la delibera del giudice di primo grado del Tribunale Distrettuale di Argirocastro, della Corte d’Appello d’Argirocastro e del Collegio Penale della Corte Suprema di Albania, perché era stato interrogato dalla Polizia Giudiziaria senza un avvocato. La Corte Costituzionale ha costatato che al minore non era assicurato l’assistenza legale al primo momento dell’interrogatoria, ma durante la stessa. In questo modo la Corte ha stabilito che al minore non era stato negato il diritto di essere assistito da un difensore. Le dichiarazioni dell’imputato minorenne durante l’interrogatorio senza assistenza legale sono uguali a quelle date nella presenza del difensore, per questo motivo la violazione accaduta all’inizio del processo penale non è di quel grado da violare il giusto processo17. Non sarei d’accordo con questa decisione della corte costituzionale perché la violazione accaduta all’inizio del processo è di tale natura che infrange i diritti riconosciuti al minore processato penalmente dalla normativa internazionale a tutela dei minori. Soprattutto, violazioni del genere non possono essere giustificate in un paese come l’Albania che tuttavia non ha costruito un sistema vero e proprio di giustizia minorile.

- Il minore ha il diritto di essere assistito dai genitori o dai tutori. L’art. 35 del codice di procedura penale albanese stabilisce il diritto dell’imputato minorenne di essere assistito dai genitori o da altre persone da lui indicate durante il processo penale a suo carico.

- Il minore ha il diritto di avvalersi dell’assistenza gratuita di un interprete, qualora non sia in grado di parlare o di comprendere la lingua utilizzata. Tale principio è stato previsto dagli artt. 8, comma 2, e 123 del codice di procedura penale albanese. Riferendosi all’imputato in generale, questi articoli riconoscono il diritto dell’imputato di essere assistito da un interprete per essere informato sulle accuse a suo carico.

- Il minore ha il diritto di avere il pieno rispetto della sua vita privata in tutte le fasi del procedimento. In quanto a questo principio la legge albanese prevede delle garanzie sull’identità e le fotografie dell’imputato o del testimone minorenne (art. 103 del codice di procedura penale), sia durante la fase delle indagini preliminari sia quella del giudizio. Durante quest’ultima, il giudice può disporre di vietare al pubblico e alla stampa l’accesso alla sala d’udienza quando è ritenuto opportuno durante la testimonianza dei minori (art. 340 del codice di procedura penale). Questo principio è stabilito anche dall’art. 6, comma 1, della Convenzione Europea per la Salvaguardia dei Diritti dell’Uomo e delle Libertà Fondamentali e in quanto a questo, la legislazione albanese è in conformità con gli atti internazionali riguardanti questi diritti. Il codice di procedura penale d’Albania, art. 361, presta attenzione al momento in cui vengono interrogati i testimoni minorenni, nella fase del giudizio. Tenendo conto della loro età e del modo in cui percepiscono i fatti, quest’articolo stabilisce che il testimone minorenne deve essere interrogato dal giudice che presiede la sessione del tribunale. Il giudice può essere assistito durante l’interrogazione da un familiare del minorenne oppure da uno specialista in materia di educazione dei bambini (un insegnante, un assistente sociale o uno psicologo specializzato nel trattamento dei minori). La legge penale presta attenzione allo stato psicologico del minore perché non si nuoci dalle domande delle parti in giudizio. Quando la domanda diretta non nuoce il minore psicologicamente, questa potrebbe essere rivolta secondo la procedura normale.

- Se considerato colpevole di aver infranto la legge penale, il minore ha il diritto di presentare appello contro tale pronunciamento e qualsiasi provvedimento ad esso conseguente presso un’istanza giuridica o a un’attività competente, indipendente e imparziale di grado più elevato, come stabilito dalla legge. Queste garanzie sono previste dagli artt. 410, commi 1 e 3, del codice di procedura penale dell’Albania. La Corte Suprema della Repubblica d’Albania riferendosi al caso dell’imputato minorenne B. H. assistito da un difensore nominato d’ufficio dal tribunale di primo grado di Durrazzo ha concluso: “Non è più necessario che quest’ultimo tramite atto di nomina del difensore dell’imputato, presenti appello contro la sentenza di primo grado. Per ricorrere all’appello è sufficiente che il difensore sia stato nominato d’ufficio durante il processo penale come tale18".

L’art. 10 delle Regole di Pechino, stabilisce che quando un giovane viene arrestato, i suoi genitori o il tutore dovranno essere immediatamente informati del suo arresto e, quando ciò non è possibile, sarà data loro notizia nel più

breve tempo. L’art. 255, comma 4, del codice di procedura penale d’Albania stabilisce la stessa garanzia, obbligando la polizia giudiziaria di informare immediatamente i genitori o il tutore dell’arresto o il fermo del minore. Il 3° comma dello stesso articolo riconosce la competenza del pubblico ministero di ordinare la detenzione del minore arrestato presso il suo domicilio o in un altro luogo protetto.

L’art. 13.1 delle Regole di Pechino stabilisce che la detenzione preventiva può essere una misura usata come ultimo mezzo e la sua durata deve essere la più breve possibile, offrendo altre possibilità quali la sorveglianza, un aiuto molto attento o l’affidamento ad una famiglia, a un istituto o ad un focolare educativo19. Nel codice di procedura penale dell’Albania queste garanzie non sono riconosciute esplicitamente ed esclusivamente al minore detenuto, non si prevedono i limiti per la durata della custodia cautelare in carcere che siano più favorevoli in confronto ai detenuti adulti, soprattutto mancano le misure alternative alla detenzione in materia di misure cautelari. La legge n. 9090/2003 in materia di “La mediazione finalizzata alla conciliazione delle controversie” ha creato la possibilità di gestire i conflitti derivanti da compimento di contravvenzioni penali senza ricorrere al Tribunale (la mediazione penale, soprattutto per i minori, non è ancora applicata in Albania).

Il 4° comma dell’art. 13 delle Regole di Pechino stabilisce che i minori detenuti dovrebbero stare separatamente dagli adulti, mentre il 5° comma dello stesso articolo riconosce ai minori detenuti il diritto alla cura sociale, educativa, professionale, psicologica, sanitare e fisica in maniera personalizzata. L’art. 229 del codice di procedura penale dell’Albania indica al tribunale di non interrompere il processo educativo in atto del minore nel momento in cui applica la misura cautelare.

L’art. 16 delle Regole di Pechino stabilisce che l’autorità competente deve indagare sulle condizioni di vita, i precedenti del minore e le circostanze in cui è stato commesso il reato. In conformità a questa regola, l’autorità competente in Albania, il pubblico ministero o il giudice, acquisisce elementi circa le condizioni e le risorse personali, familiari e sociali dell’imputato minorenne al fine di accertarne l’imputabilità e il grado di responsabilità, valutare la rilevanza sociale del fatto e disporre le adeguate misure penali (art. 42 del codice di procedura penale dell’Albania).

Il 22° articolo delle Regole di Pechino punta nella specializzazione dei soggetti che operano nel sistema minorile. Combattuti, gli artt. 13 e 81 del codice di procedura penale dell’Albania stabiliscono che l’azione penale nei confronti dei minorenni verrà effettuato nelle sezioni per i minorenni presso i tribunali di primo grado, stabiliti con decreto del Presidente della Repubblica20. In conformità a questo principio, non solo i giudici, ma anche i pubblici ministeri e gli ufficiali della polizia giudiziaria che conducono le indagini preliminari su un minorenne, devono avere una specifica qualificazione non solo nel piano giuridico, ma anche in quello sociologico, psicologico, criminologico e in altre scienze che studiano il comportamento umano. Solo in questo modo si potrebbero rispettare pienamente i diritti dei minori. La legislazione penale albanese attuale non sancisce la necessità delle competenze professionali e formazione del personale che si occupa di minori, ancor di meno si può parlare di queste competenze per altre figure come gli avvocati difensori.

In conformità all’art. 20 delle Regole per la Protezione dei Minori Privati della Libertà21 sono gli artt. 11, comma 2, e 464 del codice di procedura penale dell’Albania. Al minore che ha commesso un reato, è garantito di essere dichiarato colpevole e condannato solo tramite la sentenza del tribunale competente (questa garanzia è riconosciuta all’imputato in generale e non si menziona il minore in maniera particolare). La sentenza si mette in esecuzione in seguito all’ordine emanato dal pubblico ministero. Di ordine, i minori scontano le pene di reclusione nei carceri minorili22.

L’art. 37 della Convenzione sui Diritti dell’Infanzia obbliga gli Stati Parti di garantire che, né la pena capitale, né l’ergastolo senza possibilità di liberazione debbano venire irrogate per reati commessi da persone in età inferiore ai 18 anni. La stessa garanzia è espressa dall’art. 31 del codice penale dell’Albania.

La reclusione si considera una pena di carattere principalmente penale, ma durante l’esecuzione della stessa, si notano gli elementi educativi riguardanti il suo obiettivo, cioè il reinserimento sociale23. Penso che sia arrivato il momento di superare quest’idea e di non considerare il minore delinquente come un semplice soggetto del processo penale, il quale deve essere sottoposto alla condanna. Il minore che infrange la legge e comette un reato è in fondo un essere umano ancora in via di sviluppo, un ragazzo o un adolescente che ha bisogno di cure speciali, che non potrà avere durante la reclusione.

19La creazione di queste sezioni è avvenuta con il decreto del Presidente della Repubblica n. 5351 del 11 giugno 2007. Attualmente, in Albania funzionano le sezioni penali minorili presso i Tribunali di Primo grado di 7 distretti giudiziali.
20Da ora in poi citato come Regole dell’Avana.
La normativa internazionale a tutela dei minori mira all’obiettivo che l’imprigionamento deve essere una misura estrema e di una durata limitata (art. 37 della Convenzione sui Diritti dell’Infanzia, l’art. 19. 1 delle Regole di Pechino, artt. 2, 15 e 16 della Raccomandazione (87) 20 del CE, artt. 2, 3, 5, 9, 10 della Raccomandazione (2008) 11 del CE24). Il codice penale albanese stabilisce che, per i minori di anni diciotto al momento in cui hanno commesso il reato, la pena di reclusione non può essere superiore alla metà della sanzione prevista dalla legge per il reato commesso (art. 51)25. L’art. 52 di questo codice stabilisce che il giudice, valutando la bassa pericolosità sociale del reato, le circostanze in cui è stato commesso e il comportamento precedente del minore, può astenersi dal pronunciare condanna. In questo caso, il giudice può disporre l’applicazione delle misure di sicurezza (collocamento in un riformatorio giudiziario). Con la legge n. 10 023/2008 sono state apportate alcune modifiche al codice penale introducendo le sanzioni sostitutive alla pena detentiva. Queste sanzioni sono la semidetenzione, la sospenzione condizionale della pena, l’affidamento in prova e la detenzione domiciliare (artt. 58-59/a del codice penale dell’Albania). Il legislatore non ha provvisto un apposito ordinamento nei confronti dei minori per non ricorrere alla carcerazione, in materia di sanzioni sostitutive alla pena detentiva.

L’art. 26 delle Regole di Pechino e gli artt. 79 e 80 delle Regole dell’Avana stabiliscono che le strutture nelle quali sono collocati i minori detenuti, dovrebbero avere una funzione educativa, comunicativa e riabilitativa, affinché siano in grado di avere un ruolo costruttivo e produttivo nella società26. La realtà albanese comunque si presenta diversa. Nella maggior parte dei casi, la punizione, l’esclusione, l’istituzionalizzazione, continuano a essere i modi per combattere la delinquenza minorenne.

Per i minori di età inferiore ai quattordici anni, l’art. 46 del codice penale d’Albania prevede la sistemazione in un istituto di riabilitazione (riformatorio giudiziario), come misura di sicurezza. Il giudice può disporre la sistemazione in tale istituto anche nel caso del perdono giudiziale27. Tale misura di sicurezza è stata prevista dalla legge, pero in pratica è inapplicabile. Durante il regime totalitario, nel dicembre del 1986 in Albania ha cominciato a funzionare la scuola di riabilitazione dei minori28. In questa scuola erano collocati minori delinquenti della fascia d’età dai 14 – 18 anni, di sesso maschile, dichiarati colpevoli dal tribunale e altri non imputabili, minori di quattordici anni che avevano commesso dei reati. I minori collocati in questa scuola erano sottoposti a un programma d’istruzione obbligatoria e a lavori diversi, soprattutto nel settore agricolo. La scuola ha cessato di funzionare nel 1991 dopo la caduta del sistema. Attualmente, in Albania non esistono le strutture riconosciute dallo Stato nelle quali si possano eseguire le misure di sicurezza e il tribunale per questa ragione non le provvede.


In conformità agli artt. 27 e 28 delle Regole dell’Avana, l’art. 10 della legge albanese n. 8328/1998 stabilisce che i detenuti minori devono essere trattati in maniera personalizzata a secondo delle circostanze psicologiche e sociali.

Nello stesso modo, l’art. 37 della stessa legge, in conformità all’art. 38 delle Linee guida di Riyadh, stabilisce il

24 La disposizione penale stabilisce la riduzione della pena di reclusione e non di quella pecuniaria. Quest’ultima si infligge in modo uguale sia per gli adulti che per i minori.


26 v sopraccitato.


L’art. 41 delle Regole dell’Avana raccomanda di facilitare ai minori l’accesso a una biblioteca con libri e altre pubblicazioni che siano educativi e ricreativi31, di informarsi tramite i giornali, le riviste, la televisione, ecc., (art. 62); di esercitare attività religiose e spirituali (art. 48). Questi diritti sono riconosciuti ai minori detenuti anche dalla legislazione albanese, concretamente dagli artt. 37, comma 3, e 32, comma 2, della legge n. 8328/1998.

La 5° sezione delle Regole dell’Avana presta attenzione alla formazione del personale che prenderà cura di questi minori, il quale dovrebbe essere in grado di affrontare i loro problemi e di includere figure tali come educatori, istruttori professionali, assistenti, assistenti sociali, psichiatri e psicologi. L’art. 32, comma 3, della legge albanese n. 8328/1998 sancisce che il personale dell’amministrazione penitenziaria deve essere addestrato nel campo dell’insegnamento.

5. Conclusioni

Lo stato albanese ha cercato dopo gli anni ‘90 di adottare una legislazione a tutela dei diritti umani mostrando particolare attenzione anche ai diritti dei minori. Rivolgendosi alla legislazione penale si notano i primi passi verso la nascita del sistema penale minorelne. A questo scopo sarebbe necessario di:
- Costruire un sistema differenziato di diritto penale minorelne che tende alla tutela dei minori in conformità alla normativa internazionale come la Convenzione ONU sui Diritti dell’Infanzia, le Regole di Pechino, le Linee Guida di Riyadh, le Regole dell’Avana e della normativa europea a tutela dei minori;
- Applicare delle misure alternative alla detenzione cercando di minimizzare l’imprigionamento del minore come il miglior modo per tutelare il suo superiore interesse;
- Specializzare tutti i soggetti istituzionali che operano nel processo minorelne, giudici, pubblici ministeri, ufficiali della Polizia Giudiziaria, avvocati, ecc.;
- Creare istituzioni di riabilitazione speciale per i minori di anni quattordici che hanno commesso dei reati;
- Provvedere delle misure a favore del reinserimento sociale dei minori condannati, dopo il periodo della reclusione.

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30 Nell’istituto penitenziario per i minorenni di Kavaja questa regola si sta applicando dal personale. In precedenza, ai minori detenuti non era offerto un servizio del genere.

31 This figure is based on random assumption with yearly average growth rate of 2%.
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Cosmology and World-View among the Bajau:
The Supernatural Beliefs and Cultural Evolution

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Abstract

The focal objective of this paper is to elucidate the cosmology and world-view among the Bajau society by focusing on certain symbols in death rituals namely the bangkai-bangkaian, duang and ngeduang as well as the mayang pinang and kelambu jomo matai. The existence of those symbols reveals that the Bajau believes in the supernatural beings and power. However, due to modernization, the phenomenon of cultural transformation has become massive and difficult to avoid, and has brought a new dimension in the way of thinking among the Bajau contemporary. Based on these symbols and rituals of death, the researcher sketches a model of Bajau cosmology. This qualitative study employs semiotic and nonverbal communication perspectives as well as the structural approach. The data has been obtained mostly by interviews and participant observation carried out at Kampung Kota Belud, Sabah, Malaysia. This study is expected to build a positive contribution in the effort to document and preserve traditional cultural heritage of the Bajau society.

Keywords: Bajau, Cosmology, World-view, Death Customs/Rituals, Supernatural Beliefs, Cultural Evolution

1. Introduction

The supernatural belief has become an important phase of life among traditional or primitive society. This kind of thinking system is well-known among people in Borneo, particularly among an ethnic inhabiting a state of Sabah, Malaysia, namely the Bajau. Fundamental belief that beside the body, a human is also consisting of spirit, and the notion that death will result in the transition from a human nature of a material form to a spiritual being that is immaterial based, clearly shows the community cosmology and world-view about the existence of supernatural beings and spiritual world. Such a scenario is not something strange or unusual, because when traced from the historical and background beliefs of society, before the advent of the world's great religions such as Islam and Christianity to Borneo, the life of traditional society is indeed coloured, characterized and back-grounded with the realm of animism. Universally, communities from all over the world build their own old belief systems, rooted in the primordial/primeval powers greater than they have. Before professing and embracing those religions, people have faith in something that is believed to possess supernatural powers, such as animals and other spiritual creatures, besides devoting themselves to the natural strength such as the sun, moon, wind, water, rocks, trees and so forth. The difference is that there are people who have experienced modernity earlier and have tendency to adapt with the world surroundings. Such phenomenon contributes in the formation of new thinking and cosmological ideas in the strive to create a more modern, progressive and competitive community.

For Borneon people, belief in supernatural beings and powers, that is mystical and spiritual based can be seen from the ritual activities that are often practiced. From most of the rituals, there are five significant aspects that are of widespread significance and receive broad attention as researched and stated by Winzeler (1993) regarding the belief symbols and rituals implementation namely; the fertility of rice, the beheading and the using of head, birds and the signs of omens, the healing and traditional medicine, as well as treatment of the dead. Such beliefs make the assistance from the middle persons or spirit mediums like the shaman, medicine man, bobohizan etc are deemly needed, and this scenario raises the status of those people among the society members. Among the Bajau community, this kind of people is referred to special humanbeings who have gimbaran.

This article is aimed to display the cosmology and world-view of the Bajau ethnic through some customary symbols and rituals performed, especially in the death custom. The data has been obtained by using interviews and participant observation. In an effort to understand the Bajau’s cosmology and world-view based on symbols in death
rituals as well as the application of the structural approach, the researcher discovers that there are some significant values and concepts that characterized the world-view and life of the Bajau. It covers systems of belief and religion, social, economy, psychology and genealogical history or biology; among them are the values of love and respect, cooperation and mutual assistance, *ukhuwah* and *silaturrahim* (human relationship), social status and hierarchy, the concept of *sedekah* (alms) and so forth. However, one of the prominent and dominant elements that influences Bajau traditional thinking is the belief in the supernatural beings and supernatural world. This justification is based on the rituals and symbols that dominate the behavior of Bajau in death matters; the symbols of *duang* and *ngeduang*, *bangkaian*, *mayang pinang* and *kelambu jomo matai*. The effort to clarify these issues is executed by tracking down the socio-cultural, socio-economic and psycho-cultural contexts of the Bajau that includes history and psychological aspects, as well as belief and economic systems.

2. **The Bajau in General**

As what had been said in most western writing or research on ethnic Bajau tribe, the Bajau or also known as the Sama, is grouped as boat nomads or sea nomads, which refer to people who have a close affiliation with the sea and boating life, and tend to live a nomadic way of livelihood. In addition to these terms, this community is also associated with several names, including sea gypsies, waju and variation of pronunciations and spellings of the term Bajau, as Badjaw, Bajo, Badjoo, Bajau and others. In Sulu, the Bajau is also known as Sama, Samal, Palau, Kaliaggeh and Luwaan. But despite the diversity of the names, the term Sama-Bajau is often used to refer to these ethnic tribal groups.

Geographically, the Bajau occupies several regions in Southeast Asia and becomes the indigenous people in three countries; the Philippines, Indonesia and Malaysia. In the Philippines, they can be found in the South or in the Sulu Archipelago, while in Indonesia, they settle in the east, especially along the coast of Sulawesi. In Malaysia, the Bajau mostly reside in Sabah. In this state, there are two major settlements of the Bajau community, namely the district of Kota Belud located on the West Coast as well as the district of Semporna, located on the East Coast. Apart from Kota Belud, the Bajau in the West Coast can be found starting from the Kudat Peninsula, Tuaran, Kota Kinabalu, Sepanggar, Putatan to Papar. In the East Coast, beside the town and the mainland of Semporna, the Bajau people also live in the islands such as Omalad Island, Danawan Island, Siamil Island, Bum-Bum Island and others. In spite of this, the Bajau people are also spreading across several other regions in Southeast Asia and perceived as the huge scattered ethnic groups who dominate the islands of Southeast Asia from ethnolinguis
tic point of view (Sather, 1997).

Demographically, the study by Sather (1997) about 15 years ago, estimated that the population of Bajau in the Malay continent was between 750,000 to 900,000 people. Therefore, it is not too overrate to say that nowadays the number of Bajau people on this continent is reaching more than one million people.\(^1\) According to Gusni (2005), the Bajau ethnic population in three countries, namely Malaysia, the Philippines and Indonesia alone is estimated to reach 860,000. In Malaysia itself, particularly in Sabah (including the Federal Territory of Labuan), the number of the Bajau is rated at 334,671 people\(^2\) (Yearbook of Sabah Statistics, 2005:16). In total, the Bajau on the East Coast is ahead of number, estimated at 169, 349\(^3\) people compared to the West Coast, which is figured at 165, 322\(^4\) people (Yearbook of Sabah Statistics, 2005: 16-18).

Writing and study of the Bajau origin can be traced since the middle of 20th century, including researchers such as David Sopher (1965), Najeeb M. Saleeby (in Yap Beng Liang 1993), Cyril Alliston (*ibid*), Helen Follet (*ibid*), Harry Arlo Nimmo (1969), James Warren (171; 1972) and Clifford Sather (1965; 1966; 1968; 1979). In the late 20th century to the present (21\(^{st}\) century), amongst top researchers who actively write and publish articles or books on the West Coast Bajau community, whether from within or outside the country are Yap Beng Liang (1985; 1990; 1993; 1997), Gusni Saat (2003; 2004; 2005; 2008; 2010), Mark Miller (2007) and Saidatul Nornis Mahali (1999; 2006; 2010; 2012). Nevertheless, until

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\(^1\) This figure is based on 2000 statistics, according to ethnic group and Sabah local authority area, and Federal Territory of Labuan. The figure includes the population of Labuan which is amounted at 3675 people and also of Malaysian citizen.

\(^2\) This figure includes the Bajau of Tawau residency (Tawau, Lahad Datu, Kunak, Semporna), and also Sandakan residency (Sandakan, Kinabatangan, Beluran, and Tongod.)

\(^3\) This figure covers the Bajau of the West Coast (Kota Kinabalu, Ranau, Kota Belud, Tuaran, Penampang and Papar), Kudat (Kudat, Kota Marudu and Pitas), remote areas (Beaufort, Kuala Penyu, Sipitang, Tenom, Nabawan, Keningau and Tambunan), and Federal Territory of Labuan.

\(^4\) To acquire detailed about the legendary tales, please refer to the studies done by Yap Beng Liang (1993), Sather (1997), and the latest study by Saidatul Nornis Hj. Mahali (2006).
now the research and writing about the West Coast Bajau, especially the chronology of this community may be somewhat less prolific.

As of today, issues concerning the origins of the Bajau have not yet found a definitive final say due to the imperfection of history records and the diversity of literature available regarding the matter. Based on studies that have been carried out previously, there are many classical theories associated with the origin of this society, among them are the state of Johor in the Malay Peninsula and the Riau-Lingga archipelago, and Zamboanga in Southern Philippines. Informations that support the argument that the Bajau community comes from Johor and the Malay Peninsula are derived from the legendary stories described by Cyril Alliston (in Yap Beng Liang 1993), Najeeb Saleeby (ibid), Hellen Follet (ibid), the Bajau people of Pulau Omadal, and the latest story of Bajau Kota Belud and the version of the Bajo story from Sulawesi Indonesia. The legend of the Bajau from Pulau Omadal stated that Bajau people were originally from Johor, then moved to Sulu and finally anchored in Sabah. Hellen Follet's (ibid) statement also stated that the Bajau were boat dwellers of the Malay Peninsula. Cyril Alliston (ibid) excerpt also explained that the Bajau was from Johor, as well as Najeeb Saleeby (ibid), which also suggested that before occupying Sulu, the Bajau came from Johor (Yap Beng Liang, 1993). Writings and researches by Sopher (1965) as well as demographic evidence from Earl and Tom Harrison also strengthen the theory which claim that the Bajau are from Johor (Gusni, 2005).

Meanwhile, the other opinion which claim that the Bajau people are from the Southern Philippines may be referred to the linguistic evidence, based on the comparative study of languages by James Collins (in Gusni Saat 2005), which argues that there are similarities between the dialects of Bajau people in Sabah with the Bajau people in Indonesia and in the Southern Philippines. Apart from the oral traditions that mention about 'Samboanga' as the origin of the Bajau, from a geographical view as well, the Bajau is said to begin moving from the island of Sulu, leading to the island of Borneo and proceeding to the island of Celebes in southern Philippines (Gusni, 2005). According to Gusni again (2005), the arguments and theories which claim that the Bajau people are from Johor are much stronger compared to Zamboanga.

Study on Land Bajau community conducted by Miller (2007) found that West Coast Bajau language is more akin to the Indonesian Malay language compared to the Philippines and Borneo languages family. These findings reinforce the hypothesis that was once said by Blust in 2005 which stated that Bajau people (proto-sama) are more likely come from Indonesia, which is located in East Kalimantan (Miller, 2007). Anchored to the fact that language is the foundation of civilization development, and one of the important cultural aspects in tracing cultural comparison between tribes, the author feels that the latest linguistic findings can be addressed. Miller's findings also confirm that although there are similarities, the Bajau language of the West Coast and East Coast are different. The language of the East Coast Bajau is more similar to the Bajau language of the Philippines. However, detailed examination regarding the chronology and the origin of the West Coast Bajau people are still necessary to prove the validity. This matter can only be finalized then if more of the same findings are obtained.

3. Bajau community in the district of Kota Belud, Sabah in general

The Kota Belud district has been chosen as the research location because it suits the research context and issues which are attempted to be carried out in this research. This is because the Bajau community in this area is still characterized by a traditional cultural backdrop to the present, in addition to the population size of the Bajau community in the area that dominates the figure of Bajau people along the West Coast of Sabah. Kota Belud district is located in the North West Coast of Sabah, about 77km from the capital state of Sabah, Kota Kinabalu, which is about an hour away by car. The area is bordered by the district of Tuaran, Kota Marudu and Ranau. The name Kota Belud originates from the Sama/Bajau language which means ‘the fort on the hill’. The district has also earned itself the nickname of ‘East Cowboy Town’, in honour of the residents’ skill in horse riding and because of the number of cows and buffaloes reared there (Halina Sendera & Saidatul Nomis, 2008). With an area of approximately 1.386 square kilometers, the Kota Belud district has a population of 75,568 inhabitants according to census 2000. From the total, the Bajau is estimated at 26,054, the second largest native group after the Kadazan Dusun with a figure of 32, 682 people (Yearbook of Sabah Statistics, 2005: 10-13). From the above source, it is clear that the majority of the population in Kota Belud is dominated by the Bajau and Kadazan ethnic group which are regarded as indigenous peoples and were among the earliest in the area. In addition, Kota Belud is also inhabited by the Iranun, Suluk, Ubian, Chinese and other ethnic groups (immigrants) from the Philippines and Indonesia.

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5 Dun begiang is a species of taro leaf forest
4. Symbols of death

Among the symbols of death that manifested the belief of supernatural beings and power among the Bajau of Kota Belud, Sabah are as the following:

4.1 Bangkai-Bangkaian

Bangkaian-bangkaian is symbolized as peturian (a bed or lounge) equipped with the deceased’s clothing and personal possessions when still alive. Bangkaian-bangkaian is prepared by the deceased’s family for a feast of seven days from the day of departure of the deceased to the otherworld. This is because the Bajau people believes that spirits of the deceased would come to his house to visit and see his family. The purpose of certain objects such as mirror that is placed on the bangkai-bangkaian is believed to make mangat (ghost) afraid and run when see his ugly terrifying image. Normally, goods will be donated to the deceased’s closest relatives. Symbolically, the preparation of bangkai-bangkaian is to signify a symbol of affection from the family members towards the deceased so that he did not feel marginalized eventhough he has left this physical world (Halina Sendera, 2012).

4.2 Mayang Pinang and Kelambu Jomo Matai

The use of flowers during a funeral ceremony can be seen not only during the Bajau death ritual because universally the world community are using the same object to color the atmosphere of death, funeral and for other purposes. For the Bajau community, they weave a flower called ‘mayang pinang’ for decorating the sangkab sangkab and the graveyard. Besides being used for decorative purposes, the flower also represents a symbol of love for those who have died. This is because there are individuals who are willing to stay up late at night in order to prepare the mayang pinang so it could be supplied together with the deceased, the newly died person. Mayang pinang is regarded as a gift or souvenir, not only for the individual who just died, but also to be delivered to those who have died before that. Based on the informant description, in the realm of the dead, mayang pinang is regarded as a kind of competition or reward among the dead people in their world (Halina Sendera, 2012).

Besides the mayang pinang, a symbol of love is also demonstrated through the preparation of kelambu jomo matai (net of the dead). It is made of bamboo used as a base or frame, and a white square formed cloth, by connecting parts of the reed-mate. It will be driven over the graves in order to protect the corpse from climate change and supernatural beings like the demon (ibid).

4.3 Duang and ngeduang

In Bajau culture, food symbolism can be clearly observed in the preparation of duang during the ngeduang ritual, which is usually performed during the grand feast on the seventh, fortieth, and hundreth day after the death, and upon anniversary of the death for those who can afford it. Duang is regarded as a sedekah (charity or alms), which is prepared in a form of serving various foods to guests. Traditionally, duang is wrapped in a leaf called dun begiang and then tembusa (a basket made from coconut leaf) take over the role of the leaf. Until today, tembusa still plays a role in placing or preparing duang although there have been other materials that play a similar function.

Symbolically, ngeduang means to feed the dead and help him or her to proceed to the next life in the nether world. Besides, it also means the giving of alms by the family of the dead to those who attend the feast, including the poor people and guests. Normally, duang contains some obligatory traditional foods, such as kuih sinsim, kuih jala, kuih penyaram, kuih berate, kalas, saging randang (banana fritters fried without floor), kuih wajid, inti (a sweet filling made from coconut and sugar cane) and also rice and various side dishes (Halina Sendera & Saidatul Nornis, 2008; Halina Sendera, 2012)). Duang represents a symbol of love and respect to family members and relatives who have died. In this understanding, the concept of duang exists because of the belief that spirits of the deceased need alms or aid for their survival in the new world. The concept of assistance (helping or fulfilling the need of the deceased) is also visible in other Asian cultural archipelago such as the studies done by Dzulfawati (2006), Metcalf (1991), Metcalf and Huntington (1979).

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6 Based on description by Mrs. Jubaidah Binti Mulud.
5. The Bajau Cosmology and world-view

Universally, the term cosmology is referred to the study of cosmos. Specifically, it is a study that involves complex issues regarding origin of the universe, i.e. cosmogony (Juli 2001; Singaravelu 2001; Hood 2001) and all aspects that related to world order including the existence of supernatural world and beings as well as sociocultural aspects because human beings are also part of the cosmos. Linked to this term is world-view which is defined as a cognitive-based perception or idea about the existence of something, and also concept about attributes, individual self as well as his or her social surroundings (Geertz 2008: 135). Dilthey also defined world-view or weltanshauung as "complex of ideas and sentiments comprising i) beliefs and convictions about the nature of life and the world ii) emotions, habits and tendencies based on these iii) a system of purpose, preferences and principles governing action and giving life unity and meaning" (Symonds 1991:15). The rituals and traditional practices in death customs are often associated with cosmology and world-view because the belief and practices related to death can provide a window for viewing a society's social organization, cultural values and world-view (Gang Chen 2000).

Previous researches which reveal the cosmology of the Borneo and Asian people demonstrate that the universe is divided into sections, layers or levels. The Melanau (Dzulfawati, 2006), the Brunei Dusunic (Pudarno Binchin, 1988), and the mainland Chinese/People Republic of China (Gang Chen, 2000) for example, divide the universe into three main compositions. From among the three communities, the Melanau and Chinese suggest that the death world is located at the very bottom, under the layer of human occupation of the land and the division also has several other compartments or layers. Meanwhile, the Dusunic of Brunei perceives that the world of the dead is located beside the real or physical world, but separated by a dividing line, termed as the batang goyoh. Indigenous communities, especially the Semai as studied by Juli Edoh (1993) and Ramle Abdullah (1993), believe that the universe is composed of seven layers and the spirits of the dead is located at the seventh layer. Meanwhile, the Timugon society (Raymond, 1982) believes that the world consists of two main compositions and the portion classified as supernatural also have specific compartments.

From the previous discourse and thorough analysis, it can be concluded that in Bajau cosmology, the universe is also divided into both the natural (material and physical) and the supernatural (immaterial and spiritual) world. This supernatural world has a number of parts and layers based on the creature settlements that inhabit particular areas. Before discussing in greater detail and sketching the Bajau cosmology, it needs to be addressed that the writer's idea regarding the status and parts of the world position is anchored or based on two intertwined primary aspects; the first being the nature of dependency or requirement of reciprocity between the creatures that are believed to inhabit and share this universe. The second aspect involves the question regarding the hierarchy of power or influence, that is the matter of superiority.

In this regard, it should also be noted that the mentioned cosmology is based on contemporary Bajau community ritual behavior, which of course has changed throughout time as the interpretation by A. Wahab Ali (2001:308) that cosmology is a science that reveals clandestine relation of the universe unification about an existence according to human perspective at a period of time, at a faith or belief and also at a society at times. This must be explained as the culture is well known for its dynamic nature. Precisely, because of that, cosmology is not static, constantly exposed to transformation that occurs as the saying goes, 'once the flood comes, once the coastal changes'. Environmental changes, patterns of thought and knowledge level would result in the transformation of the cosmology and world-view. Similarly, the influence of religion could also expand the horizon of society’s level of understanding and knowledge. However, it is interesting to look at that during an epoch that hit the threshold of post-modernism in the 21st century, the Bajau ritual behavior indicates that the basic structure has not changed much and still being preserved. Although Islam had been rooted in the life of Bajau Kota Belud since the 16th century (or at least before the colonization period at the end of 19th century), the animism world and belief still encircle their lives at least until this research has been done.

Based on the study, it can be concluded that, when reflected in a circle, the Bajau cosmology seems to have four levels or major compositions. God as referred as Latallah resides at the very top (fourth floor) perceived as filled with supernatural joy and beauty over everything on earth, which is deemed to be a paradise. In this place, He occupied the highest hierarchy or level based on the belief that He is the most powerful supernatural being and creator of all creations on earth and this universe. Latallah does not depend on any other creatures, including humans to sustain or complete his existence, but can punish or bless humans and other creatures based on their behaviors. In this supernatural world, there also live angels and malaikut, but they occupy layers below the Latallah.

The second level is reserved for the embo', namely the spirits who have passed away long time ago and no longer depends on the conducts or actions of human life for their survival in the new world. This explains why the ritual of ngeduang and preparation of the bangkai-bangkaian are no longer implemented for those who have passed away long
believed to be capable of threatening the peace, harmony and health of an individual as well as the society. These could bring calamity, threat or hardship to those who are still living.

medication that need certain rituals to be accomplished such as bathing on the grave indicates a belief that the dead depends on their treatment towards the deceased. The concept of soul in Sarawak. In this understanding, the acts of the Bajau also illustrate that the well-being of the living also believed to have adverse effects to the living as noted in the research done by Metcalf (1991) towards the Berawan prosperity. As well as able to provide prosperity, blessings and survival to the society, the soul is also feared and able to bless and to determine the fate of their children and grandchildren who are still alive so that they receive deceased? According to Chinese belief as been researched by Gang Chen (2000), ancestral spirits have the power or influence of the dead to the living. Does the Bajau make certain rituals without expecting reward or relief from the behavior of the living, they are still respected, feared and remembered among those who are still alive because their title or status and aura still continue to dominate the life and are able to control the actions of living persons. This is because they are believed to always keep eyes on their children, grandchildren or great grandchildren and would advise them if they commit wrong words or wrong behaviours/conducts. The concepts of keteguran or saksagan are synonymous in the life of the Bajau, and those who keteguran will get sick. As such, the Bajau always ask permission or assistance from the embo’ before doing something, like travelling, walking at night or rain and so on. The word that always goes in the beginning of a sentence when asking permission or demanding for an aid, is ‘tabi’-‘tabi mombo’ which means greetings to mombo’ / embo’. The practise of ngelog-ngelog is also often being used to avoid the wrath or anger of the embo’ by reciting a verse as follows:


“Ngelog-ngelog kam embo’, maka ampun maka maap jo bangan anak empu bi tu, luman kami tu, da kam nagur-nagur”?

In English language it means,

“Ngelog-ngelog o embo’, please bear us (your children, grand chidren or great grandchildren) forgiveness, we are on our way, do not call upon us”

Thirdly, it is a level in which the world is divided into the real world and the supernatural world. As previously mentioned, the real world is inhabited by humans and other concrete objects or events, while the spiritual world is inhabited by supernatural creatures. In the supernatural world, there are particular residencies, namely the zones of air, land and water. In the air zone, there are two spaces which house the soul and spirit. Souls of the dead are placed in a column, while another column, which is above the soul space is allocated for the spirit. The soul will moves to the area of the spirit when the death is reaching 100 days. The researcher perceives that both human beings and supernatural beings share this world, (but separated abstractly) and both occupy the same floor or level because there seem to exist a two-way dependency nature among the occupants.

Looking at the relationship between the living people and the dead (refers to the soul and spirit which has yet to reach a level of embo’), the nature of dependency is not only occur on one side. Through the concept of duang, bangkai-bangkaiian and mayang pinang, it shows that the survival in the world of soul and spirit depends on the conduct of those living people in the real world. The soul and spirit of the dead need necessities like food, clothing, jewelry or adornment and other personal needs, and these requirements can be met or fulfilled if family members perform the rituals mentioned earlier. This is due to the belief that these requirements will reach the deceased with the implementation of certain rituals through the prominence of the sedakah (alms) concept.

An interesting question to ponder is whether the pattern of dependency is only in a one-way or one side. If behaviors and actions of the living give impact to the lives of the deceased, what about the vice versa, that is the influence of the dead to the living. Does the Bajau make certain rituals without expecting reward or relief from the deceased? According to Chinese belief as been researched by Gang Chen (2000), ancestral spirits have the power or able to bless and to determine the fate of their children and grandchildren who are still alive so that they receive prosperity. As well as able to provide prosperity, blessings and survival to the society, the soul is also feared and believed to have adverse effects to the living as noted in the research done by Metcalf (1991) towards the Berawan society in Sarawak. In this understanding, the acts of the Bajau also illustrate that the well-being of the living also depends on their treatment towards the deceased. The concept of ketulahan or busung and the traditional cure and medication that need certain rituals to be accomplished such as bathing on the grave indicates a belief that the dead could bring calamity, threat or hardship to those who are still living.

Similarly, the existence of supernatural creatures such as meron, galap, kokok, mangat, balan-balan, etc, are believed to be capable of threatening the peace, harmony and health of an individual as well as the society. These creatures are believed to be responsible for a variety of suffering and misfortune or bad luck that befall the human,

7 SBBU recruited farmers and forest workers from the land of China to develop the agricultural plantations activities in Sabah during the late 19th century. The Chinese immigrants is repoted being increased from the years 1900-1941 (Siti Aidah 2007:76).
including accident, sickness and disease, even death. Calamities or mishaps can be evaded by performing the rites of propitiation, including offering gifts of food and other requirements or necessities for soothing or comforting the evil spirits. In addition, showing respect, obedience and avoid hurting their feelings can also be done, for example, before interrupting the places which is believed awaited by evil spirits (their settlement) such as cutting down trees, becoming close or touching a punsu (piles of soil which looks like a small tiny hill) and so on, one must ask for permission and apologize in advance to the supernatural beings who might be affected or disturbed by the actions.

Traditional treatments and ritual practices such as ngalai, nelus, manut ajung, and the act of bejogo (stay awake/alert) when the patient ngeremun (severely ill and on the verge of death) and during the period when bangkai-bangkaian is still in the house, guris and so on show that belief in the power of supernatural beings is very much influenced the mindset of the Bajau. Those beliefs led to the importance of role played by the ritual performers or spirit mediums that later on create the belief to the people with gimbaran, shaman, genie owner, the ustaz (religious teacher/person), etc; those peoples with special abilities and particular knowledge. In this sense, it appeared that the Bajau also recognize that the power of supernatural beings can be subjugated by the ritual or specific practices and also the practitioners. This description may not explain the nature of dependency of the supernatural beings (because to control these creatures, supernatural powers are also needed) that causes them to be classified in the same level or world. But from the hierarchy of power perspective, both sides are drawn.

The concept and meaning of death as well as life after death are associated with the Bajau belief about the existence of the heaven and hell, sin and reward or good and evil. The concept of heaven and hell gives great meaning and impact towards the community as it acts as a social and spiritual control system that capable of fencing and restricting the people behaviour in the real world. In this sense, heaven is provided for those who obey the Islamic teachings, which is doing good, while hell was made to respond to human beings who behave otherwise. Symbolically, heaven symbolizes beauty and goodness, on the other hand, hell signifies misery and evil. The concept of punishment in Bajau cosmology indicates that there exist the realm of heaven and hell. If heaven is perceived to be at the very top, it can be concluded that the hell is located at the very bottom, which is under the earth, by taking into account the belief that nothing on earth is more frightening or match the suffering of hell. In addition, the Bajau people believe that to get into heaven, one has to cross a bridge, in which under the bridge, there are a vast lake of fire described as hell. A person who is doing more good than evil will successfully cross the bridge, while those who do otherwise would fall into the underworld.

Adhere to the above discourse, the Bajau cosmology can be manifested as the figure below;

Model 1: The Model of Bajau Cosmology
6. Discussion

The Semiotic of Bajau’s cosmology and world-view show variation due to the collision with other external cosmologies. Like other traditional societies in Sabah, before the advent of Islam to the west coast of Sabah about five centuries ago, the world of animism which centered on the belief of supernatural power and beings also encircles the life and belief system of the Bajau community in Sabah generally, and in Kota Belud particularly. The intercultural relationship that has lasted for ages with people from other nations, especially the Malays of the Malay Peninsula and the Asians people resulted in Hinduism cosmological influence that gradually infused and penetrated the traditional culture, which ultimately impact the cultural behaviors of a society.

So far it has been known, there is no historical evidence that claims the Indians had migrated to Sabah before Malaysia gained independence. The Chinese society had indeed migrated to Sabah since at least during the reign of SBBU.\(^8\) In fact, there is a claim that the Chinese from the mainland (Republic of China) and Hong Kong has settled in Sabah as early as 1820s (Ismail Yusoff 1997). Hence, it is no doubt there are elements of diffusion, adaptation and cultural assimilation between people of different cultural background. From the historiographical diachronic analysis, the weltanschauung or the mindset structure of Sabah community, including the Bajau, has undergone an evolutionary process that influenced by the cosmology of three primary thinking systems that has evolved in different phases or stages (but not in an equal impact), namely the phase of paganism or animism, the phase of Hinduism and Buddhism and followed by the Samawi religions that came afterwards; the Christian and Islam. In this understanding, the animist and Islamic thought predominantly govern the thinking of Bajau community in Sabah.

The emergence of Islam in the west coast of Sabah approximately during the beginning of 16th century has brought major changes towards Bajau’s life and to some extent has also undermined the belief of animism and Hinduism. The Sufis or the ulama (those with spiritual specialties) were believed to be responsible in spreading Islam to Sabah at the early stages. The spiritual elements including the supernatural components found in Islamic sources are perceived to be one of the reasons that facilitate people (who previously practiced animism) to accept and embrace the religion as a life guidance (Muhiddin Yusin, 1990; Ismail Yusoff; Ahmad Adam, 2012). In addition, Islam also recognizes the existence of jinn (genie) as contained in the verses of the Quran and this had also reinforced the traditional belief towards the existence of supernatural world and supernatural beings. However, the Bajau are indeed still lacking of the Islamic knowledge and have not fully grasped the teachings of Islam in depth since the pre-colonial era until the independence period (Muhiddin Yusin, 1990; Gusni Saat, 2008).

Related to the phase of belief system, from the socio-economic dimension as well, the Bajau’s livelihood has experienced four phases of transition as described by Gusni Saat (2008; 2010) in his model of social transformation phase among the Bajau ethnic in Malaysia, namely the phases of DiLaut (the sea phase), Laut-Nelayan (the sea-fisherman phase), Tanah-Pertanian (the land-agricultural phase) dan Bandar (the urban phase). There is no doubt that the context of transition gives some impact on their cultural life. Starting with the phase of life at sea and sea-fishermen, the Bajau which is clustered among the group of sea gypsies or sea nomad have already believed in supernatural beings that lives in the ocean, including kangkang laut for the east coast Bajau and galap for the west coast Bajau which are not only believed to capable of providing rezeki (good fortune) but also can cause disaster if wrong steps and words are taken and uttered. During the sea phase, even though they have already embraced Islam, the Bajau are still not getting enough or learning deeply the Islamic knowledge because their way and patterns of settlement has become an obstacle and hindrance in implementing Islamic teachings (Gusni, 2005).

Understanding these limitations and because of some other overwhelming aspects, the Bajau switched to sedentary life and began to dismantle the economic system, which were previously confined to the marine resources to learning methods of cultivation. In the transition to the phase of Sea-Land Fishing and Land-Agricultural, the Bajau have adapted the life and culture of the Dusun community that had already built their lives at the mainland. The Dusun who is well-known for its legendary of Hominodun were indeed still have a strong belief in animism. In the adaptation process, it is possibly triggered a scenario in which the Bajau community began to build a belief in the paddy spirit known in this community as tekok Parai (the head of rice) which is perceived to be able to bless people’s lives by ensuring that their survival would last longer through the provision of rice. The intercultural relations context with other communities and animism belief that has long lingered in their life might made it possible in reinforcing the belief towards the supernatural world and supernatural creatures. Viewed from the positive side, living in a phase of Agricultural Land actually facilitate

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the learning and execution of Islamic order and practice among the Bajau community. In addition, it also has raised their status among the multi-racial society in Sabah since the pre-colonial epoch (Gusni Saat, 2008).

Modernization boom that hit Sabah communities generally and Bajau community particularly, has created another new scenario in the community life. The transition into urban phase among the Bajau community at Kota Belud not only has changed their economic system, but their cultural conducts or behaviours have also experienced evolution. The Bajau community involvements in the political and administration system in government as well as private sectors have increased their horizon of knowledge and understanding of modern life. The emergence and association awareness among Muslims in Sabah have produced some well-known Muslim unions around the year 1960s until 1970s, including PIS, PIP, PIT and USIA with the ultimate goal to protect the interests of Islam and its followers in Sabah (Muhiddin Yusin, 1990; Siti Aidah, 2007) to some extent have helped the Muslim community in Sabah, including Bajau in Kota Belud to study Islam in depth. This Scenario has also influenced the Bajau behaviours in dealing with matters concerning the traditional customs and practices, including the customary rituals of death. No doubt, Islam has played an important role in the evolution, but it should be admitted that religion and modernity still can not threaten some of the Bajau’s traditional belief including some traditional rituals in death custom that still continuously being practiced until today. This phenomenon shows that the thinking of the contemporary Bajau particularly in matters pertaining to supernatural beings and world still has not completely undermined and eroded. As a proof, the concept of *duang, bangkai-bangkaian, payung jomo matai* and *mayang pinang* has continued to prevail in their minds and those symbols of death have still been practiced and applied until this study has been conducted. However those rituals especially the *ngeduang* has been simplified to meet the current and modern environment and requirement.

Apart from historical aspect, the systems of belief, economic and politic, the concept of belief in supernatural beings and world can also be explained from the psychological aspect of the Bajau community. As of other communities, the Bajau also have humanitarian sentiments that create emotional limitations, fears and weaknesses. The fact is that people are addicted and needed of greater power than they have, not only to survive but also to meet any potential barriers and challenges in life. In addition, a human also has the attitude to blame on something by assuming that something is happening due to the supernatural power. Apart from that, the fear of evil spirits and ghosts has also coloured the Bajau emotional to date. In short, people need help from powers that beyond the normal human ability in order to achieve satisfaction and peace of mind or serenity. The aid is believed to be transmitted from supernatural beings such as *jinn* (genie), *meron, mombo’* and so on that mediated by the middle persons who are perceived to own certain specialties and as for the Bajau, they are among those who have *gimbaran* and *jinn*.

7. Conclusion

The effort to portray the cosmology and world-view of a society is not an easy task. The epistemology of Bajau cosmology, i.e the classification and categorization in the cosmos is explicated by two interrelated aspects, namely the aspect of dependency and superiority or power. In addition, the views derived from the Bajau death ritual that seems to be dominated by belief in supernatural beings are also discussed from various aspects. In a nutshell, the structure and symbols of death show that the influence of Islamic cosmology has coloured and transformed the Bajau cosmology and world-view which were previously dominated by animism and some of the Hinduism belief (especially the symbol of social hierarchy that is portrayed through the artefact of *payung jomo matai* (umbrella of the dead) and also the concept of reincarnation which are not discussed in this paper). Thus, in the 21st century, the cultural behaviours in death ritual and custom illustrate that the Bajau cosmology and world-view seems to have the element of syncretism; that is to say the adaptation and amalgamation between traditional and new beliefs. Yet, is not impossible to claim that changes will become more apparent in years to come because the Islamization is a continual process. The traditional practise and the ritual of the Bajau death custom live on as the meaning and function are still needed. The rituals of preparing *duang, bangkai-bangkaian, mayang pinang* etc among the Bajau society illustrate that death does not mean the end of a relationship between the dead people and his living kins or relatives. The bond is still prevailed and preserved eventhough someone has died. Through this kind of rituals the Bajau are able to signify, express and transmit their feelings, sentiments as well as human and societal values which are crucial in preserving and strengthening the social solidarity and equilibrium.

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Incomprehensible Men and Invisible Mothers
Gendered Visions of a Fascist Future in Sweden 1933–1939

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Abstract

In this paper, with point of departure in theories on generic fascism and critical gender history, I analyse gendered visions in fascist propaganda produced by the National Socialist Labour Party (NSLP), an interwar Swedish party. The presented results are part of my forthcoming thesis, aiming at investigating how the NSLP legitimised and made fascism intelligible in a Swedish context. Even if the party strived to depict a radically renewed future in its propaganda, it was also stuck in its own context. As a small party on the fringe of the public sphere, the NSLP had to situate itself and its political message in relation to central contemporary political issues, socioeconomic structures and cultural norms, in order to make its ideology comprehensible. Additionally, it was a constant balancing act for the party trying to juggle the creation of an appealing propaganda while at the same time maintaining the organisational unity and not abandon the ideological core. By looking at different aspects of power structures based on first and foremost gender, but also race, class and age, in the ideological visions and interpretations of political realities in fascist propaganda my research will contribute to an extended understanding of the relation between ideology and gender in general and the gendered ideological construct of Swedish fascism in particular.

1. Introduction

Interwar fascism has never attracted much interest from Swedish historians. Previous research has studied the organisational structure and development of central indigenous fascist movements, while the ideological content remains mainly unexamined (Lööw 1990, 2004 & Berggren 2002b). In contrast there has been a great activity in historical research about almost every other thinkable phenomenon possible to put in relation to Nazi Germany during the interwar period (Åmark 2011). Leading to a telling silence around the fascist parties in the post war historical narrative of Sweden. Research about any kind of party political expression sheds light on the surrounding political discourse as well as it extends the understanding of the cultural and intellectual climate of that particular period of time. The study of political parties positioned in the margin of the political space can thus be as informative as studies of established parties. The aim with my forthcoming thesis is to investigate how the National Socialist Labour Party (NSLP) active from 1933–1950, legitimised and made fascist ideology intelligible in a Swedish context. NSLP can be viewed as an important ideological voice in the political discourse because all other parties, in one way or another, continuously had to relate to the new fascist ideology especially in relation to the rise and success of the regimes in Italy and Germany.

The NSLP gathered around 10 000 to 15 000 members, mostly farmers, workers and merchants. The party had its greatest electoral peak in 1936 but did not get enough votes to gain seats in parliament. In local elections the party was more successful especially in greater cities, on the west coast and the northern parts of the country. Representations of identities and gendered symbols in propaganda are crucial in order to understand the prosperity of both mediaion and reception of fascist ideology (Mosse 1996, 1999 & Spackman 1996). In this paper, with point of departure in theories on generic fascism and critical gender history, different aspects of gendered power structures, in ideological visions and interpretations of political realities in the NSLP’s party propaganda, are therefore analysed. Such a critical gender perspective has never before been applied in fascist studies in Sweden and is quite rare in an international context, at least in studies of fascist ideology in general (Passmore 2003). Most tentative it is discussed if the difficulties to gain a broader political support could partly be explained by how the idealized roles of men and women in a future fascist society were represented in the party propaganda.

2. Background

Sweden was not an exception compared to other European countries that saw the mobilization of fascist movements in
the early 1920’s. Sven Olov Lindholm, the party leader of the NSLP, had for example been politically active since 1926. The fascist organizations did never succeed to gain broad political support while almost every conceivable ground for the growth of fascism were missing in the country.

The fact that Sweden had not been in any war since the Napoleonic era made the nationalism lack feelings of irredentism; instead the nationalism got an inward protectionist and a strong cross-class character. The Swedish nation state was stable because of the ethnically homogenous population and absence of religious tensions. Even if the fascists strived to underline the cleavage between urban-rural areas this rhetoric was not in line with Swedish reality where this opposition was never distinct. Also the most severe conflicts between the left-right axes in society were balanced in the early 1920’s, and conditions for dialogue steadily increased. In addition to this historically dependent stability the great depression did not hit the Scandinavian countries as hard as other European countries and the negative economic trend was quite effectively reversed. The crisis led to an increased entrance to already established organizations and it was hard for fascists as well as for communists to radicalize the Swedish working-class. Already at the end of FWW Sweden had a fixed five-party system and the political climate was increasingly dominated by emphasis on the importance of consensus. In 1933 the clearly reformist Swedish Social Democrats, together with the Agrarian party reached a crisis agreement. This agreement got a strong symbolic value, and together with the rhetoric about ‘the People’s Home’ the Social Democrats managed to convince the majority of Swedes that democracy could deal with contemporary challenges in a successful way. Even if Swedish fascists definitely took contemporary ideas to the extremes several of the major traits of this new ideology – as for example antisemitism, beliefs in race biology, anti-democratic and anti-communist views – could also be found in propaganda from the other parties. The political space for the up-coming fascist parties was thereby limited. (Lindström 1985 & Berggren 2002b)

The electoral failure can also be explained by the splinter of Swedish fascism. There was never one larger movement that managed to gather all supporters, instead the organizations were unstable and always engaged in internal debates and conflicts. It has though been estimated that Swedish fascism had a larger support than the poll results suggests. During the interwar period the age limit for participation in general elections was 23, and it is likely that many of the fascist party members and supporters could not vote at all. It was not always possible to vote for small parties in every constituency while they had to register representatives in order to participate. Most often these parties only registered in areas where they knew that the support was strong. Remaining archives reveal that the majority of all small Swedish fascist and ultranationalist organizations were very visible in the public debate, and that they did perceive each other as belonging to the same new political force. There were 30 000 members all together in the largest national socialist parties in the middle of the 1930’s. In addition the radical conservative party the SNF, former youth organization of the Conservative party, gathered around 40 000 members at the same time. This can be compared to the British fascist party, the BUF, that in 1934 had 50 000 members, with a difference in population between Sweden and great Britain of 6.5 million compared to 50 million. (Lööw 2004 & Berggren 2002a)

The NSLP was the largest clear cut fascist party during the interwar period. It had several local organizations and also a special unit for women, a youth organization as well as a minor SA-unit and a trade union. All party activities and decision making were guided by the leader principle as the party organization was supposed to mirror a forth coming national socialist society. The demand of a very high level of political activity on the members may have contributed to a higher amount of deeply engaged members in the NSLP compared to the established parties. In political style the party adapted to the German example with party uniforms, hell-greeting and the swastika as party symbol. (Lööw 1990) During the interwar period, written propaganda was the main channel through which political parties could express their message. The studied source material contains of all preserved written propaganda produced by NSLP from shorter pamphlets to more extensive debate books, with a focus on three major publications: an ideological journal, a newspaper and a youth magazine. All propaganda was directed by the party leader and individual opinions or internal debates were not allowed.

3. Fascism and gender

What visions did Swedish fascists have? How did they express their ideological message? These questions, that paved way for this PhD project, were asked influenced by what is called ‘the new consensus’ in fascist studies. Since the 1950s there has been ongoing international debates on how to define the concept of fascism. Diversities have appeared because of different epistemological points of departure and because of dissimilar opinions about the explanatory value of theories on ideology in relation to the Nazi German regime. After the second world war Marxist theorists explained fascism as the most perverted end of a capitalist economy. This assertion has been internally criticized among Marxists
and analyses on how to grasp the relationship between fascism and capitalism have evolved. Weberian theorists argued that the rise of fascism could be explained from a class-perspective, meaning that the ruling elites in different countries through fascism resisted socialism. Critique towards this stance is that fascism cannot simply be described as anti-modern, while it propagated for revolutionary changes and a new order. The new consensus, foremost connected to the British historian Roger Griffin, emerged from the totalitarianism approach that arose as an anti-marxist effort to expose similarities between fascism and communism. In a variety of degrees totalitarian approaches appear non-critical in a self reflecting sense. Liberal democracy is often constructed as the binary opposite to fascist- and communist ideologies creating a political scale based on moral assumptions. (Passmore 2002) Griffin has tried to capture fascist ideology in a shorthand definition describing the fascist minimum as “a political ideology whose mythic core in its various permutations is a palingenetic form of populist ultra-nationalism” (Griffin, Loh & Umland 2006, p. 41). He claims that this definition can be used in comparative fascist studies, for example in order to situate the German Nazi regime in a broader European context. The debate about the usefulness of this shorthand definition is intense and it has been criticized especially by German historians who finds the definition too broad to be useful. (Griffin, Loh & Umland 2006) As Griffin focuses on the importance of studying fascist ideology as any other political ideology in its own right, his writings encouraged a more thorough investigation of the Swedish case.

Griffin’s definition of fascism does not offer any analytical tools in order to study fascism from a critical feminist approach. In fact, international scholars debating how to define the core of fascist ideology has had little interest in gender issues, George Mosse being the most prominent exception (Mosse 1996, 1999). Also in recent research on contemporary populist movements this tendency is apparent (Norocel 2011). A consequence of this gender blindness is for example the often repeated phrase about how fascists did not only strive to create a new society, but also a new Man. Even if it refers to a new kind of human this articulation becomes a theoretical ambiguity. Fascist ideology during the interwar period always rested on the perceived need for a clear dichotomy between men and women and their positions in society. On the other hand, researchers interested in gender perspectives have first and foremost tended to study interwar fascism in relation to women. This is also apparent in Swedish research where the explicit or implicit aim has been to explain the world view of some ’female paradoxes’, engaged in fascist organizations, who are described as exceptions from the perceived linear development of Swedish gender equality. (Jonsson 2008 & Bokholm 2008). The British historian Kevin Passmore has encouraged a more open dialogue between scholars primarily interested in ideology and those interested in gender or women’s history, meaning that it could lead to a vitalization of both approaches. (Passmore 2003)

The tendency to study gender as something closest connected to women and to write women’s history as a parallel history beside the already fixed male narrative has been a general tendency in historical research (Scott 1999). Joan W. Scott argue that historical research should instead investigate how perceived differences between the sexes structures power relations in society in a variety of ways that leads to a diversity of consequences. Perceived differences between the sexes legitimize power structures also in areas that can not directly be linked to gender or sexuality: “politics constructs gender and gender constructs politics” (Scott, 1999, p. 46). This is articulated in her definition of gender: “The core of the definition rests on an integral connection between two propositions: gender is a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relationships of power” (Scott, 1999, p. 42). The definition is made more specific through four different aspects where gender can be studied. The first aspect regards culturally available symbols – what kind of representations are invoked, how, and in what contexts? The second aspect is normative concepts that limit the meaning of the culturally available symbols stating norms as truths and not something socially constructed. The third aspect deals with how gendered norms affect the political organization of social institutions, and the forth aspect regards the production of subjective identities in line with or in opposition to the norms. How these aspects are linked together in different contexts, and also how they are interrelated to other power structures as for example race and class, is something that Scott thinks needs to be analysed. (Scott 1999)

My investigation is structured into three thematic strands centered around categories that can be described as main characters of the fascist narrative: the elite, the people and the enemies. Each category has been investigated through approaches related to the four aspects that Joan W Scott points out as central elements in the construction of gender. Main questions that are asked are: What ideological visions can be discerned as the most central goals connected to the elite/the people/the enemies and how are the visions supposed to be made possible through political reforms? How are these visions and political reforms legitimated and made intelligible in relation to contemporary norms and other societal contexts? In what ways are the elite/the people/the enemies visualized through representations of different bodies and through pictures and symbols? The results are analysed and discussed in line with Scott's theory: In
what ways does perceived sexual differences interact with social organization in the fascist ideology? How are gender power structures related to other differences like race, class and age? Can disruptions, changes or contradictions be discerned in the propagandistic constructions of gender?

4. Gendered visions of a fascist future

4.1 The elite

This theme takes its point of departure in the fascist leader principle and how it was explained and represented in different ways in the propaganda. In fascist interpretation of history the whole process of Enlightenment and the principle of equality for all people was perceived as something negative. Democracy did according to the NSLP lead to class struggles, political turmoil and a self-destructive individualism and was described as a foreign system not compatible to the needs of the Swedish people. One of the cornerstones in the NSLP ideology was the conviction about the necessity to abolish parliamentarism and create an organic meritocratic state led by a strong leader backed up by a powerful elite. The fascist state to come was going to be based on the priority of promoting the survival of the Nordic race, which was thought to have its finest expression in the Swedish people. The leader should represent a perfect embodiment of the Swedish race which was going to legitimate his superiority. Typical Swedish characteristics were self-discipline, courage, steadfastness, initiative and dedication, and through trust on the capacity of the leader the Swedish people would find fulfillment and experience true freedom. A government consisting of a variety of experts, representatives for the different corporate branches that organized both the political and economical system, was going to support the leader in the decision making process. Swedish parliament would remain, even if all political parties were dissolved, but only with advisory status.¹

The NSLP understood the importance of founding the new political system in the Swedish context and in order to make this vision comprehensible, the party adopted different strategies. A mythical historical narrative was used to legitimate the new political system, and the leader principle was constantly explained by comparisons to the governance of heroic Swedish regents in the past. In that manner the national socialist political system could be described as a continuation of the Swedish political system before the enlightenment. The leader principle was also presented as a realization of former Swedish theories about the organic state, for example elaborated by the radical conservative professor of political science Rudolf Kjellén. Random references to at that time already out-dated results in Swedish race science were used to legitimate the characteristics used to describe the Swedish people and the leader. Texts about the political system were often accompanied by gendered metaphors and symbols that made the suggested reforms appear to be a way to reinstall something natural and reliable: a strong masculine leader guiding the people in contrast to the liberal democracy, compared to artificial make up on the beautiful face of mother Svea.² Based on these assumptions the NSLP could use central political concepts as nationalism, socialism and freedom in a different manner than their contemporary meanings in the democratic discourse. Socialism was synonymous to the principle of ‘public good before self interest’, but true socialism could only appear in a racial homogeneous society. Therefore nationalism was dependent on a conception of the nation as something based on biology. Most central was the concept of freedom and the party even called itself “The Lindholm liberty movement”. True freedom meant freedom from foreign influences that threatened the race, and a strong sense of belonging to a people community with a metaphysical meaning of more than just a sum of individuals.³

The NSLP had a conscious approach to self presentation in propaganda when trying to mediate how a future fascist Swedish society was going to be constructed. Representations of the party elite consisted of mainly three categories designated with different roles in the political activism as well as in the propaganda: the leader, the intellectual elite and the fighting soldier. The NSLP wanted both to be perceived as a new revolutionary and anti-intellectual irrational

force but also as a movement with ability to become a state-bearing meritocratic organization with a competent elite, if mass mobilization ever was reached. Sven Olov Lindholm frequently appeared in the propaganda represented as an embodiment of the ideal leader regarding his appearance, his actions and his trait of character. Symbolic drawings of iconic male figures in the newspaper often showed great resemblance with photographs of the party leader. Lindholm was fronted as a classless, young, brave political activist who was ready to sacrifice everything for the fascist vision. Personal information about him was confined to brief references to his background as a sergeant. Lindholm represented an activist leadership and very important in this presentation were his actions connected to the formation of the party in 1933, which was used as a focal point in the historical narrative about the growth of Swedish national socialism that evolved in the propaganda. He was also described as a speaker who evoked strong feelings and several of his speeches, often containing quotes from famous Swedish poems, were published both in the newspaper and in the youth magazine.4

Elaborated ideological articles in the party propaganda were written by members of the so called POLKOM, ‘Politiska centralkommissionen’. In POLKOM leading party members had different areas of responsibility and were assigned to produce information about the party ideology in relation to contemporary political issues. This organisation was a way of staging the function of the fascist expert government in line with the envisioned corporative system. These party members were for example economists, students in history or religion, doctors, lawyers et cetera. Compared to the representations of the party leader in the newspaper these men were represented in a more intellectual manner as highly specialized individuals. Their portraits were often published alongside a shorthand description of their educational and regional backgrounds.5 The propaganda function of these intellectuals were contrasted to the party militia, the SA-troops, being portrayed as a homogenous collective, consisting of working class youngsters. Their primary duty was to guard the distribution of propaganda and to protect the party members. Representations of the SA-troops had a focus on their bodies and uniforms. If the men ever were quoted in the newspaper, their utterances were very anti-intellectual statements as for example simple jokes or exaggerated comments on political enemies. Conflicts and disputes between these men and the political opponents from other political parties were often described, portraying the young men both as heroes in the fascist struggle and as victims of an oppressive democracy. During the second world war this position in the propaganda was transferred to the volunteers who entered the battles in Finland or joined the German army. As the NSLP repeatedly stated that the transformation from the existing political system to the fascist state could become violent these men can be seen as a transitive embodiment of the revolutionary aspect of the ideology.6

Besides these representations of what the NSLP perceived as the core elite units also the youth organization and the political activity of ordinary party members played significant roles in the propaganda, for example the activity in the youth organization visualized the general moral uprising that was supposed to be needed among the people. In descriptions of meetings and party activities there were for example a clear aim to show that the male members came from different social backgrounds united by the fascist ideology in a strong community. Female members were, when they occasionally occurred in the party newspaper, instead represented as classless and foremost also nameless women engaged in traditionally female activities as for example cooking and sewing for the sake of the party.7 One exception from this trend was the lawyer Hilma Hansegård who during a couple of years wrote ideological articles in the newspaper, and also functioned in her professional role defending the party leader in a trial.8 There are no examples in the propaganda of some kind of specific female political activism, although another ideal among young members can be discerned in the youth magazine where girls were given a slightly more politically active and personal appearance.9

4.2 The people

In the second thematic strand the relations between ‘reproduction’ and ‘production’ are analysed because the most

important reforms in order to create a Swedish people’s community were according to the NSLP the need for an agricultural revolution, a higher priority on eugenic issues and a re-organization of the labour market. In propagandistic presentations of these reforms, representations of the Swedish people as a collective as well as divided in different categories become apparent. In addition, the view on the historical development of the inner character of the Swedish people and the Nordic race in different times and contexts is expressed. The fascist dual attitude to modernity and tradition can be scrutinized for example regarding the the private sphere as well as the overall industrial development and urbanization in Sweden at that time. It is also possible to study if the party was responsive to popular opinions at the time and if tactical compromises were made in the presentations of the ideological vision in order to gain increased electoral support. The NSLP thought that capitalism left the people in a moral and reproductive crisis and promoted a negative economical development. The solutions presented were supposed to increase reproduction in order to secure the survival of the Swedish race, and to create a sustainable economy. Several articles in the propaganda described how the bond between Swedish farmers and their soil had been broken by industrialization and urbanization, and how a modern lifestyle connected to larger cities was dangerous and immoral. Therefore, NSLP wanted to reinstall traditional cultural values that they thought permuted the Swedish countryside, regarding for example marriage, love, children, work and religion. Agriculture was proposed to become the driving force of the economy, eventually making Sweden self sufficient with minimal amounts of import and export. Elaborated calculations on how to make this possible – by splitting larger estates into family yards and by cultivation of not yet used areas – were presented.10

In propaganda the contemporary Swedish people in general and the farmers in particular were represented as in deep distress and misery in need of a revolutionary change. The farmer’s body was for example visualized as fatigued, bent and slim. In contrast the historical Swedish people was represented in a very positive romanticized way as strong and energetic workers having a high moral standard as well as being politically conscious. Also the traditional role of the farmers wife with full responsibility for the private sphere and the upbringing of the children was represented as a position that promoted strength, health and the inner female racial spirit. This female subject was though not underlined much in propaganda neither in articles nor pictures. The female position in the public sphere as an expert on domestic issues was only briefly mentioned in some of the scarce texts that had a focus on women’s place in society. There was only one picture, a portrait of a woman and her daughter, that made this ideal visible in the newspaper during the whole interwar period.11

In interwar Sweden there was a general concern about declining birth rates that was politicized in 1935 as “Befolkningsfrågan” by Alva och Gunnar Myrdal, forcing politicians from all parties into a debate on how eugenics and social reforms could solve the problem. The NSLP explained the overall problem as an increased amount of abortions, combined with a high birth rate among degenerated social- and ethnical groups. The party was convinced that the people in general and the upper classes in particular due to feminism and women’s participation on the labour market did have to few children. The solution in a future fascist state was to give great influence to doctors with expertise in race science. These doctors were going to have the power to decide which women were allowed to give birth, as well as to promote the birth rate among women perceived as racially fit by not allowing abortions. Racially fit families were also going to receive increased economical support from the state. Reproduction was closely linked to production by underlining the importance of restraining female participation on the labour market – which was perceived as something negative for both men and women as well ad the whole nation. Women that had career ambitions and a full time work risked not to receive increased economical support from the state. Reproduction was closely linked to production by underlining the importance of restraining female participation on the labour market – which was perceived as something negative for both men and women as well ad the whole nation. Women that had career ambitions and a full time work risked not to prioritize their duty as mothers. Female participation on the labour market was also described as one of the main reasons for the increased male unemployment and lowered wages, that made it impossible for male workers to become family providers.12

The NSLP wanted to organize Swedish labour market in corporations in a way that intertwined the political and


economical structure of society, by for example a total state control over production. The relation between the workers and their managers was supposed to be guided by the leader principle – trust, discipline and responsibility – and class conflicts would then be eradicated. A strict focus on the conditions for industrial production and the industrial worker was apparent in the propaganda, even though the party in its rhetoric repeatedly said that it wanted to appeal to all workers despite their educational- and social background. For example the party argued for reforms that would create a more healthy work environment for the industrial worker, by ensuring an increased influence as well as a share of the profits. The genuine Swedish contemporary man was therefore represented as a member of the working class. The corporative system was supposed to be an elitist meritocracy where skills and hard work would always be properly valued. These labour market reforms were supposed to be backed up by the construction of new suburban areas with small family houses. That would restore the centrality of the home and make it possible for a farmer who left the countryside to work in city industries a chance to preserve his inner dignity and racial qualities. For the male family earner in general and the industrial male worker in particular fascism was described as a liberating force. This liberation were often embodied in the propaganda – showing how an iconic male, sometimes given attributes of the industrial worker, literally breaks free.13

This male symbol can also be seen as a symbol of the future modern and strong Swedish people, much in line with the bodily representations of the party leader and the characterization of the historical Swedish people, in contrast to the contemporary poor farmers for example.

4.3 The enemies

This thematic strand deals with the NSAP's description of the contemporary state of Swedish society through a main focus on antisemitism and on representations of political enemies. In representations of what the NSLP perceived as negative structures it is possible to analyse if and how the intersection of gendered, racialised and classing structures reinforces the overall political message without the actual political question discussed having a direct link to gender-, race- or class. In previous Swedish research it is foremost representations of the Jew and the overall emphasis on antisemitism that have been studied, not how and why antisemitism was expressed in a certain way and which consequences that might have had.

The underlying motivation for all proposed reforms in the party program was to eradicate the Jewish influence on Swedish society. It was explicitly stated that all Jews who had immigrated to Sweden after 1900 would be expelled under fascist rule. The remaining Jewish population would be segregated from the Swedish race. A long term solution of the so called 'Jewish question' was according to the NSLP to organize an internatinal transport of all Jews to a nation of their own – Madagascar being the proposed area. Despite these harsh proclamations the NSLP stated that they did not want to promote vulgar antisemitism. Their suggestions were simply explained as the best solution also for the Jews. Beside this political reform, antisemitic propaganda was expressed at a more structural level, functioning as an underlying general preconception. It is for example apparent when different societal developments are described as explanations for contemporary society and legitimation of the ideological visions. Jewish influence is presented in a more subtle way, which in some cases can even make this antisemitic expression hard to detect and in need of some sort of de-coding.14

The NSLP's antisemitism was reinforced by representations of racial and political enemies in the newspaper through fiction, satire, articles and photographs of public persons. These representations made the antisemitism and the societal critique more graspable as they visualized the degenerative direction Sweden was heading culturally, politically and economically according to NSLP. They also made the demarcation line between wanted and unwanted members of a new fascist state clear. Distortions of the ideal national socialist male body had a central symbolic meaning in the satire pictures both depicting Jews and other political enemies. These persons were depicted with a fat or old body and the Jews were always portrayed in the same stereotypical way. The representation of the 'Jewish face' was present in many other contexts at this time – showing how 'the eternal Jew' and the Jewish mentality lurked behind every negative tendency. Femininity in these satires was represented both as a general weakness of something positive worth to protect and as the worst kind of degenerated and threatening influence. The positive weakness was embodied for example in the symbolic pictures of mother Svea as a young, blond and beautiful girl being caught up in different dangerous situations. Negative representations of the so called modern woman, were common both in text and pictures. Political male opponents and Jews were often depicted as old and ugly women or children, showing that also age beside gender


played a significant role in the representations.\footnote{See articles called: “Svenska’ judar”, published in Den Svenske Nationalsocialisten 1935–1936.}

Frequently ordinary portraits of famous Swedish Jews and politicians were published, photographs of men whose appearance were in line with the established middle class norm at that time. The effect of these representations is dual. On one hand Jewishness and other perceived negative structures as communism and conservatism or liberalism is represented as something normative in Sweden and so integrated on all levels in society that one has to be really attentive to detect it. The articles and photographs in the newspaper can therefore be viewed as some kind of information to the Swedish people on the degenerative state of public affairs. Several articles describe in detail how these persons in a suspicious way act 'behind the scenes' with international connections. On the other hand these portraits can work in the opposite direction and in some way take the edge of the critique. Negative articles about individual women who took place in the public debate – for example the journalist Else Kleen and the politician Alva Myrdal were frequently published.\footnote{The historian Martin Duberman presents the conditions and struggles of USA working class for the last quarter of nineteenth century in a novel. See. Duberman, 2005.} Representations of political enemies show more diversity and a greater variety over time compared to visualizations of ideals. This is due to the fact that these representations were more dependent on the day to day political issues and discussions. It is also usual in political propaganda to emphasize negative trends to support the importance of suggested political reforms; a tactic that was also explicitly expressed by leading party members responsible over propaganda.

5. Concluding remarks

This paper has focused on different aspects of gendered representations in ideological visions and interpretations of political realities in the NSLP’s party propaganda. In this concluding part I discuss what collective identities and subject positions were made visual and available through the propaganda and what that tells about power structures in Swedish fascism.

It is clear that the visions of a new elite, the proposed political reforms aiming at abolish democracy and the legitimization and representation of the leader principle, was based on gendered assumptions. The political subject targeted as the ideal future citizen was a racially defined, masculine “new Swedish Man”. The idealistic descriptions of the Nordic race, that leading members of the NSLP was supposed to represent, were filled with allusions to historical heroic men and traditional male characteristics. The NSLP in an elaborated way used the male body and representations of the male party members as projections for fascist ideology. When female members were made visible they did not represent a special kind of future fascist political ideal, instead they were represented just as ordinary women doing the party ground service. One exception was the girls engaged in the youth organization who can be described as slightly more subversive female representations in relation to contemporary norms. The investigation shows that the core of Swedish fascism took a total male dominance and male power in the political field for granted.

In previous research on gender constructions and fascism there has been discussions on whether the fascist view on women’s place in society should be understood as misogynist or as an attempt to create a new kind of emancipation by promoting a higher valuation of the traditional female sphere. It has been argued that the fascist vision was not as much misogynist as it was racist and oppressive in general – only promoting equal treatment for people belonging to the dominant race and at the same time denying all people human rights by abolish liberal democracy. (Passmore 2003) The NSLP propaganda repeatedly assured that the party did not strive to diminish women by giving men and women different responsibilities. But the strict segregation between female and male areas in society did come along with a different value system that emphasized the priority of male rights. Even if both male and female citizens were going to lose their democratic rights the male collective would not be restrained in the same way as women.

The party believed that the ‘modern woman’ needed to be harshly constrained if the traditional gender order was going to be restored. The eugenic approach underlined the perceived need for increased control by male doctors over the female body in general to promote a life lived in harmony with the racial designation of female nature. The female space in society restricted foremost to the private sphere. Fascism as the NSLP presented it, if realized, would give way to the Nordic race, that leading members of the NSLP was supposed to represent, were filled with allusions to historical heroic men and traditional male characteristics. The NSLP in an elaborated way used the male body and representations of the male party members as projections for fascist ideology. When female members were made visible they did not represent a special kind of future fascist political ideal, instead they were represented just as ordinary women doing the party ground service. One exception was the girls engaged in the youth organization who can be described as slightly more subversive female representations in relation to contemporary norms. The investigation shows that the core of Swedish fascism took a total male dominance and male power in the political field for granted.

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female counter types and female victims without making the ideal woman – the strong motherly subject – visible, establishing the meaning of femininity as something foremost negative and weak.

A disruption in the antisemitic discourse, aiming at depicting Jews as the cause of all contemporary negative trends, was caused by the multiple use of ordinary portrait photographs of opponent politicians and Swedish Jews. The antisemitism in different texts was softened as the most usual visualization of men and masculinity mirrored what can be described as in line with a broad middle class masculine norm at that time. This was not the case in the satire images where Jews were depicted in a very stereotypical manner. But as these images did not actually differ that much compared to main trends in political satire at that time even the negative representations of Jews in some way gave the unordinary strong antisemitism quite an ordinary appearance. Because of the extremely narrow masculine ideal made visible in the propaganda it was more likely for men to find identity mirrors in the depicted enemies than in the idealized male political subject.

Could the difficulties faced by the NSLP to gain a broad political support in general elections partly be explained by how the idealized roles of men and women in a future fascist society were represented in the party propaganda? Before trying to discuss that issue it must be underlined that it is a very difficult question to answer. Even if gendered representations is very important in propaganda, people vote for different parties dependent on a variety of things apart from their gender or sexuality. The answer is also dependent on what kind of gendered representations that evoked political engagement at that time, and on how other parties handled gendered representations in comparison to NSLP. That is something that unfortunately has not been extensively studied. Due to the fact that propaganda is not only about what is being said but also how it is said it is possible that the NSLP could have gained a larger support from women had the propaganda contained more representations of the ideal mother and a more politically active female subject. A very similar view on women could be expressed in many different ways. Compared for example to the radical right wing party the SNF, that gathered more members than the NSLP, there was a great difference in how gendered representations appeared in propaganda. In the SNF’s propaganda female and male representations were more in line with contemporary political and public norms, and a larger amount of space in the party newspaper was preserved for pictures of women that represented femininity as something utterly positive. Much more frequently than in the NSLP’s propaganda articles about female issues were published and more frequently did women write articles. Women and men did co-work to a larger extent than in the NSLP organization at both an ideological and political level which lead to a much more visible active female subject. (Sjöström 2003)

I would argue that it was probably not the misogynist assumptions and arguments that caused the electoral failure of the NSLP because the presented opinion on women in the propaganda was shared also by many non-fascist Swedes, both men and women. In order for the NSLP to create a more appealing propaganda for Swedish voters it is possible to think that a more elaborated visualization of fascist ideals would have been more successful. As NSLP did not manage to raise class related discussions in the public debate or to gain support for their racial and antisemitic stance, maybe it instead would have been possible to gain a larger support if the misogynist presumptions in propaganda had been more explicitly stated. Could a frequent use of representations showing both the diversity of male subjects and the motherly strong idealized female that the party wanted to promote have made fascism more intelligible for Swedish voters?

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Stormfacklan 1934–1939.

Importance of Tourism in Community Development

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Abstract

Tourism is considered one of the main sectors in our economic system. Tourism demand growth trend in recent years is associated with tourist demand to visit popular places for authenticity, discovering local cultures and traditions, respecting in maximum cultural environment. Today tourist is tired from the same destinations and identical holidays every year. Today tourist is an expert tourist and particularly demanding, which requires countries authenticity "for living environment" and to have a unique experience. Tourism in the same time is an innovation instrument: in tourism sector are each day and more important the ideas, which should be innovative, genial but above all competitive. Recently the offer is focused on the emergence of small structures host quality, by exploiting the wealth of abandoned existing buildings. Among the numerous innovations in the tourist accommodation sector, is analyzed an Italian host innovative structure which is able to create this connection and takes the name albergodiffuse. After that is seen the possibility to implement it in the Albanian reality. Implementation of this formula requires not only the existence of host structures but also the determination and confirmation of residents. For this reason, community involvement is seen as a solution. This paper aims to evaluate the hypothesis of tourism development through the use of innovation and tradition. Firstly is presented the main concepts that will be based on this study. Topic is followed by discussions to assess the possibilities for applying the concept in practice, taking into consideration possible factors. At the end is aimed at giving answers to questions that arise during operation and possible recommendations

1. Introduction

Why is community participation considered so important in tourism development at the point to draw attention even in the framework of tourism literature?

On this issue are aware even tourism stakeholders as well as academics. In his study Brunetti[1] presents two successful cases of tourism based in a community in the north of Brazil, where not only were rooted a fair model and responsible for environment, but communities have improved significantly life quality. Moreover they discuss the concept of development of “situation in the center”. This notion of development, adapted with location, and considered usually habitants as actors in the process of transformation of their territories.

Contrary, Mathieson,A and Wall,G[2] discuss that “Community Based Tourism”, might be a wrong direction. Their research established in Latin America, shows that CBT rarely reduces poverty, and that communities better try to enter in overall tourism markets, because this might bring a beneficial impact than traditionally thought. They say that a lot of CBT projects have not been successful, and their initiative failed in terms of achievement of pro-poor benefits. This happened mainly of absence of financial stability, poor market access and weak governance. In many cases CBT are not participative in local government structures and decision making. For this reason, according to Mathieson,A and Wall,G[2] solution will be link of poorest communities with the main tourist flows, instead of implementing an “alternative” tourism. Yet, Poon (cited in Murphy, 1985) [3], argues that the key to survival in the future for developing countries lies in promoting local skills, creativity and innovation. This may lead in community management to obtain a degree of control and power exerted on the development of tourism in their area (Murphy, P. E) [3]
2. Methodology

Research is realized through combination of quantitative and qualitative method focused in interviews, focus group, observations, personal survey, and research in archives of historical materials, cultural and artistic one. Study has been done on the identification of primary and secondary data. Secondary data are made on different books, previous research made on this area, or internet materials. In literature review an important place is given to Albergo Diffuso concept. Primary data are obtained through interviews made with local residents of this area. Are realized 8 interviews which are included at the end of the paper, while analyze of interviews are made throughout the paper.

2.1 Theory Resource Based Review

Methodology used to analyze the possibility to realize and Albergo Diffuso in Dardha area is based in the theory Resource Based Review (RBV). Scope of the paper is to identify if Albergo Diffuso, thought as a system of integrated offer, allows the achievement of competitive advantage of Dardha area. For this reason are elaborated data taken from local residents, and from different actors who acts in tourism area in Dardha.

2.2 The existence of suitable accommodation structure

Primary research is focused in realization of visitor's questionnaire. To identify the presence of visitors in Dardha area is formulated a questionnaire with 16 questions. The questionnaire is formulated based on different literature. For determining the sample, which will be taken into consideration, is made a preliminary work to specify special moments where the questionnaires shall be realized. For this reason, we have worked with personal survey questionnaire, in 2 different period of time. The first group of questionnaires (30) is realized during August 2010, while the second part is realized during the last days of November. Questionnaire is formulated to involve open and close questions, where each visitor has the possibility to express their personal opinion for specific questions.

Primary and secondary data collection encounters difficulties because for its specific this paper is heterogeneous. Also we cannot provide specific data by hotel owners, who are reluctant to give exact information on their business.

3. Hypothesis of Realization of Albergo Diffuso: Dardhe

In this chapter is taken into consideration the hypothesis of creation of an Albergo Diffuso in the touristic area of Dardha. Analysis starts with a short presentation of Korca region and touristic development in this part of territory. After detailed
analyses of history, natural resources, tradition and its identity combined with elements of the past. SWOT analyses make possible the evaluation of strength and weakness that Dardha presents as a mountain touristic destination, and threats and possibilities thought to face in the future. Analysis of touristic demand and supply followed by a series of measures, which will be needed to realize the specified scope.

3.1 Touristic village of Dardha

Dardha, a beautiful village is located 18 km away from Korca, in an altitude of 1300 m over the range of Morava. This village represents one of the most beautiful models of our national vitality, to our pride for our origin and tradition, but also the thirst to move and to accept the new.

Dardha is renowned for its architecture, urban planning of houses, streets and public fountains. The view that is shown from the building and urban planning of the village, solid and beautiful buildings, carved stones covered with grey ploca, cobblestone streets, and many others give to the village a magnificent view and it seems like a thriving country.[5]

3.2 SWOT Analyses

Destination taken into consideration is been involved in a territorial context, which we should bear in mind, because it influences in touristic-economic view.

3.2.1 Strengths:

- Fresh air, appropriate clime for all ages;
- Typical rural atmosphere in village;
- Possibilities for sport activities (ski, climbing, cycling etc)
- Traditional food, cultural local events, religious events;
- Geographical position and mostly the landscape, help maintain a long stay for tourists interested in natural tourism and especially mountain one.
- Presence of handicraft products and gastronomy with a high quality which maintain the traces of the past, BIO kitchen;
- Presence of cultural heritage, unique architectural in its type.

3.2.2 Weakness:

Low level of collaboration and lack of integration between businesses;

- The absence of integration between active policies for employment and local development interventions in support of small business system;
- The absence of a regional law which enables the implementation of this new form of hospitality which guarantees the authenticity and originality;
- The absence of a public transportation network that connects Dardhawith Korca, Voskopoja or other areas of tourist interest in order to create a product, but also facilitate the entry of visitors in the village;
- The absence of a tourist information office;
- The absence of support structures for tourist activity which can diversify the tourist attitude;
- The absence of a signaling system that shows the places to be visited inside Dardha;
- The seasonality presence only in particular months of the year;
- The absence of a waste treatment system;
- Insufficient medical training in the village;
- The absence of a business, such as rent bicycles, sports clothing for skiing;
- The absence of marketing experts;

Meanwhile it is possible to determine the opportunities that the place disposes, which can be used by tourism actors to improve the area:

- The close distance with interesting tourist destinations such as Voskopoja, Boboshica, Korca, etc.
- The presence of historical connections that link the country with outskirts by helping to create a mosaic life full
of culture and tradition;
- The wealth of natural and cultural heritage is still to be evaluated;
- The increased demand for local products, the development of a form of tourism which favors little destinations;
- The popular traditions and the folklore, which can be evaluated as attractive tourist element;
- Various international festivals such as the Festival of monodrama "Albamonos" an itinerant festival where participate artists from Serbia, Azerbaijan, Switzerland, Kosovo and Albania etc;
- Good potential for recreation, pure air, natural water;
- Opportunity to generate jobs for women and young people by reducing the rate of migration;
- The potential for direct marketing campaign for traditional quality products;

Meanwhile among the threats in tourism development we can emphasize:
- The collapse and the loss of natural and cultural heritage;
- The collapse of the traditional atmosphere in the village as a result of irregular buildings (up to these moments are only 2-3 objects that do not preserve their tradition in construction);
- The need for capital to put in place a plan for infrastructure and facilities: for a relatively long period;
- Specialized human capital migration;
- The loss of a market share due to competition with other places in the region;
- The presence of a negative image of Albania in foreign countries;
- The political instability of Albania and the region;
- The development of touristic village does not reach the standards of competitors in neighboring places;

4. The Analysis of the Visitor Profile in Dardha

The objective of the interviews is the visitor profile study in the area of Dardha. The information gathered here aim to identify the aspects related to the types of visitors, their behavior and their satisfaction from services in the considered destinations.

4.1 Tourist type profile

The visitors, who visit Dardha despite how they are grouped into categories, family groups, social groups, or youth, have as a common characteristic the desire for nature contact, in every season of the year.

Gender. The results of samples taken in consideration show that the group of visitors is made up 54% of males and 46% females.

Age. The questionnaire is designed on categorizing the groups by age with the aim to facilitate the graphical representation. From the chart is evidenced that the age groups whom we find more in Dardha, belong to the 25-44 years old, who represent 45% of respondents. The second age group (45-64 years) represents a percentage amounting 33%. While 10% and 12% respectively occupy age groups 15-24 years and over 65 years. The average age of visitors reaches the 38 years of age. Many of the respondents stated that they has arrived as a family including children who are not included in above mentioned age groups.

Graph 1: Visitors by age groups

Source: Personal analysis based on questionnaires
4.2 Visitor identikit

If we take in consideration the origin of tourists, we will see that 24% belongs to the region of Korca District, 46% of national origin and the remaining 32% of international origin, where respectively 12% with American citizenship, 4% with French citizenship, 8% Italian and 6% with Greek citizenship.

This variety can be explained by the fact that the area of Dardha, known as one of the areas with a migration flow since its early 20s century. People of Dardha have migrated in the direction of the United States of America, have created their families there, but at the same time are trying to maintain ties with ancestors land. Economic connections, or the impact of many immigrants in Greece has increased curiosity in this tourist zone and Greek visitors, who are taking advantage of the geographical position of Dardha, prefer to spend a few days there in the company of Albanians friends. Another element that should be taken into consideration is the recognition of the language in this area to assist in communicating with visitors.

Graph 2: Origin of visitors by countries and District

Source: Personal analysis based on questionnaires

If we take in consideration the host structure elements, we see that hotels and homes of local residents represent the preferred solution with respectively 48% hotel accommodation and 42% accommodation in homes of local residents, while a third category choose accommodation in homes relatives. This is based on a logic according to which, most of the inhabitants of Dardha though for years in migration, have begun restructuring their homes and borrowing them to their acquaintances or other relatives during the year, in order give life to their homes in the absence of the owners.

Graph 3: Accommodation and booking forms in Dardha

Source: Personal analysis based on questionnaires
The analysis continues with the booking form: the category of visitors who arrive in Dardha “without booking” occupies a low percentage, 8%, and bookings by e-mail reach 27%. Booking by phone reaches 65% and represents the main form used by respondents. Still do not exist any facility that utilizes online booking.

Weekend most frequently represents the moment of attitude for visitors. From questionnaires of August we see that a relatively high percentage (63%) prefer this moment visit to Dardha, 17% belong to the category who stay 3 days and other categories of 10% belong to groups that prefer to stay 7 days or more.

Graph 4: Duration and Motive of the visit

![Duration of stay and Motive of the visit graph]

Source: Personal analysis based on questionnaires

5. Conclusion and Recommendation

The whole paper is seen in a new optic to increase the tourist flow, under the optic of relationship tourism. This kind of tourism is developed taking into account all the territory in its diversity as a result of opportunities to transform a “place” into a “destination” or a “source” into an “attraction”.

The paper is focused at Dardha area, because of its characteristics; it fulfills the conditions of this kind of strategic marketing of territory. Conclusions achieved for Dardha are:

- There is a long tradition in the tourism sector, which had its beginnings 30 years
- There is a special hospitality with the atmosphere which makes you feel like at home
- Suitable climatic conditions for tourism, providing a tourism 365 days of the year
- Saves with fanatismfolklore, tradition and its history
- Traditions in gastronomy which has become attractive element in present day tourist
- Unique and inimitable architecture
- Its visitor belongs to different age groups
- Tourism started to develop especially in recent years
- Dardha lacks in tourist itineraries of the most important operator tours of the country
- Actually started to be involved in various artistic and cultural manifestations even though these sporadic
- Lacks a genuine marketing for Dardha
- Emigration affects negatively touristic growth
- Albergo diffuse in a possible way of development, because it influences in the increase of self-employment of residents

Based on this optic, tourism relationship and albergodiffuso or “hotel village”, for the development of Dardha, but it seems still long the way to pass in order to convert these development possibilities in real and concrete possibilities.
6. Recommendation

Paper is intended as a study from the academic point of view. At the end of it possible recommendations are:

- The realization of a genuine guide for Dardha in which to unfold all its attractive elements
- Coordination and cooperation with the community
- Identification and renovation of abandoned structures that add space for a traditional and ecological tourism, without destroying the environment
- Intervention for the implementation of facilities in public transport
- Coordination of grant funds and various donor organizations with local authorities for a more efficient expense
- Revitalization of community life through well-managed activities
- Periodic training of laborers

In the end, such opportunities inside Albanian territory are innumerable. There are required only actors and local operators to further develop those relationships with tourists that have begun to take their form even though in sporadic form and separated.

References

The Perception of the Relationship between Trade Unions and Politics in Turkey:  
A Tracking on the Related Acts

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Abstract

As a country located at the outside of ‘center’ according to conceptualisation of Immanuel Wallerstein, the born and rising of trade unions in Turkey has been in a quite late date when compared to the “central” countries, especially to Britain. It’s understandable for every country to having its own traditions and cultural approaches toward labour relations. So there are several (may be more) industrial relations approaches (or traditions) in labour relations history. In some industrial relations systems, the raison d’etre of trade unions has been to protect and improve labour conditions and other labour issues via collective bargaining. In some traditions trade unions means more than that: to war with capitalism or to collapse it. And while in some traditions politics has been one of the most effective weapons for trade unions to protect working class, on the other hand in some systems politics has been one of the most dangerous activities of trade unions and in those systems usually political activities has been banned for the unions. Looking at the labour history in Turkey the latter tradition is a quite familiar approach. More than one century, all the acts that regulate the area for trade unions have seen the political area for unions as an unwelcome field. In that paper I intend to present all the related acts that had such a tendency and explore the main reasons under that approach. For that aim, I am going to examine the Act of 1909, first labour code (1936), Acts of 1947, 1963, 1983 and 2012.

1. Introduction: Where are trade unions coming from?

Although the answer of that question seems so simple, it’s not, because each part or country (also different regions in a country) of the World has own political tradition, administrative customs and cultural origins. Of course the question of why the achievements of some part of the world have been greater than the other part of the world has quite long historical debates. The following questions arise from that key question: The development of capitalism for different part of World is quite asymmetrical, why? Why are some political structures deeply tolerant for different paradigms, while the others are so intolerant for otherness? And similarly, why are some regimes such as autocracy and fascism finding ways more easily to get a foothold in some countries than the others? More questions can be produced in that debate, but the meaningful answers for that debate send us to historical sociology.

One of the most prominent works that try to produce some answers is Barrington Moore’s (1993) Social Origins of Dictatorship and Democracy. The book has been a classic in historical sociology and caused so many academic works. Moore examines the internal social dynamics, origins or potentials for political structures. Thus, the uniqueness of each society depends on its own social origins. One of recent books that have been affected from the Moore’s work is Belge’s (2011) Militarist Modernization: Germany, Japan and Turkey (the book has been written in Turkish). The book follows a similar approach but analysis some more cases such as Turkey and Greece. The reason of making reference to the books named above is to state that every tradition has its inner origins, so the trade union tradition in Turkey also should be understood in that way. In the following pages I will try to explain the basis of that tradition but at first we need to make a short travel to the origins of trade unions in global sense.

As it is known, the origins and the label of trade unions arises from the term ‘trade’. Trade is defined by Longman Dictionary as ‘a particular job, especially one needing special skill with your hands’. So, the name used for trade unions in English refers to some kind of jobs and also someone who doing that jobs. Although consisting union to defend the rights of members became widespread after the Industrial Revolution especially in nineteen century, famous British historian E. P. Thompson (1993) shows that the date of first trade unions goes back to the beginning of eighteen century. But the conditions became mellower for trade unions in nineteen century.

Of course Karl Marx was not the only person who fought against the capitalist economic and social formation but his critics have paved the way to one of the most influential thought system and activism against the current economic system till today. It was not so hard to reach a thought that see a revolution as a weapon to defeat the capitalist formation...
after witnessing the wildest conditions for working class\(^1\). Marx presents a rich data stack about the living conditions of people of his time in his writings (especially some parts of *Capital* Vol. I, see Marx, 2013). But, one of the most influential works that present a wide of rich depictions on living and working conditions of working class was written by one of his close friends, Fredrick Engels, named *The Conditions of Working Class in England in 1844*. The book has a quite rich content that makes the living conditions of working class clear. The following description from Edinburgh is just one of numerous scenes (Engels, 2005: 23).

“He had never before seen such misery as in his parish, where the people were without furniture, without everything, two married couples often sharing one room. In a single day he had visited seven houses in which there was not a bed, in some of them not even a heap of straw. Old people of eighty years sleep on the board floor, nearly all slept in their day-cloths. In one cellar room he found two families from a Scotch country district; soon after their removal to the city two of the children had died, and a third was dying at the time of his visit. Each family had a filthy pile of straw lying in a corner; the cellar shelter besides the two families a donkey, and was, moreover, so dark that it was impossible to distinguish one person from another by day. Dr. Lee declared that it was enough to make a heart of adamant bleed to see such misery in a country like Scotland.”

Engels’ book is full of cases like above. A reader of today could see very difficult to believe the descriptions made by Engels. But in an introduction written for the book famous historian Erick Hobsbawm (2005) see Engels’ book as one of the most important books for the middle of the eighteen century labour history. In Marx’s *Capital* also there are numerous scenes that show the misery in working class. The following information supplied by Dr. Embleton, of the New Castle Fever Hospital, is quoted by Karl Marx (2013: 455):

“There can be little doubt that the great cause of the continuance and spread of the typhus has been the overcrowding of human beings, and the uncleanness of their dwellings. The rooms, in which labourers in many cases live, are situated in confined and unwholesome yards or courts, and for space, light, air, and cleanliness, are models of insufficiency and insalubrity, and a disgrace to any civilised community; in them men, women, and children lie at night huddled together: and as regards the men, the night-shift succeed the day-shift, and the day-shift the night shift in unbroken series for some times together, the beds having scarcely time to cool; the whole house badly supplied with water and worse with privies; dirty, unventilated, and pestiferous.”

The reason of quoting those long passages is to re-remember social conditions of post-industrial-revolution Europe. Under the wild capitalist conditions, the thought of unionization and the acts that aim to making unions arose easily. The first type of trade unions was guilds that had constructed by skilled workers or craftsmen (Skurzynski, 2009: 9): “The merchants traded goods produced by skilled workers. Soon these skilled workers formed guilds of their own. Craftsmen’s guild decided the prices, the quality, and the amount of goods they would produce. Weavers, dyers, blacksmiths, armor makers, jewellers, glassmakers, and many other skilled workers formed their own craft guilds. They called themselves guildsmen. They met in guildhalls, where they were ranked as masters, journeymen, or apprentices, according to their experience.”

But labour history shows that trade unions did not limit themselves to this one-type organisation that defended just the rights of skilled workers. In ensuing years general unions that comprised all –skilled and unskilled- workers come up. In the beginning the main aims of this type of trade unions also were to improve working life condition and preserve existing rights. But the conditions of social life in early years of post-industrial revolution forced labour unions to act in political field. As well known, one of the most important movements in British labour history was Chartism in the around middle of nineteen century (for details see, Thompson, 1966). This labour class movement struggled for political reform primarily for equal voting right. Yet, getting involved in more radical aims such as fighting against capitalist economic, social and political formation became via socialist thoughts. In that era there were several different veins in leftist ideologies. The most influential one arose from Karl Marx’s thoughts. The last sentence of one of his early writings was (Marx and Engels, 2008: 84): “Working men of all countries, unite!”

With that call, Karl Marx sees the members of working class as a political agent that can change economic and political system, even the world. So, working agents were the core component of all socialist ideologies because of its power that shapes the world and of course because of its vast majority. Thus, labour unions were most affected by Marxist historical progress model that manifests an end of capitalism followed by the socialist stage. Of course all the labour unions did not follow a socialist way but yet this way was and also is the strongest motivation among trade unions in continental Europe. Additionally it should be kept in mind that there has not been just one unionist tradition in Europe,

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\(^1\) The latest case is the activities held in İstanbul City. Wide scale demonstrates arose after police force violence toward the demonstrators who protest against some environmental planning for Taksim Gezi Park. The demonstrations went on during the last days of May and almost whole the June of 2013.
for example there has been also some strong basics that had arose from Christian culture. But one of the most known characteristics for the labour unions in Europe as pioneer example has been their relations with political area. No matter to being a socialist or revolutionary union but most of different type of labour organisations have tried to find a way in political area, established labour parties or developed close ties with some existing political parties. One of the famous cases that are not revolutionary is Labour Party in England.

In a wider context, Richard Hyman (2001: 2) classified trade unions traditions in Europe in three ideal types: “... I identify three ideal types of European trade unionism, each associated with a distinctive ideological orientation. In the first, unions are interest organisations with predominantly labour market functions; in the second, vehicles for raising workers’ status in society more generally and hence advancing social justice; in the third, ‘schools of war’ in a struggle between labour and capital.” Consequently in Europe tradition it’s not surprise to witness labour unions having relations with political area because of the long historical background of democracy in continent. Yet, this not mean there has not been any resistant by state and capital against labour organisations in the political and social history of Europe but social struggle experience in continent make it easy to act politically for European labour organisation by comparison with the other parts of World.

In some tradition politics or political acts cannot be seen as reasonable or nice approach on the contrary politics seen as a narrow activity that just done by state-related organisations or actors. In other words, politics should or is done by politicians, ministers, members of parliament etc. If this tendency has important roots in any culture, the developments of civil society or non-governmental organisations in those societies have great barriers. One of these societies is Turkey.

Although Turkey has promoted its democracy and its democratic culture in the last decade, until recently the government has been (and still is) sceptical about political activities2 from civil society. This sceptical tendency toward politics has deep roots in history of Turkey especially in social history. There is a phrase in Turkish language: “infected with politics”. So, politics has been seen as not so normal activity and seen as a thing that infects those who busy with it. Especially in state tradition any people or organisation in society that does politics was seen potentially dangerous. As civil organisations, labour organisations also have seen dangerous agents if they had connection with political area. In the following sections, I will try to clarify these arguments via following the acts about trade unions or labour activities during the last one and half century in Turkey.

2. The origins of labour organisations in Turkey

If we get labour issues such as labour movements or labour organisations started with industrialisation, we should look for that issues in Turkey in nineteen century or last decades of the century. Industrialisation in Ottoman era has always been a critical and controversial issue for the researchers of Ottoman State.3 Until recently, there was a dominant approach in historical studies on Ottoman late era which implied that the main reason of declining of Ottoman was its out-of-date approaches (Genç, 2012: 16). One of those dominant arguments was on the industrialisation pace of Ottoman State. According that argument, while Europe reached industrial stage via Industrial Revolution, after one century Ottoman economy still was trying to compete with European State via traditional production ways. So, this is one of the main reasons for the collapse of Ottoman Empire. Of course some recent historical studies have undermined these arguments (Quataert, 1994, 1997; 2002; Genç, 1994). Those studies show that in nineteen-century Ottoman country, there had been quite improved industrialised production. So, it’s possible to talking on some primitive forms of working class in nineteen-century Ottoman Empire.

Nevertheless, to see meaningful labour movements and organisations we should go to the first decade of twentieth century. In labour history of Turkey that is a quite young research field there are some debates on the first labour organisations. In the limited literature on labour history in Turkey, generally it’s accepted that the history of the first labour organizations goes back till the last quarter of nineteen century. Some organisations have been identified as a labour organisation (labour society) (Sülker, 1973: 11; 2004: 23-24) while some other researcher identified the same organisation as mutual society (Makal, 1997: 244). Although until recently all the works that constitute labour history of Turkey have accepted Ottoman Workers Society (Amele-i Osmani Cemiyeti) (founded in 1894-1895 and had been closed in 1896 by Ottoman government) as the first real labour organisation, the latest work (Yıldırım, 2013: 108) present some suspicion about the existing of that society. Yıldırım has put forward that he could not find the name of the society

2 For an interesting story of a young Ph. D. student see ‘preface’ section of the book by Genç, 2012: 15-36. In the early 1960s Genç started with some question on industrialisation in Ottoman State but he could not get himself out among new questions till about forty years later. At last the collection of his work has been published in one-volume book in 2000.
in his scanning on the records of the days.

A significant date for unionisations, labour movements and some legal arrangements should be the first decade of the twentieth century. Almost all works on labour history of Turkey see the date of 1908 as a breaking point and the most meaningful analysis focus on after 1908. After suspended twenty-nine years, in 1908 the constitution was declared and the Second Constitutional Era began. This date is also quite important in political history of Turkey. Although there were so many unwanted experiences from the point of democracy culture Ottoman citizen experienced some democratic institutions such as political parties, elections. The declaration of the constitution as the second time in 1908 was very welcomed by the people and the discourse of ‘freedom' widespread all over the country. But very soon the ruling party (İttihat ve Terakki Partisi / Union and Progress Party) was going to begin its authoritarianism in a wide scale. Nevertheless in the atmosphere of freedom perception, many trade unions come up and many strikes were done with the beginning of the Second Constitutional Era. So, 1908 is a quite important date in labour history of Turkey. In 38 years, from 1870 to 1908, there had been just 92 strikes done while in the first five months after the second announcement of constitution 143 strikes action was held (Yıldırım, 2013: 114). But after a short period the ruling party began to regulate the free atmosphere via some legislation. In the following section I will try to focus on that legislation on labour issues but in passing I want to present very shortly a political picture of Turkey for after the Second Constitutional Era.

The last decade before the proclamation of the republic in Turkey in 1923 was one of the darkest period in history of Turkey. In the early years of 1910s, just after the Ottoman-Italian War of 1911-1912, Ottoman Empire joined battle twice with Balkan countries and lost most of its lands in Balkan Peninsula (1912-1913). Soon after World War I began and after the war Ottoman Empire collapsed. But for the people of Turkey war was not still over and they should fight in independence war till 1923. During that dark period, as could be guessed, labour movement had been quite weak and so industrial actions were quite limited. After 143 strike actions mentioned above, there were 73 strikes held between 1909 and 1912 and there were just 10 strike actions between 1913-1918 years (Yıldırım, 2013: 139).

After the independent war of Turkey (1919-1923), a new period has begun. The founders of the republic tried to construct a new people, new state, ne culture shortly a new nation. For that purpose during the one-party era (1923-1946) there was not a suitable political climate for workers to consist labour organisations and go on strikes. After the World War II, political climate in Turkey also become soft and the multi-part era began. Shortly, after a moderate period of 1950s, the social movements including labour movements rose in 1960s and reached a peak between 1960-1980 years. After the military coup of 1980, nearly all the laws have been arranged including trade unions laws and collective bargaining laws. Those both acts have merged in a new act in 2012. In political culture of Turkey, trade unions are generally seen acceptable when they just keep them away from political actions. So, the legal regulations have designed to keep trade unions far away from political actions. In below I will present a short outline on legal regulations on trade unions and their actions from Ottoman era to Republican Turkey.

3. Legal Regulations before the Republican Era

The first labour code legislated in 1936 in Turkey. Of course before that date there were also some regulation about labour issues, trade union organisations and industrial actions but all those regulation were not comprehensive, but the act of 1936. One of the most comprehensive and detailed works that studies the regulations on labour issues in Turkey is Mesut Gülmez’s (1991) Labour Relations in Turkey (Before 1936). Gülmez presents a rich content till the Labour Act of 1936. I will refer to that study some times in the following sections.

One of the most controversial subjects in labour history of Turkey is the Article of 12 in Police Regulation of 1845 (for the literature on that regulation see Doğan, 2012). The Article of 12 authorises the police force to prevent the labour organisations or societies that have the aim of stop working as well as the other organisations that aims to disturb the public order and thus to prevent the road to riot or revolution. Many researchers of labour history of Turkey have interpreted that article as following: All those expressions such as stop working, labour organisations or societies and disturb the public order demonstrate that in Ottoman Empire of 1845 there was an alive working life, unionisation, labour movement. Thus, that picture obligated the authorities to make a regulation. But as I discussed above it is difficult to mention on an alive working class and their organisation for an early date such as 1845. Only in the early years of twentieth century a meaningful movements and organisations of workers come out. Gülmez (1991) clears the basis of all those interpretations. According to Gülmez the Police Regulation was a translation of a regulation from France. So, there were so many words in the Police Regulation about working class activities and its unionisation. This explanation sounds reasonable because of the objective data of workers of that era.

From 1845 to 1909, there were several other regulations on working life and workers but all of these are limited
regulations and not directly on labour organisations or activities. One of the most important regulations on labour issues was Tatil-i Eşgal (Strike) Act of 1909. Because of the intense labour movements in a short period after the announcement of constitution for the second time in 1908, government began to construct public order via legal regulations. For that purpose government constituted a provisional act in 1908 and in the next year the Strike Act came into force. The Strike Act was the first law that was about directly trade unions, strikes and the labour-employees conflicts (Gülmez, 1998: 165) and remained in force till 1936 year. One of the most important arrangements of the Act was the banning of trade unions in organisations or firms that provide the public services such as electricity, railways, tramp. Of course it did not ban all the trade unions but just the unions that provide the public service. On the other hand, while it bans some kind of trade unions the Act did not define the trade unions. Because of that confusion, many workers began to organise under the title of ‘society.’

In 1909 another important regulation has been done. The Societies Act of 1909 deserves to be mentioned in here because of its relation with labour organisations. Basically the Act aimed to control the organisations of civil society and banned some kind of societies. On the other hand, the labour movements that were restrained with the Strike Act could find a way to organise due to that Act.

**From Early Republican Era to Contemporary Turkey**

Another legal regulation that has relations to the subject discussed here was Labour Act (No. 3008) of 1936. That was the first labour law in Turkey and had some regulations about industrial actions with its part on collective labour relations. The regulations on collective labour relations of the Act were quite restrictive that banned (Article no. 72) strikes and lockouts. The main idea under that banning was standing on two bases. At first, the Act already had regulated all the process so there was no need to any strikes and lockouts and the secondly strikes and lockouts were quite dangerous actions for industrial life of the country (Makal, 1999: 401-2). In a wider context the main reason of that authoritarian tendency depend on the state ideology of the day and the rising values in world politics. At first, after the independent war of Turkey, a new state, the republic, was born and the founder fathers of the republic tried to construct a new nation. One of the six ideological principles of new republic was populism. This principle supposes the nation as a homogeny mass that has not necessity of organisations such as political parties, trade unions to represent them. Thus, the Act did not present any mentions about trade unions and any definitions for them. Moreover with the Act, there was no more chance for strikes because as stated above the Act banned strike and lockout actions.

One more important issue about that era was the amendment to the Societies Act mentioned above. Because of absent of any regulation in the Labour Law of 1936 about trade union, for workers it was possible to organise and making some organisations under the label of ‘society’. But the amendment in 1938 to the Societies Law closed that way because the amendment was banning to establish any organisations bases on any class or party in society. According to the populism principle there was no need to organise in any organisations such as different political parties or trade unions to defend rights of some class because there was not any different class in society and there was just one class that involved the whole Turkish society. Thus, the ruling party, the Republican People’s Party, was presenting all parts in society that was seen as a homogeny mass. This amendment is quite crucial in labour history of Turkey because it closed the legal way to organise for workers and also for other civil society initiatives. But this condition pushed the workers to organise in illegal formations.

One of the most effective dynamics that determined political structure in Turkey in the middle of the twentieth century was the world politics climate after World War II. Turkey could manage to keep itself out of the war and when a new world order came out after the war Turkey took sides with the capitalist Western world. This means Turkey have to democratise its institutions. Thus, the following years after the end of the war several crucial developments occurred in Turkey. One of the leading developments was the transition to multi-party system and the foundation of Democratic Party in 1946 that was going to come to force in 1950 elections. And another one was the amendment in Societies Act that abolishes the amendment of 1938. Especially the latter development had a critical importance because it opened the legal way to organise in trade unions. Hence, the following days of the amendment so many trade unions mushroomed in a short period. This experience is called in labour history of Turkey as trade unionism of 1946 that lasted a short time as well.

“After the end of the Second World War, there was a transition to a multi-party system as a result of both internal and external pressures, and the relatively more liberal atmosphere of that time led to the lifting of the ban on class-based organizations on June 10, 1946. Soon afterwards two socialist parties (the Socialist Party of Turkey and the Socialist Labour and Peasant Party of Turkey) were founded, to be followed by the establishment of numerous trade unions at the
initiative of these parties. These unions are termed as ‘the unions of 1946’ in the history of the Turkish trade union movement. (...) However, the unions connected to the two socialist parties flourished very rapidly and when their membership went up to thousands within a few months, the martial law command closed both the two socialist parties and the trade unions on 16.12.1946. Their leaders were arrested and their publications banned’ (FES, 2013).

After that unexpected experience, the political authority made an arrangement in 1947 to control the labour unions and to make their limits explicit. That was the first labour union code that had been accepted ever in legal system in Turkey. The first labour code makes clear the labour ideology of state that aims to keep the labour unions in collaboration with state and society. Minister of Labour, Sadi İrmak, present a clear lines of state ideology about labour unions in his speech on the law draft in 1947. In his speech, he presented some characteristics to make the mentality of the draft clear (Gülmez, 1982: 98-102): The Minister explain the first characteristic as “our principle is to provide liberty, nationalism and statism as a direction to those new-birthing societies (trade unions – F.M.) and we need to ensure those unions to be useful to their professions, to the people, to public good.” Then, the Minister classified the type of trade unions in three categories: trade unions that are against state, trade unions that are under the command of the state and finally the trade unions that are in collaboration with the state. Minister stated that the aim of the draft is to construct the third type of trade union in Turkey. Another characteristic presented by the Minister was the intention of keeping trade unions out of politics. Because according to Minister, to involve in politics take the unions away from their main purposes. Thus, the Act of 1947 banned any political actions and strike actions for trade unions. Trade unions were going to meet the strike right as a constitutional right with the constitution of 1961 in Turkey.

After a long period one-party rule in Turkey, Democrat Party came to power in 1950. The rule of the Democrats was going to continue till a military coup in 1960, May 27. There were not occurred so significant changes for labour rights such as strike right in that period as well. But the new constitution loosened some limitations for social movements as well as labour movement. In 1963 new trade unions and collective bargaining codes were enacted. With the new constitution as well as the new labour codes, a new era was beginning for civil society movements in Turkey. Two decades following the emergence of new constitution were a significant period that mobilisation and polarisation in constitution as well as the new labour codes, a new era was beginning for civil society movements in Turkey. Two decades following the emergence of new constitution were a significant period that mobilisation and polarisation in society became clear. Due to the rising working class and having the rights of strike, in that period labour unions become strong and began to affect to political agenda. The trade union act of 1963 was bringing prohibition for trade union just to develop organic relations with the political parties (Mahiroğulları, 2005: 153-4). Thus, in 1967 the biggest labour confederation (Türk-İş) in Turkey split and a more politics-oriented confederation, The Confederation of Progressive Labour Unions (DİSK), came out. In that period so many social, economic and political unrests occurred, political instabilities resulted in military interventions and state of emergencies. The final intervention was a coup in 1980, September 12.

The coup of 1980 has been the most influential intervention that has shaped all the institutions, all the legal system shortly all the structure. Democracy, civil society, freedoms as well as labour rights has been so wounded deeply that its affects is still alive today in Turkey. Preventing to the events of ‘dark period’ (the period before the coup), military administration began to design whole society and its institutions from top to bottom. In 1982 a new and quite detailed constitution was prepared. The constitution has brought so many limitations for organized society as well as labour organisations and labour union. The following year, 1983, the new trade unions code came out. New act was bringing significant limitations for trade unions to display political actions. Act was presenting the clear political prohibitions such as to not developing collaborations with political parties and unclear prohibitions such as ‘to not acting political actions and not to aiming political goals’ with the article 37 (Mahiroğulları, 2005: 305-6). In the new period civil society movement as well as labour movement has been extinguished, the labour unions that were seen as the main reason of the turmoil were closed. The labour movement in Turkey has never been as before the coup of 1980. Of course, military intervention has not been the only reason of the weakening of labour movement. There was also a global tendency toward a weak working class movement due to the beginning of neo liberal era. Yet, specifically the military intervention has special effects on the development of democracy and civil society in Turkey.

4. Some Concluding Remarks

With the new millennium, a new era has begun for Turkey. During the last decade many progress have been occurred in legal system, economic area and political field. Labour unions are still weak because some global tendencies such as flexibility, insecurity etc. affects the union density. Additionally the neo liberal process is clear in Turkish economy and government is trying to do some regulations that are suitable for that process. After a long period, in 2012 the new labour union act (Act no. 6356) came out that has brought some changes. One change related the subject of that paper is about
the actions of labour unions. The article 26 is about the actions. The Act indicates a way that not mentions specifically on action but refers some other regulations: “The foundations (has not been stated as trade unions–F.M.) engage in activities freely in the issues that are available in by-laws.” On the other hand some restrictions on relations with political parties have been held. Seventh paragraph in the same article states that: “The foundations cannot use the names, emblems, symbols or signs of political parties.” Additionally, with the article 28 (paragraph 2) trade unions cannot receive financial aids from political parties. Recently in labour relations area there are dens debates on the last act. Some writers (for instance see, Dereli, 2013) try to present both sides, positive and negative sides, of the act while some writers (for instance see, Gülmez, 2013) argues that the last act has the same mentality with the previous act and does not bring any new freedom for trade unions or unionisation.

Gülmez (2013) is arguing that there is nothing new for unionisation freedom in the new labour union act. Because there is rooted sense toward the unionisation in Turkey and this constitute the basis of state ideology for trade unions. In that concluding section I’m going to try to present the basic reason under that ideology via referring the Gülmez’s work (1995) stated above. Gülmez presents the government’s main reasons to prohibit trade unions, which is exhibit a general tendency of state tradition in Turkey towards trade unions. Gülmez (1995: 334-346) categorises the reasons that the government put forward against trade unions during the debates on the draft of strike act of 1909 under some titles.

The first reason for government to prohibit trade unions was the treat of socialism and working class revolution. Another treat was the one toward foreign investments. Additionally, according to the government trade unions had should be banned because they were the organisations and the tools of war to defend the rights of workers. Trade unions were also the treats against the sovereignty of the state, because the only actor to solve the problem between social parts is state not labour unions. And one of the most important reasons to prohibit trade unions was their intention to do politics. However, doing politics mean to intervene the field of government.

All or some of these reasons have shaped the perception toward trade unions in Turkey. Busying with politics has been never approved for trade unions as well as for the other civil society organisations. But recently, the civil society is getting stronger and the democratic institutions are getting mature. The most effective dynamic that treats the labour sees labour organisations as the treat for foreign investments is still standing.

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Age’s Differences at Bullying’s Acts in School Age

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Abstract

It’s is ascertained that the phenomenon of bullying is increased recently in the 9-year schools and in the high schools of the city of Elbasan. The main focus of this scientific article is the frequency’s evidence of the occurrence of the phenomenon of bullying in different school ages in two 9-year schools in the city of Elbasan. The main scientific methods applied in this study are survey and observation. The data are statistically analysed. From this scientific research is concluded that bullying’s acts (experiences as bullies and victims) get reduced in schools with students in older age and also it occurs an increase of prosocial behavior. The occurrence’s frequency of bullying’s acts increases starting in the early years of the 9-year school (10-15 years old). Starting from high schools with the increasing of the age, get reduced the number of bullies and victims of bullying’s acts. So starting from age 15-16 years old, bullying’s act in schools get reduced. Transition periods (such as the enrollment, school changes, etc.) are particularly important because they often have the consequence of increasing the problem of bullying’s acts. Physical bullying is mostly related to age. The more children grow, they use less direct and physical forms of bullying. With the age increase the most frequently used forms of bullying are the verbal and relational bullying.

Keywords: bullying’s acts, age differences, physical and verbal bullying, direct and indirect bullying, relational bullying.

1. Literature review

In absolute terms, bullying (experiences as perpetrators and victims) get reduced in schools with older students and in those schools is ascertained an increase of prosocial behaviors. Salmivalli based on the results founded in her studies puts somewhat in doubt the correlation between the reduction of victimization’s experiences and the age. It criticizes that the results are mainly derived based on self-reports. If taken into account estimates and opinions of teachers, parents and peers is clear that there is no link between the reduction of victimization’s experience and the age. Such a decrease is ascertained only in the number of children who perceived themselves as victims, that means to students who reported victimization, but that certainly were not victimized.

In general, it can be concluded that the authors of bullying’s acts prefer to attack victims younger than themselves, which makes it clear that they choose victims who are perceived as less risky to make resistance, therefore it is absolutely obvious that bullying is a demonstration of force or power. But here it’s not intended the measure of the author’s personal strength, but his strength measurement compared with that of a younger person, who is first perceived weaker than himself (Alsaker, 2003).

There are conducted many studies, whose focus is the age’s differences at bullying’s acts in school. The results of those studies are different but there are also some similar results. They can be summarized as follows:

- Bullying’s acts occur since at the age when children attend kindergarten.
- Frequency of occurrence of bullying increases starting in the early years of the 9-year cycle school (10-15 years). Starting from high schools with the age’s increase, get reduced the number of perpetrators and victims of bullying. So starting from age 15-16 the students make less bullying’s acts, as result the bullying in schools get reduced.
- Transition periods (such as the enrollment, school changes, etc.) are of particular importance because they often have the consequence of increasing the problem of bullying. 1

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Physical bullying is mostly related with age. As more children grow, they less use direct and physical forms of bullying. With the increasing of the age the most frequently used forms are the verbal and relational bullying, which means that the forms of bullying’s expression became more refined and complex with the increasing of the age.

At the same time increase also the prosocial behaviors.

Results found regarding to the frequency of occurrence of the phenomenon of bullying in different age groups are partly controversial, because of changes in methodologies applied (eg information processing methods, sources of information, etc.)

2. Methodology

Population: The sample consisted of 300 students, 150 students of the age 7 – 10 years old, 150 of the age 10 – 15 years old and 100 of the age 10 – 15 years old, selected in two 9-year schools in the city of Elbasan.

Instrument of measure and procedure: It was developed a questionnaire with eight groups of items on closed questions in close collaboration with the teachers and school psychologist of the selected schools. The data were processed in SPSS.

3. Analysis

The statistical data presented in the graph 1 shows that 47% of the surveyed subjects, age 7 -10 years old, claimed to have committed acts of physical bullying last 3-4 months in school. 28% of them claimed to have committed acts of verbal bullying last 3-4 months in school. This shows that as more children grow, they less use direct and physical forms of bullying.

Graph 1

The statistical data presented in the graph 2 shows that 18% of the surveyed subjects, age 10 -15 years old, claimed to have committed acts of physical bullying last 3-4 months in school. 57% of them claimed to have committed acts of verbal bullying last 3-4 months in school. This also shows that as more children grow, they more use verbal forms of bullying.

Graph 2

Conclusions

From this scientific research is concluded that bullying’s acts (experiences as bullies and victims) get reduced in schools with students in older age and also it occurs an increase of prosocial behavior. Various reasons have been identified to argue correlation between reduction of bullying cases when the child grows older. The children in early childhood are potentially vulnerable to become victims because they are in a weaker position versus school age children. In addition, children in early childhood do not know yet, that other children are not victimized. Also, these children do not yet possess social skills and persistent competence to avoid and to prevent victimization. In the course of their development, children acquire verbal and social skills that enable them to replace physical forms of bullying behavior with the cunning or fine and socially acceptable strategies.

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Toward a Protected Maritime Environment of Adriatic Region

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Abstract

Considering that Adriatic Sea constitutes an important oil transport highway for vessels shipping from Mediterranean Sea through the Otranto channel to the northern ports of Trieste, Koper and Rijeka. The later makes it one of the busiest and at the same time one of the most endangered areas in the Mediterranean Sea thus facing serious environmental threats. From an economic point of view, the Adriatic Sea plays an important role in tourism recreation and economy growth of the coastal countries, but, at the same time the region is one of the most developed industrial area. However, the risk and threat of maritime pollution from oil, hazardous and noxious substances may have equal catastrophic consequences for the environment and important sea-based economic activities. This area has been affected by numerous maritime incidents causing significant damage to the marine environment and to the regional and national coastal businesses. These incidents revealed the lack of cooperation and coordination of response units in regions and counties on both sides of the Adriatic to deal with such incidents at sea. This situation is further being supported from the lack of adequate response equipment, trained and qualified personnel and poor cross-border coordination among the bodies involved in the implementation of the national and regional contingency plans. This paper aims to represent an expanded view of the effects of maritime transport in Mediterranean Sea environment and will emphasize the urgent need for a better cooperation and coordination of all institutions involved in response to oil pollution in Adriatic region.

Keywords: Maritime Transport, Environmental Protection, Adriatic Sea, Maritime Pollution.

1. Introduction

The Adriatic Sea, although a part of the wider Mediterranean region, has its own specific features and is considered a distinct marine sub-region. It is a narrow, semi-enclosed sea, formed as a gulf deeply incised into the European mainland, and connected to Ionian Sea and the Central Mediterranean Sea only by the Strait of Otranto.

Due to its strategic position, the Adriatic Sea is now re-emerging as an arena of high geostrategic importance in the changing geopolitical picture of Eurasia. Although it is a part of the wider Mediterranean region, the Adriatic Sea – connected to the rest of the Mediterranean only by the Strait of Otranto – has its own specific features, and is for many reasons rightly considered a marine sub-region in its own right. The Adriatic coastline is divided differently in six countries: Albania in the south-east, Bosnia-Hercegovina, Croatia, Italy, Montenegro and Slovenia.

3 Albanian coastline is 418 km, 150 km of this coastline borders the Ionian Sea. For more see The European Commission Study “Exploring the potential of Maritime spatial planning in the Mediterranean” February 2011.
4BiH it is almost a landlocked country except 20km (12miles) of internal waters surrounding the city of Neum. For more see: http://en.wikipedia.org/wiki/Bosnia_and_Herzegovina
5 Croatia has the longest coastline (around 75%) of the Adriatic Sea. It goes up to 6200km including the coast of its large number of islands For recent research on the exact number of islands along the Croatian coast and coastal length measurements, see Tea
As to commercial shipping, the Mediterranean Sea, where transits around 30 per cent of global maritime trade, is characterized by two major patterns: one is transit only, while the other involves calling at a port in some Mediterranean country. In the Adriatic Sea, due to its geography, there is no transit, so all commercial traffic there calls at some Adriatic port. An important share of that traffic (crude oil in particular) is then further transported on-land to mid-European countries, several of them land-locked. In such a situation, the reliance on port state jurisdiction on arrival may be of considerable importance – a feature that requires enhanced sub-regional cooperation and coordination.9

Deeply incised into the European mainland, the Adriatic Sea has long been an important transport route. The reason is obvious from its geo-graphical, and indeed geopolitical, placement. On its coast highly industrially developed countries and less industrially developed mid-European countries (several of which are land-locked) gravitate naturally to the Adriatic Sea. Some of these are heavily dependent on that maritime route for their energy imports as an example Austria receives 75 per cent of its oil imports through Adriatic ports, and Bavaria in Germany even more.10

The purpose of this study is to present in an efficient way possible of positive and negative effects that maritime transport plays in the Adriatic Region. Likewise, this study aims at presenting the weaknesses and strengths of transport and will provide some ideas on where to constrain attention on enforcement of regional coordination and cooperation for the protection of the maritime environmental pollution in Adriatic Sea.

The legal innovation of studying of the impact of maritime transport in Adriatic Sea will be located in two main aspects: in academic aspect which has a certain importance for the academic audiences in the fields of business, tourism and the

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Dupla_i_Leder, Tin Ujevi_ and Mendi_ala, Coastline lengths and areas of islands in the Croatian part of the Adriatic Sea determined from the topographic maps at the scale of 1:25000", Geoadria, Vol. 9, No. 1, 2004, pp. 5–32.

Due to the geographic position of Italy, its coastline constitutes the total western side of the Adriatic Sea and some of the northern part. The Italian coastline is around 1300km and it plays a significant role in maritime transport.


Slovenia coastline is around 45km. Its port Koper, together with Port of Trieste, is receiving a larger amount of oil coming from other ports of Mediterranean and passing through Adriatic.

Ibid footnote 2

legal and practical aspects where companies and touristic agencies as well as the population to be more informed on this mode of transport as well as the challenges of regional countries and stakeholders for strengthening their co-ordination and cooperation towards a particularly protected area of Adriatic Sea.

In the following research article it will be used the qualitative approach. It will initially be done an interpretative and epistemological approach of the concept of maritime transport, later will be used a legal interpretation of the current legal system in the field of maritime environment protection which will make possible the establishment of a legal framework to enable the readers to easily understand the scope of this study and finally a description of the performer current situation by suggesting measures that should be taken in the future to determine the appropriate national and international strategies with the view to increase the coordination and cooperation of the regional countries and agencies for the protection of maritime environment and response to marine pollution.

2. Delimitation of Adriatic Sea

The first maritime boundary agreement in the Adriatic Sea was between Italy and Yugoslavia in 1968. In that time the Adriatic was divided only by three states Yugoslavia (56%), Italy (33%) and Albania (11%). After the Geo-political changes of the region and the diffraction of Yugoslavia, Slovenia and Croatia were the first two countries that started the negotiations on the new boundary but the first agreement was reached in 1999 between Croatia and Bosnia Herzegovina.

With regard to territorial sea, Italy and Croatia established a Territorial Sea of 12 Nm along their coasts. Slovenia even its small coastline is entitled of the territorial sea but the dispute with Croatia for the small bay of Piran. Regarding the maritime border between Croatia and Bosnia-Herzegovina, in 1999 was signed a treaty on the maritime borders of BiH territorial sea, but the ratification of the treaty has not yet been in completed. The southern Adriatic countries Albania and Montenegro did not have any agreement or dispute in the delimitation of the border so their national jurisdiction is limited to their territorial waters.17

Regarding the Exclusive Economic Zone (EEZ) the 1982 UNCLOS entitles the coastal states to declare an EEZ to a limit of 200nm. The effect is to give the coastal states all the rights of continental shelf, plus the exclusive right to exploit the living resources within the EEZ. None of the six Adriatic states has apparently made a formal claim to an EEZ. Croatia has indicated that it is likely to declare such a claim and it would not be surprising if other Adriatic countries were to follow the suit.

3. Maritime Transport in Adriatic Sea

The maritime traffic in Adriatic is becoming increasingly dense lately. The increasing needs for oil, commercial trade and industry of the coastal countries and what is more important the use of Adriatic ports for transiting of goods to landlocked countries such as Serbia, F.Y.R.O.M. Austria and central Europe is giving a special push toward the increasing use of maritime transport and in the same time the increase of the risk for pollution of maritime environment.

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15 The establishment of the territorial sea by a country is followed by an approved legislation which usually is a bilateral or multilateral agreement set in the national legislation after the approval of national Parliament.
16 This dispute led Slovenia to block Croatia’s bid to join the EU. Before Croatia has called for the border to be drown in the middle of the bay, but Slovenia feared that this would deny its ships direct passage to the high seas. See for more http://en.wikipedia.org/wiki/Croatia%E2%80%93Slovenia_border_disputes#cite_note-6
In the "White Paper" on the European Transport Policy20 the Commission predicted that there is about 40% of domestic demand for transport and maritime transport only could afford this. Commission also proposed the development of "Maritime Highway" as a true competitor of road transport. These highways became part of the Trans-European Network (TEN-T).21

The geographic shape of Adriatic Sea is characterized from a long route from south to north where the larger ships as oil tankers are navigating from straight of Otranto toward north-Adriatic ports as Trieste or Koper. These ships are frequently crossed by other ships like ferries, yachts, oil tankers or other commercial ships navigating from East to West coast of Adriatic. This situation increases the risk for maritime incidents with great impact on sea-pollution.

According to the study of Det Norske Veritas (DNV), the Adriatic Sea has an accident frequency more than five times as high as the world average. The accident occurrence as related to the commercial traffic load was evaluated to be higher for the Adriatic Sea than for other highly dense shipping areas like the Mexican Gulf and the Barents Sea.22

Another important feature to maritime transport and shipping in general is the current levels of traffic in Adriatic Sea, apart from incident risks, raise serious concerns for the coastal states. That especially relates to operational oil discharges from large ships, mainly on international shipping routes that traverse the Adriatic.23

4. Maritime Environment

However maritime transport, besides the positive impact, is also a serious threat to the marine environment, which is one of the main elements that affect all human lives. Protection of the marine environment is a hot topic in the focus of global organizations, the importance of which is increasing. There is the fact that the marine environment is vulnerable to pollution, but because of the dependence of human society from the marine environment pollution of the marine environment threatens many interests of society in various fields ranging from existence to recreation including tourism.24

In a macroeconomic perspective, the marine pollution threatens tourism as a major source of Gross domestic income of different states which are the backbone from which these countries are depending directly. A clean environment ensures efficient use of sand and sun, various marine water activities like diving, rowing, surfing etc.

The economy of coastal countries is deeply connected with the sea, in particular the traditional sectors such as maritime transport, fisheries and coastal and marine tourism. The sea can be considered as a refuge for some of the most important treasures of the world heritage, including historic cities and virgin beaches, tourism is economically important for the Adriatic coastal areas as one of the main marine activities and rapid growth in the region.

A cleaner coastal and maritime environment plays a very important role in economic incomes of a country. Its further development can be channeled through the strengthening of links between coastal states economy and cultural promotion of transnational routes, addressing concerns by developing joint seasonal touristic offers / combined programs and the promoting of the image and profile of the region as a whole, strengthening the quality of services and products offered and improving the geographical distribution of the accommodation offers. Cultural heritage in the coastal zone and in the seabed is an important element in terms of tourism development and corporate identity and thus should be promoted.

By revealing the true potential for protection of maritime environment in the Adriatic Sea, promoting the economic growth and jobs for the coastal areas in the region, will require a consistent approach. The maritime activities have a significant impact on the environment on which they depend on. A long practice of developed countries has shown that intensive coastal activities are usually followed by a negative impact on the marine environment. It can lead to pollution of the sea, if waste water treatment plants do not have the capacity to handle all sewage and as a result, the discharge of a certain amount directly into the sea. It can endanger marine species and ecosystems. Coastal protection through beach nourishment instead of using protective barriers (due to their visual appeal) may have adverse environmental effects for

20 http://ec.europa.eu/transport/strategies/2011_white_paper_en.htm last time seen on 09.06.2013
21 http://en.wikipedia.org/wiki/Trans-European_Networks, seen on 09.06.2013
22 Summary of findings by DNV as presented in "Designation of the Adriatic Sea as a Particularly Sensitive Sea Area – First draft prepared for the Meeting of the Joint Expert Group on PSSA, 20 April 2006"
these reasons it is important to mention the law framework for the prevention and protection of maritime environment from maritime traffic.

5. Law framework

From the earliest times after the Titanic disaster and especially after Erika\(^{25}\) and Prestige\(^{26}\) incidents that happened in Europe has highlighted the necessity for concerted action between EU and neighboring countries to ensure the highest possible safety standards for the maritime transportation of oil. It came necessary to improve and enforce the international, regional and national law related to the protection of maritime environment and the coordination and cooperation for response to maritime pollution caused by incidents at sea. There are several International and regional conventions only for the protection of Mediterranean Sea and also some sub-regional and national measures that are being implemented in the region.

The “Constitution” of Law of the Sea - UNCLOS\(^{27}\) contains a discipline on limits on government power, respectively, of the coastal State and the flag State, which is slightly different. In particular, the powers of the coastal State are more limited with regard on prevention and enforcement of the Exclusive Economic Zone, the coastal State may legislate in accordance with Art. 211, par. 5, only in conformity with international standards and “generally” accepted, carrying out with coercive measures only if the ship stations in one of its ports (art. 220), unless in unusual cases. In compensation the Convention recognizes to the port State the opportunity to intervene on the ship that stations, and in some cases and in certain conditions guarantees, even when the pollution did not take place in areas under its jurisdiction.\(^{28}\)

OPRC Convention 1990\(^{29}\) aimed to provide a global framework for international cooperation in response to major incidents or threats to marine pollution. It requests the parties of the convention to establish measures for dealing with pollution incidents either nationally or in cooperation with other countries, to report incidents to coastal authorities and provide assistance to other in case of incidents. This convention might be considered as the promoter for cooperation of the regional countries against the fight for the pollution incidents in the Adriatic Sea.

- Barcelona Convention 1976. This convention together with its eight protocols are the promoters of the creation and implementation for the prevention, abating and combating pollution of the Mediterranean Sea and protection and enhancement of the marine environment in that area.\(^{30}\)

- Sub-Regional Contingency Plan for prevention of Preparedness and response to major marine pollution incidents in the Adriatic Sea. Following the mentioned conventions the three northern Adriatic countries Italy-Slovenia-Croatia made a trilateral agreement for merging of the forces, expertise, equipment and response measures against incidents causing or likely to cause pollution in the Adriatic Sea for their respective areas.

The question is why it is limited only to these countries and are not included other countries like Montenegro, Albania or Bosnia and Herzegovina? Before answering to that question it is necessary to clarify if these countries fulfill all the necessary obligations to be part of this agreement. The main obligation that other countries should fulfill is that they should have an updated national contingency plan to accomplish the national needs for response to marine pollution and after to assist other regional countries in combating the pollution in their maritime area. Secondly, if this countries have enough equipment and response measures to deal with the pollution in their respective areas and in common Adriatic Sea.

National Contingency Plans. As we said to be part of trilateral agreement it is necessary that countries should have their national contingency plans. That means that Italy, Slovenia and Croatia have their plans and in the same time they have enough equipment for response to incidents causing pollution in Adriatic Sea. Republic of Montenegro\(^ {31}\) and

\(^{25}\) The sunk of the tanker Erika in the coast of France on 1999 causing a major environmental disaster. For more see http://en.wikipedia.org/wiki/MV_Erika, last seen on 29 June 2013.

\(^{26}\) The sunk of the tanker Prestige of the coast of Galicia in 2002 polluting thousands of kilometers of the coastline. For more see http://en.wikipedia.org/wiki/Prestige_oil_spill last seen on 29 June 2013.

\(^{27}\) United Nations Convention on The Law of The Sea

\(^{28}\) Del Vecchio, Angela. Zona economica esclusiva e stati costieri, Firenze : Le Monnier, 1984

\(^{29}\) International Convention on Oil Pollution, Preparedness, Response and Cooperation (OPRC) 1990. All regional countries except BiH are party to this international Convention.

\(^{30}\) Convention for the Protection of the Mediterranean Sea against Pollution, Article 4 For more see http://www.unepmap.org/index.php?module=content2&catid=001001004. Last seen 30.06.2013

\(^{31}\) Montenegrian Contingency Plan was aproved in 2011 and now due to some changes in maritime administration, it is now subject of some updates.
Albania\textsuperscript{32} already fulfill the two abovementioned criteria. They both have updated national contingency plans that were drafted with the assistance of REMPEC\textsuperscript{33}.

6. Conclusion

However, the problem of marine pollution has become increasingly severe due to the increasing technological progress. This progress could not be resolved through a few rules mentioned above. Despite the fact that Adriatic is a semi closed Sea it plays a very important role for the economy of the region. It serves as a route for transport of the goods and passengers from other international ports to the ports of Adriatic. Being aware that a serious marine pollution incident may significantly damage the Adriatic ecosystem and economic activities including in particular tourism and industry generation it bring the importance the enforcement of several measures that should be implemented for the better protection of Adriatic Sea environment.

The unification of the regional law framework for response to maritime pollution and the drafting of common regulations is one of the most important steps that should be taken. This would make possible the ability of all regional countries to use the same laws and regulations for the common goal the protection of common Adriatic Sea from Pollution including the simplification of the cross boarding procedures and diplomatic clearances.

Another measure that should be taken in consideration by the countries is the drafting of new bilateral and multilateral agreements for cooperation and coordination of the work in case of pollution incidents. These agreements will enhance regional coordination and cooperation of the participating countries by pooling resources and expertise together, not only to be cost-effective, but to give the neighboring countries the opportunity to share and further develop professional skills and technical expertise. For a prompt and efficient response to marine pollution incidents, exercising national capabilities, including pollution response equipment and personnel, and the development of the conformity of applicable international regulations will be important. Functional plans and well-coordinated and trained capacities will also reduce the risk of marine pollution incidents and thereby contribute to the protection of the Adriatic Environment. It is also necessary to set up a common database on the state of readiness and spatial distribution of pollution preventing equipment along the Adriatic coasts as well as the improvement of the operational instruments to cope with the environmental and technological hazards.

Some important steps should be taken in the field of maritime safety. If there is no safety in navigation there is no cleaner environment. That means that all regional countries should establish a communication and reporting network for the exchange of the information between countries for the vessels shipping through Adriatic Sea, the goods carrying especially if it is oil or other hazardous and noxious substances, and their destination and the improvement of the early warning system – through a joint radar monitoring program based on a set of radar systems and the consequent the capacity of the entrusted Euro-region actors to identify potential sources of risks menacing ecosystems (mainly located in the most sensitive economic poles of Adriatic) and trigger coordinated intervention procedures.

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\textsuperscript{32} Albanian National Contingency Plan was drafted and approved in July 2012

\textsuperscript{33} The Regional Marine Pollution Emergency Response Center for the Mediterranean Sea (REMPEC). The main objective of REMPEC is to assist Mediterranean coastal states in ratifying, transposing, implementing and enforcing international maritime conventions related to the prevention of, preparedness for and response to marine pollution from ships. For more see \url{http://www.rempec.org/}. Last seen 30.06.2013


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Biomonitoring of Di-(2-Ethylhexyl) Phthalate (DEHP) Exposure in Human

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Abstract

The exposure of the general population to phthalates is of increasing public health concern. Most substantial phthalate in the environment is di-(2-ethylhexyl) phthalate (DEHP); higher molecular weight is the reason for use in construction material, clothing and furnishings. By far, their largest application is to impart flexibility to polyvinyl chloride plastic (PVC). Study focuses on the biomonitoring of DEHP in adults (n=108; males=42, females=66; average age 39.67 ± 14.01) from Nitra, because of the potential human toxicities of phthalates as a particle of plastic material. In response to determine human exposure to phthalates, we used high performance liquid chromatography and tandem mass spectrometry analysis to estimate trace levels of phthalate metabolite mono-(2-ethylhexyl) phthalate (MEHP) in human urine. The mean daily intake for DEHP ranged from 4.66 to 141.58 µg/kg per day, in 18 subjects were higher than corresponding tolerable daily intake (TDI) for DEHP (50 µg/kg per day) set by the European Food Safety Authority. The presence of DEHP in more than 92% of the urine samples indicating a ubiquitous exposure of people living in Nitra. This study is the result of implementation of projects: “Environmental aspects of urban area” (ITMS: 26220220110) supported by the Research & Development Operational Programme funded by the ERDF; VEGA (V1/0042/12).

Keywords: biomonitoring, MEHP, DEHP

1. Introduction

For at least three decades, scientists at CDC’s Environmental Health Laboratory have been determining which environmental chemicals people have been exposed to and how much of those chemicals actually gets into their bodies. This technique is known as biomonitoring. Biomonitoring measurements are the most health-relevant assessments of exposure because they measure the amount of the chemical that actually gets into people, not the amount that may get into people (CDC, 2012).

Human biomonitoring includes monitoring of chemicals, their metabolites or specific reaction products in blood, urine, faeces, hair, saliva, breast milk or human adipose tissue, which are suitable for assessing environmental exposure, as well as diseases and disorders of bodily functions.

Progress in human biomonitoring has opened new possibilities in assessing phthalate exposures, because most of the biomarkers used in modern phthalate biomonitoring are specific metabolites generated in the human body (secondary oxidized metabolites) which are not prone to external contamination (Angerer et al., 2007).

Phthalates are alkyl diesters of phthalic acid named based on the lengths of the alkyl chains and are used to impart flexibility in plastic or as a matrix in cosmetic products. Phthalates are not covalently bound to molecules of plastic polymer and thus easily released into the environment by direct release, migration, evaporation, leaching and abrasion of and from the products they are used in (Wittassek et al., 2011). Human exposure occurs through inhalation, dermal contact, intravenous and ingestion especially with contaminated food. Food considered to be the most important source of exposure to high-molecular weight phthalates (high-MWP; metabolites >250 Da) for the general population (Schettler, 2006). After absorption, phthalates are initially metabolized to monoesters which can be metabolized further and are eventually excreted as glucuronides in urine (Silva et al., 2003). The content of phthalate metabolites in human urine represents a measure of the exposure to the respective parent phthalate that occurred within the last 24h (Koch et al., 2006).

Of the approximately 20 phthalate esters in common use, di-(2-ethylhexyl) phthalate (DEHP) constitutes
approximately half the total; 1–4 million tons are produced per year (Thomas and Thomas, 1984; Huber et al. 1996; Halden, 2010). Di-(2-ethylhexyl) phthalate (DEHP) is the most substantial phthalate in the environment which belongs to the group of phthalates with long chain and high molecular weight. DEHP is used in numerous consumer products, especially those made of flexible polyvinyl chloride. Because of its toxicity the use of DEHP in teething rings, pacifiers, and toys for young children has largely been discontinued, but DEHP continues to be used in clothing, toys, food containers, medical devices (i.e. PVC infusion lines) and a variety of building, household, and automotive products (David et al., 2001; Heudorf a et al., 2007; Loff et al., 2007).

Data from Koch et al. (2006) and Fromme et al. (2007) and others studies suggested that the major source of exposure to long-chain phthalates such as DEHP is foodstuff. In all age groups ingestion of food was assessed to be the most dominant pathway for exposure to DEHP, more than 90% for children, teenagers and adults and approximately 50% in infants and toddlers (reviewed by Wittassek et al., 2011).

DEHP is extensively metabolized after all routes of uptake and eliminated in the urine. In a first and fast step DEHP is cleaved into primary metabolite monoester MEHP which is again extensively metabolized by different oxidation reactions to secondary metabolites mono(2-ethyl-5-hydroxyhexyl) phthalate (SOH-MEHP) and mono(2-ethyl-5-oxohexyl) phthalate (5oxo-MEHP) (Koch et al., 2005). These oxidative metabolites are excreted in at least three times higher concentrations than MEHP in the general population (Kato et al., 2004).

DEHP is a known reproductive and developmental toxicant in animals exerting its toxicity already in utero. Some effects are malformed reproductive organs (hypospadias, cryptorchidism), decreased anogenital distance, mating, pregnancy and fertility, retained nipples at bird and reduced reproductive organ weights, disrupt testicular germ cell organization in foetus and spermatogonial stem cells function in a transgenerational manner (Kavlock et al., 2002; Akingbemi et al., 2004; Borch a et al., 2005; Foster, 2006; Swan et al., 2006; Doyle et al., 2013). DEHP is also a considered a human endocrine disruptor affecting the reduction in sperm motility and chromatin damage (Hauser et al., 2007), disruption of fetal germ cell development (Lambrot et al., 2009), disruption of Leydig cell development and testosterone levels (Desdoits-Lethimonier et al., 2012), reduction in anogenital distance (AGD) (Swan et al., 2005; Marsee et al., 2006) and have the potential to alter androgen-responsive brain development in humans (Mendiola et al., 2012.

Typical human exposure is estimated to be 4–30 µg DEHP/kg/day, but some individuals have substantially greater exposure resulting from DEHP-plasticized medical devices such as blood bags, hemodialysis tubing and membranes, autophoresis equipment, and nasogastric feeding tubes (Loff et al., 2007). The aim of our study was biomonitoring of this hazardous toxicant on general population in Nitra, Slovak Republic.

2. Material and methods

The cohort consists from 108 probands with age range 19-69 years. Probands’ participation in this study was entirely voluntary and also had the possibility to withdraw their participation at anytime during the study. Informed consent was required to be interviewed by the researcher, to provide samples of urine, complete questionnaires and allow the researchers to take measurements and also to process their medical and personal records and data. The anthropometric data was collected using standard anthropological methods; body height (by A 319 TRYSTOM, Ltd., Pasteurova 15, 772 00 Olomouc Czech Republic), waist girth and hip girth (by spreading caliper P-374 TR YSTOM, Ltd. Pasteurova 15, 772 00 Olomouc Czech Republic). Body-mass index (BMI) was estimated and classified by WHO (1995). Waist-to-height ratio (WHTR) was calculated:

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WHTR = \frac{\text{waist circumference (cm)}}{\text{height}^2 (\text{cm}^2)}
\]

Waist to hip ratio (WHR) was estimated by dividing the waist circumference by the hip circumference (WHO, 1986). Body weight, body fat percentage, muscle mass percentage, and visceral fat level were estimated by The Omron BF510 (Kyoto, Japan) by bio-electrical impedance analysis, using a 50 kHz current source with electrodes on each hand and foot. The FMI indices are concept equivalent to BMI, as shown in the following definition (Schutz et al., 2002):

\[
FMI = \frac{\text{fat mass (kg)}}{\text{height}^2 (\text{m}^2)}
\]
2.1 Urine collection and analyses

Urine samples from all volunteers were stored in transport box at 2-6 °C. In laboratory were all samples stored in deep freeze at the temperature -73°C until analysis. Mono-2-etylhexyl phthalate (MEHP) was measured in urine specimens by high performance liquid chromatography (HPLC) and tandem mass spectrometry (MS/MS) (Infinity 1260, Agilent Technologies, Schweiz). Urine analysis was made according to analytical method described by Silva et al. (2004, 2007) with use of manual solid phase extraction (SPE). Analytical standards were purchased from Cambridge isotope laboratories (MA, USA). Briefly, 1ml of urine was thawed buffered with ammonium acetate and spiked with iso- lated phthalate standards, β-glucuronidase enzyme (Roche, Germany) and incubated (37°C). After deconjugation were samples diluted with phosphate buffer (NaH2PO4 in H3PO4) and loaded on SPE cartridges (ABS Elut Nexus, Agilent). Cartridges were conditioned with acetonitrile followed by phosphate buffer before extraction. To remove hydrophilic compound were SPE cartridges flushed by formic acid and HPLC grade water. Elution of analytes was performed by acetonitrile and ethylacetate. Eluate was dried by nitrogen gas and reconstituted with 200μl of H2O. For HPLC purposed was used Agilent 1260 liquid chromatograph equipped with ZORBAX Eclipse plus phenyl-hexyl column. Separation was done using non-linear gradient program (Table 1). Agilent 6410 triplequad with electro-spray ionization was used for mass specific detection of phthalate metabolites. Instrumental settings were as follows: spray ion voltage (~3800 V), nitrogen nebulizer gas pressure (8 psi), nitrogen curtain gas pressure (7 psi), capillary temperature (430°C), and collision gas (nitrogen) pressure (1.5 mTorr). Precursor and product ions, collision energies, retention times and limits of detection (LOD) are showed in Table 2.

Table 1. Gradient program for HPLC separation

<table>
<thead>
<tr>
<th>Time, min</th>
<th>0</th>
<th>4</th>
<th>6</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>A%</td>
<td>80</td>
<td>60</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>B%</td>
<td>20</td>
<td>40</td>
<td>60</td>
<td>90</td>
</tr>
</tbody>
</table>

Flow rate (0.3 ml.min-1); mobile phase A (0.1% acetic acid in HPLC grade water) and mobile phase B (0.1% acetic acid in acetonitrile)

Table 2. Phthalate monoesters: chromatographic and mass spectrometric parameters.

<table>
<thead>
<tr>
<th>Compound Name</th>
<th>Precursor Ion</th>
<th>Product Ion</th>
<th>Fragmentor (V)</th>
<th>Collision Energy (V)</th>
<th>RT (min)</th>
<th>LOD, ng.ml-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEHP-C4</td>
<td>281.1</td>
<td>137.1</td>
<td>90</td>
<td>14</td>
<td>14.7</td>
<td>0.81</td>
</tr>
<tr>
<td>MEHP</td>
<td>277.1</td>
<td>133.9</td>
<td>90</td>
<td>14</td>
<td>14.7</td>
<td></td>
</tr>
</tbody>
</table>

We converted those excretion values of the phthalate metabolites to total daily intake (TDI) values for the parent phthalate applying the equation according to Koch et al. (2003).

\[
\text{Total daily intake (μg/kg/day)} = \frac{\text{ME(μg/g)} \times \text{CE (mg/kg/day)}}{\text{Fue} \times 1,000 \text{ (mg/g)}} \times \frac{\text{MWd}}{\text{MWm}}
\]

ME- urinary concentration of monoester per gram creatinine
CE- creatinine excretion rate normalized by body weight
Fue- molar fraction of the urinary excreted monoester related to parent diesters
MWd- molecular weight of phthalate diesters
MWm- molecular weight of phthalate monesters

3. Results

The cohort consist from adults (n=108) of which were 42 males and 66 females from Nitra region, Slovak Republic. The mean (± SD) age of study participants were 38.29 ± 13.60 years for female and 41.83 ± 14.52 years for male, BMI was 24.5 ± 5.05 kg/m for female and 26.26 ± 3.36 for male respectively (see in Table 3).
Table 3. Baseline anthropometric characteristic of study subjects by gender

<table>
<thead>
<tr>
<th></th>
<th>Mean ± SD</th>
<th>-95%</th>
<th>+95%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td></td>
<td>(n=66)</td>
<td>(n=42)</td>
<td>(n=66)</td>
</tr>
<tr>
<td>BMI</td>
<td>24.5 ± 5.05</td>
<td>26.26 ± 3.36</td>
<td>23.26</td>
</tr>
<tr>
<td>FMI</td>
<td>8.65 ± 3.74</td>
<td>5.99 ± 2.21</td>
<td>7.73</td>
</tr>
<tr>
<td>WHTR</td>
<td>0.5 ± 0.09</td>
<td>0.52 ± 0.06</td>
<td>0.48</td>
</tr>
<tr>
<td>WHR</td>
<td>0.83 ± 0.09</td>
<td>0.92 ± 0.08</td>
<td>0.8</td>
</tr>
</tbody>
</table>

Urinary mean concentration and distributions by minimum, median and maximum of MEHP and estimated DEHP by gender were calculated (Table 4). Mean concentration values for urine metabolite MEHP were higher in both genders than their median values, indicative of the high level in the upper quantiles. LOD value for MEHP was 0.81 µg.L⁻¹.

Table 4. Distribution of phthalate metabolite concentrations in subjects by gender (µg.L⁻¹) and estimated total daily intake TDI (µg/kg/day) based on (Koch et al. 2003)

<table>
<thead>
<tr>
<th></th>
<th>Mean ± SD</th>
<th>Min</th>
<th>Median</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>Female</td>
<td>Male</td>
<td>LOD 0.81 µg.L⁻¹</td>
</tr>
<tr>
<td>MEHP(µg.L⁻¹)</td>
<td>28.9 ± 21.25</td>
<td>28.51 ± 21.55</td>
<td>29.52 ± 20.74</td>
<td>38.82 ± 27.21</td>
</tr>
<tr>
<td>DEHP(µg/kg/day)</td>
<td>33.04 ± 24.71</td>
<td>28.51 ± 21.55</td>
<td>29.52 ± 20.74</td>
<td>38.82 ± 27.21</td>
</tr>
<tr>
<td>MEHP(µg.L⁻¹)</td>
<td>28.51 ± 21.55</td>
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</tr>
<tr>
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<td>28.51 ± 21.55</td>
<td>28.51 ± 21.55</td>
<td>29.52 ± 20.74</td>
<td>38.82 ± 27.21</td>
</tr>
</tbody>
</table>

Among the 108 urine samples, MEHP, metabolite of di-(2-ethylhexyl) phthalate, was detected in 93 % (n=100) of samples of which were 60 % female and 40% male.

16.67 percent of the all subjects (18 out of 108 samples) within our cohort of the general population are exceeding TDI (50 µg/kg/day) set by European Food Safety Authority (EFSA, 2005). 71.30 percent of the subjects (77 out of 108 samples) had values higher than the reference dose (RfD) of 20 micrograms/kg body weight/day set by the U.S. Environmental Protection Agency (EPA) (Table 5).

Table 5. Presence of urine metabolite in subjects and exceeded daily phthalate intake levels established by EFSA (2005) and US EPA

<table>
<thead>
<tr>
<th></th>
<th>MEHP</th>
<th>DEHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presence</td>
<td>TDI (EFSA)</td>
<td>RID (US EPA)</td>
</tr>
<tr>
<td>n (%) &gt;50 µg/kg/day</td>
<td>Mean ± SD</td>
<td>Mean ± SD</td>
</tr>
<tr>
<td>All n=108</td>
<td>100 (92.59)</td>
<td>18 (16.67)</td>
</tr>
<tr>
<td>Female n=66</td>
<td>60 (90.91)</td>
<td>7 (10.61)</td>
</tr>
<tr>
<td>Male n=42</td>
<td>40 (95.24)</td>
<td>11 (26.19)</td>
</tr>
</tbody>
</table>

Concerning the monoester determination, median, mean, SD, minimum and maximum values for MEHP were higher in the men compared to the female group. Mann-Whitney U tests (Wilcoxon rank-sum) confirmed that the two data sets were not significantly different (P = 0.816 for MEHP) (Table 6).
Table 6. Comparison between excretion of the MEHP in the female (n = 66) and male (n=42) set of our study

<table>
<thead>
<tr>
<th></th>
<th>Mean ± SD</th>
<th>Median</th>
<th>Min</th>
<th>Max</th>
<th>P value</th>
</tr>
</thead>
<tbody>
<tr>
<td>♀ MEHP (µg.L⁻¹)</td>
<td>28.51 ± 21.55</td>
<td>25.82</td>
<td>4.54</td>
<td>21.73</td>
<td>4.54</td>
</tr>
<tr>
<td>♂ MEHP (µg.L⁻¹)</td>
<td>29.52 ± 20.74</td>
<td>26.32</td>
<td>5.42</td>
<td>21.73</td>
<td>4.54</td>
</tr>
</tbody>
</table>

We also grouped our cohort according to questions asked in the extensive questionnaire to search for correlations with excreted amounts of metabolite. We found no significant coherence within eating habits or body care habits, drinking habits, lifestyle, or medication and medical history.

4. Discussions

The use of phthalates in the production of a wide spectrum of everyday products caused that this group of chemicals has become an essential part of the human environment with potential pathogenic impact on human health. In many experimental works carried out on animal models have been confirmed several adverse effects on reproduction, especially the male sexual system, but also respiratory, digestive and endocrine system. Due to their low acute toxicity, short half-life and long-term exposure is still find it difficult to evaluate their impact on human health despite of use advanced analytical methods (Pilka, Kolena, Petrovičová, 2012).

The level of internal exposure MEHP of subjects in the present study differs from previously published results for the American reference population by Blount et al. (2000) and CDC (2003). In our study MEHP median values are 23.49 µg.L⁻¹ and 95th percentile 77.54 µg.L⁻¹ higher compared to the USA study (CDC, 2003) with median 3.2 µg.L⁻¹ and 95th percentile 37.9 µg.L⁻¹. The differences in internal exposure between our and The American reference population are probably caused by different degrees of external exposure and also by differences in sampling location and time. Unlike the samples of our cohort, they were not first-morning urine but collected at different times throughout the day and the whole year.

Higher values detected in our study indicate increased exposure to DEHP through our study despite the fact that only between 2-7% of the dose is excreted as the simple monoester i.e. primary metabolite MEHP (German Federal Environment Agency, 2011), while the rest is further metabolized to produce a number of oxidative metabolites.

DEHP is strongly suspected to be a developmental and reproductive toxicant (Kavlock et al., 2002) and also endocrine disruptor (Swan et al., 2005). Koch et al. (2003) argues that they are not aware of any other environmental contaminant for which the TDI and RfD are exceeded to such an extent within the general population. The tolerable daily intake (TDI) value settled by the European Food Safety Authority is for DEHP 50 micrograms/kg body weight/day. 16.6 percent of the subjects (18 out of 108 samples) within our cohort of the general population are exceeding this value and 71 percent of the subjects (77 out of 108 samples) had values higher than the reference dose (RfD) of 20 micrograms/kg body weight/day of the U.S. Environmental Protection Agency (EPA). In comparison study of Koch et al. (2003) on German population found 20 percent of the subjects from general population are exceeding (TDI) value but it was caused by the difference value for TDI settled by the EU Scientific Committee for Toxicity, Ecotoxicity and the Environment (CSTEE) (37 micrograms/kg body weight/day). On the contrary only 31% of the subjects had values higher than the reference dose (RfD). This can be explained by the consecutive substitutions of hazardous DEHP with DiNP/DiDP in Western Europe and mainly in United States (Wittassek et al., 2007; Silva et al., 2004), furthermore fact that estimation of creatinine excretion in our work was done by semiquantitaive methods caused inaccuracy in value of TDI. In comparison with USA where is DEHP substituted for his toxicity by DiNP and DnOP, Koch et al. (2006) observed a sharp increase in urinary DEHP metabolite concentrations after the platelethropheresis procedures (intravenous DEHP exposure) in German study.

Hatch et al. (2008) studied associations between urinary phthalate metabolite concentration and BMI and WHR. They found differences in effect between females and males specifically MEHP was inversely related to BMI in adolescent girls. In the present study we found no important associations between MEHP and anthropometric measurements considering to gender which is consistent with Stahlhut et al. (2007) who found that MEHP showed substantially weaker associations in comparison with the oxidative metabolites MEHHP and MEOHP. This could be due effects of endocrine disruptors, such as phthalates, depending upon endogenous hormone levels, which vary dramatically by age and gender.

Our study has two important limitations. Single spot-urine measurements of MEHP were used to estimate
exposure. MEHP are rapidly metabolized and excreted, and a single exposure measurement may not reflect long-term exposure. The second limitation was estimation of creatinine excretion by semiquantitative method that could affect the estimated values of TDI.

But despite this, our results prove that the general population from Nitra is exposed to DEHP to a higher extent in comparison with populations in other similar studies. This is of great importance for public health since DEHP was not only the most important and ubiquitous phthalate in Europe over the last years, but also the phthalate with the greatest endocrine disrupting potency.

5. Acknowledgments

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The Role of Libyan Resisters in the War of Palestine 1948

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Abstract

The first Arab-Palestinian war 1948 was considered the most serious stages which the Palestinian issue went through. It came as a reaction to the United Nations Resolution of the division of Palestine in 1947 and the declaration of Britain of withdrawal from Palestine as well as the readiness of the Zionists to announce the establishment of their entity. Seven of the independent Arab countries, representing the Arab League, decided to send their troops to Palestine to thwart the Zionist plan and to hinder the establishment of a Zionist entity on the land of Palestine. As with regard to Libya, which was dependent to the military authority of Britain and France at that time after the expulsion of the Italians during the second world war, its people decided to participate in the Holy Jihad throughout the volunteers who formed the first battalion of two hundred Mujahids. Their number was raised to, after short time, to 476. The Libyan volunteers were distributed to Arab armies. Omar Al-Mukhtar first battalion and the third one are attached to the Egyptian army. It took Falooja and the surrounding villages as an operational field. They achieved important achievement. The Libyan Battalion fought side by side with the Syrian army. It took Gazza as its operational field. Some Libyan volunteers fought with the Iraqi army. They fought in Natalia, Tool Karam.....etc. The Libyan Mujahideen had participated in various battles. Thus the Libyans, though their limited capabilities and their limited number, they had done a wonderful in the war.

Keywords: Mujahids, Resisters, Libyans, Palestine

1. Introduction

The Palestinian issue entered into its work dangerous stages and critical condition. Developments and events were so swift that resulted in the less of Palestine and making its people homeless. The colonization policy had come up with the establishment of the Zionist state. After the UN has issued its resolution to divide Palestine on the 29th of Nov. 1947, Britain declared that it will withdraw from Palestine and on the 14th of May, 1948, the British started their withdrawal. A part of their forces withdraw to the British bases in Suez channel, another part to the west of Jordan and a third part sailed from Haifa to Cyprus, Malta and Britain. The British commissioner, Sir Catingham, left Jerusalem in the morning of that day to Britain to end the British mandation on Palestine (Al-Ghori, 1955; Abdul Munim, 1968).

After Britain was obliged to withdraw its mandation on Palestine, it took all measures to foster its existence in Libya. It believed that Tripoli and Burka would compensate its loses in Palestine and enable it to keep controlling transportation lines in the Mediterranean as well as the ability to drop (when necessary) its troops in any region in the Middle East. (Broshin, 1988). At the midnight of the 14th and 15th of May, 1948, David Bin Ghoren stood in Tel Aviv Museum Hall, with the Jew Synagogue Party Members, representatives of Jewish people and Zionist Movement and reporters to declare the establishment of the state of Israel in Palestine to be open for Jewish immigrations. A provisional government was formed, and Haieem Wiseman was elected its President. His first task was to call foreign states to recognize his government (Alkhuli, 1970).

As for Arab countries, they resorted to the military solution. On the 15th of May, 1948 troops from Iraq, Jordan, Syria, Egypt and Lebanon moved to Palestine (Al-Juburi, 1970).
2. Arab Preparation for the War of 1948

Arab troops that fought in Palestine were divided as follows:

2.1 Arab public troops:

The Arab public troops that fought the Zionist army in the period extending between the declaration of the dividing resolution on the 29th of May and 1948 consisted of four groups as follows:

1. Salvation Army: This army was founded in accordance with a resolution issued by the Arab League which had sustained it and provided it with weapons. It consisted of volunteers from the Arab countries who arrived at the end of 1947 to the camps of Katna, near Damascus, and got initial and rapid training then merged with one of the fighting groups that were eight in number. Its operations were carried out in two regions;
   - The Middle Region: The majority of the groups in the salvation army worked under the command of Fawzi Al-Qawuqji.(1)
   - The North Region: This was commanded by Adib Al-Shishakli (2), who used AL-Sufsaf village of AL-Jaleel as his headquarters and remained the commander until Qawukji arrived at AL-Jaleel and became the commander after Al-Shishakli withdrew from Palestine. Groups of volunteers consisted of three battalions from Tunisia, Lybia and Sudan (Presidency of General Staff of Israel Army, 1984).

2. The Voluntary Army: It mostly consisted of Ikhwan AL-muslimeen (The Muslim Brothers). The Egyptian government however rejected the Egyptian volunteers before 15, May 1948. It agreed later on to send voluntary units and provided them with weapons as well as officers to train and lead them. The Arab League sustained it. (Presidency of General Staff of Israel Army, 1984).

3. AL-Muqadas Jihad Army: It was organized by the Arab corporation of Palestine. It included in its formation Palestinian Mujahedeen. Abd al-Qadir al-Husayni(3), was appointed as their leader. He was martyred in AL-Qastel battle on the eighth of April 1948. The units of this army are divided to two main groups, the first the main army whose individuals were armed. Their number is 5-7 thousands soldiers. The second includes the Mujahedeen who lived in their village, and they were about ten thousand (Abdul Munim, 1968).

4. Local army: it consisted of Arab youths who were capable of getting training in police units or in British units working in Palestine. They formed fighting groups. Each is associated with a local leader. It could do important attacks on colonies alone or in association with AL-Muqadas Jihad Army. They attacked the Zionist colonies, lines of communication and enemy caravans. They were mine laying, making ambushes in Tel Aviv and Jerusalem, Haifa (Afriki, 1948)

2.2 The Arab Armies

The Arab armies included the armies of the seven countries consisting the Arab Assembly 1948, Egypt, Iraq, Syria, Lebanon, Saudi Arabia, Jordan, Yemen. These armies lacked the freedom of mobility as well as weapons and organization and numbered ability which made it possible for them to stand against Zionist attack. The Jordanian army was led by British officers. The Egyptian and Iraqi armies were subordinated to two parts signed with Britain. The Syrian and Lebanon were recently emerged from the French rule. They were weak. The Saudi and Yemeni were weak and their weapons are limited. Some Arab leaders tried to get modern weapons but they failed (AL-Tall 1959). The Egyptian army entered the battle with two brigades supported by fifteen fighters, and some surveillance planes. The force was supported by another similar force. The Iraqi army consisted of two brigades doubled after the cease fire with a squad of planes. The Syrian army consisted of three fighting brigades. It had an ammunition which was sufficient for one week

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1 Adib Bin Hassan Al-Shishakli: 1909-1964. Born in Hama. Graduated from War School- Damascus. He participated in the liberation battle against the French 1945. He was one of the pioneers in Yarmouk battalion in Salvation army in 1948. He became the chief of staffs of Syria in 1951, then presidency of Syrian Arab Republic 1953. (Zarkali 1969)

2 Abd al-Qadir al-Husayni: born in 8/4/1908 in Istanbul. He studied in College of Science-American University-Egypt. He was enrolled in the Arab-Palestinian party in Jerusalem. He participated in the Palestinian revolution 1936-1938. He toured Iraq, Saudia Arabia and Germany and returned to Palestine. He became the head of high Arab corporation, then a leader to the Jihad Muqadas Army. He martyred in Qastel on the 8th, 4, 1948. (Aga, 1982; Zahuiddin 2001).

3 Wadi Abi Swairij Danjoor: it is situated to the west of the town Iraq swaidan towards the west of Faluja until the meeting of Gaza plain with the sea (Araibi, 1968).
only. The Lebanon army consisted of four brigades, artillery and armors. The Jordanian army was doubled during 1948-1949. The number of British officers increased to 45 officers and 180 non-commissioned officers. The chief of its staff was the British John Bajiot Ghlob. There were five Arab officers only (AL-Arif 1952; AL-Tall 1959). On the 13th of April 1948 the Arab Assembly decided that Arab armies should enter Palestine by the end of the British domain in May 1948 (Abdul Munim 1968) on the 30th of April the chief staffs of Arab army of (Iraq, Egypt, Jordan, Syria, Lebanon) met together to put final military plans for Palestine. The secretary general of Arab Assembly attending the meeting. The leadership of the Arab armies was under king Abdullah of Jordan, Some of Arab states objected king Abdullah's desire strongly, however later on, they yielded to his petition. The British General Ghlob was the chief staff of the Jordanian army. The military orders were issued by the general leader king Abdullah and implemented by the British leader (AL-Tall 1959; Abubaseer ,1971). On the 10th of May 1948 the Arab Assembly held a meeting in order to assign the final resolution in Damascus (Abdul Munim 1968).

3. The attitude of Libya of war

The Zionist movement did some activities in Libya before the end of the Second World War taking the advantage of the political circumstances in the country and the Jewish division attached to the British army. The Libyan were worried about such activities. The Jewish escort appeared together with the Zionist flags and teaching them the Zionist cantos. This lead to strikes in 1948(Abda; Qasmiya, 1975).

In June 1948 demonstrations exploded in Tripoli which 400 Tunisian volunteers were on their way to Palestine. This resulted in many incidents against the Jews. The Libyan Jews were desperate due to a second massacre in 1948 which resulted as that of 1945 in many casualties (Atenguir, 1995). Some of American newspapers criticized the disturbance in the Arab Homeland claiming that such disturbances were made by Arab regions. The differences among Arab countries will stand against the division resolution (Iraqi books and documents House,1948, No.9). After the end of Second World War and the defeat of Italy, Libya was under the British and French occupation. Therefore it had official role in the Palestinian issue. However Libya participated actively in 1948 war through their fighting in Palestine. They fought side by side with their brothers to save Palestine (Shalof, 1982). The first battalion of volunteers was formed in 1948 of 200 mujahids. The number was doubled to reach 476 (AL-Hui ,2000). On their way to Palestine, they stopped in Cairo to listen to chief of the Arab Assembly who addressed them by saying "you are the nucleus who will go to the honor field to fight against the Zionist enemy in Palestine". The Moroccan Leader Abdul karim Al-khitabi addressed them saying" The Arab Assembly will send numerous mujahedeen from all over the Arab Homeland". He argued them for courage and martyrdom in Palestine (Shalof, 1982). The number of mujahedeen increased till it reached 20,000 volunteers in Al-Nakab battles. They were a mixture of Egyptians, Sudanese, Libyans who were trained in special camps in Marsa Matrouh (AL-Arif 1952).

4. The war status 1948

It is possible to divide it into four stages:

4.1 The initial fighting from tenth-15th of May 1948. The attitude was:

1. The Northern front: In which the Lebanese army entered Palestine towards AL-Malikia village which the Israeli forces occupied on 15th May 1948 and the Lebanese army liberated it on the sixth of May 1948 where a Syrian unit attacked the village and regained it. Thus the route of AL-Hula plain was open.
2. The Eastern front:
   A. The Syrian sector: Syrian Army occupied Samakh on the southern bank of Tabariya lake. The fall of Samakh within the hands of the Syrian forces led to the departure of Israeli families in the Jordan valley.
   B. The Iraqi sector: on the 15th of May 1948 an Iraqi brigade attacked Geisher colony and withdrew to Nablus where the Iraqi reinforcements were there.
   C. The Jordanian sector: The Jordanian army occupied Qalandia and Prophet Jacob and encircled the Jewish quarter in old Jerusalem on the 15th of May. The Jordanian forces took sheikh Jarah as their headquarts. The Jewish quarter surrendered (Abdul Munim,1968).
3. The Southern front: The Egyptian army entered Palestine in two columns: the first took the coastal route and the second took the inner route. The first attacked Danjoor colony from Rafah and Kfar Darum. They occupied
them and force from the same column entered Gaza. The army marched till Dair Snaid on the 19th of May. Another Egyptian force occupied Majdal and Swaidan Iraq. Thus the Egyptian army occupied the route leading to the southern colonies. The first column, after the occupation of Isdood stopped to face a counter attack on 3rd June. The Egyptian army, after reaching a distance of 32 Kms from Tel Aviv, had to withdraw (AL-Tall 1959).

4.2 The first cease fire 29/5/1948:

When besieging new Jerusalem Jews called for aid from Tel Aviv. The Jews demonstrated and asked for throwing the army away. Britain addressed the Security Council to stop fighting for four days and it was obliged not to sent the weapons and soldiers to Palestine. Military punishment as well economic punishment would be enforced on the violators. On the 29th of May 1948, as it became clear to the USA that the situation was for the benefit of the Arabs, it pushed the Security Council for cease fire. Thus Britain wanted to assist the Jews to bring more weapons and ammunition (Abu Baseer).

4.3 The second fighting stage 9-17/7/1948:

1. The Eastern front:
   A. The Syrian front. The Israeli forces could regain the bridge which the Syrian forces succeeded in making it. It began to fulfill the plan on the 9th of July but it failed.
   B. The Iraqi sector: The Iraqi army decided to reinforce its control on the Jenin especially the hills surrounding it. But the Iraqi army decided to withdraw from Majdal Sadiq village. The orders were issued to the Ras AL-Aein regiment to withdraw to Kafr Qasim on the 12th of July 1948.
   C. The Jordanian sector: The Jordanian army was controlling the Lid and Ramla. The Lid airport was about 10 Kms from Tel Aviv. The Israeli forces made an attack on the Lid on the 9th of July and occupied it and also the Ramla town on the 22nd of July. The Palestinian forces did not succeed to occupy AL-Quds (Abdul Munim 1968; AL-Arif 1952).

2. The Southern front: The Israeli forces were trying to open the road towards AL-Nakab and cut the roads of support on the Egyptian forces. They failed and they decided to occupy the Faluja on July 17th, but they failed as well (Ali, 1982).

4.4 The second cease fire 18/7/1948:

The United States submitted a project to the United Nations calling for all governments and all those who were concerned to cease fire according to the article 40 of the decrees of the United Nations and to guarantee peace according to the resolution issued by the Security Council on 29th May 1948 to be implemented soon. They issued instructions to the cease fire committee and they agreed. Thus the resolution was issued on 15th of July 1948. The political committee of the Arab Assembly agreed upon it (Abdul Munim 1968).

5. The Attitude of Libya during the war

5.1 Libyan Mujahedeen with Arabian Armies

1. With the Egyptian army:
The first Libyan battalion took place in Palestine. It was named Omar AL-Mukhtar. It was dispersed on three places: Nussairat camp, Faluja and Wadi Abuswairij Al-Danjoor (14). The chief commanded Mohammed Najeeb, the Egyptian leader, sent a force of volunteers (210) armed persons under the leadership of the Captain Suroor Rustam, mainly Libyans and Egyptians. They succeeded to occupy Iraq swaidan. On the 5th of May and they occupied the police center there on the 12th May. The Jews tried to occupy this center before the entry of the Egyptian army. They attacked the center but the volunteers (Egyptians, Libyans and

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4 Ahmed Mohammed Abdulaziz born in 1907 in Khartoom, graduated from the war school in Cairo 1928, he joined the civilians and participated in the battles of Palestine. He was an active warrior. He martyred in Faluja erroneously from the Egyptian camp. He was buried in Gaza. He had an essay entitled "Policy and war" (Al-Zarkali, 1969).
Palestinian) stood against the attack. They got two armored vehicles, and a number of rifles and killed 100 Jews including their leader (Al-Anif, 1952). On the 21st May 1948 the leader Ahmed Abdulaziz (15) reached the Iraq swaidan. He became the leader of Fidayeen which included Omar Al-Mukhtar battalion of Libya. This leader distributed the battalion into companies then to squads then to groups. The Mujahedeen moved to Bear AL-Saba. The army attacked the Israeli colonists at the suburbs of the town and succeeded to regain the flocks of sheep stolen by the Israeli from the Arab territories. The Mujahedeen succeeded in killing 13 of the Jews in a quick and sudden battle with the enemy without any loss on their part. This led the chief of the town to slaughter the sheep on this occasion. (Shalof, 1985)

As regards the third Libyan battalion it consisted of Libyan Mujahedeen who were transferred from Marsa Matrouh in the same route taken by Omar AL-Mukhtar battalion and reached Majdal. They camped in Barbara. It had many battles against the Israeli forces taking the support of the fourth Egyptian battalion under the leadership of the brigadier Mohammed Najeeb (The president of Egypt later on). The commander of the battalion Ahmed Attya urged them never to hand their weapons during the cease fire. This battalion was badly armed with old weapons as the Egyptian army (Farooq army) (Shalof 1985). These who followed this subject found out that eight officers together with a precious vice minister were accused of bad weapons and ammunition. They were under investigation (Iraqi books and documents house,1948,No.37).

2. The second Libyan battalion and the Syrian army: the second Libyan battalion was transferred via a Greek ship Szostrips from Marsa Matrouh towards Beirut according to the will of the Arab Assembly. They were transferred from Beirut to Syria. It took from Qatna as a base for it and, it was mixed together with the Syrian forces and thereafter come to be known as the ninth battalion of Morocco (Shalof, 1985). They participated with the 14th battalion under the leadership of Omer AL-Qabani who was wounded during one of the battles (Arabi, 1968). These volunteers suffered a lot during their trip to Egypt till they reached Syria. 100 volunteers entered Gaza (Palestinian, Libyan, Jordanian, Egyptian and Syrian) who were in Qatna camp under the leadership of Abdulhaq Al-Gazawi. They took Gaza airport as their headquarters Other 100 volunteers (Libyan, Palestinian, Syrian and Jordanian) with the colonel Ahid Al-sakhin (Al-Anif, 1952). Among the Arab Libyan who were under Syrian leadership were Ali Sultan (16), Ayaad AL-Muthbil (17), Musbah AL-Ma’adini (18). They got decorations of excellency due to their heroic attitude (19).

3. The Libyan Mujahedeen with the Iraqi army:

The Arab leadership for the armies considered the Iraqi forces as forces of tactics in order to make any circumlocution: the rightwing the Lebanese and the Syrian armies together with the Salvation army, the leftwing consists of the Egyptian army Saudi and Jordanian. Its ultimate goal is Tel Aviv (Iraqi books and documents house,1948 No.16). After the stopping of fighting with the Israeli forces, the situation resulted in a resentment, some of them decided to join another Arab army in order to continue fighting since the aim was the same: liberation of Palestine. Tens of Libyan fighter joined the Iraqi army under the leadership of the chief corporal Faraj bu dra’a (110), joined the Iraqi army near Tulkarm and Netanya and Hafeera. The group includes: Mustafa AL-sanfar (111),Mohammed Abid AL-nabbi B’aew (112), Qais AbuThra’a (113), Fathalla Al-

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5 Ali Sultan, born in Bengazi 1922, illiterate- lived in Bengazi participated in the battles of Khiyam, Quneitra, Bin Yas, Maitroon and Bintjubail, joined the army 1948 in Syria (AL-Jiboo. File13,2000).
6 Ayaad AL-Muthbil, born in Shihat 1927, intermediate level of schooling, Bengazi, western Waibat, participated in the battles of Marjouyn, Qunaitra, Jabal Ali and Golon (AL-Jibbo, File52, 2000).
7 Misbah AL-Ma’adini, born in Misrata 1908, lived in Bengazi, participated in the battles of Bi’r Al-Saba’, Mashlooz, (AL-Jibbo, File16, 2000).
8 Captain Jum’a Mohammed Kirroget awarded the decoration of excellency of Palestine 1948 and Al-Ikhlas, the silver star, and the Syrian army decorations (The Documents of the Mujahedeen Libyans,1972).
Barrani (114), Fathi Taloba, Abdulfatah Bashtoon (115). Faraj Al-Manuti, Masoad Famar Al-Zawi, Salim AL-Zaiti together with one Mujahid from Tunis Bin Mahdiya. These volunteers joined AL-Karmal in AL-Seela castle. They got trained there- Iraqi training. They are under the Iraqi commander Mustafa Abdulqadir. They participated in Tal-Hinafish. Some Arab volunteers participated with them. Two of the Libyan Mujahedeen were wounded: Faraj AL-Minuti and Mustafa AL-Sinfar. (Shalof 1985).

5.2 The battles which the Libyan Mujahedeen participated:

1. Abusweirij AL-Danjoor: Omar AL-Mukhtar battalion participated in the first battle against the Israeli army. Information received by the Libyan indicated that seven Israeli armored vehicles would pass through AL-Danjoor route to the palace close to Faluja on the end of May 1948. The battalion was distributed in the valley in the exact time of the passing of the army. They were armed with guns. When the armored vehicles reached the valley, the Libyan Mujahedeen attacked them. They got the seven armored vehicles killed four Israelis and took two as captives. They were delivered to the Egyptian army at the presence of captain Mohammed Suroor Rustum. This is the first victory in the battles. (Shalof, 1982).

2. Qabat Raheel Battle: On the 5th August 1948 the Libyan Mujahedeen took the spot of Shurfaot village against the Israeli army. The guard was done in rotation day and night when the battalion reached Bait Laham a battle took place there lasted for two hours where the Mujahedeen stood in their sites. The result was a loss of 33 killed from the enemy, the capture of various light weapons, guns, and pistols. The Mujahedeen lost 15 martyred and 12 wounded (Shalof 1982).

3. Ramat Raheel battle: The Libyan mujahedeen participated in Ramat Raheel (116) battle together with the other Palestinian volunteers who belonged to the sacred Jihad, Egyptian volunteers, Jordanian army. Ranan, the commander in chief of the Jewish Argon forces in his report mentioned to Manahem Beghen that the battle of Ramat Raheel which started on 14th May was a serious battle in which the Arabs used armoured vehicles got from the Israeli forces in Kfar Aseyan (The armoured vehicles in Danjoor valley) and a tank from the Arab army gave support to the militants. The company of Haganah and Irgon together with the Shtern in which the number of its men was about 400 under the leadership of Mosheah Danyal. The mujahedeen were able to kill all the Jews and control part of the colony. The Jewish forces fell either killed, wounded or captives including the leader. When the Libyan battalion arrived the battle had already started in Ramat Raheel. The Palestinian attacked it several times under the leadership of Mohammed Abu Diya who fell martyred. The leader Ahmed Abdulaziz decided to attack it. He chose three Libyan mujahedeen to make surveillance and after delivering the information the order was issued to the artillery of the Fidayeen to occupy the colony. The Libyan mujahedeen had to attack the main entrance from Bait Laham, the second entrance was taken by the Egyptians and the third entrance was the share of the jihad army supported by a company from the Jordanian army. Though the enemy's resistance from the floors of the building, the second building was occupied by the Arab mujahedeen (Shalof 1985).

15 Ramat Raheel, a Jewish colony situated between Jerusalem and Bait Laham. It consists of two buildings of three floors like fortress especially prepared for defense against any attack. It consists of cells and tunnel under ground (Shalof 1985).
16 The names of Libyan, Egyptian, Sudanese, Palestinian, Syrian and Yamani martyrs were engraved on a monument in the Raheel and the Libyan names were:

<table>
<thead>
<tr>
<th>Name</th>
<th>Place of martyring</th>
<th>Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ibrahim Zoobi</td>
<td>Ramat Raheel</td>
<td>25-5-1948</td>
<td></td>
</tr>
<tr>
<td>Al-Bashir AL-Najih</td>
<td>Ramat Raheel</td>
<td>26-5-1948</td>
<td>Lieutenant</td>
</tr>
<tr>
<td>Saleh AL-Qoul</td>
<td>Ramat Raheel</td>
<td>28-5-1948</td>
<td></td>
</tr>
<tr>
<td>Abdulhameed AL-Haj Meylad</td>
<td>Ramat Raheel</td>
<td>29-5-1948</td>
<td></td>
</tr>
<tr>
<td>Abdullah Abu Raheem</td>
<td>Ramat Raheel</td>
<td>28-5-1948</td>
<td>Lieutenant</td>
</tr>
<tr>
<td>Abdullah Mohammed</td>
<td>Ramat Raheel</td>
<td>28-5-1948</td>
<td></td>
</tr>
<tr>
<td>Abdullah Awedh</td>
<td>Southern of Jerusalem</td>
<td>5/1948</td>
<td></td>
</tr>
</tbody>
</table>
The result of this battle was ten Libyan were killed (117) and 30 wounded and nine Egyptian were killed, from the Syrians and Jordanians lost the same number (Araibi 1968), after the liberation of the colony the Jordanian soldiers withdrew according to an order issued by their leadership (Murad, 1972). The leader Ahmed Abdulaziz called and informed the resolution of the superior Arab leadership to withdraw from Ramat Raheel beyond the line agreed upon with the international monitors. The withdraws was on the 30th of May 1948. The Libyan mujahedeen withdrew carrying two martyrs and a number of wounded (Araibi, 1968). The resolution of withdraws without any justifications were doubtful and it reached to the degree of accusing the Arab leadership of treason (Murad, 1972).

4. Jabal Al-Mukkabir Battle: The leadership of the light forces issued an order to the Libyan mujahedeen in the Shurfat village to move to the Sur Baher to support the Palestinian army. It had become clear later on that the Zionists occupied AL-Mukkabir mount and the fighters withdrew from it under the shelling of the enemy. After asking for the help of the Egyptian artillery, the Arab mujahedeen made a counter attack to regain the Mukkabir after killing 40 of the Jews against a number of martyrs and two Libyans and some other were wounded. (Shalof, 1985).

5.3 Withdrawal from Palestine and coming back to Libya

The number of the Jewish army increased between 15th May to 15th October 1948 and converted from defense to attack and began their ten blows attacks. This resulted in the encirclement of the Egyptian battalion in Faluja and the withdrawals of the forces from Asdood and Majdal, the surrender of Bir Al-saba' and the detachment of the armies of Hebron – Bait Laham (Aswad, 1981). Due to this situation the Libyans of Omar Al-Mukhtar requested that they were ready to participate in Fidayeen missions in the village of Malha, Saya, Ain Karim. Request was rejected due to the armistice which was obligatory (AL-Tall,1959). In That February 1949 the Libyan mujahedeen were informed that the Egyptian army left Faluja under the supervision of the international monitors which meant that their departure of Palestine would be imminent. The Libyan mujahedeen collected in Omar AL-Mukhtar battalion and informed that they would withdraw under the supervision of the international monitors towards ALArish. After reaching the Heitscup camps, a delegate from the Arab Assembly met them headed by the Secretary General Abdulrahman Azzam who thanked them. He pointed out that Omar Al-Mukhtar was the first battalion which got the honor of participation in the battle of Palestine. It made many victories and gave a lot of martyrs. They were given the rewards and testimonies (118) being the first fighters in Palestine for the year 1948-1949. The orders were issued that they should be back to Libya (Shalof, 1958).

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Albanian Legal Reforms in Administrative Justice and European Integration

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Abstract

The administrative justice reforms are a big and continuous challenge for Albania, with the aim of having a right, fast and effective administrative judgment in the frameworks of European integration. The long-standing aspiration of Albania to be part of European Union started to be reality with the signing of Stabilization and Association Agreement entered into force in April 2009. In the same time, Albania presented its application for membership of the European Union, initiative that led Albanian Government to the commitment to focus on implementation of the key priorities set out in the European Commission Opinion and to meet all the membership criteria. One of these key priorities is the area of the rule of law and judicial reform. The aim of this study is to describe the institutional steps done from Albanian Government in administrative justice reform: the judicial reform strategy in order to ensure the independence, efficiency and accountability of actual judicial institutions, the approval and enforcement of “The Law on Administrative Courts” etc. The study is focused in the legal arguments of Administrative Court importance as the engagement of the country to improve the judicial system in administrative field, to prevent long processes in not suitable conditions, to guarantee effective protection of human rights and legitimate interests through a regular judicial process conform fast and reasonable time terms. The study gives also a clear picture of how the Administrative Court will be organized conform the “The Law on Administrative Courts” and how can be improved in order to be coherent, effective in implementation and approach of acquis communautaire.

Keywords: administrative justice, acquis communautaire, legal reforms, European Commission, administrative court

1. Introduction

Administrative law is part of public law and as such is related inevitably to the decisions of government institutions. The need for administrative law comes as a result of the complexity of political, economic and social issues which can be object of conflicts between administrative bodies and citizens.¹

In Albania, administrative justice is usually exercised by administrative bodies respecting the hierarchy. This means if there is a conflict between an administrative agency and a citizen, the competence to resolve the conflict belongs to the head of a high level of hierarchy of the same agency. This is the first step of the appeal. The second one is the Court of the first instance and following the Appeal and the Supreme Court.

Considering the diversity of administrative conflicts and the respect of the citizen rights for Albania came necessary the administrative justice reforms: from the administrative law reforms to the establishment of administrative courts.

The aim of this study is to describe the institutional reforms done from Albania in administrative justice system. It is mainly focused in the legal arguments of Administrative Law Reforms and Administrative Court importance to improve the judicial system in administrative field and to guarantee effective protection of human rights, to legitimate interests through a regular judicial process conform fast and reasonable time terms and as the engagement of the country to meet Copenhagen Criteria². The study tries to give a picture of Administrative Court organization and functioning and how the “Law on Administrative Courts” is coherent and effective in implementation and approach of acquis communautaire.

¹ Dobjani E. Administrative Law SHBLU, Tirana 2008
² Article 111 of the SAA requires the Albanian governemnet’s objectives in relation to public administration reform to include:
   -The development of a transparent open and coherent administration
   -Institutional strengthening, ensuring impartial recruitment procedures, human resources management, training, e-government
   -the taking of measures for efficient functioning of state institutions should include both central and local administrations
2. The institutional steps done from Albanian Government in administrative justice reform

After the communist period, the legal frameworks in Albania have been reviewed to be in accordance with democratic developments. The Administrative Law was an integral part of this change. Recommendations of the Council of Europe have been reflected in important laws in the field of public administration. 3

The currently administrative law in Albania is strongly shaped from the European integration perspective 4. The Stabilization-Association Agreement 5 and several documents adopted in the integration advancement process require the country to meet the Copenhagen Criteria. Public administration institutions should be able to implement the acquis communautaire, provide favorable conditions for a competitive private sector and be equipped with the institutional capacity to participate effectively in future decision-making within the European Union after accession.

The Constitution of Albania 6 guarantees the intervention of judicial power to protect the human rights and constitutional and legal interest of the citizen. Albania is the last country in the region that has not yet Administrative Court. In the constitutional frameworks and following the continuous challenge to improve the administrative and judiciary system, Albanian government engaged to have an Administrative Court, to resolve the legal conflicts between business and state administration. The establishment of this institution as part of the justice system is one of the conditions; the country must meet to join the EU.

3. Why an Administrative Court?

The need for judicial control of administrative activity derives by the rule of law, which is guided by the principle that the subjective rights of citizens should be protected not only toward other people but also toward public administration.

Since the rule of law is known as the base for the state organization, the principle of separation of powers would bring as result that judicial power can not and should not extend its power over administrative activity, which would interfere in the reserved area of executive power.

Administrative courts are specialized courts to resolve issues related to the exercise of public power. This is the classic definition of these organisms component of the justice system. Their role is very important because they create opportunities to guarantee and ensure that officials are working in accordance with the law, in their daily duties. Today debate about administrative courts does not focus on the fact that they should exist or not, but in terms of extending the scope of the trial and the strength or power of trials and review of administrative decisions that take these courts. Today's debates on administrative courts are focused on the role of judges in these courts and the organization of this major decision-making power to assist as much land, economy, business community and citizens.

4. Administrative Court in Albania, a long process until the concretization: The approval, enforcement of “Law on the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes”

Albania is the only country in the region that doesn’t have administrative courts. The lack of a specific link in the justice system that treated conflicts between state and business was considered reason for a difficult relation between them. The tax authorities and other state institutions have fined companies, firms or individuals. A part of penalties are refused, following the court procedures which are long and sometimes economically impossible. Interests groups like the business community have been the proposers to have administrative courts, same in EU countries.

The draft of the law “For the organization and functioning of administrative courts and the judgment of administrative conflicts” was first submitted to the parliamentary Laws Committee in 2010. Since then, the draft was significantly improved as a result of public consultations with stakeholders. This law aims to reform the administrative legal framework in order to guarantee the protection of human rights and interests in a regular judiciary process. The law aims to have a fair and fast judgment toward the unfair actions that affect the interests of people from the administrative body’s actions; it is considered an attempt to stop the arbitrariness and to respect the equality of the citizens or public

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3 Recommendation NO.R(87)16 of the Committee of Ministers to member states “On Administrative Procedures affecting a large number of persons” adopted on 17 Sept 1987
5 Ratified by Law No 9509 of 27.07.2006 “on the ratification of the Stabilization and Association Agreement”
6 Article 42/2 Albanian Constitution
7 Law, No.49/2012, Date: 03.05.2012, Dt.of Approval: 03.05.2012, Official Bulletin No.53, page:53
subjects that have conflicts with administrative bodies. It is expected to strengthen the justice system of the country, improve access to justice for citizens and businesses, and facilitate faster procedural actions and trials.

The draft law on administrative courts extensively discussed was finally approved by the Albanian Parliament in 2012. It was needed a common political will from all the parties as the law required majority of the 3/5 of all Parliament members.

The concrete object of the law is to define obligatory rules for:

a) the organization and functioning of administrative courts, the status of the administrative judges;
b) jurisdiction and competence of administrative courts;
c) the principles and procedures of the trial, the parties in the process and others in administrative adjudication;
d) administrative judicial decisions and their execution;

For the first time, this law stipulates an independent judicial review that will allow for the courts’ scrutiny of any legal infringement by an administrative body, including lack of competence, procedural impropriety and abuse of power.

The law sets clear criteria for selecting and further promoting administrative court judges in a transparent manner, based solely on their merits and with due regard for their qualifications, integrity, ability and efficiency.

There are given some ideas from the theorists about the qualifications that a judge should have to be part of Administrative court. For example, the personnel and the judges should have a doctorate degree and should have finished the school of Magistrates.

The law seems has solved this issue defining specific criteria like the experience as a judge, 5 years or more for the Judge of First Instance Court and 9 years or more for the Judge of Appeal Court. I agree that the experience and other criterias exceed the need for doctorate degree.

The law defines that:

1. The administrative court of first instance judge with three judges all the conflicts regarding public contracts and requests made from administrative bodies for the review of administrative penalties for which the law provides the deprivation of liberty up to 30 days, as a kind of administrative punishment for the offender;
   - All other disputes will be reviewed by one judge.

2. Administrative Court of Appeal has:
   - Three judges, appeals against decisions of the Administrative Court of First Instance;
   - 5 judges, lawsuits against normative legal acts

The debate for the composition of Administrative Court has been intense because there are opinions that give the idea of deficiency in the process. It delays the process and is due to decisions taken under conditions of lack of collegiality.

The main reason why the trials in Albania deferred is the absence of the defendant in sessions. This law regulates this situation as the absence can’t be a reason to terminate the case.

The law also guarantees the protection of human rights through the obligation of the public organs to prove the legitimacy of form and content of administrative action done from them.

With the main purpose to respect the principle of a trial within a reasonable time, the law also provides fast deadlines regarding the judgement from the Administrative Court of the first instance and the Administrative Court of Appeal in order to reduce the delay of trial processes.

The deadlines are appropriate to invest the courts with lawsuits in accordance with the social condition in the interest of the citizens. Deadlines are related closely with legal guaranty, which has a big importance because subjects actually learn how much and for how long have certain rights.

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8 Article 81 point 2 *a*, Albanian Constitution
9 Article 1 of the Law “Law on the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes”
10 See the article 5 of the Law “Law on the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes”
11 Article 5 of the Law “On the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes”
12 Article 12 of the Law “On the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes”
13 The burden of proof Article 35 of the Law “Law on the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes”
Opinions against the law have argued that it has big and real problems with legislative techniques. It is considered as a law adopted only for EU requirements and doesn’t fit at all with Albanian reality. This opinion remains to be proven during the implementation of the Law.

Council of Europe and the European Convention on Human Rights have played a special role in setting standards in judicial control of public administration activity. The Council of Europe has adopted several recommendations and distribute information, documents and studies on best practices.

Another issue is the impact of the international legislation in the approval of the Administrative Courts Law. For example, the legislation of European Convention of Human Rights, based on the decisions of the courts with law power, has influenced on legal development, especially in determining the minimum standards for judicial control of the administration, through an interpretation of Article 6 of European Convention on Human Rights and interpretation Article 13 on the implementation of effective remedies.

5. Conclusions

Referring the steps done, we may conclude that there has been moderate progress in completing the legal framework for judicial reform. If two years ago, the administrative court was only a plan in a draft paper, today with the will of the government and the opposite, we have an approved law that brings innovation in the judicial system. Is it enough? Although in the paper above there are given some improvements done from the law, is necessary that the approval would be accompanied with the enforcement of the law. It continues to have discussions about the way of judge’s appointment, if the procedures guarantee their independence and their integrity, a big discussion is done about the lack of infrastructure to have a new specialized court in administrative issues. The progress report of European Commission as the main document which shows the progress of the development toward the European Union gives a sceptic picture of the situation. It was said that there has been moderate progress in completing the legal framework for judicial reform. Implementation of the judicial reform strategy and the relevant action plan started, albeit slowly. Budget allocation and planning, the level of human resources, and interinstitutional cooperation remain areas of concern. Albania needs to further accelerate the implementation of the judicial reform strategy in order to ensure the independence, efficiency and accountability of its judicial institutions. 14

Challenges for Albanian governments continue. Overcoming the difficulties the enforcement of a new law has, is an obligation for business and community wide to have administrative courts.

That would be a guarantee for the protection of human rights and would strengthen the justice system of the country, improve access to justice for citizens and businesses.

All this is much needed for the further development of the country’s judiciary.

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Areas Affected Most by the Students from the ICT Focused Technological Transformations and Its Effects on Education

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Abstract

Nowadays, the technological devices (computer, internet, phones etc.) is rapidly developing and transforming. Especially in the last decades, these changes affected the various fields as well as health, commercial, banking. One of these fields is education. In this study, the technology-driven changes in the educational process were investigated by using university students. This study uses a qualitative method. 35 students are asked about the areas affected most from the ICT focused technological transformations and how these technological transformations affect educational domains. It is concluded as a result of the analyses that the students feel these effects in their lives in such areas as education, communication, family and transportation issues. In addition, it is also concluded that ICT focused transformation is regarded positively in terms of making information access easier, increasing visual learning, increasing educational quality and being economical.

Keywords: Technological Transformations, Change and Education, ICT Focused Changes in Education.

1. Introduction

Information and Communication Technologies (ICTs) are used more in our daily lives as new technologies develop every day. Many people from every age and every education level use such technologies as mobile phones, computers, the Internet and PDAs. It is seen that the individuals preferring to use these technologies most are the students (TSI, 2011). This development, mainly of ICTs, among the technological devices has affected our lives in many ways. Today, we have been going through a very radical transformation and changing period from education to economy (Fernández-Maldonado, 2004; Mioduser, Nachmias, Tubin and Forkosh-Baruch, 2003). Banking transactions conducted by a single button easily, family lives in which the Internet is widely used instead of televisions, communication via 3G compatible mobile phones and other electronically controlled devices have all radically changed our lifestyles especially in the last decade. One of these domains is education. Many different technologies and programs such as smart boards, computers, and the Internet and presentation softwares reshape education systems; and it is even easier to teach via virtual campuses (Anderson and Date-Huxtable, 2011).

1.1 Importance of the study

This radical transformation and development process in the technology, especially in ICTs, affect our lives in many different ways. It is important to point out the students’ opinions to summarize this issue, as they are the individuals experiencing this change personally in educational domain. Besides, it is also important to state other domains that are affected by the opinions of students in order to indicate how extensive and radical these transformations have been realized.

1.2 Purpose of the Study

The purpose of the study is to determine the most affected areas from ICT focused technological transformation in terms of the opinions of the individuals who were primary school students in 1990s and university students in 2010s, and the effects of this transformation in education. Therefore, the students are asked to write down the areas most affected by these transformations of ICT technologies and to give an answer to the question of “What have changed in educational domain, do you think, due to these transformations of ICT technologies by taking your previous educational experiences into considerations?”.
2. Method

In this section, research method, participants, data collection tool and data analysis were given.

2.1 Research Method

This study uses a qualitative method in order to determine the effects of ICT focused technological development and transformations in educational domains. Besides, case study pattern is preferred in this study among other qualitative method patterns. A case study is a research pattern used for situations where the object of study is examined through its own context and in which there are no distinctive lines limiting the phenomena and its context and where more than one evidence or data source are available (Yin, 1984; Yildirim and Simsek, 2006). The present situation is determined via the opinions of students.

2.2 Participants

The participants of the study involves 35 students from Ahmet Kelesoglu Education Faculty in Necmettin Erbakan University during 2011-2012 education year, registered to a selective course named “Science History” and volunteered to participate in this study. The study uses a qualitative sampling method “purposeful sampling”; and involves the students from Science History course, who have already taken “ICT and Transformation” before. 14 of these students are female (%36,8) and 24 of them are male (%63,2). Besides, the age range varies between 19 and 24 and the average age is 21.

2.3 Analysis of Data

Descriptive statics is used to analyze the demographic data of the participants. Content analysis technique is used to analyze the qualitative data, which is very frequently used in qualitative research. The content analysis is realized by preparing less distinctive themes under theoretical terms and also sub-themes, if there is any (Yildirim and Simsek, 2006). Two expert opinions (one researcher, one expert) are taken for the reliability of the data when coding the data collected from the teachers, preparing themes by using these codes and describing these themes. The reliability of the research data is calculated as 87% via the formula “Consensus / Dissensus + Consensus) * 100, put forward by Miles and Huberman (1994) after comparing the responses of the researcher and the expert. The reliable data, which are also available to analyze, are transformed into the codes and then into the themes, the findings are interpreted under the following titles.

3. Findings

In this section, the findings obtained from the opinions of the students in terms of the effects of technological transformations in educational domains and the most affected areas from these technological transformations especially in the last two decades are given under the following titles.

3.1 Areas Affected from Technological Transformations

The students are asked about the most affected areas from the technology focused changes by taking their previous experiences. There are 23 opinions under 7 different titles for this question. (Table 1).

Table 1. Most Affected Areas For the Students

<table>
<thead>
<tr>
<th>Affected Areas</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>13</td>
<td>25.0</td>
</tr>
<tr>
<td>Communication</td>
<td>9</td>
<td>17.3</td>
</tr>
<tr>
<td>Family</td>
<td>7</td>
<td>13.4</td>
</tr>
<tr>
<td>Transportation</td>
<td>7</td>
<td>13.4</td>
</tr>
<tr>
<td>Health</td>
<td>4</td>
<td>7.6</td>
</tr>
<tr>
<td>Automotive</td>
<td>3</td>
<td>5.7</td>
</tr>
<tr>
<td>Cinema</td>
<td>3</td>
<td>5.7</td>
</tr>
</tbody>
</table>
Public Operations | 3 | 5.7
Entertainment | 2 | 3.8
Agriculture | 1 | 1.9
Total | 52 | 100

When the answers are examined, the most affected area from the technological transformations is seen as the education (25%) (Table 1). This is respectively followed by communication (17.3%), family (13.4%), transportation (%13.4) and health (%7.6). Other areas stated herein are automotive (5.7%), cinema (5.7%), public operations (5.7%), entertainment (3.8%) and agriculture (1.9%) though their proportion is quite low.

3.2 Technology Focused Transformations in Education

The answers of students about the effects of ICT focused technological transformation are examined and the findings obtained are given in Table 2.

Table 2. Effects of Technological Transformation in Education

<table>
<thead>
<tr>
<th>Effect of Transformation</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easy Access of Information</td>
<td>20</td>
<td>44.4</td>
</tr>
<tr>
<td>Increase in Visual Learning</td>
<td>14</td>
<td>31.1</td>
</tr>
<tr>
<td>Increase in Education Quality</td>
<td>7</td>
<td>15.5</td>
</tr>
<tr>
<td>Exemption from carrying books and notebooks</td>
<td>2</td>
<td>4.4</td>
</tr>
<tr>
<td>Practicality in problem solving</td>
<td>1</td>
<td>2.2</td>
</tr>
<tr>
<td>Being economic</td>
<td>1</td>
<td>2.2</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
<td>100</td>
</tr>
</tbody>
</table>

It is seen as an important finding that the transformations by technology use is believed to be advantageous and no negative statement is made in the answers of the students (Table 2). Easy access of information is answered most among the answers of students (44.4%). The students think that technology use has changed the educational resources to a great extent. Another important transformation is the increase in visual learning (31.1%). Other findings stated more than one person show the statements about the increase in education quality (15.5%) and exemption from carrying books and notebooks (4.4%). In spite of this, practicality in problem solving and being economic is stated only one person (2.2%).

Example statements are given below to indicate the transformations experienced by the students in technology-focused education;

“We have the opportunity to reach and use the data easily by the development of technology, which was once limited to books.” (21, F) (Easy access of information)
“It is no doubt that we experienced positive changes in our lives by the help of technology. Courses have become more comprehensible with visual animations.” (22, M) (Increase in visual learning)
“We cover our missing subjects by the help of technology.” (22, M) (Increase in education quality)

4. Results and Conclusion

The investments made to the ICTs are seen in every aspect of our lives. Besides industrial, agricultural, health, defense and transportation sectors, many areas are now equipped with new technologies. The purpose of these new investments are believed to make our lives more comfortable and lessening the inconveniences of people (Kendall, Kendall and Kah, 2006).

These results are obtained in this study in order to determine the effects of technology on human life and especially on education life in regards of the students at the age of 20 or so:

- According to the students, education is the most affected area from ICT focused technologies. This is followed by communication, family, transportation and health. Other than these, there are five more areas stated by the students, but with very low proportions. The answers are important in terms of the needs of students. Whitworth, Price and Randall (2002) state that the opinions of students are affected from their own lives.
Therefore, it is very usual to see such issues important as education, family and transportation. As it is also expressed by Mutekwe (2012) it is obvious that information technologies caused fundamental changes in most of the areas and life styles within the society.

It is seen that the students find the effects of ICT focused transformation positive in terms of education. Although the students have positive opinions, it is important to see that they have no negative sides. The important effects are stated as an easy access of information, increase in visual learning, increase in education quality, exemption from carrying books and notebooks, practicality of problem solving and being economic. These findings correspond to other studies in the literature (Laurillard, 2007; Jimoyiannis and Komis, 2007). Also some researches findings about Internet being the most popular information source especially in the last decade and the developing ICT technologies increasing the quality of education are all supporting students’ views (Amenyedzi, Larstey and Dzomeku, 2011; Teo, 2008). On the other hand, ICT oriented transformations also reflected in the standards in terms of applying them into education (NETS-T) determined by International Society for Technology in Education (ISTE). With the developing technology the NETS standards have changed four times from 1993 till now in 1997, in 2000 and the last one in 2008 (NETS, 2013). Standards approve students’ views in many transformations such as its role in increasing the quality of education and the importance of visual education.

It is important to see that university students are aware of the ICT focused transformations though under limited areas. When their answers in terms of education are taken into consideration, it is seen that they will be aware of ICT focused transformations and also find these transformation positive after their graduation.

5. Acknowledgments

The present study was based on a scientific research project funded by Necmettin Erbakan University Scientific Research Foundation – number 131610043 – called ‘Areas Affected Most by The Students from The ICT Focused Technological Transformations and Its Effects on Education’.

References


Kendall, K. E., Kendall, J. E., & Kah, M.O. (2006). Formulating information and communication technology (ICT) policy through discourse: How Internet discussions shape policies on ICTs for developing countries. Information Technology for Development, 12(1), 25–43.


The Diverse Implications of EU Instruments for Legal Criminality of Political Reforms in Macedonia and Albania

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Abstract

After a period of relative stagnation, the past few months witnessed the adoption of a plethora of legislative instruments under the third pillar. These instruments can be seen as the third wave of third-pillar law, following the wave of measures adopted post-Maastricht and the second wave of measures adopted post-Amsterdam and Tampere. The third wave of third-pillar law extends to most major areas of European integration in criminal law. New legislation involves the harmonization of substantive criminal law (including the terrorism, organized crime and racism and xenophobia), mutual recognition (with measures such as the European Evidence Warrant and legislation on the recognition of probation decisions and the transfer of sentenced persons), the work of EU criminal justice bodies such as Europol and Eurojust, and the development of standards to regulate the proliferation of third pillar mechanisms to collect, analyze and exchange personal data. By analyzing the background and content of these instruments, this article will assess their impact on the future development of EU criminal law and justice. As a very dangerous form that damage the economies of states, without a doubt considered economic criminality, which caused by economic criminal action taken, as actions that impede business between business entities. All of these actions are considered as unlawful actions.

Keywords: Economic criminality, Firm wide risk, Economy & Production, Activities Products and markets, EU financing reforms, EU standards.

JEL Classification: K0, K13, K14, K19, K34, K35, K41

1. Introduction

1.1 Organized crime the definition and legal-concept

In the field of organized crime, EU legislation aimed at harmonizing substantive criminal law first appeared in 1998 in the form of a third pillar Joint Action "on making it a criminal offence to participate in a criminal organisation in the European Union". The Joint Action provided an ambitious attempt to define organised crime groups, taking into account law enforcement perceptions, and criminalised active participation in such Actions, which are not based in work and other permitted activities but in misuse, frauds and suspicious transactions. (Lickett 2012) Criminality as a negative phenomenon and dangerous to society manifested in various forms throughout the course of human history.
1.1.1 Vision of this paper research

The strategy’s vision in this paper research is: To facilitate access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustainable manner, which promotes equality of opportunity, individual choice and independent living.

1.1.2 Strategic Aims of this paper research:

The strategy has strategic aims:
1. To promote and mainstream equality of access for people with a disability to the full-range of housing options available suited to individual and household need.
2. To develop national protocols and frameworks for effective interagency cooperation which will-facilitate person-centred delivery of housing and relevant support services.
3. To support people with a disability to live independently in their own homes and communities, where appropriate.

1.1.3 Strengthening the rule of law and democratic governance

"Economic criminality" submitted in all areas of economic activity, ranging from the business of deposit, through production, cash business, commercial sector, foreign trade, commercial shops and hotel, accountants and economic sectors until in the general leadership. Strengthening the rule of law and democratic governance is central to the enlargement process.

This underpins and further promotes stability in a region recently scarred by conflict and supports the creation of an environment in south-east Europe conducive to growth and attracting investment, increased regional cooperation and dealing with common challenges such as the fight against organised crime and corruption. It addresses issues of direct concern to citizens in both the EU and the enlargement countries of justice, security and fundamental rights. With the Council’s endorsement in June of the Commission’s proposed new approach to judiciary and fundamental rights and justice, freedom and security as part of the negotiating framework for Montenegro, the rule of law is firmly anchored at the heart of the accession process, laying the foundation also for future negotiations. These illegal actions of physical and legal persons who are exercising a business activity or in any way are related to the business, and essentially dealing with criminal acts performed in the economy make up economy crime.

1.1.4 Strategy and advertise effectively

Develop flyers, posters, and letters or e-mails with information about activities, including the date and time, location, how to participate, and how activities are relevant or helpful for intended participants. Adapt program content to increase accessibility for people with disabilities. Addressing risks of instability in the Western Balkans is manifestly in our joint interest, given the legacy of war and division which has plagued this region. The enlargement process supports the advocates of reform in the region, further entrenching its post-war democratic transition. It helps avoid the potentially far higher costs of dealing with the consequences of instability. Strengthening stability and democracy in south-east Europe is also an investment in deep and sustainable democracy in the EU’s wider neighbourhood.

2. Economy criminality and definitions

2.1 Organised Crime, data gathering from EU members states.

Europe is a prime target for organised crime. This internal threat to our security has an important external dimension:
cross-border trafficking in drugs, women, illegal migrants and weapons accounts for a large part of the activities of criminal gangs. It can have links with terrorism. The impact of the move to the first pillar on state sovereignty and the ability of Member States to dictate domestic criminal justice policy, made crystal-clear in the case of ship-source pollution. Three EU Member States, Greece, Cyprus and Malta all have major shipping interests and have lobbied against tough criminal sanctions on ship-source pollution.

While this veto might have influenced negotiations also on the original first-pillar Directive (negotiated in parallel with the third-pillar Framework Decision87), this is no longer the case after the ECJ judgment, which has triggered negotiations for a firstpillar criminal law Directive As one of the best definitions of economic criminality considered definition of Edwin Sutherland (President of the American Association for Sociology) by 1939 which this criminality is considered as white collar criminality. According to him economic criminality considered as criminality which appears in the sphere of economic activity, which forms mostly manifested during the acquisition of shares, advertising of goods, coverage of financial and corruption of civil servants directly or indirectly.(See too; B.Banović, obezbegijenje dokaza was kriminalistickoj obradi krivicni dela privrednog kriminaliteta, Belgrade, 2002, p.13.)

2.2 Research out to the community

H1. The renewed consensus on enlargement, agreed by the European Council, remains the basis for the EU’s enlargement policy.

This policy is based on the principles of consolidation of commitments, fair and rigorous conditionality and good communication with the public, combined with the EU’s capacity to integrate new members.

H2. The current enlargement agenda covers the Western Balkans, Turkey and Iceland. The EU has consistently proclaimed the inclusiveness of its policy towards the Western Balkans, with successive European Councils confirming that the future of the whole region lies within the EU.

H3. The Stabilisation and Association process remains the common framework for the necessary preparations. Basic causes that condition the appearance of this type of criminality are: report form of the property of the organization working, forms of property, the degree of concentration of functions, the development and justification defense system, the organization's business position working, governance and organization development professional and intellectual ability of the offender. The Commission has a point in criticising the maintenance in a harmonisation measure of two alternative options of criminalisation of organised crime.

Source: B.Banović, obezbegijenje dokaza was kriminalistickoj obradi krivicni dela privrednog kriminaliteta, Belgrade, 2002, p.13.)

This does not help towards legal certainty and creates a potentially very extensive scope of criminalisation of organised crime across the European Union. This is linked to the fact that both alternative offences are drafted in very broad terms—the concept of a criminal organisation is very broad and vague and conspiracy does not have to involve the actual execution of a criminal activity. Although the objective factors have central importance in terms of appearance and the structure conditionality certain economic criminality, professionalism and intellectual ability, as subjective factors, in certain cases, may be crucial in committing economic criminality offenses. “Perpetrators of crimes against the economy may appear different persons, in some cases economic offenses carry all persons, while some illegal works in the field of economy can perform only one category of persons. Associated with guilt, such offenses may be committed intentionally, which must include the desire of offender for his work. In some offenses against the economy is foreseen and the receipt of the items with which the offenses was committed (see Section 244 KP Kosovo, counterfeit money).
2.2.1 **Macedonia and an overview in criminal actions field**

Slow changes in Macedonia after independence have resulted with massive filing criminal actions which have not been known until then. This particular phenomenon has been evident during the process of transformation of state-owned enterprises into private. In this process by exploiting the situation of termination of these enterprises with state capital which enterprises created the situation that they have huge debts and using these situations to these enterprises necessarily should start a bankruptcy procedure.

By utilizing these situations, these companies were bought very cheap, while in such purchases was created a certain layer of excluded from work that called as bankruptcy worker. There have been a number of positive developments in the enlargement countries over the past year. In addition to those concerning Croatia, Montenegro and Serbia, positive results have been achieved in the former, Yugoslav Republic of Macedonia, where the High Level Accession Dialogue has led to a sharper focus on reforms by the authorities. Dialogue between government and opposition in Albania has allowed the political stalemate to be largely overcome with the adoption of electoral and parliamentary reforms. Accession negotiations with Iceland are progressing well.

Turkey has shown active support of the new positive agenda announced last year and launched by the Commission in May 2012. These situations have caused to ascertain that in the Republic of Macedonia as the dominant form of economic criminality be considered transformation of state-owned enterprises to the private, causing false bankruptcies, tax evasion, illegal transactions in the area of payment turnover, fraud of committees during their savings, maintain double accounting in order to remove corruption etc.

During the transition period, specifically during the years 2002-2010, economic criminality situation in the Republic of Macedonia was as follows;

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misuse of official duty and authorizations</td>
<td>178</td>
<td>854</td>
<td>504</td>
<td>275</td>
<td>291</td>
<td>477</td>
<td>367</td>
<td>290</td>
<td>246</td>
</tr>
<tr>
<td>Hiding of tax</td>
<td>84</td>
<td>109</td>
<td>96</td>
<td>114</td>
<td>35</td>
<td>40</td>
<td>67</td>
<td>54</td>
<td>50</td>
</tr>
<tr>
<td>Damage and unauthorized access to a computer system</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td>20</td>
<td>63</td>
<td>36</td>
</tr>
<tr>
<td>Fraud in obtaining credit</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>28</td>
<td>10</td>
<td>25</td>
<td>88</td>
<td>67</td>
<td>74</td>
</tr>
</tbody>
</table>

From the above table we will see that offenses against public finances, circulation of payment and the economy from year to year is increased starting in 2004 to 2007, where later we will see that during the years 2009 and 2010 there is a slight decrease. In 2010, for committing offenses against public finances, payment circulation and the economy are presented 620 adult persons, of whom; 558 persons known perpetrator, 78 female offenders, to 60 persons is thrown application, for 60 persons is interrupted further investigation, to 11 persons investigation is terminated, for 439 perpetrators is indicted and 62 perpetrators are unknown. (I.Zejneli 2007)

![Graph showing criminal cases](image)

**Tab 1:** Economic criminality situation in the Republic of Macedonia on years 2002-2010

2.3 **Juridical-penal treatment and economic sphere of development**

In the spirit of good neighbourly relations, open bilateral issues need to be addressed by the parties concerned as early
as possible during the enlargement process, with determination, taking into account the overall EU interests. There has been little progress on such issues over the past year. The Commission urges parties to make every effort towards solving outstanding disputes in line with established principles and means, including referring issues as appropriate to the International Court of Justice or other existing or ad hoc dispute settlement bodies. Bilateral issues should not hold up the accession process. The Commission stands ready to facilitate the creation of the necessary political impetus in the search for solutions and to support related initiatives. (I.Zejneli 2007)

The border arbitration agreement between Slovenia and Croatia, the implementation of which began in the course of 2012, paves the way for solving this bilateral issue and is a good example of the way forward. The Commission underlines the importance of Croatia’s declaration on promoting European values in South-East Europe and in particular Croatia’s commitment that bilateral issues should not obstruct the accession process of candidate countries. As regards the Yugoslav Republic of Macedonia, the Commission underlines that a negotiated and mutually acceptable solution, under the auspices of the UN, to the dispute over the name of the country remains essential.

Source: CPC Article 364 Commentary of Criminal Procedure; Halim Islam, Artan Hoxha & Ilir Panda, Tirana 2003, p. 48

This insurance is done by foreseen and sanctioning criminal actions directed against the public finances, payment circulation and the economy as a separate criminal offense in Criminal Code of Macedonia. This way of providing economic system is based on the so-called criminal legal protection. In 2008, out of a total of 15 462 known perpetrators of criminal offenses, 542 have been the perpetrator of this crime. The largest number of perpetrators, (232) are from Skopje. Of this number 21 were juvenile offenders as persons aged 14 to 18 years. A solution needs to be found without further delay. State to be able to carry out its powers in the economic sphere in terms of the existence of private property as the dominant form of ownership, in which is based on the principle of freedom of establishment of business entities, there is a need for ensuring the implementation of state bodies powers in this area.

3. Literature Review and Hypotheses

The Yugoslav Republic of Macedonia was granted candidate status in 2005. In 2009, the Commission assessed that the country sufficiently met the political criteria and recommended the opening of negotiations. This recommendation was reiterated by the Commission in 2010 and 2011 and now in 2012. The Commission strongly believes that moving the accession process of this country to its next stage is necessary in order to consolidate the pace and sustainability of reforms, in particular as regards the rule of law, as well as to strengthen inter-ethnic relations. The region as a whole would benefit. Economic criminality as very dangerous phenomenon is sanctioned and criminal and legal provisions. Criminal codes of various countries have provided separate chapters which treats this type of crime. (I.Zejneli 2007)

Some of the offenses against the public finances, payment circulation and the economy by KP Macedonia are: Counterfeit Money (n.268.i KP); money laundering and illegal material benefit (n.273 KP); unauthorized production (n.276 KP); contraband (n.278 KP); violation of equality in the exercise of economic activity (n.282 KP); unauthorized use of a foreign firm (n.285 KP). With the Yugoslav Republic of Macedonia, a High Level Accession Dialogue (HLAD) was launched in March 2012 in Skopje. The HLAD put EU integration to the forefront of the domestic agenda, giving it a new boost by ensuring a structured, high level discussion on the main reform challenges and opportunities. The key issues include freedom of expression, rule of law and ethnic relations, challenges for electoral reform, public administration reform, strengthening of the market economy and good neighbourly relations. The Government is making progress addressing the ambitious reform targets included in its roadmap defining the specific measures and time frame for their delivery.
3.1 Gathering data for Literature Review

Criminal Code of the Republic of Albania, based on the statement of the UN, for the fight against corruption and swag, in December 1996, nr.9275 Law, dated 16.09.2004, especially the in Convention on corruption, Council of Europe, date 27 January 1999, devotes a number of provisions-articles, against crime of corruption- active and passive corruption in the private sector, active and passive corruption of public officials, of high state and local elected officials, judges and prosecutors and other justice officials, witnesses, experts and interpreters and the exercise of unlawful influence on persons exercising public functions.

In money laundering is intended to be hiding and not the legality and use of revenue sources, that results from these sources for specific purposes legalizing illegal income). Fraud represents the essence of all the action in money laundering, because during all actions is intended that certain tools to be shown as legal in order they can be into circulation.

In progress through the table will present data on persons accused of committing a criminal offense of money laundering, for the years 2006-2010.

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convicted persons</td>
<td>1</td>
<td>2</td>
<td>19</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Women</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Persons found guilty</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Procedure was terminated</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

From the total number of persons charged with criminal offenses of money laundering for the period in question, the court has decided as follows:

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convicted persons</td>
<td>-</td>
<td>1</td>
<td>19</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Women</td>
<td>-</td>
<td>1</td>
<td>5</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total penalties</td>
<td>-</td>
<td>1</td>
<td>9</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Prison sentence</td>
<td>-</td>
<td>1</td>
<td>9</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Alternative measures</td>
<td>--</td>
<td>10</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>--</td>
<td>10</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

From the above table we will see that during the period in question, for a criminal offense of money laundering have been convicted of a total of 21, persons of whom the most in 2008,19 people. Also we will see that the perpetrators of this crime appear persons of both sexes.

3.2 Albania and problems identified.

In the context of criminality in Albania we will focus on a specific aspect for Albania. Any anticipated strategy should also take into account the level of payment and other benefits of the staff within the justice system in general and judges in particular. An appropriate level of pay and other benefits is probably one of the most effective ways to "immunize" employees from corruption.

3.2.1 The Constitution of the Republic of Albania.

Offenses against the person are the worse wound crime in Albania. This is because these offenses are committed against individuals Albanian society "Offenses against the person recorded 2240 proceedings, or compared to 2002, decreasing 5.5%. (Sollaku Th 2006 report pp 4)

Although generally results in a decreasing trend of these criminal group, is evidenced an increasing number: 63 proceedings for murder, article 76 of the Penal Code. These crimes have significant consequences to life and health.
such as the death of 271 persons and serious or slight injury of 421 persons. Of these criminal proceedings were sent for judgment, judgment and convicted 863 defendants and 642 other defendants judgment continues. For these types of serious crimes the prosecution has sought the prosecution of a fierce political and judgment proceedings, to influence in alleviation and prevent this phenomenon very negative, with serious consequences not only for the victims and their families, but also for the public safety of society as a whole (Sollaku Th 2006 report pp 7, 11, 21).

3.3 Albanian judicial system and the need for reform.

Albanian judicial system has undergone radical changes and improved considerably over the last decade. However, the need for more legitimacy and control show that the Albanian legal system needs further improvement in order to create a stable and transparent system, based on the principles of the rule of law. Legal instrumental often not respected or abused in order to achieve results "desired" - but not necessarily legitimate. Consequently, the rights and freedoms of individuals often violated and give the impression that the judicial system is neither fair nor independent. (Law no. 8436, dated December 28, 1998, "On the organization of the judicial power in the Republic of Albania" [Judicial Power Law], Article 39, paragraph 1.

3.3.1 The specific data for types of economic criminality

For illegal trafficking are followed 270 proceedings, with 327 defendants. For the cultivation and trafficking of narcotics, has followed 333 proceedings, with 364 defendants. Has been indicted in the court and are sentenced 148 defendants. For criminal offenses that are related to illegal activity or state employees in the public service, are followed 407 proceedings, with 224 defendants. For offenses against the person, are recorded 2240 proceedings of which 63 for murder. These crimes have led to the deaths of 271 people and injuring 421 persons. For offenses against property and in economic sphere are 5101 registered proceedings of which were convicted 2413 people, while other 1227 trial continues.

4. Methodology and Research Goal

For theft of property, are recorded 2693 proceedings which have been sent to trial and are tried and convicted 1,198 defendants, while the other 653 are judging. For crimes in the field of customs and for criminal offenses relating to taxes are recorded 206 proceedings and are sentenced 145 defendants 62 others are on trial (OSCE Albania Report 2009). International and national studies show that corruption in the Albanian judicial system is perceived to be too high and be a serious obstacle to the functioning of the judicial system. While the new government has demonstrated a serious commitment to the fight against corruption, few concrete measures have been taken so far to tackle the issue of corruption in the judicial system.


To find solutions related to the real and perceived corruption within the system of justice should take measures set. The first step would be to end immediately contacts / inappropriate connections between members of the judiciary and the parties in the proceedings or their representatives. In addition, each court and the prosecution should be required to
develop strategies and take concrete measures to combat corruption within the relevant institution in the Republic of Albania.

4.1 Needs for legal proceedings rigorous in Albanian system?

As noted in this scientific work, deprivation of liberty of persons sets it in an extremely delicate situation. For this reason, it is important that the deprivation of liberty to be as limited and to follow rigorous proceedings defined in international documents, the Constitution of the Republic of Albania and in the Code of Criminal Procedure. All actors involved, that are police, prosecutor, judge and defense attorney, also have a key role in maintaining these standards and in taking action against abuses against persons or investigative actions.

In this aspect, there is room for much improvement in the Albanian context. Thus, it is observed that in most cases, persons deprived of their liberty are not informed of the reasons for arrest or their rights; them regularly abused by the police; they are unable to contact with a lawyer and are not sent before a judge within the time specified in Constitution. Decisions argued in a poor manner and give the impression that decisions on the appointment of security measures often issued without legal reasons.

4.2 Economic criminality prevention based on EU Convention

Considering the fact that economic criminality can appear in different forms, according to the recommendations contained in the International Convention, but also in bilateral agreements for the elimination of economic criminality, it is necessary that within each system to be established more bodies and specialized institutions in order to be able to follow, detected and sanctioned this type of criminality. Anti-corruption policy is in the foreground, not only in the transition period, but also in other developed countries, because it is a widespread international phenomenon and socially very great risk. The fight against corruption, as international phenomenon, requires not only an effective policy within the country, but also international cooperation, based on the European Convention.

From criminal and legal standpoint, figures analyzed in the special part of criminal law and practice will prove how that it would be effective measures taken to prevent and fighting corruption at the present time and which areas will need to be met, in order to fight his policies give proper results. Important role in economic crime prevention directly have; courts, public prosecutors, police, financial police and customs services indirectly, the management of public revenues, directorate for prevention of money laundering, the state anti-corruption commission, , the state market inspectorate etc...

5. Conclusions and recommendations

Economic criminality undoubtedly now considered as very dangerous form that hurting the economies of countries, be developed or under development. Important role in economic criminality prevention directly have; courts, public prosecutors, police, financial police and customs services and indirectly, department of public revenue, directorate for prevention of money laundering, the state anti-corruption commission, the state market inspectorate etc. The challenges facing the Eurozone together with the recent global financial crisis have highlighted the interdependence of national economies both within and beyond the EU. They underline the importance of further consolidating economic and financial stability and fostering reforms and growth, also in the enlargement countries. The enlargement process is a powerful tool to that end.

Also the implementation of the legislation has a special significance in the prevention and combating of successful economic criminality.

In preventing and combating economic criminality, important contribution will also provide ongoing scientific approaches, various economic forums, seminars, national and international conferences, etc. Crimes in the field of customs and for criminal offenses relating to taxes and tax liabilities are recorded 206 proceedings, with almost the same figure in 2002. Have been tried and convicted 145 defendants and are in judicial review 62 defendants. Analysis of the number of prosecutions for these offenses shows 21.7 percent of proceedings for crimes in the field of customs. Downward trend in 57 percent of proceedings for criminal offenses in connection with taxes and tax liabilities, does not reflect the real state of criminality in this important area, where collected revenues for the state budget. *Continues to feel the lack of effectiveness of internal control in taxes and tax liabilities, and therefore is not detected and reported the real criminality in this sector, which has to do not only with the concealment of income, but also with the laundering of dirty
Strengthening the rule of law and democratic governance is central to the enlargement process. With the Council’s endorsement of the Commission’s proposed new approach to negotiations on judiciary and fundamental rights and on justice, freedom and security, the rule of law, including common challenges such as the fight against organised crime and corruption, is firmly anchored at the heart of enlargement policy. Accession negotiations on these chapters will be opened early in the process and closed at the end to allow maximum time for solid track records to be developed with the aim of irreversibility of reforms.

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Convention on the Prevention of Terrorism Art.26(3) stating that “parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case”.
See also the Declaration formulated by the Community and Member States upon the adoption of the Convention, where it is stated that the objective of the insertion of a disconnection clause is to take into account the institutional structure of the Union when acceding to international Conventions.
Inés y la Alegría: Women in the Resistance against Franco

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Abstract

This paper examines the normalization of violence during the Spanish Civil War (1936-1939) and immediate postwar era through the lens of historical memory, focusing more specifically on anti-Francoist guerrilla women: one of the more silenced social realities until the end of the 20th century. I argue that the novel Inés y la Alegría, by Almudena Grandes (2010) denounces Francoism’s repercussion to present-day democracy and silenced society. Using an intersectional analytical framework constituted by concepts by Cynthia Enloe, Zillah Eisenstein, Walter Benjamin and Johan Galtung, I analyze Grandes’ novel considering a variety of issues: the militarization of women, women’s power and empowerment, connections between the state and violence in the Spanish case, and stereotypes, myths and realities implied on the role of anti-Francoist militiawomen. I argue that the author’s goal is to spread the story in an attempt to recover the voices of the defeated who couldn’t tell their story due to the Francoist repression; considering as well the repercussions of such repression still visible today in Spanish society.

During the Spanish Civil War and immediate postwar era, particularly during the 1940s and 1950s, Spaniards suffered direct and indirect violence by Franco’s dictatorship. Some of this violence involved violation of human rights by the state, which prosecuted and killed the anti-Francoist guerrilla, using government’s propaganda to criminalize them. Not only do the crimes against humanity committed by the fascist government still remain unpunished, but also Francoism had a deep impact on Spanish society, starting by the gender implications and the normalization of violence. As a result, there was an implicit silence pact, affecting the transition to democracy and the current society. In this paper, I examine the connections between women and violence in the Spanish Civil War and immediate postwar era. More specifically, I examine women in the anti-Francoist guerrilla or maquis that showed either a pacifist or an armed resistance strategy against Franco. My discussion examines the normalization of violence through the lens of historical memory, analyzing Grandes’ purpose while writing the novel Inés y la alegría (2010). I will use the theorization of peace and militarization as put forth by Cynthia Enloe and Zillah Eisenstein. Additionally, I use Walter Benjamin’s reflections on violence, in dialogue with Enloe and Eisenstein’s concepts, in order to apply the connection between the state and violence to the Spanish case, with a gendered approach. The results indicate how the state has shaped democracy with terror. This paper is a part of a bigger project, where I will continue my research with a deeper analysis of the power relations and the gender implications on Inés y la alegría.

As it is well known, the Spanish Civil War (1936-1939) started after a military coup by Franco’s forces against the elected government of the Second Spanish Republic, and became notable for the passion and political division it inspired. Atrocities were committed by both sides in the war: tens of thousands of civilians on both sides were killed for their political or religious views, and after the war’s conclusion in 1939, those associated with the losing Republicans were persecuted by the victorious Francoist rebels. The war ended with the victory of the rebels, the overthrow of the democratically elected government, and the exile of thousands of left-leaning Spaniards, many of whom fled to refugee camps in Southern France. A dictatorship led by General Francisco Franco was established, and a new era of repression started, because the winners were going to celebrate their victory “aunque fuera sobre las ruinas, aunque fuera sobre un millón de muertos” (Tusquets, 2008, p. 24). However, there were still forms of resistance to the new regime: the maquis or anti-Francoist guerrilla were, for the most part, armed men that ran away into the mountains in order to escape the Francoist repression and to get organized in coordinated guerrilla movements. To survive, they made use of little thefts, which caused a stigmatization as bandits by the Francoist regime. They had the help of enlaces or liaisons: friends and relatives that provided the maquis with food, guns, clothes, medicine, and etcetera. Those friends and relatives where mostly women, since many leftist men were already fighting, in jail, exiled or dead, while plenty of women became the breadwinners for their families during the postwar era.

In the Francoist Spain most of the women (with the exception of privileged socioeconomic classes, whose women
had a little more freedom yet still being subjigated by the strong patriarchal structure of the society) didn’t participate in culture, economy or society, unlike men. Additionally women had to stay at home, and if they worked, they had to adopt professions “appropriate” for a woman, such as teachers or nurses. However, when the Civil War started years earlier thousands of militiamen joined the front, a big part of the feminine sector had to participate in production en masse, filling the vacant positions left by men that were incorporating to the fight. Mothers became the breadwinners for the family, and many of them were pregnant when the father of their baby left to the exile or to the battle. Plenty of women joined the front: the Republican was the second army (after Russia in 1917) that incorporated women to the militia. Political forces were asking for women’s mobilization; orators like Dolores Ibárruri -la Pasionaria- (PCE, Spanish Communist Party) or Federica Montseny (C.N.T, National Confederation of Labor) addressed the women asking for their incorporation to the antifascist fight. Militiawomen became a referent for many countries’ leftist organizations before World War II, and it was a big step for the gender fight in Spain and the rest of the world. The Republican side presented a gendered imagery with the innovative image of the young and pretty militiawoman, who marched to the war fronts, with a rifle. Next to this image was also represented the woman victim of Francoism, the mother, who defends her children and, inconsolable, demands justice for the loss of her relatives and urges for the participation on the fight. According to sources such as Alcalde’s book Las mujeres en el franquismo and the testimonies from Tomasa Cuevas’ book Prison of Women: Testimonies of War and Resistance in Spain, 1939-1975, most of the women that joined the militia were extremely young, about sixteen years old, recruited by communist and anarchist organizations. The young age of the militiawoman connects with the few options they had on a warlike context. The motivations that they had for the battle were different: personal convictions, revenge for a relative’s death, etcetera. There are also cases documented in Neus Catalá’s compilation of testimonies about women going to the battle front with their boyfriends or husbands. There were also mothers that joined the fight with their sons. In the first months of the war thousands of women participated in the fortification of barricades, the care of the wound, the organization of assistance at the rearguard, the professional and cultural formation, the organization of sewing workshops, or in the munitions factories. In Spain no positive discrimination incorporation to the antifascist fight. Militiawomen became a referent for many countries’ leftist organizations before World War II, and it was a big step for the gender fight in Spain and the rest of the world.
new information and new perspectives for the new generations has brought the attention of critique in Spain and outside the country. The culmination of such interest has been the creation in 2000 of Asociación para la Recuperación de la Memoria Histórica, and the approval in 2007 of Ley de Memoria Histórica. Despite the numerous exhumations and social consciousness work developed by this organization, the recovery of a Spain crippled and oppressed by the Francisco’s repression, by silence and oblivion, is still slow and painful.

Thus we can state that starting in the year 2000 there is a cultural explosion that overpowers the silence pact mentioned previously, encouraged by the narrative urgency that means many authors are trying to spread the silenced history before all the protagonists die. Many novels are an example of this, such as Soldados de Salamina (2001) by Javier Cercas, which deals with the topic of the reconstruction of the historical memory and the process of dealing with the past. Likewise, during the historical memory boom, topics silenced before start to be treated more deeply, like the history of maquis, represented in La noche de los cuatro caminos (2001) by Andrés Trapiello, and Maquis, historia de la guerrilla antifranquista (2002), by the historian Secundino Serrano. The monograph La resistencia armada contra Franco: Tragedia del maquis y la guerrilla, by Francisco Moreno Gómez, and La última gesta. Los republicanos que vencieron a Hitler, by Serrano, are the only two sources with information about the 1944 maquis campaign, directed by PCE, which Grandes fictionalizes in the novel object of my study. In the last couple of years, women have been represented from different fields, unexplored before in the cultural and literary context. However, the role of women allows new explorations from the perspective of historical memory, such as the Republican women in the militia (as an example, La capitana, by Elsa Osorio, 2012). It is also relevant the representation of the Republican women in Franco’s jails, like the novel La voz dormida, by Dulce Chacón or Las trece rosas (2003) by Jesús Ferreiro. On the other hand, Ana Ramírez Cañif tells a story about women that acted as enlaces or liaisons, getting involved with the anti-Francoist guerrilla in her novel La mujer del maquis (2008). Inés y la alegría (2010) by Almudena Grandes, is another example of feminine resistance to Franco’s regime through the fight with the maquis, as well as the novel I will analyze. The representation of the anti-Francoist guerrilla and enlaces has spread to cultural products such as cinema, with films like El laberinto del fauno (2006) by Guillermo del Toro, and Silencio roto (2001) by Montxo Armendáriz.

It is necessary to consider the work of critics about the women’s role through the perspective of historical memory, since there is not much bibliography dealing with the topic. Critique has primarily focused on the study of Republican women, due to the need to recover the past of the victims that are not recognized as such. Gina Herrmann explores this topic in her article “Voices of the Vanquished: Leftist Women and the Spanish Civil War” (2003). Herrmann works with the transmission of the transgenerational heritage of militancy and ideological beliefs, concept also worked by Jo Labanyi. Herrmann also refers to the relevance of the narrative urgency used by post memory generations to avoid the perpetuation of the collective amnesia about their leftist’s militant grandmothers. José Romera Castillo has also worked with the recovery of the historical memory for the Republican women, in his article “La memoria histórica de algunas mujeres antifranquistas” (2009), which will be relevant for the sociological field of my study.

The Spanish case can be connected with Enloe’s book Maneuvers, where she states that militarization and the privileging of masculinity are both products not only of amorphous cultural beliefs but also deliberate decisions. Additionally, Zillah Eisenstein exposes against Against Empire: Feminisms, Racism and the West the silenced and misrepresented histories of the US wars of terror, uncovering the relations and histories of power, in order to see as much as possible. She argues that rape is one weapon of war, but so are dress codes (burgas and bikinis), sex trafficking (from “comfort women” to other forms of “rest and recreation” for soldiers), harassment of military women, and militarized masculinity. Another idea that I consider particularly useful is that the human rights for Eisenstein are universal, humanly given to anyone who is human. From this position the author explains how the United States’ talk on human rights is a type of rhetoric and how ideologies of liberal democracy and its propagators manipulate and control the human rights discourse. Applied to my research this idea can also be used to explain the loss of identity and de-humanization of the leftist rojos that were repressed by Franco’s regime. There is a connection too with the manipulation and control of the human rights discourse by the Spanish government. Fascists used both religion and bills, like the “Ley de bandidaje y terrorismo” that equated the Spanish anti-fascist guerrilla with criminals that must be hunted in front of the eyes of their fellow citizens, while many of the same warriors were considered heroes in France for fighting against Nazism after the Spanish Civil War. An example of the exercise of this control can be seen in Inés y la alegría: Franco hides information to the nation about what it could have led to his failure: a reconquer of Spain by the Republic. In addition, Walter Benjamin’s Critique of Violence is especially relevant for the Spanish case, because it helps to explain the underlying violence in the political change to democracy. Through a discussion of the connections between natural and positive law, Benjamin sets the stage for a justification of the uses of violence (general strike or capital punishment), and of violence as a fact of nature or as a result of history.
Even though I am going to focus in state and anti-state violence, it must be highlighted how common the mention of anti-state violence in media is compared to the mention of state violence. I also want to emphasize that the Spanish Civil War and postwar was a scenario of different types of violence, starting with state violence, but also institutional violence, if we consider the abuses by the Guardia Civil to prisoners and civilians. As Gina Herrmann argues, it is paradoxical how free expression and the democratic open flow of information creates the perception of a violent society, while the dictatorship projected an image of peace and order at the same time that it incarcerated, tortured and executed thousands of citizens. The dictatorship was able to project this peaceful imaginary because it held the monopoly of force and signification by controlling information, denying public access to references of violence. Fernández de Alba says on the introduction of Herrmann’s book in 2003 that “recent access to such information has allowed historians to begin to reconstruct the silenced political violence of the dictatorial regime and to create a genealogy of suffering that, beyond all justifications, is hard to contest” (p. 2). On the other hand, Johan Galtung’s structural violence also happened among civilians, if we consider the lack of economic resources that Spain suffered after a three year war, where the money from the previous government of the Republic was worth nothing, and ration books were necessary in order to get food. This shows that even when there is no direct violence, violence still exists through the social injustice. Those unjust social structures that are the root of the structural violence are taken for granted or seen as normal by those in power, as it is the case of Francoist government position regarding the poverty and hunger isolating Spain for years. Damián González Madrid provides an account of the political violence of Franco’s regime in his article “Violencia política y dictadura franquista.” The author forwards an obvious yet disturbing idea for contemporary Spain: that repression during the Francoist dictatorship was conducted with the acquiescence and collaboration of the population, an aspect widely explored by Grandes. After all, we can’t forget that state and law are violent per definition.

Grandes’ novel intertwines stories about different people involved in the maquis’ attempt to reconquer Spain in 1944, revealing the gender and power structures with the backdrop of the normalization of violence throughout the female characters, particularly Dolores Ibárruri (La Pasionaria) and the protagonist Inés. The author presents the character of Adela, married to Ricardo, Inés’ brother and chief of Falange in Lérida, as a juxtaposition of the decent women versus the rebels that constitute the previous characters, showing us therefore some of the implications of the society of those times on the women’s lives. Despite of that, Adela ends up rebelling against the system herself by visiting Inés and Pasionaria in Toulouse, and even getting a lover and enjoying openly of her sexuality, by also stopping to go to church and asking Inés to send her frequently condoms, in order to avoid the shame of being caught with them while crossing the border.

Since we consider the function of the novel to be restoring the lost memory, it is important to state that, according to Grandes (2010), “La Historia con mayúscula la escriben siempre los vencedores, pero su versión no tiene por qué ser eterna” (p. 457). For the author, Spain is an abnormal country since it hasn’t integrated the failure of the people who fought for freedom on the national pride. Grandes regrets that nobody has ever conducted a census with Arán valley invaders, or compared the list with the names of the men who entered into the country for the invasion and the men who left. The author decided to solve the lack of information by developing her own version of the invasion in a three-axis novel: Inés’ story, Galán’s story and the shorter chapters with the title in parenthesis, that are at the end of each chapter. The first chapter tells some real historical events to provide us with the context and explores how power is operated among the representatives of the PCE, those who decide the future of the invasion and therefore, of the maquis. These power structures will be altered soon when gender issues, love and manipulation show up among the people involved on deciding upon the maquis’ destiny: “las páginas de la novela, como los días de la realidad, están perforadas por túneles y atajos que permiten que los habitantes de las alturas del poder desciendan, de vez en cuando, hasta el nivel del suelo.” (Grandes, 2010, p. 499). On the other hand, the other two axes of the novel are completed with a fiction story that interweaves real characters and facts with the author’s version of the story, due to the lack of information about the official history. The chapters titled in parentheses are a way for the author to make her voice being heard, as a justification for the recognition that Grandes is demanding for the real characters whose story has been erased by the winners. In fact, testimonies from Franco’s sister, Pilar Franco Bahamonde, make clear that the only moment she has seen her brother out of his mind was in 1944, when the maquis tried to reconquer Spain. Francisco Franco hides the truth from the rest of the Spaniards in order to perpetuate the order of the military controlled state that he was trying to establish by then.

It is important to emphasize the contrast between the regime’s conception of maquis as criminals and the vision that Grandes offers in the novel about the resistance movement or guerrilla. Here most of the resistance against Franco is peaceful, trying to avoid violence, repression and revenge, as we can see on the instructions that el Lobo, the colonel, gives to his militiamen, giving emphasis to his men’s good behavior, most likely in order to get rid of the stigmatization...
the regime had given them as criminals:

*No volvemos a España para tomar represalias, ¿entendido? [...] Los únicos fusilamientos que estoy dispuesto a firmar son los de los soldados que se atreven a tomarse la justicia por su mano, [...] No voy a consentir, de ninguna manera, ejecuciones sumarias, torturas, ni malos tratos a civiles, sean quienes sean, hayan hecho lo que hayan hecho, o lo reclame quien lo reclame con las lágrimas temblándole en los ojos [...] Por muy guapa que sea, por muy buena que esté, y por muy bien que haga las cosas que mejor sepa hacer. (Grandes, 2010, p. 293)*

The maquis’ fraternity, despite age, birthplaces and personality, is a strong bond that we can see throughout the whole novel. One example is when the chief of the guerrilla gives total priority to the evacuation from Spain of two of his men that resulted injured by a grenade in the attempt of invasion of Arán. The novel also shows how such fraternity happened among gender and class barriers, but always with the backdrop of the Spanish postwar era characteristic mistrust. This fraternity connects with the concept of Benedict Anderson developed on a book of the same name, Imagined communities, even though the concept wouldn’t be explored until 1983. After all, the re-instauraion of the Republic in a Francoist Spain constitutes an imagined political community among the maquis and enlaces who fought together against Nazism (such as Galán, Lobo, the upper-class Inés or Comprendes) and now are on the way to rescue their nation, with 8,000 other guerrilleros that couldn’t be happier to hear from their superiors that they are going to Spain to overthrow Franco.

On the other hand, Inés, whose family is among Madrid’s upper-class, doesn’t follow the patriarchal rules of society, "Si yo fuera hombre, me habría alistado" (Grandes, 2010, p. 56), and rebels against all the values that were taught to her by installing an office of Socorro Rojo at her home during the war. Later, her “political responsible”, a militiamen called Pedro, denounces her, and therefore she is arrested and imprisoned in Ventas, where she was:

*Otra presa anónima entre miles de reclusas de la misma condición, abandonadas a su suerte en unas condiciones más duras que la intemperie. En Ventas no cabíamos, no teníamos sitio para dormir estiradas, ni un trozo de muro para apoyar la espalda al sentarnos, ni espacio en el patio para pasear. No había aire suficiente para todas en aquel patio que oía a muchedumbre, a invernadero, al sudor irremediable de miles de cuerpos humillados a su propia sucedad. (Grandes, 2010, p. 63).*

The omission of any insinuation of torture, rape or physical violence on Inés’ version of the imprisonment is shocking, since those practices were systematic in the penitentiary institutions. It is even more bizarre considering that she gives plenty of details later in the novel when describing similar episodes. We can understand that this omission occurs as an attempt by the main character to keep her dignity, and to avoid further public humiliation, due to the similar cases found in testimonies from Tomasa Cuevas’ book. The only violent punitive measures that Inés mentions are the daily shootings by fire squads that took place against the wall of Cementerio del Este, and whose shots acted as alarm clock for the inmates: “Todos los días escuchábamos los tiros de gracia, sueltos, aislados, y se nos llenaban los ojos de lágrimas, y nos moríamos de frío durante un instante en el que dejábamos de sentir el calor y nuestro sufrimiento, el hambre, la sed, el miedo, el cansancio” (Grandes, 2010, p. 64). However, what awaits Inés after Ventas is even worse for her, until the point that she tries to commit suicide: her brother Ricardo locks her on a convent. We can observe the “Othering” suffered by Inés for being a woman who doesn’t follow the rules of femininity stated on a misogynist society: because of the patriarchal system of the postwar Spain, Ricardo is the one in charge of taking decisions, as her brother. Then Ricardo sends Inés to Pont de Suert, a village in the Catalan Pyrenees where he lives with his wife Adela and their children, not giving Inés any chance or opportunity to question his orders. This concept links with Zillah Eisenstein ideas when developing the concept of women’s “Othering”; for Eisenstein, war is the extreme example of the terror visited on women and their families by a "systematic patriarchal structuring of racialized, sexualized, global exploitation" (Eisenstein, 2004, p.183) and by fundamentalist misogyny. Another example is that, when the rumors about the imminent invasion start spreading, Ricardo decides to send his family to Madrid, except for his sister, who will go again to live on a convent. But Inés escapes to the village of Bosots to meet the maquis, with a horse, three thousand pesetas and five kilos of rosquillas, with the hope of finding Spain’s saviors, but it is also relevant to consider that the military has always been a patriarchal institution. As Eisenstein stated on the second chapter of her book Against Empire, there were women considered war followers, and this is what Inés is considered to be at the very beginning. The concept of the war followers is closely related to the comfort women developed by Enloe on the third chapter of her book Maneuvers, called “The prostitute, the colonel and the nationalist”. Enloe explores the cases of women raped by soldiers, where sexuality and militarism have been intertwined. Indeed, the author argues that ideologies of militarism and sexuality “have shaped the social order of military base towns and the lives of women in those towns.” (Enloe, 2000, p. 51) On the other hand,
women try, as feminists, to alter the patriarchal practices, which reflects in Inés’ actions. But Inés’ case is slightly different: she sleeps with Captain Galán, which reinforces her status by giving her the best room in the major’s house occupied by the maquis. Inés also takes control of the kitchen, getting a power that she never had before. Besides constituting a means of achieving empowerment, cooking also represents a way Inés can escape from the repression and stop thinking and worrying about all her problems.

Falange’s commanding officer Garrido, a friend of Ricardo, represents the brutality of the patriarchal institutions, and constitutes the best example of direct physical and psychological violence against Inés, who belongs to the leftist side, and therefore, she is one of the losers of the war, as he says: “Deberías portarte mejor conmigo, Inés, porque yo he ganado la guerra, no sé si te acuerdas.” (Grandes, 2010, p. 135). Garrido treats Inés as a comfort woman, yet still “Othering” her as a women on the leftist side, the antithesis of the decent women; he harasses her to have sex with him, bullying her and mistreating her psychologically, with the goal of the total humiliation of his victim, telling her things such as:

En nuestra zona, las chicas iban a misa, rezaban el rosario, teji an jerséis y escribían cartitas ñoñas a los soldados, pero vosotras no, vosotras no perdíais el tiempo en esas tonterías... Vosotras erais de todos, de la causa, para eso habíais superado la superstición del matrimonio, el prejuicio de la decencia, y estabais todo el día calientes, porque habíais que recompensar a los héroes del pueblo, tenerlos contentos, ¿no?, aunque a los jefazos los tratarías mejor, seguro. Dime una cosa, Inés, cuando se la chupabas a tu responsable político, ¿te ponías de rodillas? (Grandes, 2010, p. 135)

It is relevant to make a parenthesis here in order to mention the different forms of rape perpetrated by men as soldiers that Enloe reflected in the fourth chapter of Maneuvers. One form is the rape by a male soldier of a woman soldier in the same army, perhaps because he resents her presence in a previously all-male unit or because he is angry at her for her unwillingness to date him or flirt with him. Other cases are the rapes of women held in military prisons by male soldiers serving as guards; rapes perpetrated by a soldier acting as an interrogator with the apparent purpose of forcing the woman victim to give information. Grandes intertwines both cases on the previous quote. However, since those forms of rape could have been omitted by the main character as an attempt to preserve her dignity, while studying the case of Garrido’s sexual harassment towards Inés, it is necessary to consider Eisenstein’s idea of rape as part of nationalist and colonialist capture. This reflection was originally developed by W.E.B Dubois, who stated that rape continues to function as a symbol of conquest and nation building. This is precisely Garrido’s goal, as Inés finds out his game:

No pretendía conquistarme, sino rendírme, hacerme capitular, claudicar, entregarme a él sin condiciones, y por eso renunciaba a vencer en las batallas que él mismo planteara. No quería violarme, abusar de mi debilidad, disfrutar de mi cuerpo, no, aspiraba a mucho más. Lo que quería era volver a ganar la guerra, y ganarla en mí, tomar posesión de una mujer vencida, humillada, sin dignidad, sin esperanza, sin respeto por sí misma. (Grandes, 2010, p. 138).

The racial oppression mentioned by W.E.B Dubois and Eisenstein links with the political oppression in Spanish postwar for the defeated, as we see in the case of the young girl Mercedes. Eisenstein connects this thought with the slavery system, since black women had no legal marriage, no legal family, and no legal control over children. Mercedes doesn’t even know her last names, because her parents were married under the Republic, and therefore, their marriage is not valid anymore. The loss of identity suffered by Mercedes shows how marriages under the Republic were considered invalid in the postwar. It also shows how Franco’s government took advantage of the leftist women by stealing their children, with the help of the Catholic Church, from their biological parents. There is a point where Inés doubts if it wouldn’t be easier to fulfill Garrido’s desires, in order to fight for her survival, but she couldn’t stand see herself defeated again, establishing a comparison with the women she saw during the war in Madrid, that presented a double defeat:

Mujeres aniquiladas, vacías, tan huescas que ya no les quedaba ni siquiera espacio para el miedo, sentadas junto a hombres uniformados que las trataban como si fueran ganado, animales de compañía que acabaran de recoger por la calle y que agradecían los palos que se llevaban a cambio de tener algo que comer, un rincón bajo techo donde echarse a dormir por las noches. Era repugnante, daba asco y vergüenza, sobre todo vergüenza, porque aquellos cabrones eran de los nuestros, y eso me dolía más. (Grandes, 2010, p. 139).

The game ends when Garrido manages to stay alone with Inés at Ricardo and Adela’s house. While pointing a
gun at her, he batters her and forces her to pleasure him. At the while, Garrido continues humiliating Inés and showing surprise of her negative to please him sexually. Her disgust with him causes him great surprise, since her nature is that of a filthy roja, a condition equal to that of a prostitute: “Mira que eres tonta, hija mía. Te lo digo en serio, porque siendo tan puta como eres, y estando tan salida como estás, la verdad es que no lo entiendo —me ofreció la misma mano que me había derribado, pero preferí levantarme por mis propios medios y sólo logré hacerle sonreír—.” (Grandes, 2010, p. 145.) It is important to notice that Garrido insists on forcing Inés to pleasure him while on her knees, to emphasize submission and defeat. For Garrido, this submission represents the sexual act by a Republican woman who lost the war, thus reaffirming him as a winner. On the other hand, the commanding officer Garrido qualifies Ines’ dignity as “stupid.” At the same time, he states “la violencia también tiene su encanto, sobre todo para el que manda, que aquí, evidentemente, soy yo” (Grandes, 2010, p. 145) recognizing that he is enjoying the situation and finding pleasure on it, reinforcing the idea of power involving the submission of someone else.

As it is well known, and as Inés herself affirms after this incident, “el terror es un recurso sumamente eficaz.” Moreover, it continues to establish a reason that will link the representation of violence in the novel, normalized in the whole country during the Civil War and postwar period, with the state strategies to spread terror, generalizing the fear and silence among Spaniards. An example of this situation in the novel is Galán’s surprise when they find a prison work crew with political inmates, all Republican, that refuse to join the maquis’ fight and run away instead. This is a sample of the Francoist regime’s repression, as Inés explains to a confused Galán:

Lo que te ha pasado no es tan raro, porque aquí nadie vive en paz. No estamos en un país pacificado, sino en un país ocupado. […] Y tú no has estado aquí. No has visto cómo nos rompían todos los huesos, una vez, y otra, y otra más. Cinco años de palizas, uno detrás de otro, cinco años seguidos, y nosotros cada vez más encogidos, más pequeños, más cobardes. (Grandes, 2010, p. 252).

Subsequently, she attributes the fear of the inmates to the terror experienced during the war and immediate postwar. Inés reveals her perspective to Galán who had been in the concentration camp of Argelès, in France, before fighting against the Nazis. Following his internment, he returned to defeat Franco. Inés gives Galán a different perspective than that which he could see while in exile: the story of a Spain full of people that “habría dado cualquier cosa, media vida, por salir de aquí en el 39, y que tuvo que quedarse para abarrotar las cárcel, para escuchar sus sentencias de muerte, para dormir durante treinta años en una baldosa y media de suelo sucio, con el cuerpo lleno de heridas gangrenadas, comidas por la sarna.” (Grandes, 2010, p. 254). The resistance of Francoist repression is thus inevitably connected with fear for a still skeptic Galán. Inés finds this completely natural: “¿Y cómo quieres que estén? Pues muertos de miedo, claro. ¿Cómo no van a tener miedo, si les han pegado tanto que ya no se acuerdan ni de quiénes son?” (Grandes, 2010, p. 254.) According to Lobo, those men who now refuse to join the cause that have fought to defend only a couple of years ago do so because of alienation. He affirms that Spain is no longer their country, due to their exile. This recalls the patriotic feeling of loss that Max Aub developed, while telling Galán: “Los españoles que nosotros conocimos ya no existen. Están todos muertos, o en la cárcel, o tienen tanto miedo que no saben ni cómo se llaman.” (Grandes, 2010, p. 308) Considering the issue of state violence related to this fear, Walter Benjamin argues that it is not possible to separate violence from law; that all violence is either law-making or law-preserving. He also maintains that all law, however remote it may seem from its origins and the forces that maintain it, is latent violence: “Admittedly, military violence is in the first place used quite directly, as predatory violence, toward its ends.” (Benjamin, 1996, p. 283). Therefore, it is violence itself which decides the ends for which is justifiable. This circle defines violence self-evidently as a natural means of achieving natural or legal ends. The start of the book with the most explicit use of violence connects with this idea, since is when the author makes references to the torture that political prisoners suffered during the interrogations. Indeed, Benjamin states that the forms of violence “are present in another institution of modern state, the police. True, this is violence for legal ends” (Benjamin, 1996, p. 286). The response the novel gives to this violence and more specifically, the response that communist leader Pasionaria proposes is joy against the adversity: In order to mask destiny, death, hunger, and fear they need “alegría para no venirse abajo, para no ablandarse, para no ceder al desánimo, para soportar las caídas, para caer con entereza, para aguantar la tortura con la boca cerrada en los sótanos de las comisarías” (Grandes, 2010, p. 316). However, Benjamin’s goal is not to discuss the different forms of law but the foundational and fundamental role of violence. Specifically, he argues that violence legitimates the use of force by focusing on means and ends. Benjamin concludes by highlighting two kinds of related violence: one that creates the law and another that sustains it. However separate Benjamin sees these two forms of violence, both are based upon justified means for just ends. Then, Benjamin moves from what he calls mythical violence, that is, violence related to our classical past and the foundation of the law, to divine violence. This latter form of violence is one that neither upholds the law nor

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creates a state. Moreover, it is, outside of discourse and language. By introducing this new form of violence, Benjamin breaks from the dialectical opposition between violence that posits the law and violence that preserves it. It entails, instead, a sovereign act that lacks meaning or explanation because it is not framed by the law. This can be applied to the state violence developed by the Francoist regime, since it attributed itself certain sovereignty through both the support of Catholic Church, and the representation of the order versus the chaos that Francoism tried to associate with the maquis. In fact, Franco’s slogan was “Dios, Patria y Rey” and he liked to be called not only General, but also Generalísimo Francisco Franco, caudillo de España por la gracia de Dios. This nomenclature reinforced the divine nature of his position. For these reasons, we can affirm that Francoism pretended to have a divine right for using violence against those who were a menace for the construction of New Spain, as we can see in Inés y la alegría: “Pertenezco al Partido Comunista de España y no os voy a decir nada más. Alegría. Golpes. Alegria. Palizas. Alegria. Huesos rotos. Alegria. Quemaduras. Alegria. Descargas eléctricas en los genitales, en los pezones, en los labios, en las plantas de los pies.” (Grandes, 2010, p. 316). In addition, this section showcases the terror and stoicism mentioned and promulgated by Pasionaria. There is an important contrast there that leads to a loss of identity for the enemy, communists in this case. The prisoners have been battered so much by Francoist police that they can’t even pronounce their names properly:

“Me llamo... —y el nombre ya sólo se entiende a medias, porque con tantos huecos en las encías y los labios hinchados, rojos como fresones, el detenido o la detenida no articula bien las sílabas—. Soy miembro del Partido Comunista de España y ya sabéis que no os voy a decir nada más.” (Grandes, 2010, p. 316)

Not having a name is the clearest sign of the lack of identity, showing how Francoist repression through violence not only criminalized and dehumanized the enemy through its propaganda, but also alienated individuals until they lost their identity. Despite the effort to emphasize the violence exerted by Franco’s regime, the novel shows a period with a relatively pacific resistance to the dictatorship. This might even be considered non-violence instead of anti-state violence, but this vision of the resistance is not accurate in a global context.

The power established by law-making violence threatens the law-breaker with law-preserving violence. But this threat is subject to fate, because the criminal (the maquis, in this case) might not get caught, and his or her ‘violation’ of the law threatens to become, in turn, a law-making violence. As a result, it is a challenge to existing power. Benjamin’s concept can help to explain the Francoism repression against the losers and other people related to any resistance movement. However, if it is not just a matter of getting away with violence at an individual level and the challenge to existing power is self-conscious and victorious — as in a political revolution — then the contest can only begin again. Benjamin acknowledges possible forms of non-violent resolution of potential conflicts between people, but these are immaterial because they are not legal. As soon as they are codified by legal contract or treaty, they would again be subject to force.

Conclusion

The novel Inés y la alegría is an example of the state violence and control of the population during the Spanish immediate postwar. The fear that resulted in a pact of silence still remains today. Many people still refuse to talk, and many of those who choose to tell the silent story lock doors and windows and whisper to avoid being heard. However, the opposite result of such oppression can be worse: a society brain-washed by a Fascist and Catholic regime, whose power structures have been shaped on gender issues, on the basis of a strong patriarchal society. Talking with social workers in Spain, I have found many cases of women surprised to learn that violence and submissiveness are no longer the norm. Grandes is denouncing the Francoism and its repercussion to present-day democracy, which has been suffering from Stockholm syndrome since 1936. In order to do so, she uses her voice as the narrator of the chapters in parentheses to legitimize the spreading of the story, and to attempt the recovering of the voices of the defeated who couldn’t tell their story. The author is trying to avoid what Julia Conesa feared. Member of Las Trece Rosas, a group of underage women that were political prisoners in Ventas and were executed in 1939, Conesa finished a letter to her mom the previous day of her execution with the sentence: “que mi nombre no se borre en la historia.”

References


Application the Statistical Methods for Estimating of Innovation Level

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Abstract

The innovation process is a complex phenomenon. The complexity of the innovation process consists from the strong link of this process with the researching-development activity and the technological transfer. In this paper some approach to statistical evaluation and estimation of the innovation indicators is presented. After the authors’ opinion the special attention needs to be given to criteria innovation assessing of the socio-economic development. This problem is important both in the world and in Moldova. Identifying sources of innovation and creating models of innovative activity are elements necessary for socio-economic development scenarios concluding. The researches based on the methods of data analysis and modeling, including the correlation and regressive analysis, assumes the use of methods of the description and measurement of statistical relationship. First of all, this method allows to establish on the average how the productive sign changes under the influence of one or several factors, and secondly - quantitatively to estimate narrowness of relationship between variables. In this work are given examples of the analysis of interrelation of a share of innovative production in total amount of sales of production and the analysis of gain level of profitability of the enterprise.

Keywords: innovation process, level of the innovation, regression, correlation, correlation and regressive analysis, profitability of the enterprise.

1. Introduction

Existence of a coherent statistical information system in the field of innovation in Moldova is an urgent task of society, because only in this case it is possible to predict the quality of economic growth.

In this paper some approach of the statistical evaluation and estimation to the innovation activity.

2. Research methodology

The supply side is modelled by Cobb-Douglas production function. In the base of this function Total Factor Productivity indicator, which not depend on factors of production, but on the other socio-economic indicators, is calculated.

3. Findings and discussion

3.1 Utilizarea metodei corelativ - regresionale

The researches based on regression and correlation assumes the use of methods of the description and measurement of statistical relationship.
The concept (definition) of regression and correlation are taken from a biometry and has been offered by Fr. Galton. Originally correlation researches occurred in biology, and later have extended on social and economic area. Simultaneously with correlation the regression has started to be used. Correlation and regression are closely connected among themselves and serve for a parity establishment between the phenomena for definition of presence or absence of relationship.

First of all, this method allows to establish on the average how the productive sign changes under the influence of one or several factors, and secondly - quantitatively to estimate narrowness of relationship between variables, i.e. to calculate percent of influence of the concrete factor on the general change of a productive sign.

The correlation method assumes an estimation of intensity relationship’s force between two or more variables and revelation of concentration’s degree of the fact sheet around regressive lines. The narrowness of relationship is quantitatively expressed by size of correlation’s facts which is also an estimation of the equation’s conformity of regression to the revealed connection of cause and effect.

The regressive analysis consists in definition of analytical expression of relationship in which the change of one size (productive) is caused by influence of one or several independent sizes, and set of all other factors which without any changing influence on dependent size, is accepted to constants and average values. Studying of regression or regressive modeling assumes use of the whole arsenal of methods to find the most comprehensible model of the form’s description of relationship between variables.

![Image](image_url)

**Figure 1.** The study based on regression and correlation

Statistical model of relationship of the social and economic phenomena, which is expressed by function of \( Yx = f(x_1, x_2, \ldots, x_i) \), is called the regression equation, or the equation of correlation relationship.

Regression can be one-factorial (pair) and multi-factorial (multiple), but thus it is necessary to consider that according to an optimum parity between number of a factorial sign and object of investigated set it is necessary to regard as parity 5-6 to 1. Under the dependence form it is distinguished linear and nonlinear regression.

The most used models of regression for relationship’s studying between the social and economic phenomena and processes are:

1. The linear regression expressed by the equation of a straight line.
2. The nonlinear regression expressed by a number of mathematical functions: the parabolic; the sedate; the exponential; the hyperbolic; the indicative; logarithmic, etc.

Solution of relationship’s mathematical equations assumes calculation under the initial data of their parameters in the way of alignment of the empirical data by the method of the least squares given by a method answering to the requirement of “a method of the least squares”:

\[
\sum (Y_i - Y_{si})^2 = \text{min}
\]

At machining of the initial information on the computers equipped with packages of standard programs of conducting the correlation and regressive analysis, calculation of parameters of applied mathematical functions is considered as a counting operation.

Linear pair regression is expressed by the straight line equation:

\[ Yx = a_0 + a_1x, \]

where \( a_0, a_1 \) – parameters of the equation of regression; at which: \( a_0 \) – the free member of regression accepts value \( Y \) when \( x=0 \), and shows average influence on a productive sign of not considered factors; \( a_1 \) – the factor of
regression which shows how many units on the average will change a productive sign at change of a factorial sign on unit. The sign at regression factor shows a relationship direction: $a_i > 0$ – relationship a straight line (positive) $a_i < 0$ – relationship return (negative), $a_i = 0$ – absence of relationship.

**Multiple regression** is considered as a research of statistical dependence of a productive sign $Y$ from several factorial variables $x_1$, $x_2$, $x_3$, ..., $x_i$. At the research of dependences by methods of plural regression the problem is formulated the same as in the use of pair regression, it is required to find function

$$y_{1,2,...i} = f(x_1, x_2, ..., x_i).$$

The drawing up of models of plural regression includes the following stages:

- A choice of the relationship equation;
- Selection of factorial variables;
- Definition of number of the supervision necessary for reception of not displaced estimations.

The fundamental basis of function choice for the equation of multiple regressions is the same, as for measurement of relationship with one sign. Practice of construction of multi-factorial models of interrelation shows that all real-life dependences between the social and economic phenomena can be described by following mathematical functions:

- Linear $Y_{1,2,...i} = a_0 + a_1 x_1 + a_2 x_2 + ... + a_i x_i$;
- Hyperbolic $Y_{1,2,...i} = a_0 + a_1 / x_1 + a_2 / x_2 + ... + a_i / x_i$;
- Parabolic $Y_{1,2,...i} = a_0 + a_1 x_1^2 + a_2 x_2^2 + ... + a_i x_i^2$;
- Inductive $Y_{1,2,...i} = e^{a_0 + a_1 x_1 + a_2 x_2 + ... + a_i x_i}$;
- Exponential $Y_{1,2,...i} = a_0 x_1^{a_1} x_2^{a_2} ... x_i^{a_i}$.

One of often used regression’s models for economic growth modeling is a Cobb-Douglas function:

$$Y_{x1,x2}=a_0 x_1^{a_1} x_2^{a_2},$$

which expresses the interrelation between national income (final product) and the basic production assets $x_1$ and labor $x_2$.

It should be noted that at plotting of regression models appears a problem of multicollinearity which essentially deforms research results. Multicollinearity is considered a close dependence between the factorial variables included in the correlation model or transforming the initial factorial variables to new integrated factors.

Further we will analyze the dependence of two independent variables (expenditure on R&D per employee and labor productivity) and result variable (volume of production). For this we stop at multiple linear regressions.

The analytical form of the relationship expression of a productive sign and some factors is called multi-factorial equation of regression or relationship model. The equation of linear multiple regression at $i$ variables looks like $Y_{1,2,...i} = a_0 + a_1 x_1 + a_2 x_2 + ... + a_i x_i$, where $Y_{1,2,...i}$ – the theoretical values of a productive sign received as a result of substitution of corresponding values of factorial variables in the regression equation; $x_1$, $x_2$, ..., $x_i$ – factorial variables; $a_1$, $a_2$, ..., $a_i$ – model parameters (regression factors).

Equation parameters can be found in the various ways: the method of least squares, the dot method, the graphic method, the method of splitting the set of investigated objects in groups by the number of found parameters and representing then the dependences between average group indicators as functional one etc. The most wide-spread distribution in finding the regression parameters is the method of the least squares.

### Table 2. The Calculation table for determination of the equation’s parameters of regression.

<table>
<thead>
<tr>
<th>Nr</th>
<th>$X_1$ USD / employee</th>
<th>$X_2$ Thousand piece per employee</th>
<th>$Y$ Thousand piece</th>
<th>$X_1Y$</th>
<th>$X_2Y$</th>
<th>$X_1^2$</th>
<th>$X_2^2$</th>
<th>$X_1X_2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>21</td>
<td>225</td>
<td>14,5</td>
<td>304,5</td>
<td>3262,5</td>
<td>50625</td>
<td>441</td>
<td>4725</td>
</tr>
<tr>
<td>2.</td>
<td>13</td>
<td>170</td>
<td>5,1</td>
<td>66,3</td>
<td>867</td>
<td>28900</td>
<td>169</td>
<td>2210</td>
</tr>
<tr>
<td>3.</td>
<td>14</td>
<td>150</td>
<td>6,5</td>
<td>91</td>
<td>975</td>
<td>22500</td>
<td>196</td>
<td>2100</td>
</tr>
<tr>
<td>4.</td>
<td>16</td>
<td>150</td>
<td>9,1</td>
<td>145,6</td>
<td>1365</td>
<td>22500</td>
<td>256</td>
<td>2400</td>
</tr>
<tr>
<td>5.</td>
<td>10</td>
<td>130</td>
<td>6,5</td>
<td>65</td>
<td>845</td>
<td>16900</td>
<td>100</td>
<td>1300</td>
</tr>
<tr>
<td>6.</td>
<td>25</td>
<td>825</td>
<td>31,1</td>
<td>777,5</td>
<td>25057,5</td>
<td>680625</td>
<td>625</td>
<td>20625</td>
</tr>
<tr>
<td>7.</td>
<td>23</td>
<td>170</td>
<td>5,1</td>
<td>117,3</td>
<td>867</td>
<td>28900</td>
<td>529</td>
<td>3910</td>
</tr>
<tr>
<td>8.</td>
<td>15</td>
<td>702</td>
<td>22,1</td>
<td>331,5</td>
<td>15514,2</td>
<td>492804</td>
<td>225</td>
<td>10530</td>
</tr>
</tbody>
</table>
9. | 14 | 150 | 16 | 224 | 2400 | 22500 | 196 | 2100
10. | 15 | 130 | 6.5 | 97.5 | 845 | 16900 | 225 | 1950
11. | 23 | 625 | 26.1 | 600.3 | 16312.5 | 390625 | 529 | 14375
Total | 189 | 3427 | 148.6 | 2820.5 | 68910.7 | 1773779 | 3491 | 66225

By data about production – Y, level of expenses of R&D on the employee - X₁ and labor productivity - X₂ it is possible to define dependence between variables.

Regression statistics

Multiple R | 0.99673
R- square | 0.993471
Normalized R- square | 0.991839
Standard error | 0.88382
Observations | 11

<table>
<thead>
<tr>
<th>Coefficients</th>
<th>Standard error</th>
<th>t-statistic</th>
<th>P- significance</th>
<th>Lower 95%</th>
<th>Top 95%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y-intersection</td>
<td>0.246059</td>
<td>0.423698</td>
<td>0.58074104</td>
<td>0.57740397</td>
<td>-0.730989834</td>
</tr>
<tr>
<td>Variable - X₁</td>
<td>98.85434</td>
<td>12.10922</td>
<td>8.163559781</td>
<td>3.7737E-05</td>
<td>70.93042761</td>
</tr>
<tr>
<td>Variable - X₂</td>
<td>0.011465</td>
<td>0.003147</td>
<td>3.643106684</td>
<td>0.00655942</td>
<td>0.004207864</td>
</tr>
</tbody>
</table>

Thus, \( Y = 0.246 + 98.85x_1 + 0.011x_2 \).

The factors of the linear equation of plural regression show for how many units changes the function with the argument change of with the fixed position of other arguments at certain level (usually average).

3.2 Utilization Cobb-Douglas production function

Based on the methodology of the International Assessment of innovation can apply the methods of statistical and mathematical modelling.

IUS 2010 methodology broadly follows the methodology of previous editions, namely: there are three types of innovation indicators and eight dimensions, which in total represent 25 different indicators.

Possibilities found the main engine of innovation performance of firms and distributed within the dimensions of innovation: Human Resources indicators - 3; System Research - 3 indicators; Financial Support - 2 indicators.

Firms Activity are innovative efforts at the firms level and are diversified in three dimensions: Investment Company - 2 indicators, links & Entrepreneurship includes three indicators, Intellectual Assets.

Outputs contain effects from innovation activities of the firms and are varied on two innovation dimensions: Innovators - 3 indicators, Economic Effects - 5 indicators.

This methodology is predestined to balanced evaluation of innovative activity taking into account the diversity of innovation processes taking place in world economies.

Such methodological approaches that were utilised as criteria of real economic activity economic indicators were used by several authors. For example the number of domestic bidders for patent in Russian Federation (Ivanova, I., Dejina, I, 2008), the share of high technology exports with high scientific rate and the share of high technology exports in total exports were used as performance indicators.

In the publications of the Ukrainian scientists (Sadcov V., 2002, Liubici F., Harazasvili I., Denisiuc V., 2009, Crotov S. 2004.), based on official statistical data, calculations of the indicators that characterize innovation process were performed. In the publications (Crotov S. 2004) have been proposed innovative modalities to assess the level of society development and the integral criteria for innovation economy evaluating. In the publications (Liubici F etc. 2009) is proposed an aggregate indicator for assessing of the socio-economic innovation level.

This indicator depends on many factors, such as integrated productivity, technological level of production, the shadow economy, the social equity, and the utilization of labour and also the use of not explored potential. Here the supply is modelled using Cobb-Douglas production function, generalized technological factor being characterized by the innovation level. The components of this integrated criterion for socio-economic effectiveness assessing concerns:

1. GDP per one unit of the production capacity or total productivity;
2. Social equity;
3. Shadow economy;
4. Labor force utilization;
5. Technology of the production;
6. Potential GDP.

All indicators are normed, the maximum value being equal to one unit, and their product evaluates integrated effectiveness: 

$$EF_t = \prod_{i=1}^{n} k_i$$

As a criterion for effectiveness degree determining is proposed:

$$\delta_t = \frac{\sigma_t - \sigma_{t-1}}{\sigma_{t-1}} \times 100\%$$

Further, efficiency indicators are calculated based on integrated supply expressed by Cobb-Douglas type production function

$$Y_t = \sigma_t e^\phi_t L_t^\alpha K_t^\beta$$

Here $\sigma_t$ is the share of GDP in production volume, $\phi_t$ is the rate of technical progress, $L_t$ are labour costs ($N = \xi NW$), $\xi$ determining share of private sector employees in total employment, $N$ are all employees. $K_t$ is the production capital cost, $W$ is the nominal annual wage, $\phi_t$ is the coefficient of production capital use.

At the initial stage is assumed that the pace of technical progress is equal to $0.5\%$ annually. The authors forward the hypothesis, which argues that the first iteration of this coefficient reflects the innovation. Which enables calculation of the rate of technological progress as endogenous.

Further, this result will be applied to the Republic of Moldova and the calculation of aggregate demand coefficients will use the approach proposed in the publications (Sadcov V., 2002), the production function is Cobb-Douglas type

$$Y_t = \theta_0 e^\theta_1 K_t^\theta_2 L_t^\theta_3$$

Here $K$ and $L$ is the aggregate stock of capital and labour, $\theta_i (i = 0, 1, 2)$ are coefficients to be determined.

It is well known that estimating aggregate supply as proposed is a very serious problem because only a few countries in development have dynamic data on capital stocks, so it will apply the method proposed in the publications (Gorbanyov, M., 2010), namely, differential equation

$$K_t = (1 - \rho)K_{t-1} + I_{Inv_t} \theta_1 \theta_2 \theta_3$$

solution in which $\rho$ is the rate of capital depreciation, may be written as:

$$\log K = \log \left[ \sum_{i=0}^{t-1} (1 - \rho)^i I_{Inv_{t-i}} + (1 - \rho)^t K_0 \right] \approx$$

$$= \log 2 + \frac{1}{2} \log \left[ \sum_{i=0}^{t-1} (1 - \rho)^i I_{Inv_{t-i}} + \log(1 - \rho)^t K_0 \right] =$$

$$= \log 2 + \frac{1}{2} \log \left( \sum_{i=0}^{t-1} (1 - \rho)^i I_{t-i} + \frac{t}{2} \log(1 - \rho) + \frac{1}{2} \log K_0 \right)$$

Here $K_0$ is the initial capital stock. So, $\log Y = \log \theta_0 + \theta_1 \log K_t + \theta_2 \log L_t = \theta_0^\prime + \theta_1^\prime K_t + \theta_2^\prime L_t$

$$\theta_1^\prime = \log \theta_1 + \frac{1}{2} \log K_0 \quad \theta_2^\prime = \log \theta_2 + \frac{1}{2} \log \left[ \sum_{i=0}^{t-1} (1 - \rho)^i I_{Inv_{t-i}} + \frac{t}{2} \log(1 - \rho) \right]$$

(Here is used the following decomposition in series

$$\log(x + y) \approx \log 2 + \frac{1}{2} \log x + \log y + \frac{1}{8} \left( \log x - \log y \right)^2 + ...$$

$$x = \sum_{i=0}^{t-1} (1 - \rho)^i I_{t-i}, \quad y = (1 - \rho)^t K_0.$$

As in [13] $K_0 = 2.5^*Y$. 

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Suppose constant return to scale, then \((\theta_1 + \theta_2 = 1)\), and dividing expression for the aggregate supply in the logarithm to \(\log(L_t)\) obtaining: \(\log(Y_t / L_t) = \theta_0 + \theta_t(K_t - \log L_t)\). Then insert a term into the equation dependent on \(t\), that it becomes \(\log(Y_t / L_t) = \theta_0 + \theta_t(K_t - \log L_t) + gt\).

The present model has been estimated under complete price-wage flexibility. In these circumstances, the previous equation is the aggregate supply function: the value of TFP is estimated at about 5.9% and the production function coefficients of 0.73 and 0.27 respectively, are higher than those estimated in this parers (Gorbanyov, M. 2010, Papaphilippou, A. 2012).

Gorbanyov, M. 2010 and Papaphilippou, A. 2012, have been modelled and aggregate supply and coefficients were estimated production function, used as a model, taking values 0.54, 0.58 and 0.42 and 046 respectively. In estimating these coefficients was used calibration method based on the ratio of capital to GDP in 1999 equal to 2.5, then using the formula for capital accumulation series data for GDP and employment, annual values was calculated TFP using production function model.

In the publications (Casadio, P., Paradiso, A. and R. B. Bhaskara, 2011) have proceeded as follows. From economic growth in the state of the model Sollow stability (Solow, R. M.1956)

\[
\Delta g = \frac{\alpha}{1 - \delta} \Delta y^* + \Delta s + \Delta n + \Delta \alpha,
\]

\(y^* = Y / L\) is the amount of income per capita in the state of stability, \(s\) is the ratio of investment to income, \(\delta\) is the depreciation rate of capital, \(g\) is the rate of technical progress, \(n\) is the rate of population growth and \(\alpha\) is the exponential power of the capital in the Cobb-Douglas production function. This implies that the growth rate in the state of stability is as follows \(\Delta \ln y^* = \Delta \ln A = TPF\). Then, the production function \(Y_t = A_t K^\alpha L^{1-\alpha}\) is considered and the stock of knowledge in it evolves the form

\[\ln y_t = \ln A_0 + \gamma_i Z_{it} t + \phi_i S_t + \phi_i S_t^2 + \phi W_t + \alpha \ln k_t\]

where \(y = Y / L\) and \(k = K / L\). So, GDP depends on the production factors accumulation and on the variables that do not relate to the production factors: \(Z, S, W\). Because the stability state \(\Delta \ln k \to 0\), GDP growth rate is equal to the stock of knowledge, which is shown in the publications (Liubici F., Harazasvili I., Denisiuc V., 2009). Therefore, the authors have proposed two methods for determining the growth of the GDP:

\[g_1 = \gamma_i Z_{it}\]

\[g_2 = \gamma_i \Delta Z_{it} + \gamma_i Z_{it} + \phi_i \Delta S_t + 2\phi_i S_t + \phi \Delta W_t\]

In the case when \(Z_1 = TRADE\), \(Z_2 = IRAT\), \(S = HKI\) as the first variable is the share of Trade Balance in GDP, the second variable is the ratio of investment to GDP and the third variable is nothing than the human capital indices.

So, Ukrainian researchers approach from the publications (Liubici F., Harazasvili I., Denisiuc V., 2009) proposes for the TFP estimation an iterative algorithm that ensures convergence of the effectiveness indicator to the Total Factor Productivity indicator. And the approach offered in the publications (Turcan, A., 2010) provides this indicator estimation through regresional calculus.

We try to apply both approaches to the economic situation of the MR. Based on the statistical information on the main macroeconomic indicators evolution for the years 2000-2011 in current prices, GDP and capital data were recalculated per engaged in work. Then were perfected data for educational level using (Turcan, A., 2010) data for investments, net export offered by NBS were used to calculate these indicators share in GDP. Capital was calculated based on the accumulation relationship, based on the GDP value equal to 2.5 for 2000 (A. Papaphilippou, 2012), applying the formula \(K_t = (1 - \rho)K_{t-1} + Inv\), rate of capital depreciation receiving values 0.023 and 0.04 (A. Papaphilippou, 2012), and then to apply the of Ordinary Least Squares Method for the GDP and TFP estimations respectively. As in the publications Casacidic, P, 2011 to estimate GDP were used three variables not related to the of production factors: share of net exports in GDP, share of investment in GDP and the human capital indices in the following formula:
\[ y_t = \text{Const} + \alpha \ln k_t + \phi_1 \ln HKI_t + \phi_2 (\ln HKI_t)^2 + \gamma_1 \ln HKI_t \cdot t + \gamma_2 \text{TRADE}_t \cdot t + \gamma_3 \text{ERAT}_t \cdot t \]

For, \( \rho = 0.023 \) after several calculations was appealed to a more appropriate from economic point of view functional form, containing variable with increased significance

\[
\ln y_t = \text{Const} + \alpha \ln k_t + \phi_2 (\ln HKI_t)^2 + \gamma_1 \ln HKI_t \cdot t
\]

\[
\begin{array}{cccc}
-0.6279 & 0.4385 & 0.009 & 0.9483 \\
(3.0576) & (0.2018) & (0.0150) & (0.2505) \\
\end{array}
\]

\[ R^2 = 0.9974, F = 1032 \]

in the round parentheses are standard deviations and in those squares are t-statistics.

While for \( \rho = 0.04 \) in the same formula \( R^2 = 0.9987, F = 1020 \)

\[
\ln y_t = \text{Const} + \alpha \ln k_t + \phi_2 (\ln HKI_t)^2 + \gamma_1 \ln HKI_t \cdot t
\]

\[
\begin{array}{cccc}
-1.9102 & 0.4876 & 0.009 & 0.9483 \\
(3.5731) & (0.2218) & (0.0131) & (0.2862) \\
\end{array}
\]

In parentheses are standard deviations indicated in those squares and t-statistics, \( R^2 = 0.9974, F = 1041.289 \).

The TFP coefficient calculating in accordance with approach offered in [1] will be based on the indicators values: GDP in relation to production volume, education level, labour utilization, the poverty rate of the shadow economy, trade balance, so \( E_{T} = \prod k_i \). Using historical data for these indicators, the effectiveness index values for all years in review were calculated.

Note, that applying three approaches outlined above, averages result were obtained: 1. PTF ese examined as exponential term in production function estimated using statistical data on investment, which is equal to 0.059, 2. TFP is calculated based on indicators that are educational level, with an estimated value of 0.056, 3. PTF is assessed against the product of six socio-economic indicators, refer to the power exponential increase in the production function and equals 0.041. Reveals that the first two values are very close, while the third value is much lower. Explanation could be that values of the indicators used in this calculation are of the lower credibility.

Table 1. Estimated value of the TFP and \( \ln y \) lognormal logarithm from GDP/L

<table>
<thead>
<tr>
<th>Years/ρ</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.023</td>
<td>5.43</td>
<td>5.58</td>
<td>5.72</td>
<td>5.86</td>
<td>5.99</td>
<td>6.12</td>
<td>6.21</td>
<td>6.28</td>
<td>6.34</td>
<td>6.39</td>
<td>6.43</td>
<td>6.52</td>
</tr>
<tr>
<td>0.04</td>
<td>5.02</td>
<td>5.16</td>
<td>5.30</td>
<td>5.43</td>
<td>5.56</td>
<td>5.67</td>
<td>5.75</td>
<td>5.81</td>
<td>5.87</td>
<td>5.91</td>
<td>5.94</td>
<td>6.03</td>
</tr>
<tr>
<td>Iny .023</td>
<td>9.26</td>
<td>9.46</td>
<td>9.64</td>
<td>9.88</td>
<td>10.09</td>
<td>10.29</td>
<td>10.47</td>
<td>10.65</td>
<td>10.80</td>
<td>10.92</td>
<td>11.02</td>
<td>11.15</td>
</tr>
</tbody>
</table>

Calculation (Total Factor Productivity) PTF under the approach will be made based on the values of the six indicators above, the supplement to the rate of remittances in GDP, the rate of investment in GDP

Table 2. Total Factor Productivity

<table>
<thead>
<tr>
<th>Years</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP/X</td>
<td>0.473</td>
<td>0.459</td>
<td>0.459</td>
<td>0.452</td>
<td>0.455</td>
<td>0.460</td>
<td>0.447</td>
<td>0.440</td>
<td>0.4473</td>
<td>0.480</td>
<td>0.482</td>
</tr>
<tr>
<td>Education</td>
<td>0.107</td>
<td>0.105</td>
<td>0.102</td>
<td>0.1</td>
<td>0.098</td>
<td>0.095</td>
<td>0.092</td>
<td>0.089</td>
<td>0.086</td>
<td>0.083</td>
<td>0.081</td>
</tr>
<tr>
<td>Labour</td>
<td>0.199</td>
<td>0.198</td>
<td>0.221</td>
<td>0.184</td>
<td>0.154</td>
<td>0.167</td>
<td>0.163</td>
<td>0.186</td>
<td>0.212</td>
<td>0.246</td>
<td>0.283</td>
</tr>
<tr>
<td>Poverty</td>
<td>0.678</td>
<td>0.546</td>
<td>0.404</td>
<td>0.29</td>
<td>0.265</td>
<td>0.302</td>
<td>0.258</td>
<td>0.264</td>
<td>0.263</td>
<td>0.219</td>
<td>0.204</td>
</tr>
</tbody>
</table>
Informal economy | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 |
Trade | -0.24 | -0.25 | -0.34 | -0.30 | -0.41 | -0.47 | -0.52 | -0.53 | -0.37 | -0.39 | -0.41 |
PTF | 6.6 | 5.2 | 5.6 | 2.9 | 3.0 | 4.1 | 3.6 | 4.1 | 3.3 | 3.4 | 3.7 |

**Source:** Created by author based on information from http://www.statistica.md

4. **Concluding remarks**

Access to existing statistics in Moldova innovation is limited. Statistical indicators should be relevant both to reflect the situation at national level and to make international comparisons as well as statistical and mathematical estimates.

Using statistical data for these indicators of effectiveness was calculated indicator values for all years under examination.

Note that the average values obtained in the result of the above three approaches:

1. TFP is considered as exponential term in the production function estimated using statistical data on investment, which is equal to 0059
2. TFP is calculated based on indicators, which is the educational level, with an estimated 0056 value
3. PTF product is assessed against six socio-economic indicators, which refers to the exponential power production function and equals 0.041.

Reveals that the first two values are very close, while the third value is much lower. Explanation could be that the values of the indicators used in this calculation are of lower credibility.

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http://www.barrolee.com/data/newtest.jsp
Technology and Privacy, Internet Effects on Privacy

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Abstract
Technology is changing the world we are living in, but we should be concerned about our privacy for every new technological development. Rapid developments and globalization have brought new challenges towards personal data protection. Technology affects on every aspect of our life. So whenever we navigate in internet, make a phone call or use different technology tools our privacy becomes vulnerable because technological developments have not only positive sides but also negative ones. These activities, effecting directly or indirectly, influence and expose privacy related aspects of the life of persons. Scientific and technological progress, especially when it is related to information processing and communication of personal data cannot stand independent from the right and the standards that regulate the private life. The sector with the greatest impact on the lives of people is the internet and consequently this is a sector that requires a stronger legal regulation. The protection of personal data is recognized as an autonomous fundamental right in the legally binding EU Charter of Fundamental Rights, but the technology develops and that is what the legislation should do too. This paper will focus on the coverage of the current situation in this domain and will aim at providing answers to some key questions such as: Which are the main challenges resulting from the rapid growth of technology? What should be the ratio privacy - technology?

Keywords: issues, social networks, European Union legal framework.

1. Introduction
What we could say without doubt is that the current developments in technology, the speed of their spread, the enormous capacity information storage are one of the most “critical”(weaknesses) moments in storage citizens’ personal data. These developments are so rapid and apparently current that affect everyone.

Protection of personal data in relation to current developments in technology, is one of the subtle challenges of the global information society in which we live. There is no doubt that the proliferation of numerous activities within the use of information technology (e.g. electronic trade) use of new forms of communication, Internet access through Wi-Fi, present difficulties increasingly large and increased for legal adjustments as appropriate.

Young people are those who embrace faster these changes of technology, making them part of their life. The possibility of using new technology tools is definitely an expression of the position of the steps in the fields of science, but on the other hand these changes cannot avoid being associated with their negative aspects. It is the facing of these negative aspects what is considered one of the major challenges today. The use of technology in the wrong way and the wrong people (because the law authorizes people to process them, but they may fall prey to different hackers) violates human rights and the protection of personal data as a component of themselves. The personal data are considered as a one of the most important rights in the context of these developments, it is also associated with the need for a complete legal framework. In this context rapid changes in technology are often not accompanied by the same changes to legislation creating gaps in certain moments. This is the negative aspect of the changes of technology.

Among other continuous process of intertwining of new forms of communication has also brought new challenges in the processing of personal data. Thereby it is required the constant attention to users technologies protecting the privacy of potential danger.

The way this data is used from different commercial operators leads to the need for better means of protection of personal data.

Often people use their personal camera for entertainment purposes or the cultural ones transmitting images in which other people can also be part. What can infringe private life is not their holding in “safe” places, but their distribution in the third persons, online or other without the consent of those persons. This does not include journalists who do not require authorization for the publication of these pictures as serving a public interest, as may be the
publication of pictures for public figures.

The legislation must be adapted to developments in the markets and technologies for electronic communications services in order to provide an equal level of protection of personal data and privacy for users of publicly available electronic communications services, regardless of the technologies used.

2. Relationship between privacy and Data Protection

The right to respect private and family life is part of the fundamental rights of the individual, and as such is guaranteed in all instruments and documents relating to human rights.

European Convention of Human Rights ("ECHR"), Article 8, states that:

Everyone has the right to respect for his private and family life, his residence and his correspondence. No interference by a public authority in the exercise of this right except when intervention is in accordance with the law and when it is necessary for a democratic society in the interests of national security, public safety or the economic well-being of the country, the prevention of disorder or crime the protection of health or morals or for the protection of the rights and freedoms of others. 

As shown in the meaning of the first paragraph of Article 8, the notion of privacy is broad and cannot be defined in an exhaustive way. Private life is considered, perhaps, as one of the concepts of human rights more difficult to define. Furthermore, every country in the world has incorporated the concept of privacy in its constitution. In fact, definitions vary, since we are dealing with a notion which has been expanding continuously, even through practice (case law) of the European Court of Human Rights ("ECHR").

In the notion of privacy would be included even physical and psychological integrity of a person. This notion implies not only the right to life at will and without the control of others, but also, to some extent, the right of connecting and keeping in touch with others - mainly in the sphere of emotions - in order to develop and realize thrown personality.

In certain circumstances, by this right could take advantage even legal persons, who may require observance of goodwill, their headquarters, representations or environments in which operate.

It cannot be excluded from the concept of private life even the exercise of professional activity dealing with business, trade, etc. Such a conclusion has reached the ECHR, as in the case "Niemietz v Germany," cautions that most people develop their contacts, namely in the professional life.

Warranty of this article is the right of everyone to seek recognition of it as harmed due to violation of Article 8, in cases of collection and storage of the data by the authorities on their private lives. In the case of "Rotaru v. Romania," the European Court of Human Rights, in its decision underlines that fall within the limits of the concept of "privacy" for purposes of this section, information on the life of the individual, on their education, on political activity, on conviction, if these are systematically collected and stored in folders by state officials.

It constitutes an interference in the exercise of the right to respect for private life e.g. collection, storage and disclosure of information on the private life of the individual, secured by way of tapping the telephone and postal communications control. It is considered as interference even asking to determine the identity and then recording personal data. In the decision "Leander v. Sweden," the Strasbourg Court held that it constituted interference with the right to respect for private life preservation, discovery, along with the refusal to allow Leander for eventual correction of data, containing information of a private character, which were in the secret police records, (judgment of 26/03/1987, A.116).

Article 8 of the ECHR, cannot be interpreted in such a way that leads to the conclusion that only refers to measures that authorities use directly to a specific person and which constitute an attack on his/her private life or family. It also includes indirect interventions, which are the inevitable result of the actions that have affected specific persons. For example, loud noise from the surroundings, as for example, the airport can affect the good humor of the individual and thus be a concern for privacy, or to prevent the use of apartment.

1 Decision "Botta against Italy", dated on. 24.02.1998, par. 32
4 Decision "Botta against Italise", dated on 24.02.1998, par 35.
5 Decision "Klass and others against Germany ", dt. 06.09.1978, A.28.
6 Decision of 16.07.1986
7 Guerra and others against Italy , par. 60
While in another decision the European Court of Human Rights found that, as a direct result of the lack of such information on the right to respect for private and family life, the residents were not informed of the risk that brought pollution factory near where they lived.8

The right to privacy is strengthened by including in the catalog of human rights and fundamental freedoms, ensuring that the treatment of personal rights is consistent with these rights and fundamental freedoms in accordance with the dignity of the person concerned.

The right to privacy should be understood as a guarantee for the treatment of information or data to any other person (whether a physical person or legal one), who should come into line with dignified handling of personal and fundamental rights.9

3. Legal guarantees for the protection of personal data in the context of developments in technology

3.1 Private life and electronic communications directive

Directive on privacy and electronic communications is based on the same principles and guidelines for the protection of personal data. The Directive was adopted in 1997 (i.e. about two years after Directive 95/46) and was replaced in 2002 by an updated version: Directive 2002/58 on privacy and electronic communications.

Its purpose was to arrange and cover the part that was not covered by this Directive for Personal Data Protection Directive 95/46, (due to the rapid development of technology), such as entering invoices, marketing activities etc... Directive of 2002 reflects developments in markets and technology for electronic communication services, such as the Internet, in this way it is achieved the expected manner ensuring equal treatment for the protection of personal data and privacy, regardless of the form of technology used.

Directive was part of a five pacts and directives aimed at reforming the existing structure for electronic communication in the community. Above all, one of the goals was to create rules to ensure equivalent methods, independent of the technical means by which they spread. It served the purpose that customers and users of their data, regardless of the technology used or the type of service offered, to be ensured the same level of protection.

3.2 Transfer of personal data

In connection with the transfer of personal data several instruments have been processed in the European Union Directive 95/46/EC of the European Parliament and the Council, dated on 24th October 1995 "On the protection of individuals with regard to the processing of personal data and the movement of free movement of such data " and 2002/58/KE Directive of the European Parliament and the Council, dated on 12th July 2002," in regard to the processing of personal data and protection of privacy in the electronic communications sector " (Directive on privacy and electronic communications).

3.3 Transfer of data

In Europe it became worrying the transfer of data in the early 90s. In response to this pressure and enlargement of the community, it was unnecessary the re-treatment of personal data. In the 90s the Commission (EU) adopted a package of measures which were able to provide a broad support for the protection of personal data. These were developed in order to harmonize the internal measures taken in this field. The key element was the suggestion to structure a directive, which would have two main goals in mind:

- ensure the protection of human rights and fundamental freedoms and in particular the respect of private life together with respect to the treatment of personal data,
- remove the limits on data transfer through community countries.

The need for the adoption of this Directive is dictated by such factors, as the current development of information society in which we live, the globalization of markets. Areas in which new instruments operating in the information and communication technology are increasingly simplifying the transfer of personal data among digital markets, in which the very meaning of territoriality has been questioned due to the development of new forms of communication. Seen in this

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8 Alessandro Del Ninno, La tutela dei dati personali, Padova 2006, CEDAM, pg. 4
9 Decision of EU, NO. 520, dated on 26.07.2000
regard besides ensuring free flow of information must also be guaranteed circulation by the Directive.

Directive 95/46/EC explicitly handles data transfer right to third countries, allowing data transfer to these countries only in those cases when are guaranteed the conditions for their treatment.

On the Albanian lawmakers remains to be done fulfillment of our legal framework in accordance with this Directive, because we are still far from its regulations, in order for the law to provide guarantees for data handling during the transfer, to the extent and manner set out in the Directive.

EU Member States in accordance with Directive 95/46 have adopted the Safe Harbour agreement. Safe Harbour Agreement relating to the transfer of personal data to the United States of America.

3.4 Data transfer in non-member states of the European Union

In regulation 45/2001 of the European Parliament and the Council are set rules regarding the processing of personal data and their transfer within the Community institutions and bodies. There are three different articles that regulate the transfer of data (Articles 7, 8 and 9). Article 8 defines the way data transfer within the Community institutions. But what happens if the data will be transferred to countries outside the Community?

In cases when data is transferred to countries which are not members of the European Union, perhaps it would be necessary to take measures if the specific level of data protection in third countries is inadequate compared to that prepared by the European law. Without regulating such high standards of data protection, set by these guidelines, should be placed rapidly by providing data to easily move around international network.

"The basic principle of data is that personal data may only be transferred to countries outside the EU that guarantee an adequate level of protection. Analysis of laws for data protection and dialogues with the European Union, with the most important members of the trade, is in a way in order to decide which state provides adequate protection.

When a non-member state of the European Union does not guarantee an adequate level of protection, the guidelines require the blocking of specific transfers. Member States shall inform the Commission of any blockage of ways and this community starts a procedure to ensure that each member state decision to block a particular transfer is justified, then the conditions for jam (not the same conditions with those that require community rates during treatment data).

4. Conclusions

The right to a private life is affirmed in all international instruments on human rights and basic human liberties. It presents as one of its elements the protection and handling of personal data by allowing their use only in terms of necessity and mass not greater than necessary.

So, the right to protect personal data expands privacy protection, but it is extended beyond it. Protection of personal data serves in order to ensure respect for fundamental rights and in particular (but not only) the right of the data subject's life related to his / her privacy. Personal data subjects are being more and more into question because of developments in technology, that’s why there is a need to enjoy special attention. They are found in numerous international guarantees.

A very important aspect is the rapport that is created between the "crash" of rights, the right to information and the right to private life. The right to information on the one hand and the right to a private life on the other hand, are basic rights guaranteed as such in all instruments for human rights. The Right to information (Article 12 ECHR) and the right to a private life (Article 8 ECHR) are considered as rights which by their importance serve for the construction of a democratic state. They are widely interpreted by the ECHR and the case when it comes to "clash" between them. It is worth noting that case-by-case assessment of the birth of the "crash".

The right to privacy may sometimes conflict with freedom of expression and in particular freedom of the press and media. Therefore necessary to establish exceptions to the law of data protection, in order to achieve a balance between these differences, but equally and with the same rights and fundamental freedoms

The right to privacy may sometimes conflict with freedom of expression and in particular freedom of the press and media. Therefore it is necessary to establish exceptions to the law of data protection, in order to achieve a balance

10 Despite the existence of the Safe Harbour agreement, the personal data of European citizens who are traveling to the U.S., though it may be sensitive ones, for example. race, religious beliefs, must be made known to those authorities of these countries which 15 minutes before landing, without the prior consent of the subject. This part of the fight against terrorism, but infringing personal data.

among these differences, but equally and with the same rights and fundamental freedoms. Practice shows that cases of violation of the right to personal data protection are put on the agenda, and every day more and more need is felt for a refinement of practice. In this regard, the European Court of Human Rights and the Court of Justice of the EU have a key role.

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Interpreters of Nineteenth Century Viewed by Anthropologists

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Abstract

Along the history the interpreters were discreet witnesses of important historical events. We discovered that the visual analysis of photographs is an extremely useful instrument for research in interpretation which enables us to discover how the interpreter was perceived. In our research on the history of interpretation in pictures, we created a database with nearly 350 photographs of interpreters since 1846 until 1939 available in digital collections. We must acknowledge that the higher number of photographs has us a little surprised, and after a first analysis we discovered that photographers who realised most portraits worked for anthropological institutions or were themselves anthropologists. Our aim is to carry out a visual analysis of these portraits to discover, if the concept of the Other of the anthropologists of this period changes in liaison with the interpreters. Also we analyze eleven portraits of four interpreters by re-contextualising them. The results suggest that the interpreters are seen like specimens. The anthropologists do not see the interpreters; they perceive only the Other savage.

Keywords: interpreter, photography, visual anthropology, history of interpretation, otherness

1. Introduction

Au long de l’histoire, les interprètes ont été des témoins discrets d’importants événements historiques. Si discrets que, sauf exception, peu de personnes, mis à part les chercheurs, peuvent en nommer. Quoiqu’il existe quelques documents historiques où figure le nom de l’interprète ou sa participation, ceux-ci y dédient peu de lignes. Mais récemment, nous avons découvert que les documents visuels et leur analyse nous permettraient, d’une part, de reconstruire la situation de l’interprétation, et d’autre part, de découvrir comment était perçu l’interprète.

Pour notre recherche sur l’histoire de l’interprétation en images photographiques, nous avons commencé par la création d’une base de données de photographies disponibles dans les collections digitales datant de 1846 jusqu’à 1939 (Lachat Leal, 2013). Aujourd’hui, nous avons recensé près de 350 photographies dont 229 portraits. Nous devons avouer que le nombre élevé de portraits nous a un peu surpris, et après une première analyse, nous avons découvert que 151 de ces portraits avaient été pris par des photographes qui travaillaient pour des institutions anthropologiques ou étaient eux-mêmes anthropologues. Il faut signaler que dès le premier moment ces portraits nous ont, d’une certaine façon, troublés ce qui nous a poussés à entreprendre cette étude.


2. Photographie et anthropologie au XIXe siècle

Au XIXe siècle l’anthropologie qui s’était proposé de classer systématiquement les différents « types humains », aspirait à devenir une science. Aussi devait-elle se munir de méthodes et d’instruments dotés de qualités scientifiques reconnues. Étant donner que les anthropologues étaient alors essentiellement des compilateurs, ils avaient besoin de représentations « en images des individus qu’il était impossible de rapporter comme échantillon » (Maresca, 1996: 124-125). La photographie ayant à l’époque la considération d’empreinte exacte et fidèle de la réalité, contrairement aux dessins et croquis considérés subjectifs, fut rapidement adoptée par les scientifiques comme Charles Darwin et les anthropologues. En 1854, l’Association britannique pour le progrès de la science publie un manuel avec des instructions

2.1 Le portrait anthropométrique

Très vite, les anthropologues découvrent que pas toutes les photographies servent à leurs études. Le médecin et anthropologue Paul Broca publie en 1865 les Instructions générales pour les recherches et observations anthropologiques où il développe une méthode anthropométrique, et qui recueillent des instructions pour la photographie anthropologique: « On reproduira par la photographie : 1° des têtes nues qui devront toujours, sans exception, être prises exactement de face ou exactement de profil […]. Les portraits en pied avec l’accoutrement caractéristique de la tribu ont aussi leur importance » (Broca, 1865: 6).

Un peu plus tard, le naturaliste et photographe Eugène Trutat donnera des instructions assez précises qui permettraient de comparer à « première vue des spécimens recueillis dans de différents pays » (1892: 5) sur la dimension, l’illumination et la prise de vue des portraits :

Pour les portraits de face, il est important de placer très exactement le sujet, de telle sorte que les deux côtés de la face soient vus également; il suffit pour arriver au résultat voulu, de voir également les deux oreilles: j’avoue qu’alors on arrive souvent à des effets disgracieux, mais il importe avant tout d’obtenir des documents scientifiques […] Les sujets dont on prendra les portraits de face ou de profil pourront être photographiés avec ou sans vêtements : dans le premier cas il faudra chercher le plus possible à dégager le cou, afin de donner aux contours de la tête toute sa valeur (Trutat, 1892: 6-7).

Comme on le voit le portrait devient un instrument anthropométrique froid et impersonnel pour comparer et classer les individus en catégorie raciale. La plupart de ces portraits sont très laids, désagréables et même grossiers, et c’est la raison pour laquelle ils ont attiré notre attention.

2.2 Les photographes

Il est impossible de réaliser une analyse visuelle de photographies sans les contextualiser. Pour ce faire, nous allons présenter une brève note biographique des auteurs, les photographes.

2.2.1 De Lancey W. Gill (1859-1940)


2.2.2 William Dinwiddie (1867-1934)

Pendant dix ans, il travailla, lui aussi, pour le Bureau of American Ethnology. En 1896, il décida de changer de carrière, et il deviendra un reporter de guerre reconnu (Leonard y Marquis, 1898:198). Il est l’auteur de treize portraits de notre étude qui sont un exemple de froideur scientifique.

2.2.3 Wells Moses Sawyer (1863-1960)

2.2.4 Jacques-Philippe Potteau (1807-1876)

Ce photographe français travailla pour le Musée d'Histoire Naturelle de Paris pour lequel il réalisa près de 550 portraits (Sheptytsky-Zäll, 2009). « Il entreprend la série des ambassades qui consiste à photographier systématiquement tout le personnel des ambassades en visite à Paris de passage au Muséum d'histoire naturelle » (Jehel, 1995:36). Quoiqu'il se qualifie d'artiste ses photographies ont un but nettement scientifique.

2.2.5 Frank Albert Rinehart (1861-1928)

Le cas de Frank Albert Rinehart est différent, car il ne travaillait pas pour une institution anthropologique, ni était anthropologue. Il avait un studio de photographie à Omaha, Nebraska et en 1898, il fut engagé comme photographe officiel de l'Exposition Internationale de Trans-Mississippi (Smithsonian American Art Museum). Donc, son intention n'était pas de produire des documents scientifiques mais des documents historiques sur les Indiens d'Amérique. Ses portraits sont une antithèse dans notre étude.

2.2.6 Maurice Vidal Portman (1860-1935)

Nous ne pouvions pas finir ce petit parcours biographique sur les photographes sans mentionner Portman, anthropologue autodidacte, auteur d'une ample étude photographique de onze tomes sur les habitants des îles Andaman (Brisset 1999). Dans notre base de données nous n'avons qu'une seule photographie de Portman, celle de l'interprète Riwa1 cependant nous avons considéré qu'on devait l'inclure dans ce travail, parce que, d'une part, c'est un anthropologue très cité dans les études d'anthropologies visuelles, et d'autre part, car nous pensons qu'il poussa jusqu'à l'extrême la méthode anthropométrique. Lui-même a écrit que les sujets devaient poser avec le corps droit, complètement nu sur un fond d'échiquier noir et blanc, photographiant toutes les malformations (Portman, 1896:76). Mais ce n'est pas tout, il accompagnait ces photos de commentaires sur le tempérament, métier et aspects physiques, entre autres, des sujets. Sur l'interprète Riwa, il écrivait :


3. Interprètes et anthropologues

La relation entre les interprètes et les anthropologues est aussi vieille que l'anthropologie, car ces derniers, soit de forme directe sur le terrain, soit à travers de voyageurs, explorateurs ou photographes, ont le besoin de se communiquer avec les sujets pour connaître leurs mœurs et coutumes. Mais il faut dire que dans les écrits d'anthropologie que l'on connaît, on ne mentionne que rarement à l'interprète, si ce n'est comme informateur.

Dû à la longueur limitée de cette communication et aussi aux droits de reproduction de certaines images, nous n'analyserons que huit portraits de quatre interprètes : un Arapaho, deux Sioux et un Japonais. Mais nous considérons cet échantillon très significatif.

3.1 Hitouunnen, Cleaver Warden


Nous allons analyser trois portraits de Warden, de trois photographes différents. Nous pouvons classer le premier portrait, celui que William Dinwiddie lui a fait en 1895, comme purement anthropométrique. La position du corps est

1 Pour voir la photographie en détail, en ligne http://sirismm.si.edu/naa/baegn/gn_00094.jpg
antinaturelle, la tête semble singulièrement petite ce qui, joint aux habits qui paraissent trop grands, donne une sensation de manque de tempérament, d’infériorité. Son regard est perdu, comme absent. En tout cas, ce portrait ne reflète pas l’homme intelligent, collaborateur et interprète d’anthropologues.

Portraits de Hitouunnen, aussi connu comme Cleaver Warden. Auteurs de gauche à droite: W. Dinwiddie; F.A. Rinehart; D. W. Gill.

Source: National Anthropological Archives, Smithsonian Institution

Dans le deuxième portrait, pris trois ans plus tard à Omaha, on peut découvrir que Warden n’était ni difforme, ni vulnérable : sa posture est naturelle et détendue, et il répond au regard du photographe. Il est donc aussi l’auteur de son propre portrait qui ne ressemble en rien à l’antérieur.

Le troisième portrait, pris en 1909 par De Lancey Gill, a un but purement anthropologique, et quoiqu’il ne soit pas aussi répulsif que le premier, il prétend mettre en relief les traits caractéristiques de la race, effaçant d’une certaine manière l’homme. L’attitude corporelle est rigide, toutefois on observe que le regard que Warden renvoie au photographe est rempli d’ironie. D’après ce que nous lu de sa biographie, on pourrait dire qu’il était anthropologue lui-même et donc qu’il était absolument conscient du but de ce portrait. Nous n’avons aucun doute que ce regard veut transmettre un message. Lequel ?

Selon Barthes, dans le portrait « quatre imaginaires s’y croisent […]. Je suis celui que je me crois, celui que je voudrais qu’on me croie, celui que le photographe me croit, et celui dont il se sert pour exhiber son art » (1980:11). Ainsi, nous nous aventurons à soutenir l’opinion que dans le troisième portrait, si bien Warden, apparemment, se plie au désir du photographe de poser comme un « spécimen Arapaho », à travers du regard, il nie au photographe d’être celui qu’il croit, et est celui qu’il se croit, un homme intelligent capable d’ironie. Quant au premier portrait, on y trouve que deux imaginaires : celui du photographe qui croit que Warden est simplement un spécimen d’homme inférieur et sans qualité humaine et dont il se sert pour gonfler une collection anthropologique.

3.2 Ohiyesa, Charles Eastman 1858-1939

Ohiyesa, un Sioux Santee baptisé Charles Alexander Eastman, qui parlait sioux et anglais parfaitement et avait étudié grec, latin, français et allemand, fut le premier indien qui se diplômé comme docteur en médecine en 1890. Il travailla comme interprète pour le Bureau of Indian Affairs et auprès du gouvernement, et contre sa volonté, il n’exerça presque pas sa profession de médecin (Karttunen, 1994). Aujourd’hui, Eastman est un écrivain reconnu dont les livres sont encore réédités avec succès.

2 En ligne http://sirismm.si.edu/naa/baegn/gn_00091.jpg
3 En ligne http://sirismm.si.edu/naa/baegn/gn_00097.jpg
4 En ligne http://sirismm.si.edu/naa/60/02908602.jpg
Portraits d’Ohiyesa, Dr Charles Alexander Eastman. Auteurs de gauche à droite: W. Sawyer ; W. Sawyer ; D.W. Gill.

**Source:** National Anthropological Archives, Smithsonian Institution

Les deux premiers portraits datent de 1897 et le troisième de 1913, donc Eastman était déjà docteur en médecine au moment de poser pour ces photos. Dans le premier portrait de Wells Sawyer nous avons l’impression, comme dans le cas de Werden, que la proportion entre la tête est le corps n’est pas correcte, et quoique Eastman regarde vers l’appareil, son regard est lointain, pensif. Le deuxième portrait est un parfait exemple de l’application de la méthode photographique anthropométrique : la position du corps est forcée, car le but est de photographier la tête. Le troisième, par contre, semble plus naturel, si on le compare avec les deux premiers, mais c’est un portrait impersonnel, rigide, antipathique qui transmet une grande froideur. Le regard perdu d’Eastman dénote un besoin d’abstraction de cette situation vraisemblablement vexante.

Dans aucun de ces trois portraits, nous pouvons reconnaître le docteur, l’écrivain, et l’étudiant brillant. En regardant ces photos, nous ne pouvons pas non plus apercevoir le sioux, car en croire les témoignages de personne qui ont vécu entre eux, comme Mary Eastman, l’épouse de Seth Eastman le grand-père de Charles, et Elaine Goodale, la femme d’Eastman, les Sioux sont des hommes séduisants de haute taille (Karttunen, 1994:152-53). Pour le faire, il nous faut contempler d’autres portraits, comme par exemple celui du Knox College datant de 1880\textsuperscript{7}, ou celui du Dartmouth College \textsuperscript{8}.

3.3 David Zephier

\textsuperscript{5} En ligne http://sirismm.si.edu/naa/baegn/ign_03463.jpg  
\textsuperscript{6} The Newberry Library, en ligne http://publications.newberry.org/frontiertoheartland/items/show/164  
\textsuperscript{8} Portraits de Fukuzawa, en ligne http://photographs.prm.ox.ac.uk/jpeg_1200s/1951_11_63_80-O.jpg  
http://photographs.prm.ox.ac.uk/jpeg_1200s/1951_11_63_81-O.jpg  
http://photographs.prm.ox.ac.uk/jpeg_1200s/1951_11_63_82-O.jpg

Dans le portrait, ci-contre, de D.W. Gill (1907), on peut observer de nouveau ce manque de proportion entre la tête et le corps, surtout dans ce cas, avec les mains. Malgré tout, il nous semble que David Zephier réussit à ne pas disparaître derrière le portrait anthropométrique montrant une grande dignité et aplomb, en regardant de face le photographe.

Dans la page suivante, nous avons un portrait de Gill, de cinq chefs Sioux et de leur interprète, David Zephier. La photographie n’est vraiment pas artistique, peu soignée même, remarquons la toile qui sert de fond. Mais ce qui nous intéresse le plus de relever est que Zephier est le seul habillé avec un complet. Les chefs, eux, portent leurs costumes traditionnels, et nous savons grâce aux photographies de l’époque que ceci était exceptionnel. Donc, nous pouvons en déduire qu’ils le firent sur demande de Gill. Aussi, nous paraît-il évident que ce fait n’est pas casuel, et nous supposons que Zephier choisit sa tenue consciemment. Pourquoi ? Nous essayerons d’y répondre en peu plus en avant.

3.4 Yukichi Fukuzawa

Fukuzawa est le plus célèbre de tous nos interprètes. Né à Osaka en 1835, travailla comme interprète de néerlandais et d’anglais pour le Bureau des affaires étrangères. En 1862, il voyagea en Europe comme interprète de la première mission diplomatique japonaise, et c’est à Paris que Potteau lui fit trois portraits 9. De retour dans son pays, il fonda l’université de Keio. Traducteur et écrivain prolifique, il publia des livres et des articles sur politique intérieure et internationale, économie politique, éducation et politique éducative, problèmes de morale publique et, notamment, droits des femmes (Nishikawa, 1993). Le portrait plus célèbre de Fukuzawa et celui qui figure sur les billets de 10 000 yens, car il est considéré un des fondateurs du Japon moderne.

Il faut reconnaître que les photographies de Potteau, comparée à celles prises par ses homologues américains sont de meilleures qualités et au moins ne déforme pas la figure. Mais de toute façon, elles ont quelque chose de déconcertant, surtout celle de profil. Peut-être est-ce le contraste entre la dignité de l’attitude Fukuzawa et le regard investigateur du photographe. Il est aussi probable que Potteau fût intimidé par les armes que portaient Fukusawa.

De gauche à droite, debout : Eagle Track, Charging Bear, Hollow Horn; assis : Shooting Hawk, David Zephier, Yellow Thunder.

Source: D.W. Gill. National Anthropological Archives, Smithsonian Institution

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9Political Department, Tirana University
4. Images d’interprètes : perception de l’Autre

Les résultats de l’analyse visuelle des photographies sont accablants. Il est évident que les anthropologues ne perçoivent pas les interprètes, ils ne voient que le spécimen d’une race différente à la sienne. Ces portraits anthropologiques annulent d’une certaine façon la personne, il ne reste que les traits physiques soi-disant d’une race, d’une ethnie ou d’une tribu. Comment était-il possible que ces personnages dont les qualités intellectuelles étaient indéniables, deviennent invisibles, et qu’ils soient rabaisssés à des types humains ? Comment était-ce possible que Warden, étroit collaborateur d’anthropologue, collègue même, soit dégradé, lui aussi, à un spécimen ? Il va sans dire indéniables, deviennent invisibles, et qu’ils soient rabaissés à des types humains ? Comment était-ce possible que Warden, étroit collaborateur d’anthropologue, collègue même, soit dégradé, lui aussi, à un spécimen ? Il va sans dire que nous pensons de même pour n’importe quelle femme ou homme.


Il est clair ici que les anthropologues se considèrent membres de cet endogroupe aux qualités physiques supérieures, et donc à leurs yeux il n’y pas de beauté chez les Autres, ce qui expliquerait parfaitement le mépris esthétique de la plupart des portraits étudiés. Mais ce qui est pire, c’est que ces photographies qui reflètent leurs préjugés esthétiques, ne sont plus une empreinte de la réalité, ni un document scientifique, comme ils prétendaient. On ne peut plus les considérer des portraits, car comme nous l’avons démontré, ils défigurent le modèle.

Ils étaient donc incapables de voir les traits physiques de l’Autre, mais ceci n’explique pas pourquoi, pouvant se communiquer dans leur langue avec les interprètes, ils ne percevaient pas leurs qualités intellectuelles. Selon Affergan, toute différence, en opposant, nie quelque chose de quelque chose, elle désidentifie (1987 :226). Il est intéressant ici de remarquer que les anthropologues et les ethnologues désignent les indigènes qui leur servent d’interprètes sous le terme d’informateur. Cette distinction entre interprète et informateur est révélatrice sur leur façon de s’approcher à l’Autre : à travers de l’interprète, on le comprend ; à travers l’informateur, on l’observe. L’informateur, agent passif, se limite à transmettre une information, l’interprète, par contre, adapte et rend compréhensible un discours.

Est-ce que l’anthropologie actuelle a changé ? Nous n’avons pas assez de connaissances sur cette matière ni pour l’affirmer, ni pour le nier. Ce que nous avons observé est, que malheureusement, les collections digitales des archives anthropologiques perpétuent cette perception. Si on regarde un portrait d’une personne dont on ne connaît que le nom, la tribu ou la nationalité, et peut-être la profession, il est déjà difficile de percevoir l’Autre au-delà des stéréotypes. Mais si à cela, on ajoute une photographie anthropométrique, l’Autre s’efface et le sujet devient une caricature, ou s’il a la chance de porter des habits tribaux, il se transforme en une créature exotique. À notre avis, dans les deux cas, c’est infâme.

Pour l’éviter, il faut re-contextualiser la photographie en : explicitant son objectif anthropologique et son caractère anthropométrique ; l’accompagnant d’une brève biographie du sujet ; et mentionnant, s’ils existent, d’autres portraits. Alors l’Autre peut surgir et la perception de la photographie change complètement comme nous l’avons montré dans ce travail. Même Riwa, le modèle de Portman, dont nous ne connaissons aucun détail, se transforme de sauvage nu en membre essentiel d’une communauté, si on s’attarde à s’imaginer ce qu’implique son labeur d’interprète.

Quoique ceci, parfois, n’est pas suffisant, et ces photographies ne réussissent pas à échapper à leur triste destin. Comme c’est le cas des photographies de Potteau. Le Musée Pitt Rivers organisa une exhibition en 2011 qui contextualisa les photographies avec, entre autres, une brève biographie de chaque personnage photographié, cependant il l’intitula The last Samurai : Jacques-Philippe Potteau’s Photographs of the Japanese Missions to Europe, 1862 and 1864. Mis à part que c’est une grande inexactitude parler des derniers Samurais, on retrouve une fois de plus, le regard qui réduit l’Autre à une anecdote exotique.

Mais est-ce que ces interprètes qui apparaissent dans ces photographies étaient-ils conscients de tout cela ? Nous en sommes convaincus. Ces interprètes travaillaient en contact direct avec les interlocuteurs, et ils pouvaient donc déceler le regard de l’autre. Nous en avons un indice dans ce travail dans le portrait du groupe de chefs indiens et de leur interprète. Nous sommes sûrs que Zephier ne porte pas le costume tribal pour essayer d’éliminer toutes les différences possibles, et de donner une image familière à l’homme occidental, de personne cultivée et de professionnel et ainsi faire passer à un deuxième plan son origine indienne.

Nous pouvons conclure que les interprètes étaient perçus par les anthropologues du XIXe comme des sauvages ;
sauvages apprivoisés dans le cas des interprètes Sioux ; sauvage exotique dans celui de l’interprète japonais ; tout simplement sauvage quant à Riwa l’interprète des îles Andaman. Aujourd’hui, notre devoir est d’éviter de perpétuer cette image dans les collections, les expositions et les musées modernes.

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The Lognormal Distribution of the Age gaining Great Achievement of the Talents in Humanities & Social Sciences

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Abstract

Though each individual has special growth contrail in the community of humanities & social scientists, they also have common stage-figures in the process of growth. Age is the natural property and obvious objective characteristic of human; it also makes an important reference for grading stage. The analysis of age gaining magnificent achievement of humanities & social scientists from the fifteenth to 1990s suggests that, the achievement ages of humanities & social scientist get lognormal distribution and the peak age is 41, from 15th century to 20th century the peak age tend to forward in the whole, and talent productivity of every age level keep balance there no achievement concentrate on one level in the field of humanities & social sciences.

Keywords: Humanities & Social sciences; Great Achievement;Age; the Lognormal Distribution

1. Introduction

Though each individual has special growth contrail in the community of humanities & social sciences, they also have common stage characteristics in the process of growth. Age is the natural property and an obvious objective characteristic of human beings, it also makes an important reference for grading stage.( Wu Peng-sen&Fang Lie-shu2011) Beard in 1874 firstly started to research the relationship between age and achievement, he collected materials from various celebrity biographies and figured out the age average while scholars achieved their great masterpieces; he also had described relation curve of age and achievement productivity, a single peak curve whose peak is forty years old. (George M. Beard 1874) By further econometric study in 1881 Beard proposed Beard’s Law: 70 percent of academic achievements created by scholars under 45 and 80 percent created by scholars under 50. (George M. Beard 1881) But his research not gained people’s attention, scholars began to concern the question of age and achievement until Lehman published “Age and Achievement”. Through studying on age and achievement of humanities & social scientists gets different forms of age curve, generally there are three types:

First is single-peak age curve, which productivity increases with years to a peak, then shows a downward trend, epitomized as inverted U – shape. Harvey C. Lehman(Harvey C. Lehman 1956), Stephen Cole(Stephen Cole 1979), Sharon M. Oster and Daniel S. Hamermesh(Sharon M. Oster 1998) believed economics was the young’s game, achievements mainly focused on 36 to 50 years old. Hendrik P.van Dalen thought great masterpieces of the winner of Nobel Prize on economy almost being created on his golden age period: from 29 to 38. (Hendrik P.Van Dalen 1999) David W.Galenson and Bruce A.Weinberg measured the age curve of Nobel Prize winners by quotation ratio of all achievements in one year, and found the peak age of “theory economists” is 43 years old, however experienced economists is 61 years old.( David W.Galenson 2005) Svein Kyvik adopted horizontal data that gained through grouping scholars by age and discovered the most productive is 40-44 group in the field of humanities and natural sciences; the productivities in social sciences kept stable but in humanities field the productivities of 55-59 group tended to decrease. (Svein Kyvik 1990) Otherwise, by studying cases Dean K.Simonton concluded: inverted-J shape theory, different from inverted-U, would down as productivities get the summit with years, yet not down to original academic level.( Dean K.Simonton,1977)

Second is bimodal curve, there is two peaks in the age curve. Bimodal curve could be divided into two shapes: one, age curve downing after the second peak. This shape of saddle Alan E. Bayer and Jeffrey E. Dutton proved in the field of psychology, economics and social sciences through making varied model assumptions.( Alan E. Bayer&Jeffrey E.
Dutton) Thomas H. Goodwin pointed out productivity distributes on the double-hump shape in the life-cycle as he had cased 140 tenured professorships of economics.( Thomas H. Goodwin,1995) The other, second peak appears in the end of scholar’s lifetime. For example, Dean K. Simonton researched 172 classical composers to discover the last achievement phenomenon, which achievement was created in the end of composers’ life. (Dean K. Simonton 1989) Dean K. Simonton pointed that creative productions gained at scholar’s remaining life, especially as their life would end. (Dean K. Simonton 1991)

Third is linear relation, Dean K. Simonton inquired the trend of achievements change with age by the proportion of the excellent to all achievements based on ten cases of classical composers, he got a horizontal age curve. According to this curve, excellent achievements show a pattern of sustained and stable probability of success, not changing with years, the proportion it takes is a constant in all achievements. (Dean K. Simonton 1977) A.M. Diamond underlined whatever product quantity of outputs and quality of each paper or the both would decline with age from an economic perspective. (A.M. Diamond Jr. 1984) Hendrik P. van Dalen taking empirical research on Nobel Prize economists suggested outstanding economist’s age contrail is different from the general; from the start, the outstanding economist’s achievement was on the higher stage and kept the stage in the long time not down with age. (Hendrik P. Van Dalen 1999)

Researching on the relationship of age and achievement firstly originated from natural sciences and gained abundant research achievement. However correlation study on age and achievement of humanities & social scientists started later, there are fewer materials. Nearly half a century, scholars had launched a heated dispute and given all kinds of guesses and descriptions toward achievement and age. But many papers indicated that there was been a blank space for overall description on the distribution of talent achievement age in humanities & social sciences since 15th century. Obviously, it has important cognitive values for uncovering the whole features of the distribution of talent achievement age.

2. Sample Selection and Data Source

2.1 Base for Sample Selection

Age curve presents the trend of achievements alteration with age. The changing of age curve always being affected by many situations, Harvey C. Lehman concluded three situations: firstly, the type of achievement; secondly, the definition of excellent achievement; thirdly, the selection of measuring method. (Harvey C. Lehman 1956) There would form different shapes about age curve for different definitions on achievement and age in scholars’ research conclusions.

2.1.1 Time Range of Sample Selection

Humanities & social sciences was founded in about 14th and 15th century, at that time European ideological field gradually woke up from the Dark Ages and began to challenge the dominant theology. The ideological and cultural movement lasted from the middle of the 14th century to early 17th century, this period also being called Renaissance. In the 15-16th century, the Latin word “humanists” was used in Europe. At that time, social science was contained into humanities and this phenomenon lasted hundred of years. Until in the mid-later 18th, subjects making empirical research on society via empirical method, such as century economics, sociology and politics etc. were separated from social sciences and gradually founded systemically their own theoretic structure in 19th century. (Wu Peng-sen & Fang Lie-shu 2011) We can see that humanities & social sciences flourished from the Renaissance period, so the time range of sample selection also is from 15th century to late 20th century in the paper.

2.1.2 Life Figure of Sample

Researches on humanities & social sciences need the accumulation of knowledge and social experience, and scholars’ great academic achievements especially could present the characteristic of well-grounded accumulation. (Zhou Da-ya 2004) Scholars maybe created great masterpiece as they are goanna die. For example, Charles McLean Andrews, an American historian who lived from 1863 to 1943, his representative work “The Colonial Period of American History” was written during 1934-1937 and was awarded the Pulitzer Prize for the first volume of the representative in 1935 as 72 years old. Charles McLean Andrews didn’t finish the fourth volume until in the end of his life. Scholars are liable to create masterpieces before death because achievements creation in humanities & social sciences has the characteristic of well-grounded accumulation, therefore the paper selects all samples of humanities & social scientists dying before January
1st 2013 so as to ensure the integration of samples selected.

2.1.3 Definition of Achievement

Dean K. Simonton had pointed that the shape of the relationship between age and achievement depending on how to define achievement. (Dean K. Simonton 1988) The paper takes the quality of literature as the standard of defining achievement here. Selecting great masterpieces whatever book or paper, only if it could give most social influence to society and most contribution to human civilization as representative work. This is achievement, which could be published books or papers, such as The Wealth of Nations of Adam Smith and Social Contract Theory of Jean-Jacques Rousseau. There are some scholars considering the quantity as the standard of judging achievements because the period of highly productive also is the period of easily creating masterpiece. (Dean K. Simonton 1991) But using the quantity as valuing standard would narrow the range of samples. Such as, according to the characteristic of well-grounded accumulation in creating achievements of humanities & social sciences, some scholars had accumulated for several decades prior to leaving a highly valuable work. There is no productive period and the scholar would be excluded from research field. Obviously, selection like that is impractical and artificially narrows the range of samples.

There is one special situation of judging achievement, that we cannot rank the value of each one while a scholar has given many excellent works. At that time we will choose the one firstly being famous and giving most influence as the representative. For example, Philip Henry Stanhope a British historian wrote many historical works in his life span, his works in 1829, 1832 and 1853 respectively is so significant that the posterity feel difficult to say which one is of most importance. Then we choose the earliest work The Life of Belisarius written in 1829 as the achievement.

2.1.4 Age

Age is a most important data in paper, here means scholar's achievement age. Usually achievement age is subject to published time of representative work, but if representative work just taking form of manuscript not published or published after the writer dying, we regard the finishing time of manuscript as age time. Such as German philosopher Arthur Schopenhauer was born in 1788, his representative work The World as Will and Representation was finished in 1818 and published in 1819, therefore Schopenhauer's achievement age is 31 year old.

Need to say, collection of age data has several special situations. Firstly, for multi-volume literature, if one of volumes gets great attention then the published time of the volume would be thought as achievement age. For example, American historian Charles McLean Andrews, was alive from 1863 to 1943, his representative work The Colonial Period of American History was written during 1934-1937. And he won the Pulitzer Prize with the first volume of it in 1935, thus his achievement age is 72 years old. Supposing no above situation, achievement age is the time of work completely finished and published. Secondly, some magnum-opuses need several decades to finish so that the author dies before completion and continue to be written by another. In this situation, we will take the first author's death age. Such as Barthold Georg Niebuhr, lived from 1776 to 1831, his representative work "Roman History" was completed in 1932 edited by Johannes Classen after his death. Thus his age data is 55 years old.

2.1.5 Subject

Researches in humanities & social sciences possess strong individuality and uniqueness, and mostly focusing on the experience and the reflection of value and meaning of human-selves. (Ou Yang-kang 2004) It discusses the values, behaviors, goals and meanings of life mainly through the way of explanation and comprehension. (Yuan Xi-lin 2011) In other words, literature itself isn't science but the knowledge of researching on literal works is science. Social science takes human society including the social phenomenons of economy, politics and social activities as research object. Different institutions and organizations have their own criteria and systems for classification of social science. The paper refers to the definition of classification on humanities & social sciences from Encyclopedia Britannica, The Main Current in Humanities & Social Sciences published by UNESCO and Frascati Manual published by OECD. Here humanities & social sciences contains 13 subjects: philosophy, history(history and the history of history subject ), archaeology, religion, linguistics, literature(all studies of literature, viz literary theory, literary criticism; not including literary creation: novel, poem and so on ), art(all studies of artistic works, viz art theory and art criticism; not including artistic creation such as painting and sculpture), politics, economy, sociology, psychology, law and anthropology.

A scholar may study several subjects, for example, Abraham H. Maslow is both a psychologist and a philosopher.
Generally we take the subject giving most influence as a Representative. Maslow is famous for self actualization theory, so he belongs to the field of sociology.

2.2 Source of data

The paper’s data mainly come from Micropædia Britannica, and further to look up World Blue Book of Humanities & Social Sciences. Moreover, the paper uses network resources of Google Scholar and Wikipedia to verify and add vague or unsafe information.

Encyclopedia Britannica has a worldwide reputation for making great contribution to human civilization progress, and has 200 years’ history by regular update since published during 1768-1771. Encyclopedia Britannica known for strong academy and high authority, and it’s the most familiar encyclopedia for China’s intelligentsia. America signed an agreement with America on collaborating to translate and publish Chinese version of Micropædia in August 1980. America was in charge of offering the latest revising draft and pictures, the editors and translators of Chinese version are all specialists and scholars of Chinese academia.

Chinese version of Micropædia entirely complies with the original edition, just expurgating some explanatory articles and pictures. The paper only takes the information of name, date of birth and death, nationality, subject field, date of the representative being published, thus expurgation hardly makes an influence to the data collection.

Chinese version of Micropædia has been revised several times since published firstly in 1985, but its content does not change in essence. The paper chooses data from ten volumes of 1985 version and a supplementary volume of 1990, together 11 volumes, and gets 1391 samples.

3. Statistical description on the distribution of general talents’ achievement age in humanities & social sciences

According to physiology, a person’s memory deteriorates but comprehension develops with age. The golden time of a person’s creation is the period of best memory and quick comprehension. The talent in this period already has an amount of social practical experiences and is energetic, sensitive and creative; therefore, this period is the best time of making achievements.

3.1 Analysis by descriptive Statistics on the distribution of talents’ achievement age

Table 1 shows the frequency of talents’ outputs for all age groups in humanities & social sciences, also meaning the number of acquiring great achievement in each age-group. The outputs of 41-50 group are the largest accounting for 31.09%, followed by 31-40 age group.

Table 1. Statistics of talent’s output and age in humanities & social sciences

<table>
<thead>
<tr>
<th>age group (year)</th>
<th>amounts</th>
<th>%</th>
<th>age group (year)</th>
<th>amounts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 20</td>
<td>5</td>
<td>0.36</td>
<td>51-60</td>
<td>231</td>
<td>16.61</td>
</tr>
<tr>
<td>21-30</td>
<td>136</td>
<td>9.78</td>
<td>61-70</td>
<td>130</td>
<td>9.35</td>
</tr>
<tr>
<td>31-40</td>
<td>383</td>
<td>27.53</td>
<td>71-80</td>
<td>62</td>
<td>4.46</td>
</tr>
<tr>
<td>41-50</td>
<td>428</td>
<td>30.77</td>
<td>above 81</td>
<td>16</td>
<td>1.15</td>
</tr>
</tbody>
</table>

There are 1391 available observations in table 2. For achievement age of talents in humanities & social sciences: the oldest is 91 and the youngest is 16, the Mean is 45.93, Mode is 41, Coefficient of skewness is 0.628, Coefficient of kurtosis is 0.022. The empirical frequency distribution of humanities & social scientists’ achievements has the characteristic of positive-skewed, leptokurtosis and fat-tail.

Table 2: Frequency description of talents’ outputs in Humanities & Social sciences

<table>
<thead>
<tr>
<th>N=1391</th>
<th>Average</th>
<th>Max</th>
<th>Min</th>
<th>Standard deviation</th>
<th>Median</th>
<th>Mode</th>
<th>Skewness</th>
<th>Kurtosis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1391</td>
<td>45.93</td>
<td>91</td>
<td>16</td>
<td>13.21</td>
<td>44</td>
<td>41</td>
<td>0.628</td>
<td>0.022</td>
</tr>
</tbody>
</table>
It is emphasized that Mode of 41 means the peak age of gaining great achievements in humanities & social sciences. The result is confirmed with Beard’s peak age of 40 gained in 1874, on the contrary, the peak age in natural science is 37 years old (Liang Li-ming & Zhao Hong-zhou 1991).

3.2 Tests of fit for the distribution of achieve age in humanities & social sciences

From the result of above descriptive statistics we can know the empirical frequency distribution of humanities & social achievements has a figure of positive-skewed, leptokurtosis and fat-tail. So we use SAS statistics software to conduct test of fit toward the data by the methods of normal distribution, exponential distribution, lognormal distribution and Weibull distribution; then choose the best one of fit effect. Fig.1 for Fitting distribution, and table 3 shows the result of goodness of fit test.

Fig. 1. Fitting distributions of talents’ achievements in humanities and social sciences

Table 3. The result of goodness of fit test

<table>
<thead>
<tr>
<th>Curve</th>
<th>Theta</th>
<th>Sigma</th>
<th>Zeta/c</th>
<th>Kolmogorov D</th>
<th>Pr&gt;D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal</td>
<td></td>
<td>13.2147</td>
<td>3.7662</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lognormal</td>
<td>45.9252</td>
<td>1.2871</td>
<td>.</td>
<td>0.0755</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>Exponential</td>
<td>50.8534</td>
<td>3.6615</td>
<td>.</td>
<td>0.0801</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>Weibull</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

We can see all P-values under 0.05 in lognormal distribution, exponential distribution and Welbull distribution three test methods from table 3. So we should refuse the original assumption. In the table only P-value of the lognormal distribution 0.0652 is larger than 0.05. This suggests the fit effect of lognormal distribution is better than the others, thus could use lognormal distribution to approximate the probability distribution functions of talents’ achievements in humanities & social sciences.

Probability density function of lognormal distribution is

\[ f(x) = \begin{cases} \frac{1}{\sigma \sqrt{2\pi}} e^{-\frac{(\ln x - \theta)^2}{2\sigma^2}}, & x > 0, \\ 0, & \text{otherwise} \end{cases} \]
where $\theta$ is the mean, $\sigma$ is the standard variation. From the result of fitting test, we get that $\sigma = 0.29$, $\theta = 3.79$.

The lognormal distribution is a life distribution model used widely in life test and a number of scholars have proved that life model is more suitable for describing life distribution. (2009) The observed data from the beginning to the occurrence is called life. Such as, expiry time of eclectic equipment, the occurring time of cancer and the time for scientists achieving masterpieces, etc. Though the life talked here is not a precise life, for the individual of some group the time from the beginning to the occurring is its real life. Its physical model as follows: supposing an occasional phenomena is caused by a series of independent normal occasional factors, the former signed as $\xi_1$, the latter signed as $\xi(n-1,2,...)$, the relationship between them is $\xi = \xi_1 \times \xi_2 \times ...$. Thus

$$\log \xi = \sum_{n} \log \xi_n$$

If all $\log \xi_n$ are small and independent, according to central limit theorem we know $\log \xi$ obeys normal distribution $N(\theta, \sigma^2)$. In turn, $\xi$ is the lognormal distribution. Let $\xi$ be the age of humanities and social scientists who gain great achievements. Then $F(x) = P(\xi < x)$ shows the probability of acquiring great achievement of humanities and social scientist whose age is smaller than $x$.

4. Statistical description of achievement-age distribution in different periods of humanities and social sciences

The development of the talent is affected by various internal and external factors. Simonton (Dean Keith Simonton 1975) pointed that external macroscopical environment: such as time spirit, political pattern, war, Civilization Conflict and political stability etc., makes an influence on innovations of talents. Cultural structure is one of the most influential factors for the development of talent. (Dean Keith Simonton 1996) Thus, each distribution of talents' achievement-age in different periods has its own characteristic.

4.1 Statistics and fit of achievement-age distributions of talents in each century

As showed in table 4 and Fig.2, the number of achievements in humanities & social sciences increases gradually from 1400s to 1990s. Among achievements distributions in these centuries, the group of 31-40 takes the most proportion of achievements in 16th, 18th and 19th century, but in 15th, 17th and 20th century 41-50 group takes the most.

Table 4. The statistical data of achievement and age classified by century during 1400 - 1990

<table>
<thead>
<tr>
<th>age group</th>
<th>Under 20years old</th>
<th>21-30</th>
<th>31-40</th>
<th>41-50</th>
<th>51-60</th>
<th>61-70</th>
<th>71-80</th>
<th>above 80years old</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>years</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
</tr>
<tr>
<td>1500-1600</td>
<td>5 11.63</td>
<td>8 18.60</td>
<td>12 27.91</td>
<td>11 25.58</td>
<td>5 11.63</td>
<td>2 4.65</td>
<td>43</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1601-1700</td>
<td>5 6.17</td>
<td>14 17.28</td>
<td>28 34.57</td>
<td>18 22.22</td>
<td>10 12.35</td>
<td>6 7.41</td>
<td>81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1701-1800</td>
<td>2 1.60</td>
<td>12 9.60</td>
<td>37 29.60</td>
<td>29 23.20</td>
<td>25 20.00</td>
<td>8 6.40</td>
<td>8 6.40</td>
<td>4 3.20</td>
<td>125</td>
</tr>
<tr>
<td>1801-1900</td>
<td>1 0.22</td>
<td>70 15.49</td>
<td>135 29.87</td>
<td>131 28.98</td>
<td>64 14.16</td>
<td>35 7.74</td>
<td>11 2.43</td>
<td>5 1.11</td>
<td>452</td>
</tr>
<tr>
<td>1900-1990</td>
<td>2 0.30</td>
<td>42 6.34</td>
<td>182 27.49</td>
<td>222 33.53</td>
<td>111 16.77</td>
<td>66 9.97</td>
<td>31 4.68</td>
<td>6 0.91</td>
<td>662</td>
</tr>
<tr>
<td>Total</td>
<td>5 0.36</td>
<td>136 9.78</td>
<td>383 27.53</td>
<td>428 30.77</td>
<td>231 16.61</td>
<td>130 9.35</td>
<td>62 4.46</td>
<td>16 1.15</td>
<td>1391</td>
</tr>
</tbody>
</table>
4.1.1 Fit test of talents’ achievements of humanities & social sciences in 15th century

As showed in table 5 and Fig.3, taking fit test of great achievements of humanities & social sciences in 15th century by lognormal distribution method, $P > 0.15 > 0.05$ in the result of goodness of fit test. It shows great achievements distribution in 15th century matches the lognormal distribution.

### Table 5. The result of goodness of fit of great achievements in 15th century

<table>
<thead>
<tr>
<th>分布</th>
<th>均值/θη</th>
<th>Ση</th>
<th>ζη/ω</th>
<th>Kolmogorov D</th>
<th>Pr &gt; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>对数正态</td>
<td>0</td>
<td>0.3419</td>
<td>3.8368</td>
<td>0.1410</td>
<td>&gt; 0.15</td>
</tr>
</tbody>
</table>

4.1.2 Fit test of talents’ achievements of humanities & social sciences in 16th century

As showed in table 6 and Fig.4, taking fit test of great achievements of humanities & social sciences in 16th century by lognormal distribution method, $P > 0.15 > 0.05$ in the result of goodness of fit test. It shows great achievements distribution in 16th century matches the lognormal distribution.
4.1.3 Fit test of talents’ achievements of humanities & social sciences in 17th century

As showed in table 7 and Fig.5, taking fit test of great achievements of humanities & social sciences in 17th century by lognormal distribution method, P > 0.15 > 0.05 in the result of goodness of fit test. It shows great achievements distribution in 17th century matches the lognormal distribution.

Table 7. The result of goodness of fit of great achievements in 17th century

<table>
<thead>
<tr>
<th>分布检验</th>
<th>均值/theta</th>
<th>Sigma</th>
<th>Zeta/C</th>
<th>Kolmogorov D</th>
<th>Pr &gt; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>对数正态</td>
<td>0.2753</td>
<td>3.8876</td>
<td>0.0518</td>
<td>&gt; 0.16</td>
<td></td>
</tr>
</tbody>
</table>
4.1.4 *Fit test of talents’ achievements of humanities & social sciences in 18th century*

Taking fit test of great achievements of humanities & social sciences in 18th century by lognormal distribution method, $P > 0.15 > 0.05$ in the result of goodness of fit test as showed in Table 8 and Fig.6. It shows great achievements distribution in 18th century matches the lognormal distribution.

![Fig. 6. Fit distribution of achievements in 18th century](image)

**Table 8.** the result of goodness of fit of great achievements in 18th century

<table>
<thead>
<tr>
<th>曲线分布</th>
<th>均值/theta</th>
<th>Sigma</th>
<th>Zeta/C</th>
<th>Kolmogrov D</th>
<th>Pr &gt; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>对数正态</td>
<td>0.325</td>
<td>3.790</td>
<td>0.044</td>
<td>&gt;0.15</td>
<td></td>
</tr>
</tbody>
</table>

4.1.5 *Fit test of talents’ achievements of humanities & social sciences in 19th century*

As showed in Table 9 and Fig.7 taking fit test of great achievements of humanities & social sciences in 19th century by lognormal distribution method, $P$ value $0.05 < 0.1031$ in the result of goodness of fit test. It shows great achievements distribution in 19th century matches the lognormal distribution.

![Fig. 7. Fit distribution of achievements in 19th century](image)
Table 9. The result of goodness of fit of great achievements in 19th century

<table>
<thead>
<tr>
<th>分布检验</th>
<th>均值/θ</th>
<th>σ</th>
<th>Ζα/ζ</th>
<th>Kolmogorov D</th>
<th>Pr &gt; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>对数正态</td>
<td>0</td>
<td>0.2934</td>
<td>8.7296</td>
<td>0.0333</td>
<td>0.1031</td>
</tr>
</tbody>
</table>

4.1.6 Fit test of talents’ achievements of humanities & social sciences in 20th century

As showed in table 10 and Fig.8, taking fit test of great achievements of humanities & social sciences in the first ninety years of 20th century by lognormal distribution method, gets a result P value 0.1154 > 0.05 in the goodness of fit test. The distribution shows great achievements distribution in 20th century matches the lognormal distribution.

![Fig.8. Fit distribution of achievements from 1901 to 1990](image)

Table 10. The result of goodness of fit of great achievements during 1901-1990

<table>
<thead>
<tr>
<th>分布检验</th>
<th>均值/θ</th>
<th>σ</th>
<th>Ζα/ζ</th>
<th>Kolmogorov D</th>
<th>Pr &gt; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>对数正态</td>
<td>0</td>
<td>0.2707</td>
<td>3.8105</td>
<td>0.0315</td>
<td>0.1154</td>
</tr>
</tbody>
</table>

As suggested above, all the great achievements between 1400s and 1990s show the lognormal distribution with subtle differences.

4.2 The changing of peak in talents’ achievement-age distribution

The common distributions and different parameters show there is definite connection and change rule between great achievement and talent’s age in humanities & social sciences. In lognormal distribution, position parameter equals the Mean of random variable θ and scale parameter equals logarithmic standard deviation σ.

Table 11. Lognormal distribution and peak changing table of achievement-age in humanities and social sciences

<table>
<thead>
<tr>
<th>Century</th>
<th>1400-1500</th>
<th>1501-1600</th>
<th>1601-1700</th>
<th>1701-1800</th>
<th>1801-1900</th>
<th>1901-1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peak age</td>
<td>44.1</td>
<td>42.1</td>
<td>45.2</td>
<td>39.9</td>
<td>38.1</td>
<td>42.0</td>
</tr>
<tr>
<td>Peak age group</td>
<td>41-50</td>
<td>41-50</td>
<td>41-50</td>
<td>31-40</td>
<td>31-40</td>
<td>41-50</td>
</tr>
<tr>
<td>Achievements percentage</td>
<td>21%</td>
<td>28%</td>
<td>35%</td>
<td>30%</td>
<td>30%</td>
<td>34%</td>
</tr>
</tbody>
</table>
Fig.9. Great achievement peak age trend chart of humanities & social sciences among 1400—1990

Table 11 and Fig.9 show the change rule about peak age which changes from 44.1 years old in 15th century to 42 years old in 20th century. Though in 20th century rises over 18th & 19th century’s below 40, the whole linear trend decreases gradually. That is to say, the peak age on the whole has a forward trend among 1400-1990. Peak age moves forward quickly among 17th -18th century but slow down among 18th-19th century. And age group of the peak corresponding achievement percentage increases from 21 percent in 15th century up to 34 percent in 20th century. This manifests the humanities and social scientists in the peak age group have made more and more contributions.

5. Talent’s productivity distribution in Humanities and Social sciences

As the area below density function curve stands the probability of acquiring great achievement of humanities & social scientists on corresponding age, then we can use the equation

\[ \int_0^x f(x) \, dx = \int_x^\infty f(x) \, dx \]

to find the point which divides the area below density function curve equally. The point is the age boundary, age under or over the point takes half of the all great achievements respectively.

If \( X \sim LN(\theta, \sigma^2) \), then \( \ln X \sim N(\theta, \sigma^2) \). Furthermore, \( \frac{\ln X - \theta}{\sigma} \sim N(0,1) \). Therefore \( \frac{\ln X - \theta}{\sigma} = 0 \) the area below density function curve is divides equally. Therefore we can find the age boundary: \( x = e^\theta \). the age boundaries of different times are in the following Table.

Table 12. Age boundary on acquiring half of all great achievements in humanities & social sciences

<table>
<thead>
<tr>
<th>Time (year)</th>
<th>1400-1500</th>
<th>1501-1600</th>
<th>1601-1700</th>
<th>1701-1800</th>
<th>1801-1900</th>
<th>1901-1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age Boundary(x)</td>
<td>49.3</td>
<td>45.6</td>
<td>48.8</td>
<td>44.3</td>
<td>41.5</td>
<td>45.2</td>
</tr>
</tbody>
</table>

Table 12 shows half of all great achievements are made by scientists under 50 years old in humanities & social sciences from 15th century to 20th century. Actually the achievement productivity of the groups under 25 and over 75 years old is lower, only accounting for 1-2%. The majority of achievements in humanities & social sciences centralize in the group of 25-75 and this group is called effective age group. The age span is 50 years old and the group of 25-50 is just half the span. Therefore, we can see the productivity of humanities & social sciences has a balanced distribution and there is not the phenomenon of achievements centralizing in one age group.
6. Conclusion

Through taking mathematical analysis and fitting test against samples on the whole, we draw the conclusion that the age of talents acquiring great achievements in humanities & social sciences match the rule of lognormal distribution and the peak age is 41. It easily ignores the influences on talents' achievement-age from special circumstances in different times when analyzing the samples on the whole, so the paper further to take statistical analysis with achievement-age of talent from 1400s to 1990s separately. The analysis result manifests achievement-age distribution of each century in humanities & social sciences matches the lognormal distribution and the peak age on the whole has a forward trend from 15th century to 20th century.

If making further analysis of talent's productivity in humanities and social science, we can find the age-group span is correspondent to the percentage of achievements accounting for the all. That is to say, the productivity of humanities & social sciences has a balanced distribution and there is not the phenomenon of achievements centralizing in one age group.

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Does Objective Well-Being Cause Subjective Well-Being?
(1998-2012 Albanian Voter Analyze)

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Abstract
This paper presents an overview of the correlation and changing dynamics of the main determinant indicators of economic welfare (GDP per capita, Inflation, Employment/Unemployment, Total Government Revenue, Total Investment, GNI per capita) and subjective welfare indicators (Subjective Welfare Indicator as defined by R. Inglehart) in Albania during the years 1998-2012 influencing the profiles of the Albanian electorate's behavior. The regression analysis results and the changing dynamics among them allows to assert that economic welfare is one of the main cause, but not the only, of subjective well being of Albanian voter in these years. The results show that the economic indicators analyzed, except employment/unemployment, inflation per capita and total investment do not influence on the Albanian electorate subjective well being. This means that along with economic factor there are other influential effects to the voter in this time period, probably indicators such as cultural, psychological, sociological, etc., which are not concern of this paper. This allows also the realizatation of future predictions that could serve as an added value for all stakeholders involved in the political game in the micro level interest and at macro level interest it can serve to Democracy Development of Albania.

Keywords: Economic Well-Being Indicator; Subjective Well-Being Indicator; Voting Behavior; Regression

1. Introduction
After 1990, Albania has undergone a drastic transition from the communist regime into an open-market economy and democratic parliamentary government in the last two decades. “A majority of citizens of Eastern and Central European countries were looking forward to economic and political reforms. It was expected the transformation process would lead from the socialist system to a new system reflecting the Western Model consisting of a democratic political system and a market economy. Instead of a quick economic recovery, however, the transition process brought considerable economic hardship. Declining industrial production, increasing unemployment, high inflation, and decreasing real wages and salaries, led to a deterioration of living conditions for many Eastern Europeans (for details: EBRD, 1998).” (Hayo B., Seifert, 2003, pg. 329-330)

“The old paradigm of development heavily focus on economic prosperity often neglects other life and societal aspects when trying to achieve economic growth as a prime development goal. Subjective aspects of human and societal well-beings which are crucial to human “happiness and social quality have been ignored, as only economic growth has been used to measure the progress of the society” (Kittiprapas S., pg 1). Therefore a new debate is on progress during these recent years focused on how development is measured, and as such subjective well being have been integrated in the development analyses of the countries beyond objective Economies well being, and placing the subjective well being as one of the most important democratic policy goals”. GDP, inflation, GNI, employment, etc., are the objective of economic policy and development policy, but the ultimate goal of public policy is welfare, not income. The intent is to measure the extent to which human needs are actually being met. Since these measures are based on the judgments of the survey respondents rather than on more easily quantifiable inputs of money and material goods, there are concerns that these “subjective” measures are not factually based and therefore less valid than “objective” measures like GDP (R. Costanza M. Hart, S. Posner, J. Talberth, 2009, pg.16). For thus it is needed first to analyze if there is a correlation between subjective and objective (economic) indicators, and if there is any, what probably would be its impact to the Albania Voter behavior.

As fragile democracy and economy (Index Mundi, 2013; Bank of Albania, 2003), Albania had its problems with the voter perceptions and its economy during this past 23 years. What I am particularly interested is the Albanian voter
Subjective Well-Being (SWB) and its relationship with Albanian Economic Well-Being (EWB). It is important to know if there is a relationship between these two electorate Well-Being measurements, since if there is one, a way of using it, would be that one of the interested stakeholders such as political parties’ usage of this linkage in that way of increasing their electorate support, and maybe be an election winner. Inglehart, in particular for the former socialist countries, which enters also Albanian Republic, gives a value to their profile model that "lack of values": society tends toward those things that has retail and feels lacking (Inglehart, R., 2000). To know how to make this tool work in any parties interest, first is necessary to see if there is a relation, and if yes which are and how do these indicator effect on voter behavior in Subjective Well-Being perspective.

2. Methodology

This paper analyzes subjective well being relationship to the economic well being indicator (objective indicator) in Albanian electorate from 1998-2012. The base assumption of this paper is the one that "economic well being causes subjective well being in Albanian electorate in 1998-2012". Logically this correlation between these two variables would be a positive one, meaning that, the increasing of the first will cause the increase of the dependent variable. Studies shows that in most cases, if a country economy increases, it positively affects other aspects of the society, including people’s Well-Being, which eventually reflects as part of the electorate behavior. Veenhoven (1991) found that the within-nation correlations between income and well-being are stronger in poorer than in wealthier societies, and this effect has been replicated by other researchers (Diener & Diener, 1995; Diener & Oishi, 2000; Schyns, 2003). However, the answer if there is positive correlation between them and if EWB statistically significant causes the SWB change, will be given only after analyzing the variables data in the regression function analyze.

As the supposed dependent variable, Subjective Well-Being Indicator measured in the Inglehartian way (Inglehart, R., 2000): ask respondents about their life Satisfaction and Happiness. So, subjective well-being is multifaceted; it includes both how happy individuals are at a point in time and how satisfied they are with their lives as a whole (Diener 2006) (Daniel W. Sacks, Betsey Stevenson, Justin Wolfers, 2010, pg.2) This data set of the SWB results is taken from empirical data surveys studying Albanian electorate (Kocani A., Bërdufi D., 2012). Almost all empirical data analyzed in this paper is taken from Tirana’s city surveys, except 2004 (country survey). Tirana city has almost one third of the total Albanian Population, representing all the cultural environmental behavior present in Albania in this last 20 years. Thus, methodologically, Tirana’s electorate SWB can be considered as Albanian electorate SWB (with an error margin not statistically important in this case analysis).

“The subjective well-being index reflects the average of the percentage of people in each country which describe themselves as "very happy" or "happy" minus the percentage of which describe themselves as "not very happy" or "unhappy"; and the percentage placing themselves in the 7-10 range, minus the percentage placing themselves in the 1-4 range, on a 10-point scale on which 1 indicates that one is strongly dissatisfied with one's life as a whole, and 10 indicates that one is highly satisfied with one's life as a whole” (Inglehart, R., 2000).

2.1 SWB formula:

\[
SWB = \frac{\Delta \text{(Happiness)} + \Delta \text{(Satisfaction)}}{2}
\]

As supposed the dependent variable, economic welfare is the target development variable for a country. The data used in this analyze of the Objective Well Being Indicator are from the World Bank and International Monetary Found. The components of this indicator used in analyzing the correlation assumed in this paper, are the major relevant (The World Bank, 2013) indicators used in almost all studies concerning the economic development of a country: GDP per capita, Inflation per capita, Employment, Unemployment, GNI per capita, Total Investment, General Government Revenue.

---

1 Department of Political Science, Faculty of Social Sciences, University of Tirana
3. Results and data analyze

Table 1 Subjective and Economic Well-Being Indicator 1998-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>SWB*</th>
<th>Inflation per capita</th>
<th>GDP per capita</th>
<th>Employment</th>
<th>GNI per capita</th>
<th>Unemployment</th>
<th>Total Investment**</th>
<th>General government revenue **</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>-0.2</td>
<td>20.60</td>
<td>885.9</td>
<td>53.8</td>
<td>3550</td>
<td></td>
<td>16.9</td>
<td>99.7</td>
</tr>
<tr>
<td>1999</td>
<td>0.40</td>
<td>1117.7</td>
<td>53.3</td>
<td>3950</td>
<td>4380</td>
<td></td>
<td>20.8</td>
<td>121</td>
</tr>
<tr>
<td>2000</td>
<td>0.10</td>
<td>1200.1</td>
<td>52.9</td>
<td>4380</td>
<td>29.5</td>
<td></td>
<td>126.1</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>3.10</td>
<td>1329.4</td>
<td>47.4</td>
<td>4820</td>
<td>22.7</td>
<td></td>
<td>28.6</td>
<td>139.2</td>
</tr>
<tr>
<td>2002</td>
<td>7.80</td>
<td>1440</td>
<td>52.4</td>
<td>4980</td>
<td>27.9</td>
<td></td>
<td>154.6</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>3.5</td>
<td>1819.4</td>
<td>52.3</td>
<td>5350</td>
<td>25.4</td>
<td></td>
<td>167.2</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>-7.8</td>
<td>2388.7</td>
<td>52.1</td>
<td>5770</td>
<td>26.3</td>
<td></td>
<td>184.4</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>-17</td>
<td>2666.1</td>
<td>52</td>
<td>6220</td>
<td>29.7</td>
<td></td>
<td>204.2</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>2.40</td>
<td>2893.2</td>
<td>51.9</td>
<td>6980</td>
<td>30.3</td>
<td></td>
<td>229.5</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>19</td>
<td>3377.2</td>
<td>52.3</td>
<td>7380</td>
<td>13.5</td>
<td></td>
<td>30.1</td>
<td>251.6</td>
</tr>
<tr>
<td>2008</td>
<td>7.6</td>
<td>4076.4</td>
<td>52.6</td>
<td>8280</td>
<td>13</td>
<td></td>
<td>33.4</td>
<td>290.9</td>
</tr>
<tr>
<td>2009</td>
<td>33</td>
<td>3795.7</td>
<td>52.1</td>
<td>8500</td>
<td>13.8</td>
<td></td>
<td>30.3</td>
<td>299</td>
</tr>
<tr>
<td>2010</td>
<td>41</td>
<td>3700.7</td>
<td>52.1</td>
<td>8560</td>
<td>26.8</td>
<td></td>
<td>319.6</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>5.1</td>
<td>4029.7</td>
<td>52.3</td>
<td>8820</td>
<td>25.6</td>
<td></td>
<td>330.4</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>-18.4</td>
<td>2.02**</td>
<td>24.1</td>
<td>329.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Subjective Well-Being Indicator from the Political Science Department, Social Science Faculty, Tirana University, May 2012
** Data from the International Monetary Fund, May 2013

Source: Economic Well-Being Indicator from the World Bank, May 2013

Table 2 Economic and Subjective Well Being Correlation

<table>
<thead>
<tr>
<th>Albanian electorate 1998-2012 (Independent Variable)</th>
<th>Subjective Well Being Indicator (Dependent variable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Correlation (Sig. (1-tailed))</td>
<td></td>
</tr>
<tr>
<td>Inflation</td>
<td>-.998 (.019)</td>
</tr>
<tr>
<td>GDP per capita</td>
<td>-.344 (.388)</td>
</tr>
<tr>
<td>Employment</td>
<td>-.985 (.055)</td>
</tr>
<tr>
<td>GNI per capita</td>
<td>.243 (.422)</td>
</tr>
<tr>
<td>Unemployment</td>
<td>.980 (.064)</td>
</tr>
<tr>
<td>Total investment</td>
<td>-.816 (.196)</td>
</tr>
<tr>
<td>General government revenue</td>
<td>.217 (.430)</td>
</tr>
</tbody>
</table>

Correlation is significant at the level .05

To search for a possible impact of economic welfare variable to the subjective well being variable during 1998-2012 showed in table 1, is needed this data to be processed in the form of regression analysis. The correlation results of the
impact of the independent variable (economic well being indicator) and its components: Inflation per capita, GDP per capita, Employment, GNI per capita, Unemployment, Total investment, General government revenue to the dependent variable of subjective well-being of Albanian electorate are shown in table 2.

3.1 Regression data analysis

The first correlation to be analyzed is the one with the Employment as independent variable. It influences on SWB at a very the large range of -.985 (98.5 %). This relationship can be considered as significant although at an average level of .055, which means that Albanian electorate subjective well being is very much related (caused) from the Employment situation during this period. The employment/SWB correlation is a negative correlation which means, when the number of employment increases the SWB decreases. This correlation is confirmed from the Unemployment-SWB positive correlation at the level of .980 (which is a high level of correlation), but the significance of this relationship is low at the (.064). On the other hand, if I correlate this result to the employment correlation result, I can conclude that employment/unemployment causes SWB but probably especially in the unemployment variable there could be other intermediate variable, or some other factors could interfere its SWB relationship which serves also as intermediate factors. This could be factors such as democratic governance, sociological, cultural, etc., but these are not the in this paper case interest of study.

The negative correlation it is interesting to be explained, because logically it was expected to be the complete contrary, a positive one. In 2011 SWB has decreased to 5.1, employment has increased to 52.3. One way to explain is that if the employment increases causes the decreases electorates’ free time. This results can be explained with the fact that employment had a very slow increase with an average of .1 to .2 points, that means a very low, probably not a considerable number of Albanians electorate have been employed; numbers which are very probably not to have an impact to SWB. In addition, the increasing inflation rate, except 2012 with a decrease to 2.02, has a direct impact on the decreasing Albanians electoral families’ consumer basket.

This variable is going to be analyzed below in more details. In this matter we have to take into account also the fact that Albania electorate values are those of the materialistic ones. In studies\(^2\), appears that may be considered acceptable as a general trend towards the strengthening of materialist profile of Albanians, although there are elements, few in number and weight, which speak for a slight trend in the opposite direction (A. Kocani, D. Bërdufi, 2012). This deterioration of "subjective well-being" indicator, constitutes signs of growing concern about the possibility of social explosions in the population (Inglehart, R., Wayne E. Baker, 2000, February 19), which can be interpreted as a necessity of changing the policy alternatives and programs as the electorate perception of the welfare gets worse.

Thus, individuals become even more pragmatic (not good living conditions or other problems increased in recent years in Albanian Republic) tends them in seeking their moment desires satisfaction (which is itself an element of materialistic profile) (Bërdufi D., May 2013, pg. 583). They tend not to enjoy the hard work, but simply the “easy money” and free time. Even the last years crises of the global economy and the low level of payment for a normal day of work (even not enough to pay for the shopping basket), still does not bring Albanians to like work, and some of them prefer assistance or pensions (easy money). This result is very disturbing since it clearly reveals a passive behavior for work affecting the social and economic development even though the governmental policies in place enhance the economic welfare of citizens and entrepreneurs.

The employment argument is one of the main focus points of the electoral parties’ program for the Parliamentary election of June 2013. In fact, employment results to be one of the prime electoral program points of the main Albanian electoral parties of 2013 parliamentary election (Democratic Party of Albania, Socialist Party of Albania and Socialist Movement for Integration). This argument is closely related to one of the main promises of the electoral program of the two main parties of Albania is increasing the number of employment in 250000 the Democratic Party of Albania (Partia Demokratike e Shqipërisë, June 2013) and 300000 the Socialist Party of Albania (Partia Socialiste e Shqipërisë, May 2013). Based on the above regression, the results of this indicator impact to the SWB remain very doubtful to have a positive impact to the electorate to increase the support for a party or coalition.

Inflation per capita has a very strong negative correlation with the SWB at the -.998, with a high significant .019, which means that inflation per person in Albania electorate influences at a very high level the Albanian Electorate SWB. If the inflation per capita increases, it causes the decrease of the Albanian electorate SWB. In 1998 the SWB was -.2 percent (near the 0 and under minus level it can be probably expected an electorate revolt or social explosions) and the

\(^2\) Not taking into account other influence factors
Inflation rate was at 20.6. In the 2003 it can be seen an overturn of this two data, The SWB has increased at the 3.5 percent and the Inflation rate has decreased at the 0.5 level. The inflation rate increases till 2008, instead the SWB decreases and than rises at the 19 percent in 2007, decreases again in 2008 at the 7.6 percent. From 2008 to 2010 they both increase in their values, and then both decrease.

This direct impact of inflation changing the SWB of the Albanian electorate can be explained thought the Albanian behavior relating to “easy money”. The inflation change directly influences to family and individual portfolio, particularly in the consumer basket price increase; inflation increases results to less money available for spending. Fewer products to consume in combination to a prospective of hard work idea and less free time in disposal results in increasing directly the unhappiness and un-satisfaction of the electorate.

If reflecting the decrease of SWB into votes, the increase of Inflation, as it has happened during the last 4-5 years (with the exception of 2008 with 2.3) means probable negative result to the actual governance of Albania (Democratic Party).

Total Investment is another indicator that has a correlation with SWB at a large point of -.816. As Inflation and Employment also this relationship is a negative one. It means that if total investment increases the Albanian electorate SWB decreases. But I can’t say that this relationship is significant (.196) since it is higher than the standard level (.05) of significance. The probability of other factors intermediating is higher is this case, most probably because Total Investment not like other analyzed indicators is not perceived directly from the voters in general but only from a minority of population directly related affected from the investment. Government Investment effects take value to the whole population only after a period of time however the short term taxes and governmental financing to the investment project are perceived from voter in some degree of dissatisfaction, same tendency as in the private sector. Long term investment requires a well studied micro and macro analyses to estimate the short term impact on the voters. In order to reduce the short term negative effect, such as employment and subventions to specific market segments, could be a method to decrease the citizen’s short term dissatisfaction.

The remaining indicators are GDP per capita, GNI per capita and General government revenue, indicators directly derived from individual work/achievement and respective personal income which relates to the entrepreneurship affecting the governmental policies through their specific requests and intertwined dependencies. They cannot be considered as influential to the Albanian voter SWB since from the regression table 2 it can be noted that this relationship corresponds to the level of -.344, .243, and .217 (which are very below the considerable level of being in a relationship between them). This result is confirmed from the not significance level of each of the three relationship (.388), (.422), (.430). These results confirm that these three indicators do not serve as a cause for the Albanian Electorate SWB.

In June 2013 elections, Employment/Unemployment and Inflation rate will be the three main impacting indicators of the Albanian electorate subjective well being. These indicators combined to the decreasing tendency of SWB during the last years will affect negatively the support of the government, translated in decreasing the number of votes for the actual governance of Democratic Party that for 8 years now has governed Albania.

Graph 1. 1998-2012 dynamic trend of SWB and Inflation per capita
Graph 2. 1998-2012 dynamic trend of SWB, Inflation per capita, Total Investment, and Employment

The graph 1 and 2 confirms the conclusion of the regression analysis. In most of the indicator curves dynamics from 1998 to 2012 there is no correlation of their trend. Almost all economic indicators trends differ from the subjective well being indicator in the oscillation aspects. The SWB does oscillate considerably during these years, it increases and decreases rapidly, particularly 2005 it decreased at -17 percent, 2010 it increased at 41 percent and it decreased again in 2012 at -18.4 percent. Meanwhile the other (economic) indicators do not oscillates with those margins. Almost all of them are increasing or decreasing slowly, except the two that from the regression analyze correlated with the SWB, inflation per capita which trend of the curve goes in the opposite direction from the SWB, which confirms the regression analysis, retaliated in the indirect proportion. The same thing as the inflation per capita can be said for the employment curve. It has the same fluctuating trend, in the opposite direction of the SWB, although also employment and unemployment curve do not have that large margin of oscillation as does the SWB.

4. Conclusions

From the regression analyze of the assumption that Economy Well-Being (objective Indicators) cause Subjective Well Being at Albanian electorate in the 1998-2012 period; the results of the correlation can be grouped in three:

Table 3. Grouped correlations results.

<table>
<thead>
<tr>
<th>1. The relationship correlates (sig.)</th>
<th>2. The relationship doesn’t correlate (sig.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inflation per capita -.998 (.019)</td>
<td>1. GDP per capita -.344 (.388)</td>
</tr>
<tr>
<td>Employment -.985 (.055)</td>
<td>2. GNI per capita .243 (.422)</td>
</tr>
<tr>
<td>Unemployment .980 (.064)</td>
<td>3. General government revenue .217 (.430)</td>
</tr>
<tr>
<td>Total investment -.816 (.196)</td>
<td></td>
</tr>
</tbody>
</table>

In conclusion: The base assumption of this paper “economic well being causes subjective well being” is confirmed partially.

The analysis of the correlation between Economic and Subjective Well-Being Indicators and changing dynamics during 1998-2012, allows us to understand that economic welfare is one of the causes of subjective well being of Albanian voter in the analyzed period. In terms of data it is confirmed 42, 86 %, what means that economic indicators are not the only one factor that cause Subjective well being to Albanian electorate. If we put into account even the Total Investment indicator the percentage goes to about 52 % of economic indicator, which means that economic situation
covers a considerable part of Albanian voter subjective well being (satisfaction and happiness). The numbers shows that the other analyzed economic indicators except employment/unemployment, inflation per capita do not influence on the Albanian electorate well being. It's important to mention here the total investment may be included as an effecting variable but not as a direct influencing one.

This analysis shows that although the economic situation causes only about 50 percent of the Albanian voter Subjective Well Being, there must be a correlation to the economic situation and other influential factors that might have equal or lower influential possibility of affecting the Albanian voter Subjective Well-being, such as cultural, sociological, etc. This means that other then economic factors have influential effects to the voters in this period of time. Although the drastic percentage decline of the Social Welfare Indicator, the not influential low increase of Employment and GDP per capita, and the decrease of total Investment, leads to the forecast of the potential demand of Albanian voters for political rotation in June 2013.

This allows also the realization of future predictions, as for example an added value for all stakeholders involved in the political game searching the right point to serve the electorate to increase their support. Based on this analyze\textsuperscript{3}, in addition of increasing their support, political parties, should include in their programs and activities a high percentage of themes concerning individual well being, particularly, decreasing level of Inflation per capita, increasing level of employment in high proportion, not at the current up insensitive low level percentage of increased employment and low raise of wage (payment) due to the high impact of materialistic profile of Albanian voter.

5. Acknowledgement

This paper was prepared in May 2013. The prediction made at the end of this paper, of the political rotation from the right Albanian political wing of Democratic Party to the left wing political parties, was confirmed from the 23 June 2013 electoral results.

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Appendix

Figure 1. GDP per capita and SWB in the world.

Abstract

The aim of this paper is to analyze the conflict between the spiritual and the sensual dimension in Kate Chopin's short stories, specifically in "Two Portraits", "Lilacs" and "A Vocation and a Voice". Kate Chopin is the author of some of the boldest and best stories written in America before the 1960s. She set most of her stories in late nineteenth-century Louisiana and portrayed characters from all social classes of her time and place. Her stories explore the relationships between these various classes and especially, relationships between men and women. In her stories are treated all sorts of taboo subjects such as miscegenation, divorce, and even female sexuality. Chopin concentrated on the immutable impulses of love and sex and was deeply influenced by Walt Whitman and Guy de Maupassant in this regard. She was the first woman writer in her country to accept passion as a legitimate subject for serious, outspoken fiction. Revolting against tradition and authority; with a daring which we can only fathom today; with an uncompromising honesty and no trace of sensationalism, she undertook to give the unsparing truth about women's submerged life. Kate Chopin is considered today by many critics as a prophet of the twentieth century feminism.

Kate Chopin (the name is pronounced in the French way) became known to the American reading public in the early 1890’s through her Louisiana tales in Vogue, the Century, and the Atlantic. She was the daughter of an Irish immigrant father and a St. Louis mother. Kate Chopin was educated in a Roman Catholic convent school where she was exposed not only to catholic teachings but also to a French emphasis on intellectual vigor. Kate became thoughtful and open-eyed, an omnivorous reader and an inquisitive observer. She was greatly interested in the careers of writers. Chopin admired and translated Maupassant, and she combined in her excellent style French limpidity with Irish grace. At the age of twenty she married a French Creole and went to live in Louisiana. (The Creoles were pure blooded descendants of French and Spanish colonists. Their society was more European than American, with more relaxed canons of civility and an open sensuality, even though discrete.) In the picturesque and cosmopolitan city of New Orleans she became acquainted with the Cane River Creoles, Negroes and Acadians or Cajuns. (The Cajuns were descendants of French settlers whom the British had expelled from Nova Scotia in the eighteenth century.) The Chopin’s family plantation was later to provide the setting for Kate Chopin’s first novel. The thirty-nine year old Kate was a very mature woman when she turned to writing in earnest and her attitudes are markedly consistent through practically her whole oeuvre.

Many of the views which informed Kate Chopin’s fiction from the start are suggested in her essays of the middle 1890s. She insisted here that no author can be true to life who refuses to pluck from the Darwinian tree of knowledge and to see human existence in its true meaning. To her nature was amoral, playing with man, and morality was man-made and relative. In her view, man is basically the same today as he has ever been, that is, ruled by imperative, immutably selfish drives. To her art was incompatible with a thesis and with a zeal for reform. “Human impulses do not change” Kate Chopin reported, and when Aeschylus is true today, one reason is that he does not deal with local color or with social problems which by their very nature are mutable.” (Seyerster.ed., The Complete Works of Kate Chopin [CW], 2006, p.693) As for herself, Kate Chopin concentrated on the immutable impulses of sex and Love, and Whitman and Maupassant were two of the authors who spoke most deeply to her, probably because they acknowledged the existence of Eros and because they had helped to extend the literary limits to the treatment of sex. Though she leaned to the French school, she believed that American writers with their “wider and more variegated field of observation” might equal and perhaps even surpass the French authors, “were it not that the limitations imposed upon their art by their environment hamper a full and spontaneous expression”. (Seyersted, 1980, p.89)

Kate Chopin reached the highest point of her public success in 1894 when Bayou Folk, her first collection of short stories came out. She was welcomed in more than a hundred press notices as a distinguished local colorist. Local Color is a term applied to fiction that came to prominence in the late 19th century and was devoted to capturing the features
and peculiarities of a particular locality and its inhabitants— their distinctive dialect, history and customs. A large number of Kate Chopin’s works are set in Natchitoches, which she made her special literary province, and inevitably they have many traits in common with the local color literature of her time. Discretely, yet forcefully, she evokes her particular locality with the enchanting Cane River atmosphere, the quaint idioms, and the charming idiosyncrasies of the Natchitoches people. But even though she concentrated on what was then a distant, exotic community, she never emphasized the strange or remote; and though like George W. Cable and Grace King she commanded a wealth of local material, she did not join them in focusing on old Creole days. She was concerned with the living present rather than the past, with universal rather than regional aspects of life. Kate Chopin’s interest was not so much idyllic localism as what she termed in one of her essays “human existence in its subtle, complex, true meaning, stripped of the veil with witch ethical and conventional standards have draped it.” (CW, 2006, p. 691)

The sudden national fame inspired Kate Chopin to write “The Story of an Hour”, a most remarkable account of a woman who exclaims “Free! Free! Free!” (CW, 2006, p. 353) when she hears of her husband’s sudden death. Her subsequent writings reflect an increasing self-confidence and daring. The reason why editors now turned down a number of her stories was very likely that her women became more passionate and emancipated. Her very first, Paula Von Stoltz of “Wiser Than a God”, refuses the “labor of loving” (CW, 2006, p. 45) which a man wants to impose upon her, and becomes instead a famous pianist. In thus opposing the traditional female duties and limitations. She is a female who insists on the active transcendence of a subject rather than the passive immanence of an object, on an existentialist authenticity obtained through exerting a conscious choice, giving her own laws, and making herself her own destiny. Mildred Orme of “A Shameful Affair” is another illustration of this type of woman. She rejects the role of the passive, innocent party who makes no advances in sexual relations and demands instead the responsibility of an active subject. The new force which was freed in Kate Chopin through the success of Bayou Folk is seen particularly in her heroines who live out their strong impulses. Chopin saw and understood all aspects of the female psyche, and her particular interest was the woman’s awakening to her true nature, whether traditional, emancipated, or a mixture of the two. In “Regret” she describes how the middle-aged Mamzelle Aurélie all of a sudden realizes what she has missed by not having children.

Kate Chopin is the author of some of the boldest and best stories written in America before the 1960s. In her stories are treated all sorts of taboo subjects such as miscegenation, alcohol, divorce, and even female sexuality. Of a particular importance in her stories is the treatment of the identity crises that both man and women face, the conflicts that rise between selfhood and sexual attraction. Three of the short stories where she deals with this conflict between the spiritual and the sensual dimension are “Two Portraits”, “Lilacs” and “A Vocation and a Voice”.

The short story “Two Portraits” was earlier given other titles by Chopin, at one time calling it “The Nun and the Wanton” and at another time “The Nun, the Wife and the Wanton” (CW, 2006, p. 1026). All three titles, of course suggest that the protagonist, Alberta, exists in an undivided state. Chopin first sketches the character of Alberta the Wanton, who becomes a prostitute at an early age, and she takes good care of her body “for she knows it will bring her love to squander and gold to squander”. (CW, 2006, p. 463) Someone tells Alberta to save her gold, warning her that she will not always remain young and beautiful. But Alberta, like many Chopin characters, knows a way to escape that which she cannot face: “with death and oblivion always within reach” she need never fear the “degradation” of age and “ugliness”. (CW, 2006, p. 463) Alberta the Wanton, possessing no spiritual dimension, can end her existence whenever the “ugliness” of age threatens “degradation”. After completing her portrait of Alberta the Wanton, Chopin puts the same raw materials into a different environment and creates by contrast Alberta the Nun, who needs a physical dimension as badly as her twin needs a spiritual one. Whenever Alberta tries to experience God with her senses a mother figure tells her that one reaches God with the soul, not the body. This “holy woman” teaches Alberta “that the soul must be made perfect and the flesh subdued” (CW, 2006, p. 464).

Consequently, when this Alberta matures, she feels an overpowering impulse toward the spiritual; and so she enters the convent, where she sees “visions” that seem to be at least as sensual as they are spiritual. Their effects are described through such terms as “ecstasy”, “roused”, “awakened”, “pressed her lips”, “quivering contemplation”, “abandon herself” and “swooned in rapture” (CW, 2006, p. 465-466). Thus Alberta the Nun with her attention riveted upon heaven, remains as pathetically unfulfilled as Alberta the Wanton, whose total existence centers upon the flash. Both lack a necessary dimension.

The short story “Lilacs” develops a similar theme to that of “Two Portraits”, but here two different individuals embody the Wanton and the Nun and each comes to realize what her life lacks. The protagonist Mme. Adrienne Farival, represents the Wanton, although Chopin develops Adrienne’s character more fully than Alberta’s. Adrienne— an actress, singer, object of devotion to a series of man- lives an exciting life. But every spring when the lilacs first bloom, she goes
to visit the convent where she once attended school. She arrives with an armload of lilacs and an expensive gift for the convent; and she remains for two weeks, her pleasure in the quiet peacefulness revealing that her worldly life lacks something important. Sister Agathe, that in this story represents the Nun, looks forward to Adrienne’s visit one lilac-time to the next, declaring that “If you should once fail to come, it would be like spring coming without the sunshine or the song of birds” (CW, 2006, p. 358). Her joy at the light and life associated with Adrienne reveals the incompleteness of convent life.

But one spring Mother Superior, apparently having heard about Adrienne’s worldly life, writes a cold message forbidding Adrienne to enter again the convent premises. When Adrienne arrives with her lilacs, a messenger silently hands her the letter and then closes the doors in her face. Consequently, Adrienne and Sister Agathe both suffer greatly. Each needs that brief but nourishing contact with the other’s world to fill a bit of the void that exists inside herself.

The short story “A Vocation and a Voice” makes it clear that Chopin knew the strength of sexual attraction and the conflicts that rise between it and selfhood. And here in this short story it is shown from a masculine point of view. The story features a homeless, loveless, even nameless protagonist who is called only “the boy” until almost the end of the narrative. “A Vocation and a Voice” essentially tells the story of the boy’s search for his own identity.

The boy one day decides to go along with a gypsy couple he encounters. He enjoys camping out and contributes his share to the group’s welfare by doing various chores. By calling him only “the boy,” the narrator emphasizes his youthful innocence. And as the story unfolds, his namelessness poignantly emphasizes the universality of his experience- the loss of innocence and the accompanying search for place, love and knowledge of self. The boy finds a place with this make-shift family as they make their leisurely way southward. They stop for a month near a village, where the boy renews his close contact with the Catholic church. When Suzima and Gutro, the gipsy couple, decide to move at the end of a month, the village priest tries to get the boy to stay. But the boy refuses: “I got to go,’ he murmured. Yes, he wanted to lead an up-right, clean existence before God and man…. He liked the village, the people, the life which he had led there. Above all he likes the man whose kindly spirit had been moved to speak and act in his behalf. But the stars were beginning to shine and he thought of the still nights in the forest. A savage instinct stirred within him” (CW. 2006, p. 536). Perhaps the man is beginning to awaken within the boy.

Suzima often sings as the three walk along the road. “The boy thought he had never heard anything more beautiful than the full, free notes that came from her throat, filling the vast, woody temple with melody. It was always the same stately refrain from some remembered opera that she sang” (CW, 2006, p. 527). In fact, “the only stately refrain” (CW, 2006, p. 533) grows so familiar to the boy that he sometimes hears it in his dreams.

This idyllic existence continues until one day the boy happens upon Suzima bathing nude in a little stream. “He saw her as one sees an object in a flash from a dark sky- sharply, vividly. Her image, against the background of tender green, ate into his brain and into his flash with the fixedness and intensity of white hot iron”. Afterward the woman at first acts “less kind” (CW, 2006, p. 539) to him, but they soon become lovers.

The sexual experience produces an immediate, dramatic effect: “A few days had wrought great changes with the boy. That which he had known before he now comprehended, and with comprehension sympathy awoke. He seemed to have been brought in touch with the universe of men and all things that live. He cared more than ever for the creeping and crawling things, for the beautiful voiceless life that met him at every turn;… that silently unfolded the mysterious, inevitable existence” (CW, 2006, p. 541). Thus the boy who began the story without place, love or knowledge of himself has found all three.

But inevitably his love for Suzima and his new comprehension of life soon make his place as “the boy” in this household untenable. A quarrel between Gutro and Suzima sets off the explosion: “Suddenly, the man, in a rage, turned to strike her with a halter that he held uplifted, but, quicker than he, the boy was ready with a pointed hunting knife that he seized from the ground” (CW, 2006, p. 542). Although the fracas causes no serious physical injuries, its results nevertheless reach far.

The boy thus encounters an abrupt challenge not only to his delicious new feeling of understanding and sympathy with all of life but even to his long-held concept of his own inner person: “He had always supposed that he could live in the world a blameless life…. He had never dreamed of a devil lurking unknown to him, in his blood, that would someday blind him, disable his will and direct his hands to deeds of violence…. He felt as if he had encountered some hideous being with whom he was not acquainted and who had said to him: “I am yourself” (CW, 2006, p. 542) This new concept of himself he finds unbearable, and so he enters a monastery, the “Refuge”(CW, 2006, p.544), where he succeeds for years in hiding from “the devil lurking… in his blood.”

At the refuge the boy acquires a new sense of who he is and, at last, even a name- brother Ludovic: “He often felt that he had been born anew, the day whereupon he had entered the gate of this holy refuge. That hideous, evil specter
of himself lurking outside, ready at any moment to claim him should he venture within its reach, was, for a long time, a menace to him. But he had come to dread it no longer, secure in the promise of peace which his present life held out to him”. (CW, 2006, p. 543-544)

Thus he comes to feel secure in his new place and in his knowledge of himself. Brother Ludovic has a great dream, to build a solid stone wall round the Refuge. He works feverishly at this task that will take a lifetime to complete. “He liked to picture himself an old man, grown feeble with age, living upon this peaceful summit all enclosed by the solid wall built with the strength of his youth and manhood”. (CW, 2006, p. 544)

But he learns that this self-image, too, lacks completeness. One day while working on his wall, “Suddenly Brother Ludovic stopped, lifting his head with the mute quivering attention of some animal in the forest, startled at the scent of approaching danger….. The air was hot and heavy….. He could hear soft splashing at the pool. An image that had once been branded into his soul… unfolded before his vision with the poignancy of life” (CW, 2006, p. 545)  These strong appeals to the senses of smell, sight, hearing and touch remind the reader that Brother Ludovic remains a physical being as well as a spiritual one. Then a distant sound draws nearer, and the images grow more sensual: “he had heard the voice of a woman singing the catchy refrain from an opera… The sound was faint and distant but it was approaching, coming nearer and nearer”. Finally, the sexual magnetism overpowers Brother Ludovic: “He was conscious of nothing in the world but the voice that was calling him and the cry of his own being that responded. Brother Ludovic bounded down from the wall and followed the voice of the woman”. (CW, 2006, p. 546)  Thus Brother Ludovic learns that he needs more from life than a secure place, even the “Refuge”; that nothing, not even rock walls, will contain the force of sexual attraction; and that he may never know fully that complex person who dwells within himself.

In conclusion in these three short stories “Two Portraits”, “Lilacs” and “A Vocation and a Voice” Chopin shows that both the physical and the spiritual dimensions of life are important. And that man as well as women face identity crises and conflicts between the spiritual and the sensual dimension. Despite the distinctly masculine point of view in “A Vocation and a Voice”, the boy exhibits universal, conflicting needs that transcend the limitations of gender. In Chopin’s day society allowed, although it did not encourage, a writer to examine these human needs from the masculine point of view. But when the same author later offered in The Awakening a female character, Edna Pontellier, engaged in a similar struggle to find herself, the public and most literary critics ostracized Chopin and her works, bringing to a virtual conclusion her literary career.

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Processi Dinamici nella Cultura Postmoderna:
Interpenetrazione tra Pubblicità e Cultura

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Abstract

Dynamic processes in the culture of Post-Modernism: Interpenetration of advertizing and culture. The work describes dynamic processes taking place in culture of the era of postmodernism which are characterized by a sharp growth of cultural and social diversity, declarations of the plurality principle, fragmentation of the cultural unity, attention to personality and its inner world, self-controlled structures, identity problems, increase in the opportunities for diversity of progress, refusal from some principles of the global social action. Purpose of the research is to establish the causes and mechanisms of the dynamic processes’ influence on the modern society through analyzing the era of postmodern culture. Advertizing, as a “mass culture” element, creates an uncritical, consumer consciousness. Advertisng and culture of the postmodern era are in a close interrelation, and have an effect of interpenetration.

Keywords: culture of a postmodern, cultural dynamics, deformation of values, mass consumer society, advertising, symbol in advertising

La scelta di questo tema è condizionata dalle tendenze di spostare l’umanità nel nuovo periodo ossia nell’epoca postmoderna. La società moderna si trova in una situazione in cui ha bisogno di trovare certi regolatori dei processi culturali che potrebbero motivare e apprezzare la caratteristica dei cambiamenti delle trasformazioni che stanno avvenendo nella cultura, siccome la società della cultura classica è arrivata a un nuovo livello di sviluppo grazie al potenziamento tecnico-scientifico e alla rivoluzione informatica.

L’obiettivo della ricerca è manifestare le cause ed i meccanismi dell’influenza dei processi dinamici sulla società moderna, analizzando l’epoca della cultura postmoderna.

La rilevanza della ricerca di questo tema proviene prima di tutto dai processi dinamici nella cultura dell’epoca postmoderna caratterizzata da un drastico aumento della varietà culturale e sociale; dalla proclamazione del principio della molteplicità; dalla frammentazione della concordanza culturale; dall’attenzione alla personalità e al suo mondo interiore, alle strutture autogovernate, ai problemi dell’identità con l’aumento delle possibilità della multivarianza del progresso, con il rifiuto di alcuni principi dell’effetto sociale universale.

I cambiamenti impetuosì nella sfera tecnica e tecnologica, il progresso tecnico-scientifico rinnovano radicalmente lo spazio materiale, in cui si svolge direttamente l’attività umana. Lo sviluppo delle scienze della società e della cultura della seconda metà del XX – l’inizio del XXI secolo hanno notato abbastanza distintamente le funzioni programmatorie della cultura e dell’ attività vitale umana. Gradualmente è venuto fuori che non esiste un settore di attività, di comportamento e di comunicazione tra le persone, non esistono competizioni, strutture, istituti sociali, che apparirebbero, riprodurrerebbero e muterebbero fuori l’influenza culturale» (Stepin, V.S. (2011) Civiltà e cultura. San Pietroburgo: SPbGUP. p. 78)


La deformazione dei valori costituisce la conseguenza della trasformazione della coscienza, che avviene sotto l’influsso dei cambiamenti globali nella cultura di quest’epoca. Il professor E. V. Socolov osserva: «Lo sviluppo della cultura è collegato sia alla crescita dei valori che alla loro trasformazione qualitativa. I valori costituiscono l’essenza motivazionale della condotta dell’uomo e il loro sistema influenza direttamente sulla stabilità dei rapporti sociali,
sull’intensità del lavoro, sulla direzione e le dimensioni dell’attività creativa. In questi sono sintetizzati, evidenziati e purificati i lati più sostanziali e significativi dell’esperienza umana e si sono depositati pensieri e sentimenti di molte generazioni. Perciò i valori appaiono come i fenomeni normativi che regolano la condotta, il sistema dei rapporti sociali e perfino la vita psichica» (Sokolov, E.V. (1972) Cultura e personalità: Nauka. pp. 90-91)

Secondo il ricercatore V.V. Bychkov il pensatore tedesco F.Nietzsche era uno dei primi filosofi del suo tempo che ha sentito la crisi della cultura e dell’arte e in gran parte le sue idee hanno influenzato la formazione dei fenomeni del periodo postmoderno. «F.Nietzsche ravvisava i motivi della crisi della cultura nella superiorità dell’intelligenza sull’istinto; nel culto dell’anima e dell’inizio spirituale; nel riconoscimento della prevalenza del mondo spirituale su quello materiale; nell’invenzione dell’idea di Dio. F.Nietzsche sosteneva “il rifiuto della dittatura e del culto della ragione e della morale tradizionale”; la soluzione “al di là del bene e del male”, cioè il rifiuto delle valutazioni unidimensionali e identiche e dei valori stabili» (Bychkov V.V. (2004) Estetica: un libro di testo. Mosca: Gardariki. pp. 313). Il permissivismo, come credeva F.Nietzsche, è la particolarità distintiva dell’aristocrazia e della grandezza del uomo nuovo, chi si trova dall’altra parte dei valori universali.


Uno dei primi che ha apprezzato il significato dell’approccio relativistico alla storia, era O.Spengler che nel suo libro «Il tramonto dell’Occidente» ha confrontato le scoperte di F.Nietzsche con quelle di N.Kopernik.

La post-cultura è caratterizzata, come già menzionato, dalla frammentazione dell’unità culturale, dall’attenzione alla personalità e al suo mondo interiore, dalla crescita delle opportunità della multivariata del progresso, dall’incremento improvviso delle varietà culturali e quelle sociali. Ma lo sviluppo della post-cultura non è possibile senza mass media che la considerano il fattore e di conseguenza la post-cultura diventa cultura di massa.

Non è possibile parlare di cultura di massa senza rivolgersi alla pubblicità, a questo potentissimo strumento di fondazione della coscienza sociale.


Questa vicinanza di pubblicità e "cultura di massa" porta molto spesso al punto in cui le stesse si chiedono aiuto di continuo. Per esaltare delle qualità speciali dei prodotti la pubblicità usa spesso gli strumenti e anche la tecnologia di «cultura di massa», ad esempio: delle canzoncine popolari; delle immagini tradizionali, diventate già mitiche, dei cartoni animati o dei fumetti. D’altra parte la «cultura di massa» usa molti meccanismi affidabili della pubblicità e le sue relazioni con i consumatori di massa; i suoi metodi tradizionali dell’influenza sulla coscienza collettiva, ad esempio: ripetitività, insolenza intenzionale, appello ai bisogni immaginari, relazione con le leggi di mercato, con quelle della domanda e dell’offerta, ma non con la mente.


In questo caso si osserva il parallelo tra gli strumenti e meccanismi che usa la pubblicità e le previsioni del filosofo tedesco chi rilevava nei suoi giudizi che riguardavano la crisi di cultura, la priorità dell’assurdo, della paradossalità, del relativismo di tutti i valori.

Il riflesso delle sue parole lo troviamo nella pubblicità moderna la sostanza di cui sono composte delle
dichiarazioni di F. Nietzsche che non hanno ancora perso la loro attualità.


Mediante la pubblicità, la «cultura di massa» è diventata un’industria enorme che si sforza di sostituire l’arte vera e la cultura vera. La «cultura di massa» crea la mitologia moderna e la pubblicità introduce questi miti dentro la coscienza di massa.


Dunque la pubblicità costruisce e sostiene l’esistenza della "cultura di massa" e anche costituisce la sua condizione necessaria. La «cultura di massa» per ottenere l’elevazione di efficienza, rende la pubblicità più raffinata e più ironica. (U. Eco)

Analizzando la specificità dell’influenza della pubblicità sulla società consumistica non si può non notare che la pubblicità usa molto spesso i simboli. Proprio il simbolo di qualsiasi epoca è una specie di catalizzatore. (J. M. Lotman)

Vediamo le definizioni dei ricercatori riguardo al simbolo.

O. Spengler nel suo lavoro principale "Il tramonto dell’Occidente" formula il concetto di carattere filosofico-culturale basato sulle nozioni di cultura e di civiltà.

Il concetto storico-culturale di O. Spengler si costruisce sui confronti, sulla correlazione e peggiori sulla contrapposizione paradossale di «cultura» e «civiltà». Nello stesso tempo la critica giusta delle teorie tradizionali, la ricerca della situazione socio-culturale moderna, la prova di analizzare gli origini della crisi culturale rendono il libro «Il tramonto dell’Occidente» molto attuale.

Dal punto di vista dello scienziato, la chiave della comprensione della storia mondiale della cultura è il simbolo. Lui scrive che per ricreare lo spirito di un’epoca non è sufficiente solo illustrare la storia attraverso altri avvenimenti, monumenti, opere d’arte.

È necessario chiarire la correlazione più profonda tra le forme culturali che si trovano nel simbolo. «Popoli, lingue e epoche, battaglie e idee, paesi e Dei, arti e opere, scienze, rapporti giuridici, forme economiche, concezioni del mondo, gente famosa e eventi grandi; tutti questi sono simboli e sono soggetti ad interpretazione» (Spengler, O. (1993) Il tramonto dell’Occidente. Saggi sulla morfologia della storia mondiale. Mosca: Nauka)

Ogni cultura e ogni epoca hanno il proprio simbolo, il proprio segno rappresentativo. Proprio simboli e segni formano l’immagine della cultura e in un certo modo si mettono insieme in un tutto indivisibile che ricrea l’aspetto di un’epoca.

S. Freud, E. Fromm, J. Kristeva e gli altri esaminano il simbolo in qualità di unica possibilità mediata della rivelazione degli inizi inconsci nella psiche umana e nella cultura.

Un considerevole interesse suscitano le idee di K. G. Jung sull’esistenza delle immagini-simboli universalis dell’incosciente collettivo (come gli archetipi).

Nei limiti dell’interpretazione del simbolo nella cultura è rappresentata l’idea principale di A. F. Losev che ha fatto una delle ricerche più profonde sul simbolo, basandosi sulla tradizione platonica nella cultura europea. Per di più ha sintetizzato e rielaborato le opinioni, a quei tempi moderne, di P. Natorp, G. Kogen, G. Gusserl, avendo riflesso quegli indirizzi del pensiero filosofico che hanno formulato nei limiti della visione simbolica del mondo di P. Florensii e E. Cassirer. A. F. Losev considera simbolo il fondamento ontologico della cultura, il principio organizzativo della vita umana, che permette di creare l’universo. La corrente simbolica della filosofia di cultura ha permesso di trovare i nuovi metodi dello studio della cultura tramite i suoi simboli e ha determinato la tendenza di sviluppo della comprensione del problema nei limiti del moderno discorso culturologico.

E così il potere dell’influenza della pubblicità con l’uso dei simboli cresce notevolmente. La causa di ciò sta nel potenziale grande del simbolo, la valutazione di cui è stata riportata prima. Inoltre il simbolo pubblicitario è una parte significativa dell’estensione comunicativa nella cultura postmoderna, il modo per rappresentare la sua importanza e il suo stereotipo.

Come è già stato menzionato, il XX secolo si è distinto per cambiamenti seri nella cultura artistica. La tappa della
svolta è avvenuta nei anni 50, quando hanno cominciato a cancellarsi i limiti tra pubblicità e cultura. I mezzi artistici esistenti non riuscivano a trasmettere gli umori della società, che erano legati alla fioritura della cultura del consumo.

La soluzione è stata inaspettata: trascurando l'interpretazione, creare la realtà della società moderna, senza valutazione, analisi, ironia o emozione. L'attenzione dei pittori si rivolge alla pubblicità come indicatore singolare sociale, che è di per sè piena delle necessarie emozioni false, delle immagini, della valutazione. L'influenza della pubblicità è stata rafforzata dall'uso del simbolo, che era un potente mezzo espressivo.


Il simbolo dell'arte «alta» si assume per fondamento di tali opere e tramite la pubblicità varca il confine del sacrale e diventa pure di massa.

Così gli unici capolavori singolari per esempio «Mona Lisa» sono diventati delle riproduzioni non più preziosi dei francobolli.

Avendo segnato l'oggetto dell'arte come il prodotto del mercato il notevole rappresentante della Pop-Art A. Warhol continua a coltivare la sua partecipazione di massa, ottenendo l'effetto di «depersonalizzazione» di questo prodotto attraverso la copiatura dell'immagine nei limiti di un lavoro singolo o di una serie di questi. «Tutti i suoi lavori successivi ed i più famosi - sono le immagini del segno di dollar, della minestra in scatola, delle bottiglie di Coca-Cola copiate molte volte, le foto di celebrità riprodotte gran numero di volte».

Tra l'altro tale deprezzamento entra in contraddizione con la missione dell'arte stessa. A. Warhol è riuscito non solo a far somigliare le sue opere a oggetti di «cultura di massa» ma anche ad innanziare questi oggetti a livello dell'arte.

La minestra in scatola diventa un art-simbolo immortale. «Quando si sforzano di dissacrare la pratica, la società invece la consacra di più, - crede il culturologo francese J. Baudrillard, - E tutto finisce così che la loro prova, la più radicale di tutte quelle precedenti, della secolarizzazione dell'arte nei suoi temi e nella sua pratica apre la strada dell'essenziale e della certezza del sacro nell'arte mai vista prima…» (Baudrillard, J. (2006) La società dei consumi. I suoi miti e le strutture. M.: La Rivoluzione culturale; Repubblica, p. 155)

Sembra che la pubblicità avesse fatto l'impossibile: ha dato il prestigio, il valore a molto di quello che non era una vera realizzazione artistica, anzi non si è pensato neanche come un'opera d'arte, ma in questa qualità si vendeva e si comprava bene. È successa una cosa interessante: «...la protesta antiborghese è stata utilizzata dalla stessa realtà borghese…» (Ikonnikova, S.N., Bolshakov, V.P. (2010) La teoria della cultura: il manuale. San Pietroburgo: Peter. p. 484)

Siamo giunti alla conclusione che cultura e pubblicità si trovano tra di loro in una stretta interconnessione, e in più hanno l'effetto dell'influenza reciproca, dell'interpenetrazione.

Tramite la pubblicità, la «cultura di massa» è diventata un'industria enorme che ha respinto la vera arte e la vera cultura. La pubblicità come strumento dà alla «cultura di massa» la possibilità di esistere e di volgarizzarsi. A sua volta la «cultura di massa» rende la pubblicità più efficace. E la pubblicità usando una moltitudine di simboli acquisisce maggior influenza sulla società moderna. Pubblicità e "cultura di massa" formano la legge di funzionamento della società moderna, della «società di consumo».

References

Empirical Research on the Relationship between Economic Growth and Environmental Pollution in Jiangsu Province

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Abstract
On the basis of summarizing the status of the Environmental Kuznets Curve (EKC) home and abroad, this paper analyzes the relationship between Jiangsu Province's industrial three wastes indicators and establishes the optimal model environmental indicators according to the situation of the economic and environmental changes in Jiangsu Province from 1995 to 2010. Through research, the following conclusions come up: (1) The per capita GDP and the integrated level of environmental pollution EKC in Jiangsu Province is N-shaped with only one turning point; (2) The per capita GDP and the industrial wastewater emissions EKC in Jiangsu Province is N-shaped with two turning points; (3) Jiangsu Province's overall trend of the industrial waste gas emissions is quite similar with the industrial solid waste emissions, but its EKC is still within the rising phase.

Keywords: Jiangsu Province, economic growth, environmental pollution, Environmental Kuznets Curve

1. Introduction
In recent years, environmental issue has become one of the main constraints of Jiangsu Province’s economic development. In order to achieve sustainable economic development, we can’t ignore environmental factors. In the process of building Green Jiangsu, improving the environment in Jiangsu Province is the unavoidable reality facing the sustainable development of Jiangsu Province with no inhibiting the normal growth of the economy. Therefore, studying the interrelation between Jiangsu Province’s economic growth and environmental pollution is imminent [1].

2. Environmental Kuznets Curve (EKC) theory
In 1955, the American economists and statisticians, Kuznets, put forward the Environmental Kuznets Curve in their classic paper Economic Growth and Income Inequality. In the early 1990s, Grossman and Krueger introduced this idea to the study of the relationship between environmental pollution and economic growth, finding that the inverted U-shaped relationship between environmental quality and economic growth. Since then, EKC has won a widespread concern of many economists since its birth, and many scholars prove the EKC phenomenon from the perspective of economic structure, income environment elasticity of demand, international trade and international investment, which greatly enriched people’s understanding of the mechanism of EKC. Through a large number of empirical studies, we can see four types of relationships between environmental pollution indicators and economic growth indicators (per capita income): inverted U-shaped relationship, U-shaped relationship, synchronous relationship and N-shaped relationship [2].

3. EKC simulation of Jiangsu Province’s economic growth and environmental pollution
Since the reform and opening up, Jiangsu Province has undergone a rapid economic development. From 1995 to 2010, the average annual growth of the industrial gross domestic product (GDP) was 15.01%, and the GDP increased from 515.525 billion yuan in 1995 to 4.142548 trillion yuan in 2010; the per capita GDP increased sustained and rapidly, the average annual growth rate reached about 14.19% and the per capita GDP in Jiangsu Province grew to 52,840 yuan in 2010. From 1995 to 2010, the economy of Jiangsu Province increased steadily, and average annual contribution rates of the second and the tertiary industries were 61.09% and 34.09% [3]. From 1995 to 2010, the total industrial wastewater increased from 220184 million tons to 231014 million tons, industrial waste gas emissions increased to 3.1213 trillion standard cubic meters from 787.2 billion standard cubic meters, and industrial solid waste generated from the 28.83
So this paper selects Jiangsu Province’s representative environmental indicators to describe Jiangsu Province’s environmental pollution level: sewage wastewater emissions (million tons), industrial emissions (hundred million cubic meters) as well as generated industrial solid waste (million tons) and selects Jiangsu Province’s per capita GDP over the years to present the economic growth level. We select the rapid growth period in Jiangsu Province, 1995 to 2010, as the time-series data interval of environmental pollution indicators. All the data come from the Jiangsu Statistical Yearbook (1995-2010) [5]. According to the EKC theory, scholars usually use EKC model $y=b_0+b_1x+b_2x^2+b_3x^3+\mu$, in which $y$ is an indicator of environmental pollution, and $x$ means the per capita GDP, $b_0$, $b_1$, $b_2$ and $b_3$ are model parameters, while $\mu$ is the random error [6].

4. Model building of economic growth and environmental pollution level

To study the relationship between economic growth and environmental pollution level, we must establish a new indicator – the comprehensive environmental pollution indicator on the basis of the industrial three wastes indicators. We first multiply the density of exhaust gas with industrial emissions ($\rho=1.29$ kg/m$^3$). Then conduct conversion to get the unit of weight ton and add the total sum, namely: the total amount of environmental pollution emissions = industrial waste water emissions + industrial waste gas emissions × exhaust gas density + industrial solid waste volume [7]. By analyzing the integrated environmental pollution level and per capita GDP with the SPSS, the results are shown in Table 1 and Fig. 1.

Table 1. Simulation results of economic growth and the level of environmental pollution

<table>
<thead>
<tr>
<th>Equation</th>
<th>Model Summary</th>
<th>Parameter Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R Square</td>
<td>F</td>
</tr>
<tr>
<td>Cubic</td>
<td>0.903</td>
<td>37.047</td>
</tr>
</tbody>
</table>

The independent variable is per capita GDP (yuan)

Fig.1. The fitting curve of per capita GDP and the level of environmental pollution

Table 1 shows that $b_1>0$, $b_2<0$, $b_3>0$. So the EKC of Jiangsu Province’s per capita GDP and environmental pollution level shows the N-shaped characteristics. Fitting through the SPSS, we can find that there is an N-shaped EKC between the two. $b_2^2-3b_1b_3<0$ shows that the N-shaped curve has only one inflection point, $x^*=-b_2/3b_3=31447$ means that with the growth of per capita GDP, environmental pollution emissions continue to grow. And when the curve reaches the turning point -31447 yuan, the growth rate of environmental pollution will further increase, meanwhile the N-shaped curve increased monotonically.

5. Model building of economic growth and industrial three wastes pollution level

Using SPSS software to analyze the relationship between economic growth and industrial wastewater emissions, we can get the following simulation results (Table 2) and fitting curve (Fig.2).
Table 2. Simulation results of economic growth and industrial wastewater emissions

<table>
<thead>
<tr>
<th>Equation</th>
<th>Model Summary</th>
<th>Parameter Estimates</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>R Square</td>
<td>F</td>
</tr>
<tr>
<td>Cubic</td>
<td>0.990</td>
<td>426.713</td>
</tr>
</tbody>
</table>

The independent variable is per capita GDP (yuan)

Fig.2. The fitting curve of per capita GDP and industrial wastewater emissions

According to symbols of b₁, b₂, b₃ in Table 2, we can see that there is an N-shaped relationship between the per capita GDP and industrial wastewater emissions. b₂²-3b₁b₃>0 indicates that the N-shaped curve has two inflection points. After calculated, the income turning point turns out to be for 25,965 yuan and 36,928 yuan, that is, industrial waste water grows with the growth of per capita income. It begins to decrease after reaching the EKC turning point- 25,965 yuan. But this inverted U-shaped EKC relationship is only a temporary phenomenon, after the second turning point- 36,928 yuan in revenue growth, industrial wastewater emissions begin to grow with the increase in per capita GDP, so the whole process is an N-shaped curve. The economic growth and industrial waste gas emissions simulation result is shown in Table 3 by using the same model. The fitting curve of per capita GDP and industrial emissions is shown in Fig.3.

Table 3. Simulation results of economic growth and industrial waste gas emissions

<table>
<thead>
<tr>
<th>Equation</th>
<th>Model Summary</th>
<th>Parameter Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R Square</td>
<td>F</td>
</tr>
<tr>
<td>Cubic</td>
<td>0.946</td>
<td>69.728</td>
</tr>
</tbody>
</table>

The independent variable is per capita GDP (yuan)

Fig.3. The fitting curve of per capita GDP and industrial waste gas emissions
The symbols of parameters $b_1$, $b_2$, $b_3$ show that there is an N-shaped relationship between per capita GDP and industrial waste gas emissions. $b_2^2 - 3b_1b_3 < 0$ indicates that the N-shaped curve has only one inflection point, at which the income is $x^* = -b_2/3b_3 = 36,752$ yuan, and the curve increases monotonically. We can see from the actual observed data that the N-shaped curve shows that industrial waste gas emission grows with the growth of per capita GDP, and accelerates its growth across the inflection point of 36,752 yuan. The simulation results are shown in Table 4 and fitting curve is show in Fig. 4.

Table 4. Simulation results of Economic growth and industrial solid waste production

<table>
<thead>
<tr>
<th>Equation</th>
<th>Model Summary</th>
<th>Parameter Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cubic</td>
<td>R Square: .960</td>
<td>F: 97.105 df1: 3 df2: 12 Sig.: .000</td>
</tr>
<tr>
<td></td>
<td>F: 97.105 df1: 3 df2: 12 Sig.: .000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Constant: 578.386 b1: .275 b2: -3.29E-006 b3: 1.52E-011</td>
<td></td>
</tr>
</tbody>
</table>

The independent variable is per capital GDP (yuan)

![Fig. 4. The fitting curve of per capita GDP and industrial solid waste production](image)

6. Conclusions and recommendations

On the basis of the specific stage and the particular condition of economic development, this paper takes Jiangsu Province as example and conducts an in-depth study of the relationship between economic growth and environmental pollution. The conclusions are as follows:

1) The EKC of per capita GDP and the comprehensive level of environmental pollution is N-shaped, and there is only a turning point of 31,447 yuan, that is, environmental pollution deepens with the growth of per capita GDP;

2) There is an N-shaped relationship between per capita GDP and industrial wastewater emissions in Jiangsu Province, but there are two turning points, respectively, 25,965 yuan and 36,928 yuan;

3) The industrial waste gas emission of Jiangsu Province has the same tendency as industrial solid waste generation. In the short term, environmental pollution has a trend of accelerated growth. In the long term, when achieving a higher income level, pollution may be gradually improved, but it is still in the rising phase of the EKC.

A few recommendations are put forward according to the above research. (1) Transform the economic growth
mode and speed up the upgrading of industrial structure. (2) Improve the environmental investment, and promote scientific and technological innovation. (3) Develop the recycling economy. (4) Use economic instruments for environmental protection. (5) Improve the environmental laws and increase the environmental protection law enforcement. (6) Strengthen the environmental publicity effort and raise environmental awareness. (7) Conduct the implementation of green GDP accounting. [10]

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Cybercrime in the Perspective of the European Legal Framework

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Abstract

This paper analyzes the European legal framework on cybercrime. It focuses on the criminal law framework on cybercrime with a mainly European perspective, based on the new modern challenges that have emerged in the form of cyber-crime as criminal groups have taken effectively advantage of technologies. The growing danger from crimes committed against computers, or against information on computers, is beginning to claim attention in national capitals. In most countries of the European Union, however, existing laws are likely to be unenforceable against such crimes. This lack of legal protection means that businesses and governments must rely solely on technical measures to protect themselves from cyber-crime, with the introduction of new investigative powers and the facilitation of international cooperation. Cybercrime is a term that is used to refer to a broad range of different activities relating to the misuse of data, computer and information systems, and cyberspace for economic, personal or psychological gain. Policy-makers at the EU and at national levels, academics and law enforcement practitioners have put forward different definitions and systems classifying cybercrime as attacks against information systems, online fraud and scam schemes, identity theft, illicit trading or dissemination of illegal content such as child sexual abuse material. The Union should therefore promote policies and legislation that ensure a very high level of network security and allow faster reactions in the event of cyber disruptions or cyber-attacks.

1. Introduction

This paper provides an overall picture of the European legal framework concerned with the repression of cybercrime. This matter has been subject to intervention by a number of international institutions worldwide, such as the United Nations, the G8, the Organization for Economic Cooperation and Development (OECD), the Commonwealth, the Council of Europe (CoE) and the European Union (EU). From a European perspective, two international agreements are of particular relevance both for their (mainly) European focus and their legal effect: the 2001 Council of Europe Convention on Cybercrime (henceforth the CoE Convention) and the 2005 European Union Framework Decision on attacks against information systems (henceforth the FD) (Council of Europe, 2001; European Union, 2005).

Cybercrime provokes such high international concern because it has intrinsic characteristics which hamper its repression. In response to these distinctive features of cybercrime, the solutions are the reduction of frictions among national legislations, the introduction of new investigative powers, as summarized in section, and the improvement of international cooperation. This paper presents the main provisions and criticisms relating cybercrime and concludes by discussing the problems relating to the implementation and effectiveness of the instruments.

2. Cybercrime and European Legal Framework

Cybercrime may be defined in a narrow sense as any offence targeting computer data and systems or in a very broad sense as any offence involving a computer system. The first one risks being too restrictive as it would exclude phenomena that do exist in the physical world but have gained a different quality and impact through the use of computers, such as child pornography, fraud or intellectual property right violations.

It is important to apply a definition that covers new types of crime as well as old types of crime using computers without being too broad and therefore meaningless. The definition should be sufficiently robust to cover all relevant types of conduct even if technology evolves and phenomena of cybercrime appear to change almost every day. Finally, it should be possible to operationalise it for criminal law purposes in order to meet the rule of law principle that there cannot be a crime without a law.

Only conduct established as a criminal offence can be considered a crime. A definition should furthermore be widely accepted and not be limited to a specific country and the corresponding domestic legislation.
A concept or “definition” meeting these requirements, that is neither too narrow nor too broad, that is normative and that is widely accepted, is available with the Council of Europe’s Budapest Convention on Cybercrime. Under this treaty, cybercrime denotes: Offences against the confidentiality, integrity and availability of computer data and systems, that is, offences against computer data and systems, including illegal access, illegal interception, data and system interference, misuse of devices.

Offences committed by means of computer systems. This list is limited to those “old” forms of crime that obtain a new quality through the use of computers, that is, computer-related forgery and fraud, child pornography and offences related to infringements of copyright and related rights on a commercial scale. This concept is capable of capturing cases that consist of a combination of different types of conduct.

Although the Budapest Convention was prepared by the Council of Europe (with currently 47 European member states), Canada, Japan, South Africa and the USA participated in its elaboration and signed it. The USA ratified it and became a full party in 2006. Other non-European countries are in the process of accession to the Convention on Cybercrime (Argentina, Australia, Chile, Costa Rica, Dominican Republic, Mexico, Philippines and Senegal). The concept or “definition” of cybercrime as proposed by the Budapest Convention is widely shared and applied in practice. In addition to offences against and by means of computer data and systems, the Budapest Convention addresses a further issue, namely, the question of electronic evidence in relation to any crime involving a computer system. Obviously, even the broadest definition would not consider an offence where computers play an ancillary role to constitute cybercrime.

However, governments – possibly as part of a cybercrime strategy – would have to address the challenge of creating the criminal justice capabilities necessary for the collection, analysis and use of electronic evidence not only in relation to crimes against and by means of computers but in relation to any crime. This broadens the scope: since any offence may involve electronic evidence, not only a few specialized officers need to be trained, but more or less all law enforcement officers, prosecutors and judges.

If criminal justice systems are to deal effectively with the problems relating to the repression of cybercrime, they must update their legislation and law enforcement systems where these are unable to cope with investigation and prosecution of the phenomenon. The 2005 European Union Framework Decision on attacks against information systems (FD) Council of Europe, 2001; European Union, 2005) and the 2001 Council of Europe Convention on Cybercrime (CoE Convention) , seek to resolve these issues.

One major consequence of the virtual nature of many cybercrimes is that inconsistencies among criminal justice systems may hamper repression of the phenomenon. The perpetrator may be in a different jurisdiction from the victim, and the legal definitions of the criminal behavior in the two legal systems may not match. Numerous difficulties may arise from this very simple situation. The country in which the perpetrator is present may not consider the conduct to be an offence. It may criminalize it, but as a minor offence punished with less than the minimum sanctions for international cooperation.

Even if the penalty requirements for cooperation are present, this may not be possible because the offences do not fulfill the double criminality requirement. Especially for cybercrime, an excessively lenient criminal legislation or significant inconsistencies among national regulations may have detrimental effects. Criminals may fully exploit ICT and the virtual environment of the internet and focus their activities on the most tolerant legal systems and on the most vulnerable victims.

One solution in order to solve and prevent these problems is overcoming the frictions among national legislations dealing with cybercrime. The convergence of legislations among European (and other) countries may offer a technical solution to many difficulties related to the current framework of international cooperation.

In this perspective, both the CoE Convention and the FD contain criminalization requirements. Both instruments share a common core constituted by three criminal offences concerning the confidentiality, integrity and availability of computer data and systems. The first is the illegal access (Art. 2 of the CoE Convention and Art. 2 of the FD) consisting of intentionally accessing a computer system without the right to do so. Both agreements allow states to require the infringement of a security measure and exclude minor cases. These options should grant some flexibility to national legal systems. They also take into account the trade-off between over-criminalization (thus seeking to punish all illegal accesses) and the specific selection of criminal illegal accesses (thus stimulating citizens to protect computer data and systems).

Critics have argued that this may hinder achievement of the objective of harmonizing national laws. Further, scholars suggest that the requirement of the infringement of a security measure is probably the most sensible and efficient approach to the criminalization of illegal access. The possibility of limiting the scope of the criminalization of illegal access provided by the CoE Convention and the FD could hinder international cooperation for those countries that
chose to have broader illegal access offences.

However, in the long term these problems may end up by incentivizing countries to restrict illegal access offences, so that they adhere to the most efficient models envisaged by scientific research.

The CoE Convention covers several types of cybercrime, such as illegal interception, misuse of devices, computer-related offences (forgery and fraud) and content-related offences (child pornography, infringements of copyright and related rights).

The second measure is the ‘production order’. This may oblige a) a person to submit specified stored information in his/her possession or control and b) a service provider to disclose subscriber information in the provider’s possession or control. Subscriber information comprises the type of communication used, technical provisions, period of service (Art. 18, para 3 a), and other information available to the provider on the basis of the contract or agreement with the user (identity, address, contacts, payment information, etc.)

The third measure concerns the search and seizure of stored computer data. It allows the authorities to search a computer or other data storage device. Article 19, paragraph 2, also allows for the automatic extension of the search to data stored in other computers accessible from the one being searched.

The fourth and fifth measures concern the real-time collection of computer data. Article 20 deals with traffic data and Article 21 with content data. These norms allow the authorities to intercept and/or order a service provider to assist them, or even to collect traffic data and content data directly. These measures provide for the interception of personal communication, a significant interference with the right to privacy and the right to communicate. They should apply only for serious crimes.

Article 21 leaves to domestic law to select such offences. This is a mandatory selection for collection of the content of communications. The above described measures provide law enforcement authorities with a valuable ICT toolbox of investigative measures. Article 15 provides guarantees for privacy and freedoms. This provision cites the protection of human rights and liberties and expressly requires that investigative powers respect the proportionality principle (Council of Europe, 2001).

The CoE Convention also includes several norms intended to facilitate international cooperation and to improve the repression of transnational cybercrime. Notwithstanding criticisms and problems of implementation (discussed below), the part of the CoE Convention on international cooperation is the core of the new treaty. It is widely viewed as the most important element because it enables expeditious actions in a sector where these are necessary, owing to the speed and changeability of cybercrime. Several provisions deal with mutual legal assistance. These concern not only the investigation and prosecution of crimes related to computer systems and data, but also the collection of evidence in digital form. These provisions are thus likely to apply to a wide variety of criminal proceedings dealing with cybercrimes and ordinary crimes (Council of Europe, 2001).

The CoE Convention has a subsidiary function. On the one hand, it provides a framework for mutual assistance when no other agreement exists between the requesting and requested Parties. States must designate a central authority responsible for such requests. National authorities must execute the requests according to procedures specified...
by the requesting Party. In cases of urgency, the requesting Party can send requests directly to judicial authorities. The competent authorities are free to directly exchange requests not involving coercive action. On the other hand, other applicable treaties and national laws should have the priority (Article 27 of the CoE Convention). This allows mutual legal assistance operators to use more familiar instruments, such as, for example, the European Convention on Mutual Assistance in Criminal Matters and its Protocol or the EU Convention on Mutual Assistance in Criminal Matters. This rule is only a general principle and has several exceptions. In particular, Parties shall implement to the full extent the provisions on mutual assistance for the specific investigative actions provided by the CoE Convention.

3. Conclusions

Cybercrime poses important challenges to the European criminal justice systems. The above-described approach is a significant endeavor to improve the European (and international) repression of cybercrime. Firstly, it introduces new tools for investigation of these crimes. Secondly, it harmonizes the national definitions of several computer-related offences. Thirdly, it provides a minimum framework for international cooperation on criminal matters. The legal framework provided by the CoE Convention has been generally considered a significant step forward in the international response to cybercrime.

As highlighted above, the European and international legal framework set by the CoE Convention and the FD has not been exempt from criticisms. Some of such criticisms may have been due to a misunderstanding of the general functioning of international cooperation in criminal matters or important concern for human rights and freedoms. However, the effectiveness and actual implementation of these international instruments remain the most critical issues. Indeed, their legal implementation shows some difficulties. However, the indirect implementation of these appears to be more successful. This supports the idea that non legal issues such as national security, politics, the economy and public opinion are more important factors than the legal enforceability in the implementation of these international instruments. Until present, the added value of the EU action in this sector appears relatively low. The Treaty of Lisbon and the Stockholm Programme may improve this situation, but this should not be expected to happen in the short period.

In conclusion, the CoE and the FD constitute an important corpus of international law aimed at improving European and international cooperation against cybercrime. Notwithstanding the criticisms, they still appear as important achievements. However, their entry into force is only the first step towards their effective implementation, which is likely to be complex and will probably raise further issues.

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A System-Social Approach to the Modeling of Corruption.

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Abstract

The proposed approach allows comparing strategies of struggle against corruption in hierarchies of arbitrary topology. Mathematically the comparison problem adds up to a relevant system of a large number of ordinary differential equations, or to a partial differential equation, and to corresponding discrete models. The underlined “Power-Society” model allows computing the level of power of instances in the hierarchy, which determines potential opportunities for corruption along with the behavior model of bureaucrats. In our study we limit our consideration to comparing the effectiveness of corruption suppression in different levels of hierarchy (from the “costs-vs-gains” viewpoint). Generally we found that the most profitable strategy consists in suppressing the lowest bureaucrats. A possibility of integration of the proposed system-social and game theory approaches into the general model is demonstrated.

1. Introduction

The phenomenon of corruption has adverse impacts on the economy and on society. It has been actively studied by mathematicians for nearly forty years: the first mathematical model dedicated to corrupt structures appeared in 1975 (see Rose-Ackerman, 1975). The debate about its' possible positive aspects have gone into the background: many studies have shown that corruption impacts negatively on a variety of economic and social aspects of life. Sergei Guriev (2004) shows that the presence of corruption leads to a greater number of bureaucratic checks caused by the fact that the officer is waiting for a bribe for their reduction. Corruption, of course, makes the economy less clear, as a bribe, being illegal, should be kept secret (Shleifer and Vishny (1993) develop this argument in detail). Ultimately, corruption slows economic growth, as it becomes more difficult to attract investment. This is confirmed by many empirical studies, in particular, the well-known work of Paolo Maoro (1995). A good overview of the work on mathematical modeling of corruption was made by Levin and Cyrik (1998).

In the vast majority of theoretical studies corruption is considered as an interaction of three (maximum four) agents. The standard paradigm of agents’ rationality is used: the problem of maximizing the expected utility, which depends on the possible benefits and agents' attitude to risk, is solved.

The idea of our approach is that in addition to purely rational behavior, social power relations between agents should be considered as the agents’ behavior is strongly dependent on the exercised power. Agent's power depends not only on monetary resources available, but also on possibility of influence on events, on her authority and also on other factors. In the presence of corruption the level of exercised power changes, and it is one of the factors that changes the agent’s behavior. In addition, the extent to which the agent "resists" the corruption suppression depends on the level of her power. All these factors should be taken into account when modeling strategies of corruption suppression and searching the best among them.

The concept of power is difficult to determine and thus difficult to measure. However, basing on relatively simple assumptions, it is possible to create qualitative mathematical models with the explicit value of power. Such models
provide an opportunity to consider the power relations and their results in hierarchies of any topology.

By specifying different characteristics of agents' behavior, a variety of scenarios describing the evolutions in the "Power-Society" model can be attained, including catastrophic ones – anarchy and totalitarianism. The model of power distribution in hierarchical structures was proposed by A.P. Mikhailov (1994). Detailed description of the model can be found in A.A. Samarskii and A.P. Mikhailov (2002), and also in Mikhailov (2006). The study of anti-corruption strategies based on this model was first made by Mikhailov (1997).

The described approach does not deny the rationalist tradition of game-theoretic study of corruption, but rather complements it. At the micro level, agents can follow the same principles of utility maximization when deciding on possible corruption level. However, at the macro level, their decision will influence the hierarchy as a whole. In our opinion, the synthesis of the two approaches will help solve problems of finding the optimal strategy of corruption suppression for each specific hierarchy topology, no matter how sophisticated it might be.

In the next section we formulate the basic assumptions of the general model of power-society interaction, and also we write equations, the model leads to. The third section is devoted to numerical experiments and comparison of corruption suppression strategies with different models of agents' behavior. The fourth section provides a method which allows to take the rational motives of agents into account at the micro level and thereby to introduce corruption endogenously. The findings are summarized in the conclusion.

2. The model

2.1 The general "Power-Society" model

The "Power-Society" model pays main attention to hierarchies - ordered sets of empowered institutions. The powers of the institutions in the hierarchy are restricted either by law or by statutes of the respective organizations.

![Figure 1](image)

The interaction of instances in the hierarchy is performed by transmitting orders. Each instance receives orders from superiors and gives orders to its subordinates. An instance can in principle have several superiors, as well as several subordinates. The order delivery reduces the level of power of the instance which gave the order, and increases the level of power of the subordinate instance for the same amount. The level of power of instance \((i, j)\) is denoted as \(p_{ij}(t)\).

The number of orders per unit of time, i.e. a kind of "power flow", is supposed to be proportional to the difference in the levels of power of superior and subordinate. The proportionality coefficients for each pair of instances are denoted as \(\kappa_{ij}(t)\). One possible interpretation of this assumption is the following: the less busy the subordinate instance is - the more orders per unit of time will come to it from its superiors. But subordinate instance can never give orders to his superior. This statement is called a hierarchical postulate.

The second agent in the model is a civil society. It is not involved in the transmission of orders, but may affect the
level of power of any instance in the hierarchy. Being influenced by the civil society, the power level of each instance can be either expanded or narrowed. There are many ways of expressions society’s response: from elections and referendums to rallies and strikes. The civil society’s response is denoted as $F_{ij}(t)$. The interaction of the hierarchy and the civil society creates the final distribution of power, which is studied in the model, depending on various values of parameters.

We assume that there is some “perfect” level of power, in the eyes of the public authority, which should be exercised by the instance. The response brings the level of power to this “perfect” one, the stronger the farther is the real exercised level of power. Assuming the linear dependence, we write down the society response in the following way:

$$F = k_i(p_{i,j}^0 - p_{i,j})$$

Here $p_{i,j}^0(t)$ is the “perfect” level of power, $k_i(t)$ is the proportionality coefficient. We call such type of society response legal, and this is the type of response we assume throughout this work.

The change of the level of power of instance $(i, j)$ during small period $\Delta t$ can be written as follows:

$$\Delta p_{i,j} = \left(\sum_k K_{i-1,k,j}(p_{i-1,k} - p_{i,j}) - \sum_l K_{i,j+1,l}(p_{i,j} - p_{i+1,l}) + k_i(p_{i,j}^0 - p_{i,j})\right)\Delta t$$

(1)

where $\Delta p_{i,j} = p_{i,j}(t + \Delta t) - p_{i,j}(t)$, and the right hand side is taken at the moment $t + \xi\Delta t$, $0 \leq \xi \leq 1$. The first sum is the powers received from superiors, the second sum is orders transmitted to the subordinates, the last term is the society response.

If we write the balance (1) for each instance, we get the system of nonlinear algebraic equations that reflects the balance of power in the whole hierarchy. With $\Delta t$ approaching zero, we obtain a system of differential equations which describes the change of instances’ power levels over time. It is this system of equations that lies in the base of the numerical investigation of the distribution of power for concrete hierarchies.

If, moreover, all the parameters of instances at the level $i$ depend only on the number of this level, the distribution of power in the hierarchy is described by the only equation:

$$n(x)\frac{dp}{dt} = \frac{d}{dx}\left(\kappa(x)n(x)\frac{dp}{dx}\right) + n(x)k(x)\left(p^0(x) - p(x, t)\right), \quad 0 < x < 1, \quad t \geq t_0$$

(2)

(here a discrete coordinate of levels $i$ is replaced by of continuous coordinate $x$, $n(x)$ is the parameter which characterizes the degree of branching of the hierarchy. For integer values of $x$ it is equal to the number of instances at the corresponding level).

The solution of equation (2), or a system of equations of type (1) for each instance, with the relevant boundary conditions, gives power dynamics in the hierarchy.

If, moreover, all the parameters of instances at the level $i$ depend only on the number of this level, the distribution of power in the hierarchy is described by the only equation:

$$n(x)\frac{dp}{dt} = \kappa(x)n(x)\frac{dp}{dx} + n(x)k(x)\left(p^0(x) - p(x, t)\right), \quad 0 < x < 1, \quad t \geq t_0$$

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(2)

In the general case the model results to a nonlinear integral-differential equation (see details in Mikhailov (2006)). In this paper we use a simplified model, which, however, retains all the main qualitative properties of the general one.

2.2 Corrupted power structures.

We understand the concept of corruption as a secret mercenary use of power on behalf of private groups. We divide corrupt activities into three types. The first type is the actions that, by law, have to be done, but are done for a bribe – are called usual corruption and are denoted by the index 0. The example is corruption while getting driver’s license or other documents. The second type is the actions that, by law, should not have been executed. Such corruption is called corruption of overactivity and is denoted by the index +. This type of corruption occurs, for example, when giving of licenses for enterprises which have not met some technological requirements. The third type is connected with failure to comply required actions. Such corruption is said to be a corruption of inactivity, and is denoted by the index -. An example would be a lack of fire inspections.

Corrupted officials can react differently to anti-corruption measures. We consider two types of their behavior:

1) The officials do not try to compensate their losses
2) The officials try to maintain the proportion of corrupt actions.

If only a certain type of corruption is suppressed, the official may retain the proportion of corrupted actions...
increasing his involvement in the other types of corruption. If there is no possibility to "switch" to the other type of corruption, the first and second types of behavior do not differ from each other.

For each of the two types of behavior, we introduce the concept of degrees of corruption - $c^I$ and $c^II$, respectively. They are equal to the ratio of the number of actions performed for a bribe to the total number of actions in the law-abiding case - for the first type, and to the to the total number of actions performed without a bribe - for the second type. On the detailed motivation of such definition see Gorbatikov (2013).

It is clear that in the presence of corruption of overactivity or inactivity the power flow in the hierarchy is different from the no-corruption case. Equation (1) then becomes

$$\Delta p_{i,j} = \left[ \sum_k \kappa^f_{i-1,k,j} (p_{i-1,k} - p_{i,j}) - \sum_l \kappa^f_{i,j,l} (p_{i,j} - p_{i+1,l}) + k_{i,j} (p_0^I - p_{i,j}) \right] \Delta t$$  \hspace{1cm} (3)

where $\kappa^f_{i,j,k} = \left(1 + c^I_{i,j,k} - c^I_{i,j,k}\right) \kappa^f_{i,j,k}$ for the first type of officials’ behavior and $\kappa^f_{i,j,k} = \left(1 + c^II_{i,j,k} - c^II_{i,j,k}\right) \kappa^f_{i,j,k}$ for the second one. The equation (2) is transformed into

$$n(x) \frac{dp}{dt} = \frac{\partial}{\partial x} \left[n(x) \kappa^f (x) \frac{dp}{dx} \right] + n(x) \kappa^f (p^I_0 - p(x,t)), \hspace{1cm} 0 < x < 1, \hspace{0.5cm} t \geq t_0$$ \hspace{1cm} (4)

It is evident, therefore, that the corruption does not affect the type of the equation and just changes the effective values of parameters $\kappa^f_{i,j,k}$.

It is assumed that the damage to society from the usual corruption is simply the amount of bribery (denoted $b$ with the corresponding index). Indeed, all orders must be given in the same manner as in the case of law-abiding, and the only difference is that the instance "picks up" a bribe from society for its actions. In the case of other types of corruption, in addition to the damage of a bribe, there is the damage from the very fact of performing illegal or not performing obligatory orders, and this damage (in monetary terms) can be much greater than the size of bribe. It is assumed that for these types of corruption damage equals to the entire spent / not spent resources of power, plus the actual size of the bribe. Full damage from corruption is equal to the sum of damages caused by all three forms of corruption.

A damage caused by the hierarchy as a whole is understood here as the damage divided by the total number of useful actions. The use is summed up from the actions performed without a bribe, and the actions carried out within the framework of the usual corruption. Then the relative harm from the actions of the hierarchy at a particular moment for the first type of behavior is as follows:

$$D^I(t) = \left[ \sum_{i,j} (c_0 b_0 + c^I_0 (1 + b_0) + c^I_0 (1 + b_0)) \sum_l \kappa^f_{i,j,l} (p_{i,j} - p_{i+1,l}) \right] \left(1 - c^I_0 \right) \sum_l \kappa^f_{i,j,l} (p_{i,j} - p_{i+1,l})^{-1}$$ \hspace{1cm} (5)

In order to define the value of suppressing corruption in the instance we assume that it is

1. the higher, the higher the level of power of the particular instance is,
2. the higher, the higher the extent of corruption, that is, the value of bribes, is.

Then, the total relative cost of the complete suppression of corruption in the hierarchy is:

$$V^I(t) = \sum_{i,j} (c^I_0 b_0 + c^I_0 b_0 + c^I_0 b_0) \Phi(p_{i,j}) \sum_l \kappa^f_{i,j,l} (p_{i,j} - p_{i+1,l}) \left(1 - c^I_0 \right) \sum_l \kappa^f_{i,j,l} (p_{i,j} - p_{i+1,l})^{-1}$$ \hspace{1cm} (6)

where $\Phi(p_{i,j})$ is an increasing function. The expressions for the relative damage and cost of corruption

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1 A detailed derivation of the formulas is available in the appendix upon request.
2 The expressions for the second behavior model are obtained in a similar manner.
3 In this work $\Phi(p_{i,j}) = \ln(1 + p_{i,j})$ is used. In Mikhailov (2006) this function was assumed linear.
suppression in the continuous case are similar. The parameter of strategies comparison - the effectiveness of corruption suppression – is defined as follows. Let \( C \) be the degree of corruption in the hierarchy after the implementation of measures of the corruption suppression, \( C + \Delta C \) be the degree of corruption before the measures. The efficiency of corruption suppression is defined as the ratio of the change of the relative damage to the change of the value of the complete corruption suppression in the hierarchy:

\[
E = \frac{D(C + \Delta C) - D(C)}{V(C + \Delta C) - V(C)}
\]

(7)

If the final situation is worse than the initial one, the effectiveness of anti-corruption measures is considered as non-defined.


The model formulated in the previous section, allows answering a number of questions related to strategies of control and suppression of corruption. This section is dedicated to numerical studying of these questions for the concrete power structure.

As an example, we take a structure of Moscow police of 2012 year pattern. The main instance is the General Directorate of Internal Affairs. Departments of Internal Affairs are subordinate to it, one in each district. Subordinate to them, in turn, are the Department of the Interior, one in a few territories. District offices subject to them, and finally, each district office has several local policemen responsible for zones entrusted to them.

The corresponding system of equations obtained from (1) with the third type boundary condition is solved numerically. After this functionals of damages and costs are computed, and then according to (7) the efficiencies of different strategies of corruption suppression are compared.

3.1 Corruption on what hierarchical level should be suppressed first?

Here we study the case of the presence of only one corruption type out of three. Are dealt with The cases of non-zero levels of three different corruption types: usual (\( C_0 \)), inactivity (\( C_- \)) and overactivity (\( C_+ \)) – are considered in turn. In all cases, we assume that the initial hierarchy is corrupted uniformly.

Table 1 shows the results of the experiment for the model of the first behavior type. The results for the second type are qualitatively similar. Columns in the tables correspond to different strategies of corruption limitation: the first five columns - the complete liquidation of corruption at the level \( i \), the last four - linear strategies with the indicated dependence of desired corruption level on the level of the hierarchy \( i \).

| Level 0 | Level 1 | Level 2 | Level 3 | Level 4 | \( c = \frac{i}{8} \) | \( c = \frac{4 - i}{8} \) | \( c = \frac{2 - |2 - i|}{4} \) | \( c = \frac{|2 - i|}{4} \) |
|---------|---------|---------|---------|---------|-----------------|-----------------|-----------------|-----------------|
| \( C_+ \) | 1,41 | 1,92 | 3,12 | 6,28 | 14,67 | 1,77 | 2,61 | 1,64 | 2,46 |
| \( C_- \) | 1,59 | 1,89 | 2,40 | 2,93 | 3,34 | 1,82 | 2,18 | 1,73 | 2,13 |
| \( C_0 \) | 0,13 | 0,17 | 0,29 | 0,58 | 1,32 | 0,16 | 0,24 | 0,15 | 0,22 |

Table 1: I type of behavior. In columns - different strategies of corruption limitation; in rows - the type of corruption considered. In cells - the effectiveness of appropriate strategies.

The main result is the following: struggle against corruption is mostly effective on the lower levels of hierarchy. Moreover,

\[\text{Reasonableness of such values, as well as numerical experiments with other values of parameters, are discussed in Gorbatikov (2013).}\]
the combined strategies which include the highest level, are less effective than the ones which do not include it.

3.2 What type of corruption should be suppressed first?

Here we consider the existence of all types of corruption at once in the hierarchy. Strategies of the complete liquidation of corruption of one certain type are compared, as well as strategies of liquidation each of them on the lower hierarchical level. The results are shown in Table 2.

<table>
<thead>
<tr>
<th></th>
<th>C₀ totally</th>
<th>C⁺ totally</th>
<th>C⁻ totally</th>
<th>C₀ on the lowest level</th>
<th>C⁺ on the lowest level</th>
<th>C⁻ on the lowest level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0,21</td>
<td>2,55</td>
<td>1,73</td>
<td>1,32</td>
<td>14,56</td>
<td>2,23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>C₀ totally</th>
<th>C⁺ totally</th>
<th>C⁻ totally</th>
<th>C₀ on the lowest level</th>
<th>C⁺ on the lowest level</th>
<th>C⁻ on the lowest level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>---</td>
<td>2,19</td>
<td>2,08</td>
<td>---</td>
<td>15,54</td>
<td>2,73</td>
</tr>
</tbody>
</table>

Tables 2 a, b: I and II behavior models. In cells of the tables - efficiencies of corresponding strategies.

In the case of the first behavior model (officials do not respond to the policy by increasing corruption level of other corruption types), it is clear that the best solution is to suppress corruption of overactivity. Thereafter it is worthwhile to suppress corruption inactivity and finally the usual corruption. Furthermore, the table shows that even complete suppression of corruption of overactivity is better than suppression of corruption of inactivity on the lowest level. That is, in the case of limited funds for anti-corruption measures it is necessary to focus entirely on corruption of overactivity, and if it is for some reason impossible - on corruption of inactivity.

In the case of the second behavior model results are quite different. Such a situation becomes possible, when the suppression of some type of corruption not only fails to reduce the damage, but also worsen the state of affairs. This can be seen for the usual corruption suppression: the damage from actions of the whole hierarchy with usual corruption being suppressed (in the entire hierarchy or only on its lower level, lines 1 and 4 of Table 2b, respectively) exceeds the damage of its actions before suppression. Efficiency is not determined, and it is thus of no sense to implement suppression measures. This result has an intuitive interpretation: officials' benefit from various types of corruption is the same, but for society usual corruption is much less painful. Furthermore, it is clear that the suppression of corruption of overactivity is again more efficient than of inactivity corruption, but the difference is not so striking as in the case of the second behavior model.

3.3 Other models of behavior

Now we drop the assumption that the struggle against corruption in a particular instance does not affect corruption levels in other instances. Indeed, the strategy corruption suppression firstly at senior levels is usually argued by the fact that after this measure it is much easier to suppress corruption among subordinates. Public exposure of several high-level officials may be useful not only as a direct reduction of the amount of bribes, but also as an edification for lower-level officials, who recognize that they may suffer the same fate. Specifications considered further allow taking this argument into account.

3.3.1 Imitating behavior model

It is assumed that the corruption level of subordinates cannot exceed the one of superiors. In this case, the corruption

---

5 We assume initial corruption levels to be $c₀ = c⁺ = c⁻ = 0.5$
suppression in the certain instance gives a greater effect: the level of corruption is "automatically" reduced among all subordinates, without increasing the cost of the measures.

Table 3 presents the results of numerical experiments similar to discussed above. Once again, we are interested in the following questions: what type of corruption should be fought primarily, and at on what levels of the hierarchy it should be done.

<table>
<thead>
<tr>
<th>Level</th>
<th>$C_+$</th>
<th>$C_-$</th>
<th>$C_0$</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>5.41</td>
<td>4.22</td>
<td>0.50</td>
</tr>
<tr>
<td>1</td>
<td>3.74</td>
<td>3.18</td>
<td>0.34</td>
</tr>
<tr>
<td>2</td>
<td>5.11</td>
<td>3.95</td>
<td>0.48</td>
</tr>
<tr>
<td>3</td>
<td>7.74</td>
<td>4.18</td>
<td>0.67</td>
</tr>
<tr>
<td>4</td>
<td>14.79</td>
<td>3.67</td>
<td>1.29</td>
</tr>
</tbody>
</table>

Table 3: imitative behavioral model

In this model, the suppression of corruption among senior officials is not always the least profitable strategy. On the contrary, for all three types of corruption, it is more effective than the suppression of the officials on the middle (second or third) level, and in the case of corruption of inactivity it is the most profitable among all strategies. In other words, corruption of inactivity should be liquidated from the top, while the rest types - from the bottom. In addition, it is clear for all three types of corruption that corruption liquidation on the second level is the least profitable strategy.

3.3.2 Cautious behavior model

More close to reality than the model from 3.3.1 is the following: the complete suppression of corruption at some level of the hierarchy leads to more careful behavior of adjacent levels and to reduction of their corruption levels by the relative value $r < 1$. The next level reduces the level of corruption by $r^2$, the following – by $r^3$ and so forth. For example, when suppressing corruption of overactivity on the level $i = 2$ from $C_+ = 0.5$ to $C_+ = 0$, then on levels $i = 1$ and $i = 3$ the level of corruption decreases to $C_+ = 0.5(1 - r)$, and on levels $i = 0$ and $i = 4$ - to $C_+ = 0.5(1 - r^2)$. As in the previous example, the funds are spent only for corruption suppression at a certain level, and changes in the rest levels are obtained for free. Qualitatively, the results for such a behavior are similar to the results obtained in the previous section. The most effective strategy is to suppress the junior officers, the least effective - to suppress the senior. Indeed, when $r = 0$, this pattern turns to the discussed in the previous subsection. For values of $r$, tending to unity, it is also clear that the most effective strategy is to suppress corruption among junior officers.

4. Endogenous corruption. Game theory approach

In the model considered above the levels of corruption assumed to be exogenous, that is researcher should have stated them himself. In the previous section we stated certain levels of corruption and calculated the optimal (in the above-stated sense) strategy for the suppression of unlawful behavior. But in reality, the officials choose the type of behavior themselves, depending on how strong and effective the existing anti-corruption measures are. This section provides an example of introducing corruption into the "Power-Society" model endogenously, using game theory technique. In addition, the following model clarifies the role of the amount of funds allocated to anti-corruption measures. All other assumptions on the instances' behavior, amount of exercised power, etc. remain the same.

4.1 The model

For simplicity, we consider only the corrupted system of two instances: the superior and the subordinate. For this simplest case we write down and solve maximization problems of instances and supervising organization. The ideological generalization to hierarchies of arbitrary topology is quite easy.
Let the superior instance has the power \( p_1 \), the subordinate - \( p_2 \). Let \( c_1 \) and \( c_2 \) be the number of activities per unit of time corresponding to the usual corruption (other types of corruption are not considered here for simplicity). Corruption of instances is limited from above by the amount of bribes which it may require for the activities it produces. In the case of a complete absence of any checks was the level of corruption among the rational economic agents reaches maximum - they demand a bribe for any action. Then from the "Power-Society" model it follows that:

\[
\begin{align*}
    c_1 & \leq \kappa(p_1 - p_2); \\
    c_2 & \leq \kappa p_2
\end{align*}
\]

(8)

In the right hand side of inequalities there are corresponding power flows which satisfy the third type boundary condition for the problem (1). Note that \( p_1 \) and \( p_2 \), being stationary solutions of the corresponding equations, are interconnected with each other through the number of parameters and cannot be arbitrary.

Suppose that for each unit of its activities the instance requires a bribe \( b \). We do not propose a detailed interpretation of unit of activities, note only that it should be understood as a certain scope of authority. Thus, the instances’ profits from their illegal activities equal to \( bc_1 \) and \( bc_2 \) correspondingly.

The second agent is the anti-corruption supervisor, whose purpose is to detect corruption in the instances. If the detected corruption level is \( \tilde{c} \), then the fine \( f(\tilde{c}) \) is imposed to the instance. The final instances’ problems look as follows:

\[
\begin{align*}
    bc_1 - f(\tilde{c}_1) & \rightarrow \max_{c_1} \quad \text{s.t. } c_1 \leq \kappa(p_1 - p_2) \\
    bc_2 - f(\tilde{c}_2) & \rightarrow \max_{c_2} \quad \text{s.t. } c_2 \leq \kappa p_2
\end{align*}
\]

(9) (10)

Now turn to the supervisor’s problem. We assume that the supervisor is initially informed about true levels of corruption. Funds \( W \) on corruption disclosure are provided, and they should be allocated among instances to suppress corruption properly. This allocation can be represented as the choice of measures’ efficiency: let the supervisor choose probabilities of detecting unit of corruption in every instance. The higher the chosen probability - the more expensive the strategy is. Moreover, we assume, as before, that the detection of unit of corruption is the more expensive the more power the instance possess. Finally, the cost is proportional to \( g(p) \cdot c \cdot \text{prob} \), where \( g(p) \) characterizes how cost grows with power: \( g'(p) > 0 \).

The supervisor’s aim is to find as many acts of corruption as possible, given \( W \). Thus, the problem is as follows:

\[
\begin{align*}
    \tilde{c}_1 + \tilde{c}_2 = c_1prob_1 + c_2prob_2 & \rightarrow \max_{prob_1, prob_2[0,1]} \\
    \text{s.t. } c_1prob_1g(p_1) + c_2prob_2g(p_2) = W
\end{align*}
\]

(11)

We consider the following sequential game. First, the budget \( W \) is allocated for struggling against corruption. Then each instance in the hierarchy, knowing \( W \), chooses its level of corruption. After that, based on available data, the supervisor chooses efficiencies of corruption suppression separately for each instance. Other information, as well as game structure, is common knowledge.

4.2 Solution

4.2.1 Supervisor’s problem

It is easy to show that the supervisor states efficiencies of anti-corruption measures in the following way (assume for simplicity \( g(p) = p \):
\[ \text{prob}_{1}^{*} = \max \left\{ 0, \frac{W - p_{2}c_{2}^{*}}{p_{2}c_{1}} \right\}; \quad \text{prob}_{2}^{*} = \min \left\{ 1, \frac{W}{p_{2}c_{2}} \right\} \] (12)

If the complete suppression of corruption at the subordinate instance is too expensive, then all the money is spent only on it. If there are a lot of funds, corruption at the lower level is suppressed completely, and the remaining money goes to struggling at the superior instance.

### 4.2.2 The subordinate instance problem

Assume a convex function of fine: \( f(c) = Ac^2 \). Constant \( A \) characterizes the scale of fines. The case of a concave function of fines can be considered similarly.

Consider possible cases, depending on the ratio of the parameters:

1) \( \kappa p_{2} \leq \frac{W}{p_{2}} \). This inequality means that the funds provided are enough for complete corruption suppression in the lower instance, even if its level is as high as possible. Equilibrium levels of corruption are stated by the following relations:
   
   a) if \( \frac{b}{2A} < \kappa p_{2} \), then \( c_{2}^{*} = \frac{b}{2A} \);
   b) if \( \frac{b}{2A} > \kappa p_{2} \), then \( c_{2}^{*} = \kappa p_{2} \)

   Thus, we see that even if the probability of detection is equal to 1, there is a non-zero value of corruption. In addition, by increasing the budget corruption does not disappear gradually, but changes abruptly. However, if corruption is too profitable for the instance (high value of \( \frac{b}{2A} \) means greater bribes and lower fines), then even an effective measures do not lead to the desired result. The only solution in this case is the legislative change of fines, i.e. the value of \( A \).

2) \( \kappa p_{2} > \frac{W}{p_{2}} \). With such parameters relationship it cannot be said at once, if there are enough funds to complete corruption suppression at the lower level. The solution is the following:
   
   a) if \( \frac{b}{2A} > \frac{W}{p_{2}} \), then \( c_{2}^{*} = \kappa p_{2} \);
   b) if \( \frac{b}{2A} < \frac{W}{p_{2}} \), then, depending on parameters values, both cases \( c_{2}^{*} = \kappa p_{2} \) and \( c_{2}^{*} = \frac{b}{2A} \) are possible. The transition between the two occurs at the threshold value \( W = W^{*} \), equal to
   
   \[ W^{*} = p_{2} \sqrt{\frac{\kappa p_{2}b}{2A} \left( \frac{b}{2A} \right)^2} \]. It is easy to check that \( \frac{bp_{2}}{2A} < W^{*} < \kappa p_{2}^{2} \), that is the threshold value lies within the specified limits.

   Thus, even if the amount of allocated funds is not very large and is not able to cope with maximal possible level of corruption, increasing the budget can lead to much less equilibrium corruption level of the instance.

### 4.2.3 The superior instance problem

All funds that remain from the suppression of the lower instance corruption, the supervisor spends on the upper. The amount of these funds depends on the behavior of the lower instance and in the considered cases equals to, respectively:
In the case 1,a) $W_1 = W - \frac{bp_2}{2A}$; in the case 1,b) $W_1 = W - \kappa p_2^2$; in the case 2,a) $W_1 = 0$; in the case 2,b) $W_1 = W - \frac{bp_2}{2A}$ or $W_1 = 0$.

The problem now has the same form as that for the lower instance, we only should replace $W$ by $W_1$. Depending on the value of $p_1$, all variants of equilibrium are again possible for the upper instance. The exceptions are those cases when $W_1 = 0$. For these cases, it is obvious that $c_1 = \kappa(p_1 - p_2)$.

4.2.4 Discussion

From the solution we can see that if the budget for the corruption suppression is small, it does not motivate hierarchy to reduce bribery. On the contrary, if the officials know that large budget is provided for the fight against corruption, then they are interested in reducing the amount of bribes, and as a result it is possible that the budget will not be fully spent. This means that it may make sense to announce a budget that exceeds the real.

It should be kept in mind that the levels of power, which is directly influence on the equilibrium, are given by equations of the type (1) and depend on several parameters, in particular, from $k, p_0^1, p_0^2$, obviously not appearing in the solution of our model in this section. It would be interesting to consider how the instances’ decisions about corruption level depend on these parameters.

The above example is just an illustration of the general mechanism, and in reality the problem should be solved for the two, but for a by far larger number of instances, for such hierarchies as considered in the previous section. In this case, it is not possible to solve the problem analytically, and the main research method is a computational experiment.

As in the original model, the corruption suppression in the lower level is more effective. In both models, it follows from the assumption that the cost of suppression is proportional to the level of the instance’s power. Game-theoretical model, however, has several advantages over the original “Power-Society” model. First, it explicitly takes into account the budget provided to the struggle against corruption. Second, the level of corruption is not set exogenously, but is a solution of the corresponding maximization problem, reflecting the preferences of instances that form an hierarchy.

5. Conclusion

Using the “Power-Society” model qualitative answers to many questions regarding the suppression of corruption in the hierarchies of complicated structure have been received. For a particular hierarchy consisting of several thousand instances, the questions “on what hierarchical level should corruption be suppressed first” and “what type of corruption should be suppressed first” were answered, as well as how to act in case of different behavioral characteristics of instances. Summarizing shortly, the answers are: corruption of overactivity is most harmful, and, given restricted budget, should be suppressed first at the lowest levels of a hierarchy, as well as other types. The latter finding fails, though, if imitating behavior is given.

The integration of the micro-level game-theoretic maximization problem of instances and the supervisor seems promising. It is shown that in the simplest case, qualitative predictions of the modified and the original models are the same.

References


Mikhailov A.P. “Modeling of the “Power-Society” system”, Moscow, Fizmatlit, 2006 – 144 pages (in Russian)
Total Privatization of Banks – Is it the Right or the Wrong Choice?

Alqi Nqellari

Prof. Inordinar, Doktor
Lecturer U. Mesdheiter | Shqiperise

Abstract

In this material we will address an important problem, being the answer of the question; “Was the total privatization of the Commercial Banks in Albania the right thing to do?”. In this material we have explain why “The total privatization of the Commercial Banks in Albania”, was not the right choice! Furthermore, we will analyze and explore the system’s current status, more than 10 years after it was first applied. Detailed facts and figures have reflected the inefficient impact of the total privatization of commercial banks in the domestic economy? The areas in which we have extended our analysis are: - In the distribution of loans between sectors of production (i.e. industry, agriculture, service sectors, tourism etc.). The privatization of commercial banks has had a negative effect in some of the most important economic sectors such as agriculture, quarrying and processing industry, tourism, etc. - In the distribution of deposits and loans in Albanian Lek and foreign currency. The level of deposits and the economic growth are getting higher, however the deposits are growing at a higher rate than the economic growth. Their structure has changed in favor of foreign currency due to the lack of confidence in the Albanian lek, which has been caused by its continuous loss of value against foreign currency. This has caused the same structure in the application of loans. Foreign currency loans have a more positive effect in the rate increase of the domestic economy than the Albanian Lek loans. - In the differences between deposits and loans by type of currency. Only 50% of the deposits in Albanian Lek, with or without a maximum term, are given to economic entities in “Loan” form. The rest is used in the purchase of government debt instruments, treasury bills, while 100% of foreign currency deposits are given as loans. - In the distribution of loans by economic entities. The Loan Structure in respect of the different economic entities and different currencies is almost the same. Businesses use currency for the purchase of machinery and equipment, mostly for imports while individuals generally use the currency to make payments within the country for apartments, cars, etc. - In the distribution of loans by regions, etc… The distribution of loans shows that in general, the Albanian economy has not been supported by the right level of loans from commercial banks, therefore creating disproportionate development between different regions. Is this also one of the reasons for the declining of the population in the countryside due to it being mainly supported economically by emigrants rather than through government subsidies. The general conclusion drawn from the above data analysis is that, the total privatization of commercial banks in the Republic of Albania has had a negative consequence in this country’s economic performance. The Albanian government should open state owned Commercial Banks.

Keywords. Bank, monetary policy, total privatization, inflation, exchange rate, etc

1. Introduction

Problems of privatization in an economy like the Albanian one take a special significance not only in regard to the change of ownership, property transfer its rights from state hands to private entities, but also in regard to the heavily selected model for this economy’s perspective. Therefore we focused our attention precisely in a relevant field, just as it is the privatization of the financial system, the commercial banks.

In this analysis, without claiming to have exhausted the problem, we have focused our attention in the analysis of a number of important indicators that reflect the performance of a financial institution, such as commercial bank. Through surveys and charts built we have presented the trends, regarding the consequences of the privatization of these institutions. The conclusion derived from the following data, is that, in addition to a number of positive consequences for the Albanian economy, there is also an even higher number of negative consequences, therefore it is important to consider in the future the possibility of opening a “State Owned” Commercial Bank.

2. Content of the material

1. Why the privatization of “The State Savings Bank” should not have happened?
2. What has happened after a 10-year period since the total privatization of the commercial banks?
3. In which areas do the inefficiency effects of the total privatization express themselves in relation to the domestic economy?

3. *Why State Savings Bank (Raiffeizen Bank) should not have been privatized*

- It was the largest bank in Albania. It had 36 branches and 112 branch offices. It was extended to the entire country. It collected 80% of Albanians' savings deposits. In support of making Central Bank monetary policy of the Albanian

- You will be easily create Albanian businesspersons who import export trade activities with neighboring countries, especially in Albanian territories. The majority of business people circulate their money directly in cash. Not only foreign currency but also Albanian lek. Having an Albanian Bank in Turkey, Greece, Kosovo, Macedonia, Italy, etc., makes it possible for our business people to make their transactions through a bank, avoiding thereby the need to carry cash. I will be judged for their commercial activity and then for obligations arising in the state. Spend millions of dollars across the borders for imports. It is estimated that about 10% (AN) of business transactions take place through banks. Others have led Albanian traders bags sacks. Therefore the state must open Savings Bank branches in all other countries with which we have commercial relationships.

- Creates credit facilities for the whole Albanian economy. It should be noted that private foreign banks have not come to Albania for the development of the Albanian economy. They are here for their own interests. In short, to make money. Only the government can protect our banks and safeguard our economic interests, through an efficient monetary and financial policy. We as a country are based on an agricultural economy, and we are perhaps one of the few countries in the world that do not have an Agricultural Bank. Then who should invest in this sector? Our agriculture has remained in the hands of some small loans which do not guarantee any financial leverage. Only 1.4% of these loans are given by commercial banks; the other part belongs to the spontaneity of the weak governmental efforts.

- Increases the possibility of foreign banks attracting Albanian Lek through increasing savings deposits. It should be recognized that today there are over 1 million of Albanians working outside the country having billions in foreign currency deposited in their respective Greek, Italian, UK and German banks. If we had a branch of our Savings Bank in Greece, we would ensure that all the foreign currency saved by Albanians would go in the direction of our economy. Also today in Italy there are more than 350 thousand Albanians. Why not have a commercial bank there? This would not only be to attract the savings of our emigrants, but also to perform money transfers and other various transactions.

- Creates new relations of exchange in favor of the Albanian Lek. Right now our Lek is not known by any country, not even our neighbors, Macedonia, Greece or Italy. Albanian Lek can be used only in Kosovo, and in the vicinities of Albanian-Macedonian borders. If we could have branches of our commercial banks in the countries neighboring Albania, our Lek would retain a greater leverage as a currency. It would gain space and the monetary power throughout the whole region inhabited by Albanians. Willingly or not, our neighbors would exchange it, not only in the black market, but also in their own banks. The appearance Albanian Lek broad should be called an historical event, not the privatization of our public banks. Commercial banks can be easily opened - and competing in the banking market can easily be achieved - without jeopardizing the country's financial leverage by buying its assets.

- Creates opportunities to use the market of securities and capital accounts in neighboring countries: treasury bonds, stock, etc... A careful observation of the activities of National Bank of Greece branch in Tirana since its opening 10 years ago, shows that it has not once made a currency loan to the Albanian economy. It has simply purchased Treasury Bonds from the Albanian Government, and through this investment it has ensured its survival. Foreign banks have exploited the state of our economy and based on it they have designed their currency policies. Why shouldn't we Albanians use the same approach in their countries of origin?

- Creates opportunities for the use of foreign currency. Having branches of our Bank in other countries, creates the possibility for our nationals - and other foreign citizens living in those countries - to deposit money in our bank, just as we deposit our money in the branches of foreign banks located in our country. There are thousands of Albanians who have accounts in the foreign banks operating in Albania. The same phenomenon will occur even if we opened our banks in these countries. Thus we would have the opportunity
to use, not only the money our people living abroad but the money of other foreign citizens as well, in the interest of our economy.

4. What happened 10 years after the total privatization of Albania’s commercial banks?

Most of the set targets or projections were achieved, so the services, lending and deposits infrastructure improved. Almost all banks have a European appeal, and offer with European products. But achievements left aside, a number of apparent failures to the detriment of the Albanian economy are easily noticed.

Specifically:
- If there initially was an intention to remove the monopoly of the State Bankover the banking system, and to create the conditions for fair competition, it is easily ascertained that this monopoly passed from the hands of the Albanian Government to those of Raiffeizen Bank. Thus, no monopoly was removed.
- If the government, through the treasury bonds it sells estimated in the billions (Lek) per year, would enter in debt with the then- State owned Savings Bank (because of the fact it was the government’s biggest buyer), nowadays it constantly finds itself in debt with private banks. On November 29th 2008, on "Ora News" and on December 12th, 2008 on Top-Channel, a statement was made public that the government’s debt to commercial banks (in Treasury Bonds liability) was $340 million. Is it normal to make 145 million Euros from the privatization of the state- held Savings Bank, and then find oneself 6 years late $340 million in debt? Today this number is multiplied. Who bears responsibility for the outrageous consequences of the privatization?
- Monetary policy with a state commercial bank would have been more effective. Today the euro and the dollar have so much leverage on the domestic currency market, that we could unarguably conclude that the CBA (Central Bank of Albania) and its Lek are sent to retirement.
- If it was said that the advantages of privatization will influence the growth of the Albanian economy, we today regretfully notice that the loans granted by them are directed to certain risk-free sectors which are profitable for the banks alone.

Foreign banks have opened branches in Albania, not with the scope of developing the Albanian economy, but to make profit and to maximize the value of their shares.

They do not contribute in the development of vital sectors such as agriculture, or in pivotal pillars of our domestic economy such as tourism, but funnel Albanians' money in construction, transportation, or service related projects, where the risk is lower. Is this one of the reasons why agriculture’s GDP share has dropped to 19% and an apparent decrease its growth rate is being noticed.

Cutting to the chase, it should be emphasized that the privatization of the Savings Bank was an intolerable mistake- of the Albanian government, the consequences of which are significantly felt in the low rate of economic growth and the role of CBA in the economy.

5. Which areas express the inefficient total privatization impact of the commercial banks in the domestic economy?

5.1 First, the area of loans distribution among production, industry, agriculture, service, and tourism sectors.

**Statement No. 1. Distribution of loans by sectors in million lekë**

<table>
<thead>
<tr>
<th>Years</th>
<th>Total loans to business</th>
<th>Agriculture hunting and forestry</th>
<th>%</th>
<th>Fishing</th>
<th>%</th>
<th>Mining and quarrying</th>
<th>%</th>
<th>Manufacturing</th>
<th>%</th>
<th>Electricity gas and water S</th>
<th>%</th>
<th>Construction</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>291,214</td>
<td>3,060</td>
<td>1.1</td>
<td>569</td>
<td>0.2</td>
<td>6,728</td>
<td>2.3</td>
<td>42,215</td>
<td>14</td>
<td>22,392</td>
<td>7.7</td>
<td>59,332</td>
<td>20.4</td>
</tr>
<tr>
<td>2012</td>
<td>398,225</td>
<td>5,527</td>
<td>1.4</td>
<td>946</td>
<td>0.2</td>
<td>7,626</td>
<td>1.9</td>
<td>60,306</td>
<td>15</td>
<td>42,903</td>
<td>11</td>
<td>67,898</td>
<td>17.1</td>
</tr>
</tbody>
</table>

1Statistical Report. Bank of Albania. 02/2012. Tirana
From the figures and the above graphs we can draw a number of conclusions:

From 2009 to 2012 total loans have increased by 36%. Loans by branches do not reflect an adistribution according to standing these branches occupy in the GDP. They are destined to wards sectors which the banks consider to have a greater return likely hood, as well as in the shortest time period possible. Thus GDP from agriculture in 2010, accounting for about 20% (Table No.2) while credit to agriculture accounts for only 1.4%.

Real lending increased by 81% from 2009 to 2012 for agriculture, but the figure is very low with only 3 billion Lek. While its production is estimated more than 226 billion loan to account for only 0.88% of that amount.

It appears that agriculture sector is one of the most important sectors of economy in the field of loans is completely left out of hand. Of this sector depend on a number of related sectors such as the processing industry of agricultural products or export. Curbing it also inhibits the development of these sectors.
Statement No. 2. Production according to the main branches (in%)

<table>
<thead>
<tr>
<th>Nr</th>
<th>Naming</th>
<th>Years</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2008</td>
<td>2009</td>
<td>2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Agriculture,hunting,forestry</td>
<td>18.5</td>
<td>19.9</td>
<td>19.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Industry</td>
<td>10</td>
<td>10</td>
<td>11.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Construction</td>
<td>13.9</td>
<td>15.9</td>
<td>11.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Services</td>
<td>57.6</td>
<td>58.4</td>
<td>57.5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Agriculture is likely because there are unused resources development. Not only has land spread over the entire country without putting under culture but also has the lowest degree of mechanization of agriculture in Europe.

In 2009 in agriculture, though they operated on 353,486 farms had only about 7883 tractors with tires, seeding machines 3064 and 3893 farmers 2. So instead of being a part of these investments went to agriculture that will directly affect economic growth and the level of employment, loans have gone to other sectors without risk as trade, services, car repair, furniture, etc. where concentrating more than 34% of them.

Reasons why not credited agriculture from commercial banks are that:
- has a higher risk than other sectors because it depends very much on the weather conditions,
- are perishable products,
- poor transport
- has a slow return of investment,
- there are few opportunities of control,
- is lying on the broad area of land and is not focused,
- has not stabilized prices,
- there is a high degree of mechanization,
- low degree of organization and management,
- low educational level,
- there is a lack in the young workforce, etc.

If we had a commercial bank wholly owned state it will apply other policies to this sector giving at times corresponding priority.

Conclusion. The conclusion to draw is that the privatization of commercial banks has negatively affected the credit of the most important sectors of the economy such as agriculture, quarrying and processing industry, tourism, etc., and is generally limited to the sectors of trade and repairs.

Industry sector occupies 11.2% of GDP and has absorbed only 16.8% of the loans. Percentage figure is satisfactory but in absolute figure represents a symbolic only 66 billion leke. It is primarily focused on the mining of chrome or its processing, at a time when there are dozens of mines scattered throughout the territory of Albania.

5.2 Second, the distribution of deposits and loans in domestic and foreign currency deposits,

Statement No.3 Million deposit structure

<table>
<thead>
<tr>
<th>ALL (National currency = lek)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total deposits</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>2008</td>
</tr>
<tr>
<td>2009</td>
</tr>
<tr>
<td>2010</td>
</tr>
<tr>
<td>2011</td>
</tr>
<tr>
<td>2012</td>
</tr>
</tbody>
</table>


2Statistical Yearbook. Ministry of Agriculture 2009
Fig. 3. Structure of deposits (48% foreign currency and 52% ALL)

Deposits have a normal size, they have been steadily increasing, that more foreign currency deposits because they ALL have been declining. This trend is characteristic of the time deposits as currency and in foreign currency. Time deposits occupy the major part of total deposits.

Deposit growth rates are higher than the growth rates of GDP. From 2010 to 2012 they were increased by 12.07%, 11.4% and 10.2% at a time when GDP growth for these years has not exceeded 4%. Thus the effect of deposit growth is not at the same rate. Dynamics of deposits was caused by several factors, the first of the interest rate, the second of client confidence to banks and third against the currencies customers confidence. All deposits have been declining for the account of the continuous depreciation of the Albanian lek and the strengthening of the euro. Rate shock caused the attention shift to other currencies. Bank of Albania failed to stem its decline in order to create a better balance in the structure of deposits and loans.

If we had a state commercial bank that will support the Central Bank policies with clear strategic goals, regardless of the rate of profit that could fulfill.

Conclusion. Deposits are growing but at higher rates compared to the level of economic growth. Their structure has changed in favor of foreign currency due to the lack of confidence in the Albanian Lek, as a result of its continuous depreciation. This has led to the result that even the loans show the same patterns.

Statement No. 4. Million credit structure

<table>
<thead>
<tr>
<th>Years</th>
<th>Total credit (Loans)</th>
<th>Credit in national currency</th>
<th>% of total</th>
<th>Credit in foreign currency</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>396,264</td>
<td>114,051</td>
<td>28.8%</td>
<td>282,212</td>
<td>71.2%</td>
</tr>
<tr>
<td>2009</td>
<td>440,397</td>
<td>140,479</td>
<td>31.9%</td>
<td>299,918</td>
<td>68.1%</td>
</tr>
<tr>
<td>2010</td>
<td>483,129</td>
<td>157,197</td>
<td>32.5%</td>
<td>325,932</td>
<td>67.5%</td>
</tr>
<tr>
<td>2011</td>
<td>541,899</td>
<td>188,779</td>
<td>34.8%</td>
<td>353,120</td>
<td>65.2%</td>
</tr>
<tr>
<td>2012</td>
<td>550,029</td>
<td>192,145</td>
<td>34.9%</td>
<td>357,884</td>
<td>65.1%</td>
</tr>
</tbody>
</table>


Total loans has been increasing from 2008 to 2012 has increased by 38.8%. GDP is low by not occupy less than 50% of its.

In these years has changed the internal structure, so is the increase in domestic credit by 28.8% to 34.9%, and dropped it in foreign currency from 71.2% to 65.1%. However, if we refer to the absolute figures it is clear that foreign currency loans is 86% higher than in all. So credit to grant commercial banks predominates foreign currency loans and not at ALL. This is a good thing, a positive for the European economy face the same coin, but there is a very great evil because its base rate does not depend on the base rate set by the Central Bank of Albania. Typically it is used in the field of investment loans and not for broader consumer goods. It is for this reason that foreign currency credit affects more than one in ALL Albanian economy growth rates.

Conclusion. On account of the weight it occupies in the total loan and its destination currency credit affects more than one in ALL Albanian economy growth rates.
Fig. 4. Structure of Credit (26% ALL and 74% foreign currency)

5.3 Third, the differences between deposits and loans by type of currency

Statement No. 5. Some synthetic indicators of credit deposits connection

<table>
<thead>
<tr>
<th>Year</th>
<th>Total deposits in mill/ALL</th>
<th>Total loans in mill/ALL</th>
<th>Difference, in mill/ALL</th>
<th>Loans/deposits in %</th>
<th>Time deposits</th>
<th>Loans/dep.(time) in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>619,886</td>
<td>396,264</td>
<td>223,622</td>
<td>63.9</td>
<td>467,728</td>
<td>84.7</td>
</tr>
<tr>
<td>2009</td>
<td>662,425</td>
<td>440,397</td>
<td>222,028</td>
<td>66.5</td>
<td>511,540</td>
<td>86.1</td>
</tr>
<tr>
<td>2010</td>
<td>785,224</td>
<td>483,129</td>
<td>302,095</td>
<td>61.5</td>
<td>617,384</td>
<td>78.3</td>
</tr>
<tr>
<td>2011</td>
<td>875,226</td>
<td>541,899</td>
<td>333,327</td>
<td>61.9</td>
<td>706,498</td>
<td>76.7</td>
</tr>
<tr>
<td>2012</td>
<td>884,621</td>
<td>550,029</td>
<td>334,592</td>
<td>62.2</td>
<td>721,981</td>
<td>76.2</td>
</tr>
</tbody>
</table>


Fig. 5. Graph structure deposits loans in total
Fig. No 5/1. Loans/Dep % and Time loans/dep in %

Statements and the corresponding graph is clear that we have a big difference between the level of deposits and commercial loans. Loans to deposits has been steadily declining since 2008. This is an indicator that shows the deterioration of using deposits. The question is where it goes the rest of the currency that is not put into circulation through loans? Let’s answer that question by continuing our analysis.

**Statement No.6 Deposits and loans in ALL.**

<table>
<thead>
<tr>
<th>Emërtimi</th>
<th>Deposits in ALL</th>
<th>Time deposits in ALL</th>
<th>Loans in ALL</th>
<th>Difference</th>
<th>Loans/Deposits in %</th>
<th>Loans/Deposits(time) in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>359,187</td>
<td>272,142</td>
<td>114,051</td>
<td>245,136</td>
<td>31.8</td>
<td>41.9</td>
</tr>
<tr>
<td>2009</td>
<td>369,137</td>
<td>293,675</td>
<td>140,479</td>
<td>228,658</td>
<td>38.1</td>
<td>47.8</td>
</tr>
<tr>
<td>2010</td>
<td>409,458</td>
<td>329,090</td>
<td>157,197</td>
<td>252,261</td>
<td>38.4</td>
<td>47.8</td>
</tr>
<tr>
<td>2011</td>
<td>452,080</td>
<td>370,105</td>
<td>188,779</td>
<td>263,301</td>
<td>41.8</td>
<td>51.0</td>
</tr>
<tr>
<td>2012</td>
<td>459,991</td>
<td>380,963</td>
<td>192,145</td>
<td>267,846</td>
<td>41.8</td>
<td>50.4</td>
</tr>
</tbody>
</table>

**Source:** Statistical Report. Bank of Albania. 02/2012. Tirana

Statements have brought relations between loans and total deposits and time to see the level of use. From year to year the level of loan-to-deposit ratio has increased, while the total has not passed 42% of them time is only 50.4%. This figure is too negative and requires coverage answer the rest of the profit rate deposits. Where are the currency that is not activated in the form of lending business or individuals? The answer is simple if you deepen the analysis by inserting between the cabinet. These ALL are absorbed by the government through Treasury Bills. It is for this reason that their interest rate has gone up to 9%.

Conclusion. ALL deposits with or without maximum term only 50% of them are in the form of credit economic entities, the rest is used to purchase government debt instruments, treasury bills, while 100 are given credit currency deposit.

**Figure No. 6. Figure of structure deposit/ currency loan**
Statement No.7. Deposits and loan in foreign currency

<table>
<thead>
<tr>
<th>Year</th>
<th>Deposits / Currency</th>
<th>Loans / Currency</th>
<th>Kredi/dep.gjithsej %</th>
<th>Kredi/dep.me afat %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>260,699</td>
<td>195,586</td>
<td>282,212</td>
<td>108.3</td>
</tr>
<tr>
<td>2009</td>
<td>293,288</td>
<td>217,865</td>
<td>299,918</td>
<td>102.3</td>
</tr>
<tr>
<td>2010</td>
<td>375,766</td>
<td>288,294</td>
<td>325,932</td>
<td>86.7</td>
</tr>
<tr>
<td>2011</td>
<td>423,146</td>
<td>336,393</td>
<td>353,120</td>
<td>83.5</td>
</tr>
<tr>
<td>2012</td>
<td>424,630</td>
<td>341,018</td>
<td>357,884</td>
<td>84.3</td>
</tr>
</tbody>
</table>


Fig 7. Deposits and loan in foreign currency.

The statement and the chart shows that we have a much higher percentage of the use of foreign currency deposits than the proportion of deposits. This proves once again the conclusion that we draw higher than in Albania gives direct impact on economic growth in the area of investment currency use more than the Albanian Lek. Albanian Lek comes out bank through the purchase of Treasury Bills contributing to the growth of aggregate demand. Its growth contributes indirectly to increase domestic production.

5.4 Fourth, the power that the Central Bank of the Republic of Albania to affect inflation through monetary policy that it formulates and implements. This point we have treated other material we have published.

5.5 Fifth, the distribution of loans by economic entities, manufacturing entities, businesses and individuals.

Statement No.8. Distribution of total loans by economic entities (in million ALL, lek)

<table>
<thead>
<tr>
<th>Years</th>
<th>Business</th>
<th>Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>291,214</td>
<td>139,779</td>
</tr>
<tr>
<td>2012</td>
<td>396,705</td>
<td>142,004</td>
</tr>
</tbody>
</table>


Fig. 8. Distribution of Total Credits(loans in ALL, lek), Business 74%, individuals 26%
Statement No.9. Credit distribution in ALL

<table>
<thead>
<tr>
<th></th>
<th>Business</th>
<th>Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>121,958</td>
<td>61,743</td>
</tr>
</tbody>
</table>


Figure No. 9 Distribution of loans in domestic currency (in ALL=lek)

Statement No.10. Loans distribution in euro

<table>
<thead>
<tr>
<th></th>
<th>Biznes</th>
<th>Individ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>237,650</td>
<td>77,703</td>
</tr>
</tbody>
</table>


Figure No. 10 Distribution of loans in euro

The data and statements accompanying graph clearly shows that the average separation between business and individual loans is in the ratio of 75 to 25%. This is a very important indicator because it shows the level of business engagement in this moment of transition, but in the future this indicator should change in favor of individuals.

Statement No.11. Structure for business credit, currency, euro and dollar million

<table>
<thead>
<tr>
<th>Years</th>
<th>Loans for Business</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>lekë</td>
</tr>
<tr>
<td>2009</td>
<td>76,734</td>
</tr>
<tr>
<td>2012</td>
<td>121,958</td>
</tr>
</tbody>
</table>

Figure no. 11. The distribution of loans to businesses

The structure of loans by euro currency takes first place with 60%, the lek by 31% and only 9% of the dollar. It is this structure because the business uses to ensure currency of the main tools for machinery and equipment and for the purchase of raw materials from import. In this way, the demand for the currency of business is justified. Those with these transactions affect the growth of production opportunities and achieving the highest domestic factors.

Table 12. Loans to individuals

<table>
<thead>
<tr>
<th>Years</th>
<th>Individuals</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>lekë</td>
<td>%</td>
</tr>
<tr>
<td>2009</td>
<td>56,239</td>
<td>40.2</td>
</tr>
<tr>
<td>2012</td>
<td>61,743</td>
<td>43.5</td>
</tr>
</tbody>
</table>


Credit facility drawn from individuals is almost the same as using credit structure of the business, but did not have 9% dollar loan but only 2%, while currency loans is 40% euro and 58%. Increased demand for foreign currency is another factor influencing business alongside the growth of total demand for foreign currency which affects the Albanian currency depreciation.

Albanian Lek is not only impaired by the decline of remittances by reducing supply but also the demand side. Are precisely the reasons that we have presented in this paper.

Why is roughly distribution structure to that business, what are the factors why the currency used by the citizens?

According to our analysis and judgment she used:
- For house purchase from the construction sector. The construction sector sells apartments in euro per square meter and not at ALL. A piece of furniture made in euro and not at ALL.
- A vehicle marketed in euro and not ALL.
- Paya portion of the employees of banks and foreign companies are given in euros and not in Albanian Lek.
- Holidays abroad are made in euro and not in Albanian lek.
- Part of the payments to universities, as well as a part of training courses will be made in euro.

In this way, the Albanian citizens are forced to turn to banks or informal market for currency for these transactions.

If we had energetic action of the Ministry of Finance, Taxation and Tax Branch will have as second-tier state bank, then all these companies would be forced to all sales you make through this bank which would enable the opening ALL loan with low interest. This will reveal the Albanian lek and circulation would facilitate it.

Conclusion. Structure of loans by companies and currencies is almost the same. Business uses currency for the purchase of machinery and equipment, mostly for imports while individuals generally use to make payments within the country for apartments, cars or other services.

5.6 Sixth, the distribution of loans by territory, etc.

Statement 13. Distribution of the loans by districts

<table>
<thead>
<tr>
<th>Total</th>
<th>Tirana</th>
<th>%</th>
<th>Durrës/</th>
<th>%</th>
<th>Elbasan/</th>
<th>%</th>
<th>Shkodër/</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>538,710</td>
<td>383,738</td>
<td>71.2</td>
<td>40,810</td>
<td>7.6</td>
<td>15,279</td>
<td>2.8</td>
<td>13,051</td>
<td>2.4</td>
</tr>
<tr>
<td>Korçë/</td>
<td>%</td>
<td></td>
<td>Vlorë/</td>
<td>%</td>
<td>Fier/</td>
<td>%</td>
<td>Lezhë/</td>
<td>%</td>
</tr>
<tr>
<td>8,680</td>
<td>1.6</td>
<td></td>
<td>16,607</td>
<td>3.1</td>
<td>15,424</td>
<td>2.9</td>
<td>10,323</td>
<td>1.9</td>
</tr>
<tr>
<td>Tëtjera</td>
<td>34,802</td>
<td>6.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure No.13 The distribution of loans by districts

Statements and supporting chart concluded that nearly 80% of the credit is given in the Tirana-Durrës, while only 20% is distributed to other districts of Albania. This structure reveals an asymmetrical distribution of loans and their concentration as close to the center and generally to trade and repairs, construction, hotels, transportation, etc.

6. Conclusions

Distribution of credit shows that in general the Albanian economy is not based on proper rate loans of commercial banks by creating disproportioned development between different regions. This is also one of the reasons for rural areas abandonment as it is funded mostly only from immigrants coming from these areas, and less through government subsidies, particularly in agriculture.

Were we to have a state-owned commercial bank, then loan structure would have been different; the loans would have been headed towards agriculture, the development of tourist areas, the use of resources in all regions of the country from the low lands to the most remote mountainous ones.

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Its Structure, Levels, Individual and Contextual Determinants

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Abstract

Despite its historical roots and wide contemporary use, the debate over the conceptualization of social capital is very much alive among researchers of different academic subjects, with its main goal being the development of empirical measurement tools. The chief aim of this article is to demonstrate the multidimensional and consistent structure of social capital in European regions through an exploratory factor analysis and a subsequent confirmatory factor analysis. Throughout the paper we critically analyze the gap between the theoretical understandings of social capital and the ways it has been measured in most empirical work so far. We use data from the five European Social Survey waves (2002-2010) in European regions. We also approach social capital levels in these regions: diachronically between 2002 and 2010 using a time-series analysis and synchronically in 2010 using an analysis of variance to determine mean differences (ANOVA). Lastly, we study the effect several determinants have, at individual and national levels over the different dimensions of social capital so as to determine whether there are verifiable differences between European regions. In order to do this we used OLS regression analyses.

Keywords: Social Capital Definition; Social Capital Individual-Level Determinants; Social Capital Contextual-Level Determinants; Levels of Social Capital; Europe

1. Introduction

Over the past 20 years, the academic interest in studying the social capital met a huge growth among sociologists, political scientists and economists (Svendsen and Svendsen, 2009). However, there is not a single consensus definition of social capital, assuming this category sometimes "rain hat" or even "catch-all" (Grootaert and Bastelaer, 2000; Lin et al., 2001).

The aim of this article was to identify the similarities and differences between European regions concerning the structure, levels and determinants of social capital. The actuality of the topic is related to the growing awareness of the importance of social context and intangible assets in the process of democratic institutional process. The present article was composed of three major sections. First, there was presented the review literature about the historical origins and theoretical approaches to the social capital concept, noting in particular its multidimensional nature, and its main components.

The second section comprised the comparative research on the structure of social capital in the European regions, through the application, first to exploratory factor analysis, and then, in the confirmatory factor analysis. This comparative, consistent and integrated framework constitutes an important step towards to developing the comparative analysis across regions and countries in which social capital concerns. Based on alternative theoretical approaches, the components of social capital will be described alongside structural and cognitive dimensions.

Subsequently, the individual determinants of social capital in European regions will be discussed. Political science is related to the notion that such a complicated concept should be studied in a wider context where social capital accumulates, appears and operates. Thus, although the determinants and sources of social capital are studied mainly at the individual level not considering national level determinants. In this analysis, we assume that “the context makes a difference”.

The individual determinants of social capital can be divided into two groups. The first group includes a wide range of psychological and cultural and socio-economic characteristics of individuals, such as personal income and education, family and social status, values and personal experiences, which determine the incentive of individuals to invest in social capital. The second group of social capital determinants includes contextual or systemic factors at the level of the region, such as the overall level of development, democracy’s longevity, quality and fairness of formal institutions, human
development, distribution of resources and society’s communications modernization, etc.

From our point of view, the main shortcoming of previous empirical studies lies in the fact that they include incomplete set of social capital dimensions (mostly, only indicators of general trust and/or membership in voluntary organisations are included) and a limited number of their determinants. Also, the data sources and list of regions or countries analysed by different authors are not similar, making comparisons and generalisation of the (often varying) results problematic.

2. Definition and Theoretical Approaches to Social Capital

Although, the concept of social capital is a concept so influential today, it is far from a new concept or even original. If it is true that belongs to Robert Putnam, with the publication of his work, *Making Democracy Work: Civic Traditions in Modern Italy*, 1993 (with Robert Leonardi and co-authored by Raffaela Nannetti), the merit of having recovered and especially popularized this concept, the fact is that it dates back to the nineteenth century and has as main inspiring the French political thinker Alexis de Tocqueville, and one that was surely his masterpiece *Democracy in America*, published in two volumes.

Still, on the roots of the concept of social capital, and about the fact that this is not a new concept and not all original, it must be said that in the twentieth century, the first and systematic development of the concept of social capital is owned by two sociologists, a Frenchman, Bourdieu (1984, 1985), and an American, Coleman (1986, 1990), both centred on individuals or small groups as the units of analysis.

But that the capital is not a new concept, with Putnam it gained new dimensions and horizons. Following here over Coleman than Bourdieu, Putnam was the first theoretical way but also empirical, social capital as a “public good”, not limited to defining it just as such. At the individual level, social capital has been seen as a resource embedded in the social structure, which is useful for achieving higher reputation, power and material welfare. At the national level, social capital in the form of networks now constitutes a powerful information channel, while trust and norms can help to discourage opportunist behavior in the presence of risk and uncertainty.

If we are to realize the implications of this new approach is necessary to understand the way that Robert Putnam in *Making Democracies Work* (1993) and *Bowling Alone* (2000) linking the ideas of social capital to the importance of civic associations and voluntary organizations for political participation and effective governance, and strong influence on him was the work of Alexis de Tocqueville, *Democracy in America*. In fact, most accounts of Putnam’s social capital rely predominantly on the importance of social interactions and voluntary associations in the manner originally suggested by Tocqueville.

In *Making Democracy Work* (1993), Putnam sustains that participation in political and social activities and collective organizations is the primary means of civic engagement. The author claims that individuals’ participation in social and political organizations “instills in their members habits of economic cooperation, solidarity, and public spiritedness” (Putnam, 1993: 89–90).

From an economist’s point of view, cooperation and information sharing are facilitated when individuals have the opportunity to interact within organizations. It is obvious to Putnam that voluntary organizations are seen as creators of social capital because of their socialization effects on reciprocity and cooperative values and norms. Associations function as “learning schools for democracy.” The claim is that in areas with stronger, dense, horizontal, and more crosscutting social networks there is a spill over from membership in organizations to the cooperative values and norms that citizens develop. In areas where networks with such characteristics do not develop, there are fewer opportunities to learn “civic virtues” and “democratic attitudes”, resulting in a lack of trust and values and civic pride.

It is not just a matter of faith or philosophic, since his seminal work (1993) proves it empirically, or at least so he judges. To study the regional differences in Italy, he and their colleagues found that large variations in the effectiveness of Italy’s regional governments were explained not by their resources or structures, but by regional differences in social capital. Robert Putnam defined these as features of social life networks, norms, and trust that enable participants to act together more effectively to pursue shared objectives. Social capital, in short, refers to connections and the attendant social norms and trust (Putnam, 1995).

About Putnam’s work much more would be to say, but what interested us point out was the more distanced of the classics played by Robert Putnam and by contemporary authors and that allows us to distinguish social capital with a single attribute (micro) and the issued share capital as a collective (macro) attribute. Basically, two main approaches can be discerned in the analysis of social capital in terms of focus and its outcomes.

At individual-level to social capital can be seen as the direct result of investment by actors, who have the aim of
receiving a return on their investment. Individuals assume deliberately to invest their time and money in social capital with expected future returns in the form of material (micro-level approach). At the level of nations and regions, the main concern is related to the formal institutions – their trustworthiness, quality and ability to assure social cohesion (macro-level approach). However, these opposite perspectives of social capital can be taken to be complementary rather than found against, each offering a different outlook of the concept, related to specific research subjects and problems which could be solved with the help of social capital.

It follows another dichotomy very usual in the specialized literature that studies the social capital. If in the first case, it is the primacy given to the structural elements of social capital that facilitate social interaction, that is social networks, both formal and informal. In the second, has sought to highlight the cultural and cognitive elements of social capital, including different types of trust and civic norms, also referred to as trustworthiness.

3. **Methodology: Data Sources and Measurement Issues**

The following empirical analysis compares the structure, the levels, the individual, and contextual determinants of social capital in six European regions. The analyzed regions are: 1) Northern Europe (Denmark, Finland, Norway and Sweden); 2) Western and Central Europe (Austria, Belgium, France, Germany, Netherlands and Switzerland); 3) Britain and Ireland; 4) Southern Europe (Greece, Spain and Portugal); 5) Eastern Europe (Czech Republic, Hungary, Poland, Slovakia and Slovenia); and 6) Baltic countries (Estonia and Lithuania).

We used data from the five European Social Survey (ESS) waves. The ESS is a biennial multi-country survey that covers over 30 countries. The first round was fielded in 2002/2003, the fifth in 2010/2011.

4. **Social capital: A multidimensional concept and its operationalization**

4.1 - At long last... What are the components of social capital?

So far, it is consensual that social capital is a particularly complex and problematic concept due to its multidimensional nature (Dasgupta and Serageldin, 2000; Parts, 2009). It can be divided into two parts: the structural aspect, which includes participation in formal and informal networks and facilitates social interaction (Uphoff, 2000), and the cognitive aspect, which predisposes people to act in a socially beneficial and constructive way and refers to shared norms, values, trust, attitudes and beliefs (Hjøllund and Svendsen, 2000; Parts, 2009).

If we adopted Putnam's definition of social capital (1993, 2000), we would easily identify its components and integrate them in structural and cognitive aspects. This is how he introduces the idea in its most extensive and complex form in *Bowling Alone* (2000)

> Whereas physical capital refers to physical objects and human capital refers to the properties of individuals, social capital refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them. In that sense social capital is closely related to what some have called “civic virtue”. The difference is that “social capital” calls attention to the fact that civic virtue is most powerful when embedded in a sense network of reciprocal social relations. A society of many virtuous but isolated individuals is not necessarily rich in social capital. In other words, interaction enables people to build communities, to commit themselves to each other, and to knit the social fabric. A sense of belonging and the concrete experience of social networks (and the relationships of trust and tolerance that can be involved) can, it is argued, bring great benefits to people (Putnam, 2000: 19)

While in *Making Democracy Work* (1993) he propelled the issue of social capital to the front stage of the social sciences, Putnam also established here, in very simple terms, what was new and original about the concept, its components and how to operationalize them empirically. According to Putnam (1993), social capital includes ‘the features of social organization, such as networks, social norms and trust, that can improve the efficiency of society by facilitating coordinated action’ (Putnam, 1993: 167).

Social norms and networks ‘provide defined rules and sanctions for individual participation in organizations’ (Putnam, 1993: 166), and promote reciprocity and cooperation ‘founded on a lively sense of mutual value to the participants of such cooperation, not a general ethic of the unity of all men or an organic view of society’ (Putnam, 1993:168). On the whole, networks and norms provide for such an internal mutual commitment a mechanism that ‘rational individuals will transcend collective dilemmas’ (Putnam, 1993: 167).

From here it is easy to conclude that among the structural elements of social capital we find social networks, from
where its cognitive and cultural elements are generated. Furthermore, and following Putnam closely, we have three social capital components: 1) social networks; 2) social norms (among which are reciprocity and cooperation norms); and 3) trust. What we will do next is empirically prove the multidimensional nature of social capital. However, we will steer away from Putnam’s definition and operationalization a little. In order to do so, we will present social capital’s various components in a more deep manner. We will add some components to Putnam’s concept, in agreement with our reading of what social capital is in European contemporary societies and with how we will operationalize it.

4.2 What does specialized literature teach us?

4.2.1 Social networks individual determinants

In the fifth round of the ESS (2010), the participation in informal social networks is measured by the survey questions that ask people ‘How often do you meet socially with friends, relatives or work colleagues?’ ‘Compared to other people of your age, how often would you say you take part in social activities?’ and ‘How important do you think it is to be loyal to your friends and devote yourself to people who are close?’ The ESS contains two survey questions that can be used to measure the participation in formal social networks. People are asked ‘Are you or have you ever been a member of a trade union or similar organization? If yes, is that currently or previously?’ and ‘during the last 12 months have you participate in an organization or association?’

4.2.2 Social and institutional trust individual determinants

Trust and trustworthiness are integral elements of reciprocity. An individual who abides by the norm of reciprocity is trustworthy. The information regarding the trustworthiness of others is an essential input to the reciprocal decision of an individual whether or not to cooperate. As Putnam (2000) puts it, ‘I’ll do this for you now, without expecting anything immediately in return, and perhaps down the road you or someone else will return the favor (...) A society that relies on generalized trust is more efficient than a distrustful society, for the same reason that money is more efficient than barter’ (Putnam, 2000: 134-5).

Here we also chose a different measure of generalized trust. We decided to use three survey questions from the ESS and build an index that allowed us to measure it: 1) Generally speaking, would you say that most people can be trusted, or that you can’t be too careful in dealing with people? 2) Do you think that most people would try to take advantage of you if they got the chance, or would they try to be fair? 3) Would you say that most of the time people try to be helpful or that they are mostly looking out for themselves? This four-item scale can be considered reliable, with a Cronbach’s alpha of 0.860

Concerning institutional trust, we must make a distinction between (1) confidence in institutions on the representation side of the political system (parties and parliaments) and (2) confidence in institutions on the implementation side (government and legal system). The ESS contains questions that can be used to measure these national political institutions. In the questionnaire we can read: please tell me on a score of 0-10 how much you personally trust each of the institutions I read out. 0 means you do not trust an institution at all, and 10 means you have complete trust: 1) [country]’s parliament?, 2) the government; 3) the legal system; and 4) political parties.

4.2.3 Civic norms and political awareness

Social norms often facilitate more predictable or beneficial behaviour patterns of individuals. In fact, it is hard to imagine how interaction and exchange between strangers could take place without norms. According to Putnam, ‘reciprocity’ is clearly the underpinning norm amongst social norms, which is strongly reflected by the ethics of ‘do unto others as you would have them do unto you’. While the direct exchange of ‘favors’ can be seen as a form of transaction that requires no motivation other than narrow self-interest, the supply of generalized reciprocity is increased by making ‘expected behaviour’ something required by a social norm. Reciprocity is made up of a series of acts, each of which is altruistic in the short run (benefiting others at a cost to the altruist), but together they usually make every participant better off (Taylor, 1982; quoted in Putnam, 2000: 134).

The ESS questions we found most fit to measure this component divide into two distinct blocks. The first asks respondents whether they consider it important ‘to do what is told and follow rules’; ‘to behave properly’; ‘to help people for the well-being of others’ and ‘to understand different people’. In the second block, we tried to measure the
respondents’ degree of perception regarding political issues, which often contribute to changing social norms that are in effect or, at least, their understanding by society members.

To that purpose, we used an ordinal recurrent question in all surveys and, therefore, also in the ESS: ‘Please indicate your degree of interest in politics’. To this we added an index (with Cronbach’s $\alpha$ above .950) formed by the answers to the following questions: ‘On an average weekday, how much of your time watching television is spent watching the news or programmes about politics and current affairs?’; ‘On an average weekday, how much of your time listening to the radio is spent listening to the news or programmes about politics and current affairs?’ and ‘On an average weekday, how much time do you spend reading about politics and current affairs in the newspapers?’

4.2.4 Social cohesion and sense of community individual determinants

Although Putnam (1993, 2000) does not refer to it explicitly in his work, we consider social cohesion to be a cultural aspect intrinsic to the concept of social capital today. We find different definitions of a multicultural society in existent literature on the subject. One points to the existence of distinct ethnic communities, generated by voluntary or forced immigration and marked by differences in terms of language and/or religion and/or customs. Therefore, even European societies that were seen as non-multicultural now are, due to recent massive immigration.

The phenomenon of immigration is perhaps the greatest challenge. Today more than five percent of the resident EU population is non-EU Member State nationals. Multiculturalism is present in almost all the countries of the EU. Therefore, since societies of today are increasingly characterized as multicultural societies (Masini, 2011; Myria, 2005) inclusiveness and collective action depend on how they deal with ethnocentrism.

We used the following ESS questions to measure this last component of social capital. We also created a three-item scale that can be considered reliable (Cronbach’s alpha equals .920). The survey questions were: 1) Would you say it is generally bad or good for [country]’s economy that people from other countries come to live here? 2) Would you say that [country]’s cultural life is generally undermined or enriched by people coming from other countries to live here? 3) Is [country] made a worse or better place to live by people coming from other countries to live here?

5. Research Propositions and Empirical Analysis

Now that we laid out the structural and cultural/cognitive components of social capital, there are still some needful considerations before presenting the propositions for empirical analysis. The first group of propositions will be set up to identify the components and structure of social capital in European regions.

The basic assumption in this first group is that social capital is theoretically a multidimensional concept and not empirically a dependent variable resulting from an index or a scale but a stable and a multifaceted construct, i.e., the relative importance of alternative social capital components may differ by European regions with different overall economic and political development levels. Thus, the following proposition is exploratory in nature and suggests that:

**P1a:** The components of social capital are similar and unchangeable in European regions.

Based on empirical evidence, several scholars have pointed out that the levels of social capital in European regions are very different, especially amongst those that comprise transition countries, where levels are lower than in regions that include non-transition countries (Paldam and Svendsen, 2002). We will test this statement on the broad basis of social capital’s components. Therefore, it could be expected that the data from the ESS also confirm the following proposition:

**P1b:** Although social capital structure is the same in European regions, its levels may differ both diachronically and synchronically.

The second group of propositions concerns the possible similarities and differences in the micro- and macro-level determinants of social capital between European regions. Given that social capital consists of separate components, it can be suggested that its sources also differ on these components. There are also some indicators (like civic and political awareness and social cohesion) that were not analysed in previous empirical studies. Thus, the current analysis of the determinants of social capital components is largely exploratory, and no precise proposition can be put forward for all components separately.

As Uslaner (2003) noted, there might be differences in social capital between European regions that are related to psychological, attitudinal or cultural factors, such as prior life experience and its interpretations. Based on this reasoning, we set up the following propositions:

**P2a:** Individual-level determinants are expected to have different effects (e.g. in the direction and magnitude) on
social capital components in European regions.

We will now consider the last propositions. Social capital is also influenced by macro-level or contextual factors. Broadening the range of possible determinants is important because individuals do not live in isolation, but are part of a certain culture - so it is very likely that these national cultures have an impact on individual levels of social capital, such as the quality of institutions, income distribution, educational system, and the welfare state (rainmaker effect hypothesis).

Given that both micro-level and macro-level factors play a role in determining the levels of social capital, the question arises as to whether it is possible to list these determinants according to their relative importance. Thus, we arrived at the following general propositions:

P2b: The relative importance of micro- and macro-level factors might be different in European regions, in the case of different social capital components.

We used different statistical methods, applicable for cross-national datasets, to test the validity of our propositions in different stages of the research. In the first group, we used a factor analysis with principal components and a confirmatory factor analysis on pooled data in order to obtain latent factors of social capital (P1a). After, we used a descriptive analysis (ANOVA and t-test for mean comparisons) to compare the levels of social capital and time-series analysis to study measurements (equally) spaced over time (P1b).

In the second group we used OLS regression analysis to test the validity of P2a proposition. Finally, we used a multilevel analysis, since the main objective is to demonstrate the influence of social context on individual attitudes. The theoretical and technical requirements of regression multilevel models satisfy this requirement (P2b).

In order to test the validity of the multidimensionality of social capital, and before we move on to the statistical analysis, we will summarize the dimensions (or components) and their indicators.

Table 1. Dimensions of the concept of social capital

<table>
<thead>
<tr>
<th>Dimensions or Components of Social Capital</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Social Networks</td>
<td>How often socially meet friends, relatives or colleagues</td>
</tr>
<tr>
<td></td>
<td>Take part in social activities compared to others of same age</td>
</tr>
<tr>
<td></td>
<td>Member of trade union or a similar organization</td>
</tr>
<tr>
<td></td>
<td>Worked as voluntary in an organization or association</td>
</tr>
<tr>
<td>2. Social and Institutional Trust</td>
<td>Most people can be trusted, or you cannot be too careful</td>
</tr>
<tr>
<td></td>
<td>Most people try to take advantage of you, or try to be fair</td>
</tr>
<tr>
<td></td>
<td>Most of the time people are helpful, or mostly looking for their own interest</td>
</tr>
<tr>
<td></td>
<td>Trust in country's parliament</td>
</tr>
<tr>
<td></td>
<td>Trust in political parties</td>
</tr>
<tr>
<td></td>
<td>Trust in the justice system</td>
</tr>
<tr>
<td></td>
<td>Trust in the postal system</td>
</tr>
<tr>
<td>3. Civic and Political Awareness</td>
<td>Important to do what is right and follow rules</td>
</tr>
<tr>
<td></td>
<td>Important to donate property</td>
</tr>
<tr>
<td></td>
<td>Important to defend other people</td>
</tr>
<tr>
<td></td>
<td>Important to help people and care for the well-being of others</td>
</tr>
<tr>
<td></td>
<td>Interest in politics</td>
</tr>
<tr>
<td></td>
<td>Watching news/political programs on TV</td>
</tr>
<tr>
<td></td>
<td>Listening to radio/political current affairs on the radio</td>
</tr>
<tr>
<td></td>
<td>Reading newspapers current affairs in the newspaper</td>
</tr>
<tr>
<td></td>
<td>Immigrants are good for country's economy</td>
</tr>
<tr>
<td></td>
<td>Country's cultural life enriched by immigrants</td>
</tr>
<tr>
<td></td>
<td>Immigrants make country a better place to live</td>
</tr>
</tbody>
</table>

According to theoretical literature, its dimensions rather than individual variables could better characterize the concept of social capital. In order to capture all the information from the above 22 individual social capital indicators into smaller number of variables, latent variables were constructed for each selected dimension. To test the empirical validity of the multidimensionality of social capital, an exploratory factor analysis was used. If each of the various dimensions (or components) of social capital captures specific aspects of the concept, the initial indicators chosen to describe a particular dimension or component should load to the same factor.

In order to test the similarities and differences of the social capital structure in European regions, the following
analysis is performed on pooled data (N = 38.974). The first-order exploratory factor analysis was conducted using the principal components method with varimax rotation (see Appendix A). To decide the number of factors, first, the Kaiser criterion was used: only the factors with eigenvalue greater than 1 were retained. Bartlett’s Test of Sphericity is significant; the KMO test statistic is .0827, which shows that the factor solution is good and stable.

Altogether, the extracted seven factors explain 59.84% of the total variance of 22 initial indicators included in the analysis (see Appendix A). The results also show that the indicators of social capital clearly divided into groups describing the predefined first-order components of social capital and every indicator corresponds to the dimension expected, which this indicator was assumed to measure. The factor loadings of indicators in factors, which they were chosen for, range from 5.6% to 12.5%.

The structure of social capital components would be further clarified by second-order factor analysis, using initially-obtained individual factor scores as inputs. This approach enables the validation of the measurement model of social capital, showing whether empirical data confirms the theoretically-derived structure of social capital, as presented earlier (see Appendix A).

The second-order exploratory factor analysis was conducted using the principal components method with varimax rotation with Kaiser Normalization on pooled data. Bartlett’s Test of Sphericity is significant and the KMO test statistic is slightly higher at .600, which shows that the factor solution is fair and relatively stable. Altogether, the extracted four factors explain 57.1% of the total variance. All the four factors have a similar variance explained, 14.3%, that shows the equilibrium in the variability the pooled data in second-order exploratory factor analysis (see Appendix A).

in contrast to exploratory factor analysis where all loadings are free to vary, CFA allows for the explicit constraint of certain loadings to be zero. Therefore, to validate definitely the proposition P1a, we had conducted this type of analysis too. As confirmatory analysis gives the factors that can be correlated to each other, these factors are next used as input in the second-order confirmatory factor analysis. This enables the structure and aggregation possibilities of social capital indicators to be further clarified as we can see in Figure 1 on global model of confirmatory analysis.

There is convergent validity for all dimensions: the loadings are high (M > 0.500) and significant (p < 0.001); and the internal reliability is verified by the composite reliability (higher than 0.7), and the extracted variance is higher than 0.5 for most dimensions. On the other hand, it should be noted that all dimensions show significant correlations, which strengthens the use of first-order factors. Finally, that measurements indicate a good fit, according to CFI (CFI > 0.90), RMSEA (RMSEA < 0.08) and NFI (NFI > 0.80), but not according to Chi-square (p < 0.05), this being value affected by the large sample dimension and CFI (CFI < 0.90).
At this point, we can conclude by the validity not only theoretical but also empirical evidence of our first proposition (P1a). Yes, the proposition that the concept of social capital is not uniform but multidimensional is empirically valid, and it is in all European regions. What is more, its components are identical in all regions of Europe, i.e., the social capital has a structure or composition unchanging and constant in the European regional context.

6. Levels and Trends of Social Capital in European Regions

If the structure of the concept of social capital is similar and invariable in these European regions, that does not mean each component does not hold a distinct weight and evolutionary dynamics in different regions. As confirmatory factors draw a clearer distinction between different dimensions of social capital, these factor scores are also a good basis for us to have an idea of social capital levels and trends at the regional level. On the basis of the obtained social capital factors we used an ANOVA statistics to find out the mean differences in social capital components between European regions from 2002 to 2010.

If we take into account each component in 2010, the inter-regional differences are quite obvious: mean scores of social networks are higher in Northern and Western Europe and quite low in Southern and Eastern Europe. There is a statistically significant strengthening of social networks in the scope of civil society only in Northern Europe between 2002 and 2010. In parallel fashion, we observe a declining trend in Western Europe and a certain stability in remaining regions, even if not statistically significant.

The same pattern repeats itself regarding synchronic generalized and institutional social trust. However, diachronically we see a decline of this component in Northern Europe even if it is not statistically significant, unlike in Southern Europe (ß = -.082) and Eastern Europe (ß = -.067).

Table 1. Mean Comparison of Second-Order Components of Social Capital (2010)

<table>
<thead>
<tr>
<th>Component</th>
<th>Nordic</th>
<th>Western and Central Europe</th>
<th>Britain - Ireland</th>
<th>Southern Europe</th>
<th>Eastern Europe</th>
<th>Baltic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Social Networks</td>
<td>6502</td>
<td>0.22</td>
<td>9798</td>
<td>2422</td>
<td>4035</td>
<td>7101</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.02</td>
<td>0.98</td>
<td>-0.78</td>
<td>0.02</td>
<td>0.95</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Social and Institutional Trust</td>
<td>6502</td>
<td>0.90</td>
<td>9798</td>
<td>2422</td>
<td>4035</td>
<td>7101</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.75</td>
<td>0.75</td>
<td>0.13</td>
<td>0.92</td>
<td>0.89</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Political and Civic Awareness</td>
<td>6502</td>
<td>0.09</td>
<td>9798</td>
<td>2422</td>
<td>4035</td>
<td>7101</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.02</td>
<td>0.98</td>
<td>-0.05</td>
<td>0.96</td>
<td>0.95</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Social Cohesion</td>
<td>6502</td>
<td>0.15</td>
<td>9798</td>
<td>2422</td>
<td>4035</td>
<td>7101</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.91</td>
<td>0.95</td>
<td>-0.14</td>
<td>0.95</td>
<td>0.96</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: European Social Survey (2010)

Regarding civic norms and political conscience, we found that average values are higher and positive in Northern and Western Europe, contrasting with the negative average values in Southern Europe (ß = -.042). Furthermore, there is a statistically significant decrease of this component (ß = -.084) between 2002 and 2010.

Lastly, the feeling of social cohesion and community is an especially strong dimension in Northern Europe and, although less, in Western Europe in 2010. We see a slight decline of the component in 2002-2010, contrasting with its strengthening in Northern Europe, even if it is not statistically significant. However, what we observe in Southern Europe is quite different, since average social cohesion and community feeling values are negative and statistically significant (ß = -.022). The same occurs, to a smaller degree, in the region of England and Ireland (ß = -.013). Diachronically, there is a declining trend in Southern and Eastern Europe, even if not statistically significant.
Table 2. Social Network trends in European regions, 2002-2010 (standardized mean values)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Europe</td>
<td>0.063</td>
<td>0.041</td>
<td>0.068</td>
<td>0.048</td>
<td>0.047</td>
<td>-0.016</td>
<td>0.004</td>
</tr>
<tr>
<td>Northern Europe</td>
<td>0.430</td>
<td>0.292</td>
<td>0.307</td>
<td>0.189</td>
<td>0.264</td>
<td>0.166**</td>
<td>-0.017</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>-0.227</td>
<td>-0.211</td>
<td>-0.200</td>
<td>-0.217</td>
<td>-0.221</td>
<td>0.006</td>
<td>0.012</td>
</tr>
<tr>
<td>Southern Europe</td>
<td>-0.185</td>
<td>-0.172</td>
<td>-0.008</td>
<td>-0.190</td>
<td>-0.012</td>
<td>0.173</td>
<td>0.031</td>
</tr>
</tbody>
</table>

Table 3. Social and Institutional trust trends in European regions, 2002-2010 (standardized mean values)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Europe</td>
<td>0.144</td>
<td>0.145</td>
<td>0.141</td>
<td>0.158</td>
<td>0.144</td>
<td>0.000</td>
<td>0.006</td>
</tr>
<tr>
<td>Northern Europe</td>
<td>0.566</td>
<td>0.428</td>
<td>0.492</td>
<td>0.328</td>
<td>0.501</td>
<td>-0.065</td>
<td>-0.027</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>-0.305</td>
<td>-0.392</td>
<td>-0.431</td>
<td>-0.444</td>
<td>-0.372</td>
<td>-0.067**</td>
<td>-0.012</td>
</tr>
<tr>
<td>Southern Europe</td>
<td>-0.178</td>
<td>-0.222</td>
<td>-0.164</td>
<td>-0.293</td>
<td>-0.259</td>
<td>-0.082**</td>
<td>0.003</td>
</tr>
</tbody>
</table>

Source: European Social Survey (2002-2010)

Table 4. Political and civic awareness trends in European regions, 2002-2010 (standardized mean values)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Europe</td>
<td>0.023</td>
<td>0.000</td>
<td>-0.022</td>
<td>0.023</td>
<td>0.017</td>
<td>-0.005</td>
<td>0.001</td>
</tr>
<tr>
<td>Northern Europe</td>
<td>0.021</td>
<td>0.003</td>
<td>0.032</td>
<td>0.013</td>
<td>0.077</td>
<td>0.056</td>
<td>0.012</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>-0.080</td>
<td>-0.113</td>
<td>-0.081</td>
<td>-0.081</td>
<td>-0.081</td>
<td>-0.021</td>
<td>-0.009</td>
</tr>
<tr>
<td>Southern Europe</td>
<td>-0.050</td>
<td>-0.037</td>
<td>-0.081</td>
<td>-0.040</td>
<td>-0.134</td>
<td>-0.084**</td>
<td>-0.012</td>
</tr>
</tbody>
</table>

Table 5. Social cohesion and sense of community trends in European regions, 2002-2010 (standardized mean values)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Europe</td>
<td>0.118</td>
<td>0.051</td>
<td>0.026</td>
<td>0.099</td>
<td>0.047</td>
<td>-0.005</td>
<td>0.005</td>
</tr>
<tr>
<td>Northern Europe</td>
<td>0.288</td>
<td>0.163</td>
<td>0.243</td>
<td>0.175</td>
<td>0.252</td>
<td>0.056</td>
<td>0.009</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>-0.123</td>
<td>-0.162</td>
<td>-0.163</td>
<td>-0.139</td>
<td>-0.181</td>
<td>-0.021</td>
<td>0.006</td>
</tr>
<tr>
<td>Southern Europe</td>
<td>-0.228</td>
<td>-0.323</td>
<td>0.010</td>
<td>-0.261</td>
<td>-0.019</td>
<td>-0.084</td>
<td>0.018</td>
</tr>
</tbody>
</table>

Source: European Social Survey (2002-2010)

7. Comparison of the determinants of social capital

7.1 Individual-level determinants of social capital

Throughout the analysis, the four components or dimensions of social capital – as derived from confirmatory factor analysis – are used as dependent variables in our OLS regression models. The selection of independent variables is based on theoretical considerations and on the availability of respective data in the European Social Survey. The exact descriptions of the selected 21 individual-level indicators used as independent variables in OLS regressions are presented in the Appendix D. These individual-level determinants of social capital are divided into three subsets. Firstly, socio-economic factors like gender, age, education, income, relationship status, size of household, employment status and diversity of country, ethnic minorities or discriminated groups are also included in this subset.

Secondly, the following psychological and cultural factors are considered: religion, religiosity, and evaluative thought streams, such as universalism, individualism, hedonism and post-materialism, but also consumption of information through the old and new media. The final subset includes the evaluation that citizens make the performance of political institutions and the country’s state of economy.

Full regression results of individual-level determinants of social capital go in two lines. Firstly, the effect of alternative influencing factors is analysed by separate social capital components, which are organised by broader dimensions (second-order factor). Secondly, the results are (re) presented from the viewpoint of influencing factors.
focusing on two questions: which of them have the largest (or most widespread) effect on social capital in each European region, and whether the results are in accordance with previous theoretical expectations and empirical work on this subject.

7.2 What does the literature teach and the data show us?

7.2.1 Social networks’ individual determinants

As regards employment status, the previous empirical findings are somewhat ambiguous. It has been proved that a person facing unemployment has a strong disincentive to participate in social groups, partly on account of the distrust he/she tends to develop towards society. It may admit that being unemployed translates into more limited access to both informal and formal networks, being employed has the opposite influence. The fact of being outside the labour market for a long time already, its explanatory capability in support of citizens to formal and informal social networks takes an explanatory power with a weak statistical significance in the case of Northern Europe (β = .102) (see Appendix B).

In Northern Europe and Western Europe, education appears as the strongest predictor and statistically positive with regard to the formation of social networks (β = .041 and β = 0.46), being still a strong and also positive predictor in the region which includes Britain and Ireland (β = .034) and also in the case of Southern Europe (β = .042). As for income, the level of statistical significance is strong and positive only in Eastern Europe (β = .124), the average being in the Baltic countries (β = .101) and in Britain and Ireland (β = .034) (see Appendix B).

On the other hand, Putnam (1993) suggests that high levels of civic engagement are found among older people. The age factor proves to be one of which features a stronger significance level and always in the negative sense, confirming that young people are the least adhere and participate in social networks, or by civic demobilization or opt for other forms of public intervention. Is so in Northern Europe (p = .000), Western Europe (p = .008), in Britain and Ireland (p = .008), but also in the Baltic countries (p = 000).

Concerning gender, previous research has shown that women tend to have significantly lower levels of overall civic participation in social networks (Christoforou, 2005). The movement of women out of the home and into the paid labour force is probably the most portentous social change of the last half-century. But, with the exception of Northern Europe (β = -.176), the emergence of two-career families might still be the most important single factor to explain that women are less present on social networks than men, as is the case in Western and Central Europe (β = .147) and Eastern Europe (β = .121).

In Western Europe the fact that being a citizen of the country positively and strongly influences the membership of social networks (β = .171), and being a member of a group discriminated against within the country strengthens much training and participation in social networks, not only in Northern Europe (β = .328) and Western Europe (β = .168) and, albeit more moderately, in Eastern Europe (β = .171) and Southern Europe (β = .334) (see Appendix B). Social capital has some of its roots in history and related ideology. In general, an ideology – for example, religion and religiosity – can create social capital by forcing its followers to act in the interests of something or someone other than themselves (Knack and Keefer, 1997). Religiosity or religion attendance in general has been found to have a positive impact on both formal and informal social networks. In our analysis, if the role of religion is statistically significant in the majority European regions (perhaps because it is the Catholic religion), the fact is that religiosity or religion attendance is a strong and positive predictor of social networks, a conclusion which is extensible to Northern Europe (β = .101), Western and Central Europe (β = .101), Eastern Europe (β = .046) and, to a lesser extent, Ireland and Britain (β = .056).

Given the influence of cultural values under the first component of capital we must underline the negative role in the formation of social networks, both of the individualism and hedonism, marked by the culture of the pursuit of individual success and well-being, as well as the culture of excess, of pleasure, of consumption in almost all European regions (see Appendix B).

With regard to institutional variables, its explanatory capability in the regression model shows above all the importance of reconciling two types of approaches: on the one hand, the approach centred on society, on the other hand, the approach centred on institutions. And why? Because above all with regard to social networking, this is far from being, in many regions, indifferent to the state of the country’s economy and, consequently, the performance of the government in functions. In effect, with the exception of the Baltic States, the negative review that citizens make of their country’s economic situation and the government’s performance in this area of governance have a statistically strong and negative influence on the creation of social networks. It is curious to note that with regard to the policies of the state in the social
redistribution expenditure, the more favourable it is evaluating citizens against a restrict social-democratic model welfare state, the less the creation and support of citizens for social networks. It shows that countries/regions that have higher public social spending also have a lower tendency for associations or social activism (Ervasti, 2012).

7.2.2 Social and institutional trust individual determinants

Social and institutional trust as one of the basic components of social capital has three main positive determinants, which include a reasonable number of regions: people who are more trusting are more educated, make greater personal use of the Internet and are more satisfied with the welfare state's performance. In addition, lower trust is associated with several determinants in some European regions: lower individualism (Eastern Europe and Baltic), hedonism (Western Europe, Eastern Europe, Baltic states, Southern Europe and Northern Europe) and lower support for post-materialist values (Northern, Western and Eastern Europe).

Lower trust also has associates with citizen’s negative evaluation of the political and economical performance of government, a reality that extends to almost all - if not all - European regions considered here. Clear enough is also the negative between social and confidence in political institutions and the exposure to the old media (TV). As in the case of the Nordic countries ($\beta = -0.037$), in the Baltic countries ($\beta = -0.041$), and so much more moderate in Western European countries ($\beta = -0.010$).

If we compare them with the positive influence the new media (Internet) has on citizen confidence especially in Northern Europe ($\beta = 0.023$), in Western and Central Europe $\beta = 0.027$ and, in a smaller scale, in England and Ireland ($\beta = 0.017$). These data would lead us to discuss the role of old and new media, citizen trust in institutions and political actors and towards the debate around the two main theses regarding political communication in existing literature. The first theory arose from the ‘video-malaise’ theory and focuses on the type of media and the tone of media coverage (Robison, 1976) and the theory of the ‘virtuous circle’, the type of media and the message (Newton, 1997).

Contemplating the institutional variables, it is evidently easy to see the negative consequences, statistically strong and negative, that the poor performance of government in economic and political trust has on the social and institutional citizens, which seems to give reason to the analysis of Pippa Norris (2011) on the determinants of the democratic deficit in the contemporaneous democracies reside more on the supply side than on the demand side.

7.2.3 Civic norms and political awareness individual determinants

In almost all European regions, older persons, men, educated and employed people are more civic and attentive to politics. Moreover, people who support the universal and post-materialist values (Northern and Western European countries among other regions are more civic than those supporting individualistic and hedonistic values) (Inglehart 1977, 1990; Inglehart, 1997; Inglehart and Abramson, 1995; Inglehart and Norris, 2004; Inglehart and Wezel, 2005).

If we take into account the mass media effect, both old and new have a positive statistical significance effect on this component, as occurs mainly in Western and Central Europe, England and Ireland, but also in Northern Europe. This means there is a complementarity effect in most regions, and not a substitution one (see Appendix B). In other words, this suggests that the Internet helps to increase existing patterns of civic and political awareness (Wellman et al, 2002).

As institutional variables in the civic and political consciousness concerns we can observe that, in the majority of European regions, the negative evaluation of the performance of government both politically and economically has a negative and statistically strong effect in this dimension of social capital. It should also be stressed that in some European regions citizens’ civic conscience tends to be higher, namely where they positively assess public policies related to the Welfare State (national health care, education, social security). This occurs, for example, in Western and Central Europe ($\beta = 0.034$), Southern Europe ($\beta = 0.217$) and Eastern Europe ($\beta = 0.147$).

7.2.4 Sense of social cohesion and community individual determinants

Lastly, let us look at the most important determinants of social cohesion and sense of community in European regions. As we can see Appendix B, the national citizens with a higher level of education, post-materialist and universalistic values tend to have a higher sense of social cohesion and community. This allows individuals to live in a society with a certain consensus and social order. Besides, this trend is transverse and common to all European regions we have analyzed.

It should be noted that social cohesion refers to two broader, intertwined features of society: 1) the absence of
latent social conflict – whether in the form of inequalities in income or wealth, racial and ethnic tensions, disparities in political participation, or other forms of polarization; 2) the presence of strong social bonds – measured by levels of trust and norms of output started at (i.e. social capital); the abundance of associations that bridge social divisions (‘civil society’); and the presence of institutions of conflict management (e.g. the responsive democracy, an independent judiciary, etc.). Social capital can therefore be seen as forming a subset of social cohesion – a cohesive society is also one that is richly endowed with stocks of social capital (Hooghe, 2007).

Summing up, generalizing the above results, it can be concluded that different components of social capital have different sources or the same sources but that simply vary statistically direction and magnitude according to the different European regions, so proposition P2a is supported. More specifically, social networks and civic and political awareness (structural aspects of social capital), on the hand, generalized and institutional trust and sense of social cohesion, on the other, are mostly influenced by socio-economic and demographic factors or else by cultural and psychological (cognitive aspects of social capital) depending on the regions at stake. However, there is a caveat to that as follows: institutional variables affect statistically with the same strength and direction almost all components of the social capital in almost all European regions considered in our analysis.

8. Individual- and macro-level determinants of social capital

The previous analysis of social capital’ determinants at the level of individuals is complemented by national-level indicators, in order to find out whether these contextual factors affect the individual amount of social capital. Selection of national-level indicators is based mostly on theoretical considerations, but also on previous empirical studies in order to ensure the comparability of the results, and on the availability of reliable data for the countries of interest. In the following analysis, national-level determinants of social capital are divided into two groups. The first set of independent variables includes the democratic consolidation (years after the establishment of the democratic regime in the country) and the analysis of the Corruption Perceptions Index (proxy for institutional government quality) (see Appendix C).

Second, indicators related to the overall development level of a country, which are measured directly at the national level, are included in the analysis. These indicators comprise GDP per capita (measuring the overall wealth), the Gini index (measuring the income inequality), human capital (including education and health sub-indices from HDI), and a composite factor named ‘communication’, which measures the spread of modern communication tools (telephones, mobiles and the Internet) and is often referred to as the globalization indicator in the literature (see Appendix C).

When comparing the goodness of fit of the individual-level social capital models, which include different sets of determinants (see the values of adjusted R²), the following conclusions can be drawn about the interplay of individual and national determinants. Firstly, models, which consider both individual- and national-level determinants, are better than those including only micro-level determinants. Secondly, when comparing the models with only micro-level or only national-level determinants, the values of adjusted R² are mostly higher in the case of the former, indicating the higher importance of individual-level factors as compared to contextual factors.

Among measured national-level variables, the greater the income inequality, the perception of corruption and the difficulty of access to modern communications, the lower the tendency for the creation of social networks in some of the regions of Europe (see Appendix B). Regarding the public expenditure on health and education, corruption appears to be most influential in the formation of social networks. At the national level, it seems that state intervention enables those voluntary organizations to flourish that can be characterized more properly as part of civil society than as alternatives to government social welfare providers.

As regards the second component of social capital, social and institutional trust, the national variables’ most influential statistically and positively are the State spending on health and education, the human development index and GDP per capita. Even in respect of cognitive capital, data show that in some regions there is a statistical inversely proportional relationship between the control of corruption, the inequality of income (e.g. Northern Europe) and the longevity of democratic regimes (Western Europe) and trust in other people and in political institutions (see Appendix C).

Both in Western Europe and in Southern Europe, the Human Development Index is a strong national and statistically significant determinant, because the greater the HDI the higher the level of civic and political consciousness of citizens. Just one more determinant deserves equal emphasis here and it is related to the public policies of redistribution in social areas that appear to strengthen also the civility and attention that the citizens give to public affairs.

The sense of social cohesion is statistically strong and positively related to the longevity of the democracy, the Human Development Index, per capita product and to a more or less universalist model welfare state (see Appendix C). In turn, the sense of social cohesion is negatively related to the perception that there is widespread corruption in the
country and that the development of modern communications and access to them in the country is far from desirable. Altogether, these results support both the proposition P2b in that different components of social capital at individual level are influenced differently by proposed macro-level determinants.

9. Conclusions

According to our theoretical framework, we should bear in mind that different components of social capital may have different determinants and effects. Therefore, a dimensional approach that avoids constructing overly aggregated or additive social capital indexes is preferred. We set up some propositions based on these considerations. We will now review them and their empirical validity based on the results of the empirical analysis we got throughout the article.

P1a: The components of social capital are robust and similar in European regions.

The analysis fully supports this proposition. The exploratory factor analysis and the confirmatory factor analysis resulted in similar components in the subsamples (although with a slightly different relative importance in terms of variance explained by separate factors).

P1b: Although social capital structure is the same in European regions, its levels may differ both diachronically and synchronically.

This proposition was mostly supported by the comparison of mean component scores belonging to second-order components of social capital by European regions. The gap in social capital levels in favor of Northern, Western and Central Europe was highest in almost all social capital components. This is apparently attributable to the lower development and the lower level of democracy consolidation of other regions, such as Eastern Europe and, to a lesser degree, Southern Europe. Diachronically, the average differences regarding the evolution of each of social capital's component keeps this gap more or less unchanged.

P2a: The individual-level determinants are expected to have different effects (in the direction and magnitude) on social capital components in European regions.

This proposition was confirmed. At the individual level, it is a general idea that networks and civic commitment are mostly influenced by socio-economic and demographic factors (the structural aspect of social capital), while cultural and psychological factors are dominant regarding trust and sense of community (cognitive aspect of social capital). Concerning the effect of national-level determinants on individual-level social capital, pooled regression results also support the claim that dissimilar components are differently influenced by the proposed determinants.

P2b: The relative importance of micro and macro-level factors might be different in European regions, in the case of different social capital components.

The analysis supports this proposition. Regression results showed that the proposed factors - GDP per capita, income inequality, human capital and corruption control - often have dissimilar effects on individual social capital in European regions. It is still interesting to note that the goodness of fit (on the basis of adjusted R²) of the regression models, with different sets of social capital determinants, was compared.

Apparently the models that consider both individual and national-level determinants are better than those who only include micro or national-level determinants. This result occurs in both European region subsamples and in all social capital components. Furthermore, when comparing the models with only micro-level or national-level determinants, the adjusted R² values are mostly higher in the former, indicating the higher importance of individual-level factors when compared to contextual factors.

References


Appendix A

Table 1. Confirmatory Factor Analysis for First Order Model

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>ESTIMATES</th>
<th>S.E.</th>
<th>TEST-T</th>
<th>P</th>
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</thead>
<tbody>
<tr>
<td>1.1. Informal network</td>
<td>a1.1</td>
<td>.922</td>
<td>.046</td>
<td>20.177</td>
<td>&lt;0.001</td>
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<tr>
<td>1.2. Formal network</td>
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<td>.022</td>
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<td></td>
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<tr>
<td>2.1. Generalized trust</td>
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<td>.046</td>
<td>20.177</td>
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<tr>
<td>2.2. Institutional trust</td>
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<td>.031</td>
<td>11.778</td>
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<tr>
<td>3.1. Civic norms</td>
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<td>.016</td>
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<tr>
<td>4. Social cohesion</td>
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<td>.919</td>
<td>.007</td>
<td>63.213</td>
<td>&lt;0.001</td>
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</tbody>
</table>

Table 2. Confirmatory Factor Analysis Results for Second Order Model

<table>
<thead>
<tr>
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<th>ESTIMATES</th>
<th>S.E.</th>
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<tr>
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<td>3. Civic and political awareness</td>
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<td>.026</td>
<td>10.790</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>4. Social cohesion</td>
<td>a1.4</td>
<td>.919</td>
<td>.007</td>
<td>63.213</td>
<td>&lt;0.001</td>
</tr>
</tbody>
</table>

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Table 2. Social and institutional individual-level determinants

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<tr>
<th>Country</th>
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<th>Protestant</th>
<th>Jewish</th>
<th>Muslim</th>
<th>Other religious</th>
<th>None</th>
</tr>
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<tr>
<td>Rome-Italy</td>
<td>1.32</td>
<td>0.34</td>
<td>0.55</td>
<td>0.18</td>
<td>0.12</td>
<td>0.04</td>
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<tr>
<td>Eastern Europe</td>
<td>0.8</td>
<td>0.4</td>
<td>0.5</td>
<td>0.3</td>
<td>0.2</td>
<td>0.1</td>
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<tr>
<td>Note: Table entries are the results of multiple regression analyses predicting dimensions of political support. β = standardized regression coefficients; p = p-value. p &lt; 0.05 the variable is significant in the model. Missing values were replaced by mean. Source: European Social Survey (2010).</td>
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Table 3. Civic and political awareness individual-level determinants
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Note: Table entries are the results of multiple regression analyses prediction of dimensions of political support. β - standardized
regression coefficients; b - unstandardized regression coefficients; p – p-value (if < 0.050 the variable is significant to the model).
Missing values were replaced by mean. Source: European Social Survey (2010).

Table 4. Social cohesion and sense of community individual-level determinants

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.03 .01 2.75 .00
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07 .01
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1 43
408

Note: Table entries are the results of multiple regression analyses prediction of dimensions of political support. β - standardized
regression coefficients; b - unstandardized regression coefficients; p – p-value (if < 0.050 the variable is significant to the model).
Missing values were replaced by mean. Source: European Social Survey 2010.

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Table 1. Social networks determinants (multi-level analysis)

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<tr>
<th>Predicted Term</th>
<th>H1</th>
<th>H2</th>
<th>H3</th>
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<th>H5</th>
<th>H6</th>
<th>H7</th>
<th>H8</th>
<th>H9</th>
<th>H10</th>
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Table 2. Social and institutional trust determinants (multi-level analysis)

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Note: Table entries are the results of regression analyses predicting dimensions of political support. β - standardized regression coefficients; b - unstandardized regression coefficients; p - p-value if < 0.05 the variable is significant to the model. Missing values were replaced by mean. Source: European Social Survey 2010.
Table 3. Civic and political awareness determinants (multi-level analysis)

| Political Dimension | Northern Europe | Western and Central Europe | Beta (unstandardized) | Beta (standardized) | R2 | P
<table>
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<tr>
<th></th>
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<td>- .354</td>
<td>- .354</td>
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<tr>
<td>Size of the household (in %)</td>
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<td>- .038</td>
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Note: Table entries are the results of multiple regression analyses prediction of dimensions of political support. β - standardized regression coefficients; b - unstandardized regression coefficients; p – p-value (if < 0.050 the variable is significant to the model). Missing values were replaced by mean. Source: European Social Survey 2010.

Table 4. Social cohesion and sense of community determinants (multi-level analysis)

| Political Dimension | Northern Europe | Western and Central Europe | Beta (unstandardized) | Beta (standardized) | R2 | P
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Note: Table entries are the results of multiple regression analyses prediction of dimensions of political support. β - standardized regression coefficients; b - unstandardized regression coefficients; p – p-value (if < 0.050 the variable is significant to the model). Missing values were replaced by mean. Source: European Social Survey 2010.
## Appendix D

### Individual determinants of the social capital

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<tr>
<td>Education</td>
</tr>
<tr>
<td>Household’s total net income (subjective dimension)</td>
</tr>
<tr>
<td>Labour situation</td>
</tr>
<tr>
<td>Marital status</td>
</tr>
<tr>
<td>Size of household</td>
</tr>
<tr>
<td>Born in country</td>
</tr>
<tr>
<td>Member of discriminated group</td>
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<td>Belong to minority ethnic group</td>
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</table>

### Operationalization Details

1. Finding it very difficult on present income
2. Finding it difficult on present income
3. Coping on present income
4. Living comfortably on present income

1= Finding it very difficult on present income
2= Finding it difficult on present income
3= Coping on present income
4= Living comfortably on present income

1= Very much like me
2= Like me
3= Somewhat like me
4= A little like me
5= Not like me
6= Not like me at all
APPENDIX D

National determinants of the social capital

<table>
<thead>
<tr>
<th>Definition, coding and source</th>
</tr>
</thead>
</table>

**POLITICAL NATIONAL-LEVEL INDICATORS**

<table>
<thead>
<tr>
<th>Democracy (years)</th>
<th>The CPI ranks countries/territories based on how corrupt their public sector is perceived to be. It is a composite index, a combination of polls, drawing on corruption-related data collected by a variety of reputable institutions. The CPI reflects the views of observers from around the world, including experts living and working in the countries/territories evaluate. <strong>Source:</strong> Transparency International.</th>
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</thead>
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<tr>
<td>Corruption Perception Index</td>
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**SOCIAL AND CULTURAL NATIONAL-LEVEL INDICATORS**

<table>
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<tr>
<th>Welfare state’s policies</th>
<th>The Welfare State is a &quot;concept of government in which the state plays a key role in the protection and promotion of the economic and social well being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life. The general term may cover a variety of economic and social policies. <strong>Source:</strong> The OECD Social Expenditure Database has been developed in order to serve a growing need for indicators of social policy. It includes reliable and internationally comparable statistics on public and mandatory and voluntary private social expenditure at government level. This database provides a unique tool for monitoring trends in aggregate social expenditure and analysing changes in its composition. The main social policy areas are in this study as follows: health, education, and old age.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (millions)</td>
<td><strong>Source:</strong> OECDstatistics</td>
</tr>
<tr>
<td>Urban population (%)</td>
<td>Urban population refers to people living in urban areas as defined by national statistical offices. <strong>Source:</strong> OECDstatistics</td>
</tr>
<tr>
<td>Media (Old and New)</td>
<td>The UIS is developing a new survey on print, broadcast and digital media, which is being piloted tested in a growing number of countries on a yearly basis. This survey focuses on key issues, such as changes in the number of radio and TV channels and newspapers, the concentration of media ownership, and the rise of digital news outlets. <strong>Source:</strong> Media Statistics Country Profiles (Pilot Survey)</td>
</tr>
</tbody>
</table>

**ECONOMIC NATIONAL-LEVEL INDICATORS**

<table>
<thead>
<tr>
<th>GDP per capita</th>
<th>The market value of all officially recognized final goods and services produced within a country in a given period of time. GDP per capita is often considered an indicator of a country’s. <strong>Source:</strong> OECDstatistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real GDP Growth</td>
<td>An inflation-adjusted measure that reflects the value of all goods and services produced in a given year, expressed in base-year prices. Often referred to as &quot;constant-price&quot;, &quot;inflation-corrected&quot; GDP or &quot;constant dollar GDP&quot;. <strong>Source:</strong> OECDstatistics</td>
</tr>
<tr>
<td>Unemployment rate</td>
<td>Percentage of total workforce, who is unemployed and is looking for a paid job. Unemployment rate is one of the most closely watched statistics because a rising rate is seen as a sign of weakening economy that may call for cut in interest rate. A falling rate, similarly, indicates a growing economy, which is usually accompanied by higher inflation rate and may call for increase in interest rates. <strong>Source:</strong> OECDstatistics</td>
</tr>
<tr>
<td>Income inequality (Gini rank)</td>
<td>A measurement of the income distribution of a country’s residents. This number, which ranges between 0 and 1 and is based on residents’ net income, helps define the gap between the rich and the poor, with 0 representing perfect equality and 1 representing perfect inequality. <strong>Source:</strong> OECDstatistics</td>
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The Literary Dimension of the Absurd and Black Humour in Catch-22

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Abstract

In the center of this article, it is going to be a literary movement which was named absurdism, theatre of the absurd, articulates the meaninglessness of the total existence. Such meaninglessness deprives you from any importance human existence as in his overall personality also in his particular personality display, in every act, feeling and effort. As a literary trend, absurd belongs more to a literary formation order, which makes it different from many simultaneous activities and other literary movements in XX century, which found themselves in different forms of art- in paintings, music, cinematography, sculpture, as there is on the one hand e.g symbolism, impressionism, expressionism, on the other hand, there is grotesque, montage, colazh etc. Secondly, this article will treat the ways how these tropes are elaborated by the postmodernist writers beginning from the earlier ones up to the latest representative authors such as J. Heller, K. Vonnegut, J. Hox, A. Jarrie etc. How do these writers reflect through their powerful word of art in their works? Thirdly, this article will deal with the efforts to be released from the “tyrany” of words and by the oppressiveness of traditional literary contexts part of this, and “antiliterarism” as its distinguished trait. Finally, it is going to be concluded by the evaluation of significant critics and reviews, that will makes us understand better what happens especially seen from the Heller “Catch-22” point of view, and realizing major postmodern elements such as Black humor, grotesque, parody, irony , sarcasm etc.

Keywords: grotesque, parody, irony, meaninglessness, absurdity, existence

During my work at this paper I will reveal that Catch-22 belongs to the Literature of the Absurd, that Heller writes in the tradition of the absurd and that he uses absurdist techniques to describe his novel’s absurd and disjointed world. The novel’s absurd vision differs radically from other literature of the absurd because instead of admitting the universe as absurd, Heller protests against the absurdity he depicts. To support what i write about I will examine definitions and features of the Theatre of the Absurd and of the Literature of the Absurd and compare them to Catch-22. I will analyze the novel’s absurdist vision by looking at the absurdity of war, the absurdity of bureaucracy, absurdity of capitalism and at the famous catch-22. Further I will examine the failure of communication and the novel’s structure. To come to a valid conclusion I will then analyze the significance of absurdity in Catch-22.

The Literature of the Absurd has its roots in the Theatre of the Absurd and the absurdist movement that emerged after World War II as a rebellion against traditional values and literature. Before the war it was commonly thought that man was a fairly rational creature who lives in an at least partly intelligible universe. It was believed that man was able to show heroism and dignity even in defeat. After the war then there was the tendency to view man as isolated and the universe as possessing no inherent truth, value or meaning. Jean Paul Sartre and Albert Camus, for example viewed the human being as an isolated existent who is cast into an alien universe, to conceive the universe as possessing no inherent truth, value or meaning, and to represent human life – in its fruitless search for purpose and meaning, as it moves in the nothingness whence it came toward the nothingness where it must end – as an existence which is both anguished and absurd. (Potts.W Stephen, 1999)

At the night of 1955, Joseph Heller found himself contemplating of Louis-Ferdinand Celine’s Journey to the End of the Night when, all out of sudden, the first line of what was to become Catch-22 came into his mind. That same year, Joseph Helle wrote, rewrote, and published “The Texan," the first chapter of the novel he called Catch-18 in New World Writing no. 7, an anthology dedicated to novels in progress. At the same time as Heller wrote the first chapter of what became the bestselling work of serious literature in American publishing history, Alfred A. Knopf published the first American edition of The Myth of Sisyphus, Albert Camus's deep analysis of the absurdity of the human condition. It is considered “the most broaden treatment of the philosophical Absurd," Camus's writings provides useful insight for anyone approaching the work of Joseph Heller, an author whose novels, according to Steven Potts, present “a vision of a bleak universe that, in Absurd, existentialist trend, lacks meaning or inherent values” (Potts W.Stephen ,1995)

The individual tent to possess a number of "ideas or illusions that give them a reason for living" for Camus. (Potts
W. Stephen; *Antiheroic Antinovel; “From Here to Absurdity”* (1995) As long as the human being maintains a belief in such an illusion, he or she will remain satisfied, despite living what Martin Esslin reveals as "an existence that has become trite, mechanical, complacent".

The deceptive meaning of comfort a person feels towards his or her existence results from the undoubted recognition of some instructive principle leading human life into an easily comprehended and acquired model. The redemption felt towards the structure of his or her life stimulates an illusory sense of certainty that the authority determining the structure unmistakable. For several people, a moment arises when "the chain of daily gestures is broken" (Lyotard, Jean-Francois, 1993) and he or she must confront the distracting absurdity lurking behind his or her cosmology. According to Camus, the "absurd moment" takes place when the individual faces with the inhumanity of humankind: At certain moments of serenity, the mechanical aspect of their gestures, their meaningless pantomime makes fool everything that surrounds them. A man is talking on the telephone behind a glass partition; you cannot hear him, but you see his dumb show: you wonder why he is alive.

This discomfort in the face of man's own inhumanity, this incalculable disorder before the image of what we are, this "nausea," as a writer of today calls it, is also the absurd. (Camus Albert "The Myth of Sisyphus" 1991) For a second we stop to understand it because for centuries we have realized only the images and designs that we had attributed to it earlier...the world avoids us because it becomes itself again. That stage scenery masked by habit becomes again what it is. It withdraws at a distance from us" (Camus Albert, 1991). Martin Esslin calls it "a universe deprived of what was once its focus and its living purpose, a world deprived of a generally accepted integrating principle, which has become disjointed, purposeless—absurd" (Camus Albert ,1991) that Joseph Heller's fiction displays. The extreme fatigue Heller's meaningless universe imposes upon his protagonists crush the human spirit and leads to a definitive confrontation with mortality, the only certainty such an existence permits. As David M. Craig argues, Heller "never accepts death.

The endings of his novels virtually yell at about its inevitability, but death remains an opponent to be grappled with, even though it cannot be overcome" (Craig David M, 1997). Although, as Mordecai Richler notes in his 1984 review of *God Knows for the New York Times*, "Heller's subject matter has varied from novel to novel," the novelist repeatedly returns to the individual's struggle to strain meaning from an existence untremblingly moving towards the inevitability of death. Reviewed as a whole, Heller's novels represent a half century's struggle to articulate a way for the individual to live a dignified and genuine existence in the face of the Absurd. In order to make a persuasive case for his worldview, Heller at the very beginning bombards his reader with evidence testifying to the fake nature of accepted truths about the world, obliging the reader to encounter the Absurd as his protagonists discover the human condition. Heller's novels systematically discover the relativity behind such accepted structures as the military, the American Dream, Western religion, Western philosophy, and the historical record in order to reveal the dark secret at the root of human suffering: the insatiable human appetite for power, prestige, and profit.

Once the reader joins Heller's protagonists in recognizing the negative motives hiding behind the illusory guiding principles of human existence, he or she must, along with Heller's fictional heroes, find a way to respond to the unfeeling cosmos. Through the actions and words of Captain John Yossarian, Robert Slocum, Bruce Gold, and King David, Joseph Heller examines the possible lifestyles available to the individual upon confronting the absurdity of the human condition. Yossarian, Heller's most famous protagonist, embraces an attitude that, according to Jean Kennard, "is basically that of Yossarian's "continual rejection," and "conscious dissatisfaction" Camus identifies as central to the Absurd revolt. Indignant and terrified by his inevitable he experiences extreme angst in the face of the Absurd that emphasizes the necessity of acknowledging, accepting, and ultimately revolting against the human condition. At first glance, as Richler observes,
Joseph Heller's seven novels seem very different from one another. Beginning with *Catch-22*, each of Heller's novels returns to the theme of Absurdity, approaching the existential dilemma of the modern man from a different angle to emphasize the ubiquity of the Absurd and to present an overwhelming argument in favor of adopting the authentic lifestyle embraced by the French existentialist Albert Camus, as articulated in *The Myth of Sisyphus*. Martin Esslin, in his introduction to *The Theater of the Absurd*, notes that the individual's initial confrontation with the Absurd begins with a "sense that the certitudes and unshakable basic assumptions of former ages have been swept away, that they have been tested and found wanting, that they have been discredited as cheap and somewhat childish illusions" (Esslin, Martin 1961).

In order to bring his reader into an appropriate state of mind in which to consider the options available to the Absurd individual, Joseph Heller uses novels such as *Picture This*, *God Knows*, and *Catch-22* to undermine and "sweep away" the basic assumptions and assures governing human life. Heller's most blatant assault on humanity's faith in socially-constructed certitudes, *Picture This*, uses actual historical documents to unmask humanity's faith in Western art, philosophy, and the historical record itself. So, in one short passage, Joseph Heller's bitterly meticulous narrator sets the tone for the entire novel. Taking just one of the many "fictions that have come down to us as 'fact,'" the narrator reveals, with the "gloomy wit and not unexpected cynicism" of a Heller protagonist, the spurious nature of artistic authority. By revealing the false "images and designs" with which the reader may have been deceived into undoubtly accepting the authenticity, the narrator makes it possible for the reader to perceive "the denseness and strangeness of the world that is the absurd" (Camus, Albert 1991).

Before exploring Heller's treatment of the malignant motives lurking behind the illusory truths with which humanity seeks to obscure the absurd nature of the universe, however, a brief examination of Heller's earlier attempts at debunking faith in various authorities proves enlightening. He divests the world of another revered falsehood, Heller compounds the considerable doubt inspired by works such as *Picture This* and urges the reader to view the world as fundamentally absurd. One final example of Joseph Heller's use of fiction to weaken the reader's faith in institutional authority can be located in *Catch-22*’s treatment of Great Depression era agricultural subsidizations. By briefly recalling the benefits given to Major Major's father by the United States government, Heller draws the reader's attention to the inherent fallibility of such venerated institutions. As Steven Potts observes, "Major Major's father is portrayed as a salt-of-the-earth American, a Calvinist farmer who preaches traditional American values" (Potts, W. Stephen 1995).

In other words, Heller clearly identifies Mr. Major as the ideal representative of the demographic to which such socialistic benefits were extended. However as Heller notes: His specialty was alfalfa and he made a good thing out of not growing any. The government paid him well for every bushel of alfalfa he did not grow. The more alfalfa he did not grow, the more money the government gave him, and he spent every penny he didn't earn on new land to increase the amount of alfalfa he did not produce. Major Major's father worked without rest at not growing alfalfa. On long winter evenings he remained indoors and did not mend harness, and he sprang out of bed at the crack of noon every day just to make certain that the chores would not be done. He invested in land wisely and soon was not growing more alfalfa than any other man in the country and he made much money.

Although the account of Mr. Major's deceitful agricultural practices initially appears to be more of a criticism of greed than an indictment of governmental fallibility, a closer consideration of the passage reveals Heller's invitation for the reader to question his or her faith in competent government. By weakening the reader's faith in so many institutions, Joseph Heller forces the individual to realize, in Jean Kennard's words, that: "when everything is questionable, it is a small step to questioning one's own identity" and realizing that "the authoritative values which determine the rules of behavior are man-made," (Kennrard, Jean-1971) not the certainties he or she had presumed they were. This realization uncovers the disturbing possibility that the "world has no meaning but is simply there". For Camus, "the moment absurdity is recognized, it becomes a passion, the most harrowing of all" (Camus, Albert 1991) and the individual seeks an understanding of the world hitherto unavailable. He or she, having achieved awareness, senses the utter pointlessness of human suffering and indignantly recognizes the selfish interests motivating this misery. Once the individual swallows the bitter pill of Absurd recognition, he or she faces what Camus calls the "constant confrontation between man and his own obscurity" and a choice between an existentially authentic life of revolt or an inauthentic life of self-deceit and spiritual death. Joseph Heller uses this scene to depict a decidedly bleak interpretation of the motives driving mankind before unreservedly promoting a life lived with "the certainty of a crushing fate, without the recognition that ought to accompany it" (Heller, Joseph 2000).

Perhaps nowhere in Joseph Heller's fiction is the inhumanity of mankind presented in such harrowing detail and at such length as in the thirty-ninth chapter of *Catch-22*, "The Eternal City." Although a sizable amount of critical attention has been paid to this famous passage, the most extensive and insightful examination to date remains Minna Doskow's
Yossarian begins his journey through the Italian capital in an effort to locate and help the younger sister of Nately's Whore who had been chased "away with the rest of the broads" by military policemen when dismantling a makeshift brothel frequented by enlisted men and officers on leave. Immediately, Yossarian questions what possible motivations the authorities might have had for evacuating the women and thrusting a defenseless twelve-year-old girl "right out into the street" (Heller, Joseph ;2000)

Having enlisted the assistance of Milo Minderbinder, Yossarian sets out to locate the missing child. Milo initially expresses glowing approval of Yossarian's humanitarian mission but after learning that "the profit in illegal tobacco is very high," Milo abandons the search. When Yossarian questions him, Milo assumes "a look of epileptic lust" and starts "towards the door as though in a spell," repeatedly muttering "illegal tobacco, illegal tobacco". Donald Monk interprets Milo's behavior as "capitalist free enterprise run amok" and cites it as evidence of the "kind of profit-motive which permits the moral viciousness" plaguing modern society. Having lost Milo to the lure of fiscal gain, Yossarian seeks assistance from the police commissioner, but the official only desires to resume "fiddling with a stout woman with warts and two chins" and threatens to arrest Yossarian if he does not leave the station. Thus, greed and lust prevents a military official and a policeman from attempting to save a girl in danger. As Yossarian continues through "the streets encountering sickness hunger, poverty, sadistic cruelty and coercion and viewing an entire gallery of mutilated bodies and warped souls,"(Doskow, Mina ;1967) the reader cannot help wondering just how much of the degradation and pain he encounters is the result of similar motives. Elsewhere in *Catch-22*, the reader encounters Colonel Cathcart, "a simon-pure opportunist," as Granville Hicks writes, "who will stop at nothing to get promoted, who is constantly courting the favor of his superiors, who does not care how many men are killed if he can get a little favorable publicity" ( Hicks Granville;1967). Cathcart longs "to be a general so desperately he was willing to try anything," including a warped attempt to impress the editors of *The Saturday Evening Post* by forcing his squadron to perform staggering numbers of dangerous bombing missions. Although many of the best men in his command die while flying superfluous bombing missions, Cathcart "never hesitates to volunteer his men for any target available". Made indifferent by his monomaniacal desire for fame, Cathcart does not care that his men have already flown more missions than required of them and decides that "no target was too dangerous for his group to attack". Later in the novel, Cathcart orders his men to create a roadblock for the Germans by "bombing a tiny undefended village, reducing the whole community to rubble". Although "the mission is entirely unnecessary" and its sole purpose "is to delay German reinforcements at a time when the U.S. is not even planning an offensive," Cathcart forces his men to fly in hopes of snapping a few impressive aerial photographs. When the men of the squadron express horror at the prospect of killing peaceful people who will "pour out into the streets to wave when they see the planes coming, all the children and dogs and old people," Colonel Kom only emphasizes Cathcart's desire for "a good clean aerial photograph he won't be ashamed to send through channels" in hopes of impressing General Peckem with a tight bomb pattern. Disturbingly, a "bomb pattern" is nothing more than an empty neologism coined by the General. As Peckem explains to Schiesskopf: A bomb pattern is a term I dreamed up just several weeks ago. It means nothing but you'll be surprised at how rapidly it's caught on. Why I've got all sorts of people convinced I think it's important for the bombs to explode close together and make a neat aerial photograph. In Catch-22, military authorities such as those represented by Cathcart, Kom, and Peckem do not care about the value of human life. For men such as Cathcart, men are expendable tools which can be used to build a statistical profile that may impress the editors of newspapers. He dehumanizes the innocent people in the tiny mountain hamlet into barely visible components of a photograph he hopes will earn him the esteem of other military officials as well as the aforementioned newspaper editors. Clearly, in the world of Catch-22, the powerful will pursue their passions at the expense of anyone standing in their way. This motif, however, is not limited to the pages of Heller's most famous novel, but runs through the entirety of his work.

In *Something Happened*, as Thomas Le Clair observes, "corporate value poisons private life"(Heller Joseph “Heller, Joseph;2000) since the policies of the company employing Slocum affect the private lives of its employees. Thus, for Slocum, family life is important only as a way to improve his career. The appearance of a successful marriage, for instance, is pivotal in vocational security: Unmarried men are not wanted in the Sales Department, not even widowers, for the company has learned from experience that it is difficult and dangerous for unmarried salesmen to mix socially with prominent executives and their wives or participate with them in responsible civic affairs ... If a salesman’s wife dies and he is not ready to remarry, he is usually moved into an administrative position after several months of mourning. Bachelors are never hired for the sales force, and salesmen who get divorced, or whose wives die, know they had better remarry or begin looking ahead to a different job. Since family life is inextricably linked to corporate success and because
Bob Slocum's business aspirations dominate his existence, he refuses to condone dissent within his household. For instance, when his wife and teenage daughter begin discussing the girl's desire to leave home, Slocum forbids further discussion by adopting a "potent and articulate" counterargument. Immediately upon recognizing his "victory," Slocum "wishes that Green or someone else I yearn to impress in the company, like Jane or Horace White ... were in a position to witness me so fluent and dominating". Since strong debating skills are valued at work, Slocum relishes his ability to exercise them at home, quashing in the process any undesirable elements. The result of such behavior, Slocum observes, is that his "wife is unhappy," his "children are unhappy," and his "little boy is having a difficult time".

Sadly, Slocum realizes the extent to which his corporate mentality harms his family and decides, despite its malignant effect, "I want the money. I want the prestige" (Heller, Joseph; 2000). The full force of the self-serving attitude inspiring so much misery emerges in Slocum's epigrammatic self-assessment, "I am a shit. But at least I am a successful one". Elsewhere in Heller's work, human suffering emerges as the omnipresent byproduct of humankind's selfish desire for power. In Good as Gold, "the American economic system was barbarous, resulting naturally in barbarianism and entrenched imbecility on all levels of culture. Technology and finance mass-produced poverty at increasing speed. In God Knows, David recalls starting wars because something in man requires an enemy, something in mankind demands a hostile balance of power. In Closing Time, wealthy people squander money that could be used to help the poor because "even in a recession, the country was awash in money. Even amid poverty, there was room for much waste" (Heller Joseph; 1994), while the government seeks "everlasting fame" by developing "the ultimate weapon that could lead to the end of the world" and causing widespread paranoia in the process. Clearly, Heller seeks to convince his readers of a general selfishness lurking behind many of mankind's guiding mentalities, but he also advances the belief that those in power camouflage their malevolence and greed in order to deceive people who will object to the indifference the powerful hold towards those they oppress. Picture This effectively demonstrates the ubiquitous presence of these malignant motivations by examining three distinct periods of human history: the Athenian Golden Age, the seventeenth century Dutch Golden Age, and the Cold War of the late twentieth century. The narrator matter-of-factly proceeds through his history lesson, detachedly covering some of the most lamentable events in Athenian and Dutch history in terms eerily appropriate to situations occurring in the latter half of the twentieth c.

In conclusion, the individual, upon processing the magnitude of the absurd discovery must either revolt against the cruel and unfeeling cosmos or retreat into an inauthentic acceptance of the brutally arbitrary conditions of human suffering. Recognizing the essential pointlessness of life, the reader indignantly senses that the suffering he or she experiences results from the self-serving actions of other people. By "inviting the reader to make connections" between past epochs and his or her own society, the narrator enables his audience to realize that a great many presumptions about the natural order of the world are nothing more than convenient facades for the greedy interests of those people holding power. Having already forced the reader to consider the terrifying absurdity inherent to the human condition, Heller angers the reader by revealing the stupefying prevalence of greed and indifference in the world.

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Research on China’s Total Energy Consumption and Energy Structure

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Abstract

Energy and its structure play important roles in the development of economy. This paper built up GM(1,1) models for energy production and consumption in China. Then predicted and analyzed total amount of energy production and consumption in China as well as the structure of energy. The study showed that GM(1,1) model can simulate and predict the trend of the total amount of energy consumption and the structure well. In the future, the structure of energy consumption will be optimized. The proportion of coal and oil will decrease and the proportion of gas and renewable energy sources will increase in order to fill the gap.

Keyword: energy; consumption structure; GM(1,1)

1. Introduction

Energy is the fundamental material of importance in human society. Each major progress in human civilization accompanied with improvement and replacement of energy. History has proved that the reasonability of the structure of energy consumption is a very important index when measuring the development of economy in one country or district. For a long time, the main energy in China is coal and this results in some problems such as greenhouse effect, acid rain and other environment problems. So, on the premise of keeping a rapid economic growth, it is very important to adjust the structure of energy consumption.

Researches on energy consumption at home and abroad mainly focus on checking the relationship of energy consumption and economic development. Yu and Jin used the two step E-G method put forward by Engle and Granger, proving that there is not an obvious long-term balanced co-integration relationship with American quarterly data from 1974 to 1990[1]. Stern used co-integration equation of static analysis and multivariate dynamic co-integration analysis, finding that energy has a notable effect in the change of GDP. Besides that, he determined that there is an obvious long-term co-integration equilibrium relationship of GDP, capital, manpower and energy[2,3]. Wu studied the change of the energy consumption in the progress of urbanization in China[4]. Lu built up a complex system and studied energy consumption in China using a combined model[5]. Qi and Luo analyzed the economic development and energy consumption in some area, encouraged and guided that each area should cooperate with each other according to their main energy and energy efficiency and take an energy saving sustainable balanced growth way[6]. Zhao studied the relationship of energy consumption and carbon emission in Shanghai[7]. Wang used co-integration theory and causality test to study the co-integration and casual relationship of economic development and electricity consumption[8]. Guan used structural dynamic model to study the rule of the structure of energy consumption from 1990 to 2003[9]. These above researches provided many discussions for us to study how to improve the structure of energy consumption. But there is few research that focuses on predicting the energy consumption and total amount from the angle of numerical modeling. This paper used grey model to predict total amount of energy consumption and structure in China in order to provide some references to the government.
2. Current situation of production and consumption of energy in China

As early as in 2004, China had become the second largest energy consumer in the world, accounting for about 11% of total world energy consumption, second only to America. In 2008, the total energy production in China has reached 2.6 billion tons of standard coal and China had become the world's largest energy producer. According to the latest statistics, China has already surpassed America as the world's largest emitter, about 21% of the world's emissions.

2.1 Large energy consumption, can't self-sufficient

From 2004 to 2011, the amount of energy production and consumption in China showed a trend of slow growth. In 2011, the amount of energy production reached 317987 ten thousand tons of standard coal; the amount of energy consumption reached 348002 ten thousand tons of standard coal. And there is a gap in the energy production and energy consumption, meaning that China can't autarky. Table 1 provided the total amount of energy production and energy consumption in China from 2004 to 2011.

Table 1. Total amount of energy production and energy consumption in China from 2004 to 2011 (unit: ten thousand tons of standard coal)

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
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</thead>
<tbody>
<tr>
<td>Energy consumption</td>
<td>213456</td>
<td>235997</td>
<td>258676</td>
<td>280508</td>
<td>291448</td>
<td>306647</td>
<td>324939</td>
<td>348002</td>
</tr>
<tr>
<td>Energy production</td>
<td>196648</td>
<td>216219</td>
<td>232167</td>
<td>247279</td>
<td>260552</td>
<td>274619</td>
<td>296916</td>
<td>317987</td>
</tr>
</tbody>
</table>

Analyze from economic development in China from 2004 to 2011 we can find that the growth of energy consumption and economic development in China maintains highly consistent on the whole. Correlation analysis shows that the correlation coefficient of total energy consumption and economic growth in China is 96.88% from 2004 to 2011 (Seen in Picture 1). We can find that economic development pushes the demand of energy and energy with an average of 7.26% growth prop up an average of 16.86% economic growth in China.

![Picture 1. Relationship of energy consumption and economic development in China (2004-2011)](attachment:image)


2.2 Low levels of energy consumption structure

Table 2 provided the structure of energy consumption in China. From Table 2 we can see that coal is the main energy in China, about 70% these years. Oil accounts for about 20%. Coal and oil account for about 90% of total energy
consumption and the proportion is decreasing. In 2004, they accounted for 90.8% and in 2011 87%; gas and other energies (mainly renewable energies) accounted for a small proportion and the proportion is increasing these years.

Table 2. Structure of energy consumption in China

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal</td>
<td>69.5</td>
<td>70.8</td>
<td>71.1</td>
<td>71.1</td>
<td>70.3</td>
<td>70.4</td>
<td>68</td>
<td>68.4</td>
</tr>
<tr>
<td>Oil</td>
<td>21.3</td>
<td>19.8</td>
<td>19.3</td>
<td>18.8</td>
<td>18.3</td>
<td>17.9</td>
<td>19</td>
<td>18.6</td>
</tr>
<tr>
<td>Gas</td>
<td>2.5</td>
<td>2.6</td>
<td>2.9</td>
<td>3.3</td>
<td>3.7</td>
<td>3.9</td>
<td>4.4</td>
<td>5</td>
</tr>
<tr>
<td>Other energies</td>
<td>6.7</td>
<td>6.8</td>
<td>6.7</td>
<td>6.8</td>
<td>7.7</td>
<td>7.8</td>
<td>8.6</td>
<td>8</td>
</tr>
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</table>

2.3 Prospects for development of renewable energy

Since the 1980s, wind power, solar energy, biomass energy and such other technologies and industries have been developing steadily with the support of government. Small hydro, solar water heater, small wind power and other renewable energies technologies and industries have been walking in the forefront of the world. In addition, China has an abundant reserve of renewable energy resources. More than two-thirds of the total land area has rich solar energy, radiation more than 600000 joules per square centimeter, each year the earth’s surface absorbs solar energy equal to about 1.7 trillion tons of standard coal of energy. Wind energy resources in China is about 0.7 to 1.2 billion kilowatt, and the wind energy can be developed mainly focus on the land with land capacity reach 1.4 to 2.4 trillion kilowatt hours. Current available biomass resources are about 290 million tons, mainly is agricultural organic waste. Hydropower resources that can be developed are very rich, about 600 million kilowatt. The exploitable hydropower that can be developed are at least 500 million kilowatt or more and the power can provide 2.5 trillion kilowatt hour. Therefore, China has the conditions and technology potential to develop the large scale of renewable energy resource and this can provide enough energy for the future development of society and protection. We can do a lot to develop and use renewable energy.

3. Prediction of energy consumption in China

3.1 Progress of solving GM(1,1) model

Step 1: Sequence data acquisition; acquire the nonnegative sequence

\[ X^{(0)} = (x^{(0)}(1), x^{(0)}(2), \cdots, x^{(0)}(n)) \], and \( x^{(0)}(k) \geq 0 \), \( k = 1, 2, \cdots, n \).

Step 2: Sequence data accumulation generation; accumulate \( X^{(0)} \) and then we get the accumulation generation \( X^{(1)} \):

\[ X^{(1)} = (x^{(1)}(1), x^{(1)}(2), \cdots, x^{(1)}(n)) \], and \( x^{(1)}(k) = \sum_{i=1}^{k} x^{(0)}(i), k = 1, 2, \cdots, n \);  

Step 3: Mean sequence generation; according to \( X^{(1)} \); get its mean sequence \( Z^{(1)} \):

\[ Z^{(1)} = (z^{(1)}(2), z^{(1)}(3), \cdots, z^{(1)}(n)) \], and

\[ z^{(1)}(k) = \frac{1}{2}(x^{(1)}(k) + x^{(1)}(k-1)), k = 2, 3, \cdots, n \]

Step 4: Parameter solution; if \( \hat{a} = (a, b)^T \) is parameter column, and

\[
Y = \begin{bmatrix} x^{(0)}(2) \\ x^{(0)}(3) \\ \vdots \\ x^{(0)}(n) \end{bmatrix}, B = \begin{bmatrix} -z^{(0)}(2) & 1 \\ -z^{(0)}(3) & 1 \\ \vdots & \vdots \\ -z^{(0)}(n) & 1 \end{bmatrix}
\]

Then the least squares estimate parameter of GM(1,1) model \( x^{(0)}(k) + ax^{(1)}(k) = b \) satisfies
\[ \hat{\alpha} = (B^T B)^{-1} B^T Y. \]

Step 5: Time response function; according to the result of step 1 to 4, solve the winterization equation
\[ \frac{dx^{(1)}}{dt} + ax^{(1)} = b \]
and then we can get the time response function
\[ x^{(1)}(t) = (x^{(1)}(1) - \frac{b}{a})e^{-at} + \frac{b}{a}. \]

Step 6: Time response sequence; according to step 5, we can get the time response sequence
\[ x^{(0)}(k+1) = (x^{(0)}(1) - \frac{b}{a})e^{-ak} + \frac{b}{a}, \]
\[ k = 1, 2, \ldots, n. \]

Step 7: Simulate and predict; according to the result in step 6; we can get the simulation function:
\[ x^{(0)}(k+1) = (1 - e^a)(x^{(0)}(1) - \frac{b}{a})e^{-ak} + \frac{b}{a}, \]
\[ k = 1, 2, \ldots, n. \]

### 3.2 Prediction of energy production and consumption in China

Because total amount of energy consumption in China and its increase are influenced by economic development, structure of energy, structure of industry and some other factors while some factors are determined with some undetermined, we can see it as a grey system. We can build up the GM(1,1) model by some data and grasp the change trend and rule of the system, avoiding the defect of the lack of data as well as the influence of personal experience, cognition and preference. So, we can use the method to predict total amount of energy consumption in the future in China.

According to total amount of energy consumption in China from 2004 to 2011 (seen in Table 1), we build up the GM(1,1) model, and then get
\[ a = -0.06, \quad b = 222087. \]
As a result, we get the simulation function
\[ x^{(0)}(k+1) = 228008.86e^{0.06k}, \]
\[ k = 1, 2, \ldots, n. \]

Simulation result for detail can be seen in Table 3. And the average relative error is 0.95%.

#### Table 3. Simulation result of total amount of energy consumption in China (unit: ten thousand tons of standard coal)

<table>
<thead>
<tr>
<th>Year</th>
<th>Original value</th>
<th>Simulation value</th>
<th>Relative error</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>213456</td>
<td>213456</td>
<td>0</td>
</tr>
<tr>
<td>2005</td>
<td>235997</td>
<td>242165</td>
<td>2.61%</td>
</tr>
<tr>
<td>2006</td>
<td>258676</td>
<td>257201</td>
<td>0.57%</td>
</tr>
<tr>
<td>2007</td>
<td>280508</td>
<td>273170</td>
<td>2.62%</td>
</tr>
<tr>
<td>2008</td>
<td>291448</td>
<td>290130</td>
<td>0.45%</td>
</tr>
<tr>
<td>2009</td>
<td>306647</td>
<td>308144</td>
<td>0.49%</td>
</tr>
<tr>
<td>2010</td>
<td>324939</td>
<td>327276</td>
<td>0.72%</td>
</tr>
<tr>
<td>2011</td>
<td>348002</td>
<td>347596</td>
<td>0.12%</td>
</tr>
</tbody>
</table>

According to total amount of energy production in China from 2004 to 2011 (seen in Table 1), we build up the GM(1,1) model, and then get
\[ a = -0.063, \quad b = 197351. \]
As a result, we get the simulation function
\[ x^{(0)}(k+1) = 203266.26e^{0.063k}, \]
\[ k = 1, 2, \ldots, n. \]

Simulation result for detail can be seen in Table 4. And the average relative error is 0.51%.

#### Table 4. Simulation result of total amount of energy production in China (unit: ten thousand tons of standard coal)

<table>
<thead>
<tr>
<th>Year</th>
<th>Original value</th>
<th>Simulation value</th>
<th>Relative error</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>196648</td>
<td>196648</td>
<td>0</td>
</tr>
<tr>
<td>2005</td>
<td>216219</td>
<td>216475</td>
<td>0.12%</td>
</tr>
<tr>
<td>2006</td>
<td>232167</td>
<td>230542</td>
<td>0.70%</td>
</tr>
<tr>
<td>2007</td>
<td>247279</td>
<td>245523</td>
<td>0.71%</td>
</tr>
</tbody>
</table>
According to the simulation result, the average relative errors of energy consumption and production are separately 0.95% and 0.51%, showing that the simulation results are well. We can predict based on this, the total amount of energy consumption in China will keep increasing, the amount will reach 442299 ten thousand tons of standard coal in 2015. In the same time, the total amount of energy production will also keep increasing and will reach 406282 ten thousand tons of standard coal in 2015.

4. Prediction of energy structure in China

According to the proportion of energy structure in Table 2, we can build up GM(1,1) models for coal, oil, gas and other energies and get their time sequence response function:

\[ x^{(0)}(k+1) = 72.034e^{0.0072k}, \quad k = 1, 2, \cdots, n \]
\[ x^{(0)}(k+1) = 19.567e^{0.0098k}, \quad k = 1, 2, \cdots, n \]
\[ x^{(0)}(k+1) = 2.361e^{0.1055k}, \quad k = 1, 2, \cdots, n \]
\[ x^{(0)}(k+1) = 6.360e^{0.0399k}, \quad k = 1, 2, \cdots, n \]

According to the functions, we can predict the proportions of the energies from 2012 to 2015, Table 5 provides this for detail.

Table 5. Proportions of energies from 2012 to 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>coal</th>
<th>oil</th>
<th>gas</th>
<th>other energies</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>66.11%</td>
<td>17.39%</td>
<td>5.50%</td>
<td>10.27%</td>
</tr>
<tr>
<td>2013</td>
<td>65.64%</td>
<td>17.22%</td>
<td>6.10%</td>
<td>10.68%</td>
</tr>
<tr>
<td>2014</td>
<td>65.17%</td>
<td>17.05%</td>
<td>6.80%</td>
<td>11.12%</td>
</tr>
<tr>
<td>2015</td>
<td>64.71%</td>
<td>16.88%</td>
<td>7.50%</td>
<td>11.57%</td>
</tr>
</tbody>
</table>

From the result, we can see that the proportions of coal and oil are decreasing while gas and other energies are increasing, showing China is developing clear energy vigorously.

5. Conclusions and discussions

1) This paper builds up GM(1,1) models for energy production and consumption in China and then use the models to simulate and predict. The study shows GM(1,1) models can simulate and predict the total amount of energy production and consumption in China well.

2) This paper builds up GM(1,1) model for the proportion of each energy, and then predict the change trend of the proportion of energy consumption. In the future, the proportions of coal and oil will keep decreasing while gas and other energy will increase.

3) In order to realize the prediction result and improve the structure of energy consumption, China should implement energy conservation and emissions reduction and sustainable development actively, and develop gas and renewable energies while decreasing the proportion of coal and oil.

References


The Unforeseen Ethical Issues and Respective Consequences in Lending Process:
Albanian Banking System Case

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Abstract

For more than two decades the Albanian banking system has worked in a mutual stewardship context based on trust by reflecting real business risks and ethical considerations from an important part of its risk-taking activities from one side and from the other one the welfare of the borrowing customers in good and bad times as its major concern. In other words, the trust is the ethical basis of banking and vital for the survival of a long run banking industry. Therefore, it can be confirmed that the banking success story in Albania is dedicated to its good partnership strategy and prudent management to the money collected and lend regardless the practices through which they were carried out. Precisely, this research investigates and analyses the ethical issues of current lending process in Albanian banking system in the quality of most crucial activity for the banks own selves and most essential one for that fragile economy.

1. Introduction

The Albanian banking system has been developed on completely commercial principles as long as it deemed reasonable and necessary for the parties of interests. Already the entire banking philosophy has evolved initiating from the communication lines, targets, products, services, etc and finalizing with the performance standards. But the question remains whether the evolution of the a/m banking system is still ethical?

Thus, in this paper is explored the commercial dimension of the international banking group’s affiliates pertaining to the Albanian banking system from a different point of view: the ethical one. The research based on 250 (good performing and no) borrowers with more than one credit line used for business and retail purposes (randomly selected from the Credit Registry) in different banks, as they are obligated to use more frequently the banking services. The findings argued on unethical actions especially related to loan proposal process and their impact on credit rating under the national unified standard (NUS).

1.1 Data Collection Methodology

This research analyzed the qualitative and quantitative data collected directly from the 250 (standard and no) borrowers. An apposite questionnaire was developed to reveal and understand the real Albanian banking system business ethical issues and delivered to the mentioned customers via e-mail (by making clear data usage and the anonymity preservation). The responses were compared with the respective banks credit policies as well as were analysed by using SPSS-16 version in terms of validity and reliability.

The a/m questionnaire was organised in two parts. The first part refers to the individuals or self-employed borrowers (retail business) while the second one refers to the businesses borrowers by containing qualitative and quantitative questions regarding loan application, appraisal, and proposal process. In any case, they were asked to mark the level of ethics in each evaluation cell on a 5-point scale.

1.2 Research Results

The research results have shown that borrowers aren’t fully satisfied in terms of credit granting ethics from second level banks even why they act on important international banking groups’ names. Particularly the keenest problematic appears...
the loan proposal process. Furthermore by using the same data it was studied the relation that exists between the top three ethical issues revealed in the loan proposal process and credit rating under national unified standard (NUS).

2. The ethical issues of lending process

Currently lending process in the Albanian banking system is bureaucratic, thus, a lots of time and expenses are need to pass from loan application process to the proposal one. By this way, it involves many people and systems especially focused in loan appraisal process. Through the latter, banks take important decisions and responsibilities above the trust investment by also investing trust on investors/borrowers. Although these relations are based on mutual trust they reflect ethical issues inside. In our case revealed that the major part of ethical issues derived from loan appraisal process are transmitted to the proposal one. But once the first bears the bank’s risk strategies and conservatism the ethical issues should be accepted to some extend…. But they become worrying when are transmitted to the second one by hampering the interested parties to accomplish their missions. Logically, the ethical issues lead to borrower’s dissatisfaction, by causing lending reduction and impact on the overall loan portfolio performance.

The following results show that the non–performing borrowers are more sceptics regarding the loan appraisal and ultimately to the proposal process.

Table 1. Ethical issues statistics

<table>
<thead>
<tr>
<th>Ethical issues</th>
<th>Research Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customers aren’t informed about loan appraisal process</td>
<td>89.2%</td>
</tr>
<tr>
<td>Bankers aren’t comprehensive as they discuss by using technical terms</td>
<td>87.6%</td>
</tr>
<tr>
<td>The personal bankers/account managers influence the customer’s loan product selection</td>
<td>86%</td>
</tr>
<tr>
<td>The loan application fee is high</td>
<td>78%</td>
</tr>
<tr>
<td>Bankers provide special rates for friends and relatives</td>
<td>74.4%</td>
</tr>
<tr>
<td>Delays in proposal delivery</td>
<td>68.8 %</td>
</tr>
<tr>
<td>Collateral underestimation</td>
<td>67.6%</td>
</tr>
<tr>
<td>Residencies preferred as additional collaterals</td>
<td>64%</td>
</tr>
<tr>
<td>Customer pays the notarization fee of the collateral release</td>
<td>61.6%</td>
</tr>
<tr>
<td>The project revenues are underestimated and credit limits offered are lower</td>
<td>60.8%</td>
</tr>
<tr>
<td>Loans in currencies GBP, CAD and CHF aren’t provided</td>
<td>57.2%</td>
</tr>
<tr>
<td>Same interest rates are offered for housing loans independently from the amount requested for first, second homes, etc…</td>
<td>54.4%</td>
</tr>
<tr>
<td>Cash collateralized loans do not imply special rates</td>
<td>48.4%</td>
</tr>
<tr>
<td>Personal and housing loans request a second guarantor</td>
<td>47.6%</td>
</tr>
<tr>
<td>Guarantors are requested even with lower revenues than the loan applicants</td>
<td>46.4%</td>
</tr>
<tr>
<td>Grace period is rarely accepted</td>
<td>43.6%</td>
</tr>
<tr>
<td>The bankers do not consult less expensive solutions in case of financial difficulties</td>
<td>39.2%</td>
</tr>
<tr>
<td>Credit grant can be provided by good relations with bankers</td>
<td>34%</td>
</tr>
<tr>
<td>Lack of funds noticed</td>
<td>32%</td>
</tr>
<tr>
<td>Bailiff practices are abusive</td>
<td>31.2%</td>
</tr>
<tr>
<td>Notifications send in delay</td>
<td>26%</td>
</tr>
<tr>
<td>Guarantors aren’t informed for the respective consequences</td>
<td>21.60%</td>
</tr>
<tr>
<td>Extra-revenues generated</td>
<td>14%</td>
</tr>
<tr>
<td>Official and confidential balances sheets are requested for the evaluation of loan proposal</td>
<td>12.80%</td>
</tr>
</tbody>
</table>

Source: Research results

3. Lending activity in Albania during 2012

Albanian economy is still fragile even it has marked a slow growth mostly thanks of lending, and for this reason is requested a continuous support from the national banking system. Generally the statistics show that more liquidity is needed for a short-term period (followed from long and mid-term loans) from Government sector, businesses (small, medium and corporate) as well as individuals. The business target group request these funds for working capital, overdrafts, especially in All, Usd and Euro, should be mentioned that lending in other currencies is almost insignificant.
Whereas retail target group use the funds for the purchase of durable / non-durable goods, overdrafts provided in the currencies All, Usd and Euro what explains the outcome of our questionnaire regarding the lending in other currencies. Therefore inevitably, can be argued that bankers by pursuing the bank’s strategy influence on the selection of loan product as evidenced from our questionnaire.

The mid and long term loans instead are used from the business to enable investments in machineries and appliances, real estate, etc. while retail prefer the mid and term loans for real estate and entrepreneurship investment purposes.

Worth to light that retail loans weighted interest rates in same foreign currencies (ALL,USD) and products are higher than the businesses loans (see Table. 2&3) excluding the real estate’s loans which support the construction business. The latter, is largely developed the last 10 years and applies sales only in Euro currency.

By all means, the loans in the foreign currencies USD and EURO are more used (as can be noticed in Table. 4). Again our questionnaire results can be confirmed. However, this constitute an unethical behaviour, retail loans in the Albanian banking system portfolio’s are more numerous than the business loans and perform even better than the latter. It shouldn’t be forgotten that retail business is crucial for the Albanian economy and sensitive considering the circumstances under which it operates, exactly for these reasons it should be continuously promoted and not hindered. Therefore, Albanian banking system should accurately reflect the a/m results consequences.....

### Table. 2. Retail business weighted interest rates

<table>
<thead>
<tr>
<th>Retail (individuals) loans</th>
<th>Weighted Interest rate for new loans (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td></td>
</tr>
<tr>
<td>Overdraft</td>
<td>13.50</td>
</tr>
<tr>
<td>Non-durable goods</td>
<td>14.62</td>
</tr>
<tr>
<td>Durable goods</td>
<td>12.43</td>
</tr>
<tr>
<td>Real estate</td>
<td>7.96</td>
</tr>
<tr>
<td>Business activity</td>
<td>16.87</td>
</tr>
<tr>
<td>US$¹</td>
<td></td>
</tr>
<tr>
<td>Overdraft</td>
<td>8.25</td>
</tr>
<tr>
<td>Non-durable goods</td>
<td>8.43</td>
</tr>
<tr>
<td>Durable goods</td>
<td>3.56</td>
</tr>
<tr>
<td>Real estate</td>
<td>2.76</td>
</tr>
<tr>
<td>Business activity</td>
<td></td>
</tr>
<tr>
<td>EURO²</td>
<td></td>
</tr>
<tr>
<td>Overdraft</td>
<td>6.50</td>
</tr>
<tr>
<td>Non-durable goods</td>
<td>7.14</td>
</tr>
<tr>
<td>Durable goods</td>
<td>6.20</td>
</tr>
<tr>
<td>Real estate</td>
<td>5.49</td>
</tr>
<tr>
<td>Business activity</td>
<td>7.61</td>
</tr>
</tbody>
</table>

Source: Albanian Association of Banks

### Table. 3. Business loans weighted interest rate

<table>
<thead>
<tr>
<th>Businesses loans</th>
<th>Weighted Interest rate for new loans (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td></td>
</tr>
<tr>
<td>Overdraft</td>
<td>9.88</td>
</tr>
<tr>
<td>Working capital</td>
<td>10.02</td>
</tr>
<tr>
<td>Machineries</td>
<td>9.52</td>
</tr>
</tbody>
</table>

¹ Usd/All exchange rate 105.85 as per end of 2012
² Euro/All exchange rate 139.58 as per end of 2012
appliances & Real estate & 10.91 \\
**US$** & Overdraft & 7.07 \\
& Working capital & 7.28 \\
& Machineries and appliances & 9.00 \\
& Real estate & 9.00 \\
**EURO** & Overdraft & 6.93 \\
& Working capital & 7.91 \\
& Machineries and appliances & 8.08 \\
& Real estate & 8.37 \\

**Source:** Albanian Association of Banks

In accordance with the mentioned lending interest rates the new loan's structure as per year 2012 is reflected as following:

**Table 4. New loan's structure during 2012**

<table>
<thead>
<tr>
<th></th>
<th>Short-term Loans (in '000 ALL)</th>
<th>Mid-term Loans (in '000 ALL)</th>
<th>Long-term Loans (in '000 ALL)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January</strong></td>
<td>3,641,010</td>
<td>7,668,383</td>
<td>997,735</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>February</strong></td>
<td>5,302,932</td>
<td>5,809,775</td>
<td>1,144,434</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>March</strong></td>
<td>6,212,222</td>
<td>9,261,816</td>
<td>1,561,421</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>April</strong></td>
<td>5,919,271</td>
<td>6,150,189</td>
<td>1,219,065</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>May</strong></td>
<td>6,421,679</td>
<td>8,820,263</td>
<td>3,596,340</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>June</strong></td>
<td>4,911,474</td>
<td>5,774,043</td>
<td>1,631,151</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>July</strong></td>
<td>6,177,635</td>
<td>8,202,171</td>
<td>1,379,425</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>August</strong></td>
<td>4,277,073</td>
<td>7,999,765</td>
<td>1,731,159</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>September</strong></td>
<td>4,804,114</td>
<td>4,699,990</td>
<td>1,206,267</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>October</strong></td>
<td>14,522,404</td>
<td>4,603,727</td>
<td>1,832,678</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>November</strong></td>
<td>7,364,653</td>
<td>9,698,134</td>
<td>1,073,255</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>December</strong></td>
<td>9,830,700</td>
<td>10,910,769</td>
<td>2,002,636</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>ALL</td>
<td>Foreign Currency</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>79,385,167</td>
<td>89,599,025</td>
<td>19,375,565</td>
</tr>
<tr>
<td></td>
<td>Foreign Currency</td>
<td>26,640,608</td>
<td>22,694,569</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>30,617,561</td>
</tr>
</tbody>
</table>

**Source:** Albanian Association of Banks

Beyond the ethical issues revealed in the Albanian banking system, during the year 2012 the lending activity is shrunk (see Table 5&6), as result of three main causes:

1. Neighbourhood crises (Italian and Greek). The foreign direct investments and trade relations with these countries are vital for the Albanian economy by representing the main contributors to the country GDP growth rate in previous years without skipping the impact of remittances from the albanian workers.
2. The increase of non-performing loan rates (as per the a/m reasons the business and individuals were unable to respond to the financial commitments on time).
3. The conservative measures undertaken from the Albanian banking system pertaining to the lending criteria by being focused especially on collection process.
Table 5. Foreign Currency Lending Trend during 2012

The banks have reasonable seen to lend in foreign currencies in short-term and reduce the lending in mid-long term.

Table 6. Local Currency Lending Trend during 2012

The opposite is noticed in local currency lending, short and long term lending is increased while mid term lending is decreased.

4. Loans portfolio performance analysis during 2012

As foreseen, despite the mentioned troubles Albanian banking system has continued to extend the granting activity although in a more conservative way by giving priority to the sectors that haven’t posed repayment problems. The outstanding loans figures by the end of 2012 are presented in Table 7.

Table 7. Outstanding loans balance figures as per the year 2012

<table>
<thead>
<tr>
<th>Description</th>
<th>Dec-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding loan balance</td>
<td>577,816</td>
</tr>
<tr>
<td>7 day</td>
<td>44,158</td>
</tr>
<tr>
<td>7 day - 1 month</td>
<td>18,512</td>
</tr>
<tr>
<td>1-3 months</td>
<td>36,627</td>
</tr>
<tr>
<td>3-6 months</td>
<td>50,431</td>
</tr>
<tr>
<td>6-12 months</td>
<td>103,382</td>
</tr>
<tr>
<td>1-5 years</td>
<td>192,981</td>
</tr>
<tr>
<td>5 years +</td>
<td>131,724</td>
</tr>
</tbody>
</table>

Source: Albanian Association of Banks
4.1 The analysis of loan portfolio quality during 2012

The credit rating to portfolio outstanding has deteriorated by becoming worrying, compared with the previous year results. Currently, standard loans to portfolio outstanding ratio is estimated 65.3%, special mentioned loans to portfolio outstanding ratio is estimated 8%, substandard loans to portfolio outstanding ratio is estimated 9.9%, doubtful loans to portfolio outstanding ratio is estimated 4.7% and the lost loans to portfolio outstanding ratio is estimated 6.5% where the previous year results were 73.5%, 9.33%, 8.03%, 4.08% and 5.1% respectively. During this year is observed an increase of doubtful and lost loans trend (see Table. 8).

Table 8. Non-performing loans trend during 2012

| Source: Albanian Association of Banks |

The matter is: If the ethical issues observed in our research influence loan repayment schedule (performance), so the credit rating under national unified standard?

For this purpose is analysed (with SPSS -16 version) the relation that exists between top three ethical issues (derived from the research statistics) such as independent variables:

1. Customers do not have information regarding the loan appraisal process (X1);
2. Bankers aren't comprehensive even when explain as they use technical terms (X2);
3. The personal bankers/account managers influence customer's loan product selection (X3).

and the 250 loans credit rating (dependent variable-Y) by using the contamination rule in the due days criteria as requested in the national unified standard.

The stepwise regression analysis results showed that exist a good relation (see Table. 9) between credit rating (dependent variable-Y) and bankers influence on the customer's loan product selection (independent variable-X3).

Table 9. Model Summary

<table>
<thead>
<tr>
<th>Model Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

a. Predictors: (Constant), Bankers Influence the loan product selection (X3)

Source: Stepwise Regression Analysis

Also the ANOVA test confirms the a/m regression goodness at 95% confidence level (see Table. 10).

Table 10. ANOVA test

<table>
<thead>
<tr>
<th>ANOVA*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Regression (a)</td>
</tr>
<tr>
<td>Residual</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

a. Predictors: (Constant), Bankers Influence the loan product selection (X3)

b. Dependent Variable: Credit Rating (Y)

Source: Stepwise Regression Analysis
Due to the logical collinearity, the variables (X1) and (X2) are excluded from the model as per Table 11 result's.

Table 11. Excluded Variables

<table>
<thead>
<tr>
<th>Model</th>
<th>Beta In</th>
<th>t</th>
<th>Sig.</th>
<th>Partial Correlation</th>
<th>Collinearity Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankers explanation is not comprehensive (X2)</td>
<td>-.007a</td>
<td>-.063</td>
<td>.950</td>
<td>-.004</td>
<td>.150</td>
</tr>
<tr>
<td>Customers do not have information regarding loan appraisal process (X1)</td>
<td>-.029a</td>
<td>-.463</td>
<td>.644</td>
<td>-.029</td>
<td>.515</td>
</tr>
</tbody>
</table>

a. Predictors in the Model: (Constant), Bankers Influence the loan product selection (X3)
b. Dependent Variable: Credit Rating (Y)

Source: Stepwise Regression Analysis

The stepwise regression analysis gives same results at 95% confidence level under different coefficients when additional ethical issues derived from the research were used. It can be confirmed that, the ethical issues in loan appraisal and proposal process directly impact (in our case negatively) the credit rating (with the increase of unethical actions in the lending process level’s credit rating deteriorates).

5. Discussion, Limitations and Conclusion

Despite, this study has several limitations related to the research and analysis which may be addressed to further studies, such as: specialized research instrument, country banking characteristics as well as other factors not captured….. should be highlighted the importance of indications given to the Albanian banking system above the influence of the ethical issues in credit rating under the national unified standard (NUS). As a consequence, they don’t imply only obstacles for loan repayment and credit deterioration but also increase the credit provisioning in both standards (NUS and IFRS) by transmitting troubles in the banking profit & loss statement’s, capital adequacy and ultimately threaten the lending process.

Hence, the ethical issues of lending activity and its performance should be accurately analyzed and kept under control through the review of credit risk management strategy aiming a better management by avoiding additional troubles in the Albanian banking system...

More than ever, under these circumstances the a/m system should resize the entire lending process under an alternative approach, the ethical one, in accordance with customer care, lending evolution prospective and its strategic goals.

Concretely, the banks should be opened and more flexible while:

- approaching credit applications by charging lower costs;
- rapidly concluding the loan proposals;
- correctly estimating the project revenues;
- providing grace period and credit limits in the requested currencies;
- offering tailored pricings in respect of credit purposes,
- establishing ethical investing strategies, etc

and adapting to the business exigencies in respect of a more solid commercial relationship for a better future.....

This can be understood as transparency, responsibility, faith, opportunity, cooperation and advocacy to the next.

Obviously that, pursuing a more ethical approach will require sacrifices under the current regulatory framework, specifically in:

- risk appetite;
- capital allocation;

on behalf of the banking offer which will spontaneously push the banking competition in another level: less commercial and more aware toward important values such as: social responsibility, environment, ethics, etc even initially
risking in order to provide gradual sustainable economic growth to the country and latter on prosperity in a wide range of population.

And all this leads to a restructuring of the whole Albanian banking system, especially placing forward new challenges the existing banks by constituting solid standards on banking business doing. From the other side remains the regulator's responsibility the massive financial education, the providence of facilities in terms of financial and legal framework for the ethical lending by restoring the trust to the parties of interest.

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International Arbitration in Albania.
Recognition and Enforcement of Foreign Arbitral Decision

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Abstract

The growing interest of the international commercial operators toward Albania and especially the appeal of arbitration institute for the resolution of their disputes have suggested to address a work based on the study of the Albanian approach of the Institute of International Arbitration. The purpose of this paper is to summarize with technical and legal language, but with an eye to the “reality of things” and so to the immediate operativity, rules and operation of the arbitration proceedings in Albania, with specific reference to the “international” disputes, and so the disputes between companies (or entrepreneurs) of different countries or that their effects reverberate beyond national borders. The analysis of the legislation of the arbitration institute of Albania with regard to the recognition and enforcement of foreign arbitral decision, namely the articles 393 – 398 of the Albanian Civil Procedure Code, proves to be fundamental to fully understand the intervention the State courts in international arbitration proceedings.

Keywords: international arbitration, recognition, code of civil procedure, international disputes.

1. Introduzione

Sempre più, nell’attuale fase delle relazioni economiche e commerciali, le parti danno vita a rapporti giuridici che trascendono l’ambito di un singolo Stato, e ciò come conseguenza della necessità per le imprese di ricercare nuovi spazi per il collocamento delle proprie produzioni e dei propri servizi. Più recentemente, l’accresciuto livello della competitività internazionale conseguente alla progressiva apertura dei mercati ha imposto alle imprese una dimensione transnazionale dell’attività e la ricerca di forme di collaborazioni a livello internazionale volte a ripartire i rischi, a contenere gli investimenti, a ridurre divari tecnologici. Di conseguenza si sono sviluppati una serie di nuovi e più sofisticati tipi di contratti del commercio internazionale. Di qui, una caratteristica comune a tutti i rapporti contrattuali che sono alla base di queste nuove manifestazioni dell’attività dell’impresa: quella di presentare elementi di estraneità rispetto a un dato sistema giuridico nazionale e, quindi, momenti di collegamento con più sistemi giuridici nazionali.

Il contratto internazionale contiene normalmente una clausola compromissoria con la quale le parti prevedono e disciplinano il ricorso all’arbitrato quale mezzo per la definizione delle controversie che possono insorgere nella esecuzione del rapporto. Tale clausola, a sua volta, comporta spesso, per il contratto nel quale è inserita, ulteriori elementi di “internazionalità”, in quanto può prevedere la sede del procedimento nel territorio di uno Stato diverso da quelli di nazionalità delle parti o di esecuzione del contratto o l’amministrazione dell’arbitrato da parte di una istituzione straniera o comunque il deferimento della decisione ad arbitri stranieri conformemente ad un diritto processuale o in applicazione di una legge sostanziale di uno Stato terzo.

In ragione di queste caratteristiche, e cioè della transnazionalità dell’operazione economica cui esso inserisce in una con gli eventuali elementi di internazionalità propri della clausola compromissoria, della procedura arbitrale e della decisione che vi pone termine, si parla al riguardo di arbitrato “internazionale”.

2. L’arbitrato internazionale in Albania.

Nel codice del rito albanese del 1996, il capo VI (artt. 439- 441), disciplinava un secondo e particolare tipo di arbitrato rituale, caratterizzato da elementi di estraneità o internazionalità. Il legislatore albanese, preso atto della sempre maggior

1Piero Bernardini, L’arbitrato internazionale, Giuffrè, 2° edizione, 1994, pag. 5.
La definizione dell’arbitrato internazionale dettata dal legislatore albanese non era completa e soddisfacente. Infatti nell’art. 439 si affermava che: “Eshte nderkombetar arbitrazhi qe lidhet me interesat e tregtise nderkombetare” (“È internazionale l’arbitrato che riguarda gli interessi del commercio internazionale”). Questa definizione era identica a quella dell’art. 1492 del codice del diritto francese (“est international l’arbitrage qui met en cause des intérêts du commerce international”). Dunque, questa definizione prescindeva dal luogo dell’arbitrato o dalla nazionalità delle parti per fare leva unicamente sull’oggetto della controversia e del contratto cui la stessa si riferisce.

Per la risoluzione delle controversie internazionali, le parti nella convenzione arbitrale dovevano scegliere gli arbitri ovvero dovevano prescrivere le modalità di nomina degli arbitri, anche riferendosi ad un regolamento arbitrale (art. 439, primo comma).

Era previsto anche l’intervento della Corte statale, su richiesta della parte interessata, nel caso in cui non si riuscisse a formare la Corte arbitrale. Tuttavia, le parti potevano ricorrere alla Corte di Tirana soltanto se tale facoltà era prevista nella convenzione arbitrale, ovvero:

a) l’arbitrato aveva la sede nel territorio del Paese;
b) le parti nella convenzione arbitrale avevano scelto l’applicazione della legge procedurale albanese;

Secondo l’art. 440, le parti potevano dettare le regole di procedura che gli arbitri dovevano seguire nel definire il giudizio. Nel caso in cui mancava tale accordo, il tribunale arbitrale poteva fare riferimento alle regole di procedura previste da un'altra istituzione arbitrale (anche internazionale).

Infine, in base all’art. 441, il tribunale arbitrale decideva la controversia secondo il diritto che le parti avevano scelto nella convenzione arbitrale, ovvero in mancanza, secondo la legge e le regole che esso riteneva opportuno; in ogni caso il tribunale arbitrale doveva tenere conto anche gli usi e le pratiche commerciali internazionali.


3. Il riconoscimento delle sentenze arbitrali straniere.

Punto di partenza è la qualificazione della decisione arbitrale come nazionale o, alternativamente, come straniera.

Il problema si pone e deve essere risolto dal punto di vista del giudice nazionale adito e, per conseguire l’annullamento della decisione arbitrale o la sua esecuzione in quanto, di norma, diverse sono le disposizioni applicabili in ciascun ordinamento alle due situazioni.

La risposta è in principio agevole: è straniera la decisione resa fuori dal territorio nazionale del giudice adito e, per converso, è nazionale quella resa in tale territorio. Questo criterio di identificazione della nazionalità di una decisione è da ritenere ormai generalmente accettato dai legislatori nazionali ed è recepito anche dalla Legge Modello UNCITRAL (art. 34, in relazione all’art. 6. e all’art. 1(2) della Legge Modello). Lo stesso criterio è adottato, sostanzialmente, anche dalla Convenzione di New York del 1958 (sempreché “il luogo dove la sentenza è resa” ex art. I.1 si identifiche con la sede dell’arbitrato), con una importante eccezione nel caso in cui lo Stato in cui il riconoscimento ed esecuzione sono richiesti non considera come nazionale la sentenza anche se resa sul proprio territorio. Vi sono, infatti ordinamenti giuridici che tengono conto non tanto del luogo dove la sentenza arbitrale è stata resa ma di altri criteri, quale quello della legge di

4 L’art. 1.1 della Convenzione di New York del 1958, infatti, dichiara applicabili le sue norme non solo le sentenze arbitrali rese su un territorio diverso da quello dello Stato in cui sono richiesti riconoscimento ed esecuzione ma anche a quelle “che non sono considerati come sentenze nazionali nello Stato dove sono richiesti riconoscimento ed esecuzione” -Franco Ferrari (a cura di), Le Convenzioni di diritto del commercio internazionale, Giuffrè, 2001.
procedure secondo cui la stesa è stata resa. Così, una sentenza resa sul territorio del giudice dell’esecuzione in base a una legge di procedura straniere può essere considerata straniera o nazionale da tale giudice a secondo della prevalenza che il proprio ordinamento dà all’uno o all’altro criterio di collegamento. Inversamente, una sentenza resa all’estero in base alla legge di procedura nazionale può essere considerata dalla lex fori come nazionale o straniera per le stesse ragioni.

L’ordinamento albanese, invece, considera rilevante non il criterio della sede dell’arbitrato quanto, piuttosto, quello del luogo dove la sentenza arbitrale è resa ai fini della competenza delle corti albanesi a conoscere di un ricorso di annullamento della sentenza (art. 432, secondo comma del codice del rito albanese).

Per quanto riguarda il riconoscimento delle decisioni arbitrali straniere, il legislatore albanese assimila il lodo straniero alla sentenza del giudice: infatti, ai sensi dell’art. 399 del codice del rito albanese, “le disposizioni riguardanti il riconoscimento delle sentenze straniere si applicano anche al riconoscimento delle decisioni arbitrali straniere”. Il regime disciplinato dal legislatore albanese (artt. 393-399 del c.p.c) si preoccupa di verificare soltanto che la convenzione arbitrale, la procedura e la decisione non siano effetti da vizi manifesti, escludendosi comunque ogni riesame del merito.

Il legislatore ha preferito delineare un procedimento assai snello e senza contraddittorio. La parte interessata e legittimata (e tale è chi è stato parte del procedimento arbitrale o un suo successore) presenta ricorso al presidente della Corte di appello nella cui circoscrizione risiede l’altra parte (art. 395). Il ricorso deve essere corredata del lodo in copia conforme e della convenzione arbitrale, con traduzione certificata conforme, qualora non siano redatti in lingua albanese (art. 396). Ai sensi dell’art. 397, il giudice deve esaminare se sussistono delle ipotesi (previsti dall’art. 394) che impediscono il riconoscimento della decisione arbitrale in Albania, tra cui, il mancato rispetto del principio del contraddittorio e la contrarietà della decisione con l’ordine pubblico. Qualora il riscontro sia negativo, il giudice emette decreto con cui dichiara il riconoscimento della decisione arbitrale straniera nella Repubblica. Con tale atto la decisione arbitrale straniera acquista anche forza esecutiva e può, quindi, servire di fondamento per attivare la procedura esecutiva in base alle regole stabilite dal codice del rito albanese (art. 398, c.p.c.).

Si sottolinea, infine, che il legislatore albanese, nulla dice per quanto riguarda all’ipotesi in cui la Corte di appello emana un provvedimento negativo. In tal caso, si presume, si deve fare riferimento alla disciplina dettata dalla Convenzione di New York del 1958 sul riconoscimento ed esecuzione delle sentenze arbitrali straniere.

4. Considerazioni conclusive

Nell’ultimo decennio, sulla scia dell’adeguamento dell’ordinamento giuridico a quello internazionale, il legislatore albanese ha intrapreso una serie di riforme legislative. Riforme che in parte hanno riguardato anche l’istituto dell’arbitrato. Tuttavia, la disciplina arbitrale dettata dal legislatore albanese si differenzia, in certi aspetti, da quella dettata dai legislatore europei; gli studiosi albanesi tengono molto in considerazione l’esperienza europea, cogliendo ciò che sembra loro più adatto ad essere innestato al sistema giuridico albanese.

È da sottolineare che, in quasi tutti i contratti conclusi tra gli operatori economici internazionali in Albania, si riscontra la preferenza per l’istituto dell’arbitrato (internazionale) nella risoluzione delle varie controversie. Il sistema arbitrale dettato dal legislatore albanese si avvicina con le maggiori ordinamenti giuridici degli altri Stati europei; gli studiosi albanesi tengono molto in considerazione l’esperienza europea, cogliendo ciò che sembra loro più adatto ad essere innestato al sistema giuridico albanese.

Osservando da vicino il sistema arbitrale disciplinato dal codice del rito del 1996 (come modificato dalla legge n. 8812 del 17.5.2001), non si può fare a meno di notare le numerose caratteristiche che la avvicinano al sistema arbitrale italiano. Come ad esempio, le disposizioni riguardanti la convenzione arbitrale, la nomina degli arbitri, l’istruzione probatoria, l’intervento delle Corti statali, la deliberazione della decisione arbitrale, ecc.

Tuttavia, la disciplina arbitrale dettata dal legislatore albanese si differenza, in certi aspetti, da quella dettata dai paesi europei. Così, ad esempio, nel codice del rito albanese nulla si dice per quanto riguarda la responsabilità degli arbitri; nessun riferimento in ordine all’intervento del terzo nel procedimento arbitrale; idem sulla sospensione dell’esecuzione in caso di impugnazione.

Infine, per quanto riguarda l’arbitrato internazionale, il legislatore albanese sceglie la strada di non disciplinare l’istituto, preferendone rinviare la disciplina alle Convenzioni principali in materia. Nel caso del riconoscimento delle decisioni arbitrali straniere, il legislatore albanese ha preferito delineare un procedimento assai snello e senza

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contraddittorio, assimilando il lodo straniero alla sentenza del giudice.

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William Shakespeare in the Croatian Drama until the Postmodern Period

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Abstract

This paper gives an overview of the very beginnings of Shakespeare in the Croatian drama until the postmodernism period. Shakespeare's plays began to be performed in Croatia in the late 18th century when German theatrical troupes performed Shakespeare's localized dramas, but theatre audience could still not grasp the true size of Shakespeare plays by watching the adaptations. In the late 18th century Shakespeare started to be translated into Croatian thanks to two priests: Ivan Krizmanić and Antun Kazali. These translations have a high cultural and historical value, but are also important for the future reception of Shakespeare in Croatia as they hide a roadmap and valuable help for its future translators and interpreters. In the mid 19th century Shakespeare started to be deliberately exploited for the first time in the Croatian literature as intertext for the purposes of creating a national drama that would trigger patriotic feelings. In the beginning, the borrowings were discreet and occasional but Stjepan Miletić, in an innovative and open manner, started using Shakespeare in his own works. After Miletić era, a period of poor interest in Shakespeare performance set in. Few literary-drama attempts to insert Shakespeare's elements into own plays were mostly unnoticed either because of questionable quality of the dramas themselves or because of the upcoming nightmarish war and post-war years that generated the structure of the Croatian drama in which Shakespeare's dominant themes did not fit in. However, the period of postmodernism in Croatia used Shakespeare as intertext in creating post-modern Croatian drama.

Keywords: Shakespeare; Croatian drama; borrowings; intertext; translation

1. Introduction

William Shakespeare has been present in the works of Croatian dramatists since Dimitrije Demetarić, i.e. since the Croatian Illyrian movement, through the period of modernist literature until postmodernism.

The motives, intensity or the echoes of the Shakespeare borrowings are not always the same.

During the Illyrian movement and Croatian national revival period, the reasons for the borrowings were national and programmatic. In modernism, Croatian dramatists were trying to identify, i.e. to react to the challenges of the 19th century Europe. The intensity of Shakespeare borrowings in the period between the two world wars was very feeble. The approach of the new literary movement – postmodernism – was the period when the Croatian dramatists created their works based on the principles and problems of postmodern rules, and one of the basic postulates of postmodern art is citation, i.e. intertextuality. Shakespeare's reaffirmation in Croatia starts with Ivo Brešan's grotesque Predstava Hamleta u Mrduši Donjoj (Acting Hamlet in the village of Mrduša Donja). This play is a turning point, as it will greatly influence Croatian dramatists until today.

2. William Shakespeare in Croatia in the 18th century

While Shakespeare was greatly recognized and performed writer in his country, the rest of Europe was still under a strong influence of the French classicism and the spirit of Voltaire's philosophy. Of Shakespeare thorough inferiority to the French dramatists Voltaire had no manner of doubt. He wrote that Shakespeare was "the London Corneille, and a great fool into the bargain". Thus it is understandable that in such an anti-English and anti-Shakespeare atmosphere Shakespeare texts were not included into the repertoire of the German, Romanic or Slavic theatres.

However, the situation is about to change in the second half of the 18th century, first in Germany. The turning point was when Gotthold Ephraim Lessing, a German dramatist and a representative of the civil Enlightenment movement criticized in his Hamburg Dramaturgy the simple imitation of the French example (especially Corneille and Racine) and pleaded for a serious reception of Shakespeare's works.

In the late 1760s a literary movement Sturm und Drang (Storm and Drive, Storm and Urge) was established in
Germany and their representative recognized Shakespeare as a “genius” of dramaturgy and was seen as a model for German writers.

August Wilhelm Schlegel in collaboration with Ludwig Tieck translated Shakespeare’s plays into German. Thanks to them, Shakespeare has become a national poet of Germany. Nineteen years after Schlegel died, i.e. on 23rd April 1864 Deutsche Shakespeare Gesellschaft (German Shakespeare Society) was founded in Weimar, the oldest literary association in the world. It promotes the investigation with William Shakespeare’s works, particularly in the German-speaking countries.

Shakespeareomanie started spreading into other parts of Europe in the beginning of the Romantic era, first in Italy and then finally in France, the cradle of classicism where (at the time) Shakespeare is more esteemed than Racine.

First encounters of the Shakespeare plays with the Croatian theatre audience happened in the beginning of the 18th century through German theatrical companies who performed localized Shakespeare texts. The repertoire of the German theatrical companies mostly included adapted and localized plays of many world classical writers, including Shakespeare. It is important to emphasize that the adaptation and localization of the plays in that time was not unusual, and it was quite common. Even Shakespeare did not always conceive plots for his own works but he would use and (re)arrange some old, already known plots using his immense talent, the ability to clearly express ideas and feelings and having good insights into human psyche. Localized Shakespeare plays that were performed in Zagreb by German theatrical groups were so far from the original Shakespeare texts that it was hard to recognize most of them, let alone link them to their original author.

In 1785 a German theatrical group performed in Zagreb a play named Gassner der Zweyte oder Der ausgetriebene Teufel, which was probably an adaptation of the Shakespeare Taming of the Shrew. An author named Schinck adapted it.

In 1791 a theatrical group from Germany performed an Eckartshausen utterly liberal adaptation of a Shakespeare play in German language. It is not known which Shakespeare play they performed, but the author (Eckartshausen) put William Shakespeare in the title of the play (Lieberecht und Hörwald oder So geht’s zuweilen auf dem Lande, Ein Schauspiel in drei Aufzügen nach Schakespear von Karl von Eckartshausen) to make sure to have more audience watching his play. In 1792, seminarians, i.e. members of the seminary theatre in Kaptol performed the same Eckartshausen play in Croatian language. Croatian version of the title leaves out Shakespeare’s name but not the name of the German author. This proves that Shakespeare was still just an unknown name, whereas German authors guaranteed success of a play. Croatian cultural, theatrical or literary circles in the late 18th century still knew nothing about Shakespeare despite the German theatrical troupes who played adapted Shakespeare. Croatians were still unaware of the true size of the literary works of William Shakespeare, as the adaptation of already adapted plays could not ensure the full enjoyment in Shakespeare plays. However, this play as well as this year (1792) is very much significant as it is considered as the beginning of the Shakespeare era in Croatia.

Performance of Hensler’s localization of Shakespeare’s Hamlet followed. In 1802 the play Eugenius Skoko, Erbprinz von Dalmatien was performed in Zagreb where Hamlet, the Danish prince became hereditary prince of Dalmatia. Adapted Macbeth was shown in 1804, followed by Merry Wives of Vienna, a reworking of Shakespeare’s comedy The Merry Wives of Windsor, performed by National Theatrical Group from Zagreb.

In the second and third decade of the 18th century Shakespeare’s adaptations of Hamlet, King Lear, Othello, A Midsummer’s Night Dream and The Merchant of Venice were performed in Zagreb.

The end of the third and fourth decade of the 18th century recorded the first translations of the Shakespeare’s texts into Croatian. Namely, two Croatian priests, Ivan Krizmanić from Bistrica and Antun Paskoje Kazali from Dubrovnik were the first Shakespeare translators in Croatia. Their first attempts at translating Shakespeare’s works into the Croatian language are evaluated as translations that have great cultural and historical value. Those translations are the first printed translations, the first complete translations of the manuscript and the first Shakespeare translations in prose (Kazali). Also, these translations are of great importance for the future reception of Shakespeare in Croatia because they are also the guidance and assistance for future translators and interpreters of Shakespeare in Croatia. Their translations have significantly contributed to the development of the Croatian literary and theatrical language, and represent the beginning of fruitful translational activities that will follow a hundred or more years later. Also it has to be emphasized that translators were the ones who first approached the works of Shakespeare to Croatian theatre and literary audience, and that since then interest in Shakespeare in Croatia continues.
3. William Shakespeare in Croatia in the 19th century

A milestone in the Croatian theatre life occurred on June 10th 1840. This date is considered the birthday of the Croatian National Theatre in Zagreb because an original Croatian play Juran and Sofija by Ivan Kukuljević was performed for the first time in Croatian language. The very next year, in 1841 a tragedy by William Shakespeare Romeo and Juliet was on the repertoire, performed by National Theatrical Company from Zagreb. This play was first reworked into German by a German author Christian Felix Weisse, then a Serbian author translated it into Serbian and finally a Croatian author Dimitrije Demeter adapted the Serbian translation for the Croatian stage. The adjustment of the revised translation resulted in a significant and almost unrecognizable original (Shakespeare) play. Next on the repertoire was Ljubav sve može ili Ukroćena tverdokornica (Taming of the Shrew) in 1863. Franz Ignaz Holbein adapted it into a German text Liebe kann alles oder der ausgetriebene Teufel and the Croat author Špiro Dimitrovič Kotaranin translated and localized it into Croatian language. This performance was considered for a long time a first Shakespeare performance in Croatian language in Zagreb, and in fact it was the first for something else. Ukroćena tverdokornica is a play that was for the first time directed by a Croatian director and an actor who played the main male character Petručio (localized name in the play was Colonel Delibašić) that at the time was usual. The main male role in the play took on the role of the director of the play as well. The director’s play was not written on the theatrical posters as it could be read and recognized in the name of the main character of the play (it was always the main male role). The performance of this play hides an interesting story behind it. Namely, the main male role, as it has already been said, was assigned to an actor Adam Mandrović, and a woman playing a key role was Maca Peris (whose localized name in the play was Anica). Mr. Mandrović was a married man, but fell in love with his partner Miss. Peris. The actor decided to leave his legitimate spouse and Zagreb and to elope with his new love to Belgrade in Serbia. In Belgrade they performed this play on the summer stage “Aren”. Serbian theatre historians claim that this was the first Shakespeare performed in Serbia. Thus, thanks to the love affair of the two main protagonists this was the first Shakespeare in Belgrade and not in Zagreb, as it has long been thought.

Next play on the repertoire was The Merchant of Venice in 1867 and by 1894 (the beginning of the Milić era) the following plays were performed on the Croatian theatre stages: Much Ado About Nothing (1868), Romeo and Juliet (1871), Macbeth (1875), Othello (1876), The Merry Wives of Windsor (1877) and King Lear (1885). The text of all the mentioned plays was adapted, i.e. translated from German to Croatian.

In Croatia, Shakespeare was consciously started to been borrowed from during the Croatian national revival. After a timid entry into Croatian theatre spaces and after the first attempts of the translations of Shakespeare plays into Croatian, the mid 19th century was the time when the Croatian authors deliberately used Shakespeare to write their own plays, or in other words, Shakespeare was used as an intertext for the first time in the Croatian literature. The characteristics of the Croatian Revival literature determined the relationship between Shakespeare and plays of the Croatian authors created at that time. In fact, the plays written during the Croatian Revival period had a solely national mark. Their purpose was to foster patriotic feelings and the feelings of belonging to the Croatian national and cultural area. Their purpose was to unite the nation through the establishment of general Croatian linguistic, literal and political unity, thus celebrating their homeland. From this it follows that it was also a time of the establishment of national theater. The beginnings of a national drama and the national theater are associated in many countries with Shakespeare plays even if the countries are geographically distant to England and have no direct contact with the English culture. Croatia was no exception in this regard. Croatian writers had a homeland as a central political and literary theme. The question is why Shakespeare, but other English writers as well such as Byron, Milton or Scott when it is known that the Croatian writers were under the heavy influence of German literature? The Croatian cultural circles of the time developed a strong resistance toward a previously dominating German culture, and the Croatian romantics, in the spirit of Romanticism in general, were willing to learn about the culture and literature of other nations. The contact with the British, whose works were read by the Croatian writers, went exclusively through Germany, but as more and more educated people in Croatia mastered the English language so the direct contacts were more frequent and more intense.

Creating a national drama in many European countries was initiated by adapting or borrowing Shakespeare royal or historical dramas. They felt that this kind of drama fully meets the demands of the time. Croatia was not the exception, but apart from Shakespeare history plays Croatian authors skillfully exploited themes, motives, scenes or characters from other Shakespeare plays as well. Croatian authors most borrow from Hamlet, but there are also elements from The Taming of the Shrew, Twelfth Night and Romeo and Juliet. First Croatian writers who borrowed from Shakespeare in order to write their own dramas in the purpose of fostering national and patriotic feelings were: Dimitrije Demeter (1811-
1872), Mirko Bogović (1816-1893), Franjo Marković (1845-1914), Ante Benešić (1864-1916), Ante Tresić-Pavičić (1867-1949), Milan Šenoa (1869-1961) and Stjepan Miletić (1868-1908).

Dimitrie Demetar in his play Teuta uses several of Shakespeare’s plays, such as the royal histories Richard II and Richard III, tragedies Anthony and Cleopatra, Macbeth, Hamlet and Julius Caesar, comedy Taming of the Shrew and romance The Winter’s Tale.

Franjo Marković in his play Benko Bot borrows from Romeo and Juliet, Macbeth, Hamlet, Othello and Richard III. In the plays Damjan Juda by Ante Benešić, Finis Republicae by Ante Tresić Pavičić and Ban Pavao by Milan Šenoa allusions from Shakespeare are discrete, reminiscence is reduced to a minimum, until the works of Stjepan Miletić who used the elements of the great English poet consciously and inventively.

4. Stjepan Miletić

Stjepan Miletić already as a young man gained a rich literary education. He was thoroughly acquainted with the world literature, yet he knew best English literature, especially Shakespeare. In 1889 Miletić wrote a review for the premiere of Hamlet translated by August Harambašić and directed by Andrija Fijan. Reviews of theatre plays had been written before in Croatia but Miletić was the first who managed to write a systematic critical review where his capacity for critical thinking is apparent and not only has he opened the door of modernism in Croatia but this critical work was the beginning of a serious relationship between Shakespeare and Croatian stages, Croatian literary criticism and Croatian critical thinking is apparent and not only has he opened the door of modernism in Croatia but this critical work was the beginning of a serious relationship between Shakespeare and Croatian stages, Croatian literary criticism and Croatian literature. Miletić decided to formalize his vast knowledge about Shakespeare so he wrote a doctoral thesis on the aesthetic form of catharsis in Shakespeare’s plays which he defended at the University of Vienna in 1892 at the age of twenty-four. Just two years later, in 1894, Ban (Governor) Khuend Hedervary appointed Stjepan Miletić director of the Croatian theatre. For Miletić it was the perfect opportunity to introduce Shakespeare’s plays to a wider audience in Zagreb in a new way in terms of quality and quantity of Shakespeare plays performed in the Croatian National Theatre in Zagreb.

In the period between 1894 and 1898 thirteen Shakespeare’s premieres were performed in the Croatian National Theatre in Zagreb, of which Miletić himself directed eleven. The first year of his directorship was marked with three premieres (Coriolanus, Julius Caesar and King Lear) of which Andrija Fijan directed Coriolanus just because Miletić was absent visiting different European theatre centers. The very next year even five Shakespeare premieres were performed all directed by Stjepan Miletić (Hamlet, Romeo and Juliet, The Taming of the Shrew, The Midsummer’s Night Dream and The Winter’s Tale). In 1896 there were only two Shakespeare premieres (King Henry IV part one and Richard III) both directed by Miletić. The following year Miletić directed three Shakespeare premieres (King Henry IV part two, The Comedy of Errors and Twelfth Night or What You Will). Miletić had a great desire to stage on the model of Burgtheater from Wien, i.e. to stage a full cycle of Shakespeare royal dramas, from Richard II to Richard III.

Solid quality of the staged and performed Shakespeare plays in the Croatian National Theatre in Zagreb during the Miletić era was the result of his efforts to professionalize the work in the theatre and the whole theatre ensemble. His book Hrvatsko glumište (1904)(Croatian Theatre) best testifies of how Miletić visionary understood theatre in general and theatre critique and how he was the leader of the Croatian cultural elite of the time yet very modest and self-effacing.

Another merit is attributed to Miletić. Shakespeare, as well as other great works of the world literature performed in the Croatian theatres, largely ceased to be adapted or reworked from German or any other language. Miletić urged Croatian writers, many of whom were his personal friends, to translate plays from their original into Croatian language. In this way, a lot of good translations of foreign plays were obtained which were now more complete and suitable to perform on the Croatian theatre stages. Miletić translated few works himself as he was well versed in the English drama in general and as he spoke fluent English. Well versed in Shakespeare, as Miletić undoubtedly was, will notice and argumentatively criticize (in his book) bad translations such as King Lear translated by Josip Miškátović.

Miletić also believed that it is necessary to publish new complete works of Shakespeare, as new translations generate greater interest in Shakespeare and greater number of Shakespeare performances. But if Miletić already in the beginning of the 20th century thought that it was about time for something like this, it can be assumed that he would be greatly disappointed to find out that it will take more than a hundred years before the first edition of the collected works of Shakespeare. Namely, in 2006-2007 four-volume edition of William Shakespeare was published in the edition of Matica hrvatska, Zagreb.

It should also be noted that Stjepan Miletić, a man who has repeatedly indebted Croatian drama, wrote three plays: Boleslav, Tomislav and Pribina. These plays are interesting not only in the context of expressing aspirations for
creating a national theatre in Croatia but also in the way Miletić intended to achieve it. Shakespeare played a great role in this because European “fin de siècle” sought “the soul of people” in the myths of ancient Celts and while his European contemporaries browsed exotic and oriental myths of the Far East, Miletić turned to Shakespeare. In fact, he wanted to catch up, fill in the gap in the Croatian literature i.e. that part of the literature celebrating Croatian historical events and heroes and at the same time proudly showing his role model and idol – Shakespeare.

Miletić’s drama Boleslav (1894) is a story about a Croatian ruler located in Split, based on historical facts. According to dramaturgical conventions, as well as according to its theme, this drama has the characteristics of Shakespeare’s history plays, but at the same time the main character that, according to Fotez “represents Miletić himself” (Fotez, 1943, p.80.), as well as some other minor characters in the play have the essential features of the tragic characters in Hamlet. In this play there are also motives and verbal echoes of Romeo and Juliet, The Midsummer’s Night Dream, Measure for Measure, Macbeth, Richard II, Richard III and Much Ado About Nothing. We will find grave, gravediggers and worms; “The world’s a stage” says Boleslav; the action is sometimes interrupted by witty jokes of a socially inferior characters or noblemen who by their character tend to be wicked and cruel.

Tomislav (1902) is inspired by Shakespeare’s play Henry V. This tragedy served to awake consciousness in people. It was supposed to meet art and patriotic appetites of the Croatian cultural audience of the time. Apart from this, we would say normal use of Shakespeare as intertext in the plays at the turn of the century there are at least two other aspects of intertextuality in Tomislav characteristic for postmodernism - period on which other writers will have to wait for another seventy years. Namely, in the play Tomislav Miletić not only used historiographical data of Vjekoslav Klaić but his literally copied text as well, in other words his citations. Such a connection between art and science is one of the most important characteristics of postmodernism. Another aspect of intertextual characteristic for postmodernism (though not new, but newly reviewed and actual in postmodernism) is juxtaposing “high” and “low”. In Miletić’s play Tomislav he joined literary discourse with decasyllabic folk poetry.

Pribina (1903) was modeled according to Shakespeare’s Macbeth, in which he almost nowhere deviates from the default template in respect of the story, some scenes and verbal echoes.

5. William Shakespeare after the Miletić era until postmodernism

After Miletić retreated from the Croatian theatre scene, a period of low or weak interest in Shakespeare began. In the period of Croatian modernism Shakespeare will not significantly influence the Croatian dramatic or theatrical production. Few literary attempts to insert Shakespeare elements into the plays remained largely unnoticed because of questionable quality of the plays and because of the upcoming difficult war and postwar years that generated the structure of Croatian drama in which Shakespeare’s dominant themes did not fit.

The situation in Croatian theatres was not much different. After Miletić until the end of World War I Croatian National Theatre had sixteen premieres of Shakespeare’s plays but the performances were poor and coldly received by the audience according to testimony and criticism in a variety of literary magazines of the time, with the exception of The Midsummer’s Night Dream that was performed in 1913 in the ambient surroundings of the Maksimir park in Zagreb.

After the World War I a famous Croatian director Branko Gavella again incorporates Shakespeare’s works in the repertoire of the Croatian National Theatre. In the period between the two World Wars there were nineteen premieres of Shakespeare’s works. During the Second World War Shakespeare was on the list of writers of “enemy” nations, thus not one Shakespeare premiere was performed until the end of the war, i.e. until 1946 when Shakespeare play A Midsummer Night’s Dream premiere was shown to the Zagreb theatre public.

The interest in Shakespeare was almost unnoticed until the early 70s. To prove this we can state that there were only nine Shakespeare’ plays premieres in the Croatian National Theatre within the period of 25 years. Croatian National Theatre in Osijek two years after its establishment, i.e. in 1907 stage the premiere of Shakespeare’s The Taming of the Shrew, and by 1970 a total of 27 Shakespeare’s premieres were performed. During this period Shakespeare is constancy. The longest period in Osijek without staging Shakespeare’s play was four consecutive years, and the Osijek theatre public could enjoy in Shakespeare’s premieres during the First and Second World War as well.

Croatian National Theatre in Split (founded in 1940 and closed only seven months later due to the fast approaching World War II) staged Hamlet in 1940. Croatian National Theatre in Split was newly founded in 1945. In 1945 The Taming of the Shrew was staged, and by 1970 only ten of Shakespeare’s work will be staged.

The situation in other smaller theatres throughout Croatia was even worse. Acting School in Zagreb (1939-1944), which however acted as a part of the Croatian National Theatre in Zagreb, staged three Shakespeare’s drama premieres.

Other national and city theatres throughout Croatia had a total of 28 Shakespeare’s drama premieres until 1970. As far as the theatre festivals in Croatia are concerned, only the Dubrovnik Summer Festival staged thirteen Shakespeare’s premieres from its foundation in 1951 until 1970. The longest period without any premiere was from 1955 until 1959.

6. Conclusion

Shakespeare in Croatia began appearing in the time of romanticism. In fact, after Shakespeare entered the Croatian theater spaces through German theatrical groups and after the first Croatian translations by the two Croatian priests, Krizmanić and Kazali, in the mid 19th century some Croatian authors used Shakespeare’s plays, especially his history plays (or royal dramas), to write their own plays. Croatian revival literature in general had a duty to inspire patriotic feelings and unite Croatian people, to celebrate the country and to create a national drama and national theatre. Motherland was a central theme in these dramas and Shakespeare served as “a layout in which the authors build their dramas with a particular national function” (Vidan, 1995, p. 54.).

Croatian romantics considered Shakespeare’s tragedies of a high mimetic mode to fully meet the requirements of the time, which was to create a national drama. The result of the adaptation or borrowing was mainly again a tragedy in a high mimetic mode with a national prefix. Romanticism had just arrived in Croatia with great delay and Croatian writers had a huge and difficult task before them. They had to create a national, Croatian drama at a time when most European nations had already had their own national dramas. After establish national drama and national theatre in Croatia, the interest for Shakespeare declined, as far as the borrowings and adaptations are concerned, until the arrival of a new, postmodern era when the interest for Shakespeare intensified. In other words, Shakespeare is a common model for postmodern Croatian playwrights.

References

Intertextual Review of a Once-Banned Author’s Dramatical Work

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Abstract

Etëhem Haxhiademi is one of the most distinguished creators of the Albanian Tragedy. He is a classical tragedian appearing in the modern phase of the Albanian literature. The artistic geography of Haxhiademi’s tragedies seizes wide spaces, even crossing inter-balkanic borders. His dramatic work, built according to the models of the classical tragedy and evolving antiquity or medieval subjects and even those of the biblical pre-history, became function of the concerning issues which found its parallels in the phenomenon, ideas and problems featuring the reality of the time they were written. Haxhiademi’s literary work, as one of the variants of the literary system, has been built on traces, codes and literary traditions created in the course of time in the Albanian, national literary heritage as well as in the inter-balkanic and international inheritance. This makes his work to be intertextual rather than completely independent. In this study, the rereading of the dramatic work of one of the most outstanding writers of the 30s in the XX century, Etëhem Haxhiademi’s, will be done by presenting his work in rapport with texts belonging to the same system: the literary ones. In these terms, understanding the playwright’s work derives from the intertextuality as well as from the contemporary readers’ re-reading, who, with a cold logic will try to place the 45-year politically imprisoned writer, into the true system of the literary values. The study made use of comparison, analyses and synthesis methods.

Keywords: intertextual review, banned author, classical tragedian, author’s rereading, author’s re-appraisal.

1. Introduction

In many cases texts can be understood solely by referring to previous texts persisting into the addressee’s memory, or purely by basing on a cognitive culture in a certain domain. The notion of intertextuality in the structuralist and post-structuralist theory has not wholly been understood in the same way.

However, the common concept held by all the theoreticians dealing with this way of interpretation is the recognition of the literary text’s dependence on all the texts persisting previously. According to this point of view, each literary text is not an isolated evolvement instead it is an absorption and transformation of another one. By challenging the traditional notions, these theories understand intertextuality as: “...a shift of one or two diacritical systems into another or into several others”. (Kristeva, J. 1999). However, the intertextuality concept was used by poststructuralists to oppose the viewpoint protecting the consistent meaning of the literary text as well as its objective interpretation. While the structuralist critique believed that Saussurean linguistics supported literary criticism to become objective and scientific, the poststructuralist criticism has been trying to argue that because of the inconsistency of the literature, its interpretation is product of the subjective reception and appraisal. According to them, there is no consistent literary text as far as the intertextual nature of the literary work leads the readers to a newer relationship therefrom. The notion of intertextuality brought a new understanding about the ways to apprehend literature, the authorship and reading. What intertextuality brings in the literary studies is the meaning of a literary text as an intertext in rapport with previous works, at the same time its recognition as multi-semantic, with blurred boundaries, open to the readers according to the viewpoints held by Kristeva, Roland Bart, etc. (Dado F 2006). One of the problems persisting with intertextuality is linked with the text’s allusion or with the way it is refers to the other known texts, relevant to the principle that all those who write texts can refer to the previously known texts. (De Beaugrande, R.A&Dressler, W. U.1994). Viewpoints about intertextuality appear in several variants:

1. As a research on the relations between the new text and the other previous ones.
2. As a research on the general patterns of a literary work, suchlike the gender, the shaping of the motifs, subjects etc.
3. Setting parallels with other social and conventional narration, (a way evolved especially by the post-
2. Intertextuality in E Haxhiademi’s dramatic work

A question is naturally raised: what aspect has Etêhem Haxhiademi’s work been researched? The author, whose literary work has been focus of this research, wrote his works in the early XX century. He was a well-known, cultivated personality, a connoisseur of many foreign languages such as Latin, Greek, Italian, French, German, English and Russian, as well as an expert of the world literature masterpieces.

The intention to review the banned author’s dramatic work from the intertextual point of view is not an analysis on its own but conclusions regarding the rapports of his tragedies with other literary texts belonging to our diacritical literary system which will reveal real values featuring his work, on its own and on the background of the contemporary literature, as well as revealing the rapport of his literary work with the present-day readers.

While referring to J. Kristeve’s assertion that the literary text is not an isolated composition, rather, it is a compilation of the cultural textuality; E. Haxhiademi’s work can also be seen in relations with other texts belonging to such a context. His tragedies contain ideological structures expressing the spirit of the coetaneous society. Mikhail Bakhtin’s dialogism helped the processing of the literary intertextuality. According to him, self and the ideology are in dialogical relationships, the individual and the social language both determine each other and, as every individual colloquialism they pass through the social narration. Precisely this theory of Bakhtin guides us specifically to the interpretation of the literary text, therefore, to its apprehension as a dialogic process, not simply as a narrative apprehension comment, (i.e. the Abel and Scanderbeg tragedies).

Therefore these tragedies are intertextual in the background of the coetaneous society’s ideology. They are intertext of a social and historical text. In terms of intertextual viewpoint, the recognition of those works is as internal (E Haxhiademi’s individual way of artistic realization) as it is external, (in the already pre-existing literary texts in rapports with which every E. Haxhiademi’s text is intertextual). In this case intertextuality is searched by means of the narrative and ideological forms, both characterizing narration in the society.

The traditional way of historical interpretation of E. Haxhiademi’s work, considers his dramatic text as effect of certain historic and social circumstances. Other than this, the intertextual point of view avoids the notion of the external sources and it focuses on revealing the rapports between internal diacritical structures and the social-cultural ones. Such words as: anger, in your misery, injured heart, brother, enemy, die to save me, evil spirit, your envy, express inner social conflicts, in the text structure they have been considered in certain rapports with the general social text. By reading the author’s dramatic text we would not intend only to simply find the reference to these words or other forms of narration with the external world but with the diacritical literary system, by means which such texts have been created. This viewpoint sets new rapports between the text and the context. Although at “Scanderbeg” or “Abel” the context explicates the text, it is very distinctive from the latter. The intertext of this prose is the existence of the text, (“Skanderbeg” dhe “Abel”) within another text, not simply the origin of the prose thereof. Undoubtedly, Haxhiademi’s texts contain ideological structures of the Albanian society within themselves, expressed into their narration, but their intertextual dimension should be seen in the persistent literary background. They do not reflect isolated objects, but the realization of Albania’s historic and cultural textuality. The author’s contemporary critics have asserted that the tragedy “Scanderbeg” was written according to the ancient Greek tragedy model. Until the period Haxhiademi published the tragedy “Scanderbeg” many literary works had been written for this figure in the Albanian literature, (1935), and the world literature had also recognized more that 100 artistic creations, in 21 languages. In centuries on end, the author was described with strong colors, as a great figure, and every author was inspired by certain features of his character or evolved important episodes of his valor. Ode, sonnets, poems and novels were written, and many creators, inspired by this figure, created one-act dramas. Such works were written by the Spanish writers, including the well-known playwright Lope De Vega and several English playwrights such as Tomas Winkop and William Haour. It is not known whether our playwright E. Haxhiademi was aware of any of these dramas before he wrote the tragedy “Scanderbeg” and whether they had served as creative support. All those who wrote about the Albanian national hero were based on Marlin Barletti’s literary work. What about Haxhiademi, what historic and literary works did he used as a model for his work? Haxhiademi did not mention this but in the edition preface he clarifies that the subject was taken from our national history.

From the other side, although his works are intertextual in the ambit of the pre-existing texts, they represent various texts, with different internal structures features. Haxhiademi’s literary work, as a variant of the literary system, is...
built on literary traces, codes and traditions created in the course of time in the literary inheritance and in addition to the Albanian ones. This makes his work, in a certain meaning, not to be totally independent but intertextual. The reading process has to do with the movement along texts belonging to the same system, the literary one. According to this viewpoint, the reception of Haxhiademi’s dramatic literary text is revealed by understanding its relationships with other texts, not simply in addition to the Albanian ones, which also makes it intertextual. For example, his tragedy “Abel”, is an intertext in rapport with the biblical narration, therefore, with a predecessor text. This intertextuality is shown in the biblical characters, in the ways they were perceived and the rapport between the author and the characters, in the narrative structure, in the speech rate, in the symbols belonging to biblical narration. What makes these texts intertextual is the reception of the relationships between their internal structures with the other texts which have preceded many narrative phenomenon in Haxhiademi’s texts. In a certain way, there are artistic homology rapports among his texts and the pre-existing structures. 

There is approximately one century dividing us from Haxhiademi’s work, so the determination of intertextuality in his dramatic texts can better be linked with the rapport his work creates with the consecutive readers. According to the essence of this interpretation, various rapports between the artistic fiction of the work and the interpretation of its reception for the readers have been determined. According to the intertextuality theory, no text exists as single and autonomous since both the writer and reader’s experience conditions its form and interpretation. His dramatic text offers multi-meaning possibilities. Traditionally, the qualified reader has meant the socialist reality in Albania, in a certain moment of its history. If the work is searched as a text which approaches the reader then its proportions change, since the readers are different in terms of the level of their artistic perception tastes. So, its reflective reading continuously allows for a new way of attitude. Surely, the previous readers had a different appraisal from the present readers who have different perceptions.

Our appraisal is based on experiencing the author’s dramatic text, as an intertext of the literary system as well as on the re-reading of its new meanings. Readers’ appraisals also appear different, in terms of their abilities to understand the narration units and the prose as an intertext in its wholeness, and in rapport with other literary works as well as to read the text’s entirety units in a new way. Relevance to intertextual reading does not mean that the text meaning is final, exhaustive; we can have more than one possible reading. Its meaning is in rapport with that of the other text it is connected with.

According to the theory of the literary intertextuality, the work of any writers does not have a finite meaning, with clear-cut boundaries but it remains open to the readers who study it. Actually, the author creates infinite artistic images. The latter remains always superior with the power it has on the readers because s/he is “unreachable” in the borders of its literary trace’s system. In these terms even the intertextuality of E Haxhiademi’s work forces the scholars to speak about its values, understanding the work as a text in certain rapports with the other ones belonging to the literary system. The author’s dramatic text creates a lot of meanings. Basing on the plurality of meanings we can determine the author’s genuine artistic dimension.

The intertextual character of E Haxhiademi’s work can be considered in two dimensions: in the horizontal and the vertical ones. In the horizontal dimension we discover the individuality of the artistic fiction, the way he perceives and builds the characters in “Abel” or “Scanderbeg”, how he exploits the symbolic rapport, the dramatic situation, the trace elements etc. Moreover, in the vertical dimension such texts belong to a literary text existing before, therefore a specific literary system with peculiar structures and narrative means.

3. Intertextual review of the tragedy “Abel”.

Tragedy “Abel” can be subject to that kind of intertextual review which has a relationship with a previous text, with the biblical text in the Old Testament, Mosses First Book. The tragedy “Abel”, is the simplest of E. Haxhiademi’s work in terms of its subject and the dramatic action, but it is great and complicated in terms of the psychological analyses. The biblical symbolism in Haxhiademi’s text makes the reader to look into the rapports, father-mother, children-parents, brother-brother. In Haxhiademi’s dramatic text as well as in the biblical narration from the Old Testament, certain figures and themes, playing the role of the “isotopic crucifixion” that is the junction of the two or more isotopies in which one can notice aspects of semantic deception, (Pozzato, P.M. 2009) Let us review basing on the isotopic ambiguity:

According to the bible, in the Old Testament, Chapter IV of Mosses Book, Eve confesses about Adam’s sons: “Adam, too, knew his wife, Eve, she was conceived pregnant and gave birth to Cain, and said: I gained a male by God. And she went on this way and gave birth to Abel; Cain’s brother. Abel became a shepherd, whereas Cain became a farmer. However, it happened that according to the customs of that time, Cain immolated fruit trees as sacrifices to God.
being in the divine life. Whereas Cain towards negative ones. Farmer. Inequality in the division of jobs incites the greed of human feelings. Abel was oriented towards positive feelings committed to God. Divine inequality in unequal proportions of love between the two brothers. Cain's sacrifice, but liked Abel's sacrifice. Abel's immolation was appraised from its quantity as a sign of devotion, love, and hatred. Cain kills Abel. The death in the divine ambit, in the biblical narration, is presented as the whole-scale isotopes, deriving from them as a whole. In the biblical texts there are biblical whole-scale isotopes, (in divine aspect), in the dramatic text there are whole-scale isotopes (in terrestrial aspect). Also, certain figures and themes play the role of isotopy intermediates. In the texts we are looking into, isotopies are alternative. In the second dramatic text occurs the alteration process. Events descend from the divine ambit to the terrestrial one. This way of composing narration helps the author to transmit important morals in the family, social, national and international ambit. The isotopic parallelism helps the reader to draw parallels between the biblical prehistory and the phenomenon, ideas and the problems featuring the reality of his own time.

In the following inquiry, the expression units, (lexemes), have been presented in italics, whereas the meaning units with normal letters. In both texts there are expressions that are perfectly approaching both isotopies. In the biblical text, in the divine ambit, lexemes Adam and Eve, Abel and Cain, sacrifices, envy, jealousy and love, Providence's malediction, death, orient us toward these meanings.

Adam and Eve, the first living humans on earth, created from God, from the dust of the soil, possessors of all miracles, created by God. The first deities in the divine family. First life sinners on the earth, (their greed, eating from the tree that make them understand evil and good, the snake's deception, Satan's tool). Adam, the first human made for God, (he belonged to the earth but still hanging on the sky). Eve- the mother of all living things, the most perfect human being in the divine life. Abel and Cain, first predecessors of the first divine family, Abel is a shepherd, whereas Cain is a farmer. Inequality in the division of jobs incites the greed of human feelings. Abel was oriented towards positive feelings whereas Cain towards negative ones. Sacrifices, the immolations the two brothers offer to God. God did not accept Cain's sacrifice, but liked Abel's sacrifice. Abel's immolation was appraised from its quantity as a sign of devotion, love, commitment to God. Divine inequality in unequal proportions of love between the two brothers. Envy and Jealousy, feelings oriented towards negativity as result of the differentiated divine love between brothers. Creator's malediction, because of the first human dwellers on the earth, Adam and Eve, in the Eden's garden. God's warning for the sin's kingship in the life of humans. The first predecessors will be inheritors of the initial sin. Incited by jealousy, envy, anger, hatred, Cain kills Abel. The death in the divine ambit, in the biblical narration, is presented as a whole-scale loss whereas in the terrestrial ambit it has been presented as a solution. This is, therefore, the descent from the divine to the terrestrial ambit. (Hamiti, S. 2009).

In the divine ambit, the ruining of the balances in the divine life brought the fratricide. Cain, the first murderer paid what he did very dearly. Cain, the initial sin first inheritor and sufferer. Abel, the first martyr, died because of his belief. The malediction brought tragedy to the divine society.

Alteration in tragedy: The work's subject has been taken from biblical mythology. In its foundations stand motifs taken from the Old Testament. The story told has been inspired from the legend on public figures. The approach of the drama subject to the biblical myth has revealed various and essential landmarks. Biblical facts have been changed by the author conform his own individual style. Therefore the biblical subject has been changed considerably. The biblical myth utilized by E. Haxhiademi in his tragedy "Abel", has been changed and worked out conform the spirit of his own time. The utilization of this mythological subject and the biblical motif serves to treat important ethical, moral social and political problems. The author does not narrates about the myth, but created an artistic work, created characters and conflicts by means of which important morals will be transmitted on the course of the time.

The subject of this tragedy the protagonists are the first humans on earth. Adam and Eve, authors of the first family argue about the ruined harmony among people, for the broken peace in the Act I, Scene I. The scene appears shocking, it reveals the dawn of the humans history, when the biblical God had just started to realize the ideal world. At this moment a tragic occurrence happened, people lost the God. The first man and the first woman failed to realize their potentials and the sinful history will follow the other descendants. In E. Haxhiademi's tragedy, with utterly mythical subject, the donations are offered to parents, other than the biblical narration in which sacrifices have been offered to
Gods. The divine element has so been avoided, and the biblical tragedy became a family tragedy. The lack of the Gods presence and their participation into the dramatic action does not support a mythological treatment, but a historic and realist one. (Matraxhiu, B. 1991). Abel spoke very respectfully for the Divine Father on the Altar, on whom he believed wholeheartedly. Cain also, knelt and sent some words to God, but there were no thanks, gratitude, and belief in his heart. Cain has been given a sincere but rude character. The detail regarding the disdainful sacrifice and the welcomed one incites Cain’s jealousy, for the differentiated parental love in tragedy and the differentiated divine love in the biblical narration. (Plasari, A. 1991) The malediction, in a terrestrial ambit, the Adam’s fatherly malediction to Cain brought the drama into the terrestrial society. The death act in the terrestrial ambit, should be understood as a solution in tragedy. In the terrestrial, family, and national ambit the ruining of the balances in the terrestrial life brought fratricide in the family ambit and the civic war in the national and international ambit.

4. Conclusions

The aforementioned review, the analyses dimensions in the horizontal and vertical ambit, which intended to determine the intertextual character of E Haxhiademi’s text, do not add more artistic values to the author’s texts. This way of review intends to reveal the interdependence of his texts with the pre-existing ones, and to reveal the real values, often modest ones. The intertextual review cannot be an analysis on its own, but a scientific way to determine the authentication and the real values of E. Haxhiademi’s artistic work.

References

Reference to a book:
Reference to a chapter in an edited book:
Success and Mobility of Generation Y: A Comparative Study on the Example of Poland And Austria

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Abstract

Today, the paradigm of career undergoes significant transformations. Increasing globalization, concerning the availability of design and arbitrariness of their compilation, led to the question of differences in the perception of career success, the value bound with it and mobility, depending on the country in which the individual lives. In this article, the basis of the analysis are studies conducted in Poland and Austria, countries with different macroeconomic, historical and society conditions. The results prompted the observation that the global exchange of professional development is universal, but also very general. Representatives of the Generation Y from Poland and Austria are different because of the specific characteristics of their professional careers, including the values which characterize professional success, a willingness to conduct mobile behaviour and undertaken activities.

Keywords: professional success, job mobility, generation Y, Poland, Austria

1. Introduction

Due to the increasing complexity and volatility of the environment and increasing mobility of workforce, the competence of potential employees plays increasingly important part in the analysis of human capital. Today in Europe there is a high proportion of young people, representing Generation Y, and at the same time, this is the generation most affected by the global crisis. It is, therefore, worth looking at what their professional attitude towards change. Some of them is a natural result of socio-demographic changes in the organization area and promotion of mobility as a natural activity present in society, and others are the result of environmental factors. It is therefore important to diagnose the source of these attitudes and to ask whether they are focused on the mobile and success behavior, and if so, how will generation Y define these actions.

The purpose of this article is to identify the understanding of job mobility and career success in the generation Y. This paper will present the results of research conducted in Poland and Austria, among the elected representatives of the generation Y. The choice of countries was purposeful, because of the various macroeconomic conditions.

2. Socio-economic conditions in Poland and Austria

Ongoing socio-demographic changes have an impact on the economic situation of many countries. In addition, unfavorable macroeconomic phenomena, such as unemployment, low economic growth, rising interest rates, inflation causes unfavourable changes in professional attitudes. Except that, the global economic crisis on the financial markets and banking started in 2007 in the United States, made the economies of many countries, including those European countries (Spain, Portugal or Greece) were on the brink of bankruptcy. Also a country like Austria, which until then used the good times, with a favorable geographical location and close ties with Germany and the countries of Central and Eastern Europe, was forced to deal with the negative effects of the crisis.

The Austrian economy, characterized by a medium-term sustainable growth (average GDP growth in 1997-2007 was 2.5%), in 2009 entered a recession. A significant decrease in interest for export, mainly from Germany (the main trading partner of Austria) effectively limited the opportunities to create added value in the economy (decline in exports in 2009 amounted to 16.1%). Negative trends that are closely linked to the reduction of the supply of goods and services became very quickly apparent to the other planes of the real economy. While the increase in unemployment in 2009 was not a big problem, a limited supply of money was reflected in a very low, non-listed during the last decade level of
inflation. The situation appears to be stabilizing thanks to strong impulse on the part of the return to good health of the German economy through the introduction of anti-crisis plan, including the ongoing reconstruction and domestic investment (Ministry of Economy, Department of Analyses and Forecasting, p.8.). Currently, although the Austrian economy is growing more slowly than before the crisis, as the European Commission figures show the rate of inflation for 2012 was 2.6%, real GDP growth only 0.6% and unemployment at the end of April 2013 stood at only 4.9% (Eurostat, http://epp.eurostat.ec.europa.eu). Optimistic is the fact that unemployment among young people under 25 years is 8%, compared to the same period in Portugal (42.5%) and Spain (56.4%), which suggests a very good employment policy in Austria despite the economic downturn.

Slightly different is the situation on the labor market in Poland, the only one that in the face of the global crisis in 2009 reported positive real growth rate 1.6% (Stemad 2012, s.257). It should be noted that Polish economic situation before joining the European Union in 2004 has been dramatic. For example, real GDP growth in Poland in 2002 wynosiło1.4%, inflation 1.9% and unemployment 20%. The specific situation could be seen among young people of whom up to 42.5% were unemployed (Eurostat, http://epp.eurostat.ec.europa.eu). Adverse events in Poland were gradually eliminated from the moment of its accession to the European Union. This was mainly due to start-up of investments co-financed from EU structural funds (Knapińska 2012, p 153). In addition to the investments made in Poland related to the upcoming Euro 2012 affected the economic situation of the country. Today, however, although the end of 2012 amounted to 1.9% of GDP (more than in Austria) and inflation – (3.7) unfortunately, unemployment at the end of April was up 10.8%, as compared to Austria - it is almost twice as high, but much lower than for example in Spain, Portugal, Greece, Slovakia or Cyprus. For quite some time, Poland has faced a similar problem as the states of the southern European countries, namely rising unemployment among young people. Currently (end April 2013) it is 27.6% (Eurostat, http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do).

Thus comparing the macroeconomic data presented above in both countries, it should be noted that the Austrian economy is characterized by a higher economic level than Poland. Synthetically they have been presented in the table below.

**Table 1. Macroeconomic of Poland and Austria**

<table>
<thead>
<tr>
<th>Macroeconomic indicator</th>
<th>Poland</th>
<th>Austria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harmonised unemployment rate - (IV 2013)</td>
<td>10.8%</td>
<td>4.9%</td>
</tr>
<tr>
<td>Harmonised unemployment rate-- less than 25 years - IV 2013</td>
<td>27.6%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Employment growth rates (I quarter 2013)</td>
<td>-0.6%</td>
<td>0.8%</td>
</tr>
<tr>
<td>HICP - inflation rate. Annual average rate of change (%) - 2012</td>
<td>3.7%</td>
<td>2.6%</td>
</tr>
<tr>
<td>Real GDP growth rate – volume 2012. (Percentage change on previous year)</td>
<td>1.9%</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

**Source:** Case study based on http://epp.eurostat.ec.europa.eu of 15 June 2013

Taking into account the selected socio-economic conditions in Austria and Poland, should considered whether they have an impact on the attitudes of young people towards professional work, in particular those who are just entering or will enter such asymmetric labor market. This is due to the deterioration of the situation on the European labor market for young people (Chung, Bekker, Houwing 2012). This is a pretty important issue, because it is how they will work will provide their future social and material status.

3. **Determinants of perceiving career of Gen Y**

The paradigm of career in the twenty-first century goes through an important transformation. Changes in the scope of functioning of modern organizations and the perception of professional development by the entity cause, that you can now talk more about the many coexisting concepts of career than one clearly defined and formalized career path (Bohdziewicz 2008).

Generation Y is therefore launching its activities in a very specific reality. The paradigm of career values associated with it, and finally the idea of career success have been built so far based on the available scripts and were formed on the basis of the mechanism of introjection of certain value. In a period of relative stagnation, cultural and limited social mobility, standards for the entity determinant of behavior, were continuous and predictable. It marked the society, culture, the family in which she grew up. Changes were of evolution, not revolution. The next generation worked
a legacy that were fostered and cherished. While the earlier group had a comfort of referring to already formed cognitive 1 patterns, to predict what to expect in equal situations, Generation Y is characterized by the uniqueness of the experience. In this particular period for the development and shaping of personality, which constitutes a vision of what one wants to achieve, both in private and professional life. Here and now new categories of social roles and the script for their implementation are created. It seems important for the context of the perception of career success, which is what an individual wants to achieve through work (Januszkiewicz, 2008).

The very notion of success is sometimes defined differently, and what goes with it, is it assigned different values. In addition, depending on the context evaluation, success can be seen in two areas: social norms - what has been recognized by the public as important, relevant and challenging and the ability of the entity - to what extent, the task proves to be such for her. With the development of the entity, these planes, to varying degrees, mark the direction of development. Moreover, in the era of extended and dynamic communication, an additional factor in determining the destination to which the individual is seeking is a global world, in which an entity assesses its local activities.

Another determinant of contemporary career is mobility. Increasingly, the literature reference is made to construct a mobile career, which results from changes in the nature of work, occupations, and finally the organization (Feldman, Ng 2007, p.351). Also, the implementation of a career without borders makes it essential characteristics, among others, individual mobility beyond the boundaries of organizations and individual employers and overcoming the limits of its other traditional careers (Arthur Rousseau, 1996, p.3 for Bohdziewicz 2008, p 158). Therefore important related issues to take actions by the entity to the mobile behavior (Bednarska-Wnuk 2013). While analyzing the concept of mobility in context it should be noted, that it is possible to extract the two ranges of meaning: labor mobility (the tendency to change the profession / professional qualifications) and spatial mobility (willingness to work in another location such as city, region or country). It is a simplified classification, because in the literature there are different divisions, based on different classifications (Sorokin, 2009, Szacka 2003, Nicholson, West 1988). However, the above example the division is important from the standpoint of the study of professional attitudes of individuals and diagnosis of their employment attractiveness. This article focuses on the issue of change of residence on taking or seeking employment elsewhere.

Increasing globalization, concerned on the availability of design and building their arbitrariness makes it worthwhile to ask the question: are there differences in the perception of career success, the value of the bound and mobility, depending on the country in which they live and whether the entity associated with the different macroeconomic conditions influence the actions seen as increasing the chances of success and made by the representatives of the generation Y.

4. Research Methods

The study involved 190 respondents in 2012, who were students of the two countries: Poland (109 people) and Austria (81 people). The tests were carried out respectively in Poland at Lodz University (Faculty of Management) and Austria on the University of Vien - Fakultät für Wirtschaftswissenschaften. The group was homogeneous in terms of level of study - Bachelor's degree. Tests were anonymous and were carried out during classes by copyright questionnaire of perception of success and mobility2. The aim of this study was to identify the understanding of job mobility and career success in the generation Y that make up the structure of the behavior in the field:
- Determining the degree of acceptance of the tendency of young people to professional and spatial mobility,
- Specifying the relationship of success of job mobility among young people,
- The characteristics of professional success in the context of professional value,
- Identifying the types of professional activity related to the perception of success
- Capturing the differences between the two research groups (Poland and Austria) in the perception of the determinants of success, spatial and professional mobility.

Since sampling was purposeful and does not meet the statistical requirements of representativeness, the obtained material only allows presenting opinion on the success and mobility in the perception of some young people from Poland and Austria. Also included conclusions focus on the success and mobility of respondents and still do not go beyond the

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1 In this study, cognitive schema is defined as a set of interrelated concepts, which is a general framework for thinking about a topic, event, object, person or situation in the life of the entity. See: P. G. Zimbardo, R. L. Johnson, V. McCann, Psychology of key concepts. Man and his environment, PWN, Warszawa 2010, p 34

2 The study was conducted within the project "Individual and organizational determinants of labor mobility" No. 545/319 (2012) - Project Manager - Izabela Bednarska-Wnuk, Ph.D., and the "Success in the perception of future managers. A comparative study "No. 545/318 (2012) - Project Manager – Katarzyna Januszkiewicz, Ph.D.
status of a hypothesis, but it is probable by the results of research.

4.1 Analysis Results

The first table shows the degree of acceptance of the tendency of respondents (Poland and Austria) to spatial mobility.

**Table 2. Selected aspects of spatial mobility in the perception of Generation Y (%)**

<table>
<thead>
<tr>
<th>Statement</th>
<th>Definitely yes</th>
<th>Rather yes</th>
<th>No opinion</th>
<th>Rather no</th>
<th>Definitely no</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PO</td>
<td>AT</td>
<td>PO</td>
<td>AT</td>
<td>PO</td>
</tr>
<tr>
<td>Tendency to seek job in another town</td>
<td>27.5</td>
<td>30.9</td>
<td>39.5</td>
<td>25.9</td>
<td>9.2</td>
</tr>
<tr>
<td>Tendency to seek job in another country</td>
<td>22.9</td>
<td>34.6</td>
<td>27.5</td>
<td>32.2</td>
<td>12</td>
</tr>
<tr>
<td>Tendency to seek job in another continent</td>
<td>19.3</td>
<td>33.3</td>
<td>18.4</td>
<td>23.5</td>
<td>7.3</td>
</tr>
</tbody>
</table>

**Source:** own study based on the results of their own research

The responses indicate that young Austrians are more likely to look for work in another country and continent than young Poles who in these respects are less likely to exhibit spatial mobility. Young Poles are often more mobile than young Austrians in the tendency to seek work, with a view to closer, in another city. However, it should be noted that the responses “probably not” or “definitely not” also occur in young Poles and their sum (21.2) is much higher than in other communities.

The next chart shows the tendency of the surveyed respondents for retraining / changing profession.

**Figure 1:** The tendency of respondents to retraining / changing profession (%)

[Graph showing the tendency of respondents to retraining / changing profession]

**Source:** own study based on the results of their own research

The responses indicate that both groups were most likely to change their professional qualifications, whilst young Poles are in this respect much more mobile than young Austrians (respectively Σ86.40 Poles and Austrians Σ69.20).

The next graph relates surveyed respondents about identifying the success of frequent retraining / changing profession (Figure 2). The results show that young Poles are more averse to that opinion. Most of them do not equate success with frequent change of profession. Although such answers young Austrians also reveal, however, there are also some positives. Interesting is the fact that in both groups, there is high rate of response - I have no opinion.

**Figure 2:** Identifying success with frequent retraining / changing profession (%)

[Graph showing identifying success with frequent retraining / changing profession]

**Source:** own study based on the results of their own research

Table 3 presents the results of research on other activity which in the opinion of respondents increased chance of
achieving success (.....) and the activities they undertake (.....).

Table 3: Activities connected with achieving success

<table>
<thead>
<tr>
<th></th>
<th>Poland N = 109</th>
<th>Austria N = 81</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wanted</td>
<td>Realised</td>
</tr>
<tr>
<td>1. Learning a foreign language</td>
<td>92</td>
<td>47</td>
</tr>
<tr>
<td>2. Visits to foreign countries</td>
<td>63</td>
<td>13</td>
</tr>
<tr>
<td>3. Traineeships</td>
<td>84</td>
<td>44</td>
</tr>
<tr>
<td>4. Establishing contacts</td>
<td>74</td>
<td>37</td>
</tr>
<tr>
<td>5. Activity on Internet fora</td>
<td>10</td>
<td>14</td>
</tr>
<tr>
<td>6. Trainings and exercises</td>
<td>72</td>
<td>37</td>
</tr>
<tr>
<td>7. Participation in lectures</td>
<td>23</td>
<td>9</td>
</tr>
<tr>
<td>8. Reading of specialist press</td>
<td>40</td>
<td>30</td>
</tr>
<tr>
<td>9. Higher studies</td>
<td>75</td>
<td>69</td>
</tr>
</tbody>
</table>

Source: own study based on the results of their own research

Our research results indicate that in the opinion of Poles, language learning is the most desired activity on the way to success (84.40%). Further high indications are however, linked to professional development (job placement - 77.06%, higher education - 68.81%; professional networking - 67.89%; training and workouts - 66.06%). For Generation Y representatives from Austria, the most important for success is to study (75.31%) as well as for the Poles, but to a lesser extent - the study of foreign languages (64.20%). It is worth noting that in both groups, as the least increasing the chance of success was activity in professional forums (Polish - 9.17%, Austria - 28.40%).

You can also see differences in the activities undertaken by the respondents. In the group of Poles, many people pointed to the study, as the activity carried out with a view to future success (81.65%), while in the group of Austrians most commonly taken activities were reading of skilled labor (.....), and job placement. A graphical display of the degree of consistency in the activities referred to as improving the chances of success and the activities carried out by the treatment groups are shown in Figure 3

Figure 3: Activities related to professional success

Source: own study based on the results of their own research

In the group of Poles, most people pointed to the study as the activity is carried out with a view to future success.
(81.65%), while in the group of Austrians most commonly activities were reading of skilled labor (....), and job placement. Another of the areas researched was the extent of introjection of professional values in the perception of success. The obtained results are presented in Table 4.

**Table 4. Value in the perception of career success**

<table>
<thead>
<tr>
<th></th>
<th>Poland</th>
<th></th>
<th>Austria</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N = 109</td>
<td></td>
<td>N = 81</td>
<td></td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td><strong>Power</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Having power</td>
<td>23</td>
<td>21.10</td>
<td>20</td>
<td>24.69</td>
</tr>
<tr>
<td>2. Achieving social prestige (titles)</td>
<td>36</td>
<td>33.03</td>
<td>27</td>
<td>33.33</td>
</tr>
<tr>
<td>3. Exerting some impact on other people</td>
<td>37</td>
<td>33.94</td>
<td>20</td>
<td>24.69</td>
</tr>
<tr>
<td>4. Controlling one’s environment</td>
<td>15</td>
<td>13.76</td>
<td>14</td>
<td>17.28</td>
</tr>
<tr>
<td>5. Respect and prestige</td>
<td>82</td>
<td>75.23</td>
<td>37</td>
<td>45.68</td>
</tr>
<tr>
<td><strong>Achievements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Reaching higher and higher standards of performing</td>
<td>44</td>
<td>40.37</td>
<td>17</td>
<td>20.90</td>
</tr>
<tr>
<td>7. Taking up the tasks perceived as a challenge</td>
<td>42</td>
<td>38.53</td>
<td>34</td>
<td>41.98</td>
</tr>
<tr>
<td>8. Continuous improvements at work</td>
<td>70</td>
<td><strong>64.22</strong></td>
<td>43</td>
<td><strong>53.09</strong></td>
</tr>
<tr>
<td><strong>Affiliation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Spending time with other people</td>
<td>10</td>
<td>9.17</td>
<td>29</td>
<td>35.80</td>
</tr>
<tr>
<td>10. Establishing and maintaining good relationships</td>
<td>33</td>
<td><strong>30.28</strong></td>
<td>15</td>
<td>18.52</td>
</tr>
<tr>
<td>11. Helping other people</td>
<td>12</td>
<td>11.01</td>
<td>14</td>
<td>17.28</td>
</tr>
<tr>
<td><strong>External attributes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Specific style of getting dressed (expensive, designer)</td>
<td>8</td>
<td>7.34</td>
<td>7</td>
<td>8.64</td>
</tr>
<tr>
<td>13. Having good and items (expensive car, house etc.)</td>
<td>11</td>
<td>10.09</td>
<td>17</td>
<td>20.99</td>
</tr>
</tbody>
</table>

*Source: own study based on the results of their own research*

The results indicate that the perception of respondents success is connected to the greatest extent with the values attributed to the realm of performance (including in particular the "continuous improvement at work" - 64.22% 53.09% Poles and Austrians found this to be an important area) and the sphere of power (including the highest score recorded for the sense of "respect and prestige" - 75.23% and 45.68% Poles, Austrians found this to be an important area). In the area of affiliation, the most important in the perception of success turned out to be such characteristics as "spending time with other people" and "Establishing and Maintaining good relationships." Nonetheless, there were differences between the groups in the weight of individual items. For the Poles, by far the most successful is associated with a sense of prestige and respect, but for the Austrians - improvement in the performance of tasks.

4.2 Discussion of Results

Representatives of Generation Y pursuing a career are facing difficult choices. The ambiguity of paradigm is that success can be achieved in many ways. According to the Polish people the opportunity to achieve career goals is mostly increased by: language learning and job placement. Also highly rated were trips abroad (study or internships). These results might suggest that they are aware of the importance of gaining experience at international level in the perspective of professional development. However, this knowledge does not translate into actions taken by them. This is confirmed by the results for the acceptance of a tendency to spatial mobility discussed in further part of work.

With respect to the group of Austrians it should be noted that in their opinion the greatest chances of success are increased by networking and professional study. These results may indicate the respondents believe in the importance of social capital and informal relationships. In this group the most usually taken activities are actions related to improvement of professional qualifications, which proves the conviction of the importance of external factors, but in the action taken - internal control placement.

In the context of the perception of career success, presented findings prompted the observation that the representatives of Gen Y from Poland as well as from Austria, this category is combined with similar values. Nonetheless, there were minor differences, which, although not entitled to draw conclusions, allow you to indicate
whether there are different trends in the evaluation of job performance.

For Poles, success means prestige and social respect (75.23%). These results may indicate a tendency for the compilation of job performance with an external criterion - what others consider to be important and desirable. Among the Austrians, this value also gained high marks (45.58%), but most responses related to continuous improvement in the workplace (53.09% in the group of Poles 64.22%), which in turn can be interpreted as a manifestation of internal orientation - raising their qualifications and achieve ever higher level tasks. That interpretation is confirmed by the results of previous studies related to activities carried out by the respondents in order to achieve career success.

Both groups relatively little connect the success with the implementation of the affiliation sphere. Success in the perception of Gen Y is therefore a category assessed from the individualistic perspective - its achievement means a greater focus on "me" rather than building relationships with others (that also confirms the relatively high score for "influencing others" - Poland 33.95%; Austria 24.69%).

Taking the results of empirical research on the perception of spatial mobility into account, it can be seen that the young Austrians are in fact more mobile (another country, continent) than young Poles. This is probably due to cultural and professional habits of Polish generation and the previous economic system (socialism), in which the first job was also the last. Furthermore, there was the ease in finding work, giving a sense of security and stability. Although the young Poles have a tendency to migrate to another city or country, it would have a place only within the borders of the European Union, preferably close to the country of their residence. Regarding work in another continent is in this respect they exhibit lesser tendency than young Austrians (unlikely - and certainly not 26.6 28.4). It is quite surprising, because although Austria has low unemployment, professional attitude of young Austrians tend to be highly flexible.

Interesting is the fact that both young Poles and Austrians are willing to change their professional qualifications / profession, although the first group received significantly higher affirmative values (respectively Σ86.40 Poles, Austrians Σ69.20). Both groups are therefore mostly aware that today it is not enough to settle their education after university, but they must constantly develop through participation in various forms of professional development. Also studied community - young people, because they usually only study or work part-time, are not as strongly attached to the employer and to the learned profession than the older generation. That is why they are in fact more likely to change jobs than, eg: their counterparts in the past century. It is encouraging especially in the context of the dynamic and unpredictable job market. This tendency does not mean, however, in the case of the respondents that identified it with achieving professional success. However, they may provide an increase in awareness of the importance of intentional self-development and career growth of the responsibility for the future professional life. An interesting aspect of the responses, however, are positive answers obtained. Perhaps (though a minority), some young people feel that in order to achieve professional success it is constantly changing guidance and make its review. In view of the foregoing, while on the propensity to change their professional qualifications / profession and current on achieving success it is necessary to separate the two issues. First, the tendency to re-training with the idea of learning throughout life and means an increase of awareness among individuals, in order to find their place on asymmetric labor market, they need to improve or change their own professional skills. Secondly, it should not be made only with the idea that it reaches a successful career. Indeed, these two areas tend to change jobs and achieve success by an entity and should be two overlapping homogeneous regions, and should not be treated as just complementary elements. This is particularly important especially in the context of the transfer of responsibility to construct their own career scheme.

5. Summary

The analysis of the literature and the results of own research conducted in this paper made it possible to draw a number of synthetic conclusions that constitute the answer to the research questions at the outset. The considerations lead to the observation that the global exchange of professional development is universal, but also very general.

Representatives of the Gen Y from Poland and Austria seem to differ because of the specific characteristics of their professional careers. It should be noted that the generation Y, identified through the prism of uniformity and egalitarianism in access to resources offered by a global network, remains heterogeneous in the scope of actions and ways to pursue their careers. A different way of defining success, the value of it, connects with varying degrees of acceptance of mobile behaviors in the career. It is difficult, of course, on the basis of the presented trial, to clearly determine whether it is related to macroeconomic conditions, whether it is a derivative of the socio-cultural factors – it is an issue that requires the in-depth interdisciplinary analysis and expanding research area to other countries.
References

Quality of Service in the Banking Sector

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Abstract

While observing the various financial institutions in our country we notice the existence of multiple varieties such as: insurance institutions, banks, institutions of social services etc. Among the financial institutions mostly used by businesses and people in general we distinguish the banks. In addition, today’s market tendencies have increased the request for financial bank services. As a result, lately the number of banks in our country has increased. This phenomenon has increased customer service, the quality of service and higher competition among banks. Under these conditions it is necessary that banks use aggressive marketing strategies in order to be successful and competitive among their own kind. Due to the increase in market competition, identifying consumer’s needs and increasing the quality of service has become a very important trend in today’s marketing world. Research has shown that good quality customer service generates better income. While trying to determine what marketing strategies give the edge, academic researchers are trying to figure out what kind of customer service works best in today’s environment so that they can improve it. Based on various studies the quality of service has a huge impact on consumer’s satisfaction and their loyalty, at the same time it is established as a result of comparison that clients do between the expectations they have for service and their perception of the quality of service rendered. (Parasuraman et al., mentioned in Caruana, 2002). The quality of service has a positive effect in the performance of a bank; as a result it gains competitive advantages due to the improvement of quality of service. As such, what clients think of a service overpasses their expectations for the same service. Caruana, 2002; Chumpitaz, 2004). Due to higher internet access in today’s world, the way businesses are managed including the banking business has changed. Consumers are expecting better quality of service, shorter transaction times and better service conditions. However, because the nature of the services, susceptibility, indivisibility, heterogeneity and the quality of services become difficult to be appreciated.

1. Definitions of quality of service

The quality of service has become an important topic of research among academics especially with the increase of competition. It is now recognized as a key factor in keeping the competitive edge and good quality relations with the clients. (Zeithmal et al., 2000). Gronros (1982) describes the general quality of service as the consumer’s perception to distinguish between a rendered service and an expected one.

The consumer later defines the concept of the expected service as a result of an evaluation process, where he
compares his expectations with the service he considers optimal or with the service he has accepted. Similarly, Parasuraman et al., (1985) define the quality of service as a comparison between the consumer’s expectations and his view of the service rendered.

After reviewing the literature regarding the services, three main points were suggested:

1. The quality of services is more difficult to be appreciated by the consumers than the quality of products;
2. What consumers think of the quality of the services rendered result from a comparison between consumers’ expectations and the actual rendition the services.
3. Quality evaluations are not only based on the results of the service but also they include the evaluations of the process while the service is being rendered.

In addition, Parasuraman et al., (1985) suggested “The Quality of Service Model” which served as the framework for further scientific research in this field. The first picture gives a clearer description of this model. As you can see there are 5 branches:

**Figure 1. The Quality of Service Model.**

This model is specific and a good diagnostic tool. If this model is used in the correct form, it has the potential to help identify the factors that make up good quality of service from the consumer’s point of view (Yang et al., 2004). In 1988 Parasuraman et al., explained that the quality of service is the basis of rating the overall services in a company, comparing the companies work with the client’s expectations and the way a company should operate. To them the client’s impression of service is their general impression, or the way they feel about the superiority of services.

Lately, Page and Spreng (2002) argued that measurement of performance is superior since that is more credible and protected. In addition, they said performance is a stronger indicator of the quality of service than what we expect. The conceptual discussion related to the quality of service continues, but this is an indicator that it’s a multilevel,
multidimensional concept which can mean different things for different researchers in literature (Cronin et al., 2000).

2. The efficacy of quality of service in banks

The importance of reaching high levels of quality has been discussed widely in literature, especially when it comes to service, for example Zeithamel, Parasuraman and Berry (1990). The quality of service has been discussed by many authors as a key element to gain competitive advantages. Its importance per the bank industry has been documented in Roth and van der Velde (1991, 1992). Today, it's hard to find a bank which hasn't improved the quality of service program.

Fig. 2: The results of a standard model for the operational efficacy of a branch.

3. The quality of service in banks, getting consumers' trust and satisfying them.

The quality of service in banks has a deep impact in consumers' loyalty. This quality is determined based on the comparison between their expectations on the service rendered and what they actually thought of that service.

According to Caruna (2002), the quality of service is divided in two terms, first one being the technical quality, referring to the one transmitted to the consumer and the functional quality which has to do with the final results of the process done for the consumer. At the same time the quality of service has to do with two aspects, the psychological and the behavioral one. They include the access for the one offering the services and the way the service is offered. What the consumer thinks of the service rendered is based on three things: the employees collaborating with consumers, the environment the service is rendered and the results of the service.

The happier the consumers the more loyal they are. In today's bank environments the happiness of the clients could be seen as a considerable success measure, where pleasing the clients could lead to their retention and as a result increased incomes for the bank. (Jamal, Kamal, 2002, Egan, 2004). They describe the consumers' satisfaction as the way the consumer feels about a product or service, because that was used. Egan (2004), based on the definition of a few authors describes the consumer's satisfaction as a psychological process to evaluate the performance results achieved based on certain expectations.

The banks' purpose to increase clientele loyalty is mainly to increase their own incomes. Additional profits could result from clients' loyalty. From organizations prospective loyal consumers lead to increased revenues for the banks, this will result in the sale of predictable services and high revenues.

Most likely the consumers' will need additional services (Gremler and Broen, 1999). To appreciate the importance of the consumer we must look beyond the direct value they have. This means that in addition to the direct revenues one must look at additional revenues. For example, loyal consumers will spread the word around and recommend family and friends to the bank, this will result in even more revenues for the bank.

Grummerus et al., (2004) has developed four important dimensions for all online services offered by banks:

1. The quality of users services
2. Reaction
3. The need to refill
4. Security

Fig 3. Four dimensions of online service

Source: Gummerus et al. (2004)

If these four dimensions are completed, then the client believes in the online service which could lead to the satisfaction and the loyalty of the consumer.

4. The Quality of Service in Banks

In this chapter we will talk about the factors influencing the quality of service in Albanian banks and we will describe the survey on the quality of service in our banks.

4.1 The Factors that influence the quality of service

4.1.1 The new computerized systems

The investments in the new modern technology are done mainly to improve the quality of service which serves mainly to make many processes easier. It also serves to collect, control and develop the information.

4.1.2 Investment in human resources

The programs directed towards human resources should aim better classification between the administrative staff and the employees. Continuous education and training at work or through special programs helps in improvement of skills in the bank’s staff. Specifically aiming:

1. Qualified staff
2. Improvement of management’s skills
3. The skill to select and properly prioritize tasks

To achieve these objectives is important to invest in developing leadership skills, better separation of knowledge, appreciation of initiatives and accomplishments. These are main points to be achieved in order to constantly recruit qualified, devoted employees. The above objective would be reached through:

- It is important to organize trainings in banks by collaborating with domestic and foreign institutions. It would be based on the previously identified needs through an objective way to evaluate performances. Also it’s important to adapt to the new growing requests of the institution.
- Identification of potential employees in the management section as well as giving them the opportunity of continuing training.
- Motivate the employees to do more research work in banks.

In order to strengthen the human resources we need to review the proper means. For this reason there should be many initiatives that involve various methods. Box 2 gives more information on these initiatives and the methods used.
Box 1. The initiatives used to reach the objectives and the methods used

<table>
<thead>
<tr>
<th>The initiatives used to reach the objectives</th>
<th>The methods used</th>
</tr>
</thead>
<tbody>
<tr>
<td>On strengthening the human resources:</td>
<td></td>
</tr>
<tr>
<td>- Reevaluation of the method each employee's performance is evaluated</td>
<td>Strengthening of regulations at the base</td>
</tr>
<tr>
<td>- emphasizing individual responsibilities in fulfilling the objectives of The Albanian Bank.</td>
<td>Continuous testing and reevaluation of the methods and means used.</td>
</tr>
<tr>
<td>- Development of the methods and Indicators to monitor these performances, In order to achieve the objectives previously determined.</td>
<td></td>
</tr>
</tbody>
</table>

At the same time banks in Albania should keep in mind than an important project is the creation of a separate department in the research field. The purpose would be to conduct research and studies observing the fluctuations in the market including here the new tendencies and consumers' preferences, so that they can respond better to the consumers' needs and preferences.

What this department would do is analyze and expand the information available at the same time create an online report. This online report would improve the quantity, quality and time of the information available. This way the bank is well informed on the changes in the market and can easily adapt to offer better products that the market requests.

Some of the objectives that banks should keep in mind in relation with the clients are:
- Improvement of the public's trust in privately owned institutions
- Improvement of the transparency towards the public (i.e. tell the client how the interest of the deposit is calculated, if he/she is interested; also explain all the terms of the contract before the client signs.
- Increase the level of knowledge the clients' have towards the bank they are operating.
- Communication

4.2 Study on the consumers’ behavior in our country

In order to observe the important role the consumer has in the services banks offer we have developed a survey. The study focuses on the financial services, the expectations and the consumer's view towards these financial services. In this study we have use traditional variables such as the age, education etc. Also, we have used additional variables in order to better understand the consumer and his behavior. The purpose of this questionnaire is to see what people think using these institutions. To also see if they are happy with the service they receive from banks and the employees' professionalism.

4.2.1 The procedure as follows:

The individuals were selected among a heterogeneous population; individuals among different income status and age. These questionnaires were handed inside the banks. In order to see how many times does a consumer go to the bank we asked the question: How many time do you go to the bank? Based on their answers it appears that the majority of people go to the bank a few times a month. The question was directed to those inside the bank and it turns out that they have privately owned businesses so they use the bank for different transactions quite often. But we also have to consider those visiting the bank once every three months; they too have deposits in the bank. An important point of this study is to discover what are some the factors that establish the bank's image in the eyes of the consumer. From the collected answers listed below based on their relevance, the main factors that determine the image of a bank are:
- First contact with the employees
- The quality of service
- The interests' rates and the prices for the services
- Publicity
- Other factors such as hour of operation, parking etc
- The interior design and atmosphere
- Convenient location

Among the criteria on why they should select a certain bank, the consumers listed these elements based on their relevance:
- Interest rates and the services’ prices
- Polite behavior
- Reputation
- Friend referral
- The offer of “full service”
- The hours of operation
- Parking
- Special offers for the youth
- Location

When asked “What do you value in a bank employee”, consumers listed these factors based on their relevance:
- Communication
- How well do they understand the clients’ needs
- Being well-informed
- The speed of service
- The efficiency

5. Conclusions

This topic analyzes how important is the quality of services in banks due to the growing competition. The quality of service has turned in an important study and research topic, being now recognized as a key factor in keeping the competitive edge and maintaining good relations with the clients.

The quality of service has a unique contribute to not only the satisfaction of the consumer but his loyalty too. The quality of service has a positive impact especially when considering the competitive advantages that could have been gained from improvement of the quality of service. This way, what consumers think of the service offered is better than what they expected in the first place.

Competition has positively influenced the banks in Albania, and has impacted the need to offer better services for their clients. They can use the new advanced technology, the products, new services and better prices on bank’s services.

The survey was created with the purpose to see the important role the consumer has in the banks’ service in our country. The age, education and incomes, all influence the banks’ services in our country. From this survey it was determined that the main factor determining the image of a bank is the first contact with the staff and their customer service skills. At the same time consumers value communication and the staff’s skills.

Even though consumers value the services, is still hard to evaluate the quality of service in banks. Consumers are more interested in the functional quality of services (how is the service rendered) than the dimensions of the technical quality. This is due to the difficulties in distinguishing various qualities of service. This is the reason why managers at every level should keep their focus on the quality of service and measure the consumers’ satisfaction related to the quality.

Even though the quality of service has improved, considering this is a new market for our country there’s still a lot more to do. Between what consumers expect and the service they actually get there’s still a huge difference. The speed of service rendered, the skills, politeness of the staff and the bank’s convenient locations are a must for a successful bank.

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Regional Variations of Infant Mortality in Kenya: Evidence from 2009 KDHS Data

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Abstract

High infant mortality rates remain a great challenge to the Kenyan Government as she strives to attain the Millennium Development Goals (MDGs). In its current Development Blue Print, Vision 2030, the country aims at eliminating high poverty levels and reduce the high regional inequalities. This comparative paper focuses on the determinants of infant mortality in Kenya. It specifically examines the regional differences in infant mortality among the various regions in the country classified into two broad categories as High mortality and Low mortality regions respectively. Data used was derived from birth histories in the Kenya Demographic and Health Survey (KDHS, 2009). The findings of the study indicate that regional differences in under-one mortality are quite significant. The results show that low educational attainment, low socio-economic status and short intervals between births lead to the observed higher levels of infant mortality in the high mortality region. It is concluded that the regional differences in infant mortality are a result of the differences in the level of economic and social development. It is recommended that the Government implement policies aimed at increasing the length of birth intervals and improving the womens’ financial and occupational status. Lastly, free secondary education will go along way in improving the welfare of womenfolk especially in the high mortality region.

Keywords: Infant Mortality Rate, Socio-economic factors, Vision 2030, Kenya

1. Introduction and background

Infant mortality remains a problem of concern in many parts of the world. In developing nations, high levels of infant deaths are recognized as problems warranting serious attention. In Kenya, although, major improvements have been achieved with Infant Mortality Rates reducing from 120 per 1000 deaths in 1963 to 62.5 per 1000 in 1993, It is estimated that 1 in every 19 children die before celebrating their first birthday (Republic of Kenya, 2009). Neo-Natal Mortality is 32 deaths per 1,000 live births, while Post Neo-Natal Mortality is 21 per 1,000 live births thus, 60 percent of infant deaths in Kenya occur during the first month of life (KDHS, 2009).

Available evidence indicates that there exists great regional variations in infant mortality, with certain regions inhabited by particular ethnic groups having higher infant mortality levels than others. The regions of high mortality are Nyanza and Western provinces adjacent to Lake Victoria and the coast province along the Indian Ocean inhabited by the Luo, Luyhia and Mijikenda respectively, but the challenges of improved survival of babies is most acute in Nyanza with a record infant mortality rate of 95 per 1,000 live births (Misati, 2011). On the other hand, Central province has the lowest infant mortality with lower levels observed in the adjacent Rift –Valley and Nairobi provinces (NCPD et al, 2009). At district level, Homabay district has more than 200 infants dying before their first birth day while Nyeri had 52. According to KDHS 2009, Infant mortality rate increased from 66 to 68 per 1,000 live births between 1979-1989 and 1989-1999 and 1999-2009 inter – Censal period (Republic of Kenya, 2002; Republic of Kenya, 2009). The increases present serious policy implications when considered against the goals and targets set out by the Millennium Development Goals (MDGs).

In order to address the afore – mentioned gloomy mortality situation there is need to reduce poverty levels currently experienced in order to increase the proportion of people with access to quality health care services and minimize the current regional disparities in mortality.

2. Determinants of Infant Mortality

In Kenya studies have shown that infant mortality varies according to socio-economic variables such as maternal factors, exposure to diseases and use of modern health services (Ikamari, 1996). The said socio-economic factors have been seen to influence infant survival through “a complex web of pathways” in which case access to and use of health...
facilities and piped water are some of the mediating factors for majority of the socio-economic determinants. At the community level, it has been established that in communities where malaria is not endemic, and immunization coverage exceeds 67% have statistically significant negative association with the risk of infant death. In addition, better toilet facilities, better quality housing floor materials and less contaminated water have been found to have statistically significant negative association with infant death (Koyugi, 1986).

Studies by Hobcraft, McDonald and Rustein (1984) and Mosley (1984) shows that in Kenya, the increase infant mortality associated with a low level of maternal education is greater in the poor regions of the country. On their part, economists have tended to stress the notion that maternal education operates through the allocation of material time to market and non-market activities. By enhancing women’s potential returns from work, increased education can stimulate labor force participation. In return, the working mother has less time to devote to child care but increase the family’s economic resources, which might have a favorable impact on child health.

Using districts level data, Kibet (1981) sought to investigate factors influencing Infant Mortality at the macro-level. He found out that there existed a significant correlation between infant mortality and education. The study concluded that the variations in different mortality levels among districts in Kenya were partly as a result of the existing educational differentials among the districts. However, in his study on the “impacts of household and community level environmental factors on infant and child mortality in rural Kenyan”, K’oyugi (1992) observed that maternal education of under nine years had insignificant protective effects on infant mortality. Harrington’s (1974) study of West African societies view an infant’s chances of survival as the outcome of a series of factors governing exposure to diseases and those encompassing the course and outcomes of diseases among them, he observes, is the type of dwellings which mainly affects mortality through the elements of exposure. In Sudan, living in a house made from mud raises the infant’s mortality by a statistically significant 6% in the capital and 7% at the national level (Farah and Preston, 1982).

2.1 Study Conceptual framework

This study is based on the premise that, although the ultimate cause of death is biological, the determinants of the fatal Biological factors may be a chain of socio-cultural, economic, demographic and environmental factors. The conceptual framework, therefore, is adopted from that proposed by Mosley and Chen (1984:25)

**Figure 1:** Operation of the Proximate Determinants on the Health Dynamics of a Population.

![Study Conceptual Framework](image)

**Source:** Adopted from Mosley and Chen (1984:25) with slight modification to suit purpose of the study.
2.2 Operational definition of variables and concepts

a) Infant mortality - Is the death that occur to children who are born alive between the time of birth and level not yet celebrated their first birth day (0 -11 Months)

b) Low mortality region- Refers to the three provinces namely Central, Nairobi and Rift- valley which recorded the lowest infant and child mortality rates in the 2009 KDHS.

c) High mortality region - Refers to the two provinces which recorded the highest infant and child mortality rates in the 2009 KDHS. They are Nyanza and Western and Coast.

d) Maternal education level - The highest level of formal schooling attained by the mother. It is categorized into; No - education, Primary education,

e) Mothers religious affiliations- Refers to whether a woman belongs to protestant and other Christians, Catholic, Muslim or others. This is a cultural variable which helps in measuring the beliefs and attitudes towards family size and health seeking behavior that directly impact on child health and hence survival.

f) Ethnicity - Refers to the ethnic group tribe the mother belongs to i.e. whether Luo. Kikuyu. Kalenjin etc. It measures beliefs and cultural practices that impacts on child health and survival.

g) Mothers’ occupation - The variable refers to work status category of the mother at the time of the survey. The categories include: Not working, Professional. Self-employed /domestic work or manual.

h) Maternal age - Exact age of the mother at the time of the survey. The variable is categorized into three categories. Those aged less 19 years, 20-34 years and those aged 35 years and above.

i) Preceeding birth interval - Time in months that elapsed between the index child and another birth. It is categorized into; less 14 months, 15-19 months and above 20 months.

j) Type of housing floor material - A variable indicating the main materials used for constructing the floor of the house. It is categorized into cement, mud/dung /sand and others.

k) Source of drinking water - The main source of water for use in the household. It’s used as a proxy to indicate the conditions bearing on disease causing agents at the household level. It is categorized into; piped, well, river/stream /lake, rain and others.

l) Type of toilet facility - Type of facility used to dispose human waste. Like water source and floor materials, the variable is meant to capture disease causing agents and a proxy for economic status of the household. It is categorized into whether a household uses a pit latrine, flush toilet or the bush.

m) Mothers’ age at first birth -- Refers to the age in years of the mother at the time her first birth occurred.

3. Materials and Methods

3.1 Data Source

The study data was drawn from the Kenya demographic and health survey (KDHS, 2009).The KDHS is a nationally representative sample of 8444 women aged 15 -49 and their children. Data collection took place over a three month period, from 13th November, 2008 to late February, 2009.

3.2 Study Design and Sampling

The Demographic Health Survey utilized a two-stage sample design. The first stage involved selecting sample points (clusters) from a national master-sample maintained by the Kenya National Bureau of Statistics (KNBS) –NASSEPV IV.

3.3 Data analysis

Cross tabulation was used to determine the relationship between independent variables and infant death. It was preferred for this study due to its appropriateness in comparative analysis and because could clearly illustrate the distribution and relationships referred to above according to each category of the selected variable in the mortality regions. The chi – square statistic was used to test the association between two variables in the cross - tabulation tables. The alpha level selected is 0.05. In any observed significance which was less than the Alpha, it was concluded that there is an association between the dependence and independent variables, while that larger than the alpha value of 0.05 was taken as indicating no association between the variables. In order to assess the effects of the various factors on the risk
of infant death, logistics regression analysis was applied. It was used in the study to estimate the likelihood of survival for infants given the prevailing socio-economic, demographic and environmental situation in the mortality regions. The logistic regression model is shown as:-

\[ p(x) = \frac{e^{B_0 + B_1x}}{1 + e^{B_0 + B_1x}} \]

Where,
\[ P(x) \] = Probability of Infant Death
\[ e \] = Base of the natural logarithm, to 2.71828 ...
\[ B_0 \ & B_1 \] = Coefficients estimated from the data
\[ x \] = Dependent variables

A model involving all the independent variables and infant death was run. To create the dependent variables, i.e. Infant death, 60 months were subtracted from the date of the interview (child morality) and the resulting period was divided into (0-11) months to represent infant death. In order to increase the number of cases a ten year observation period was created by subtracting 120 months from the date of the interview.

3.4 Recoding of variables

It became necessary to combine mothers who had attained “secondary level of education” and those of “tertiary” category due to the relatively small number of mothers in the latter group in both regions of study, hence coming up with three broad categories of “None”, “Primary” and “Secondary”. Similarly Mothers’ occupation was grouped into four categories; maternal age into three categories, preceding birth intervals and maternal age at first birth were also transformed into three categories. Source of drinking water supply and Mothers’ religious affiliation were classified into four categories. The regions (provinces) were recoded into two categories, namely; High Mortality Region (HMR) and Low Mortality Region (LMR).

4. Results

4.1 The study Sample

The study population consists of a sub-sample of 8061 births. The births took place between 1998 and 2009 among women aged 15-49. Of all births, 44.4% occurred to women who were either self-employed or engaged in domestic work in the high mortality region and 35.1% in the low mortality region. Distribution by maternal age indicates that the largest number of births were recorded among women aged 20-34 in both regions, a finding which conforms to expectation as the age - bracket of 20-34 is regarded as the prime age for child bearing among women. By maternal education level, it is shown that more than half of the births (64.5% and 64.6% respectively) occurred to women who had attained primary education level in both regions, while those born to women who had attained secondary level education and above constituted 24.1% and 23.5% in the high and low mortality regions respectively. The study indicated that in the high mortality region, 60% of the births occurred to women whose main source of drinking water was either a river, a stream or lake while those in the low mortality region were 4.2% of the total births. Lastly, the results indicated that 8%, 20.3% 71.7% 59% and 41% of the births occurred to women who hailed from Nairobi, Central, Rift valley, Nyanza and western provinces in that order.

4.2 Infant mortality differences in the mortality region

Table 1 shows the infant mortality differentials in the mortality regions. The results indicate that in the High mortality region the lowest infant deaths were recorded among the mothers who are classified as “professionals”. It is similarly observed that in the high mortality region, the mortality rates are twice compared with those observed in the low mortality region among the professional category. By maternal age, it is observed that in both regions, the highest death rates are recorded among infants whose mothers are aged 35 years and above. In both regions, the highest number of deaths are observed among infants belonging to women with “No education”, while the lowest rates are observed among women categorized as having attained “Secondary and above” level of education. In both regions, children born within an interval
of 14 months and below experienced the greatest infant mortality rates. By maternal education in both the high and low mortality regions, the greatest deaths occurred to infants born among women who had received “No education”

Table 1. Infant mortality differentials in the mortality regions.

<table>
<thead>
<tr>
<th>Variable</th>
<th>High Mortality Regions</th>
<th>Low Mortality Region</th>
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</thead>
<tbody>
<tr>
<td>Mother occupation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not working</td>
<td>38.4</td>
<td>7.9</td>
</tr>
<tr>
<td>Professional</td>
<td>6.2</td>
<td>13.8</td>
</tr>
<tr>
<td>Self-employed /domestic</td>
<td>48.5</td>
<td>13.9</td>
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<td>Manual</td>
<td>36.0</td>
<td>42.9</td>
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<tr>
<td>Maternal age</td>
<td></td>
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</tr>
<tr>
<td>&lt;19</td>
<td>45.5</td>
<td>13.1</td>
</tr>
<tr>
<td>20-34</td>
<td>45.9</td>
<td>12.5</td>
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<tr>
<td>35+</td>
<td>53.5</td>
<td>12.8</td>
</tr>
<tr>
<td>Preceding birth intervals</td>
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<td></td>
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<tr>
<td>&lt;14</td>
<td>34.3</td>
<td>29.4</td>
</tr>
<tr>
<td>15-19</td>
<td>8.7</td>
<td>13.2</td>
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<tr>
<td>20+</td>
<td>4.5</td>
<td>15.9</td>
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<tr>
<td>Maternal education</td>
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<td>70</td>
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<tr>
<td>Primary</td>
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<tr>
<td>Source of drinking water</td>
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<td></td>
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<tr>
<td>Piped</td>
<td>36.2</td>
<td>16.0</td>
</tr>
<tr>
<td>Well</td>
<td>46.6</td>
<td>8.3</td>
</tr>
<tr>
<td>River/stream/lake</td>
<td>52.1</td>
<td>11.0</td>
</tr>
<tr>
<td>Rain/other</td>
<td>30.7</td>
<td>15.5</td>
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<tr>
<td>Main floor material</td>
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<td></td>
</tr>
<tr>
<td>Cement</td>
<td>36.1</td>
<td>14.2</td>
</tr>
<tr>
<td>Mud/dung/Sand</td>
<td>50.8</td>
<td>11.4</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of toilet facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flush</td>
<td>37.4</td>
<td>8.7</td>
</tr>
<tr>
<td>Pit latrine</td>
<td>44.7</td>
<td>10.0</td>
</tr>
<tr>
<td>Bush/Other</td>
<td>66.7</td>
<td>23.8</td>
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<tr>
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<td>Catholic</td>
<td>54.9</td>
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</tr>
<tr>
<td>Protestant /Other Christian</td>
<td>46.7</td>
<td>1.2</td>
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<tr>
<td>Muslim</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Other</td>
<td>1.0</td>
<td>1.4</td>
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<tr>
<td>Mothers age at first birth</td>
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<td></td>
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<tr>
<td>&lt;17</td>
<td>60.4</td>
<td>19.1</td>
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<tr>
<td>18-23</td>
<td>39.1</td>
<td>1.5</td>
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<tr>
<td>24+</td>
<td>35.5</td>
<td>5.0</td>
</tr>
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<td>Ethnicity</td>
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<td></td>
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<tr>
<td>Kalenjin</td>
<td>1.3</td>
<td>4.3</td>
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<tr>
<td>Kamba</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Kikuyu</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Kisii</td>
<td>2.8</td>
<td>6.9</td>
</tr>
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<td>Luhyia</td>
<td>1.4</td>
<td>4.6</td>
</tr>
<tr>
<td>Luo</td>
<td>4.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Masaai</td>
<td>1.1</td>
<td>1.3</td>
</tr>
<tr>
<td>Others</td>
<td>1.7</td>
<td>1.0</td>
</tr>
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</table>

4.3 Regional variations of infant deaths in Kenya.

Results of Multivariate logistic regression analysis in table 2 shows that the “Mothers' occupation” has a significant effect on the risk of infant death in the low mortality region while it shows no significant effect on Infant death to the high mortality region. It is specifically noted that the greatest increases are by the “manual” and “self - employed /domestic” categories in the low and high mortality regions respectively. On preceding birth intervals, the results show that its effects is only significant in the High Mortality region. Turning to the type of toilet facility and maternal age, the results shows that the two variables have no significant effect on Infant death in both regions.

Maternal education was seen to have a significant effect in the High mortality region. On the other hand, maternal education level was found not to be significantly associated with the risk of infant death in the low mortality region. In both regions, “Mothers’ education level” shows a reducing effect on infant death. Infants born of parents with a “primary education” level have a lower probability of dying compared to those whose mothers have attained ‘no education’. Contrary to what was hypothesized, the results indicate that source of drinking water, main floor material, mothers’ religious affiliation and ethnicity are not significantly associated with the risk of infant death in both regions. However, in the HMR, it is evident with reference to the reference category (Kikuyu), being born of parents of Luo and Luyia origin shows the highest increases in the odds of death at infancy.

Table 2. Results of Multivariate logistic regression analysis showing the effects of independent variables on the risk of infant death in the low and high mortality regions.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Low mortality region</th>
<th>High mortality region</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>S.E</td>
</tr>
<tr>
<td>1) Occupation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not working (R.C)</td>
<td>0.00</td>
<td>.5473</td>
</tr>
<tr>
<td>Professional</td>
<td>.1628</td>
<td>.4002</td>
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<tr>
<td>Manual</td>
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<td>.5750</td>
</tr>
<tr>
<td>2) Preceding birth interval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;14</td>
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<td>.6900</td>
</tr>
<tr>
<td>15-19</td>
<td>-.7011</td>
<td>.5020</td>
</tr>
<tr>
<td>20 – (R.C)</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>3) Material age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;19</td>
<td>.7324</td>
<td>.6922</td>
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<tr>
<td>20+34</td>
<td>.0137</td>
<td>.6297</td>
</tr>
<tr>
<td>35+ (R.C)</td>
<td>0.00</td>
<td>.6927</td>
</tr>
<tr>
<td>4) Type of toilet facility</td>
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<td></td>
</tr>
<tr>
<td>Flush (R.C)</td>
<td>0.00</td>
<td>.9840</td>
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<tr>
<td>Pit</td>
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<td>.1556</td>
</tr>
<tr>
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<td>5) Maternal education</td>
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<td></td>
</tr>
<tr>
<td>No education (R.C)</td>
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<td></td>
</tr>
<tr>
<td>Primary</td>
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<td>-.2035</td>
</tr>
<tr>
<td>Secondary</td>
<td></td>
<td>.4586</td>
</tr>
<tr>
<td>6) Source of drinking water</td>
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<td></td>
</tr>
<tr>
<td>Piped (R.C)</td>
<td>0.00</td>
<td>.6668</td>
</tr>
<tr>
<td>Well</td>
<td>.4839</td>
<td>.4636</td>
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<tr>
<td>River/Streams/lakes</td>
<td>.2250</td>
<td>.740</td>
</tr>
<tr>
<td>Rain/ Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Main floor material</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cement (R.C)</td>
<td>0.00</td>
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</tr>
<tr>
<td>Mud/Dung/Sand</td>
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<td>.2260</td>
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<tr>
<td>Others</td>
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<td></td>
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<td>8) Religion</td>
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<tr>
<td>Catholic (R.C)</td>
<td>0.00</td>
<td>.3746</td>
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<td>Protestant/Other Christian</td>
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<td>.6991</td>
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<tr>
<td>Others</td>
<td>-4.6303</td>
<td>.4861</td>
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<tr>
<td>-----------------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>9) Mother’s age at first birth</td>
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<td></td>
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<tr>
<td>&lt;17</td>
<td>-.3443</td>
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<td>18-25</td>
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<td>.3565</td>
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<td>24+ (R.C)</td>
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<td>.1165</td>
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<tr>
<td>10) Ethnicity</td>
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<tr>
<td>Kalenjin (R.C)</td>
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<tr>
<td>Kamba</td>
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<td>.0989</td>
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<td>Kikuyu</td>
<td>-.0456</td>
<td>.5085</td>
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<tr>
<td>Kisii</td>
<td>0.63967</td>
<td>.0102</td>
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<td>Luhya</td>
<td>.7258</td>
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<tr>
<td>Luo</td>
<td>1.3329</td>
<td>.6543</td>
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<tr>
<td>Maasai</td>
<td>-4.9667</td>
<td>.3923</td>
</tr>
<tr>
<td>Others</td>
<td>-6.3348</td>
<td>.0696</td>
</tr>
</tbody>
</table>

R.C – Reference Category, **** <0.01, ** p<0.05, * p<0.1


5. Discussion

The survival of infants at birth and the subsequent months depends in a number of Socio- economic, Environmental and Cultural factors. Several researchers using data from African countries have established that educational attainment of parents is inversely related to infant mortality (Caldwell, 1979; Anker and Knowles, 1977 and Mott, 1982). The inverse association is attributed to various causes, including: Breakdown of unfavorable traditional child rearing practices, Better nutrition knowledge, Increased amount of income and redistribution of family resources in favour of children. Mosley (1983) argues that the geographical differences in infant mortality could be explained by education and nutrition as a result of levels of economic and social development. Palloni (1991) study which underscores the importance of social circumstances in which the mother lives, concluded that in poorer settings, the uneducated mothers were at far greater disadvantage with respect to survival chances of their infants compared to the more educated. Palloni’s finding was noted to apply to Kenya’s situation in 1979 when estimates of infant mortality rates by mothers education for districts in Kenya revealed that women with secondary education in poorer districts of South Nyanza reported a lower mortality compared to the uneducated women in the same district, but when this rate for the secondary educated women was compared to the rate for the uneducated women in a better of Nyeri district, the uneducated mothers in Nyeri had a lower infant mortality than the secondary mothers in South Nyanza district (Kibet, 1981).

Other Socio - economic factors influencing circumstances in household are mothers’ occupation and geographic area of residence. Culture which is usually unique to groups of individuals and religious affiliation factors have also been found to some extent to affect the rates of infant mortality. The type of marital union that closely relate to cultural and religious factors has also been found to have some effects in infant mortality in Kenya. For instance, Muslims have a higher infant mortality compared to Christians and the Nilotic tribes that have a higher infant mortality rate compared to the central Bantus.

6. Conclusion and Recommendations

6.1 Conclusion

As already pointed out the study sought to examine and compare the effects of the selected socio-economic, demographic, cultural and environmental factors on infant mortality in the high and low mortality regions in Kenya. Based on the finding of the study, the following conclusions can be made:-

a) The variable Mothers’ occupation which was intended to capture the effects of resources available for child health care and hence a proxy for standard of living in the household. The results of this study support the premise that occupational categories associated with higher incomes lead to higher standard of living and thus relatively lower the risk of infant death. However, Mothers’ occupation is only a significant determinant of infant in death in the low mortality region.

b) The mothers’ education level was intended to capture knowledge level of childcare with the underlying assumption that the higher the level of education, the better the child care practices. The results of this study
support the hypothesis “the risk of infant death varies with the level of education.” However, Maternal education is only significantly associated with infant mortality in the high mortality region.

c) The results indicated that mothers’ age at first birth is not significantly associated with infant death in both regions. However, preceding birth intervals were observed to significantly affect infant mortality in the high mortality region. It is further observed that shorter birth intervals increase the risk of infant death in the high mortality region. This concurs with theory, which holds that when birth intervals are short, the mother terminates breast feeding within a few months after birth, leading to poor child health.

d) Lastly religion and ethnicity were found to have no predictive effects on infant mortality in both regions. However, the results of the logistic regression analysis indicate that religions differentials in infant mortality, albeit, of small magnitude, also exists in Kenya.

6.2 Recommendations

From the discussion above, it is clear that the main challenge facing the successful implementation of child survival programmes in the country is the existence of wide regional variations in infant mortality. In order to bridge the wide disparities existing among the various regions in the country with regard to infant death, the following recommendations are made:

Firstly, the results of the study indicate that maternal education is an important determinant of infant mortality in the high mortality region. It is, therefore, recommended that although the possibility of free primary education and free day secondary tuition has been realized in the country, there is need to implement wholly free education at secondary level for girls in the high mortality region. This will enable the future mothers to acquire knowledge as a basis for future career advancement and general empowerment.

Secondly, the potential for infant mortality reduction resulting from increased birth spacing in the high mortality region in Kenya is underscored by the study findings. There is thus an urgent need to formulate policies that could help increase the length of intervals between births. Additionally, since the findings of the study support the thesis that occupational categories associated with higher incomes lead to higher standards of living and thus lowering the risk of infant death, the government should implement favourable policies and programmes aimed at reducing the current poverty levels and enhancing women’s financial and occupational status.

7. Acknowledgement

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References


Districts. Unpublished IDRC Report, Nairobi
Eavesdropping and the Rule of Law.  
Constitutional and Criminal Aspect of this Phenomenon

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Arjan Vasjari  
Xhabir Zejnuni

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Abstract

Eavesdropping is a means by which to achieve the detection of offenses and criminal offenses. It does not constitute a legal test as evidence not included in the legislation, but the tools to search for evidence. Such as tapping should be used when it detects these offenses which by their type is very difficult to detect. Of course, this means test does not need to reach the violation of fundamental constitutional rights in Albania since otherwise the test tool will become a mechanism for pressure and fear that people will unhappily booty of this tool.

Keywords: Eavesdropping, freedom of communication, human rights, international privacy, interceptions.

1. Introduction

1. Eavesdropping is nowadays a phenomenon that is spreading rapidly in the civil society of the 21st century worldwide. Legal discussions that take place around this topic in Albania does not penetrate deep into the disbursement and legal justification of this action. Recent cases of interception and several judicial decisions pushed me to try to analyse this phenomenon purely legal elements, which unfortunately has been nuanced phenomenon dimensional (journalistic terms).

2. In this conference we presented primarily a legal term which contains communications interception itself as a legal phenomenon, which is sanctioning the freedom and privacy of correspondence in European and global level, to identify relevant articles in Albania, Albanian analysis of judicial decisions concerning on this issue recently and will give some decisions of the European Court of Human rights which constitute very important point in describing the interception as covered by this document.

2. Communication. Its Types

1. The condition of a very high importance to free movement and unrestricted is the principle of individual privacy and freedom of communication (Georgopoulos, J. (1991). pg. 57, Dhaktoglou, P. (2005). pg. 189). In this era of rapid development of telecommunications, broadcast messages under the thoroughfare secrecies constitutes a development of the personality of the citizen. Secrecies principle of inviolability of residence and, inviolability of private life, family, religious freedom, personal security and property rights are first and foremost, individual liberty, constitutional rights, which are enshrined in the Albanian Constitution of 1998 (Article 36 of the Constitution of the Republic of Albania). They formulate the limits of privacy protected by law through the provisions of the Constitution and the Penal Code (Articles 221-222 of the Code of Criminal Procedure of the Republic of Albania). The principle of confidentiality of correspondence has two separate components: first, freedom of communication or correspondence with official documents and in any other way, secondly, the confidentiality of all forms of communication, when they want to communicate love to secrecy. If someone wants to communicate not kept secret, we have no occasion of confidentiality of correspondence but freedom of speech (Karas, A. (1996). pg. 34, Katrougkalos, J. (2001). pg. 59, Manesis, A. (1982). pg. 234, Spinelis Dh. (2004). pg. 86).

2. Everyone question naturally arises. Communication in a legal contest by definition what is? A definition of communication can be summarized as follows: Communication is human activity through which a person
comes into contact, cooperate with others. Communications are of two types. A first type is that of personal
direct, and a second type is the cross-correlates. A direct communication is direct contact of people
communicate, so individuals are physically present during the communication. In indirect communication with
persons are far from each other, making it impossible for their physical contact. As a result of their distance
individuals use several means of communication, such as email phone, fax, etc.. After an analysis of the
definition and validation of communication seen to be fair in the European and international level.

3. European and international constitutions

1. Inviolability of correspondence is published by the French Constituent Assembly in its resolution dated August
10, 1789. In the Declaration of the Rights of Man and Citizen had no confidentiality protection and the same
approach followed the French constitutions of 1791, 1793 and 1795. In the United States privacy protection
sanctioned by the Fourth Amendment to the Constitution in 1791 (folded and secrecy of correspondence). The
Belgian Constitution in 1831 had a provision (Article 22), which sanctioned the principle of inviolability of the
confidentiality of documents. Nowadays Belgian Constitution of 1994 and in particular Article 29 provides for
the confidentiality of correspondence and communication: "The confidentiality of documents is inviolable. Law
determines which bodies are responsible for violating the confidentiality of documents that someone has
trusted mail. For Furthermore, Article 18 paragraph 3 of the Spanish Constitution of 1978 states: "It is
guaranteed confidentiality of responses, especially post, telegraph and telephone communications, unless
there is a court decision. Article 23 paragraph 2 of the Russian Federal Constitution of 1993 states that:
"Everyone has the right to privacy of telephone communications and postal correspondence, telegraph and
other. Limitation of this right is not permitted, except by judicial decision.

2. Article 34 of the Bulgarian Constitution of 1991 provides: "The freedom and privacy of correspondence and
other communications should be inviolable". Section 9A Greek Constitution states that "Everyone has the right
to protection from the collection, processing and use, especially by electronic means, of personal data laid
down by law. Protection of personal data provided by an independent authority established and operating as
defined by law ". Article 19 of the Greek Constitution states that "Paragraph 1. Confidentiality of documents,
correspondence and communication with free otherwise absolutely inviolable. The law provides guarantees
under which judicial authorities are not dependent on the secrecy of correspondence. These reasons are: 1.
For reasons of national security or 2. For the detection of particularly serious crimes. Paragraph 3. The use of
evidence obtained in violation of this section and section 9A. Article 10 of the German Constitution states that
"1. Confidentiality of documents and mail documents and communications are inviolable to 2. Are permitted
only by law. If restrictions designed to protect the legal order or security of the Federation or of the country, the
law cannot assign notification to the concerned authorities and instead penetrate judicial bodies authorized
representative of the people or entities sourcing. In the French Constitution, there is no specific provision for
However, according to the French doctrine and jurisprudence, this right derives from Article 8 of the ECHR and
Article 11 of the Declaration of 1789 ("the free communication of thoughts and opinions is one of the most
precious rights of man. Every citizen may speak, write and to publish free, without excluding the possibility that
he disclose the abuse of this right in cases defined by law), which has the constitutional power (within the so-
called bloc de constitutionnalite). Article 15 of the Italian Constitution sets that "freedom and privacy of
communication and any other means of communication are sacred and inviolable." Limit allowed only with the
written act of judicial authority under the guarantees provided for in law. Irish Constitution does not sanction a
separate article for this right.

4. Europeans sanctioning international privacy and freedom of correspondence

4.1 Article 8. European Convention on Human Rights

Secrecy of communication is involved in almost all-European international human rights Conventions.
1. Everyone faces the historic right to respect for private life and family life, home and his correspondence.
2. A public swimming Authority damn INTERFER with the Exercise of this right is in. Except Such as
ACCORDANC with the law and is Necessary in a Democratic Society, in the Interests of public safety, for the
Protection of public order, health or morals or for the Protection of rights and freedoms of others.

4.2 Article 10. Freedom of expression

1. Everyone has the right to freedom of expression. This right includes freedom to hold opinions and freedom to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting enterprises, television or cinema.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for protection order and prevention of crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of confidential information or for maintaining the authority and impartiality of the judiciary.

4.3 Article 12. Universal Declaration of Human Rights

1. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

4.4 Article 17. International Covenant on Civil and Political Rights

1. No one should be the object of arbitrary or unlawful intervention in the life of his privacy, in family, home or correspondence, nor should violate his honour and reputation in the illegal way.

2. Everyone has the right be no legal protection against such intervention and violations of.

5. Interceptions in Albania

1. Interceptions in Albania have known a great spondents, and this of course is due to the fact that the democratic society in which we live requires recording and verification of criminal offenses or offenses committed within the territory of Albania. Interceptions in their nature usually seek the persons and public disclosure of corruption affairs in which senior officials participating state (Ciris, P. (2002). pg. 234, Hrisogonos, K. (2002). pg. 89). Albanian Criminal Code reflects in detail how the procedure and develop a peek in our country and in turn the fundamental law of the state in Article 35 paragraph 2 (collection and disclosure of information about a person is done with his consent, except provided for in law), Article 36 (which clearly defines the principle of confidentiality of correspondence and personal data of persons) and 32 (second paragraph under which no one can be declared guilty on the basis of data collected illegal).

2. For our personal opinion on the legal provisions of the Constitution of Albania need to supplement concerning interception. While criminal law is so comprehensive as it provides extensive and analytical conditions and how they develop a peek Albanian Constitution in this regard is poor legally leaving open many windows which can lead us to wrong decisions as happened with the Albanian courts that their decisions have dealt with legal language bilingual (will analyse these decisions below), which causes a legal unevenness in our state. Relevant articles of the Criminal Code sections 221-226, which are regulated by Law no. 9187/2004. At this point it is best to look legal opinion of some Albanian lawyers who analyse the issue of evidence and tools used in a surveillance could be considered as evidence and also referring to the relevant sections of the Code of Criminal Procedure. Proof prohibited in criminal or civil proceedings should be considered those who oppose prohibitive or mandatory rules of law, particularly when they violate individual rights guaranteed in the Constitution, and there is no other rule of law that legally justify this violation (Dimitropoulos, A. (2005). pg. 345, Iliopoulou & Strang J. (2003).pg. 125). The conclusion of the preceding objection to a proof of sufficient labelled illegal (Kesis, Thanas. (1986). pg. 26). According to the Albanian criminal procedural legislation, when it comes to evidence, we have, among others, two major parts: First we have: 1-types of evidence, which includes 1) Testimony 2) The question of the defendant and the private parties; 3) dealings; 4) Recognition; 5)
Surveying and 6) experiment, and II-search tools to test, including: 1) scan; 2) Controls 3) Seizures and 4) Interception of conversations or communications (Lawyer Igli Totozani (Professor of Public Law) http://www.shekulli.com.al/).

3. So, from the above, the theory and practice of criminal proceedings, tapping recognized as one of the research means test. As a tool for research evidence, is tapping two kinds: interception of telephone conversations or communications, and other forms of communication and environmental tapping, which is realized through listening and recording audio and video with special devices that are placed in different environments or in certain persons. Tapping that takes place in a private environment (office, home, restaurant between two friends, two public persons) is a privately conducted environmental interceptions which means the audio and video recording without a court order. We note that tapping the Code of Criminal Procedure allowed only for certain categories of offenses or lawlessness (Article 221 of Code of Criminal Procedure of the Republic of Albania), and always with the decision of the Court (Judge) at the request of the prosecutor or the "urgent cases" the prosecutor himself who within 24 hours must notify the court and require that validation of the act (Article 222 of Code of Criminal Procedure of the Republic of Albania). Commentary on the Criminal Procedure find: "Taped done privately and cannot be used as evidence, but they can serve as a reason for initiating criminal proceedings mainly by the prosecutor, who is obliged to verify the alleged fact, taking any necessary test (Islami, H., Hoxha, A., Panda, I., (2007). pg. 286).

4. This assertion of this commentary gives us the Constitution which clearly and in its Article 148 provides that attorney is a constitutional body that exercises criminal prosecution. This constitutional body has the right and obligation to exercise legal prosecution, through legally defined ways (http://www.shekulli.com.al). In the context of the exercise of prosecution among modes are legally start of criminal proceedings or charges through his own initiative and with the prosecution under Section 280 of the Code of Criminal Procedure. The burden of proof under the rules of procedure belongs to the prosecution. Evidence under section 149 of the Penal Procedure Code, obtained from sources provided in procedural law, and in accordance with the rules laid down by him. According to the lawyer Agron Bajric tapping itself is not proof but the proof search tool that is regulated by Articles 221 and following of the Code of Penal Procedure. Case tapping carried out in secret and by entities not entitled to exercise the prosecution case procedurally interpreted as where the results obtained by tapping can be used to initiate prosecution by the prosecution as stated above. These results whatever they may be, must be verified for the purpose of determining their authenticity, and the prove effect which can be achieved only in the case where the interception is based on evidence.

5. Under our procedural law, not allowed to collect the evidence made by other entities, which are defined as entities that carry out criminal prosecution. Under Article 151 of the Penal Procedure Code stipulates that evidence taken from the body during the initial investigation and proceed to trial evidence obtained upon request from the Court. In this context, tapping carried out by private entities cannot constitute proof, but only due to the commencement of prosecution by the prosecution. While our legislation does not allow investigation of private entities, opening the way for the use of surveillance conducted by entities for personal or other reasons, constitutes a precedent would be distasteful and ineffective for our justice system and taking into account Article 32/2 of the Constitution the RA's which states that no one may plead guilty on the basis of data collected illegally. By analysing the opinions of two prominent lawyers in Bangladesh who are pros use of surveillance as a test tool for legal reasons analysed above should be seen and the opinions of other lawyers who oppose the tapping tool can be used as evidence in court. Such a legal opinion supported by Mr. Visha sajmir who also holds the post of President of Albania lawyers panellists. Mr. Legal opinion. Visha interceptions which is not conducted in conformity with the procedure prescribed in the aforementioned articles of the Criminal Procedure Code are illegal. Footage and voice broadcast of a tape not constitute material evidence, but no means to validate the test, as this test is taken in violation of the clear and the articles of the Code of Criminal Procedure. Code of Criminal Procedure emphatically describes the relevant legal procedure and in case of such an issue then when we use a form of surveillance tape in court should not consider these tapes after missing the fact criminal.

6. Conclusion: From the above analysis it appears that there are two legal opinions for the use of electricity as a means of tapping the admissibility of his evidence. The first thought which equates tapping test as a tool to initiate an investigation by the Prosecutorial more accepted by my side, because the role of the prosecution is a criminal always proceed according trails of this organ in the investigation of the charges. In the case of a video of the prosecution office (liability given by Article 148 of the Constitution) is to verify the authenticity of
the surveillance and if we committing a criminal offense under the procedure provided proceed. Im am personally agree with the second legal opinion which states against the use of surveillance as a means of tapping test as it is not conducted in conformity with the relevant provisions of the Code of Criminal Procedure. Legally defend the idea that in the case of the Albanian justice authenticity of communications has only benefits and no loss or violation of constitutional rights.

6. Albanian court decisions. "Justice double standards"

1. Case 1. In early 2008, we have a decision of the Court of First Instance in the capital which has described the decision illegal and against the law wiretaps former Director General of Police, Prisons, had performed in his office during Rusmajli conversation with Edmond citizen. Following the publication of this video, prosecutors began investigating after being fired after the Court had invalidated surveillance conducted by former police director. Based on this decision, prosecutors closed the criminal proceeding. The court ruled that in this case did not apply the legal procedure provided for in article 222 of the Code of Criminal Procedure for the development of surveillance by the competent authority as a result of surveillance crash test tool to initiate preliminary investigations for the offense.

2. Case 2. But in 2008 we have a second chance in the same way and tapping footage, perform the office of a former prosecutor from a national program with the help of "Fixed-fare", where the prosecutor demanded a sum of money from a father detainee, to obtain a more lenient sentence measure and Kavajes Court has recognized as material evidence (http://www.shekulli.com.al). Based on this surveillance, which appear prosecutor counting money and filmed by the father of the defendant, black platoons have considered lawful interception by sending suspended from duty prosecutor on trial for charges of passive bribery of persons exercising public functions.

3. Case 3. In 2010 we presented a video which was recorded at the home of a minister who was invited to his house a girl who is looking for a job. Tirana Court after reviewing the materials submitted by the parties decided to punish the party had conducted surveillance tool-proof as it was done against the law to violate several articles of the Albanian Constitution and the European Convention of Human Rights (The case Von Hanover versus Germany 2004) (Article 37 of the Constitution of Albania which provides for the inviolability of the dwelling, Article 15 of the Constitution which states that constitutional rights are inviolable, Article 35 of the Constitution, second paragraph, which states that the collection, use and disclosure of information about a person done with his consent, except in cases provided by law and the articles of the ECHR 8.10, 41 the right of residence, family, and integrity of their correspondence). According to the plaintiff, audio-visual recordings carried and transmitted by the defendant realized from it in defiance of the Albanian legislation in force (Criminal Procedure Code).

4. Conclusion: By analysing the above decisions of the courts of first instance conclude that the path followed by their legal double standard is because in the first and third court does not consider interception-proof tool while in the second case considering tapping as evidence by bringing legal consequences mentioned above. This solution is dangerous in a legal state after the court's role is to unify her thoughts in the form of judgments, not legal bilingualism which causes legal uncertainty which they have a role to sanction in Bangladesh and around the world.

7. The decisions of the Strasbourg Court

1. The issue of P.G and J.H. v. the United Kingdom (Request nr.44787/98, 25 September 2001, ECHR). In this case the court found a violation of Article 8 of the Convention because the police had used the listener, which was not authorized by a special legal framework. If the measure constitutes an interference with the rights provided for in Article 8 and there is no clear authority for this measure under national law, in such a case is automatically in violation of the Convention. So, it would be trivial pursuit of a legitimate aim, such as crime prevention and investigation. In relation to Article 13 of the Convention, the Court noted that the domestic courts had not been able to provide an effective tool in itself because it did not evaluate the intervention appeal to the right of the applicants to respect for private rights of researchers, which was not in accordance with law, nor had given the necessary attention in the context of the appeal process. The Court found that the complaint investigation system does not meet the independence standards required to make a sufficient
protection against abuses of authority by presenting an effective tool in the sense of Article 13 of the Convention. It concluded that a violation of this article.

2. A very interesting case is reviewed by the ECHR is the issue Klass and Others v. Germany 09.06.1978 (Request nr.5029/71, September 6, 1978). This is a decision for tapping to prevent crimes against the internal security and external in Germany. Five German nationals former West Germany fell victim to claim that German state surveillance carried out for internal security. In June 1971 the applicant submitted a request to the European Commission of Human Rights, alleging that the German legislation violated the Convention in Articles 8 and 13. In this case the Court dealt first with the issue of interception of postal and telephone communications. The Court acknowledged that the German legislation which allowed the interception of postal communications and control for public safety purposes, was compatible with Article 8 of the Convention. She managed to justify this legislation, arguing that it was necessary in a democratic society in the interests of national security and the prevention of disorder. The Court states in its decision that the monitoring of telephone calls within the scope of the right to privacy can only be done when there is strong evidence against persons who commit or prepare to commit serious crimes.

3. Decisions of 04.24.1990 Kruslin and Huring "Interception of telephone calls by the courts." The problem that arises is that compatibility-compliance may be tapping with Article 8 of the Convention when tapping case of a suspect by the land-based investigation of French law in force that allows this to peek inside his reasons analysed. This law is accompanied by appropriate safeguards which determine the manner and consequences of interception. ECtHR held that "the interception of telephone conversations constitute a serious violation of privacy rights of any person." Intercepts should therefore be based on a law whose provisions are very "clear, detailed and frank." The Court notes that the law should be "approachable for the average citizen" and to "the possibility of predictability." The court decided after examining the law that the French legislation does not provide sufficient security for citizens with the result that "17 guarantees" provided by this law are considered insufficient by the ECHR. The Court concluded that French law does not provide exactly the criteria that should guide the discretion of the decision to violate the principle of free communication. Therefore, the applicant Kruslin who was sentenced by the court France did not enjoy a minimum level of protection required which is required by the rule of law in a democratic society ". Court decided the following conditions: The law shall determine the categories of persons whose phone conversations can be intercepted, the nature of crime investigation which requires a violation of the principle of correspondence. Law should also provide for the authority to decide on the interception and the maximum time that will last interception.

4. Contreras v. Spain. Court appointed as conditions:
   a) determining the category of persons to whom their conversations can be intercepted,
   b) determine the time of receipt of the decision to intercept.
   c) setting a deadline for the measure
   d) Minutes for the design and content of communications
   e) determining the time and manner of destruction of documents.

Regarding clause contained in the ECHR "the necessity of the measure in a democratic society to achieve a legitimate objective" required in the performance of their surveillance enclosed by a legal framework guarantees, which will ensure that this is carried out in border surveillance necessary to achieve the goal and the rights of the person affected will be protected. Basic Warranty body set up primarily for surveillance and guarantees a fair development and its legal and judicial protection secondly has the right to demand affected by tapping.

5. Kruslin and Huvig against France. The court called for the law to determine how surveillance should be determined by which they guarantee to ensure that intercepted telephone communications will be recorded and will reflect the whole.

8. Conclusion

From the above analysis it appears that tapping is a test tool which recognizes nowadays widely used for the certification of corrupt phenomena of society in which we live. Legal problem that arises is his heath as evidence when the surveillance is not conducted by the competent authorities and the ways contemplated in the relevant criminal law. After presenting some legal opinions of lawyers and law professor’s conclusion was reached in which the tapping should be
taken as a proof as it equates to a criminal charge and it is the duty of prosecutors, to verify its authenticity. Tapping in itself does not constitute a legal test, but a means to achieve the test results in its use to reflect the authenticity of the phenomena that occur in modern democratic society in which we live.

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Pregnancy Discrimination in the European Union Law
Its Legal Character and the Scope of Pregnant Women Protection*

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Abstract

Protection of women in relation to pregnancy and maternity is generally regulated in the Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. However, pregnancy discrimination has been the subject of numerous rulings issued by the Court of Justice of the European Union. On the basis of this case-law several questions can be asked. Most of them concern the legal character of pregnancy discrimination and the scope of pregnant women protection. Therefore, the first part of the article will focus on the problem of relations between pregnancy and sex discrimination. It will also consider if pregnancy discrimination should be based on comparison. The second part of the contribution will concentrate on the question if pregnancy discrimination is direct or indirect one or maybe we should refer to a special protection approach. Finally, the scope of pregnant women protection will be presented. The article will try to answer the question if further actions are necessary to tackle pregnancy discrimination, including the adoption of new regulations by the European Union or the change of the Court of Justice’s position.

Keywords: pregnancy discrimination, protection of maternity, direct and indirect discrimination, objective justification, Council Directive 92/85/EEC

1. Introduction

Article 119 of the Treaty establishing European Economic Community concerning equal pay for equal work was the first regulation which referred to equality between women and men. It was introduced largely to serve an economic purpose – France insisted on the inclusion of this provision fearing that the additional costs created by its worker protection legislation, including its law on equal pay would put it at a competitive disadvantage in the Common Market (Barnard, 1998: 352). This provision was followed by several directives adopted by the Council, in particular: Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (OJ L 45, 19.02.1975, p. 19-20); Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ L 39, 14.02.1976, p. 40–42) and Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.01.1979, p. 24–25).

At the time of the adoption of these acts it was not thought necessary to treat pregnancy discrimination as a separate issue. Therefore, it was not regulated in details – article 2 (3) of Directive 76/207/EEC provided only that this act ‘shall be without prejudice to provisions concerning the protection of women, particularly as regards pregnancy and maternity’. Thus, measures ensuring such protection were to be treated as an exception to the general prohibition of discrimination based on sex.

On the basis of this provision the Court of Justice developed many standards concerning pregnancy and maternity. At the same time it underlined that Directive 76/207/EEC ‘is not designed to settle questions concerning the organisation of the family or to alter the division of responsibility between parents’ (see case Hofmann v Barmer Ersatzkasse, 184/83 [1984] ECR 3047). In this way it wanted to show that the private sphere was beyond the reach of EC law (Hervey & Shaw, 1998: 50).

It is, however, uncertain what approach should be adopted towards pregnancy discrimination – should it be treated...
as sex discrimination or not? The question also arises whether this kind of discrimination is direct or indirect. The answer to these questions is important as it influences the level of pregnant women protection. Therefore, the article starts with the problem of relations between pregnancy and sex discrimination. It also analyses whether it is important to find a comparator in order to state that pregnancy discrimination has occurred. Then the question of the form of discrimination is discussed. Finally, the scope of pregnant women protection is presented. The analysis takes into account the provisions of Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (OJ L 348, 28.11.1992, p. 1–7) adopted by the Member States to strengthen the protection of this group of workers. Moreover, the Court of Justice has introduced many standards concerning pregnancy and maternity on the basis of the general provisions of both Directive 76/207/EEC and Directive 92/85/EEC. Therefore, it is important to present at least some of its rulings in this field.

2. Pregnancy discrimination as non-comparative and sex discrimination

In the famous case Dekker (C-177/88 [1990] ECR I-3941) the Court of Justice was asked whether the refusal to employ a woman who was a suitable candidate because of the adverse consequences owing to the fact that she was pregnant amounted to direct or indirect sex discrimination. It underlined that the answer to this question ‘depends on whether the fundamental reason for the refusal of employment is one which applies without distinction to workers of either sex or, conversely, whether it applies exclusively to one sex’. The Court of Justice had no doubts that this reason was connected with pregnancy and that only women can be refused employment on this ground. Consequently, it held that such a refusal constituted direct discrimination on grounds of sex. It also underlined that this conclusion could not be influenced by the absence of male candidates.

In this way the Court of Justice seems to indicate that finding of this kind of sex discrimination does not require a comparison to be made between the treatment of women and either a real or hypothetical man (Honeybell, 2000: 47). Should we then treat pregnancy discrimination not only as sex discrimination but also as non-comparative discrimination? Is the approach presented by the Court of Justice a correct one? It explains it in the case Webb (C-32/93 [1994] ECR I-3567), stating that ‘pregnancy is not in any way comparable with a pathological condition, and even less so with unavailability for work on non-medical grounds’.

Generally, such an approach is seen as appropriate in academic writing (see Tobler, 2005: 48, with further references). Most authors underline that doing away with the requirement of a male comparator makes it easier to establish pregnancy discrimination. It is also indicated that pregnancy and parenting do not fit neatly into the equality model, based as it understandably is upon the need of comparator (James, 2011: 55). There are, however, authors who challenge the Court’s approach and argue that it is necessary to make comparison even in cases of pregnancy discrimination. For instance, Wintemute (1998: 25) states that ‘comparison is an essential feature of any claim of direct or indirect discrimination (…) claims of discrimination without comparison are impossible’. Honeybell (2000: 52) comes even to such a conclusion that ‘the concept of discrimination is meaningless without an element of comparison’.

On the one hand, the approach which treats pregnancy as a state not comparable to any pathological condition should be welcomed. On the other, however, the Court of Justice refers it only to pregnancy and illness which occurs during that period and maternity leave. If the illness arises after the end of maternity leave, then it is permissible to apply a comparison with a sick man. This was underlined in the case Hertz (C-179/88 [1990] ECR I-3979) decided on the same day as Dekker where the Court found that ‘in the case of an illness manifesting itself after the maternity leave, there is no reason to distinguish an illness attributable to pregnancy or confinement from any other illness (…) Male and female workers are equally exposed to illness’. The sick-male approach has not been eliminated in subsequent case-law. For instance, in the case Brown (C-394/96 [1998] ECR I-4185) the Court came to conclusion that:

> dismissal of a female worker during pregnancy for absences due to incapacity for work resulting from her pregnancy is linked to the occurrence of risks inherent in pregnancy and must therefore be regarded as essentially based on the fact of pregnancy. Such a dismissal can affect only women and therefore constitutes direct discrimination on grounds of sex. However, where pathological conditions caused by pregnancy or childbirth arise after the end of maternity leave, they are covered by the general rules applicable in the event of illness.

Thus, the Court of Justice has provided only the minimum of protection necessary to ensure that women are not dismissed while still pregnant (Wyyn, 1999: 447). Moreover, its approach towards illness occurring after the end of maternity leave is connected with comparison, usually with a sick man. The Court does not explain why it treats
pregnancy as a special state, not comparable with a pathological condition and illness occurring after the end of
maternity leave even if it is attributable to pregnancy as a normal situation which can be compared to other illnesses. It
seems that it has tried to take into account the cost arguments presented by Advocate General Colomer in its opinion
given in the case Brown. He underlined that the prohibition of dismissal ‘would be liable to entail not only only
difficulties and unfair consequences for employers but also repercussions on the employment of women’. This, however,
appears to justify post-entry discrimination by reference to the risk of pre-entry discrimination and does not take into
account the cost to pregnant women who may risk unemployment if they do not return to work after maternity leave
(Wynn, 1999: 441).

Whatever reasons lie behind this approach, it should be noticed that it is not entirely consistent. Therefore, some
authors refer to the so-called ‘but-for’ test formulated by the British House of Lords in case James (1990, 2 AC 751). The
correct formulation of this test in pregnancy case is to determine whether the different treatment would have occurred but
for the pregnancy. Such test does not refer to a comparator but it does not abandon the requirement of comparison
(Honeybell, 2000: 49). There is no doubt that in order to answer the question if a woman would have been treated
differently but for the fact that she was pregnant it is necessary to compare her situation with a non-pregnant person.

It should noticed that the group of non-pregnant persons include not only men but also those women who are not
pregnant either because they do not want or they cannot have children. Thus, the question arises if pregnancy
discrimination should be seen as sex discrimination? The Court of Justice explains its position in the following way –
discrimination on the grounds of pregnancy can only happen to a woman, so it is connected with sex and as such
amounts to sex discrimination. However, this approach does not take into account other possible roots of pregnancy
discrimination – it may be, for example, nothing to do with gender at all, but caused by a desire to hurt the young, the
heterosexual or the non-celibate, or caused by the jealousy of those (men or women) who are able to have children
(Honeybell, 2000: 51). Moreover, the result of the Court decisions which locate pregnancy discrimination as a gender
issue is such that all negative pregnancy and parenting workplace relationships are seen as ones that only impact upon
women (see James, 2011: 55). Therefore, it would be better to treat pregnancy as a special ground although connected
with sex. Such an approach would be consistent with the above-mentioned ‘but-for’ test.

The problem is that the EU anti-discrimination law concentrates on equality of men and women and although a
separate act concerning pregnancy was adopted (Directive 92/85/EEC), any less favourable treatment of a woman
related to pregnancy or maternity leave within the meaning of this Directive is treated as sex discrimination. This is
underlined in article 2 (2) (c) of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on
the implementation of the principle of equal opportunities and equal treatment of men and women in matters of
employment and occupation (OJ L 204, 26.07.2006, p. 23–36). Such a regulation is undoubtedly influenced by the case-
law of the Court - the recital 23 of the preamble to Directive 2006/54 directly refers to it. Consequently, it would be good if
the Court of Justice reconsider its approach towards pregnancy discrimination. Then national courts and other organs
applying the law could get better directions how to protect pregnant women in workplace relationships.

3. Pregnancy discrimination – direct, indirect sex discrimination or a special protection approach?

According to the definitions included in the secondary law of the European Union (e.g. Directive 2006/54) direct
discrimination occurs where one person is treated less favourably than another is, has been or would be treated in a
comparable situation, on the basis of any of the prohibited grounds such as sex, racial or ethnic origin, religion, disability,
age or sexual orientation. In contrast, indirect discrimination takes place where an apparently neutral provision, criterion
or practice would put persons protected by the general prohibition of discrimination at a particular disadvantage
compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the
means of achieving that aim are appropriate and necessary.

The distinction between direct and indirect discrimination is important not only from theoretical but also a practical
point of view. From the perspective of the victim of the alleged discrimination, a finding of its direct form will always be
preferable because of the usually more limited justification possibilities and because of the difficulties involved in proving
disparate impact which is required in the case of indirect discrimination (Tobler 2005: 307).

Pregnancy discrimination is generally considered by the Court of Justice as direct sex discrimination. In the above-
mentioned case Dekker it found that ‘only women can be refused employment on grounds of pregnancy and such a
refusal therefore constitutes direct discrimination on grounds of sex’. It also underlined that:

_ the reply to the question whether the refusal to employ a woman constitutes direct or indirect discrimination depends on_
the reason for that refusal. If that reason is to be found in the fact that the person concerned is pregnant, then the decision is directly linked to the sex of the candidate.

In this way the Court underlined that if a differential treatment is based on a criterion inextricably linked to the ground prohibited in the legal provisions, it leads to direct discrimination. This approach was generally welcomed by Advocates General and commentators. For instance, Advocate General Jacobs in his opinion given in the case Schnorbus (C-79/99 [2000] ECR I-10997) indicated that ‘discrimination is direct where the difference in treatment is based on a criterion which is either explicitly that of sex or necessarily linked to a characteristic indissociable from sex’. Similarly, Advocate General Kokott in her opinion in case Ingeniørforeningen i Danmark (C-499/08 [2010] ECR I-9343) found that:

direct discrimination may also occur where a difference in treatment is based on a criterion which appears to be neutral at first sight but is in reality inextricably linked to the ground for differentiation prohibited by the European Union legislature. For example, the Court has held that direct (and not merely indirect) discrimination on grounds of sex occurs where an employer’s action is linked to the existence or non-existence of pregnancy, as pregnancy is directly linked to the sex of an employee.

In the academic writing it is underlined that treating pregnancy discrimination as a direct form is advantageous for pregnant women – direct discrimination cannot be justified in such a broad way as indirect one. It is even found that in this way the Court takes into account the remedial function of the anti-discrimination law (e.g. Ellis 1994: 568). However, some authors notice that treating pregnancy discrimination as direct sex discrimination in all cases makes some of the Court’s decisions difficult to explain (Wintemute 1998: 29).

Indeed, the Court in the case Hertz found that:

although certain disorders are, it is true, specific to one or other sex, the only question is whether a woman is dismissed on account of absence due to illness in the same circumstances as a man; if that is the case, then there is no direct discrimination on grounds of sex (§ 16 and 17).

This shows that the Court is not willing to treat all disadvantageous treatment related to pregnancy and maternity as direct sex discrimination. Only during pregnancy and the statutory pregnancy or maternity leave it is granted legal recognition as discrimination on grounds of pregnancy and thereby directly on sex. Thereafter, it is considered to be based on illness and as such could amount to no more than indirect sex discrimination if it can be shown that considerably more women than men suffer from such long-term ‘illness’ (Tobler 2005: 347 and 348).

Consequently, some commentators suggest to treat discrimination on grounds of pregnancy and maternity as indirect sex discrimination (see Wintemute 1998: 30-36). However, such a position is not generally seen as correct in academic writing in particular because of the possibility of broader justification than is the context of direct sex discrimination. Furthermore, it is noticed that indirect discrimination is to some extent dependent upon chance fact – it may be that a requirement or condition is applied to pregnant women which they would much more easily satisfy if they were not pregnant, but no indirect discrimination claim will lie unless this happens to be more easily satisfied by a higher proportion of men (Honeybell, 2000: 47). It seems that this was one of the main reason why the Court of Justice decided to treat pregnancy discrimination as direct sex discrimination. Therefore, it will not be willing to change its position in this regard.

However, the Court could consider whether unfair treatment on grounds of pregnancy should be seen only in terms of discrimination whether direct or indirect or maybe it would be better to apply a special protection approach. It allows to take into account employers’ positive obligations to accommodate pregnant women when they have different needs (see Wintemute, 1998: 35). Undoubtedly, such an approach serves pregnant women interests in a better way than a simple negative obligation to refrain from treating them less favourably than other (usually male) workers. Therefore, in the academic writing it was underlined that it is necessary to adopt a separate corpus of rules governing pregnancy outside traditional sex discrimination law (see Tobler, 2005: 349 with further references).

To certain extent this problem was solved by the adoption of Directive 92/85/EEC. However, this act does not regulate all issues connected with pregnancy and maternity. Beyond the limited reach of the Directive, the equality approach with all its inherent difficulties remains relevant, including the problem of distinguishing when to find direct as opposed to indirect sex discrimination. That, of course, is not a satisfactory state of affairs (Tobler, 2005: 350) Moreover, the Court of Justice still applies the discrimination approach even if it refers to the provisions of Directive 92/85/EEC which are not framed in terms of discrimination. For instance, in the case Tele Danmark (C-109/00 [2001] ECR I-6993) it
underlined that the dismissal of a worker on account of pregnancy constitutes direct discrimination on grounds of sex and it does not matter if the contract of employment was concluded for a fixed or an indefinite period. The Court added that ‘Directives 76/207 and 92/85 do not make any distinction, as regards the scope of the principle of equal treatment for men and women, according to the duration of the employment relationship in question’. Thus, it refers to the principle of equal treatment for men and women in the context of Directive 92/85/EEC although it is based on a special protection approach. It seems that the Court should reconsider its position in this regard and refer to special protection approach.


In order to see if the pregnant women protection in the EU law is sufficient, one should also look at its scope. This can be determined on the basis of both the provisions of Directive 92/85/EEC and the relevant case-law of the Court of Justice that despite the above-mentioned limited approach has introduced many standards concerning protection of pregnancy and maternity.

According to article 1 of Directive 92/85/ECC its purpose is ‘to implement measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or who are breastfeeding’. It should be noticed that this act does not refer to the principle of equal treatment for men and women - instead it underlines the special role of the latter in relation to pregnancy and maternity. Therefore, it obliges both the Member States and employers to undertake all the necessary measures to protect pregnant woman.

Firstly, if the results of the assessment of the working conditions reveal a risk to the safety or health or an effect on the pregnancy or breastfeeding of a worker, the employer ‘should take the necessary measures to ensure that, by temporarily adjusting the working conditions and/or the working hours of the worker concerned, the exposure of that worker to such risks is avoided’ (article 5 (1) of Directive 92/85/EEC). If the adjustment of her working conditions and/or working hours is not technically and/or objectively feasible, or cannot reasonably be required on duly substantiated grounds, the employer should take the necessary measures to move the worker concerned to another job and if this is not possible, then the worker concerned should be granted leave in accordance with national legislation and/or national practice for the whole of the period necessary to protect her safety or health (article 5 (2) and (3) of Directive 92/85/EEC).

Secondly, the Member States should take the necessary measures to ensure that pregnant workers and workers who have recently given birth or who are breastfeeding are not obliged to perform night work during their pregnancy and for a period following childbirth which should be determined by the national authority competent for safety and health.

Thirdly, the Member States should ensure that pregnant workers and workers who have recently given birth or who are breastfeeding are entitled to a continuous period of maternity leave of a least 14 weeks allocated before and/or after confinement in accordance with national legislation and/or practice.

Fourthly, pregnant workers should be entitled to, in accordance with national legislation and/or practice, time off, without loss of pay, in order to attend ante-natal examinations, if such examinations have to take place during working hours.

Fifthly, the Members States should take the necessary measures to prohibit the dismissal of pregnant workers and workers who have recently given birth or who are breastfeeding during the period from the beginning of their pregnancy to the end of the maternity leave, save in exceptional cases not connected with their condition which are permitted under national legislation and/or practice (article 10 (1) of Directive 92/85/EEC). This means that if there are serious reasons for dismissing a pregnant woman, in particular connected with her behaviour e.g. neglecting work duties, then it not excluded. However, the employer must give important reasons for dismissal.

Finally, Directive 92/85/EEC refers to the employment rights, in particular the maintenance of a payment and/or entitlement to an adequate allowance in cases of moving pregnant workers and workers who have recently given birth or who are breastfeeding to another job or in cases of granting them leave. Similar rights should be granted for workers on maternity leave. It is also underlined that the allowance for such workers should ‘be deemed adequate if it guarantees income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation’ (article 11 (3) of Directive 92/85/EEC). This provision has been the subject of several judgments of the Court of Justice.

Generally, its case-law concentrates on the following issues: the protection against refusal to employ or dismissal on grounds of pregnancy, entitlement to pay or adequate benefit for pregnant workers and those on maternity leave, the protection against unfair treatment and ensuring promotion during pregnancy and maternity leave (see further Maliszewska-Nienartowicz, 2013). In relation to the first question the Court of Justice underlines that dismissal of a female worker on grounds of pregnancy constitutes direct sex discrimination. It founds that ‘dismissal of a pregnant
woman recruited for an indefinite period cannot be justified on grounds relating to her inability to fulfil a fundamental condition of her employment contract (see the above-cited case Webb). According to the case-law the protection of pregnant women against dismissal applies to both employment contracts for an indefinite period and fixed-term contracts. Although non-renewal of such a contract, when it comes to an end as stipulated, is not treated as a dismissal prohibited by article 10 of Directive 92/85/EEC the Court indicates that when it is motivated by the worker's state of pregnancy, it constitutes direct discrimination on grounds of sex (case Melgar C-438/99 [2001] ECR I-6915).

However, the Court draws a clear distinction between pregnancy and illness, even where the illness is attributable to pregnancy but manifests itself after the maternity leave - it points out that, there is no reason for distinguishing such an illness from any other illness (see e.g. the above-cited cases Hertz and Brown). Consequently, it presents the view that pathological conditions caused by pregnancy or childbirth which arise after the end of maternity leave are covered by the general rules applicable in the event of illness and a woman is not protected against dismissal on grounds of periods of absence. Such an approach highlights the limitations of the equality concept in dealing with female difference in the workplace, as positive discrimination in favour of motherhood is circumscribed by artificial time limits (see Wynn, 1999: 435). Thus, the EU law does not protect female workers against dismissal after the end of maternity leave. This is the result of both article 10 of Directive 92/85/EEC and the case-law of the Court of Justice which has not decided to interpret this provision in a broader way. As a result, the protection of women against dismissal after the end of maternity leave is left to the Member States and depends on national regulations.

Similar solution has been adopted in relation to the amount of pay or benefit for pregnant workers and those on maternity leave – their upper limits are determined by the Member States. In the case Gillespie (C-342/93 [1996] ECR I-475) the Court of Justice indicated that:

the principle of equal pay laid down in Article 119 of the Treaty and set out in detail in Directive 75/117 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women neither requires that women should continue to receive full pay during maternity leave, nor lays down specific criteria for determining the amount of benefit payable to them during that period, provided that the amount is not set so low as to jeopardize the purpose of maternity leave, which is the protection of women before and after giving birth. In order to assess the adequacy of that amount, the national court must take account, not only of the length of maternity leave, but also of the other forms of social protection afforded by national law in the case of justified absence from work.

It should be noticed that according to article 11 (3) of Directive 92/85/EEC benefit is deemed adequate 'if it guarantees income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation' Thus, the EU law does not require full pay or equivalent benefit during the maternity leave.

Unfortunately, the Court takes similar approach in relation to pay during the period of pregnancy. In the case McKenna (C-191/03 [2005] ECR I-7631) it underlined that:

as it stands at present, Community law does not require the maintenance of full pay for a female worker who is absent during her pregnancy by reason of an illness related to that pregnancy. During an absence resulting from such an illness, a female worker may thus suffer a reduction in her pay, provided that she is treated in the same way as a male worker who is absent on grounds of illness, and provided that the amount of payment made is not so low as to undermine the objective of protecting pregnant workers.

Similarly, a worker temporarily transferred to another job during her pregnancy because of a risk to her safety or health is not entitled to the average pay received before such transfer if the payment of some of the supplementary allowances to which she was entitled was dependent on the performance of specific functions (case Parviainen, C-471/08 [2010] ECR I-6533). However the Court underlined that:

Article 11(1) of Directive 92/85 provides only for minimum protection with respect to the pay of pregnant workers covered by Article 5 thereof. None of the provisions of that directive prevents the Member States or, where appropriate, management and labour from providing for the maintenance of all the pay components and supplementary allowances to which the pregnant worker was entitled before her pregnancy and her temporary transfer to another job.

This means that both the Member States and the social partners may provide for the maintenance of their current pay, including all allowances to which they were entitled prior to pregnancy.

As far as the protection against unfair treatment and ensuring promotion during pregnancy and maternity leave is
concerned, it should be noticed that the Court of Justice has introduced many standards which are headed to eliminate all disadvantages in employment that may arise due to pregnancy and maternity. In its case-law it underlines *inter alia* that a female worker:

- must be able to take her annual leave during a period other than the period of her maternity leave (*Merino Gómez*, C-342/01 [2004] ECR I-2605);
- should acquire rights to an insurance annuity which is part of a supplementary occupational pension scheme also during statutory maternity (*Mayer*, C-356/03 [2005] ECR I-295) or that
- should obtain at her request an alteration of the period of her child-care leave at the time when she claims her rights to maternity leave (*Kiiski*, C-116/06 [2007] ECR I-7643).

In the case *Sass* (C-284/02 [2004] ECR I-11143) the Court of Justice generally noticed that ‘a female worker is protected in her employment relationship against any unfavourable treatment on the ground that she is or has been on maternity leave’. It also tries to ensure the women right to promotion. For instance, in the case *Thibault* (C-136/95 [1998] ECR I-2011) it stated that provisions of Directive 76/207/EEC ‘preclude national rules which deprive a woman of the right to an assessment of her performance and, consequently, to the possibility of qualifying for promotion because she was absent from the undertaking on account of maternity leave’.

Thus, the Court of Justice aims to ensure not only the continuity of pregnant workers employment but also the protection of their rights. Its case-law has led to the repeal of many disadvantageous regulations contained in legislation as well as in collective agreements. Similarly, the Court aims to provide pregnant workers and those on maternity leave with opportunities to improve their employment situation, including the promotion (*Maliszewska-Nienartowicz, 2013: 36*).

### 5. Conclusions

On the whole it should be noticed that the Court of Justice has been active in fighting against pregnancy discrimination in the workplace. However, its approach towards this issue does not appear to be correct in all cases. First of all, the Court has constantly referred to pregnancy discrimination as direct sex discrimination. Such an approach could be influenced by the lack of any special EU regulations in this field but since the adoption of Directive 92/85/EEC the Court of Justice has had the possibility to change its position and treat pregnancy as a state which requires special protection. Referring to pregnancy only in terms of discrimination does not allow to take into account pregnant women needs in a complex way. Therefore, it would be good if the Court reconsidered its approach.

Moreover, both the provisions of Directive 92/85/EEC and the case-law of the Court apply to the benefit of women only in certain context. The most important restriction is connected with the fact that women are not protected against dismissal after the end of maternity leave. It seems that the Court’s approach towards this issue is influenced by national autonomy in matters of social affairs. Therefore, only the Member States could change the regulation contained in article 10 of Directive 92/85/EEC and extend the period of protection against dismissal based on the absence at work because of an illness attributable to pregnancy. Similar remarks can be made in relation to provisions concerning maintenance of a payment or entitlement to an adequate allowance during pregnancy and maternity leave. However, Directive 92/85/EEC does not directly refer to the issue of pay for a female worker who is absent during her pregnancy by reason of an illness related to that pregnancy. It seems, therefore, that the Court of Justice could develop higher protection standards in this field even though the EU law does not require the maintenance of full pay. Anyway in my opinion pregnant women and those on maternity leave should receive full pay or an equivalent allowance. It is not sufficient to guarantee income which they would receive in the event of absence at work because of an illness not related to pregnancy. This confirms that only a special protection approach is a proper solution to deal with the pregnant women situation.

### References


Remembering the Victims:  
The Sarajevo Red Line Memorial and the Trauma Art Paradox

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Abstract

The Sarajevo Red Line venerates the dead through both a physical memorial and performance. The artistic choices made by Haris Pašović in creating the temporary memorial provide a way for both survivors and the world at large to unite in empathy, trying to come to terms with the tragedy, and assured that those who were forced to give the ultimate sacrifice would be remembered. The use of multiple mediums enhances the ability of an audience to connect, thus giving people an opportunity to relate to the tragedy whether it directly affected them or not. The seeming paradox inherent in the term trauma art is made more dramatic in memorials, but especially so in the Sarajevo Red Line. The overall idea of the Sarajevo Red Line is to commemorate the thousands of people (both adults and children) who lost their lives in the siege of Sarajevo that continued for nearly four years. That particular battle was bloody and tragic, yet the memorial itself is beautiful in both its simplicity and its complexity.

Keywords: Bosnian War, Memorials, Sarajevo Red Line, Haris Pašović

1. Introduction

Haris Pašović, Bosnian theater and film director, designed the Sarajevo Red Line as a temporary installation that would pay homage to the thousands of people, young and old, who died in Sarajevo, Bosnia’s capital city. Red plastic chairs seem so simple, but 11,541 of them can be overwhelming. A stage full of performers also seems ordinary, but the fact that they are playing to a dead audience is anything but that. The overall audience of the entire memorial spans first and second generation as well as a world audience that may or may not have had a connection to the Bosnian War itself, yet really, the memorial was for a single generation of viewers. The Sarajevo Red Line was set up and taken down for a day, not a permanent installation to be visited and marveled at for the years to come.

The temporariness of the memorial leaves a bit of a conundrum—would its potency be lessened? Will one group of people be more affected than other due to its short duration? No other group of people will be able to experience it in person, but the images, video, and written accounts of it persist. Are those means of preserving the Sarajevo Red Line enough to ensure its ability to provide people with the opportunity to connect with and experience the installation days, weeks, months, or years after its dismantling. The short answer is yes. The immediate impact of the memorial affected not just those seeing it with their own eyes, in person, but those watching it through news coverage around the world. Videography has made it possible for people to see more realistically the things they cannot see in person, thus forever preserving the installation, in a way, making it permanent. While temporary memorial may not physically last forever, they do allow audiences opportunities for empathy well after their dismantling.

2. Memorials and Empathy

The research on the power and influence of memorials, especially ones created in the past few decades and those commemorating the Holocaust, is plentiful. Emotionally complicated, memorials take three ‘people’ into consideration: artist, audience, and subject. Of the three members of memorial installations, the audience is the most important as the overarching purpose of memorialization is to establish connections and provide the viewer with the opportunity to experience the subject of and empathize with the emotions of the subject of the memorial.

Memorialization has long been a means for society not only to pay respect to and remember various aspects of history, but also to invite an audience to do the same. The idea of a memorial is fluid and ever changing. In his 1994 essay, “Monument and Memory in a Postmodern Age,” Andreas Huyssen explains how memorials are no longer simply physical structures, but rather complex entities that will continue to change over time as cultures and technology evolve.
James E. Young, professor and expert in Jewish studies, explains the variation in presentation form seen in memorials. Pašović’s connection to Sarajevo and the siege its years of suffering, compelled him to create the Sarajevo Red Line. A native Bosnian, he took the approach of the 20th anniversary of the beginning of the Siege of Sarajevo as a completely new venue for expressing his artistic abilities.

Pašović wrote a small essay about the Sarajevo Red Line in which he explains his choices and motivations in creating the temporary display. Primarily, Pašović explains that he focused on the victims, all 11,541 of them. He used numbers that had been released by the Research and Development Center, with statistics revealing the deaths of 643 children. [1]. Such a startling number unsettled Pašović so much that he could not simply let those men, women, and children pass out of this world without properly remembering them. Pašović conjectures, “they would have creatively contributed to this city and this country; they would have had celebrations of their birthdays and New Years…” [1]. The war took away their lives and left their families in agony. After these people lost their lives, the lives of everyone in Sarajevo would never be the same. Pašović refuses to let these people simply pass away into oblivion: “Sarajevo has never paid a proper tribute to these silent heroes.” [1]. In his mind, the city itself must come together to memorialize those lost; at the very least, they deserve some form of remembrance.

The Sarajevo Red Line pointedly captures the historic suffering of Sarajevo while simultaneously bringing beauty out of tragedy. The memorial combines visual and auditory senses to produce a large-scale commemoration: “Sarajevo Red Line is a drama and music poem… 11,541 red chairs arranged in 825 rows (as an audience). This red audience stretched for 800 meters…” [1]. The chairs were set in front of a stage and became the audience for a performance piece composed by Pašović. Since the thousands of dead Sarajevans could not go to the theater, Pašović brought it to them, after death. The empty chairs sat in silence as the performers offered their form of honor and praise. Alison Smale, New York Times journalist, describes Pašović’s thoughts on the chairs in her article, “Honoring Sarajevo’s Victims and Its Survivors”: “It back to 1998. He was walking in downtown Sarajevo, he said, when he came across hundreds of young people chanting and dancing in anticipation of a rock concert… ‘Somehow… I knew that these young people had survived although they—our enemies—did not want them to.” [2]. The red chairs represented both blood shed, but also the vitality of youthful vigor that once spread across the city.

The performers and pieces were carefully chosen to provide a broad brushstroke of life in Sarajevo: “It was performed by Merima Ključo, one of the finest accordion players in the world, together with the Sarajevo classical music choir, Art Vivo led by Danijel Žontar, composer and choir’s artistic director… The program also included school choirs made up of 750 students.” [1]. The world and Bosnia’s best performers, along with Bosnia’s youth, came together to form a perfect mix that reflects the children and adults lost during the war. Pašović would accept nothing less for the martyrs of his beloved city: “A concert was held, mixing Bosnian folk song and modern Western rock music.” [2]. The interweaving of the old and the new reflects the bittersweet occasion of remembering tragedy. Pašović masterfully created an overwhelming sadness felt by many watching the performance juxtaposed with a sense of hope for the future.

Pašović’s main audience were the victims of the tragedy, but his memorial reached so many more people, those directly linked to the siege and those participating as part of a larger world audience. More than just the people in Bosnia were interested in the installation. In his explanation of the Sarajevo Red Line, he explains how momentous the installation was, given that its implications were far reaching; he describes cultural, historical, artistic, and social relevance.

In terms of cultural and historical importance, Pašović notes, “‘Sarajevo Red Line’ is a special project, one of those that mark the cultural history of a country. This project commemorates, in an artistic fashion, the human losses suffered by Sarajevo during the 1992-96 siege.” [1]. The siege of Sarajevo was not just significant in Bosnia, but to the climate of the world in the late 20th century. The siege forever changed Bosnia- the country would never be able to go back to where it had been; the memories of the violence remain. Pašović shines artistically, striving to make Sarajevo Red Line completely unique and he accomplished just that: “This artistic happening is without precedence in the history of art. A concert dedicated to an audience of 11,541 killed persons has never been performed. 11,541 red chairs, arranged so that they create a red river—the Sarajevo Red Line—down the main street of Sarajevo is a highly aesthetic and dramatic visual installation.” [1]. The vivid red sea of chairs is stark and stirring, demanding visual attention while the idea of performing a concert to the dead had never been breached on such a scale before Pašović attempted it.

The social importance, though simple, is direct: “This city needs to stop for a moment and pay tribute to its killed citizens since it has never happened that all the 11,541 killed citizens of Sarajevo were commemorated together in such a manner.” [1]. The message of social responsibility bleeds from Pašović’s memorial; he needs his living audience to acknowledge its loss. Pašović nearly deems it a civic duty for the current citizens of Sarajevo to mark the anniversary of the beginning of the siege in a unique and powerful way.

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The Sarajevo Red Line is a strong example of Andreas Huyssen’s conjectures about the evolution of memorials. Huyssen explains that society changes and thus the way society memorializes things should change: “A society’s collective memory is... by no means permanent and always subject to subtle and not to subtle reconstruction.” [3] Given that society’s memory can change, history can change, therefore ideas about how best to represent memory should be open to change. Pašović’s installation works with different mediums and is the product of societal influence. Instead of using concrete, brick, paint, etc., Pašović creates his memorial with objects and sounds, his palette a street. Red plastic chairs, ordinary items, nothing glorified or ostentatious, but rather unadorned and unassuming. The music did not consist of dramatic overtures with thundering crescendos, but rather it drew from traditional and modern styles to create a blended sound that would truly honor those who have lost their lives.

Given Pašović’s openness to experimentation, Huyssen would consider him and his work quite successful as Pašović pushed boundaries and embraced a novel way to commemorate people. Huyssen explains that sometimes, traditional museums, monuments, etc. are not enough to fully commemorate a moment or event: “Such multiple fracturing of the memory of the Holocaust in different countries and the multilayered sedimentation of images and discourses... has to be seen in its politically and culturally enabling aspects as a potential antidote to the freezing of memory into one traumatic image.” [3]. The purpose of a memorial is not only to prevent forgetting, but also to keep the memory from being polarized. The Sarajevo Red Line, completely temporary, relies not necessarily on technology, but on various means of expression. It deviates from the typical monument form of concrete physicality.

Time and again, Pašović reiterated how necessary it was for Sarajevo’s citizens to stop and make time in their lives to remember what happened in their city. James E. Young emphasized the various factors influencing a monuments development, including a nation’s (and artist’s) need: “each (memorial) reflects both the past experiences and the current lives of their communities, as well as the state’s memory of itself. Each also reflects the temper of the memory artists’ time, their place in contemporary aesthetic discourse, their media and materials.” [4]. Pašović noted that Sarajevo had never given a tribute to all of the victims at the same time. With 20 years passing since the start of the siege, he decided it was time for Sarajevo to experience a massive commemoration, that in order to start healing, it first had to acknowledge those it had lost. The sheer magnitude of the installation elicited a profound sense of awe from onlookers, just as Pašović had intended. The Sarajevo Red Line was not something to be taken in lightly; it was meant to move a person, to stir something deep inside, to force a confrontation between history and present.

In the process of fashioning the Sarajevo Red Line, Pašović constantly kept the victims and their trauma in mind, something the memorial itself prompts its audience to do. James E. Young encourages the viewer to search for motives and answers to unasked questions: “we examine the process by which public memory of the Holocaust is constructed. We ask who creates this memory, under what circumstances, and for which audience? Which events are remembered, which forgotten, and how are they explained?” [4]. Who would be sitting in the chairs? Why are they not there now? How do we let them know they are not forgotten? Who is missing that I used to know? Sarajevo suffered greatly during the years of the war and it struggles to move forward today. The old adage “if you do not learn from your past, you are destined to repeat it,” begs attention, but perhaps with different phrasing: “if you do not learn from your past, you cannot move onto your future.” Bosnia is a country in the rebuilding itself from the ashes and in the haste of trying to move toward unity and peace, it can be easy to move away from the past. Pašović wants the past to remain with Bosnia to help her grow and move on from the pain and suffering. If wounds are not tended to, they cannot heal properly. Pašović knew his city was hurting and would be hurting on the anniversary of the siege’s commencement, but instead of turning a blind eye to the tragedy, he welcomed the memory of it as a means to acknowledge those lost and show the strength and beauty of the city.

3. Conclusion

Sarajevans and Bosnians are not the only audience for Pašović’s masterpiece. Trauma art holds a mysterious power over people; it draws them in, inspires them to want to know more about those who suffered. News outlets worldwide covered the Sarajevo Red Line, allowing the entire world to join with the Bosnians as they remembered their untimely dead. People with no connection to Bosnia besides hearing mention of it on a newscast could be taken in by the imagery of thousands of red chairs flowing like blood down a street. This same group of strangers was given the opportunity to step into the shoes of both victim and survivor, to see the world as a Bosnian might. Above all, Pašović creates the chance for people to empathize with those who lost so much. The ability to connect people is crucial to monuments. Pašović created his magnum opus for the dead and for his city, but his message of honoring and remember transcends those immediately connected to it, to invite the world into Bosnia to explore and potentially feel her suffering.

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References

Teaching Business Ethics to Nigerian Senior Managers: Meeting the ‘How’ Expectations

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Abstract

One task of ethics education is to enhance the ethical reasoning capabilities of future business leaders so that they may act rightly at ethical decision ‘crossroads’ (Jones, 2005, MacLagan, 2003). To achieve this, both educator and students should have a meeting of minds as to the meaning and relevance of business ethics. Simultaneously, guidance regarding the practical details of ‘how’ to act in specific situations may be an important component of ethics education in emerging economies where intentions are easily frustrated by an overwhelming consciousness of operating in a corrupt environment. A group of Nigerian senior managers was challenged to generate a strategy to institute an ethical culture in an organization with a history of corruption. They did this through a simulation activity based on a fictitious company. In the process, they experienced the fulfilment of an important part of their expectations from the business ethics sessions they were attending.

Keywords: Business ethics education; managers; expectations; ethical transformation; emerging economies

1. Introduction

In giving a class of business ethics in Nigeria, a country with a high index of corruption, one at times experiences a great variety of attitudes from the audience. These attitudes could be summarized into three types – a) those who have no faith in the classes and therefore have little interest in the discussions; b) those who are keenly interested in knowing what constitutes ethical business behaviour and how to effect the changes that practicing it would entail while remaining profitable; and c) those who are already convinced that it is worthwhile and important to act ethically and do not derive additional conviction from the classes. Those in groups a) and c) are usually few, while those in group b) are the majority of the students. In general, however, many of the class debates are about the how questions – about the feasibility and sustainability of running a business ethically in a market where the competition is ready to engage in corrupt practices if you are not, and how to do it.

This means that even if and when those in the b) group and others who move from the a) and c) groups to join them have greater clarity at the end of the course about what business ethics is and agree on how important it is, most of them may still end up unwilling to take or unable to implement the difficult decisions to change how business has always been done in their own company. As Jewe (2008) points out in concluding his paper, attitudes to ethics may perhaps not change, but even when there is already a prevalent positive attitude, other questions remain a challenge for the ethics course – such as increasing awareness of the issues and empowering students to make the ethical decisions they wish to make. Lau (2010) confirmed this when he tested the effect of business education on awareness and moral reasoning. The ‘how’ to do it challenge however goes beyond knowing what to do and being able to reason it out intellectually to include a practical component that may be useful in cases where it is easy to tend to inertia or reluctance to change the status quo. In Nigeria for example, a major part of the problem of implementing the practice of ethics is an abiding disillusionment regarding the possibility of surviving against the current in a country where unethical practice is becoming almost accepted as the norm. Such disillusionment promotes inertia and needs to be overcome by helping people to take action.

Hence, even though there is a tendency to obtain a consensus from business ethics students that in the long run running a business ethically could be profitable – reasons include the reputational advantages – a merely theoretical or abstract approach to imparting knowledge would almost surely remain inadequate to prompt behaviour change. The case study approach to teaching goes farther than that, given its practical orientation; yet, it is still possible for the students to engage in analysing and resolving the problems facing case study protagonists at a safe distance, without truly personalizing the values they recommend in the process. To overcome disillusionment and to commit to devising ways to establish cultures of integrity, that personal involvement and commitment is needed. It cannot be effectively imparted through attending classes modelled around understanding the teacher’s convictions. A channel to evoke and bring to the
surface the students’ deepest convictions is required, in such a way that they will own the process of change and be ready to deploy their intellectual resources to achieve it.

This paper reports a case-study based exercise carried out at the Lagos Business School in business ethics sessions which attempted with some degree of success to close the distance by engaging the students personally in answering their ‘what’ and ‘how’ questions so that they would take ownership of the solutions generated and come closer to applying them in their own organizations. As postulated by Heller and Heller (2011), students of business ethics are precisely meant to engage in learning that leads to its application in their business dealings as agents of the company. Any approach to the teaching of ethics that could contribute to achieving this end would thus be worth trying out. It would be interesting in future to base this type of action learning exercise on a real ethical dilemma facing one of the companies of those in the classroom and have them diagnose the problem and propose the solutions thereto. It would in this way also constitute some form of service learning (Razaki and Collier, 2011).

2. Methodology

The exercise was carried out in a class of senior management programme participants in the Lagos Business School. There were thirty (30) of them in the class and they were from the different industries.

A minute paper during the third session elicited their expectations from the business ethics class. This had the effect of making them articulate their own positions with regard to business ethics education as well as commit to getting something from the sessions. They were given the option of handing in their submissions in anonymity or making themselves known by signing the papers in order to be available for further discussions of their answers. The anonymity option was expected to exclude any incidence of social desirability bias in the responses, despite the fact that the class had already shown itself as ordinarily honest and outspoken in giving their opinions in the previous discussions. Four people took the option of remaining anonymous. The expectations are included as an appendix to this paper.

After they had been on the programme for about three weeks and had received seven sessions on Business Ethics, the exercise of simulating the answer to the most recurring of their ‘how’ questions was carried out. The exercise consisted of challenging them to change the culture of a company to an ethical one. They were divided into five groups of six persons each and each group had to tackle the same scenario – a new CEO whose company had reneged on its original intent to be a company with a reputation for integrity was facing the challenge of restoring the culture and making a pitch to a client in a few days time; the client was already used to receiving questionable payments from the company in the past.

The purpose of the exercise was to have the students themselves create the solution to the problem; to have them strategize for change and overcome the inertia that usually tends to stop them from taking the steps to make a difference. In this way, rather than have the expectation that faculty would come up with a blueprint for how to restore an ethical climate, they would experience doing it themselves and would emerge more convinced that the solution was practicable, coming as it had done from themselves and their peers. Each group had ten minutes in which to discuss their plans and then had to elect a CEO to make a presentation to the class. The CEO had seven minutes to present the transformation agenda, and other members of the group had to respond to at least two questions from the audience – the rest of the class.

3. Results

The five groups embraced the challenge with enthusiasm and worked hard to come up with a strategy that would work. In the process, they lost all cynicism about the viability of an ethical company. Indeed some of the groups became quite critical towards other groups whom they saw as standing on the borderline between ethical and unethical behaviour. In the whole process, they listened and argued and defended positions which they might have received with a jaundiced view if the faculty had canvassed them. Many valuable insights emerged. Each group addressed the issues both in the short term (the client expecting a presentation in a few days time) and in the long term (an overhauling of the company’s values). Eventually, it was clear that all the proposed options were complementary. They ended up with a solid proposal about the way to successfully attain the set goal of ethical transformation.

Table 1 below is a synthesis of the ethical culture restoration (ECR) blueprint that they came up with. Some of the stages would proceed simultaneously.
4. Discussion

The results of the exercise confirmed that if even disillusioned Nigerian managers are challenged in the right way, they themselves hold the solutions to the problems of corruption in the country and can begin to fix them. It also illustrated the various ways in which the issues should be tackled. While some of the ideas seemed to draw on the past seven ethics sessions, many were clearly results of the students themselves giving thorough attention to the issues and wanting to successfully achieve an ethical transformation.

The idea behind crafting a new vision and mission would be to signal the change first internally and then externally. In the process, the company would rearticulate or restate its core values and remind everyone of the need for these to permeate the whole company. This would begin by engaging the top management of the company and then involving also all other staff in reshaping the character of the company to embrace the highest standards of integrity and to project that in its new profile and image. It would also entail an emphasis on presenting a value proposition that clients would find it very difficult to ignore – in the words of the students, positioning as the best and cleverest in the industry. This would reduce and perhaps eventually wipe out the tendency to reliance on handouts to win bids.

They also advocated a zero tolerance orientation towards corruption and suggested that those among staff who refused to embrace the new company should be eased out of the system gradually, say over six months. The need for avoiding an immediate and radical action to dismiss them all at once was justified by the need to first get to know the business thoroughly and reduce dependence on these staff, especially when they hold key positions. In this way the students demonstrated that they were being as close to reality as possible in their considerations and conscious of not advocating actions that could harm the company without due reflection on the best approach to each. At the same time, this would give enough of a chance for second thoughts to those who might wish to change their minds and accept the company’s new character.

Linked to the discussion of zero tolerance was a discussion of the different euphemisms for bribes and corrupt payment and this common awareness would make it easier to identify and to get rid of it in all its forms – public relations (PR), grease, Roger, brown envelopes, ‘happy weekend’, business acquisition fees, facilitation, ‘gunja’, payout, graft, ‘riba’, ‘alubosa’ (onions to sweeten the stew), etc. Some minutes were devoted to a discussion of the need to be careful with “corporate gifts” which may or may not constitute bribes depending on their size, the industry custom and real possibility of their influencing an official – private or public – to act in favour of the company and contrary to good and fair judgement. With regard to PR, one of the contributions drew attention to the anomaly of its nomenclature – giving the name ‘public’ to something that is inherently always a private exchange of money that is unaccounted for. It was interesting to note that for some of its forms, making it truly public could probably neutralize its negativity or at the very least highlight its absurdity, as would happen if what was being given to one agent of the company as PR behind closed doors could be instead disclosed to every staff of both companies and to competitors.

As part of the internal communication, the need to have clear processes and policies was emphasized. For example, in a below-the-line (BTL) advertising company, there could be a need to specify the rate cards as much as possible, going into the details of how much should be paid to a Master of Ceremonies, to a clown, to a bouncer, etc. This would increase the level of transparency in these transactions. Also, in any company, a clear gift policy would reduce confusion as to what was permissible to give out or to receive, if anything was.

Internal communication would also mean incentivising and rewarding good behaviour at the same time as instituting tighter controls in the system. For example, there was a suggestion that staff could be rewarded for deals sealed at the lowest cost to the company. While the idea sounds attractive in itself, it would need to be explored further to
determine its practicability and usefulness within the scope of the exercise under consideration.

As stated above, part of the scenario in the case study on which the exercise was based involved a need to make sales pitch in form of a presentation to a client within a few days. This client was already used to the corrupt ways of doing business with the company and would presumably be expecting some payments as in the past. This brought to the fore the urgency of beginning to communicate externally the new character of the company while still engaged with the internal communication. All the groups agreed that it would be best for the CEO of the company to meet with the CEO of the client company to let him or her know about the reorientation of the company – its new values, vision, mission and profile and its newly embraced integrity system which would preclude doing ‘business as usual’.

There was some disagreement as to whether it was ethical for the company to approach the external persons (the client) before the sales pitch or whether they should rather go to make the presentation without any previous meeting but talk to the client later on about their new image. The question raised was an interesting one – that of whether a visit by the company’s CEO to the client CEO would constitute or be seen by outsiders as an attempt to unduly influence the client’s decision. Averring that even an informal approach between friends could raise suspicions of underhanded behaviour, one group suggested that it would be better for the meeting, though very necessary, to take place after the sales pitch rather than before.

Particular emphasis was given by one of the groups to the importance of being ready to lose the account of the client currently being prospected if they would not do clean business, and everyone agreed on the need to offer value that would be so critical that it would win over corruption each time.

In the long run, to consolidate the company’s new character and image and ensure all staff experience a buy-in and feel counted upon to drive progress even more committed, it was felt that the company should demonstrate commitment to its staff by promoting unity and bonding among them and identification with the company. For example, they could give bonuses to staff at the consummation of each deal won or they could hold celebratory cocktails to mark the end of each deal, inviting clients as well.

5. Limitations

The classification of the expectations into ‘what’ and ‘how’ has been loosely done by the author, since this is not the main thrust of the paper. A more rigorous classification may have required coding of the stated expectations by more than one coder in order to conclude on their fit into the ‘what’ and ‘how’ categories.

The exercise did not deal with instances of yielding to extortions, which while carrying its own negative impacts on the person(s) involved, on the company and on the country’s social, moral and economic good, could be in some instances defensible.

It would have been useful to try the same system for other aspects of business ethics practice in order to know if it would be as successful in fully engaging the students in solving the issues. As it were, this was a course of only ten sessions and it was not possible to do that while still dedicating time to fulfilling their ‘what’ expectations – a fuller understanding of what business ethics means especially in the Nigerian context.

The paper is specific to the Nigerian context. However, as amply illustrated in a recent publication on ethics in Israel (Schwartz, 2012), context is very important to studies about business ethics education. Also, some of the ideas may apply in other emerging economies where the interplay between corruption and business ethics activity may be similar to that in Nigeria. More studies on business ethics activity in Nigeria and in such countries would further enhance the impact of business ethics education.

6. Conclusions

In all, the exercise contributed a great deal to advancing knowledge of how to achieve a cultural and ethical transformation in a company already involved in corrupt practices. It also left the participants with a feeling of satisfaction and achievement and a confidence that they could carry out this exercise in real life if required to. It translated into an exercise in empowerment. The jointly produced ECR blueprint is a tangible outcome that could be usefully adapted by any of them in their respective companies.

This type of action learning is suitable to the current circumstances of Nigerian managers for the teaching of business ethics, since more often than not, this is the type of company in which they work. It is relevant in an environment where people know what is wrong but do not see clearly what concrete steps they could take to right it. It effectively combats the wave of disillusionment and at the same time builds up solidarity and strength together with ideas
that everyone can tap on for use in their organizations later on. In addition, the approach would be appropriate for a capstone course if the educator wished to incorporate business ethics as its core element (Razaki and Collier, 2011). A follow up online discussion group was instituted for and by the class in order to foster and promote such interaction.

References


Appendix: Students’ expectations from the business ethics course

<table>
<thead>
<tr>
<th>What’ expectations</th>
<th>How’ expectations</th>
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<tbody>
<tr>
<td>1. An enhanced understanding of what business ethics is</td>
<td>1. How best to achieve set company and individual goals without cutting corners.</td>
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<tr>
<td>2. Reinforcement of conviction that business ethics is practicable in a corrupt environment.</td>
<td>2. How to be profitable even while being fair to everyone concerned.</td>
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<tr>
<td>3. Strength to practice business ethics and inculcate it in subordinates and colleagues.</td>
<td>3. A comprehensive insight into how Nigerian companies practice business ethics.</td>
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<tr>
<td>6. What is acceptable fair behaviour for a man in public office or in a position of trust?</td>
<td>6. How to lead a change program.</td>
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<td>7. An emphasis on the need for personal integrity.</td>
<td>7. How to get it done in my organization.</td>
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<td>8. Encouragement to always stand for the right even if alone.</td>
<td>8. How to create, lead and change others from the current ‘Nigerian factor’ syndrome of doing or running business in Nigeria.</td>
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<tr>
<td>11. What is business ethics?</td>
<td>11. How to handle challenges that seem to call for ethical practices.</td>
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<td>12. What constitutes business ethics for those in positions of authority?</td>
<td>12. How to make ethical decisions that will benefit me and my organisation.</td>
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<td>13. What are the ethical issues in my scope of operation?</td>
<td>13. How to tackle problems that arise in the realm of ethics.</td>
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<td>14. What are the safe alternatives when it is difficult to adhere strictly to business ethics?</td>
<td>14. How to act ethically in this region of the world.</td>
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<tr>
<td>15. What are the significance of and the pivotal role played by business ethics in our corporate world and environment?</td>
<td>15. Going beyond definitions of unethical practices to how to combat this in our country.</td>
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<tr>
<td>17. What is business ethics?</td>
<td>17. How to draw a line between taking advantage of opportunities and exploiting undue information.</td>
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<td>18. What is generally accepted or not, with regard to managing loopholes, taking opportunities, declaring the same.</td>
<td>18. How to conduct business activities in the right and acceptable way.</td>
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<tr>
<td>20. An enhanced ethical decision-making process.</td>
<td>20. How to be a better person in critical managerial decision-making.</td>
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<td>22. To be convinced that there are ethical ways of doing things.</td>
<td>22. How to put ethical considerations into business in the Nigerian context.</td>
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<td>23. Learning as much as I can about business ethics.</td>
<td>23. How do others in practice business ethics?</td>
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<td></td>
<td>24. How to draw up an operational code of good conduct for my subordinates and to promote it.</td>
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<td>25. How to decide when confronted with different problems related to business ethics.</td>
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<td>26. How to ensure that my personal integrity stays intact, as a business manager, no matter the situation.</td>
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<td></td>
<td>27. How to detect and avoid relationships that can crystallize into conflicts of interest.</td>
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<td>28. How is business ethics practiced?</td>
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<td>29. How to resolve complex ethical issues in the business environment.</td>
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<td></td>
<td>30. How my classmate handle real life ethical issues.</td>
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<td></td>
<td>31. How to do business within acceptable standards and in line with corporate governance without losing out on profit.</td>
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<tr>
<td></td>
<td>32. Ethical issues people face on the job and challenges businesses have to deal with and how best to handle them.</td>
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Forced Execution of Judicial Decisions as the Right to Fair Trial Applicability of this Principle in the Albanian Practice Cases that are handled by the Constitutional Court

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Abstract

The degree of emancipation and development of a society depends on the respect and implementation of individual rights and the rule of law. Affirmation of the right would be a formality if the guarantee did not exist mechanisms for their implementation. Human rights are diverse and vary from their nature. One of the most fundamental rights that is envisaged in Article 42 of the Constitution, is the right to a fair trial. This study will focus on analyzing the legal framework as well as its material and procedural relating to a very important stage that of the execution of the law. Because a justice delayed is justice denied. Analysis and identification of obstacles and causes of non-execution of court decisions that have become final, thus constituting executive titles aiming at finding effective instruments to which the correct and prevent making the execution process more productive. Referring to the jurisprudence of the Constitutional Court and the European Union. The study requires reforming and improving the legal framework, but above all the institutional framework to enable the execution of judicial decisions as part of the right to a fair trial, as well as the importance and consequences of non-enforcement. Satisfactory implementation of judicial decisions would testify for the well functioning of the rule of law and its basic principles, a fact which is very important especially in Albanian society, also in the context of integration into the European Union standards.

Keywords: Obligatory Execution, Right to fair trial, Violation of law, Human rights, Court, EU Criteria

1. Introduction

Implementation of human rights is a key element for democratization and showing the operation of society and the development of the rule of law. The rule of law as one of the fundamental principles of a democratic society contains in itself the obligation of public authorities to implement commands or judicial decisions final. One of the main rights which constitute the core of this paper is “The right to a due legal process”, which is enshrined in Article 42 of the Constitution of the Republic of Albania and Article 6 of the European Convention on Human Rights and Freedoms. Each individual must be familiar with his right to a fair trial which guarantees the right of individuals to fair hearing and adjudication of the case by the court, but not only. For this reason the last instance for reviewing claims for alleged violations of due process is the Constitutional Court. Regular process forms the basis of individual complaints which are reviewed by the Constitutional Court.

Based on the Constitution of Albania:”The Constitutional Court decides on the final judgment of the individual complaints about violations of their constitutional rights to a fair hearing, after having exhausted all legal remedies to protect these rights. In many cases Albanian citizens who have acquired a right that was denied or violated lose time in different offices just to get that which verdict is legally recognized.” The execution of a final decision of the court is

1 Vendimi i GJEDNJ Hasan dhe Chaus kundër Bulgaria, Nr. 30985/96, pg 87
2 Vendimi i Gjykatës Kushtetuese të Republikës së Shqipërisë nr. 43 datë 19.12.2007
considered as the final stage of implementation of law judicially acquired. Only after completion of this phase can be considered that the individual has fully set in place his right. The whole judicial process, often difficult and problematic, there would be no value if not followed by a process that connects directly to the bailiff offices, with its execution or realization of an acquired right.

The aim is to critique in order to meet gaps in legislation concerning legal regulation of executive relations. Defining a new approach to promote debate on various issues related to the full and timely execution court decisions, through measures to fight the ongoing problems of non-execution of these decisions.

Focusing more on the elimination of obstacles to the enforcement of court decisions and ensure effective implementation of the decisions of the courts, should be considered as part of the individual's right to fair trial. The analysis of specific cases of non-execution of judicial practice, in order to predict an alignment and formatting of this relationship with future standards of European law. Bringing innovation as the basis of the above goals the need for reforming and the necessary instruments should be used to improve the current situation of the execution of judgments.

2. **Literature Review and Hypotheses and foreign experiences**

There will be sufficient existence of a legal framework, which simply affirms what is most important are the mechanisms and instruments necessary to ensure the implementation of these norms. If legal norms do not apply then their existence would have no value.³ The right to access to court would be illusory if the legal system or its implementation in practice would allow that a final court judgment remain ineffective and unenforceable for a very long time. As noted in internationally recognized documents, full implementation of effective and efficient judicial decisions is essential for states in order to create, strengthen and develop a justice system respectful by all. In addition, when individuals don’t trust in the enforceability of decisions, they are likely to rely less on the court for the resolution of disputes and as a result can be returned to other private means to seek justice.

Based on the Constitution of Albania, “The Constitutional Court decides on the final judgment of the individual complaints about violations of their constitutional rights to a fair hearing, after having exhausted all legal remedies to protect these rights.” In many cases Albanian citizens who have acquired a right that was denied or violated lose time in different offices just to get that which verdict is legally recognized.⁴ The execution of a final decision of the court is considered as the final stage of implementation of law judicially acquired. Only after completion of this phase can be considered that the individual has fully set in place his right.

Execution properly, effective and timely judicial decisions are of particular importance for member states so that they create, strengthen and develop a strong judicial system and respect. No one in any position cannot and should not allow an individual right recognized by a power indispensable for the existence of the state, like the judiciary, to prevent the action or inaction of his or institution that represents and make legitimate rights of the individual to become unrealistic and illusory. Think how a hundreds Albanian citizens feel disappointment not only them but also their families, after wandering for serial years at the doors of the court, until they take over its decision that recognizes the right of indemnity, after paying the fee for the costs of enforcement, do not take nothing, with an explanation that the budget has no money!

Consider the situation that is created when the chiefs is still wide discretion to appoint and remove from work, even thought the person who has earned the right to be indemnified by the court and must return to the same job or task, and, again minister, director or chief refuses restore the violated right. In all these cases the Albanian citizens, disgusted and offended, will undoubtedly begin to lose confidence in the institutions of his country, will raise the voice of protest against the abuse of power by officials charged with the enforcement of decisions who “the charge and label them as incapable. All of us who are present and understand that in these cases the state is accused of mismanagement of its affairs.

2.1 **Constituent elements of due process by the constitutional court**

Constituent elements of the right to a basic process developed by the Constitutional Court have been different, although we can not say that they are exhausted from it. These elements are developed on a case by case basis, reflecting the requirements of submitted by individuals, and include such as access to the trial, trial by a court established by law, independent, impartial, reasonable duration of the trial, the right to appeal, the right to protection, the right to participate in the trial itself, equality of arms, the execution of the decision, the reasoning of the decision, etc.

³ Rezoluta e Konferencave të Ministrave Europiane të Drejtësisë, 4-5 tetor 2001. Marrë nga rekomandimi i Komitetit Europian për Bashkëpunim Ligor lidhur me zbatimin e vendimeve gjyqësore të vendeve anëtare të Këshillit të Europës.
⁴ Vendimi i Gjykatës Kushtetuese të Republikës së Shqipërisë nr. 43 datë 19.12.2007
The execution of judicial decisions is a final important element of the right to a fair hearing. In evaluating the Court's judgment should not be conceived close, only securing a court decision, but at the end of this process, because a right acquired remain worthless unless implemented through the execution of the decision. The execution of a final decision of the court is considered as the final stage of implementation of the right to earn a judicially. Only after completion of this phase can be considered that the individual has fully set in place his right. At this stage should not only actively participating parties, debtor and creditor, but the authorities charged with the enforcement of final court. The role of these bodies is crucial when the debtor refuses to voluntarily execute his obligation towards the creditor. In such cases it may be said that the process of setting in place of a right includes not only the decision violated the court case, but the concrete actions of the responsible bodies charged with the execution of a final court.

2.1.1 Execution of court decisions as part of the regular judicial process

H. 1 - Comparing the current situation of execution of court decisions, the greater the number of not executed decisions, the greater the cases of violation of the right to due judicial process, therefore the cost to individuals and the state will suffer.

   Enforcement of judicial decisions shall take place within a reasonable time; Enforcement proceedings shall be subject to an effective – not only formal – judicial review making it possible to challenge acts by civil servants delaying or denying enforcement; Non-compliance with a court decision shall give rise to debtors' responsibility under the federal law and a special mechanism must exist to implement civil servants' responsibility for lack of or delay in enforcement.  

9 Constitutional Court has established a practice of her own saying that "execution of the decision constitutes an essential element of the concept of rule of law and the very idea of a fair trial" and that "no state authority cannot call into question the fairness judicial decisions final. Any public body is obliged to take appropriate measures for their implementation ". 10 The Court restates that in a case involving the determination of a civil right, the length of proceedings is normally calculated from the start of the proceedings, until the given decision and executed it. Phase executive is considered as a further stage of the same process.

H. 2 - Problems and delays in the execution of court decisions, are dedicated to bureaucracy and indifference of state institutions and supervisory bodies, including to the private sector, pressure of vertical and horizontal interference of political power in the execution of court decisions, incompetence, lack of professionalism, nepotism and personal interests of the bailiff staff, state and international bodies, lack of cooperation and coordination of institutions with bailiff offices, whose omission is a serious obstacle to unjustified even to non-execution of court decision.

Albania presented its application for membership of the European Union on 28 April 2009. Following a request by the Council, the Commission submitted its Opinion on Albania's application in November 2010. In December 2010, the Council endorsed the Commission Opinion's recommendations. In its conclusions, the Council noted that the opening of accession negotiations will be considered by the European Council, in line with established practice, once the Commission has assessed that the country has achieved the necessary degree of compliance with the membership criteria and, in particular, has met the key priorities set out in the Commission’s Opinion. The Commission's 2012 progress report, like that of 2011, focuses on implementation of these key priorities. (Source: Albanian Progress Report 2011)

H 3. Defining a new approach to promote debate on various issues related to the full and timely execution court decisions, through measures to fight the ongoing problems of non-execution of these decisions.

The interpretation of un-told principles, are set explicitly in the Constitution, which guarantees evaluated as principles-very important to ensure the implementation of human rights and fundamental freedoms. In these cases we can speak not only for an interpretation of the Constitution, but also to a change in her, as the Court has expanded in other words the essence of the content and spirit of the Constitution.

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5 The decision of the Constitutional Court of the Republic of Albania no. 49, dated 21.11.2011
6 The decision of the Constitutional Court of the Republic of Albania no. 11, dated 02.03.2012
7 The decision of the Constitutional Court of the Republic of Albania no. 13, dated 21.03.2012
8 The decision of the Constitutional Court of the Republic of Albania no. 30, dated 16.05.2012
9 Vendime të Gjykatës Kushtetuese nr. 9, datë 02.04.2003; fq. 39 dhe vendimi nr.11, datë 10.03.2003; fq. 47. Përmbledhje e vendimeve, viti 2003
10 Vendime të Gjykatës Kushtetuese nr. 9, datë 02.04.2003; fq. 39 dhe vendimi nr.11, datë 10.03.2003; fq. 47. Përmbledhje e vendimeve, viti 2003
2.2 The role of the Constitutional Court to protect the constitutional right to due process

Throughout our study Constitutional Jurisprudence we find many cases that clearly show how constitutional guarantees of individual rights and freedom, interact with each other and get life through this interaction. In the past 10 years, the Albanian Constitutional Court has interpreted the Constitution broadly and creatively, especially in cases of constitutional protection of human rights. In its decisions, not only are the detailed guarantees mentioned in the Constitution, but also new elements are affirmed guarantee.

Initially, the Constitutional Court did not consider the associated compulsory execution of judicial decisions with Article 42 of the Constitution, which had expressly provided only base pillars of due process, without the exhausted its elements. Moreover, our Constitutional Court had not taken into account either the fact that the European Court has interpreted Article 6 of the European Convention on Human Rights in 1997, the case against Greece Horsbi, in which was stated that, "The execution of a decision of the court if any, should be considered as part of the judicial process in the sense of Article 6 ". In the case of "Qufaj & Co., Ltd, against Albania ", the Court of Human Rights, found that the Albanian Constitution and the law containing the necessary to guarantee citizens the execution of judgments. This means that the judge must interpret the right to a fair hearing not only the elements expressly sanctioned by the Constitution, but also beyond. The ability of judges to interpret the Constitution in a creative way is not only welcome in Constitutional law, but also necessary. This makes it possible to resist time a Constitution for centuries. Constitutional Court changed its position on this issue, the decision 6/2006,

2.2.1 Violation of the constitutional law, cases of infringement. Albania case study and the European Judicial Practice

In 2000, the Constitutional Court rejected the appeal of a society Qufaj & Co. sh.pk applicant, stating that not be taken into consideration for the execution of court decisions is outside the jurisdiction of the Constitutional Court. The European Court of Human Rights, in Qufaj & Co. against Albania, clearly argued the opposite, that the right to a fair hearing: would be illusory if a domestic legal system of a Member State shall be allowed a final court judgment, to remain inoperative to the detriment of one party. It would be inconceivable that Article 6.1 should describe in detail procedural guarantees afforded to litigants that are fair, public and protected quick-free execution of court decisions.

The new procedure for enforcement of judgments delivered against the public authorities under the 2005 Law is largely based on the presumption that the responsible state organs (the Federal Treasury with its territorial offices, the Ministry of Finance, the financial departments of regions and municipalities) will henceforth effectively ensure, upon the claimant's request, compliance with judgments. The 2005 Law does not contain any right for claimants to use coercive enforcement mechanisms against the public authorities.

The whole judicial process, often difficult and problematic, there would be no value if not followed by a process that connects directly to the bailiff offices, with its execution or realization of an acquired right. The aim is to critique in order to meet gaps in legislation concerning legal regulation of executive relations.

Focusing more on the elimination of obstacles to the enforcement of court decisions and ensure effective implementation of the decisions of the courts, should be considered as part of the individual's right to fair trial. As in the analysis of specific cases, of non-execution of judicial practice, in order to predict an alignment and formatting of this relationship with future standards of European law. Bringing innovation as the basis of the above goals the need for reforming and the necessary instruments should be used to improve the current situation of the execution of judgments.

3. Research Goal and data collected

European Court of Human Rights has about 58 claims against Albania communicated and 50 pending communication, in which the alleged violation of property rights and other rights associated with them. In most cases claim the right to property under Article 1, Protocol 1 of the European Convention on Human Rights associated with claims for the right to fair hearing under Article 6 and the right to effective remedies under Article 13 the ECHR. During 2000-2012 are executed for 20 such cases against Albania, which in 16 cases of human rights violation, the sanction in the amount EUR 6,571,876 and 1,650 m2 trula5. Albania has fully executed 11 decisions, has two decisions in the enforcement process and the process of negotiation for compensation of damages 3 other decisions.

The rule of law and constitutionality are not voluntaristic concepts from the moment of conceptual constitutional choice we make, and the less discretionary. They are fundamental to a majority mindset of real democracy without which cannot exist, and starting from the receipt of the perception that an individual or a certain group in a democratic society
should accept as legitimate a solution that does not fit with his mindset interests or personal or group concerned. Execution of decisions within a reasonable time has been the continued focus of the European Court of Human Rights, which in its jurisprudence, consistently, has reaffirmed that the reasonable duration of proceedings must be assessed in light of the circumstances the case, and taking into account the complexity of the case, the conduct of the applicant and the relevant authorities and the applicant’s interest. To assess the complexity of the proceedings should be important to all aspects of the matter, including subject matter, the disputed facts and the volume of written evidence.

The complexity of the issue, in balance with the principle of ensuring the proper administration of justice, can justify the considerable length of time. As regards the conduct of the applicant/appellant, the ECHR has held that the use by the applicant of all procedures provided by domestic law, to ensure the protection, cannot be used as evidence against him. As regards the conduct of the authorities, the ECHR has held that even in legal systems, which apply the principle that the procedural initiatives belong to the parties, again the courts have a duty to ensure the trials progress quickly enough. (Decision "Cravcenko against Moldova", ECHR, dated 15.04.2008).

4. Conclusions and recommendations

In Albanians actuality are not limited cases where individuals were violated his right to a fair trial, particularly in the area of enforcement of final judicial decisions. Cases of constitutional jurisprudence indicates that the last five years we have received over 10 requests for findings of infringement of the constitutional right to a fair hearing, as a result of the failure of a final court decision. The main causes of this violation were mostly the central and local government institutions and bailiff offices, which with their actions and inactions have caused delays and unjustified delay not legitimate. Although the decisions of the Constitutional Court are final, the final and effective on the day of its publication in the Official Journal, enforcement of law has a lot to be realized. Albanian practice has also been many cases where the Albanian state was sentenced to indemnify individuals due to the failure of a final court judgment. Even in these cases, the state has issued again as pretext for failure to execute the decisions of the financial impossibility.

Reform of the justice system and especially in the field of execution of court decisions starting in 2008 with the adoption of the law "On private bailiff service", and so on has undergone a significant improvement to the winning subjects giving them the opportunity to freely select the efficient bailiff service and avoid monopolization of this service only from state offices. However this does not solve all problems, much more is needed to be done. Bailiff offices should rely more in their activity from the state institutions such as the police, local government. Local Offices of Real Estate Registration, Second Level Banks and State Police are the main pillars that sustain all service and if these do not respond in time and quality that needs bailiff for execution, these make the work harder. Which monetary amount is to be sufficient at least for the execution of the obligation in installments, a fact which is often accepted by the creditor only to continue executions. Should be checked more informal income, reducing the latter will be possible sequestration of assets of the debtor parties. In this paper research we are recommend these findings:

1. Strengthening the position of bailiff law.
2. Strengthening the independence and insularity of politics and government.
3. Perform electronic system for online access (that traces) by bailiffs (only for parties that have active folder) on the Bank Level II COIPR, Civil Status, DRSh, T.Rr etc. that help identify the debtor and its assets.
4. Limited to cases that prosecutors and police apply pressure on the bailiff that has a super high level of these in terms of civil procedural and beyond.
5. Have probably Department / Sector specific (unlimited daily activity of the Police) depending on the county Police Department Support exclusively for the execution of any matter.
6. The government cares about every Bailiff problematic, because a decision does not apply the court and justice worthless.
7. The practice of appropriation installment debtors Budget Institutions settlement obligations and liabilities with corrupt preferences, but the legality of the repayment by the chronology are presented for execution of what has come earlier to what came later with the percentage sequence progressive chronological.

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42 and 142/3 of the Constitution and Article 6 of the ECHR issue against the Republic of Albania

The other issue Bershiri against the Republic of Albania

Ramiz issue Daut against the Republic of Albania


The raport for Albania is Mr Nikolaos Chountis. Enlargement Strategy and Main Challenges 2012-2013, COM(2012) 600.

The key priorities concern the following areas: the proper functioning of parliament; adopting reinforced majority laws; appointment procedures and appointments for key institutions; electoral reform; the conduct of elections; public administration reform; the rule of law and judicial reform;

The decision of the Constitutional Court of the Republic of Albania, no. 6 on 31/03/2006

The decision of the Constitutional Court of the Republic of Albania, no. 43 dated 19.12.2007

The decision of the Constitutional Court of the Republic of Albania, no. 1 dated 19/01/2009

The decision of the Constitutional Court of the Republic of Albania, no. 8 Printing date 03/23/2010 ILAR, Tirana 2011, p. 122.

The decision of the Constitutional Court of the Republic of Albania no. 12, dated 15.04.2011

The decision of the Constitutional Court of the Republic of Albania no. 35, dated 27.10.2010

The decision of the Constitutional Court of the Republic of Albania no. 23, dated 17.05.2010

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The Challenges for the European Tourism Sustainable

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Abstract

The purpose of this paper is to stimulate action to make European tourism more sustainable and to maintain this as a continuous process. The concept of sustainable development has been widely accepted as the basis for planning and managing the way we live now and in the future. Sustainability is all about understanding impacts and being alert to them all the time, so that the necessary changes and improvements can be made. In this study discuss some key challenges that must be addressed if these aims are to be met. Many of the challenges identified below are relevant to more than one of the aims of sustainable tourism, with a combination of economic, social and environmental implications. A critical objective for tourism sustainability in Europe is to ensure that the destination management process fully embraces sustainability objectives and principles. This study has set out the key challenges for making European tourism more sustainable, mechanisms for tackling them and the responsibilities of the main players. It has also set out a general action framework. All organisations and stakeholders should now consider how they can best contribute to taking this forward, at all levels.

Keywords: European tourism, sustainable tourism, challenges, development.

1. Tourism – a special relationship with sustainable development

The concept of sustainable development has been widely accepted as the basis for planning and managing the way we live now and in the future. Sustainable development requires the safeguarding the earth’s capacity to support life in all its diversity. It embraces concerns for environmental protection, social equity and the quality of life, cultural diversity and a dynamic, viable economy delivering jobs and prosperity for all.

Tourism is an activity that can have a truly major impact on sustainable development. Europeans account for over half of all international travel, and visits by Europeans provide an important source of income for many developing countries. Of equal significance for sustainable development, however, is the special relationship that tourism, compared with other economic activities, has with the environment and society. This is because of its unique dependency on quality environments, cultural distinctiveness and social interaction, security and wellbeing. On the one hand, if poorly planned or developed to excess, tourism can be a destroyer of these special qualities which are so central to sustainable development. On the other, it can be a driving force for their conservation and promotion – directly through raising awareness and income to support them, and indirectly by providing an economic justification for the provision of such support by others. Tourism can be a tool to aid or drive regeneration and economic development as well as enhancing the quality of life of visitors and host communities. Making tourism more sustainable will contribute significantly to the sustainability of European society.

The last few years have seen a considerable increase in consumer awareness of the impact of holidaymaking, partly fuelled by extensive media coverage. Tourists are clearly concerned that the destinations they visit should be attractive, with clean and well maintained environments. Nature and culture based tourism market segments have been strongly growing. A number of surveys in different European countries have revealed that when asked the majority of travellers say that, other things being equal, they would be more likely to choose enterprises that care for the environment and local community. However, the proportion of Europeans who chose a particular type of travel specifically for reasons of environmental impact is probably still low.

2. Response to tourism sustainability so far

Concern for the sustainability of tourism is already well established in Europe. It is a subject that has received considerable attention from the European Commission, the European Parliament, and the Economic and Social Committee.
Many national governments and local authorities across Europe have paid attention to sustainability issues in the development of their tourism strategies and actions. This process is likely to be further strengthened by the requirement that government strategies are subject to Strategic Environmental Assessment. Yet there is a feeling that such awareness is not necessarily translated into concrete practical actions and that some of the key challenges and opportunities presented by the sustainable development of tourism are not being met. The response of tourism businesses to sustainability has been quite variable. Some larger companies in the sector are pursuing sustainability by introducing corporate social responsibility strategies. Only a small proportion of small tourism businesses have sought to become recognised for their environmental and social policies and practices, and it appears that in most cases positive action has depended on a personal interest and commitment by the proprietor. However, there are clear signs that the level of interest and response is growing. This has been helped by the work of trade associations and by business to business contact in the supply chain. For example, some tour operators now seek specifically to source service suppliers that adhere to sustainability criteria.

3. The aims for sustainability of European tourism

These aims are treated in 3 directions:

3.1 Economic prosperity:
   a. To ensure the long term competitiveness, viability and prosperity of tourism enterprises and destinations.
   b. To provide quality employment opportunities, offering fair pay and conditions for all employees and avoiding all forms of discrimination.

3.2 Social equity and cohesion
   a. To enhance the quality of life of local communities through tourism, and engage them in its planning and management.
   b. To provide a safe, satisfying and fulfilling experience for visitors, available to all without discrimination by gender, race, religion, disability or in other ways.

3.3 Environmental and cultural protection
   a. To minimise pollution and degradation of the global and local environment and the use of scarce resources by tourism activities.
   b. To maintain and strengthen cultural richness and biodiversity and contribute to their appreciation and conservation.

The above aims should also apply to policies and actions affecting the impact of outgoing tourism from Europe and support to the industry as an international development tool.

4. The application of sustainability principles

There are a number of principles behind the concept of sustainable development that have a particular bearing on tourism and the approach we should take in Europe.

1. All the various impacts of tourism should be taken into account in its planning and development. Furthermore, tourism should be well balanced and integrated with a whole range of activities that affect society and the environment.
2. Planning for the long term. Sustainable development is about taking care of the needs of future generations as well as our own. Long term planning requires the ability to sustain actions over time.
3. Achieving an appropriate pace and rhythm of development. The level, pace and shape of development should reflect and respect the character, resources and needs of host communities and destinations.
4. Involving all stakeholders requires widespread and committed participation in decision making and practical implementation by all those implicated in the outcome.
5. Policies and actions should be informed by the latest and best knowledge available. Information on tourism
5. The challenges for the European tourism sustainable:

The paper studies some key challenges that must be addressed if these aims are to be met. Many of the challenges identified below are relevant to more than one of the aims of sustainable tourism, with a combination of economic, social and environmental implications.

Before introducing these challenges, two important prerequisites for tourism sustainability can be identified:
1. Ensuring that the right conditions for successful tourism trading are in place
2. Anticipating and keeping abreast of change

5.1 Challenge 1: Reducing the seasonality of demand

The concentration of tourism trips into certain periods of the year has a major effect on sustainability. Not only does it seriously reduce the viability of enterprises and their ability to offer year round employment, it can also place severe pressure on communities and natural resources at certain times while leaving surplus capacity at others.

Seasonality of demand makes it very difficult to plan and manage the provision of tourism facilities efficiently. A process of stimulating demand and use in less busy seasons, taking up existing capacity, would enable revenue from tourism to grow while putting less pressure on the environment and community than would result from a growth in peak demand.

5.2 Challenge 2: Addressing the impact of tourism transport

Transport has primary consequences for minimising global and local pollution but also for the economic viability of the tourism industry the quality of life of communities and fair access to tourism for all. Sustainable transport is a key challenge.

However, the tourism sector must also respond actively and responsibly to the challenge. The approach should be to seek to retain total visitor spending and economic benefit while reducing emissions resulting from this activity.

Primary emphasis should be placed on reducing the net impact on climate change from air and car travel. It is important to invest in appropriate infrastructure and services using revenue from environmental taxes where appropriate and continuously improving integration between different types of transport service and ease of use by tourists.

So, should be assessed and improved by continually updating knowledge on the effect of tourism transport on emissions, and on the likely impact of different response measures on tourism performance and as well on climate change.

5.3 Challenge 3: Improving the quality of tourism jobs

The tourism sector offers many job opportunities to people of all ages and skills. Particularly for young people, a job in tourism often represents the first contact with working life, supplying them with interpersonal and social competencies highly needed in a customer-minded service industry. Increasingly, there is scope for tourism to add value to employment in other sectors, through multiple occupation, and to provide new opportunities for employment in fields related to the environment and heritage. In tourism, staff provide an integral part of the customer experience, and it is the people working in the industry that can provide it with a principal source of competitive advantage. There must be something unique in the skills, know-how and behavior of those working in the industry to enable Europe to distinguish itself from other competing locations. The challenge is for tourism business, however small, to develop well designed human resources practices. The social dialogue between employers, employees and their representatives should be strengthened. Companies should engage their employees and their representatives in setting and meeting their various sustainability targets. The challenge of improving job quality in the sector, and giving it a competitive edge, also requires more coordinated effort to strengthen training and establish a careers structure.
5.4 **Challenge 4**: Maintaining and enhancing community prosperity and quality of life, in the face of change

Pressures of development are impacting on society. In all cases, the challenge is to manage change in the interests of the well being of the community. As such, it has a bearing on economic aims (retaining income in the locality and strengthening quality of jobs) and environmental aims (retaining natural and cultural heritage of the destination and avoiding degradation).

Two types of change present particular challenges and opportunities for local communities at the moment. The first relates to property development, associated with tourism, altering the character of settlements. This can bring considerable economic benefits to communities, it can also result in spreading urbanization. A second type of change comes from the restructuring of local economies, resulting from a decline in traditional activities, with tourism seen as an answer to the replacement of local income and jobs. In response to both types of change, for the careful destination planning and management is required to propose a new development in line with market trends and future demand and to maximise the proportion of income and other benefits to local communities, through strengthening local supply chains and promoting use of local produce, shops and other services by visitors.

5.5 **Challenge 5**: Minimising resource use and production of waste

This challenge relates directly with environmental protection, but also has equally strong consequences for the wellbeing of host communities. It relates both to the sustainable consumption and production and to the natural resource management.

The use of water is a major issue for the sustainability of tourism. Other issues relating to efficient resource use and waste management include: Minimising energy consumption (for example in air-conditioning and heating) and encouraging the use of renewable sources and improved technology, reducing and managing litter. Much of the action required to address this challenge rests with strengthening environmental management in tourism enterprises. The future planning of tourist destinations and the design of individual facilities should meet criteria for minimising resource use and managing waste. Innovation and creative approaches to resource management should be encouraged.

5.6 **Challenge 6**: Conserving and giving value to natural and cultural heritage

The relationship between tourism and an area’s natural and cultural heritage is of critical importance. Tourism can play a key role in raising awareness and generating direct and indirect support for conservation. Looked at the other way, the quality of the natural and cultural heritage is, in most areas, fundamentally important to the generation of economic prosperity through tourism, to the quality of life of local communities and to the visitor experience. Conservation and management of natural resources is a key challenge. Many policies and conventions exist at an international and European level aimed at conserving these assets and the tourism must play its part in supporting them. The presence of many types of designation, offering both protection as well as a focus of visitor interest and interpretation, is a significant strength in Europe.

5.7 **Challenge 7**: Making holidays available to all

Social inclusion and equity are important principles of sustainable development. A specific aim is to ensure that tourism experiences are available to all without discrimination. This will also bring additional economic benefits. This challenge has wider strategic implications for sustainable tourism, in that a policy of seeking to maximise revenue from the sector without increasing volume could go against social inclusion principles. However, pursuing social tourism has also been shown to assist in the objective of reducing seasonality of demand and supporting stable year-round employment, as many people who can be reached in this way, such as pensioners, are well placed to travel outside the main season. So very important is encouraging policies and actions to support social tourism at all levels.

5.8 **Challenge 8**: Using tourism as a tool in global sustainable development

It is highly appropriate that our concern about sustainable tourism in Europe should translate also to concern for the effect of European tourism and tourism-related policies on global sustainable development. All the aims identified for sustainable tourism should apply to tourism development and action internationally. In this case promoting equity in

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tourism development and travel is very important, where all countries have the same right to develop tourism and citizens of all countries have an equal right to travel.

6. Recommendations

1. To start a new impetus in the process of making European tourism more sustainable. In part this requires those involved in tourism, in the public and private sectors, to increase their own awareness of the issues and take action to address them. However, it also requires the European Commission and all member states to recognise more strongly the special position of tourism in delivering sustainable development and to support the sector accordingly.

2. The overarching challenge is for the tourism sector to remain competitive while also embracing sustainability, recognising that, in the long term, competitiveness depends on sustainability. Should continue to seek tourism development but, in delivering this, the consumption and production patterns of tourism may have to change. There should be an emphasis on retaining and increasing revenue from tourism, but at a lower cost to the environment and our distinctive cultures and a higher value to society.

3. The tourism businesses and tourists should be much more actively encouraged to get behind sustainability. This is partly about accepting responsibilities but also about embracing the opportunities presented. Increasingly, sustainability should be equated with quality – tourists should recognise that places that care for the environment, their employees and local communities are also more likely also to care for them. A quality environment, and a prosperous host community, are worth paying for and need to be promoted.

4. Challenges and opportunities will vary from place to place. Can be gained by sharing knowledge and experiences on the sustainable development of tourism in different parts of Europe and it sets out a framework and recommendations for moving forward together.

5. The challenge of improving job quality in the sector, and giving it a competitive edge, also requires more coordinated effort to strengthen training and establish a careers structure, through strengthening the application of common standards in tourism training across Europe, and mutual recognition of qualifications. Exchanging good practice in tourism training across Europe, removing language and other barriers to common uptake and active promotion to stimulate response to tourism as a career and participate in training at all levels.

6. Being more prepared to use the tourism argument (as an economic driver) as a reason to fund the protection of nature and culture and prevent damaging change and strengthening the relationship between protected areas and local tourism interests, within the context of a sustainable tourism strategy and the action plan.

7. The tourism does not damage natural and cultural resources. For this it is necessary strengthening the development, interpretation and promotion of quality products and services based on natural and cultural heritage, including traditional crafts, local produce and other elements of local distinctiveness, as a component of the visitor experience. Too, developing monitoring programmes to measure trends and impacts and facilitate adaptive management.

Encouraging EU and bilateral aid programmes to recognise, and support, appropriate tourism development as a tool for sustainable development and poverty alleviation, and to work together and with international bodies on this. Too, encouraging European tour operators and investors in tourism services abroad to abide by sustainability principles and seek to benefit the environment and local communities in which they operate.
Decentralization and Regional Development in Albania

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Abstract

This study aims to discuss the idea of decentralization process of local authorities in Albania and also its impact on territorial - administrative organization. Using her experience of several years in audit structures of local government, the author of this study intends to show how much and how has affected the territorial division in the absence of efficiency of public services provided by local authorities. Why the governments (even though the issue of territorial reorganization was their priority) could not do anything in this regard in years? Albania's territorial reorganization, in the current stage when the decentralization reform has entered the third phase of its development is closely related to regional development of the territory. Both (as reorganization and regional development) require the design and implementation of macroeconomic strategies based on detailed analysis of costs and efficiency of public services provided by local governments, harmonizing the instruments in implementing the economic policies of general government (local and central government), but without affecting in any way the principle of decentralization.

Il territorio è molto più di una linea sulla mappa, è una caratteristica fondamentale della vita politica e sociale. Esso fornisce il quadro appropriato per l'interazione politica, sociale, rapporti economici e di identità. Per lo Stato moderno, il territorio è importante per due aspetti: rafforza lo stato come principio di dominazione e di controllo - l' autorità e la legittimità dello Stato viene limitata dalla base territoriale; struttura il sistema di rappresentanza e la partecipazione al suo interno. Altrettanto il territorio incoraggia l'interazione economica e riequilibria in modo reciproco la struttura dei mercati, ed è un fattore nella riproduzione della lingua, la cultura, i costumi e la base per l'identità e la solidarietà collettiva.

Uno dei risultati naturali del processo di decentralizzazione in Albania è stata l'organizzazione territoriale del paese.

Dopo il 1991, l'Albania è stata coinvolta nel processo di decentralizzazione della governance in tutti gli aspetti: politico, economico, fiscale e amministrativo. La decentralizzazione in Albania ha incluso tre fasi:

- La seconda fase, all'inizio nel 1999 con l'annuncio della Strategia Nazionale per la Decentralizzazione e l'Autonomia Locale e conseguentemente l'adozione della legge n° 8652 in data 31.07.2000 "Per l'organizzazione e funzionamento del governo locale "

La divisione territoriale dell'Albania si basa sulla legge n. 8652/2000 " Per l’organizzazione e funzionamento del governo locale " e la Legge n. 8653/2000 "Per la divisione amministrativa e territoriale", che hanno portato alla creazione di 373 unità locali di primo livello (65 comuni urbani e 308 comuni rurali) e 12 unità locali di secondo livello, i distretti (Qarku). Il Comune della città (bashkia) rappresenta una unità territoriale-amministrativa e una comunità di abitanti soprattutto nelle aeree urbane e in casi particolari comprende anche le zone rurali. Il territorio, il nome del comune e la sua città centrale sono determinate dalla legge. Il Comune del paese rappresenta altrettanto anche una unità territoriale-amministrativa ed una comunità di residenti soprattutto nelle zone rurali e nei casi speciali in aree urbane. Il territorio e il nome del comune sono determinati dalla legge. I Distretti rappresentano l'unità territoriale-amministrativa, che include alcuni comuni delle città e paesi, legati geograficamente, tradizionalmente, economicamente, socialmente e hanno interessi comuni tra loro.

La legge definisce chiaramente il ruolo e le responsabilità dei comuni, mentre il ruolo del distretto non è stato determinato in modo chiaro ed è rimasto oggetto per le successive revisioni della legislazione. Attualmente secondo la legge organica questo ruolo consiste nella : progettazione e coordinamento delle politiche e delle strategie a livello regionale, il coordinamento tra il governo centrale e governo locale, offre servizi delegati dal governo centrale alle unità locali che fanno parte del Distretto con la volontà di queste ultime. Ma per molti motivi il Distretto non ha funzionato ed è ancora oggetto di iniziative del governo nel quadro della riforma di decentralizzazione e dello sviluppo regionale.
Una delle questioni più controverse come detto sopra è stato e rimane tuttora la divisione del territorio.

La riforma territoriale è stata effettuata nel 2001 sulla base della normativa sopranominata e preceduta dalla riforma di decentralizzazione, ma questo processo non è stato registrato nelle mappe e attualmente i confini attuali sono fonte di conflitti tra unità locali vicine.

Con l'attuale divisione del territorio e la forma di decentralizzazione, l'efficienza e l'economia di scala non vengono raggiunti, per ciò viene leso il principio di sussidiarietà. Possiamo citare il caso del trattamento finale dei rifiuti solidi, la forma del trasferimento di competenze su acquedotti e sistema fognario, la pianificazione del territorio dove devono essere prese in considerazione le implicazioni sulle unità locali vicine, il trasporto pubblico interurbano, le capacità amministrative locali non al livello con la gravità del problema che devono affrontare, ecc. A causa della mancanza di efficienza e della legislazione sugli standard, si forniscono servizi di qualità scadente e mancanza di accesso, cosa che compromette le finalità di decentralizzazione, che è la fornitura di servizi di qualità per i cittadini.

Secondo una elaborazione statistica dei dati da parte dell'Istituto per lo Sviluppo dell'Abitazione¹, è da sottolineare che le informazioni sono scarse e la maggior parte si basano sulla regione (la regione era una forma di organizzazione ereditata dal sistema centralizzato e divide l'Albania in 36 regioni) ancora meno sulle basi delle unità governative locali si osservano queste tendenze di riorganizzazione territoriale:

- La Popolazione in valore assoluto e la densità per km². circa il 57% delle unità locali hanno sotto 100 residenti/km², e circa il 28% hanno densità di 101-300 residenti/km². Mentre circa il 10% delle unità locali hanno meno di 2.000 residenti e circa il 60% delle unità locali hanno una popolazione 2.001-10.000 residenti.

- La distribuzione delle forze politiche secondo gli assessori locali e sindaci, mostra una tendenza quasi uguale in tutto il paese. La forza politica della destra domina al centro e nel nord, la forza sinistra nel centro e al sud. Un tale punto di vista sarebbe certamente significativo per ogni partito politico al momento della presa delle decisioni sulla riorganizzazione territoriale. Tuttavia, in molti casi si nota il fatto che l'appartenenza politica del sindaco dell'unità locale non coincide con la maggior parte dominante del Consiglio, cosa che dimostra che per le elezioni locali si è perso il legame elettorale-forza politica e rafforzato il legame elettorale-candidato politico.

- Il fattore storico è diventato un confronto tra la mappa dei distretti nel 2008 e delle prefetture nel 1930 e della mappa delle regioni nel 2008 e delle sottoprefetture del 1930 e si scoperto che le regioni omogenee dal punto di vista culturale sono divise in tre o più parti nei distretti di oggi, oppure regioni diverse dal punto di vista culturale sono riunite in un unica regione.

- Le mappe degli indicatori di povertà secondo l'INSTAT¹, visualizzano regioni virtuali le quali nel caso di indicatori di povertà e della povertà estrema hanno la stessa tendenza, e nel caso di disuguaglianza delle ragioni mostra un altro andamento. Così nel primo caso si nota molto la divisione nord / centro / sud, e nel secondo caso si creano delle regioni nord-ovest / nord-est / centro / sud.

Tutte le mappe degli indicatori finanziari, delle proprietà pubbliche e dei servizi sociali dividono in modo visibile la pianura occidentale dalle zone di montagna e dal sud-est. La pianura occidentale ha delle risorse umane ed economiche e delle opportunità di generare reddito alto. Altrettanto l'efficienza in termini di rapporto risorse / abitanti è più elevata nel corridoio Tirana-Durazzo ulteriormente nella pianura occidentale e molto meno nelle altre regioni dell'Albania.

"Nessuna comunità, compresa la Comunità europea, non può essere stabile, se il tenore di vita delle persone che la compongono non viene descritto come non l’uguaglianza tra gli individui, e se esiste anche il più piccolo dubbio sulla volontà degli Stati membri di questa comunità per aiutare gli omologhi"¹

Per raggiungere il grande obiettivo molto desiderato per l’integrazione nella UE, l’Albania deve rispettare gli accordi e adempiere agli obblighi previsti e con i documenti firmati. La regionalizzazione o una forma di regionalizzazione non è obbligatoria, ma le capacità istituzionali e umane per consentire l’acquisizione e la gestione dei fondi dell’IPA, sono obbligatori. Secondo le politiche di sviluppo regionale dell’UE si raccomanda che lo sviluppo regionale non deve essere basato su una politica di distribuzione, ma nel uso dei vantaggi competitivi della regione. Per quanto sopra, non è obbligatoria la regionalizzazione, la divisione territoriale, ma se l’obiettivo è l’integrazione nella UE, questi problemi non possono essere evitati.

Nel 2007 il Ministero dell’Economia ha preparato la Strategia Intersettoriale per lo Sviluppo Regionale (SNZHR), documento che è nato a causa della crescente difficoltà del Governo albanese per lo sviluppo economico e sociale

¹ EU 2004, Le Politiche Regionali
sempre più diseguale, tra le diverse parti del territorio e aveva come scopo: fornire un approccio coordinato per un sostenibile sviluppo socio-economico di tutte le regioni del paese, e la creazione di legami tra le istituzioni di qualsiasi livello di governo e i gruppi di interesse per lo sviluppo sostenibile e per la riduzione delle disuguaglianze socio-economiche.

Nell’ SNZHR è previsto lo sviluppo di due programmi di investimento: il Programma Nazionale per lo Sviluppo dei Distretti e il Programma di Sviluppo delle Zone Svantaggiate. A livello istituzionale SNZHR, prevede la costruzione di un Agenzia Nazionale per lo Sviluppo Regionale insieme a 12 Agenzie di Sviluppo Regionale, per ogni uno dei distretti, la costruzione di 12 Consigli di Partenariato del Distretto e il Consiglio di Partenariato Nazionale per lo Sviluppo Regionale. Altrettanto SNZHR propone anche lo sviluppo di 12 strategie di sviluppo a livello di Distretto, così come una legge sullo sviluppo e la regolamentazione regionale per la sua attuazione.

Secondo l’ SNZHR la disparità regionale in Albania è presente in forme estreme. Così:

- La povertà si presenta del 66% più alta nelle zone di montagna che a Tirana e il 50% più alta che negli altri grandi centri urbani.
- Tirana ha un indice del PIL di 0,772 a fronte di un indice di PIL di 0,252 di una quota delle zone montane e di un indice di sviluppo umano di 0,830 a fronte di un indice di 0,632 delle zone montane.
- Il livello di disoccupazione a Kukes è 3 volte superiore a quello di Tirana e la povertà 2 volte superiore rispetto a Valona. La popolazione di Valona ha 2 volte più accesso ad acqua corrente di quelli in Dibra. I residenti di Tirana hanno 2,5 volte in più accesso a visite mediche di quelli a Kukes.
- La migrazione interna risulta con enormi disparità interne. Negli anni 2005-2006 la popolazione di Tirana è aumentata di 137.000 persone e quella di Durazzo di 43.000 persone. Mentre la popolazione di Dibra si è ridotta di 43.000 persone (una riduzione del 23% della popolazione del distretto) e quella di Kukes di 30.000 persone (una riduzione del 27% della popolazione del distretto)2

Secondo SNZHR l’Albania ha un serio problema nell’approfondimento della disuguaglianza .3

Tab.1

<table>
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<tr>
<th>Nr</th>
<th>Distretto</th>
<th>Popolazione</th>
<th>Livello di povertà / media nazionale %</th>
<th>Livello di disoccupazione /media nazionale %</th>
<th>Reddito locale/ Media Nazionale %</th>
<th>Accesso fornimento acqua /Media nazionale %</th>
<th>Nr. Visite mediche / Media nazionale %</th>
<th>Licenza scuole d’obbligo/Me dia nazionale %</th>
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In tutti i documenti proposti dalla SNZHR l’attenzione si concentra al Distretto e si cerca di formulare il suo ruolo di catalizzatore e coordinatore dello sviluppo regionale. Quando il Distretto in primis non è stato concepito nella sua creazione come la Regione, anche se può’ essere adattabile, e inoltre le istituzioni responsabili per lo sviluppo regionale che sono previste per lavorare a livello regionale possono funzionare anche se il Distretto non esiste.

Daltra parte i Distretti durante questo periodo, hanno visto in modo vago le loro funzioni e non sono mai riusciti precisamente a svolgere un ruolo di coordinamento delle politiche tra il governo locale ed il governo centrale, e spesso

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2 Fonte Documentazione SNZHR , on line
3 Le scifre della tabella sono prelevate de datto del INSTAT, MB, MPCSSHB, MASH, MSH, MPPTT, Documentazione SNZHR online
hanno avuto un ruolo dominante sul ruolo delle Prefetture, le quali sono le istituzioni che eseguono il decentramento del potere in Albania. La stessa amministrazione e i Consigli dei Distretti non sentono la responsabilità necessaria verso i cittadini, influenzati anche dal fatto che essi non sono eletti direttamente dal popolo ma nominati.

Dal momento in cui SNZHR è stato progettato, realmente non è stato applicato. Nell'agosto del 2008 è stato sviluppato il progetto di legge per lo sviluppo regionale, che non è ancora presentato al Consiglio dei Ministri o al Parlamento. L'unico strumento che indirizza fino ad un certo punto il problema di sviluppo regionale è il Fondo per lo Sviluppo delle Regioni (FSR), che è uno strumento finanziario finalizzato all'alocazione di fondi centrali per gli investimenti nelle unità locali su base competitiva ed ha per obiettivo l'armonizzazione delle politiche del bilancio nazionale e locale. A questo proposito vale la pena sottolineare alcune questioni come:

- I fondi FSR vengono distribuiti sulla base di criteri definiti con atto normativo, ma le concessioni dei finanziamenti competitivi li rendono più orientate verso i progetti che rispondono allo sviluppo regionale. In realtà, questa logica è in linea con quella della Legge nr. data "Sulla gestione del bilancio nella Repubblica di Albania", entrata in vigore nel gennaio 2008 e lavora in conformità con la logica dei programmi e dei progetti.
- La natura competitiva crea il problema del "distretto chiuso a bassa capacità" (cosa che ha avuto luogo in Bulgaria), il che significa opportunità di sviluppo solo per un gruppo limitato di partner, di solito quelli più sviluppati. Così il debole rischia di indebolirsi ancora di più, se a lui non è offerto un sostegno particolare.
- C'è poca conoscenza su FSR e la modalità di applicazione e gran parte delle unità locali operano con il vecchio formato delle gare competitive. Questa conclusione è emersa da un sondaggio effettuato da un progetto di UNDP.
- E infine, per tutte le istituzioni che verranno coinvolte nella gestione di questo fondo si ha bisogno di rafforzare le capacità esistenti e la costruzione di nuove capacità.

Ci sono due obiettivi fondamentali su cui si basa la Politica Europea di Coesione: l'efficienza e l'equità. Mentre SNSR enfatizza principalmente lo sviluppo del quadro giuridico e le capacità istituzionali e non risponde alla domanda se in un paese come l'Albania si lottera' per l'efficienza o l'equità? La risposta a questa domanda certamente influenzera' la divisione territoriale, l'efficienza e ruolo dei distretti, la creazione delle regioni, nella loro forma e dimensione.

Secondo l'SNSR l'approccio allo sviluppo regionale è più mirato all'interno piuttosto che integrato con il concetto europeo di sviluppo regionale (RD).

Ma i fondi che l'Albania beneficerà dall'IPA III varranno gestiti a livello centrale, si concentreranno inizialmente sulle priorità dell'UE e le priorità nazionali, attraverso tanti grandi investimenti infrastrutturali per i trasporti, l'ambiente e la competitività regionale.

Il bilancio IPA III finanzierà progetti con valori molto grandi (valori che supereranno i 10 milioni di Euro), questo significa che al primo momento l'Albania non sarà in grado di affrontare i suoi problemi regionali attraverso questi fondi. Come inizio, e interessante di trattare le disuguaglianze tra il nostro paese come singola regione dell'UE e di altri paesi della Comunità.

Pertanto ciò che si richiede è una convergenza dello Sviluppo Regionale interno con IPA III e un graduale adattamento del Fondo per lo Sviluppo Regionale come unico strumento attuale e concreto per questa convergenza.

In termini di risorse limitate di tempo, denaro e umano questa alternativa è un occasione per essere più efficienti con le risorse utilizzate senza rischiare di perdere l'orientamento strategico.

Per realizzarlo con successo si richiede:
- Cambiamenti limitati nella struttura istituzionale che permettono di concentrarsi maggiormente sullo sviluppo delle capacità umane che dovrebbero beneficiare di conoscenze ed esperienze.
- Mantenere le responsabilità gestionali e di programmazione a livello centrale e la specializzazione delle unità locali nella gestione dei progetti.
- Una chiara definizione delle competenze nella realizzazione degli investimenti tra le autorità locali e centrali, al fine di essere in grado di evitare potenziali conflitti di finanziamento, la gestione e la programmazione.
- Inoltre, essa richiederebbe alcune modifiche che si possono fare al Fondo di Sviluppo Regionale: Rivedere la base dove si costruisce per spostarlo dall'attuale attenzione verso i progetti a favore di

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4 Decisione del Consiglio dei Ministri nr. 135, date 3.02.2010 "Per la determinazione dei criteri per la somministrazione dei fondi per lo sviluppo delle regioni."
5 Marinov, 2010
6 Barca 2009
programmi di sviluppo. Ciò consentirà una migliore connessione del FSR con la legislazione di bilancio. Collegamento migliore del FSR che viene gestito centralmente con le strategie di sviluppo dei distretti speciali.

- Assistenza particolare per le aree svantaggiate.

In conclusione, in ogni caso tutto dipende dai progressi che l’Albania farà negli sforzi per la creazione di un quadro istituzionale e delle capacità umane, che devono essere essere esperti in gestione, in programmazione e attuazione del sostegno finanziario dell’UE, con l’obiettivo finale di fornire i fondi ed un loro uso efficiente.

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In Perfect Shape
Media Representations of Women’s Health in Brazil

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Abstract

This paper suggests an investigation of media representations of women’s health, fitness and wellbeing in Brazil. In this work, we will approach the issues of modern consumption, communication and social identities from an anthropological perspective with the purpose to discuss the role of the media in creating a health ideal characteristic of contemporary culture. A perfect, athletic and desirable body seems to be among the main ideological concerns and daily practices of Brazilian society. In this sense, we observe how media representations suggest the woman’s body to be treated, piece by piece, so that she may conquer a perfect shape. In order to demonstrate this ideal of women’s health as elaborated by mass media, we will analyze selected reports and ads published during a year in Brazilian magazines that target female readers. This may be an interesting path to observe the construction of a feminine model and wellbeing experience that is distinctive of our time. Finally, this study hopes to contribute to the understanding of how media images of health may impact everyday practices of contemporary culture in Brazil.

Keywords: communication and consumption; gender and media; women’s health; media and wellbeing.

1. Culture, consumption and communication

This paper aims to analyze certain representations of Brazilian women’s health, fitness and wellbeing elaborated in media narratives, as part of the debate regarding the connection of certain meanings that support the imaginary and consumption practices experimented in contemporary culture. The means to acquire and maintain an attractive appearance, as well as a healthy and productive life, are an ever greater issue for society, occupying a central place among the images and representations produced by the media. Our social experience seems imbued with media narratives that involve everyone in a permanent process for preserving health and youth. This broad and persistent speech is translated into activities common to urban spaces, such as gym centers, spas, cosmetic surgeries, exams, exercises, diets, and so on.

In fact, a perfect, athletic, desirable and forever young body is among the main ideological concerns and everyday practices of our present society. In order to study this phenomenon and, above all, its media representations, the anthropological perspective may contribute to the analysis of certain ideals that cross our society since modernity. Therefore, guided by theories of culture, consumption and social identity, this work proposes an investigation of messages disseminated by the media in search to demonstrate how this powerful “voice” (re)produces an ideal of health, good shape and wellbeing that all of us, one way another, more or less consciously, seem to pursuit. This ideal is formed by representations that are linked to products and services, constructing a particular market of consumer goods for health, fitness and wellbeing.

The intention here is to approach health as an important part of media narratives and of the issue of consumption, observing the construction of a feminine model and wellbeing experience as elaborated by mass culture. Therefore, we propose here an overview of ideas presently circulating about women’s health, based on an analysis of press materials where the concept may appear explicitly or implicitly. The media used for gathering evidence were Brazilian magazines...
that target specifically female readers. The three publications “Claudia”, “Nova” and “Boa Forma” (or “Good Shape” in English) were collected during a period of twelve months, between June 2011 and May 2012. The choice of these magazines is due, especially, to their broad circulation, since they are among the biggest editorial productions aimed towards women in Brazil. It is also worth mentioning that each one of them has different content proposals, being “Claudia” and “Nova” about more general subjects and “Boa Forma” dedicated specially to body and health care.

To begin this research, it is interesting to review some key ideas about consumption studies, communication and cultural identities in modern-contemporary society. Culture can be seen as a result of the relations that human beings of a given group establish with nature. According to Sahlins (1976), the cultural object gains its existence in a symbolic and historic system once permeated with meanings that are created and attributed by humans. So, because of this process of designating sense, and as a result of a productive act, a “thing” goes from being a simple matter to become an “artifact”, a “good”, something that integrates and characterizes a culture. As the author explains, a “canoe” is a “canoe” because every stroke in the wood, from the very first, is imbued with meaning. Wood is not “merely” chopped, because behind this act there is always a meaningful purpose:

The problem is that men never merely “chop wood” as such. They cut logs for canoes, carve the figures of gods on war clubs, or even chop firewood, but they always enter into relations with wood in a specific way, a cultural way, in terms of a meaningful project whose finality governs the terms of the reciprocal interaction between man and tree. (...) The response to the last stroke depends on an objective that is not given to the process as a natural process; that stroke and every one before it back to the initial cut depend on the meaningful intent. The determinate interaction of tree-eyes-brain-etc. has been stipulated by a symbolic order; it is a paradigmatic example of nature harnessed to the service of culture. (Sahlins, 1976, p.91)

Correspondingly, individuals do not navigate canoes, or sit at tables to have their meals, or play a violin without having a background - of customs, skills, knowledge - that allows them to choose a means of transportation, to adopt etiquette rules and establish a musical taste. “Culture is public because meaning is.” (Geertz, 1978, p.12): a collective, and not individual, property that enables the structuring of symbolic exchanges. According to this idea that acts are instilled with sense and thus are transformed into signs, we may expand the discussion concerning the transition of matter to artifact, of thing to consumer good. In their work, Douglas and Isherwood (1979) approach the question of the uses of goods from an anthropological perspective. The authors suggest that the economic view on the subject poses a problem precisely because it places consumption as a private issue. However, as previously explained, if a good only “exists” when permeated with meaning - a collective quality that enables symbolic exchanges - it is possible to understand consumption as something not of the individual plan, but as a shared property instead.

Hence, if meanings are attributed to “things” that through this process become cultural objects, the relationships we establish with those “things” - as needs, utilities and desires - are proper of our culture. Like Douglas and Isherwood (1979) pointed out, goods are neutral: they may serve as walls or as bridges depending only on their social uses. That is why studying consumption becomes such an important part of researches concerning our modern-contemporary culture, even though approaching this theme is still a great challenge. As a phenomenon that emerges in modernity, consumption is placed in the center of everyday debates, but many times as a kind of villain, responsible for financial crisis, environmental degradation, poor health, and so on, that society must suppress. Alternatively, the anthropology of consumption suggests its systematic study as a cultural phenomenon, far from an approach that restricts it to utilitarian, moralistic or hedonistic perspectives (Rocha, 2004).

Thus, if investigating consumption is fundamental to understand our contemporary culture, accordingly, the study of media narratives encompassing the phenomenon deserves also a great deal of attention in this research project. Agreeing with Geertz (1978), human beings are suspended in webs of meanings that we ourselves created. In this sense, the media may be observed as an integral part of our impressive symbolic system, offering a vast repertoire of meanings that circulate indistinctly among different social levels. According to Rocha (2002), media narratives are articulated to the ideological structure of society and confer sense to our world while reproducing everyday events in newspapers, movie pictures, soap operas, advertisements, websites, and so on. The significance of mass communication is due to its inscription in the social order, operating like a mirror that reveals and projects cultural values, life styles, emotions, heroes, rituals, myths, representations and so forth.

If the cultural object results from the attribution of sense, the media and, particularly, advertising, is the instrument responsible for dressing up production and later disseminating its meanings. In the cycle that includes production, communication and consumption, advertising occupies a privileged space, since its reason par excellence is to position products and services in the market. The industrial production, sequenced and indistinguishable, needs to be covered
with meanings in order to acquire a place in the field of consumption (Rocha, 2006). However, this process is not 
exclusive to advertising messages and can also be observed in other media narratives. After all, consumption is 
something absolutely important to sustain the many communications systems.

2. Ideology, identity and social representation

In the last decades, the Social Sciences have focused their attention on a variety of fairly recent events in order to study 
society and the modern-contemporary individual. In retrospect, since the eighteenth century we have crossed a series of 
revolutions - social, scientific and technological - and experienced a sequence of ideologies - illuminist, capitalist, 
socialist, feminist, and so on - that acquired historical relevance. Furthermore, a phenomenon that gained strength in the 
1990s, known as globalization, added to the challenges of analyzing a world that had recently been “unified”: in 1989, 
capitalism finally seemed to triumph, as images of the fall of the Berlin wall were broadcasted throughout the globe. The 
nobli neur logic of “every man for himself” was then assured, nurturing the idea that human beings are autonomous 
individuals and able to succeed by their own means.

The triplet combining capitalism, communication and globalization is a fertile ground for reflections of a world that 
became curiously more complex, raising different interpretations on the issues concerning identities and behaviors. While 
authors, such as Lipovetsky (2007), emphasize the axis of individualism to understand the present time consumers, 
others like Hall (1992) focus on the impact of the globalizing phenomenon over cultural identities. The authors suggest, 
respectively, the concepts of the “hyper-consumer” and the dislocation of social identities as the result of a new era. 
Certainly, there is space for different approaches, but the purpose here is to develop a reflection from an anthropological 
perspective. More specifically, the intention is to follow the path of research that Douglas and Isherwood (1979) 
suggested as the Anthropology of Consumption.

To approach the matter of social identity, Rocha (2006) indicates a view that understands the concept as 
something placed in the intersection between the principles of classification and value. Classification indicates a specific 
position in a given structure, while value is the meaning that covers that position. Thus, the author suggests social 
identities may be placed at the very intersection of the line traced by the axis of classification and the line traced by the 
axis of value. As mentioned above, products and services obtain meanings from advertising (besides other mechanisms 
of design and marketing), which are later vastly transmitted by different media. This process converts the world of 
production into the world of consumption, transforming lifeless matter into goods, “things” into “needs”, “utilities”, and 
“desires”. In other words, consumer goods accomplish their classificatory vocation once imbued with meanings by media 
narratives. This classification system, where “goods” and “people”, reciprocally, establish meaning, is the key behind 
consumer practices. In this sense, consumption is the arena for social classifications of the modern-contemporary world 
(Rocha, 2002).

The phenomenon of consumption is stage for our representations in everyday life. According to the sociological 
analysis proposed by Goffman (1959), inspired in dramaturgical principles, every individual performs different roles in his 
or her daily routine. The woman, for instance, can appear as a professional, a spouse, a mother, a lover, a housewife, 
and so on, according to circumstances and the “audience” to which she presents herself. The author suggests that when 
we are going to meet someone, we usually look for information about this person in hopes to form a first opinion and 
prepare ourselves for this interaction. If there is no time or conditions for a previous investigation, we may observe other 
things, such as the very setting (an office), the occasion (a business meeting), and other people involved (work 
colleagues) that allow us to make inferences about this new acquaintance. If, on the one hand, we make an impression 
of someone after a first engagement, on the other, we also have to do our best to express our “self” in order to properly 
express the “other” person.

In this sense, the products and services we choose give clues to who we are and what role we are representing in 
every interaction and every social “scene”. Fashion offers good examples, since it serves to characterize the parts we are 
playing in different circumstances. When meeting someone at the gym, for example, we expect him or her to be dressed 
in sports outfits. But, if this person is wearing jeans or a suit, this may cause some awkwardness during the interaction. A 
man can be recognized as a physician for certain aspects, like the white jacket, the stethoscope around the neck, the 
diploma hanging on a wall, the gurney to examine the patient, and so forth. But even before a consultation, it is possible 
to form an opinion of him by gathering information like: the school where he graduated; the address of his office; the 
hospitals he works in; the patients he assists; the fees for his services; and even the availability of his agenda. The media 
elaborates our collective imaginary, offering elements for us to classify the world that surrounds us, but also, it inspires 
our everyday performances and acting, in a Goffman theatrical sense.
Continuing with Goffman, eventually, certain unintentional gestures or accidental events may occur, which compromise the representation and disturb the audience's attention. In its health section, “Nova” magazine (year 40, n°4) remembers some of these embarrassing situations and offers some tips for readers to deal with certain “biological” slips: “down with embarrassment! Do not let your body make a fool of yourself right when you need to show you are amazing” 1. So, learn how to control your need to use the toilet when you feel your intestine “didn’t enjoy that much the spicy Thai food”. Certainly, “spending a long time in his bathroom is out of the question”. And what if you suddenly “start to have a sneezing crisis” when you are out at night? “Dip your nose in a glass of water”. Since “there is no Louboutin that can save you from smelly feet”, wash them with “a glass of vodka” to amend the situation “when you are out with a cute guy and feel you two may stretch the night”.

Lipovetsky (2007) associates consumer practices to an extreme individualism of contemporary society. Today, “hyper-consumers” would no longer expect to classify themselves in relation to others through consumption, but wish to feel emotions, live experiences, improve quality of life, conserve youth and preserve health. Therefore, it seems important to dedicate some time for a brief analysis of individualism as a concept. Dumont (1986) placed modern ideology under perspective for a careful reflection over the notion we possess of individualism. The author establishes a clear and important distinction between the holistic and the individualist societies: “Where the individual is a paramount value I speak of individualism. In the opposite case, where the paramount value lies in society as a whole, I speak of holism.” (Dumont, 1986, p.25). Among his studies over the theme and his historical elaboration, it is interesting to mention the author’s analysis of the religious sphere, where he refers to the Christendom of the Middle Ages and the vision of man as an “individual-in-relation-to-God”. Dumont indicates how in this principle the individual’s value had already been recognized, but as a creature that resides in the world (human) subordinated to an “outworldly” entity (God). In order to illustrate this idea, the author imagines a picture of two concentric circles. The larger represents individualism in relation to God that encompasses the smaller one, which symbolizes the acceptance to the needs, duties and commitments of holistic social life. Thus, the tension between the “individual” and the “universal” established at the center of Christian thinking becomes clear: individuals receive their value from God to whom they must serve. However, this dualism progressively lost space in modernity, weakening holism as an ideological category. Consequently, the “individual-in-relation-to-God” gave place to the notion of the “modern individual”.

Societies known to be holistic are hierarchically organized, that is, as Dumont (1986) explains, when the paramount value encompasses the opposing value. For example, in societies that privilege machismo, the female value is subordinated to the male value. In his reflection over the sexual moral, Guillebaud (1999) analyzed a moment of “revolution” that had its peak between the decades of the 1960s and the 1970s. The ultimate goal back then was precisely to invert the logic of values that ruled sex in society. Consequently, the feminist cause gained strength and the ideal of equality between women and men in society seemed closer than ever: the encompassed value was battling for its autonomy. However, the author follows with an investigation that reveals how the accomplishments of the so-called sexual revolution were actually much more difficult to maintain than anticipated at that point. In the issue of sex, the “ghost” of AIDS during the 1980s threatened the primacy of individualism and sexual liberty. Suddenly, the permissive atmosphere gave place to a more preventive attitude. Gender prejudices flourished and fear began to retract men and women that not so long before were intense and confident. There it was the challenge to conciliate the new Western moral with social hygienic concerns (Guillebaud, 1999).

According to Dumont (1986), hierarchies persist in modernity, but there are instruments that neutralize or substitute these relationships, because modern ideology is hostile to this form of social structure. The author suggests that some of the main illumnist thinkers recognized the difficulty to conciliate individualism with authority, equality and differences of power inherent to Western society and the State. The paradox of modernity had already been indicated by Rousseau: humans are free individuals without ceasing to be social beings (Dumont, 1986). In this sense, the question of individualism becomes far more complex than to think of modern-contemporary individuals as people that make self-centered choices in search for personal satisfaction. Although “individualists”, that is, (ideally) autonomous human beings, standing in equal positions, women and men in society need to share experiences and occupy their designated spaces, establishing themselves in a relational world, even as individuals.

3. The woman and health in the media

A woman wearing a bikini, tanned skin, lying down with her hat beside her, as if she were enjoying her time at the beach.

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1 All texts quoted from the examined magazines were freely translated from Portuguese to English by the authors.
The photo and the title of the text suggest: “Throw yourself!” And making a correspondence to different parts of her body, “Nova” (year 40, nº2) reveals the “ten best health pieces of advice that you have always wanted to hear”. For legs, “get up on your high heel”, because it may be good for you “if it is about 4 centimeters long”. For thighs the hint is “savor chocolate: a small bar has only 170 calories and antioxidant substances”. Pointing to the region of the groin, the reader is given “one more reason to reach climax: orgasms reduce stress and may enhance your creativity at work. Really!” But that is not just because sex is pleasurable. At this moment, “the body releases endorphins and oxytocin, hormones that increase your sense of wellbeing”. For the uterus, drink coffee, because scientists “discovered that women who drink four to seven cups of coffee a day have 25% less chances of having cervical cancer”. If you are “dying for those expensive sun glasses, you have now a good reason to “fetch your credit card and run to the store”, because this “accessory (with UV filter) is indispensable for the health of your eyes”. In the ears, “load your iPod”, since “music may help your brain to fight against aging”. For the brain, “negotiate deadlines and make some time to relax: it might be nice to catch a movie after a long day”. After all, “working extra hours and having a job where pressure is huge can attack your mental health”.

This is how many of the news, stories, articles and sections dedicated to women’s health follow in Brazilian publications. Generally inspired by recent scientific findings and the clinical speech of specialists, the texts authorize and prohibit behaviors, give alerts and recommendations, clear doubts and introduce discoveries. Two of the magazines used as research material, “Claudia” and “Nova”, are not dedicated exclusively to the topic of women’s body and health care. The first proposes to be “complete, as a woman should be”, offering the reader “inspiration, reflections and solutions”; the second, “stimulates boldness and courage to face challenges, the pursuit for pleasure without guilt and the construction of self-esteem and self-confidence”. Both are very successful and established magazines in the editorial market. But, as going through their pages, it is surprising to notice how the concept of health is frequently explored, appearing as the central theme, related to a variety of issues, or even implied in other subjects. The unaware reader does not imagine that, as skimming a single issue of the magazine for information or entertainment, she or he may be exposed to so many representations, ideologies and images of healthy living. This is especially intriguing if we think about the recurrent presence of the theme in these publications as an indication of how health is becoming a primary and omnipresent concern for individuals in almost any age (Lipovetsky, 2007).

In fact, concerns suggested by the media with regards to health are innumerable and diverse. It is not just a classic question of physical and mental health, but a need for a constant state of vigilance with our body and our attitudes in each moment and aspect of our everyday life. For example, “science shows and Nova alerts: ovulation and shopping mall are as good a combination to empty your pockets as are 70% discount sales” (Nova, year 40, nº2). There is a new explanation for women’s “addiction” to shopping: “it’s not just madness. It’s biological”. Hence, if during your ovulating period you see something you like in a store, do not buy it. Go home, think it over and come back the next day. If you still wish to have it, then take it home.

However, certainly the most evident concern is related to weight-loss. There are countless tricks, diets and recommendations to “flatten” the tummy, “shrink” the waist, “burn” fat, “lose” some kilos and “shape” the woman’s body. To be slim is not just a matter of aesthetics, as indicated by “Claudia” (year 51, nº2), “it is a health target!”. The covers of “Boa Forma” explicitly represent this beauty ideal, now a matter of health as well, that is weight-loss. This notion that women are in constant need to drop a few kilos is confirmed through the many targets, diets and deadlines suggested every month as the path towards the great triumph. For example, the magazine proposes to “lose 6kg in 1 month with the 3 herbs tea” in June 2011, to “speed up your metabolism and lose 4kg in 17 days” in September 2011, to “lose 3kg in 15 days with the miraculous spaghetti” in March 2012, and like this, repeatedly, in every edition, covering an entire year of imperious diets, regimes and body improvements.

Sometimes, the challenge to conquer a slim body is “self-sabotage”. Also, difficulties in losing weight may be a symptom of other health problems that need to be treated or the consequence of risky habits. As “Boa Forma” (year 27, nº1) explains, there are at least “8 health problems that make you fat”, even when you are dedicated to your diets and workouts. For example, “inflamed cells” form the white fat that accumulates in the belly, butt and thighs; “out of control emotions” are an issue, because “when you feel that knot on your throat, nothing works better to ease the agony than eating something”; thyroid illnesses such as hyperthyroidism can make women “gain, on average, from 3 to 5 kilos a year”; “too much stress” knocks down your metabolism; the “wrong contraceptive pill” can make you retain liquids; and “food allergies” can make you gain weight, as well as “instable hormones” caused by polycystic ovaries or bad sleeping. Furthermore: “working late hours can get you fatter”, because “the organism of the person who sacrifices her sleep and works until late hours loses its capacity to recognize signs of hunger and satisfaction”.

In 2011, the journalist Renata Ceribelli faced the challenge of losing weight on a nationally broadcasted television program. Her triumph was confirmed in August when she appeared as the cover star of “Claudia”. Besides losing 9.5kg
and reducing her waist measure in 14cm, Renata “improved her health, boosted her self-esteem and inspired thousands of Brazilians to take better care of themselves”. The actress Fernanda Souza overcame a disease: “I won the fight against hyperthyroidism and dropped 4kg”. Hence, top models, actresses and celebrities are frequently asked to reveal their secrets for maintaining a perfect body even “at the age of 50”, as a “mother of two kids”, or “after giving birth to twins”. Perhaps, a “diet-therapy” adjusted to your personality can help: “are you most likely to be compulsive, impulsive, emotional or anxious?” (Nova, year 40, n°4).

Furthermore, certain foods appear as heroes that help to cure and, most importantly, to prevent many unwanted conditions. A healthy eating habit can be “the definitive path for the end of cellulites, a negative belly, toned muscles, a dream hair and hydrated skin” (Nova, year 40, n°2). Therefore, “for slimming”, use coconut oil; “for baby skin”, eat cashew; “an amazing hair”, yellow sweet pepper; “to sleep well”, cherry; “for rejuvenating”, kiwi, and “to exterminate cellulites”, red grapes. In December 2011, “Claudia” elected the “top 25 foods” of the year, which have incredible and medicinal powers. Dark chocolate has the anti-inflammatory effect of cocoa and may be good for the heart. Chia seeds “act against constipation, increase immunity, prevent osteoporosis, reduce triglycerides levels and help weight-loss”. The cashew nut “reloads your levels of selenium, an important mineral for a long and healthy life, besides postponing aging” and sesame can be “pretty energetic” and help you “boost your sexual appetite”.

Eventually, there is a certain change of speech, suggesting a more permissive attitude, contrary to all other rules dictated throughout the rest of the magazine. The “recipe for a perfect body” does not demand that you give up certain pleasures. You just need to “wear the exact bras, watch your attitude when posing for a picture and follow other tips that release you from diets” (Nova, year 40, n°4). To satisfy the activity of your hormones, “devour a nice piece of cake”. Also, “drink regular refreshments”, “prepare your own French fries” and “forget about calories”. Remember to “buy clothes for yourself and not for the person you would like to be”. Large breasts make your waist look thinner, so “go purchase new (and perfect) bras”. And “have more (and exciting) sex”. To increase your desire, ride a bike for 20 minutes, because this “improves your blood flow, which is essential for your sexual function”.

In fact, sex becomes, above all, a fundamental element, or a very valuable currency, for physical and mental health, occupying a significant amount of pages in women’s magazines. However, besides being considered a healthy practice, to have a quality “sex life”, women should follow a series of recommendations, like diets, physical activities and schedules. Publications elaborate guides for women to learn how to handle their partners and guarantee “even hotter and better nights of pleasure” (Nova, year 40, n°5). Having sex in the mornings is recommended, because “the levels of testosterone, the male sexual hormone, are higher” at this hour. “Invest in the power of cabbage palm”, because this fruit has a substance that “expands blood vessels” called anthocyanin. Women should be patient before a second round, since men need to have a “phase of recovery” - jumping this stage “is not good for the quality of sex”. Another recommendation is to hold back on alcohol. And also, “have sex with an empty stomach”, or at least try avoiding fatty meals, for their inflammatory substances are carried to blood vessels.

For women to improve their sexual performance, “Claudia” suggests a kind of “intimate workout”. Based on exercises that were first elaborated to treat patients with urinary incontinence, today, the gynecological physical therapy is recommended for “after giving birth, against difficulties, or just to spice things up” (Claudia, year 51, n°4). Finally, taking into consideration so much advice is important, since, as already mentioned, sex is good for your health. It is a utopia of a perfect sexual health that everyone may aspire to accomplish. According to Guillebaud (1999), this perception of sexuality as an almost-problem of public health is making our representations of pleasure slip from freedom to obligation, from permission to injunction.

Another body part that gains increasing attention from the media is the brain, as a report in “Claudia” (year 51, n°4) shows. Neuroscience already “indicates what to do in order to keep healthy the noblest organ of the human body”. Although certain problems are commonly associated to aging, “a healthy person does not lose its memory, clarity and reasoning just for reaching a certain age”. However, some suggestions should be followed in order to age with a healthy brain, like doing “mental workouts” - reading, playing games and learning new skills - instead of watching television all day. The female gift of multitasking is inadvisable - a healthy attitude is “doing one thing at a time”. The practice of regular aerobic activity “stimulates the forming of nervous cells and liberates protective substances for neurons”, helping “the association of ideas, learning and memory retention”, besides combating anxiety and depression. Certain “villains” should be controlled, such as chronic stress, cigarettes, alcohol, high cholesterol, hypertension and diabetes.

Along with healthy eating habits, sex and physical activities, there are alternative options. So, “take a deep breath”. This “could be the key for a healthier, and happier, life” (Claudia, year 50, n°12). The text explains that “in conventional medicine, researches show the connection between breathing physiology, neurology and behavior”. Activities such as
yoga may be “a powerful supporting treatment for problems like stress, depression and even panic syndrome, which today affects 3.5% of the world population - especially women”. Furthermore, a wide variety of products arrives in the market with the promise to help consumers in their pursuit for prevention, relief and cure. To quote only a few advertising slogans: “conquer a prettier and healthier body with Mundo Verde products”; “Clear: a healthy hair scalp, for a beautiful hair from root to ends”; “Ensure: the complete and balanced nutrition for the new generation”; “Nivea Q10 Eyes Roll-on: experience and discover how it feels to have visibly younger and healthier skin”.

The texts used throughout the analysis above offered some clues to begin a reflection on the conspicuous presence of the thematic of health and wellbeing in the media. It is only a beginning, since there is a huge availability of material for investigation and, certainly, much can be added to what was just exposed. Besides the outstanding issues of weight-loss, eating habits and sex, there are also endless narratives about “fights” against diseases, discoveries of medicine, and, above all, various hints to guarantee a long, healthy and youthful life. The incorporation of scientific discourse by mass communication generates a group of representations that, as observed in the case of magazines, has the main purpose to discipline the body and to engender a system of massive consumption of medical products and services for health and fitness. In this respect, Banet-Weiser and Portwood-Stacer (2006) indicate the construction of a post-feminist consumer that embarks in a project of self-actualization through cosmetic surgeries and diverse beauty treatments, emphasizing ideas of personal choice and individualization, instead of original feminist causes of social change and liberation.

As skimming magazines, the reader is offered an array of products and services for wellbeing, prevention and youth that is presented in advertisements as in journalistic reports. Every piece of the female body represented in the media has to be treated, one by one, with the appropriate beverages, foods, nutritional supplements, cosmetics, remedies, exams, therapies and so forth. As Rocha (2006) observes, the feminine individuality is mainly translated in advertising narratives as the property of a body and its parts. In this sense, the body is a woman’s most important good that should be protected, enhanced and adorned in each and every one of its pieces. Thus, media delegates women’s health to products and services that may satisfy their needs and aspirations. The absolute wellbeing can only be accomplished through consuming specific treatments for every single one of the female body fragments.

Finally, this study looked to identify significant traces for composing the contemporary ideal of Brazilian women’s health, fitness and wellbeing. The analysis of the selected material revealed how media narratives systematically propose certain themes for women to consider, such as: the concern with weight, aging and beauty as a path for being complete and happy; the association of medical standards with particular ideologies and aesthetic preferences; the identification of “villains” like fat, cholesterol, stress, alcohol, sodas, cigarettes, etc., that act against “quality of life”, “longevity” and “happiness”; the assimilation of discourses of specialists, celebrities and “ordinary” individuals; and, at last, the very plastic articulation of the ideas of wellbeing and health with the woman’s different representations - sexy, professional, independent, partner, mother, wife, and so on. All of this forms an extensive inventory of rules for behaviors and consumptions with the purpose to gain fitness, health and wellbeing, which guides choices and practices of this female model reproduced in magazines. In this sense, representations of a woman’s perfect shape - sustained through the acquisition and possession of several types of goods - may indicate an important perspective for communication studies and, specially, for researches about the surprising ways through which consumption is experimented in contemporary culture.

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References

Brasil.
Communicating with Voters in Social Networks: The Case of 2011 Presidential Elections in Kyrgyzstan

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Abstract

This study analyzes online electoral campaigns of candidates for 2011 Presidential Elections in Kyrgyzstan in order to explore interactivity – as a way for improving participation, information, and interest, and the relationships between civil society and parties – within the websites and social network accounts of the candidates. The election involved 19 candidates to the presidency. Total 13 websites, 5 Facebook accounts, 6 Twitter accounts and 4 Odnoklassniki of candidates were monitored during election campaign period of 25 September and 27 October 2011.

Keywords: Kyrgyzstan, social networks, interactivity, web presence.

1. Introduction

Through analyzes online electoral campaigns of candidates for 2011 Presidential Elections in Kyrgyzstan, this paper explores interactivity – as a way for improving participation, information, and interest, and the relationships between civil society and parties. The collected data present.

Kyrgyzstan’s unique position as a primary Central Asian nation that lacks Internet regulation has facilitated the emergence of grassroots Internet blogging and website authorship that directly questions the top-down tradition of patronage politics (McGlinchey and Johnson, 2007) and centralized power of older media (television, newspaper) platforms.

My investigation into online election campaigns in Kyrgyzstan fills a gap in previous scholarship. Previous research in Kyrgyzstan and Central Asia has focused on Internet regulation, local language content online, demographic studies of Internet users, impact of e-centers in rural areas, and social and political implications of Internet authorship.

This paper complements these texts by focusing on the online electoral campaigns of candidates for 2011 Presidential Elections in Kyrgyzstan in order to explore interactivity – as a way for improving participation, information, and interest, and the relationships between civil society and parties – within the websites and social network accounts of the candidates.

2. Introduction to Kyrgyzstan

Kyrgyzstan, which shares borders with Kazakhstan to the north, Uzbekistan to the west, Tajikistan to the southwest and China to the southeast, was part of the Soviet Union until 1991. Bishkek is its capital and largest city, with approximately 900,000 inhabitants.

On March 24, 2005, massive protests transformed the political leadership. This has been referred to as the Tulip Revolution. Protesters revolted for the rights to civil liberties—including greater freedom of media and the press. According to our respondents, the Tulip Revolution was the first revolution amongst post-Soviet nations where the Internet was considered a factor in disseminating information and mobilization political protest.

2.1 Internet and Communications in Kyrgyzstan

Internet penetration levels in Kyrgyzstan vary. The International Telecommunications Union (ITU) claims 20% of citizens have access to the Internet while a recent IREX report on media sustainability claims it could be closer to 40%, which would make internet penetration in Kyrgyzstan the highest in Central Asia. Bishkek, the country’s capital, has the chief concentration of internet access and the majority of internet users in the country. Around 80% of all users are under the
According to the results of the fourth Omnibus research conducted by SIAR in December 2011, 12.6% of people in Kyrgyzstan use internet. Most of them are between the ages of 18-35 and have higher education. Most of the users (43.3%) are concentrated in Bishkek, because it is the most industrialized part of the country. Osh is the second largest city according to the number of internet users (20%), then comes Talas, Isik-Kol and Chuy oblasts, the remaining oblasts of the country do not reach 2% according to the number of internet users. 6% of people in Kyrgyzstan use internet every day, every fourth user is the city-dweller.

There are approximately 150 public Internet access centers around the country. Cyber cafes are the primary portal to the Internet for 51% of Internet users in Kyrgyzstan (itday.com.kg). Nearly 25% of Kyrgyz Internet users access the Internet at work and another 24% view web pages at educational institutions. Use differs by gender (with slightly more women accessing the Internet than men) and by age (80% under 35 years). Of the sites viewed, the vast majority are Russian-language sites (90%). Kyrgyz-created sites comprise only 8% and 2% are English language sites (Open Net Initiative 2006:1-4).

2.2 Media Studies of Kyrgyzstan

There are a few key studies around the social impact of information technologies and Internet access within Central Asia. Previous regionally focused research includes online language and Internet diffusion (Wei, 2004; Wei & Kolko, 2005a), information systems and pedagogy (Gygi, Wei, and Kolko, 2005), and Internet use in neighboring Uzbekistan (Wei, 2004), which faces different historical patterns and a more authoritarian government than Kyrgyzstan. Other studies focus on mobile phones and political engagement (Wei & Kolko, 2005b), Internet service providers and Internet access (Johnson & McGlinchey, 2005), regulation policy (McGlinchey and Johnson, 2007), Internet adoption across Central Asia (Marova, 2004) and the rise of Internet authorship in a deregulated Kyrgyzstan (Srinivasan & Fish, 2009). Few of these studies directly link technology use to community development or political activism.

The mobile phone study (Wei & Kolko, 2005b) speculates on possibilities for authorship and impact relative to increased technological access. The researchers conclude that mobile phones are seen as status symbols, particularly for youth, and that cultural norms influence the usage of the phones. However, little was found that tied the uses of these phones to community or political issues. The studies of Internet and language (Wei, 2004; Wei & Kolko, 2005a) speculate as to whether the introduction of the Internet translates into local Uzbek educational, economic, and social goals. The authors claim that the fact that the Internet is dominated by foreign, non-Uzbek content, means that it fails to foster a shared sense or image of ‘nation’ amongst its many citizens. We refer to this concept as the national imaginary, building on Benedict Anderson’s important historical analyses of nation-building in postcolonial Asia (Anderson1989). In contrast to these language studies, however Srinivasan & Fish’s (2009) research suggests that locally authored and consumed content in Kyrgyzstan has a contrasting effect of building and mobilizing local communities and instigating dialogues and debates around the present and future of Kyrgyzstan.

Srinivasan & Fish (2009) conclude that despite access issues, community development and political engagement is augmented via a reflective, tactical, and informed usage of the Internet. This is distinct from top-down model of information production featured by printing presses, radio, and television. The emerging model provides community members with the possibility to be active, engaged creators of content and designers of their information technologies and infrastructures, as has been seen by the increase in privatization amongst ISPs, mobile telephony, web publishing platforms, and more. The effects they describe in their paper speak to the uses and appropriations that the profiled social groups have taken toward exploiting the relatively deregulated Internet, as compared to Kyrgyzstan’s Central Asian neighbors (Srinivasan & Fish, 2009).

Srinivasan & Fish (2009) revealed the importance of utilizing the Internet to share grassroots political information and perspectives in Kyrgyzstan. They also found that while some of their respondents blog about less political activities, they see their work within the larger context of online journalism. The authors claim that many of the online authors’ work is a part of a larger project of motivating Kyrgyzstan towards a civil society—a principle of governmentality based on citizen participation and social organization as opposed to the Soviet-style totalitarianism governing Kyrgyzstan before independence. They conclude that Internet authorship stimulates the formation of community networks and political activism in this nation (Srinivasan & Fish, 2009).
2.3 Deregulated Internet Use in Kyrgyzstan

This section explains how Internet deregulation in Kyrgyzstan has enabled new political discourses to be authored and shared amongst citizens. McGlinchey and Johnson (2007) explain that despite a history of Central Asian patronage politics and top-down, censored “old” media (newspapers, television regulatory frameworks), the Internet has been an area where repressive regimes have made concessions to international donors and local NGOs for a more permissive regulatory framework.

In Kyrgyzstan, the access to networking equipment and foreign aid transformed the Internet into a liberalizing technology (Perraton, 2004; Mikosz, 2004). Private ISPs and private and public organizations have emerged to challenge traditional media hegemony. Some of these organizations directly receive aid from foreign sources, such as the Soros-related Internews agency, and others such as the AkiPress news agency work actively with grassroots bloggers, forums, and international news feeds to present real-time information to their viewers. Such sites are also being accessed globally and locally. AkiPress, for example, is viewed 120,000 times/day and 2 million times/month, 70% of which originate from ISPs within Kyrgyzstan. Diesel.kg, a leading citizen-authored web forum has an even higher rate of access from within Kyrgyzstan (Srinivasan & Fish, 2009).

According to Srinivasan & Fish (2009), Internet technologies can enable the construction and dissemination of alternative political discourses within the deregulated policy environment of Kyrgyzstan. Yet, when and if the government decides to push back with the policy and practice of intensive surveillance and policing, the dynamics could be easily tempered, if not altogether stifled. Without this, however, Internet communication technologies make possible new forms of grassroots political engagement that start with citizens, their decentralized and distributed networks, and their uses of blogs, journalistic sites, and other news aggregators. The implications of this appropriation include empowering and mobilizing new forms of community, and enabling new forms of political activism amongst citizens who authors discourses around the national imaginary that are not directly tied to controlled institutional regulation (Srinivasan & Fish, 2009).

Kyrgyz internet authors are impacting local populations while concurrently reaching domestic and transnational audiences, potentially pointing to greater diffusion of grassroots authored information. The communicative actions enabled within this grassroots environment speak to possibilities to overcome an older media environment featuring censorship and centralized control (Srinivasan & Fish, 2009).

2.4 Social media in Kyrgyzstan

During the last months people in cities and villages in Kyrgyzstan are mostly using such social networks as Odnoklassniki, Moy Mir and Facebook. Only 4% of the internet users do not use social networks. Russian language social networks such as Odnoklassniki and Moy Mir are used by all age categories, but Facebook and Twitter are mostly used by young people. Men use social networks less than women.

In Kyrgyzstan people use social networks to connect to their relatives and friends. Social networks are used to share cultural news by mostly city-dwellers, to share political news mostly by people in villages of Osh and Jalal-Abad oblasts.

According to data obtained from calculators targeting 4 most popular social networks (a tool for planning the campaign) in the number of users in Kyrgyzstan, the following picture was obtained: My World – 320 000 users, Vkontakte – 207 344, Classmates – 142 770, Facebook – 97,400. Total 767,514 accounts from Kyrgyzstan.

Thus, among the Internet users in Kyrgyzstan are the most popular Russian social network Moy Mir (My World), Odnoklassniki and Vkontakte. But the social network Facebook steadily increasing user base from Kyrgyzstan.

In Kyrgyzstan (population 5.3 million) the number of users of social network My World has increased rapidly due to the high level of mobile penetration in Kyrgyzstan and popular use among youth applications mail.ru Agent. Facebook is the fourth the most popular social network in the country. The most popular first three are Russian social networks Moy Mir, Odnoklassniki and Vkontakte.

According to data from March 6, 2012, on this network there are about 370 000 people registered from Kyrgyzstan.

During the last 3 weeks about 25 000 new users entered social network Moy Mir, which is 7% increase. Currently, there are 73220 Facebook users in the Kyrgyzstan, which makes it #155 in the ranking of all Facebook statistics by Country.
Social networking statistics show that Facebook penetration in Kyrgyzstan is 1.33% compared to the country’s population and 3.34% in relation to number of Internet users. The total number of FB users in Kyrgyzstan is reaching 73220 and grew by more than 16760 in the last 6 months.

Comparing these nearest countries by penetration of Facebook users shows that Kyrgyzstan has 0.16% higher FB penetration than Rwanda and 0.01% lower FB penetration than Togo.

Diagram 1. User age distribution on Facebook in Kyrgyzstan

Kyrgyzstan Facebook demographics is other social media statistics. The largest age group is currently 18 - 24 with total of 30 020 users, followed by the users in the age of 25 - 34. There are 49% male users and 51% female users in Kyrgyzstan.

In January 2011 there were 34 480 Facebook users in Kyrgyzstan, currently there are 97,400 Facebook users, ie, there is an increase in the popularity of the network almost 3 times during this period.

2.5 Social media and political mobilization in Kyrgyzstan

New media combined with a high level of internet freedom in Kyrgyzstan is a powerful tool that has the possibility to channel citizen opinion, offer an alternative to traditional print, TV and radio outlets, and craft new methods by which the citizen or collective interacts with the political and social environment (Robbins, 2012).

Still in its infancy, the Internet in Kyrgyzstan played its first role – albeit a highly weak one – in supporting anti-government protests which overthrew President Akayev and his government during the “Tulip Revolution” in 2005. In an all-too-common attempt to suppress anti-government sentiment or downright dissidence, President Akayev’s government began blocking access to both domestic and foreign media outlets, such as radio and TV, which the regime viewed as a threat to itself. In response to opposition turned to other forms of social media, such as Livejournal.com, to provide vital and up-to-date information about the chaotic events. In March of 2005 protesters in Bishkek successfully stormed the White House and President Akayev fled.

A study conducted by Melvin and Umaraliev (2011) dubbed this period as the “first political success story of new media in Kyrgyzstan”.

Authors claim that, despite the decrease in the prices charged for Internet traffic in the country, mobile social
media was still in its infancy in early 2010. Nevertheless, the fast changing new and social media environment was already providing new opportunities for the sharing of information as political unrest gathered force in early 2010. Twitter, together with blogs and video hosters, became the main sources for multimedia content from protests around the country in 2010 April events. They conclude that, the events in Kyrgyzstan pointed to the importance of a set of enabling conditions as defining the ways in which new and social media tools could be used (Melvin and Umaraliev, 2011).

According to Srinivasan & Fish (2009), just like traditional journalism is vital for sustaining democracies, online citizen authorship is “open to participation...constantly in process and the property of all the participants” and likewise can “invigorate democratic activity”.

In 2010, five years after new media saw its first use as a political tool in the “Tulip Revolution”, the significance of new media was revealed once more when Kyrgyzstan was mired in political conflict between the months of March and June. In March various online communities began reporting on allegations of widespread corruption in then President Bakiyev’s government. In spite of its further attempts to stifle political and social unrest by censoring traditional Kyrgyz media and blocking access to certain Russian TV stations, Bakiyev’s regime was unable to stop the elusive flow of information running through new media outlets. On April 7 an estimated 10,000 protesters gathered around Bishkek and successfully stormed the White House, forcing President Bakiyev to flee the country.

According to another study on social media and political mobilization during the 2010 Bishkek protest conducted by Nora Williams, the social media could not build a civil society or some sort of political coalition which was responsible for the demonstrations. While it is certain that social media played a part in spreading the word about political corruption in the government, facilitating widespread dissent, Nora Williams believes one needs to be cautious about overestimating social media’s significance that day. In her estimation sites like Facebook and Twitter were “more impactful in posting what happened afterwards (by) sharing where there were fires, where there was looting…where you should go, what’s happening” and so forth. She concludes, in part, that the massive crowds in Bishkek were formed through “face-to-face” connections with friends and family. Social media, she says, was “basically mobilizing (their) existing network.” Hypothetically, she does not believe that the protesters would have been fewer if not for social media. In this incident, the Internet, in a broad sense, took on a more informative role during and after the chaos of the revolution rather than providing a foundation for political mobilization.

3. Online electoral campaigns

Cyber campaigns are a relatively new phenomenon, however more and more scholars have engaged with their study in the past years. As such, a number of studies have mapped the use of the internet by candidates and parties over a range of countries: from the US (Gibson 2001; Foot and Schneider 2002; Bimber and Davis 2003; Vaccari 2007; Vaccari 2009) to the UK and Ireland (Gibson and Ward 1998; Ward, Gibson et al. 2003; Ward, Gibson et al. 2005; Sudulich and Wall 2009), Italy (Newell 2001; Lusoli 2007; Vaccari 2007), Germany (Gibson, Ward et al. 2003; Gibson, Rommele et al. 2003; Gibson and Rommele 2005; Schweitzer 2005; Zittel 2007; Schweitzer 2008), Australia (Weiner 1987; Gibson and Ward 2002; Gibson and Ward 2003; Gibson and McAllister 2006; Gibson and McAllister 2008), France (Vaccari 2008; Bastien and Greffet 2009) and the European elections (Norris 2000; Jankowski, Foot et al. 2005; Lusoli 2005; Lusoli 2005; Lusoli 2005).

Although some acknowledgement was given more participatory and interactive properties of applications such as email and online discussion fora, the question of how far they might have a deeper ‘democratising’ impact on parties’ campaign management and organization was not something that was widely discussed. This was no doubt in part due to the ‘web 1.0’ orientation of the new media tools being used by the parties at the time – email and the websites - which followed a largely static ‘top-down’ format (Gibson et al, 2003c).

Web 2.0: this term is commonly attributed to Tim ‘O’Reilly, who employed it to describe all freely accessible, collaborative, user-centred and non-hierarchical online applications that enable an ‘architecture of participation’ (‘O’Reilly, 2005). This includes, for example, wikis, blogs, Twitter accounts and social networking sites (e.g. Facebook, MySpace) as well as multimedia or file-sharing platforms (e.g. YouTube, Flickr) and information management services (e.g. web feeds or social bookmarking options). Because of their decentralized structure, their self-maintenance nature and the low entry barriers for users, these applications seemed particularly suited to facilitate political participation. The so-called ‘eruption thesis’ (for an overview, see Kalnes, 2009) specified this idea for e-campaigning by formulating the hope that the implementation of Web 2.0 would level the playing field between major and minor political actors. Initial analyses from the US and some European countries, however, cast doubt on this assumption (Gulati and Williams, 2010; Jackson and Lilleker, 2009; Kalnes, 2009). Their exploratory findings show that well-resourced parties and candidates also dominate...
in Web 2.0: they draw more frequently on social networking sites, make more extensive and sophisticated use of Twitter, blogs and YouTube videos and update their profiles more regularly.

Parties and candidates do appear to attempt to mobilize voters through the web, and experimental evidence (Vissers, Stolle et al. 2010) shows that online mobilization is ‘proved to be at least as effective as face-to-face mobilization’. Norris and Curtice (2008) contribute to this debate, arguing that there may exist a two-step process of information diffusion, with highly politically-interested individuals consulting political websites in the first step, and then discussing the policies and information that they found online with associates, friends, and family in the second step. The Obama campaign offered new insights into the potential of internet-based mobilization, making a strong case for those who would view the internet as a means of communication that can be exploited successfully in the process of mobilizing and engaging citizens.

Shuen (2008) attempted to define the term as follows: ‘Web 2.0 is read-write. Earlier versions of the web were more passive and encouraged only downloading, whereas the new applications are more interactive and dynamic, encouraging users to be more involved and upload content onto the web’ (Shuen, 2008). Web 2.0 applications favor the intervention of users, or, in O’Reilly’s words, ‘the collective intelligence of users to build applications that literally get better the more people use them’ (O’Reilly, preface to Shuen, 2008).

A number of scholars have focused on the historical development of electoral campaigns and, despite the multiplicity of labels in use, they all seem to agree on the fact that the history of electoral campaigns is tripartite. The very latest stage of campaign style is commonly defined as post-modern campaigning (Norris, 2000) or phase 3 campaigning (Farrell and Webb, 2000). Norris identifies two previous phases of electoral campaigning: initially there was ‘pre-modern’ campaigning; a form of political communication that was based on capillary diffusion of information across the territory, performed by party members (pre-modem). This phase was overtaken by ‘modern’ campaigning methods; which involved indirect campaigning performed by mass media such as TV and radio (Norris 2000; Norris 2005). Each of these models of political communication corresponds to different types of party organizational arrangements; the pre-modern phase was based on local branches’ activities and ideological identification of the electorate with the party. The modern phase was based on the rise of party organizational centralization, falling levels of party attachment (Gibson and Rommele, 2001), and electoral volatility. From the mid-nineties on, parties seem to have entered an identifiable third phase of campaigning; whatever label we use to indicate such a change, one of its crucial characteristics is the intensive use of new technologies: ‘the increasing efforts by the parties to reach individual voters via the internet, direct mail, and telemarketing’ (Gibson and Rommele, 2001).

The study of web 2.0 cyber-campaigns is in a nascent state at this point in time. Previous studies have tended to focus either on the factors explaining the uptake of Web 1.0 instruments and/or the effectiveness of these instruments as campaign tools. Broadly, the two questions that the literature has focused on are: 1) why do parties and candidates go online? (Jackson 2003; Zittel 2007; Gibson, Lusoli et al. 2008) and 2) does going online win parties and candidates any votes? (Gibson and Rommele 2005; Gibson and McAllister 2006; Gibson and McAllister 2008; Williams 2008; Sudulich and Wall 2009; Williams 2009; Sudulich and Wall 2010).

4. Research Methodology

This study uses Jackson et al.’s methodology adapted from Gibson and Ward (Jackson, Lilleker and Schweitzer, 2009). The most influential work featuring online political content analysis is Gibson and Ward (2000). Their creation of a schematic that categorizes features as informational or communicative has become the key tool for testing for interactivity, though not the only method (de Landtsheer et al., 1999). The schematic’s importance and wide use for measuring the extent of interactivity is due to the two dimensional categorisation of communication as either vertical (top-down) or horizontal (non-hierarchical), as well as the level of synchronous or asynchronous conversation (Gibson and Ward 2000). The list of features Jackson et al.’ measured were adapted for analysis of the 2011 presidential contests to eliminate those that were not applicable (such as information about party leaders), and include those that were not considered by Gibson and Ward, such as social networking and video tools. Indicators related to site delivery (such as ‘flashiness’) were not considered relevant for assessing interactivity and were eliminated.

The official 13 websites, 5 Facebook pages, 6 Twitter accounts, 4 Odnoklassniki accounts of Presidential Candidates were archived between 27 September and 27 October 2011 (pre-election campaign period).
5. Findings

Tashiev’s, Imankulov’s, Osmonov and Madumarov’s sites had a high degree of sophistication and appeared as multimedia platforms with a range of both Web 1.0 and Web 2.0 applications as would be expected. The focus within both sites was in presenting information rather than allowing visitor input. The fact that a significant amount of the site was purely information does not suggest a move towards embracing the technologies or philosophies of Web 2.0. This should not be taken as a suggestion that the site was completely non-interactive. Visitors were able to interact with the site in a range of ways. Table 2 demonstrates that essentially the sites concentrated mainly on Web 1.0 features. Where Web 2.0 did feature, these largely allowed visitors to interact with the site rather than the host or other visitors.

Most of the sites offered a significant level of downwardly flowing information, though Tashiev’s was much heavier in supplying page after page of press releases which had the titles of and links to press releases published in other sources. Osmonov’s, in contrast, offered his press releases in a blog format, so allowing visitors to comment, as well as utilising the more user-friendly medium of video to relay information. It also gave a more interactive feel by offering Frequently Asked Questions, suggesting prior interaction, and his events calendar.

Table 2. Content Analysis of Candidates’ websites (Adapted from Gibson and Ward 2000)
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**Interactive information flows: Asynchronous**

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**Interactive information flows: Synchronous**

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</table>
Social networking sites were also used by candidates during election campaigning period. Five candidates used Facebook for their online election campaigns. As it is seen on Table 3. Tashiev had the highest number of friends on his Facebook page, he had 3197 friends, while Atambaev had 2515 and Baybolov had 1389 friends and Madumarov 902 friends. Many posted supportive comments to Tashiev which could be read by visitors as endorsements. Visitors are offered by candidates to contribute content; and for Tashiev the amount is the highest among others.

Table 3. Content Analysis of Candidates’ Facebook Pages

<table>
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<tr>
<th>Candidate</th>
<th>Number of friends</th>
<th>Wallposts (number)</th>
<th>Comments</th>
<th>Posts from others</th>
<th>share</th>
<th>like</th>
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<td>Photo</td>
<td>Video</td>
<td>Links</td>
<td>Notes</td>
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<td>1. Atambaev</td>
<td>2515</td>
<td>214</td>
<td>13</td>
<td>31</td>
<td>-</td>
<td>109</td>
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<td>2. Tashiev</td>
<td>3197</td>
<td>665</td>
<td>47</td>
<td>130</td>
<td>27</td>
<td>134</td>
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<td>3. Madumarov</td>
<td>902</td>
<td>11</td>
<td>13</td>
<td>15</td>
<td>-</td>
<td>480</td>
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<td>4. Baybolov</td>
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<td>28</td>
<td>7</td>
<td>27</td>
<td>19</td>
<td>63</td>
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<td>5. Asanbekov</td>
<td>89</td>
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<td>11</td>
<td>2</td>
<td>-</td>
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</table>

Atambaev’s profile on Facebook allowed some level of interaction between visitors though his voice was largely absent. Tashiev in contrast not only supported 3 different profiles across 3 different social networks, was a bespoke social network for activists. While most of the candidates had an Action Center which offered opportunities for, and guidance on, participating in the campaign both online and offline, Tashiev allowed these activists to chat within his own site, so providing a platform for horizontal conversation within a purpose built community of activists. It was this that enabled him to build a relationship with a cohesive movement, which worked at a highly interactive level with him as one voice within the movement. Tashiev’s voice may have been rare, however he interacts with the movement within the site, via email and across the networks he joined and those he created around his campaign. Whilst there was evidence of participation on Tashiev’s site, it was still within a closed campaign, so that Harfoush (2009) suggests that participation was only encouraged if it supported wider campaign objectives.

Madumarov had the highest number of comments on his Facebook page than any other candidate. He had 480 comments in comparison to 134 and 109 comments on Tashiev’s and Atambaev’s pages. Atambaev had the highest number of ‘likes’ than others, 645 ‘likes’ in comparison to 600 and 304 of Tashiev and Madumarov.

Six candidates had their Twitter accounts during election campaign period, but only 4 used it for their online campaigns. As seen from the Table 4. Tashiev, Atambaev and Bakir uulu had the most followers on their Twitter accounts than others, Tashiev had 1197 followers, Atambaev had 669 followers and Bakir uulu had 684 followers.

Table 4. Content Analysis of Candidates’ Twitter Accounts

<table>
<thead>
<tr>
<th>Account</th>
<th>Number of tweets</th>
<th>Follow</th>
<th>Followers</th>
<th>Retweets</th>
<th>Tweets for others</th>
<th>Links in tweets</th>
<th>Starting date</th>
<th>Account still active</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Atambaev</td>
<td>62</td>
<td>4</td>
<td>669</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>started on 10.03.2011 launched (05.05.2010)</td>
<td>no</td>
</tr>
<tr>
<td>2. Tashiev</td>
<td>196</td>
<td>696</td>
<td>1197</td>
<td>96</td>
<td>15</td>
<td>181</td>
<td>07.07.2010</td>
<td>yes</td>
</tr>
</tbody>
</table>
Tashiev had the highest number of ‘follows’, he followed 696 accounts on Twitter. Tashiev and Bakir uulu had the highest number of tweets among others, Tashiev had 196 tweets and Bakir uulu had 159 tweets. Again Tashiev had the highest number of retweets (96). Again these two candidates had the highest number of links in their tweets.

Russian social networking site Odnoklassniki.ru was used by 4 candidates during their election campaign period. As seen from the Table 5. Bakir uulu had the highest number of friends on this site, he had 2446 friends. Tashiev had 449 friends on his Odnoklassniki.ru account. Madumarov also used this SNS for his campaigning by posting photos, videos, links and other information.

Table 5. Content Analysis of Candidates’ Odnoklassniki.ru Accounts

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Number of friends</th>
<th>Publications</th>
<th>Comments</th>
<th>Publications from others</th>
<th>«Class»-information sharing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Photo</td>
<td>Video</td>
<td>Link</td>
<td>Posts</td>
</tr>
<tr>
<td>1. Adahan Madumarov (top)</td>
<td>330</td>
<td>88</td>
<td>2</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>2. Kamchibek Tashiev</td>
<td>449</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>3. Tursunbay Bakir uulu</td>
<td>2446</td>
<td>218</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>4. Almazbek Atambaev</td>
<td>221</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

The assessment of the data gathered during presidential elections 2011 in Kyrgyzstan showsthat there is clear evidence that the Internet can be viewed as a mainstream channel for election campaigning by political parties and candidates, yet in this election studied has the Internet become the primary campaigning tool for reaching voters. In terms of reaching and persuading voters, the Internet is still a useful supplementary, rather than the primary channel in the elections toolbox. However, it is suggested that the impact of the Internet on election campaigns is far greater in reaching internal ‘warm’ audiences. Rather, than directly influencing voter behavior, the Internet is much better at facilitating a revised two-step flow model of communication. The revolutionary nature of the Internet is in developing more intimate relationships with those who already have an affinity with a party or candidate, and to encourage them to act as advocates on and offline. Supporters are drawn into partisan communities where they are free to express ideas consistent with party or candidate ideological tenets, and these can be strengthened and reinforced through interaction within the community. Thus, the Internet may nurture feelings of belonging for those seeking active membership of a political tribe, and there is the potential that the stronger the use of Web 2.0 as with Tashiev, then the stronger the sense of belonging. Therefore, the impact of the Internet is not uniform, to persuade voters it is incremental but to mobilize existing support it is increasingly revolutionary.

Candidates within parties are able to create their own public space, separate to the controls from their party hierarchies. Generally the bigger parties are more likely to use Web 2.0 applications; there is evidence that some smaller parties (though not all) use Web 2.0 applications to reach new audiences, and to build relationships with existing audiences.

As a result of elections, three candidates have got the highest number of votes. Atambaev has got %63.24, Madumarov %14.77, Tashiev %14.32.
6. Conclusion

Based on the results of the study, on face value the impact of web technologies appears limited. For most people, Butler and Ranney’s analysis (1992) is still correct, and the Internet has not fundamentally changed how they interact with election campaigns. Moreover, candidates and political parties still appear to want to control their messages and so construct a closed environment. Whilst this fact is fairly obvious from the one-way, top-down approach of candidates such Kalmatov and Isabekov, it also appears to be the case for those who made greater use of Web 2.0. For example, Baibolov made great use of conversational features, and yet clearly this was a very controlled process, and not evidence of a participatory open space. Yet, there is also evidence of potentially long term change. If the vast majority of voters did not participate online via candidate and party websites, a vocal minority did. Those who might be termed internal audiences in that they were supporters and possibly party or candidate activists were drawn in much closer to the campaign through more participation. It is quite possible that within this narrow audience the first Web 2.0 era elections may lead to macro effects in how some citizens engage with those standing for elections. The inherent logic of Web 2.0 technologies has allowed a small, but vociferous body of individuals to push ajar the door of political participation.

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South East Europe: Trade Liberalization, Economic Integration, Quality, Security and Guarantee of Products and Services

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Abstract

The strengthening of security and the political situation, intensification of economic relations and co-operation in the areas of human resources, democracy, justice, battle against illegal activities, are the intentions of Southeast Countries to enable approaching the European/EuroAtlantic structures, strengthening good neighborly relations & transformation the region into an area of peace & stability. This requires trade liberalization, economic integration, quality, security, guarantee of products & services, removal or reduction of trade practices that thwart free flow of goods and services, includes dismantling of tariff & non tariff barriers, unification of economic policies between countries through the partial or full abolition of trade tariff and non-tariff restrictions, leading for lower prices, increasing the combined countries economic productivity, achieving product/service’s customer’s expectations, achieving the state of being “safe” against physical, social, spiritual, financial, political, emotional, occupational, psychological, educational and other types/consequences of failure, damage, error, accidents, harm, other events which could be considered non-desirable, having the control of recognized hazards to achieve an acceptable level of risk, being protected from the event or from exposure to something that causes health/economical losses. Continuous changes in developing economy, technology, environmental regulation and public safety concerns are the main areas where SEE countries are focused for their common future, using their human & natural resources.

Keywords: Trade liberalization, economic integration, products, services,

1. South East Europe

There are four possible definitions of "Southeastern Europe".

1. The Balkan Peninsula south of the River Danube-River Sava-River Kupa line
2. The European territories of the former Ottoman Empire
3. The substantially larger space with a northern delineation that respects actual borders, promoted by the European Union from 1999
4. The European Union co-funded regional development model that adds Austria, the eastern Regions of Italy and southwestern Ukraine.

In this article the last model will be taken into the consideration.

1.1 Southeast Europe & Southeast Europe transnational co-operation program model

Southeast Europe is a relatively recent political designation mostly for the states of the Balkans (1). The first known usage of the term 'Southeast Europe' was by Austrian researcher Johann Georg von Hahn (1811–1869) as broader term than the traditional Balkans (2). The Southeast Europe transnational co-operation program "aims to develop transnational partnerships on matters of strategic importance, in order to improve the territorial, economic and social integration process and to contribute to cohesion, stability and competitiveness of the region" (3)

The members include: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Republic of Macedonia, Greece, Hungary, Republic of Moldova, Montenegro, Romania, Serbia, Slovakia, Slovenia, and some regions of Italy and Ukraine (4)
Table 1. Main figures of SEE countries (Drawn from author of the article using Wikipedia’s data.)

<table>
<thead>
<tr>
<th>No</th>
<th>Country</th>
<th>Area (km²)</th>
<th>Population</th>
<th>GDP (USD)</th>
<th>HDI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Albania</td>
<td>28,748</td>
<td>3,000,000</td>
<td>8,000</td>
<td>0.739</td>
</tr>
<tr>
<td>2</td>
<td>Austria</td>
<td>83,555</td>
<td>8,500,000</td>
<td>49,800</td>
<td>0.885</td>
</tr>
<tr>
<td>3</td>
<td>Bosnia &amp; Herzegovina</td>
<td>51,197</td>
<td>3,800,000</td>
<td>8,000</td>
<td>0.733</td>
</tr>
<tr>
<td>4</td>
<td>Bulgaria</td>
<td>110,994</td>
<td>7,400,000</td>
<td>13,500</td>
<td>0.771</td>
</tr>
<tr>
<td>5</td>
<td>Croatia</td>
<td>56,594</td>
<td>4,300,000</td>
<td>18,200</td>
<td>0.796</td>
</tr>
<tr>
<td>6</td>
<td>Republic of Macedonia</td>
<td>25,713</td>
<td>2,000,000</td>
<td>10,300</td>
<td>0.728</td>
</tr>
<tr>
<td>7</td>
<td>Greece</td>
<td>131,990</td>
<td>10,800,000</td>
<td>26,300</td>
<td>0.881</td>
</tr>
<tr>
<td>8</td>
<td>Hungary</td>
<td>93,030</td>
<td>9,940,000</td>
<td>19,600</td>
<td>0.816</td>
</tr>
<tr>
<td>9</td>
<td>Kosovo</td>
<td>10,908</td>
<td>1,800,000</td>
<td>7,000</td>
<td>N/A</td>
</tr>
<tr>
<td>10</td>
<td>Republic of Moldova</td>
<td>33,846</td>
<td>3,600,000</td>
<td>3,400</td>
<td>0.649</td>
</tr>
<tr>
<td>11</td>
<td>Montenegro</td>
<td>13,812</td>
<td>630,000</td>
<td>11,600</td>
<td>0.771</td>
</tr>
<tr>
<td>12</td>
<td>Romania</td>
<td>238,391</td>
<td>19,000,000</td>
<td>12,500</td>
<td>0.781</td>
</tr>
<tr>
<td>13</td>
<td>Serbia</td>
<td>77,652</td>
<td>7,200,000</td>
<td>10,600</td>
<td>0.766</td>
</tr>
<tr>
<td>14</td>
<td>Slovakia</td>
<td>49,035</td>
<td>5,500,000</td>
<td>23,000</td>
<td>0.834</td>
</tr>
<tr>
<td>15</td>
<td>Slovenia</td>
<td>20,273</td>
<td>2,000,000</td>
<td>28,600</td>
<td>0.884</td>
</tr>
<tr>
<td>16</td>
<td>Some regions of Italy</td>
<td>NA</td>
<td>NA</td>
<td>30,400</td>
<td>0.874</td>
</tr>
<tr>
<td>17</td>
<td>Ukraine</td>
<td>603,628</td>
<td>45,900,000</td>
<td>7,200</td>
<td>0.729</td>
</tr>
</tbody>
</table>

We are talking for an area of about 1.630.000 ml km² (without Italian regions) and a population of about 135.5 ml (without population of Italian regions) with a lot of natural and human resources.

1.2 Southeast European Cooperation Process

The South-East European Cooperation Process (SEECP) was launched on Bulgaria’s initiative in 1996. At the Bulgaria-chaired meeting in Sofia, the SEE countries laid the foundations for regional co-operation for the purposes of creating an atmosphere of trust, good neighborly relations and stability. A special characteristic of SEECP is that it is an original form of co-operation among the countries in the region launched on their own initiative, and not on the initiative of some other international organization or countries. In that regard, the SEECP seeks to define itself as an authentic voice of SEE, complementary to the Stability Pact, SECI or the Stabilization and Association Process.

The basic goals of regional co-operation within SEECP include the strengthening of security and the political situation, intensification of economic relations and co-operation in the areas of human resources, democracy, justice, and battle against illegal activities. It is the intention of the SEECP to enable its members to approach the European and Euro-Atlantic structures through the strengthening of good neighborly relations and transformation of the region into an area of peace and stability.

Figure 1. Supranational European Bodies
Source: http://en.wikipedia.org/wiki/EuropeanEconomicArea
1.3 Business opportunities in the SEE area

Since the area is full of natural and human resources business opportunities may arise in all sectors, but agricultural production, agribusiness, textile and leather manufacturing, minerals and metals industry, energy and hydrocarbon production and trade, pharmaceuticals, consultancy, etc, are promising sectors. These sectors require investments on achieving competitive advantage towards production specialization. For example Ukraine and Kosovo may be specialized on whit production, Albania and Greece on olives and olives oil production, Albania in watermelon production, Albania, Republic of Macedonia and Greece on milk processing and wine, Austria on hydrocarbon processing and vehicles manufacturing, Slovakia and Ukraine on minerals, Romania, Albania and Ukraine on fuel reserves and exploitation, etc.

2. Trade liberalization

With concept of "trade liberalization" we understand today the removal of or reduction in the trade practices that thwart free flow of goods and services from one nation to another. It includes dismantling of tariff (such as duties, surcharges, and export subsidies) as well as non tariff barriers, such as licensing regulations, quotas, and arbitrary standards (5).

2.1 Current situation on trade liberalization

Recent decades have seen rapid growth of the world economy. This growth has been driven in part by the even faster rise in international trade. The growth in trade is in turn the result of both technological developments and concerted efforts to reduce trade barriers. Some developing countries have opened their own economies to take full advantage of the opportunities for economic development through trade, such as South European Countries, but not for all goods, services, capitals and humans (6). Still between these countries remaining trade barriers industry, agricultural products, etc, because of having comparative advantage. Further trade liberalization in these areas particularly, by both industrial and developing countries, would help some of these countries escape from low level incomes while also benefiting the high income countries themselves (7).

2.2 The Benefits of Trade Liberalization

Policies that make an economy open to trade and investment with the rest of the world are needed for sustained economic growth. The evidence on this is clear. No country in recent decades has achieved economic success, in terms of substantial increases in living standards for its people, without being open to the rest of the world. In contrast, trade opening (along with opening to foreign direct investment) has been an important element in the economic success of Southeast Europe area, where the average import tariff has fallen from 30 percent to 10 percent over the past 20 years (8).

Opening up their economies to the global economy has been essential in enabling South East Europe countries to develop competitive advantages in the manufacture of certain products. Such countries would gain more from global trade liberalization as a percentage of their GDP than industrial countries, because their economies are more highly protected and because they face higher barriers. Although there are benefits from improved access to other countries' markets, countries benefit most from liberalizing their own markets. The main benefits for industrial countries would come from the liberalization of their agricultural markets. Developing countries would gain about equally from liberalization of manufacturing and agriculture. The group of low-income countries, however, would gain most from agricultural liberalization in industrial countries because of the greater relative importance of agriculture in their economies.

2.3 Disadvantages of tariffs

The chart below analyzes the effect of the imposition of an import tariff on some imaginary good. Prior to the tariff, the price of the good in the world market (and hence in the domestic market) is Pworld. The tariff increases the domestic price to Ptariff. The higher price causes domestic production to increase from QS1 to QS2 and causes domestic consumption to decline from QC1 to QC2 (9). This has three main effects on societal welfare. Consumers are made worse off because the consumer surplus (green region) becomes smaller. Producers are better off because the producer
surplus (yellow region) is made larger. The government also has additional tax revenue (blue region). However, the loss to consumers is greater than the gains by producers and the government. The magnitude of this societal loss is shown by the two pink triangles. Removing the tariff and having free trade would be a net gain for society (9).

Graphic 1. Disadvantages of tariffs. The pink regions are the net loss to society caused by the existence of the tariff.

An almost identical analysis of this tariff from the perspective of a net producing country yields parallel results. From that country's perspective, the tariff leaves producers worse off and consumers better off, but the net loss to producers is larger than the benefit to consumers (there is no tax revenue in this case because the country being analyzed is not collecting the tariff). Under similar analysis, export tariffs, import quotas, and export quotas all yield nearly identical results. Free trade creates winners and losers, but theory and empirical evidence show that the size of the winnings from free trade are larger than the losses (10).

2.4 Degree of free trade policies

The Enabling Trade Index measures the factors, policies and services that facilitate the trade in goods across borders and to destination. It is made up of four sub-indexes: market access; border administration; transport and communications infrastructure; and business environment.

The top 20 countries are:
1. Singapore 6.06
2. Hong Kong 5.70
3. Denmark 5.41
4. Sweden 5.41
5. Switzerland 5.37
6. New Zealand 5.33
7. Norway 5.32
8. Canada 5.29
9. Luxembourg 5.28
10. Netherlands 5.26
11. Iceland 5.26
12. Finland 5.25
13. Germany 5.20
14. Austria 5.17
15. Australia 5.13
16. United Arab Emirates 5.12
17. United Kingdom 5.06
18. Chile 5.06
19. United States 5.03
20. France 5.02


Between SEE countries, only Austria is included on the list of top 20 countries with free trade policies. There is still to much work to be done from SEE countries to achieve economic development of countries like Singapore, Hong Kong, Denmark, Sweden, Switzerland, etc, which are on top of the list.

3. Economic integration

In economics, the word “integration” was first employed in industrial organization to refer to combinations of business firms through economic agreements, cartels, concerns, trusts, and mergers—horizontal integration referring to combinations of competitors, vertical integration to combinations of suppliers with customers. In the current sense of combining separate economies into larger economic regions, the use of the word integration can be traced to the 1930s and 1940s (11) Eli Heckscher, Herbert Gaedicke and Gert von Eyern are the first users of the term economic integration in its current sense. Such usage first appears in the 1935 English translation of Hecksher's 1931 book Merkantilismen, and independently in Gaedicke's and von Eyern's 1933 two-volume study Die produktionswirtschaftliche Integration Europas: Eine Untersuchung über die Aussenhandelsverflechtung der europäischen Länder. (12)

3.1 Economic integration

Economic integration is the unification of economic policies between different states through the partial or full abolition of tariff and non-tariff restrictions on trade taking place among them prior to their integration. This is meant in turn to lead to lower prices for distributors and consumers with the goal of increasing the combined economic productivity of the states. The trade stimulation effects intended by means of economic integration are part of the contemporary economic Theory of the Second Best: where, in theory, the best option is free trade, with free competition and no trade barriers whatsoever. Free trade is treated as an idealistic option, and although realized within certain developed states, economic integration has been thought of as the "second best" option for global trade where barriers to full free trade exist.

3.2 Objective

The increase of trade between member states of economic unions is meant to lead to higher productivity. This is one of the reasons for the global scale development of economic integration, a phenomenon now realized in continental economic blocks such as ASEAN, NAFTA, SACN, the European Union, and the Eurasian Economic Community; and proposed for intercontinental economic blocks, such as the Comprehensive Economic Partnership for East Asia and the Transatlantic Free Trade Area, SEE, etc.

Comparative advantage refers to the ability of a person or a country to produce a particular good or service at a lower marginal and opportunity cost over another.

For example: In Albania it is possible to produce both olives oil and shoes with less labor than it would take to produce the same quantities in Austria and / or Slovenia. However the relative costs of producing those two goods are different in the two countries. In Austria and Slovenia it is very hard to produce olives oil, and only moderately difficult to produce shoes. In Albania both are easy to produce. Therefore while it is cheaper to produce shoes in Albania than Austria, it is cheaper still for Albania to produce excess olives oil, and trade that for Austrian shoes or vehicles. Conversely Austria benefits from this trade because its cost for producing shoes has not changed but it can now get olives oil at a lower price, closer to the cost of shoes. The conclusion drawn is that each country can gain by specializing in the good where it has comparative advantage, and trading that good for the other.
3.3 Economy of scale

Economies of scale refer to the cost advantages that an enterprise obtains due to expansion. There are factors that cause a producer's average cost per unit to fall as the scale of output is increased. Economy of scale is a long run concept and refers to reductions in unit cost as the size of a facility and the usage levels of other inputs increase (13). Economies of scale is also a justification for economic integration, since some economies of scale may require a larger market than is possible within a particular country — for example, it would not be efficient for Kosovo to have its own car maker, if they would only sell to their local market. A lone car maker may be profitable, however, if they export cars to global markets in addition to selling to the local market (14).

The degree of economic integration can be categorized into seven stages:

- Preferential trading area
- Free trade area, Monetary union
- Customs union, Common market
- Economic union, Customs and monetary union
- Economic and monetary union
- Fiscal union
- Complete economic integration

These differ in the degree of unification of economic policies, with the highest one being the political union of the states.

3.4 Free trade areas, custom union, monetary union, common market, economic union, fiscal union & political union

A "free trade area" (FTA) is formed when at least two states partially or fully abolish custom tariffs on their inner border. To exclude regional exploitation of zero tariffs within the FTA there is a rule of certificate of origin for the goods originating from the territory of a member state of an FTA.

A "customs union" introduces unified tariffs on the exterior borders of the union (CET, common external tariffs). A "monetary union" introduces a shared currency.

A "common market" add to a FTA the free movement of services, capital and labor. An "economic union" combines customs union with a common market.

A "fiscal union" introduces a shared fiscal and budgetary policy. In order to be successful the more advanced integration steps are typically accompanied by unification of economic policies (tax, social welfare benefits, etc.), reductions in the rest of the trade barriers, introduction of supranational bodies, and gradual moves towards the final stage, a "political union" (15).

3.5 Success factors

Among the requirements for successful development of economic integration are "permanency" in its evolution (a gradual expansion and over time a higher degree of economic/political unification); "a formula for sharing joint revenues" (customs duties, licensing etc.) between member states (e.g., per capita); "a process for adopting decisions" both economically and politically; and "a will to make concessions" between developed and developing states of the union (16). A "coherence" policy is a must for the permanent development of economic unions, being also a property of the economic integration process. Historically the success of the European Coal and Steel Community opened a way for the formation of the European Economic Community (EEC) which involved much more than just the two sectors in the ECSC. So a coherence policy was implemented to use a different speed of economic unification (coherence) applied both to economic sectors and economic policies. Implementation of the coherence principle in adjusting economic policies in the member states of economic block causes economic integration effects (17).

4. Quality, safety and guarantee

Quality, safety and guarantee of products and services are the main issues related to concerns of consumers in SEE area.
4.1 Quality

Quality in business, engineering and manufacturing has a pragmatic interpretation as the non-inferiority or superiority of something; it is also defined as fitness for purpose. Quality is a perceptual, conditional and somewhat subjective attribute and may be understood differently by different people. Consumers may focus on the specification quality of a product/service, or how it compares to competitors in the marketplace. Producers might measure the conformance quality, or degree to which the product/service was produced correctly. Support personnel may measure quality in the degree that a product is reliable, maintainable, or sustainable.

The dimensions of quality refer to the attributes that quality achieves in operations management.
- Quality supports dependability
- Dependability supports speed
- Speed supports flexibility
- Flexibility supports cost

Numerous definitions and methodologies have been created to assist in managing the quality-affecting aspects of business operations. Many different techniques and concepts have evolved to improve product or service quality. There are two common quality-related functions within a business. One is quality assurance which is the prevention of defects, such as by the deployment of a quality management system and preventative activities like failure mode and effects analysis (FMEA). The other is quality control which is the detection of defects, most commonly associated with testing which takes place within a quality management system typically referred to as verification and validation. These functions are common in Germany, Japan, UK, and other countries, but between SEE countries only Austria, Slovenia and in some points Slovenia and Greece are aware about the issue. Quality management still remain problematic between private business subjects in Ukraine, Kosovo, Macedonia, Romania, Bulgaria, Albania, etc.

In these countries there are only a few number of companies which apply quality management techniques like Quality Management Systems, Total Quality Management (TQM), Design of Experiments, Continuous Improvement, Six Sigma, Statistical Process Control (SPC), Business Process Re-Engineering, Capability Maturity Models, etc.

4.2 Safety

Safety is the state of being "safe", the condition of being protected against physical, social, spiritual, financial, political, emotional, occupational, psychological, educational or other types or consequences of failure, damage, error, accidents, harm or any other event which could be considered non-desirable. Safety can also be defined to be the control of recognized hazards to achieve an acceptable level of risk. This can take the form of being protected from the event or from exposure to something that causes health or economical losses. It can include protection of people or of possessions.

Safety is the condition of a “steady state” of an organization or place doing what it is supposed to do. “What it is supposed to do” is defined in terms of public codes and standards, associated architectural and engineering designs, corporate vision and mission statements, and operational plans and personnel policies. For any organization, place, or function, large or small, safety is a normative concept. It complies with situation-specific definitions of what is expected and acceptable (18).

In the world of everyday affairs, not all goes as planned. Some entity’s steady state is challenged. This is where security science, which is of more recent date, enters. Drawing from the definition of safety, then:

Security is the process or means, physical or human, of delaying, preventing, and otherwise protecting against external or internal, defects, dangers, loss, criminals, and other individuals or actions that threaten, hinder or destroy an organization’s “steady state,” and deprive it of its intended purpose for being.

Using this generic definition of safety it is possible to specify the elements of a security program. Security also called social safety or public safety, security is the risk of harm due to intentional criminal acts such as assault, burglary or vandalism. Because of the moral issues involved, security is of higher importance to many people than substantive safety. For example, a death due to murder is considered worse than a death in a car crash, even though in many countries, traffic deaths are more common than homicides. Safety measures are activities and precautions taken to improve safety, i.e. reduce risk related to human health (18).

Common safety measures include:
- Chemical analysis
- Destructive testing of samples
• Drug testing of employees, etc.
• Examination of activities by specialists to minimize physical stress or increase productivity
• Geological surveys to determine whether land or water sources are polluted, how firm the ground is at a potential building site, etc.
• Government regulation so suppliers know what standards their product is expected to meet.
• Industry regulation so suppliers know what level of quality is expected. Industry regulation is often imposed to avoid potential government regulation.
• Instruction manuals explaining how to use a product or perform an activity
• Instructional videos demonstrating proper use of products. Root cause analysis to identify causes of a system failure and correct deficiencies.
• Periodic evaluations of employees, departments, etc.
• Physical examinations to determine whether a person has a physical condition that would create a problem.

In some point, it is evident to say member EU stated of CEE like Austria, Slovenia, etc are much better in these issues compare with other SEE countries, which are not members of EU, but this should be taken as an advantage to learn from.

4.3 Guarantee

Guarantee is anything that assures a certain outcome, but in terms of development the definition of Central Banks about reserves should be taken into the consideration. With this reserve guarantee a period of time which can be guaranteed with monetary reserves for buy of goods and services in case the country’s economy fail under several circumstances should be understand. A reserve currency, or anchor currency, is a currency that is held in significant quantities by many governments and institutions as part of their foreign exchange reserves. It also tends to be the international pricing currency for products traded on a global market, and commodities such as oil, gold, etc. This permits the issuing country to purchase the commodities at a marginally lower rate than other nations, which must exchange their currencies with each purchase and pay a transaction cost. For major currencies, this transaction cost is negligible with respect to the price of the commodity. It also permits the government issuing the currency to borrow money at a better rate, as there will always be a larger market for that currency than others.

As per information recorded in Central Banks of CEE countries, most of them have monetary reserves no less than three months, which is a good indicator.

5. Conclusions

1. SEE countries initiative has improved economic development and politic stability in the region, but there is still too much to be done in terms of business development and using human and natural resources.
2. SEE countries should work on gaining competitive advantage through specialization of production and not simply through keeping trade barriers high, especially in those sectors where they have already fictive competitive advantage like in agriculture and minerals.
3. Quality, safety and guarantee of products and services remain a big issue for the future of SEE countries into the path of integration in EU and Euro-Atlantic structures.

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Prospective and Retrospective Recurrence Impact on Text Coherence

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Abstract

The present research addresses the phenomenon of recurrence at structural, semantic and metatext levels and aims to analyze its impact on the author's argumentative line and text identity. The paper focuses on the use of prospective and retrospective iteration that plays a particularly significant role in scholarly literature where an academic text is due to comply with specific regulations and to report on the research results in the most objective way. To achieve the goal academic writers rely on employing a system of concepts typical of a particular science, providing unquestionable arguments and critical approach to convince the readers and win their trust. Scholarly articles related to management studies have been exposed to content analysis methodology and the findings reveal that recurrence as a multifunctional phenomenon is an integral part of narrative since it structures the composition, discloses the author's intention, supplements well justified reasoning through clarification, interpretation, explanation, accentuation and contributes to text consistency, cohesion and coherence.

Keywords: recurrence, prospective and retrospective exposition, argumentative line, coherence

1. Introduction

Since a text is asserted to be a depository and a transmitter of social, cultural, and scientific knowledge the issues related to its lexical and grammar structuring and transporting the results of the writer's thinking process to the readers have a widespread appeal within a scientific context. Scholars pursue varied approaches to the text from purely analytical and structural standpoints (Melchuk, 2001, p. 267) seeing text a hierarchy of words, word combinations, sentences and paragraphs to those highlighting cohesion and coherence as the main text characteristics based on the interpretation of each individual sentence relative to the interpretation of other sentences. (Van Dijk, 1977, 93)

According to Prof. Koshevaya (Koshevaya, 2012, 124) being the most comprehensive speech unit, any text regardless of its genre is perceived a closed completed system, synthesis of perspective and pragmatic aspects, i.e. text content, text semantics, text composition, text structure, semiotics. The definition emphasizing both structural and semantic aspects of text building that occurs at three levels is provided by Prof. Sviridova: 1. correlative level as a logical and intensional level where the link with the object of thinking is established; 2. corrective level as a language level where all language tools at a certain period are presented; 3. elective level as a speech level where the synonymous language tools are analyzed and the most appropriate ones are selected by the text author with the purpose to communicate the information with the highest accuracy possible. (Sviridova, 2011, pp.63-66)

Being the nexus of communicative, cognitive and emotive functions, text acts both as a closed system and an open one. Due to its structural limits, completeness and ability to exist independently from either the author or the reader, text turns to be a stationary, closed unit. However, being actualized in the reader's mind during the process of reading and interpreting which alters from reader to reader at different times, text is seen an open, mobile system. (Turaeva, 1986, p.12)

Text is the unity of systemic and individual features since, on the one hand, it has to be built according to conventional models, but, on the other hand, it is created by individuals who inevitably contribute their personality to any, even scholarly texts, which have to meet strict requirements.

The most comprehensive definition of the text is acknowledged to be that by Prof. Galperin who reveals the
multifaceted nature of the text describing it as the result of a creative speech process fixed in writing in compliance with
the principles of a certain genre. Text is argued to be a complete, headed unit built by the constituents of the language
hierarchy with the help of various lexical, grammatical, logical, stylistic links and having intentionality and pragmatic value

1.1 Research goals and methods

This research addresses a particular type of academic texts – journal articles used by various scholars as one of many
sources of evidence about their research subject where language acts not only as a neutral medium for generating
subject knowledge, but as a form of social practice and both reflects and constitutes social realities (Silverman, 2000).
Some linguists (e.g. Barthes, 1977; Baxter, 2003) go further and assert that the language of research is a textualising
practice which requires thorough analysis of its linguistic data and their constitutive power. Thus the paper touches upon
scholarly article salient categories and aims to analyse prospective and retrospective recurrence, an integral part of
narrative, and its role in structuring the author's argumentative line and providing well justified reasoning. Employing such
methods as content analysis, qualitative and quantitative research techniques, the articles devoted to the management
have been examined.

2. Theoretical background

2.1 Scholarly Text Categories and Conventions

It is a well-known fact that scholarly text is to comply with standardized rules and regulations typical of the academic
writing. To meet these requirements academic texts employ generally accepted terms, clichés, and lexical and grammar
patterns. In addition academic papers intended for publishing have to conform to the conventions of scholarly publishing
such as MLA (Modern Language Association)1 applied to papers in humanitarian sciences, APA (American
Psychological Association)2 typical of papers in medicine, sociology and economics, CMS (Chicago Manual of Style)3
used in some social science publications and historical journals, and less spread ones such as AAA (American
Anthropological Association)4, CSE (Council of Science Editors)5 and others.

The standards and conventions of an academic piece of writing have been extensively examined and various
aspects of the research article have been analysed: the abstract (Kamler and Thomson, 2004; Lores, 2004; Martin,
2003), introduction (Samraj, 2002, 2005; Swales, 1981), literature review (Kwan, 2006), method (Lim, 2006), results and
discussion (Brett, 1994; Holmes, 1997; Hopkins and Dudley-Evens, 1998; Yang and Alison, 2003), acknowledgements
(Hyland, 2004), as well as the whole article (Kanoksilapatham, 2005; Nwgou, 1997).
Whatever the variety of scholarly publishing conventions might be, the underlying characteristics of academic style of
writing are as follows:

1. at the morphological level the usage of
   - abstract nouns (e.g. argumentation, concept, importance)
   - verbal nouns (e.g. evaluation, collaboration, exaggeration)
   - words of Greek and Latin origin (e.g. academic, heterogeneous, schematic, many words starting with ph-,
     ps-, sch– of Greek origin; nexus, insinuation extricate, intricate – of Latin origin)
   - passive voice (e.g The data were collected from 105 chief executive officers of Canadian companies. In
     this paper, a cross-sectional study using a 3-stage organizational life cycle model… is adopted in the
     examination of the changes in environmental challenges.)

2. at the lexical level the usage of
   - terms (e.g. decimal point - in mathematics, balanced scorecard, benchmarking - in management, fusional
     language, hedged performative – in linguistics)
   - clichés or rather extended word collocations accepted in academic writing (e.g. not devoid of some

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1 The publication manual is available: http://www.mla.org/
2 The publication manual is available: http://owl.english.purdue.edu/owl/resource/560/01/
3 The publication manual is available: http://www.chicagomanualofstyle.org/home.html
4 The publication manual is available: http://www.aaanet.org/publications/guidelines.cfm
5 The publication manual is available: http://writing.wisc.edu/Handbook/DocCBE.html
serious drawbacks, a deviation from the mainstream, root and branch transformation, it should be stated at the outset

- academic vocabulary (e.g. hypothesize, subsequent, perspective, portray, invariably)
- iteration within a short context (e.g. A key question in the managerial cognition literature is the extent to which individuals within organizations have similar or different cognitions. The focus of empirical studies, however, has been on cognition related to industry and competition rather than a more comprehensive set of external and internal factors. Cognitive researchers have also been interested in the connection between shared cognitions and behaviours in organizations.)

3. at the syntactical level the predominance of
- complex and compound sentences (e.g. Further greenfield ventures provide an option to expand, increasing the investment incrementally as more information about the market becomes available, allowing firms to create a smaller operation (compared to an acquisition) if demand turns out to be lower than expected, and finally provide a mechanism for abandonment at lower cost than an acquisition (which requires the entire investment be made at the start) if it becomes clear that demand will not materialize.)
- declarative sentences since the key goal of scholarly papers is to report either accumulated or generated knowledge (e.g. The evidence suggests that acquisitions are a good choice only when firms enter markets containing low demand uncertainty and when these firms possess acquisition-based strategic flexibility.)
- noun-based phrases rather than verb-based phrases (e.g. multistage life cycle models; the examination of the changes in environmental, university-based technology commercialization)

In addition to the wide usage of intrinsic lexical, morphological and syntactical patterns scholarly papers seek to conform to the norms and principles underlying the academic writing process such as: conceptuality, empirical approach, criticism, logic, reasonableness. Given these norms, Prof. Galperin suggested the following categories a scholarly text is based on (Galperin 1981:27):

- information value – i.e. texts seek to communicate various data depending on the pragmatic goals
- integration – i.e. every further text segment is semantically linked to the previous one and there is a linear perception of the information even though there may be some deviations from the main narration stream;
- segmentation – i.e. scholarly texts are subdivided into particular segments within their structure depending on the paper type, the invariable segments are introduction, main body and conclusion; research proposals and article also include methodology and result analysis parts, the main requirement is structural clarity;
- modality – i.e. the category aimed at the writer and concerned to reflect the writer's attitude to the potential or actual implication of the data presented in the paper;
- accentuation – i.e. the author emphasizes meaningful issues and attracts the reader’s attention with the help of interpreting, clarifying, highlighting with the final aim to convince the reader;
- prospective exposition – i.e. further facts are declared beforehand letting the reader concentrate on reading, mentally prepare for understanding the message and refer to their knowledge background that is crucial for the comprehension of scholarly information;
- retrospective exposition – i.e. the author refers to the previously presented issues essential for further narrative or for reconsideration in new circumstances.

The purpose of these norms and principles is to adequately project the cognitive process structure consisting of setting a problem, defining research tasks, solving the problem, and explaining the results. This is exactly the established structure of almost any research paper that is preconditioned by the author’s communicative aim to convince the readers, well informed professionals, that the research is important and the results and valid and reliable. It allows for acknowledging an argumentative nature of the research article.

Since all the premises put forward need to be justified to sound cogent, the arguments are expected to be logically delivered and supplemented with speculation, description, and interpretation to explain and clarify complicated concepts and phenomena and to justify the author’s standpoint. Due to a lack of direct contact with the recipient in written communication, the importance of clarity, consistency, cohesion and coherence increases.

2.2 Research Argumentation

As it has been mentioned before, the author’s key goals while reporting on the research results is to appeal to the readers’ thinking, to convince them of the data relevance with the help of adequately structured argumentative line.
Argumentation is considered a social, intellectual, verbal activity aimed at justifying or refuting a premise and represented by a system of assertions to be understood and shared by a certain audience. (Alekseev, 1991, pp. 30-35) Argumentation in this paper is treated as a communicative process related to the analysis and selection of appropriate arguments based on a premise and well justified reasoning, evaluation of possible alternatives and estimation of their logical consequences.

Being guided by the proposition that argumentation has dual nature: logical in structure and rhetorical in content (Ivin, 2000, p.25), we accept that argumentation is the integrity of two processes: internal related to the selection of the most adequate linguistic forms and external related to the social interaction with the reader aimed at inspiring thinking and convincing.

Moreover, being based on predication, argumentation is considered to be a cognitive process as it generates information perception, processing and representation; a mental process involving speculation, explanation, confirmation, correction, or objection (Gadamer, 1988, p.37); a communicative process aimed at transmitting a message and eliminating cognitive and axiological dissonance interpreted as the deviation between two types or levels of background knowledge. (Festinger, 1985, p.41)

The goal can be achieved if the information presented is profoundly justified, in other words if well-grounded arguments are provided. An argument is claimed to comprise a set of assumptions or premises, a method of reasoning and a conclusion in classical logic the method of reasoning seeks to guarantee the conclusion following logically from the assumptions.

However, in the speculation process there might be a lack of formal structural links between a premise and a conclusion and the analysis of text implies the penetration into the author's intention and the research not only into explicit but also into implicit evidence of argumentation. Text analysis turns to be the process of deriving logical conclusions, i.e. the process of inference based on a set of cognitive operations. This very assumption underlies CARS (Creating a Research Space) model by John Malcolm Swales known for his research into genre analysis. The model comprises recurring and regularized argumentative events – argumentative moves and steps (Swales, 1990):

- establishing a research territory based on the analysis of the previous research and existing theories;
- setting the research subject and importance;
- establishing a research niche based on identifying research gaps;
- occupying the niche based on setting a research problem, defining research tasks and explaining research methods and tools.

A similar model has been put forward by Tony Dudley-Evans, another British linguist and expert in English for Specific Purposes. His Six-Move Schema of Rhetorical Move (Dudley-Evans, 2008) consists of the following steps – moves: introduction of the research field, introduction of the general topic, introduction of the particular topic, definition of the particular topic scope, preparation for present research by identifying shortcomings in previous studies, and introduction of present research by setting research goals and methodology.

The both models emphasize the fact that a scholarly text has one central theme and every part contributes to the main point providing speculation on certain phenomena, explanation, and exemplification, i.e. recapitulating, iterating, and recurring to particular standpoints and issues.

2.3 Recurrence

The term recurrence comes from Latin "recur" - repetition, reiteration and can be treated from two perspectives: as an explicit process of repetition at different strata of language and as a universal linguistic phenomenon.

Recurrence may occur at different levels:
- at the structural level of the text where recurrence acts as an explicit phonetic, morphological, lexical and syntactic repetition
- at the semantic level where recurrence exists implicitly as repetition of meanings
- at the metatext level where headings, sentences and even text segments, refrains are repeated
- at the intertextual level where texts include quotations and reference to precedent texts such as legends, proverbs, sayings

It is necessary to mention that recurrence can be investigated only within a text as any language exists in the form of a text, text is believed to be a primary communication element accommodating other language elements that can be induced from the text with the help linguistic analysis. A text of any genre contains recurrent elements of different levels interacting with non-recurrent elements and ensuring text cohesion and coherence.
Recurrence plays a specific role in scholarly literature where an academic text is due to report on the research results in the most objective way employing a system of concepts typical of a particular science, providing unquestionable arguments and critical approach. Critical approach presupposes speculation, poly-theoretical description, and interpretation variety.

Moreover, text categories also get realized through recurrence since every logical narrative complies with the rule of thumb – say what you are saying (outline the main points of your account), say it (deliver the information) and say what you have said (summarise the main points to make sure all the details have been included). Text writing and reading process is like a spiral evolving movement, the factor of text sense dynamics (Taranets & Chetyrkina, 2008, p.340-341) where every new reiteration brings new connotations to repeated words, broadens newly expressed ideas, and contributes to argumentation cogency.

Thus, recurrence aims to emphasize the issues which prove to be the most significant for the author’s train of thought in terms of building the most logical argumentative line. Moreover, the process of interpreting and comprehending the author’s argumentative line is rather challenging especially in case of research article that belongs to a certain area of science, uses certain concepts and requires certain power of apprehension.

As a result of the author’s reference to the existing information, recurrence proves to be revealed at two levels:
- intratexual, i.e. within a single text where recurrence seeks to perform the function of segmentation that results in establishing a clear order of presenting the text sections (Strizhenko & Kruchinina, 1985, p.70)
- intertextual, being or involving the reference of one text by another; here we can speak about citation.

Being a text category, recurrence also occurs as prospective or retrospective exposition, i.e. as the basis for accumulating, retaining, and reassessing information.

Prospective exposition is perceived as a means of text building aimed at providing the opportunity to predict further narration, to comprehend the links between the article parts and issues. Every new section of an article starts with a brief outline of or introduction to the information provided further preparing for critical reading.

Retrospective exposition as a means of text building seeks to:
- restore previously stated points or introduce new ideas related to the previously stated points and necessary for further comprehension of the research report
- let the opportunity to reconsider previously discussed issues in a new context
- actualize some parts of the text which indirectly relate to the intensional information.

Every part of an article finishes by summarizing the key points discussed. Consequently, retrospective recurrence inevitably leads to the reconsideration and reassessment of some issues and standpoints presented in the text making certain, irrelevant at first sight, points meaningful and significant.

Both, prospective and retrospective recurrence may be created by the author with the help of various lexical and semantic patterns, in this case we deal with the actual explicit recurrence, or may be elicited as a result of reader’s analysis and critical thinking, in this case the recurrence is implicit, based on the reader’s subjective perception.

Thus, prospective and retrospective iteration or recurrence is intentionally used by the author to provide for logical consistency of the article; and can be restored by the reader due to the ability to retain information in mind and draw logical connections between various related issues.

3. Results and Discussion

One of the indicators that a certain issue or detail is meaningful to building narration, valuable to revealing the author’s intention, and indispensable to the detecting the author’s argumentative line is its repeated or recurrent display in the text.

The analysis of CARS model by John Malcolm Swales and Six-Move Schema by Tony Dudley-Evans demonstrates that the former tends to refer only to the introductory part of research paper unlike the latter that addresses the whole paper. However, neither of them straightforwardly mentions such an important move or step in the research report as analysis or discussion of research results. Thus, given the both models we suggest distinguishing the following argumentative, recurrent steps within the framework of a research article

1. Introductory stage:
   - Defining the research field
     E.g. Conceptually there is substantial agreement that business organizations, both large and small are inseparable from their respective environment. On a continuous basis, changes in the environment bring about new sets or combinations of circumstances that must be dealt with through management
decisions…
- Defining the research subject
  E.g. Thus, the assertion in this research is that organizations respond to their environments on the basis of perceived problems/concerns.
- Setting the research problem
  E.g. The purpose of this study is to provide empirical evidence on identified problems/concerns of small business firms dimensioned in terms of changes within the organization. Of particular interest are those related to the organizational life cycle and the exogenous changes attributable to the dynamic, competitive nature of the marketplace.

Thus, the introductory part makes it clear that the research is concerned with such concepts as “business organization”, “environment”, “problems/concerns”, “decision making” creating the basis for the further narration where the stated concepts are expected to be defined and analysed.

2. Theoretical background:
- Key concept definition and explanation
  E.g. Problems/concerns may be defined as issues that galvanize interest and direct attention in organizations because of envisioned consequences associated with action or inaction.
- Previous research and existing theory analysis
  E.g. … there are numerous multistage models that use a diverse array of characteristics to explain the phenomenon of organizational development…
  … the organizational life cycle has been variously reported to consist of between 3 and 10 stages…
  The underlying theory for this classification system is…
- Further research opportunities identification
  E.g. While a number of multistage life cycle models have been proposed, none of them offer adequate explanation of why.

It needs to be clarified that in the introduction research concepts are expected to be only introduced, at the theoretical stage they are defined, explained based on the existing theoretical perspectives.

3. New research presentation stage:
- Specifying research goals by putting forward hypotheses, research questions or defining research tasks
  E.g. Proposition 1: Significant differences in the relative importance of identified problems will exist between organizational task environments.
- Explaining research methods and procedures
  E.g. Data for this study were gathered from final case reports …
  A key issue in the analysis began with the simple calculation of…
  The standard Z test was employed to compare…
- Presenting research results
  E.g. Specific problem descriptions were categorized under major headings identified in the preliminary stage of data analysis.
  … six identified problems exhibit statistically significant differences …
  … significant differences are noted for only two problems in those environments…

At this stage the information is presented on the basis of previously stated and described concepts and standpoints. Such recurrent progressive account of research contributes to cohesion and coherence of scholarly texts where all the issues are introduced in logical connection. In addition at this stage the stipulated research area gets compressed to particular perspectives being examined by corresponding tools.

4. Concluding stage:
- Result analysis
  E.g. The findings of this study contradict…
  The variable nature of these nine problems allows them to be classified as situational problems.
  The findings of the study also provide new insights into how a particular task is interpreted.
- Research significance appraisal
  E.g. This research provides a positive perspective of the role that competition and the organizational life cycle play in determining problems…
  … this research provides a paradigm by which owners and managers can better allocate resources and…
- Research delimitation appraisal
E.g. Acknowledging the limitations imposed by the methodological procedures…

Creating journal articles based on this model authors manage to logically recur to the main issues of their account, to draw attention to the most significant premises, and to encourage the reader to speculate on those recurrently highlighted points. This scheme allows for consistent data delivery and provides for article coherence since the issues are recurrently linked both within the whole article and within every stage that is clearly demonstrated by prospective and retrospective recurrence.

Thus, prospective exposition helps to point out the logical plan for a scholarly composition setting the framework for the narration:

“This paper proceeds as follows. First, we develop the self-determination aspect of our model to explain the intensity of the negative emotional reaction to project failure. Second, we develop the self-compassion aspect of our model to explain variance in the relationship between these negative emotions and learning from failure. Finally, we discuss the implications of our model.”

Since the plan for the account is declared, all the issues stated are specified further at greater length:

“We use a self-determination theory perspective to develop a model.”

“Self-Domination Theory (SDT) is concerned with explicating the psychological processes…”

“…we investigate how various attributes of self-compassion can…”

“…self-compassion involves…”

“…with self-compassion the individual seeks to remain connected to organizational actions.

“We believe that this model has a number of important implications”

“Although the negative implications of organizational members not thriving at work are already well understood…”

“Intratexual retrospective exposition helps the reader comprehend the consistency of the author’s argumentative line.”

“However, as stated above, negative emotions can also interfere with learning.”

“Hence, in each local authority questionnaires were sent to two echelons – three corporate officers and seven officers in each of the seven service areas mentioned above.”

The author recur to the key issue of the research building the report line according to the classical argument structure presenting an assumption or a premise and moving to the conclusion through testing the proposition and providing the justification for the reasoning. The argumentation process requires the application to the categories of information value, integration and accentuation to ensure cohesion and coherence.

“This simple notion suggests three important insights into the opportunity evaluation decision-making process; specifically: (1) evaluations of opportunity attractiveness – that is, the potential of the opportunity to generate competitive advantage and entrepreneurial returns to the firm – likely proceed and are separate from the decision to exploit; (2) opportunity evaluation is future-focused, such that the entrepreneur evaluates the opportunity in terms of the firm’s gains if the opportunity were exploited; and (3) opportunity evaluation represents a first-person – rather than a third-person – assessment.”

Given the fact that all studies exist within the theoretical environment built by certain concepts and previous research, academic writers tend to refer to other scholars’ investigations and findings to demonstrate their belonging to the academic circles, and to contribute to their research reliability. In this case recurrence turns to be intertextual recurrence to previously learnt theories, background knowledge.


Ibidem: p.927

Ibidem:p.927

Ibidem: p.931

Ibidem: p.933

Ibidem: p.933

Ibidem: p.938

Ibidem: p.938

Ibidem: p.930


“Smith et al. suggested that companies in the same developmental stage of their organizational life cycle have similar characteristics... In another study, Miller and Friesen conducted an empirical analysis and classified firms...”

Thus, using such text category as recurrence to structure the argumentative line, the author not only ensures logical links within the article but also appeals to the reader’s experience, which definitely simplifies the understanding of the author's intention alongside with keeping the article compact enough. It is achieved due to the fact that both the author and the reader operate the same concepts and exist within the same theoretical environment.

4. Conclusions

The goal of a research paper is not only to inform the reader what others have to say about a topic, but rather to draw upon the existing knowledge in order to thoughtfully offer a unique perspective on the issue at hand, prove the cogency of the suggested vision and deliver the information in the most consistent way possible.

The analysis demonstrates that recurrence as a multifunctional phenomenon is an integral part of academic text since it structures the composition, reveals the author’s intention, supplements well justified reasoning through clarification, interpretation, explanation, accentuation and contributes to text consistency, cohesion and coherence.

This paper has placed special emphasis on the prospective and retrospective recurrence and its role in structuring journal articles that proves to be twofold since it exists explicitly, when being created by the author to ensure logical delivery of information, and implicitly, being derived by the reader to get concentrated on the most meaningful issues.

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The Metaphysics of Possible Worlds in the Narrative of Fatos Kongoli
Time and Symmetric Space in the Comparison between Kongoli – Buzzati

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Abstract

The following paper aims to take a virtual trip to the author’s literary work, Fatos Kongoli, and treating some of the most important themes of his narrative. The author, selected for this paper, is a contemporary Albanian writer who manages to fill with anxiety and spirituality the words, the narrative voices and the variations of scenarios. By analyzing some of the most important aspects of the work of Kongoli, research will focus on literary and human development of this author, on the limits of his research that lies beyond the ideas and reach the major topics like Life, Time and Death, wrapped in the individual level as well as the general one of all humanity. This paper among others will propose a comparison between Fatos Kongoli and Dino Buzzati, aiming a symmetric approach between these two authors. The research, in this sense, will be accomplished by following some reading keys that refer to:
- Penetration of human life;
- The real world and the world of the possible, as symmetric representations of life and death;
- Moral and immoral earthly issues;
- Transiency and eternity;
- Illustration of fantastic dimension and the dimension of reality;
- De-codification of earthly and divine meaning in affective relationships.

The comparison between Kongoli and Buzzati will be conducted from the perspective of the analysis of these two authors, as people destined to be pushed into the distant lands of the imagination. The essential would be to be recognized the filters on topics of reflection of human enigma, to penetrate in the metaphysical battle against Being as Time-consuming.

Keywords: metaphysics, literary contemporary, symmetrical comparison, symmetrical Time, fantastic dimension, transiency, eternity.

1. Introduzione

La letteratura albanese è come una piccola barca, con dentro pochi coraggiosi rematori che ordinano di salire su, e poi traghettano i passeggeri in un fiume misterioso, dove tutto ricorda la Vita e le sue ombre notturne. Ci si riesce a sentire il battito del cuore, i pensieri che echeggiano nel silenzio, i sogni che si arrampicano fino all’orlo della realtà.

I personaggi che si incontrano sembrano così reali da non osare a toccarli con la mano, e nello stesso tempo si ha la sensazione di una realtà effimera, dove tutto può scomparire da un momento ad altro.

Dentro quest’ambiente vive e respira professionalmente Fatos Kongoli, l’autore prescelto per questa ricerca, uno scrittore che dopo gli anni ’90 si presentò con un impatto importante nella letteratura albanese, omandolo con una spiritualità quasi perduta dopo il comunismo, le parole dei suoi scritti.

Attraverso la sua opera si può perlustrare lo sviluppo letterario e umano dell’autore, i confini della sua ricerca, la trippice matrice della sua volontà artistica e il suo sfogo a dipingere con le proprie idee, la Vita, il Tempo e la Morte di se stesso e dell’intera umanità.

Vorrei mettere in chiaro il mio metodo di interpretare Kongoli, citando un momento della biografia del pittore Paul Klee. Nel suo diario Klee aveva scritto che all’età di nove anni andava nella trattoria dello zio, dove:

“...c’erano tavoli con piani di marmo levigato, la cui superficie era, per vetustà, un intrico di solchi. In questo labirinto di linee si potevano vedere grottesche figure umane e fissarle con la matita” (Paul Klee, 2010).
Questo vedere nei solchi della superficie del marmo figure diverse è, per dira con Wittgenstein delle Osservazioni sulla filosofia della psicologia, un vero e proprio “vedere come”: 

“...un intrico di linee improvvisamente si anima e in esse scorgiamo una figura, un volto, una fisionomia. L’immagine che ci appare è il risultato non della visione retinica, ma di un “vedere come”, di uno “sguardo”, con il quale di “colpo” cogliamo qualcosa che rimaneva nascosto alla vista e che non possiamo indicare senza riferirci proprio a quell’intrico di linee. Questo vuol dire che quelle linee possono dare luogo a una molteplicità di rappresentazioni nessuna delle quali è prevedibile...” (Giuseppe di Giacomo, 2005).

Sotto quest’ottica di valutazione, i personaggi tratti dai libri di Kongoli mostrano diverse sfaccature dell’intimo umano, si lasciano cadere per rialzarsi in realtà diverse, dove i confini fra il mondo dei sogni e la quotidianità terrestre si sfumano tra loro.

Come si presenta Kongoli dentro la cornice biografica della sua vita?

Nato nel 1944 a Elbasan, nell’Albania Centrale, ha studiato matematica a Pechino e poi a Tirana, dove si è laureato nel 1967. A prima vista nascono i dubbi da questa convivenza particolare tra la matematica e la letteratura nella sua formazione, ma lui stesso chiarisce ogni titubanza sostenendo che:

“Il legame si crea spontaneamente, come nel mio caso in cui dopo aver avuto una formazione matematica di base, è stata un’inclinazione del tutto intima a spingermi verso la letteratura. La matematica se non altro dà all’uomo ciò che comunemente è detta ‘logica matematica’. Questo genere di logica non ti permette “di volare”. È questa logica che interviene spontaneamente e si riflette nella struttura dell’opera sino alla costruzione della frase stessa e via di seguito. D’altra parte, esiste un certo legame a livello universale tra letteratura, arte e scienze: Einstein ha detto che, nello scoprire la teoria della relatività, si è ispirato, tra gli altri, a Dostoevskij” (Rivista Amaltea, 2008).


Queste opere sono il tentativo di oltrepassare l’osservazione della quotidianità grigia albanese, cercando il dialogo tra il passato e il presente nella concezione dell’autore. Attraverso “Le carceri della memoria” Kongoli sconfina nel campo della riflessione sui temi e problemi fondamentali dell’uomo in rapporto alla sua condizione esistenziale, ai suoi simili, alla morte e a Dio. La scrittura particolare che s’intravede in questi libri, difatti favorisce l’esplicarsi di un’immaginazione che, negli scritti di Kongoli sembra di sondare quanto di misterioso e oscuro caratterizza il reale.

Ciò che si crea nell’immaginario del lettore è la sensazione di un silenzio ingombrante, onnipresente; le pause, dove sembra che non succeda niente e tutto accade senza accorgersene, sembrano degli elementi quasi irreali, fantastici, con i quali uno comincia ad abituarsi.

Sotto questa luce, si possono vedere delle interessanti affinità tra Kongoli e Dino Buzzati. Anche quest’ultimo ebbe la necessità di guardare il Silenzio come un Deserto, dove tutto si spegneva sotto i fuochi del sole e della vita che colpivano e costringevano le sagome umane ad aspettare che tutto cambiasse attraverso i miracoli.

L’anormalità e l’angoscia sono elementi della narrativa che avvicina Buzzati a Kongoli. Il lettore esce da alcuni romanzi dello scrittore albanese come da un risveglio. Ora sa che prima sognava. Questo tipo di scrittura assomiglia all’esplorazione del tempo. Il viaggio nel passato e nella memoria è un punto fermo dove la realtà si converge nell’illusorio esistenziale.

Kongoli allora è un esploratore contemporaneo del suo tempo?

C’è da ricordare che dopo la caduta del comunismo in Albania, erano in molti gli autori che decisero di dare un taglio netto al passato e ripartire. Tra questi, Kongoli scelse il momento felice di partire, per non tornare più. Attraverso il racconto del passato, lui mette in luce una vita che nasce e poi si disfa di tutto ciò che ha intorno a se.

Chiamando in causa Dino Buzzati, il percorso metafisico di Kongoli assomiglia al cammino impreciso del messaggero:

* ...Sia come sia o messaggero, porta la notizia che io vengo, non occorre neanche che tu ti faccia vedere ancora. Questa sera mi sento veramente bene, sebbene i pensieri ondeggiin un poco, e ho preso la decisione di partire (Ma sarò poi capace? Non farà storie poi la mia anima, al momento buono non si metterà a tremare, non nasconderà la
Un viaggio, un’esplorazione, che porta i lettori verso un pellegrinaggio, un’esplorazione mistica, letteraria, umana, nelle pagine scritte di Kongoli, dove si prova una sensazione strana, misteriosa, che riempie l’anima e incoraggia ad andare avanti, a vedere oltre, per cercar di capire, se è possibile, qualcosa di più della quotidiana realtà.

2. **Dai viaggi esistenziali alla parabola della morte. I segni della lotta quotidiana contro l’ombra di noi stessi**

I ricordi che ritornano, prima frequentemente, poi sempre più di rado, e quindi a intervalli di anni e di decenni, sono i legami che ci uniscono al mondo mitico della nostra fanciullezza, della nostra infanzia, o comunque, che ci uniscono alla nostra vita passata. Legami di un mondo raccolto e fatato, che si allentano inesorabilmente di anno in anno, fino al punto che non possono essere più nemmeno interpretati, quando eccezionalmente arrivano alla nostra riflessione. L’aria misteriosa che si respira sorvegliando il tempo, rimanda spesso a un’esistenza felice, ti fa pensare a persone che hanno gioito aggrappati all’illusione delle loro vite.

Quest’atmosfera si capovolge nel romanzo “L’ombra dell’altro” di Kongoli. Il Protagonista, Festim Gurabardhi, vive un’esistenza tormentata, costretto a conoscere da bambino il perseguitore che segnerà ogni momento cruciale della sua vita.

La storia è ambientata durante il regime comunista in Albania, ma il protagonista è destinato a vivere tra le spoglie di un’unfelicità persistente. Festim Gurabardhi ha una vita svuotata da ogni illusione temporanea della gioia, lavora in una casa editrice, dove filtra i manoscritti in base ai parametri voluti dal regime, si tufa in relazioni temporanee con donne che scivolano come sagome trasparenti dalla sua vita e nel silenzio che si apre davanti ai suoi pensieri, cerca di arrivare senza convinzione al domani.

Quali sono i suoi ricordi da bambino? La morte dei genitori, il quasi annegamento all’età di dodici anni, il fratello dal nome Abele, che dopo essersi suicidato gli farà passare sempre di più al Caino biblico che sente di rappresentare. Non ci sono descrizioni minuziose di cose belle e leggere dell’infanzia. La nonna che si prende cura di lui è solo un elemento di racconto come tanti altri, anche lei muore, e tutti i famigliari che Festim impara a conoscere, muoiono, fanno una brutta fine o semplicemente svaniscono in silenzio.

C’è da dire che questi ricordi che assomigliano al tentativo di evocare l’inferno fanciullesco dentro la realtà infernale, sono come dei testimoni molesti e ingombranti. Festim Gurabardhi non prova quasi mai “rimpianto delle gioie lasciate”, ma attende senza poter far niente, e lascia scorrere via, nel fiume del tempo, la propria esistenza.

Lui conosce la persecuzione dai primi anni di vita sotto il nome di Valmir, che nel trascorrere degli anni sarà per sempre un’ombra ingombrante dietro le pieghe esistenziali di Festim. L’Albania del regime comunista era piena di gente come Valmir, che si mettevano al servizio della macchina statale per mietere paura e dolore nelle anime tormentate delle persone.

Valmir è il male, e ogniqualvolta che s’incrocia con Festim, l’aria diventa pesante e la morte si avvicina. Valmir è quello che gli fa vedere per la prima volta la faccia della morte a Festim, quando lui era ancora un bambino:

“Valmir mi mostrò la faccia della morte. Questo coincide con l’epoca in cui c’erano le impiccagioni pubbliche in piazza e gli impiccati erano lasciati fluttuare in aria come pendoli, per il tempo necessario che serviva a tutta la gente di vederli” (Kongoli, 1999).

Il bambino Valmir non si accontenta di ciò che vede. Lui osa e vuole provare cosa significa maneggiare la morte. Così inscena il genocidio dei gatti del quartiere:

“Il modo in cui Valmir uccise il gatto nero del sotterraneo mi sconvolse profondamente. Prima gli staccò la testa con un coltello. Poi gli aprì la pancia e così fece uscire l’intestino. Le sue mani si sporcarono di sangue e dalla pancia del gatto si sprigionò un’aria cattiva. […] Quella notte gridai nel sonno. Mi sembrava come se un essere senza volto mi inseguisse con un coltello in mano, lo mi allontanavo, ma ero convinto che se mi avesse preso, mi avrebbe tagliato la testa, mi avrebbe aperto la pancia per tirare fuori il mio intestino”.

Ci troviamo davanti a una realtà che assomiglia all’incubo e incubi presenti quanto la realtà. Il bambino Valmir mistifica il male, si sottopone al regime comunista e fa la spia per arrivare alle condanne della gente comune. Il passaggio dal mondo dei bambini a quello dei grandi si fa indole per lui, che si trasforma nell’inquirente Valmir D., alienato dal regime totalitarian e portatore di una Maledizione continua per i comuni mortali.
L’inquirente del regime sceglie la sua vittima, la pedina, la tortura dal punto di vista psicologico e quanto entra nei suoi sogni intimi, le uccide le speranze soffocando ogni luce dei pensieri.

Valmir D. È un cacciatore di anime perdute, sempre alla ricerca della rovina casuale di singoli sconosciuti.

Ritornando al paragone con Dino Buzzati, si trova un’analogia con il racconto “La bomba atomica”, dove il male sceglie in modo indistintamente le sue vittime.

In questo racconto è la Morte che si diverte a fare visite a domicilio, e non solo le voci preoccupate degli inquilini, ma anche i sogni premonitori e le telefonate degli sconosciuti, fanno alzare dal letto il Prescelto, il Predestinato, che si vergogna di uscire in pigiama a vedere che succede, ma poi, alla fine, spinto da un misterioso desiderio di scoprire di che si tratta, fa il passo decisivo in avanti.

La morte è il momento della verità, e quelli che sentono di averla fatta franca, tolgo via le maschere delle proprie facce e si danno ai festeggiamenti; brindano alla malasorte capitata ad un altro. Insomma, piccoli esseri umani, meschini, senza la minima voglia di esibire un sentimento di pietà, per qualcuno che sta per “andare via”.

È il mondo di tutti i giorni, sono le persone che ci salutano la mattina al bar, ma quando si tratta di togliere le maschere, si vede una nudità mostruosa di anime che si strisciano, dietro le pareti, per non farsi prendere, per non farsi vedere.

Il campanello della Notte ha un suono particolare, differente, da persona a persona. Solo dinanzi a questo bivio, si riesce a capire la solitudine della vita umana, un correre senza fiato in un deserto d’illusioni, la scalata nella cima più alta del mondo per morire poco prima di esserci riusciti.

―…La gente mi fissava. Mai vidi volti umani stravolti da una felicità così selvaggia. Uno non seppe resistere e scoppiò in una risata che finì in una tosse cavernosa: era il vecchio Percalli, quello dei tappeti all’asta. Capii. Il cassone con l’inferno dentro era per me, un esclusivo dono, per me solo. E gli altri erano salvi‖ (Giulio Carnazzi, 1998).

Si tratta di singole esistenze umane, delle quali si sa poco o niente. Buzzati impone il paragone fra una vita pensata, dove ognuno è padrone della situazione e non si lascia mai andare, e la realtà così com’è, dove il Tempo, un vento che soffia sopra le vittime prescelte, non lascia nessun briciolo di speranza.

Kongoli nel suo libro offre la stessa idea del male che si incarna nel inquirer Valmir D. Questo è l’ombra degli altri, si mette nella scia delle vite anonime con l’intento di distruggerle e ci riesce malvolentieri nella sua intenzione.

Le ambientazioni del libro assomigliano a un paradosso tra il sogno e la realtà, con l’eccezione del protagonista, tutti gli altri personaggi sono sfumati nei loro piccoli sforzi di sopravvivere. Klea, Gusti, Sara, Hektor, come tanti altri hanno il destino segnato dalla fatalità che arriva e non gli da scampo. Non possiamo sapere molto di loro, si capisce, non dobbiamo affezionarci alla loro avventura. Tanto è tutto perduto.

Tutti hanno in comune una sola data, quella della loro morte, e davanti a un evento così straziante, non ci resta che pensare e valutare le piccole inutili cose che facciamo periodicamente. È come se Kongoli ravvisasse nella vita di tutti giorni, la fine comune che ci aspetta, senza aver la possibilità di scelta. Un’interpretazione squallida, si può dire, e meschina, della sorte degli uomini sulla piccola terra albanese e comunista.

Lo stesso Festim Gurabardhi si trasforma nel proprio destino, si trasforma in un cadavere vivente, con la paura di incrociare il proprio esecutore in ogni passo che incammina per la strada.

La morte in sé, diventa una cosa assurda, non ha più senso parlare di destini già segnati. Un morto vivente diventa un estraneo, con la paura di incrociare il proprio esecutore in ogni passo che incammina per la strada.

Il mondo reale e il mondo possibile, come rappresentazioni simmetriche della vita e della morte

Il titolo metaforico del libro “pelle di cane” di Kongoli, offre la possibilità di entrare nelle varie sfumature identitarie, psicologiche e spirituali del protagonista Kristi Tarapi. Questo è un personaggio che s’identifica contemporaneamente come una persona normale e straordinaria, le sue allucinazioni offrono una visione chiara e distinta della vita, i suoi passi sprofondano tra la sabbia terrestre e le nuvole del cielo.

Ciò che impressiona la mente del lettore è l’idea di trovarsi di fronte a un uomo misero, solitario, triste, egoista, quasi antisociale, disperato, dispreggiato, ma comunque pieno di sentimenti quasi irreali che si chiariscono quando la vita si spezza tra il sogno e la realtà.

Durante tutto il racconto, il protagonista crede di sentire il suono di una marcia funebre che lo marca strettamente nei suoi spostamenti. Si tratta della processione organizzata per il suo funerale, e tra gli altri elementi che rafforzano
questa visione, spicca la presenza di Hades, la divinità greca dei morti, il Dio Plutone dei Romani per intenderci, che prende il volto indistinto di una presenza che sembra esistere nel mondo dei vivi dall’inizio dei secoli.

I personaggi di questo libro evocano al lettore i vizi e i desideri che ognuno porta dentro di sé, nel sotterraneo dell’anima, senza la forza o la possibilità di mostrare al mondo di fuori che guarda scrupolosamente la vita. Questo romanzo assimiglia a un viaggio nel tempo, dove ci si sposta avanti e indietro, nell’infanzia del protagonista e nelle proiezioni buie dell’uomo maturo che sente e immagina da vivo il suo funerale.

Il protagonista Tarapi racconta sempre in prima persona, e riesce a dare l’atmosfera dell’Albania sotto il regime comunista, dove le persecuzioni e il dolore provato costantemente fanno evocare le catacombe dei morti antichi nel regno di Hades.

Questa sensazione si fa viva anche dopo, quando lui cresce e lo specchio gli fa vedere ogni giorno la faccia stanca di un uomo sofferente. Anche allora le storie vissute continuano a rimanere vive e a sorgere violentemente nei sogni e nei ricordi. Di quanto in quattro emergono anche le immagini dei primi amori, il mondo femminile entra e prende il palcoscenico dei ricordi. Le donne rappresentano il volto bello del mondo, così è per Liza, per Dolores, per Lori, e ciò che si comprende è che il protagonista in tutta la sua vita è riuscito ad amare unicamente una donna sola.

Infatti Dolores è la figlia di Liza, e Lori è la figlia di Dolores: sembra di assistere a una ripetizione del mondo, a un procedimento ciclico, dove sempre e comunque Kristi Tarapi si anima di sentimenti e prova gioia e disperazione in ogni singola relazione successiva nel tempo.

Lui, comunque, rimane un protagonista molto complesso, si autodefinisce “pelle di cane”, come se questo pseudonimo fosse abbastanza esauriente da rappresentare un uomo senza ideali, senza alcun vincolo morale e fede nei suoi, spogliato dalle preoccupazioni pubbliche e sociali, e solamente interessato alla sua crisi esistenziale.

Lui è un padre che non sa fare il padre, che sognava di fare l’amore con l’amica della sua figlia mentre sua moglie tossisce gli ultimi istanti della vita, è un marito indegno che si nutre del vuoto che accompagna le sue giornate.

Abbiamo difronte un protagonista che si fa fatica a comprendere, nella vita di tutti i giorni sarebbe qualcuno cui non gli spetterebbe il minimo saluto di cortesia, ma il mondo raccontato da Kongoli in questo libro è pieno di paradossi, e per di più assomiglia all’inferno (Hades che si vede dall’inizio alla fine del libro attesta molto questa percezione).

L’autore offre una riflessione interessante sull’angoscia e sulla perdita di armonia con noi stessi e con il mondo attorno, raccontando la vita di un personaggio smarrito, che vive tra il passato e il presente, con i ricordi degli anni lasciati alle spalle che minacciano la sua abitudine di esistere senza chiedere nulla al mondo.

La vita misera e meschina del protagonista, piena di sofferenze e sotto la stretta morsa del regime comunista è la rappresentazione del mondo reale dove lui si muove. Di tutt’altra intensità invece, si presenta la vita immersa nei sogni e nei ricordi, dove le situazioni più fantastagoriche sono narrate con una tranquillità convincente come se si trattasse di cose che si possono vedere e toccare con la mano tutti i giorni. Quest’altra dimensione della vita assomiglia al mondo possibile, dove il protagonista si avvicina al latto meno buio della vita.

In questa direzione la narrazione si smuove dalla realtà, verso un approfondimento fantastico della storia. Ovviamente quest’approccio fantastico non si colloca al di fuori della realtà, ma si ancora saldamente a fatti veri, si insinua in zone conosciute e quotidiane fornendo della realtà immagini deformate e straordinarie, portando così l’ignoto nel noto e nel familiare.

Il fantastico Di Kongoli presenta un aldilà interiore, dove Hades-Plutone rispecchia l’ombra della solitudine e l’ansia del protagonista in balia delle forze estranee che lo sottomettono.

“Hades stava in piedi sopra le scale di marmo, in una posa statuaria, con una mano appoggiata vicino al piedistallo vuoto. La sua testa si mosse improvvisamente. Hades, statuario e cerimoniale, aveva preso quella posizione come se volesse rialzarsi sul piedestallo, con una mano che indicava un punto indistinto nello spazio.

In realtà la sua mano segnava una direzione molto chiara, verso est, dove si trovava il cimitero, ma questo l’ho capito più tardi” (Kongoli, 2008).

Questo tentativo estremo di spingere l’angoscia verso il limite della follia, con la presenza di Hades prima e dopo, fa del protagonista stesso l’oggetto inquietante, che si offre al lettore come un uomo con i suoi sogni, le sue allucinazioni, le sue pulsioni inconscie, le sue incertezze, i suoi smarrimenti.

Si possono notare elementi di realismo magico nella lettera del libro. Riferendosi a Luis Leal, la trasformazione del comune di ogni giorno in qualcosa di fantastico e irreale è:

“un atteggiamento verso la realtà che si può esprimere in modi popolari o sofisticati, in stilli elaborati o rustici, in strutture chiuse o aperte. […] l’autore confronta la realtà e cerca di liberarla, di scoprire cosa c’è di misterioso nelle
cose, nella vita, nei comportamenti umani. [...] 
Il realismo magico non cerca di copiare e la realtà circostante...o di sconvolgerla...ma solo di misurare il mistero che respira dietro le cose" (Luis Leal, 1995).


In fatti c'è quasi la sensazione di un gioco continuo tra Hades e il protagonista. Non si sa bene per chi si organizza di volta in volta il funerale. Le voci che Hades è morto vengono sovvertite dalla notizia della morte del protagonista, ma quando i due si incrociano, oltre alla smorfia, si crea la sensazione di uno scherzo di cattivo gusto, che può continuare per l'eternità.

Lo smalto (o il segreto) della narrazione in questo libro, sta nella quasi –banalizzazione del fantastico, nel rovesciare cioè il guanto della cronaca, sospingendo lievemente, col minimo artificio stilistico e concettuale, il dato reale sul precipizio dell’irreale, il momento generico sull’interrogazione generica. Kongoli si avvicina in questa direzione ancora una volta a Dino Buzzati.

La sua dimensione fantastica, Buzzati stesso lo ripeteva nell’intervista concessa a Yves Panafieu, enunciando le regole cui si era tenuto nella stesura delle sue novelle:


4. L’uomo, l’artista e lo spettatore

T.S. Eliot, nel suo saggio Tradition and Individual Talent, scrive:

"L’artista sarà tanto più perfetto quanto sarà completamente separato in lui l’uomo che soffre e lo spirito che crea; e tanto più perfettamente lo spirito digerirà e trasmuterà le passioni che sono il suo elemento" (Eliot, 2010).

Fatos Kongoli nel 2010 pubblicò un libro che aveva il compito di liberarlo dal turbamento nascosto dentro l’anima. Si tratta del racconto autobiografico "Illusioni nel cassetto" che lo stesso autore lo definisce come un "quasi romanzo" che mette in luce la voglia di confessare un atto del passato, quando l’autore, messe alle strette dal regime comunista, fu obbligato a deporre in tribunale contro un altro scrittore che fu condannato da innocente.

Oltre questo fatto, ciò che incuriosisce nel libro è la forma plastica, in movimento, della memoria. Un biografo pretenderebbe di conservare la verità di ciò che è successo, mentre Kongoli intrevisce e con la libertà dello scrittore, trasforma in personaggi letterari molti dei protagonisti reali della sua vita.

La memoria di Kongoli funziona quando da una forma ben definita ai fatti e alla materia dei ricordi, selezionando il passato per assicurare così alla sua vita un ordine che nella realtà è difficile da trovare.

Kongoli insiste quando dice che è nato senza talento. La musica non era la sua predilezione, e tra i suoi compagni d’infanzia era uno qualsiasi fra i tanti. Soprannominato “dentone” per la fisionomia della sua bocca, abbastanza da sentirsi disgraziato, Kongoli rappresenta le qualità del protagonista senza voler essere tale.

I nomi e i personaggi citati riaffiorano vola volta per volta come citazioni reali, per convincere il lettore sulla verità dei fatti raccontati. L’ambientazione dominante riguarda l’Albania comunista, gli anni vissuti sotto il regime, accompagnati da ordini e sentimenti collettivi, dalle direttive e dall’obbedienza cieca di seguire in fondo la fatalità dell’esistenza.

Ancora prima di essere pubblicato, il libro suscitò molte polemiche nella stampa albanese. In molti alzarono la voce chiedendo di definire la posizione di Kongoli come scrittore durante il regime dittatoriale, il suo ruolo e la responsabilità che avrebbe avuto con le sue testimonianze.

Ma è lo stesso autore che scende se stesso dal piedestallo del tempo. Lui racconta, e fa entrare la luce nei fatti buoi del passato. La sua confessione è una liberazione, per un fatto, dove dagli archivi del tribunale si evidenzia che la sua testimonianza era irrelevante ai fini del processo.

Si evince dalle pagine del libro la voglia di liberarsi da quelle piccole e fastidiose preoccupazioni che noi
rimandiamo dentro l’anima. Tornando al paragone Kongoli –Buzzati, anche quest’ultimo ebbe la voglia di confessare la sua inquietudine legata alla continua comparazione tra lui e Franz Kafka. Si può intuire una sofferenza psicologica di Buzzati, una lotta progressiva dentro di lui, fra l’uomo con le proprie smanie e l’artista, specialmente quando questi paragoni sono insistenti, quasi ossessivi nella lettura delle sue opere. Le ripetute volte che la critica gli attribuisce legami profondi e temi uguali con lo scrittore boemo, danno profondamente fastidio a Buzzati.

Ecco allora la sua confessione:

“Da quando ho cominciato a scrivere Kafka è stato la mia croce. Non c’è stato mio racconto, romanzo, commedia dove qualcuno non ravvisasse somiglianze, derivazioni, imitazioni o addirittura plaghi a spese dello scrittore boemo. Alcuni critici denunciavano colpevoli analogie con Kafka anche quando spedivo un telegiogramma o compilavo il modulo Vanoni. Tutto questo da molti anni ha determinato in me, nei riguardi di Franz Kafka, non un complesso di inferiorità, ma un complesso di fastidio.” (Carnazzi, 1998).

E poi testimonia che da allora, non ha voluto più leggere cose sue, né biografie, né saggi che lo riguardavano. Ma quando si trova e Praga fa il percorso dove ha vissuto Kafka, alla fine si ferma alla tomba di quest’ultimo. Qui l’orgoglio si placa, lo scrittore si mette in pace con se stesso, guarda i sassi a due, sul bordo del sepolcro, l’omaggio degli ebrei ai loro morti. Il ricordo dell’antico deserto.

Le confessioni di Kongoli e Buzzati mostrano la timidezza, l’insicurezza che a volte hanno le persone generose. E sono anche queste, certe forme quasi nascoste delle loro personalità, che rendono i due amati, voluti dai lettori e capaci di dare speranza e sorriso, meditazione e immaginazione, attraverso la loro vita e i loro scritti.

5. Conclusione

L’impulso vitale di Kongoli è “fatto di quell’impalpabile sostanza che volgarmente si chiama favola o illusione: anche se è vero”. Lui ha sempre scritto la stessa cosa; la sua vita, anzi, le sue vite come un “romanzo a puntate” e le sue esperienze quotidiane e interiori, veglianti e oniriche.

Facendo una copertura di alcune opere di Kongoli, ho tentato di dare informazioni anche sulla vita che si faceva e l’aria che circolava nell’Albania comunista durante 50 anni di regime, dove spesso e volentieri mancava il coraggio di raccontare direttamente le cose, così che i libri dove la storia sembrava assente, erano numerosi e spolveravano le vetrine delle librerie di tutto il paese. Romanzi scritti sul passato e sul presente, si mostrano nella loro magica essenza cifrata, si trasformano in riflessioni sulla storia e sulla parola, sul destino dell’uomo su questa terra e oltre la nera porta della Morte. Il puro, il vero, l’immutabile è possibile solo attraverso l’esperimento magico dell’arte.

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Learning of Bullying's Acts Through Operant Conditioning

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Abstract

There are different factors and ways, how the bullying's acts are learnt. The main focus of this scientific article is to analyse how are learnt bullying's acts through operant conditioning. After having performed bullying's acts, many students have noticed that as a result of their behavior they have managed to fulfill a specific purpose. From the analysed data in statistical way of the observations and the surveys conducted in two 9-year schools and two high schools in the city of Elbasan, it is found out that the achievement of a certain goal through bullying's acts, affects the repetition of those acts in similar situations. It is also found out that when students have avoided unpleasant situations as a result of bullying's acts, most likely they are going to perform these acts in the future to avoid other unpleasant situations. From the analysed data in statistical way it is also found out that the removal of something unpleasant through bullying's acts affects the repetition of such acts in similar situations.

Keywords: bullying's acts, operant conditioning, positive reinforcement, negative reinforcement, observations, surveys.

1. Introduction

Bullying is a widespread phenomenon of concern to many students school life. Psychological and physical consequences of bullying are numerous and long in time. These effects lead to poor performance of persons involved in bullying, in emotional, social, academic and other important areas. Consequences of bullying do not feel alone in the school environment, but these consequences move also on to other social facilities. As a result of the limited literature on this phenomenon, identification of bullying's acts, prevention, mitigation and treatment of these acts do not occur in the right time and in the right way.

2. Methodology

Population: The phenomenon of bullying is a widespread phenomenon and concern primarily for students of the 9-year old. Hence, theoretical population of this study is empirical scientific research is: the 9-year students in the Municipality of Elbasan.

2.1 Sample:

In total 600 students of the four schools, namely 150 students of the 9-year-cycle school "Harry Sule", 150 students of the 9-year-cycle school "Vasil Kamami", 150 students of the 9-year-cycle school "Xhafer Korgoli" 150 students of the 9-year-cycle schools "Naim Frasheri". Schools were selected in collaboration with the Regional Education Directorate in casual way. It became such a selection to obtain more objective data. Selection of students in terms of their background and social – economic status was made in casual way.

2.2 Instruments:

The instruments used in this scientific research are observation and surveys. But as the instrument which has the highest weight in this study to verify whether or not the hypothesis is the questionnaire.

3. Hypotheses

The main focus of this scientific research is the process of learning of bullying's acts, mainly addressing to behavioral
learning; especially learning through operant conditioning.

The hypothesis put forth below is based on the theory of operant conditioning learning. Operant conditioning is a form of learning in which the possibility to repeat or not a behavior changes as a result of its enforcement or penal consequences. Reinforcement is a consequence that increases the possibility of repeatment of a behavior that it follows. Therefore it’s considered a positive reinforcer, a reinforcer that includes presentation of something pleasant, which follows a given behavior.

Taking into account the observations made and literature it can be hypothesized that:

- Fulfilling a certain goal through bullying’s acts, affects the repetition of such acts in similar situations.
- Also children may have noticed that when through a bullying behavior, they avoid unpleasant situations, they will most likely perform these behaviors in the future in order to avoid other unpleasant situations.

Based on the theory of learning through operant conditioning, besides positive reinforcements also exist negative reinforcements. It is considered a negative reinforcement a reinforcement consequence that involves the remove of something unpleasant that follows a given behavior. Therefore it can be hypothesized that:

- Removal of something unpleasant through bullying’s acts buliste affects the repetition of such acts in similar situations.

4. Analysis

- Fulfilling a certain goal through bullying’s acts, affects the repetition of such acts in similar situations.

The statistical data presented in the graph below shows that 65.5.% of the surveyed subjects claimed that they will repeat bullying’s acts if they have fulfilled a certain goal through them. This shows that fulfilling a certain goal through bullying’s acts, affects the repetition of such acts in similar situations.

- Removal of something unpleasant through bullying’s acts buliste affects the repetition of such acts in similar situations.

The statistical data presented in the graph below shows that 64.3.% of the surveyed subjects claimed that they will repeat bullying’s acts if they have removed something unpleasant through them. This shows that removal of something unpleasant through bullying’s acts buliste affects the repetition of such acts in similar situations.

References

On the Organization Forms and Structures of Local Government in European Countries

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Abstract

The territorial organization of governing in the “unitary state”, “federal state”, “confederation”, with their constituent units is another aspect of the functioning of governing, which shows the government allocation. The above mentioned types are distinguished by the governing ratio in the territorial integrity of the nation-state, which in the governing system of liberal democracy are known as “central governing” and “local governing” followed by the attributes of “centralization”, “decentralization”, “self-governing” or “local autonomy”. It observes the basic functioning of the system, the creation and realization of the relations between the government and the governed, through which are implemented the basic principles of: - participation in governance; - expression of the will and liking of governing; - fulfilment of tasks of governing according to the interests and aspirations of the governed; - responsibility and accountability of the government. The effectiveness of the government, assessed through the fulfillment of tasks with concrete results related to the fulfillment of the interests of the entire nation and society, is another important aspect in the system of governing.

Keywords: Local governing, regions, departments, municipalities, decentralization, centralization, central governing, Unitarian states, federal state, self-governing

Liberal democracy made more than evident the relation between “central government” and “local government”, “centralization” and “decentralization”, because it was put under the function of its essence, which is expressed in terms of “governing by people” and of “governing for people”.

Local governing represents the first election school in the formation of the bodies and institutions that are closer to the governed, that in it carry the greatest and aware interest of the governed.

Local governing is thought to be a realization of the political procedures which contain the direct fulfillment of the needs and wants of the governed. Therefore we are talking about political procedures (such as laws, decrees, decisions, orders) which meet even the direct interests of the governed.

What can we say about the general features of the structure of local governing? Almost in every European country (member countries of the European Union until 2005) there are more than one levels of local governing; most of them have two levels, some have three. According to their alignment in the escalation of the central governing levels can be illustrated graphically in the shape of a pyramid. (See the example of France). The lower unit (the smallest one in size) is the commune or municipality—in terms of communities that appear as the basic authority of the last level.

Also, almost in every European country exists at least one additional or intermediate link (unit) of the local government, which is between the municipality or community on the one side, as a basic unit of governing and the central government on the other side.

They are characterized by the names counties (province), departments. In Denmark there are 14, in Netherlands 12, in Italy around 90 provinces. France has more than 90 departments. Meanwhile there exists another additional level that is of the region which is “on top of central governing”, there are 15 of this category in Italy and 17 in Spain. Among others, regions express the territorial distribution of power based on the definition of “unitary state” or “federal state”. Whilst in Netherlands the authority if this region is very weak, Germany is an exception. Being a “federal state”, the municipal governing system is under the jurisdiction of Lander governments. Under the Landers there are two local governing levels: the kreise which are one level above and the municipalities which are one level below.

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The structures of the organization of local governing in the European member states originate from two models that characterize the relationship between central governing and local governing. Those are the Dual model (binary) and the homogeneous model (united).²

In the dual model, local governing has the status of free position for to decide on the basis of local conditions regarding organisational structures, and staff. The staffs are organized in a horizontal dimension, connecting one local body with another. The structures of local governing are not considered as part of a single structure of the state. However, sovereignty is embodied by the central government. An example of this model was the governing of Britain, but the model changed during the 1980s and 1990s, when the country was governed by the Conservative Party.

In the homogeneous model, the authority of the central power and local power is united in specific governing structures such as that of the prefecture. It is an organization appointed by the central government, which supervises the administration of specific communities and is responsible to the Ministry of the Interior.

The level of the prefectures is in the vertical extents, part of the unitary hierarchy that starts from the central governing and ends at the local governing. A typical example of this model has been France. For the more, in France, national rank politicians are mayors in their cities. They tend to defend the local interests at the central institutions. The organization of local government has always been part of the changes process.³

The tendency towards the limitation of the number of units is a general trend. This is intended to avoid weaknesses in the implementation of policies when the levels of the local governing are limited in their scope, have a small number of population and insufficient natural resources and capital.

Thus, for example, in 1952, Sweden had 2500 municipalities, whilst in 1969 their number was limited to 278. The increment of the sizes limited the number of “the free rider”- people who exploit the resources of the municipality but do not pay for them.⁴

In the table below is shown the average population in the lowest levels of the elected local authority.⁵

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³ Dyke Veruan. V.Introduction to Politics, pp. 166.
⁵ Ibid. pp. 181.
It has been aimed that the “lowest levels” of local governing be considered as “more important” than the “higher levels” of this governing. This was associated with the increased public functions for which they are responsible.

Relations between levels are not of a too hierarchical nature, in the sense that one level reports to the other level. The tendency of sharing work between the levels of local governing, which is defined in the constitution or in the national legislation, is the one that operates the most. Mid-level bodies are more responsible for strategic planning and coordination, whilst those of lower levels are directly connected with the realization of basic services. The evaluation of each of the levels of local governing is related to the importance of the functions that each of them has and the degree of autonomy that they must meet.

Almost in all developed European countries, local governing structures originated from their historical past, even from pre-modern historical periods. (1815)6

The second half of the twentieth century was a turning point for local governing, when the foundations for the modern European local governing system were laid. This was followed by many organizations and reorganizations. Spencer and Wallin are among the most well-known researchers of the European local government in the process of historical development.7 Spencer notes that for historians “it is not exceptional to seek traces of the development of the municipality in an almost ceaseless process which has started in the twelfth century and has continued until nowadays”.8 He also emphasizes that the current system of municipalities in Italy has been put arbitrary by Napoleon Bonaparte (1802) and the general structures of local governing in Italy coincide with the unification of Italy in 1861.

The current system of local governing in Britain has followed the steps of the very old system, which with the major reformations that were made to it after 1835, is based on the low level district administrations and on the high level of county administration. In Ireland, today’s division in counties as a basic unit of the local administration began with the Roman conquest and was completed more or less in the end of the seventeenth century. Municipalities in France date in the Napoleonic Era. The Swedish local governing was established in 1836 with the creation of the municipalities based for hundreds of years on administrative units. The local government in Germany has historic traditions, the origin of which is in the numerous rights that medieval towns had. This tradition was interrupted by the Third Reich that put the centralized totalitarian system of governing, but immediately after the Second World War was realized the organization of today’s municipality – Gemeinde.

Degree of Autonomy, Content and Realization Ways

The increment of problems from the perspective of participation in governing through the spaces where imputes initiatives are undertaken, as well as the spaces where outputs are formulated and realized, means special mechanisms of the activities and relations between central governing bodies and local governing bodies. Through such mechanisms it is aimed to realize the governing as a whole, as well as the particularities related to the space of the local governing expressed through “decentralization” and “autonomy” of local governing.

First of all, it is the administrative structural mechanisms of the central government that operate locally. Such mechanisms are:

Agencies (or institutions) of central government that are organized locally and that are directly responsible for the administration of policies before the central bureaucracy. Thus, for example, in Italy, locally, until the reforms of mid 1970s, there operated 70,000 agencies of the central government.

Local Bodies (institutions) that act on behalf of the central government and of the implementation of the outputs of the central administration. It is quite common that the central government mandate the local government to administrate specific policies on its behalf.

The totality of the governing system makes it unavoidable for the above mechanisms of central governing to act alongside those of local governing. This is the reason that for the local governing bodies to operate as governing bodies being closer to the governed and more direct in the fulfilment of the imputes, it is raised the issue of their powers that in the liberal democratic system are summarized in the so-called decentralization with the pre-condition of the autonomy of local governing.

The authors of the study “Representative Government in Modern Europe” wrote that “it is vital to determine the area within which the local government’s bureaucracy is committed to fully implement the national policy and as many

areas in which the local government bodies are free to modify national policies upon their own initiative”.9

The determination of the local bodies is done in two directions:

1- The power of the local government to take decisions without being contested from the central authorities.

2- The degree of independence for the provision of financial support, including the management of the revenue and making expenses. The de facto degree of autonomy of every local government is determined from the opportunities of raising and spending funds independently.

The decentralization in the European countries is realized through an uninterrupted process of continuity. It was conditioned by a number of factors:

- The historical process of formation of nation states and of the institutionalization of governing bodies of liberal democracy;

- The nature of the political culture of the elite and of the mass of population.

- The undertaking of constitutional changes from certain political forces.

- The need of optimizing governing in accordance with the influence of the new factors of the computing revolution, integration and globalization.

Constitutions have been crucial for the functioning of local bodies.

Constitutions mandate different forms of self-governing. In the constitutional document “The Instrument of Government” of Sweden is sanctioned that “the Swedish democracy is based on the freedom of thought, in the general and equal elections and that it is realized through the representative and parliamentary bodies, as well as through self-governing”. 10

Other constitutions define the “general powers” that local authorities should have. “General Powers” are connected to the local governing authorities in order to make regulations in any issue related to the territory of the exercise of this governing. These regulations are made in accordance with the national law. Basic Law (the Constitution) of the German Federal Republic for example guarantees to the gemeinde “the right to regulate, under its responsibility and within the limits of law, the entire issues of the local community”.11

Such expressions are part of European doctrine of subsidization—the essence of which is the idea that issues must be handled as much as possible at local levels. Such a doctrine is specifically supported by Christian democracy.

However the policies of the European unitary states are present in the tendencies of centralizing the central government, without clearly defining the powers of local authorities. This allowed national governments to be more involved in local governing. On the contrary, the organization of the constitution of federal states made it difficult, if not impossible for the “the government of the day” to make changes.

Very good examples of the derogatory treatment of the local governing system by the national government, with the aim of politicizing the local government bodies, are found in Britain, Ireland. 12

Britain is known for the local government authority. This happened because the British, for ages have highly valued local autonomy and the values that they had regarding their autonomy are part of the political culture.

All the counties and boroughs (cities) were entitled to the right to elect councils with permanent committees for each field of administration. Their powers included the control of police, education, health, welfare issues, housing, and transport. It had been very difficult for the Parliament to ignore local officials. Usually it has intervened in cases of emergency situations. 13

However, Britain is also recognized for the efforts of the party governments for the politicization of local governing in terms of policy from “government of the day”, especially for to take the functions of local authorities.

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11 Ibid. pp. 182
13 Ibid. pp. 162
Legacy of the ad hoc International Criminal Tribunals in Implementing International Humanitarian Law

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Abstract

The aim of the Article is to show that both the ICTY and the ICTR played a very important role in the implementation of international humanitarian law and that they themselves should be regarded as a special mechanism of implementation. International criminal tribunals contributed to clarifying a significant number of international humanitarian law norms making this branch of international law more clear and coherent. The unity and coherence of the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda provides stability, certainty and predictability of humanitarian law and those values are important for every legal system.

The International Criminal Tribunal for the former Yugoslavia (hereinafter: ICTY) was convened by the Security Council resolution no. 827 (1993) whereas the International Criminal Tribunal for Rwanda (hereinafter: ICTR) by resolution no. 955 (1994) (UN SC res. 827 (1993), UN SC res. 955 (1994), Meernik 2003, Joyner 1995-96, Tung 2000). In accordance with the ICTY Statute of 25 May 1993, the Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Articles 2-5 enumerate offences falling under the Tribunal’s jurisdiction, namely grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war, genocide and crimes against humanity (Statute of the ICTY).

The ICTR Statute of 8 November 1994 states that the Tribunal “shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994”. The crimes falling under ICTR’s jurisdiction include genocide, crimes against humanity and violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II (the last category being war crimes committed in the non-international armed conflicts) (Statute of the ICTR).

The ICTY and the ICTR are surely one of the most important institutions in the history of international law, not only for its catalytic effect in generating trials for international crimes before both international and domestic courts but also for breathing new life into both international humanitarian and criminal law (Steward 2013).

Before ICTY and ICTR, judgments interpreting and implementing international humanitarian law have not been rendered. Except for the Nuremberg and Tokyo judgments when the ad hoc international criminal tribunals were convened the latter had no precedents or interpretative guidelines to use (Wang 1995-1996). International criminal tribunals contributed to clarifying a significant number of IHL norms making this branch of international law more clear and coherent. Among others the following notions were clarified: ‘civilian population’, ‘widespread or systematic attack’, or ‘nexus between crimes and an armed conflict’. The particular crimes falling under the jurisdiction of the ICTY/ICTR were also defined. Although the ICTY and the ICTR “[…] have flown the flag of customary law, many new doctrines have grown up and many new fact situations have been accommodated under old labels and rubrics” (Wald 2007). Among the new concepts one can place for example the ‘overall control’ test from the ICTY Appeals Chamber judgment in the Tadić case (1999) or the progressive definition of the persons protected by the Geneva Convention IV relative to the protection
of civilian population (hereinafter: GC IV), this definition putting the main emphasis rather on the ethnic affiliation than formal bonds of nationality. The last concept was formulated in the ICTY Trial Chamber judgment in the Celebici case (1998).

When one thinks of the ad hoc international criminal tribunals as a mechanism of implementing IHL, the clarification of the notions and terms of art of IHL is of a crucial importance because IHL treaties such as the four Geneva Conventions on the protection of victims of war of 1949 and their Additional Protocols of 1977 while prohibiting certain acts do not necessarily define them. As I. Šimonović claims, “[i]nternational law, mostly a product of multilateral negotiations, is frequently articulated in a highly abstract manner, often ambiguously and obscurely” (Šimonović 1999-2000). Very often the provision does not define the terms used in it. A good example of this is the notion of ‘genocide’ which was adopted in Art. 1 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The authors of the definition of genocide did not clarify what national, ethnical, racial or religious group means or what the intent to destroy the group as such entails.

Generally, although it is relatively easy prima facie to identify which types of acts constitute war crimes, it is often quite difficult to spell out the elements of individual offenses because substantial portions of IHL are expressed at a high level of abstraction or generality (despite its high specificity) and because many offenses have rarely, if ever, been prosecuted in criminal courts (Fenrick 1998-1999). Specificity, in other words quite strong formalism of IHL, is evidenced by – for instance – Geneva Convention III relative to treatment of prisoners of war (hereinafter: GC III) which contains mostly self-executing norms. This means that they may be applied without implementing them into national legal order (as they are clear, precise, unconditional and complete). As J. Sandorski noticed, what is decisive of self-executing character of a norm is inter alia the intent of the States-parties. This intent was present in the minds of the authors of IHL treaties because they were aware of the fact that during an armed conflict self-executing norms are most useful (Sandorski 2004). Only certain provisions need to be implemented, for example Arts. 129 and 130 of GC III (adopting penal provisions necessary to prosecute and punish the perpetrators of the breaches of the Convention).

The progressive, even pioneering role of the ICTY and the ICTR lies precisely in them defining the particular crimes falling under their jurisdiction. Their failure could undermine the credibility of the whole IHL because an attempt to bring violators of IHL to justice would fail. The fiasco of the implementation mechanism, namely of the ICTY/ICTR could negatively affect the implemented material, i.e. IHL. The success of the Tribunals will strengthen the deterrent effect while their failure may bury this very desired effect (Greenwood 1993, Andrews 1997). As T. Meron states, “[t]he credibility of the international system of justice requires prosecutions for atrocities everywhere” (Andrews 1997, Stroud 1997) and as such it requires the establishment of the ICTY and the ICTR.

There are however opinions voiced that the Tribunals could be deemed a success even if they ultimately attained only symbolic achievements without any actual infliction of punishment (Andrews 1997). Accordingly, the establishment of the Tribunals is a success in itself. I am convinced that the jurisprudence of the ad hoc international criminal tribunals should be highly regarded. As has already been mentioned, mostly because their jurisprudence contributed immensely to the development of IHL. As the Polish prosecutor J. Sawicki said in his opening speech in the Majdanek concentration camp trial, court judgments are small bricks which serve to build an edifice. Maybe in the beginning the edifice is fragile, vulnerable to disruptions and whirlwinds of the law which will gather power and executive ability after this war, namely the Second World War (M. Królikowski, P. Wiśni, J. Izydorczyk, M. Znojek 2010). This statement is entirely true and up to date today in the context of new wars that broke out after the Second World War as well as with regard to the ad hoc international criminal tribunals. Their jurisprudence is of even more value and meaning as it exhibits a very high level of unity and coherence. This unity and coherence provides stability, certainty and predictability of IHL and those values are important for every legal system.

With regard to the deterrent role and effect of the workings of the ICTY and the ICTR, the scholars indicate that genocide in Srebrenica (in 1995) was committed after the establishment of the ICTY and its initial work and consequently the Tribunal was not effective and did not fulfill its deterrent role. Similar charges were levied against the ICTR with regard to genocide and the ICTR’s influence (or rather lack thereof, i.e. lack of deterrent effect) on the perpetrators of massacres in Darfur (Sudan). Still – as F. Baroni rightly indicates – “[…] we must not forget that the court’s contribution to peace is a long-term process that cannot be measured and valued in the short run” (Baroni 2000, McDonald 2004). The accusations referring to the deterrent role of the ICTY/ICTR are not exactly right as one can pose a question – who would seriously criticize criminal courts at the national level simply because crimes are still committed? Criminal law deals with situations where all other political, economic and social structures have failed. It is unrealistic to put these high expectations to succeed on the Court where the rest of society has failed (Baroni 2000). It is sufficient that to a certain extent the ICTY and the ICTR do contribute to crime prevention. It is difficult to specify it in the percentage number but it
seems to me quite obvious that a hundred percent efficiency of any criminal tribunal or court in deterrence is impossible. A. M. Danner states, “[d]espite these cautionary voices, it is difficult to imagine that the recent enforcement of international criminal law will exert no deterrent effect. The absence of institutions like the Tribunals and the International Criminal Court (hereinafter: ICC) arguably encourages the commission of atrocities […]” Empirical studies have suggested that the presence of a criminal justice system acts as a deterrent. Before the establishment of the Tribunals, there existed no functioning international criminal justice system. At least for those in the former Yugoslavia and Rwanda, this absence of accountability has changed significantly” (Danner 2001, Akhavan 1998).

It should also be emphasized that the role of ad hoc international criminal tribunals consists first of all of bringing the perpetrators of crimes to justice. Perpetrators of crimes already committed. The characteristic feature of the criminal trial is its reactivity which means that the proceedings take place after the crime was committed. This conclusion seems a cliché but it is not always remembered that the main role of the ICTY and the ICTR as well is to punish criminals and only secondarily to deter future or potential criminals. The work of the Tribunals will not root out the evil of this world. However, as P. Akhavan claims with reference to the ICTY, “[i]t should be underscored that beyond its impact on the former Yugoslavia, the ICTY is also an essential contribution to eradicating the culture of impunity that has characterized international relations for so long. If effective, the ICTY will contribute to general deterrence in the world community through the moral propaganda of international criminal justice” (Akhavan 1998).

It is significant to stress that with the establishment of the ad hoc international criminal tribunals, as well as hybrid or mixed tribunals (Mendez 2009) and the permanent International Criminal Court, gross violations of humanitarian law are, for the first time, systematically prosecuted, thereby – as F. Baroni claims “[…] upgrading humanitarian laws from empty words to enforceable behavioral standards” (Baroni 2000, Jorda 2004, Moghalu 2005). The scale of the prosecutions is absolutely unique – taking into account the quality, quantity and timeframe of those proceedings.

The ICTY and the ICTR try perpetrators of international crimes including high State officials, for example heads of State or government. Their work – despite its temporariness expressing their ad hoc nature – embraces about 20 years. From the IHL standpoint jurisprudence of ad hoc international criminal tribunals is relevant also because it determined what law was applicable in a given situation, because the perpetrators of that law were punished and new standards were established (Moghalu 2005). It should be stated in this context that the ICTY and the ICTR have substantially expanded the interpretation of IHL relating to sexual violence. The Tribunals have made enormous strides just by acknowledging the role of sexual violence in ethnic cleansing and genocide, and by convicting defendants of individual acts of rape and assault (Dubin 2003) (for instance in the Akayesu case before the ICTR and in the cases of Celebici as well as Kunarać, Kovač and Vuković before the ICTY). As S. K. Dubin rightly noticed, “[t]he legal recognition of the relationship between sexual violence and ethnic cleansing in Yugoslavia, and between sexual violence and genocide in Rwanda, has been an enormous step forward for international justice” (Dubin 2003).

Another cannot however forget about other critical voices, according to which the rudimentary task of the criminal court is to try the case and not write the textbook on every possible legal issue that comes up during the proceedings. Some scholars are of the opinion that especially the ICTY does this (Murphy 1999). In my opinion such critical voices are not right as such extensive activities of the ad hoc international criminal tribunals expressing judicial activism cause many notions and issues to be defined and clarified and this in turn enormously influences the implementation of IHL, especially in the case of legal lacunae. Furthermore, the Tribunals had no precedents nor legal guidelines to use as for the last sixty years that have passed since the Nuremberg and Tokyo judgments were issued, no other international tribunals operated (Moghalu 2005). Such extensive and progressive activities of the ICTY and the ICTR as well as dynamic interpretation of legal norms marks development of international legal system. W. Czapliński claims that the conclusion reached by some authors that international courts concentrate on trying the case and do not exceed the framework defined by the parties, is not so obvious. The principle of judicial restraint is a desirable postulate but at the same time it is difficult not to be under the impression that international courts attempt – through its jurisprudence – to influence the directions of development of international law (Czapliński 2007). This correct remark fully pertains to the ICTY and the ICTR.

With regard to the ICTY some authors also accused it of not prosecuting the principal war criminals. Recently mainly R. Mladić was at large; he was apprehended in May 2011. But despite the death of S. Milosević, the fact that the international community even indicted Milosevic is a significant step (Miller 1999-2000, Scharf 2001-2002). It might have been presumed that if Milosović had not died he would have been convicted after a fair trial. It should as well be noticed that the trial of R. Karadžić is still going on. Karadžić is charged with genocide, crimes against humanity (persecution, extermination, murders, other inhumane acts) and violations of the laws and customs of war (killings, terrorizing civilian population, unlawful attacks on civilian population, taking hostages). His trial began on 26 October 2009 (Radovan
Karadžić. Case Information Sheet). The same charge cannot however be levied against the ICTR as it tried high State officials such as prime minister Jean Kambanda, minister for foreign affairs Jean Bosco Barayagwiza, minister for culture and education Jean de Dieu Kamuhanda or minister for finance Emmanuel Nkindabahizi.

As S. D. Murphy stressed, the ICTY (which pertains to the ICTR) “[…] is far from perfect; it carries a bureaucracy endemic to most large institutions. Yet many of the problems faced by the ICTY are a product of the difficult conditions in which it operates, as it must rely almost exclusively on cooperation by states to obtain information, financial support and custody of indictees. The real success of the ICTY lies in the fact that, despite these obstacles, it is a functioning international criminal court that is providing a forum for victims to accuse those who violated civilized norms of behavior; creating and preserving a historical record of the events in the former Yugoslavia; […] and generating a body of jurisprudence that will undoubtedly continue to build over time and strongly influence the development of international humanitarian law, as well as international law generally” (Murphy 1999). Moreover, it is difficult to somehow estimate and deem too expensive the task of bringing perpetrators of international crimes to justice, perpetrators responsible for death of hundreds of thousands if not millions of people. We should remember about the victims who expect that justice will be done. Can a price for this ever be too high? Or can it be estimated in money?

Like E. la Haye does, one may ask – is the ICTY/R’s jurisprudence a constructive, in other words creative, interpretation of IHL or rather exact depiction of the present state of customary international law? G. Aldrich gives partial answer to this question. In his opinion, including within the crimes falling under the ICC jurisdiction war crimes committed in noninternational (Art. 8, paragraph 2 (c) and (e) of the ICC Statute) shows that the creative work of the Yugoslav Tribunal has been welcomed (Aldrich 2000). This is an example of the influence of the ICTY’s jurisprudence over the rules adopted in the ICC Statute. Consequently, it might be claimed that States-parties of the ICC Statute approved and affirmed the interpretation of IHL given by the ad hoc international criminal tribunals. Another conclusion that should be drawn is that the Tribunals created a momentum which led to a breakthrough of certain barriers (such a lack of political will or the barrier of sovereignty). This is evidenced by the establishment of the ICC. There is also another lesson, maybe trivial but in my opinion worth emphasizing, namely, that international justice requires patience (Wierda 2002-2003). The functioning of the ICTY and the ICTR has demonstrated beyond any question the need for a permanent International Criminal Court which should continue the work of its predecessors (Washburn 2002-2003).

One may question or contest the degree of significance of the judgments of the ICTY and the ICTR but not the fact that they do have some significance. Jurisprudence of both of the Tribunals contributed to ‘interaction, interpretation, and internalization’ (Bingham 2006) of IHL. The so called public opinion heard about IHL, knowledge thereof materialized in the mind of an average men/citizen and in the minds of experts other than lawyers. At the same time the judicial workings of the Tribunals aroused the interest of the public opinion and academics in IHL and in this way partly created atmosphere favourable to the establishment of the ICC. Before the establishment of the ICTY and the ICTR and their first judgments, the interest in IHL was rather moderate. It was exactly indeed the establishment of the ad hoc international criminal tribunals and then the ICC that awakened this interest again. It is definitely important as the views of the scholars may also contribute to the development of IHL by inspiring and influencing the behavior of States and individuals and through that leading to the adoption of concrete legal norms.

Jurisprudence of international courts, including the ad hoc international criminal tribunals, is very extensive and diverse and as such it absolutely contributes to the development of international law, IHL inclusive. Such development brings with it – next to the opportunities – also some dangers and challenges such as fragmentation of international law which may jeopardize the unity of international law and “[…] give rise to a serious risk of conflicting jurisprudence as the same rule of law might be given different interpretations in different cases” (Lindroos 2005). International courts issue judicial decisions that may be contradictory or may give precedence to norms of one legal system over the other. The most widely given example is the Tadić ‘overall control’ test contrasted with the ICJ ‘effective control’ test from the Nicaragua case. However, taking into account the fact that facts of those two cases were very much different, the risk of fragmentation or lack of unity of international law is rather illusory than real.

I. Bantekas claims that “[…]international tribunals are making a significant effort to pass through the back door a variety of principles that serve their purposes by elevating them to the status of general principles of international criminal/humanitarian law, but which are of dubious legal standing” (Bantekas 2006). The ICTY and the ICTR frequently confirmed the binding character of customary law norm without a thorough analysis of the State practice and sometimes even – as has been criticized – when the expressions of practice were very rare. As T. Meron pointed out, the binding law somehow turned into the law that should be binding (we can say – an ideal law); “the ‘ought’ merges with the ‘is,’ the lex ferenda with the lex lata”. The teleological need to reinforce the contents of IHL clearly influenced the attitude of the judges and adoption – on the basis of the gravity of the crimes alleged – such an expansive and progressive stand. The
more cruel the crime the more probable it is that the ICTY or the ICTR will conclude that it violates not only the principles of humanity or of the public conscience but also customary international law norms (Dingwall 2004).

This trend is reflected especially in the jurisprudence of the ICTY. For example, it is evident in the Kupreskić Trial Judgment (2000), which also reveals the role that the Martens Clause, and thus the principle of humanity, may play in formation of customary IHL. In the Kupreskić case Trial Chamber held that: “[i]n the light of the way States and courts have implemented it, [the Martens] Clause clearly shows that principles of international humanitarian law may emerge through a customary process under the pressure of the demands of humanity or the dictates of public conscience, even where State practice is scant or inconsistent” (Prosecutor v. M. Kupreskić, Trial Chamber 2000). In other words, the ICTY recognized that the Martens clause and the demands of humanity or the dictates of public conscience, listed therein, may play a significant role in the emergence of customary IHL and this being so despite sporadic and inconsequential State practice or even the lack of it. To put it differently, strong and clear opinio iuris would be decisive for the establishment of customary international legal norm. Such a strong reliance on opinio iuris may be found reasonable and justified (in particular with regard to IHL fundamental norms) as in the case of IHL applicable to armed conflicts the lack of the possibility of expressing acceptance of a certain rule by way of practice cannot be equated with the lack of this practice as a necessary element of customary law norm. As S. Haynes accurately asks “[h]ave we really got to wait until most of states have been able to demonstrate their physical support for rules during actual combat before we declare a rule to have achieved customary law status? One hopes not, especially as this would lead, through consistency, to an unfortunate situation in which no rule contained in the law of armed conflict could ever be accepted as customary law until the vast majority of states had actually deployed their armed forces in combat and demonstrably applied the rule for all to see. Since none of us have any general desire to see states actively engaged in armed conflict, this would mean that we would all hope never to see rules of customary law developed at all in this vital area if international law. This would clearly be unfortunate” (Haines 2007). Emergence of custom in IHL is tightly connected with normative statements of the academics and judges rather than with the long-term State practice during an armed conflict. It is quite understandable as the State practice contrary to the demands of humanity or the dictates of public conscience was and still is a motivating factor in the development of new standards in IHL and institutional forms of their implementation.

On the other hand, E. Wilmshurst and S. Breau cautioned that “[c]odified international law is the subject of agreement among States after lengthy negotiations. It is inevitably subject to compromise and practical reality, which may water down the desirable to the feasible. If States find that customary law is being used to ‘raise the bar’ so that requirements are being imposed which States would not be prepared to accept at the conference table on grounds of practicality, then the whole structure of customary law, as providing foundation for treaty law and underpinning the legal system, may be cast in doubt” (Wilmshurst, Breau 2009, Emanuelli 2009).

I should also stress here the role of the ICTY in eradicating the dichotomy between the law applicable to international armed conflicts and the one applicable to non-international armed conflicts. Having confirmed that many of the offences that were crimes in international armed conflict were of customary nature, and as such also crimes in non-international armed conflict, the Tribunal to a great extent solved the problem of determining in each case the nature of an armed conflict as the applicable customary international humanitarian law (fundamental rules) is the same for both types of an armed conflict (Wilmshurst, Breau 2009). It is worth quoting here a fundamental statement of the Appeals Chamber in the Celebíci case: “In light of the fact that the majority of the conflicts in the contemporary world are internal, to maintain a distinction between the two legal regimes [of armed conflicts – international and non-international – A. Sz.] and their criminal consequences in respect of similarly egregious acts because of the difference in nature of the conflicts would ignore the very purpose of the Geneva Conventions, which is to protect the dignity of the human person” (Prosecutor v. Z. Delalić, Z. Mucić, H. Delić, E. Landzo, Appeals Chamber 2001). In other words, in light of the evolution of armed conflicts and an increasing number of internal armed conflicts it is more and more difficult to justify this distinction (Emanuelli 2009). Unfortunately, in the current state of international law the two box approach: one box with norms on international armed conflicts and the other with norms on non-international armed conflicts is still present. ICTY contributed immensely to getting away with this disparity which was to a large extent removed in the ICC Statute.

In the end it is worth quoting judge G. K. McDonald: “[t]he judgments of the Tribunals do more than determine the guilt or innocence of the accused. They do more than establish a historical record of what transpired. They do more than interpret international humanitarian law. Rather, the judgments of the Tribunals are evidence of actual enforcement of international norms. This is the best proof that the numerous conventions, protocols, and resolutions affirming human dignity are more than promises. Rather, the rule of law is an important component of the peace process” (McDonald 2000-2001, Nserekpo 2008, Schrag 1997).

The jurisprudence of the ICTY and the ICTR is a mechanism of IHL implementation. The prosecution and
punishment of the perpetrators of international crimes may have deterrent effect – apart from the obvious repressive effect. Prosecution in some way brings into reality the implementation of IHL. As a result the crimes are detected, given names and perpetrators brought to justice. Such a result of the judicial functions of the ICTY and the ICTR is especially important. Despite being frequently violated, the IHL rules are not a dead letter and due to both the ICTY and the ICTR, they have been re-validated, reinvigorated, rendered more credible and strengthened.

References


Cooperation between Cyber Criminals and Terrorist Organizations

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Abstract

This paper examines some of the most widely researched trends and developments within the phenomenon of modern international terrorism, providing policy recommendations on how to counter its emerging threats in recognizing the strong impact of cyber criminals to terrorist organizations. The magnitude of the modern terrorist threat was demonstrated by the attacks of September 11, and ever since, the field has experienced a renewal of sorts, attracting unprecedented attention of all factors. This paper will address the meaning of the mutual need of cyber criminals and terrorist organizations and their mutual impact on state-nations. It will also present the many disciplines applicable to understand the combination of the traditional with the cybernetic, demonstrating that the phenomenon is multifaceted in nature, requiring a cohesive international and broad-based response. In covering a number of dilemmas deriving from the combination of these two groups, the paper explores the debate over a definition of cyber terrorism, providing a proposed definition that distinguishes the cyber terrorism from the cybernetic crime. The paper continues on to explore the phenomenon of modern cyber terrorism, the role of traditional crime within the cyber sphere, and the growing threat of cyber terrorism – including the cooperation between them, actions taken in the network, the help of cybernetic criminals etc. The role of cyber terrorism in democratic states and the economic ramifications of cyber terrorism are also explored. Finally, the paper ends with conclusions on how governments should see the cybernetic terrorism and the cybernetic crime, what should they understand about them and how immediate should be the answer to these new developments.

Keywords: Cyber crime, Cyber terrorism, Attacks, International, Hacker, Cybernetic, Information, Cyberspace, Cyber threats, Cyber criminals, Organizations, Money, Virtual, State.

1. Introduction

Today the world faces a wide array of cyber threats. The majority of these threats are aimed at the Western democracies and the Western-leaning countries of other regions. The reason is simple, because they are ripe targets, which means that these countries have the right technology to enact “the game”. These countries are either highly dependent, almost completely in some cases, on cyber means for nearly every significant societal interaction or are racing toward that goal. They seek the speed, accuracy, efficiency, and ease that a "wired" system of systems brings and all the benefits that accrue to such a situation.

The danger we face is that there are many individuals, groups, and states that desire to exploit those same systems for their own purposes. There is a new threat on the horizon that must be recognized and addressed.

Cyber threats we face today can be grouped into seven categories that form a spectrum of sorts. Any of these threat groups can attack an individual, a nation-state, and anything in between. They will exploit everything to reach the goal, beginning from an unprotected computer of a home user, an inefficient corporate information technology system, or a weak national infrastructure defense.

2. Levels of danger

We are all in danger from these threats, which can be grouped as low, medium, and high levels of danger. Any construct of this nature is a simplification, but it does aid in discussions to have the numerous possible actions defined into manageable groups.

At the low danger end, there are two groups of threats. The lowest level is the individual hacker. He operates for his own personal benefit: for pride, self-satisfaction, or individual financial gain. He constitutes an annoyance. The hacker category also includes small groups who write malware (malicious software) to prove that they can or who attack small
organizations due to personal or political issues.

With the hacker at the low end of the spectrum are small criminal enterprises and most disgruntled insiders. These too are low-level annoyances, except for the unfortunate individuals they exploit as their primary targets. These operate Internet scams, bilking people out of personal information, and may even perpetrate extortion through threats.

Continuing along the spectrum, the medium-level threats are harder to break down in a rank order. Each threat grouping targets different entities. These targets would consider their attackers very dangerous and a critical threat. These medium-level threats include:

- Terrorist use of the Internet;
- Cyber espionage, which is also helped by insiders at times, both corporate and national security types, including probes for vulnerabilities and implementation of backdoors; and
- High-level organized crime.

All three of these groupings can have extremely detrimental effects on a person, a business, a government, or a region. They occur regularly and define the ongoing significant threats we face every day.

The high-level threats involve the full power of nation-states. These come in two major groups. The first is a full-scale nation-state cyber attack.

The closest example is the example of Estonia, a sovereign state and a member of the Euro-Atlantic organizations, as usual today summarized by the political language we consume every day, bodies of European Community and NATO.

After the removal of the statue of the Soviet soldier from a park of the capital of Estonia, a massive attack on Estonia’s information infrastructure, made these infrastructures to stop functioning, creating a total chaos in the state economy. This attack didn’t use a very complicated “flooding” technique through the ghost computers (bootnets) on Estonian infrastructure, witch overloaded the network that way, that it couldn’t withstand the load and ceased to exist.

The Estonian Minister of Defense, Jaak Aaviksoo, would declare for the “New York Times”: “We’re dealing with a situation that affects on national security, comparable with a situation when your ports are bombarded by the sea”.

Major General Jonathan Shaw said the number of serious incidents was "quite small" but conceded it was likely that some attacks had gone undetected. In an interview with "The Guardian", Major General Shaw said the level of cyber attacks were "still on an upward curve", meaning increasing the security of the military's computer networks was now a top priority. "The number of serious incidents is quite small, but it is there," he said. "And those are the ones we know about. The likelihood is there are problems in there we don't know about". Major General Shaw said that next year's MoD budget was expected to include new money to improve cyber-defense despite widespread cutbacks. So, as above seen, this small country was sitting on his knees by such an event witch is very disturbing news for the future.

The other possibility is the cyber enablement of a kinetic attack before it occurs a traditional military attack by the move of the military troops. So far, we can only look to the assault on Georgia, dated on 08.08.2003. Georgia was not as dependent on the cyber realm as was Estonia, but the cyber assault that preceded the Russian military's ground attack into Ossetia severely hindered Georgia's response. Before and during the conflict, Georgia experienced an intense attack built on cyber attacks against government and civilian infrastructure network. Computer Network Operations (CNO), usually inherits a support function in military operations.

According to the United States, information operations doctrine, computer network operations, have several purposes, including denial, degradation or destruction of information in computer networks and data collection of the information in the system. Cyber attacks against Georgia showed similar functions. These attacks seemed to have different objectives, but most of the activities were targeted specifically to deny and terminate communication and therefore affected the overall flow of information within Georgia. Inability to dispose of information in a conflict can have serious psychological effects that can demoralize or disorientate people and decision-making authorities. But these attacks are not just designed to control the flow of information or to form a different perception of the people, they were also part of the active operations of extracting information, so, to steal and gather military and political intelligence from the Georgian networks. Although these attacks have used simple methods, they appeared to have been shot in a very sophisticated way that reached the desired goals successfully. Although Georgia has a relatively low number of Internet users and a lower overall dependency based on infrastructure, cyber attacks preceded and supported the general invasion that Russia initiated later.

3. A Construct for planning

During the Cold War and beyond, the military and security communities used a paradigm for planning that allowed them
to determine against which of a large number of possible threats they should plan. They would determine both the most dangerous threat and the most likely threat. These were seldom the same.

During that period, there was near-universal agreement that full-scale thermonuclear exchange between the U.S. and NATO on one side and the Soviet Union and the Warsaw Pact on the other was the most dangerous threat. Fortunately, this was not the most likely threat, because, mutually assured destruction kept the fingers off the triggers.

But if you look nowadays, and make a brief comparison between the cold war and cyber war will see that considering the "cold war" transformed into "cyber war" is correct by having a new form of war global proportions. China and the U.S. both want a cyberspace based on rules, but do not see eye to eye. A Cold War, hosts potentially dangerous if they cannot agree on some rules of engagement. While cyber intensified competition between the U.S. and China in particular, the international community is approaching a crossroads. States can begin to control their online operations before things get out of control, to adopt a system based on rules governing cyberspace, and begin to respect each other's sovereignty virtual sovereignty of each other just as physical. Or, if the attacks and counter-attacks left unchecked, cyberspace may be the next country to a new Cold War for the Internet generation. Much of the old Cold War was characterized by indirect conflict involving forces of states parties, restarted in the 21st century of its history can become a virtual conflict pursued by mysterious players in the digital area.

While we face a scenario emerging from the cyber-threat spectrum that fully fits the part of the most dangerous threat, we must also face and prepare for a most likely scenario that is unique and, frankly, is not yet on the cyber-threat spectrum. This threat will involve the joining of the growing cyber-crime capability we see today with the terrorists' realization that the cyber realm is ripe for exploitation and that joining with cyber criminals will be their path to that exploitation.

4. The most dangerous Cyber Threat: Nation-State attacks

Clearly, as one looks at the spectrum of threats, the far end delineates the possibilities we fear most. Developed nation-states, acting as peer competitors, are the most dangerous potential threat.

Nation-states possess hard power, including kinetically capable militaries, economic strength, industrial bases, and scale of assets. They can marshal the intellectual capital to develop cyber armies—large numbers of operators with the best equipment, skilled at developing and using new forms of attack. These will do the twin tasks of both leveraging and enabling conventional intelligence, signals, and mobility assets.

Nation-states can also use their considerable coercive powers to harness civilian assets that technically fall outside the public sector. This can be done by requiring active or passive collusion with the government or by manipulating public sentiment to stir up patriotic fervor while providing guidance (i.e., targeting) and tools to the faithful.

All of the above factors allow nation-states with foresight to develop and use enormous capabilities in the cyber realm. What is today merely cyber espionage or probing of defenses can, in the blink of an eye, be turned into a massive attack on the infrastructure of an adversary.

Remember: Cyber forces do not need to deploy by ship, plane, or truck, so there are no logistical delays or the usual indicators and warnings. Cyber attacks could be used to disable defenses and blind intelligence capabilities in preparation for a devastating kinetic strike. These methods can slow the reactions of defenders by clouding their operation picture or fouling their communications means. Cyber attacks could bring down key command and control nodes altogether, paralyzing any response to the attack.

If the attacker has used weapons of mass destruction (chemical, biological, radiological, nuclear, and high-yield explosives) in the kinetic part of the attack, the cyber component can also hinder the ability to rally consequence-management assets. The victim will have suffered a catastrophic attack and will be unable to respond effectively to the results. The continued cyber intrusions will not only keep them from striking back with any real effect, but may make them ineffectual in mobilizing their first-responder forces. This kind of large-scale attack can only come from a nation-state and obviously constitutes our most dangerous scenario. It is very fortunate that it is also not a very likely one. The reason is old-fashioned deterrence. In the same way our cyber and physical infrastructures make us vulnerable to this scenario, any attacking nation-state must have its own infrastructure capabilities to be able to execute it. Those cyber capabilities and kinetic forces used in the attack are also potential targets, as is the remainder of the attacker's critical infrastructure.

Basically, it is unlikely that a nation-state would do this, because they also have much at stake. Deterrence, in the same way we have understood it for over 50 years, still applies to nation-states in all the ways it does not apply to terrorists, criminals, and other non-state actors.

A large-scale cyber attack or cyber-enabled kinetic attack by a peer competitor on another country runs the risk of
a large-scale response from the target or the target’s allies and friends. While this will not dissuade every nation-state-backed cyber threat—the thousands of probes, minor attacks, and espionage actions prove that—it has continued and will continue to keep this type of nightmare scenario from moving into the "likely" category. Yes, we must prepare for it, but if this is the only thing we prepare for, we will have failed our countries.

One final thought on this subject: Opinion leaders might point to the situations in Estonia and Georgia mentioned earlier as evidence that deterrence did not work in 2007 and 2008. Friendly nations must explicitly state their intentions to protect and support one another from this sort of attack in the same way we did during the Cold War; without a strong declaratory policy of mutual defense in cyber situations, there will be no deterrence.

If we fail in this, smaller nations will continue to be at risk from larger, more powerful neighbors, and this is unacceptable. If we act strongly and in a united fashion, this will constrain nation-states—but will not constrain terrorists.

5. Terrorists and Cyberspace

It is fortunate that so far, the major terrorist organizations such as al-Qaeda and its franchises have not yet learned to fully exploit the "opportunities" in the cyber realm. But this doesn’t mean it'll always be like this. In one of its interviews, Osama Bin Laden, has spoken regarding the possible constitution of a cyber army, by saying: "hundreds of Muslim scientists were with him who would use their knowledge … ranging from computers to electronics against the infidels".

Meanwhile, in April 2012, Al-Qaeda’s main internet forums have been attacked, while they were offline for during the entire day, several others sites were downed weeks before, including two of the terrorist organization’s top sites, al-Fida and Shamukh al-Islam.

At the moment there are no claims but the nature of the attacks suggests the intervention of groups of hackers hired by governments committed to the fight against terrorism.

Normally, it should be assumed that there will be commitment of these terrorist organizations in cyber war, for the fact that actors, are defining they roles quickly in this area. Most intelligence and law enforcement agencies agree that they are limited to such areas as communications, propaganda, financial dealings (fund-raising and fund transfers), recruitment, and intelligence. There is some potential use for operational planning and reconnaissance, but it is unconfirmed. Communications security on the Internet is very attractive to terrorists. The anonymity and difficulty of tracing interactions in restricted, password-protected chat rooms and the use of encrypted e-mails give terrorists a much greater degree of operational security than other means of communications. This will continue to be a major activity for terrorists over cyber channels.

Clearly, the terrorists are very good and getting better at using the Internet for propaganda and fund-raising purposes. The increasing sophistication of their messaging shows an understanding of the potential of the cyber medium in this area. They are reaching ever-increasing audiences.

YouTube-like videos, of terror attacks feed the fervor of the faithful around the world and make them feel a part of the struggle. Messaging over the Internet from the leadership keeps them prominent in the minds of the mass audience and makes the most isolated spokesperson seem relevant.

These same channels are superb for fund-raising among the dispersed peoples around the world. The reach and timeliness cannot be matched by other communications means and greatly aids in their fund-raising efforts. These same characteristics apply to their recruitment programs, and the process of radicalizing individuals no longer has to take place in person, but can be greatly enhanced by cyber communication and teaching.

There are many very effective applications available that aid in basic intelligence gathering. Google Earth and similar programs can be obtained for free and will give street-view photos of potential targets, as well as excellent route and obstacle information. The tendency of most Western countries to post nearly everything there is to know about critical infrastructures on unsecured Web sites is a great boon to the terrorists and requires no more expertise than an ability to use rudimentary search engines that small children have mastered. All of this "research capability" assists the terrorists in making their standard operation procedures much easier and safer to polish to a high degree.

A new wrinkle that is developing is the use of virtual worlds. There is hard evidence of money transfers having been made within these worlds. This is done by using real cash to buy virtual currency, conducting various transactions within the virtual environment, and then converting it back into real cash again in a completely different temporal location. It is all safe, clean, legal, and nearly impossible to trace.

These virtual worlds also allow for meetings to occur in cyber space that are even more deeply covered and protected than secure chat rooms. The avatars used in virtual worlds are very difficult to identify, and rules for interaction online allow for secret activities that further shield those with much to hide.
Someone must lead the terrorists of the world to the next level of cyber capability. It is unlikely that they will develop their own cyber plans and abilities beyond a few experts to ensure they are not being cheated or who can do operational cyber planning correctly. To do more than that would take a great deal of time, and they may be unwilling to wait. Unfortunately, they do not need to wait, as they will probably do it by reaching out to the world of cyber crime. There they will find willing partners to further their goals and plans, and these are definitely cybercriminals.

6. Cyber Criminals and Follow of the money

Cyber crime continues to be a booming business and continually adds new branches. What started as an offshoot of individual hackers doing it for fun and pride has grown into a huge (and still expanding) industry that steals, cheats, and extorts the equivalent of many billions of dollars every year. They steal from individuals, corporations, and countries. So, cyber crime is big money, and those who make possible the development of this industry, are cyber criminals. This industry, the more sophisticated it gets, the more organized it becomes, it has matured to a frightening level.

A lucrative target is data well beyond personal identity and financial information. Infiltrating businesses and stealing industrial secrets, pharmaceutical formulas, and like data can reap huge profits for criminals.

There are several reports of utility facilities having their SCADA (supervisory control and data acquisition) systems hacked and seized by criminals. The attackers have threatened to shut down the facility or worse if they were not paid enormous ransoms. No one knows if the malefactors could have actually followed through on the shutdown threats, as in each case the money was paid. The owners deemed it a credible threat and could not afford to have their enterprise closed or destroyed.

An interesting addition to this issue set is the illegal or quasi-legal franchising of cyber crime. Criminals now market and sell the tools of cyber crime. Root kits, hacking lessons, guides to designing malware, it is all available. These range from rudimentary "starter kits" to highly sophisticated programs that are potentially very destructive.

The last and, in my mind, most interesting and insidious threat is the rise of the botnets. Criminals cannot command entire nations of computers as one would expect that coercive governments could if they need to. Criminal syndicates have, however, developed huge botnets with members all over the world: members that they control without the actual owner of the machine even being aware of it. These zombie networks serve their criminal masters without question or hesitation. The criminals control them completely and can use them directly for DDoS (distributed denial of service) attacks, phishing, or malware distribution. They also rent them out to others for cash.

7. Terrorism enabled by Cyber Criminals

There is no doubt that terrorists want badly to hurt the modern Western and Western-leaning community of nations. The numerous dead and wounded, the horrific damage of past successful attacks, as well as the multiple foiled plots all make the deadly intent of the terrorists abundantly clear to all. This cannot be denied. Their continuing efforts to acquire and develop weapons of mass destruction for use against civilian targets is also prima facie evidence of this burning desire to do us harm in any way possible.

Terrorist organizations surely can find a number of highly trained, intelligent, and computer-literate people who are in agreement with their cause. These people can be taught to develop code, write malware, and hack as well as anyone. They cannot, in a timely manner, develop the kind of large-scale operational capabilities that a nation-state possesses. This is what they need to make a truly effective assault on the West in the cyber realm.

It is likely that there are two factors related to their activity and which can be:

- they do not really need to attack an entire nation to achieve success. They desire to create a large event, but it does not necessarily need to be as extensive as a full nation-state attack.

- they also have abundant funds and potential access to even more. These funds open up the criminal option, which will give the terrorists the capability to be extraordinarily destructive.

The West has a huge number of intelligence and law enforcement assets dedicated to stopping the proliferation of weapons of mass destruction. Any movement of these devices or materials related to them will sound the alarm across the world. Numerous arrests of people attempting to traffic in WMD or related materials have been made. This effort has nullified the effect of the excellent financial assets some terrorists have and frustrated their efforts to acquire WMD capabilities. We do not have the same type of watchdog systems in place to prevent cyber enablement from occurring.

If a cash-rich terrorist group would use its wealth to hire cyber criminal botnets for their own use, we would have a major problem. A terrorist group so enabled could begin to overwhelm the cyber defenses of a specific corporation,
government organization, or infrastructure sector and do much damage. They could destroy or corrupt vital data in the financial sector, cripple communications over a wide area to spread panic and uncertainty.

Related to this, we can very well take a look to an example dated on 28.03.2013 when the “American Express” website went offline for at least two hours during a distributed denial of service attack, by a terrorist organisation called “Cybernetic fighters of Izz ad-Din al-Qassam”. This website was blocked from 3:00 p.m by a distributed-denial-of-service (DDoS) attack. In a statement, an “American Express” spokesperson said, “Our site experienced a distributed-denial-of-service (DDoS) attack for about two hours on Thursday afternoon...We experienced intermittent slowing on our website that would have disrupted customers' ability to access their account information. We had a plan in place to defend against a potential attack and have taken steps to minimize ongoing customer impact.”

If terrorist organizations by cyber criminals will decide to carry out terrorist acts such as the destruction of the system of a nuclear plant then we would be in great danger, and yet if we think the same way, imagination what can be done, convinces us, that cyber capabilities that the criminals could provide would in short order make any terrorist organization infinitely more dangerous and effective.

Some have opinioned that cyber attacks are not suitable as terror tactics because they lack the drama and spectacular effect of, say, a suicide bomber. This does not take into account the ability of the terrorists to adapt. As our intelligence and law enforcement agencies continue to effectively combat the terrorists, they will continue to evolve. The terrorists’ old methods will be augmented and improved. They will need to develop more imagination and versatility if they are to conduct successful operations.

Also, it should be taken into account the fact that since the terrorist organizations are lured by actions causing many victims or damages, than, normally, they’d be enticed, if, undisturbed, there would be a place in the world to press a button and see another consequence of the world that it would create. But we’ve to emphasize that if we’d combine a cyber terrorist attack with a traditional terrorist attack, the consequences would be unimaginable, tragedy and panic would be in the highest rate of such action.

Criminals, for their part, are motivated by greed and power. Few of the leaders of the enormous cyber organized crime world would hesitate at selling their capabilities to a terrorist loaded with cash. That fact, combined with the ever-growing terrorist awareness of cyber vulnerabilities, makes this set of scenarios not just likely, but nearly inevitable.

8. Conclusion

Terrorists will recognize the opportunity the cyber world offers sooner or later. They will also recognize that they need help to properly exploit it. It is unlikely they will have the patience to develop their own completely independent capabilities. At the same time, the highly developed, highly capable cyber criminal networks want money and care little about the source.

This is an inevitable connection and factor that makes this possible is the money. The threat of a full nation-state attack, either cyber or cyber-traditional together, is our most dangerous threat for the internal security. Deterrence, at all costs must be functional, but otherwise, there should be taken all possible measures to support protection.

Terrorists will never be deterred in traditional ways or by a lonely war of a nation-state. They will continue to seek ways to successfully harm us, and they will join hands with criminal elements to do so. A terrorist attack enabled by cyber crime capabilities will now be an eighth group of cyber threats, and it will be the most likely major event we will need to confront.

Some would say that cyber crime is a purely law enforcement issue, with no national security component. That is a dubious “truth” today if we see that. This is not a static situation, and it will definitely be more dangerously false in the future. Unless we get cyber crime under control, it will mutate into a very real, very dangerous national security issue with potentially catastrophic ramifications. It would be far better to address it now rather than in the midst of a terrorist incident or campaign of incidents against one of our countries. Terrorism, powered by network cyber criminals, is the biggest cyber threat, and to combat it, there should be used all the possible assets available.

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Abstract

Ever since its formation, Bosnia and Herzegovina has been considered a country of crisis and crises. However, the crisis is manifested in different ways on different levels, having also a different substance which cannot be reduced to the same. This must be emphasised, since Bosnia’s nature of crisis is often used as an argument for certain unjustified political demands which in themselves do not reflect the actual context of the crisis. In this paper we argue that the crisis in BH can be broken down into three basic crises which constitute it: crisis of BH as a state, crisis of the Federation of BH and crisis of the Republic of Srpska. The crisis of the state is primarily a crisis of legitimacy: the Dayton Constitution is not genuinely accepted and it is constantly denied and disputed by the political representatives of all three constituent peoples, which results in a permanent political crisis. The crisis of the Federation of BH is a crisis of an unnatural constitution under the scheme “three peoples and two entities”, which constantly produces situations of “tyranny of the majority”. The crisis of the Republic of Srpska is mostly manifested as a crisis of economic inefficiency – the political situation in RS is relatively stable and it provides a sound basis for addressing the key, economic problems. However, the Government has been showing the inability to cope with such demands. These crises are, naturally, intertwined, but they are still fundamentally different: BH as a state and the Federation of BH are also affected by problems of economic efficiency, while the RS faces challenges to its legitimacy. Nevertheless, the dominant aspects of crises in these three segments of the Bosnian society can be clearly marked and delineated. It is possible to use this diagnosis of crisis to develop an appropriate anti-crisis policy.

Keywords: Crisis, Bosnia and Herzegovina, Federation of BH, Republic of Srpska.

1. Introduction

Ever since its formation as a state, Bosnia has been a country of crisis and crises. Ever since the independence referendum, through which the state was quasi-constituted, until the current frictions, Bosnia has been an “unfortunate” state in the state of permanent crisis, on all levels and in various forms. Transition after the civil war has not been happening in the form of gradual opening of the BH society and establishment of the state, but BH has remained “imprisoned” in a sort of closed society in the state of permanent conflict, which fails to start functioning. Such a society blocks itself, producing permanent decline in standards in terms of economy, permanent blockade of political processes, and complete devastation in terms of culture. However, this crisis is manifested in different ways on different levels, having also a different substance which cannot be reduced to the same. This must be emphasised, since Bosnia’s nature of crisis is often used as an argument for certain unjustified political demands which in themselves do not reflect the actual context of the crisis. Thus, for example, Bosniak political representatives instrumentalise the thesis of BH crisis for the purposes of unitarisation, while political representatives of the Republic of Srpska (RS) observe it as a justification of the request for secession. Neither of these represents the actual situation. Quite contrary, this is one of the factors of crisis maintaining and deepening.

Generally, the crisis in BH can be broken down into three crises which constitute it: crisis of Bosnia and Herzegovina (BH), crisis of the Federation of BH (FBH), and crisis of the Republic of Srpska (RS). These crises are, naturally, intertwined, and each of them is more or less present on all three levels that we observe here, but on each of

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1 Even though the term “unfortunate” is not something that can be treated as an objective attribute in terms of scientific rigours, it is frequently present as a description of Bosnia in Bosnian literature. For example, Bosnian writer Dervis Susic, in his work “Phantoms”, uses this term exactly to describe Bosnia. In the context of newer research, the term has obtained objective connotations as well. In December 2012, the report Business Insider was published, indexing the “poorest countries” in the world. According to this report, BH was seventeenth on the list of 20 “poorest” countries. Key criteria were unemployment rate and inflation, which in BH, according to the data taken over from CIA Factbook, were as follows – unemployment 43.3% and inflation 3.8%.
them one aspect of the crisis is present as defining and dominant.

2. Crisis of the State

The crisis of the state is primarily a crisis of legitimacy. Through the independence referendum², unfortunately, BH was not “immaculately conceived”, but it came to being in the sin of overruling and supremacy of one over other two, and this sinfulness has been following Bosnia until today, making it impossible for the system to start functioning. BH is an “unwanted child” that, in this form, is not wanted nor accepted by any of its creators. Serbs and Croats exhibit overt or covert separatist ambitions³, while Bosniaks do not give up on the project for a unitary state with Bosniak/Muslim majority, under the guise of a “civil” state.

Such lack of acceptance is manifested in political practices of ignoring the constitutional and legal frameworks of the state by its highest authorities, who, taking into account the fact that the Constitution has not been accepted on the basic level, do not feel they are bound by it.

Challenge to the Constitution is generally based on three key arguments [Steiner C., Ademović N.; 2010: 29-34]. The first is that the Constitution of BH was not adopted in a normal procedure of constituting in the social contract act, but it was octroyed, above all under the pressure and will of the international community. This means that BH does not have its “internal recognition” [Kecmanović N., 2007:5], and this fact creates wide opportunities for challenges. Thus, for example, at one of the recent sessions of the non-governmental organisations Circle 99⁴ this argument was presented by Anton Bebler. Later he expanded it towards the request for the Dayton Agreement creators, since they have taken some kind of implicit responsibility for the functioning of BH, to have the obligation to force the adoption of a new Constitution by BH citizens and institutions. Political representatives of Bosniaks use this argument to challenge the Dayton Constitution and to give the legitimacy to the Constitution of the Socialist Republic BH, while political representatives of Serbs use it in the sense that BH state, as such, emerged through illegitimate violation of the will of the Serbian people that in the plebiscite voted against BH.

Another significant argument is present in certain extreme political circles, and it is related to the challenge to the legitimacy of certain constitutional solutions. [Silajdžić H., 2000:116] For example, it is stated that “the Constitution contains norms which are contrary to the international law.” [Steiner C.; 2010:31] In this way, the legitimacy of the existence of the Republic of Srpska is challenged, and this entity is branded as a “creation of genocide” which came to being through “mass Serbian aggression” and “ethnic cleansing”, even though, of course, it is a Constitutional category.

The third argument is that the Constitution has proven to be inefficient in practice, and that BH cannot function within the scope of such arrangement. The key disadvantage is in the overly strong mechanisms of protection of collective rights, which allows for the blockade of decision making on different levels. [Schmunk M.; 2009:18-20]

The hypothesis of the Constitution illegitimacy is generally further extended to the statement that the function of the Dayton Agreement was to finish the war [Holbrook R.; 1998:336; Izetbegović A.; 2001:342], and not to provide a specific political and legal framework based on which the state would continue to exist in peace. [Silajdžić H.; 2000:113]

Contrary to the “Dayton” BH, the “Brussels” BH is promoted, and generally in the form of unitarisation. Specifically, the Annex 4 is a markedly consociational Constitution [Savanović A.; 2011:20]. Under the guise of European integrations and through the strategy of transformation towards the “Brussels” BH, this Constitution tends to be transformed into a majoritarian and unitary one. On the background of this strategy is the concept “Dayton 2” which is from time to time promoted by certain influential political actors. Recently, U.S. Congressman and member of the House Committee on Foreign Affairs Russell Carnahan has advocated such an approach, defining Dayton as a “temporary solution” which has “become an obstacle to future progress”. [Carnahan R.; 2012] Also, the newly appointed U.S. Secretary of State John Kerry, in one of his columns from 2009, wrote that BH was a “political prisoner of past agreements”, repeating the paradigm that Dayton ended the war but did not create an efficient state. He even advocates a “great diplomatic

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² It was held on 29th February and 1st March 1992. At the referendum, 64.31% of all citizens voted (out of which a huge majority, 99.40%, voted for independence), most of them Muslims and Croats, while vast majority of Serbs boycotted the voting. Earlier, on 9th and 10th November 1991, Serbs organised the Plebiscite, when they voted to stay in Yugoslavia.

³ A poll in 1997 showed that 91% of the Bosnian Serbs and 84% of the Bosnian Croats were against a unified Bosnian state, as opposed to 98% of the Bosnian Muslim population who were for it. [Woodward, S.; 1999:96] Compare: Skoko, B.; 2011.

⁴ The session under the working title Through the cooperation of state and foreign intellectual and political actors towards the new Constitution of BH, held on 19th January 2013. As the media reported, professor Anton Bebler said: “The existing Constitution was adopted by foreigners, it was written by foreigners, and also, it was forced, which means that it should be null and void from that point of view.” (cited from: Dnevni Avaz, 20th January 2013).
The thesis we wish to present in this paper is contrary to the previous position. Indeed, even though the Annex 4 Dayton Agreement is not a Constitution which emerged in a classical constitutional procedure, it still served for BH to gain some kind of a framework, and relying on it, it had its opportunity to start function. However, this has not happened, and ever since the beginning, up until now, we witness the instruments of the state, which could function themselves, being usurped and misused by certain actors. Last year’s scandal involving the voting of BH representatives in the UN General Assembly on the Resolution on Syria [GA/11266/; 2012] proposed by Saudi Arabia is just one example. As it is well-known, the Constitution of BH provides that the foreign policy of BH is under the jurisdiction of the Presidency of BH, and if there is no agreement between all three members in the Presidency, the BH representative in the UN should abstain from voting. (Constitution of Bosnia and Herzegovina, V/2, c-d). This procedure is obviously very simple and clear. However, by means of will of one political actor, in this case the Minister of Foreign Affairs Zlatko Lagumdžija, and his abuse of the institution he headed, this simple and clear procedure became a source of internal political crisis in BH, which lasted for several months. This example is very illustrative, since it calls into question the claim that Dayton was obsolete because it prevents BH from functioning “normally”. Contrary to this position, the previous example may serve to show that the constitutional framework is more than enough for efficient governance, the problem actually being in unconstitutional practices that usurp it. Actually, there is not such a constitutional framework which would be able to withstand behaviour of those who ignore it: for a Constitution to “function”, it is necessary for it to be accepted by all actors who would, when acting, always stay within the constitutional framework.

From this premise we deduce that the crisis of BH is unsolvable on the level of development and improvement of the existing constitutional solutions (even though these are, of course, necessary, inevitable and natural), but only and exclusively through the previous consensus on the actual, and not just declarative acceptance of the Annex 4-Constitution. If this diagnosis is correct, we can even say that those who propose a form of revision and “Dayton 2” actually only deepen the crisis of BH in favour of separatist interests of the lobbies they work for. The problem is not in the fact that the Constitution is not good, but in the fact that it is not observed.

Going beyond this, we may suspect that permanent blockades and institutional incidents are produced purposefully, to demonstrate the necessity of international diplomatic intervention in the constitutional order of Bosnia and Herzegovina. Thus, for example, the long-term crisis related to relatively simple solution of the problem referring to the decision of the European Court of Human Rights in the Sejdic-Finci case is observed as an artificial product of crisis in order to use this request for a limited correction of the Institution to enter its full reconfiguration. All the actors are hoping to get more than they already have through this reconfiguration, while using the Decision to realise certain goals which are not included in it. [Decision of the European Court of Human Rights in the Sejdic-Finci case; 2010] Therefore, “Bosniak” political representatives believe that the Decision cannot be realised only within the domain of its merits, since this also requires a complete revision of the Constitution.7 This revision is again observed as the reinstalling of the “civil” model of BH, which is to be presented as the only model guaranteeing equal rights to all citizens.6 On the other hand, the concept of consociation, with the constituent peoples as holders of the consociational mechanism, is always in one way or another excluding “Others”, if not de jure, then de facto for sure. [Bose S.; 2002:250-252] Certain theorists label the opinion about the necessarily consociational three-nation nature of BH as a retrograde nationalist, and even “neo-Nazi” (!) approach. [Zgodić E.; 1996:12] It is obvious that the extreme escalation of the civil versus national concept here serves an argument for challenging the Dayton Constitution. [Čurak N.; 2004:105]

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5 Even though this cannot be argued over, taking into account the fact that Parliaments voted on the Dayton Peace Agreement, and the Constitution is an integral part of this document – Annex IV.

6 Even though the facts of this case are not entirely clear and the controversy remains unexplained.

7 This is commonplace of certain circles of the political scene of Sarajevo. Thus, for example, Academician Muhamed Filipović, in his article Political and legal pattern for the destruction of the fictional monopoly [2012], put forward the hypothesis that the discriminatory provision treated by the Decision actually represents a necessary consequence of an „absurd principle“ that „in states in which several peoples live there are chosen, that is, „constituent peoples“, and that this necessarily implies that „all others are of lower status and rights“. He further extends the argument towards the historical character of the nation, which is in no way a necessary framework of identity, but an arbitrary measure. As such, taking into account that it is a source of discrimination, “it must be entirely abolished... or suppressed into the sphere of pure formality”. Since “the existing system cannot be crushed from the inside” this must be done “from the outside”. In this sense, Academician hopes that the current initiatives from the EU and the USA represent the “beginning of a new era” for BH.

8 An additional argument used to support the “civil” model of BH is that even the Socialist BH, from ZAVNOBiH, was conceived as a “civil” republic, with “Bosnian people” as the bearer of sovereignty. [Ibrahimagić O.;2001:47.] This argument is in direct contrast with the „tripod“ concept which determines the three-nation basis of BH in the text of ZAVNOBiH.
However, contrary to these positions, we believe that the consociational model of democracy, which is imminent for the “Dayton” BH, represents a natural model for pluralistic societies and most countries with multi-national composition actually apply it. [Lijphart A.; 1999: 31-39] In any case, there is no guarantee that the “majority” model would be more efficient.9 Quite contrary, most experts for democracy in divided societies believe that the key prerequisites for its functioning are these two consociational elements: autonomy of groups and division of powers between groups. [Lijphart A.; 2004: 97] On the other hand, specific historical experience of successful multi-national countries, such as Switzerland, speaks in favour of the consociation in pluralistic communities. Therefore, we believe that the crisis in the functioning of BH as a state is above all a result of the challenges to the existing Constitution by the key actors, and not of its objective deficiencies, even though these certainly do exist.

3. Crisis of the Federation of BH

The crisis on the level of the FBH is manifested as a crisis of unnatural constitution under the scheme “three peoples in two entities”. It is completely obvious that the natural scheme for a country with the entity organisation would be three peoples in three entities, that is, a federal/confederal state consisting of three federal units. However, for the sake of tactical demands of the historical moment, the Croatian corpus in BH has accepted the Muslim-Croat Federation.10 Now it faces the usurpation of its mechanisms of power by the Bosniak majority and its political representatives. [Bose S.; 2002:88]

Therefore, the key problem of the FBH is the majorisation of the Croat minority by the Bosniak majority. The Federation is a striking example of what is known in the democracy theory as the “tyranny of the majority” – an anomaly of democratic process especially dangerous in pluralistic communities. This means that the representatives of the Croatian people are often subject to overruling in the legislative bodies on many issues of national interest.11 The most notable example has been the election of the Croat member of the Presidency of Bosnia and Herzegovina, who was imposed on Croats by Bosniak parties at two previous electoral cycles. Member of the Presidency of BH representing the Croatian people is Zeljko Komšić, who does not come from the Croatian Democratic Union (HDZ), the party which has by far the best electoral results among Croats in BH, but from the Social Democratic Party (SDP), party formally without national connotations, but whose 90% of members are Bosniaks/Muslims.12 Another current example is the attempt to establish a “Croatian” TV channel. Although the right of minority groups to have a public broadcaster is undoubtedly a democratic achievement of modern democratic states and a right guaranteed by relevant documents, including also the *European Convention on Human Rights* (Article 10), the Croatian people has not been able to realise this right in the parliamentary procedure.

The crisis with the problem of adequate representation of Croats in the FBH government has been particularly deepened after the previous general elections. At that time, two leading Bosniak parties, SDP and SDA, organised the Government with minor Croatian parties, HSP and NSRzB, thus excluding two leading Croatian parties. Actually, in this way, representation of the majority of Croats in the executive authorities was excluded. Practically from the end of the elections, the FBH has been in the state of permanent crisis: the Government of the Federation has been in the process of constitution ever since the elections, but it still cannot be constituted, and the chances of this happening in a (semi)legal way have been diminishing.13 This creates a stalemate situation in which the parliamentary majority does not

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9 An overly rigid application of the majority model during the period of the SFRY dissolution led to a very strained situation of the “tyranny of the majority”, which forced the minority to resort to “abnormal political behaviour” [Dahl R.; 1991: 22]. We believe that a strong foundation of the claim is that this majority “civil” model of democracy itself was the cause of the civil war in BH.

10 Formally, this was realised through the Washington Agreement from 1994, which served to end the armed conflict between the HVO (Croatian Defence Council) and military forces of the government in Sarajevo.

11 It is very instructive to the case of BH as a whole that practices of overruling have been intensified since 2000, when the Constitutional Court adopted the decision of the constitutionality of all three peoples on the territory of entire BH. High Representative Wolfgang Petritsch forced the amendments to the Constitution of the FBH [Amendment III and Amendment XXVIII] and the RS [Amendment XLIV and Amendment XLVII], in order to comply with this decision. However, in practice, the effect has been quite opposite.

12 For example, at the elections held in 2010, in Kalesija, municipality with a Bosniak majority, Željko Komšić got 7033 votes, while Borjana Krišto from HDZ got only 27 votes [Central Election Commission BH; http://www.izbore.ba/]. In this way, due to the majority voting model without an ethnic clause, Bosniaks are able to elect the Croat member of the Presidency, and they de facto elect two members of the Presidency, while Croats elect none.

13 Running each other down in permanent political skirmishing, authorities in the FBH simply cannot focus on the economic development and actual living problems. It is not a wonder that strikes and protests are the permanent image of the Federation. Trade unions threaten with protests of 50,000 workers, at the same time hoping for a wider civil rebellion. This is the result of the lack of compliance with the
have the majority in the executive authorities too. Painful and exhausting negotiations of the new “four” have proven to be ineffective. The consequence of this blockade is the vast majority of the Croatian people de jure having their representatives, but de facto it is not represented in the executive authorities of the FBH.

Bearing in mind such practices, there is no doubt that Croats’ requests for a form of constitutional protection of their rights are completely natural and justified, in order to prevent similar practices. Most often it is manifested as the request for the “third entity”, which would practically transform BH into a confederal community of three constituent peoples with three ethnically defined territorial units. [Bose S.; 2002:28] Obviously, the concept of the third entity and confederalisation of BH, in spite of seeming to be natural for a type of state such as BH and being widely present in the modern political practice, it is not the only model through which the request for equality of a smaller group could be realised. Modern constitutional practice has different mechanisms of the minority protection, and Dayton itself is one of the models which could be used to achieve this. Therefore, for example, the equality of Croats could be ensured through the introduction of additional consociational mechanisms into the Constitution of the Federation of BH and strengthening of the existing ones. Consociation is not a model which is exclusive for territorially concentrated national communities within the scope of one country. For example, the concept of “non-territorial autonomy” is an alternative model that could function in the Federation. Although it is still early to give the final assessment, it seems that in this frame is the initiative launched by the U.S. Embassy in BH in January 2013.  

What has to be considered is that the key problem of the Federation is the “Croatian issue”, and not the cantonal organisation. This has to be emphasised since certain recent initiatives seek to interpret the cause of the crisis of the FBH as a primarily efficiency problem which emerged as a consequence of the complicated cantonal organisation. The structure of the FBH, organised through the system of 10 cantons and central entity Government, is not only complicated and difficult to manage, but also economically too expensive, and there is no doubt that there is the need to reorganise it. However, this reform must also deal with the main problem of the FB, that is, the “Croatian issue”, and it must not remain on the level of the modernisation of government only.

4. Crisis of the Republic of Srpska

Crisis of the Republic of Srpska is primarily the crisis of economic inefficiency. Even though the legitimacy of the RS is challenged, this challenge does not come from the inside, as the vast majority of the RS citizens have no doubt about the political framework they live in. Political struggle between two dominant parties, Alliance of Independent Social Democrats (SNSD) and Serbian Democratic Party (SDS), regardless of its severity, is channelled within the normal agreements reached in May 2012, when approximately 8,000 workers took part in the warning protest in front of the federal Government. The Government, of course, was not able to deal with the conclusions from the agreement simply because from the crisis of the formation of parliamentary majority it jumped directly into the identity “crisis” of what “constitutes” the parliamentary majority, and in such an atmosphere and situation it is clear that workers’ requests cannot be on the agenda for real. As it was stated by the trade union itself, none of 40 agreed conclusions was realised, and the question arises whether these conclusions are valid, taking into account that the previous parliamentary majority, that is, “platform parties”, were the ones that committed to them.

14 After the elections, the parliamentary majority (SDP, SDA, HSP, NSRzB) was established without taking into account the electoral legitimacy of the Croat people, but it was compatible with the executive powers, and the Government reflected the parliamentary majority. Nowadays, the situation is opposite – leading Croat parties are involved in the government (SDP, SBB, HDZ and HDZ 1990), but now the parliamentary majority is no longer compatible with the Government. This is a consequence of the fact that the Government cannot be legally changed without the approval of Zeljko Budimir. Having in mind that he comes from the HSP which would lose its place in the Government in that way it is obvious that it is not realistic to expect this. Thus, consequences of political adventurism with an attempt of illegitimate exclusion of the HDZ and HDZ 1990 ended in a blockade which will probably last until the new elections in 2014.

15 Ambassador Patrick Mook formed a team of experts in order to solve the problem of democratic deficit in the Federation of BH. The initial diagnosis, presented by one of the members of the expert team, professor of constitutional Law Kasim Trnka, states that the key problem of the FBH (and the state as a whole) is a relationship between the civil and national, which we tend to agree with. Also, the assessment that this does not necessarily imply further confederalisation and a “third entity” is entirely correct. However, his assessment that the consociational model of democracy is also not good, and that such a solution is “harmful to Bosnia”, raises suspicion that even before the beginning he limited the theoretical framework for movements, up to the measure where he is left with only one of the options of the “majority” model of democracy. However, it is clear in advance that any form of this model can hardly get support from a majority of Croats. Moreover, it is also theoretically questionable for such a difficult case as the FBH.

16 The strategy of the FBH organisation with the model of six cantons plus Sarajevo as a district was proposed at a public discussion in late January by the Law Institute in BH. The solution for the “Croatian issue” is seen in the “unification of cantons with Croat majority, such as the Livno Canton and West-Herzegovina Canton”, as presented by one of proponents, Muhamed Mujkic.
parliamentary democratic procedure in which all actors act inside the boundaries of what is defined in the Constitution. The legitimacy of the RS is, however, challenged from the outside – by Bosniak political representatives, who are trying to define the RS as a “creation of genocide”. Still, this challenge is of completely different sense and capacity from that which we discussed for the level of BH or the FBH, whose legitimacies are challenged from the “inside”, by their citizens and constituent peoples.

Thus, contrary to those other two levels, political situation in the RS is relatively stable and it provides a sound basis for dealing with key, economic problems. However, this segment was exactly where the Government has failed, and with a series of wrong measures and complete lack of vision it has led the RS towards dramatic economic crisis. Although the economic situation in the RS is undoubtedly highly influenced by wider “objective” factors such as the global economic crisis and previously described blockade of the country, as well as permanent attempts to abuse the institutions of BH, there is still no doubt that the results of the current Government’s management are devastating. A popular thesis of the “better entity” or of “the only self-sustainable part of BH”, promoted by the political representatives of Serbs, could possibly be true only if observed in the context of catastrophic situation in BH as a state and in its “bigger”17 entity, but it is debatable even in this case. However, if observed in terms of the real situation, the RS is in a deep economic and social crisis, probably the worst one since the war ended.

The key parameters suggest the following. [Savanović A.; 2012] Unemployment is very high, and from the economic point of view it is unacceptable in the long term. The number of unemployed persons at the Employment Office is 151,596, and this amounts to almost 45%. Industrial production in the period January-June 2012 was 4.2% lower than in the same period of the previous year.18 It is evident that the external trade deficit in such circumstances must be enormous. On the level of the RS, in the period January-June 2012, coverage of import with export was catastrophic at 55%. A logical consequence is the fact that the debt is reaching alarming proportions. The debt has exceeded 50% of the GDP. It is already clear that the RS is no longer able to take development loans, and now it can only reschedule the incoming commitments that cannot be serviced. But even this budget balancing has been increasingly questionable, and the budget framework has become problematic. In the Economic Policy for 2013, the Government was forced to concede defeat by introducing wage cuts. This dramatically affects the already low living standard of the population. Practically all strategic sectors are devastated- Railway, Forests of Srpska, Post of Srpska, Pension and Disability Insurance Fund, health care system, etc., since for years these have only served to accumulate losses. The ruling party itself eventually had to acknowledge these facts and to deny the confidence in the Government which resigned in late February.

These facts show that permanent emphasising of the so-called “political issues”, issues from the field of constituency, promoted by the current authorities in the RS, is actually only an artificially imposed dilemma. The inability of the current government to efficiently deal with the problems of economic efficiency forced it to go back to the retrograde nationalist rhetoric and production of enemies. The strategy of the current government is to use constant emphasising of political crisis and fictional enemies19, to cover up the poor and inhospitable management. The lack of consensus concerning the Dayton Constitution serves as a mechanism to hide the incapability of the government to solve economic problems. We argue that the doctrine “defence of Dayton”, promoted by the RS Government in the past seven years, is not the actual position of sincere devotion to the Constitution of BH. This is clearly evident from the rhetoric which constantly promotes the thesis of “temporariness” of Bosnia and Herzegovina, of Bosnia as an “artificial” creation, etc., advocated by the ruling party. Even though these diagnoses represent largely accurate descriptions of the situation on the ground, in this case they are only instrumentalised with the aim of distracting the public from the fact that the living standard has fallen enormously and that citizens have been poorer and poorer.20

17 BH is composed of the FBH covering approximately 51% and the RS covering approximately 49% of its territory. This is why certain political actors mention the FBH as the „larger entity”.
18 In the construction sector, value of performed works in the period January-June 2012 was 15% lower than in the same period of the previous year. Only in the footwear manufacture sector, number of workers decreased from 40,000 to 10,000, and the Association of textile, leather and footwear has warned that this branch might “crash” completely, with “10,000 workers ending up in the streets”. According to representatives of this Association, this is happening because customs duties on imported raw materials are paid up to five times more by our entrepreneurs than by those from the EU. For example, customs duties on rubber soles here are 15%, while in the EU they amount to 2.5%, and for shoe buckles – 15% here and 2.7% in the EU.
19 For example, recently, the threat of „spring”-revolution in the RS announced by the President of the RS.
20 Obviously, here we have an example of a “self-fulfilling” prophecy: the thesis of “unsustainability” of BH and unwillingness to be genuinely committed to the state really makes this country “impossible”. This mechanism used by the current authorities in the RS is enhanced by a compatible attitude of Bosniaks, who claim that such BH is “dysfunctional”, and Croats, who argue that BH is “unjust”. Thus, we reach the initial premise that all three constituent people actually do not want a state like this one.
5. Conclusion

If the previous analysis of the type and nature of the crisis, divided into separate parts of BH, can be understood as correct, then the anti-crisis priorities are evident as well.

Firstly, on the level of BH as a state, it is necessary to work towards the acceptance of the existing constitutional order by all actors, especially by avoiding the affirmation of a potentially dangerous illusion referring to a possible amendment to the Constitution through some kind of external intervention. A fundamental step in this direction would be the subsequent adoption of the Constitution in a parliamentary procedure, which has occurred as an initiative at one point, but did not gain the necessary support. An act like this one would certainly relax the relations in the country and crush the illusions of all actors that they could gain more than the Constitution offers through possible favourable developments on the wider international stage. The international community’s support, if needed by Bosnian political actors, should be directed towards the establishment of what BH currently is but for now only on paper, and not towards the revision of the Dayton BH. On the level of the FBH, the Constitution of the FBH should be amended, in order to enable the solution of the Croatian national issue. This can be done through the transformation of the FBH from the cantonal to some other form of entity organisation or through the change of the electoral law and legal procedures in the Parliament in the manner which would ensure de facto equality for Croats. When it comes to the RS, the focus must be placed on the economic aspects, avoiding counter-productive and unnecessary political crises on the state level.

Secondly, which becomes evident from our elaboration, is the fact that certain popular myths referring to the solution of the crises of BH are nothing else but that – myths. One of these is that the integration of the country into the EU automatically solves the “problem of Bosnia”. This is obviously untrue, taking into account the fact that the EU accession process does not directly affect the structure of BH as a state in any of the key aspects of the crisis. Thus, the problem of rejection of the Constitution is completely independent of the reform of the Constitution required by the EU integration process. The same is true for the Federation, which even with its existing organisation can withstand the process of integration reforms, and this is after all confirmed by the fact that some of European countries are organised by the canton model. For the RS, the situation is especially clear: integration processes represent an opportunity but also a threat to domestic production, depending on the previous preparedness of certain space for integration in a highly complex market such as the EU. Therefore, even though the models presented here are simplified schemes, they still represent the complexity of the BH crisis which cannot be solved by simplified binary “or-or” approaches, as it requires a sophisticated and detailed strategy.

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E-loyalty Model in e-Commerce

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Abstract

Companies based on Internet should remain competitive. One of ways of modified competitive advantage is the attraction of most customers and the increase of customer retention. In emerging commercial competitions, customer loyalty is an important characteristic for obtaining the continuation of competitive advantage. The purpose of this research is to show a theoretical model for the identification of effective factors on e-loyalty and to improve e-commerce toward the advancement of customers and sellers purposes. E-loyalty process is divided in to three phases that include cognitive, effectiveness and action in this model. Seven selected components of this research are: demographic characteristics, web site and technology, sales promotion, products level offered to customer, e-security and e-trust, e-satisfaction and e-loyalty. Case study of this research was performed in Sepahan Cement Company of Isfahan with about 115 questionnaires. Data analysis was performed by the Structural Equation Model (SEM) and LISREL software. The results of this research show that demographic characteristics of the customers and e-security and e-trust are effective factors on e-loyalty.

Keywords: e-loyalty, e-commerce, Structural Equation Model

1. Introduction

Fact development of Internet and technology, the change of competition policies in companies and financial interactions by electronic means drew the attention of most people toward this thought that how they can be profitable in e-commerce world of technology and communications. The subject of loyalty in Internet space or e-loyalty has attracted many parts of marketing studies toward itself because customer is the most important asset of the companies and customer retention causes more profitability and buyers by Internet can compare global goods whit each other with a little cost or without cost easily.

The development of customer loyalty is a strategic purpose for most companies and organizations, today most companies try retain customers and attain more share of each customer (Duffy, 2005). People can access to information and interact whit global business easily whit fast development of e-commerce. Its combination with economic emergence and efficient electronic abilities causes the popularity of online sales (Tu, 2012).

The purpose of this research is to identify and extract effective factors and indexes on e-loyalty in productive companies and in the company under study (Sepahan Cement of Isfahan). In addition, one of expected purposes of this research is to improve e-commerce toward the advancement of customers and sellers purposes.

2. Research literature

The emergence of loyalty concept comes back to early decade of 1940. This structure shows two separate concepts including brand preferences (attitude loyalty) and market share (behavioral loyalty) (Rundle-Thiele, 2001). Many researchers have offered various definitions in this area, Some researchers believe loyalty is successive buying of the customer (Jacoby, 1978) and the investigation of buying behavior of the customer is the investigation of the loyalty (Kuehn, 1962). Others believe attitude element is effective along whit behavioral element for the assessment of the
loyalty (Dick Alan, 1994). The most comprehensive definition has been offered by Richard Oliver; he believe loyalty is described as a strong commitment for repeated buying of the same product or for services in future in spite of marketing efforts of other competitors (Oliver, 1999).

Demographic characteristics. Customer loyalty depends on his personal characteristics. Chen and Hitt (2002) conducted a research for the determination of the loyalty of online customers. They investigated personal characteristics of the customers in buying from online shopping and concluded demographic characteristics affect shop choices (Tsai, 2009). Butch Rice and Jan Hofmeyer believe younger customers are less committed to brand compared with older customers (Clark, 2007).

Website and technology. Website is the first communication channel of the customer and company or organization in e-business. Website plays a main role in customer loyalty if it can meet customer needs in first step. Kim, Jin and Swinney (2009) conducted a research with the purpose of the integration of the model of e-loyalty development process. They conducted on analysis with the focus on four dimensions of retailing quality. That moved toward website operation. These dimensions include performance/ validity, website design, security/ privacy and quick response. They concluded the design of website has a significant effect on e-satisfaction and e-loyalty has a significant effect on the process of e-loyalty development. They used the method of Structural Equation Model in this analysis (Kim, 2009).

Offered products /services level to customer. Romulo (2007) conducted a research in order to prove a strong relationship between the quality of offered services and e-loyalty. In this research, data was evaluated by Structural Equation modeling (SEM). The results of this research show e-service quality affects e-loyalty (Romulo, 2007).

E-trust and E-security. Trust is loyalty drive and it is effective for long-term communication in business. Trust is defined as being satisfied with someone who is considered as business partner (Rachjaibun, 2007). Wu, Tang and Tsai (2005) conducted a research with the aim of communications by e-trust, e-satisfaction and e-loyalty. Their research shows the behavior of online customer, e-trust, e-satisfaction and e-loyalty based on the Technology Acceptance Model (TAM). Collected questionnaires were about 1285. These questionnaires were distributed among online customers of e-stores in Taiwan. They used the Structural Equation Model for the analysis of the data. The results showed e-trust has significant effect on the facilitation of customer e-satisfaction and e-loyalty (Tang, 2005)

E-satisfaction. Satisfaction is an effective response for buying states (Chang, 2008). Also satisfaction is the result of customer experience during different stages of buying (Lin, 2011). E-satisfaction includes judgements customers about Internet experience so that they compare these experiences with the experiences from traditional services provider or retail shops (Rachjaibun, 2007). Srinivasan and Anderson investigated customer loyalty in the area of e-commerce and they described customer loyalty as a favorable state towards e-retailing that leads to the repetition of buying behavior. They also investigated the effect of customer satisfaction on their loyalty in the area of e-commerce and suggested customer satisfaction depends on last buying experience from a certain e-commerce company (Anderson, 2003).

E-loyalty. E-loyalty includes desirable tendency of the customer towards e-retailing and its result is the repetition of buying behavior. E-loyalty of the customer has significant difference with traditional environment because Internet users can access to web sites just with a click (Jeon, 2009). The loyalty of the customer is one of important drivers for success of e-commerce (Rachjaibun, 2007). In the world of real business, Oliver showed loyalty framework from recognition to action based on the pattern of recognition-effect-effort in 1997. This model includes successive stages of recognition (loyalty to information such as price, characteristics), effect (loyalty to interests), effort (loyalty to tendency) and action (loyalty to action). Oliver say consumers become loyal to recognition feeling and then, their loyalty extends to the concept of effect, effort and behavioral manner. Behavioral manner is described as action faculty (Chang, 2008).

3. Conceptual model of research

Research model is considered in this section in order to better understand e-loyalty and investigate the hypotheses of the research based on it. The purpose of this research is to identify effective factors on e-loyalty. Seven components were extracted by different papers and research in this area. Five indexes of each component were designed for the compilation of first questionnaire. First questionnaire were completed via 14 experts in the area of the sale of e-commerce. Then, indexes priority was selected by Friedman test and 3 indexes for each component with the most priority were chosen that are show in table (1).
### Table 1: Effective indexes and factors on e-loyalty

<table>
<thead>
<tr>
<th>Factor</th>
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<tbody>
<tr>
<td><strong>Trust and Security</strong></td>
<td>- respect for customers privacy</td>
<td><strong>Satisfaction</strong></td>
<td>- maximum satisfaction level</td>
</tr>
<tr>
<td></td>
<td>- no abuse account information of customers</td>
<td></td>
<td>- investigation of complains and criticism of customer</td>
</tr>
<tr>
<td></td>
<td>- approved by legal reference</td>
<td></td>
<td>- providing facilities of buying</td>
</tr>
<tr>
<td><strong>Website and Technology</strong></td>
<td>- fast response and strong action</td>
<td><strong>Demographic Characteristics</strong></td>
<td>- customer age</td>
</tr>
<tr>
<td></td>
<td>- update information and services of website</td>
<td></td>
<td>- Internet experience of customer</td>
</tr>
<tr>
<td></td>
<td>- methods of easy paying</td>
<td></td>
<td>- no risk of customer</td>
</tr>
<tr>
<td><strong>E-loyalty</strong></td>
<td>- brand</td>
<td><strong>Offered products level</strong></td>
<td>- goods quality</td>
</tr>
<tr>
<td></td>
<td>- personalization of web pages</td>
<td></td>
<td>- post-sale services</td>
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<tr>
<td></td>
<td>- product reliability</td>
<td></td>
<td>- customization in production level</td>
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</table>

After the extraction of the factors and indexes, research model was designed as shown in figure (2). This process has been divided into three phases of cognitive, effectiveness and action (Chang, 2008).

**Figure 1: Theoretical framework of the research**

#### 3.1 Hypothesis development

In most papers, demographic characteristics of respondents such as age, education, gender, Internet experience, etc, are considered but their relationships with other factors have not been investigated. In limited studies such as Miyazaki (2001), Rodger (2003), Zhou and Ulbrich (2011), the effects of demographic variables on e-loyalty have been determined. Also Kim (2004) investigated the effects of demographic variables on online shopping. But because the effects of demographic characteristics on website and technology, offered products level to customer and sales promotion have not been investigated completely, we consider following hypothesis in this research:

Hypothesis 1: website and technology are affected by demographic characteristics.

Hypothesis 2: offered products level is affected by demographic characteristics of the customers.

it is hypothesized that:

Hypothesis 3: website and technology have significant effect on e-trust and e-security of the customers.

Hypothesis 4: website and technology have significant effect on e-satisfaction.

Madu (2000) suggested online services should be updated and reliable in order to attract customers. Urban, Reichheld and et al (2000) on time delivery of the product affects e-trust of the customers. In most papers, the relationship between services/products quality and satisfaction or e-satisfaction has been investigated such as Kim and park (2003), Zeithamel and Bitner (2003), Chang, Chen and Huang (2011). In some papers, the relationship between on time delivery of the product and satisfaction has been investigated such as Collier and Bienstock (2006). Ki Han Chung (2008) suggested five attributes of e-retailing (shopping convenience, product selection, price, customization and informativeness) affected e-satisfaction. Therefore, following hypotheses are consistent with current study:

Hypothesis 5: offered products level to customer can affect e-trust and e-security of the customers.

Hypothesis 6: offered products level to customer increase e-satisfaction.

Many researchers have conducted research about the effect of customers trust and satisfaction in the area of traditional marketing and e-commerce. Some researchers such as Reichheld, Hopton, Markey (2000), Cyr (2008), Kim, Jin and Swinney (2009) and others evaluated positive effect of e-trust on e-loyalty of the customers. Some researchers such as Anderson and Sinivasan (2002), Rexha (2003), Gummerus (2004), Lai (2007), Chang and Chen (2008), Huang (2011) suggested the effect of e-satisfaction on e-loyalty. Therefore, two hypotheses should be investigated:

Hypothesis 7: e-trust and e-security have significant effect on e-loyalty of the customers.

Hypothesis 8: e-satisfaction improves e-loyalty of the customers.

4. Research methodology

This research is quantitative because the relationship between e-loyalty and other factors are shown as linear structure. We also want to find the relationship between related premises by hypothesis. This research can be classified as functional research in terms of purpose and as surveying-descriptive research in terms of method. Statistical society of this research includes informatics experts, sales experts and cement buyers of Sepahan Cement of Isfahan. The method of random sampling was used for people selection. Collected questionnaires were 115.

Structural Equation Model (SEM) is used for the analysis of the data. Software LISREL is used for data analysis and the confirmation of conceptual model at the compilation of conceptual model. Structural Equations Modeling is a multivariate analysis technique. It is a general strong technique from multivariate regression family and the expansion of general linear model. Researcher can test a set of regression equations simultaneously by this technique. Multivariate analysis refers to a series of analysis methods that their main characteristic is simultaneous analysis of “K” independent variables and “n” dependent variables. Structural Equations Modeling is a comprehensive statistical approach for testing hypothesis about the relationships between manifest and latent variables. It is called covariance structural analysis or causality modeling or LISREL. Today popular term is Structural Equations Modeling or SEM. Covariance structures analysis is one of main analysis methods of different variables that shows simultaneous effects of variables in a structure based on theory (Mueller, 1996).

Cronbach alpha method has been used in this research in order to investigate questionnaires reliability. Construct validity was used in order to investigate questionnaire validity. Questionnaire validity refers to the ability of the tool for the measurement of the property that questionnaire has been designed for its measurement. This validity includes apparent validity, context validity, construct validity, predictive validity and etc (Adhami, 2005).

5. Data analysis

One of the methods of reliability measurement is the use of Cronbach alpha coefficient. If alpha value is above 0.7, reliability is good and if alpha value is between 0.5 and 0.7, reliability is medium. The questionnaire has no reliability when alpha value is below 0.5. Questionnaire reliability was measured by Cronbach alpha coefficient and software SPSS, version 19 in this research. The value of 0.806 was obtained. This value shows suitable and acceptable reliability for the questionnaire. Following table shows this value.

Research model has been investigated by Structural Equations Modeling method and software output has been shown in Figure (2).
The most important fit index of the model is the $X^2$ test but a series of secondary indexes are introduced because $X^2$ test is effective under certain conditions and sometimes these conditions are not realized. The most important indexes include Goodness of Fit Index (GFI), Adjusted Goodness of Fit Index (AGFI) and Root Mean Square Residual (RMSR). $X^2$ Test shows difference between data and model. So, less value of this test shows better result. Some researchers suggest the index resulted from Chi-Square divided by Degree Freedom (DF) instead of above mentioned index. The value of this index should be below 3 (Paul, 1994).

A main question arises here: Is this measurement model considered as a suitable instrument for the measurement of e-loyalty? Statistic and other criteria of Goodness of Fit should be investigated in order to answer this question. Fit indexes of the model show measurement model of information variable is suitable because the ratio of Chi-Square to Degree freedom is below 2.

According to software output, Goodness of Fit Index (GFI) is 0.78, Adjusted Goodness of Fit Index is 0.71, and the model is in good condition in terms of these two values. Root Mean Square Residual (RMSR) equals 0.09. Smaller value of RMSR shows better fitness of the model and data.

Research hypothesis are investigated with regard to figure 2 and figure 3. The relationship between demographic characteristics and website and technology has path coefficient of 0.30 and significance value of 2.15. Therefore, hypothesis 1 is acceptable. The relationship between demographic characteristics and offered products level to customer has path coefficient of 0.21 and significance value of 1.64. Therefore, hypothesis 2 is not accepted.

The relationship between website and technology with e-trust and e-security has path coefficient of 0.31 and significance value of 1.72. Thus, hypothesis 3 is not accepted. The relationship between offered products level to customer with e-trust and e-security has path coefficient of 0.98 and significance value of 2.85. Therefore, hypothesis 5 is accepted.

The relationship between website and technology with e-satisfaction has path coefficient of 0.38 and significance value of 2.59. So, hypothesis 4 is accepted. The relationship between offered products level to customer with e-satisfaction has path coefficient of 0.65 and significance value of 3.58. So, hypothesis 6 is accepted.
The relationship between e-trust and e-security with e-loyalty has path coefficient of 0.65 and significance value of 2.39. So, hypothesis 7 is accepted. The relationship between e-satisfaction with e-loyalty has path coefficient of 0.30 and significance value 1.54. Therefore, hypothesis 8 is not accepted.

6. Discussion and conclusion

In this research, the effects of some factors that had not been investigated well previously were considered. In the path analysis, the effects of demographic characteristics of the customers on website and technology and offered products/services level to customer were measured and the results showed it is positive effect on website and technology directly and on e-loyalty indirectly. Customers with more internet experiences are attracted by online shopping compared with other customers. Therefore, senior managers of the company should try to have efficient sales website in terms of update information and services website, methods of easy paying and fast response and strong function of web pages.

In this way, the customers, who compare products and services by internet sales gate, refer to efficient website in order to meet their needs. Researchers such as Ulbrich, Zhou and Rodger suggested the effects of demographic characteristics on e-loyalty that are consistent with this research. With regard to demographic characteristics, managers should try to attract young people who have more Internet experiences in order to attract customers and make them loyal and achieve their goals. The results of this research show e-trust and e-security affect e-loyalty development directly. Researchers such as Reichheld, Rexha and Kim found the same results in their research. Therefore, if online companies are approved by legal authorities and if they respect the privacy of the customers and do not abuse their account information, customers are encouraged to buy by their website because they trust them and give accounts information. In contrast to studies such as Anderson, Srivinasan, Chen and Huang that emphasized the effect of e-satisfaction on e-loyalty. In this research, e-satisfaction does not have significant effect on e-loyalty as almogayan and pleshko (2010) did not find relationship between customer satisfaction and loyalty. Although website and technology do not affect e-loyalty directly, they affect e-loyalty by e-trust and security indirectly. Therefore, companies should be careful about website design.

Online companies that want to have satisfied customers should focus on website and technology and offered products/services level to customer in order to make customer satisfied. But if they want to have loyal customers, they should make customers confident.

Note that regard to ecommerce in cement Industry in Iran are not developed as well, the results in other industries such as book selling and so on or in the other countries may be differ.

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Butchers Willingness to Pay for Packed Lamb Meat: Case of Tirana Butcher Shops

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Abstract

This paper evaluates willingness to keep and willingness to pay (WTP) of butcher shops in Tirana city for standardized, certificated and packed lamb meat obtained from well-known regions of Albania. Survey results show that butchers have a low degree of knowledge of the issue, and as consequence they are not ready to pay a higher price to their suppliers who offer meat with these characteristics. The estimation results are mainly affected by consumer income, information and tradition.

Keywords: willingness to pay (WTP), certified lamb meat, consumer preferences

1. Introduction

Meat industry is one of the sectors with quickest growth in Albania in the last decade. This is mainly due to the Albania’s optimal conditions for animal breeding, especially for sheep and goats. On the other hand, sheep and goat farming plays a key environmental role that includes the natural up keep of less fertile areas, the maintenance of biodiversity, sensitive ecosystems and water quality, the fight against erosion, floods, avalanches and fires.

Since lamb meat production is an important component of the traditional nutritional diet of the country, it is considered as a big opportunity for the development and growth of Albanian agriculture, (WB 2007) because it.

Lamb and sheep meat consumption in urban areas is calculated 3.5 to 3.8 kg / capita / year while that of goat meat is about 0.6 kg/ capita / year. In rural areas lamb & shear and goat meat consumption respectively 7 kg/ capita / year 3 kg/ capita / year (2011). On the other hand, the huge majority of the urban consumers buy lamb meat directly from butcher shops while only 5% buy in super markets and/or other retail shops (Imami, 2011).

As per the 2011, in Albania there existed 55339 farms engaged in growing sheep out of which 8347 are big one or outliers. Furthermore, goat and sheep production consists 30% of the total meat production in Albania.

Actually, Albanian consumers seem to be more confident to the meat sold in butcher shops rather than that sold in other retail units. Under the actual market development conditions, local butcher, can guarantee food safety to their consumers not only by obtaining respective certificates but also offering meat of known geographical origin, packed one and sealed by respective authorities. Such characteristics and other ones compose what is called quality meat.

During last years, farms growing sheep and lamb has been target of a set of public policies which main objective is to support the same farmers in order to increase such meat production. On the other hand, a lot of efforts from public and international institutions there exists aiming at the creation of cooperatives or farmers’ association in order they to cut production and marketing costs of growing and selling sheep and meat.

2. Literature review of alternative meats studies

The consumption of new food products (or not so much consumed) in general varies significantly with marital status, age, education, household size and income, ethnic background, religion, and occupation (lamb meat is more expensive than

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1Martin Mautner Markhof, Bahri Musabelliu, Alban Zusi, „Capacity Building for Implementing the Rural Development Strategy“: Analysis of Meat Sector, December 2010
2Statistical Yearbook, MAFCP, 2011
the other types, the level of calories is higher etc). Earlier studies on alternative meats (McLean-Meyinsse et al., 1995; Schupp et al., 1998; Gillespie et al., 1998) mainly focus on identifying the influence of socioeconomic and demographic variables on consumer purchasing decisions. More recent studies (Hobbs et al., 2003) start to explore the contribution of meat attributes which can explain consumers’ purchasing behavior and perceptions.

Schupp, Gillespie and Reed (1998) investigate consumer choice among alternative red meats in Louisiana, U.S. A multinomial logit model is applied, to analyze consumer choice between the best retail meat cut from four species of alternative livestock or “none of these” with equal retail prices. The data source is from a 1997 survey of Louisiana households, included bison, emu, ostrich, and venison. The important variables in the respondent’s selection among species of alternative livestock are: gender, education and race of the respondent; previous consumption of meat from exotic animals; and respondent identification of venison as an exotic meat. The respondents also indicate some resistance to consuming meat from animals that they consider as exotic. These results suggest that producers and sellers of meat from exotic animals would have to overcome these perceptions to move their product beyond niche markets.

3. Material and methods

3.1 Objectives

This study has as principal objective to analyze preferences of butchers in Tirana city for quality lamb meat and their willingness to keep and sell safe and certificated meat. The specific objectives consist in:

- Revealing butcher awareness, attitude, and choice regarding standardized meats,
- Determining factors that contribute or detract from butcher’s willingness to keep and sell standardized lamb meat;
- Determining profile of those butchers who are ready to keep and sell such quality lamb meat in their establishment. As it is mentioned before, the object of the study are butcher shops in Tirana. It is chosen Tirana, as it is the major industrial centre in Albania experiencing the fastest population growth mainly due to migration. Considering these facts, this city represents the major consuming center in our country, there are also located a considerable number of butcher shops.

Tirana region is the most appropriate area for this survey for several reasons: (a) it is the main center in Albania in terms of population, (b) the rural area around the city of Tirana cannot fulfill the demand of the urban area either for quantity or quality (c) the main type of meat is the veal one and offering some alternative varieties will be very interesting for the consumers (d) big quantity of imported productions distributed from big wholesalers such as Frigofood.

3.2 Survey methodology

In order to fulfill the principal objective of study a survey is conducted among butcher shops in Tirana. Therefore, a set of face to face interviews are developed with butcher shops owners and / or managers in order to understand their preferences and WTP for quality, certified and standardized lamb meat. Such a method of interviewing is relatively easy and low cost to administer, and provides an opportunity for secondary data to ensure that the questions are properly understood. According to Miller et al., (1997) face to face interviews have higher response rates and greater participant responsiveness to interviewers.

According to public statistics, in Tirana perform their activity 120 butcher shops (tax office data 2010) and the same number correspond to the total interviews conducted.

Descriptive analyses will be used to evaluate the survey data in order to identify population segments (butcher shops) looking for quality lamb meat and ready to keep and sell such meat in their establishments.

4. Results

Meat is an important component of Albanian food regime. The majority of Albanian consumers prefer more beef meat (with 60%), while 26% of them prefer poultry, 10 % pork and 7% small ruminants meat.

Livestock sector in Albania, constitutes an important source of livelihood for the population. Such a sector has traditionally contributed more than 50% to the total revenues generated by the agricultural sector in the country. Even though, according to the FAO data (Faostat 2007) at the first place with regard to consume level still remain the veal meat, lamb meat is pretty much consumed during the religion events such as: Easter, Christmas, Ramadan etc. Under such conditions, butchers in Tirana face different difficulties while marketing meat. Such difficulties consist in:
• Finding cattle’s continuously during all the year in order to fulfill consumer demand. Production is fragmentized and individual farmers can offer only small quantities of the product.
• Price negotiation with individual farmers. Most of the butchers have developed trade relationships with several individual farmers in order his supply to meet quantity demanded creating difficulties in price negotiation and increasing transaction costs
• Competition from big supermarkets that offers standardized products

Table 1: Attributes of lamb meat considered from retailers in Tirana markets (only for Albanian meat)

<table>
<thead>
<tr>
<th>Attributes</th>
<th>Retailers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Local Butcher Shops</td>
</tr>
<tr>
<td>1. Weight</td>
<td>Small</td>
</tr>
<tr>
<td>2. Origin</td>
<td>Mountain Areas</td>
</tr>
<tr>
<td>3. Standardization</td>
<td>Medium</td>
</tr>
<tr>
<td>4. Hygiene of retailing outlet</td>
<td>Clean</td>
</tr>
<tr>
<td>5. Price (ALL/kg)</td>
<td>800-900</td>
</tr>
</tbody>
</table>

Source: Author’s estimation

The lambs are sold usually when they weight 8 - 15 kg,. This is because consumers seem to prefer this category of animal. Farmers devise is: “less lambs more milk”. Since these farmers can generate higher profits if they market milk they are encouraged to sell as much lambs as they can.

The origin of the animal also plays an important role in buying decision of the consumers who buy meat mainly at butcher shops. Analyses of the data generated from the questionnaires showed that these customers prefer lamb meat from the mountainous areas rather than that originating from low land areas, but (it can be used as an advantage, if labeling or other marketing tools are available to inform and convince consumers. Among factors influencing more supermarkets’ customer buying decision is standardization and hygiene of the outlet. Butchers among other types of retail units are not so convinced to accept certified and packed lamb meat. More than half of butchers interviewed (56%), report to be ready to keep and sell certificated and packed lamb meat but yet not ready to pay more to their suppliers for such services. On the other hand, only 12% of the butchers accept to buy the lamb meat at a higher price if the product possess the above characteristics (is safe = certificate, and well packed) and the rest of them are not interesting at all.

The main characteristics of butchers that prefer to have in their shops standardized and packed products are as follows:
(i) They are placed in center of Tirana, or zones where the consumers have higher income and also they are aware about the quality standards
(ii) They have a long experience to the sector (more than 10 years)
(iii) They open the activity after a long experience abroad (emigration)
(iv) Some of them prefer to sell in their shops other products and the package is important.

Only a small number of butchers are ready to accept in their shops labeled lamb meat, because this helps them also in the meat origin identification.

But on the other hand in Albania as in many other developing countries in the world, consumers are continuously facing food security problems. Usually, for Albanian consumers the principal quality indicator is the price (higher price, higher perceived quality). Butchers usually use different indicators in order to evaluate quality of the meat. 66% of interviewed butchers report to evaluate meat quality at the spot using as indicators the presence of damages and suspicious stains on the carcasses, the amount of fat, etc, 29% of them, report to had trust to local farmers and only 5% of them inspected personally the cattle farms in order to have guarantee for the quality of the meat.

As long as proper labeling, takes place to avoid fraud from the slaughterhouses or sellers, it appears that imported lamb meat competition is not a big issue for the Albanian lamb meat industry.

5. Conclusions

The paper concluded even though butchers appreciate certified and labeled meat they are not ready to pay a higher price to their suppliers who offer meat with these characteristics. Origin identification as the main factor influencing
buying decision should be a priority not only for the same butchers but also for central and local authorities in order to increase and guarantee meat safety.

Local Butchers, can guarantee food safety to their consumers not only by obtaining respective certificates but also offering meat of known geographical origin, packed and sealed one by respective authorities. Such characteristics and other ones compose what is called quality meat and guarantee safety to the consumers. Therefore we can conclude that marketing, promotion and stakeholders communication strategy, must be supported mainly from the butchers so they can easily reach consumers.

References


Organizational Contexts of Professional Work in Third Sector

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Abstract
Recent developments in professional practice in organizations of the Third Sector in Portugal show a significant pressure regarding the adoption of management models which are close to the logic of the New Public Management (NPM). Our basic hypothesis will consider to what extent these trends of transformation in the governance models, based on increased flexibility of working relationships, fostering both professional instability and control, are articulated with the requirements of trust, initiative and improvisation of professional practice. Based on main results gathered on ongoing project "SARTPRO-knowledge, Autonomy and Reflexivity: Professional work in the Third Sector" (PTDC/CS-SOC/098459/2008), this presentation is structured from the relevant analytical parameters in understanding the inter-professional changes and of the occupational structure and the result of the increasing heterogeneity of professional degrees in nearby areas, particularly in Social Sciences and Humanities. We will resort to structured interview data obtained of empirical work (interviews conducted to 63 professionals working in organizations of the Third Sector). Therefore, We will focus on: 1) organizational contexts of professional development (location, size, type of services, socio-demographic profile), 2) processes of domination/rationalization in the daily professional work (increasing wage, stepping up the pace of work, variability of the organizational contexts of action, including teamwork and different composition), 3) non-linearity and homogeneity of processes of professionalization (vs. technicality, responsibility and management of teams, autonomy vs. fulfilling of goals and bureaucratic-administrative control).

Keywords: Third Sector; professional work; organizational contexts; graduates of social sciences.

1. Introduction

It is undeniable that in Portugal in recent decades, there has been an encouraging movement in the participation of civil society and civic organizations, in particular third sector organizations (TS) in creating innovative solutions adapted to different social realities. These have been conceptualized as organizational solutions "between" the state and civil society to better meet the principle of subsidiary – since the nineties advocated communitarian guidelines - and of decentralization of decisions appropriate to the locus of the social problems which aim precisely to a response.

The dynamics of these organizations are also an important professional field for many science graduates of the Social Sciences and Humanities in achieving their goals and/or mission of a social nature. They are called the third sector organizations, organizations providing welfare services, funded by the state, governed by policies and directives emanating from the state, but with administrative and managerial autonomy. In fact, it is organizations that operate on contractual and agency logic of programs and policies on protection and social welfare.

This paper is part of empirical research area on the work and knowledge of professionals in the third sector that in

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1 At this point, the previous government in office has approved several measures to promote employment and combat social exclusion, such as: i) implementing the program of professional internships Inov-Social ii) Social Credit Line Plus, to support organizations of the social economy and the National Programme of Microcredit or facilitate the creation of cooperatives, with the process of “cooperative in time”.

2 We know that the conceptual boundaries of what is meant by "third sector organizations" are being discussed theoretically and analytically without being able to assert the existence of a consensus on this matter. In any case, the advances in its conceptualization allow us to record some of the points of convergence that can temporarly accept this proposed definition.

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the current knowledge society, becomes important not only to face the complexity of social problems such as the transformations that register in the socio-organizational conditions and professional work. The recent changes in the content of professional work in these organizations are relevant to the demands of combinations of top-level scientific knowledge - which tends to be associated with a reflective-discursive skill (Caria, 2005, 2008) - with the inclusion of technical knowledge eminently practical, adapted, tacit and subjective that develop in the context of everyday (inter)action - translating into reflective and practical skills (Caria, 2005, 2008). On the basis of those skills, the demand for autonomy and power in the cultural-symbolic and technical plans of the professionals in their daily work is assumed.

Besides this knowledge, we are witnessing a growing importance of "managerial" knowledge in the current division of labour, and converge to a political and organizational autonomy of professional work as the logical result of evaluation and quality that tend to spread in the current framework of action of these organizations (Caria, 2010; Svesson & Evetts, 2011). The dimensions of reflexivity and empowerment of professional work in the third sector need further study and reflection, which constitute the main theoretical proposals to be detailed in the SARTPRO project - Knowledge, Autonomy and Reflexivity: Professional Work in the Third Sector3.

Privileging a comprehensive approach, with particular use of ethnography, focuses on the analysis of practices, identities and reflexivity in the work context, and where the methodological design of this project is based on several key steps, each with specific goals. For this presentation, only the preliminary results will be reported. We will resort to structured interview data obtained of empirical work of Phase I (November 2009 to October 2010) 4 that consisted of the census of organizations and extensive analysis of the professional work of graduates in Social Sciences and Humanities (SC&H) (interviews conducted to 63 professionals working in organizations of the Third Sector).

In this way, this paper is structured from the relevant analytical parameters in understanding the inter-professional changes and of the occupational structure and the result of the increasing heterogeneity of professional degrees in nearby areas, particularly in Social Sciences and Humanities. We will focus on: 1) organizational contexts of professional development (location, size, type of services, socio-demographic profile), 2) processes of domination/ rationalization in the daily professional work (increasing wage, stepping up the pace of work, variability of the organizational contexts of action, including teamwork and different composition), 3) non-linearity and homogeneity of processes of professionalization (vs. technicality, responsibility and management of teams, autonomy vs. fulfilling of goals and bureaucratic-administrative control).

2. Organizational contexts of Professional work

2.1 Geographical location, size and type of services

Of the 63 interviews, they are distributed by geographical area and size of the organization by considering the number of workers in comparative terms, as follows: in the area of Porto, organizational contexts tend to be medium-sized and specialized; in the area of Braga, medium size organizations and medium-large stand out, suggesting contexts with valences and diverse services; in the areas of Trás-os-Montes and Alto Douro (TMAD) contextual situations in terms of the size of organizations are presented and being more diverse, with the most significant extreme positions with regards to small, followed by the large size.

If, in terms of mission and service organizations at the beginning of their foundation they developed their activity in social services and local development, currently, the type of services developed in organizations presents itself as fundamentally diverse. This reality seems more outlined in the area of TMAD, yet with a prevalence of organizations focusing on education and social solidarity, while the presence of mixed organizations is in the majority in the area of Porto, and all types of services are unquestionable in the case of Braga.

This organizational form is closely linked with the size in terms of human resources, although one can envisage that, depending on the territorial and socio-economic contexts in which organizations fall, one can see a trend or a

3 Under the scientific coordination of Telmo H. Caria, this research project, funded by the Foundation for Science and Technology (PTDC/CS-SOC/098459/2008), is based on a research partnership between three Portuguese university research centres, - CIIE - Faculty of Psychology and Educational Sciences - University of Porto, CICS - Institute of Social Sciences, University of Minho; CETRAD - School of Humanities and Social Sciences at the University of Trás-os-Montes and Alto Douro.

4 In addition to Phase I, the empirical design presupposes making two more steps. In Phase II (January to June 2011), the formation of an exploratory panel of intensive analysis of professional work, carrying out a series of two interviews with 21 professionals inserted in teamwork took place. In Stage III (to be launched in September 2011), there will be a panel of intensive ethnographic analysis of professional work where the ethnographic work focuses on knowledge and skills in reflective and discursive practices of professionals (about 10 participants selected the previous step).
certain specialized organizations or to a greater "need" to develop more heterogeneous organizations with different missions and services. In fact, if one assumes a declared classification of occupations, it is possible to confirm a significant association with their geographic deployment of third sector organizations: psychosocial and clinical predominance for the area of Porto, reinforcing the idea that it might be organizational contexts which tend to be more specialized. In the district of Braga, it is relevant to the incidence of educational and cultural activities. Despite the greater dispersion of professional activities in the zone of TMAD, there is a socio-economic dominance.

2.2 Young multidisciplinary teams, principally female

As for the socio-demographic profile of the professionals, 63.5% are aged between 30 and 39 years, and 27% are younger than this age range. The youths of this segment of manpower, which cuts across the three geographical areas under study, is associated with an overwhelming majority of female presence (79.5%) and tend to be of younger ages, compared to their male peers. This is a major and important source of information that supports the growing trend of feminization in the last 15 years. This trend of targeting the area by the presence of gender in academic training in Portugal is also being felt in other Member States of the European Union. Indeed, the information from the professional group to which it belongs, here is understood as the identification of top-level academic training, certifies the relative importance of social workers (25.4%) and psychologists (25.4%), followed by a sociologist (12.7%), managers/economists (11.1%) and other academic training with varied degrees of institutionalization, as educators, social educators and other graduates in social sciences and humanities (e.g. philosophers, gerontologists). Their distribution by gender confirms these trends, although in a more detailed analysis by the scientific field, it is found both in educators, whether the managers and economists, have an important presence of male workers. That is, despite being professional work carried out mostly by women, the diversity of social and human sciences, due to the development of training offered at institutions of higher education and professional insertions in the field of "social action" calling for multidisciplinary teams, may explain some of the key processes of the reconstitution of these work contexts and strategies of delimitation of the professional field. The issues will be explored further.

3. Domination and rationalization in daily professional work

3.1 "Specialized" paths, wage and mobility constrained

Also, considering the information relating to the length of professionals in SC&H, it reinforces the idea of recent professionalization of these sector with the integration of professionals: less than 5 years (41.3%), between 6 to 11 years (46%), although there were those who claimed to be the organization for more than 12 years (12.7%).

In terms of professional paths, it is important to note that half of the respondents had other professional experiences in other organizations. However, many of them had been active in organizations close to the third sector (e.g. education, the elderly and children, vulnerable populations in socio-economic and psychological terms); many others played roles as trainers in vocational schools or in state school teaching; and only a few in consulting companies involving human resources. A significant part of these professional experiences resulted in contractual situations based on green receipts and/or fixed-term contracts (certain and uncertain) and traineeships.

The fact that, currently, we are experiencing a trend towards increasing wages by these organizations, will explain to some extent, these paths based on close working areas and characterized by certain constrained mobility. These modalities of contractual relationship - some more tenuous and other more structured - are likely to be confirmed with the interviewees. Fixed-term contracts (certain and uncertain), professional traineeships and "green receipts" are the dominant forms of contractual relationships between the beginning of their professional activity in the organization. Indeed, the use of flexible forms of employment such as fixed-term contracts (certain and uncertain) (49.2%), and the conclusion of service contracts with workers (with green receipts) (19%) has defined these professional paths. Also relevant are the contracts for traineeships (19%) that do not imply a formal employment situation which allows the organization to provide human resources to carry out certain tasks/functions. For young graduates, in turn, the traineeships are an opportunity that in many cases can be translated to formalizing a working relationship later. In addition, many had the opportunity to do a traineeship - as we shall see ahead - which could explain these itineraries focused on this type of organization.

5 In addition, educators with training in science education are mainly in the area of Braga, compared to other geographical areas, which allows us to understand, largely, the relevance of training in this area by the University of Minho.
Table 1. Evolution of mode of hiring professionals in SC&H

<table>
<thead>
<tr>
<th>Contractual relationship</th>
<th>Beginning of activity (%)</th>
<th>Currently (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green receipts (independent workers)</td>
<td>19</td>
<td>3.2</td>
</tr>
<tr>
<td>Fixed-term contract (certain and uncertain)</td>
<td>49.2</td>
<td>38.1</td>
</tr>
<tr>
<td>Permanent contract (effective)</td>
<td>4.8</td>
<td>57.1</td>
</tr>
<tr>
<td>No written contract (informal)</td>
<td>1.6</td>
<td>1.6</td>
</tr>
<tr>
<td>Temporary contract</td>
<td>1.6</td>
<td>-</td>
</tr>
<tr>
<td>Curricular traineeship</td>
<td>19</td>
<td>-</td>
</tr>
<tr>
<td>Other situation</td>
<td>4.8</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

*Source: Structured interviews - SARTROP Project (2010)*

But if it is certain that those forms of flexible employment are particularly relevant when they are recruited to the organization as there is a gradual stabilization of its relationship with the organization (which may not necessarily mean a stabilization of the work contract). Indeed, the contractual situation based on a permanent contract takes the most significant relative percentage (57.1%), while those that remain with a contractual relationship determined by the end of their contract remains still significant (38.1%). Also important seems to be the residual expression "green receipts" now faced at the beginning of the activity, which may explain the effectiveness of regulatory control of the classification of situations considered by law being subject to a contract of this nature. These results confirm the thesis concerning the generalization of precarious forms of employment in the recruitment of human resources in various sectors of economic activity advanced at which these third sector organizations do not escape.

Although the greater vulnerability of women is well-known in the incidence of more flexible employment contracts, compared to males, the truth is that this definition of the dimension of precariousness - since other dimensions have to be called – does not appear to be a valid expression of this sample. Certainly a significant part of its explanation lies in the fact that we are presenting a population of mostly female professionals in SC&H. In any case, these professionals are subjected to a dynamic of precariousness, which contributes largely to the relevance of the "new" social and sexual division in the current third sector organizations. This will discuss to what extent the presence of the majority of female workers are a co-factor, explaining the processes of (de)professionalization of many occupations /professional activities arising.

It is also pertinent to note that this precarious nature carries with it increasing ambiguity in its conceptualization, since this tends to be defined only by reference to the contractual relationship. However, other dimensions must be called from those that refer to the degree of autonomy and working conditions, possibilities for development of knowledge and expertise, perspectives and perceptions of mobility and representations about the occupation. Moreover, in this sense it is closer to the dynamics of precariousness that Pinto (2006) sets out to describe in current trends, that we will move onto next.

### 3.2 Hierarchical mobility and intensification of work pace

From all respondents, the hierarchical position in the TS organization currently assumed varies between the Technician management and heads of service /department. Admittedly, when they entered, they assumed the position of graduate technician (69.4%) overwhelmingly. Now, there is an important hierarchical mobility which allows us to foresee at the outset, the importance and recognition of the duties performed.

However, this professional recognition cannot be expressed identically for all groups involved in this study. Indeed, there has been a distinction between those who have a rank, with management and leadership functions, and declare only the top technical position. Sociologists, psychologists and managers/economists stand more proportionately in that rank, in opposition to social workers and educators, which tend to occupy lower positions.

This unequal involvement in the activity of the organization may be accompanied by other indicators mentioned above, such as the type of work relationship, but also by the number of hours worked per week and the time allocated for...
their activities. Thus, it appears that the average weekly hours of work falls short of 35 hours set at around almost 40 hours of work (average - 39.46, with breaks in between 17h to 60h).

The allocation of working time in activities developed within the technical teams is representative of the consumption of "long time" by professionals. Those implemented within the organization, but without being directly related to work in teams also tend to require more "long and some time," may be indicative of significant changes in work content. The external activities remain, for all other activities, less consuming of work time.

Table 2. "Consumption" of time in professional activities

<table>
<thead>
<tr>
<th>Activities in technical teams</th>
<th>Long time</th>
<th>Some time</th>
<th>Little time</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities inside the organization</td>
<td>46,7</td>
<td>36,7</td>
<td>16,7</td>
<td>100 (60)</td>
</tr>
</tbody>
</table>

Source: Structured interviews - SARTROP Project (2010)

Overall, the weight of the activities in technical teams, either in the organization and also outside the organization, appears very significant over the years. For 51.6% of professionals, their activities are all or nearly all performed in the context of technical teams to 27.4% about half of their tasks are performed in the context of technical teams to 21% of the activities integrated in less than half or only a small part in the context of teamwork technique. What emerges from this description is the significant weight of teamwork, being able to move that, on average, professionals participate in two technical teams. These teams comprise several other professionals, ranging from 2 to more than 7 people yet, constitute an average of 4 elements. It also notes the presence of the majority of female professionals in the composition of the teams, as well as the presence of other professionals in SC&H. This variability of technical teams depends greatly on the size of the organization and, above all, the mission/type of services provided.

Table 3. Indicators of the variability of work contexts

<table>
<thead>
<tr>
<th></th>
<th>Time in organization (nº of years)</th>
<th>Number of weekly working hours</th>
<th>No. of technical teams in which participate</th>
<th>No. of elements which includes the main technical team</th>
<th>Number of women in leading technical team</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sociologists</td>
<td>Average 9.00</td>
<td>39.75</td>
<td>2.86</td>
<td>4.12</td>
<td>3.43</td>
</tr>
<tr>
<td></td>
<td>St.d. 4.243</td>
<td>3.845</td>
<td>1.773</td>
<td>2.100</td>
<td>1.813</td>
</tr>
<tr>
<td>Social workers</td>
<td>Average 7.19</td>
<td>41.38</td>
<td>2.06</td>
<td>4.56</td>
<td>3.50</td>
</tr>
<tr>
<td></td>
<td>St.d. 6.047</td>
<td>8.057</td>
<td>1.482</td>
<td>3.596</td>
<td>2.852</td>
</tr>
<tr>
<td>Psychologists</td>
<td>Average 5.62</td>
<td>37.56</td>
<td>2.00</td>
<td>6.12</td>
<td>4.25</td>
</tr>
<tr>
<td></td>
<td>St.d. 4.097</td>
<td>6.418</td>
<td>1.366</td>
<td>4.759</td>
<td>2.352</td>
</tr>
<tr>
<td>Educators</td>
<td>Average 7.33</td>
<td>39.50</td>
<td>2.50</td>
<td>5.00</td>
<td>4.00</td>
</tr>
<tr>
<td></td>
<td>St.d. 3.204</td>
<td>6.411</td>
<td>1.378</td>
<td>2.160</td>
<td>1.826</td>
</tr>
<tr>
<td>Social Educators</td>
<td>Average 8.00</td>
<td>36.00</td>
<td>2.17</td>
<td>4.67</td>
<td>3.67</td>
</tr>
<tr>
<td></td>
<td>St.d. 5.404</td>
<td>2.000</td>
<td>1.941</td>
<td>2.251</td>
<td>2.251</td>
</tr>
<tr>
<td>Managers /Economists</td>
<td>Average 6.14</td>
<td>38.86</td>
<td>2.57</td>
<td>4.40</td>
<td>2.80</td>
</tr>
<tr>
<td></td>
<td>St.d. 2.734</td>
<td>6.122</td>
<td>1.512</td>
<td>,548</td>
<td>,837</td>
</tr>
<tr>
<td>Others (ex. philosopher, gerontologist)</td>
<td>Average 4.75</td>
<td>45.00</td>
<td>1.75</td>
<td>3.25</td>
<td>1.75</td>
</tr>
<tr>
<td></td>
<td>St.d. 4.500</td>
<td>10.801</td>
<td>1.500</td>
<td>1.708</td>
<td>,500</td>
</tr>
<tr>
<td>Total</td>
<td>Average 6.84</td>
<td>39.46</td>
<td>2.23</td>
<td>4.86</td>
<td>3.57</td>
</tr>
<tr>
<td></td>
<td>St.d. 4.618</td>
<td>6.732</td>
<td>1.487</td>
<td>3.365</td>
<td>2.249</td>
</tr>
</tbody>
</table>

Source: Structured interviews - SARTROP Project (2010)

Although there is not adequate room here to economize the text, the fuller exploitation of the dimensions of knowledge mobilized in a working environment that brings us to the questioning of what is meant by technical teams and,
consequently, the types and nature of technical skills, is unquestionable that these work contexts indicate rearrangements in the contents of the intervention by professionals.

4. Professionalization processes in the context of action

4.1 Transfer of knowledge: from collegiality and academic legitimacy

The third sector organizations have been set up in a space par excellence for the transfer and application of academic qualifications, for the mobilization of technical and managerial knowledge in solving practical problems or inventing new solutions wherever required in the scope of team activities in technical and/or managerial positions. Thus, these hierarchies or classifications of knowledge can shed some light on the guidelines and present interests in terms of professional groups. To what extent is the opposition between knowledge certificates maintained and reinforced in everyday work in multidisciplinary technical teams? Or should we not be talking about the opposition of knowledge tout court in the new technical and organizational contexts? Rather, it should be talking about demands for autonomy and reflexivity in the contexts of work that brings us to the development of knowledge to constantly adapt to work or rehabilitation, acquisition of properties with ethics and behaviour consistent with the structures and logical functioning of the missions and goals of the organization?

The organizational models of work statements have been identified as threatening factors of the legitimacy of collegiality and professional activity, precisely because they introduce new logics of management and commercialization of these organizations. We have seen that these trends require further in-depth interviews and direct observation of everyday work provided for in the later stages of this work. It is also possible, in this paper to analyze the motivational structure of access to the profession and its identity references as to the realization that the respondents of the adequacy of academic training and their correspondence with the activities and functions performed.7

Although relatively young in age and in terms of holders of a substantial professional experience, as performed in the context of TS organizations, as mentioned above, even if you stand back, and consider that many of these professionals had no contact or any activity performed in their academic training, 37.1% were held in the context of curriculum traineeships, others continued on a voluntary basis in institutions of SS, like the Red Cross, the Portuguese League against Cancer and the Food Bank, among others, but also in associations. The occupational groups with higher expression in this area, by comparison, are social workers, social educators and psychologists. Essentially, the proximity to social problems, the most vulnerable populations or the like by interaction in general, make many of these professionals choose academic courses in the social area.

However, it is important to realize after several years of professional experience and evaluation of the activities performed, the expectations they had when they completed their degree. In general, the evaluation is positive for the situations of all or nearly all the correspondence: 44.5% to 33.3% of respondents, this match is partial, and 22.2% have a positive place. Even more significant is their assessment of the usefulness of knowledge and tasks that were carried out throughout their career. In this case, the situation is clearly favourable to the usefulness of academic training for almost 70% of respondents.

4.2 Autonomy and prescription of professional work

However, considering the preliminary results of this research, autonomy and initiative suggest that they tend to be inclusive of professional practices yet are not entirely consistent. That is, considering the indicators of prior definitions of professional tasks for the organization, recorded changes in the contents of tasks and autonomy for its (re)definition in the next 3-4 years, will permit the identification of two important trends:

1) Most of the tasks prescribed at the time of recruitment which may represent a demand for professionalism, presupposes knowledge of the profile of the tasks, indicating that we are facing the most prestigious professions and / or known. In this case, this would be what Caria (2010) has called the symbolic and cultural autonomy.

2) However, to move forward with this idea of a profession as a body of abstract knowledge and of a technical-scientific nature mainly from academic training, it will also be necessary to check that the changes in the

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7 For reasons of time saving for the purpose of this communication, the analysis of some of the discourses of legitimization of the ongoing process of professionalization by social actors involved will not take place.
contents of activities would be a result of the intervention of professionals, ie, their autonomy and therefore emphasized in this case, reflective and practical knowledge, ie, the size of technical autonomy (Caria, 2010).

Thus, the trend for the first prescription of tasks at the time of recruitment, seems to be more expressive with economists/managers and social workers. This greater prescription of tasks is less clear for educators and other social sciences. In intermediate situations of the prescription of tasks seems to check with sociologists and psychologists. Part of this could be not only the question asked initially of higher degrees of institutionalization of those academic training programmes in Portugal, but especially in the contexts of the organizations in the analysis and hierarchical position taken by professionals. As we saw, we are facing not only TS diverse organizations with their mission and goals, such as the human resources dimension. Moreover, sociologists, unlike social workers, have, for example, come to occupy positions of middle management/leadership during their participation in the organization.

As for the framework in terms of the professional hierarchy, there is also a significant association between those who assume technical roles especially against those who hold positions of leadership or direction. As expected and already mentioned above, the context of lower prescription of tasks at the time of recruitment is felt by those who assume positions of leadership/management, which suggests to some extent, functional content in these relatively new organizational contexts, in the case of integrating the management, planning, among others.

Furthermore, considering the importance of autonomy to change and (re)define the tasks over the next 3 to 4 years, the results tend to reinforce the hierarchical position with management or leadership responsibilities.

This "new" professionalism in the line of thinking of Evetts (2010), which traverses more professional work in an atmosphere of bureaucratic models and managerial models, suggests that many professionals in SC&H tended to incorporate compliance requirements of goals and results and performance, subject to accountability assessment. We are approaching the point of political autonomy that is expected to gradually incorporate the everyday work of these TS organizations. It will also be based on hybrid nature regarding these situations that, in theory, one can hardly sustain the hegemony of (de)professionalization trends in this field. At least, this line of argument seems insufficient to account for the recomposition of professional practices at the level of SC&H.

5. Some final remarks

In SARTPRO project it is possible to recount some of the central theses that have been suggested throughout this analysis and will certainly support the debate regarding the place of Social Sciences and Humanities in the ongoing process of professionalization, that is, within the its insertion in the division of labor in a capitalist society and the dominant orientation of the neo-liberal policies of public "thing" for the demand of integrated and multidimensional interventions of social problems. In synthetic terms, we were able to meet the following key aspects: 1) relative importance of occupations and organizations in the analysis of autonomy and professional power of 2) "invisible" effects in organizational strategies of professionalization, 3) requirements to adapt to the dynamics of the action of logic that occurs every time, to incorporate more responsibility, autonomy and initiative in daily work; 4) professionalism and training that pass through or contemplating the emerging professional profiles (and corresponding expectations) are not compatible with the role prescriptions, tasks, or services or the incorporation of increasing demands of technicality, together with the mobilization of flexible and proactive behavior and attitudes (eg soft skills, emotional intelligence), 5) professional critique of professionals in Social Sciences and Humanities.

References

Development of a Physical Activity Program for Delinquent Out-of-School-Youth: Intervention for Violence

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Abstract

This study aimed mainly at developing the first research-based anti youth violence program in Mati City, specifically designed for the target out-of-school-youth group. The descriptive-correlational method of study was utilized to explore the possibilities of having physical activity as an intervention for violence among out-of-school-youth. Data were gathered from 35 out-of-school-youth of Barangay Central, Mati City Davao Oriental, aging from 13-21 years old and who have already incurred a criminal record. The results of this study showed that almost half of the youth with criminal records are minors. The respondents manifested that basketball is the most popular Physical Activity followed by card games and hip hop dance. It is worth taking note of that all dance activities are participated. Furthermore, results revealed that Team sports, have a potential negative correlation to violence which means as the activity increases, violence decreases. Physical activities that will potentially reduce physical aggression are the following: Basketball (r=-0.037; volleyball (r=-0.021); Cheerdance (r=-0.093); and card games (r=-0.006). Individual sports participation showed the highest effect on violence, followed by the socio economic status. Hence, it was highly recommended that the developed program be anchored on physical activities with negative correlation towards violence such as basketball, hip-hop, and cheer dance, and that the developed program is implemented.

Keywords: youth, violence, sports, physical activities

1. Introduction

Violence is an everyday act committed by billions of people around the world. Everyone has been affected by violence and many people have committed violent acts or crimes (Leone, Meyer, Malgren, & Misel, 2000). Focusing on violence in today’s society and its causes, one might ask who is to be blamed. It may be human nature on his psychological and physiological characteristics. According to Perry (2000) everyone is born with violent personality inside, so it is a natural instinct for him to be aggressive; what turns aggression into violence is the secondary root; the nurture that a person receives. Based on the conducted survey of Farrington (1998), a persons’ physiology is an important factor towards violence because it establishes how hostile a person will be. Just like anywhere else, Mati city (the area of study) is a place also greatly affected by youth violence. Most of these are carried out by youth gangs and out of school youths usually coming from the city’s most populated barangay-- Barangay Central. Series of gang wars, vandalism, destruction of public and private properties, are among the many crimes that concern these delinquents and these cause detrimental effects on the society to which they belong. Today, the City of Mati has been enthusiastically implementing many attempts to reach out to the youth and combat their violence. But unfortunately these efforts of change have been more futile rather than beneficiary. This may be due to the reason that these approaches have been less scientific and unspecific. Nevertheless, it is still worth exploring to look for more ways and means to finally lessen or probably eradicate the problem that is violence.

This paper seeks to develop a more scientific approach with the use physical activities as an intervention for violence among the out of school youth of Barangay Central, Mati City. This study intends to realize the following objectives: (1) to provide the first research-based youth violence intervention program specific for the delinquent Out-of-School-Youth of Barangay Central, Mati City, Davao Oriental; (2) to determine the crime in Barangay Central, Mati City,
Davao Oriental; (3) to ascertain what sport could gauge violent tendencies; and (4) to establish if there is a relationship between Physical Activity Participation and Violence.

In this inquiry, the researchers were determined to answer the following questions: (1) what is the profile of the respondents in terms of their age, socio economic status, violence susceptibility, physical activity participation, violence, aggression, alcoholic exposure, and crime rate. (2) Is there a significant relationship between the Physical activity participation and violence among the male out-of-school-youth of Mati City, Davao Oriental? (3) How does aggression, socio-economic status, alcoholic exposure, and violence susceptibility, interplay in the relationship between physical activity participation and violence? (4) What physical activity program can be developed based on the results of the study?

2. Literature Review

Svoboda (1994) offered a similar study, for him participation provides an opportunity to meet and communicate with other people, take different social roles, learn particular social skills (tolerance; respect for others); and to adjust to team/collective objectives (co-operation, cohesion). He further stated that it contributes to personality development; provides experience of emotions which are not available in the rest of life and improves aspects of lifestyle. Svoboda (1994) stresses the important contribution of sport to processes of personality development and psychological well-being. Moreover he stressed that there is "strong evidence … on the positive effects of physical activities on self-concept, self-esteem, anxiety, depression, tension and stress, self-confidence, energy, mood, efficiency and well-being". Wankel and Sefton (1994) listed the social and psychological benefits of sport and physical activity as reduction of anxiety and depression, socialization, intergroup relations, community integration, educational attainment, social status and social mobility. This also emphasizes the cathartic role of physical activities in providing an opportunity to an institutionalized display of force, strength and competitiveness and the opportunity for the display of adolescent masculinity. Sport is viewed as providing an opportunity to address the needs of adolescents to develop perceptions of efficacy, competence, control, freedom and independence (Maughan & Ellis, 1991; Hendry et al, 1993).

There are three major theories that seek to explain violent aggression in sports (Terry & Jackson, 1985; Leonard, 1988). The biological theory, proposed most notably by Nobel prize winner Konrad Lorenz, sees aggression as a basic, inherent human characteristic. Within this context, sports are seen as a socially acceptable way to discharge built-up aggression, a safety valve. On the other hand, the psychological theory states that aggression is caused by frustration; it is situational. Frustration results when one's efforts to reach a particular goal are blocked (Leonard, 1988). In sports, frustration can be caused by questionable calls by officials, failure to make a particular play, injuries that interfere with optimum performance, heckling from spectators, or taunts by coaches or players. Moreover, the social learning theory has received the most empirical verification, Leonard (1988) maintains that aggressive behavior is learned through modeling and reinforced by rewards and punishments. Young athletes take sports heroes as role models and imitate their behavior. Parents, coaches and teammates are also models who may demonstrate support for an aggressive style of play.

3. Conceptual Framework

The research paradigm summarizes the relationship between the Independent Variable which is Physical activity participation, the dependent variable which is violence and the moderating variables which are aggression, socio-economic status, alcoholic exposure, and violence susceptibility. It can also be seen that as a result of this process, a physical activity program will be made as an output based on the obtained results.
4. Methodology

4.1 Research Design

The study employed the descriptive-correlational research method. This design enabled the researcher to systematically describe the nature of the situation as it exists at the time of the study and explore the cause of a particular phenomenon. This method is also used because there were a relatively large number of subjects and the researcher can only afford few respondents. It only measured existing phenomenon without inquiring why it exist.

4.2 Research Locale

This research was conducted at Mati city. As the capital city of the Province of Davao Oriental which belongs to the vast Davao region, this is located in the southern part of Mindanao. The City is noted to have a number of juvenile delinquent incidents that included substance abuse, theft, violent gang wars and even homicide. At present, a new breed of young delinquents are increasing most especially in highly congested barangays within the city limit, one of which is Barangay Central. This barangay is the target area of this study.

4.3 Respondents of the Study

The respondents of the study were the delinquent male Out-of-School-Youth who are residents of Barangay Central, Mati City with ages ranging from 13-21 yrs. old. The youth living in this area are noted to be more violent as compared to other youth of other barangays. All of the respondents were being identified by looking through police criminal records and files.

4.4 Instrument of the Study

The research used a self-made questionnaire, validated by the research adviser, at the same time also employed related standardized test to ensure proper assessment of the involved variables such as violence-Youth Violence Screening Questionnaire (Cooke, Michie, & Ryan, 2001), aggression-Aggression Questionnaire (Buss & Perry, 1992), violence susceptibility-Childhood and Adolescent Taxon Scale and Violence Risk Appraisal Guide (Boer, Wilson, Gauthier & Hart, 1997).

4.4.1 Self-Made Instrument

The self-made instrument was subdivided into different profiles of the respondents like physical activity in terms of sports which is composed of team and individual/dual sports, dance and recreational activities. Each of these variables was gauged according to frequency/week (once=1 point, twice=2 points, and thrice or more=3 points) and intensity (high= 3
points, medium= 2 points, low=1 point). Points obtained from the frequency and intensity of participation were added and the sum was divided by two to get the average level of participation. After which, the average score was then categorized into three levels of participation which are: Low (0 to 1 point), Moderate (1.1 to 2 points) and High (2.1 to 3 points). The moderating variables were another part of the questionnaire that included the socio-economic status with five categories of their parents’ annual income which are: Very poor- <20,000 Php/year; Poor- 21,000 Php to 100,000 Php/year; Average- 101,000 Php to 200,000 php/year; Rich- 200,000 Php to 400,000 Php/ year; Very Rich- >401,000 Php., and alcoholic exposure which involves the categories such as: always- 6 or more times a week, often- 4-5 times a week, seldom 2-3 times a week, rarely once a week, and never.

4.4.2 Youth Violence Screening Questionnaire

The Youth Violence Screening Questionnaire was a 50 item standardized test used to measure youth violence. Each item was scored differently based on the intensity of each items content, in which items 1 to 17 were scored as one point each, items 18 to 36 were scored as five points each, items 37 to 41 were scored as ten points each, items 42 to 46 were scored as fifteen points each, and items 47 to 50 were scored as twenty points each. Each item was a description of a violent behavior and if the description fits the respondents’ personality, then it will be checked. The total score was determined by adding up all the scores obtained from each checked item. The total score was then categorized as Lowly violent (if total score ranges from 5 to 16 points), Moderately violent (if total score ranges from 17 to 32 points), Highly violent (if total score ranges from 33 to 84 points), and Extremely violent (if total score ranges from 85 points or more).

4.4.3 Aggression Questionnaire

The aggression questionnaire was a standardized test that was divided into two forms of Aggression which are Physical aggression and Verbal aggression. Both Physical and Verbal aggression have seven items each. Each item was rated as “extremely uncharacteristic of me” which was equivalent to one point, “somewhat uncharacteristic of me” which was equivalent to two points, “neither uncharacteristic nor characteristic of me” which was equivalent to three points, “somewhat characteristic of me” which was equivalent to four points, and “extremely characteristic of me” which was equivalent to five points. Scores obtained were totalled separately according to each aggression type. Items 1, 3, 7, 9, 11, 12, and 14 were for Physical Aggression, and items 2, 4, 5, 6, 8, 10, and 13 were for Verbal Aggression. After which, the total score for each type was categorized as Very Low (7-13 points), Low (14-20 points), Moderate (21-27), and High (28-35).

4.4.4 Cormier-Lang System

The Cormier-Lang System of Criminal History scoring was a test used only for item number 11 of the Violence Risk Appraisal Guide (VRAG). Criminal History score was obtained by multiplying the number of times the offense was committed to the points assigned for each different type of offense. The products for each offense were added and the sum was the total score.

4.4.5 Childhood and Adolescent Taxon Scale (CATS) and the Violence Risk Appraisal Guide (VRAG)

The Childhood and Adolescent Taxon Scale (CATS) and the Violence Risk Appraisal Guide (VRAG) was a combined test series used to determine violence risk or susceptibility. Each item of the test has different points for different choices under it. The scores of the 15 items were added and these made as the over-all score for both tests which then made as the over-all score for the whole test series. The overall score is categorized as low if it ranges from -15 to -4, moderate if it ranges from -3 to 11 and high if it ranges from 12 to 25+. The entirety of the questionnaire was pre-tested to some out-of-school-youth outside Barangay Central in order to ensure that this was understood by the respondents and that ambiguous items be edited and clarified.

4.5 Sampling Technique

In obtaining the sample needed for the conduct of this study, purposive sampling was utilized. This was done by getting the names of the delinquent male OSY who have criminal backgrounds at the police records. It was found that there
were only 35 OSY recorded. So the researcher decided to have a complete enumeration of these OSY’s with police record.

4.6 Data Gathering

The researcher first asked permission from the Barangay Captain of the target barangay. Upon given the permission, the researcher then retrieved data and information of reported out-of-school-youth with delinquent records from the Barangay Office, Police Station, and the Department of Social Welfare and Development (DSWD). With these, the researcher found it easier to locate and interview the respondents. A one-on-one interview was done in order to combat the illiteracy factor and ensure full comprehension on every item. During the interview, a range of instruments both self-made and standardized test and questionnaires were used. After which, raw data gathered from the interview were submitted to the statistician for analysis and interpretation.

4.7 Statistical Treatment

This research used both descriptive and parametric statistical analysis. Descriptive analysis was employed for the personal profile of the respondents like frequency distribution, and percentages. Meanwhile, parametric analysis was used to test the given hypotheses. Parametric analysis specifically the Pearson r, was used to measure the relationship among the variables. In measuring the interplay of moderating variables the regression analysis was used. Here, it was determined which variable gave the biggest amount of contribution towards violent behavior among the OSY.

5. Results and Discussion

This study sought to draw the profile of 35 out-of-school-youth of Barangay Central, Mati City with criminal records which are mainly composed of age, socio-economic status, physical activity participation, violence, alcoholic exposure, aggression, and violence susceptibility. It found out that there was a relationship between physical activity participation and violence. The study as result also found out the aggregate relationship of physical activity, violence, aggression, and violence susceptibility. Lastly, the study pointed the interplay between the moderating variables socio-economic status, alcoholic exposure, aggression and susceptibility with violence.

The respondents’ profile was analyzed descriptively using frequency counts and percentages, while the relationships and moderating variable interplay were analyzed parametrically using Pearson r and regression analysis respectively. Findings showed that almost half of the respondents with criminal records were minors (45.7%). All came from either poor (74.3%) or very poor (25.7%) family background.

In terms of the most popular physical activity among the respondents, it was noticed that basketball was with 2.55 level of participation (0-3; average level of participation), while baseball, sepak takraw, tennis, larong lahi and mind games were physical activities with no participation. Results also showed that all dance activities were participated. Furthermore, as regards to violence susceptibility the respondents manifested that their vulnerability were ranging from extremely violent (89%), highly violent (8%), and moderately violent (3%). They have physical aggression (51%), and both moderate (37%) and high (37%) verbal aggression. They had always been exposed to alcohol (37%) but (20%) of them never had any exposure to alcoholic drinks. All of them had violence susceptibility; 51% high and 49% moderate. Findings showed positive relationship between violence and individual which means that individual sports promote violence.

In the aspect of team sports specifically basketball can suppress violence since this sport has inverse relationship with violence \( (r = -0.076) \). Again individual sports led in enhancing physical aggression with table tennis \( r = 0.307 \) and martial arts \( r = 0.304 \), whereas basketball \( (r =-0.037) \), volleyball \( (r =-0.02) \), cheer dance \( (r =-0.093) \) and card games \( (r =-0.006) \) can potentially reduce physical aggression. Verbal aggression almost had the same result with physical aggression. Individual sports again lead in promoting verbal aggression with table tennis \( (r = 0.3) \), martial arts, boxing, and badminton, while basketball \( (r =-0.174) \), hip-hop \( (r =-0.098) \), cheer dance \( (r =-0.052) \) and card games \( (r =-0.099) \) potentially reduced verbal aggression. Meanwhile, the relationship between physical activity and violence susceptibility showed basketball \( (r =-0.210) \) and volleyball \( (r =-0.100) \) to potentially lessen violence susceptibility.

Table 1 shows the result of the aggregate relationship of physical activity and violence, aggression and violence susceptibility found individual sports to have a direct relationship with violent behavior of respondents \( (r =0.351) \). Team sports on the other hand had inverse relationship with violence susceptibility.
Table 1. Pearson correlation matrix between aggregate physical activity, violence, aggression and violence susceptibility

<table>
<thead>
<tr>
<th>Physical Activity</th>
<th>Violence</th>
<th>Physical Aggression</th>
<th>Verbal Aggression</th>
<th>Violence Susceptibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team Sports</td>
<td>0.056</td>
<td>0.123</td>
<td>0.022</td>
<td>-0.178</td>
</tr>
<tr>
<td>Individual Sports</td>
<td>0.351</td>
<td>0.299</td>
<td>0.276</td>
<td>0.082</td>
</tr>
<tr>
<td>Dance</td>
<td>0.039</td>
<td>0.016</td>
<td>-0.061</td>
<td>0.131</td>
</tr>
<tr>
<td>Recreational Activities</td>
<td>0.125</td>
<td>-0.006</td>
<td>-0.099</td>
<td>0.210</td>
</tr>
</tbody>
</table>

The interplay with violence and moderating variables together with individual sports showed good fit (R=0.813) and coefficient of determination (R²=0.6609). This means that 66.09% of the violent behavior of the respondents can be explained by the independent variable as well as the moderating variables. Results further showed that individual sports participation have the highest effect on violence with regression coefficient of 5.239. This was followed by the socio-economic status while alcohol exposure has the least effect on violence.

6. Findings

Based on the results of this study the researchers found that:
1. Poverty could be one of the main causes why youth have already committed crime at an early age;
2. Most youth who become violent begin during their adolescent stage;
3. All respondents were susceptible to violence and they are violent at different levels;
4. 66.09% of the violent behavior of the respondents can be explained by the independent variable and moderating variables;
5. Majority of the respondents have high physical aggression and verbal aggression ranging from moderate to high;
6. Majority of the respondents indulge in alcoholic drinks;
7. Basketball is the most participated physical activities among young people;
8. Baseball, sepak takraw, tennis, larong lahi and mind games were physical activities with no participation;
9. The theory negative association with physical activity is proven true for basketball, volleyball as well as dancing.
10. All dance activities are participated in by the respondents;
11. Team sports have potential negative correlation with violence and physical aggression;
12. Individual sports have a positive relationship with violence, physical aggression, verbal aggression, and violence susceptibility;

7. Conclusion

In the real world young people at adolescent stage needs exceptional attention and proper guidance from parents so that they will be able to attain good future. Supervision is a requirement in order for the youth to manage incomparable behavior in the society. They should be exposed to physical activities that in one way or another would lead them to become commendable members of the community. Involvement or participation in sports and other productive activity should be encouraged in order that they will not become susceptible to illegal activities.

8. Recommendations

In the light of the findings and conclusion of this study the researchers drawn the following recommendations:

Intensified sports clinic should be given to the OSY’s of the identified sports with negative relationships to violence like basketball, volleyball, and dancing:
1. Although results showed that individual sports have been found out to be negatively correlated with violence, further study should be conducted to test and verify this finding.
2. This study should be replicated with a bigger scope and with the inclusion of delinquent female OSY to obtain more reliable data related to the variables being studied.
3. A study should be conducted which will include youth without police records to find out if the violent tendency is present;
4. Future researchers should seek to employ more variables such as drug abuse and other psycho-social factors and causes of violence in order to further determine and diagnose specific activities that could potentially combat violence among youth.

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Utilization of LABAs versus SABAs in Albanian Insured Outpatients with COPD during 2008-2012

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Abstract
Introduction: Inhaled β2-agonists as bronchodilators are commonly used in Chronic Obstructive Pulmonary Disease (COPD). These drugs can be either short-acting (SABA) or long-acting (LABA). The aim of this retrospective study is to evaluate the use patterns of inhaled LABAs versus inhaled SABAs reimbursed in Albania during 2008-2012 for ambulatory COPD treatment.

Methods: Data on analyzed drugs for COPD treatment were taken from Health Insurance Institute database. ATC/DDD methodology was used to quantify the consumption of inhaled β2-agonists in DDD/1000 inhabitants/day and the results were expressed as percentage of annual drug use. All the data are calculated with Microsoft Office Excel program. Results: The utilization ratio of LABAs to SABAs was: 4:96 in 2008, 9.5:90.5 in 2009, 25:75 in 2010, 34: 66 in 2011 and 45:55 in 2012 respectively. During 2009-2012 the use of LABAs was increased, especially when they were in combination with inhaled corticosteroids (ICS). These combinations represented 5%, 18%, 24% and 23% of total annual consumption during four years respectively. In 2012 Salmeterol plus Fluticasone was the most used combination and Indacaterol was the most used among plain LABAs. Conclusion: The use of inhaled LABAs continually is increased versus SABAs ones for COPD treatment in Albanian insured outpatients during 2008-2012. These changes refered to the international guidelines wich recommend SABAs for as-needed symptom relief and LABAs as long-term maintenance therapies. In addition LABA/ICS combinations have greater efficacy than either of its components used alone.

Keywords: bronchodilators, chronic, disease, obstructive, pulmonary.

1. Introduction

Chronic Obstructive Pulmonary Disease (COPD) is a major cause of chronic morbidity and mortality throughout the world. COPD is characterized by persistent airflow limitation that is not fully reversible. The airflow limitation is usually progressive and associated with an enhanced chronic inflammatory response in the airways and the lung to noxious particles or gases.1 COPD encompasses a progressive group of disorders (i.e., emphysema and chronic bronchitis) that cause airflow obstruction and breathing problems.2

Bronchodilator medications are central to symptom management in COPD. Based on efficacy and side effects, inhaled bronchodilators are preferred over oral ones.1 As a result, inhaled β2-agonists being bronchodilatory drugs are commonly used for the treatment of this condition. There are several inhaled β2-agonists available. According to the duration of bronchodilator effect, they may be either short-acting β2-agonists (SABAs) or long-acting β2-agonists (LABAs).

In Albania the number of reimbursed drugs is increased over years with different medications belong to inhaled β2-agonists. The combinations of LABAs and inhaled corticosteroids (ICS), salmeterol plus fluticasone and budesonide plus formoterol respectively, have been reimbursed for the first time in 2009. Then the inhaled ultra-LABA, indacaterol, with a 24-hour duration of bronchodilation has been added in the reimbursed drug list in 2011.

Inhaled and reimbursed β2-agonists should be prescribed in every case based on the specific protocols. These protocols serve as national guidelines in day-to-day medical practice in primary care and are prepared in accordance with current international and professional guidelines for appropriate drug use in COPD. Having in consideration the changes of reimbursed drug list and also the recommendations of national and international guidelines, the aim of this retrospective study is to evaluate the use patterns of inhaled LABAs versus inhaled SABAs reimbursed in Albania during 2008-2012.

2. Materials and Methods

Electronic data on drugs reimbursed for Albanian outpatients with COPD during the years 2008-2012 were taken retrospectively from the Albanian Health Insurance Institute database. For this purpose it was used International Classification of Diseases, Ninth Revision (ICD-9) and also International Anatomical Therapeutic Chemical (ATC) classification system of drugs.

Reimbursed drugs used for the treatment of outpatients who had a diagnosis of COPD (ICD-9 codes: 491 (chronic bronchitis), 492 (emphysema) and/or 496 (chronic obstructive pulmonary disease, not elsewhere classified), were primarily obtained from database.

Then β2-agonists were selected from all those drugs applying the ATC classification system. This classification divides the drugs in groups at five different levels according to the organ or system on which they act and according to their chemical, pharmacological and therapeutic properties.3,4

At the second ATC level, β2-agonists belonged to R03 therapeutic group–drugs for obstructive airway diseases. Inhaled β2-agonists were selected from this group, using the codes of lower levels until the fifth level of chemical substance.

ATC/DDD methodology, developed by the World Health Organization, was used to quantify the consumption of inhaled β2-agonists in DDD/1000 inhabitants/day and the results were expressed as percentage of annual drug use. It was used Microsoft Office Excel Program for all the calculations. The number of COPD outpatients who had taken at least a reimbursed medical prescription over a year had been used as the denominator.

The Defined Daily Dose (DDD) provides a fixed unit of measurement independent of price, currencies, package size and strength enabling the researcher to assess trends in drug consumption.4

The DDDs of plain inhaled products that were objects of this study were taken from the ATC/DDD Index-2012. Plain products are defined as preparations containing one active component (including stereoisomeric mixtures).4 Products containing two or more active ingredients are regarded as combination products. The DDDs assigned for combination products are based on the main principle of counting the combination as one daily dose, regardless of the number of active ingredients included in the combination.4 For combined products, the DDDs were taken from List of DDDs for combined products which is available on the website www.whocc.no

3. Results

The total consumption of inhaled β2-agonists reimbursed for the treatment of COPD in primary care in Albania was increased during 2008-2012. Although short- and long-acting inhaled β2-agonists showed the increasing trends of consumption, the rhythm of such increases was different (Figure 1). As a result, their proportions versus the annual consumption of inhaled β2-agonists reimbursed for COPD had changed a lot over five years (Figure 2).

![Figure 1. Utilization of inhaled and reimbursed β2-agonists in COPD in Albania](image)
The consumption of long-acting inhaled β2-agonists (LABAs) represented 4%, 9.5%, 25%, 34% and 45% respectively of
annual consumption of inhaled $\beta_2$-agonists used for the treatment of COPD in insured outpatients in Albania during 2008-2012. On the other hand the consumption of short-acting inhaled $\beta_2$-agonist (SABAs) represented 96%, 90.5%, 75%, 66% and 55% respectively of the annual consumption of inhaled $\beta_2$-agonists, used during the same time period and in the same outpatients with COPD (Figure 2).

![Figure 2. Utilization of LABAs versus SABAs in Albanian insured outpatients with COPD](image)

In the pharmacotherapeutical group of LABAs the consumption of their combinations with inhaled corticosteroids (ICS) represented 5.2%, 18%, 24% and 23% of annual use of inhaled $\beta_2$-agonists reimbursed for COPD treatment in primary care.

The increase of consumption of inhaled ICS/LABA combinations comparing to the use of plain LABAs was more evident from 2009 to 2011. In 2012 the consumptions of LABAs, as plain and combined preparations, were almost equivalent (Figure 3).

![Figure 3. Utilization of ICS/LABA combinations vs single LABAs in Albanian insured outpatients with COPD](image)

Formoterol, salmeterol and indicaterol were three single LABAs reimbursed in Albania for ambulatory COPD treatment. Indicaterol was recently added to the reimbursed drug list, whereas two other drugs had been previously reimbursed. Among these drugs, formoterol had the greatest consumption from 2009 to 2011. In the meantime salmeterol showed a continual decrease in consumption. This inhaled drug represented only 0.4% of annual inhaled $\beta_2$-agonists consumption reimbursed for COPD in 2012. The use of indicaterol was significantly bigger than the consumption of formoterol in 2012. Its consumption represented 13.5% of annual inhaled $\beta_2$-agonists use reimbursed for COPD in primary care, whereas formoterol showed 8.1% of this annual consumption. (Figure 4).

![Figure 4. Utilization of plain LABAs as active substances reimbursed for ambulatory COPD treatment in Albania](image)

Among inhaled ICS/LABA combinations, salmeterol plus fluticasone was more used than budesonide plus formoterol in
two last years. The difference in consumption of these two inhaled combinations was more evident in 2012 when the ratio of their utilizations was 14.5 : 8.5.

Figure 5 - Utilization of ICS/LABA combinations reimbursed for ambulatory COPD treatment in Albania

4. Discussion

As COPD is a progressive disease, guidelines including those of Global Initiative for Chronic Obstructive Lung Disease (GOLD)\(^1\), the American Thoracic Society/European Respiratory Society (ATS/ERS)\(^5\) and the National Institute for Health and Clinical Excellence\(^6\) recommend an escalation of drug therapy with increasing severity of COPD, starting with short-acting inhaled bronchodilators used on as-needed basis, proceeding to scheduled administration of long-acting inhaled bronchodilators, and finally advancing to inhaled corticosteroids in patients with severe or very severe disease with frequent exacerbations. (Table 1). However, based on recent findings of the TORCH study that salmeterol plus fluticasone is associated with a reduced rate of exacerbations, improved lung function and health-related quality of life, and possible survival benefits, European regulators recently approved its use in patients with milder COPD (FEV\(_1\) < 60% of predicted pre-bronchodilator value and history of exacerbations).\(^7\)

Table 1: Recommended Therapy at Each Stage of COPD\(^1\)

<table>
<thead>
<tr>
<th>COPD Stage</th>
<th>FEV(_1)</th>
<th>Influenza Vaccination</th>
<th>Short-acting Bronchodilators</th>
<th>Long-acting Bronchodilators</th>
<th>Inhaled Glucocorticosteroids</th>
</tr>
</thead>
<tbody>
<tr>
<td>I - Mild</td>
<td>FEV(_1) ≥ 80% of predicted</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>II - Moderate</td>
<td>50% ≤ FEV(_1) &lt; 80% of predicted</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>III - Severe</td>
<td>30% ≤ FEV(_1) &lt; 50% of predicted</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>IV - Very Severe</td>
<td>FEV(_1) &lt; 30% of predicted or FEV(_1) &lt; 50% of predicted plus chronic respiratory failure</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

FEV\(_1\), forced expiratory volume in 1 second

Short-acting inhaled bronchodilators have a rapid onset of action and are recommended as rescue medication for all severities of COPD to relieve acute symptoms of bronchospasm.\(^8\) On the other hand their bronchodilatory effect lasts for 4-6 hours, so they are not convenient for the maintained therapy. Salbutamol, the “gold standard” fast-acting rescue medication,\(^9\) which takes effect within a few minutes (1 to 5 minutes) from dosing is the alone SABA reimbursed in Albania. Its consumption, as percentage of annual inhaled \(\beta_2\)-agonists use, has decreased from 2008 to 2012, because this drug provides only short-term relief from COPD symptoms (Figure 2).

The total use of reimbursed LABAs in treating COPD outpatients is gradually increased during five years. LABAs are recommended as first-line agents for maintenance therapy in patients with moderate to very severe disease and those with daily symptoms, based on the prolonged duration of action of 12 or more hours. These bronchodilators have been shown to improve symptoms, health-related quality of life and lung function, and reduce exacerbations and hospitalisations.\(^10,11\)

Formoterol, salmeterol and indicaterol reimbursed as plain LABA preparations represent different utilizations in
COPD. Formoterol is more preferred than salmeterol. The bronchodilator effect of both drugs lasts for approximately 12 hours, but formoterol has a faster onset of action. Studies report prolonged and rapid bronchodilation of formoterol with an onset of action at around 5 min, which is comparable with salbutamol and faster than salmeterol and which reaches peak bronchodilation within 1 hour.12-14 Because of formoterol's fast onset of action, it has a potential role for use as both a rescue and maintenance medication.15

Indacaterol is a novel, inhaled once-daily ultra-LABA16 for the treatment of COPD. It is likely that once-daily dosing of a LABA, which is indacaterol in this case, will lead to enhancement of compliance with therapy and may have advantages leading to improved overall clinical outcomes in patients with COPD. Furthermore, in preclinical studies, the onset of action of indacaterol was similar to that of salbutamol and of formoterol, and was significantly faster than that of salmeterol.17

The numerous priorities of indacaterol related with 24-hour duration of bronchodilation,18 fast onset of action and a good overall safety and tolerability profile19 explain why this drug has earned an important place in the current management of Albanian COPD outpatients as the most used single LABA and the third most used inhaled β2-agonist, after salbutamol and salmeterol plus fluticasone combination in 2012.

![Figure 6. Utilization of inhaled β2-agonists reimbursed for COPD treatment in Albania in 2012](image)

LABAs had been preferred to be used in combination with inhaled corticosteroids (ICS). Inhaled ICS/LABA combinations represent 23% of inhaled β2-agonist consumption reimbursed for treating COPD in primary care in 2012. Guidelines recommend adding an ICS to long-acting bronchodilator therapy, for patients with COPD stages III-IV and a history of repeated exacerbations.1 The physiological and clinical benefits of LABAs have been shown to be enhanced when administered in conjunction with ICS.20,21 There is an existing possibility that the observed benefit from combining these two classes of drugs might be due to a synergistic interaction with the resulting synergic effect being greater than the sum of responses achieved from each drug alone.22 Furthermore, single inhaler ICS/LABA is an appropriate choice when both agents are needed and may result in better treatment adherence.23,24

Based on different pharmacological and clinical priorities, formoterol tends to be used as single and combined preparations almost equally in 2012. Salmeterol, as a LABA with more prolonged onset of action, is used nearly totally in combination with fluticasone propionate in one single inhaler during five years.

5. Conclusion

LABAs consumption is increased much more than the use of SABAs for Albanian insured outpatients with COPD during 2008-2012. LABAs are generally used with ICS combined in one single inhaler as these combinations have greater efficacy than either of their components used alone and are associated with an improved compliance to the therapy. Among plain LABAs, indacaterol has reached a significant use in 2012 being an ultra-LABA with 24-hour bronchodilation and associated with a better patient’s adherence as an once-daily therapy. This trend of utilization of reimbursed inhaled β2-agonists for the ambulatory treatment of COPD in Albania referred to the international guidelines which recommend SABAs for as-needed symptom relief and LABAs as long-term maintenance therapies. At last, it can be concluded that inhaled β2-agonists added up recently in the Albanian list of reimbursed drugs and which represent advanced pharmacological therapies have made possible a contemporary management of COPD outpatients.
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From Concealment to Différance. Upon a Hidden Foundation of Being from the View-Point of Jan Patočka and Jacques Derrida

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Abstract

The paper attempts to cast some light on a moment of transition from the discourse of phenomenology, regarded as the very source of Patočka’s and Derrida’s works, to its peculiar antithesis or negation that consists in the act of dislodging from belief in the omnipotent human ratio. In order to unveil an extraordinary similitude between the comportments of both the thinkers, the crucial terms of concealment, derived from the essays of the Czech philosopher, and of Derrida’s famous difference are to be juxtaposed, and subsequently explored and eventually commented in the paper. In accordance with such a gesture, the paper tends to indicate a hidden foundation of being that reveals itself as a phenomenon impossible to define, or capture in some other, non-lingual modes, since its representation, however necessary, always turns out to be inaccurate. Instead of the so-called final explication, the paper, making a visible usage of Heidegger’s manner of writing “under erasure”, will focus on a secret existence of concealment and of difference due to examine their manifestations, henceforth comprehended as their necessary work or action. Thus both the thinkers are to be considered as the precursors of the post-phenomenology, or “phenomenology above lights”, to quote the quasi-transcendental Lévinas, who devote themselves to the elliptical realm of the hidden.

Keywords: concealment, différance, ellipsis, question, post-phenomenology

The relation of art to life is of the first importance especially in a skeptical age since, in the absence of belief in God, the mind turns to its own creations and examines them, not alone from the esthetic point of view, but for what they reveal, for what they validate and invalidate, for the support that they give. Wallace Stevens (1997, p. 916)

As is well known to the readers of Derrida, many of his texts are framed (and equipped) with various inter-texts which are conventionally modeled on the form of motto namely, on the very same structure I have decided to initiate into my own essay. Such a gesture usually maintains a seriousness of introduction, instructing how to proceed with a whole signature that is given to us, however, it also preserves something I wish to call a negative inspiration, since it might be used against certain properties of the discourse that is, its coherence, order, or logic. In Archive fever (1995), Derrida himself highlights an intriguing character of epigraph by making an assertion that “To cite before beginning is to give the tone through the resonance of a few words, the meaning or form of which ought to set the stage. In other words, the exergue consists in capitalizing on an ellipsis” (p. 7). Instead of the motto, the thinker refers to the phenomena of epigraph and of exergue, since they are to confirm an unique value of inscription – its singularity, concealed under some date and some name of either person (epigraph) or place (exergue)1. Thus we are entering into the realm of absence, expressed by a figure of ellipsis, in the name of which one is expected to keep asking, because “The starting point and the heart of all philosophy is not any doctrinal answer but rather the posing of the philosophical question itself” (Kohák, 1989, pp. 4-5).

To capitalize on an ellipsis therefore means to protect a singular event of (textual) being against the traditional manner of apodictic statement, in other words, against the canonical interpretation that tends solely to invalidate all the others.

The motto that inaugurates my own narration was chosen not only because of its content, affirming a thought that supports a reflective subjectivity by being in a constant movement, but also with regard to the anxiety of influence, elaborated by Harold Bloom while reading the strong poets. Among of them one may easily come across the author of the above quoted words. Bloom’s concept, streaked with Emerson, Freud and Nietzsche, allows to illuminate a struggle that concerns each scene of writing, for in each of them an exchange occurs, an exchange that, ideally speaking, leads to the birth of a new idiom. Despite of being rather a result of Emersonian re-centering than a de-centering, invented by Nietzsche and handed over to Derrida or de Man, the ideas of misreading and misprision, conjoined with the

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1 As for the meaning of exergue, it refers to a space on the reverse of a coin or medal below the central design, often containing the date, place of engraving, etc. With regard to the first term, of epigraph, Derrida’s choice seems to be obvious, for the term denotes, besides a quotation or motto placed at the beginning of the text, an inscription on a monument or coin (Baldick, 2008, p. 113).
anxiety of influence, assume an essential strategy of counter-writing that regards the precursors’ works. To become a strong writer therefore means to situate in an opposition to the other languages which are to shape one’s identity. For Derrida and Patočka, as well as for Heidegger and Lévinas, the first other language is the language of Husserl’s phenomenology which unveils itself not as “a matter of inner conduct” (Patočka, 2002, p. 1), but as an extremely coherent, since based on the logical principles, system of a pure inspection of the way the world looks like. The system subsequently results in a description and an analysis, focused on a “production” of a never-ending series of phenomena that are to inhabit one’s consciousness. In order to illuminate the crucial reason, for which Husserl’s language had to be overcome by his pupils, one ought to recognize its limitations that eventually cause the philosopher’s shift to the terrain of transcendental idealism, thus depicted by the Czech thinker:

In the course of the development of phenomenology, transcendental consciousness was broadened into “transcendental intersubjectivity” so that the relation between consciousness and the world of things was inverted: in place of little islands of consciousness in a sea of a first naturally, then natural-scientifically conceived objectivity, we came to think of an ocean of intersubjectivity surrounding the continent of the subjective world which served to mediate between individual transcendental “streams” of experience (Patočka, 1996, pp. 4-5).

The author of Heretical Essays in the Philosophy of History distances from the precursor’s comportment also because of the status of sense, since it is constantly regarded, in Husserl’s system, by idealistic means according to which sense itself is to be previously given namely, prior to human thought, already fastened in the objective world as the universal, source, and unchangeable data. Thus the work of creation that is, the real name of the philosophical discourse, must be substituted for an anachronistic conviction as for the cognitive abilities of the omnipotent human ratio, always streaked with desire to know more and better. To know more and better therefore comes always down to power that is to seize over the world, and to turn writing into the book, as Derrida would say, since he announces that “The horizon of absolute knowledge is the effacement of writing in the logos, the retrieval of the trace in parousia, the reappropriation of difference, the accomplishment of (...) the metaphysics of the proper” (italics – J. D., 1997, p. 26).

When Patočka speaks of the inner conduct he is already far away from this philosophy of possession, since he is aware of their dangerous consequences; what he has to propose is a meditation without decision (“a situation is a situation precisely because it has not yet been decided”, 2002, p. 4) that assumes a non-conclusive manner of thinking, since “the only valid philosophical answer to the Socratic question is a ‘negative’ one which does not seek to eliminate the question with a definite answer but which continues to grapple with it. Not the fixed product but the ongoing process of philosophy is the valid response” (Kohák, 1989, p. 8). In the just quoted words, there are expressed two crucial issues which allow to take under consideration that a situation of the Czech thinker locates itself in the very neighborhood of a situation of Derrida, presented in his deconstructive practices of reading. For, as Barbara Johnson points out, the French “philosopher” introduces himself as “a reader who constantly reflects on and transforms the very nature of the act of reading” (p. X, in: Derrida, 2004). The both thinkers therefore operate against the metaphysical thought of closure, however, not to dissolve a problem (since it assumes a necessity of decision, or answer), but to unveil its real “problemacy” that is to occur under one condition namely, their creative involvement into it. In order to adjust oneself to a problem, always conjounded with reiteration as already articulated by the precursors or the inter-texts, one has to comprehend it in terms of work that necessarily must not to be completed or done, especially if it is to “help us in the distress in which we are” (Patočka, 2002, p. 1)3, or to “produce an effect of indefinite fluctuations between (...) possibilities” (Derrida, 2004, p. 234). How to combine the above quoted insights into a common situation, since they

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2 According to Bloom (2003), the procedure of re-centering consists in “a mode that is intra-textual, but that stubbornly remains logocentric, and that still follows Emerson in valorizing eloquence, the inspired voice, over the scene of writing. Emerson, who said he unsettled all questions, first put literature into question for us, and now survives to question our questioners” (p. 176). Besides Stevens, the other American poets who participate in the agon, initiated by the author The Conduct of Life, are Whitman and Dickinson.

3 The reasons of our modern distress are penetratingly described by Patočka himself (2002), and with accordance to them “We are the victims of contradictory prophets, some proclaim the unleashing of instincts, others absolute discipline and obedience; both seem to be two sides of the same thing. Thus a deep helplessness a distress. There does not exist any joyful work of art; nothing exists except an enormous tangle of human activities. Every human initiative or deed is socialized, controlled, and integrated into current affairs and carried off alone into the unknown. This is a sentiment of alienation. What grows from it is surprisingly something like a will to power, but power that has no subject. It is not that someone should want this power; it is just accumulated and does what it wants with us. Here is an awareness of a horrible trend toward abyss. That we cannot get off the ship carrying us in a certain sense to the sad recognition of this worldly fall, this decline of nature and man, as if it were an irreversible and inescapable fall. In this situation something like metaphysics (only to say the word) is laughable! For us, recalling something like metaphysics or Mozart’s art, or the art of The Chartres cathedral, makes it seem absolutely unreal. We no longer are able to find and experience any joy in it, or to raise ourselves up to something like it. That is the entire sentiment of our time” (p. 6; italics – the author).
speak in the name of some different, as it seems, interests? In order to attempt to face such a question, one ought to turn to *The Gift of Death* (Derrida, 1995), for in its first chapter, entitled “Secrets of European Responsibility”, the French thinker elaborates on Patočka’s *Heretical Essays* (1996)⁴, and, as befits Derrida, makes it in the cross-shaped poetics of chiasm that initiates into an intriguing exchange between the signature (by Patočka) and the counter-signature (by Derrida). Due to this exchange, the term of responsibility should be considered in the first place (and it really is by being the title word, for “titulus”, as Derrida writes elsewhere, “includes a sense of gathering”)⁵ since it entails a secrecy that is understood as a “demonic mystery” that itself turns out to be a hidden foundation of religion. Derrida (1995) therefore repeats, after the Czech thinker, that “religion comes into being the moment that the experience of responsibility extracts itself from the form of secrecy” (p. 3). To engage himself into the chiastic inter-play, the author of *Dissemination* recalls the three stages of the history of responsibility, previously distinguished by Patočka namely: 1) prehistory, 2) philosophy as the invention of the Greek *polis*, and, 3) Christian religion. The first stage, of prehistory, is perceived in the horizon of non-concealment, since it simply consists of the two times: of the daily existence and of the demonic mystery that refers to the night, the sphere of ancient orgiastic cults. In the second stage, described through the figure of Socrates, the figure that means the very beginning of philosophy, the time of night, of demonic mystery, becomes subordinated to the Greek *polis* that develops itself in the bright light of the day, that is in other words, in the light of human mind. Nevertheless, as Derrida reveals, such a “subordination never means elimination” (p. 9), and then he refers to an event of the first tremor that results in Platonism. Thus the history of secrecy, derived from the turn towards exteriority (expressed by a notion of the other) and accessibility (with regard to this turn, Patočka speaks of conversion while Derrida chooses another word, of revolution), might be conceived as a substitution wherein the repressed content of demonic mystery is also retained in the realm of concealment. Due to this substitution, one is allowed to talk about a sign, assumed together with its core activity of deferring presence according to which instead of an athenmatic mystery there comes the accessible word of responsibility namely, “the relation to self as being before the other” (Derrida, 1995, p. 3). Moreover, the experience of responsibility is tied to the appearance of a subjectivity freed (only apparently) from the essential secrecy that is manifested by a rupture between absence-of-the-self and presence-of-the-other. The other who enables responsibility is created out of a primal catastrophe of the self that I am forced to locate in a paradox place, a place prior to any discourse, for it has nothing in common with knowledge and history. The singular self participates only in mystery of which essence must remain unknown if it is to maintain its value of secrecy. To this must be added something else. The self before rupture knows nothing and for that reason it doesn’t know why dies, in other words, it does experience its own mortality without distress namely, without reflection. An issue of death, tied to the other, becomes a problem which is born out of responsibility that illuminates freedom of subjectivity, freedom of Socrates who accepts his own death voluntarily. Responsibility for death, either our own or death of the other, explains itself in terms of taking control of death that is triumphantly overcome by creating an adequate theme which subsequently replaces death itself. With regard to “this event of looking death in the face”, Patočka adds, “the triumph over death” (that is, “the triumph of life”) takes place according to which “the soul is absolutely free, it chooses its own destiny” (1996, p. 115). Derrida’s interjection, however, reminds us that this “triumph retains traces of a struggle” (1995, p. 16), for death is still there, hidden inside of us, in every one with no exception.

As for the second tremor, referring to the third stage, of Christianity, it presents itself as another substitution that regards a necessary modification in the field of death, since it distinguishes a figure of gift. A figure that is to cover a figure of death. I will make use of Derrida because he elaborates on this plot in a manner that corresponds to the further parts of my essay:

This becoming-responsible, that is, this becoming-historical of human kind, seems to be intimately tied to the properly Christian event of another secret, or more precisely, the *mysterium tremendum*: the terrifying mystery, the dread, fear and trembling of the Christian in the experience of the sacrificial gift. This trembling seizes one at the moment of becoming a person, and the person can become what it is only in being paralyzed [transic], in its very singularity, by the gaze of God. Then it sees itself by the gaze of another, a supreme, *absolute and inaccessible being who holds us in his hand not by exterior but by interior force* (Patočka, 1996, p. 116, in: Derrida, 1995, p. 6; italics – the author).

(...) The secret of the *mysterium tremendum* takes over a heterogeneous secrecy and at the same time breaks with it. This rupture takes the form of either subordination by incorporation (one secret subjects or silences the other) or repression. The *mysterium tremendum gets carried away* [s’emporte], in the double sense of the term: it rises against

⁴To be more precise, Derrida immediately refers to the particular essay of Patočka that is, “Is Technological Civilization a Civilization in Decline, and If So Why?”.

⁵The quotation derives from the beautiful essay of Derrida, entitled Shibboleth for Paul Celan (1994, p. 34).

Henceforth, incorporated or repressed, the foundation of the history of secrecy has to inhabit interiority and, by this displacement, it constitutes another figure, of abyss, that envelops a non-order of the inaccessible. Derrida also speaks of the economy that ought to be considered, firstly, as the economy of sacrifice, especially that the essential Christian dogma, of the Holy Trinity, is based on it. To meet requirements of that economy, there must appear a problem of taking possession of something that can be sacrificed. For more than obvious reason, it is a matter of life, since it remains at disposal of everything that is alive. To be alive means to owe life, and this possession conditions each sacrifice. The economy of sacrifice turns out to be streaked with “the economy of sublation” or with a movement of repression, coined by Freud while investigating his psychoanalytical project with proper significance. In The Gift of Death, as well as in the other texts of Derrida, his counter-signature consists of many signatures which refer not only to Patočka and Freud, but also to Heidegger, Hegel and Kierkegaard, or to religions of the Book (Christianity, Judaism, Islam). The visual trace of Hegel’s language appears in the term of sublation (Aufhebung/Aufheben) of which double sense the German philosopher makes use while elaborating on the interaction of a thesis and antithesis. The term therefore means to lift up, to abolish, to sublate, to preserve, to transcend, to cancel, to keep, and its antithetical values of preservation and modification at the same time must remain valid if the process of synthesis is to succeed. Thus each synthesis, especially the historical one, since it regards the spiral inter-play of absence and presence, must unavoidably submit to that permanent sequence of incorporation and repression according to which “Responsibility triumphs over the orgiastic and incorporates it within itself as a subordinated moment” (Patočka, 1996, p. 114). This statement is supplemented by Derrida (1995) in the following words: “Platonic mystery […] incorporates orgiastic mystery and Christian mystery represses Platonic mystery” (p. 9; italics – the author). Yet the both thinkers cannot restrain themselves from investigating of this inversion, since they constantly turn back to the beginning of their “history” (“historicity”):

Then there is the structure of secrecy that keeps that mystery hidden, incorporated, concealed but alive, in the structure of free responsibility that claims to go beyond it and that in fact only succeeds by subordinating the mystery and keeping it subjugated. The secret of responsibility would consist of keeping secret, or “incorporated”, the secret of the demonic and thus of preserving within itself a nucleus of irresponsibility or absolute unconsciousness, something Patočka will later call “orgiastic irresponsibility” (Derrida, 1995, p. 20; bold – A. S.)

Due to those significant re-returns, affirming an essential property of language that is, its reiteration, and inscribing themselves into a poetics of the ring (reprise, composition annulaire) of which striking power reveals Shibboleth for Paul Celan (Derrida, 1994), one needs to consider their reasons that seem, at least in my very opinion, identical for the both thinkers. They come after all from the same parts of the discourse, aren’t they? Firstly, it is a matter of hope that promises a change according to which one, to return, always chooses a different path. Secondly, the gesture of return proves a peculiar attraction that is carried within itself by the sphere of concealed, its inspiring absence that imposes a necessity on posing questions which enable the inner conduct to go on. Thirdly (it’s worth noticing that provided with the third reason, we are to exceed the dual structure of the sign), what provokes the most is not necessarily the concealed itself – to remain as such, to retain its mystery, it cannot be unveiled – but a commitment, resulted from responsibility, that keeps calling for movement in the direction of the concealed. It entails that the “nucleus of irresponsibility”, however inaccessible, ought to be estimated as the constitutional element of responsibility. Thus there is always unnamed in the field of named (“a new space of reading”, according to David Woods, 1992, p. 3) that persistently suggests an effect of synecdoche, ellipsis, or aposiopesis, since all those figures promise what is impossible namely, a paradox idea of infinite totality that would possibly resemble a synthesis of knowledge and non-knowledge. Besides, this what we call the vivid inspiration comes only from the latter. Non-knowledge might be even compared to a phenomenon of stigma about which Hélène Cixous (2008) says that it “wounds and spurs, stimulates” (p. xiii; italics – the author). Henceforth, the concealed can be regarded as a spur (stimulus) for writing, and, as such, it is to lead to a text that breaks free of the discursive shackles. Nevertheless, as Norris points out:

6 In “Freud and the scene of writing”, Derrida (2010) juxtaposes the psychoanalytical repression with its logocentric version, and he claims that “logocentric repression is not comprehensible on the basis on Freudian concept of repression; on the contrary, logocentric repression permits an understanding of how an original and individual repression became possible within the horizon of a culture and a historical structure of belonging” (p. 248).

7 According to Robert Bernasconi (1997), “What makes responsibility unequal to itself is the fact that ‘one is never responsible enough’. This arises not just because one is finite, but also because responsibility exhibits a contradictory movement. One not only responses in one’s irreplaceable singularity for what one does, says, and gives, but also inasmuch as one is good, forgets and effaces of one’s giving” (pp. 263-264).
The autonomy of the text is actively invaded by a new and insubordinate style of commentary which puts in question all the traditional attributes of literary meaning. But at the same time this questioning raises literature to a point of rhetorical complexity and interest where its moments of “blindness” are often more acutely revealing than anything in the discourse of philosophy (2002, p. 24).

In the course of a simultaneous or parallel reading of Patočka and Derrida, a certain thought arises with accordance to which I will allow myself a short digression. In order to cast some new light on the title problems, I am going to venture a “foreign” context, so to speak. In *Illuminations* (1999), Walter Benjamin attempts to formulate his own attitude towards Kafka’s works, and, to achieve it, he establishes an interesting field that spreads between four figures: of Potemkin, of a childhood photograph, of the little hunchback, and of Sancho Panza. Let me focus on the first figure because it will lead us to the assistants⁸, the strange creatures accompanying K. in The Castle. With regard to these assistants, Benjamin (1999) makes use of the *gandharvas*, derived from Indian mythology, who introduce themselves as “celestial creatures, beings in an unfinished state. (...) neither members of, nor strangers to, any of the other groups of (Kafka’s – A. S.) figures, but, rather messengers from one to other” (p. 113)⁹. To call them messengers unavoidably means to perceive them through their pure action, that concerns neither waiting for, nor doing something particularly, called thus learning. Since the assistants are unfinished, they may remain in a situation of Patočka’s openness (1996, pp. 5-7) that constantly exposes itself to the slight adjustments. Speaking of such an openness, Patočka develops Heidegger’s notion of “being open to what there is (to which being belongs)” (p. 5) that ultimately drifts towards a reinterpretation regarding a core device of Husserl’s language namely, a phenomenon itself:

(…) the structure of openness entails a double conception of the phenomenon. The openness of human being-in-the-world, first of all, lets what-is appear, manifest itself, become a phenomenon.

Secondly, though, if what-is is to show itself forth as such, that is, in its being, it must be possible for being, too, to present itself and become a phenomenon. Being, however, is originally and for the most part “there” in such a way that it retreats into obscurity (bold – A. S.) before the existent whose manifestation it made possible, that is, so to speak, Being conceals itself in what there is (bold – A. S.). Concealment in its various forms – is an essential aspect of a phenomenon. Every phenomenon must be understood as a lighting, a coming from concealment and never otherwise. Concealment penetrates the phenomenon and more: it is what first releases from itself the being which manifests itself (1996, p. 7).

Due to such a redefinition of phenomenon, whether it regards the being or any other object that is to be taken under consideration, it also retains its mystery namely, this meaningless something that enables the constitution of the so-called proper meaning. The hidden or absent foundation of phenomenon, of which content is necessary yet always inaccurate, since it solely reveals its intelligible part, allows to assume Patočka’s individual gravitation towards this what I propose to name post-phenomenology. This post-phenomenology, continued by Derrida, opens itself up to history that is streaked with heresy, commented in the following passage:

In Patočka’s view (...), “heretic” is tied to heresy, *haeresis* as choice, election, preference, inclination, as well as divergence within a doctrine; it surpasses the objectivity of knowledge. (…) it is a matter of “creating something new out of catastrophe”, a heretical, practical decision that goes beyond any theoretical or thematic determination; it is tied to divergence, to *polemos* and strife (*illea/hermenea.ro*)

Supported by the above quoted fragment, I would like to juxtapose Patočka’s divergence (within the phenomenological discourse) with Derrida’s diﬀerence, since the both terms underscore the five properties that are to be practiced in the structures of language namely, impossibility of origins (the fundamental secrecy), lack of identification (the inter-play between concealment and manifestation), splitting work of temporality (absence vs. presence), producing of another diﬀerences (invention), and strife (that is to be inscribed in the ethical horizon of post-phenomenology or deconstruction). Divergence, alike Derrida’s aethesis (1987, p. 261)¹⁰ of which thought originates from diﬀérance, refers

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⁸ Benjamin (1999, p. 113) compares Kafka’s assistants to the characters appearing in the short novel of Robert Walser, *Der Gehülf*(The assistant) that belonged to the favorite books of the author of *The Trial*. Moreover, Benjamin conjoins their mysterious existence with a perspective of the future, by saying: “It is for them and their kind, the unfinished and the bunglers, that there is hope” (p. 113). The messengers, expected or unexpected, never have expectations on their own, and that is, perhaps, why they are the only ones who truly deserve hope. To complicate their vague status, one might also consider the extremely different view-point of Bloom (1991) who conceives them as a parallel to Job’s abominable friends, called after Blake “pious timeservers” (p. 19).

⁹ Gaskell (1981) introduces *gandharvas* (or sirens) in the following words: „Symbols of Devas of the buddhic plane, which assist in establishing harmony in the soul through the aesthetic emotions” (pp. 299-300).

¹⁰ Derrida (1987) explains this aethesis in his unforgivable manner: “Drifting designates too continuous a movement: a rather too undifferentiated, too homogenous a movement that appears to travel away without saccade from a supposed origin, from a shore, a

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to a procedure that has already expressed as the inner conduct (that is to render a matter of philosophy). In the semantic field of the very word, there are inscribed significantly different meanings, especially when we are to consider its verbal form. Due to this, ‘to conduct’ might be explicated as to lead, to manage, or to defense, while the noun ‘conduct’ refers to behavior (usually towards somebody) or handling (of campaign, business). If one combines this constellation of meanings with the epithet ‘inner’ that is obligatory element of Patočka’s expression, its divergence becomes possible to grasp. It indicates therefore a secret passage wherein the movement from concealment to manifestation, assumed in the dual phenomenon of the Czech thinker, takes place, however, it also suggests a temporal gap between absence and presence which itself is underscored by a necessary gap between ‘inner’ and ‘conduct’. Thus Patočka and Derrida have managed to reverse phenomenology by investing, each of them in his own way, in this mysterious transition from the realm of ‘inner’ that is, the hidden foundation of being, to the elliptical order of ‘outer’ that retains (at least the thinkers claim so) in its visible and/or audible forms a trace of the concealed, either buried or reanimated in the form of a specter. Patočka himself never coined any extravagant term, as Derrida did by inventing difference, in order to give a name to his own condition that turns out to be of double bind, nevertheless, his returning approach to the movement, resulted in divergence, can lead us to the contradictory conclusions. On the one hand, the Czech thinker might be regarded as a traditional philosopher, tied up to the phenomenological discourse to such an extent that he simply cannot abandon it by creating a “new” language. But on the other, no to invent a name for this worrying and exciting movement and leave it as it is – in its thematic envelope – might be also interpreted as an act of the most responsible courage, displayed in the face of paralyzing presence. For that reason, I have recalled Kafka’s messengers whose mission can be conceived from the view-point of divergence or difference, since they are an unidentified token of this movement, of this mediation between those two hypothetical natures: of presence and of absence. If I name them, after Kafka, Arthur and Jeremiah, I will have to end with their work, given to them by K.:

‘How am I going to tell you apart? The only difference between you is your names (...) you’re as like each other as two snakes. (...) I shall call you both Arthur. If I send Arthur off anywhere you must both go, and if I give Arthur a job to do you must both do it. That has the great advantage for me that you both carry the responsibility for all the work I give you. How you divide work up between you I don’t care, but you mustn’t make excuses by blaming each other – you’re both one man as far as I’m concerned” (Kafka, 2009, p. 19).

References


 border, a coast with an indivisible outline. Now the shore is divided in its very outline, and there are effects of anchoring, collapses of the coastline, strategies of approach and overflow, strictures of attachment or of mooring, places of reversion, strangulation, or double bind. These are constitutive of the very process of aethesis, and must be accounted for, if at least there is here something in such an event to be read and to be reckoned with” (p. 261).
Vegetarianism and Health Status among the Senior Citizens of Iligan City

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Abstract

This study aimed to find out the vegetarianism and health status among selected senior citizens of Iligan City using a survey research design that makes use of the descriptive-comparative method of research. The results of the study are used as a basis for creating a health intervention program that will provide the respondents an option of a better and healthy lifestyle. Out of the 100 elderly respondents, 70 are non-vegetarians and 30 are vegetarians. The results showed that vegetarian diet has a positive effect on the respondents’ muscular endurance and muscular strength. The result also showed that vegetarian diet which is less in saturated fats and high in fiber increases the cardiovascular endurance of the respondents, thus, improving their personality type, stress resiliency level, and physical activity participation. Furthermore, the vegetarian diet has shown to improve the senior citizens’ medical condition, but the effects of aging in inevitable. Lifestyle diseases have been observed with the vegetarian respondents because of aging and it is also observed the same with the non-vegetarian respondents. In conclusion, vegetarian diet is good since it promotes a healthy life especially among the elderly.

Keywords: vegetarianism, diet, health status, lifestyle

1. Introduction

Today’s world of industrialization and automation resulted to a fast-paced society which adversely affected the health and life longevity of mankind. The unhealthy lifestyle of the century as evidenced by many people’s wrong choice of food consumption and inactivity is considered to be the culprit of man’s shorter life expectancy at present. The lives of man are becoming more and more comfortable with what technology has offered them. They prefer to use the electronic driven machines rather than use the muscles to accomplish daily tasks. Thus, they become less and less active. Most interestingly, they prefer to eat processed foods loaded with cholesterol and sugar which are conveniently available in grocery stores and in fast-food chains rather than prepare a fresh, simple, yet delicious and nutritious plant-based meal packed with phytochemicals, vitamins and minerals. Obviously, people are now eating less healthy kinds of food. Unhealthy lifestyle may lead to having certain diseases. Lifestyle diseases like obesity, diabetes mellitus, hyperlipidemia, hypertension, coronary artery disease and cancer are becoming common in all walks of life nowadays. Ornish (1993), stated that “our lifestyle choices: what we eat, how we respond to stress, lack of exercise, smoking and so on are the major causes of heart diseases and other debilitating illnesses.” To have more productive years in life, one must have a healthy body. A healthy body however, does not mean the absence of sickness, but it is the development of a man’s physical, mental, social and spiritual dimensions, which are integral part of life. There are many important factors to have a healthy body. Specifically, in this study, vegetarianism is believed to affect the health status among the senior citizens of Iligan City. It is likewise believed that a healthy diet with fruits and vegetables enables the elderly to have a healthy status that is free from diseases and having very good cardiovascular endurance, flexibility, muscular endurance, and muscular strength which are the health-related physical fitness components of this study.

2. Literature Review

Vegetarianism is a practice of following a diet based on plant-based foods including fruits, vegetables, cereal grains, nuts, and seeds, with or without dairy products and eggs. Vegetarians do not eat meat, game, poultry, fish, crustacea, shellfish, or products of animal slaughter such as animal-derived gelatin and rennet. Vegetarianism is a way of achieving a better health. It is a kind of diet consisting of plant-based foods including fruits, vegetables, cereals, grains, nuts and
seeds with or without dairy products and eggs. It has five categories which are fruitarian, macrobiotic, vegan, lacto-vegetarian and lacto-ovo vegetarian (Cox, 2002). Fruitarian is a diet consisting of raw or dried fruits, nuts, seeds, honey and vegetable oil. The Macrobiotic excludes all animal foods, dairy products and eggs. It uses only unprocessed, unrefined, ‘natural’ and ‘organic’ cereals, grains and condiments such as miso and seaweed. Vegan excludes all animal food, dairy products and eggs. In the purest sense, excludes all animal products including honey, gelatin, silk, wool, leather and animal-derived food additives. The Lacto-vegetarian excludes all animal foods and eggs but include milk and milk products. Lastly, Lacto-ovo-vegetarian which excludes all animal foods, however, it includes milk, milk products and eggs. A vegetarian diet is known to confer a wide range of health benefits. Research has shown vegetarians to suffer less heart disease, hypertension, obesity, diabetes, various cancers, diverticular disease, bowel disorders, gall stones, kidney stones, and osteoporosis. The American Dietetic Association and Dietitians of Canada have stated: "Vegetarian diets offer a number of nutritional benefits, including lower levels of saturated fat, cholesterol, and animal protein as well as higher levels of carbohydrates, fiber, magnesium, potassium, folate, and antioxidants such as vitamins C and E and phytochemicals.

According to Melina, Davis and Stanton (2005), health is the main reason why people chose to be vegans. While a vegetarian diet reduces one’s risk of chronic, degenerative diseases such as coronary artery disease, cancer, diabetes, obesity, osteoporosis, gall bladder disease and hypertension, the plant-based diet minimizes diseases and meets the current recommendations percentage of fats, carbohydrate and protein than an omnivore diet. Rakesh (2000), stated that it was common belief that non-vegetarian diet is superior to vegetarian diet. People used to think that non-vegetarian diet provides more power to the body and it is full of energetic ingredients. This theory attracted more and more people and ultimately a large number of people of the world adopted non-vegetarian diet. According to the new developments in medical sciences, while vegetarian diet is closer to and is more useful for human nature; and is more scientific for the human body, the non-vegetarian diet contains cholesterol and saturated fatty acid which are the root causes of problems like coronary heart disease, cerebro-vascular accidents (strokes), eye diseases and high blood pressure. In a non-vegetarian diet, only 60% of its content is useful for human body, the remaining 40% contains harmful and toxic products. In addition, the non-vegetarian diet is generally heavy for stomach and produces acidity, which in turn can cause many diseases of gastrointestinal system. However, the concept of vegetarianism is changing. While the vegetarian diet is the panacea for modern lifestyle, Segasothy and Phillips (1999), stated that the intake of vitamin B12 is lower in vegetarian diets and deficiencies in this vitamin have been reported to cause irreversible nerve deterioration. In a similar light, Phillips (2005) added that calcium absorption is reported to decline with age among elderly vegetarians and there is reduced availability of minerals such as iron, copper and zinc in vegan diets which are important in immunity. Dworkin (1999), stated that the disproportionate consumption of foods high in fats, often at the expense of foods high in complex carbohydrates and fiber - such as vegetables, fruits, and whole-grain products - that may be more conducive to health. He said that the more an individual restricts his or her diet, the more difficult it is to get all the nutrients that are needed. He added that the inadequate supply of vitamin D and calcium cause rickets, iron deficiency causes anemia and the lack of protein can bring hair loss. Ewan (2002), also added that vegetarian respondents were of equal fitness, but the vegetarians scored lower on standing long jump and 30-s sit ups than the non-vegetarians. Moreover, the heart rate of the vegetarians young adults recovered substantially faster following the step test. As a dependent variable of the study, many believe that vegetarians have negative effects on physical fitness health-related component. However, literature suggests that the heart rate of a vegetarian adult recovered substantially faster following the Step test in the cardiovascular endurance test.

These pieces of literature had prompted the researcher to find out the relationship between vegetarianism and health status among the elderly who are officially registered at the Office of the Senior Citizens Affairs (OSCA) Iligan City. It is hoped that the results would determine whether those vegetarians are more physically fit than the non-vegetarians in terms of the health-related components such as cardio-vascular endurance, flexibility, muscular endurance, and muscular strength. The results of the study moreover, would reveal the medical conditions of the senior citizens in terms of the presence and absence of the lifestyle diseases they may be suffering. Furthermore, this study looks into the effects of the moderating variables and to help explain the findings of the study, considering the factors such as age, gender, socio-economic status, educational attainment, personality type, stress resiliency level, physical activity participation, and vices that the elderly are involved with. Lastly, this study is thought to be very significant because this aims to provide the elderly insights on the positive and negative effects of vegetarianisms on life longevity.

Aging is a gradual process that reflects the influence of genetics, lifestyles, and environment over the course of the life span. Beginning the age of 30, the purpose of cell creation changes, no longer supplying new cells to replace old cells. At older ages, this process of cell replication slows ever more, and the effects of aging on body organs begin to
appear. The effect of nutrient intake, is mediated by lifestyle behaviors including physical activity, stress, smoking, alcohol consumption, and exposure to environmental factors.

Emotional health may be affected by poor eating habits, resulting in hypoglycemia or low blood glucose levels. Low blood glucose occurs normally in anyone who is physically hungry. When the body’s need for food is ignored (e.g. missing meals because of poor planning or are too busy to eat), feeling of anxiety and confusion and trembling may occur. Emotions may be harder to control when one feels this way (DeYoung et al., 2005). They added that elderly may struggle with the deaths of family members and friends and adjustment to retirement. Although some delight in retirement, others view retirement as a loss of social status. This combination of death and loss of status may lead to isolation and depression.

One of the early studies on the relationship of exercise to aging was done by Dr. Herbert de Vries. In one study of his more than 200 men and women, ages 56 California retirement communities, participated in a fitness program that included walking, a walk-jog routine, calisthenics, and stretching. After just six weeks, their blood pressure dropped, body fat decreased, maximum oxygen transport increased, and neuromuscular signs of nervous tension diminished. Other studies have shown that moderate or vigorous exercise can reduce blood cholesterol levels. And this is an important factor, for in atherosclerosis patients this level is often higher than it should be (Vance et al., 2004).

In the study conducted by Hutton (1994), it showed that smokers look older than non-smokers. After 25 years, women who smoke appears to decrease blood supply to the skin, cutting off its normal supply of oxygen. In an experiment carried out in California, it was revealed that one study of nearly 600 smokers at the National Heart, Lung and Blood Institute found more damage in the lungs of women aged 35 to 44 than in the lungs of men of the same age. With an already shortened life expectancy, these relatively young women had only the prospect of steadily worsening health ahead if they persisted with their habit (Hutton, 1994).

Alejandro (2006) stated that the consumption of meat and other animal products has been conclusively linked to heart attacks, strokes, diabetes, obesity, and cancer in the Philippines today. According to the Department of Health, this causes “chronic uncontrolled states and progressive organ damage leading to death.” The Philippine Cancer Society urges Filipinos to increase their intake of these wholesome foods, and the World Health Organization has declared that inadequate consumption of fruits and vegetables is among the top 10 selected risk factors for global mortality. Furthermore, Dugang (2001) observed that Filipinos are not really vegetable eaters. “Only about 10 percent of the average Filipino diet is composed of vegetables. She cautioned that vegetarian diet should start from the parents in order to teach and inform their children about the benefits of vegetarian diets.

3. Methodology

This section deals with the methods that the researcher used in the study. These include the research design, respondents of the study, sampling techniques, research instruments, data gathering procedures, and statistical treatment.

3.1 Research Design

This study made use of descriptive-comparative method of research to compare the health-related fitness components such as cardiovascular endurance, flexibility, muscular endurance, and muscular strength between the vegetarian and non-vegetarian elderly who were officially registered at the Office of the Senior Citizens Affairs (OSCA), Iligan City in the fiscal year 2010.

3.2 Respondents and Research Locale of the Study

The respondents of this study were the officially registered senior citizens at the Office of the Senior Citizens Affairs (OSCA) of Iligan City. Of the eighteen thousand two hundred twenty five (18,225) registered elderly, only one hundred fifty-three (153) senior citizens were purposively selected. These one hundred fifty-three (153) respondents were the representatives of each senior citizen chapter from the forty four (44) barangays of Iligan City. There are fifty-one (51) chapters having three (3) representatives consisting of the president, vice-president, and secretary of the chapter. These number of respondents actually decreased because during the actual data gathering, only those elderly who were willing to be part of the study and were capable of executing the health-related fitness tests such as the cardiovascular test, flexibility test, muscular endurance and muscular strength tests were the only ones who became part of the respondents.
of the study. Moreover, since the independent variable is the type of respondents: vegetarians or non-vegetarians, the three (3) officer representatives in each chapter were replaced by a qualified respondent to ensure the adequacy of respondents in every group. Furthermore, the number of respondents still decreased due to absenteeism of the senior citizens during their monthly assembly at the Office of the Senior Citizens Affairs (OSCA) of Iligan City every first Wednesday of the month.

3.3 Instrument of the Study

This study made use of a self-made questionnaire, interview, and standardized tests. The structured questionnaire was used to generate data on the profile of the respondents. On the other hand, an interview was conducted to gather first hand information about the health condition of the elderly. This was to ensure accurate information about the lifestyle diseases the elderly were suffering from. Moreover, to obtain the physical fitness health-related status of the elderly, the standardized tests for 2 Minute Step in Place Test, Sit and Reach Flexibility Test, Sit up Test, and Push up Test were used to measure the cardiovascular endurance, flexibility, muscular endurance, and muscular strength. The stress resiliency of the respondents was measured using the standardized resiliency test of Siebert (2006).

3.4 Statistical Tools and Treatment of Data

To analyze the data gathered from this study, the following statistical tools were used: (1) Frequency Count and Percentage. This was used to summarize the profile of the students; (2) Arithmetic Mean. This statistics was used to describe the respondents’ profile into a single coefficient; (3) T-test. This was used to determine whether a significant difference exists between health status of respondents when grouped to vegetarian and non-vegetarian; (4) Spearman’s rho – This non-parametric test was used to measure linear relationship between two variables.

4. Results and Discussion

This part displays the presentation and analysis of data gathered during the conduct of the study. The results of the study are mostly expressed in percentages and means. Moreover, the relationships between the variables are analyzed using Spearman rho and the difference was analyzed using t-test. The profile of the respondents in this study consists of the following areas: Age, Gender, Socio-Economic Status, Educational Attainment, Personality Type, Stress Resiliency Level, Physical Activity Participation, and Vices.

4.1 Age and Gender Profile

More than half of the respondents were between 67 – 80 years old of age. Their average age was 72 years old. As the number of aging person increases in our society, the government and other welfare organizations must be able to assess the health status of our Senior Citizen. Out of 100 respondents 62% were males; 38% were females. Since the respondents of the study were the president, vice-president and secretary of every Senior Citizen chapter in every community in Iligan City, it was found out that majority of the Senior Citizens have masculine preference in selecting leaders among them.

4.2 Socioeconomic Profile

Majority of the respondents belonged to the very low income group (73%). Sixteen 16% belonged to low income group and 11% belonged to middle income group. The average monthly income of the respondents was P6,300.00 and it was skewed to the left. It is further revealed that low income groups tend to consume less fruits and vegetables than higher-income groups especially at present when prices of basic commodities are soaring so high. Out of 100 respondents, 40% of the respondents were either college level or college graduate; 21% of them were high school graduate and more than half (57%) were elementary level/graduated to high school graduate. There is a substantial number of respondents who had reached college or even college graduates. It can be deduced that knowledge on healthy living is generally understood by them.
4.3 Personality Type

Majority of the respondents were cardiac prone (65%), 13% were having high cardiac risk, 12% were a mixture of AB, 6% were having non-cardiac traits, and 3% were less cardiac prone. Using the Siebert Personality Test (2006), it can be deduced that majority of the respondents were prone to cardiac arrest.

4.4 Stress Resiliency Level

As regards to the stress resiliency level of the respondents, more than half or sixty-six of the respondents were either very resilient or were better than most, 20% of them were slow, but adequate, 8% were struggling, and 6% needed help. Using the Resiliency Test of Siebert (2006), it can be deduced that majority of the respondents at this age were resilient in terms of handling problems or situations in life. This can be attributed to the number of years they have lived that as senior citizens they have already passed through difficult situations in life and they were able to overcome them. The ninety-four 94% of the respondents were engaged in regular physical activity; while 6% were not. The result suggested that majority of the respondents had active lifestyles with regards to regular physical activities. In the physical activities of the respondents walking was ranked first; second was gardening/farming; third was jogging and fourth was swimming. The ability to walk in normal condition enabled them to continue to perform walking as their top physical activity, this is mainly because it is the easiest form of exercise in stretching the body’s muscles.

4.5 Physical Activity Participation

In terms of doing physical activities, 73% of the respondents were doing it daily, 16% were doing it every other day, and 11% were doing it 3x a week. Since walking was the respondents’ number one physical exercise, it can be deduced based on the result that most of them were doing this exercise daily, as this is the easiest form of exercise for the elderly. Moreover, the 50% of them were doing their exercises for 15 minutes per session; another 34% were doing it for 1 hour per session and 16% were doing it for 30 minutes per session. Based on the result, majority of the respondents were doing the physical activity daily from 15 minutes to 30 minutes. It is a good sign and a positive indication that the respondents are healthy and that as studies show, exercise can really lead to better health and longer life.

4.6 Vices of the Respondents

In reference to the respondents’ answer on whether they were drinking alcoholic beverages or not, 41% of the non-vegetarians were alcohol drinkers while 64% were not. For the vegetarian respondents, 80% of them were not alcohol drinkers while 20% were drinkers. The results suggest that there are more respondents who are non-alcohol drinkers than those who do. Out of 29 non-vegetarians who drank alcohol beverages, 65% of them only drank alcoholic drinks once in a while, 28% of them were moderate drinkers, and 7% were hard drinkers. Only 4 vegetarian respondents drank only once in a while. The results suggest that most of the respondents, who drink, did it only once in a while. The study of Faloon (2006), found out that Seventh-day Adventist who followed vegetarian diet that is free from tobacco and alcohol live significantly longer than those who eat meat and have vices.

There were 17% of the non-vegetarian respondents smoked cigarettes while 8% did not. For the vegetarian respondents, 80% of them did not smoke while 20% did. The results show that majority of the non-vegetarian and vegetarian respondents did not smoke. The result implies that majority of the respondents are not exposed to smoking that can cause lung cancer in the long run. The status of the respondents with regard to cigarette smoking revealed that out of 12 non-vegetarian respondents who smoke, 83% of them already quit from the habit while 17% of them were still smoking. For the vegetarian respondents, they had already quit smoking. The result suggests that majority of the respondents who smoke had already quit long before becoming senior citizens. This is supported in the study of Hutton (1994), which stated that non-smokers look younger than smokers with the same ages. Not only that, quitting smoking is beneficial for every individual because smoking can cause the blood supply to lessen that will eventually cause the wrinkling of the skin. There were 31% of the non-vegetarian respondents who were exposed to secondhand smoke while only 10% for the vegetarian respondents. 69% of the non-vegetarian were not exposed while 93% of the vegetarians were not exposed as well. The result showed a good indication that the respondents would live longer and enjoy life much longer being free from secondhand smoke as this may cause lung cancer.
4.7 Health Status

Majority of the non-vegetarian respondents were clustered from below average to good cardiovascular endurance (73%) while vegetarian respondents were clustered from very poor to excellent cardiovascular endurance (100%). The results implied that there were vegetarian respondents who have excellent cardiovascular endurance while the non-vegetarian respondents have better cardiovascular according to the clustered below average to good cardiovascular endurance. It can be deduced that both the non-vegetarian and vegetarian respondents have good cardiovascular endurance; this is mainly attributed to the reason that majority of the respondents had already quit smoking prior to becoming senior citizens and were free from secondhand smoke that helped them to have better cardiovascular endurance. Majority of the non-vegetarian respondents’ flexibility were clustered from very poor to good (73%) while that of the vegetarian respondents were also clustered from very poor to good (97%). The result implies that the vegetarian respondents have better flexibility than the non-vegetarians. In the study of Quinn (2007), it was found out that protein, iron, and B12 are essential in effective muscle flexibility and strength training performance and these are not so much present in vegetarian diet. In order for a vegetarian person to improve his flexibility, he/she should supplement himself/herself with vitamin B12. Thus, in this study majority of the vegetarian respondents have higher intake of vitamin B12 which aid them to have a better and higher flexibility than the non-vegetarians.

There were 26% of the non-vegetarian respondents who got a very poor muscular endurance, 14% got excellent, 10% got above average, another 10% got poor muscular endurance, 9% got good, and 4% got below average muscular endurance. As for the vegetarian respondents, 30% got an excellent muscular endurance, another 30% got very poor, 13% got good, another 13% got poor, 7% got above average, and another 7% got average muscular endurance. These show that more non-vegetarian respondents who had performed the activity got lower muscular endurance while the vegetarian respondents had better muscular endurance. This could be supported with the study of Husain (2009), that having a healthy lifestyle free from smoking and alcohol coupled with regular exercise and having a vegetarian diet increases muscular strength and joint support. Thus, in this study, it was prevalent that vegetarian respondents have better muscular endurance than those of the non-vegetarians.

Majority of the non-vegetarian respondents’ muscular strength were clustered from below average to above average (49%) while vegetarian respondents muscular strength were clustered also from below average to above average (84%). Based on the clustered results of the respondents’ muscular strength, it was found out that the vegetarian respondents have better muscular strength than the non-vegetarian respondents. This could be supported with the study of Barr and Rideout (2004) stating that well-planned, appropriately supplemented vegetarian diets appear to effectively support muscular performance.

The medical condition of the respondents revealed that more than half of the non-vegetarian respondents (71%) were suffering from diseases/illnesses while 29% of them were not. For the vegetarian respondents, 70% of them were not suffering from any disease and 30% of them were suffering from different illnesses/diseases. It can be concluded based on the results that more than half of the total respondents (59%) were suffering from a different disease or illnesses. It is confirmed by the study of DeYoung, et al., (2005) which says that aging is inevitable. As one grows older the body organs seems to weaken and its functions altered that includes taste and smell, saliva secretion, swallowing difficulties, liver function and intestinal function. Everyone will grow old but how an individual responds to these changes reflects health status across the life span. Thus, the role of nutrition during the life span categories of adolescence through the middle years provides sufficient information to predict body processes related to aging.

For most of the non-vegetarian respondents, arthritis (44%) was the first common illness. Ranked second was high blood pressure (ranked 1st), diabetes (ranked 2nd), and shared the 6th rank were anemia, arthritis, bronchitis, cancer and kidney stones. As the body’s metabolism starts to slow down, diseases and illnesses will begin to take its toll. Nevertheless, a person can withhold the toll of aging through proper and healthy diet. One study by Melina, Davis, and Harrison (2005), stated that a vegetarian diet is healthier than a diet that emphasizes animal foods. Their study found out that vegetarian diet reduces one’s risk of chronic, degenerative diseases such coronary artery disease, cancer, diabetes, obesity, gallbladder disease, and hypertension. Thus, there were more non-vegetarian respondents who were suffering from diseases than those who were into vegetarian diet.

Majority of the non-vegetarian respondents (76%) and vegetarian respondents (88%) were suffering from their disease for 1 – 19 years already. The average year that the non-vegetarian respondents had been suffering from their diseases was 15 years and 10 years for the vegetarian respondents. The results imply that the toll of aging is experienced by the respondents as DeYoung et al., (2005), stated that everyone ages differently and it all depends how
the body would react with time. It now depends on how the person lives his younger years and the kind of diet he is into. Of the nine vegetarian respondents who were suffering from a disease, 5 got the diseases before adapting a vegetarian diet while 4 got the disease after adapting the diet. The results imply that adapting a vegetarian diet cannot be a guarantee that a person cannot acquire any diseases anymore, however, there are other factors that can contribute that causes a person to acquire one, for instance, inactivity or psychological aspects. Furthermore, Gordon (2008), stated that a person choosing vegetarian diet and do not have professional advice could cause him/her to be deficit in certain vitamins and minerals. Thus, a vegetarian diet done incorrectly would be downright unhealthy. Less than majority of the respondent were vegan (47%) and macrobiotic (20%). With these kinds of diet and based on the study of Anderson and Prior (2007), when followed carefully and with a dietitians' advise, vegetarian diet helps in lowering levels of cholesterol, saturated fats, and body weight. Further, it also reduces the risk of heart diseases, keeps blood pressure low, and lessened the chances of developing Type-2 diabetes. Thus, based on the result majority of the vegetarian respondents have thinner and leaner body structure.

5. Findings

Using the t-test, the results show that the vegetarian respondents have better muscular endurance and muscular strength than the non-vegetarian respondents while their cardiovascular endurance and flexibility did not differ at all. The difference in their muscular endurance and muscular strength could be attributed to the vegetarian diets of the vegetarian respondents. This result is supported with the study of Husain (2009), that a vegetarian diet of at least five servings of fruits and vegetables everyday coupled with regular exercise can lead to a better muscular strength, muscular endurance and joint support that is free from arthritis.

Using the Spearman’s rho Coefficient (ρ), the results demonstrate that vegetarian diets have a positive correlation with their cardiovascular endurance and muscle strength. Nevertheless, the type of respondents did not have any correlation with flexibility and posted a very low correlation with muscular endurance. This result can be supported with the study of Scharffenberg (2005). His study found out that vegetarian diet is low in cholesterol and saturated fat that can cause greater heart attack, thus, reducing the risk thereof. It was found out further that with lower cholesterol levels, it can increase cardiovascular endurance, muscular strength and muscular endurance.

Furthermore, it was found out that significant relationship exist between type of respondents and stress resiliency level and so with personality type. This signify that diet of the vegetarian respondent was positively correlated with personality type, stress resiliency level, and slightly correlated with socio-economic status. Moreover, this implies that vegetarian respondents have better personality type and stress resiliency level. The majority of the vegetarian respondents have higher socio-economic status. This invite the idea that health education is essential in becoming healthy nowadays. In order to fully maximize the effects of vegetarian diets, it is important to consult a dietitian and an individual must have enough financial provision to do so. The study of Didsdall (2002), found out that low-income groups of people have a greater tendency to practice unhealthy diets compared to higher socio-economic groups. Pierson (2008), on the other hand, asserted that without proper knowledge on vegetarian diet on the over-consumption of high-calorie vegetarian foods will lead to weight gain just like meat-based foods, thus, an individual should be educated first on the nutritional values before following a vegetarian regimen. Another factor affected with the type of respondents was resiliency and type of personality. Alejandro (2006), found out that the consumption of meat and other animal products leads to the increase of body temperature that has been conclusively linked to heart attack, thus, affecting the resiliency and personality of a person.

In addition, the results demonstrated that there exists a significant relationship with muscular endurance with smoking and drinking alcoholic beverages. Also, there exists a significant relationship between muscular strength and drinking. This means that the muscular endurance was negatively correlated with smoking and drinking; and muscular strength is negatively correlated with smoking. This implies that as the respondents will lessen or stop their cigarette smoking and drinking of alcoholic beverages, their muscle endurance and strength improve. The correlation of muscular endurance and muscular strength can be supported with the study of Nieman and Stanton (2005), they found out that cigarette smoking and too much drinking of alcoholic drinks can lead to coronary diseases that weaken the body muscles, thus lowering the muscle endurance and muscle strength. On the other hand, Hutton (1994) added that smoking can cause the wrinkling of one’s skin that leads to poor flexibility and also leads to poor muscle endurance and strength. With the negatives effects of smoking and drinking, it can be concluded that to attain improved and better physical fitness, one must be free from vices.

The significant relationship between medical condition with personality type, stress resiliency level and active
physical participation also exist. This means that the medical condition was positively correlated with stress resiliency level, personality type, and physical activity participation. The result further implies that the better the medical condition of the respondents, the better it is its stress resiliency level, better personality type, and improved physical activity participation. Even though aging is inevitable, a person can withhold time by living a healthy lifestyle through vegetarian diet that leads to better medical condition. There are several studies conducted about vegetarian diets that can lead to healthier body. One study by Melina, Davis, and Harrison (2005), suggested that vegetarian diet reduces one’s risk of chronic, degenerative diseases such as coronary artery disease, cancer, diabetes, obesity, osteoporosis, gallbladder disease and hypertension. With all the benefits of vegetarian diets, it can be concluded that vegetarian diets can lead to a better medical condition and improved physical activity participation.

Similarly, there exists a significant relationship between lifestyle diseases and stress resiliency level and so with physical activity participation. This result suggests that lifestyle diseases were negatively correlated with stress resiliency level, and personality type. This means that the better the personality type and stress resiliency level of the respondents, the lesser he/she will acquire the lifestyle diseases. DeYoung et al., (2005) in their study stated that the elderly may struggle with the deaths of family members and prone to emotional breakdown. He further added that sometimes death of family members to lead to isolation and depression. Thus, a person with a well-adjusted personality and high stress resiliency level has a lower risk of lifestyle diseases and may live longer.

6. Conclusion

The findings of this study lead to the conclusion that having a vegetarian diet is good; however, it is not a guarantee that a person will no longer acquire diseases. This is true since man’s body is composed of cells which are tremendously fragile that needs extreme care. While body cells are healthy a person could function well. They are not seen in our naked eye; however, in times that they become weak the body can no longer perform well. The concept of taking some precautionary measures in order to avoid sickness is very important in one’s life. Ultimately, its significance should be considered.

References

Didsdall, et al. (2000). Low-income consumers' attitudes and behavior towards access, availability and motivation to eat fruit and vegetables.


New Approach to Analysis Public Preferences for Local Financial Reforms: 
Greater Tel-Aviv Metropolitan Area as a Case Study

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Abstract

Central municipalities (CM) provide services and facilities to their residents and businesses. However, daily commuters also use some of these services, whilst generally avoiding participation in their upkeep as they pay their local taxes elsewhere. This situation has, since the 1980s, led many Western countries to look for new financial sources and to initiate several local financing reforms. Using a survey among residents in the Greater Tel-Aviv Metropolitan Area (GTAMA), we investigated the feasibility of replacing the current local financial system with alternatives based on various cost-sharing schemes among all CM service users. The results were analyzed using "Cusp Catastrophe" approach. They indicated a generally low level of support for financial reforms, with residential location and academic education being the only significant variables determining support, neutrality of rejection attitudes. Unexpectedly, the strongest support for the current allocation scheme was indicated in the GTAMA core (i.e., the city of Tel-Aviv), which residents could benefit most from changes in the local financial system.

1. Introduction

Local tax revenues are crucial for local authorities' income affecting their ability to provide public services and facilities (Dye, Merriman, & David, 2000; Garcia-Milà & McGuire, 2003; Jaramillo, 2003; Lee, Gook, & Webster, 2006; Karuppusamy and Carr, 2013). In general, local revenues of municipalities are based on property taxes and business ventures. In the U.S.A., for example, local government revenues depend primarily on property taxes, although dependence on sale tax and user charges is increasing.

The income from local taxes and other locally generated fees are sensitive to socioeconomic and even political changes. Therefore, local authorities, mainly central municipalities (CMs), need time to adjust to the new realities (Storperand Manville, 2006). So far, most of the taxes collected in CMs come from local residents and businesses. Suburbanites continue to use services and facilities provided by CMs whilst avoiding participation in their upkeep (Lee et al., 2006; Vaturi et al., 2004).

Recent studies have examined the impact of changes in governmental support schemes (Warner & Pratt, 2005) and other solutions for these needs. Researchers such as Pastor et al. (2000); Braid (2000); Zheng and Warner (2010) and Rohlin (2011), focused on changes in the tax system, or specific tax-sharing models (Rohlin (2011); Braid, 2000; Dye et al., 2000; Ritter & Oldfield, 1990); changes in the structure of local expenditures (Katz, 2000); road fees (Emmerink, Nijkamp, & Rietveld, 1995), or regional tax alternatives (Martin & Schmidt, 1983). However, only a few studies have evaluated the public acceptance of such local financial reforms in light of political measures that need significant public support to succeed (Warner & Pratt, 2005).

Using a wide public survey among residents of Greater Tel-Aviv Metropolitan Area (GTAMA), the goal of this paper is to examine public support for different intra-metropolitan cost-sharing measures in the metropolis.

Unlike most previous studies of inter-metropolitan relationships which were based on the assumption of linearity of relationships between research variables (see inter alia Ritter & Oldfield, 1990), the present study is based on the ‘cusp catastrophe’ approach (Figure 1). The uniqueness of this approach is that it assumes that at a crucial point the public response may split into three levels: support, rejection, and neutrality (see inter alia Casti & Swain, 1975; Thom, 1975; Wilson, 1981).

We found that most of the interviewees, including the residents of the CM, who carry most of the metropolitan expenditures, appear to be satisfied with the current financial system and generally object potential reforms. Only the ‘road toll,’ ‘governmental aid’ and the ‘redistribution of central functions’ reform options received a significant degree of support from the interviewees and may thus have a chance to gain general public support in GTAMA, if implemented.
2. Previous studies of local authorities' financial systems

Recent studies advocating the concept of 'endogenous growth' indicated that central municipalities (CMs) have this kind of economic competitiveness, which helps them improve the prosperity of their cities (Bartik, 1992; Glaeser & Gottlieb, 2006; Hassi, 2010). Other studies focused on outward migration of residents and businesses to suburban areas, which eroded locally generated income in many central cities in Europe and North America (Bailey, 1999; Lee et al., 2006; Pastor et al., 2000; Hanson and Rohlin, 2011).

While most often people from the suburbs enjoy the benefits of urban life in the CM without having to help pay for them, the expenditures of the central cities remain the same or even increase. Experience from large cities in the US such as Portland, Oregon, suggests that metropolitan financial management measures require some combination of taxes and charges designed to create the necessary incentives for balancing metropolitan expenditures (Leo, Beavis, Carver, & Turner, 1998).

In this sense, Bartik (1992) indicates that state and local taxes have statistically significant negative effects on the economic growth of a state or metropolitan area. However, the range of plausible tax effects is large. For small suburban jurisdictions, taxes have more powerful effects on business growth than is true for metropolitan areas or states. These effects are so powerful that a cut in business property tax rates could plausibly raise revenue for a suburb.

Regarding changes in local business model, Zheng L., and Warner (2010), found a shift from primary reliance on business incentives to use of a broader set of strategies that includes business retention and small business support.

Various possibilities of changing tax systems have been examined by several studies in the U.S.A. (Pastor et al., 2000), France (Prud'homme, 1996), Italy (Levaggi, 1996), the U.K. (Else, 1996), and Israel (Hecht, 1997). The results of these studies show that tax reform cannot solve all the CMs' financial problems and, in any case, there is no uniform financial solution suitable for all CMs, as the solutions have to fit local conditions.

Thus, Mikelbank et al. (2007) analyzed the Residential Property Tax Abatements program in Cleveland, Ohio, and found that for center cities located in stagnating economies with relatively little population growth, residential property tax abatement programs can have important positive effects.

Electronic Road Pricing (ERP) is another popular 'cost-sharing'. ERP is based on a pay-as-you-use principle and designed to be a fair system, as motorists are charged when they use the road during peak hours. It is an electronic system of road pricing used mainly in South-East Asia and in some cities in the US and Western Europe. Its aim is to deal with traffic congestion by use of pricing as an alternative to investment, leading to expensive solutions that might not be efficient or economical (Olszewski & Tay, 1996).

Jacobsson, Fujii, and Garling (2000) showed that the public's acceptance of this model is negatively affected by perceived infringement on freedom and unfairness, which increases with the intention to reduce car use.

A Regional Tax-Base or Revenue Sharing technique is another local financial scheme that attempts to increase the self-reliance of central cities (Imbroscio, 1993; Martin & Schmidt, 1983). This kind of scheme requires that each community designate some part of its assessed value base, or stream of tax revenues, for inclusion in a regional pool of assessed values or tax revenues that is then divided among all localities in the pool. (Braid, 2000; Köthenbürger, 2004).
Central government support aiming to balance the anomalous financial burden of central cities is another option to deal with their financial problems. Thus, Warner and Pratt (2005), who examined the role of state policy on local revenue effort in the mid-Atlantic and East North-Central regions of the US in the late 1980s, came to conclusion that, although the average impact of state aid is negative, for more than half of the counties state aid has a complementary effect – increasing effort.

3. ‘Cusp catastrophe’ approach and its applications in urban policy studies

Most urban studies dealing with municipal financial systems and intra-metropolitan relationships are restricted to a linear ‘factor-response’ approach, which has one dependent variable and several explanatory variables (McMillen & Singell, 1992; Mikelbank et al., 2007). In essence, this approach describes a simple response surface which changes slowly and smoothly: it is flat in every direction and exhibits one reaction to each of the covariates. Unlike this 'linear factor-response' approach (Fig. 1a), the 'cusp catastrophe' approach is concerned with sudden and discrete changes in system state variables, resulting from slow, smooth, and small changes in one or more parameters (Cobb & Shelemyahu, 1985; Thom, 1975; Wilson, 1981).

To maximize flexibility in the variables, the 'cusp' model introduces two additional degrees of freedom by defining three 'control factors'. Each is a scalar-valued function of the vector of independent variables (Cobb & Shelemyahu, 1985). Thus, in a 'cusp' model, the bifurcation curve loops back on itself, giving a second branch where this new solution itself loses stability. Possibly, later on it can return to its original position (Fig. 1b).

4. Sources of income and expenditures of local authorities in Israel

As many other countries, Israel has a two-tier system of government. The central government is responsible for defense, law and order, medical care, higher education, and other country-wide functions and services. Municipalities (251 as of 2005) bear responsibility for local matters including sanitation, sewage, local parks and recreation, housing renewal, planning, issuing building permits, and provision of other services and facilities to residents of the areas under their jurisdiction. Schooling and social services are provided jointly by municipal authorities and the central government (Vaturi et al., 2004).

Amona (the local property tax) is the single largest source of income of most local authorities (LAs) in Israel. It amounted to 42 per cent of the total budget income of LA municipalities in 2009. The second largest source of the LAs’ municipalities’ income was transfers from the central government – 29 per cent in 2009 (ICBS 2010).

As Hecht (1997) argues, local authorities in Israel do not have great flexibility regarding expenditures. He suggests that, regarding local property taxes, there is a need to convert the general municipal property tax on commercial property into a turnover tax, so that all those who benefit from municipal services, including those who do not live within the jurisdiction of the local authority, participate in its funding.

5. Research scope and methodology

To identify the degree of fairness of the current financial system and ways of improving it, we carried out a public survey among 400 residents of GTAMA. The questionnaire examined overall satisfaction from the current allocation of Tel-Aviv (TA)’s expenditures between residents and non-residents and evaluated support of six financial alternatives for the current financial system, under which no inter-municipal cost-sharing occurs. The survey was carried out in central areas of TA, in business centers, cultural centers, health centers, and leisure centers at different times of the day, to ensure the maximal representation of different social groups. Of the 400 interviewees, 55% were male and 45% were female, compared to 52% males and 48% females in the GTAMA as a whole. Regarding age groupings, about 14% of people were above the age of 55, 24% between 25 and 54, and 18% between the ages of 19 to 24, which generally corresponds to the age structure of the metropolitan population. The sample kept the representative structure of residents (35%) and non-residents (65%) in TA (Tel-Aviv–Yafo Municipality, 2011).

5.1 Statistical modeling
In the first phase of the analysis, descriptive statistics (means, frequencies, etc.) were used to analyze the public attitudes towards potential reforms in GTAMA. Next, logistic regression models were used to identify factors affecting public attitudes’ split into support, rejection, and indifference (neutrality). As we assumed from the outset of the analysis, public response to policy options does not develop linearly as a simple ‘factor-response’ relationship. Therefore, there is a need to evaluate different attitudes, and to identify the factors that may affect each of them separately.

5.2 Dependent variables

The following evaluation options were offered to survey participants to assess the level of their satisfaction with the current distribution of the CM’s expenditure burden between residents and non-residents:

- Support – the current allocation scheme is fair and even gives advantage to non-residents;
- Neutrality – the current allocation is neither fair nor unfair and
- Rejection – the current allocation gives advantage to CM residents and should be corrected.

In order to estimate what type of attitude to various cost-sharing alternatives the GTMA residents are likely to exhibit, depending on their residential location and an array of personal characteristics, the following explanatory variables were used in the analysis: AGE [the age of the respondent]; SEX [male; female]; EDUCATION [academic degree, high school education or less]; INCOME [less than NIS4,000 (the minimal national salary), NIS4,000–10,000, and NIS10,000 +]; WORK [employed, unemployed]; WORK COMMUTING [visits to Tel Aviv for work-related purposes at least once in two weeks vs. less than once in two weeks]; LEISURE COMMUTING [the same for entertainment and leisure].

In addition, four categorical (dummy) variables – Core, Inner ring, Middle ring, and Outer ring of GTAMA – were used to represent the residential location of a respondent. As assumed, residential location may have distinctive effects on public preferences regarding tax reform options.

6. Research results

6.1 Satisfaction with the current cost-allocation

Table 1 shows the factors affecting each of the three assessments of the current inter-municipal cost-allocation scheme, offered to the survey participants for evaluation, – ‘favoring periphery’, ‘fair allocation’, and ‘favoring TA.’ As Table 1 shows, factors significantly influencing each of the evaluation options are not identical. Thus, the high level of education appears to influence the respondent’s decision to vote for the ‘favoring periphery’ option (Exp(b)=1.803; P<0.1), while reducing the probability of choosing alternative assessments (‘fair allocation’: Exp(b)=0.555; P<0.05, and ‘favoring TA’: Exp(B)=0.887; P>0.05). This implies that a certain level knowledge (or education in general) is needed to realize that the current system of inter-municipal cost allocation, under which resident taxes are paid to local municipalities but many services are provided by the CM, falls short of complete fairness.

Table 1: Factors affecting the public attitude towards current cost-allocation scheme in GTAMA (method: logistic regression; maximum likelihood ratio)

| Variable | 'Favoring periphery' | | | 'Fair allocation' | | | 'Favoring TA' | |
|----------|-----------------|---|---|-----------------|---|---|-----------------|
| Intercept | -1.309 | 2.065 | 0.757 | |
| TA | -1.876 | 0.153 | 0.253 | 1.288 | -1.623 | 0.191 | |
| Inner ring | 0.533 | 1.705 | 0.788 | 2.198 | 1.321 | 3.747 | |
| Middle ring | -0.712 | 0.591 | 0.312 | 1.366 | -0.400 | 0.670 | |
| Outer ring | -0.817 | 0.442 | 0.044 | 1.045 | -0.773 | 0.462 | |
| Age | -0.034 | 0.967 | -0.020 | 0.980 | -0.054 | 0.948 | |
| Education | 0.589c | 1.803 | -0.589c | 0.555 | -0.119 | 0.887 | |
| Gender | 0.303 | 1.226 | 0.382 | 1.486 | 0.586 | 1.797 | |
| Income | -0.031 | 0.969 | 0.159 | 1.170 | 0.125 | 1.134 | |
| Work | 1.524 | 4.590 | 0.314 | 1.848 | 2.138b | 8.481 | |

1 New Israeli Shekel (NIS3.7=ca. US$1).
2 These variables are ‘contrasted’ with ‘other’ areas which refer to any place in the country outside GTAMA.
Unsurprisingly, living in TA reduces significantly the interviewee's propensity to vote for the 'favoring TA' option (Exp(B)=0.191; P<0.01; Table 1), so does the age of the respondent (Exp(B)=0.948; P<0.01). Concurrently, working in TA increases the odds ratio of voting for the 'favoring TA' option, apparently because of the high costs of parking services work-commuters are forced to pay in TA. Characteristically, none of these factors (i.e., age group, living in TA and working their) emerged as statistically significant in the 'favoring periphery' and 'fair allocation' models.

### 6.2 Public support for cost-sharing alternatives

Living in the Inner ring appears to reduce significantly support for most tax reform options, viz. additional VAT, additional labor tax, regional tax, cars fees, and even governmental grants. Inner ring also emerges as the main factor in most 'rejection' models. Apparently the close proximity of the Inner Ring to the CM enables its residents to 'use CM's free services (e.g., public beaches, open spaces, etc.) often. As a result, they may fear that any new tax for non-resident users will be levied mainly upon them. However, the Inner Ring variable does not emerge as statistically significant in most 'neutrality' models, except for the last one – 'redistribution of central functions'. This indicates that the residents of this ring are clearly 'opinionated,' taking a clear stance against any change in the status quo.

Table 2: Factors affecting acceptance of the 'Car fees' option by survey respondents. (Dependent variable – reform acceptance; method: binary logistic regression/likelihood ratio)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Support Model</th>
<th>Neutrality Model</th>
<th>Rejection Model</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Exp(B)</td>
<td>B</td>
</tr>
<tr>
<td>Intercept</td>
<td>-3.418</td>
<td>1.648</td>
<td>3.418</td>
</tr>
<tr>
<td>TA</td>
<td>0.372</td>
<td>1.450</td>
<td>0.421</td>
</tr>
<tr>
<td>Inner ring</td>
<td>-1.575</td>
<td>0.207</td>
<td>-0.283</td>
</tr>
<tr>
<td>Middle ring</td>
<td>-0.430</td>
<td>0.650</td>
<td>-0.293</td>
</tr>
<tr>
<td>Outer ring</td>
<td>0.409</td>
<td>1.506</td>
<td>-0.781</td>
</tr>
<tr>
<td>Age</td>
<td>0.028</td>
<td>1.029</td>
<td>0.006</td>
</tr>
<tr>
<td>Education</td>
<td>0.610</td>
<td>1.842</td>
<td>0.438</td>
</tr>
<tr>
<td>Gender</td>
<td>-0.296</td>
<td>0.744</td>
<td>-0.309</td>
</tr>
<tr>
<td>Income</td>
<td>-0.062</td>
<td>0.940</td>
<td>-0.493</td>
</tr>
<tr>
<td>Work</td>
<td>-0.630</td>
<td>0.532</td>
<td>0.456</td>
</tr>
<tr>
<td>TA-work</td>
<td>0.752</td>
<td>2.120</td>
<td>0.630</td>
</tr>
<tr>
<td>TA-leisure</td>
<td>-0.157</td>
<td>0.856</td>
<td>-0.732</td>
</tr>
</tbody>
</table>

Being employed reduces significantly the interviewee's propensity to vote for regional tax (Exp(B) = 0.286; P<0.05); but does not emerge as a statistically significant factor in the neutrality model (P>0.1). Concurrently, the neutrality model for this reform option is affected by education (Exp (B) = 1.773; P<0.01), working in TA (Exp(B)=3.092; P<0.01) and age (Exp (B) = 1.043; P<0.05; This indicates that older and educated people do not necessary have more propensity to support reforms, being rather indifferent to any potential changes.

Notably, the respondents' support and rejection of cars fees are affected significantly by several factors, which...
to them.

high taxes CM residents pay, they appear to be satisfied with the present-day prosperity which the city’s economy brings

of the GTAMA core (59%) compared to an average of only 44% among non-residents. This indicates that despite the

support in this direction.

that financial burden is shared more equally between all the residents of the metropolitan area, showed a very low

back, but also its environmental advantages (i.e., reduction in transport-generated pollution).

7. Conclusion

CMs are heavily dependent on local taxes paid by residents and businesses as main sources of their revenues.

Our examination of the responses of GTAMA residents to possibilities of changing the current financial system in a way

that financial burden is shared more equally between all the residents of the metropolitan area, showed a very low

support in this direction.

Somewhat unexpectedly, the highest support for the current cost-allocation scheme was indicated by the residents

of the GTAMA core (59%) compared to an average of only 44% among non-residents. This indicates that despite the

high taxes CM residents pay, they appear to be satisfied with the present-day prosperity which the city’s economy brings
to them.

Examination of the public responses regarding specific cost-sharing options shows that ‘cars fees’ (road tolls) and
the ‘distribution of central functions’ alternatives received the highest support by most of the respondents accept those
residing in TA and the Inner Ring. The relative large support for the ‘distribution of central functions’ option indicates that
many residents of the metropolis would prefer to have more jobs and services in their home towns. In contrast, the
residents of TA and the Inner Ring, rather naturally, reject this option, being reluctant to lose the advantages of being
CMs, such as a large pool of jobs and economic growth.

In general, the road toll option was found to be relatively popular among survey participants. It may be due to its
potential public benefits, such as environmental improvement attributed to reduced transport congestion.

The advantage of using a three-tier evaluation approach was indicated also in this part. For example, it helped to
identify not only the social groups that are likely to support or reject each cost-sharing alternative, but also those who
may be neutral to them. Working with such ‘neutral groups’ may help to understand what should be done to improve a
particular cost-sharing option and thus gain their support. The identification of the population groups, ‘inclined to
neutrality’ may also help to identify weaknesses of the proposed policy alternatives, which cannot be done by using a
more ‘straightforward’ linear response approach.

Another interesting finding of this study is that the Inner Ring residency is the dominant factor that affects public
attitudes regarding most reform alternatives. However, it impacts mainly the support or rejection levels in each option,
while having no significant impact on the neutrality choice. This can be explained by the fact that the residents of this
metropolitan ring are clearly ‘opinionated,’ taking a clear stance against any change in the status quo.

Unlike popular options such as ‘governmental grants,’ which depend on political agreement between the central
and local authorities, ‘redistribution of central functions,’ or ‘road tolls,’ the study suggests that these options are likely to
gain a fair degree of public support if implemented in GTAMA. In particular, the study shows that the public can support a
demanding policy measure such as car fees much more easily when they are convinced that it gives them an advantage
as well, such as environmental improvement. This is a clear advantage that can be seen in the short term, unlike the goal
of the just cost-sharing which is more abstract and its real impact will (or will not) be shown in the long term.

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Pro-Cyclical Regulation and its Consequences in the Credit Crisis

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Abstract

As it is widely agreed in modern scientific literature, governments can influence and amortize the consequences of business cycles to national economies. Grounding on the New-Keynesian point of view the best way of doing it, is implementing the counter-cyclical fiscal policy, i.e. in times of economic slow-down government expenditures and overall tax level diminish and in the period of economic growth government expenditures and taxes simultaneously increase. However, this kind of fiscal policy is subject to adoption not in all countries. The analysis of scientific literature revealed, that economically weaker countries due to various financial limitations are forced to implement the opposite of the counter-cyclical policy – the pro-cyclical policy, which in times of economic slow-down accelerates the negative effects and in most cases results in credit crisis.

The aim of the article is to reveal and analyze the core consequences of credit crisis if the country adopts a pro-cyclical strategy. Those include: congelation of all types of credits, difficulties for businesses to obtain credits; declining values in real estate and contraction of the whole construction sector; high loss of property rights (foreclosure) rates and default rates on credits; diminishing consumption of households and businesses; numerous close-downs of small and medium enterprises (SMEs); rise in unemployment; growing emigration, brain-drain and etc. Conducting the analysis of consequences of credit crisis in pro-cyclical economies the methods of comparative analysis and systematization of scientific literature and statistical data were employed.

Keywords: credit crisis, pro-cyclical regulation, economic downturn, unemployment, emigration

1. Introduction

The economic crisis of 2008 has raised countless discussions both in business and academia on the government role in driving the countries’ economies through the economic cycles. It is generally agreed that the correct fiscal policy adopted can mitigate the negative effects of the economic downturns, which are a natural part of the economic cycle. In recent decades various regulation policies meant to control the consequences of business cycles have become of great importance. The inevitable impacts of globalization processes, spread of crisis effects across markets and entire continents are growing at a geometrical progression. Secondly, stabilization policies effectiveness varies greatly in

1 This research is funded by a grant (No. IEP-01/2012) from the Research Council of Lithuania.
different countries. Some countries manage to stabilize the business cycle negative effects quite easily, while in other countries, the stabilization process is long and complicated. Thirdly, policies adopted in the European Union countries for stabilizing the business cycle implications are particularly significant because their monetary policies are restricted. The core aim of the article is to reveal and analyze the core consequences of credit crisis if the country (due to specific reasons) adopts a pro-cyclical strategy. Conducting the analysis of consequences of credit crisis in countries pro-cyclical economies the methods of comparative analysis and systematization of scientific literature and statistical data were employed.

2. The essence of cyclical regulation

Modern scientific literature on the subject proposes a unified approach that the correct fiscal policy can help to stabilize the economy while maintaining the aggregate demand and private sector revenue during the economic downturn, and regulate the economic activity in periods of strong economic growth. Pro-cyclical, a-cyclical and counter-cyclical regulations have been subject to analysis in a number of economic theories and schools of thought. Table 1 below reveals the essence of pro-cyclical, counter-cyclical and a-cyclical regulations as options for fiscal policy in the context of business cycle theory.

Table 1. Pro-cyclical and counter-cyclical regulation

<table>
<thead>
<tr>
<th>Business cycle theory</th>
<th>Description</th>
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<tbody>
<tr>
<td>Pro-cyclical regulation</td>
<td>Any economic quantity that is positively correlated with the overall state of the economy. That is, any quantity that tends to increase when the overall economy is growing is classified as pro-cyclical.</td>
</tr>
<tr>
<td>Counter-cyclical regulation</td>
<td>Any economic quantity that is negatively correlated with the overall state of the economy is said to be counter-cyclical. That is, quantities that tend to increase when the overall economy is slowing down are classified as 'countercyclical'.</td>
</tr>
<tr>
<td>A-cyclical regulation</td>
<td>Any economic quantity that does not correlate with the overall state of the economy. That is, any quantity is independent whether the economy is growing or slowing down.</td>
</tr>
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However, in economic policy context the pro-cyclical regulation refers to any aspect of economic policy that magnifies fluctuations in economics and finance. Pro-cyclical fiscal policy occurs at a higher (lower) level of government spending and lower (higher) tax rates level in good (bad) times. This policy is known as pro-cyclical due to its tendency to strengthen the business cycle (i.e., fiscal policy is expansionary in good times and damping at bad times). It is important to emphasize, that the effects of the single Eurozone interest rates on the comparatively high-inflation states in the Eurozone territory is considered to be pro-cyclical and leads to very low interest rates in the growth period which only accelerates economic booms and real estate price bubbles whose sudden busts augments the downturns.3

Counter-cyclical policy occurs at lower (higher) level of government spending and higher (lower) tax rates at the level of good (bad) times. Such policy is known as counter-cyclical because it seeks to stabilize the business cycle effects (i.e., fiscal policy is tightening the economy in good times and expanding in bad times). In the case of counter-cyclical policy, the tax rates are high in good times and low in bad times, which means that the income tax (calculated as the tax rate times the tax base) and the primary balance (calculated as revenues from taxes minus government spending (excluding interest payments)) has a positive correlation with the business cycle, since the revenue from the tax increases (decreases) and government spending decreases (increases) in good (bad) times. The opposite direction to the business cycle will change government spending (g) to GDP ratio since the government expenditure (g) will decrease

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2 It is noteworthy to mention that the financial regulatory regime of the Basel II Accord is being especially criticized for its pro-cyclical effects, which are very actual to the less developed economies. The essence of the regulations caused problems is that it requires financial institutions to increase their capital ratios as the institutions encounter higher risks. Unfortunately, this leads to diminished lending, when it is most necessary, i.e. at economic slowdowns or crises, which only deepens their negative effects.

3 The best illustrating examples are the “Celtic Tiger” economic explosion period in Ireland in 1995-2008, the “Baltic Tigers” rapid economic growth period in Lithuania, Latvia and Estonia in 2000-2007) followed by deep recessions, continuing until now.
(increase) in good (bad) times. Generalizing, an economic or financial policy can be called counter-cyclical if it works against the cyclical tendencies in the economy. That is, counter-cyclical policies are ones that cool down the economy when it is in an upswing, and stimulate the economy when it is in a downturn.

A cyclical fiscal policy occurs at a constant level of government spending and constant tax rates in various stages of business cycles (government spending and tax rates do not change with the business cycle). Such a policy is called acyclic, since it does not enhance or stabilize the business cycle (Kaminsky et al., 2004). Acyclic fiscal policy in the tax rate of the business cycle is constant and the tax base increases in good times and decreases in bad times, and thus correlation of income tax variable with the business cycle is positive. The ratio of government spending to GDP is negatively correlated with the business cycle, for a continuation of government spending, and grounding on the definition, the GDP is high (low) in good (bad) times (Kaminsky et al., 2004).

In the last decade of the twentieth century cyclical policy problems were subject to discussion in scientific literature in Gali (1994), Fiorito and Kollinz (1994) and Fiorito (1997), who found that government spending is contra-cyclical or acyclical in developed countries. This approach is also supported by Perotti (2003); Lane (2003); Kaminsky et.al. (2004) and Alesina, Tabellini (2005). In the scientific literature analysed, there is a strong consensus that governments of the less developed countries have pro-cyclical policies. The scientific literature analysed proposes several perspectives of the less developed countries policy pro-cyclical. The first approach relies on the financial market constraints (Gavin and Perotti (1997); Riascos and Vegh (2004)), the second – focuses on the political constraints (Talvi and Vegh (2005), Alesina and Tabellini (2005), Iietzki (2007).

So what kind of cyclical policy is most appropriate for a small open economy? The scientific literature on cyclical policies is mainly focused on Keynes theory representatives, who argue that fiscal policy needs to act as a stabilization tool and should be counter-cyclical. According to Karazjiene (2009), Kindsfateriene and Lukasevicius (2008), Lakstutiene (2008) in the period of the economic downturn, the government has to increase spending and reduce taxes in order to reduce the impact of the recession to the economy but during the economic boom – the government has to reduce government spending and raise taxes, i.e. carry out a damping fiscal policy.

Furthermore the Keynesian economists advocate the use of automatic and discretionary counter-cyclical policies to lessen the impact of the business cycle. One example of an automatically countercyclical fiscal policy is progressive taxation. By taxing a larger proportion of income when the economy expands, a progressive tax tend to decrease demand when the economy is booming, thus reining in the boom. Other schools of economic thought, such as monetarism and new classical macroeconomics, hold an opinion that countercyclical policies may be counter-productive or destabilizing, and therefore favour a laissez-faire policy as a better method for maintaining an overall robust economy. When the government adopts a counter cyclical fiscal policy in response to a threat of recession the government might increase the infrastructure spending.

The analysis of the scientific literature has also revealed that pro-cyclical fiscal policy is detrimental to the economy (Perotti, 2007; Woo, 2009), but with different restrictions in present governments of less developed countries are not able to carry out the counter-cyclical fiscal policies at the period of the economic downturn. Cabalero and Krishnamurty (2004) indicate that on the onset of restrictions on credit markets, pro-cyclical fiscal policy changes must be made on the expenditure side, but not the tax side, i.e. government should reduce the public sector current expenditures, help firms in difficulty as much as possible. And also the governments of the less developed countries should as much as possible reduce the budget deficit in order to mitigate the effect of private investment outflows, which occurs much stronger in the period of the credit crisis.

3. The relation between a pro-cyclical regulation and credit crisis

The scientific literature analysed, proposes a unified approach that a pro-cyclical regulation (usually adopted by the less developed countries having no other options) generally leads to (or strengthens) the effects of the economic crisis, a part of which is a credit crisis, analysed in this paper. In general terms a credit crisis is a sudden loss of loans (or credits) accessibility or a tightening of the conditions required to get a credit from a financial institution. According to Gilchrist et al. (2009), in such situations, the relationship between credit availability and interest rates implicitly changes, so that either credit becomes less available at any given official interest rate, or there ceases to be a clear relationship between interest rates and credit availability.

As scholar Simkovic (2008) states, there are a number of reasons why banks might suddenly stop or slow the lending activity: for example, inadequate information about the financial condition of borrowers can lead to a boom in lending when financial institutions overestimate creditworthiness, while the sudden revelation of information suggesting
that borrowers are or were less creditworthy can lead to a sudden contraction of credit. According to Lakstutiene, Breiteryte and Rumsaite (2009), Lakstutiene, Vasiliauskaitė and Leitoniene (2006) causes of credits and loans congelation may include an anticipated decline in the value of the collateral used by the banks to secure the loans; an exogenous change in monetary conditions (for example, where the central bank suddenly and unexpectedly raises reserve requirements or imposes new regulatory constraints on lending); the central government imposing direct credit controls on the banking system; or even an increased perception of risk regarding the solvency of other banks within the banking system.

As stated by Rajan (2005) and Thoma (2010), a credit crisis is often caused by a sustained period of careless and inappropriate lending which results in losses for lending institutions and investors in debt when the loans turn sour and the full extent of bad debts becomes known. Careless lending tends to occur more often in fragmented, competitive credit markets in which lenders may compete with one another for market share and revenue by relaxing standards. However, by contrast, concentrated credit markets tend to have tighter standards and greater stability, states Simkovic (2011).

Financial institutions facing losses may then reduce the availability of credit, and increase the cost of accessing credit by raising interest rates. In some cases lenders may be unable to lend further, even if they wish, as a result of earlier losses.

The crisis is generally caused by a reduction in the market prices of previously "overinflated" assets and refers to the financial crises that result from the price collapse (Bank for International Settlements, 2000). This can result in widespread foreclosure or bankruptcy for those investors and entrepreneurs who came in late to the market, as the prices of previously inflated assets generally drop precipitously.

A prolonged credit crisis is the opposite of cheap, easy and plentiful lending practices (sometimes referred to as "easy money", "loose credit", or "malinvestment"). During the upward phase in the business cycle, asset prices may experience bouts of frenzied competitive, leveraged bidding, inducing inflation in a particular asset market. This can then cause a speculative price "bubble" to develop. As this upswing in new debt creation also increases the money supply and stimulates economic activity, this also tends to temporarily raise economic growth and employment (at the state of expansion), state Rowbotham (1998) and Cooper (2008). In the rapid growth periods described above, the role and correct actions of the countries governments are of crucial importance in escaping the pro-cyclical effects to the economy.

Figure 1. Annual GDP growth rate.

Source: data collected from Eurostat *2013 values are estimates

Figure 1 above illustrates the unbleness of the three Baltic governments to mitigate the effects of the economic cycle in the context of annual GDP growth rate. The economic boom of 2004-2007 is followed by a damaging crash in 2009. Many pro-cyclical policies and actions have greatly contributed to the scope of the economic downturn. In the context of correct fiscal policy adoption by a small open economy, the Lithuanian case is (unfortunately) an example of what not to do. In 2007 due to the economic heating the temporary budget income was turned into the full budgetary costs and liabilities, i.e. 34.4 billion Litas government spending in 2007 rose to 41.6 billion Litas in 2008. The reserves were not
collected nor from a surplus of income neither from other sources. On the basis of better than expected earnings the regularly reviewed mid-year budgets only increased spending. The Lithuanian Social insurance reserves fell from 1.9 billion Litas in 2007 to 0.6 billion Litas in 2008 and in December 2009 the Social Insurance deficit was fixed at 2.3 billion Litas. All this and pro-cyclical fiscal policies (Personal Income Tax cuts in 2008, failure to implement the real estate tax) not only created huge structural deficit, which "naked" at the disappearance of cyclical income, but continued heating up the economy by bursts of artificial demand. Observing other European countries situations, it is important to mention that there is a wide space of learning from them. Table 2 below illustrates the means employed by some of them to avoid the pro-cyclical effects and credit crises.

Table 2. Means employed by European countries to avoid the pro-cyclical effects and credit crises.

<table>
<thead>
<tr>
<th>Country</th>
<th>Measures</th>
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<tbody>
<tr>
<td>United Kingdom</td>
<td>On the basis of Constitutional laws in the period of the economic cycle the government seeks to balance the budget in relation to the &quot;golden rule.&quot;</td>
</tr>
<tr>
<td>Germany</td>
<td>The Constitution requires a balanced budget by the national classification.</td>
</tr>
<tr>
<td>Italy</td>
<td>Both the Constitution and laws require municipalities to have a balanced budget in accordance with the national classification.</td>
</tr>
<tr>
<td>Poland</td>
<td>Both the Constitution and laws require not to exceed certain debt indicators.</td>
</tr>
<tr>
<td>Austria</td>
<td>The Constitution based laws require having a balanced municipal budget in a four-year period, in accordance with the European System of Accounts ESA 95 classification.</td>
</tr>
<tr>
<td>European Union</td>
<td>The EU's founding Treaty and the Stability and Growth Pact require adherence to fiscal discipline: seek to structurally balance the budget, prevent the threat to exceed 3 percent of GDP fiscal deficit limit. It is noticeable, that the EU's founding treaty provides financial penalties and sanctions for fiscal norms violations.</td>
</tr>
</tbody>
</table>

According to Simonyte⁴ (2010), the European Commission for several years has tried to draw the Lithuanian authorities' attention to the fact that budgetary discipline Lithuania is not sufficient and that there should also be mandatory rules. However, if fiscal discipline is not the country's political culture, there is always the temptation to override the self-imposed rules. On the other hand, if fiscal discipline is the political culture, even without formal rules for it, the governments should be able to maintain good fiscal performance.

4. The consequences of credit crisis in countries with pro-cyclical regulation

Since the global economic crisis began in 2008 regions across the world at a smaller or larger extent are experiencing a credit crisis. The list of credit crisis consequences, analysed in scientific literature, is endless, however, depending on the size of the economy, and most important, the type of fiscal policy adopted, these consequences vary subsequently across countries. After carrying out an analysis of scientific literature and statistical data, it can be concluded, that the most essential consequences of the credit crisis in small open economies with pro-cyclical regulation are the following:

- congelation of all types of credits, difficulties for businesses to obtain credits;
- declining values in real estate and contraction of the whole construction sector;
- high loss of property rights (foreclosure) rates and default rates on credits;
- diminishing consumption of households and businesses;
- numerous close-downs of small and medium enterprises (SMEs);
- rise in unemployment;
- growing emigration, brain-drain and etc.

It is important to emphasize, that all the above mentioned consequences are interdependent and changes in one of them automatically affect the other ones. Firstly, with the emergence of the first signs of the economic crisis, and most economic indicators showing problems ahead, commercial banks have sharply diminished or even stopped issuing credits and loans. The most crucial consequences of it were felt in the construction sector.

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⁴Ms. Simonyte was a minister of finance in Lithuania in the period of 2009-2012.
Figure 2. Dynamics of construction sector by country. Source: data collected from Eurostat

The Figure 2 above illustrates the effects of the credit crisis in construction sector in the context of the European countries. Looking at the year 2009, countries with a most pro-cyclical regulation can be easily singled out. Those include: Lithuania (lowest point), followed by Latvia, Estonia and Slovenia. The crash in the construction sector rapidly echoed to many connected economic sectors such as wood-processing, textiles, furniture and others and later were followed by high loss of property rights (foreclosure) rates and default rates on issued credits. This all resulted in numerous bankruptcies and close-downs of small and medium enterprises, sharply diminished consumption of households and businesses. Although the year 2011 has demonstrated a sharp increase in the real estate development again, the consequences of the crisis are still present.

One of the best illustrators of the overall state of the economy is the unemployment rate. Although, the economic crisis in most countries is reported to be at end in 2012, analysing the statistical data, it becomes clear that it is still present and, in some cases, deepening. Figure 3 reveals the unemployment trends in the European countries in the period of the last nine years. Countries with larger pro-cyclicality clearly outstand with sharp fluctuations. Excluding the extraordinary unemployment rates of Greece and Spain, the same triad of former Baltic tigers can be observed. It is important to mention, that the unemployment rates reflected in Figure 3 are strongly reduced by record high emigration rates. However, the reduction of the unemployment rates, and the abroad earned money sent back home are the only positive aspects about emigration.

As proposed in the scientific literature analysed while preparing this paper, the main causes for the real estate (or construction bubble) were failures of the governments to adopt property taxes, many investor privileges and unnecessary exemptions as well as irresponsible lending from commercial banks.

In modern scientific literature the abroad earned money transactions back home are welcomed as help to raise the domestic consumption, but on the other hand, blamed for augmenting the pro-cyclical effects.
The real consequences lie deeper and are much sadder. Concluding the scientific works of (Ohmae, 2005; Dally, 2004; Sipaviciene, 2006), emigration has particularly negative consequences for the countries business environment. First, most businesses immediately feel labor shortages and the loss of workers need to be replaced as soon as possible, but the process is often delayed, resulting in loss of funds and time. In addition, the large-scale emigration is a threat to smaller countries demographics, which in terms of business, is a reduction of the internal market, i.e. there are fewer consumers. Furthermore, two dangerous trends are observed in the period of the few past years. First, there is a sharp increase of high-skilled labor force emigration rates, and second, the less developed countries are starting to experience the brain drain to higher-wage countries problem. This results in weakening of their intellectual potential, slowing down of the technological progress as well as scientific and economic development, deterioration of development perspectives (especially in knowledge-intensive areas of the economy).

5. Conclusions

It is widely agreed that a proper fiscal policy adopted by a countries government should help in stabilizing the economy while maintaining the aggregate demand and private sector revenue during the economic downturn, and regulate the economic activity in periods of strong economic growth, i.e. control the outcomes of the business cycles. Unfortunately not all countries can (and do) adopt the counter-cyclical policy, described above. Due various political, social or most often economic constraints many less developed countries have a pro-cyclical policy. The most common effect of a pro-cyclical policy adopted is sharp economic downturns resulting in credit crisis. The consequences of the latter vary across countries, but most common of them include the following: congelation of all types of credits, difficulties for businesses to obtain credits; declining values in real estate and contraction of the whole construction sector; high loss of property rights (foreclosure) rates and default rates on credits; diminishing consumption of households and businesses; numerous close-downs of small and medium enterprises (SMEs); rise in unemployment; growing emigration, brain-drain and etc. The analysis of the statistical data revealed that the more the countries policies are of pro-cyclical character the stronger the above mentioned effects are.

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Evaluation of Sustainability of the General Government Debt in a Small Open Economy

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Abstract

As borrowing conditions and economy of indebted small open countries usually highly depend on changes in international financial markets and considering the vulnerability of their economy to stochastic changes of the global economy, such countries usually are exposed to relatively higher rate of borrowing-induced risk in comparison with big open economy countries. Indebted country with no capability to maintain sustainable government debt risks boosting its debt to such extent that would cause long term damage to its economy. However, one of the common problems, remaining in the contemporary economy, is the determination whether general government’s debt is sustainable or not. Results of such evaluation would help to determine the effectiveness of the debt management strategy of the country. The aim of the paper is to reveal the peculiarities of evaluation of sustainability of the general government debt in a small open economy. In the paper, peculiarities of borrowing of small open economy countries are briefly discussed. The most common methods of evaluation of the sustainability of government debt are presented. The general shortages, advantages and limitations of some basic evaluation methods are pointed out. Challenges to maintain sustainability of general government’s debt in small open economy countries are revealed. Example of Lithuania’s government borrowing and debt management is given. The main research methods employed in the paper are the following: systemization, generalization and logic analysis of scientific sources of information; quantitative, qualitative and comparative analysis of the data, case study, graphic presentation of the data and results. The paper concludes with the findings describing the main results of the research and patterns that could be followed when evaluating the sustainability of the general government debt in a small open economy country.

Keywords: general government debt, sustainable debt, Lithuania’s debt, debt evaluation.

1. Introduction

In the contemporary global economy, government of the most countries borrow abroad and in their own market. For these governments borrowing is one of the most common ways to finance the economic needs of their countries. Benefits and downside of general government’s borrowing are widely discussed in the scientific economic literature. For example, the impact of government’s borrowing on the country’s economy is examined by Moinescu (2013), Faraglia et al. (2013), Legrenzi and Milas (2012), Ryskulov and Mera (2012), von Wijnbergen and France (2012), Taylor et al. (2012), Eggertsson and Krugman (2012), Molănescu and Aceleanu (2011), Aspromourgos et al. (2010), Liliko et al. (2009), Neck and Sturm (2009), Karazijiene (2009). Although general government’s borrowing often is beneficial for the economy of the country, borrowing also causes the increase of its debt.

If uncontrollably increasing, government’s debt can lead to a situation where the government is unable to repay the debt or borrow again. This can cause the prolonged economic recession of the country. In most cases, as a result of the economic recession, there is not only an increase in government borrowing costs, but also in their borrowing needs, which further complicates the economic situation in the country.

Therefore sustainable borrowing can be considered as one of the prerequisites for the sustainable economic growth of the country or economic union.

Government of a small open economy usually faces even more complex borrowing environment than the one of a big open economy. This is caused mainly by the higher economic vulnerability of small open economies. If compared to large countries, countries of small open economy usually are more sensitive to changes of interest rates and international economic. In case of sudden adverse economic changes, they usually face relatively higher economic losses due to the increased and “more expensive” debt than large economies. Especially this is evident if such economy has high debt rate. This tendency is demonstrated even more explicitly in case of economic recessions. Therefore, in order to achieve
sustainable economic growth of economy and given the small open economy’s sensitivity to interest rate changes and to stochastic changes in the global economy, also considering the impact of these factors on the change of general government’s debt, the borrowing policy of general government of small open economy should be based on sustainable borrowing.

In this article we examine only those countries that do not use any other measures to adjust the level of their general government’s debt apart from using effective borrowing.

As the first step towards sustainable management of general government debt is the evaluation of the existing debt, the aim of the paper is to reveal the peculiarities of evaluation of sustainability of the general government debt in a small open economy.

Various government debt sustainability assessment methodologies are considered by Faraglia et al. (2013), Teica (2012), Choi et al. (2010), Hajdenberg and Romeu (2010), Frank and Ley (2009), Neck and Sturm (2009), Sopek (2009), Genberg and Sulstarova (2008), Wyplosz (2007), Telatar et al. (2004), Uctum ir Wickens (2000). In general, in scientific literature there is no consensus, what are the government’s debt sustainability criteria and assumptions for sustainable debt. Various authors provide very different and distinct concepts of government debt sustainability and assumptions for government debt sustainability. Also, the importance of the stochastic nature of the economy and the peculiarities of small open economy’s borrowing is often underestimated.

In the article, first, the concept of general government debt and its sustainability is briefly described. Then, most common generalized basic peculiarities of borrowing of small open economy countries are discussed. Considering this, peculiarities of evaluation of sustainability of the small open economy’s general government debt are discussed. The most common methods of evaluation of the sustainability of government debt are presented. The general shortages, advantages and limitations of some basic evaluation methods are pointed out. Challenges to maintain sustainability of general government’s debt in small open economy country are revealed. Example of Lithuania’s government borrowing and debt management is given.

The main research methods employed in the paper are the following: systemization, generalization and logic analysis of scientific sources of information; quantitative, qualitative and comparative analysis of the data, case study, graphic presentation of the data and results.

The paper concludes with the findings describing the main patterns that could be followed when evaluating the sustainability of the general government debt in a small open economy country.

2. The concept of the general government’s debt and its sustainability

In this article we use the term “general government” as it is described by the statistical office of the European Union – Eurostat. According to Eurostat, general government comprises the following subsectors: state government (where applicable), central government, local government, social security funds (http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Structure_of_government_debt#General_government). Similar definition of general government sector is given by the International Monetary Fund (IMF): “the general government sector comprises all government units and all nonmarket non-profit institutions (NPIs) that are controlled by government units” (Public sector debt statistics, 2011).

In general, the general government’s debt can be explained as a whole of unpaid government debts, which can be defined by an adequate amount of money. In many cases, the general government’s debt also can be described as one incurred by country’s highest executive authority or a central government, which is authorized to work on behalf of the state. As suggested by the IMF, debt can be explained as a whole of all liabilities that are debt instruments, i.e. financial claims that require payment(s) (Public sector debt statistics, 2011).

There are different definitions of the sustainable government debt, covering different aspects of it. Usually, government’s borrowing strategy is considered neither efficient nor sustainable if government is overspending and no additional value is created for the future generations, which will have to cover costs of the present borrowing. Likewise, a level of debt can be defined as “sustainable” if the main macroeconomic indicators of the country remain steady or show economic growth over the long-run (Rankin & Roffia, 1999). IMF suggests the following definition of debt sustainability: a debt “is sustainable if it satisfies the solvency condition without a major correction […] given the costs of financing” (Wyplosz, 2007).

In our opinion, general government’s debt can be described as sustainable if the strategy of borrowing and debt management results in meeting the general government’s borrowing demands and, at the same time, does not negatively affect credit solvency of the general government and economic stability of the country in the long-run. In our
opinion, one of the most important prerequisites for sustainable general government’s debt is the government policy’s orientation towards a sustainable development of the economy. Also, we presume that important prerequisites are: the competency of the government borrowing strategy developers and the debt administrators, who should be capable of making the necessary decisions on time and evaluation of the debt-associated risks under the stochastic nature of economy; a sufficient generation of the funds for debt repayment; the conditions for necessary structural reforms in the country; an effective use of the borrowed funds.

It is important for the most countries of the world to maintain general government’s debt sustainable, but it is critically important for the small open economy countries with relatively high level of indebtedness. In our opinion, this is mostly because of their dependency on the global economy and vulnerability to its changes. Non-sustainable management of the general government’s debt can cause the lowering of credit ratings, as well as reduction of the borrowing possibilities, country’s economic recession, crisis, stagnation or even bankruptcy of the country. Non-sustainable general government’s debt can also cause an uncontrolled growth of the debt, decrease of the solvency of a government or a country, increase in the borrowing and debt service costs, increase of the country’s budget deficit, decrease in the productivity of manufacturing due to lack of investments. Also, if high level of debt is owed to the foreign creditors, there is a danger to loose political independence of the country. In a small open economy country with non-sustainable general government’s debt management, such consequences can be caused by adverse changes in the international financial market or by a sudden, unexpected economy recession.

On the other hand, sustainability of general government’s debt helps to maintain the sustainability of economic development and increases financial stability of the country. Also, sustainable government debt can cause the decrease of the country’s budget deficit or increase of the budget surplus. The creditworthiness of a country usually is higher if the general government’s debt is sustainable and this allows borrowing the sufficient amount of money (relatively cheap) for the effective development of country’s economy.

Thus the sustainability of the general government’s debt is important for the sustainable growth of the country’s economy. Therefore, it is essential for the most country of the world to be able to evaluate the sustainability of the general government’s debt accurately. Based on the evaluation, further decisions concerning measures to increase the sustainability of the debt (if such increase is necessary) can be considered.

3. Peculiarities of the small open economy's general government borrowing

In this article we examine only those countries that do not use any other measures to adjust the level of their general government’s debt apart from using effective borrowing.

An open economy is usually described as market economy where export’s and import’s ratio to GDP is relatively big (Pisani, 2011; Down, 2007; Telatar et al., 2004; Edwards, 1993; etc.). Open economy participates in international trade to a comparatively great extent and is open to international investment. A closed economy neither borrows from nor lends to foreign countries or economies. The openness of a country’s economy provides countries with an opportunity to get additional financing by borrowing from foreign financial markets. Thus, country’s economy growth is positively stimulated.

In this article, small economy is considered as economy, change of which does not significantly affect the global economy (or have practically no affect on it). Usually, a large and rising share of national product in small open countries can also be directly linked to international trade in goods and services, which makes small open countries highly vulnerable to changes in international economy.

Respectively, government debt managers in small open economies are generally facing greater and more complex borrowing-related risks (particularly, when managing their foreign debt and executing debt financing strategies) in comparison with their counterparts, managing debt in countries of large open economy.

Yet, size of the economy does not influence the efficiency of it (Down, 2007; Raimondos-Moller & Woodland, 2000). Debt level of a small open economy does not depend directly on the size of the country’s economy as well. Therefore, the sustainability of the general government’s debt basically depends on the effectiveness of the borrowing policy.

Small open economy, being “price-taker” in the global market, practically can not affect global interest rates (Mankiw, 1997). With reference to the suggested definition of a small economy, a small open economy also could be described as one who does not alter world prices or incomes. For both large and small open economies, world real interest rate is the same. The difference occurs because of domestic interest rate and often because of the ability to influence the interest rate. Principle scheme of foreign lending-borrowing between large and small open economies is
shown in Fig. 1.

![Diagram](image)

**Figure 1. Principle scheme of foreign lending-borrowing**

As shown in Fig. 1, if the real interest rate in large economy is $r_1$, it can lend amount of $AB$, and small economy can borrow amount $CD$. Equilibrium occurs if $AB$ equals to $CD$.

Small and very open countries’ economic sensitivity to global economic development is extremely high. When taking a loan or borrowing in international market, small countries with open economies are forced to accept the interest rate, set in that particular market. The changes in the international finance market directly influence borrowing possibilities of the small open economy countries. This becomes particularly obvious during the periods of a sudden economic downturn or the economic crisis, when general government’s debt can increase uncontrollably or even cause bankruptcy of the country due to the lack of sustainability of the general government’s debt. Also small open economy often has little of prevention measures against the unfavourable changes in global finance market. Therefore, in case of such changes of economy, recovery processes in small open economy are much more slowly than in countries with large open economy.

Furthermore, fundraising from abroad is also often difficult for small countries because such economies are often considered to be of relatively higher risk in comparison to large economies. Many small open economies also are not in the position to benefit from efficient international risk-sharing arrangements (Garcia & Rigobon, 2004).

Therefore, when borrowing, general government of small open economy should evaluate the stochastic nature of the economy and implement means, which allow increasing the sustainability of general government debt. The perception of uncertainty factor as the concurrent component in development of contemporary strategies of general government’s debt management is becoming common sense. Especially this should be applicable for countries with developing financial markets, as the wrong borrowing strategy can result in crisis of economy or even bankruptcy of the country. The cost of not hedging the risk of interest rate change is of the extent of losses caused by this risk. General government of a small open economy should consider the sustainability of borrowing as a strategic goal.

As discussed, stochastic nature of the global economy increases volatility of the small open economy. In this regard, risk management measures can be used to increase the sustainability of the general government’s debt. Such means allow controlling of the debt level and prevent against economic loss in case of adverse changes in borrowing market. Although these means are relatively expensive, economic benefit of using them is obvious. Nevertheless, trade-off between borrowing costs and benefit of the sustainable borrowing should be considered at all times.

To some degree, structure of the general government debt obligations in small open economies also should be considered more carefully than in large economies, because it is argued that structure of the debt has influence on the sustainability of the debt (Melecky, 2012; Consiglio & Staino, 2012; Date et al., 2011). For instance, it is argued that the higher the share of short-term credit is in overall debt, the larger and more vulnerable is the annual flow of debt-service obligations. For example, in Lithuania, which can be considered a small open country (according to described criterions of small open economy), in period of years 2004-2011 averagely 89,03 % of overall government debt was long-term credit. Currency of the debt also can be examined in this regard. Small open countries often are borrowing in foreign currencies, which is not the case for the major or more closed economies, e.g. the United States of America is considered to have the deepest and most liquid debt markets, and Japan largely finances its debt domestically (Roubini & Bykere, 2010). Stable currency exchange rate increases the sustainability of the general government’s debt. Also, depending on specific situation, and considering that often small economy has limited domestic financial market, the ratio between domestic and foreign debt can be considered as indicator of higher debt-associated risk.

In addition, many countries with small open economy have slender financial capabilities and limited resources. Often one of the most important prerequisites of development in those countries is implementation and exploitation of the advanced knowledge. Thus, it is vital for governments of small open economies to manage the government debt with
eminent caution, employing the most advanced methods in this field.

Considering the peculiarities of the small open economy’s general government borrowing and the concept of sustainable general government debt, evaluation of the sustainability of general government’s debt in a small open economy can be performed. Evaluation must be based on qualitative and quantitative examination of the specifics (specific economic environment, specific debt management conditions etc.) of each and every case.

4. Evaluation of the sustainability of general government’s debt in a small open economy

The sustainability of general government’s debt is often evaluated by taking into account the retrospective dynamics of certain statistical indicators (Goldstein, 2010; Izsák, 2009; Presbitero & Arnone, 2006). Considering the stochastic nature of the economy, these methods are not suitable for the evaluation of the sustainability of general government’s debt in a small open economy.

As already discussed, sometimes solvency of the general government is evaluated in respect of the debt structure peculiarities (Melecký, 2012; Consiglio & Staino, 2012; Date et al., 2011; Milne, 2011; Choi et al., 2010). Lately, however, it is increasingly recognized that in applied economic and financial models, the accuracy of the results is strongly influenced by the use of stochastic variables (Consiglio & Staino, 2012; Date et al., 2011; Hajdenberg & Romeu, 2010; Frank & Ley, 2009; Ciegis et al., 2009; Ferrarini, 2009; Budina & van Wijnbergen, 2009; Ferrarini, 2008; Tanner & Samake, 2008; Genberg & Sulstarova, 2008) and complex analysis of debt indicators (Knědlík & Von Schweinitz, 2012; Sopěk, 2009). These methods are increasingly being used as an effective tool to assess and predict the debt-related risk.

But methods, considering stochastic nature of the economy, are extensively being used for evaluation of sustainability of general government debt only in the last decade. However, in current economics, stochastic nature of economy is not always taken into the consideration when evaluating the strategy of general government’s borrowing in small open economy.

Considering the basis for evaluation of the sustainability of the general government’s debt, it can be considered, that the general government’s debt management strategy is not sustainable if, over long-run, the indebtedness of the general government has significantly increased – or such increase is likely to occur in the nearest future – and the marginal debt service costs are escalating. Also, strategy of the general government’s debt management can not be considered as sustainable if, over long-run, general government is no longer able to meet its debt obligations. For example, during period of 2004-2012 year, average rate of central debt growth was 2,25 times higher than the average rate of GDP growth. But, as it will be argued further on, no conclusions regarding sustainability of the general government’s debt, based solely on this indicator, can be made.

Generally, the evaluation methods used for the evaluation of sustainability of the general government debt can be grouped in two broad groups – quantitative and qualitative evaluations. Econometric calculations are mostly used in quantitative measurements and contingent variables are analyzed in qualitative evaluations. The latter is especially important for the sustainability of the general government debt and the economy on the whole, because it allows taking the stochastic aspects of the economy into account. However, these methods can be very different considering the chosen variables, evaluation approach, time span etc. Nevertheless, most of these methods have one common feature – they are evaluating more than twenty variables as a complex.

Complex analysis of the general government’s debt sustainability factors better indicate the sustainability or lack of it. Therefore, lately, in order to estimate the sustainability, models, allowing a complex assessment of the debt, are used more extensively. In relevance of the concept of debt sustainability, other main methods for evaluation of the sustainability of the general government debt are: evaluation of debt-associated risk management; evaluation of borrowed fund usage; evaluation of debt level, interest or debt servicing cost level etc.; evaluation of debt structure; evaluation of fiscal or/and monetary policy etc. The basis of the sustainability of a general government’s debt portfolio should be complex analysis of the factors, influencing the debt sustainability. Such analysis must be based on the usage of stochastic methods.

The changes in global markets directly influence the economy of relatively very open and indebted small open countries. Their sensitivity to the global economic changes is particularly high. Therefore, before borrowing, general government of a small open economy should properly evaluate the possible unexpected unfavourable changes in the international market.

There are many conceptions, according to which the sustainability of general government’s debt can be estimated. The ratio of the debt to GDP or its dynamics, widely used by many economists and politicians, does not actually reflect the sustainability of a general government’s debt. The sustainability of the government debt is also often associated with
the solvency of a debtor. Considering the concept of debt sustainability, we have established that the main methods, used to evaluate the sustainability of general government’s debt, are the following: evaluation of risk management; evaluation of debt-associated risk; evaluation of government’s solvency; evaluation of borrowed fund usage; evaluation of debt level, cost level etc.; evaluation of government debt portfolio structure; evaluation of fiscal or/and monetary policy.

Employment of contingency factor is one of the essential steps of the evaluation of sustainability of general government debt, suggested by IMF (Wyplosz, 2007). According to IMF, as historical correlations are not necessary to be relevant in the future, it is reasonable to take into account all the estimated correlations and to generate all the possible combinations of shocks. The procedure can be automated to randomly generate a very large number of shocks, literally thousands of them, small and big, isolated and combining many events. Crucially, the method associates each shock with a probability of occurrence. It provides association of each shock with the corresponding variation of the debt and calculates the probability of its occurrences (Monte Carlo simulations). In addition, IMF also suggests stress testing, as a mean, for example, to estimate the volatility of the existing debt management strategy.

Considering their characteristics, small open economies lack the natural stabilizing factors that allow the use of effective policies against the unfavourable changes in international finance market. Also the risk of economic crisis or even bankruptcy of the country in case of inefficient borrowing is higher for small open economy countries than for large economy countries. For example, Lithuania is highly dependant on international borrowing markets, because its foreign debt is much bigger than domestic debt. In period of year 2004-2011, ratio of Lithuania’s central government foreign debt to its total debt was averagely 71.44%, and was averagely 2.5 times bigger than domestic debt. Therefore, small open economies should be much more cautious about those tools of management of foreign debt that enable decision makers to avoid or at least mitigate the possible economic loss in case of unexpected changes of international economy.

The sustainability of a debt should be constantly monitored, and the borrowing costs should be constantly compared with the benefits of borrowing. Also, it is important that the evaluation of the sustainability of the general government’s debt should be performed considering specifics of the country/economy.

We have performed the respective extensive evaluation of the sustainability of Lithuania’s central debt, which in period of 2004-2012 years made averagely 93.93% of the general government’s debt, and therefore plays the major role in Lithuania’s general government’s debt. The evaluation has been performed using different discussed approaches of the evaluation of the sustainability of general government’s debt in a small open economy. Evaluation period was chosen to be period from year 2004 to year 2011 or 2012 (depending on data availability). Year 2004 has been chosen because it is the year when Lithuania has joined the EU, and therefore many aspects of general government’s debt management have changed. Due to the article’s volume limitations, we are not able to discuss the whole evaluation methodology or the detailed results, but further in the article we provide some of the main results of the evaluation.

The main economic shock during this period was the world financial crisis, which allowed better demonstration of the (non-)sustainability of the general government’s debt.

A sudden increase of the debt in year 2009 was mainly caused by the fact that during the period of the financial crisis, the borrowing was relatively expensive, the borrowing costs were relatively higher, and the credit rating was lower. Fig. 2 shows the dynamics of the ratio of central government debt to GDP and the dynamics of the ratio of government’s net borrowing to GDP during period of 2004-2011 years.

**Fig. 2.** The dynamics of central government debt and the dynamics of net borrowing ratio to GDP in year 2004-2011

Fig. 2 shows that although ratio of central government debt to GDP is increasing from year 2009, ratio of central
government’s net borrowing to GDP after the financial crisis of the world is decreasing.

Considering the debt-associated risk, in Lithuania there is no risk of changes in exchange rate. In Lithuania, using derivative financial means, at the end of year 2008 99.99% of the general government’s debt was denominated in Euros and Litas, and since year 2009 100% of debt liabilities of general government is only in Euros and Litas. The risk of interest rate changes is a minor threat to the sustainability of the Lithuanian government’s debt, as the major part of the debt has fixed interest rates. According to the results of the evaluation, the risk of liquidity (refinancing) is considered to be the biggest threat (in relevance to manageable risks). We argue that debt-associated risk costs should be considered in regard to the possible economic loss due to the non-hedging.

Assessing the sustainability of the central government debt as an ability to meet the financial obligations, given the calculated ratio of the central government’s debt to GDP, and having assumed that the increase of the ratio of the debt to GDP will not change, the central government’s debt can be considered sustainable. However, evaluating the sustainability at this respect, the central government’s debt can be considered sustainable only in case if the rate of GDP increase will exceed the rate of the debt increase (the situation until the global financial crisis of year 2008-2009).

Also, we discovered that during year 2004-2012, rate of the central government debt increase was higher than rate of the debt management costs. In this regard, the central government’s debt can be considered sustainable if the tendencies of the change of debt management cost remain the same or the cost starts to decrease.

According to the results of our research, it can be assumed that the most significant influence on the sustainability of the central government’s debt during the period of year 2004 - 2011 was made by the increase of debt cost due to the global financial crisis, and rather not due to the debt management decisions. It was established that interest cost is the main factor, causing the increase of the deficit of the central government (Fig. 3).

![Fig. 3. The dynamics of central government’s debt, interest cost and the primary deficit of the central government in year 2004-2011](image)

However, the risk of interest rate changes is not a major threat to the sustainability of the Lithuanian general government’s debt, as the major part of the debt has fixed interest rates (averagely 96.49% of all general government’s debt liabilities during period of year 2004-2011 have fixed interest rates).

In general, we assume that borrowing and management of Lithuania’s general government debt is based on the relevant sustainability principles.

5. Conclusions

Sustainability of general government debt of small open economy is one of the prerequisites for its sustainable economic growth. Accurate evaluation of the sustainability of general government debt is essential for the effective management of the general government’s debt.

Borrowing of small open economy is subjected for relatively high borrowing risk in terms of its vulnerability to the stochastic changes of global economy and international borrowing markets. Therefore, borrowing strategy of such governments should be based on sustainable borrowing principles. Respectively, evaluation of the sustainability of general government’s debt in small open economy should be based on estimation whether existing debt and borrowing strategy can be considered as oriented towards sustainable debt management.

In terms of the size of economy, there is no significant impact of it on the ability to perform effective debt
management. But size of the economy (in terms of its ability to influence global or regional economy) determines its level of vulnerability to unfavourable changes of international borrowing markets.

Considering small open economy’s vulnerability to stochastic changes of economy, the priority should be given to evaluation methods that take the economic uncertainty (and its impact on the economy of the country) into the consideration.

The evaluation of general government’s debt sustainability in stochastic economy requires focusing on the analysis of the contingency of economy. Furthermore, systematic approach should be applied to the evaluation of sustainability of the general government debt in order to keep the integrity of the evaluation of different contingent factors. The basis of the sustainability of a general government’s debt should be complex analysis of the factors, influencing the debt sustainability. Such analysis must be based on the usage of stochastic methods.

Also, evaluation of sustainability of general government’s debt should be performed from the long-run perspective. Debt sustainability monitoring system and trade-off between borrowing costs and benefit of the sustainable borrowing should be evaluated.

Regardless the methods (either qualitative or quantitative), used for the evaluation of the sustainability of general government’s debt in small open economy, the evaluation must be performed considering specific economic situation of the country.

Sustainability of the general government’s debt should be determined by its contribution to sustainability of the country’s economy. Therefore, the same base should be used for the overall evaluation of the sustainability of general government’s debt in a small open economy.

In the article, some results of evaluation of the sustainability of the general government’s debt in a small open economy were presented, the example of Lithuania’s general government’s borrowing and debt management was used. In general, we assume that management of Lithuanian’s general government debt is based on the relevant sustainability principles.

References


Modelling the Outcome of Credit Shocks in Small Open Economy

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Abstract
The literature analysis implicates that there are various forecasting models which were established in order to foresee the fluctuation of economy. Although the recent economic crisis has shown that large proportion of these models appeared to be misleading. Mainly due to one reason – most models did not incorporate the external reasons of fluctuations of financial sector. While the research studies show that the risks that were engulfed by financial sector were one of the main drivers for the 2007-2008 recessions. Moreover the use of dynamic and stochastic general equilibrium models (here and after DSGE) for the economies modelling purpose seems to be not adequate for forecasting crisis of such types. Thus the need of the model which incorporates the core financial sector performance factors is obvious. Therefore the main aim of this paper is to determine the factors for modelling the small and open economy’s cycles consequences. We try to explain what the outcomes of credit shocks are in small and open economy, and how it responds on the industry based data. It employs methods of analysis and systematization of literature and documents, as well as multifactorial statistical data analysis.

Keywords: small and open economy, credit shocks, business cycles.

1. Introduction
Enormous quantity of research dealing with the factors of credit shocks, evaluating its outcomes and effects on economies or forecasting future cycle’s show, that modelling in economic research field is still of particular relevance. The present paper aims to provide answers to such research questions like: how credit shocks affects the small and open economy? And what are the essential factors should be included in the modelling future fluctuations in economy and how? Following these questions, the paper explores the main characteristics of recent recession and explains this phenomenon in statistical data analysis.

Therefore the main aim of this paper is to determine the factors for the modelling the small and open economy’s cycles consequences. The article will explain what the outcomes of credit shocks are in small and open economy. The objectives of paper are as follows:

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1. To reveal theoretical aspects of credit shocks and its outcomes;
2. To determine the core techniques in modelling outcomes of credit shock;
3. To explore how the credit shocks are reflected in statistical data.

The methods employed in the paper are as follows: analysis and systematization of literature and documents, as well as multifactorial statistical data analysis.

The second section of paper presents the theoretical aspect of credit shocks modelling and their main features in small open economy. Third part of this paper presents the main results of statistical data analysis and finally the paper ends with concluding remarks.

2. The theoretical issues and the methodology

2.1 Credit shocks and its impact on small and open economy

Literature review indicates that the monetary policy is characterized by inertia and persistent credit shocks (Carrillo, F’eve & Matheron, 2007). Credit shock in macro-economic research papers is characterized as sharp reduction in access for loans or increase of costs of getting loans. Few more terms are used - the credit crunch and credit boom – sometimes used as synonymous to credit shocks in economic literature, what is not correct.

Moreover there are many recent research papers dealing with the causes and effects of credit shocks in the light of 2007-2008 recession (Fornari & Stracca, 2011; Pesaran & Xu, 2013; Bedock & Stevanovic, 2012; Maredza & Ikhide, 2013). According to Pesaran and Xu (2013) findings “The effects of the credit shock are found to be very persistent and profound, consistent with empirical studies on the output effects of financial crises, which suggest that recessions associated with financial crisis have been much longer lasting than recessions associated with other shocks” (Pesaran & Xu, 2013). Ivashina and Scharfstein (2010) indicate that credit peak was the starting point for the “meltdown of subprime mortgages”, which in turns influenced the panic in financial sector and had impact to other closely related sectors like real estate.

There are many factors for the formation of credit shocks. It is evident that they are caused by both supply side and demand side factors. One of the main supply side factors is the interest rate for the borrowing. On the opposite side the demand for the credits from the firms and individuals which in terms are sensitive and depend on information in mass media about the increasing price of asset and vice versa.

Figure 1 present both the factors of credit demand and supply shocks

Irresponsible banking sector lending policies involve both micro and macro economic nuances. At micro level they are associated with issuing loans to an individual in easy manner with high level of uncertainty whether he or she will be able to give it back with some determined interest rate in the future.

At macro-economic point of view irresponsible banking sector lending policy is characterized by a complex features such as the performance in parallel markets (for instance, real estate market), huge competition in financial market and the borrowing costs (interest rates).

When summarising the fig. 1, the particular attention should be paid on the credit supply shocks. When analyzing economic literature once can notice that it is very difficult to indentify differences between credit supply and credit demand shocks. According to Abildgren (2011) credit-supply shocks “can affect the ability and willingness of monetary and financial institutions to supply credit to non-financial firms and households” (Abildgren, 2011), and more over this
associates with decline in credit demand. These processes together have a “chain reaction” in many economic spheres. Moreover credit itself has a “virtual” money feature. It means that banks by issuing credits, make credit bubbles in the economy, and when the “money cloud” spreads, the real situation appears, which in terms make negative influence on the demand of credit. The effect of credit supply and credit demand shocks have micro and macro sides (see Fig. 1): decrease in aggregate demand, uncertainty in markets, countries’ specific factors (like economic structure), inflexibility of financial markets and many others.

Fluctuations in financial markets are associated with contraction in many economic activities (Gilchrist & Zakrajšek, 2012). In addition Setterfield (2011) argue that “exhaustion of a financialized growth process” was the core trigger for the recent recession. Simulations made by Gilchrist and Zakrajšek (2012) indicate that an “intensification of financial stresses implies a sharp widening of credit spreads, a significant slowdown in economic activity, a decline in short-term interest rates, and a persistent disinflation.” (Gilchrist & Zakrajšek, 2012). The research evidence of Bedock and Stevanovic (2012) indicated that credit shocks have impact on price indicators, leading indicators and credit spreads.

Financial markets are much related and it is no doubt that changes in one country’s financial market affect performance of others too. The influence of external financial markets on the credit shocks in domestic market was emphasised by research results of Bedock and Stevanovic (2012). Having in mind that financial market are very close related and affected by globalization processes, this possible could be named as a main factor for long recovery processes.

Domination of negative aspects of credit shocks in economic literature implicates that they affect the whole economy in terms of overall slowdown (Almeida, Campello, Laranjeira and Weisbenner, 2011; Bedock and Stevanovic, 2012; Gilchrist & Zakrajšek, 2012). Bedock and Stevanovic (2012) found the relation between global credit shocks and economic slowdown in terms of interest rates growth and decline of credit related indicators (for instance in Canada) (Bedock & Stevanovic, 2012). In addition Greestone and Mas (2012) and Chodorow-Reich (2012) argued that huge negative effect was for employment rate. According to Greestone and Mas (2012) “Upper bound estimates suggest that the 2007-2009 decline in small business lending accounted for up to 20% of the decline in employment in firms with less than 20 employees, 16% of the total employment loss, and 30% of the decline in inflation adjusted aggregate wages during this period”. Bedock and Stevanovic (2012) suggest that financial crisis, which rooted in credit market performance, affected closely related markets like real estate, especial indicators of employment, revenue growth and the huge amount of defaults rates. Moreover Almeida et al. (2011) provide empirical evidences that 2007 crisis and appearance of long term debt in a particular firm affect investment negatively, and reached approximately one third pre crisis investments level.

Despite the negative nuances of credit shock some researches indicate few positive things related to credit shocks. For instance, Pesaran and Xu (2013) argue that “A positive credit shock, defined as a rise in the loan to deposit ratio, increases output, consumption, hours and productivity, and reduces the spread between loan and deposit rates.”

Still we argue that it is not appropriate to distinguish negative or positive outcomes, the holistic view of economy performance is the most important one. The complexity of the 2007-2009 worldwide financial crisis disclosed that this phenomenon integrates many aspects of macroeconomics. Health of economy consists of many components/substitutes and most important refer to macro prudence in monetary policy.

To sum up, literature review indicate that due to financial crisis there was conspicuous decrease in many scopes of economic activities; increase of unemployment, decrease of consumption, which is the main engine of economy and thus the harm was so deep which caused the recession which still has effect of long an slow recovery of economies.

2.2 Modelling credit shocks

This section is intended to present briefly the techniques that are used in analyzing and forecasting financial fluctuations. There are plenty of modelling techniques covering both qualitative approaches relaying on experts’ opinions, and quantitative approaches starting from simple ones time series analysis, regression analysis, and moving to more sophisticated modelling, vector-autoregressive models (VAR), dynamic stochastic general equilibrium models (DSGE model). Right after the 2007-2008 recession the critique of economic forecasting models appeared in the mass media as well as in research platform. Huge critique wave was addressed to the use of DSGE models (Garcia, 2011, Wickens, 2012).

Models are usually based on some theory strands. For instance, DSGE models incorporate new-neo Keynesian principles, VAR model is mainly based on Bayesian theory. Although they were very popular in research discourse, but still they did not anticipated such deep recession and long recovery.
Nevertheless Setterfield (2011) stresses that two of theory strands - post-Keynesian (PK) Economics and Regulation Theory (RT) - were “successful in anticipating the crisis as resulting from the exhaustion of a financialized growth process.” (Setterfield, 2011). Despite the PK and RT theories differs in terms of “income generating process; and the nature of aggregate fluctuations in economic activity.” (Setterfield, 2011), the similarities are in terms of emphasis of institutionalism and “common conception of capitalist growth as unsteady—i.e., subject to aggregate fluctuations.” (Setterfield, 2011).

Among the most popular techniques for forecasting future economics fluctuations are as follows: ARIMA, VAR and DSGE. Time series analysis - Autoregressive Integrated Moving Average Process (ARIMA) structure as follows: autoregression (AR) process; Integration process (I); and Moving average (MA) procedure.

Vector autoregression (VAR) or factor augmented VAR (FAVAR) methods are popular in forecasting economics fluctuations as well. Bedock and Stevanovic (2012) suggest factor-augmented VARMA (FAVARMA) model incorporating moving average components. VAR is simple model due to respect of linear equations “where each of the endogenous variables is explained as a linear function of its own lagged values and the lagged values of all the other variables in the system” (Abildgren, 2011).

More modern technique and more sophisticated than previously mentioned so called Dynamic Stochastic general Equilibrium has its roots in the Chicago school and is based on “new neo-Keynesian approach” (Garcia, 2011). Recent research scope is plenty of research papers dealing with DSGE models; especially this technique is popular in banking sector. DSGE models were developed and widely adapted in various countries institutions during 1983-2008. Prominent central banks have their own DSGE models (European central bank Area wide model (AWM) and New Area-Wide Model (NAWM); Sveriges Riksbank RAMSIS I and RAMSIS II; and etc.).

Numerous studies have emphasized that while DSGE approach has significant advantages in comparison with other simpler models (eg, time series), it is not appropriate in all circumstances, i.e. DSGE models (as well as other simpler models) accurately predicts stable economic growth (Garcia, 2011; Wickens, 2012), but are unable to predict shocks of qualitative origins.

The detailed research of various DSGE models and comparison between parameters and filters was prepared by Wieland et al. (2012). The authors conclude with the prepositions for future research: to create DSGE models “with more realistic treatments of banking and financial risks”, to pay more attention on “imperfect information, learning and heterogeneous beliefs”, and to allow models “for deviations from the basic microeconomic assumption of rational optimizing behaviour by households and firms” (Wieland et al., 2012).

To sum up the theoretical aspect of credit shocks, the emphasis of financial market turmoil is of particular importance, because banks like financial intermediates have unconditional effect in money creation, thus the macro-economic modelling should be extremely influenced by integrating this effect in modelling possible fluctuations in economy.

After the 2007-08 crisis the research platform was full of suggestions that the econometric modelling should include the financial sector related aspects (Pesaran & Xu, 2013; Setterfield, 2011; Garcia, 2011; Wickens, 2012). For instances Pesaran and Xu (2013) deals with the new modelling approach integrating the aspects of financial intermediation and both households’ and banks’ defaults (Pesaran, Xu, 2013).

To summarize the analysis of macroeconomic forecasting models one is obvious - mainly they are based on past time data series. And so the analysis is based on the past performance of economics. That is that shocks should be the outcome of the past behaviour of analysed data, what is often not, because these data interact as processes which is impossible to describe using continuous functions. The other shortcoming of econometric modelling is an assumption, that forecasts are based on assumption “all other factors are stable”.

2.3 Research Methodology

Before presenting the research methodology it should be mentioned, that the research presented in this paper is prepared under Lithuania Institutional Economics Research Program “The Challenges of Lithuanian Economy Long-term Competitiveness” and it is the first step of the modelling. Thus the method used in this paper is only one out of the comprehensive methodology of the whole project - to conduct statistical data analysis, and to construct the model which fits Lithuanian context.

This section intends to describe methodological approach towards modelling credit shocks in small and open economy. The research findings so far in this paper suggests, that when modelling credits shocks the financial markets fluctuations are extremely important. Credit spreads is popular indicator in exploring credit shocks (Bedock & Stevanovic,
2012; Fornari & Stracca, 2011; Gilchrist & Zakrajšek, 2012). For instance, Pesaran and Xu (2013) in their research paper found that credit shocks are related to reduction in interest rate spread index. Other popular indicator in analysing credit shocks is CDS (credit default swaps). According to Chenyu Shany (2012) “Credit default swaps (CDS) are derivative contracts referencing debt repayments”. The growth of the CDS market inspired huge interest in research papers on this indicator especially after credit crisis in 2008-2009 (Jia-Yuh Yeh, 2012; Chenyu Shany, 2012).

In current paper we are modelling on the basis of Lithuanian data and particularly focus on CDS data gathered from Bank of Lithuania. It is daily time series data for the period of 2007/01/01 – 2013/05/31. Thus in order to make the forecast model for CDS indicator the forecasting technique for times series will be implemented.

Exponential Smoothing is the method we choose to predict the future tendency of CDS indicator. It is quite simple methods to compare with VAR or DSGE modelling, which include many of indicators and parameters. Nevertheless we expect to find tendency in order to make some implications on the near future CDS market performance.

The computations were made with SAS computer package. The main results are presented in section 4.

3. The results and the research findings

The research results in this section will be provided in to aspects. Firstly the statistical data analysis will be presented (see section 4.1.), secondly the short model of CDS indicator will be explained (see section 4.2.).

3.1 General statistics of the main economic indicators

In previous sections it was mentioned that consumption is the main inspiration for economic prosperity. Thus public sectors’ deficit/surplus indicator indeed reflects the important part of the whole consumption. Fig. 2 presents the dynamics of General government deficit/surplus as percentage of GDP in three Baltic States. General government involves central government, state government, local government, and social security funds. The data dynamics in Fig. 2 indicates almost the same level of deficit in both Lithuania and Latvia during the period of 2007-2012. While in Estonia had better situation, and did not reached the bottom that had previously mentioned countries, and moreover Estonia experienced recovery earlier - immediately after 2008.

![General government deficit/surplus](image)

**Figure 2.** General government deficit/surplus as percentage of GDP (*Calculations based on Eurostat data*)

The role of the banking sector was emphasized in previous sections too. The importance of regulations of banking system, as well as the central bank policy regarding interest rate level is widely discussed in research discourse. The requirements for banks guaranteed asset, the banks liquidity are of extremely importance, for the survival purpose during deep recessions.

Fig. 3 presents the indicators of Liquidity ratio of the banking sector in Lithuania in the period of 2006 and 2012. Data dynamics of liquidity ratio during the analysed period ranged between 40-50 percent. The peak was reached in December of 2012.

Meanwhile deposits of customers gradually plunged since beginning of 2006, and reached the lowest point in the end of 2008 (53.5 percent). Since then the deposits of customers were going upwards and the last date scored of 82.5
percent. It could be affected by both the decrease in total non-interbank loans and increase of deposit in bank, which suggests that customers trust the bank (Fig. 3).

Figure 3. Liquidity ratio of the banking sector in Lithuania (Calculations based on Bank of Lithuania data)

The dynamics of the gross loan portfolio of EU countries is presented in fig. 4. The figure indicates the decline of this indicator in all presented countries. The highest peak of gross loan portfolio was in Latvia, and it had sharp slowdown comparing to other EU countries.

Figure 4. Dynamics of the gross loan portfolio of the EU countries (Calculations based on Bank of Lithuania data)

Thus statistical data in fig. 4 implicates that the highest percentage change in gross loan indicator was in all three Baltic States. There we observe the pro-cyclical features of economic behaviour of both, the public and the private sectors. The lowest indicator was for Germany which ranges around zero during the whole analysed period. It means that the anti-cyclical policy was implemented.

Still the effects of credit shocks are characterized by issued loans, and particular non-performing loans of banking sector. Fig. 5 outlines the dynamics of such indicator. As presented in the chart, percentage of business loans had sharp increased since the June of 2008, (score of 2.8 percent), the peak was reached in December of 2009 (score of 26.2). Still the effect of long term recession is indicated in fig. 5 - non-performing consumer loans reached the peak in June of 2011 (it lagged 1.5 year from business nonperforming loans rates).
3.2 Modelling the CDS indicator

Referring to previous research made by Chenyu Shany (2012) indicated that CDS relates to reduction in debt contracting friction in terms of loosening covenants, in this section the Lithuanian CDS indicator will be analyzed. According to research results of Chenyu Shany (2012) “Strictness of net worth covenants decreases by 16.8%, on average, after the inception of CDS trading”. Thus in this section we will analyse times series data of CDS times series data in Lithuania.

The data in fig. 6 shows actual performance of CDS market in basic points. And it is obvious that’s it is almost coincident with the difference between long-term Lithuanian government Eurobond and German government bond yields. The data in the fig. 6 refer to domestic risk premium indicators. Pilinkus, Svolka and Bartkus (2011) argue, that “Decreasing CDS’s indicate diminishing risk of government loan default that foreign investors (government bond buyers) conceive”.

CDS indicator Log Damped Trend Exponential Smoothing model (computations made with SAS computer package) is presented in the figure below (fig.7). The R-Square - 0.998, Mean Absolute Percent Error (MAPE) - 1.50715 indicates perfect fit, though the graph shows quite wide confidence interval, what implies wish for more reliable modelling.
Overall the model implicates that forecasting for 6 month ahead the CDS indicator will have slightly upward tendency, not forgetting the assumption of all other factors to be stable. It is obvious that the methodology of such forecasting is based on one general assumption, that the best forecast for tomorrow is today, thus one should notice that trend in the model (fig.7) is based on the last data of analysed period, and it is possible that trend may reach at least average level of peak in 5-10 years when other factors to be constant. Thus if we would like to predict whether there will be a CDS indicator shock, we should stress that it unlikely to happen at least in 6 month prospect.

We acknowledge that to attempt predict economic crisis on the basis of one indicator may end in a failure. But we aim to extend model and to integrate more financial indicators in order to predict the future performance of economic cycles.

4. The Concluding remarks

The literature research indicated that low interest rates for borrowing, irresponsible banking sector lending policy, procyclical monetary policy are among the most common mentioned causes of recession, which in had enormous long-lasting worldwide effects.

The model analysis in second section of this paper denotes that the usually applied forecasting techniques however have advantages and disadvantages too.

To summarize the statistical data analysis it should be beared in mind that despite of sufficient liquidity of Banks (Lithuanian case), huge risk and the uncertainty was not evaluated enough to secure future economy from the credit shock. Thus macroprudential issue in the monetary policies is of particular importance in order to overcome future irrational fluctuation of economies.

CDS Log Damped Trend Exponential Smoothing model analysis suggests that this indicator is slightly going up but the tendency for the coming 6 month upward indicates that the recovery will be slow. If to base on analysis of the CDS indicators, shock should be not expected in nearest future, being all other factors stable.

References


Hactivism in Turkey: The Case of Redhack

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Abstract

Ever since daily activities have been carried into digital, cyberspace have become one of the primary grounds for citizen participation activities such as political discourse and activism. Wikileaks documents, the effects of social media in the Arab Spring and global and local hacker movements are great instances for digital political participation with high impact such as the creation and diffusion of new conceptions like cyber security and cyber warfare. Internet’s role in this new age activism is crucial; especially hacker movements are using Internet as a tool of resistance. Hacking activity as a political activism or hacktivism is simply an activity that makes a system unworkable and acquiring and publishing information with the aim of raising public awareness. Using both mainstream and social media as a communication tool, hacker groups such as Anonymous Chaos Computer Club (CCC) and LulzSec aim to ignite activist protests from online to offline. Just like the global hacker groups, hacker groups in Turkey aim the exact same goal. Turkish hacktivists can be divided into two categories as nationalist groups who hack websites in other countries in order to leave messages and left-wing hackers who defend the freedom of information. As the most powerful example of hacktivism in Turkey, RedHack contain similar aspects. In this study, hacktivism will be discussed by its ethical aspects and the center of this academic study will be the Redhack case. Following the review of literature, a quantitative research in university students is shared to observe their perspective on Redhack and hactivism.

Keywords: Activism, Online Activism, Hacktivism, RedHack

1. Introduction

According to United Nations’ eParticipation Index (2012), Turkey’s e-participation level is extremely low. This low level of e-participation in turn indicates low digital individual political expression levels. Therefore the existence of Turkish hacktivist groups such as RedHack can be considered as interesting to say the least. This very anomaly was the primary motivation of our study.

Definitions and types of activism were given in order to solidify the base of our study. Online activism and hacktivism were also defined under the umbrella of activism.

In order to understand the hacktivist movement in Turkey we chose a well known hacker group, RedHack as our case study. In the process of writing this study, Gezi Park protests kicked off and many of the protestors rapidly started following RedHack’s activities as a source for obtaining news.

It must be emphasized that our survey has been diffused virally among RedHack Twitter followers causing our participant group to be mostly formed as people who support RedHack.

The survey conducted in this study aims to understand the public opinion about RedHack and if there is a relation...
between feeling sympathy towards RedHack and being displeased with current social and political situation. Additionally it aims to observe if there is a correlation between the awareness of the actions taken by RedHack and its nature as perceived by the public.

2. Activism and Hacktivism

Activism can be defined as any action taken deliberately in order to generate a social or political change. As defined in Oxford dictionary activism is “the policy or action of using vigorous campaigning to bring about political or social change.” (Oxford Dictionary) Even though the word activism is often used synonymously with protest or dissent, activism can occur in numerous political or social orientations and in a wide range of forms. (Wikipedia)

Activism is not necessarily a good thing or a bad thing. It all depends on the cause and the actions, and a person’s judgment of what is worthwhile. One person might say that a protest is a valuable defense of freedom and another person might say that it is a dangerous attack on human rights. (Martin, 2007)

Actions taken under activism can be broken down into two main categories as nonviolent and violent actions. After examining nearly 200 different methods of nonviolent actions, researcher Gene Sharp breaks them down into three categories:

1. Nonviolent protest and persuasion

   Describes methods that include formal statements, communications with a wider audience, group representations, symbolic public arts, pressures on individuals, drama and music, processions, honoring the dead, public assemblies, withdrawal and renunciation.

2. Social, economic and political noncooperation

   a. Social Noncooperation

      Describes methods that include ostracism of persons, noncooperation with social events, and withdrawals from the social system.

   b. Economic Noncooperation

      i. Economic Boycotts

      Describes methods that include actions by consumers, action by workers and producers, actions by middlemen, actions by owners and management, actions by holders of financial resources, and actions by governments.

      ii. The Strike

      Describes methods that include symbolic strikes, agricultural strikes, strikes by special groups, ordinary industrial strikes, restricted strikes, multi-industry strikes and combination of strikes and economic closures.

   c. Political Noncooperation

      Describes methods that include rejection of authority, citizens' noncooperation with government, citizens' alternatives to obedience, actions by government personnel, domestic government action and international government action.

3. Nonviolent intervention

   Describes methods that include psychological interventions, physical interventions, social interventions, economic interventions, and political interventions. (Sharp, 1973)

   Opposed to non-violent actions, violent actions such as killing and bombing can be taken in the name of activism. On extreme ends violent actions carried out by those not authorized to do so can be named as “fighting for freedom” or terrorism. However, this is usually called armed struggle rather than activism. (Martin, 2007)

   In between nonviolent and violent activism is vandalism. If done on behalf of a cause vandalism can be classified as a form of activism. Examples of vandalism include but not limited to egg throwing, property destruction and tagging.

   Vandalism can be praised or dispraised depending on a person’s judgment.

   The methods of activism keep evolving along with sociological and technological developments. Digital technologies help shaping public opinions and fast organization of actions. Online activism is the use of electronic communication technologies such as e-mail, blogs and social networking sites for a cause to enable faster communication and information transfer. Online activism uses information technologies for its cause related activities. Online activism is also referred as Internet activism, e-activism, cyber activism, etc. Online activism is also referred as Internet activism, e-activism, cyber activism, etc. (Wikipedia)
Hacktivism is a portmanteau word of hacking and activism. As defined in Oxford Dictionary a hacker is “a person who uses computers to gain unauthorized access to data.” So the term hacktivism defines hacking in order to generate a social or political change. It is carried out under the premise that proper use of technology can produce results similar to those of conventional acts of protest, activism, and civil disobedience. (Wikipedia)

There are two opposing views about the definition of hacktivism. While some see hacktivism as cyber terrorism, some see it as the efficient use of technology for affecting a social change. There is an ongoing debate on whether hacktivism is a nonviolent or a violent action in terms of activism.

3. Hacktivism in Turkey: The Case of RedHack

Cyber warfare raises issues of growing nation’s interests. Cyber warfare can be used to describe various aspects of defending and attacking information and computer networks in cyberspace. (Hildreth, 2001) As in the world, Turkey has witnessed such attacks over the last few years. For example, The Information and Communication Technologies Authority in Turkey had been attacked after their announcement about internet filtering decision. Personal data of users, who use online services of ICTA, was disclosed. This agency, which wants to control internet communication, cannot provide its own security. Because of events such as this example, many governmental agencies came under cyber-attacks. (Some of these attacks were done by Anonymous.)

The first national hacking action is actualized in October, 1998; Show TV’s, a national television channels, web site has been hacked by KillRoy and WildHoney. Hackers add a long text and a mocking photograph of a famous anchorman Reha Muhtar. (Eriş, 2009)

The hacker groups of Turkey mainly divided in two. Nationalist hacker groups attack to web sites of other countries and leave messages if there is a problem about international relations. For instance, they attacked to the French parliament’s web site that revived Armenian Genocide Law and leaved threatening messages. The other example of their actions is that they hacked one of communications forum of Anonymous for defending ICTA. The other claims that they obey the hacker ethics and defend the freedom of information. They are anti-authoritarian, leftist and anarchist, and RedHack is one of them.

3.1 RedHack

RedHack claimed that they are a Marxist-socialist group and they were founded in 1997. The core team of the group consists of twelve members. They are in cooperation with other hacker groups such as Anonymous. According to RedHack, they are not only a hacker group, in the future they will be considered as a philosophy. (Gökdemir, 2013)

3.2 Actions of RedHack:

3.2.1 February 2012

- Ankara Police Department’s web page has been hacked and internal information has been leaked. This hacking action is created a strong publicity for RedHack. Police Department has taken 17 citizens under custody however RedHack declared that none of them were their members.
- March 2012
- To protest the violence on Turkish Public Worker Union Confederation (KESK) members, 350 police department web sites have been hacked.
- Web page of Justice and Development Party’s Provincial Directorship in Sivas is hacked with adding a Smurf Father (A cartoon character) image.
- April 2012
- Web page of Fethullah Gülen (A spiritual leader for Turkish-Islam Community) has been hacked. Hammer and sickle as Communism symbols has been added with a message “Damn imam and his followers, long live revolution.”
- Internal Affairs Ministry’s site has been hacked and “Do a somersault if you love us.” message has been added onto the site for Minister.
- TTNET (An internet service provider) has been hacked and for two hours internet connection via TTNET was blocked.
RedHack preannounced their attack, related governmental bodies has blocked the connection to defend the cyber-attack for two hours. RedHack declared the reason for their action:

1. To actualize the immediate release of 7 people that is claimed as members of RedHack.
3. To show the solidarity for May 1st the Labor Day
4. To protest TTNET because of high prices with low connection speed.
5. To protest Fetullah Gülen and his followers.
6. To have fun.

3.2.2 May - June 2012

- Environment and Urban Planning Ministry website had been hacked to protest hydro-nuclear power plant.
- Family and Social Policies Ministry website was hacking on Mother’s Day.
- After Melih Gökçek, who is a Turkish politician and has been the mayor of Ankara, shared a woman’s phone number, RedHack published his and his all family’s phone numbers, addresses and national identification numbers.
- The system of Turkish Land Forces was hacked and personal data of all members were published.
- They carried out a cyber-attack to website of Turkish Airlines.
- A lot of students were poisoned because of the milk distributed at schools. After that, RedHack hacked the websites of Food, Agriculture and Livestock Ministry and milk producers won tender.
- RedHack hacked website of National Intelligence Organization when the organization was deployed against them.

3.2.3 July 2012

- RedHack attacked to website of Foreign Affairs Ministry, and published foreign diplomats’ personal data via Dropbox. After that twitter account of RedHack was closed with the suppression of USA.
- Student Selection and Placement Center’s website was hacked.
- They hacked the website of Justice and Development Party and leaved messages.
- Redhack claimed that academicians and journalists, who support their actions, were under threat. Because of that, they published all of the documents obtained Ankara Police Department.
- The Facebook page of Turkish Radio and Television Corporation had been hacked.

3.2.4 August 2012

- After the release of child rapists, RedHack hacked the websites of Supreme Court and Constitutional Court.

3.2.5 September 2012

- While waiting the decision of Governorship of Sinop about nuclear power plant, their website had been hacked and a message leaved: “Nuclear power plant is fascism!”

3.2.6 November 2012

- RedHack supported Anonymous on Hack operations against Israel.
- Public Auction Corporation’s web site was hacked with adding a disinformation into the announcement such as pricing JDP with 1 Turkish Lira.

3.2.7 December 2012

- Several social network accounts with child abuse videos were hacked and closed.
3.2.8 January 2013

- Higher Education Corporation’s web page was hacked.
- Corruption documents of several universities were leaked.

3.2.9 February 2013

- Documents about Ankara Municipality President, Melih Gökçek, are leaked.
- March-April 2013
  - Web page of Ankara Municipality had been hacked.
  - MOSSAD’s site is hacked with cooperation of Anonymous.
  - Israeli diplomats’ and bureaucrats’ personal information is publicly shared.
- May 2013
  - Because of the terrorist attack in Reyhanlı, RedHack hacked Hatay Governorship’s site to declare they demand a national mourning.
  - Turkish Intelligence documents on Reyhanlı had leaked by RedHack.

3.2.10 June 2013

- RedHack hacked the website of Beyoğlu Police Department to protest Gezi Park.
- RedHack claimed responsibility for all tweets that were posted about the Taksim Gezi Park protests after the government announced that an investigation into the matter had been launched. (Hürriyet Daily News, 2013)
- After Ethem Sarsülü’s death, who was shot in the head and killed by the police during the protest in the capital Ankara, websites of Ankara Police Department and Governorship of Istanbul were hacked by RedHack.
- After Abdullah Cömert’s death, who died during the protest in Hatay, website of Governorship of Hatay was hacked by RedHack.
- After Mehmet Ayvalıtaş’s death, who died during the protest, website of Istanbul Police Department was hacked by RedHack.

4. Survey Results

The survey was designed to measure 4 factors. The first factor aims to measure the demographics of participants. The second factor intends to understand the social and political opinions and contentedness on Turkey. The third factor aims to measure the knowledge of the participants about RedHack. The last factor plans to understand the approach of the participants to the actions taken by RedHack.

4.1 Demographics

Out of 1804 people who participated in our survey 57% is male. 65% of the participants are between the ages of 18 – 29, the rest of the participants are distributed among the age groups as 17%, between the ages of 30 – 34, 15% above 35 and 4% under 18. 81% of all participants are either still studying in a university or higher education or graduated from a university or higher education. Of the people who have participated 45% are students while 15% are employed in private corporations and 14% are business owners. The remaining 16% is made of government employees and retired or unemployed citizens. Participation from Istanbul is the highest with 47% followed by İzmir, Ankara and foreign countries with the rates of 11%, 10% and 7% respectively. The rest 25% is distributed among different cities of Turkey with low percentages.

4.2 Social and Political Opinions

Participants’ answers on statements on how and from where RedHack got support shows that vast majority of the participants believe that there is no one behind RedHack but RedHack’s itself. 2% of the participants believe strictly that Turkish Government is supporting RedHack, 8% believe that a Foreign Government or a foreign organization gives
support and 4% of the participants believe RedHack has a strong relationship with Terrorist Groups. 21% of the overall participants are not sure about if RedHack got support from a foreign government or a foreign organization or not, should be emphasized.

Because of the vast majority of participants have a positive opinion on RedHack; survey analysis is divided into two as RedHack supporters and non-supporters to observe possible divergences with comparing survey responses of these two groups. This division was based on the answers given to the question “Do you support the activities of RedHack?”.

The main divergences observed are:
- Gender distribution of supporters are 56% male and 44% female however non-supporters’ gender distribution is 65% male and 35% female.
- There are 10% more students in supporters.

In Table 1 non-supporters/not sure are shown as “Group A” and supporters are shown as “Group B” to present the responses of participants on socio-political status of Turkey.

Table 1. The responses of participants on socio-political status of Turkey

<table>
<thead>
<tr>
<th>Socio-political expressions about Turkey</th>
<th>Group A</th>
<th>Group B</th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe that I have freedom of expression.</td>
<td>Disagree 65.1</td>
<td>81.9</td>
</tr>
<tr>
<td></td>
<td>Neutral 12.8</td>
<td>6.6</td>
</tr>
<tr>
<td></td>
<td>Agree 22.1</td>
<td>11.5</td>
</tr>
<tr>
<td>I think that Turkey has good economic conditions.</td>
<td>Disagree 60.4</td>
<td>83.8</td>
</tr>
<tr>
<td></td>
<td>Neutral 17.4</td>
<td>11.4</td>
</tr>
<tr>
<td></td>
<td>Agree 22.2</td>
<td>4.8</td>
</tr>
<tr>
<td>I trust judicial system.</td>
<td>Disagree 77.0</td>
<td>94.1</td>
</tr>
<tr>
<td></td>
<td>Neutral 11.5</td>
<td>4.5</td>
</tr>
<tr>
<td></td>
<td>Agree 11.5</td>
<td>1.4</td>
</tr>
<tr>
<td>I think that democracy level is high enough in Turkey.</td>
<td>Disagree 78.5</td>
<td>97.4</td>
</tr>
<tr>
<td></td>
<td>Neutral 8.7</td>
<td>1.3</td>
</tr>
<tr>
<td></td>
<td>Agree 12.8</td>
<td>1.3</td>
</tr>
<tr>
<td>I trust in executive and legislative in Turkey.</td>
<td>Disagree 74.5</td>
<td>97.2</td>
</tr>
<tr>
<td></td>
<td>Neutral 12.1</td>
<td>2.1</td>
</tr>
<tr>
<td></td>
<td>Agree 13.4</td>
<td>0.7</td>
</tr>
<tr>
<td>I trust news on TV and newspapers.</td>
<td>Disagree 88.5</td>
<td>96.8</td>
</tr>
<tr>
<td></td>
<td>Neutral 8.1</td>
<td>2.1</td>
</tr>
<tr>
<td></td>
<td>Agree 3.4</td>
<td>1.1</td>
</tr>
<tr>
<td>I believe that I am being represented in parliament.</td>
<td>Disagree 74.1</td>
<td>93.0</td>
</tr>
<tr>
<td></td>
<td>Neutral 11.6</td>
<td>5.0</td>
</tr>
<tr>
<td></td>
<td>Agree 14.3</td>
<td>2.0</td>
</tr>
<tr>
<td>I am satisfied with the public services.</td>
<td>Disagree 54.4</td>
<td>74.2</td>
</tr>
<tr>
<td></td>
<td>Neutral 18.8</td>
<td>19.2</td>
</tr>
<tr>
<td></td>
<td>Agree 26.8</td>
<td>6.6</td>
</tr>
<tr>
<td>I believe that the government is transparent.</td>
<td>Disagree 75.2</td>
<td>98.1</td>
</tr>
<tr>
<td></td>
<td>Neutral 10.7</td>
<td>0.9</td>
</tr>
<tr>
<td></td>
<td>Agree 14.1</td>
<td>1.1</td>
</tr>
<tr>
<td>I think that the government is reliable.</td>
<td>Disagree 73.0</td>
<td>98.6</td>
</tr>
<tr>
<td></td>
<td>Neutral 10.1</td>
<td>0.8</td>
</tr>
<tr>
<td></td>
<td>Agree 16.9</td>
<td>0.6</td>
</tr>
<tr>
<td>I believe that the judiciary is independent.</td>
<td>Disagree 76.4</td>
<td>96.9</td>
</tr>
<tr>
<td></td>
<td>Neutral 11.8</td>
<td>2.3</td>
</tr>
<tr>
<td></td>
<td>Agree 11.8</td>
<td>0.8</td>
</tr>
<tr>
<td>I am optimistic about the future of Turkey.</td>
<td>Disagree 47.3</td>
<td>64.5</td>
</tr>
<tr>
<td></td>
<td>Neutral 23.6</td>
<td>23.5</td>
</tr>
<tr>
<td></td>
<td>Agree 29.1</td>
<td>12.0</td>
</tr>
</tbody>
</table>
According to Table 1

- There are 10% more participants in Group A believes that freedom of expression level is sufficient.
- Main-stream media trust level is considerably low for both groups. It can be emphasized low media trust levels creates a strong convergence for both groups.
- Only 1.3% of Group B believes that democracy level is insufficient and 12.8% of Group A believes that democracy level is sufficient.
- JDP’s transparency and accountability level is sufficient for 0.85% in Group B and for 15.5% in Group A.
- Neutral responses on future of Turkey for both groups are very similar for both groups; 23.6% for Group A, 23.5% for Group B. RedHack supporters are unhappy about that future of Turkey.
- There is a considerable amount of participants that are optimistic about the future of Turkey and public services’ quality. It must be emphasized that RedHack supporters are tend to be pessimistic about the future of Turkey and public services’ quality.
- Economic development level, Freedom of Expression, Optimism in the future of Turkey and the quality of public services have more affirmative responses for both groups, according to the other survey questions.

4.3 Recognition of Actions Taken by RedHack

As stated before the third factor aims to measure recognition degree of participants about the actions of RedHack.

According to the participants, RedHack’s is best known for their infamous activities in which they choose their targeted websites based on specific objectives, revealing secret data normally unavailable to public and crippling or outright disabling certain organizations including but not limited to those which belong to the government.

If the three most widely known activities listed above are excluded from the statistics, it appears that 45% of the participants have accurate knowledge about the actions of RedHack while 37% stated that they have no knowledge at all. The remaining 18% consists of participants who answered the questions inaccurately. The most popular of these answers are:

- RedHack does not attack private corporations’ websites
- RedHack only acts within Turkey
...none of which are correct.

In table 2 Responses on RedHack activities are shown for Group A and B.

Table 2. The responses of participants on RedHack activities

<table>
<thead>
<tr>
<th>Expressions about actions of RedHack</th>
<th>Group A</th>
<th>Group B</th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe that the accuracy of the information shared by RedHack.</td>
<td>Disagree</td>
<td>40.5</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>21.0</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>38.5</td>
</tr>
<tr>
<td>I see RedHack as a news source.</td>
<td>Disagree</td>
<td>47.6</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>21.1</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>31.3</td>
</tr>
<tr>
<td>I believe that RedHack should share information.</td>
<td>Disagree</td>
<td>48.3</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>21.4</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>30.3</td>
</tr>
<tr>
<td>Statement</td>
<td>Disagree</td>
<td>Neutral</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>I think that actions of RedHack are illegal.</td>
<td>36.5</td>
<td>72.1</td>
</tr>
<tr>
<td></td>
<td>29.7</td>
<td>16.3</td>
</tr>
<tr>
<td></td>
<td>33.8</td>
<td>11.6</td>
</tr>
<tr>
<td>I think that actions of RedHack are extreme.</td>
<td>55.1</td>
<td>93.5</td>
</tr>
<tr>
<td></td>
<td>24.5</td>
<td>3.8</td>
</tr>
<tr>
<td></td>
<td>20.4</td>
<td>2.7</td>
</tr>
<tr>
<td>I get disturbed when RedHack hacks the websites that I use in my daily</td>
<td>62.3</td>
<td>91.2</td>
</tr>
<tr>
<td>life.</td>
<td>12.4</td>
<td>5.7</td>
</tr>
<tr>
<td></td>
<td>25.3</td>
<td>3.1</td>
</tr>
<tr>
<td>I believe that RedHack has many supporters.</td>
<td>45.5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>22.1</td>
<td>10.8</td>
</tr>
<tr>
<td></td>
<td>32.4</td>
<td>84.3</td>
</tr>
<tr>
<td>I think that RedHack is supported by the government.</td>
<td>77.6</td>
<td>94.7</td>
</tr>
<tr>
<td></td>
<td>15.0</td>
<td>3.9</td>
</tr>
<tr>
<td></td>
<td>7.4</td>
<td>1.4</td>
</tr>
<tr>
<td>I think that RedHack is supported by the external sources.</td>
<td>45.9</td>
<td>73.0</td>
</tr>
<tr>
<td></td>
<td>28.4</td>
<td>20.1</td>
</tr>
<tr>
<td></td>
<td>25.7</td>
<td>6.9</td>
</tr>
<tr>
<td>I think that RedHack is supported by the terrorist groups.</td>
<td>60.5</td>
<td>90.5</td>
</tr>
<tr>
<td></td>
<td>19.1</td>
<td>7.3</td>
</tr>
<tr>
<td></td>
<td>20.4</td>
<td>2.1</td>
</tr>
<tr>
<td>I believe that actions of RedHack are well-intentioned.</td>
<td>38.8</td>
<td>1.9</td>
</tr>
<tr>
<td></td>
<td>25.2</td>
<td>3.2</td>
</tr>
<tr>
<td></td>
<td>36</td>
<td>94.9</td>
</tr>
<tr>
<td>I think that the government takes RedHack seriously.</td>
<td>45.9</td>
<td>12.8</td>
</tr>
<tr>
<td></td>
<td>24.0</td>
<td>21.3</td>
</tr>
<tr>
<td></td>
<td>30.1</td>
<td>65.9</td>
</tr>
<tr>
<td>I believe that RedHack is impartial.</td>
<td>61.1</td>
<td>23.3</td>
</tr>
<tr>
<td></td>
<td>20.1</td>
<td>15.4</td>
</tr>
<tr>
<td></td>
<td>18.8</td>
<td>61.3</td>
</tr>
<tr>
<td>I think that RedHack will create a change.</td>
<td>50.3</td>
<td>3.9</td>
</tr>
<tr>
<td></td>
<td>31.7</td>
<td>18.3</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>77.8</td>
</tr>
<tr>
<td>I believe that the aim of RedHack is to obtain transparency.</td>
<td>41.7</td>
<td>1.6</td>
</tr>
<tr>
<td></td>
<td>21.5</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>36.8</td>
<td>92.4</td>
</tr>
<tr>
<td>I believe that the aim of RedHack is to obtain awareness.</td>
<td>39.6</td>
<td>9.4</td>
</tr>
<tr>
<td></td>
<td>11.8</td>
<td>4.8</td>
</tr>
<tr>
<td></td>
<td>48.6</td>
<td>85.8</td>
</tr>
<tr>
<td>I believe that the aim of RedHack is to punish.</td>
<td>31.7</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td>21.4</td>
<td>10.4</td>
</tr>
<tr>
<td></td>
<td>46.9</td>
<td>78.1</td>
</tr>
<tr>
<td>RedHack is an activist group.</td>
<td>35</td>
<td>6.8</td>
</tr>
<tr>
<td></td>
<td>20.2</td>
<td>13.1</td>
</tr>
<tr>
<td></td>
<td>44.2</td>
<td>80.4</td>
</tr>
<tr>
<td>I think that number of groups such as RedHack should increase.</td>
<td>47.6</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>33.1</td>
<td>16.5</td>
</tr>
<tr>
<td></td>
<td>19.3</td>
<td>73.5</td>
</tr>
<tr>
<td>Actions of RedHack are good for independence.</td>
<td>42.4</td>
<td>0.9</td>
</tr>
<tr>
<td></td>
<td>19.4</td>
<td>2.1</td>
</tr>
<tr>
<td></td>
<td>38.2</td>
<td>97</td>
</tr>
<tr>
<td>RedHack is an opposing group.</td>
<td>32.6</td>
<td>15.1</td>
</tr>
<tr>
<td></td>
<td>23.6</td>
<td>13.9</td>
</tr>
<tr>
<td></td>
<td>43.8</td>
<td>71</td>
</tr>
<tr>
<td>RedHack is a terrorist group.</td>
<td>67.6</td>
<td>96.4</td>
</tr>
<tr>
<td></td>
<td>16.6</td>
<td>2.3</td>
</tr>
<tr>
<td></td>
<td>15.9</td>
<td>1.3</td>
</tr>
</tbody>
</table>
According to table above:
- More than 90% of the Group B trust the information shared by RedHack, do not find RedHack activities extreme, do not mind if a website is down, do not believe any government or an organization gives support, believe that RedHack is favorable, believe that RedHack is trying to obtain transparency, believe RedHack supports freedom and believes that RedHack is not a terrorist group.
- 65.9% of Group B believes that Turkish Government does not take RedHack serious.
- 61.3% of Group B and 61.1% of Group A state that RedHack is neutral.
- RedHack describes itself as an illegal organization however only 11.6% of the Group B and 33.8% of Group A believes that RedHack is illegal.
- 15.9% of Group A and 1.3% of Group B believes that RedHack is a terrorist group.
- 77.6% of Group A does not believe that RedHack is supported by Turkish government.
- Group A believes that RedHack’s actions will not create a change, RedHack should not share classified documents and RedHack should be seen as an information source; and also Group A believes that RedHack’s activities are not extreme and RedHack can create strong awareness on certain issues.
- 65% of the Group B believes that government takes RedHack serious and 61% of the same group states that RedHack is politically neutral.

5. Conclusion

Low levels of electronic participation in Turkey cause a low amount of digital political expression. In the presence of a public which is largely non-reactive to political issues, RedHack attains a great value with its digital yet illegal activities. Gezi protests, especially, show that suppressed expressions of the public can create an extreme and instant reaction directed towards the authorities. Protestors believe that all governmental bodies and main-stream media turned their back to them and in this conjuncture RedHack’s actions created sympathy within the public.

Gezi protests have transformed the image and raised the level of awareness of RedHack. For a considerable amount of people, RedHack became more of a freedom fighter rather than a hacktivist group. It must be emphasized that our survey has been diffused virally among RedHack Twitter followers. Our survey showed that RedHack supporters strongly believe that governmental bodies are not working efficiently and mass-media is ignoring or manipulating the truth. For them, RedHack is an information source and a strong opposing power without any form of support from any government and organization.

As an extreme type of digital activism, globally, hacktivism has a great role on shaping political stance of the public. Just like it’s globally, each passing day, hacktivist groups’ importance is increasing in Turkey too. And although the ideologies and activities of Hacktivist groups’ are open to debate, their impact - without a doubt- is unquestionable.

References

The Analytical and Practical Aspects of Doing Marketing In Russia

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Doi:10.5901/mjss.2013.v4n9p637

Abstract

In this article problems of foreign companies' marketing activities are examined. This subject is very topical because today Russia is one of emerging countries in the world with the positive annual increase of GDP. The Russian marketing environment where Italian firms have to work is described in details. Threats and opportunities for business activities are analyzed. The macroeconomic indexes describe the state of Russian economy, the author makes forecast of future economic situation. Prof. Shkarovskiy estimated the attractiveness of Russian business. The investment climate in Russia is examined. More than 20 specific economic zones are functioning in Russia, foreign companies may work there under favourable conditions. The author demonstrated juridical and practical arguments for their start-up and future functioning. For Italian businessmen it is very important to understand Russian entrepreneurial culture. Russian entrepreneur mentality is described. The valuable practical recommendations to conduct negotiations are given. The author analyzed Russian and foreign competitors. The most attractive economic sectors are revealed. Within micromarketing environment segmentation of potential clients are carried out under different criteria. The author has analyzed bilateral relations between Italy and Russia. The most lucrative spheres of partnership are determined. Many Russian firms widely use Internet for conducting business. This fact is an additional advantage for foreign companies. The main principles of working online are examined.

Keywords: marketing, marketing environment, marketing-mix, market segmentation, foreign investments, foreign trade, e-commerce.

1. Introduzione

Prima di tutto bisogna toccare alcuni argomenti teorici del marketing. Il marketing viene definito come quel processo sociale e manageriale diretto a soddisfare bisogni ed esigenze attraverso processi di creazione e scambio di prodotto e valori. In altre parole è l'arte e la scienza di individuare, creare e fornire valore per soddisfare le esigenze di un mercato di riferimento, realizzando un profitto.

Marketing mix è la combinazione delle variabili controllabili di marketing che l'impresa impiega al fine di conseguire gli obiettivi predefiniti nell'ambito del mercato obiettivo: prodotto, prezzo, distribuzione e promozione.

Prodotto è il bene o servizio che si offre/vende in un mercato per soddisfare determinati bisogni dei consumatori.

Prezzo è il valore economico di un bene o servizio espresso in moneta corrente in un dato tempo e luogo, che varia in base a modificazioni della domanda e offerta, e deve corrispondere al rapporto fra il ricavo totale desiderato dall'azienda da quella merce e il quantitativo prodotto.

Distribuzione è un insieme di istituzioni indipendenti che operano per rendere un prodotto o servizio disponibile al consumatore per l'uso.

Promozione si intende un complesso di attività per comunicare la propria offerta alla clientela; in altre parole l'incentivo o stimolo che tende a far conoscere e apprezzare un servizio, un prodotto o un'idea:

- personal selling presuppone lo scambio comunicativo diretto tra venditore e potenziale/reaile acquirente;
- direct marketing include tutte le forme di comunicazione volte a stimolare una azione di risposta da parte del target: direct mailing, telemarketing, e-marketing;
- azioni promozionali sono le forme di comunicazione tese a stimolare le vendite nel breve periodo, si annoverano i concorsi a premi, le raccolte punti, le offerte speciali, la distribuzione di campioni gratuiti, buoni sconto e agevolazioni;
- merchandising comprende espositori, materiale da vetrina, cartelli sospesi, appositi materiali da applicare al prodotto stesso o agli scaffali nella grande distribuzione, dimostrazioni tramite personale apposito e ogni altra forma di comunicazione che si svolga sul luogo di vendita del prodotto;
- pubbliche relazioni comportano l'interazione con la stampa (tramite diffusione di comunicati e conferenze stampa), con gli stakeholders (tramite la pubblicazione del bilancio), o con il pubblico in generale
pubblicità viene definita come una forma di comunicazione di massa (in genere, tramite l'inserimento di comunicati commerciali sui mass media o in spazi pubblici), con il fine di modificare gli atteggiamenti dei potenziali consumatori in senso favorevole alla marca, facilitando il processo d'acquisto.

L'ambiente di marketing di un'impresa è composto dagli attori e dalle forze esterne che influenzano la sua capacità di sviluppare e di mantenere con successo nel tempo, transazioni con i propri clienti. L'ambiente di marketing è costituito da un macroambiente e da un microambiente. Il primo è composto dalle maggiori forze sociali che influenzano l'intero microambiente: forze politiche, economiche, tecnologiche, demografiche, socio-culturali e ecologiche. Il secondo consiste nell'insieme di attori e forze vicine all'impresa, che possono influenzare la sua abilità di servire i propri clienti.

La Federazione Russa è la repubblica presidenziale con un Parlamento articolato in Camera Bassa (Duma di Stato) ed Alta (Consiglio della Federazione). In Russia ci sono 83 unità amministrative comprensenti Repubbliche, regioni, territori autonomi e le due città d'importanza federale di Mosca e San Pietroburgo.

Nel 2012 la struttura del mercato russo nel PIL era seguente: l'agrocoltura – 4,4%, l'industria – 37,6% e il settore terziario – 58%.

Tutti gli analisti concordano sul fatto che l'economia russa sia destinata a conseguire ritmi di crescita sostenuti anche nei prossimi anni grazie non solo alle esportazioni ma anche alla domanda interna.

Tabella 1. Principali indicatori economici degli ultimi 7 anni

<table>
<thead>
<tr>
<th>Indicatori economici</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>PIL (in mld di USD)</td>
<td>1022</td>
<td>1355</td>
<td>1411</td>
<td>1292</td>
<td>1504</td>
<td>1647</td>
<td>1823</td>
</tr>
<tr>
<td>PIL pro-capite (in USD)</td>
<td>6932,3</td>
<td>9140</td>
<td>11739,1</td>
<td>8681,4</td>
<td>10521,8</td>
<td>11996,2</td>
<td>13391,1</td>
</tr>
<tr>
<td>Crescita del PIL reale (variazione %)</td>
<td>8,2</td>
<td>8,5</td>
<td>5,2</td>
<td>-7,9</td>
<td>3,8</td>
<td>4,2</td>
<td>3,6</td>
</tr>
<tr>
<td>Consumi privati (in mld di USD)</td>
<td>320,2</td>
<td>426,2</td>
<td>559</td>
<td>460,7</td>
<td>540,1</td>
<td>598,9</td>
<td>662,7</td>
</tr>
<tr>
<td>Debito pubblico (in mld di USD)</td>
<td>89,5</td>
<td>111</td>
<td>130,6</td>
<td>134,2</td>
<td>164</td>
<td>209,7</td>
<td>261,9</td>
</tr>
<tr>
<td>Investimenti diretti stranieri (in mln di USD)</td>
<td>13678</td>
<td>27797</td>
<td>27027</td>
<td>15906</td>
<td>8196</td>
<td>18415</td>
<td>15300</td>
</tr>
<tr>
<td>Bilancia commerciale (in mld di USD)</td>
<td>163,4</td>
<td>152,2</td>
<td>200,5</td>
<td>134,3</td>
<td>147,6</td>
<td>130,1</td>
<td>125,5</td>
</tr>
<tr>
<td>Flusso di capitali entrata (+) uscita (-) (in mld di USD)</td>
<td>41,4</td>
<td>81,7</td>
<td>-133,9</td>
<td>56,9</td>
<td>-38,3</td>
<td>15</td>
<td>20,0</td>
</tr>
<tr>
<td>Rating OECD sul rischio Paese</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Come si vede dalla Tabella 1 il PIL della Russia nel 2012 ha conseguito un aumento in termini reali del 3,6%, in linea con quello del 2011, grazie al positivo andamento delle esportazioni, alla sostenuta dinamica dei consumi e degli investimenti, nonché al forte recupero della produzione agricola. La produzione industriale è invece cresciuta a un ritmo (+4,7%) decisamente inferiore rispetto a quello del 2011, per effetto di un certo rallentamento verificatosi nella parte finale dell’anno nel comparto manifatturiero e in quello estrattivo. Quest’ultimo in particolare potrebbe aver risentito delle aspettative di una diminuzione della domanda internazionale di idrocarburi nella prima parte del 2012, mentre sul settore manifatturiero si è riflessa soprattutto la minore richiesta di autoveicoli, dopo che, nel giugno 2011, sono terminati gli incentivi statali per l’acquisto di nuove auto. Del resto, proprio grazie a tali incentivi, la produzione di mezzi di trasporto ha registrato nel 2010 e nel 2011 tassi di crescita particolarmente ragguardevoli, dopo il crollo subito nel 2009.

La situazione economica prese poi a recuperare lentamente, sia per l’assestamento spontaneo dei meccanismi di mercato, sia per il pur modesto afflusso di investimenti produttivi esteri e per quello più consistente di crediti internazionali, sia per il contrasto attuato nei confronti dei più gravi comportamenti economici illegali; ma soprattutto perché il capitale pubblico e quello privato di stampo monopolistico (alleato dei poteri politici) provvedevano a una razionalizzazione degli assetti produttivi, dando vita a cartelli (per es. in campo bancario e petrolifero), o a monopoli di fatto (gas naturale), che svuotavano di sostanza l'impronta liberista, ma restituivano peso contrattuale ai settori strategici e ne rivalutavano le capacità negoziali. La riorganizzazione dell'economia portava anche a una modernizzazione nella
ripartizione degli attivi: i servizi assorbono ormai (2008) il 62,4% della forza-lavoro, l’agricoltura il 10%, l’industria circa un quarto. Adesso tocchiamo l’argomento della situazione demografica nel paese. La Russia è grande circa 17 milioni di km quadrati, che la rende il Paese più grande del mondo (superando il Canada per più di 7 milioni di chilometri quadrati). La densità è di 9 persone per chilometro quadrato, una delle densità più basse al mondo, e la popolazione prevalentemente urbana.

La Federazione Russa è scarsamente popolata in rapporto alla sua enorme estensione; la densità della popolazione è di 8 ab/km², maggiore nella parte europea della Russia, nella zona delle montagne degli Urali, e nella parte sud-orientale della Siberia. La Federazione Russia ospita molti differenti gruppi etnici e popolazioni indigene. Più dell’80% della popolazione è composta da Russi etnici, il resto comprende Baschiri, Ceceni, Ciuvasci, Cosacchi, Evenki, Tedeschi, Ingusci, Yupik, Calmucchi, Careliani, Coreani, Mordvini, Osseti, Taimnri, Tatari, Tuvalu, Jakuti e molti altri.

Nel corso degli anni il grado di segmentazione del mercato russo si è ampliato: accanto alla domanda di beni di consumo di fascia alta, sostanzialmente inelastica al prezzo e sensibile alla novità e alla esclusività, è cresciuta la domanda della nuova classe media che vive nei grandi centri urbani (oltre a Mosca e San Pietroburgo, Novosibirsk, Ekaterinburg, Krasnodar ecc.). Si tratta di una fascia di consumo che secondo alcune stime include circa 30-35 milioni di persone, che, sommate a quelle della fascia alta, costituisce un mercato per i beni di consumo di circa 45 milioni di persone, pari a un terzo della popolazione complessiva.

Gli altri indici demografici sono presentati nella Tabella 2:

Tabella 2. Indici demografici nella Federazione Russa (per 2012) 2

<table>
<thead>
<tr>
<th>Indicatore</th>
<th>Valore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Popolazione, il ranking mondiale</td>
<td>142.517.670</td>
</tr>
<tr>
<td>Religioni</td>
<td></td>
</tr>
<tr>
<td>Ortodossi</td>
<td>15-20%</td>
</tr>
<tr>
<td>Musulmani</td>
<td>10-15%</td>
</tr>
<tr>
<td>Altri cristiani</td>
<td>2%</td>
</tr>
<tr>
<td>Età distribuzione</td>
<td></td>
</tr>
<tr>
<td>0-14 anni</td>
<td>15,7% (maschi 11.498.268 / femmini 10.890.853)</td>
</tr>
<tr>
<td>14-24 anni</td>
<td>12,4% (maschi 9.031.057 / femmini 8.662.557)</td>
</tr>
<tr>
<td>25-54 anni</td>
<td>45,8% (maschi 31.894.116 / femmini 33.432.996)</td>
</tr>
<tr>
<td>55-64 anni</td>
<td>13,1% (maschi 7.926.184 / femmini 10.711.347)</td>
</tr>
<tr>
<td>oltre 64 anni</td>
<td>13% (maschi 5.622.464 / femmini 12.847.828)</td>
</tr>
<tr>
<td>Età media</td>
<td></td>
</tr>
<tr>
<td>Maschi</td>
<td>62 anni</td>
</tr>
<tr>
<td>Femmine</td>
<td>74 anni</td>
</tr>
<tr>
<td>Tasso di crescita, il ranking mondiale</td>
<td>-0,01%</td>
</tr>
<tr>
<td>Tasso di natalità, il ranking mondiale</td>
<td>12,3 nascite / 1,000 per mille abitanti</td>
</tr>
<tr>
<td>Tasso di mortalità, il ranking mondiale</td>
<td>14,1 morti /1,000 per mille abitanti</td>
</tr>
<tr>
<td>Urbanizzazione</td>
<td></td>
</tr>
<tr>
<td>Popolazione urbana</td>
<td>73%</td>
</tr>
<tr>
<td>Tasso di urbanizzazione</td>
<td>-0,2% annuo (2010-15 approssimativo)</td>
</tr>
</tbody>
</table>

2. Ambiente socio-culturale

Per lavorare correttamente con la Russia, è necessaria una accurata preparazione. Nella Tabella 3 sono descritte alcune caratteristiche di base:

Tabella 3. Caratteristiche basilari della personalità russa 3

<table>
<thead>
<tr>
<th>Caratteristica</th>
<th>Descrizione</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprenditorialità</td>
<td>I russi sanno fare il business. Loro sono ben precisi, puntuali. Sanno bene organizzarsi.</td>
</tr>
<tr>
<td>Business collaborazione</td>
<td>Per i russi nella scelta del business partner hanno grande valore non solo le capacità pratiche organizzative, ma anche le qualità personale, le quali i russi si danno da fare per conoscere anzitutto. Per il russo è importante capire la persona con la quale dovrà avere a</td>
</tr>
</tbody>
</table>

2 www.wikipedia.org
3 www.rcrussia.it
3. La Russia nel commercio internazionale

Dopo la dissoluzione dell’Unione Sovietica, la Russia si è gradualmente aperta al commercio internazionale. L’innalzamento del reddito disponibile e l’espansione nella domanda interna degli ultimi dodici anni si sono tradotti in un aumento delle importazioni di prodotti finiti, considerata l’incapacità dell’industria nazionale di produrre beni di analoga qualità. L’apertura della Federazione Russa al commercio internazionale, e soprattutto l’attrazione degli investimenti stranieri, sono fra le principali priorità del Governo russo. Esse vengono perseguite tramite la conclusione del processo di piena integrazione nell’economia mondiale, iniziato venti anni fa, e la creazione di condizioni più propizie per investire nella Federazione Russa, soprattutto per le imprese straniere che possano trasferire tecnologia e contribuire alla creazione di industrie nazionali, localizzando la produzione.

In questo quadro, particolare importanza riveste l’ingresso della Federazione Russa nell’Organizzazione Mondiale del Commercio (WTO) sulla base delle intese raggiunte nel 2011 prima con gli Stati Uniti e successivamente, con più difficoltà, con l’Unione Europea, dopo diciotto anni di negoziati. La Federazione Russa si è formalmente iscritta all’Organizzazione a giugno 2012. Nell’ottica del Governo russo, l’ingresso nel WTO, che non mancherà di avere conseguenze per gli interessi costituiti di industrie e mercati protetti, di posizioni di rendita quali quelle delle dogane russe o dei distributori di prodotto importati, sarà importante non solo per il recepimento di standard e regole comuni ma ancor più per il segnale nel senso dell’apertura agli investimenti stranieri che esso invierà.

L’ingresso nel WTO darà un’accelerazione anche al processo di adesione all’OCSE, la cui principale difficoltà risiede nel coordinamento fra le varie Amministrazioni interessate, soprattutto ai fini del recepimento degli standard OCSE in materia ambientale. Particolare importanza è data anche all’adozione da parte russa della Convenzione OCSE contro la corruzione di pubblici ufficiali stranieri; al riguardo, è stata adottata nel maggio scorso una legge sulla lotta alla corruzione.4

Particolarmente intense sono le relazioni con l’Unione Europea, principale partner commerciale (con metà dell’interscambio totale della Federazione Russa) nonché primo acquirente di gas e petrolio russo (intorno al 70% del totale esportato). Il rapporto è asimmetrico: la Federazione Russa è solo il terzo partner dell’UE dopo Stati Uniti e Cina. Continuano i negoziati per la conclusione di un Nuovo Accordo che aggiorni e sostituisca l’attuale Accordo di Partenariato e Cooperazione, includendo disposizioni in materia di commercio e investimenti che vadano al di là degli obblighi WTO, anche in vista di una futura istituzione di un’area di libero scambio.5

Il Rapporto sulla competitività del World Economic Forum colloca la Federazione Russa nel ranking mondiale del 2011-2012 al 66° posto (Italia al 43° posto), con un punteggio di 4,2, confermando il punteggio del periodo precedente, ma scendendo di 3 posizioni nel ranking.6 Nella Tabella 4 sono presentati i punti forti e deboli per gli imprenditori che intendono fare il business in Russia:

| Tabella 4. Caratteristiche positive e negative nel fare business in Russia |

<table>
<thead>
<tr>
<th>Vantaggi</th>
<th>Svantaggi</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Ampiezza del mercato</td>
<td>- Corruzione</td>
</tr>
<tr>
<td>- Formazione primaria e superiore</td>
<td>- Accesso alla finanza</td>
</tr>
<tr>
<td>- Formazione universitaria</td>
<td>- Sistema fiscale</td>
</tr>
<tr>
<td>- Efficienza del mercato del lavoro</td>
<td>- Crime</td>
</tr>
<tr>
<td>- Ambiente macroeconomico</td>
<td>- Inflazione</td>
</tr>
<tr>
<td>- Inefficienza della burocrazia</td>
<td>- Alcoute fiscali</td>
</tr>
</tbody>
</table>

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4 www.oecd.org
5 www.imf.org
6 www.cia.gov
Nel ranking del The World Bank Group, che indica il grado di facilità di fare business in 183 paesi, la Federazione Russa si piazza al 120° posto (ranking 2012), migliorando di 4 posizioni il ranking 2011.

4. Investimenti esteri in Russia

Agli investitori esteri vengono garantiti determinati diritti di proprietà sugli investimenti nella Federazione Russa e sugli utili conseguiti sul territorio russo. Gli investimenti esteri sono regolati sia a livello federale che regionale. La normativa federale sugli investimenti esteri prevede che gli investitori esteri abbiano il diritto di svolgere attività commerciali e di disporre degli utili conseguiti in Russia tanto quanto gli investitori nazionali. Alcune limitazioni possono essere imposte agli investitori esteri, ma solo se necessarie a proteggere le garanzie costituzionali: la salute, i diritti e gli interessi legittimi dei cittadini, la difesa dello Stato o alcune misure di sicurezza.

Gli investitori esteri sono trattati, di norma, come gli investitori russi. Le restrizioni sulle attività commerciali - concessione di licenze, notifiche e requisiti per le autorizzazioni - si applicano alle persone giuridiche sia russe che estere.

Agli investitori esteri viene garantita la piena e incondizionata protezione dei propri diritti e interessi. L’investitore estero ha facoltà di recuperare le perdite causate da un’azione in violazione della legge od omissione da parte delle autorità federali o dello stato regionale, ai sensi del codice civile russo.

La proprietà di un investitore estero o di una società con partecipazione estera non può essere confiscata per mezzo di nazionalizzazione o requisizione, fatti salvi i casi identificati dalle leggi federali russe e dal diritto internazionale.

In caso di requisizione, il valore della proprietà confiscata deve essere rimborsato all’investitore estero o alla società con partecipazione straniera. In caso di nazionalizzazione, il rimborso deve riguardare il valore della proprietà nazionalizzata e le perdite conseguenti.

Inoltre, la legge offre agli investitori esteri protezione da modifiche di legge sfavorevoli qualora l’investitore estero detenga più del 25% del capitale azionario di una società russa. La normativa offre altresì una tutela agli investitori esteri impegnati in un progetto di investimento prioritario, indipendentemente dall’ammontare della quota posseduta dall’investitore estero nel capitale azionario del progetto. ⁷

Nel quadro del processo di modernizzazione del Paese e dell’attenzione dedicata allo sviluppo delle aree produttive periferiche, e al fine di attrarre investimenti dall’estero, sono state create e sviluppate delle Zone Economiche Speciali (ZES). ⁸

La maggior parte delle regioni russe ha adottato misure che introducono sgravi fiscali per gli investitori. Attualmente, la maggioranza degli sgravi fiscali riguarda l’imposta sul reddito e l’imposta sulla proprietà. Gli sgravi fiscali sugli investimenti sono normalmente concessi per un periodo non eccedente il periodo di rientro del progetto di investimento, e l’ammontare dello sgravio fiscale non può superare l’ammontare dell’investimento iniziale nell’ambito del progetto. Le autorità regionali possono stabilire condizioni supplementari per la concessione degli sgravi (per esempio, impiegare personale residente nella regione, sviluppare infrastrutture). I residenti della ZES possono essere persone giuridiche o singoli imprenditori che operano sul territorio della ZES, che hanno sottoscritto un accordo sullo svolgimento delle attività entro la zona franca e sono registrati presso le autorità competenti della ZES.

L’istituzione e l’attività delle ZES all’interno della Federazione Russa sono regolate da un accordo siglato tra i governi di Russia, Bielorussia e Kazakhstan, dalla legge federale n. 116-FZ3 e dalla normativa federale che disciplina il funzionamento di specifiche ZES.

Le questioni relative all’istituzione, al funzionamento e all’abolizione delle zone franche sono trattate dalla normativa nazionale, per esempio la legge n. 116-FZ, la quale distingue quattro tipi di ZES:

- ZES a carattere tecnologico;
- ZES a carattere industriale e di sviluppo;
- ZES a carattere turistico e ricreativo;
- ZES di tipo portuale.

Tali zone franche sono istituite per un periodo di 20 anni, fatta eccezione per i porti franchi, che sono istituiti per un periodo di 9 anni. Ai sensi della legge n. 116-FZ, i residenti in una ZES possono svolgere esclusivamente le attività prescritte per il rispettivo tipo di ZES. La stessa legge contiene un elenco esaustivo dei tipi di attività che possono essere svolti nelle diverse categorie di ZES.

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⁷ www.sviluppoeconomico.gov.it
⁸ www.ice.it
Oltre alle ZES precedentemente indicate, vi sono ZES complesse nella Regione di Kaliningrad (istituita fino al 2031) e nella Regione di Magadan (istituita fino al 2014). All’interno di queste ZES, in virtù di uno speciale regime giuridico, i residenti possono condurre diversi tipi di attività. Attualmente esistono 27 ZES all’interno della Federazione Russa, con ulteriori 3 in fase di attivazione.

Per ottenere lo status di residente, i richiedenti devono soddisfare i requisiti stabiliti per la ZES in questione. I requisiti principali che i richiedenti devono soddisfare per ottenere la residenza nella ZES sono i seguenti:

- il richiedente deve essere registrato nel territorio specificato;
- il piano economico e finanziario e il progetto di investimento devono prevedere un determinato volume di investimento da realizzare entro un periodo di tempo stabilito (non è necessario dimostrare l’esistenza di investimenti effettivi alla data della presentazione della domanda);
- al richiedente non è consentito registrare filiali o uffici di rappresentanza al di fuori della ZES, tranne il caso delle ZES di Kaliningrad o di Magadan. Tuttavia, anche in queste regioni, le attività principali del richiedente devono essere svolte sul territorio della ZES.

L’attuale legislazione non contiene restrizioni concernenti la reputazione aziendale o lo storico creditizio dei richiedenti, né limitazioni sulle fonti dei capitali (vale a dire che società con capitale sia russo che estero possono diventare residenti di una ZES). I residenti di tutte le ZES istituite all’interno della Federazione Russa godono di incentivi doganali in virtù di una procedura doganale di zona franca.9

5. Relazioni economiche tra l’Italia e la Russia


In Russia sono attive circa 500 aziende italiane. I settori più rilevanti del nostro export sono macchine e apparecchi meccanici, tessile, prodotti in cuoio e arredamento.

Nel settore energetico l’Italia intrattiene con Mosca un fruttuoso partenariato, alla luce di un’oggettiva interdipendenza che produce interessi comuni. ENI, ENEL e Saipem sono molto attive nel Paese. La Russia è complessivamente il principale fornitore di energia all’Italia: da essa acquistiamo infatti petrolio per circa il 15% delle nostre importazioni e gas per il 30% delle nostre importazioni. Mosca è fornitore tradizionalmente affidabile, cui si è fatto ricorso in caso di difficoltà contingenti di altri produttori.

Nel settore industriale e high-tech, le aziende Finmeccanica collaborano con successo con imprese russe: Alenia produce e commercializza con Sukhoi il velivolo Super jet 100. Sono inoltre significativi gli investimenti di Pirelli, Danieli, Gruppo Marcegaglia, Ferrero, Indesit, Cremonini, Coeclerici, Marazzi, Barbaro. Di recente si è inoltre consolidata la strategia russa di FIAT che annovera la joint venture con la banca pubblica Sberbank per l’assemblaggio a San Pietroburgo di 120.000 Jeep l’anno, l’intesa per un investimento con la società locale ZIL (20% Sberbank), l’attivazione dello stabilimento della joint venture Case-NewHolland-Kamaz per l’assemblaggio di macchinari agricoli, e quella Iveco/OboronService per la prossima produzione di veicoli militari “Lince”.

Interscambio commerciale Italia-Russia (gennaio-settembre 2012), esportazioni ed importazioni sono presenti nelle Tabelle 5, 6 e 7 rispettivamente 10:

Tabella 5. Interscambio tra la Russia e l’Italia (gennaio-settembre 2012)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercambio</td>
<td>20587,83</td>
<td>-1,9</td>
</tr>
<tr>
<td>- di cui export</td>
<td>13163,23</td>
<td>-1,1</td>
</tr>
<tr>
<td>- di cui import</td>
<td>7193,85</td>
<td>-3,4</td>
</tr>
<tr>
<td>Saldo</td>
<td>5969,38</td>
<td>+1,6</td>
</tr>
</tbody>
</table>

9 www.ice.it
10 www.esteri.it
Tabella 6. Export dell’Italia verso la Russia (settori economici più rilevanti, gennaio-settembre 2012)

<table>
<thead>
<tr>
<th>I-IX’2012 (mln.€)</th>
<th>Var.%%  (I-IX’2012/I-IX’2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macchinari ed apparecchi</td>
<td>2930,17</td>
</tr>
<tr>
<td>Prodotti tessili e dell’abbigliamento</td>
<td>885,2</td>
</tr>
<tr>
<td>Prodotti delle altre attività manifatturiere</td>
<td>628,81</td>
</tr>
<tr>
<td>Articoli in pelle e simili</td>
<td>656,36</td>
</tr>
<tr>
<td>Sostanze e prodotti chimici</td>
<td>594,51</td>
</tr>
<tr>
<td>Metalli di base e prodotti in metallo</td>
<td>251,71</td>
</tr>
</tbody>
</table>

Tabella 7. Import dell’Italia dalla Russia (settori economici più rilevanti, gennaio-settembre 2012)

<table>
<thead>
<tr>
<th>I-IX’2012 (mln.€)</th>
<th>Var.%%  (I-IX’2012/I-IX’2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prodotti dell’estrazione di minerali da cave e miniere</td>
<td>14256,77</td>
</tr>
<tr>
<td>Metalli di base e prodotti in metallo</td>
<td>1146,8</td>
</tr>
<tr>
<td>Coke e prodotti petroliferi raffinati</td>
<td>2127,4</td>
</tr>
</tbody>
</table>


Da segnalare la nascita, a febbraio 2012, della nuova Agenzia russa di credito alle esportazioni, la “EXIAR”, che ha siglato con la SACE un accordo che posiziona la nostra Società nel ruolo di advisor.

Intensa è anche l’attività degli investitori russi in Italia, in particolare nel settore energetico (Gazprom, LuKoil e Renova), siderurgico (Severstal, RusAl, Evraz), e in altri comparti (come testimoniato, ad esempio, dalla recente acquisizione da parte di Russkij Standard della casa vinicola Gancia e della Wind da parte della Vimpelcom).

6. La collaborazione istituzionale italo-russa

La cooperazione istituzionale tra Italia e Federazione Russa avviene nel seno dei periodici Vertici, ai quali partecipano regolarmente anche i Ministri economici (Comunicazioni, Energia, Finanze, Sviluppo Economico) e di un organismo ad hoc, il Consiglio italo-russo per la Cooperazione Economica, Industriale e Finanziaria, istituito dal Trattato bilaterale di Amicizia e Cooperazione del 1994. Il Consiglio, oggi copresieduto dal Ministro degli Esteri da parte italiana e dal Primo Vice Primo Ministro da parte russa, si riunisce ogni anno, alternativamente in Italia e in Russia, e rappresenta il massimo foro istituzionale di riferimento e di coordinamento delle relazioni economiche bilaterali.

I lavori del Consiglio sono in genere preceduti, nel corso dell’anno, dalle riunioni dei Gruppi di lavoro tematici bilaterali:

- cooperazione nel settore dello spazio
- cooperazione nel settore agricolo
- cooperazione economica e finanziaria
- Task Force per le PMI e i distretti industriali
- Gruppo di lavoro per il partenariato per la modernizzazione
- cooperazione nel campo dell’industria e delle alte tecnologie
- cooperazione nel settore del turismo
- Comitato imprenditoriale.

Tra la Russia e l’Italia è in vigore un trattato contro la doppia imposizione sui redditi che prevede le seguenti riduzioni o esenzioni da ritenute alla fonte in Russia (Tabella 8):

11 www.esteri.it
Tabella 8. Le principali clausole del trattato tra la Russia e l'Italia contro la doppia tassazione

<table>
<thead>
<tr>
<th>Tipologie di reddito</th>
<th>Aliquote di ritenuta alla fonte in base al Trattato contro la doppia imposizione tra Italia e Russia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dividendi</td>
<td>5% se una società italiana possiede direttamente almeno il 10% del capitale di una società di diritto russo (e questa quota sia almeno pari a $100.000) 10% - in tutti gli altri casi</td>
</tr>
<tr>
<td>Interessi</td>
<td>10,00%</td>
</tr>
<tr>
<td>Royalty</td>
<td>0,00%</td>
</tr>
<tr>
<td>Plusvalenze derivanti dalla vendita di azioni</td>
<td>0,00%</td>
</tr>
</tbody>
</table>

7. Il Made in Italy in Russia

La percezione del Made in Italy presso il pubblico russo è legata prevalentemente a beni di consumo nel settore agroalimentare, nella moda e nel design. Meno conosciute, ma altrettanto apprezzate dagli addetti ai lavori, sono le nostre eccellenze in altri campi - macchinari, tecnologia, beni industriali intermedi - che riguardano circa il 50% delle nostre esportazioni. In questi settori l'Italia ha conquistato importanti quote di mercato (nei settori dei macchinari per la lavorazione del legno, della plastica, del materiale di imballaggio per prodotti alimentari, delle macchine per l’agricoltura), collocandosi saldamente al secondo posto, dopo la Germania.

La posizione italiana nel settore dei beni strumentali e di consumo beneficia del favore con il quale i consumatori russi guardano al Made in Italy, sinonimo di qualità, soffrendo del crescente ingresso nella Federazione Russa di merce contraffatta. La commerciale presenza italiana, inoltre, permane ancora eccessivamente concentrata a Mosca e San Pietroburgo, apparendo opportuno puntare di più alla penetrazione commerciale nel resto della Russia, in particolare in quelle città la cui economia cresce a tassi elevati (Ekaterinburg, Kazan’, Novossibirsk, Samara, Tomsk, Vladivostok). Un limite all’incremento della penetrazione commerciale di prodotti italiani è rappresentato dall’assenza di imprese italiane nella grande distribuzione commerciale, dove invece sono molto attive numerose società straniere (francesi, svedesi, tedesche e turche).

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The European Union Legislation in the Fields of Environmental Crime: The Protection of the Victims from such Crimes

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Abstract

In 2008, the EU adopted Directive 2008/99/EC on the protection of the environment through the criminal law, to be implemented in Member States by December 2010. Environmental crime can be broadly defined as including both crimes that result directly from the destruction and degradation of the earth’s resources and those that arise out of the flouting of rules that seek to regulate environmental disasters. Though the enforcement of environmental legislation by means of the criminal law is by no means novel, it has often played a secondary role to administrative sanctions and civil penalties. This paper considers the extent to which the response so far to environmental crime has neglected the impact of such crime on the victims of that crime. The study of victims has become a key element in modern-day criminology, seeking to ensure broad acknowledgement for, and respect of, the rights of victims. But in the case of environmental crime, there remains a noticeable gap. Though there are undoubtedly procedural difficulties in involving environmental victims in the criminal justice system, these are not insurmountable. Indeed there are a number of positive examples of where this is beginning to occur. The purpose of this paper therefore is to analyze the place of the victim in environmental crime, with particular reference to the implementation of the new EU Directive. The paper concludes with the identification of future research priorities, which almost certainly will involve analysis of instances of both legislative innovation and political reticence.

1. Introduction

In 2008, the EU adopted Directive 2008/99/EC on the protection of the environment through the criminal law, to be implemented in Member States by December 2010. Though the enforcement of environmental legislation by means of the criminal law is by no means novel, it has often played a secondary role to administrative sanctions and civil penalties. This Directive is thus perhaps indicative of a hardening of attitudes over breaches of environmental law. Nevertheless, this paper considers the extent to which the response so far to environmental crime (including, but not limited to the new EU Directive) has neglected the impact of such crime on the victims of that crime. The study of victims has become a key element in modern-day criminology, seeking to ensure broad acknowledgement for, and respect of, the rights of victims. But in the case of environmental crime, there remains a noticeable gap. Though there are undoubtedly procedural difficulties in involving environmental victims in the criminal justice system, these are not insurmountable. Indeed there are a number of positive examples of where this is beginning to occur. Beyond the substantive comments expressed, the paper is also significant in that it brings together doctrinal legal scholarship and theoretical criminology to address themes that have existed in parallel but have rarely been considered synergistically.

2. The European Union Legislation in the fields of Environmental Crime

Although often perceived outside Europe as a mainly trade-related organization facilitating economic movements between the now twenty-seven Member States, the EU has, in fact, long-since had a great impact on environmental law and policy across the continent. The original 1957 Treaty of Rome, which established the (then) European Economic Community (EEC) contained no specific provisions on environmental protection. However, it was inevitable that with the global emergence of environmental consciousness, the EEC would begin to recognise the importance of environmental issues. In fact, the
1987 Single European Act was the first treaty to give a legal basis to the protection of the environment as an explicit competence within the EU.

From 1973 onwards the process of European integration incorporated the need for greater coordinated activity via successive Environmental Action Programmes, which served as the principal guidelines for legislative action.

Since the Single European Act, the commitment to protecting the environment has been strengthened in every major Treaty revision since.

The 1992 Treaty on European Union was especially important insofar as it included an express reference to the precautionary principle and the objective of 'aiming at a high level of protection' of the environment within its scope.

The 1998 Treaty of Amsterdam provided some clarity by changing (the then) article 2 so as to set as objectives to: promote throughout the Community a harmonious, balanced and sustainable development of economic activities, and sustainable and non-inflationary growth...a high level of protection and improvement of the quality of the environment.

A further treaty article reinforced this by stating that: Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities in particular with a view to promoting sustainable development.

The protection of the environment – and sustainable development – continues to take pride of place in the Treaty following the revisions brought about by the 2007 Treaty of Lisbon, underlining its status at the heart of the legal and political principles of the EU, both domestically and globally. Secondary European law, through the adoption of regulations and directives, has been used to give substantive effect to the Treaty competence on environmental protection. As the hallmarks of EU governance, regulations and directives are legal instruments which, though created at the supranational level through a complex institutional process, take effect at the national level.

In particular, they have been used to harmonise standards and create the regulatory framework for environmental protection in the EU, as well as permitting individual enforcement of their provisions at the domestic level in certain instances.

There are more than 200 regulations and directives explicitly concerning the environment in force in the EU, concerning, inter alia, the pollution of water and the air, waste management, biotechnology, nature conservation and nuclear safety. The protection of the environment can therefore rightly be seen as one of the most extensive areas of legislative activity within the EU over the past twenty years.

Though the principal focus of this paper is upon the 2008 Directive and, more significantly, what we believe it is lacking – a connection with the rights of victims – it should be acknowledged that the Directive cannot be considered alone but in the broader context of other attempts to use the criminal law to ensure more effective enforcement of environmental law.

Of course, using the criminal law to enforce environmental provisions has not been the traditional method of many States, which have been keen, in many instances, to redress environmental harm through the imposition of administrative sanctions.

The 2008 Directive is, in some ways, a modest document, though its impact is likely to be more keenly felt. Moreover, as the European Court of Justice noted in 2005 in judicial proceedings brought over the correct legislative base for the Directive, criminal law has a clear role to play in environmental matters:

As a general rule, neither criminal law nor the rules of criminal procedure fall within the Community’s competence...the last-mentioned finding does not prevent the Community legislature, when the application of effective, proportionate and dissuasive criminal penalties by the competent national authorities is an essential measure for combating serious environmental offences, from taking measures which relate to the criminal law of the Member States which it considers necessary in order to ensensure that the rules which it lays down on environmental protection are fully effective.

The Directive requires Member States to ‘criminalise’ certain defined breaches of EU environmental law. Previously, Member States had the sole responsibility to determine the appropriate sanction. As studies for the European Commission on this issue make clear, there was high variability in the both the nature (criminal, civil and administrative) and severity of penalties and sanctions imposed.

The range of acts which now require the imposition of criminal law include, inter alia, instances of pollution, the generation, disposal and other activities related to hazardous waste, nuclear materials and radioactive waste and the operation of a plant in which a dangerous activity is carried out, but in all cases only where they ‘cause or are likely to cause death or serious injury to any person or substantial damage to the quality of air, the quality of soil or the quality of water, or to animals or plants’; the illegal shipment of hazardous waste; the destruction of wild fauna and flora and habitat; trading in protected specimens of wild fauna and flora or parts or derivates thereof; and the various production,
transit and marketing stages involving the sale of ozone-depleting substances.

The final Directive is a pale reflection of previous draft versions, which were much more prescriptive in the levels of criminal penalty to apply. Of particular interest was draft article 5, paragraph 5:

The criminal sanctions provided for in this article may be accompanied by other sanctions or measures, in particular:

- the disqualification of a natural person from engaging in an activity requiring official authorization or approval, or founding, managing or directing a company or a foundation, where the facts having led to his conviction show a high risk that the same kind of criminal activity may be pursued again;
- the publication of the judicial decision relating to the conviction or any sanctions or measures applied;
- the obligation to reinstate the environment.

Though the exclusion of this draft article does not now prevent Member States incorporating such ideas within their own domestic law at the time of implementation (with some Member States already likely to include such provisions) its absence is likely to ensure less uniformity on such matters ancillary to the principal penalty. Significantly, this is as close as the Directive ever came, it would appear, to addressing the interests of victims.

On the other hand, the 2004 EU Environmental Liability Directive – which must to some degree be considered the ‘sister’ directive to the 2008 Directive in this regard premised as it is upon the administrative, rather than criminal, liability of operators – includes a key role for those affected by environmental harm.

As article 12 (entitled ‘request for action’) and article 13 (‘review procedures’) of that Directive state:

**Article 12**

1. Natural or legal persons:
   a) affected or likely to be affected by environmental damage or
   b) having a sufficient interest in environmental decision making relating to the damage or, alternatively,
   c) alleging the impairment of a right, where administrative procedural law of a Member State requires this as a precondition, shall be entitled to submit to the competent authority any observations relating to instances of environmental damage or an imminent threat of such damage of which they are aware and shall be entitled to request the competent authority to take action under this Directive.

   What constitutes a “sufficient interest” and “impairment of a right” shall be determined by the Member States. To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of subparagraph (b). Such organisations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (c).

**Article 13**

1. The persons referred to in Article 12(1) shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the acts or failure to act of the competent authority under this Directive.

However, though significant and reflective of broader developments in international environmental citizenship, similar ideas remain noticeably absent from many of the other (usually older) international and domestic provisions on civil and administrative liability for environmental harm. And though the specific provisions of the Environmental Liability Directive can perhaps be seen to be more readily influenced by – in a weaker form – article 18 of the earlier 1993 Council of Europe (‘Lugano’) Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment, this 1993 Convention is itself not in force and is considered aspirational in many respects, including on matters of participation.

Much more importantly for the purposes of this paper, the 1998 Council of Europe Convention contains, at article 11, a not dissimilar provision – though obviously of increased pertinence due to that Treaty’s focus on criminal law enforcement. It reads:

*Each Party may, at any time, in a declaration addressed to the Secretary General of the Council of Europe, declare that it will, in accordance with domestic law, grant any group, foundation or association which, according to its statutes, aims at the protection of the environment, the right to participate in criminal proceedings concerning offences established in accordance with this Convention.*

This has the potential to be a ground-breaking article, raising the very real possibility of opening up environmental criminal proceedings to wider participation, recognising however that the ‘right to participate’ covers a breadth of possibilities, ranging from the nominal to the much more substantive. Edwards, for instance, has labelled participation as ‘a comfortably pleasing platitude’, which is rhetorically powerful but conceptually abstract. Interestingly, article 11 of the
1998 Convention is carefully worded to remove any sense of the individual victim. Nevertheless, its inclusion is an important indication of changing attitudes. No longer is the State viewed as the sole trustee of the public good. As the explanatory report to the Convention notes, ‘the main reason for allowing NGOs access to environmental proceedings is that criminal law in the environmental field protects interests of a highly collective nature, in view of the fact that the various forms of pollution potentially affect the interest not only of single individuals, but also of groups of persons’.

It is our contention that, given the widespread development of victims’ rights in other areas of criminal law coupled with the pervasive and long-lasting impacts of environmental crimes (and indeed what might be referred as ‘quasi-crimes’) on individuals, it is becoming increasingly difficult to legitimately exclude such victims from the ambit of instruments, such as the 2008 Directive. It has been noted above that the International Law Commission in its 2006 Draft Principles of Allocation of Loss has drawn links between the definition of the ‘victim’ and the notion of legal standing. Legal standing is in fact at the heart of most of the debates concerning victims’ rights because, in recent history, victims have lacked party status in most domestic criminal justice systems, both in Europe and elsewhere.

As a consequence of this legal reality, it is the State which acquires the rights of individual victims, effectively forcing those affected by crimes and other social misfortunes to take a subsidiary role in proceedings. This was famously captured by Christie who argued that the State effectively ‘steals’ conflicts from their rightful owners, namely the victim and the accused.

This traditional argument is given fresh impetus by the issue of environmental crimes, where the victims include not only individuals and their physical or emotional health, but the social, cultural and economic life of entire communities.

Nevertheless, the rights of victims have increasingly secured global recognition. The United Nations General Assembly, for instance, adopted the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which has remained the most wide-ranging and influential document on the issue of victims’ rights at the international level. The declaration speaks of victims being afforded access to justice, fair treatment and of compassion and respect for the dignity of victims.

The instrument also makes reference to victims being informed about their role and about the scope, timing, and progress of proceedings, as well as the disposal of their case.

The Declaration further maintains that victims should be guaranteed assistance from the criminal justice system (including information that such assistance is available), as well as formal and/or informal procedures providing them with redress, restitution and compensation for wrongs suffered.

The document also has provisions protecting victims from unnecessary delay or inconvenience within the criminal justice system and ensuring their concerns are considered.

Perhaps most significant for the present paper is its definition of ‘victims of abuse of power’:

“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

It will be noted that this definition expressly includes activities which are not ‘illegal’ in the strict sense: thus encompassing the grey legal areas in which environmental destructive activities sometimes fall. Williams has argued that the definition of such victims utilised by the 1985 Declaration can serve as a useful starting point for ascribing rights to environmental victims.

3. Conclusion

The purpose of this paper has been to consider the role of criminal law in the enforcement of environmental law and to acknowledge that the increased recognition of its utility is something to be generally welcomed. To that extent the 2008 Directive is a step forward. Nonetheless, by failing to incorporate the rights of victims within this progressive development, the Directive has missed an important opportunity.

This is especially noticeable not only because victims of crime are gradually being supported by the criminal justice process more generally but also, as recent developments in environmental law itself have shown, citizen participation is now considered an essential element for effective regulation. It thus seems regrettable that when these two lines of enquiry intersected within the EU – in the 2008 Directive – the opportunity to advance this mutual agenda was neglected. Such an outcome was not inevitable.

As both the 1998 Council of Europe Convention and the US Crime Victims’ Rights Act demonstrate, it is wholly
appropriate to combine environmental crime with allowing victims to participate in the criminal justice process. It is to be hoped that the EU will take the opportunity to remedy this deficiency in due course, possibly with the likely adoption of a new Directive on victims' rights in 2012. That is, however, only the beginning of the discussion; one then moves to consider just who is a victim within this context, what (procedural) rights they should have and how to give best effect to them.

This paper is also significant, because of its interdisciplinarity, bringing together doctrinal legal scholarship and theoretical criminology to address themes that have existed in parallel but have rarely been considered synergistically. Such an approach – which should also incorporate empirical studies – seems to be the most obvious way forward when thinking about this issue.

Such research would hopefully not only reveal instances of legislative innovation – though equally likely to show examples of political reticence – but of greater significance, it will allow to attempt to develop a more principled understanding as to how might think about, and bring together, these two welfarist agendas of victims' rights and environmental protection, for the benefit of both.

References

Onomastics of Pirandello’s Novels and their Translation into Albanian

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Abstract

Proper nouns are numerous and are found in many books. Man names not only objects and species, but also imagined creatures of a novels. The selection of proper nouns of a literary work is always intentional by the author. The history of proper nouns of Pirandello’s characters is characterized not only from the abundance of proper nouns, but also from their originality and meaning. They do not only define novel’s character, but they also refer to regions, cities, streets, squares, neighborhoods, lakes, mountains, etc. places where the events in the novel take place. After an initial classification of such nouns into conventional and expressive nouns we would determine the strategies that the Albanian translators have used to translate these nouns categories.

Keywords: literature, translation, onomastics, anthroponyms, toponyms.

1. Introduzione allo studio


2. Onomastica dei personaggi


Per quanto riguarda la traduzione dei nomi propri Franco Aixela (2000: 84-94) divide i procedimenti tecnici in due grandi gruppi: conservazione e sostituzione a seconda del fatto che la traduzione è orientata verso il polo di origine (adeguatezza) oppure verso il polo d’arrivo (accettabilità).

Le strategie traduttive che mirano la conservazione sono: la ripetizione; l’adattamento ortografico; la traduzione linguistica; la glossa extratextuale; la glossa intertestuale.

Appartengono alla categoria delle strategie della sostituzione i seguenti procedimenti: la neutralizzazione limitata; la neutralizzazione assoluta; la naturalizzazione; l’adattamento ideologico; l’omissione; la creazione autonoma.
2.1 Conventional names

Tra i nomi propri dei personaggi delle novelle di Pirandello troviamo ovviamente nomi convenzionali, ossia nomi che non hanno una carica semantica.

Di alcuni personaggi Pirandello cita il nome e il cognome: «Lulù Pulino» Lulu Pulino (L’imbecille); «Silvestro Noli» Silvestro Noli (Note); «Eleonora Bandi» Eleonora Bandi, «Carlo D’Andrea» Karl d’Andrea, «Giorgio Bandi» Xhorxh Bandi (Scialle nero); «Daniele Castellani Daniele Kastelani (Un goj) ecc.

Di alcuni altri solo il nome, specialmente quando si tratta di personaggi secondari: «Nerina» Nerina (Filo d’aria) «Gesa» Xheza, «Gerlando» Xherlandi (Scialle nero) ecc. tutti nomi di parenti, familiari, servi ecc.

Bisogna notare anche la passione di Pirandello per i termini che appartengono alle altre lingue. Anche in questo caso si tratta di conventional names.

Nelle sue novelle e racconti il nome straniero di solito è presente in quegli episodi in cui appaiono personaggi stranieri. Per quanto riguarda il trattamento che Pirandello fa di questi esempi di onomastica bisogna sottolineare il fatto che vengono riportati con la loro grafia originale.

Le lingue dalle quali Pirandello ha preso i nomi propri sono: il francese, l’inglese e il tedesco.


La presenza spagnola nell’onomastica italiana si nota nei cognomi di provenienza spagnola anche se adattati alla fonetica e grafia italiana. Ci riferiamo a «Lopes» Lopes, «Peres» Peres, e «Vignas» Vinjas (Il fumo e Lo scaldino).

La strategia seguita da parte dei traduttori albanesi per la traduzione dei nomi propri, sia italiani che stranieri, è la stessa per quanto riguarda i conventional names: l’adattamento ortografico. Questa strategia orienta la traduzione verso il polo d’origine.

2.2 Loaded names

Pirandello a volte sceglie i nomi dei suoi personaggi incongruenti ed esagerati, altre volte volgari e mediocri. Occorre dire che caratteristica di quasi tutti i nomi dei personaggi di Pirandello è che sono nomi parlanti, che denotano, cioè, le caratteristiche del personaggio. Molti personaggi vengono menzionati con un soprannome. Molti di questi nomignoli alludono all’aspetto fisico del personaggio altri, però, caratterizzano le loro passioni, professioni, tendenze ecc.:

- Carlandrea Sciarâmë (…) e la chiamavano la Garibaldina. (Le medaglie)
- Cesare, il Milanese, come non sai? (Lo scaldino)
- Se s’e ditke, Cezare Milanëz! (Mangall, p. 46, «Zoja prej dyllë», Toena, Tiranë 2010)

Ci sono addirittura novelle che portano nel titolo i soprannomi destinati ai protagonisti. Rondone e Rondinella:

- Meglio chiamarli Rondone e Rondinella, come tutti li chiamavano in quel paesello di montagna: Rondone e Rondinella, non solo perché ritornavano ogni anno, d’estate, non si sa dove, al vecchio nido; non solo perché andavano, o meglio, svolavano irrequieti dalla mattina alla sera per tutto il tempo che durava il loro soggiorno colà; ma anche per un’altra ragione un po’ meno poetica.
- Mâ mirë me i quejt Dallandyshi e Dallandyshja, sikurse i quejshin të gjithë ata që ishin n’at katund: Dallandyshi e Dallandyshja, por jo vetëm sepse ktheheshin ç’do verë n’at vend në çerdhen e tyne, e sepse gjatë kohës që rrijshin aty shëtitshin të gëzuem e të ç’kujdesun për ç’do gjâ, por edhe për një arësye tjetër, që ësht ma pak poetike. («Tomori», 1941, 12 giugno)

La ragione di questo nomignolo si trova nella novella stessa:

- E vedendolo andar così, con quel farsetto nero e quei calzoni bianchi, come non chiamarlo Rondone?
- Kij kujdes se s’bëhet shaka me këtë shokun tim që ka një emër të çuditshëm. – Antropofag Mjekërrikëmbëcjapi! – ia pat tjetër. (Shokë të ngushtë, p. 70, «Nata e parë», Toena, Tiranë 2008)

Come possiamo notare negli esempi riportati i traduttori albanesi hanno seguito la strategia della traduzione.
linguistica per questi loaded names. Questa è una strategia che orienta la traduzione verso il polo di origine e che rispetta l’intentio auctoris.

2.3 Nomi propri e i giochi di parole

A Pirandello piace giocare con l’onomastica, che la fa diventare oggetto di molteplici giochi fonetici. I nomi propri delle persone soffrono di alterazioni grafiche e fonetiche nella bocca degli altri personaggi, e qui si evidenzia anch’una volta la scarsa importanza del nome come rappresentanza e simbolo della persona nominata. (Blanco 1990: 317) Così, nella novella Marsina stretta il professor Gori ha difficoltà a ricordare il nome dell’altro personaggio:

- Signor Grimi...
- Migri, prego.
- Ah già, Migri... (!) Dicevo Grimi, Mitri, Griti... (Marsina stretta)
- Zoti Grimi...
- Ju lutem, Migri.
- Ah, po, Migri...! Thosa me vete Grimi, Mitri, Griti... (Fraku i ngushtë, p. 166, «Nata e parë», Toena, Tiranë 2008)

Nella novella L’altro figlio la vecchia Maragrazia, rimbecillita dalla mancanza di notizie di suo figlio emigrato in America, chiede al medico di famiglia:


In alcuni casi il nomignolo serve per prendere in giro:

- Ehi, Dorina, sul — chiamò il cameriere. — Vedi che c’è qui il signor Bonvicino.
- Bonavino, — corresse Micuccio, che stava a soffiarsi su le dita.
- Bonavino, Bonavino, conoscente della signora. (Lumie di Sicilia)
- Çohu, Dorinë! – tha kamarieri. – S’e sheh që ka ardhur zoti Bonviçino
- Bonavino, - e korrigjoi Mikuço, i cili po u hukaste gishtave.
- Bonavino, Bonavino, një i njohur i zonjës. (Limona Sicilie, p. 162, «Tregime e novela», Dituria, Tiranë 1999)

Negli ultimi due casi si tratta di nomi convenzionali che possono avere un senso etimologico. Canebardo (cane + bardo), Bonvicino (bon + vicino). La strategia seguita dai traduttori per la traduzione di questi nomi è l’adattamento ortografico. Con questa strategia si perde ovviamente il gioco semantico.

- mi chiama Pitagora perché non mangio fagiuoli; e spiegato anche perché, a mo’ d’ingiuria scherzosa, si può chiamar Pitagora chi non mangi fagiuoli (La disdetta di Pitagora)
- më quan Pitagora, për shkak se nuk i ha fasulet; ai do t’i ketë shpjeguar edhe se përse quhet, me të qeshur, Pitagora kush nuk ha fasule (Kësula padoviane, p. 92, «Teze Mikelina», Toena, Tiranë 2010)

A volte la presa in giro risalta quando il soprannome viene seguito dalla spiegazione:

- (...) don Marcuccio La Vela conosciuto con... il nomignolo di Çirlinçiò, che in Sicilia, per chi volesse saperlo è il nome di un uccello sciocco” (La berretta di Padova)
- don Markuçjo La Vela... nofkës Çirlinçiò, që në Sicili, për ata që duan ta mësojnë, quajnë një zog torollak. (Kësula padoviane, p. 92, «Teze Mikelina», Toena, Tiranë 2010)

La spiegazione che segue il soprannome fa sì che l’intenzione dell’autore venga trasmessa anche al lettore della traduzione.

2.4 Altre caratteristiche dell’onomastica dei personaggi

In molti casi Pirandello si serve di altri procedimenti per la creazione dei nomi. Tra questi procedimenti possiamo menzionare la suffissazione, l’afresi, l’apocope e la composizione. È un grande pregio dell’italiano l’avere i modi per esprimere con una sola parola la sostanza o la qualità accompagnate dalle idee accessorie di grossezza, piccolezza, graziosità, vitto, e malvagità; adoperando gli accresciviti, i diminutivi, gli spregiativi, i peggiorativi. Tutto il contrario avviene con la lingua albanese. Nell’albano standard questo fenomeno non è frequente, anzi formazioni simili di solito non vengono dati nei dizionari, perché non trovano spazio come le altre parole. (Lloshi 2001: 119).

I suffissi più usati da Pirandello sono – ino e – etto: «Teresina» Terezina (Lumie di Sicilia); «Titina» Titina (Come gemelle) ecc.

Non essendo frequente questo fenomeno nell’albanese i traduttori hanno semplicemente seguito la stessa strategia seguita per gli altri nomi convenzionali, cioè l’adattamento ortografico. Solo nel caso del nome «Januza» il traduttore ha usato nella traduzione un suffisso vezzeggiativo tipico di una regione del Sud-Est d’Albania. Qui abbiamo a che fare con una perdita nel processo di traduzione, perché non viene rispettata l’intenzione dello scrittore.

L’apocope è un fenomeno che si usa nel linguaggio popolare. Costituisce ovviamente una caratteristica dialettale. Alcuni esempi di questo fenomeno: «Mamm’Antò Nëna Antò (Prima notte); Nunziata «Nunzià» Nuncià (Prima notte); Marastella «Marastè» Marastë (Prima notte); Nocio Butera «Don No» don Noçio (Il fumo).

I traduttori hanno adattato ortograficamente i nomi. Si può intuire questa caratteristica della lingua italiana anche se è un fenomeno che non ricorre nella lingua albanese.

L’aferesi gioca un ruolo meno importante nella creazione dei nomi propri di persone (consiste nella perdita di un suono o gruppo di suoni all’inizio di una parola). Alcuni esempi: «Milio» Mìlio (don Camillo, Come gemelle); «Nino» Nino (Antonino, Il ventaglino); «Duccio» Duçjo (Guiduccio, La madonnina).

L’adattamento ortografico da parte dei traduttori permette al lettore albanese di intuire questo fenomeno che è presente anche nella sua lingua.

Le forme don-donna sono molto usate davanti ai nomi propri. Don si usa di solito come titolo di rispetto per i sacerdoti, oppure precede i nomi propri maschili di un certo rango elevato: «un santo sacerdote, don Lagaipa» don Lagaipa (Il tabernacolo), «il sacerdote don Arturo Filomarino» prifti don Arturo Filomarino (Fortunati) ecc.

Occorre aggiungere però che nel sud d’Italia la forma don può precedere anche altri nomi di origine modesta, e dicono, per esempio, salutando il portinaio, Buongiorno, don Ciccillo, ma si tratta di un uso che risale al periodo della dominazione spagnola; per cui il don Ciccillo di Napoli corrisponde esattamente al signor Francesco di Firenze o di Milano (Gabrielli 1997: 16).


La forma femminile donna mantiene il primo significato di signora, donna di casa, anche se si può usare per esprimere cortesia e rispetto: «donna Nela» dona Nela (Prima notte) ecc.

La strategia seguita dai traduttori è la ripetizione di queste forme nel testo tradotto. Si tratta di una strategia orientata verso il polo di origine. Il lettore albanese capisce che si tratta di un termine tipicamente italiano senza poter fare la distinzione quando si usa come titolo di rispetto e quando invece viene usato senza questa intenzione. In questo caso occorre dire che le differenze culturali provocano perdite nel processo traduttivo.

3. Toponimia

In tutta la produzione delle novelle di Pirandello si avverte sempre la provincia italiana. Le azioni umane, i fatti, le circostanze dimostrano di essere stati tratti da un fondo di esperienze girgentine, o per lo meno, palermitane, conservate nella memoria di Pirandello. La maggioranza dei suoi racconti può avere una localizzazione reale nella geografia italiana. Il lettore sa dove si svolgono le vicende non perché Pirandello propone i dati, ma dal contenuto reale del racconto: urbano o cittadino, Sicilia o Roma.

In alcuni casi la toponimia è chiara: - Miss Ethel Holloway, (...), capità in Sicilia a Girgenti, per visitarvi i meravigliosi av anzi dell’antica città dorica. (Il capretto nero) - mis Etel Hallouej, (...), shkoi në Sicili, në Xhirxhenti, për të vizituar rrënojat e famshme të qytetit të lashtë dorik. (Keci i zi, p. 148, «Tregime e novela», Dituria, Tiranë 1999)

Micuccio nella novella Lumie di Sicilia, «veniva dalla provincia di Messina» Mesina e Teresina «a Napoli, bisognava mandarla al conservatorio di Napoli a qualunque costo» Napoli (Lumie di Sicilia), La giara si svolge in «Sicilia» Sicili, Acqua e li in Milocca, L’imbecille a Costanova Kostanova ecc.

I nomi di vie, fonti, industrie, commerci ecc. che figurano nei suoi racconti, presi dalla realtà o inventati, presentano alcuni casi di grande originalità.

«La Angiolina» Anxholina, «Colomba» Pëllumbesha, «Fratelli Noğhera» Vëllezërit Noğera, «Annunziatella» Anunziatela (nomi di barche nella novella La maestrina Boccarme); «il tempio della Concordia» tempullit të Harmonisë, «quello di Hera Lacinia», ai i Hera Lacinia «quell’altro detto volgarmente dei Giganti» apo të atij që populli e quan

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Tempulli i Gjigandëve (Il capretto nero); «Bosco della Cività» pylli i Çivitas (il Capretto nero) ecc.

La strategia dei traduttori in questo caso è l’adattamento fonetico per i conventional names e la traduzione per i loaded names. Così «Colomba», «il tempio della Concordia», «il tempio dei Giganti» vengono tradotti nell’albanese.

Da notare che Pirandello mette dei nomi propri anche ai vari animali che popolano i suoi racconti (cani, gatti, passeri, galli, galline, cavalli, scimmie ecc.)

Esempi:
- Tè, Scampirro! Tè, Regina! (nomi di cani nella novella Il fumo),
- Hej, na Skampir! Hej, na Rexhinë! (Tymi, p. 55, «Jeta lakuriq», Naim Frashëri, Tiranë 1963)
- La scimmia si chiamava Titë, era vecchia e tisica per giunta. (Il fumo)
- Majmunka quhej Titë; ish plakë e për më tepër tuberkuloze. (Tymi, p. 66, «Jeta lakuriq», Naim Frashëri, Tiranë 1963)

Nel caso dei nomi degli animali «Regina» non viene tradotto, anche se si tratta di un nome semantizzato, mentre «Nero» il nome del cavallo è stato tradotto in albanese. Gli altri nomi, essendo nomi convenzionali vengono solo adattati alle regole fonetiche-morfologiche della lingua.

4. Conclusioni

In conclusione di questo studio possiamo dire che la strategia principale per la traduzione dei conventional names è l’adattamento ortografico. Per i loaded names abbiamo nella maggioranza dei casi traduzione dei nomi propri. Teoricamente i nomi delle persone e gli oggetti sono esterni alla lingua, non hanno un senso e non devono essere tradotti. Però visto che i nomi propri dei personaggi di Pirandello sono nomi «self-interpreting» e servono per caratterizzare meglio il personaggio che designano, sarebbe allora meglio che la strategia adottata da parte dei traduttori fosse la traduzione dei nomi dotati di una carica semantica oppure l’introduzione di una glossa extratextuale per tradurre il loro significato.

Per gli altri nomi propri, ossia i toponimi la strategia principale è sempre quella dell’adattamento ortografico per i conventional names e a volte la traduzione per i loaded names.

I giochi fonetici e semantici voluti dall’autore non possono ovviamente essere riproposti per i lettori della traduzione visto che dipendono dalle particolarità delle lingue.

In definitiva possiamo dire che si notano delle perdite nel processo traduttivo dei nomi propri delle novelle di Pirandello, perdite dovute alle peculiarità culturali e linguistiche.

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Trends of the Nanomaterial Market

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Abstract

The authors analyze theoretical, scientific and economical prerequisites for the world nanotechnological market development. The topicality of this problem is determined by the strategic priority of nanotechnologies in all branches of the world economy to pass to a new type of economy based on knowledge of innovative technologies. A term of «nanotechnological paradigm» is introduced which is a potential for the reconstruction and improvement of production in many branches of modern economy. It is proved by the analysis of development trends of this paradigm in the world economy. Nanotechnologies give a fundamental base for manufacture of new materials and products on molecular level which should be used in the different kinds of human activities. In its turn, this opens new possibilities to evolve all high-tech industries in developed countries. In this article the authors equate market of nanotechnologies and nanoproducts to the market of other products. The structure of this market is determined. According to the forecasts the most developed countries separate nanotechnology market from nanoproduct one.

Keywords: nanotechnologies, nanoproducts, nanotechnological paradigm, nanoindustry, innovative products commercialization, marketing, marketing researches.

World economic cycles of economic development have been identified by Kondratiev (so-called «Kondratiev's long waves»). They were appeared during the first Industrial Revolution in England in the end of the XVIII century, its cycle lasts 50 - 55 years. The Austrian scientist Y Shumpeter put forward the idea of «creative destruction» at the end of each cycle. Friman put forward the concept of «technological paradigm» based on theory about «long waves» of Kondratiev Schumpeter. According to the Friman's concept in each cycle of the world economy development, there is the only «technological paradigm» which defines the priority position of one of the industries in the global economy.1

During the period of changes of «technological paradigm» in the global economy, some emerging countries get a window of opportunity to catch up with more developed countries and to reach a higher level of development immediately.2

For Russia this window of opportunity means a full use of nano-technology. Nano-technology is a set of methods and techniques of substance manipulating at the atomic and molecular levels in order to produce final products with the pre-atomic structure. Nano-technologies give an opportunity to create and modify objects which size differ from one molecule to one hundred nanometers. The most important thing is that these objects get a new characteristic, in other words, this is manipulation of substance at those level where its features are defined.

In the foreseeable future, nano-technology can lead to a revolution, exceeding in scale consequences of the widespread computer technology. The «nano-technoeconomic paradigm» can encourage the rapid growth of new industries and services that use nano-technologies. They are potential for reorganization and improvement of production processes in many branches of economy.3

Nano-technology has brought about the emergence of a whole series of concepts: nano-materials, nano-systems technology, nano-devices and nano-industry. Nano-industry is a type of activity which creates products based on nano-technology and nano-materials. In the nano-technology industry markets of various types are formed and developed as nano-complexes: nano-science (sale of licenses, certificates, industrial designs); nano-technologies; nano-products and nano-services; nano-devices and nano-instruments to control nano-technology processes. Any of these markets is a «nano-technoeconomic paradigm» that represents a set of government offices (which support the development of nano-science and nano-technologies at the macro level), inter-regional scientific and production centers (which at meso-level conduct scientific and technological research of nano-products), organizations and individuals (which interact with each

1 Шумпетер Й.А. Капитализм, социализм и демократия. М.: Экономика, 1995 г.
3 Ковалёв А.И. Концептуальные модели прогноза глобального нанорынка и его структура. Журнал «Маркетинг» №3 и №4, 2010г.
other in order to carry out nano-projects and plans). At the micro level market of nano-products is presented by their producers (sellers) and buyers (entities - organizations and individuals), each of which is seeking a commercial benefit from the purchase/sale. «Nano-market» is a market of nano-products, which can be regarded as cooperation between federal agencies, organizations, corporations, associations, research foundations, businesses and individuals in order to get commercial and social benefit for the research and production of nano-materials and nano-products.4

Most of the nano-technology market forecasts were made at the beginning of the 2000s with a time horizon till 2015. The real forecast was made by the National Science Foundation (NSF) of the USA. In 2001 this organization wrote a document entitled «International Strategy for Research and Development in the field of nano-technology».5 The fundamental principles of the concept are the following:

1. the first market of nano-technology and nano-products was equated to markets of other products manufactured in various industries. The volume of this market was determined (see Table 1);
2. the structure of nano-technology and nano-products market was defined (see Table 2);
3. the estimation of the market was given for the predictable period till 2015 (see Table 3);
4. division of the nano-technology and nano-product market was forecasted by leading countries (see Table 4).

According to this forecast, the volume of the nano-technology and nano-product market in 2015 will make up 1 billion $. In 2005 this forecast was revised by the NSF, the total volume of the market will achieve 2,6 billion $ by 2015, which will be equal to the 15% of the total industrial production in the world (see Table 1).6

Table 1. The estimation of nano-technology and nano-product market for the 2010-2015

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total volume of the world nano-technology and nano-product market</td>
<td>1bln $</td>
<td>1bln $</td>
<td>2,6 bln $</td>
<td>15%</td>
</tr>
</tbody>
</table>

The main points of the NSF’s forecast are given in the tables 2-4.7

Table 2. The structure of nano-technology market for 2010-2015

<table>
<thead>
<tr>
<th>Position</th>
<th>Market share, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nano-materials</td>
<td>30-35</td>
</tr>
<tr>
<td>Semi-conductors</td>
<td>18-25</td>
</tr>
<tr>
<td>Data storage devices</td>
<td>15-20</td>
</tr>
<tr>
<td>Bio-technologies</td>
<td>9-14</td>
</tr>
<tr>
<td>Polymers</td>
<td>8-12</td>
</tr>
<tr>
<td>Electro-chemistry</td>
<td>3-5</td>
</tr>
<tr>
<td>Optics</td>
<td>2-4</td>
</tr>
</tbody>
</table>

Table 3. Estimation of different branches of nano-technology market for 2015

<table>
<thead>
<tr>
<th>Market branches</th>
<th>Value, mln $ per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nano-materials</td>
<td>340</td>
</tr>
<tr>
<td>Electronics</td>
<td>&gt;300</td>
</tr>
<tr>
<td>Medicines</td>
<td>180</td>
</tr>
<tr>
<td>Catalysts</td>
<td>100</td>
</tr>
<tr>
<td>Aero-space materials</td>
<td>~70</td>
</tr>
<tr>
<td>Public health</td>
<td>20</td>
</tr>
<tr>
<td>Nature protecting technologies</td>
<td>45</td>
</tr>
<tr>
<td>Nano-tools</td>
<td>~27</td>
</tr>
</tbody>
</table>

Table 4. Division of nano-technology market per countries for 2010-2015

5 www.nsf.gov
6 www.nsf.gov
7 www.nsf.gov
Company «Lux Research» (USA) has elaborated a conceptual model of the global nano-technology market development. According to the model, in 2015 this market will take the following steps:

- the first stage till 2004 – the gradual introduction of experimental nano-materials into different branches of industry;
- the second phase till 2009 – the activation of nano-research and its following commercialization with domination if nano-electronic products;
- the third phase includes the wide use of nano-products in many industry branches, the share of nano-technology will reach 15% of the world production. According to another estimation of the same company, in 2014 the share of nano-technology will rich 14% of total production that corresponds to the forecast of the NSF.  

The prospects of nano-technology market seem to be very optimistic. The experts have different opinions concerning the capacity and growth dynamics (see Table 5).

Table 5. Forecasted volume of nano-technology market, trillion $

<table>
<thead>
<tr>
<th>Expert organizations</th>
<th>Volume of market</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lux Research, forecast for 2014</td>
<td>2,6</td>
</tr>
<tr>
<td>US NanoBusiness Alliance, forecast for 2015</td>
<td>1,0</td>
</tr>
<tr>
<td>Euro Commission, forecast for 2015</td>
<td>1,0</td>
</tr>
<tr>
<td>Plunkett Research, forecast for 2012-2015</td>
<td>1,0</td>
</tr>
<tr>
<td>Russian government, forecast for 2017</td>
<td>0,3</td>
</tr>
</tbody>
</table>

As it can be seen from the table 5, the nano-product market value differs from 300 bln $ to 2.6 trln $ in 2014. The calculations of these indicators are made using methods of nano-technology characterization and estimation of the nano-technology contribution to the value added of final products. According to the most optimistic scenario of nano-product market, the market volume of the products manufactured using nano-technology will be significantly bigger than that of the information and communication technology markets. The volume of nano-product market will be ten times greater than the volume of the biotechnology market.

According to the company «Lux Research», at the moment the biggest part of nano-technology product market belongs to nano-devices and nano-biotechnology – 420 bln $ and 415 bln $ respectively, while nano-materials and nano-tools have the minor share of market – 145 bln $ and 50 bln $ respectively. The NSF forecast for 2015 indicates that all these branches will expect a significant increase (see Table 3). For example, the volume of nano-materials market will increase from 145 bln $ to 340 bln $, and the share of nano-electronics will reach 300 bln $. Pharmaceutical, chemical and aerospace industries go after (see Table 3).

However, any actual or projected figures from different sources, which are using different classification, should be compared with caution. Thus in its forecast the NSF uses different categories of nano-materials and their applications (see Tables 2 and 3). The American company «Lux Research» (USA) introduces a classification that uses 4 categories of nano-products / nano-technology: 1) nano-devices (42,0% of the global market by 2015); 2) nano-biotechnology (41,0%); 3) nano-materials (14,0%); 4) tools for nano-technology (3.0%).

This structure differs from the structure prediction of the NSF. For the first time in its research this company has determined not only different types of nano-products, but also nano-tools that ensure the development of nano-technology and are an essential component of the nano-technology infrastructure. Later the experts added nano-devices
to this group, they are used for manipulation of nano-scale dimensions of the objects and substances. In our forecast we showed another element of the nano-industry structure, namely nano-devices which interact with the environment at the nano-scale level. Thus final classification of nano-tecnology objects was formed: 1) nano-materials; 2) nano-devices; 3) nano-tools. They were included into the Industrial Classification of Foreign Economic Activity (ICFEA) of the Russian Federation.

Among nano-materials widely represented in the ICFEA, we should specify: 1) solid nano-particles; 2) carbon nano-tubes; 3) nano-scale thin tape; 4) nano-structured monolithic materials; 5) nano-composite materials. This classification of nano-materials was adopted by the Institute of Marketing of the State University of Management (SUM) of the Russian Federation.12

According to the study made by the «BCC Research» (Great Britain), for the period from 2010 to 2015 the annual average growth rate of the nano-technology global market will be 16.3%.13

These data include such proven methods of commercial applications of nano-materials as converters of exhaust gases on the basis of nano-tape, and new technologies such as the processing of fabrics with nano-particles, production of additives for rocket fuel, equipment for nano-lithography and nano-memory devices.

Introduced in 2004 the three-stage model is still the deepest and the most detailed forecast of the nano-technology market development. According to this model, in the third phase, beginning from 2010, nano-technology will be widely used in production of medical and biotechnological goods and it will penetrate the markets of pharmaceuticals and medical equipment. Nano-biotechnology will give a significantly contribute to the development of the pharmaceutical industry. By this time, the role of initial nano-materials will be reduced significantly. In 2014 the estimate of the «Lux Research» of nano-biotechnology share makes up 4% of the total market of manufacturing industries. 100% of personal computers assemblage, 85% of production of home electronic goods, 23% of pharmaceutical products and 21% of automotive products will use nano-technology. It will give nano-technology a share of 15% of the world's manufacturing industries in 2014.14

The fastest growing segments of the market will be nano-composite materials and solid nano-particles, whose annual growth rate is 28.8% and 17.5% respectively. The growth rate of nano-scale thin tapes will be annually of 7.5%, and nano-structured solid materials - 9.4%. Market forecast solves a very important problem - the estimation of the prospects for the use of nano-materials in various industries.

The value of scientific knowledge in the field of nano-technologies is determined by the following factors:

- the practical utility for the welfare of all people;
- a significant increase in the intellectual and educational potential of all members of the world community;
- the promotion of scientific, technical, economic and social progress of the global community;
- increase of the adaptive capacity of human individual for interaction with the environment;
- increasing possibilities of human civilization in the protection of life on Earth.15

Nano-technologies provide a fundamentally new basis in the form of technologies, atomic molecular construction of new materials and products with predetermined properties required for use in various fields of human activities. This fact opens opportunities for the development of all sectors of new knowledge-based economy. Therefore, knowledge of the nano-world, «nano-science» must be regarded as the most important factor of the new economy. At the same time, nano-science will allow to find and use high technology for greater processing of natural resources available in the country and to learn how to recycle and safely utilize all industrial and domestic waste of human civilization.16

The beginning of the XXI century was marked by the development of the most important scientific and creative potentials of researchers, which led to significant scientific discoveries, as well as to the increased attention from the governments of various countries to the problems of the nano-technology development. Over past 10 years the governments of U.S., Germany, France, Japan and China have significantly developed research in the field of nanotechnology. In these countries programs of nanotechnology development was approved on the level of national priority. According to the consulting company «Lux Research», in 2010 the governments, corporations and private businesses around the world have spent about 9 bln $ on research in the field of nano-

13 www.bccresearch.com
14 www.luxresearchinc.com
16 Ковалёв А.И. Концептуальные модели прогноза глобального нанорынка и его структура. Журнал «Маркетинг» №3 и №4, 2010 г.
technology, the number of registered patents is more than 90 thousand. The annual government investment into the research makes up 800 mln € in the European Community, about 800 mln $ – in the U.S.A., up to 500 mln $ – in Japan, and finally 100 mln $ – in China.

According to the forecast of the NSF, in 2015 the annual turnover of the global nano-technology market will reach 1 trln $, and 2 million people throughout the world will work in this field. People will be distributed geographically in the following way: 0,8-0,9 million in the United States, 0,5-0,6 million in Japan, 0,3-0,4 million in Europe, about 0,2 million in Asia-Pacific (excluding Japan), and 0,1 million in other regions. In addition, this would create 5 million extra jobs related to nano-technology. And finally, according to the «Lux Research» by 2014 10 million work stations will be created, directly related to the production in the field of nano-technology.

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Use of the Chebyshev Polynomial Approximation in the Analysis of Milk Production and Average Weight at Birth Calves Depending on the Volume Food and the concentrate

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Abstract

In this study published the influence of two nutritional factors of milk production and the use of the production functions in the farming sector. The production, profit, and management are key elements for efficient economy. The main purpose of the project is to use contemporary methods for economic analyses of the use of resources (inputs), more specifically in small family farms. Nowadays in order to have a sustainable development of the agricultural farms, especially the livestock farms, it requires an economic optimization, as well as continuous analyses of economic and technical of influential factors. The main method used on the above mentioned study is the ones of Cobb-Douglas production function. This method analyses the impact of nutritional factors (the structure of the nutritive ration; wet, dead, concentrate) on bovine milk production. As illustrated in the article the economic theory combined with the deep mathematic logic are two main directions for the treatment of production functions. The study was conducted in “Agrotex” farm in Lushnje district. They were processed and analyzed data on the feeding phase and data on milk yield and weight of calves at birth for a period of 5 years. They were processed and analyzed data feeding phases mentioned above and milk yield and weight of calves at birth. These data were analyzed for a period of 5 years (period 2008-2012) with a number of heads of: 103, 111, 176, 118, 139 respectively in 2008, 2009, 2010, 2011, 2012.During the study is used Cobb-Douglas production function to analyze the impact of two components ration on milk production and approaches in the Chebyshev's polynomials to solve systems of constraints. It appears that the most appropriate structure of the ration, to provide an average yield of 6478.3 kg milk / lactation (305 days), or an average of 21.3 kg milk / day, should be as follows: 17558.7 kg voluminous food and = 2265.7 kg concentrate. We prove that maximum profit and minimum cost to achieve food = 17558.7 kg = 2265.7 kg voluminous and concentrated. In this case the amount of milk produced by a cow will be 6478.3 kg while the average weight of calves at birth will be 43.8 kg. This study confirms that balanced nutrition is the primary factor in increasing economic efficiency of farms. As a result, the study demonstrates that the maximum profits, as well as the maximum income, are reached at the same point in the expansion path, where the cost is minimal.

Keywords: optimal structure, milk production, nutritive factors, approaches in the Chebyshev's, optimal production, food ration
1. Introduction

Milk production mainly from cattle is different in different areas of the country. Production in lowland areas has been increased as a result of the increased number of heads of cattle, their production and improving of the food base.

The phased nutrition is a program which means the feeding of the flock in the time period based on the level of the milk production, the milk fat content, the amount of the consumed food and the live weight of the animal. Producers / farmers should develop the rations so that they can meet the needs of the animals in each of these stages for an optimum output, to minimize or to avoid metabolic disorders, to increase the length of the animal life and increase profit by batches.

2. Material And Method

The study was conducted in “Agrotex” farm in Lushnje district. They were processed and analyzed data on the feeding phase and data on milk yield and weight of calves at birth for a period of 5 years. They were processed and analyzed data feeding phases (1. Up to 150 days lactation, 2. Above 150 day lactation, 3 . the drying period) the milk yield and weight of calves at birth. These data were analyzed for a period of 5 years (period 2008-2012) with a number of heads of: 103, 111, 176, 118, 139 respectively in 2008, 2009, 2010, 2011, 2012. During the study is used Cobb-Douglas production function to analyze the impact of two components ration on milk production and approaches in the Chebishev's polynomials to solve systems of constraints.

3. Results And Discussion

- Were defined the forms of the functions of the milk production and the average weight of calves at birth.
- It was confirmed the suitability of the chosen models.
- We found the optimum combination of the inputs (ration structure) to maximize the profit and to minimize the cost.
- Were grouped, analyzed and processed the average values of the milk production, the average quantities of food during a twelve month period, according to three phases of handling a cow: (1. Up to 150 days lactation, 2. Above 150 day lactation, 3 . the drying period) and the average weight of calves at birth in the twelfth month for those cows that were born in the twelfth month.

In table 1 are the voluminous amount of food, the concentration, the average milk production and the average weight of calves at birth.

Table 1: The milk production and the average weight of calves at birth

<table>
<thead>
<tr>
<th>Nr</th>
<th>The voluminous food</th>
<th>The concentration</th>
<th>The milk production</th>
<th>The average weight of calves at birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11715</td>
<td>3771</td>
<td>6051.3</td>
<td>42.8</td>
</tr>
<tr>
<td>2</td>
<td>11775.3</td>
<td>3832.2</td>
<td>6215.1</td>
<td>43.3</td>
</tr>
<tr>
<td>3</td>
<td>11743.8</td>
<td>3801.6</td>
<td>6083.7</td>
<td>43.4</td>
</tr>
<tr>
<td>4</td>
<td>11974.2</td>
<td>3862.8</td>
<td>6083.7</td>
<td>43</td>
</tr>
<tr>
<td>5</td>
<td>11801.4</td>
<td>3801.6</td>
<td>6051.3</td>
<td>43.2</td>
</tr>
<tr>
<td>6</td>
<td>12147.9</td>
<td>4138.2</td>
<td>6215.1</td>
<td>44</td>
</tr>
<tr>
<td>7</td>
<td>12147.9</td>
<td>4015.8</td>
<td>6182.7</td>
<td>43.5</td>
</tr>
<tr>
<td>8</td>
<td>12175.8</td>
<td>4077</td>
<td>6248.4</td>
<td>43.5</td>
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<tr>
<td>9</td>
<td>12233.4</td>
<td>4015.8</td>
<td>6182.7</td>
<td>43</td>
</tr>
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<td>10</td>
<td>12378.3</td>
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<td>43.5</td>
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<tr>
<td>11</td>
<td>12493.5</td>
<td>4260.6</td>
<td>6314.1</td>
<td>44</td>
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<td>6280.8</td>
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<td>6378.9</td>
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</tr>
<tr>
<td>14</td>
<td>12493.5</td>
<td>4352.4</td>
<td>6412.2</td>
<td>44.6</td>
</tr>
<tr>
<td>15</td>
<td>12319.8</td>
<td>4107.6</td>
<td>6280.8</td>
<td>43.8</td>
</tr>
<tr>
<td>16</td>
<td>12407.1</td>
<td>4168.8</td>
<td>6346.5</td>
<td>45</td>
</tr>
<tr>
<td>17</td>
<td>12405.3</td>
<td>4230</td>
<td>6378.9</td>
<td>44.8</td>
</tr>
</tbody>
</table>
## The average prices for 1 kg of wet food, for 1 kg of dry food and for 1 kg of concentrate are 3.8 L, 4.8 L and 15.2 L

Production function was made in the form $y = A x_{1}^{\alpha} x_{2}^{\beta} x_{3}^{\gamma}$.

It was used the linear regression method to determine $\log \ A, \alpha, \beta, \gamma$, through the econometric and computeric software package SPSS. Resulted that the models are suitable. Given from these data were built the two production functions given below:

$$y_1 = 23.31274017 \cdot x_{1}^{0.424} \cdot x_{2}^{0.192} \cdot x_{3}^{0.331}$$

$$y_2 = 0.3201390009 \cdot x_{1}^{0.331} \cdot x_{2}^{0.218}$$

where $x_1$, $x_2$, $y_1$ and $y_2$ are marked respectively the amount of voluminous feed, of the concentrate, the average milk production and the average weight of calves at birth. Was verified the hypothesis on the importance of the regression, and it was shown that at least one of the variables gives the information for the prognosis of the $y$, that is to say that the model is useful for predicting the value of $y$. Also, is confirmed the hypothesis of the importance of the parameters of the model.

### 4. Minimize of the cost

We have the functions:

$$y_1 = A x_{1}^{\alpha} x_{2}^{\beta}, \quad y_2 = B x_{1}^{\alpha} x_{2}^{\beta}$$

**Notice:** $y_1 = f(x_1, x_2), \quad y_2 = g(x_1, x_2)$

Remark with $p_1$ and $p_2$ respectively the prices of the inputs $x_1$ and $x_2$, and with $p_1$ and $p_2$ respectively the prices of the outputs.
We formed the Lagrange LC to have the minimum of the cost:
\[ LC = r_1 x_1 + r_2 x_2 + \lambda_1 [y_1 - f(x_1, x_2)] + \lambda_2 [y_2 - g(x_1, x_2)] \]
and we expressed the necessary conditions for the minimum of the LC:
\[
\begin{align*}
\frac{\partial LC}{\partial x_1} &= r_1 - \lambda_1 f'_x (x_1, x_2) - \lambda_2 g'_x (x_1, x_2) = 0 \\
\frac{\partial LC}{\partial x_2} &= r_2 - \lambda_1 f'_y (x_1, x_2) - \lambda_2 g'_y (x_1, x_2) = 0 \\
\frac{\partial LC}{\partial \lambda_1} &= y_1 - f(x_1, x_2) = 0 \\
\frac{\partial LC}{\partial \lambda_2} &= y_2 - g(x_1, x_2) = 0
\end{align*}
\]

From the last two equations we expressed \( x_1 \) and \( x_2 \) depending on \( y_1 \) and \( y_2 \):
\[
\begin{align*}
y_1 &= A x_1^a x_2^b \\
y_2 &= B x_1^c x_2^d
\end{align*}
\]
\[
\begin{align*}
\frac{\partial^2 LC}{\partial \lambda_1^2} &= x_1 x_2 \\
\frac{\partial^2 LC}{\partial \lambda_2^2} &= x_1 x_2
\end{align*}
\]

Are considered the sufficient conditions for the minimum of the LC with side of the determinant of the border Hessian and we have proved that the cost function has the minimum in the values \( x_1 \) and \( x_2 \) expressed in equations(*)

\[
\begin{align*}
x_1 &= \left( \frac{y_1}{y_1 (ab - \beta a)} \right)^{\frac{b}{ab - \beta a}} \left( \frac{y_2}{B} \right)^{\frac{\beta}{ab - \beta a}} \\
x_2 &= \left( \frac{y_1}{y_1 (ab - \beta a)} \right)^{\frac{a}{ab - \beta a}} \left( \frac{y_2}{B} \right)^{\frac{\alpha}{ab - \beta a}}
\end{align*}
\]

\[
\begin{align*}
\lambda_1 &= \frac{1}{y_1 (ab - \beta a)} \left[ b r_1 \left( \frac{y_1}{A} \right)^{\frac{b}{ab - \beta a}} \left( \frac{y_2}{B} \right)^{\frac{\beta}{ab - \beta a}} - a r_2 \left( \frac{y_1}{A} \right)^{\frac{a}{ab - \beta a}} \left( \frac{y_2}{B} \right)^{\frac{\alpha}{ab - \beta a}} \right] \\
\lambda_2 &= -\frac{1}{y_2 (ab - \beta a)} \left[ \beta r_1 \left( \frac{y_1}{A} \right)^{\frac{b}{ab - \beta a}} \left( \frac{y_2}{B} \right)^{\frac{\beta}{ab - \beta a}} - \alpha r_2 \left( \frac{y_1}{A} \right)^{\frac{a}{ab - \beta a}} \left( \frac{y_2}{B} \right)^{\frac{\alpha}{ab - \beta a}} \right]
\end{align*}
\]

\[
[H] = \begin{bmatrix}
0 & 0 & \frac{\alpha y_1}{x_1} & \frac{\beta y_1}{x_2} \\
0 & 0 & \frac{\alpha y_2}{x_1} & \frac{\beta y_2}{x_2} \\
& & L^*_{x_1x_1} & L^*_{x_1x_2} \\
& & L^*_{x_2x_1} & L^*_{x_2x_2}
\end{bmatrix} = \left( \frac{y_1 y_2}{x_1 x_2} \right)^2 (ab - \alpha \beta)^2 > 0
\]
5. The profit maximization

We have examined the function of profit to maximize the profit:

\[ F = p_1 f(x_1, x_2) + p_2 g(x_1, x_2) - r_1 x_1 - r_2 x_2 \]

Are considered necessary conditions for the maximum of the profit.

\[ \frac{\partial F}{\partial x_1} = p_1 f'_1(x_1, x_2) + p_2 g'_1(x_1, x_2) - r_1 = 0 \]

\[ \frac{\partial F}{\partial x_2} = p_1 f'_2(x_1, x_2) + p_2 g'_2(x_1, x_2) - r_2 = 0 \]

We have seen if completed the sufficient conditions for the maximum of the profit before we solve the system (**):

\[ \begin{align*}
 p_1 x_1 + p_2 y_1 &= r_1 x_1 \\
 p_1 x_2 + p_2 y_2 &= r_2 x_2 \\
 y_1 &= A x_1^\alpha x_2^\beta \\
 y_2 &= B x_1^\alpha x_2^\beta 
\end{align*} \]

So, the maximum of the profit is achieved for values \( x_1 \) and \( x_2 \) that are solutions of the system (**). To (**) can be computed the values \( f(x_1, x_2) \) and \( g(x_1, x_2) \). Then we passed to the resolution of the system (**).

Technically it is difficult to gauge the exact solution of system (**), so we find its approximate solution to a satisfactory approximation by the Chebishev polynomials, which has made it possible to identify areas where moves \( y_1 \) and \( y_2 \). These areas have served as the options to find the exact solution of the system (**). Then we passed to the resolution of the system (**).

Now let’s implement the polynomial approximation of Chebishev hand to draw relevant conclusions. Polynomials of Chebishev are \( T_n(x) = \cos(n \arccos x) \) . For example \( T_0(x) = 1, T_1(x) = x, T_2(x) = 2 \cdot x^2 - 1, T_3(x) = 4 \cdot x^3 - 3 \cdot x \) . In general for polynomial \( T_n(x) \) through the recurrence formula we have: \( T_n(x) = 2 \cdot x \cdot T_{n-1}(x) - T_{n-2}(x) \) . Indeed if the identity \( \cos(n \theta) + \cos((n-2) \theta) = 2 \cos \theta \cos((n-1) \theta) \) substitute \( \theta = \arccos x \) we have the above equations. On the segment [-1,1] there are the points \( \xi_1, \xi_2, \ldots, \xi_n \), which are the zeros of the polynomial
Let it be given function \( f(x) \) defined on the segment \([a, b]\). Through of the transformation

\[ x = a + \frac{1}{2} (b - a) (\xi + 1) \]

the faces \( \xi_1, \xi_2, \ldots, \xi_n \) on \([-1,1]\) reflect to the points \( x_1, x_2, \ldots, x_n \) on \([a, b]\), where

\[ x_i = a + \frac{1}{2} (b - a) (\xi_i + 1) \quad \text{or} \quad x_i = \frac{1}{2} (b + a) + \frac{1}{2} (b - a) \xi_i \]

(because this transformation reflect \([-1,1]\) to \([a,b]\)). If the function \( f(x) \) has at any point of the segment \([a, b]\) continuous derivatives of the \(n\)-th order and satisfying

\[ |f^{(n)}(x)| \leq M_n \]

then the polynomial \( p_n(x) \) of degree \(n\) that interpolates \((x_1, f(x_1)), (x_2, f(x_2)), \ldots, (x_n, f(x_n))\), satisfies the condition

\[ |f(c) - p_{n-1}(c)| \leq \frac{M_n}{2(2n-1)!} (b-a)^n \]

where \( c \) is the point of \([a, b]\).

To solve the system (**), by approximating \( y_1 \) and \( y_2 \) with the Chebyshev polynomials

\[ \sum_{i=0}^n c_i T_i(x) \]

where the coefficients determined by the equations,

\[ c_o = \frac{1}{n+1} \sum_{i=0}^n f(x_i) \]

Starting from the outcome of the case: 3 inputs and 1 output as \([a, b]\) to \( x_1 \) we take \([15250,15350]\), while to \( x_2 \) we take \([1650,1750]\). In our case we will have to

\[ y_1 = 10.6 y_1 + 115.85 y_2 = 4.2 x_1 \]

\[ y_2 = 4.8 y_1 + 76.3 y_2 = 15.2 x_2 \]

To replacing the approaches by the Chebyshev polynomials in third and fourth equation of the system (**), we will have to

\[ 10.6 y_1 + 115.85 y_2 = 4.2 x_1 \]

\[ 4.8 y_1 + 76.3 y_2 = 15.2 x_2 \]

By solving the above system will have the solution: \( x_1 = 17573.35567, x_2 = 2267.637756, y_1 = 6483.69165 \).
\( y_2 = 43.85811217 \).

On the computation of values of functions we will have: \( y_1' = 6481.594571 \) and \( y_2' = 43.84302918 \), therefore the changes will be respectively for \( y_1' (-2.097082) \), while for \( y_2' (-0.01508299) \).

**Table 2:** Table of approximations

<table>
<thead>
<tr>
<th>Approximation by</th>
<th>Food voluminous ( x_1 )</th>
<th>the concentrate ( x_2 )</th>
<th>Estimated value of the weight of the milk ( y_1 )</th>
<th>Estimated value of the weight of the Beef ( y_2 )</th>
<th>changes for ( y_1 )</th>
<th>changes for ( y_2 )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chebishev</td>
<td>17573.35567</td>
<td>2267.637756</td>
<td>6483.69165</td>
<td>43.85811217</td>
<td>-2.097082</td>
<td>-0.01508299</td>
</tr>
</tbody>
</table>

We note by the approaches that \( y_1' \in [2000, 10000] \) and \( y_2' \in [20, 60] \). For this reason, the options for the computation of the exact solutions through the MAPLE program are: \( x_1' \in [10000, 20000] \) and \( x_2' \in [1000, 5000] \).

Exact solutions are \( x_1' = 17558.67832 \), \( x_2' = 2265.746088 \), \( y_1 = 6478.260594 \), \( y_2 = 43.82293176 \). It is proved that the maximum of the profit and the minimum of the cost are achieved for \( x_1' = 17558.7 \) kg voluminous food and \( x_2' = 2265.7 \) kg concentrate. In this case the amount of milk produced by a cow is 6478.3 kg while the average weight of calves at birth is 43.8 kg.

The quantity of fresh food = 10535.22kg,
The amount of dry food = 7023.48kg,
The amount of concentrate = 2265.7 kg.
The cost is 108185.2 L and the revenues are 177287.5 L for a cow in a year. So the profit from one cow is 69102.32 in a year.

Presentation of milk production function and the average weight of calves at birth
\[
y_1 = 23.31274017 \cdot x_1^{0.424} \cdot x_2^{0.192} \quad \text{dhe} \quad y_2 = 0.3201390009 \cdot x_1^{0.331} \cdot x_2^{0.218}
\]
6. Conclusions

By the study reached the following conclusions:

- During the decision-making process is becoming increasingly evident need for conducting a detailed scientific analysis. Therefore the realization of the livestock production necessarily requires the analysis of the use of the inputs in production.
- Implement the Cobb-Douglas production functions creates the opportunities for the economic analysis of the farm of the
- The study confirmed that the average production levels (21,251 kg of milk per day) the optimal structure would be: 59% fresh foods, 31% dry foods and 10% concentrates.
- In the general case is shown that the maximum of the revenue is achieved for the same amount of inputs that achieve the maximum of the profit.
- Finally, the conditions of our country, would be preferable voluminous system of nutrition.

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Effects of the Albanian Forestry Project on Poverty Reduction

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Abstract

Finding ways to reduce poverty is a priority of the governments of Albania and in close collaboration with international donors, a concerted effort is being made to focus on those areas that experience a high incidence of poverty, namely the remote rural areas. These areas also coincide largely with the 50% of Albanian land area that is covered by forests and pastures and it is no coincidence that the government has, with the financial assistance of the World Bank and Governments of Italy and Switzerland, and with the technical Assistance of FAO, implemented a comprehensive forestry project that among other objectives also has poverty reduction as one of its expected outcomes. The collaboration of the World Food Program through its provision of food packages to the forestry workers has been the most direct benefit for the poor. The Albania Forestry Project has funded a range of activities to strengthen the overall forest and pasture administration, improve forest management practices, support the transfer of forests and pastures to the communes and to improve the management of Albania's protected areas. These activities are still ongoing and after completion of the Forestry Project at the end of 2003, important progress towards better resource management and positive economic prospects for many communes will hopefully have been achieved.

1. Introduction

In 1995, the Albania Government, the WB, the Italian Government and the Swiss Government signed the project documents of the Albania Forestry Project (FP). Implementation of the Project commenced in 1996 and after a one-year extension that has just been formalized, the FP is now scheduled to conclude at the end of 2003.

Poverty reduction is one of overriding objectives of the FP that in the course of its six years of activities has involved a wide spectrum of the country’s population. Qualitative assessments indicate that the project as a whole has had a positive impact on poverty alleviation and that particularly the CFPM component with its targeted interventions in rural areas, has contributed significantly to reducing poverty in very vulnerable areas. An earlier study of the communal component alone showed that in some areas, employment in forest sector is the only source of local employment, thus reducing poverty and migration. To determine the extent to which the FP has been successful in reducing poverty has been the objective of this study that was carried out as recommended by the FP Joint Supervision Mission of December 2001. The Ministry of Agriculture and Food MOAF has supported the study and has recommended that the results of this study be presented at a national conference. The findings of the study are intended to serve the Government and donors in the design of other projects that have poverty reduction as an objective. The FP, FAO-TA, WFP and SNV have provided financial and technical support for this assessment. Poverty in Albania has received a lot of attention from the Government and also most Donors in the country. The National Strategy for Socio-economic Development issues by the Albanian Council of Ministers identifies poverty as a multi-disciplinary phenomenon reflected by the following five indicators:

- Low or very low level of income of the poor
- Higher disease rate and lack of appropriate medical services
- Illiteracy or low level of schooling
- High exposure rate towards risks
- Low voice in government decision making

Based on these defined national indicators, this study has been designed solely to assess the impact of the FP on
poverty reduction as related to these five indicators. The study analyses historic data from the FP such as disbursement and investment figures and relevant activity records for districts and communes. Furthermore, the study is based on the analysis of original field surveys that has been specifically designed for surveying six distinct target groups, each involved in FP activities at various levels and capacities through Albania. Because this assessment has a narrow focus on FP investments and activities, it is no way a conclusive study on poverty reduction in Albania. However, the results of this assessment provide not only useful information about the performance of the FP but may also serve as source of information for the assessment of other projects that deal with poverty reduction. More importantly, the findings of this assessment can hopefully help in the design of future assistance activities aimed at poverty reduction.

2. Methodology for the impact Assessing

2.1 Study Concept

A WG consisting of representatives of the DGFP, PMU, FAO, WFP, SNV and the Agricultural University of Tirana has been created to guide all activities related to this impact assessment. The DGFP was the lead agency for this WG and the FAO-TA coordinated the activities.

2.2 Survey Analysis

2.2.1 Target Groups for survey

The working group identified six target groups: forestry departments, forestry associations, private contractors, local government, forestry workers and households (directly profiting from the FP and other households) in the area.

2.2.2 Survey tool

Two semi-structured questionnaires were created: one targeting organizations and institutions (forestry departments, forest and pasture users associations, private contractors, local government) and the second one for household representatives (forestry workers, families helped with food rations and other non-profiting household members.). Each of the two questionnaires included blocks of questions or variables addressing the criteria of the poverty as identified by the government of Albania. The main blocks were:

- Level of income
- Health, health care and nutrition
- Education
- Risk factors
- Participation on decision-making

2.2.3 Study Design and sampling strategy

a) Survey based on institutions/organizations

The part of the survey based on organizations and institutions (first four target groups) was simple and required only the multistage sampling procedure according to the district and communes selected for the household survey (see below). A total of thirteen districts were interviewed and one representative from each selected commune (20) resulting in a sample size of approximately on third of the organizations. Selection of the person representing the organization and the selection of the organizations were based on random numbers.

b) The household survey

As mentioned above the two population-based target groups required a different, more elaborated methodology, in terms of sampling and size, as their target population exceeds one hundred thousand individuals. As the area to be studied was too vast and a total list of households was not available, the cluster survey was selected as the most appropriate design. The multistage procedure was performed previously to randomly select a number of communes where the sample was limited. In order to produce the sampling frame and to ensure the correct randomization, a list of all communes engaged in FP activities was prepared.
For the multistage sampling a table of random numbers was used. The selection of the households within one cluster was carried out in the field, as part of data selection of households within the village were required to prevent bias by the interviewers. The different target groups implied that a sample of people not involved in the project was also evaluated in addition to the participants who directly profit form the FP. Consequently two samples where needed irrespectively of their size.

c) Sample sizes
The sample size for the participants in the FP was estimated with specified absolute precision based in the following parameters
Anticipated population proportion (estimated prevalence of the phenomenon) P=50% (this is the “safest” choice for the population proportion since the sample size required is largest when P=0.5) Confidence level – 90%.
For the second sample (non-participants in the project) a more extreme anticipated proportion was chosen P=90% (a less conservative indicator);
Anticipated population proportion 90 %
Confidence level 90 %
Absolute precision required 0.1

2.2.4 Training and organization
Four teams of two or three trained interviewers covered all the sampled areas. A full day training session was held to explain the survey tools and to assure consistency among the interviewers. A detailed map of Albania produced by GIS, helped during the field work, for the localization of the communes.

2.2.5 Analysis
For the computer analysis of the data, two databases were set up in EPI Info 6.4 package. The analysis will also be available in a common database format (Microsoft Excel compatible) for future analyses or reference. The outcome and results of the data analysis together with the disbursement data formed the input for elaborating the study report. A comparison is made with the overall poverty situation of Albania, the FP and the results of the analysis. Based on this recommendations and conclusions are drafted.

3. Results and Discutions
No other sector has such a fundamental impact on Albania’s poverty stricken rural population as the forest and pasture sector. More than half of the country’s surface is classified as forests (102600 ha) and pastures (446000 ha), and it is these rural areas where poverty is the most extreme. In Albania, poverty reduce the nations poverty. Thus project impact assessments are of great importance for the government and for donors to find out how well project objectives are being achieved. It is with this perspective that the effects of the Albania Forestry Project (FP) on Poverty Reduction have been assessed.

All state forest and pasture area are administered and managed by the Directorate General of Forest and Pastures. The Albania FP funded by the World Bank (WB) and by the Italian and Swiss Governments is being implemented with the objectives, among others, to Achieving a sustainable increase in the productivity of forest and pasture areas and to Empowering local governments. The FP and the FAO Technical Assistance Project (FAO-TA), under implementation since 1996, focuses on four main aspects of forest and pasture management: institutional strengthening, sustainable forest management, communal forest and pasture management and protected areas management. In combination, these components are expected to have a direct and positive impact on the productivity of these areas, on the reduction of erosion and protection of the many irrigation schemes spread in rural areas. Project activities are also expected to lead to a more rational use of pastureland and to halt the current degradation process that is most threatening to biodiversity and sustainability of ecosystems. At the same time the project is supporting the government’s decentralization efforts and is facilitating the actual transfer of forests and pastures to the communes and the strengthening of capacities at all level of the forestry and pasture sector. Since 2001, the World Food Programme (WEP) has also been supporting the project through food aid to ensure a sufficient level of food security for the workers and to allow for timely implementation of the work plans.
The financial resources of the FP amount to USD 21.6 million, including the USD 2.57 million of the FAO-TA Project. Current allocations to the four components are: Institutional Reform (USD 5.718 million), Sustainable Forest Management (USD 9.790 million), Communal Forest and Pasture Management (USD 4.819 million) and Protected Areas Management (USD 1.270 million). As of June 31, 2002 some USD 12.900 million have been disbursed under the FP and FAO-TA Project. The WFP has so far contributed USD 0.51 million in food aid for the Communal Forest and Pasture Management (CFPM) component.

That all these activities have an impact on poverty reduction has been clearly noticed, but this study is the first concrete attempt to actually quantitatively assess these effects. The study was recommended by the FP Joint Supervision Mission of December 2001, and developed and implemented by a mutli agency working group (WG) composed of representatives of the DGFP, PMU, FAO-TA, WFP, SNV, the Agriculture University of Tirana and Albania National Institute of Health. The study benefited from the availability of existing surveys and reports on poverty in Albania that served as reference material and as the socio-economic baseline against which the effects of the FP were measured. For ease of comparison, the study used the five poverty indicators that are used by the Government decision-making. A field survey was carried out using two different questionnaires for sampling five target groups consisting of households, forest workers, Communal Forest and Pasture User's Association (CFPUA), local governments and District Forest Service (DFS). The EPI Info 6.4 package was used for the analysis of the field data. Using the current poverty situation in Albania as a baseline, the assessment was able to establish that the FP has define positive effects on all of the five indicators in the areas surveyed. The total annual income comprising of all cash and in-kind incomes amounts to 130,000 Lek (USD 928). This amount consists of 53,636 Lek household cash income, 39,000 Lek cash income from the FP, the WFP food package valued at 11,826 Lek and benefits from the forest and pasture resources valued at 25,538 Lek. Thus, the total annual income related to the FP amounts to 76,364 Lek (USD 545), which represents almost 59% of the total annual household income.

All households in the areas where FP activities are carried out live under extreme poverty conditions: living on less than USD 1/day/person. Even after taking into account the contributions of the FP has helped in coping with the hardships they face.

As a result of the FP, there have been attitudinal changes towards health and education, although the quantitative assessment was not possible. The effects of the FP on health and education seem to be a facilitating factor rather than a decisive factor since, at least in health care, only 3% of the respondents would have done without receiving treatment, in the absence of the FP. The vast majority would have borrowed money to pay for treatment if they would not have had own financial resources. An interesting fact is that about 45% of families rely on at least some income generated by school-aged children, which may explain some lower school attendance figures in rural areas.

The effects of the FP on reduction of risks and on the increasing involvement and influence in the decision-making processes are easier to assess. The FP has very much contributed to increasing the transparency of the processes and to facilitating communication and common decision-making in forest and pasture resources management. Although there is still a lot of room for improvement, the benefits are evident and acknowledged by individuals and organizations alike.

The beneficiaries sincerely appreciate the benefits of the FP and WFP. A large majority of respondents also realize that such assistance cannot be continued on a long-term basis to address their problems to look into other viable options such as availability of loans and credits so that they could become sustainable as soon as possible.

Economic viability of rural areas does depend to a large extend on the state of natural resources. Improving their generally poor current state requires substantial long-term investments. While most respondents, individuals and organizations alike, expect the conditions in forest and pasture resource management to improve, even after the FP is completed, it should be noted that the optimism of future be provided by the state. At the same time, most respondents consider the availability of sufficient funding from the state budget one of the critical risk factors.

That a lot of investment is needed is well acknowledged by Albanian and international experts and under current economic conditions, the most likely scenario is that major assistance will have to be made from sources outside the government of Albania, if the benefits of the FP are to be continued and expanded, and if the rural population is to win the fight against poverty.

3.1 Main Findings

3.1.1 Effects on Households

The main purpose of this study was to determine the effects of the FP on poverty reduction in Albania. The analysis of
the responses from the numerous households and organizations has provided very valuable information that allows the authors to formulate the following specific findings.

1. Probably the most important finding of this assessment is that the FP has been able to work with the most appropriate target group, namely the extreme poor in the rural areas, mainly, but not exclusively through the communal forest component. Even prior to this analysis, the benefit of the communal component was recognized and resulted in a re-allocated of over USD 2 million for this component during the midterm evaluation of the FP.

2. The median total income of the surveyed households in 2001 was 130,000 Lek (USD 929), including the cash contributions of the FP and in-kind benefits such as food supplements and the benefits from the utilization of forest and pasture resources. With a household size of 5.4 members, all households involved in the FP fall substantially below the threshold of extreme poverty (defined by Government of Albania as USD 1 day/person). The FP is one of the few opportunities for many of these households to generate some additional income.

3. The level of income from forestry activities for participating households is estimated at about 39,000 Lek (USD 270/year), or 30% of total income. This is in line with the level of input, which is on average about 3 months. Obviously, this contribution is not sufficient to really change the poverty status, but for the vast majority of respondents the FP has been an important support in dealing with very difficult living conditions characterized by a desperate lack of employment opportunities, which is one reason why 92% of the households recognize a positive contribution of the FP.

4. However, it is not only the cash contributions from forestry that are considered beneficial. Forests and pastures are clearly of paramount importance for providing a livelihood for the rural population and their dependency on these resources has been confirmed. Most households generate additional benefits directly from the forest and pasture resources of a cash equivalent of about 25540 Lek (about USD 182/year) from grazing, fodder collection and fuel wood. With households whether or not they are members of the local CFPUA.

5. The WFP food assistance to the communes is a critical stimulus for participation in the FP. The which have to be member of the association in order to qualify for the program.

6. The total income (cash and kind) of a household amounts to 130000 Lek, of which some 76364 Lek (59% of the total) are related to FP activities. Of all the expenses incurred in the households, over 50% is for food which makes it the most important expenditure item. The contribution of WFP is targeting the most direct need and gives households some more room to make expenditures for other needs. Furthermore the people indicated that the income obtained from the FP is mainly used for food, to a less extent for health, transport and education.

7. The total income of over 50% of the families surveyed contains contributions from work of their children. In 10% of the cases, this contribution amounts to 20% of the total income. This reliance on contribution from children to family income may explain the lower rural school attendance (especially in the 15-18 age group). Lack of infrastructure (road access, transportation, schools etc.) is another factor discouraging school attendance. Education is generally free, but sending children from the village to the high school further away involves often transport costs that many households find difficult to meet. The contribution of the FP helped people to meet these additional needs. This is also supported by the fact that people ranked transport expenses with third importance after food and health.

3.1.2 Effects on Organizations

The majority of organizations, state or private noticed an overall increase in funding over the last five-year period and for 57% of the respondents this increase is due to FP activities. The contributions of the FP is especially important for the CFPUA (almost 100% of investments come from the FP) and the private companies who received some 80% of their 2001 revenues from the FP.

3.1.3 Effects on Natural Resources

The FP has a direct impact on the environment and on the future potential of the resources. The investments into forestation, thinning and erosion control have added to the forest growing stock, and growing potential in the communes.
and will contribute a future stream of benefits to these communes. The expected future benefits are in form of better grazing opportunities, increased yields of fodder for livestock, sustainability in fuel wood production and higher value of commercial timber.

4. Conclusions

From the data collected and analyzed it can be concluded that the FP has had a positive impact on poverty reduction in Albania in those areas where project activities were implemented. This conclusion can be supported in all five poverty indicators, but only in the analysis of the effect on income can there be a clear quantitative result. The average total income of rural households in the project areas amounts to about 130000 Lek. Over 50% of the households. It makes them very susceptible to risks, as any reduction to their income will affect almost directly their budget available for food. Thus, support to their income (cash or kind) and food supplies are very effective and will diminish their sensitivity towards risks. The benefits obtained through the FP (income, benefits from forests and pastures and food supplies) can therefore be regarded as very positive for people to secure their basic needs and reducing their risks.

Although this contribution is relatively significant, it is not enough to change the poverty status of the affected families, which remain extremely poor. It is clearly evident however, that the additional cash resources and food supplements are an important contribution that facilitates coping with the serious problems caused by poverty. One such benefit is that the additional resources enable the families to also consider health care and education needs. This confirms that the FP is able to help the neediest segment of the rural population and as is fulfilling its poverty reduction objectives particularly through CFPM component. That the institutional strengthening, sustainable forest management and protected areas management component also support the poverty reduction objective is also event from the survey.

The FP has been very supportive in promoting the transfer of state forests and pasture to the communes for management. Through the improvements of management capabilities at the communal levels, local government and the participating households a more effective partnership with the DFS has been formed, which allows active involvement and decision-making by all stakeholders. This process, however, is still at an early stage and should increase with further decentralization and with strengthening of capacity at each level to meet the technical, managerial and administrative requirements.

There is a certain optimism among the stakeholders in the forest sector particularly as the terms of future benefits obtainable from the forest and pasture resources. Closer analysis however shows that this optimism rests on the assumption that the government of Albania continues to invest into the sector after the completion of the FP. Indeed, achieving these general expectations, the efforts towards sustainable forest and pasture management have to be continued. Building on current achievements, the government and the donor community have to provide well-targeted financial and technical support to the forest and pasture sector for many years to come.

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La Stratégie CRM (Customer Relationship Management) dans les Banques de Détail: Les Facteurs-Clés de Succès

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Abstract

The article presents the best practices for the implementation of CRM ("Customer Relationship Management") systems in retail banking sector and discusses the theoretical and managerial implications. We conducted three case studies in three Canadian banks and identified twenty one best practices. These practices have been further enhanced using a Delphi survey that has been conducted with the participation of eighteen experts in various fields such as information technology, finance, project management, and strategic management. Moreover, some key factors have been given a priority rating.

Keywords: CRM (Customer Relationship Management); retail banking; best practices; strategic alignment; competitive advantage

1. Introduction

Porter et Millar (1985) montrent que chaque industrie est caractérisée par une certaine intensité technologique et que, plus l'intensité technologique est forte, plus les technologies d’information (ou TI) ont un rôle important à jouer dans l’acquisition d’un avantage concurrentiel. Ces auteurs montrent aussi que le secteur bancaire se caractérise par une forte intensité technologique. En effet, les banques ont commencé à s’intéresser davantage aux systèmes d’information au début des années 2000. Toutefois, l’implantation des technologies d’information (TI) au sein des banques s’est longtemps heurtée au « scepticisme » des dirigeants « face à un possible effet de mode technologique dont l’efficacité des réalisations n’était pas démontrée » (SAP, EFMA et Novamétrie 2002). D’après SAP et al. (2002, p. 5), l’année 2002 marque le début d’une nouvelle approche des institutions financières, car, à partir de ce moment, « de façon homogène, les secteurs de la banque et de l’assurance estiment que les systèmes d’information jouent un rôle crucial dans la poursuite des objectifs prioritaires ».

2. Revue de la littérature et définition des concepts

Bien que les chercheurs se soient intéressés aux systèmes CRM (Customer Relationship Management) depuis les années 1990 et que cet intérêt se soit accentué au cours des dix dernières années, ils ne s’accordent pas sur la définition et la portée de ce concept. En l’absence d’un cadre conceptuel consensuel, il n’existe pas actuellement de définition généralement acceptée et qui fasse l’unanimité sur ce qu’un système « CRM » représente en fait. Kenyon et Vakola (2003) partagent l’opinion de Ling et Yen (2001) qu’aucune définition complète du terme CRM n’existe encore. Ce concept est, en effet, défini par les chercheurs comme : (a) une stratégie de marketing (Lindgreen et Antioco, 2005; Bohling et al., 2006); (b) une stratégie commerciale (Ling et Yen, 2001); (c) une stratégie d’affaires (Gurau, Hackney et Ranchhod, 2003); (d) une approche technologique (Agrawal, 2003) ou; (e) un système qui comporte deux éléments principaux, soit les données client et la stratégie de l’organisation (Lau et al., 2003).

Karimi, Somers et Gupta (2001), identifient trois types de systèmes CRM, soit (a) opérationnel, (b) analytique, et (c) collaboratif. Le « CRM opérationnel » appuie le processus décisionnel au niveau des opérations et aide à automatiser les activités courantes de l’entreprise (le marketing en ligne, l’automatisation des ventes, etc.). Le « CRM analytique » gère les bases de données et appuie le processus décisionnel au niveau stratégique, en fournissant aux cadres, qui sont...
responsables pour la stratégie de l'entreprise, des rapports statistiques et des analyses de marché en temps réel. Enfin, le « CRM collaboratif » prend en charge la gestion des relations avec certains partenaires (fournisseurs et autres).

De nombreux chercheurs ont apporté leurs contributions à l'enrichissement des connaissances dans le domaine des technologies CRM et ce, selon leur champ de compétences spécifiques (marketing, comportement organisationnel, stratégie, technologies d'information, etc.). Toutefois, Adebanjo (2003) attire l'attention sur la nécessité de faire preuve d'une vision intégrée qui réunisse toutes ces approches.

La plupart des chercheurs utilisent le terme « implantation » pour désigner l'ensemble des actions liées à (a) la planification, (b) la décision d'achat, (c) l'implantation proprement dite du système CRM, et (d) l'intégration et l'utilisation d'un tel système. Plusieurs chercheurs (par exemple, Kotorov, 2003; Chalmeta, 2006) montrent que les entreprises qui ont implanté de tels systèmes n'ont pas réussi à obtenir les résultats escomptés. En ce qui concerne le secteur bancaire, Durkin et Howcroft (2003, p. 61) soulignent qu'il subsiste encore une grande incertitude dans ce secteur au sujet des « meilleures pratiques » à mettre en place en matière de technologies informatiques (« There appear to be growing uncertainty as to what is best practice in the area of Internet Banking »).

Kant (1793)1 étudie les polémiques qui existent entre les chercheurs au sujet de deux concepts - « la théorie » et « la pratique » - et souligne qu'en fait tout ensemble de règles, même s'il s'agit de « règles pratiques », représente une théorie. En revanche, toute théorie qui s'éloigne du contexte pratique serait une « mauvaise théorie ». L'auteur met en garde les chercheurs sur le fait qu'il est tout aussi dommageable de se concentrer uniquement sur les théories qu'il l'est de substituer à une théorie bien ancrée, des résultats basés exclusivement sur la pratique.

Cette recherche s'inscrit dans les recommandations de Durkin et Howcroft (2003) et Adebanjo (2003). Nous nous proposons d’aborder notamment ce manque d’intégration des diverses visions et approches qui existe dans la littérature scientifique et dans le milieu d’affaires, et d’identifier les « meilleures pratiques » que les banques devraient adopter, afin de réussir un tel projet stratégique à toutes ses étapes, soit (a) la planification, (b) le choix de la technologie, (c) l’implantation du système CRM, et (d) son intégration sur le plan des processus et unités d’affaires. Notre recherche se positionne principalement dans le champ de la stratégie, mais utilise également des concepts dérivés de la gestion des technologies de l’information, du marketing et de la finance.

Aux fins de cette recherche, le terme de « meilleure pratique » a le sens défini par Kant (1793). Plus précisément, une « meilleure pratique » est un ensemble de principes théoriques et de règles pratiques dont l’application contribue au succès de l’implantation d’un système CRM dans les banques de détail, en leur permettant d’acquérir un avantage concurrentiel.

3. Méthodes de recherche utilisées

Afin de mener cette recherche, dans un premier temps, nous avons adopté le paradigme constructiviste (Lincoln et Guba, 1985) et avons initié une démarche d’analyse qualitative en utilisant la méthode des études de cas (Yin, 2003) qui nous a permis d’identifier et de formuler une liste préliminaire des « meilleures pratiques » d’implantation des systèmes CRM dans les banques de détail. Dans le cadre de ces études de cas, 38 entretiens semi-structurés ont été réalisés dans trois banques canadiennes.

Dans un deuxième temps, une enquête Delphi (Linstone, 1978) a été menée pour valider et compléter la liste des meilleures pratiques identifiées à l’étape précédente et pour établir l’ordre de priorité des facteurs qui composent certaines pratiques. Le panel d’experts a été composé de 18 membres (des professeurs de trois universités canadiennes et deux universités françaises; des membres de la Société Royale du Canada; des professionnels de trois grandes entreprises spécialisées dans le domaine CRM, et; des responsables de projets d’implantation au sein d’une grande entreprise du Québec). Le questionnaire a été mis en ligne et les membres du panel ont eu la possibilité de reconsidérer deux fois leurs réponses après avoir eu accès aux résultats moyens du groupe.

4. Résultats obtenus et discussion

La recherche effectuée a permis de formuler 21 « meilleures pratiques » (Figure 1).

Ces pratiques sont regroupées en trois catégories, en fonction des aspects auxquels elles font référence : (a) stratégie corporative et avantage concurrentiel (P1S à P9S); (b) stratégie TI et choix technologiques (P1T à P7T), et; (c)

1 Cité dans Rachel (2001); le titre original de son essai est «Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis ».
stratégie de changement organisationnel (P1O à P5O).

Une pratique est considérée comme étant la « meilleure » dans plusieurs sens : (a) elle indique les étapes de chacun des trois processus de décision (stratégie/technologie/organisation); (b) elle indique les mesures à prendre pour réaliser l’alignement stratégique des trois processus de décisions; (c) elle recommande le choix à faire à chaque étape du processus de décision, et/ou; (d) elle fournit une liste de facteurs à prendre en considération et établit leur ordre de priorité.

4.1 Le processus de décision

Chacune des 21 pratiques dans la figure 1 représente un aspect critique du processus de décision. L’omission de certains aspects peut contribuer à l’échec du projet d’implantation du système CRM. Chaque processus de décision doit être « découpé » en séquences précises. Ces séquences montrent qu’une certaine décision ne devrait pas être prise avant qu’une certaine autre décision ne soit prise. Par exemple, les décisions à prendre concernant les aspects stratégiques forment la séquence P1S-P2S-P3S…-P9S qui montre qu’avant de choisir les indicateurs de performance à inclure dans la base de données du système CRM, la banque doit choisir les variables de segmentation, les méthodes pour évaluer le niveau de satisfaction de la clientèle, les indicateurs de mesure et de suivi de la qualité du service, etc.

**Figure 1 :** Les résultats obtenus (les 21 pratiques identifiées)
4.2 Les choix à faire dans le cadre de chacun des trois processus de décision

Dans certains cas, le contenu d’une pratique indique, sans équivoque, la « meilleure » solution à adopter par une banque de détail, parmi plusieurs options envisageables qui sont montrées dans la figure 1. Le tableau 1 montre des exemples de telles pratiques. Dans ces cas spécifiques, si la banque décide de se pencher sur ces aspects (donc, la condition (4.1) est remplie), mais en revanche, elle fait un mauvais choix, le projet CRM risquera d’être toujours voué à l’échec.

Tableau 1 : Exemples de pratiques de type « meilleure solution »

<table>
<thead>
<tr>
<th>La pratique</th>
<th>Les éléments de contenu/la décision ou le choix à faire</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1S. La composition de l’équipe de projet</td>
<td>Une équipe composée, en majeure partie, d’experts internes; quelques consultants externes</td>
</tr>
<tr>
<td>P2S. Le rôle des hauts dirigeants</td>
<td>Coordonner directement/ne pas déléguer</td>
</tr>
<tr>
<td>P5S. Le rôle qui devrait être attribué au système, parmi les trois possibilités suivantes : « inbound » (servir le client qui fait appel aux services de la banque); « outbound » (contacter le client en lui offrir de nouveaux services, et; mixte</td>
<td>Mixte</td>
</tr>
<tr>
<td>P6S. Le choix de la méthode de segmentation et des variables de segmentation doit se faire...</td>
<td>• au début du projet, et; • les micro-segments ciblés en priorité par le CRM devront être constitués selon : (a) la valeur à vie du client (CVL); (b) la part du portefeuille du client (« Share-of-wallet »); (c) la sphère d’influence du client, et; (d) l’attitude du client envers le risque</td>
</tr>
<tr>
<td>P10. L'affiliation du système CRM (CRM Sponsorship) devrait être ...</td>
<td>de type corporatif (company-wide CRM)</td>
</tr>
<tr>
<td>P4T. Le type de solution technologique à privilégier est...</td>
<td>• un système relativement standardisé avec certains modules et applications personnalisés (en ce qui concerne l’interface utilisateur/le processus/ les données)</td>
</tr>
<tr>
<td>P2O L’approche d’implantation qui devrait être privilégiée est...</td>
<td>• une implantation simultanée - dans tous les points d’accès et à travers toutes les unités concernées; durée à prévoir : 6 mois à 2 ans</td>
</tr>
<tr>
<td>P7T. Bases de données</td>
<td>• Datamining : accès partagé et contrôle centralisé • données-client : point de contact-client unique/intégré (profil du client partagé parmi tous les points d’accès - succursales, site Web, centre d’appel)</td>
</tr>
</tbody>
</table>

Dans d’autres cas, le contenu de la « meilleure pratique » fait référence aux certaines options à envisager et aux contraintes à considérer. Par exemple, la pratique P3S (dans la figure 1) ne fournit pas une recommandation exhaustive, mais elle suggère plutôt qu’une banque devrait choisir parmi deux options : celle de gérer le projet à l’interne et celle de former un partenariat avec une firme externe. Elle suggère aussi que l’externalisation complète ou l’impartition du projet est une option à éviter. Ainsi, toute banque qui dispose de ressources financières et humaines importantes (en termes de compétences en matière de technologies), devrait gérer le projet à l’interne. Dans le cas des banques qui ne possèdent pas de telles ressources, un partenariat avec un intégrateur (voir pratique P3T) est recommandé.

4.3 L’alignement stratégique entre les trois processus de décision

Un autre aspect important à considérer est celui de l’alignement stratégique entre ces trois processus de décision, soit (a) la stratégie corporative, (b) la stratégie TI, et (c) la stratégie de changement organisationnel. Cet alignement est représenté dans la figure 1 par des lignes horizontales. La figure 2 présente les plus importants aspects de l’alignement stratégique entre les trois processus de décision.
Figure 2 : Les plus importants aspects concernant l’alignement stratégique entre les trois processus de décision (stratégique -S; technologique-T, et; organisationnel-O)

En effet, tel que nous l’avons montré dans le tableau 1, le meilleur choix pour une banque de détail est celui d’un système CRM analytique (pratique P6T), car le principal rôle d’un système CRM est celui d’aider la banque à soutenir sa stratégie de croissance, et ce, soit en se différenciant de ses compétiteurs (stratégie de différenciation), soit en cherchant de nouveaux clients à l’aide du déploiement d’une stratégie de segmentation plus fine du marché et/ou de diversification (nouveaux services offerts, et donc nouveaux marchés). Toutefois, la complexité accrue d’un tel système nécessite un effort d’intégration important et, par conséquent, un vendeur de technologie de type « intégrateur » devrait être choisi (pratique P3T). En même temps, un tel système nécessite un effort de suivi important et, par conséquent, de nouvelles positions de cadre devraient être créées dans le cadre du siège social - par exemple, celle de vice-président responsable des TI (pratique P3O).

Par ailleurs, certaines banques en situation de rétrécissement ou de transformation (abandon de certains marchés géographiques ou de certaines activités) ont fait appel à un système CRM uniquement pour optimiser leurs coûts. C’est le cas, entre autres, d’une des trois banques dans notre échantillon de cas. Si une telle approche est adoptée, alors le déploiement d’un système CRM analytique, qui nécessite des changements organisationnels importants et qui mobilise des ressources financières importantes, ne sera pas la meilleure solution à adopter. Dans ce cas particulier, le choix d’un « vendeur spécialisé » pour certains modules et applications CRM dont la banque aurait besoin (pratique P3T), et l’adoption d’un système CRM opérationnel (pratique P6T), sont les mesures recommandées. Aussi, dans ce cas de figure, seulement certains ajustements structurels sont nécessaires (P3O).

Le rôle de l’alignement stratégique dans la réussite de l’implantation d’un projet CRM devient encore plus évident lorsqu’on prend en considération la pratique P7T (configuration des bases de données et de l’accès à ces bases de données), la pratique P3T (choix de vendeur de technologie) et la pratique P4O (ajustements structurels au niveau opérationnel). En effet, le manque d’alignement stratégique dans deux des trois cas analysés montre que, bien que les conditions (4.1) et (4.2) mentionnées plus haut dans cet article soient nécessaires pour la réussite de l’implantation d’un système CRM, elles ne sont pas pour autant suffisantes (tableau 2).

Tableau 2 : Mauvais alignement stratégique dans deux des trois cas analysés

<table>
<thead>
<tr>
<th>Échantillon des banques dans notre recherche</th>
<th>Banque B1</th>
<th>Banque B2</th>
<th>Banque B3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pratique P7T : configuration de la base de données</td>
<td>centralisée</td>
<td>décentralisée : une base de données pour chaque unité stratégique (opérations bancaires/cartes de crédit/investissements)</td>
<td>centralisée</td>
</tr>
<tr>
<td>Pratique P3T : choix de vendeur</td>
<td>un « intégrateur »</td>
<td>Plusieurs « spécialistes » ont livré des modules CRM à des étapes différentes du processus</td>
<td>un « intégrateur »</td>
</tr>
<tr>
<td>Pratique P4O : contraintes d’ordre struturel et ajustements</td>
<td>Le processus de décision (pour les aspects stratégiques)</td>
<td>Les diverses unités venaient juste d’être intégrées sous une direction commune (groupe financier B1)</td>
<td>Les filiales ont une autonomie de gestion importante</td>
</tr>
</tbody>
</table>
nécéssaires est centralisée au niveau du siège social

Résultat

Implantation réussie • impossible de réaliser un profil unique du client et par conséquent, les ventes croisées - même si permises par la solution technologique choisie- n’étaient pas possibles en raison des contraintes organisationnelles.

• lenteur du système (informations redondantes) et/ou données-client incompétentes.

Les filiales se rendent une concurrence interne importante et chacune veut garder la confidentialité des données-client auxquelles elle a accès. Par conséquent, la base de données centralisée n’est d’aucune utilité.

La suite… Un des leaders de marché abandon du système; phase de projet pour un nouveau système

4.4 Les facteurs qui composent la « meilleure pratique » et ordre de priorité

Certaines des meilleures pratiques identifiées dans cette étude représentent une combinaison entre un processus de décision (indiquant quoi faire ou ne pas faire) et un processus qui vise à établir une hiérarchie des facteurs spécifiques auxquels font référence les pratiques respectives (tableau 3).

Tableau 3 : Facteurs qui composent la « meilleure pratique » et ordre de priorité

<table>
<thead>
<tr>
<th>Pratique P9S</th>
<th>Pratique P3T</th>
<th>Pratique P5T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effets escomptés et leurs mesures</td>
<td>Critères de choix du vendeur CRM</td>
<td>Choisir les fonctionnalités techniques</td>
</tr>
<tr>
<td>• Augmentation du niveau de satisfaction et du taux de rétention de la clientèle : rang 1</td>
<td>• La réputation, les références (éventuellement, la rétroaction basée sur les interactions passées avec le vendeur en question), et la qualité du service après vente : rang 1</td>
<td>• Capacité d’intégration (intégrer « back-office - front office » ; faire des analyses et fournir des rapports de management/gestion des ventes croisées et gestion des plaintes) : rang 1</td>
</tr>
<tr>
<td>• Réduction du délai de service/vitesse : rang 2</td>
<td>• La solution technologique proposée et sa flexibilité (intégration facile des modules et logiciels CRM provenant d’autres sources/d’autres vendeurs) : rang 1</td>
<td>• Disponibilité et flexibilité nécessaires à répondre aux demandes spécifiques de la banque (« scalability » / « customizability ») : rang 2</td>
</tr>
<tr>
<td>• Amélioration du rendement des ventes / volume des ventes par centre d’appel : rang 2</td>
<td>• La capacité financière : rang 2</td>
<td>• Vitesse de traitement / Capacité de faire des analyses en temps réel : rang 2</td>
</tr>
<tr>
<td>• Amélioration du taux d’acquisition des nouveaux clients : rang 3</td>
<td>• Le coût total du projet (« Total Cost of Ownership », TCO) : rang 3</td>
<td>• Conformité aux normes de sécurité des données : rang 3</td>
</tr>
<tr>
<td>• Amélioration de la productivité : rang 3</td>
<td></td>
<td>• Flexibilité de l’architecture pour réaliser l’analyse de la segmentation : rang 3</td>
</tr>
<tr>
<td>• Augmentation de la part de marché : rang 4</td>
<td></td>
<td>• Maintenance facile : rang 4</td>
</tr>
<tr>
<td>• Amélioration du taux d’innovation de nouveaux produits et services : rang 4</td>
<td></td>
<td>• Affaires globales (capacité de travailler en plusieurs langues) : rang 4</td>
</tr>
<tr>
<td>• Réduction des coûts d’exploitation : rang 4</td>
<td></td>
<td>• Installation et personnalisation rapides et faciles : rang 4</td>
</tr>
<tr>
<td>• Réduction des coûts de transaction : rang 4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Conclusions et avenues de recherche future

Cette étude présente 21 « meilleurs pratiques » pour l’implantation d’un système CRM dans les banques de détail.

Il est indéniable que l’intégration des aspects organisationnels d’une banque avec ses technologies est une condition nécessaire à une implémentation réussie d’un système CRM. Cette étude montre toutefois que cette approche, qui limite la vision CRM à l’environnement interne de la banque, est loin d’être suffisante. En effet, les banques n’opèrent pas dans des vases clos, mais dans des marchés qui sont très compétitifs. L’interaction entre la banque et son environnement externe est tout aussi importante que l’harmonie organisationnelle accomplie par l’intégration des deux composantes mentionnées. Dans le cadre de cette interaction avec son environnement externe, le choix des fournisseurs de systèmes CRM ainsi que la manière dont ce choix influe sur la structure de coûts de la banque, ses arrangements structurels, et finalement sa performance opérationnelle, sont des aspects importants à
considérant par les banques qui initient un tel processus. Par conséquent, une initiative CRM doit être regardée selon deux perspectives différentes : celle du marché des technologies CRM et celle du marché des services financiers dans lequel opèrent les banques. La diversité des approches adoptées par les vendeurs de technologies CRM et celle de leurs solutions technologiques (il existe des centaines, voire des milliers de combinaisons possibles de fonctionnalités technologiques pour les systèmes CRM dans le secteur bancaire), ainsi que la diversité des besoins des banques en matière de solutions CRM (et qui dérivent de leurs stratégies corporatives respectives), rendent l’implantation d’un projet CRM beaucoup plus complexe qu’elle ne l’est présentée dans la littérature scientifique.

La littérature scientifique indique, d’une manière ponctuelle, des facteurs de succès-clé, alors que cette étude démontre qu’un projet CRM pourrait échouer même en présence de ces facteurs de succès-clé. En effet, il suffit que ces facteurs ne soient pas alignés correctement les uns avec les autres pour que le projet soit compromis.

Une importante partie de la littérature scientifique porte sur la manière de mesurer l’impact de l’implantation d’un système CRM – par des indicateurs de performance financière comme le rendement des ventes (Return on Sales ou ROS), le rendement des capitaux investis (Return on Capital Employed ou ROCE), etc. Toutefois, cette étude a démontré que les indicateurs de performance les plus significatifs sont plutôt ceux liés à sa performance opérationnelle (niveau de satisfaction de la clientèle et taux de rétention des clients, part de marché, etc.). De plus, cette étude a mis en évidence le fait qu’il est difficile sinon impossible d’isoler, et de ce fait, mesurer, la part de l’avantage concurrentiel de la banque qui est due exclusivement à l’implantation du système CRM. En effet, d’après les participants aux entrevues, cette difficulté proviendrait du fait que l’amélioration des résultats financiers de la banque est toujours l’effet de plusieurs facteurs imbriqués (l’implantation des nouvelles technologies de même que plusieurs autres décisions stratégiques, telles que l’introduction de nouveaux produits, l’acquisition d’un concurrent, la pénétration d’un nouveau marché, etc.).

Cette recherche présente certaines limites et certaines opportunités pour la recherche future. Une première limite tient du contexte particulier de notre étude, soit le secteur canadien des banques de détail. Plusieurs banques canadiennes sont des entreprises « Forbes 2000 » et disposent donc d’importantes ressources et compétences. Ces particularités imposent de la prudence dans la généralisation des résultats pour le secteur bancaire d’un autre pays ou pour celui des services financiers, en général. Toutefois, ces limites sont des défis que les chercheurs pourraient relever. Il serait intéressant, par exemple, de refaire la même analyse dans un contexte économique, social et technologique différent, et de comparer les résultats. Les chercheurs pourraient également ne s’intéresser qu’à un seul des trois aspects étudiés dans cette étude (stratégie, technologie et organisation), afin d’analyser en profondeur les pratiques respectives et réaliser une description plus détaillée de chacune de ces pratiques ou encore faire émerger de nouvelles « meilleures pratiques ».

Références

Greenwood Press.
Abstract

In the middle of the student movement of 1968 in France, Paul Ricoeur raised a reform and a revolution perspective about the University centered on two nuclear aspects: a) the reformulation of the functional structure of the University; and b) the transformation of the University from the relationship between teachers and students. Ricoeur affirmed that the crisis of civilization that inhabits the society, prevents to transform the University, and that it is only from the own language of this institution this transformation could be accomplished. Ricoeur evidences the rhetoric and discourse of capitalist production that is invading the University and changing its nature. The richness of his narrative work and action settings included in Mimesis I-III is of what hinted at in the center of the teacher-student relationship that can provide us valuable interpretative trails to understand and propose alternative solutions to the contemporary University crisis. This communication shows how the contamination of academic capitalism distorts the narrative processes all together: to say, tell, recognize others, promise, attesting and remember, to the point that members of the educational community are unable to build a narrative identity, to recognize themselves in their socio-academic trajectories, to recognize the institution and finally, to be recognized by the institution. The distortion allows the extension of a capitalist hegemonic discourse throughout the individuals’ socio-educational experiences and contaminates their life trajectories. Finally, this paper suggests some alternatives to re-think the crisis of the University through the link between a pedagogical intention to an ethical intention.

Key words: University, crisis, narrative identity, monolinguism, academic capitalism.

1. Introduction

The University as a living organism in constant evolution represents a socio-political environment where converges, as Paul Ricoeur (1996) affirms, the constant presence of conflict, the struggle for freedom and autonomy. Jacques Derrida (2001), confirms that by declaring the University as an institution without condition, projected to a whole freedom by its own force of nature of pointing errors of society, regardless of creed or distinction, and assuming a constant defense facing the threat to be muted for being political incorrectly. From its origins, the University has struggled for the right of autonomy, diversity and participation, but at the same time, it has become one mirror of the construction and de-construction of society. However, this institution is today in the middle of a dizzying transformation and renovation, but as well within a greater crisis, due to the new hegemony of Knowledge-base Economy, a term closely tided to Academic Capitalism. Knowledge-base Economy is a term legitimated by the Lisbon summit (2010), and the Bologna process, which includes educational services and its academic products as a fundamental asset within the international market values in order to produce institutional prestige and the so call “Quality of education”. As for Academic Capitalism, it emerges as a critical analysis inside of some scientific communities (Slaughter and Leslie, 1999; Slaughter and Rhoades, 2004), as a response to the practice of commercialization of the fundamental academic activities in higher education in United States. These two different but complementary terms focus the analysis in this work to: a) the inclusion of capitalist rhetoric to educational logic; (b) Ricoeur’s educational contribution regarding the crisis of the University; (c) from a pedagogical intention to an ethical intention; and (d) new ways of narrating the contemporary University.

2. The inclusion of capitalist rhetoric to educational logic

Reforms in higher education are the common condition of contemporary University worldwide. Daily, all mass media worldwide broadcast the university global reforms: significant increase of university fees and tuition all over; students loans interest rate to rise accompany with a gradual withdrawal of State aid to public universities in the United States; the debate on the reformulation of the National Education law 30 in Colombia; the law of freedom and responsibilities of universities in France; the Printemps érable in Quebec; the high privatization process of higher education in Chile; the
lack of positions for new teachers in public universities in Spain; the scarcity academic freedom at universities in United Arab Emirates; the enrollment crisis at the universities in China; the incursion of US curriculum system in higher education in Singapore; the erosion of working conditions of university teachers in England, etc.

The University reforms responds mainly to two aspects: first, the inclusion of Knowledge-base Economy (Économie de la Connaissance) and second, the Academic Capitalism. The Knowledge-base Economy stands as the bedrock of the European Union’s (EU) logic concerning higher education, adopted at the Bologna Process (1999), and Lisbon Strategy (2000). The Bologna Process intents to harmonize EU’s different educational systems and restructure higher education, while the Lisbon Strategy emerges as a part of the Union’s wider economic platform that extends beyond higher education, restructuring institutions of all public sector. In the Knowledge-base Economy prevails the investment of resources in the production, distribution and use of knowledge and information based on technological innovation, the creation of patents and the dissemination of science through national and international indexed publications, the system and innovation and the information infrastructure. In such conditions, teaching and research are evaluated through indicators of performance, referring to an academic/economical regime within the university. However, educational, social and financial impacts remain unknown by the general public, representing a big challenge to democratic and just educational institutions.

Inspired by the theory of human capital, Knowledge-base Economy is grounded on a technical rationality that evaluates (measures) individuals’ performance and turns individuals to treasure diverse capitals in order to find a place in the global market of educational prestige and excellence. These capitals are not only economic, but political, social, academic, cultural, etc., In fact, the way individuals gain, lose and exchange these capitals is transforming the nature and practices of individuals at institutions of higher education worldwide. Thus we can affirm that educational services considered as public resources and a social good has become an asset with great value that must be integrated to the dynamics of the global economy.

In this logic evaluation is focused on the verification of teachers’ competences, generating programs of accreditation, and evaluation of general and specific competencies of students, substantially transforming the pedagogical and didactics nature of the evaluative process, from a means to an end. Certification of teaching and students’ competences, and the fulfillment of institutional standards will result as the assessment of Quality of Education. So, it is easy to understand that Quality of Education is expressed mostly on quantitative data to validate performance, success and excellence, and more dangerous, that this so called “Quality of Education” stands today as the central and most powerful educational policy governing education systems and educational communities worldwide (Crozier, 2006; Correa, 2011). The statistics that come from these education quality standards are presented to the whole society as scientific and democratizing elements shaping the basis of the educational systems’ logic and praxis. As scientific, supposedly based in a positivist approach, normally took for granted as valid and true, and so, democratizers apparently because the might encourage practices of State transparency and accountability before the entire society. However, what is relevant along the educational reforms is the constant presence of a social asymmetry within the institutions of higher education. Of what this seemingly scientific and democratic movement promulgates, is the implementation of a grammar and rhetoric of the educational activities. Terms such as assessment, terminal efficiency, performance, success, academic excellence and quality of education have emerged from the educational discourses. Lack of epistemic contents they effectively represent guides for actions before academic consideration and debate. These educational quality standards are not tributary elements of the Knowledge-base Economy, but, rather, they represent, in fact, the bedrock of this economy.

Academic Capitalism, as a new educational grammar and rhetoric, allows some members of the educational community (best players) to participate all along the global markets of knowledge replacing the concept of education from a knowledge/learning regime as a public good, to a knowledge/learning academic capitalism regime (Slaughter and Rhoades, 2004). Repercussions of the Knowledge-base Economy and the Academic Capitalism are still insufficiently explored. However, one of these effects are particularly identified as a New Public Management (Ferlie, Ashburner, Fitzgerald, & Pettigrew, 1996), based on the government of institutions of higher education according to their performance. It represents a new circle of pouvoir et savoir, not only in the limits of the institutional control but to a production market control, by offering the future of the university to the anonymous hands of the global market. As a result of this, the allocation of budgets for the operation of public and private universities, responds to an equation of academic productivity: The more the universities produce the better quality and the more money they will get. This equation is usually associated to the rate of employability of alumnae, the percentage of success and the performance of researchers production, quality of teaching and student performance.

The combination of a Knowledge-base Economy and the Academic Capitalism produces an arbitrary grammar and
rhetoric for a unique higher education discourse. It refers to a monolingualism that replaces conflict and freedom at university, for the totalitarianism of an exclusive logic and discourse oriented to fulfill the expectations of the global markets of knowledge. This monolingualism generates distortions of social interactions within the educational community, between scholars and their academic work, since teachers and researchers will be tied to a neurotic system of academic re-production legitimized by a system of evaluation of their activities based in evidences in order to build their individual economy and public prestige (Best players). Among students and teachers due to a distance between students and their socio-cognitive processes through a system of evidences of learning, instead of the acknowledgment (recognition) of their curricular experiences. Finally, between academic, administrative and students because in the foundation of this new economy, it will not be present the educational project. The emergence of an ethical problem in creating a system of institutional recognition based on treasuring economical, academic, cultural and political capitals oriented towards individual success, and excellence constitutes the first consequence of the junction of Knowledge-base Economy and the Academic Capitalism. Here individuals are facing an ideological recognition in terms of Honneth’s theory (1992, 2007), meaning that at one hand, those who produces with the rules of the market of knowledge, could be recognized for their academic productivity by the educational institution, but at the same time, this institution will not longer supported them by a continuous institutional behavior; and by the other hand, those who do not play with the rules of the global market, - especially, in the role of teaching and research at the University-, will be displaced to the periphery of the academic activity with no capitals to participate. This Knowledge-base Economy and the Academic Capitalism embodies a single logic, a monolingualism that attempts to homogenize policy and educational practice in a single ethos and habitus, under the slogan of academic productivity. In fostering the ritualization of treasuring these capitals, universities equate institutional recognition with academic production.

3. Paul Ricoeur's contribution to the crisis of the University

Ricoeur critical thinking about the University can be described in three particular axes: 1) a political philosophy in response to a capitalism that invades the University discourse and educational practices, changing the nature of the University; 2) a pedagogy of action among the relationship teacher/student; 3) a link between a pedagogical intention to an ethical intention, from the reconfiguration educational trajectories (parcours de formation) to “live a good life with and for others in just institutions” (Ricoeur, 169, 1992). It is in these first two axes that Ricoeur (1970), defends the university’s own political construction and discourse and affirms the necessary inclusion of a new pedagogy (Le Monde, 1969). However, this pedagogy cannot be completely understood at that time, but from a second phase of Ricoeur’s theoretical work, particularly within his hermeneutic phenomenology. A path, according to Vergara (2006), from The Rule of Metaphor (1975), to The course of Recognition (2004). It is precisely inside Ricoeur’s reconfiguration of action through a narrative path extended to the limits of social recognition where the third axe can be understand, and where it lies the meaningful equation of his new pedagogy (Ricoeur, 1969), from a pedagogical intention to an ethical intention in the perspective of just institutions. Ricoeur’s political philosophy of 68 affirms the emergence of a new revolution of the West civilization, which criticized the view of the world and the conception of life that call into question the economics, politics and human endeavor.

“It is a cultural revolution because it questions the world-vision, the conception of life, that underlie the economic and political structures and the totality of human relations. This revolution attacks capitalism not only because it fails to bring about social justice but also because it succeeds too well in deluding men by its own inhuman commitment to quantitative well being. It attacks bureaucracy not only because it is burdensome and ineffectual, but also because it places men in the role of slaves in relation to the totality of powers, of structures and hierarchical relations from which they have become estranged. Finally, it attacks the nihilism of a society, which, like a cancerous tissue, has no purpose beyond its own growth. Confronted with a senseless society, this cultural revolution tries to find the way to the creation of goods, of ideas, of values, in relation to their ends.”(Le Monde, Jun, 9th-10th, 1968).

Ricoeur focuses on the relations of capacity/willingness and freedom under a socio-pedagogical contract between students and teachers that affirm the need for autonomy within allowing the construction of a just and democratic University. Aware of Rousseau’s criticism about an education that is mistaken in trying to find a small adult in the child, Ricoeur warn the dangers of trying to find the young capitalist among the students at the university. He relies on a double needed action: a reform and a revolution of the University that confront the reformers with the revolutionaries, “this controversy should lead us to the reform of the University keeping us revolutionaries” (Ricoeur, 1968). Ricoeur presented this reform as an internal review process, and an external contestation action. In the one hand, the review
internal process is a participative action where all education community is needed to take part in the construction of a discourse and an own political thinking.

In the other hand, the contestation external process is developed by the reorganization of the University through a decentralized and participative method described in four main points: a) The intergenerational issue: a University for whom? The University not only should concentrate in the preparation of young people but also give space to return to the University of other generations, through a lifelong education, which could remove all kinds of social and cultural segregation; b) The goals of the University. What to do in and about the University? Ricoeur sees the need for a critical pact between the educational community and society to defends the University triple purpose: a freedom in research, professional education and the promotion of the general culture; c) The Government of the University. Who govern and with whom? The decisions of the University are today taken more by a powerful minority and less by a participative and democratic majority. Ricoeur affirms the capacity to say “I” at the University as a main requirement of just educational institutions. Here perhaps one can see the initial construction of his small ethics; d) Politics at the University. Ricoeur describes a scenario of exclusion from a lack of participation and involvement of teachers and students within the Administration of the University.

It is necessary to abandon the neutrality/politicization equation and build a way to make the own University politics. It means, a critical and creative pedagogical pact, “that must be taken to the level of fundamental and profound questions of social dynamics and not only in the horizon of simple political alternatives in the strict sense of the parties” (Ricoeur, 1970: 76-77). Ricoeur’s contestation of the University can only happened through a cultural inner revolution. This is a historical and mandatory role of the University in front of the paralysis of other social institutions.

5. From a pedagogical intention to the ethical intention

While Ricoeur initial educational analysis in 1968 was referred to a political philosophy focus in a student-teacher relationship, a more lately Ricoeur’s hermeneutic phenomenology approach will not restrict this political transformation to this relationship, but rather to an entire narrative transformation in his Philosophy of action, where Ricoeur confirms a turn to a pedagogical intention through a narrative reconfiguration of action making possible a political construction/action within human institutions.

We learn to explain more to better understand because, in part, the presence of a pedagogical intention. The relationship between students and teachers is legitimated by the connection between each other through a narrative process in order to refigure an educational trajectory (parcourre de formation). Such pedagogical intention starts with a narrative construction that according to Ricoeur goes through a process of tripe mimesis. Here the Mimetic function of the narration - Mimesis I or pre-figuration, Mimesis II or configuration and Mimesis III or re-figuration - it is basically a particular application of the metaphorical and textual reference to the domain of human action. In this sense, it is in the action and the social dimension of language that unification of the triple mimesis can be founded. The process of mimesis orients the comprehension to a temporary process of continuity and discontinuity and an identity process of concordance and discordance. Narrate acts generate a dialectic between the characters of the story and the plot, producing an identity in sameness (idem) and difference (ipseity), involving the educational plot, must be in correspondence with the identity of the author and the educational action that reveals the story.

“The decisive step in the direction of a narrative conception of personal identity is taken when one passes form the action to the character. A character is the one who performs de action in the narrative. The category of the character is therefore a narrative category as well, and its role in the narrative involves the same narrative understanding as the plot itself. The question is then to determine what the narrative category of character contributes to the discussion of personal identity” (Ricoeur 1996a:146).

As a narrative model of identity, the symbiotic movement of concordance and discordance within this pedagogical intention make possible the continuous back and forth movement from a narrative identity -rooted in the educational trajectory- to an ethical subjectivity –being myself because and for the others-, making possible the construction of a educational project. The ethical intention reinforces through social recognition this duplicity of the social identity, being recognized because of my uniqueness, but as well recognize others and to be recognized by others because our sameness and differences. Thus, a significant process of educational improvement stars by the presence of a pedagogical intention that lies in the comprehension and refiguration of an educational trajectory, but as well, that has a clear teleology, to live significant and good lives in order to build just institutions. In this sense, we can affirm, that in linking a pedagogical intention to an ethical intention, narrative acts educate. Therefore, students will not succeed just
because they did not get good grades, neither, an educational institution cannot consider its work done because it was ranking well; a true quality of education is built because the institution will understand, esteem and recognize the students’ educational trajectories (trajets de formation) and because it will continuously help students to recognize their educational trajectories and to be recognized by the institution. That could be another quality of education we can consider, out of the logic of Knowledge-base Economy and the Academic Capitalism.

Educational institutions may become truly just, not only through a cognitive development, neither by institutional controls regarding the individuals behavior or academic production, and not only because an institutional behavior that promotes justice. They become just, in part, because institutions understand, esteem and recognize the individuals’ trajectories build as particular human beings and as members of an educational community.

These itineraries are regulated by the individuals interpretation and understanding of the nature and content of curricular experiences, in which they participate or are exposed to. It is within the curricular experiences where educational trajectories evolves and make sense for an educational community. “Curricular experiences represent a socio-cognitive narrative process that fosters the re-figuration of individuals’ acts of learning and being through a pedagogical intention. Their nature is defined by the pedagogical conditions where they occurred” (Correa, 2011:3). The consciousness in linking a pedagogical intention to an ethical intention through meaningful curricular experiences could remember Ricoeur’s 1968 idea of a new pedagogy that a more mature Ricoeur can be confirmed as Critical Pedagogy. Therefore, in retelling an educational trajectory -now an educational story (histoire de formation)— within Ricoeur’s critical pedagogy, it represents the individuals’ capacity to recognize themselves in their stories (narrative identity), and to be recognized by educational institutions.

But the link of the pedagogical intention towards a ethical intention in the parcours de formation could be clearer in the early 1980s, when Gaston Pineau orients his educational work using in part, Ricoeur’s narrative theory. Pineau defines narrative identity in terms of authenticity of individuals —as Taylor (1994) does—. It means as an internal condition of the individual and the only element of a truth ethical condition. It’s a completely subjective truth. While "being authentic is to agree with oneself, it is to be oneself, or becoming or find oneself in our story." The language of authenticity is therefore, ties to the histoire de formation”(Fabre, 2000, 13). Pineau’s concept of call (vocation) helps us to build the concept of pedagogical intention. La vocation is defined, as a call, but it can also be interpreted from its etymological origin as a project, a thelos. Derrida (1996), Foucault (1972), y Castoriadis (1975), point out that it orients towards the action of seek, explore and create. The call could be ways of projecting itself, forge a "project of life" that it is built by individuals on the basis of their multiple experiences and in confrontation with a system of values that give sense and direction to their lives. Pineau’s autobiographical approach understands vocation as project built from the temporalities of the educational story and he interprets educational trajectories such guardians of the authenticity in the perspective of the meaning and fullness. Pineau recovers the heideggerian Dasein to show the nature of a thrown humanity, projected towards the world of life.

"Being while thrown into the world, being there (Dasein) it is thrown there according to the mode of being of the project… the project (Entwurf) always concerns and according to its full extent to the revelation of the self in the world” (Heidegger, Being and Time).

For Pineau (1996), life stories are modeled by a project; it means that the story has a pedagogical intention that seeks finality in the limits of temporalities ranging from conservation to the development of the existence and death. But in this project there is a character immerse in a plot with a responsibility not only to the past, but also the present and future.

The project marks precisely with respect to stimulation, this capacity to get back to anticipate; but with the project, it is not about any anticipation. It is an anticipation that one desires to make oneself. The project involves an actor considered as the author of what he/she commits to perform. Beyond the biological purpose we will discuss here, from the psychological point of view, of final cause through raised intended to reach such a goal, to such realization. By giving the individual the feeling of being the author of, narration gives authority, offers a project as a powerful factor to build a personal identity” (Pineau,1986:157).

Pineau’s pedagogical intention refers to the process of Ricoeur’s reconfiguration of the narrative action. In this sense, the project -as a refiguration of the individual education story- represents a pedagogical intention of a possible future, that is not limited to the understanding of the educational trajectory, but also an attestation and co-responsibility with the educational projects of others in searching sense, meaning and life fulfillment. For Pineau, to be aware of the capacity to start a personal project is to reinforce a triple consciousness that is at the basis of all identity:

“A sense of distinctiveness in the process of building a personal project in locating better of what it constitutes the
By the re-institutionalization of personal and collective educational trajectories through a pedagogical intention to an re-appropriation of the story, which is very close to Ricoeur’s narrative identity. It means that the construction of the story has a pedagogical intention to teach us of what had happened, but also, of what it could be happened if we appeal to the Ricoeur’s mentioned capacities. Therefore educational trajectories have within a pedagogical intention, they are guided by a sense and by a project (Pineau, 1986). To be recognized oneself in theses trajectories it requires that one can explain and understand the projects that these trajectories integrate within and the motivation that make them possible or not. Thus, the reflective process is connected to a personal and collective experience that will influence the individual’s life and the life of others. Since a project involves processes of thinking, education and socialization, an educational trajectory leaves always something to tell about.

6. Retelling the university today

Regarding the analysis of the resulting educational monolingualism in the junction between Knowledge-base Economy and the Academic Capitalism rhetoric and grammar, focus particularly how educational policies are affecting teachers and researchers at the university, we can affirm that at first place, that there is a contamination of the personal story and in the interpretation of it during a narrative process, fragmenting the narrative identity and making the individual’s own story, strange and foreigner. It appears as a parallel story with a pre-established plot and the absence of the individuals of the enunciation. At this point, the members of an educational community are not capable to recognize themselves as characters of their own story. Secondly, perhaps the evolution of the academic capitalism goes not only to a dynamic of consumption and commerce of different capitals treasured as the exercise of a productive paradigm (measurement of educational performance, educational efficiency and excellence.), but also, the idea of becoming consummators of an imaginary and in complicity by reproducing an ideology. Been wealthy, ever young, competent, male, white, entrepreneur, and with all social connections appears as one of the paramount imaginaries the universities may have to support. Third, by reproducing this imaginary, the Aristotle’s idea of good life (bonne vie) is deeply transformed and the connection between a pedagogical intention to an ethical intention is broken.

In narratives terms, and as a methodological approach, Ricoeur’s philosophy of action offers possible answers to the actual crisis of the university, in building educational policies from the own voice of the members of the educational communities: a) an autonomous sense in relation to the author intentions; (b) a polyphony of senses in the construction of the text; c) a reader who has the responsibility to finish the composition of the text; d) a reinterpretation as a process of reconfiguration of the text and self-understanding of the author, a conquest of the interpreter; (e) an ethical intention that emerges from the individual bonding with the text, the engagement with other individuals to recognize each other on the horizon of a common and collective project in the construction of just institutions, and a social justice. The link between a pedagogical intention to an ethical intention appears in the exercise of a Critical Pedagogy, at the moment the institution places the education project at the center of their activities. Through Critical Pedagogy it is possible to see the intelligibility of curricular experiences, and within them, the capacities to tell, promise through an educational project, recognize others and oneself and to attest these educational trajectories before the needs of society, such as a commitment to social justice. The project as a pedagogical intention appears as a space of comprehension and explanation about these education trajectories, and to confront the hegemonic ideologies that distant the individuals to their life stories and break their narrative identity. The pedagogical intention within the University should reject –as an act of emancipation-, the hegemony of an educational monolingualism based in the junction of the Known-base Economy and the Academic Capitalism by a critical educational process. A University without condition cannot accept a unique and thoughtless institutional discourse.

“This university without condition does not exist in fact, as we well know. But, first and according to the declared calling and essence, the university should be the last place of critical resistance –and more than critic- against all powers of doxmatic and unfair appropriation” (Derrida, 1998:9).

By the re-institutionalization of personal and collective educational trajectories through a pedagogical intention to an
ethical intention we struggle, as members of the educational community, against a whispering university, paralyze before a system of production, prestige, individualism and the subordination of individuals to a system of social fragmentation and exclusion. To retell an educational story through curricular experiences, to be heard and recognized within and by the university represents a possibility to rescind the grammar and rhetoric of the Known-base Economy and Academic Capitalism and to clearly exercise Ricoeur’s capacities of telling, promise, recognized others and to be truly recognized by others, to attest and to remember. Retelling the university linking a pedagogical intention to an ethical intention is to learn to retell the university in a different way. The exercise of an autonomous educational project, detached from the mentioned educational monolinguism, allow us to include the desire and action for social justice and the good life, as it is clearly described in Ricoeur’s small ethics. In this sense the collation will represent a truly institutional and societal commitment to the economy of the give as a true semantic transformation in the process of narration. Perhaps Ricoeur answer of an educational monolinguism is the economy of the give that makes possible to link a pedagogical intention to an ethical intention and reestablish a narration identity. In this case, the collation represents a responsibility of the university to grant and confer a degree to individuals, but also to promote autonomous and critical thinking in building and living with others in just institutions and democratically societies.

Before the homogenization of society, the university should use the autonomy and singularity of every individual's educational story; before a whispering University, the pedagogical intention will explore new ways of enunciation and participation of all members; before the individualism and fragmentation of the educational community, the university will remember the link between a pedagogical intention to an ethical intention as the basis of its educational project towards social recognition and justice.

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The Process of Albania Enlargement of the European Union, the Transition, Reforms and Changes in Public and Private Sector of Economy

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Abstract

Challenges in identifying the appropriate electoral system and institutional arrangements to achieve inclusiveness require developing an adequate knowledge of the local electorate and identifying a combination of electoral system and affirmative action which best suits the structural as well as institutional context. The capacity of public administration was weak; the system, stemming from a party focused environment, was highly politicized. Corruption was pervasive in every facet of the public sector. Citizens feared public administration and did not trust it to provide even the most basic services in a fair or impartial way. The financial collapse in 1997 was a watershed event in Albania’s transition from its communist past. It highlighted the problems of Albania’s economic governance capacity and, from an administrative standpoint, reaffirmed and highlighted the inefficacy of a public administration, unable to enforce its laws and regulations. As the public’s confidence in Albanian institutions had been significantly eroded by the recent events, restoring the public’s trust in the government became the main priority of the government. In order to achieve this objective the capacity of the public administration needed to be dramatically strengthened.2 The donors concurred with this assessment. IDA, starting with the 1998 CAS, considered governance and institution building as one of the central planks of its intervention and identified the need to adopt and implement reforms to build an accountable and transparent state as the most important challenge facing the Government of Albania. Over the next several years, the Albanian Government, in partnership with donors, emphasized institutional reform and capacity building and developed a comprehensive strategy to strengthen the public institutions for more effective governance.3

Keywords: Administrative system, implementing financial reforms, accountable & transparent financial public goals, administration strength micro credit lines.

1. Introduction

This study empirically examines the impact of debt management policies on borrowing costs incurred by state governments when issuing debt in the municipal bond market. Based on positive political theory and the benefit principle of taxation, it is proposed that states that adhere to best practice debt management policies transmit signals to the credit ratings, investment community and taxpayers that the government should meet its obligations in a timely manner, resulting in lower debt costs. This was my entire point with temporarily nationalizing the banks. Banks are not going to lend until the bad assets are off their books. Someone is going to pay. If we nationalized, at least we shared on the

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2 Structural Adjustment Credit (SAC & ICR Ministry of finance, Supreme Audit Institute, year 2009, 2010
3 Ida & CAS report for developing in Albania
upside potential. “Three Basic Principles: Using $75 to $100 billion in TARP capital and capital from private investors, the Public-Private Investment Program will generate $500 billion in purchasing power to buy legacy assets – with the potential to expand to $1 trillion over time. The Public-Private Investment Program will be designed around three basic principles: Maximizing the Impact of Each Taxpayer Dollar: First, by using government financing in partnership with the FDIC and Federal Reserve and co-investment with private sector investors, substantial purchasing power will be created, making the most of taxpayer resources. (Anthony, R. N. and Dearden 1980)

1.1 The importance of this study, the overview of management policies

As a result (USA political debt and reforming policies) of a multi-block multivariate regression model the implication of adhering to debt policies aimed at promoting transparency results in a borrowing cost savings in terms of true interest cost (TIC). However a comprehensive debt policy is not a significant indicator of borrowing costs. These results suggest a product of a pull-push process between the economic forces of the bond market on one hand and politics on the other, pulling the administrative function toward efficiency in the former and democratic values of responsiveness and transparency in the latter.

The problem lies in policies that respond to the bond market but virtually exclude any other community interest in policy making. It is recommended that openness in government and allowing taxpayers to understand government services are essential goals in ensuring responsible citizen oversight and providing taxpayers the opportunity to be less likely to propose restrictive initiatives or force dramatic political or management changes through the electoral process or bond referenda.

The EU remains Albania’s main trading partner, providing 64.1% of Albania’s imports and receiving 70.2% of exports as of September 2010. Trade with Italy and Greece, although steadily declining since 2008, continues to represent the largest share of EU trade, with a combined 40.8% of imports and 56.4% of exports as of September 2010. Other major trading partners include Turkey, China, and Germany. (Anthony, R. N. and Dearden 1980)

The impact of CEFTA in Albania’s trade with member countries has been small. Albanian case study during this on the outcome of electoral systems and local politics and how more inclusive systems of local governance can be developed. It was emphasis that the choice of electoral system can create opportunities for greater representation of women, ethnic minorities, the poor and other disadvantaged groups in local government. Structural as well as institutional factors pose major challenges faced in achieving this outcome. Affirmative action was not seen as a viable long-term solution for achieving increased representation of these groups.

1.1.1 Albanian transition and needs for changes in public sectors.

Albania Government worked with donors on the public financial management agenda by strengthening core public financial management units (Ministry of Finance, Supreme Audit Institute, Procurement Directorate within the Office of the Prime Minister) as well as the financial management units within each line agency (e.g., budget departments within line Ministries). On matters relating to public sector human resource management, the reform strategy envisaged addressing this issue in two major stages: civil service reform and broader public sector human resource management reform. During the stage, the reforms aimed to create the managerial and professional nucleus required to lead any serious efforts to improve the accountability and performance of public institutions.

2. Literature Review and Hypotheses

2.1 The impact, performance and cultural development in Albania and Balkan.

After the fall of socialism, Albania largely succeeded in providing targeted assistance to the poor when compared with other low-income countries (Alderman 2002). And, despite strong turmoil, Albania has found its way to becoming a democratic nation-state with a commitment to gender equality. These can be seen in the approval of a democratic constitution in 1998 and the ratification of international agreements, like the Convention on the Elimination of all Forms of Discrimination in Albanian public administration. (Calloni 2002) One of the main gender concerns in Albania today seems to be the missing link between putative and real equality in terms of access to employment, businesses, credit

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4 TDS Albanian Europe, internet link 2010, pp 12, 34, 15
institutions, health care and social services. There are also questions about gender equality in civic participation and political decision-making. Albanian law prohibits gender discrimination and job segregation in public and private employment.

Graph 1: The heads of central and local government institutions, Source: Albanian BB for Albania, report 2011

In this study we are trying to analyze empirically, the impact of cultural, economical, prejudices factors, reforming in Albanian public administration, in the municipal bond market, like Balkan countries. Based on positive political theory and the benefit principle of taxation, benefit of social development in Balkan areas, it is proposed that states that adhere to best practice debt management policies transmit signals to the credit ratings, investment community and influences of prejudices. Balkan countries and Albanian government, on the other hand, should meet its obligations in a timely manner, resulting in lower debt costs. Although the field of entrepreneurship in Balkan is recognized as being of fundamental importance for Balkan economy, and many researchers throughout the world have turned their attention to it, there’s, as yet, no agreement as to the research object in this scientific field. [4] [5], [6], [7]

2.2 The economic dimension of regional cooperation

Regional cooperation is essential for increasing prosperity and economic growth. Economic development is a key issue if the WBs countries are to make better, faster progress towards European integration. In many areas, such as trade, energy and transport, because of the limited size of each WBs country and the fragmentation of the economic space in the region, there is no other option but to embark on intense regional cooperation as the only realistic way forward. Enhanced regional cooperation in the economic field is just plain common sense.

Beyond the intra-regional challenges, the ultimate goal is to reconnect the WBs countries fully with all their neighbours, EU Member States and candidate countries alike.

2.3 Albania administrative influences

The Government of Albania has adopted a comprehensive policy reform program to strengthen Albania's weak institutional and governance capacity. This policy reform program is being supported by a Structural Adjustment Credit, which was approved by the Bank in June of 1999. Through regional cooperation, a business environment will be created in the WBs that will provide for foreign and national direct investments, that will create much needed jobs and that will encourage individual initiatives, and so add to an increase in the living standard of the whole population.

Graph 2: The heads of central and local government institutions, Source: European Communities, Brussels, Belgium), 1992

In the pursuit of these objectives the countries of the WBs can count on the support and the assistance of the EU. The idea of an economic space in the region is taking roots. In this context, some important results have been achieved in the WBs in the fields of free trade and infrastructure. The overall objective of the proposed Public Administration Reform
Project is to provide required resources for technical assistance, training, goods and incremental operating costs that are needed to implement the Government's Institutional and Public Administration Reform agenda effectively.[8],[9],[10].

3. Research Goal and data collected

The Development Credit Agreement (DCA) states the objective of the project to be: The objective of the Project is to assist the Borrower to improve its capacity with regard to policy formulation and coordination, and administrative performance so as to create conditions that will encourage the Department of Public Administration of the Borrower to improve their service delivery.

3.1 Albania’s administrative system and public sector.

At that time, Albania’s administrative system was considered chaotic and ineffective. Its administrative culture - a combination of many influences - emphasized security over service delivery. The capacity of public administration was weak; the system, stemming from a party focused environment, was highly politicized. Corruption was pervasive in every facet of the public sector. Citizens feared public administration and did not trust it to provide even the most basic services in a fair or impartial way.

H 1. The Albanian reforms aimed to create the managerial and professional nucleus required to lead any serious efforts to improve the accountability and performance of public institutions.

During the first years of the reform, the government focused on improving the legislative framework to ensure that its objectives could be achieved. By 1999, and prior to the approval of the credit under review by this ICR, the Government had identified and adopted a large number of measures which provided important institutional capacity to strengthen the public administration.

Supported by the Structural Adjustment Credit (SAC), and Public Expenditure Support Credit, the government undertook a number of pivotal actions which defined the framework of reform. Among them, Parliament revised the Civil Service Law in November 1999, and an independent Civil Service Commission (CSC) was created and staffed. (Bishop, E. B.1986)

H 2. Credit lines are not used as an ‘extension’ of a current account of the customer and can only bear debit balances.

Credit lines are considered as a limit granted to a customer for use within a specific period of time. Micro businesses often use working capital to pay short term obligations as inventory or it can be also utilize for long term projects such as renovations or expansion. If working capital dips too low, a business risks running out of cash.

H 3. The small loans can be used as a fast cash option to caution the periods when cash flow is not available.

3.2 Objectives and gathering data of this paper research.

These results suggest a product of a pull-push process between the economic forces of the bond market on one hand and politics on the other, pulling the administrative function toward efficiency in the former and democratic values of responsiveness and transparency in the latter.

The problem lies in policies that respond to the bond market but virtually exclude any other community interest in policy making. It is recommended that openness in government and allowing taxpayers to understand government services are essential goals in ensuring responsible citizen oversight and providing taxpayers the opportunity to be less likely to propose restrictive initiatives or force dramatic political or management changes through the electoral process or bond referenda. (Bishop E. B.1986)

3.3 Albania’s administrative system and public sector.

At that time, Albania’s administrative system was considered chaotic and ineffective. Its administrative culture - a combination of many influences - emphasized security over service delivery. The capacity of public administration was weak; the system, stemming from a party focused environment, was highly politicized. Corruption was pervasive in every facet of the public sector. Citizens feared public administration and did not trust it to provide even the most basic services in a fair or impartial way.
4. The Process of Enlargement and Albania

Candidate countries have to demonstrate that they will be able to play their part fully as members - something which requires wide support among their citizens, as well as political, legal and technical compliance with the EU’s demanding standards and norms. (Higgins, J. M 1983)

Countries wishing to join the EU can proceed from one stage of the process to the next, but only once all the conditions at each stage have been met. In this way, the prospect of accession acts as a powerful incentive to reform. The EU policy on enlargement ensures that the process is meticulously managed, so that accession brings benefits simultaneously to the EU and to the countries that join it.

- The mandate and the framework;
- Screening and monitoring;
- Closure of negotiations and Accession Treaty.

As the last of the Eastern European states to overthrow communism and with a legacy of international political isolation, Albania’s experience of interaction with the EU is relatively short. In 1992 it entered into a Trade Agreement with the EU and in the intervening years has worked, with varying degrees of success, to implement domestic reforms in a bid to move towards EU standards. Albania is a potential candidate country for EU accession following the Thessaloniki European Council of June 2003. On 18 February 2008 the Council adopted a new European partnership with Albania. The SAA with the country was signed on 12 June 2006, after three years of negotiations. The SAA must be ratified by each EU Member State before coming into force, a process which could take some years, and it entered into force on 1 April 2009. In the meantime, an interim bilateral EU-Albania free trade agreement, which has been in operation since February 2003, will continue to function.

4.1 Local government leadership and initiative in Albania

Decentralization has given local governments the discretion and scope they need to take a lead role in responding to the challenges of economic downturn, degradation of the urban environment, and social hardship. They institute bold initiatives and innovative practices. Western European nations have put in place sophisticated frameworks to provide local governments with technical and financial assistance. The European Union supplements these national programs with coordinated assistance aimed at promoting economic development, assisting distressed localities and fostering social inclusion. Infrastructure is an important component of these programs. (Anthony, R. N. and Dearden, J. Management Control System, Irwin, Homewood, IL, 1990. Pg 147)

Despite its location in an industrialized province Jerez’s economy relies on wine production which, in recent years has been declining. Weak community participation, inadequate infrastructure, poor accessibility to regional resources and an unskilled labor force compounded the effects of massive job cuts in the wine industry (Higgins, J. M 1983)

With regard to economic development the plan focuses on the development of cultural tourism and the promotion of entrepreneurial activities.

Oriented keys of success are seven key factors:
- A dynamic local government leadership
- A coherent strategy acted upon with determination
- A healthy climate of cooperation with business
- Local government’s investment initiatives to jumpstart the stagnant economy
- Creative use EU funds to implement local policy
- Efficient municipal administration
- Coherent links among urban planning, infrastructure and economic development

4.2 Partnership between municipalities and NGOs

Partnerships with municipalities has provided the best channel for the participation of communities in the organized delivery of public services and paved the way for the growing role of NGO’s and CBO’s in this sector in urban and rural areas and different regions of the world.

Albania, one of the smallest and poorest countries in Eastern Europe, has experienced a transition marked by sharp economic swings and periods of civil strife. The early phases of decentralization witnessed the transfer of political autonomy and limited administrative and fiscal authority, to local governments, inadequate legislation outlining
central/local responsibilities, scarce financial resources and deficient infrastructure strained the capacity of local governments to manage urban services. In January 2000, the government promulgated a National Strategy for Decentralization and Local Autonomy which includes laws to strengthen the autonomy of local governments and increase their capacity to manage local infrastructure and services. (Bishop, E. B. 1986)

Albanian government will be reality these points:
- A dynamic local government leadership
- A coherent strategy acted upon with determination
- A healthy climate of cooperation with business
- Local government’s investment initiatives to jumpstart the stagnant economy
- Creative use EU funds to implement local policy
- Efficient municipal administration
- Coherent links among urban planning, infrastructure and economic development.

4.2.1 The local government teams, NGO’s and residents to formulate a development plan

Supported by donor assistance and international and local NGO’s the city initiated a community-based development strategy in the informal. The program brought together local government teams, NGO’s and residents to formulate a development plan for the neighborhood define priorities for improvements and determine equitable cost-sharing formulas to finance infrastructure.

This partnership led to the upgrading of roads and electrical networks, the construction of community buildings and schools, improved public spaces and programs for youth. Clarifying the legal status of residential land and formalizing an urban plan resulted in the sufficient leveraging of community and household resources to provide infrastructure and build new housing.

Finally, the engagement of senior government officials in the dissemination of project information secured commitment among communities and farmers.

5. Conclusions and recomendations

This is a highly significant feature of infrastructure programs and carries important implications for local development. Sustained political pressure and the demonstrated capacity of municipalities to manage their responsibilities were the driving forces for local administrative and fiscal autonomy. Initial assessments suggested that decentralization did improve the quality of service delivery and foster a new, user oriented attitude, facilitating the transition from a centrally planned to a market economy.

The act for support of local investment committed the municipality to cover 50 percent of the cost of water, sewerage and power lines, 70 percent of the cost of roadbeds and sidewalks and 100 percent of the cost of drainage and street paving.

The cost sharing formula can be modulated to take into consideration issues of equity and cost burden. As an incentive to private rehabilitations of buildings, investors are granted a three year exemption from property taxes.

We recomended these conclusions:
1. Introducing participatory planning and community-based development processes through neighborhood development committees and street representatives working in partnership with the city
2. Creating an enabling environment for private investment
3. Empowering citizens to pursue their own self improvement
4. Promoting privatization of the housing a stock and fostering the development of micro-enterprises
5. Ensuring the sustainability of activities initiated
6. Promoting the reliability of successful initiatives.

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Empirical Research on the Affecting Factors of Knowledge Transfer Efficiency in CoPS R&D Project

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Abstract

Knowledge management is the core of CoPS R&D project management. How to enhance the knowledge transfer efficiency is one key issue in the CoPS R&D alliances. The author firstly gave some assumptions and concept model about the influencing factors of CoPS R&D project based on the existing research. With analyzing the survey date by SPSS and AMOS, knowledge transfer willling and capacity, the tacit and complexity of the knowledge, knowledge receiver’s original knowledge accumulation, leadership support degree, organization size, the level of technology and equipment and mutual distance, all of these are the main factors of knowledge transfer efficiency in CoPS R&D project. At the end of this paper, the author gave some advices on how to promote the knowledge transfer effectiveness.

Keywords: Knowledge transfer influencing factors, Knowledge transfer efficiency, CoPS R&D project, Project management

1. Introduction

Knowledge management is the core of CoPS (complex product system R&D project management, after the modular decomposition of the CoPS, there must be convergence interfaces between modules and this made there exist communication and exchange of knowledge between project teams. Whether the union can achieve success knowledge exchanging related to the mutual learning efficiency, besides, the league knowledge transfer effect also reflects the Union learning effect. So, how to enhance the knowledge transfer efficiency is one key issue the CoPS R&D alliances should consider.

Knowledge transfer is one process which contain two parts: the knowledge is imparted from the source to the receiver and be absorbed, integrated, applied, innovated to achieve incremental knowledge. According to Szulanski, Cumming and Teng, Albin, Simonin, CHEN zan-duo, Chen mei, CHEN fei-qiong and some others’ research, the main factors of project teams’ mutual knowledge transfer contains the following ones: source and receiver’s knowledge transfer abilities, the knowledge gaps between the source and receiver, knowledge characters(complexity, tacit, systemic), knowledge transfer contexts(culture differences, the level of technical equipment, the leadership support). All this factors effect each other and jointly influence the effectiveness of knowledge transfer. The purpose of this paper is to find the main influencing factors and provide practical recommendations to improve the knowledge transfer effectiveness between teams.

2. Assumptions and theoretical model

It can be from the timely efficiency, average efficiency and the changing of the receiver’s knowledge base to evaluate the knowledge transfer effectiveness. A successful CoPS R&D project must meet the requirement on time and cost, the project team should consider not only how to get enough knowledge but also the time and the cost. According to previous analysis, this paper mainly analysis the affects of knowledge transfer capabilities, knowledge gap, knowledge characteristics and the knowledge transfer context on the knowledge transfer effectiveness, the corresponding assumptions shown in table 1.
Table 1. The original assumptions

<table>
<thead>
<tr>
<th>Factors</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledge transfer</td>
<td></td>
</tr>
<tr>
<td>Resources</td>
<td>H1: Resource’s willing do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td></td>
<td>H2: Resource’s knowledge transfer abilities do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>Receiver</td>
<td>H3: Receiver’s knowledge transfer abilities do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td></td>
<td>H4: Receiver’s knowledge transfer willing do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>The original knowledge</td>
<td>accumulation</td>
</tr>
<tr>
<td></td>
<td>H5: Knowledge transfers’ original knowledge accumulation do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>The characters of knowledge</td>
<td></td>
</tr>
<tr>
<td>Tacit</td>
<td>H6: The tacit do negative impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>Complexity</td>
<td>H7: The Complexity do positive and significant impact on tacit</td>
</tr>
<tr>
<td></td>
<td>H8: The Complexity do positive and significant impact on the knowledge transfer effectiveness</td>
</tr>
<tr>
<td>Systemic</td>
<td>H9: The systemic do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>Knowledge transfer context</td>
<td></td>
</tr>
<tr>
<td>The level of technology and</td>
<td>H10: The level of technical equipment do positive and significant impact on resource’s knowledge transfer ability</td>
</tr>
<tr>
<td>equipment</td>
<td>H11: The level of technical equipment do positive and significant impact on receiver’s knowledge transfer ability</td>
</tr>
<tr>
<td></td>
<td>H12: The level of technical equipment do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>The level of leadership</td>
<td>H13: The level of leadership support do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>support</td>
<td></td>
</tr>
<tr>
<td>Size of receiver’s organization</td>
<td>H14: Size of organization do positive and significant impact on receiver’s knowledge transfer ability</td>
</tr>
<tr>
<td></td>
<td>H15: Size of organization do positive and significant impact on knowledge transfer effectiveness</td>
</tr>
<tr>
<td>Mutual distance</td>
<td>H16: Mutual distance do negative impact on knowledge transfer effectiveness</td>
</tr>
</tbody>
</table>

The relationship between the influencing factors can be used the structure model as the figure 1 to describe.

Figure 1. Knowledge transfer empirical model in CoPS R&D project
3. Empirical Analysis

According to the theoretical research and expert interviews, this paper designed a measuring scale (Likert5 level scale) to survey the factors: 5—Strongly agree, 4—inclined to agree, 3—agree, 2—do not agree, 1—strongly disagree. This study has distributed 230 questionnaires, actual recovery is 182 copies, which 146 are valid questionnaires, the effective rate is 63.5%. The value of sample overall Cronbach's a is 0.797, reliability of each variable is above 0.7; the questionnaire overall KMO value is 0.794, significance probability of Bartlett hemispheres test $\chi^2$ is 0.000, significantly less than 0.001, all the results support factor analysis.

3.1 Structural equation analysis

3.1.1 The establishment of model and confirmatory factor analysis

This paper firstly established the initial model by AMOS software and corrected the initial model by modified exponential. The path coefficients and model fit indices are shown in Table 2.

Table 2. Path coefficients and fit index of correction model

<table>
<thead>
<tr>
<th>Path coefficient</th>
<th>No standardized path coefficient</th>
<th>S.E.</th>
<th>C.R.</th>
<th>P</th>
<th>standardized path coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource’s knowledge transfer ability&lt;The level of technology and equipment</td>
<td>.396</td>
<td>.113</td>
<td>3.498 ***</td>
<td>.375</td>
<td></td>
</tr>
<tr>
<td>Receiver’s knowledge transfer ability&lt;The level of technology and equipment</td>
<td>.428</td>
<td>.102</td>
<td>4.212 ***</td>
<td>.484</td>
<td></td>
</tr>
<tr>
<td>Receiver’s knowledge transfer ability &lt;Size of receiver ‘organization</td>
<td>.189</td>
<td>.092</td>
<td>2.058 *</td>
<td>.202</td>
<td></td>
</tr>
<tr>
<td>Tacit&lt;---Systemic</td>
<td>.816</td>
<td>.110</td>
<td>7.422 ***</td>
<td>.849</td>
<td></td>
</tr>
<tr>
<td>Resource’s knowledge transfer willing &lt;The level of leadership support</td>
<td>.426</td>
<td>.092</td>
<td>4.608 ***</td>
<td>.483</td>
<td></td>
</tr>
<tr>
<td>Receiver’s knowledge transfer willing&lt;The level of leadership support</td>
<td>.385</td>
<td>.104</td>
<td>3.703 ***</td>
<td>.383</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;Receiver’s knowledge transfer ability</td>
<td>.311</td>
<td>.078</td>
<td>3.971 ***</td>
<td>.390</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;Tacit</td>
<td>-.149</td>
<td>.050</td>
<td>-2.972 **</td>
<td>-.252</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;Systemic</td>
<td>.014</td>
<td>.054</td>
<td>.254 .799</td>
<td>.020</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;Mutual distance</td>
<td>-.195</td>
<td>.058</td>
<td>-3.388 ***</td>
<td>-.303</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;Initial knowledge accumulation</td>
<td>.122</td>
<td>.056</td>
<td>2.193 *</td>
<td>.179</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;The level of leader support</td>
<td>.091</td>
<td>.072</td>
<td>1.253 .210</td>
<td>.133</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness &lt;Resource’s knowledge transfer willing</td>
<td>.398</td>
<td>.089</td>
<td>4.491 ***</td>
<td>.515</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness&lt;Receiver’s knowledge transfer willing</td>
<td>.247</td>
<td>.068</td>
<td>3.644 ***</td>
<td>.365</td>
<td></td>
</tr>
<tr>
<td>Knowledge transfer effectiveness&lt;Receiver’s knowledge transfer ability</td>
<td>.132</td>
<td>.057</td>
<td>2.312 *</td>
<td>.199</td>
<td></td>
</tr>
</tbody>
</table>

RMSEA=0.047  CMIN/DF=1.314  NFI=0.681  TLI=0.890  CFI=0.897  PNFI=0.637  CMIN=1162.662

Note: *** P<0.001 ; ** P<0.01 ; * P<0.05

The coefficients of skewness and kurtosis in this model are not greater than 1, the maximum value of cr is 1.76, that means the data used in this model meeting the requirements of a normal distribution. No negative error variance exists in model; The absolute value of the normalized coefficient is between 0.020 to 0.849, and not more than 0.95, no violated
estimated exists in the model, the results above shows this model is fit to do overall model fit test; after amending the original model, it gets that PNFI= 0.637(significantly greater than the 0.5), \( \chi^2 / \text{d.f} \) (Noffned Chi-square) =1.314(significantly less than the 3.0), PGF I=0.667. Default AIC (1465.349) is less than Saturated AIC (2068.000) and Independence AIC (3822.028), all this parameters passed the test, shows a better model parsimonious fit; both RMSEA (0.047) and RMR(0.129) passed the test[12], absolute fit meets the requirement. All this results above show satisfied fit, the model passed the overall fit test.

3.1.2 Analysis of the results

According to Table 2, the coefficient of “Systemic of knowledge” to “Knowledge transfer efficiency” is 0.014, P(0.799) is larger than the standard value, do not support the original hypothesis H9, the remaining assumptions are reasonable. The direct, indirect and total effectiveness to the knowledge transfer efficiency are respectively shown in table 3.

Table 3. Direct, indirect and total effectiveness to the knowledge transfer efficiency (Unstandardized results)

<table>
<thead>
<tr>
<th>Potential Variable</th>
<th>Effect</th>
<th>Direct effect</th>
<th>Indirect effect</th>
<th>Total effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource knowledge transfer willingness</td>
<td>.398</td>
<td>.398</td>
<td>.398</td>
<td></td>
</tr>
<tr>
<td>Resource knowledge transfer ability</td>
<td>.132</td>
<td>.132</td>
<td>.132</td>
<td></td>
</tr>
<tr>
<td>Receiver’s knowledge transfer willing</td>
<td>.247</td>
<td>.247</td>
<td>.247</td>
<td></td>
</tr>
<tr>
<td>Receiver’s knowledge transfer ability</td>
<td>.311</td>
<td>.311</td>
<td>.311</td>
<td></td>
</tr>
<tr>
<td>Original accumulation of knowledge</td>
<td>.122</td>
<td>.122</td>
<td>.122</td>
<td></td>
</tr>
<tr>
<td>Tacit of knowledge</td>
<td>-1.149</td>
<td>-1.149</td>
<td>-1.149</td>
<td></td>
</tr>
<tr>
<td>Systemic of knowledge</td>
<td>-1.22</td>
<td>-1.22</td>
<td>-1.22</td>
<td></td>
</tr>
<tr>
<td>The level of technology and equipment</td>
<td>-1.165</td>
<td>-1.165</td>
<td>-1.165</td>
<td></td>
</tr>
<tr>
<td>Organization size of receiver</td>
<td>.059</td>
<td>.059</td>
<td>.059</td>
<td></td>
</tr>
<tr>
<td>The level of leadership support</td>
<td>.091</td>
<td>.091</td>
<td>.091</td>
<td></td>
</tr>
<tr>
<td>Mutual distance</td>
<td>-.195</td>
<td>-.195</td>
<td>-.195</td>
<td></td>
</tr>
</tbody>
</table>

According to the table 3, the knowledge transfer ability of resource, level of leadership support and knowledge transfer ability of receiver do significant effect on the knowledge transfer effectiveness.

In fact, the knowledge transfer willing of sources determine whether the receiver will obtain desired amount of knowledge from knowledge sources; the leadership support played a key role on the final amount of funds, equipment and the mutual communication; the knowledge transfer efficiency, the level of innovation was greatly decided by receiver’s knowledge transfer ability.

4. Results

1) According to the survey and data analysis of the effect factors, the following are some conclusions and this paper proposed some suggestions to improve knowledge transfer efficiency. The main factors in knowledge transfer efficiency of CoPS R&D are the knowledge transfer willing and ability of resource and receiver, the tacit, systemic, complexity of knowledge, original knowledge accumulation of receiver, leadership support, the level of technology and equipment, mutual distance.

2) The complexity of knowledge takes more difficulties to understand, absorption and integration the need knowledge, greatly affects the knowledge transfer effectiveness. Accurately assess the complexity of knowledge, an reasonable assessment on the knowledge recessive is an important part to improve the knowledge transfer efficiency.

3) After determining the target knowledge resource, the first thing should do is to take various measures to gain each other's trust, and not ignore the establishment of a variety of incentives to encourage internal members to actively participate in knowledge transfer work.

4) The knowledge transfer support takes impact on knowledge transfer effectiveness mainly through the transfers’ willing. Leadership support on the resources as funds, equipment can promote the knowledge transfer efficiency, the establishment of mechanisms can greatly improve the transfer of enthusiasm.
5) In some technical communication, it often needs demonstration, exercise or an interim meeting, many related equipments and some information technology are essential.

References


Factors Affecting the Growth and Development of SMEs: Experiences from Kosovo

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Abstract

Small and medium enterprises are becoming increasingly important for the creation and development of a modern, dynamic and knowledge-based economy. This is because of their capacity to promote entrepreneurship and entrepreneurial skills, and because of their ability to be flexible and adapt quickly to a changing market, and to generate new jobs. SME sector is the backbone of the economy in countries with higher income, while it is less developed in the countries with the low incomes. Organization for Economic Cooperation and Development (OECD) reports that more than 95% of enterprises in the OECD area are SMEs. These enterprises employ about 60% of private sector workers, make a major contribution in the field of innovation and support regional development and social cohesion. Also, SMEs in most low income countries give significant contribution to GDP growth and the creation of new jobs. In Kosovo SMEs represent more than 99% of the total number of enterprises and their share in GDP amounts to more than 50% (CBK, 2011). For this reason, the identification of external factors affecting the development of SMEs in Kosovo is very important, in order to take all the necessary steps to reduce or remove barriers and create new opportunities for these enterprises. This research focuses primarily on the impact of external factors, with special emphasis on access to finance for Small and Medium Enterprises (SMEs) in Kosovo. External factors such as access to finance, competition, corruption, and government policies have very important impact in the development of SMEs in Kosovo. Facilitating access to finance is essential to set up a favorable environment to develop SMEs. However, in general, SMEs in developing countries face numerous barriers to funding, although this problem is not unknown even in developed countries. Barriers that face SMEs usually relate to high administrative costs, high collateral requirements and the lack of willingness of banks to lend to SMEs. Raising the level of awareness of their role and availability of access to finance for SMEs can improve economic conditions in developing countries by promoting innovation, growth of GDP and reduce unemployment.

Keywords: Small and medium enterprises, the SME sector, SME financing, development factors, bank loans, GDP.

1. Introduction

Although nowadays small and medium enterprises are an essential part of the economic structure in developed countries and developing countries, and play an important role in bringing the innovation, economic growth and prosperity, unfortunately, SME access to capital to fund their growth and expansion is very limited and for most of SMEs in developing countries represents a major obstacle. It is likely that SMEs do not have access to loans issued by banks, or face extremely unfavorable conditions of loans. On the other hand banks in developing countries have difficulties in lending activity as a result of imperfect or complete lack of information. As a result there is shortage of a genuine capital market for SMEs (Nichter & Goldmark, 2009).

Many small businesses start out as an idea and mainly by one or two individuals who invest from its own resources and in some cases borrow from family and friends. But if they succeed, the time comes when all emerging/developing SMEs are in need for new investments to expand their operations or bring new innovations. Usually at this stage SMEs face problems because they have much more difficulties than large enterprises to provide financing either from banks or other sources. If SMEs can not obtain the necessary financing, it may happen that many brilliant ideas never be realized resulting in loss of potential for economic development (OECD, 2006).

Because of the political situation during the last few decades Kosovo has faced stagnation in the development of small and medium enterprises and consequently to the overall economic development. This research focuses primarily on the impact of external factors, with special emphasis on access to finance for Small and Medium Enterprises (SMEs) in Kosovo.

Another problem we face when we study the development of SMEs is the way of measuring the development. There is no a general approach on how to measure the development of enterprises, for this reason researchers use various indicators to measure it (Barkham et al., 1996). However, some of the variables that researchers use much more
are increase of employment, sales and revenues for a specific period of time, because the collection of those data and their measurement is easy and simply (Delmar et al., 2003). Even for this paper have been used the same primary indicators for measuring the development of enterprises.

In this paper we will try to identify the factors that influence the growth and development of SMEs in Kosovo. In this context we analyze the impact of external factors that most influence the development of SMEs in Kosovo and the importance of bank credit to SME development in Kosovo.

2. Theoretical approaches and definition of SMEs: Literature Review

The term “SME” includes a wide range of definitions. Organizations, as well as various countries establish their definitive guidelines for categorizing SMEs, often based on sales, number of employees, or the value of assets. The World Bank defines SMEs as enterprises with a maximum of 300 employees, 15 million dollars in annual revenue and 15 million dollars in assets. Meanwhile the definition of the European Union states: "Micro, small and medium enterprises are those that employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million and / or an annual balance sheet not exceeding 43 million Euros”. In this way small and medium enterprises are defined as enterprises with 10 to 250 employees, and more than EUR 10 million turnover or EUR 10 million annual balances. This definition is more inclusive, especially in terms of turnover, compared with some other definitions.

Table 1: The definition of micro, small and medium enterprises according to EU

<table>
<thead>
<tr>
<th>Category of enterprise</th>
<th>Number of employees</th>
<th>Turnover</th>
<th>Balance Sheet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium</td>
<td>&lt; 250</td>
<td>£ ≤ 50 million</td>
<td>£ ≤ 43 million</td>
</tr>
<tr>
<td>Small</td>
<td>&lt; 50</td>
<td>£ ≤ 10 million</td>
<td>£ ≤ 10 million</td>
</tr>
<tr>
<td>Micro</td>
<td>&lt; 10</td>
<td>£ ≤ 2 million</td>
<td>£ ≤ 2 million</td>
</tr>
</tbody>
</table>


According to Morrison (2006), enterprises are affected by external macroeconomic environment that can not be controlled, such as the political environment, economic, social, technological, environmental and legal factors. These factors are rarely affected by management decisions because they are external factors and beyond the control of SMEs. Among the main external factors that affect the development and growth of SMEs is access to finance, not neglecting here the other factors such as corruption, competition, government policies etc.

Lack of capital or denial to financial resources was a major barrier for SMEs and entrepreneurs, which usually have to mobilize their own capital or their own resources to establish or expand their business. Also, SMEs in developing countries have difficulties in accessing bank loans as a consequence to the high risk for failing loans, low profitability and lack of collateral required by banks (Harvie, 2005).

2.1 Measuring the growth and development of SMEs

To measure the development and growth of SMEs are used different indicators. Usually are used indicators such as sales or turnover growth and increase of employment over a period of time. Also for measuring the development of SMEs are used additional indicators such as asset value, market share, profits and output, though they are not very common compared with sales and employment indicators. Indicators such as the level of production and market share vary widely depending on the industry and as a result it is very difficult to use them for comparisons, while profit is not relevant unless measured for a period of time. For this reason both sales and employment remain very important indicators for measuring the growth and development of enterprises. Data on the number of employees is usually easier to collect as they are much more important for the government. On the other hand sales may be affected by inflation and it is very important to use several indicators together to study the growth and development of enterprises. (Davidsson et al., 2006).
2.2 External factors affecting the development of SMEs

Enterprises are affected by external macroeconomic environment that can not be controlled such as political, economic, social, technological, environmental and legal factors (Morrison (2006). As already mentioned above, these factors can rarely be affected by management decisions because they are external factors beyond the control of SMEs.

2.2.1 Access to finance

The first challenge is the financial constraints. Lack of capital or financial resources was a major barrier for SMEs and entrepreneurs who usually have to mobilize their own capital or their own resources to establish or expand their business (Harvie, 2005). In addition, SMEs in developing countries have difficulties in accessing bank loans as a consequence to the high risk for failing loans, low profitability and lack of collateral required by banks (Harvie, 2005).

For many SMEs from countries in the region access to finance and capital appear to be difficult. This comes as a consequence of weak banking institutions, lack of capital market and inefficient legal framework regarding credit and collateral assessment. Financing of SMEs and access to finance plays a crucial role in the growth process and development of the enterprises. (WB, 2011).

2.2.2 Competition

By entering the competition, the company tries to find competitive advantages that greatly affect the success of the enterprise (Walley, 1998). SMEs are usually not very competitive in terms of market knowledge, innovation, prudent investment, business operations and good management, which are important factors in improving the quality (OSMEP, 2007).

Developing countries compete with other countries as a result of globalization and increased trade however barriers and other restrictions generally favor these countries (Lind, 2009). Competition is increasing by international companies as a result of the Free Trade Agreements (OSMEP, 2007). A survey of SMEs in developing countries was carried out by the World Bank. According to the findings of research competition represents a risk for survival for individual enterprises. Although competition represents high risk, it is the one who pushes companies towards higher productivity which actually results in their growth and development. During the last decade many researches have been carried out regarding the barriers faced by SMEs in Kosovo. The main barriers have been "Unfair competition" that includes tax system, the informal economy and public services, barriers which continued with the same intensity throughout the postwar period (WB, 2010).

2.2.3 Government policies

The importance of SMEs to the economy of a country indicates how important it is to have government policies that support SMEs, including regulations that enable them to operate efficiently and regulations that reduce their administrative costs (Harvie and Lee, 2005). Although there have been initiatives by governments to promote and support SMEs in order to enhance their development and reduce poverty, there is still a lack of laws and genuine administrative procedures such as accessibility to assistance from the government agencies (Harvie, 2005).

According to World Bank research, complex tax systems, low level of trust in the judicial system, and the need to pay bribes to access public services, represent major barriers, especially in South East Europe (WB, 2000).

2.3 SME sector in the global economy

SME sector is the backbone of the economy in countries with high income, but this sector is less developed in countries with low income.
Figure 1: Contribution to employment

Source: World Bank (2011)

Organization for Economic Cooperation and Development (OECD) reports that more than 95% of enterprises in the OECD area are SMEs. These enterprises employ about 60% of the total employees in the private sector, and provide a major contribution in the field of innovation, supporting regional development and social cohesion. Also, SMEs in most countries with low income give significant contribution to GDP and employment.

3. Small and medium enterprises in Kosovo

In Kosovo, more than 99% of enterprises belong to the SME sector, where most of them are focused on the retail sector being characterized with small and unproductive investments. (Strategy for SME development in Kosovo, 2011).

Table 2: Enterprises registered in Kosovo, based on the number of employees – 2010

<table>
<thead>
<tr>
<th>Category of enterprise</th>
<th>Number of employees</th>
<th>Number of enterprises</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large</td>
<td>250 or more</td>
<td>58</td>
<td>0.06</td>
</tr>
<tr>
<td>Medium</td>
<td>50 – 249</td>
<td>221</td>
<td>0.22</td>
</tr>
<tr>
<td>Small</td>
<td>10 – 49</td>
<td>1,406</td>
<td>1.35</td>
</tr>
<tr>
<td>Micro</td>
<td>1 – 9</td>
<td>102,070</td>
<td>98.37</td>
</tr>
<tr>
<td>Total</td>
<td>103,755</td>
<td>100.00</td>
<td></td>
</tr>
</tbody>
</table>

Source: Strategy for SME development in Kosovo, ARBK, 2011

According to data from the Agency for Registration of Businesses in Kosovo, at the end of 2010 have been registered more than 100 thousand SMEs, with 216,799 employees or about 89% of private sector employees and 62% of the total number of employees in Kosovo. It should be noted that in Kosovo enterprises according to law no. 2005/02-L5 are categorized only based on the number of employees. This categorization differs from the European Union countries, where in addition to the number of employees is taken into account the annual turnover and balance sheet as presented in Table 1.

From the data presented above, Table 2, we see that from the 103,755 enterprises 102,070 (or 98.37%) are micro enterprises, 1,406 (1.35%) small, 221 (0.22%) medium, and only 58 (0.06%) are categorized as a large. In terms of sectors, SMEs are concentrated mainly in commerce with about 50%, transport, storage and distribution (14%), food products, beverages and tobacco (9%) and hotels and restaurants (9%).

And regarding the ownership of companies in Kosovo, individual companies lead by 90% while the rest are general partnership by 3.2% and limited liability companies 5.8%. (Agency for Registration of Businesses in Kosovo, 2011).
3.1 SME contribution to Gross Domestic Product (GDP)

As mentioned earlier the role of SMEs in the economy of a country is very important. In addition to the positive impact on other aspects such as the reduction of unemployment and poverty alleviation, they have an even greater impact on GDP growth of a country. Based on data from the Tax Administration of Kosovo (TAK), presented in Table 3 below, the total turnover of SMEs in 2010 was more than 2.2 billion which represents 56.81% of GDP.

Table 3: Participation of SME turnover in GDP

<table>
<thead>
<tr>
<th>Size of enterprises</th>
<th>Turnover</th>
<th>Participation in GDP (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Micro</td>
<td>656,885,164.33</td>
<td>16.79</td>
</tr>
<tr>
<td>Small</td>
<td>667,585,914.82</td>
<td>17.07</td>
</tr>
<tr>
<td>Medium</td>
<td>369,455,655.16</td>
<td>9.44</td>
</tr>
<tr>
<td>Large</td>
<td>528,558,359.84</td>
<td>13.51</td>
</tr>
<tr>
<td>Total</td>
<td>2,222,485,094.15</td>
<td>56.81</td>
</tr>
</tbody>
</table>

Source: Tax Administration of Kosovo (2011): Annual report of the SME.

However, a problem that remains to be resolved is the informal economy, which according to the "Government program to prevent informal economy in Kosovo 2011-2012" constitutes from 39 to 50% of GDP. On this issue was discussed by all levels of the country and is expected to continue with practical steps for quickly reduction of this phenomenon to an acceptable extent as the complete elimination is almost impossible.

4. Analysis of external factors affecting the development of SMEs in Kosovo

4.1 Access to finance

According to Nichter and Goldmark (2009) policies favor large enterprises while small enterprises face problems and difficulties to their development as a consequence of lack of access to finance. SMEs usually have difficulties to develop as a consequence of lack of collateral, high transaction costs and the inability to deal with complex financial institutions formalities. This is confirmed by our literature review according to which SMEs face difficulties in obtaining loans because they are seen as high-risk enterprises.

Enterprises studied in this research have started their business with financing from their internal resources. This happens with almost all new enterprises which have difficulties to access external financing. From the data generated we understand that obtaining loans for entrepreneurs in Kosovo is very difficult. The problems that usually face SMEs are lack of collateral and the unwillingness of banks to finance small enterprises, especially those new established. But for business expansion, in our case SMEs have received loans, and this is because they have managed to prove and establish their financial history.

4.2 Competition

One other factor that affects the growth and development of SMEs in Kosovo is the competition. Many companies of the region and beyond produce products similar to those of Kosovo enterprises. Procedures and costs of starting a business presses entrepreneurs to avoid investments or to join the informal economy. These barriers result in weaker competition, unfair competition and adversely affect investments (World Bank 2010).

Surveyed enterprises have assessed unfair competition as an obstacle to the development of SMEs in Kosovo. Also, the attitude of consumers towards local products being associated with a lack of confidence in the quality of these products is a negative phenomenon in the development of these enterprises, making imported products to be much more desired which can be proven by the negative trade balance of Kosovo.

4.3 Corruption

In many socio-economic areas there are problems and one of them is corruption. Long-term consequences of corruption
in transition economies and developing countries can be very harmful. Kosovo still faces numerous challenges in infrastructure and economic development policy. In recent years many improvements have been made but should still be done to minimize corruption (Riinvest, 2002).

In 2011 according to "Transparency International" Corruption Perceptions Index (CPI) for Kosovo was 2.9 by ranking it as 112th out of 182 in total. Corruption Perceptions Index (CPI) is related to perceptions of the degree of corruption among public officials and politicians by entrepreneurs and business people as well as country analysts. CPI rate starts with 10 (completely clean) to 0 (highly corrupted). Kosovo in this list has marked a decline since 2009 (Transparency International, 2011).

According to research corruption as phenomenon exists in all developing countries. The fight against corruption seems impossible especially in a country with the highest rate of poverty in Europe. In Kosovo, the level of corruption remains high and this requires more commitment by the government in continued reduction until the total elimination of this phenomenon. In addition to problems with infrastructure, administrations, as well as other services such as electricity and water everyday make difficulties for businesses and citizens. As a consequence of corruption practices in other countries have shown that this phenomenon negatively affects the investment, whether foreign or domestic.

4.4 Government policies

Besides corruption and unfair competition there are problems with the judicial system and the implementation of laws and regulations by governmental bodies which adversely affect the business of the enterprise. These are seen as obstacles to doing business according to the World Bank Report, where Kosovo is listed at the bottom of the list since many years (WB, 2012). However, in recent years there was a tendency to push things forward, and to make Kosovo a more attractive place for doing business. The results of these efforts are expected to be seen in the future, where one of the indicators will be the ranking in the list of World Bank "Doing Business" which is published in the last months of the year.

5. The importance of bank credit to SME development in Kosovo

Banking system in Kosovo is considered as one of the main promoters of economic activity, reaching in total value of 2.5 billion Euros, or 52.8% of GDP, the assets managed by them. This has come mainly by loans and investments in securities. (CBK, 2011).

Table 4: The structure of banking system assets

<table>
<thead>
<tr>
<th>Description</th>
<th>June 2009</th>
<th>June 2010</th>
<th>June 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Million Euros</td>
<td>Participation (%)</td>
<td>Million Euros</td>
</tr>
<tr>
<td>Cash and balances with CBK</td>
<td>241.9</td>
<td>12.5</td>
<td>268.1</td>
</tr>
<tr>
<td>Balance with commercial</td>
<td>286.7</td>
<td>14.9</td>
<td>351.6</td>
</tr>
<tr>
<td>banks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Securities</td>
<td>34.1</td>
<td>1.8</td>
<td>114.0</td>
</tr>
<tr>
<td>Loans and leases</td>
<td>1,280.9</td>
<td>66.5</td>
<td>1,404.6</td>
</tr>
<tr>
<td>Fixed assets</td>
<td>40.1</td>
<td>2.1</td>
<td>42.6</td>
</tr>
<tr>
<td>Other assets</td>
<td>43.5</td>
<td>2.3</td>
<td>37.8</td>
</tr>
<tr>
<td>Total</td>
<td>1,927.1</td>
<td>100.0</td>
<td>2,218.8</td>
</tr>
</tbody>
</table>

Source: CBK (2011)

By analyzing the data in the table above we can see that the banking system in Kosovo has had a steady rise in recent years, which is a positive indicator and good news for SMEs, as well as the opportunity to their funding from external sources.

Based on data from the Central Bank, commercial banks' lending activity continues to represent one of the main sources of financing for consumption and investments. After recovery of the financial markets in foreign economies and improved perception of commercial banks for the business environment in Kosovo has had a trend of accelerated growth of loans issued for SMEs. The total amount of loans issued by banks in Kosovo until June 2011 amounted to EUR 1.6 billion or 34.3% of GDP.
Despite the rapid growth of loans to enterprises, their share in total loans in June 2011 was lower compared to June 2010. The share of loans to enterprises in June 2011 was 69.2%, compared with 70.6% in the same period of the previous year. Meanwhile, loans to households continued to increase their participation, reaching 29.7% in June 2011 compared with 29.4% in June 2010 (CBK 2012).

Structure of loans issued to enterprises, according to economic activity continues to be similar to previous periods. Loans to the services sector continued to dominate the overall structure of loans to enterprises with a share of 71.4%. Within the framework of the services sector loans, the majority continues to consist of loans issued to the trade sector, which in June 2011 represented 52.5% of total loans (CBK, 2012).

Loans to the retail sector in June 2011 recorded annual growth of 21.3% reaching a value of 589.5 million Euros. Also, lending to enterprises providing financial services amounted to 24.8 million Euros, which represents an annual increase of 37.0%. Loans to the manufacturing sector were characterized by a slower trend growth during this period. In June 2011, loans to the manufacturing sector recorded annual growth of just 4.8%, compared with growth of 20.6% in June 2010. Within the industrial sector, except mining which increased both in volume and in share to total loans, lending to all other sectors slowed down. Loans for the mining, despite their small share in total loans to enterprises (1.1%) recorded an annual growth of 61.0% in June 2011, reaching a value of 12.7 million Euros. Reducing the share of loans allocated to the agriculture sector was a result of the slowdown in growth in the volume of these loans. Loans to agriculture increased by only 0.8% in June 2011, compared with growth of 2.2% in June 2010. The value of total loans to agriculture in June 2011 amounted to 40.1 million Euros. (CBK, 2012).

6. Conclusions

The purpose of this study was to identify factors that influence the growth and development of SMEs in Kosovo with particular emphasis on the impact of external factors and bank loans. The conclusions are derived based on the analysis of findings in previous chapters.

A number of factors affecting the growth and development of SMEs in Kosovo have been identified in this research. Just as the literature shows, access to finance is one of the main barriers for small and medium enterprises. This is especially highlighted in the new enterprises, or those that are under establishment according to research that constitute the largest number of enterprises in Kosovo with 98.37% of the total enterprises.

In addition the data from reports for the loans issued by banks show that loans issued to the trade sector lead by 52.5%, while for the industrial sector including the production and construction, issued loans amount to 25%. This gives us the understanding that sectors that are very important for the economic development of a country, such as production and agriculture, face difficulties in providing funding sources, where banks have the leading role, as consequence of the absence of other funding options in Kosovo. These findings are supported by empirical data generated by this research.

For the purpose of comparing and measuring the weight of the funding or access to finance as a factor, the research included other factors too such as competition, corruption and government policies. According to the research, competition is not considered as a negative, but rather, the unfair competition is seen as a barrier to enterprise development. In addition, as a result of lack of funding and the proper access to funding, respondent’s estimate that it leads to increased corruption, which in this case is consistent with the theoretical aspects and literature review in this research.

Lack of capital market and other financing alternatives forces enterprises in most cases to be oriented to commercial banks for loans. Therefore, we can conclude that external factors such as access to finance, competition, corruption, and government policies have very impact in the development of SMEs in Kosovo. Also, in this context, it is very clear that despite the problems and obstacles in loans, bank loans play an important role in the development of SMEs in Kosovo. However, bank and nonbank financial institutions requirements to business are more suited to expanding of existing businesses and are less favorable for the establishment of new businesses.

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New Paradigms in the Exercise of Universal Rights and Freedoms

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Abstract

The guarantee of a successful development of any modern, democratically oriented society, largely rests on continuous and fuller realization of a broad range of human and minority rights and freedoms. Current social trends in the world, reflected mostly in pervasive process of globalization, put modern society before a number of challenges which have their immediate impact on all aspects of social life. Therefore, reflection on, and thus consequently realization of universal freedoms and rights must necessarily start from the changes caused by globalization, both in general, worldwide scope, and in the content and character of humanity, in the context of marking a new phase in the evolution of modern society, with subsequent, far-reaching changes in the position of the man and the realization of his dignity. The complexity of social relations in the modern world is expressed by, among other things, disparities and inequalities among people. These disparities and inequalities gain intensity in the sphere of economic life, particularly in terms of the current global economic crisis. They are shown in an increase in unemployment, large social differences, and an increase in poverty. All these phenomena are global in scope and shaking all modern society, almost without exception, undoubtedly influencing the level of realization of human and minority rights and freedoms, even in those communities which strongly rely on their sincere and full respect. This paper aims to point out the necessity of full realization of all human rights and freedoms in the current social situation, since it is where an essential foundation of the re-development of a new, global society, undoubtedly based on stable foundations of democracy, tolerance and economic development, lies.

Keywords: human rights, globalization, global economy, decent work

1. Introduction

Human rights represent a specific body of natural rights inherent to every human being on the basis of the simple fact of birth. These are universal, inherent and inalienable rights based on moral vision of human nature itself. Formally, they consist of a set of principles, standards and norms aimed at their protection and realization of life and spiritual ambitions of every man individually (Đorđević & Palević, 2010).

Although the internationalization of the questions about human rights protection is related to the 19th century, a genuine belief that "regimes that violate the rights of their subjects become internationally aggressive and dangerous to the peace and their neighbors", was supported only after the Second World War. Then, at last, it was realized that human rights violations, in addition to being an attack on a man- individual, also represent a potential threat to international peace and security, which was, perhaps, the key factor in opting of states not only to study human rights, but also to regulate them by special legal rules and to see them as corpus separatum of public international law (Palević & Ganić, 2010).

Respect for and protection of human rights are classified in the order of goals priority of the United Nations (Article 1 of the UN Charter). Universal Declaration of Human Rights (1948) gave a plenary confirmation of acquired civilisational belief that "recognition of the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (Preamble). Through these, "basic documents", the man and his rights entered the international scene, not only as subjects of an individual, vis-à-vis protection of the state, but as subjects of interest and protection of the international community as a whole.

Apparent promotion of a commitment to protect human rights and broad regulatory actions in this matter, as well as the basic characteristics of the post-war development of international society, necessarily lead to a different (more positive) consideration of the position and role of an individual and human groups in all aspects of social life, including the economic-social sphere, where the modern man is most flagrantly faced with different effects of globalization.
2. Economic globalisation

At the empirical and ideologically neutral level, globalization reflects an objective, spontaneous, global process of major innovations propagation: the IT revolution and superior social forms. However, seen from the perspective of world politics, geo-strategic interests and current (transitional, post-Cold War) constellation of power, it is often perceived as a factor of operationalization of the idea of the West domination, or the "Americanization" of the world, and as a "tailwind" of neoliberal capitalism that leads to fragmentation and deepening of the gap between the worlds and civilizations. In this regard, it can be often heard that globalization, in fact, came from the western, capitalist countries in an attempt to master the planet and to organize all humanity in function of their specific interests and not the interests of some abstract humanity.

The process of globalization inevitably, and actually, leads to fundamental changes in social status and importance of the state. Politically, states in the process of globalization are constantly renouncing their own sovereignty, going more slowly or faster into differently designed alliances or supranational organizations. The economic globalization process, in relation to the state, encourages and causes the incorporating of national economies of the world into a single unique economic system.

The global economy, one of the most important parts of the global system, which we project as the end point of the universalization of globalization process, is a unique and contradictory system of rich and poor states where countries join unevenly developed, and in which these inequalities are "systemically" maintained. It is based on the rapid transfer of capital, informational openness of the world; technological revolution; devotion of industrially developed countries to liberalization and mobility of goods and capital, communications convergence and new forms of transportation and communication technologies. In a certain sense, the global economy is a planet conquest by transnational corporations and in the interests of corporations that dominate national economies (Reimert, 2006).

Economic globalization is expressed through the expansion of the area of economic power "by conquering new territory", that is, sources of raw materials and markets, without the use of force, by the use of money. As the money is not reproduced in the "spatial scarcity", globalization is emerging as the only logical and meaningful way to make money gain momentum and continuously generate profit "by peaceful means". This process is enabled by the application of high technology, market competition and the dominant form of capital movement in the form of money – money, which enabled the formation of overall financial-information technology (Boriko, 2002).

With the "economic globalization", neoliberal capitalism finally becomes global capitalism dominated by transnational corporate interests, in which the role of the state is reduced, mass culture is widespread and information reality is achieved (Marković, 2008). The money in it is positioned as a supreme ruler, the absolute value and the myth are created out of profit efficiency and maximization. New trinity, the market-competition-money is directed towards winning the supreme authority which will manage the transactions of planet, imposing its own rules and its unifying norms, despite the different cultural patterns, values and identities that exist in the international area. Neoliberal networking of planet was done on the basis of privatization, deregulation and liberalization, i.e. the creation of a free market, with the promise that all who submit to its requirements will be „blessed by earthly wealth”. But the realization of this promise is not so simple and easy. The gap between the principles of profit and principles of humanism exists in the very basis of capitalism, in every form of its development, including the global neoliberal capitalism. It is again proved that the power of money tramples over human dignity, insults his honor and destroys hope.

3. Decent work

The study of the phenomenon of globalization, as a planetary social process, and the main features of global capitalism is impossible without considering questions of the development of technical basis of work and changes in its content, together with the consequences that accompany it.

Striving for greater rationality and productivity, with the aim to assume extra profit, capitalism has served as a stimulus for the development of productive forces. The third technological revolution created a computer technology that changes the position of man in man-machine system. Technological globalization, as a subsystem of the overall process of globalization leads to the replacement of human labor by machine, initially in jobs that do not require the capacity of man, and later in jobs that require this capacity. From the person who runs the machine, the man becomes its monitor. In the working environment in which micro-electronic devices and chip technology prevail, there is a decrease in the quantity of human labor. Confronting workers with the material components of the labor not only reduces, but almost disappears. These and other changes in the content of human labor result in a loss of sense of purposefulness of work.
of self-esteem and self-evaluation, feelings that, as a rule, all human beings to a greater or lesser extent have.

However, besides the negative, the changes in the content and character of the labor have its positive effects. They are reflected primarily in ensuring that knowledge is becoming the main developing resource of global capitalism, and to the extent that it becomes its key feature. In the so-called "knowledge capitalism", knowledge and skills have become the only resource of sustainable, long-term, compatible advantage of corporations, but also of larger social structures. Intellectual capital is becoming a reality of economic and social life, which consequently leads to the intellectualization of human work activity. Knowledge delivery, not muscle strength becomes the central value and importance of an individual. The man with its working activities expresses less by physical strength and more by intellectual abilities and capacities. It is a new, positive face of neoliberal capitalism, conceived more on intellectual and less on money-physical capital. It is based primarily on the faith in the market, and faith in the individual. Because of that, people - the holders of knowledge and skills - should be treated as thinking beings, capable to, thanks to their «life force», produce and improve their lives in specific socio-space.

In recent studies of man's position in the global economy, two relatively new approaches in the consideration of human potentials have found their place:

1. **human potential development index (HPDI)** and
2. **human life force index (HLFI).**

Considerations on the human potential development index and human life force index, are created in the context of the need for a more productive and profitable human activity in a time when it is intelligized, demanding that the people - the holders of knowledge and skills, in work engagement are perceived and treated as conscious, thinking and free beings, with personal integrity protected in all its manifestation variations.

**Human potential development index** has the four paradigms: a. productivity – growth; b. rationality - the possibility to realize the ability to use resources, c. stability - secure access to the achievements of civilization of present and future generations, d. expansion of possibilities - development that is achieved not only in the interest of people, but of their strainings also. The indicators of the index of human potential development are: life expectancy and real gross domestic product per capita. Taken together these data incorporate three main characteristics: a. healthy living, b. knowledge and c. life standard worthy of a man. Starting from the basic features of the global economy, in the new approach to the problem of human factors, it would be useful, it seems, to supplement the four paradigms of human potential development index with the fifth paradigm: security - a statement on working conditions in which the integrity of the man is not compromised.

**Human life force indicators (HLFI)** are categories of vitalist sociology that has developed a system of indicators of the development of life force of a man, as biopsychosocial being, expressing his production capacities and improving their own lives in specific socio-historical and socio-cultural conditions. In accordance with tradition of HLFI implementation and evolution of man's life force, indicators of its development are also formulated. First, the mean value of the indicators of the development of physical, mental and social capacities of human beings. Second, the existence of a basic set of indicators of physical, mental and social health which reflects the development of basic human forces, created in all basic spheres of social life - economy, politics, social and spiritual-cultural environment. With the integration of these factors, the optimization of the effort in evaluation of human life force development, as a whole, as well as in specific areas of social life, is allowed.

It was on the Philadelphia Conference (1944) that ILO took on the responsibility to prepare a program whose implementation will ensure working conditions in which employees would feel satisfaction with the work, showing the full extent of their capacities contributing to the general welfare. Based on these and similar statements from the ILO documents, in an attempt to establish harmony between the content of human labor and human dignity, determining of contents of a decent, i.e., dignified work started.

**Decent work** is defined as a highly effective work in good production, social, working and safe conditions with filled capacities that make every employee satisfied, allowing them to utilize fully their abilities and skills. It is a well-paid work in which the rights and dignity of workers are protected, with which they actively engage in the activities of the organization.

In conditions of a contradictory global system, achieving of this understood and polyaspectedly specified decent work is discussed a number of times and with more people, and the most comprehensively in the **Report of the Director-General of the International Labour Office** (1999). The report said that decent work is a global demand and political directive and that much of our future depends on our ability to find a solution to this problem, i.e. achieving decent work. The work - it was said in the Report is a landmark more than the achieved goal, and it is pointed to the possibility of transforming it into a global goal. Also, it is pointed to the need to achieve four strategic tasks and conditions for
conversion of decent work into a global goal. These tasks are: 1. expansion of employment opportunities; 2. determining the system of social employment; 3. development and strengthening of the social dialogue system and 4. realization of the protection of the right to equality.

In discussions of „decent“ work, it is often pointed to it as being less an accomplished goal and more the orientation to achieve this goal. However, not only for methodological, but also for practical reasons, it is necessary to expose, in a more or less systematic fashion, the components of goals to which realization we should strive for. Thus, a concrete contribution is given to the definition of decent work and the indexation of its achievement is facilitated. In this sense, it seems reasonable to say that „decent" work is: highly qualified work; that it takes place in good production and social conditions and at full capacity; that it allows the expression of knowledge and skills of participants; that it is work in a safe environment with the rights and dignity of man protected; that it is adequately paid, and that the engagement of employees in the organization of work makes employees satisfied participants in work activity.

This conceptual definition of „decent work“ undoubtedly allows all people to almost entirely express themselves through their work as free, autonomous and creative subjects. Thus specified human activity does not lead only to the increased productivity, but also to the undeniable realization of a man as a generic self-conscious being. Consequently, there is no doubt that due to the logically necessary economic growth and higher productivity, „decent work“ becomes unavoidable factor in harmonizing the economic growth and social progress.

Considering that the economic activity takes place in the global economy, that is, in a global system of unique market, followed by differences among states in terms of their economic strength, development and organizational forms, the inevitable impact of these factors on the realization of the concepts of „decent work“ as a global process cannot be denied. We tend to argue that precisely two global problems of the modern world society, more than significantly influence on impracticability, i.e., difficult realization of this concept. These are, in our opinion, the problems of employment (i.e. unemployment) and poverty. It is hard to deny the mutual dependence and connection of these two huge problems, and the consequent need to address them at the global level, as a necessary precondition for the realization of „decent work“. It is in this sense that we should understand the views of the United Nations General Assembly (2000) on social development and support to the Program of the ILO on „decent work“, as well as the attitudes of its sessions of 1970 on the readiness to support fair globalization, securing goals of full and productive employment and decent work, while ensuring respect for fundamental principles and rights in the area of labor.

Given the need to accept the realization of „decent work“ as a global problem, it is possible to formulate a theory about a new concept of governing a society characterized by growth of dynamics and complexity of social relations, by a combination of statements on indexes of development of human potential, human life force and content of „decent work“. The regulation of these relationships necessitates „imagination“ in the reorganization and the organization of the society, including the change of the concept of society itself, i.e., the transition from the society of men-producers into the society of men-creators. This „imagination“ as we see it, must necessarily move in the direction of overcoming confrontational relations in the sphere of labor, finding new forms of social partnership and joint and several liability of employees and employers in the economic development and general social progress.

The problem of establishing „decent work“ must be considered not only globally, but also at the level of smaller areas of social organization, and the level of institutional forms of work organization (companies, corporations, etc.). That is why we need critical consideration of institutional forms of organization of human work activity, particularly in the economic sciences, in order to find new forms of organization, in compliance with changes in the content and character of the work, which promote knowledge and skills as the most important resource for development, as intellectual capital and intellectual property. These new institutional forms of organization of work activities should ensure their own compliance with all the possibilities offered by the intellectual capital in terms of achieving „decent work“ and the high productivity of business based on it, as the main competitive advantage in market conditions. Therefore we believe that the possibility of employees to participate in the management of institutional forms of work organization is of special importance. With this approach in the institutional forms of work organization, economical determinism disappears, in a sense, and social-cultural determinism is made.

4. Instead of a Conclusion

Globalization and global capitalism require new, empirically and epistemologically verified answers, not just to the traditional philosophical question of man's position in the world and the cosmos, but also of its place in the global economy and work environment that is shaped by it. In this regard, we should critically, with analytical and deductive aspects observe the economic reality of today with no pre-set concepts and models that tend to adapt the same reality.
(referring specifically to the economic reality) to its given content. This methodological approach is also, it seems, necessary in the research of global neoliberal capitalism, characterized by market as a kind of deus ex machina in the regulation of trade and effects, all in the light of the knowledge that the modern market mechanism affects most individual economies due to disregard of social and human factors. The market does not exist without people and it is an important part of the structure of social relations. Consequently, the perception that people are assets whose working activities exclusively serve social progress should be critically reviewed and rejected, and theoretical concepts should be appreciated in which the working activity of people contribute to general social progress, but they also express themselves as creative and free beings, realizing conditions of their material existence and social status by stepping into mutual relations. In these relations people naturally express their ideological and political orientation, position themselves in the political body of society, building their place in the categorical system of values and an attitude toward the system. Therefore, the realization of "decent work", as much as it seemed as a social utopia of postindustrial neoliberalism, should not be left "for better days" to fulfill the missing sociopolitical references to its realization. As a strategic goal, "decent work" can be achieved in phases. Precondition for successful implementation is the acceptance of its importance as a strategic goal of achieving humane development of society.

References:

Understanding Leadership: Biographic, Gender and Social Aspects

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Abstract

The concept of "leadership" has become widely used in the social sciences after K. Levin experiments (USA, 30th years). He proposed a model for the implementation of changes identified three leadership styles (authoritarian, democratic and anarchist) and proved their direct impact on the "cluster environment" (Lewin, 1951). From this period, the term leadership is firmly embedded in psychological science. In 1943, psychologist K. Craik, continuing the development of ideas about the relationship with the leader of the group, suggested that all events are translated into the internal model, and that people use these models to evaluate external events. This communication theory suggests that people perceive the world through the prism of their psychological perception, and not just the outside world as a whole, despite the fact that they can feel that.

In the face of uncertainty, a lack of resources - material and human, fast-cessed obsolescence of information, uncertainty and continuous change - crisis - comes to the fore head of the leadership competencies. By definition E. Schein (2011), fundamental difference between a leader from a manager is that the former creates the organizational culture, while the second works in it. Perceptions of leadership as a social phenomenon for the first time have been developed in the ideas of the ancient Greek philosophers Pythagoras, Heraclitius, Socrates, Plato, Aristotle. They are mainly linked to the genetic origin of man: leadership an innate property - and only endowed with the gift of this property people have the right to control others. Plato called his greatest talent, and proper training of its use of the right and duty to the constant search for justice, while, Aristotle considered the leader of human courage and self-sacrifice, living for the sake of others.

The further development of ideas about leadership is in the ideas of European thinkers. In Hobbes vision leadership is based on the voluntary refusal of people from management and the transfer of powers in exchange for protection of rights and freedoms. In John Locke's rights leaders do not differ from those of others. G. F. V. Hegel noted that leaders create the spirit of the time, and time - leaders. Nietzsche demonstrated most clearly the base of the Great Man theory. They are associated with the attribute of leadership theory, also known as the theory of features that were developed in the nineteenth century. According to this theory, a person becomes a leader due to personal qualities. One of its founders - American explorer Carlisle believed that the basis of a set of heroic leadership qualities. Echoes of this theory are finding a place at the present stage in the form of myth about leader as a superhero. However, attempts to make a list of leadership characteristics have not met with success because it does not guarantee greater effectiveness in their professional activities. One of the first to attempt to understand the cause of leadership Freud, linking leadership with sublimation of the libido in the quest for power and the need for authority with longing for his father. In the theoretical ideas he came out of the negative nature of man, so he takes the lead form of pathology rather than the idea of a professional. Later - in the second half of the twentieth century - they are reflected in the works of Western psychologists. Thus, in particular Adorno and his colleagues (1950) have described the "authoritarian personality." Such a leader alien feelings, imagination and introspection, and he directs the responsibility of the person from outside forces, he stereotyped, rigid thinking, uses power for its own benefit and subject to the authority of others. At the end of the twentieth century, Otto F. Kernberg, M. D. (1998) in the work "Ideology, Conflict, and Leadership in Groups and Organizations", described the pathology leaders (daffodils, schizoid, and others) and gave the characteristics of the processes associated with their behavior in the workplace.

The concept of "leadership" has become widely used in the social sciences after K. Levin experiments (USA, 30th years). He proposed a model for the implementation of changes identified three leadership styles (authoritarian, democratic and anarchist) and proved their direct impact on the "cluster environment" (Lewin, 1951). From this period, the term leadership is firmly embedded in psychological science. In 1943, psychologist K. Craik, continuing the development of ideas about the relationship with the leader of the group, suggested that all events are translated into the internal model, and that people use these models to evaluate external events. This communication theory suggests that people perceive the world through the prism of their psychological perception, and not just the outside world as a whole, despite the fact that they can feel that. Psychologist Philip N. Johnson-Laird has suggested that psychological models form the basis of the basic processes and simple symbols. Theorists generally imply that the groups in which there are
models work better than the group in which there is no conventional psychological models, such as the pilot commands apply to the take-off and landing (Weick & Roberts, 1993). Later in 1984 D.Hambirk and P. Mason for the first time suggested that in organizations reflect the views and values of their top managers. This is because the leaders are driven by specific knowledge, experience, values and preferences of the effects on the environment and the creation of such a choice.

Over the last fifty years, psychology has achieved considerable success in matters of motivation. If we take as a key assertion that the whole psychology - social and behavioral aspects, one way or another, are considered in almost every study - the motives are probably the main object of a psychologist, allowing him to explain human behavior, to interpret the actions, to predict the future. According to H.Hekhauzen (2003) "The motive - it is not a concept that describes something, but the concept, designed to explain something." The most interesting in this respect, the study of leadership motives, regarded as perhaps the only way leading to success, and partly understood the psychology of motivation. The largest field to search for the causes of motivation is an integrated approach in B.G.An'an'ev research school, which covers the ontogeny of organic development processes that implement phylogenetic program and individual development is considered in terms of life way. "The life of a man - a history of the formation and development of the individual in a particular society, a contemporary of a certain age and a certain generation peers." (Loginova, 2005)

In this approach, a person is considered in its entirety and human life in the natural scale of measurement – from the phase of childhood to maturity phase - Acme, where in the course of individual development work is of great importance.

The behavior of achievements oriented people is described in the studies mainly by American psychologists. It is known that this type of people prefer to solve problems in which the probability of success is 50%. In D.McClelland (2007) “Human Motivation” noted that "... a person with a strong need for achievement should be more activities and avoid routine. They should be more inclined to search for more effective implementation of the tasks. They need to be more creative. The fact that they prefer a moderate degree of difficulty of the problem is that they are constantly looking for a way to pass on what they have done before, to something more difficult."

In overseas studies have shown that people with a strong motive power have a negative image of the "I", have a problem with alcohol and drugs, men - with sleep, and women with nightmares, experiencing more intense episodes associated with power, tend to be assertive.

In studies of the motives of achievement and highlights the power that their causes may vary in different cultures, and studies of American psychologists characteristics of American culture, in which the person's motivation is related to a person's response to two key questions: "Am I happy?" And "What are my achievements?"

In studies of American psychologists emphasized those remain unsolved issues such as time and circumstances, which can be triggered by certain actions. Russian psychologist E.P.II'in (2011) noted that the age structure of the motivation is much more complicated, and the foreground is not so much external stimuli as internal - "shift with age motivational determinants in the direction of said internal factors and changes in the ratio between external and internal preferences towards the latter motivator. " Thus, can say that motivation is partly inborn factor is deployed throughout the life course is related to the biographical facts of the individual in the quest for self-discovery, personal fulfillment. However, the causes of a behavior in terms of biographical facts in the psychology of motivation are not considered or in fact there is no answer to the question that led to the result of a person or a decision. Notable examples are shown in the course of life stories of heroes 21st century. The icon of modern youth - Steve Jobs emphasized that he was not loved on the start of life, left his mother and died of pancreatic cancer. However, established his fruit - the bitten apple (a symbol of fertility, new life) is the most socially oriented modern computer, which fully translated his love for other people, in spite of the resistance of reality. Jobs was inventive and introverted. According to the research MBTI among managers alike are both extroverts and introverts. Perhaps there is some connection between the ability to generate ideas, introversion and good governance. However, to the same extent it can be argued that introverts in a different place management processes emotions are more complex mechanisms of perception and information processing - self-regulation. In dealing with such a leader has the illusion of empathic listening. Inability to meet the level of the head - "genius introvert" - turns into an internal disagreement leader - less stable first-person organization to stress, increases feelings of anger, increases the likelihood of developing cancer of the liver or pancreas, which is also enhanced by the adoption of ideas or the resistance of others.

On the causes of human behavior A. Adler wrote, linking them to the "inferiority complex" and that strength comes from weakness. However, such an explanation in terms of the motivation is not complete. Human behavior towards the goal catalyzed by someone committing acts against it of another person, which causes a reaction and lead to follow, but one way or another for the opening of the phylogenetic program are often manifested in the resistance to the circumstances and conditions in which a person lives. In our culture the cause of people's behavior often comes from a
position of "they did - because, as we do - even better." Sometimes the reasons for this behavior are dictated by social injustice. In particular, the low level of development of civil society in Russia, greatly increasing the number of people receiving law education. If the weak development of scientific schools and legal nihilism caused by an authoritarian management style, dominant in education, the booming interest in the study of jurisprudence and causing mass entrainment right in the last twenty years associated with violation of human rights. There is reason to believe that the top attainable by man, as determined by the biographical facts. Professor V.A. Bodrov (2006) in his book "Psychological stress: development and overcoming" describes a curious example illustrating achievement motivation - dismissed from the organization people come to other organizations or create their own organizations becoming successful there.

Differences between a person continuously ongoing education from others - the search for truth that is the purpose of scientific research. Often such a way of life - the result of unsuccessful first experience in a sexual relationships or marriage. Together with a high level of ambition this experience provides the need for advances in science, influencing through creativity, dominance, recognition and compensation in love.

The most striking confirmation of the phenomenon of love means work - biographical facts of artists. We know that some of them are born out of wedlock. The most famous example - the genius of Italian art, Leonardo Da Vinci. Famous Russian poet - Athanasius Fet – was also “bastryuk”. Such a lack of biographical subsequently leads to its replenishment by means of art, the creation of beauty, despite the social norms and the opinion of the origin of the creator, biographical overcomes flaws. From the circumstances to perfection. Not quite Russian roots had a great Russian poet Alexander Pushkin.

Swiss professor F. Malik (2006), said that there is no leadership in national basis (author - in German, Korean or American-style): "Management may be qualitative or wrong, good or bad, but not a national or international, monocultural or multicultural. " Under the influence of national culture on organizational culture should recognize that leadership is a universal phenomenon. In my opinion, in all countries of the world leaders take life as it is, with less distortion vector, are not afraid of pain. A true leader differs from a simple interest in the new. The true motives of leadership - to improve the world. However, they may come up against the resistance and even confusion surrounding. True leaders - it's not only the heroes of large corporations, but also those who work in small organizations (editorial, repair shops, studios, and others). Regardless of the size of the organization they share specifics of communication - they are not arrogant in dealing with a person, regardless of their social status, that is communicating with any person as an equal to them. This is a sure indicator of leadership, motivation to be first.

Despite the fact that many managers become effective with autonomy of human beings, they have no desire for luxury. F. Hertsberg (2007) proved that money is not the key motivator in the work, and the greatest impact on the satisfaction of its five key factors have focused on doing as it pleases, on the success on the recognition on advancing through the ranks as an indication of professional growth. "In recognition of the positive stories usually associated with the successful completion of the execution of a task. In the negative - the lack of recognition of the work reflects the situation under the influence of poor quality or failed policies of administrative action." The leaders of organizations, this motive is expressed to a greater extent - and is linked to their level of self-awareness. True leaders do not value the gold, and simplicity - why in the ability to solve problems through dialogue - it is difficult to find a good companion. Money for leaders means to achieve another goal only, not a goal. In fact, this process can be called motivation for the implementation of the mission or what M. Chiksentmihali (1967) called "flow". For many leaders - their business is the meaning of life. Unfortunately, some leaders are addicted to finding or resort to creating artificial procedures training mission that does not work, because the organizational culture is transmitted from the personal wealth of the founder of the organization. Most leaders have clear moral beliefs, despite the fact that they may be perceived by contemporaries as a strange people. The creator of the Russian aircraft - Zhukovsky when creating the plane caused a lot of ridicule of others - a man with wings on a bicycle. The problems of many modern organizations, just as the absence of moral convictions. In modern world, more vector deviations from a personal mission, biographical facts of their support results in financial losses. This causes the correct behavior and way of life. In more recent studies of motivation (Ricci, Martin, 2009) shows that people with physical motivation prefer to be rewarded for their own efforts, and therefore not effective in teamwork, seeing colleagues as competitors. Put forward as a hypothesis about people with high internal desire for money, combined with the severity of the motive power. They live hard, active life, fraught with the constant risk of losing everything, experiencing the desire for more, causing equally love and hate.

Interesting examples of the effect on the motivation of the biographical facts illustrate examples of biographies of people in education. For example, a famous innovative teacher A. Tubelsky, created the "School of self-determination", the caller is still ambiguous judgment - had a teacher of history education, thesis on working with troubled teenagers, do not fit into the rigid framework of the school, the deputy director of the Palace of creativity. As a result, created an
educational organization that took in children of parents with different social status and sometimes not fit into the framework of the "traditional school". The spirit of the school resembled a palace of creativity, where there is no single schedule for everyone, but there are general laws adopted by the joint, and the aristocratic spirit inspired the formation of point's leader. One day I was talking with an Italian Professor about his life. From his story became clearer history of the formation leader. It illustrates well the relationship of biographical facts, his life and achievements. He was born in Sicily - in the south of Italy, educated in Rome, married an Italian who graduated from the University of Bologna, and lived most of his life in the north in the most developed - most of the European part of the country - the center and the top of "boot."

End of life came to work in one of the most reputed educational institutions with the name of perhaps the most famous artists - the profile obtained by a professor of education. By the end of his life he led as a leader. H. Hekhauzen, describing people with a strong motivation to achieve, indicates that these people used to leave home, before starting sexual life, often act as a defendant to the letters of other people. They are more active, travel more and more often migrate (Kolp, 1965)

Even before the research conducted F. Hertsberg and D. McClelland, another American psychologist G. Allport (Allport, 1937) emphasized that there are no simple irreducible needs of the individual attributable to all people. "Every individual is unique, as unique and every culture."

The influence of specific education and birth order on the expression of the motives of power and accomplishment is one of fashionable theme. So in one of the Russian studies (Emelyanenkova A.V. (2001) Psychological and Akmeological features of formation of the motivation power of the executive. Dissertation. Kaluga: The Academy of civil servants) pointed out that the older children in the family show significantly lower results on the avoidance of power, which is more pronounced for older sisters, younger children are more strongly seek power and at the same time even more - avoid it. This finding is consistent with data that causes an Italian psychologist A. Menegetti (2007) against alone child. "Only a mother can help her alone child to achieve greatness, because it is difficult to cope with it on their own. Drama of an alone child is that he never takes into account the fact that in life there are others of course, that everything belongs to him, he is inclined to see the world is his. "However, there is a contradiction between the data on the effect of biographies of crystallographic data on the opportunity to take a formal leadership position. For men, the minimum power is characterized by avoidance, if both parents are in leadership positions and the maximum - if the teacher was just the mother. While the H. Hekhauzen the level of achievement of increasingly affected mother. According to these studies, "... the mother of children with severe need for achievement were more authoritarian, gave more specific tips and guidance than the mothers of children with very little need for achievement, while for fathers was characterized by an inverse relationship. Fathers of children with severe need for achievement were significantly less authoritarian than fathers of children with very little need for achievement. In these results, it is important that the dominant behavior of the mother does not preclude the need to achieve and the dominant behavior of the father - on the contrary. "Although the motive to achieve and governments have not relationship, in the context of the management of the organization is likely that successful leaders not only have high levels of motive power and use a variety of means for its application, but also a high level of achievement motive. Only in this case the organization to successfully develop, their leaders pursue them through crises, output to a leading position in its industry. But why biographical combination defines such a result - not always clear, as is the case if both parents of men - heads. What's the real reason? There are no alternative role models - both parents are examples of a future career? Or - the decisive factor is culture? For example, in Asian countries is quite common inheritance of the leadership positions in the dynastic principle, which is also common in collectivist cultures and cultures with a strong division into classes, with a high level of power distance. At the same time, there are many examples, mainly in the western culture, when the leaders who have reached success in business or in the public service, the children do not reach the same position. Devoid of difficulties, secured, ignorant concerns and values of labor often develop complete opposites or ending life drug addiction, suicide. In A. Menegetti (2007) "Project "A man" is an interesting example of the relationship life's journey with the order and the floor child in a family of six children: "The fourth child, a boy (D) - the most unfortunate of all, but sometimes it originally was alone, abandoned by all, can become a genius. In addition, his - his third son - will always love the first-born son (B). Love is in the family of an alternative. "Curious relationship, which I have observed between education of parents and children and life path. We know that many psychologists (as in Russia and abroad) have a basic education as a chemist or a teacher of chemistry and biology (e.g., academiac V.S. Muhina). Thus, the subject line of natural science achieved the transition from abstract concepts in chemical science to work, the object of which are people - concrete and tangible, and in the later stages of life as a result of a new field of research achievements. There are examples that prove that scientists and psychologists - children walking along the path of the scientist are becoming specialists in the biological sciences, is particularly pronounced in the male line (father-son). Parents who have received education in both philology, orient the child to education in the
natural sciences (such as chemistry or boundary areas with medicine). The ratio of education in the field of chemistry and philology sometimes "born" lawyer. Interest in Jurisprudence and the choice of the institution may have a complex nature. Rod mother to the natural sciences, the degree of the father in the life sciences and uncles' interest for human rights leads to the fact that a girl can choose to form the Faculty of Law of the agrarian profile, avoiding conflict denial significant loved ones. That is the nature of individual choice is complex, comprehensive, determining motives and way of life and at the same time associated with multiple influences. Thus, determining the motives of achievement and authority appropriate to take into account the specifics of life. In organizational psychology, influence the leaders of the organization are paramount, and therefore, often state of the organization can be attributed to the head of unconscious perceptions and attitudes toward subordinates. There are cases when the manager prefers to surround themselves with subordinates with lower intelligence or skills, usually by creating an aura of superiority, but in fact only compensating for inferiority. The smart and talented people, sooner or later leave such leaders and such organizations eventually falling into disrepair. They are less susceptible to criticism and assessment of the potential and skills of people. There is reason to believe that the leaders of men, brought up not the second, and the first generation often listened to the advice of elders, or even create organizations that surround him with older age, as this environment is at their comfort zone. That is, the specific way of life determines the order of execution of work, the nature of trust and the balance of the key figures in the organization. In this case - it is the credibility of the more senior in age, which create a protective barrier from the more ambitious young people. It is neither bad nor good. The result is a specific organizational culture. In order norms and values reflected life path of their founders, and decisions, help us to understand what motivates leaders of organizations, make the connection of the life and motivation of leadership. In the natural unfolding development actions, motives are revealed, and the possibilities of interpretation, we can better understand human nature; it is a broader view of the theory of motivation.

Increased in recent years in various areas around the world, the number of women managers suggests overcoming the stereotype of suitability for leadership positions exclusively men. In this connection, the problem of gender differences in human resource management research is one of the leading places. There is a number of approaches to the understanding of differences of male and female controls. In overseas studies, in particular, (Loden, 1985) emphasizes that women managers more concerned to reach agreement, promote the participation of workers in decision-making, to create an atmosphere of openness and develop a sense of ownership value of the subordinates. While men tend more to the competitive spirit, use position in the hierarchy, a strong monitoring and impartially, analytical approach to problem solving. (Rosener, 1990) noted that women leaders are considered more successful transformational-governmental leaders than men, since when the work based more on personality and interpersonal skills. A different view is held by domestic researchers (Krasil'nikova, Pogrebnyak, 2005). According to them, a female leader can sometimes show a more rigid behavior than men who did not feel the margin pressure volitional, and trying not to seem weak men, "overreact" or otherwise - and manipulated in order to smooth out the severity of the conflict or get men to work. A comprehensive approach to the problem taken Sh.M.Burn (2001) in "Social Psychology of Gender ". Based on a meta-analysis, she comes to the conclusion that modern man is desirable to have approximately equal number of male and female traits and their crucial role in the formation of culture and socialization play.

The similarity of the majority of works devoted to gender differences in the management, we concluded in the comparison of men and women together, while virtually no of the works, which were compared to each other representatives of the same sex, not explained the reasons for greater efficiency. For example, on what grounds led by pro-qualification assessment to senior positions in the context of gender differences.

Women tend to be a leader, as a rule, exhibit deviant behavior in childhood. They like to dominate and be the first in group games. In the interview they call games that are traditionally associated with the opposite sex, or have such an experience.

In women with science education and motivation of manipulative trades to power is expressed to a greater extent compared with other professions.

Among managers in education (school principal, dean, Vice-Rector), and in other areas (business owner, artistic director of the theater, and others) are often found women with biographical fact - education of her son by alone. Thus, there is a reason to believe that this biographical fact can be the cause of its suitability to the professional activity of the head. Similar examples are found in the structure of the management teams. As leaders of men and women, there are different types of teams - and heterogeneous and homogeneous. However, men are more likely to prefer heterogeneous management teams. They are balanced, or include both sexes. While women are more likely to prefer same-sex management teams based on strong emotional bonds and the idea of a great complaisance, sense of duty, responsibility and discipline representatives of their sex, or surround themselves with members of the "strong" sex. With resemblance
structure at the head of the male and female is different motivation. A men - leader in women management teams demonstrates a greater advantage in comparison with members of their own sex that he is the most loved and respected. While a woman leader in the men's team - ambition, power and authority. As a rule, the men in these teams celebrate greater equality and democracy, the lack of unnecessary competition, occurring more often in heterogeneous men's team, which selects the deputy head of the principle of personal devotion, loyalty, and better performance.

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Women and Glass Ceiling in Albania

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Abstract

Concerns about gender equality are disciplined in Constitution, and more and more national and international acts, laws and directives. Anyway, if we have a look at statistics, the literature review, a lot of studies and researches in different countries, women’s career progression has not kept pace with that of men’s. Even though women represent 44 % of the labor force in Albania they continue to lag behind male counterparts in reaching upper level positions. Women’s career progression into executive-level positions continues to lag behind that of their male counterparts in both the private and public sectors (D’Agostino & Levine, 2009). If we have a quick look at high level of state government such as president, prime minister, ministers, etc. it is very hard to find a woman on top of these and other institutions. The same thing happens in private sector, for example the banking or in telecommunicating sectors, which are through the most important sectors of the economy of Albania, it is very hard to see a woman on their top (only 2 CEOs women in banking sector and no CEO woman in telecommunicating sector). Why does this happen? When women try to reach high levels of management and leadership positions, they face with the phenomenon of “Glass ceiling” which impedes them in reaching those positions.

Keywords: glass ceiling, women, Albania, barriers

1. Introduction

The recent years have been marked by the increasing participation of women in the labor force internationally (Cooper, 1996a, p. 21; Wentling, 2003, p. 311). In Albania the participation of women in the labor force is 44 %. A large number of these women are still found in the agriculture sector and the informal sector of industry. The question to ask is how many women actually hold positions of power in top management, and the reality is very few. The situation is particularly true for the commercial banking industry in Albania where the number of women professionals in senior executive management positions (for example CEO’s, deputy CEO’s, company board members) is minimal compared to that of men. According to Cooper (2001), “The reasons for this difference are varied in nature and often referred to as ‘barriers’ or ‘obstacles’ that women face in the advancement of their careers. These barriers are often based on the factors of gender and race, and not aspects such as the lack of ability to handle jobs at higher institutional levels”. (p. 31).

2. Barriers to women career progression – Glass ceiling

The barriers that prevent women from ascending to senior management positions and in high level decision making positions, in large corporations and public sector have often been described collectively by the metaphor “the glass ceiling”. The glass ceiling is defined as “a barrier so subtle that it is transparent, yet so strong that it prevents women from moving up in the management hierarchy” (Morrison & Von Glinow, 1990). Wirth (2001) defines the Glass Ceiling as “the invisible artificial barriers, created by attitudinal and organizational prejudices, which block women from senior executive positions”.

The “glass ceiling” has consequences not only for the women themselves, but also for the organizations they work, for their reputations and their ability to maximize their productivity and growth and for the whole society. Companies and societies cannot afford to waste the full potential of half of their workforce and undermine their competitiveness. Rather,
they need to capitalize upon the skills of women, valuing and encouraging women's professional growth and development. Moreover, they must create a business culture and society that supports innovation and high performance, which requires many different people with diverse talents and thinking styles (Accenture, 2006).

Past studies have identified several pervasive barriers to the appointment of women to senior professional positions, including working practices, tradition and attitudes, pay differentials, stereotyping, and a lack of both informal networks and “in line positions” (D’Agostino and Levine, 2009; Dreher, 2003; Rogier & Padgett, 2004; Catalist, 1993; Accenture 2006). Other studies have divided these barriers into three categories: individual barriers; societal barriers and organizational barriers (Cooper, 1996a; Oakley, 2000; Cross, 2009; Maheshwari, 2012). Their findings led them conclude that the glass ceiling still persists: women are underrepresented in top-level administrative and professional positions in distributive and regular agencies.

3. Individual Barriers

Women's awareness toward their career paths is an important factor (Cooper, 2001). Although they are qualified as their male counterparts, sometimes they need to work harder and perform better to obtain senior positions (Maddock, 2002). Women describe self-limiting beliefs and lack of self-confidence, which can result in them delaying going forward for promotion until they feel completely ready, have strong evidence of all the competencies and are confident that they will be successful. They are more modest about their skills and achievements and need to have confidence in their own skills and abilities before applying for new roles. As a result women try to thoroughly research the role and critically assess their own competence before applying. In comparison a man will be much more likely to throw their hat into the ring and 'give it a go', even if they are not confident of the outcome. It is described that their approach is to tick off 5 of 10 criteria and consider this is enough to have a go, whereas a woman will wait to gather experience of all 10 criteria before applying. Klerks and Brown (2004) similarly found that going for high rank is demanding and failure disappointing, so women may over prepare or hold back.

According to Cooper (2001), there is a common perception that men are leaders and women are the supportive followers. This perception of women as followers is strengthened by a lack of strong female role models. In an environment where the number of women in key executive positions is minimal, it is difficult to develop a mental model of women as leaders. This inhibits self-perception and evaluation of a woman’s potential to be a leader.

Another individual barrier to women career progression is the role stress due to multiple role demands inherent in running a career while also running a home and family (Cooper, 1996b). In the long run, the success for these women is often at substantial cost to their personal lives. Due to demanding job, they have to work long hours and may have to forgo long-term relationships and the opportunity to have children if they wish to progress to the top of the profession.

4. Societal barriers

At the root of the issue of women in management is possibly the role ascribed to women by society at large. Women have been seen as basically the nurturers of the family and men as the breadwinners (Cooper, 1996b). As bearers of the scarcer resource, men hold the power strings. This seems to be true across cultures and across time. According to Oakley (2000), explanations for the extremely low number of women in the position of CEO and other senior management positions go beyond corporate policies and practices and also embrace the impact of gender-based behavioral dynamics such as:

- **behavioral double binds** (a behavior norm that creates a situation where a person cannot win no matter what she does);
- **women’s communication styles** (women’s communication styles are often misinterpreted or devalued by men, and the less aggressive and assertive forms of communication associated with females may be particularly unacceptable ways to communicate in the upper echelons of most corporations);
- gender-based stereotypes (stereotypically men were seen as being aggressive, independent, unemotional, objective, dominant, active, competitive, logical, worldly, self-confident, and skilled in business, all competence-related traits. Women were stereotypically seen as exhibiting the opposite traits of males on all the competence-related traits, indicating that stereotypically feminine traits are associated with incompetence);
- **preferred leadership styles** (the cultural stereotype of leaders is male, and presents a formidable barrier to any woman who aspires to a leadership position, especially a position like CEO);
- **old boy networks** (informal networks help men advance more than women because they are closed to
females, and women have great difficulty in accessing and utilizing their possible potentials).

5. Organizational barriers

In addition to individual and societal barriers, when working in organizations (private and public ones), women have to face other barriers related to the corporate culture, climate and practices. Work organizations have traditionally been created and run by men. They have accordingly assumed masculine structures often supported by deeply felt values (Cooper, 1996a). Linehan et al. (2001) mentioned that many jobs are still seen as men's or women's jobs and this influences the initials of a particular gender to organizations. The GOS (Gender Organizational Structure) model of gender diversity explains the status and experiences of women (and men) in organizations across organizational culture and organizational structure (Cooper, 2001). Specifically, includes informal networking, diversity, performance evaluations, stereotyping, and preferred leadership. According to Fagenson (1993) and Cooper (2001) organizational structure impedes women's entry to and advancement in the workplace. That structure can include job recruitment, job assignment, mentoring, retention, training, how work and family are balanced by employees, and promotion and reward systems. Moreover, Bajdo and Dickson (2001) found that the greatest predictor of the number of women in management positions resulted from organizations that focus on aspects of organizational culture relating to gender equity practices.

6. The status of women in Albania

Legal frameworks and institutional mechanisms: Albania's gender legislation and policy reflect the steps taken in the framework of accession to the EU (European Union) and the Albanian government has developed a comprehensive legal and institutional framework for the promotion of gender equality and the protection of women's rights. In recent years, a number of significant achievements have been made by the Government of Albania (GoA) to move towards a more proactive implementation of the standards and norms laid out in the UN (United Nations) Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), in the Beijing Platform for Action, in the Millennium Development Goals (MDGs), and in EU directives and policies addressing gender equality. The legal framework was established through the adoption of the law “On Measures against Violence in Family Relations” (No. 9669, dated 18.12.2006), the law “On Gender Equality in Society” (No.9970, dated 24.07.2008), and the Law “On Protection against Discrimination” (No. 10221, dated 04.02.2010). In Albania's most comprehensive policy document addressing gender equality and violence against women – the National Strategy on Gender Equality and Domestic Violence 2007-2010 – the GoA clearly states the key priorities for advancing women’s human rights and ensuring gender equality. The revised framework, the National Strategy on Gender Equality, Gender-Based Violence and Domestic Violence 2011-2015, foresees as an explicit outcome of its first strategic goal the compilation of “updated data and information on progress regarding the status of men

Gender Inequality Index: Between 2002 and 2008, the Gender related Development Index, which describes inequality between women and men related to literacy, life expectancy, and education, increased from 0.771 to 0.816, reflecting progress in these areas. However, inequality between women and men is multidimensional and therefore requires more composite measurement. Towards this end, the Gender Inequality Index (GII) was introduced in 2010. GII reflects inequality between women and men regarding education, reproductive health, empowerment, and the labor market. Between 2006 and 2010, improvement in these areas was evident in Albania, mainly because of the increased proportion of female students, higher number of women in diplomatic service, and some improvement in women’s salaries. The gender inequality index in 2011 is 0.271. Albania’s 2011 Global Gender Gap Index ranking is 0.6748, placing it in 78th place (out of 135 countries) (National Report on the status of women and gender equality in Albania, 2011).

Gender wage gap: Through various laws, Albanian legislation regulates wages in the public sector, and article 115/1 of the Labor Code of the Republic of Albania (law no. 7961) explicitly refers to equal pay for women and men for work of equal value. In all education categories, women receive lower monthly wages, and women's average salary is 17.63 per cent lower than that of men with the same educational attainment (Miluka, 2011). For this phenomenon two main reasons may be given: First, women still continue to find employment primarily in the social state service sector, where in general, men predominantly occupy positions in law-making, high-level offices, and in management. Women act as specialists, regular workers and clerks in the education, health care and public administration sectors. Occupational segregation creates wage differentials by putting downward pressure on wages for occupations that are overcrowded by a particular sex and where labor supply is readily available. As a result of this occupational segregation, and a surplus of
women seeking work in these sectors, women’s wages are lower.

Second, the lack of support and limited provision of state care makes women the primary caregivers of children, the sick and the elderly. Due to women’s child-bearing and caring responsibilities, the female labor force is therefore characterized by discontinuity of employment, especially during the childbearing ages, resulting, on average, in five years less experience over the course of working life, when compared to men. This additionally and negatively affects on women’s position on the labor market. Women are at greater risk of being fired from work, or less likely to be employed and to retain their jobs, particularly at the child-bearing ages. Another factor that impacts women’s low level of remuneration is also their low involvement in self-employment private activities.

**Gender entrepreneurship and employment:** Low access to credit and property and a lack of supporting policies promoting women’s entrepreneurship, have accounted for a relatively low number of women entrepreneurs. Officially, women own 25.7 % out of 106 477 business in the country. As can be seen in figure 1, women have set up their businesses mainly in economic areas like commerce, wholesale and retail; in various services such as dentistry, legal services, hairdressing; agro-business, diary production, textile production, publishing, dressmaking, and handicrafts production. According to INSTAT, 18 % of private business managers are women and only 31 % of total value of business credit is taken by female entrepreneurs.

**Figure 1:** Percentage of entrepreneurs disaggregated by sex and sector

![Figure 1: Percentage of entrepreneurs disaggregated by sex and sector](image)

**Source:** METE, 2010

According to the National Institute of Statistics (INSTAT), females represent nearly half of the population and consist of about 44 percent of the active labor force in Albania. But this parity is not reflected is different aspects of economic and social life of women and men in Albania. As we can see from chart 1, women are more employed in agricultural private sector and less in non-agricultural private sector. On the other hand, even though women and men are nearly equally employed in public sector, according to the latest survey of the Department of Public Administrate (DPA) men are the directors and women support them.

**Figure 2:** Gendered employment structure by sector

![Figure 2: Gendered employment structure by sector](image)

**Source:** INSTAT, 2012

**Political Representation and Equal Participation in both Public and Private Decision-making:** Women’s representation and participation in decision making are key indicators of a society embracing equality between the sexes in all walks of life. Marked inequalities rest on the notion of deeply stereotyped models for women, girls, men and boys which assign authority, public agency and power to a predominantly male actor. In line with the law on Gender Equality in
Society and CEDAW article 5, Albanian institutions are obliged to take all appropriate measures to modify or abolish existing laws, regulations, customs and practices that constitute and/or result in discrimination against women, including social and customary practices that are based on the idea of women's inferiority.

Even in sectors with a high percentage of female staff, women occupy primarily lower positions, and are generally absent from higher management levels. One of the key factors resulting in such pyramidal patterns is women’s and men’s socialization along traditional gender stereotypes and gender roles. Women are conceptualized as mothers and primary caregivers, while men are assigned expertise, competence and decision-making power in public life. This in turn leads to women occupying lower and lower-paid positions, which offer fewer career advancement and promotion opportunities; it also leads to the isolation of women in higher ranks. It reinforces male’s dominant roles and the lack of representation of issues and topics relevant to women in planning and decision-making.

The traditional working patterns of many political parties and government structures continue to be barriers to women’s participation in public life. However, the increased presence of women in politics and decision-making positions in government contributes to the redefining of political priorities and places new items on the political agenda. They reflect and address women’s gender-specific concerns and also provide new perspectives on mainstream political issues.

In fact, we are all witnessing the lack of women equally participation in high level decision-making positions. Looking at table 1, we can see that Albanian’s president is a man (and it has never been a woman); this is the first time we have a woman at the head of the Assembly; Chief Prosecutor, Governor of the Bank of Albania and the Prime Minister are men; only one out of 15 ministers is a woman; despite the initiative of increasing the number of women in the Assembly, only 16 % of the deputies are women; only 2 out of 10 directors of Regions are women; only 3 out of 62 head of Municipalities are women and only 2 out of 306 Communities are women.

Table 1: High level decision-making positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>President of the Assembly</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Chief Prosecutor</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Governor of the Bank of Albania</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Minister</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>Deputy</td>
<td>120</td>
<td>20</td>
</tr>
<tr>
<td>Region</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Municipalities</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td>Communities</td>
<td>306</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Authors’ survey

Evidence suggests that companies with a strong female representation at board and top management levels perform better than those without, and that gender-diverse boards have a positive impact on performance (McKinesy & Company, 2007). It is also clear that boards make better decisions when a range of voices, drawing on different life experiences, is heard.

Despite increasing discussion of women’s equal representation and efforts in raising the number of women in decision-making positions in the public and political arenas, in Albania, women’s representation in leadership positions at private companies has not yet become an issue. Little is known about their representation as executives, heads of companies or members of managing boards. So, if we have a look at figure 3, which shows the presence of women in the hierarchy of commercial banks in Albania, when we go up the hierarchy, the percentage of women participating in high level decision making positions gets lower. Only 2 out of 16 CEOs are women. In telecommunicating sector, there is no woman CEO. There are not exact official figures, but the number of women leading corporate in Albania is very low.
In parallel, the national legal and policy framework in Albania addresses several aspects that bear high relevance for efforts made to increase the percentage of women in business. Provisions include the following:

- The creation of equal opportunities for women;
- The establishment of family friendly policies (flexible working hours, parental leave for men and women, child care facilities, etc.);
- Enforcement of anti-discrimination legislation at the workplace;
- Implementation of sexual harassment policies;
- The provision of education to combat sexual harassment, in order to promote a climate of respect within a company;
- Integrated packages that support career advancement for women.

7. Conclusions and Recommendations

The numerical increase in women’s representation – be it in political or government and in top of managerial hierarchy– is an achievement in itself. However, in order to ensure the sustainability of efforts, activities must be accompanied by career development and advancement efforts for women. Specific and gender-sensitive measures are required in order to guide, coach and support the processes and dynamics of related organizational change.

Further investigation is required on the prevalence of women in high level positions in private business; their particular career patterns, networks and needs; and the identification of entry points for increasing their share in male-dominated environments. Due to women’s general higher educational attainment, they represent a significant human resource base for Albania’s economy. Furthermore, promoting women to boards contributes to an increased talent pool that is available to a company.

Innovative approaches with proven results taken by companies to address the recruitment, development, and advancement of all managerial women should be awarded. An annual Albanian award would provide the business community with replicable models in order to help corporations and professional enterprises create pro women and family-friendly policies and initiatives that are beneficial for women and good for businesses. As a first step, the systematic aggregation of precise information on women in professional and managerial positions is required, on which to base further involvement and action. In line with the increasingly common EU practice, companies should be required to disclose each year the proportion of women on their board, the number of women in senior executive positions, and the number of female employees.

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Abstract

Cuba is clearly not easily definable as a “post-socialist” society (Phillips, 2007; Enriquez, 2010). In the case of Cuban society, therefore, the term “transition” can be referred to the change that invested the relationships between citizens and the State since Raul Castro has started to reform the socialist Cuban system. This change has impacts also on how the concept of “work” is reconceptualised. Last Socialist Party Congress underlined that the Cuban socialism has not failed; nevertheless many economical changes are reshaping Cuban economy and, even more important, the basis of the citizen-State relationship. For the first time since the beginning of the Revolution, the No. 141 law decree introduced the possibility to work independently from the State. Though, only some job sectors (mostly in the tourism industry) have been involved in this privatization process, and the “professionals” (physicians, architects, layers, professors, engineers) aren’t allowed to work on their own. This partial privatization of the job market produced a paradox: many professionals have left their jobs in order to find a more remunerative occupation, and they have started to work as waiters, or as taxi drivers, in order to try to get a better salary and improve their quality of life. This paper will explore this paradox analyzing the fieldwork I carried on in Habana, Cuba, during the past five years.

Keywords: Cuba, ideology, transition theory, informal economy and citizenship

1. Prologue

Interior-day. Nikanor, a man in his forties, is making coffee in his kitchen when two men knock on the door. These gentlemen, kindly and authoritatively, tell him they have been sent by the Government to install two microphones in the apartment. Nikanor seems to be in shock; the two men explain the reasons behind their visit:

We know your name is Nikanor O'Donnel, and you work as chauffer for the Cuban Art Institute and, sometimes, you work illegally as broker for houses permutation (...) and obviously we know you often speak evil of the Government (...) our aim is to install some microphones in your apartment in order to easily listen to your antigovernment comments.

Nikanor reluctantly invites the two strangers to come in: while he complains about the rude sincerity of their speech and the Government intent to spy on him, he quickly surrenders to their will and realizes they could have easily irrupted into his home and tap-wired the rooms without his permission. However, there is something that seems to bug him: why has the Government chosen to spy on him rather than on somebody else? The two gentlemen reply:

Because you are a creative one! Most people only complain about the blackouts or about “Gramma”, [National newspaper] But you, you made really witty criticisms about our migration politics. You were so helpful to us!

After fiddling with the microphones, the two gentlemen conclude that the bathroom offers the best acoustic reception. They then ‘advice’ Nikanor to use that room to make his antigovernment speeches, and invite him not to hold back on his ‘sharp’ and ‘sarcastic’ observations as they could be of great practical use.

This brief skit is drawn from the 2004 corto (short film) Monte Rouge, written and directed by Cuban filmmaker Eduardo de Llano. The short film was conceived as a satire of the Cuban National Security Department. In fact, Monte
Rouge is a part of a series of short films financed by the Cuban Institute for Arts and Film Industry (ICAIC). Nikanor is the protagonist of all these short films: by the words of his creator, Nikanor personifies a particular and standard type of citizen in each movie: in Monte Rouge is a single man and a chauffeur, quite critical about the Government yet not politically engaged, disenchanted towards the social system and yet quite unable to take action. In other movies he is a married man, a world traveller, and even a journalist. The closing theme of these short films was composed by the renown Cuban songwriter Frank Delgado and chants the deeds of a “grey man”, someone who is quite mediocre but also capable of small and witty actions; not quite the hero as these actions do not produce any real or significant change in his life or society. Nikanor is nobody and everybody at the same time; he is not a real person, but a prototype: after all, “we all have a Nikanor inside us”, sings Frank Delgado.

As I was conducting fieldwork research at the Mental Health Community Centre “Francisca Panchica” 1 in Cuba, I stumbled upon Nikanor: Raudelis, a patient, was recounting a story about his boss and a meeting at work and about the time his boss asked him to shut up in the name of “the common wealth of all workers”; Nelson, another patient, ironically called Raudelis “a Nikanor” to make fun of his inability to speak up in front of his boss:

Nikanor represents the ironic side of our citizenship. Have you ever seen “Monte Rouge”? It’s like saying that nobody thinks that invisible eyes are spying on us, like in the Orwell novel. Indeed, we perfectly know what we can say, and what we cannot say. And the problem isn’t el miedo (the fear), we are not afraid about the police like American people think. The point is we have been educated in such way that we cannot think differently. We know the system’s side effects, and the good effects, and we go on and… laugh at it. (Personal communication, 27th April 2008)

In a brief dialogue between Nikanor and the two gentlemen, during a scene of Monte Rouge, the two men congratulate Nikanor on his witty antigovernment comments, and he utters in response: “Thanks – I answered, while my conscience was digging a hole into the floor and my core values were burying inside it”. The contradiction between the main character’s critical conscience and his effective agency in real life produces a paradox, which is treated and reiterated with irony. The same irony is an inherent part of Cuban citizenship, as Nelson pointed out.

2. Introduction

Nikanor’s character embodies the contradiction between the idea of a socialist world and the struggle of everyday life. He feels a discrepancy between a sense of belonging that is based on a person’s social function and his desire to be formally recognized as a human being. As such, he symbolizes the “paradox of the theory of transition”, which posits a unidirectional path from socialism to capitalism. As many other ordinary Cuban he is “engaged in the pedestrian but vital task of resolver” (Damian, 2000: 120), and attempting to redefine the rules of the game while not being totally in control of it. This point raises a question, about the quality and the limits of resistance and subversion: by “performing compliance” (Damian, 2000), doing his “informal job” as a broker, or speaking against the Government, is Nikanor actually working against or, rather, contributing to legitimate the State’s authority?

In contemporary Cuba, some people have made the transition between living and working like Nikanor and owning a business. These citizens, known as cuentapropistas (literally “workers for own account”), have shown a significant amount of agency towards the State in their quest of acceptance as human beings. In this article I will first explore the dynamics of such transition. I will examine the changes that have occurred between Cuban citizens and the State in the past five years and a new idea of work that has emerged. I will also introduce cuentapropista as new type of worker.

However, this picture is only partial. Cuba is clearly not easily definable as a “post-socialist” society (Phillips, 2007; Enriquez, 2010). In fact, I will tackle the limits of such transition, by presenting the case of those who work in the health sector who cannot fit into the new type of worker and continue to feel stuck into the Nikanor’s paradox.

This article builds on fieldwork conducted in Habana, Cuba, intermittently over a period of five years, from October 2007 to August 2012.

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1 My ethnographical experience was carried out in the biggest Mental Health Community Centre in Havana, during eleven months, from October 2007 to July 2010. I was investigating how the political and economic model influences both mental illness and the recommended mental health treatment.
3. The era of shifting ideology

On July, 26th 2012 I was walking up and down in the city of la Habana looking for the commemoration of “Cuartier Moncada” attack. I had heard about this celebration since my first fieldwork in Cuba in 2007: Fidel Castro used to give a speech and the people showed a black and red flag with a big number “26” printed on it. “Walking on the street you were able to hear the speech because everybody was listening to it on television or radio, because Fidel set the speech in a different town every year, moreover there were “fiestas de barrios” (neighbourhood celebration)”, told me Cuban anthropologist Dulce Milagros Niebla.

Speaking about the local celebration of the 26th July, the anthropologist said:

The general awareness is that the Government really doesn’t care anymore: for fifty years they have been distributing food and drinks at a low prize in order to help the people to celebrate in the “barrios”, because that was considered an important moment to celebrate the our belonging to the Revolution. When they stop to do it, people’s feeling is changed as well. (Interview, 26th July 2012)

As the Cuban anthropologist argued, Cuban people have been celebrating 26th July from 1959 to 2010, in the last tree years, despite the Government goes on with officiating the public speech (Raul gives the speech ever years in Santiago de Cuba), people have given up on local celebration, feeling a sense of disconnection from the traditional source of moral sentiment.

Many authors have been worked on the importance of public celebration (or public rituals) in keeping on social and political structures (Handelman, 1998; Connerton, 1999), turning on the concept, we may say, that giving up on public rituals brings the people to disconnect themselves from the moral sentiment of “belonging”, as Niebla suggested.

The celebration of 26th July is just one the meaningful transformations of Cuban set: in the past five years the political and economical scenario in Cuba has changed as well. When in the 2006 Fidel Castro transferred the leadership of the country to his brother and second-in-command Raul, the Government has began analysing and planning political and economical changes. The planning was published in the 2010 and called “Proyecto de Lineamiento de la Política Económica y Social del Partido y la Revolución” [Guidelines plan of Economical and Social Politics of the Party and the Revolution]. This document was approved by the sixth “Congreso del Partido comunista en Cuba (PCC)” [Cuban Congress of Communist Party] on April 17th 2011.

One of the most important changes that the Congress activated was the new opening to “little private enterprise” (cuentapropismo) and to private property. Until 2011 it was impossible for a Cuban citizen to buy a home 2 or a car. The opening to the private little enterprises also gives the citizens the right to buy a license to work on their own and to contract people to work for them. According to the guidelines, co-operative societies are allowed too, and the State enterprises will be more independent from the Government; the Conference also claimed to “differentiate” (distinguir) the Socialist Party from the establishment, in order to decentralize the powers, behalf of local municipio [borough]. These changes underline how the Cuban Government has been progressively loosening its control over the economic system and shifting its view on an ideology that has been predominant in the country over the past sixty years.

The “cuentapropistas” are the most important symbols of Cuba’s shifting ideology and of the complexity of exploring the term “transition”. As the last Congress underlined the Cuban socialism didn’t fall; however many economical changes are reshaping the Cuban economy and, more importantly, the basis of the citizen-State relationship. Decree 141 of the Law allowed the possibility to work independently from the State for the first time since the beginning of the Revolution. The licences were officially released from 1993 to 1998 (Phillips, 2007), after the so-called “periodo especial”, a period of extreme poverty that Cuba experienced after the collapse of the Soviet Bloc. Self-employment was no longer allowed, until the last Congress, when new licenses were released.

4. From “informal workers” to cuentapropistas

Sheila is a young Cuban psychologist, she graduated in 2010 and then she started to work for the Public health system. After only one year of work, she decided to leave her job in order to work as a hairdresser. This was as an “informal part-time job”, that is, according to Castells and Portes, an income-earning activity unregulated by the State, in contexts where similar activities are State regulated (Castells and Portes, 1989; Roberts, 1994). As she told me:

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2 In Cuba all the buildings were State propriety, nobody could, in a legal way, sell his home, or buy a home.
I was spending all my time working. I worked all day long: in the morning I was a psychologist and in the afternoon I was an hairdresser, during the night –my only free time- I took care of my grandmother who lives with me (Personal communication, 22 July 2012).

Sheila’s salary as a psychologist averaged around 500 Cuban pesos. Indeed, the medium level of salary for “professionals” (physicians, architects, layers, professors, engineers) ranges from 500 to 750 pesos, one of the two official currencies (to the value of 20-30 cuc, pesos convertible, the other currency equivalent to American dollar). In order to understand the purchasing power of this salary, it is possible to compare it with the price of some of the more common products: a bottle of shampoo costs on average 2 cuc, a litre of tomato sauce has the same price, four toilet rolls cost 1cuc. Fruits and vegetables have a held down prize, as well as rice, sugar and bread. Besides, thanks to the new guidelines, a waiter or a hairdresser could make up to 10 cuc per day, which is ten times more than a “professional salary”.

With her “informal job” as hairdresser Sheila is able to earn from 120 to 200 cuc per month. As one of Sheila’s frequent clients told me:

For this reason she left her job as psychologist. I define my appointment with her arreglo-terapia [dressing up - therapy]. She dresses my hair and I can talk with her about my problems at the same time. When I leave her home I feel better and I look better (Personal communication, 22 July 2012).

Fernández, in his book *Cuba and the politics of passion*, defined the “informal” as one of the most formidable adversaries of the Socialist State (2000: 101), but he also argued, that if that is true and the informal economy betrays socialism, it also provides citizens with enough creativity to escape it and to deal with the socialist regime. As a matter of fact, as Fernández maintained, informality “while it erodes legitimacy, as people break the law on a daily basis, it secures practical legitimacy insofar as people do not challenge the formal trapping of the regime directly” (2000: 120).

On the contrary, the legal but partial liberalization and “dollarization” (Brotherton, 2008) of the job market has been improved the economical differences between who can work independently and the professionals, who cannot do it. The economical reform has been brought what Phillips defined a “legal creation of an anomaly”: “cuentapropistas embody an increasing tension between Cuba’s socialist past and uncertain future” (Phillips, 2007: 312).

Indeed, the partial privatization of the job market has produced (or enhanced) a paradox: many professionals have left their jobs in order to find a more remunerative occupation, and they have started to work as waiters, or as taxi drivers, to try to get a better salary and improve their quality of life.

Walking through Havana it’s possible to note some of these changes: many coffee shops have appeared in the houses’ doorways, and some places showed handwritten signs that read “área de venta de trabajadores por cuenta propia” [shopping place of private workers], or se vende [for sale]. The restaurants are currently divided into sta tales [State property] and particulares [private property], and many Cuban citizens have left their jobs to start a private work.

The private practice of medicine (like all “professional jobs”) isn’t allowed, so before the introduction of the new guidelines many professionals had “informal jobs”, like Sheila did. Marta, for example, one of the workers of the Mental Health community centre where I carried out my fieldwork, sold handmade bags that she sewed with recycled material. She worked as a therapist during the day and sewed at night. When she spoke about that with me, she was ironic about her situation: “If the job is what gives you the money to live with... Making the bags is my job, and working as therapist is my hobby.” ³ By the way, it’s important to underline that the choice of Sheila shows how work in the informal economy can become a full time job.

Luis, fifty-five years old, worked as a lawyer in Cienfuegos. His informal job consisted in cultivating a small backyard in the back of his house. Then, when the Government began to release licences again, Luis left his job and officially became a greengrocer.⁴ Odalys, fifty-two years old, told me:

I was a teacher in the University of la Habana, I taught philosophy for more than twenty-five years, I loved my job but I can’t leave with 20 cuc per month. I’m too old to work illegally and I got a licence to rent a room in my home and I left my job. It hurts! But it hurts less than couldn’t buy a pair of shoes to my daughter (Personal communication, 6th July 2012).

Odalys and Luis had to leave their professions in order to start the own activity because nobody in Cuba can,

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³ Personal communication, 18th October 2010
⁴ Personal communication, 13th July 2012
legally, have two jobs. For this reason those professionals that consider they couldn't live off their salary have to make a
difficult choice: either to continue to work in the informal economy (illegally) or to leave their job and becoming
cuentapropistas.

Abi is a forty-nine year old woman; she worked as an engineer for a Cuban enterprise for fifteen years. She started
to work as a hairdresser ten years ago as an informal job in order to earn more money; in the last year, according to the
new reform, she obtained a license as a hairdresser and decided to quit her engineer job. Commenting on her choice,
she told me:

> Look, it is not only a money problem. Because a foreigner who doesn’t know how we live could think that we are
greedy, because we leave our job so as to earn more. But the core problem is this: when you wake up early in the
morning to do the cue in order to get six eggs5, and you see that your neighbour who is a taxi driver can buy a peace of
meat, and you cannot... Tell me what’s happen in your country, is it possible that an engineer who works for the State
for fifteen-years can’t buy a peace of meat, even once a week? That’s the problem! You are a good citizen, you work for
the State, and how do they repay you? (Personal communication, 7th July 2012)

Abi’s words underline the “legal anomaly” which Phillips refers to. The partial liberalization of job market put the
professionals in the paradoxical situation that they are becoming the poorest people in the country. By paradoxical
situation I mean that, after the Second Industrial Revolution, professionals have been considered as one the most
important and remunerative positions in the global work market (Neuwirth, 2011). As a matter of fact, one of the most
frequent questions that I was asked by my Cuban interlocutors was: “how much money could you earn with my
profession in your country?”.

As my ethnographic research suggests, on one hand the informal economy has been built as the basis for a proto-
civil society - if by civil society we mean a “public space in which individuals, groups and associations exercise their
rights” (Damian, 2000:124). On another hand, and paradoxically, the informal economy has acted as well as an escape
valve for social conflict, helping the Government to legitimate its policy. The new cuentapropismo could be considered as
a sort of “formalization of the informal”, here again a paradox, if we consider that the most committed of workers, those
who are working in the public health system and in public education, cannot take any advantage from it. As a matter of
fact, commenting on this paradox, a Cuban anthropologist (who prefers not to be mentioned by his full name) said during
a meeting in the University of la Habana: “the two beautiful children of Revolution -public education and public health
care- are ill!”

5. The economical challenge of the health sector

Focusing on the professional workers of the health sector (physician, psychiatrists, psychologist...), the paradox seems
to be double. A Cuban physician could feel uncomfortable not only by comparison with his “foreign” colleagues, but also
considering that the health sector is, after the tourist sector, the most important economical resource of the island. As a
matter of fact “Salud y turismo” [Health and Tourism] was one of the strategic programs designed by the Government to
face the economic difficulties of “periodo especial”. The aim of this program was to convert health from symbolic into
economic capital.

As Julie Feinsilver (1989) argued, health in Cuba became a symbolic capital during 1980s when, in numerous
speeches, Fidel Castro predicted that Cuba would become a “world medical power”. “The phrase “world medical power”
connotes socioeconomic development, scientific achievement, a model health system, and influence in the international
arena” (Feinsilver, 1989). Indeed, Castro had the aim to improve health in the island with sustainable costs, and, more
important, the aim to show through it how successful the Cuban socialist model could be.

The first program, under the name of “Health and tourism”, was directed by the State-run-group “Cubanacan”, and
started in 1996. For the first time Cuba clashed with the capitalist world economy, creating health programs directed
specifically to foreigners who pay in dollars7. Brotherton defined this program “dollarization” of the health sector. With the
term “dollarization” he stressed the fact that the Cuban socialist government has been forced to resort to certain capitalist

5The “cue” in Cuba is really an issue. Some indispensable items (rise, sugar, salt, eggs, soap etc.) are distributed by the State in a
predetermined quantity for each family. People are used to cuing up for a long time in order to be able to lay their hands on those items.
A bitter joke circulating in Havana says: “When you see “la cola” [the cue], you start to do it and then you ask what it is for.”
6 The meeting was set on 23 July 2012 in the University of la Habana. The topic of the discussion was the future of the University.
7 It’s possible to find more information about Tourism and Health program, in the local book “Apuntes sobre salud y ciencia en Cuba,
Senderos en el corazón de América”, written by Dr. Julian Alvarez José de la Osa.
strategies to stay afloat (Brotherton, 2009).

However, the dollarization of the health sector doesn’t change the material situation of doctors; even if the patients have to pay the services because they are foreigners, the doctors who treat them don’t earn more money. During an interview, and commenting on the Cuban physicians’ salary, Michel, a Cuban dentist, told me:

_The only way to improve your salary is to go on a “mission”. If you are willing to live two or five years abroad, in Venezuela or in Nicaragua, and participate to a Government’s medical mission, when you come back in Cuba, you will receive some economical benefits, or a home, or a car. It depends on which kind of mission you participate in. I spent five years in Venezuela and now I can afford to purchase the furniture for my home. But, you know, I’m a lucky one, because my wife is a dentist too and we did the mission together, do you know how many doctors don’t have a family anymore when they come back? Of course there are some doctors who decide to escape and quedarse [to remain abroad], but that’s another story (Interview, 17th July 2012)._  

Michel’s words underline one of the most important paradoxes of the professionals of the health sector. The “heroes” of the revolution⁸, these doctors are among the poorest people in Cuba, and the only legal way they have to change their economical condition is to go on a “mission”. In short, they have to work for their country outside their own country⁹. The hope of “living a better life” drives many Cuban doctors to join a mission and, consequently, cuts the number of professionals in the health sector.

Commenting on this issue, Leo, a Cuban artist, told me:

_I brought my daughter to the policlinico [first-aid] last week, because she was having an asthma crisis, and there I found two foreigner medical students. I asked for a real doctor but there weren’t any. Cuba has a lot of convenios [agreements] with other “poor countries”, we send them doctors and we host their students in our universities. I’m cool with that, in theory, but when I can’t find a doctor for my daughter, and I have to deal with these young medical students that barely understand me… I feel angry, really angry. Do you know what the nurse told me? “Are you looking for the doctor? He has to be in Venezuela” (Personal communication, 27th July 2012)_

Leo’s words underline that the entire population pays the cost of the Cuban medical mission in terms of lack of some health services. Nevertheless, many Cuban physicians do continue to spend their entire life working in the same barrios and taking care of their patients. When I arrived in La Havana (in October 2007), I started my research by conducting participant-observation on the everyday practices of seven Consultorios [medical clinics with one physician and one or two nurses]. I was struck by the intimacy of the bond between patients and physicians. Many patients showed their gratitude to the doctors by helping them cleaning the consultorio, bringing to them some coffee or snacks. Moreover the family physicians also seemed to act like the family-counsellor, helping the patients to deal with their daily problems. When the doctor is in and he/she doesn’t decide to go abroad to improve his/her economical situation, the patients seem to need to take care of them, like a form of informal payment for their work.

At this particular historic time, the circumstances build up by the new lineamientos have exasperated the doctors’ frustration; at the same time the deterioration of public building has reached new limits, as showed by a public letter written to Raul Castro in September 2012 by the employees of one of the most important Cuban surgical wards. In the letter, the doctors under Callixto García complained about the lack of medicines and medical equipment, the unhealthy conditions of the structures and “the human mental deterioration generated by the loss of the minimal attention to the human being who works without any payment for many hours, in a country where the ‘free things’ are over, and we have a work level of comfort lower than in any other poor country in the world”¹⁰.

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⑧I’m referring to the famous Fidel Castro’s speech to the University of La Habana, www.informedcu
⑨Only in the mission called “Barrio Adentro” (in Venezuela and Colombia) there are actually 30.000 of Cuban doctors. For more information about the program “Barrio Adentro” see the official web site of Bolivarian Government www.minci.gob.ve/misiones/1/204341/salud_barrio_adentro.html
¹⁰The original letter says: “La atención médica, y sobre todo quirúrgica, en nuestro centro, es un gran desastre, caracterizada por: 1. Hospital destruido en su estructura física, por su edad e innumerables reparaciones de pésima calidad y corta duración. 2. Falta de importantes recursos en la atención a los pacientes por distribución inadecuada, por gestiones insuficientes o por exceso de trabajo ante la reducción de la actividad en otros centros por causas similares. 3. Deterioro humano mental acompañador por la pérdida de la mínima atención al hombre, que bajo largas jornadas de trabajo gratuito en un número importante de horas, y en un país donde las gratuidades se terminaron, tienen un confort para su trabajo que está por debajo de la de cualquier lugar pobre del mundo.” (from: Carta abierta del Servicio de Cirugía General del Hospital Calixto García al Primer Secretario del PCC y Presidente de los Consejos de Estado y de Ministros, General de Ejército Raúl Castro Ruz Destacado, por Servicio de Cirugía General del Hospital Calixto García, September 2012)
6. Conclusive remarks

One of the most crucial questions about the contemporary Cuban job market is the following: how will the Cuban socialist system, which provides public education and health services as free of charge, be able to survive to those economical changes? How many people will accept to be doctors, social workers, or teachers and to struggle with a salary below standards? Will the system be able to provide a good quality of health services and dealing with the professional workers' discontent? Moreover, will the system be able to go on without the “fervent feelings akin to religious devotion” (Damian, 2000), which Fidel Castro generated and his brother Raul doesn’t?

American anthropologist Sean Brotherton resumed such paradox in a phrase “we have to think like capitalists but continue to be socialists” (Brotherton, 2008). In my opinion we cannot consider the Cuban cuentapropistas as either capitalist or socialist. I suggest to think about them as people who are actually contributing to redefine the meaning of “work”, and consequentially of “citizenship”, in contemporary Cuba.

The new lineamientos challenge the dualism between socialism and capitalism, or informal/unregulated and formal/regulated work, while at the same time they create a paradox in the citizens-State relationship by separating two different groups of citizens. One group who can live the transition with a sort of agency, and one who cannot. Indeed both groups are engaged in the preservation of the socialist State, but in two different ways with also different consequences for them as social actors.

The cuentapropistas are becoming the driving force behind Cuba’s modern economy, by increasing the taxes and improving the circulation of money. They are a new Cuban ‘middle class’, who can shop using CUC and who can benefit from hotels and restaurants, once only affordable for tourists. By distancing themselves from a socialist economy trough the private work sector they are actually avoiding the collapse of the system.

The State’s workers, and in particular the workers of the health sector are engaged in supporting the socialist structure, allowing the Government to be able pay the National Health system. Anyway they are among the most exhausted Cuban society, and if the Government doesn’t take care of them the “most beautiful child of Revolution” will die.

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The Role of Public Management, in the Interest of Increasing the Efficiency of Governance, (with Special Focus on Kosovo)

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Abstract

The paper deals with distinct nature of institutions in the process of economic development, impact they have on organization and functioning of public sector. Paper deals with introduction and functioning of management practice in public sector, role of economic factors, and impact of socio-political environment of changes in this sector, how they manage in public sector. The Public Sector is the principal actor in macro socio-economic policy making infrastructure and an architect of an enabling environment for national development. Public Sector management covers such aspects of management as productivity management, and management of human, financial and other resources. It involves an array of activities ranging from planning, formulation and implementation of policies, programmers and projects for the delivery of goods and services to the nation through a number of government and quasi-government institutional arrangements. Consequently, it is imperative that the structures, policies and operations of the Public Sector respond adequately to the socioeconomic needs of the nation, as articulated in the Vision 2016, and to global challenges. This implies that the quality of the Public Sector management is essential to the fulfillment of the theme of the National Development Plan 9: 'Towards Realization of the Vision 2016: Sustainable and Diversified Development through Competitiveness in the Global Market'.

1. The Role of Institutions

Nobel Prize winner for D. North's institutions have all the formal and informal rules that govern human relations, in narrow sense as the Organization, procedures, regulatory bodies, and in the wider property relations and the rule of law. The quality of institutions is assessed in three ways:

First, the quality of government-political rights, corruption, public sector efficiency, regulation of monopolies;
Second, the legal protection of private property, and
Third, the limitations of the political elite.

Example of measuring the quality of institutions is an aggregate index of the rule which includes six groups of factors. Index includes the following elements:

1. Accountability: the extent to which citizens elect the government, with civil rights, the degree of freedom of the press;
2. Political stability and absence of violence: the degree of removability normal parliamentary government, unlike violent and unconstitutional actions;
3. Government effectiveness: the quality of public services offered by the government, competence and accountability of the public about political administration;
4. Degree of regulation: the relative absence of state control and monopoly of all possible markets - goods, capital, labor, information;
5. The rule of law: the protection of people and property from arbitrary, fraud, violent acts, effectively and independently the judiciary;
6. Freedom from looting: the reduction of corruption and misuse of public power in personal gain.

Good institutions have three characteristics:

First, establish and protect property rights in the company;
Second, restricting all possible elite seeking to expropriate someone's income or assets, and
Third, to the extent possible provide equal opportunities for the general population in the field employment, social security and human rights.

Institutions may be different in terms of the impact on economic development:
- Market-made institutions establish and protect property rights, without which there is no market, and;
- Market-regulating institutions dealing with regulation, externalities, economies of scale, imperfect Information;
Market-stabilizing institutions reduce macroeconomic volatility and financial crisis, and marketing legitimating institutions provide social protection, health and pension insurance.

The Public Sector is the principal actor in macro socio-economic policy making infrastructure and an architect of an enabling environment for national development. Public Sector management covers such aspects of management as productivity management, and management of human, financial and other resources. It involves an array of activities ranging from planning, formulation and implementation of policies, programmes and projects for the delivery of goods and services to the nation through a number of government and quasi-government institutional arrangements.

Consequently, it is imperative that the structures, policies and operations of the Public Sector respond adequately to the socioeconomic needs of the nation, as articulated in the Vision 2016, and to global challenges. This implies that the quality of the Public Sector management is essential to the fulfillment of the theme of the National Development Plan 9: Towards Realization of the Vision 2016: Sustainable and Diversified Development through Competitiveness in the Global Market.

The Directorate of Public Service Management is mandated to provide the overall policy framework in human resource and productivity management practices. This chapter will, therefore, restrict its discussion of the role of the Directorate of Public Service Management in the management of the Public Sector to the areas of human resource and productivity management.

Human resource and productivity management policies and practices are to be used in the Public Sector for effective management of the human capital and other resources required delivering the National Development Plan goals, and ultimately achieving the national aspirations as enshrined in the Vision 2016. The extent to which the goals of the National Development Plan 9, and consequently those of the Vision 2016, are achieved is dependent on how effectively the human and other resources will be applied to the delivery of the planned programmes. It is, therefore, necessary that the envisaged Public Sector management policies and strategies be succinctly spelt out in the National Development Plan 9.

The implementation of the human resource management policies and other management practices in the Public Sector, developed within the macro policy framework provided by the Directorate of Public Service Management, are done through institutional arrangements with specific focus and clientele. This is intended to cater for the special needs of the components of the Public Sector and eventually catalyze the enablement of business environment for national development.


Ethics state public service gave way to today place the management of the public sector, the public good in this area become economic goods, the welfare state "becomes, the state of entrepreneurship." Managerial philosophy the public sector in particular has changed the position of the local authorities towards greater fragmentation and pluralism, abandonment of secured and largely free of public services, the introduction of competition, moving focus from service delivery to ensure minimal prerequisites, the principle of payment and receipt of services, greater consumer choice and greater managerial freedom and initiative in this sector. The drivers of these changes were changes in the environment - the structure of the economy, public perceptions of the public sector, the growing financial restrictions and the rise of monetarist orthodoxy.

Deletes the traditional diversity of the sector. [4, p. 70]

Table 1. Model of public-private

<table>
<thead>
<tr>
<th>Private sector model</th>
<th>Model of the public sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual choice in the market</td>
<td>Collective Choice community</td>
</tr>
<tr>
<td>Demand and prices</td>
<td>The need for resources</td>
</tr>
<tr>
<td>Inaccessible for private action</td>
<td>Openness as public action</td>
</tr>
<tr>
<td>Appreciation market</td>
<td>Recognition of the need</td>
</tr>
<tr>
<td>Search for satisfying market</td>
<td>Search for justice</td>
</tr>
<tr>
<td>Consumer sovereignty</td>
<td>Consumer sovereignty of citizens</td>
</tr>
<tr>
<td>Competition as a market instrument</td>
<td>Collective action as an instrument of community</td>
</tr>
</tbody>
</table>

The introduction of market principles and expose the public sector responsibilities are not carried over through a political...
process, but also through the market, all actors in the public sector are no longer solely responsible for compliance procedures, but also for the results. Using the model of a private sector managers are responsible stakeholders, where the results are clearly measurable accountability in the public sector, where the results are more complex, and the network of stakeholders dispersed responsibilities over the basic principle of a democratic parliamentary control.

Table 2. types of liability

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>According to the public</th>
<th>Manager</th>
<th>Legal</th>
<th>Professional</th>
<th>Market</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who</td>
<td>Politicians</td>
<td>Government</td>
<td>Manager</td>
<td>Entities</td>
<td>professionals</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>rights</td>
<td>Bidders</td>
</tr>
<tr>
<td>Where</td>
<td>publics</td>
<td>Parliament</td>
<td>stakeholders</td>
<td>courts</td>
<td>Authorized persons</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>consumers</td>
</tr>
<tr>
<td>WHY</td>
<td>Results for</td>
<td>Efficiency</td>
<td>Efficiency, effectiveness results</td>
<td>legality</td>
<td>processes, behavior</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>For result</td>
</tr>
<tr>
<td>HOW</td>
<td>Elections</td>
<td>Parliamentary of committees and body</td>
<td>indices performance</td>
<td>Legal acts of evaluation</td>
<td>professional association</td>
</tr>
</tbody>
</table>

The introduction of management philosophy public sector includes ten principles [4, p. 100, 101]
1. government must be a catalyst for the introduction of new organizations to provide services;
2. citizens must have the right to control the bureaucrats are transferred to the community;
3. governments should encourage competition, service providers,
4. governments should follow the mission, not rules and regulations;
5. the results of government should be judged by their performance, rather than inputs;
6. the focus should be citizens, consumers of services, not bureaucracy;
7. governments and the public sector need to become a company that earns, not only wasting money,
8. The government needs to be proactive, not reactive, to prevent rather than treat problems
9. The government should be decentralized and to encourage participatory management;
10. The Market mechanisms must take precedence in relation to bureaucratic mechanisms.
R. M. Kanter has defined this as' post-entrepreneurship "]4, p. 104, 105]

Table 3. Model of post-entrepreneurship

<table>
<thead>
<tr>
<th>Bureaucracy</th>
<th>POST ENTREPRENEURSHIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>organization On the position and status</td>
<td>Focused on the individual, authority based on knowledge</td>
</tr>
<tr>
<td>tasks Repetition and routine</td>
<td>Creativity, creativity and strive innovation</td>
</tr>
<tr>
<td>orientation Rules</td>
<td>The results</td>
</tr>
<tr>
<td>rewarding Status</td>
<td>Results and creating value</td>
</tr>
<tr>
<td>informing The formal structure, information constraints</td>
<td>Communication and Coalitions</td>
</tr>
<tr>
<td>Style The mandate of decision-roundedness</td>
<td>development network</td>
</tr>
<tr>
<td>direction Responsibility</td>
<td>Towards change and innovation</td>
</tr>
</tbody>
</table>

The contribution of managerial philosophy in the public sector is reflected in the following:
1. orientation of empowerment and personal responsibility, not hierarchies decision;
2. emphases on quality, not quantity;
3. focus on users rather than the service provider;
4. emphases on results, not internal procedures;
5. orientation, contractual and market relations, and not professional grade;
6. focus on innovation and diversification, rather than stability and conformity. (p. 105).
To this end, the British, the Local Government Management Board "in 1996, Established the following general
principles having organized local government:

1. smaller management teams in corporations;
2. reliance on specialists in the decision-making process in order to balance the gains and costs of such an approach was necessary: improve teamwork, dedication work; strengthen communication, transparency and openness, introduce constant quality training; anticipate further time for monitoring and evaluation; increase accountability, introduce management information systems; establish a climate of trust and unity of the management team.

Mr. Boyne singled out in 1991. Three possible models of organization of local government [4, p. 132]

The central values organization in the public sector must be: the user first, service quality, staff development, innovations, value for money, flexibility, achieving the set goals, high performance.

Such organization must be 1) Responsible, 2) directed toward the user, and 3) efficient, and all employees must be guided by the principles of professionalism, responsiveness, initiative, determination and entrepreneurship. In order to create and maintain such organization must be acknowledged environmental challenges - the interests of politicians and key stakeholders, the requirements of people in the local community, the changes cannot be create overnight, but gradually need to change the culture organization making process;

3. decentralization and the introduction of multifunction organization;
4. organizing legal body that will provide principles, value for money 'and' quality of service ';
5. partnerships and alliances with various organizations.

One possible model to meet these principles is the introduction, organization directly service "(, which is based on a functional decentralization).

Advantages:
- Large enough to recruit competent managers;
- Large enough to affect the realization of its objectives;
- Economies of scale;
- Flexibility to support staff;
- Facilitate the identification and allocation of costs of direct services;
- Facilitate the allocation of resources;

Disadvantages:
- Overriding importance in the affairs of local government;
- Duplication of functions and people;
- The introduction of a new organization disturbs the existing structure;
- Difficulties in recruiting managers;
- Difficult coordination dispersed and separate functions.

In order to balance the gains and costs of such an approach was necessary: improve teamwork, dedication work; strengthen communication, transparency and openness, introduce constant quality training; anticipate further time for monitoring and evaluation; increase accountability, introduce management information systems; establish a climate of trust and unity of the management team.

Mr. Boyne singled out in 1991. Three possible models of organization of local government [4, p. 132]

The central values organization in the public sector must be: the user first, service quality, staff development, innovations, value for money, flexibility, achieving the set goals, high performance.

Such organization must be 1) Responsible, 2) directed toward the user, and 3) efficient, and all employees must be guided by the principles of professionalism, responsiveness, initiative, determination and entrepreneurship. In order to create and maintain such organization must be acknowledged environmental challenges - the interests of politicians and key stakeholders, the requirements of people in the local community, the changes cannot be create overnight, but gradually need to change the culture organization.

Table 4. Models of organization of local government

<table>
<thead>
<tr>
<th>Accent</th>
<th>Market</th>
<th>Services Provided</th>
<th>Participary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Utility company</td>
<td>Provision direct services</td>
<td>The local community</td>
</tr>
<tr>
<td>Culture</td>
<td>Competitive</td>
<td>Reactive</td>
<td>Proactive</td>
</tr>
</tbody>
</table>
Strategic Planning

The basis for the provision of service

<table>
<thead>
<tr>
<th>Strategic Planning</th>
<th>Parameters defended from market</th>
<th>The scope and priorities by services</th>
<th>Response to requests from the community</th>
</tr>
</thead>
<tbody>
<tr>
<td>The basis for the provision of service</td>
<td>Mixed economy</td>
<td>Professionalism</td>
<td>Diversity in relation to the requirements</td>
</tr>
<tr>
<td>internal organization</td>
<td>Contractive relations</td>
<td>service sector</td>
<td>matrix, decentralized and organization</td>
</tr>
<tr>
<td>Responsibility</td>
<td>Mutual responsibility</td>
<td>Selected Committees</td>
<td>citizens in the local community</td>
</tr>
<tr>
<td>Relations with other organizations</td>
<td>Through negotiations</td>
<td>Professional Autonomy</td>
<td>Dispersed in accordance with local needs</td>
</tr>
</tbody>
</table>

To change must be made to meet the following requirements [4, p. 264]
- Efficiency: efficient spending of taxpayers’ money;
- Cost: the lowest possible cost;
- Natural environment: environment;
- Effectiveness: the impact of the public sector as a whole has to be positive;
- Evaluation: The public sector needs to be exposed to assessment and accountability;
- Ethics: must establish and maintain standards of behavior;
- Markets: the public sector must respond to the demands of the citizens who are the consumers of services.

Change Management includes: [4, p. 272]

Table 5. Changes in the public sector

<table>
<thead>
<tr>
<th>TASK</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of dynamic change</td>
<td>1 Provide support key stakeholders</td>
</tr>
<tr>
<td></td>
<td>2 Leaders should create support for changes</td>
</tr>
<tr>
<td></td>
<td>3 Emphasize the importance of changes</td>
</tr>
<tr>
<td></td>
<td>4 Build stability to minimize risk and uncertainty</td>
</tr>
<tr>
<td>Motivation for change</td>
<td>5 Dissatisfaction with the current state as a reason for change</td>
</tr>
<tr>
<td></td>
<td>6 Motivation to participate in the changes</td>
</tr>
<tr>
<td></td>
<td>7 Rewarding to support changes</td>
</tr>
<tr>
<td></td>
<td>8 Predict the time to break with the the status quo</td>
</tr>
<tr>
<td>Manage with changes</td>
<td>9 Development and transfer of a clear vision of changes</td>
</tr>
<tr>
<td></td>
<td>10th Changes must cover the entire organization</td>
</tr>
<tr>
<td></td>
<td>11th Build feedback mechanisms</td>
</tr>
</tbody>
</table>

3. Conclusions

Resistance to change can be influenced by several factors: insufficient resources and time; non identification Problems; lack of coordination; insufficient knowledge turbulent environment; lack of leadership, public Objectives, lack of communication.

A survey was in 1997. Conducted by Public Management Foundation, which poll 1,000 people in four British counties showed the following:,. very satisfied "with their education, 73% of respondents, with Health, 72%, and 56% of local authorities. The conclusion is that the degree of satisfaction with the higher than the Politicians and shows that citizen, not politicians have to be a crucial factor in the assessment of the public sector and providing public services. [3]

Reform of the public sector in our country will have to provide answers to the following dilemma:
1. centralization - decentralization;
2. control - management initiatives;
3. safeties of employees - evaluation by the user.

References

Economic Challenges of Brain Circulation: The Small Country Case

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Abstract

The world is globalized, and barriers for international movement of highly skilled individuals are less noticeable. More and more qualified people tend to migrate with a purpose of studying and/or working abroad. Nowadays the concept of brain drain is used less often and is being replaced by brain circulation as a phenomenon possibly having a positive impact on the sending as well as the receiving countries. The article discusses the brain circulation concept, analyses the causes that induce the highly skilled individuals to migrate and the consequences to a donor country. The article consists of two main parts. In the first part of the article, an overview of the literature on brain circulation is given; the possible variables that may induce the decision to migrate and what could be done in order to benefit from the migration of the skilled people are discussed. The second part of the article analyses the factors which could prompt a person to move; the impact of the migration of the skilled individuals to a sending country is also discussed. The econometrical analysis of the reasons to move and the consequences on such migration is based on the example of Lithuania.

Keywords: brain circulation, skilled migration, consequences, benefits.

1. Introduction

International economic forces are pushing countries toward more openness; demographics and technological changes are expanding the demand for skilled workers in growing sectors (Karoly and Panis, 2009). Emigration of highly skilled individuals is often considered as a threat for a country as usually highly qualified people tend to migrate from a developing country to the one that is more developed and richer. That is why international migration of skilled individuals is so often discussed on various occasions.

According to the traditional approach brain drain has a negative impact on the economy. A country loses human capital, as well as the resources that were invested in educating and training the skilled migrants. Furthermore, not all individuals who leave their home country are working in a position that requires their level of education and competence. In such case an individual loses his qualifications and even if one would return to the home country, he would not have the necessary competences to start working immediately. At the same time, if a country faces not only emigration but also has an ageing society this might cause problems in the social security system as well.

However, international movement of highly skilled ones might not always have negative outcomes. The concept of brain circulation is now used more often and does not have a negative meaning like brain drain does. Brain circulation can be used to describe international mobility of highly qualified individuals between their home, destination and other countries. Put it in a different way, it is a global mobility of skilled and competent individuals. In some cases the term brain circulation also refers to the movement of skilled individuals from their home country receiving country and then back to their home country or, in other words, return migration. As mentioned before, the concept of brain circulation does not have such a negative tinge as brain drain does. On the contrary, brain circulation suggests that international mobility of highly qualified individuals can be beneficial for both home and receiving countries. If a person decides to return back home, he or she usually comes back with a greater experience and brings new ideas. Moreover, in most of cases a person establishes a network abroad. In some cases such networks can stimulate international cooperation between two or more countries. At the same time, even if a person decides not to return to the home country but rather to move between few countries or stay in the receiving country, he or she usually maintains a relationship with close
relatives or friends in the home country and might want to contribute to the creation of welfare in the home country by providing one’s expertise and knowledge or in other means. So basically brain circulation is a positive phenomenon which might help use human resources in a most efficient way.

The purpose of this article is to evaluate what causes brain circulation and what impact the brain circulation has on a country’s economy. In order to achieve the main goal econometric analysis based on an example of Lithuania was used.

The article consists of two main parts. In the first part an overview of literature on brain circulation phenomenon is provided. The second part analyses the factors that might induce a person to move. The impact of brain circulation on a country’s economy is also evaluated. Finally, a conclusion summarizing the results of the research conducted is provided.

2. Theoretical framework

2.1 The concept of brain circulation

The brain circulation phenomenon can be defined in different ways. On one hand brain circulation is the movement of a highly qualified individual from home country to another one to work or study and the subsequent return in order to take advantage of the possible career opportunities back in the home country (Bagdanavičius and Juodkiene, 2008; Hall, 2005). Another approach to brain circulation suggests that circulation is moving abroad in seeking better living conditions and later return to the home country to establish new business, retaining business and professional relationships with the destination country (Saxenian, 2005). On the other hand, it is sometimes argued that these definitions of brain circulation refer to return migration which is not the same as brain circulation (Harvey, 2012). Instead it is suggested that brain circulation should be described as a free movement of skilled individuals between home country, destination and other countries (Harvey, 2012). Thus basically an individual does not have to return to the home country in order to contribute to the creation of wealth in one’s home country (Meyer and Brown, 1999; Larner, 2007).

2.2 Brain circulation: preconditions and outcomes

There are a lot of reasons why highly qualified individuals decide to move from one country to another. If a country is less developed than another one, this could be an incentive for an individual to migrate (Lien and Wang, 2005). If the country has a poor level of development the government cannot assure proper level of education and health security, the economy itself cannot offer career opportunities, technical base for research or competitive salary. These push factors are of course applied to all migrants not necessarily to highly qualified. But if a skilled individual cannot satisfy his basic needs one will make a decision to move to a more developed country with a higher level of income. Also, independently of the level of development of a country, an individual might decide to leave his home country attracted by a higher level of salaries in another country or a possibility to earn more from one’s investments in another country (Hall, 2005). Basically better economic situation and higher quality of living conditions might encourage an individual to leave the home country (Harvey, 2011).

Another aspect is non-economic motives to emigrate. Speaking of the movement of highly qualified individuals, these kinds of motives usually have a greater impact on the decision whether to move or not. For example, a chance to enhance the level of qualification and education as well as practice in a specialized field might stimulate one to move to another country which can offer such opportunity (Lee and Kim, 2010). Also, for skilled individuals it is very important to have an interesting and challenging job as well as proper working conditions (Kazlauskienė and Rinkevicius, 2006; Hall, 2005; Harvey, 2011). Weak education system in a country can be as a motive to leave home country as well (Docquier et al., 2007). In some cases, more developed and richer countries try to attract highly qualified individuals by offering them exceptional working and living conditions (Teferra, 2005; Docquier et al., 2007). All these aspects may encourage an individual to move.

Eventually, an individual may decide to come back home. Various motives can prompt one to do that. For example, that the individual cannot adjust to living elsewhere can serve as a motive to come back (Hall, 2005). Even though an individual feels comfortable working abroad he might not feel so when his personal life is considered. Usually, people who find their family, friends and personal life more important than career opportunities or better living conditions tend to consider an option of returning more often because they find it hard to adapt in a new society (Harvey, 2012). Also, the economic situation in a home country can change dramatically and there will be no more necessity to stay
abroad (Giordano, 2012). Another aspect is that an individual might feel gratitude to their home country and be interested in helping the sending country (Harvey, 2012). In this case one can contribute to the creation of welfare in his home country not necessarily by returning home. This can be done by sharing one’s knowledge and information or creating international networks to stimulate the exchange of ideas, experience and resources (Harvey, 2008; Meyer and Brown, 1999).

Speaking of the consequences of the international movement of skilled individuals it is hard to come to one conclusion. If there is only one way movement, a sending country faces problems caused by declining number of population and ageing society (Berzins and Zvidrins, 2011). Also, if a country loses a part of highly qualified population, this might slow the economic and technological development of a country (Docquier et al., 2007) not to mention the fact that the money invested in the education of those individuals is kind of lost since they use their potential and abilities to contribute to the growth of the receiving country (Chaichian, 2012; Verkhohlyad and McLean, 2011).

On the other hand, emigration can reduce unemployment and increase the average salary in a country (Lien and Wang, 2005; Kasnauskienė and Šiaudvytis, 2010). Also, skilled migrants usually earn more and remittances to the home country can increase disposable income and in that way contribute to the growth of consumption as well as savings and investment in the country (Giordano and Terranova, 2012; Kasnauskienė and Buzytė, 2011).

However, the most important benefit of brain circulation is exchange of ideas and experience in an international level. Being a part of an international network of professionals, skilled migrants can help to open their home country’s market to the bigger market of the receiving country and encourage the cooperation between the two countries (Saxenian, 2002). Also, by returning to the home country highly qualified individuals can apply their knowledge and experience acquired abroad to mobilize the resources and information in the home country so that they could be used in the most efficient way (Saxenian, 2005; Lee and Kim, 2010). In addition to this, skilled migrants can also assist policy makers back in their home country in creating strategies how to make the most of international migration of highly qualified individuals (Cervantes, 2002).

To conclude, the brain circulation is a phenomenon having a positive impact on both sending and receiving countries. The brain circulation enables to use knowledge, experience and ideas in the most effective way on an international level. Also, it helps to apply the best practices in the less developed countries and stimulate economic as well as technological development.

3. Modelling causes and consequences of brain circulation

3.1 Assumptions

It is very hard to evaluate the number of highly qualified migrants. There are no sufficient data on migration of the skilled ones in Lithuania. Therefore the data were estimated based on the undeclared emigration of individuals with tertiary education between 2003 and 2007 provided by the Lithuanian department of Statistics. Roughly about one fifth of all the emigrants are individuals with tertiary education. The estimated results on the number of skilled emigration are shown in Figure.

![Estimated number of highly qualified emigrants, Lithuania, 1998-2011](image)

**Source:** Authors’ calculations based on the data provided by Statistics Lithuania.

The 2010 figure was five times higher than the corresponding figures for 2004 and 2005. This increase may, however, include many previous emigrants who only now reported their departures, as deregistration from the population register became mandatory, to avoid compulsory health insurance payments. Having only limited data on the migration of highly qualified it was assumed that the brain circulation is a free movement of individuals with tertiary education. When leaving
the home country they can move freely between destination, home and third countries not necessarily returning home permanently.

3.2 Econometric models

Three models were estimated to evaluate how push and pull factors affect brain circulation as well as how the circulation itself can influence the main economic indicators of a small country. In the first model as push factors unemployment rate of individuals with tertiary education and average net monthly salary were chosen (Hall, 2005; Kazlauskienė and Rinkevičius, 2006). At first, all of these variables were combined into vector error correction model (VECM) which showed that these variables are cointegrated. Yet, autoregressive distribution lags (ADL) model represents the variables better since almost all variables are exogenous. That is why ADL model for brain circulation is a better representation for the variables than VECM. The equation for ADL is presented below:

\[ \Delta \text{bc} = -34380 - 1.487 w - 23.76 u + 2668 \; \Delta w - 17.44 \; \Delta u + \epsilon \]  
\[ (p \; \text{value} \; 0.06831) \]

where \( \Delta \text{bc} \) – difference of brain circulation, \( \Delta u \) – lag of unemployment rate of individuals with tertiary education, \( \Delta w \) – average net monthly salary difference, \( \Delta u \) – difference of unemployment rate of individuals with tertiary education.

The second model was created to evaluate how average net monthly earnings affect brain circulation. Average net monthly earnings in the 15 European Union countries, United Kingdom and United States were chosen since these are the usual destination countries for skilled migrants from Lithuania (Kazlauskienė and Rinkevičius, 2006). Three ADL models were estimated and the equations are presented below:

\[ \Delta \text{bc} = -15940 - 0.506 \; \text{bc} - 9.997 \; \text{eu15} + 18.56 \; \Delta \text{eu15} + \epsilon \]  
\[ (p \; \text{value} \; 0.4137) \]

\[ \Delta \text{bc} = 5750.6945 - 0.3629 \; \text{bc} - 1.3323 \; \text{uk} + 0.1794 \; \Delta \text{uk} + \epsilon \]  
\[ (p \; \text{value} \; 0.7006) \]

\[ \Delta \text{bc} = 5633.8306 - 0.3747 \; \text{bc} + 0.5614 \; \text{us} + 6.8152 \; \Delta \text{us} + \epsilon \]  
\[ (p \; \text{value} \; 0.5819) \]

where \( \Delta \text{bc} \) – difference of brain circulation, \( \text{bc} \) – lag of brain circulation, \( \text{eu15} \) – average net monthly earnings in 15 EU countries, \( \text{uk} \) – average net monthly earnings in UK, \( \text{us} \) – average net monthly earnings in USA.

The third model was developed in order to evaluate the impact of the brain circulation to some indicators of Lithuania’s economy. Gross domestic product per capita in purchasing power parity, average net monthly salary and unemployment rate were chosen since these variables are usually affected by migration (Lien and Wang, 2005; Kasnauskienė and Šiaudvytis, 2010; Karpavičius, 2006). When people leave their home country, in short run, GDP per capita might increase due to the change of population. Since it was estimated that about one fifth of all migrants were highly qualified ones, it is a quite significant change in a country’s population. Therefore GDP per capita was included in the model. Average net monthly salary was added to the model since the change in number or population and workforce might affect the average salary. The ones that remain in the country might gain a better negotiation position since eventually a lack in workforce might arise. As for unemployment rate, it is common that emigration and further movement of individuals might decrease the level of unemployed population.

Vector autoregression (VAR) model was evaluated and impulse-response functions as well as forecast error variance decomposition were calculated to assess the impact of brain circulation to the given indicators. The impulse-response functions show how other variables react to a change of brain circulation. Five periods forward were calculated and explained further. The forecast error variance decomposition indicates what proportion of the variable can be explained by other variables. All the variables were differentiated as they were not stationary. The equations of VAR are given below:

\[ \text{bc} = 0.29004 - 0.04941 \; \text{eml} + 5.42201 \; \text{gdp} + 2.62315 \; \text{wt} - 1.76900 \; \text{U} + \epsilon \]  
\[ (p \; \text{value} \; 0.3788) \]

\[ \text{gdp} = 0.14628 + 0.00215 \; \text{eml} - 0.19648 \; \text{gdp} - 0.78535 \; \text{wt} - 1.86651 \; \text{U} + \epsilon \]  
\[ (p \; \text{value} \; 0.2879) \]

\[ \text{w} = 0.047665 + 0.005961 \; \text{eml} + 0.108011 \; \text{gdp} + 0.233567 \; \text{wt} + 1.416551 \; \text{U} + \epsilon \]  
\[ (p \; \text{value} \; 0.1797) \]

\[ \text{U} = -0.010711 - 0.001895 \; \text{eml} + 0.149747 \; \text{gdp} + 0.277914 \; \text{wt} + 0.567616 \; \text{U} + \epsilon \]  
\[ (p \; \text{value} \; 0.07594) \]

where \( \text{bc} \) – brain circulation, \( \text{gdp} \) – gross domestic product per capita in PPP, \( \text{w} \) – average net monthly salary, \( \text{U} \) – unemployment rate.

Structural Vector Autoregression (SVAR) Model was recreated from Standard VAR. Table 1 and Table 2 show estimated contemporaneous impact matrix and long run impact matrix. The contemporaneous impact matrix shows how the variables of the model affect each other in the short term. It was estimated that in the short term, brain circulation increases GDP per capita and average net monthly salary while decreases unemployment rate.
Table 1. SVAR estimated contemporaneous impact matrix

<table>
<thead>
<tr>
<th></th>
<th>bc</th>
<th>gdp</th>
<th>w</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>bc</td>
<td>0.53579</td>
<td>0.193230</td>
<td>-0.18411</td>
<td>0.028506</td>
</tr>
<tr>
<td>gdp</td>
<td>0.02624</td>
<td>0.009534</td>
<td>0.05458</td>
<td>0.030077</td>
</tr>
<tr>
<td>w</td>
<td>0.03370</td>
<td>-0.034253</td>
<td>0.05335</td>
<td>0.022826</td>
</tr>
<tr>
<td>U</td>
<td>-0.01347</td>
<td>-0.001341</td>
<td>-0.01956</td>
<td>0.006967</td>
</tr>
</tbody>
</table>

Source: Authors’ calculations based on the data provided by Statistics Lithuania

The long run impact matrix shows the effect each variable on other variables in the model. In the table below the results are given. One can see that in the long run, brain circulation decreases GDP per capita. This situation could arise because in the long run brain circulation might cause a decrease in GDP itself as emigration of highly qualified individuals might slow down economic growth. While in the long run, brain circulation also causes growth of average net monthly salary. As for unemployment rate, brain circulation causes a decrease of the level of unemployed population in the long run.

Table 2. SVAR long run impact matrix

<table>
<thead>
<tr>
<th></th>
<th>bc</th>
<th>gdp</th>
<th>w</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>bc</td>
<td>0.6746984</td>
<td>0.000000</td>
<td>0.000000</td>
<td>0.000000</td>
</tr>
<tr>
<td>gdp</td>
<td>-0.0083393</td>
<td>0.040257</td>
<td>0.000000</td>
<td>0.000000</td>
</tr>
<tr>
<td>w</td>
<td>0.0483212</td>
<td>-0.003436</td>
<td>0.0700324</td>
<td>0.000000</td>
</tr>
<tr>
<td>U</td>
<td>-0.0001517</td>
<td>-0.019252</td>
<td>-0.0002263</td>
<td>0.01611</td>
</tr>
</tbody>
</table>

Source: Authors’ calculations based on the data provided by Statistics Lithuania

After SVAR was estimated impulse-response functions and evaluate forecast error variance decomposition were calculated. The results of all the models are given in the next paragraph.

3.3 Results

In order to evaluate how the unemployment rate of individuals with tertiary education and average net monthly salary affect brain circulation, cointegrated vector coefficients need to be calculated. The coefficient next to unemployment rate is equal 15.98 while the coefficient next to average monthly salary is 1793.99. These coefficients show how the lag of unemployment rate and average monthly salary affect brain circulation in the present period. The joint imbalance of brain circulation caused by both change in unemployment rate and monthly salary in the previous time period causes the decrease of brain circulation average 1.49 persons in the present time period. Since the error correction coefficient is not equal to zero, it means that the variables are cointegrated and brain circulation respond to the imbalance caused by unemployment rate of individuals with tertiary education and average net monthly salary.

Evaluated ADL models for pull factors showed how average net monthly earnings in EU 15 countries, United Kingdom and United States influence brain circulation in Lithuania. The model based on the data of EU15 showed that the calculated coefficient next to average net monthly earnings in EU15 is equal to 19.75. The correction coefficient against brain circulation is -0.51. It means that the change in average net earnings in EU 15 countries in the previous time period causes a decrease of brain circulation by 0.51 persons in the present period. As for the UK case, the calculated coefficient next to average net monthly earnings in UK is -3.67 and the correction coefficient against brain circulation is -0.36. A change of average net monthly earnings in UK in the past period causes a decrease of brain circulation in the present period. The calculated coefficient in the cointegrated vector equation next to average net monthly earnings in US is -4.17 and the correction coefficient against brain circulation is -0.37. It means that the imbalance caused by the change of average net monthly earnings in US in the previous time period is eliminated by the decrease of brain circulation by 0.37 persons in the present time period. The results show that the changes of average net monthly earnings in European Union 15 countries, United Kingdom and United States affect the brain circulation in Lithuania.
The SVAR results show the impact of brain circulation to GDP per capita, average net monthly salary and unemployment rate. In Table 3 impulse-response functions coefficients are given. The response coefficients show how the other variables in SVAR respond to increase of brain circulation at the present period at the same time and five periods ahead.

Table 3. Impulse-response functions

<table>
<thead>
<tr>
<th></th>
<th>GDP per capita, PPS</th>
<th>Average net monthly salary</th>
<th>Unemployment rate, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>t</td>
<td>0.38424515</td>
<td>0.4472702</td>
<td>-0.54328842</td>
</tr>
<tr>
<td>t + 1</td>
<td>-0.07814184</td>
<td>0.4376362</td>
<td>-0.12999317</td>
</tr>
<tr>
<td>t + 2</td>
<td>-0.27759115</td>
<td>0.1506715</td>
<td>0.33250235</td>
</tr>
<tr>
<td>t + 3</td>
<td>-0.29738496</td>
<td>-0.1371184</td>
<td>0.42107821</td>
</tr>
<tr>
<td>t + 4</td>
<td>-0.10450018</td>
<td>-0.2485036</td>
<td>0.23730910</td>
</tr>
<tr>
<td>t + 5</td>
<td>0.07695864</td>
<td>-0.1741849</td>
<td>-0.03664184</td>
</tr>
</tbody>
</table>

Source: Authors’ calculations based on the data provided by Statistics Lithuania

If in the given time period brain circulation increases by one standard deviation - GDP per capita increases by 0.38 standard deviation at the same period. During the next four time periods GDP per capita decreases in response to an increase of brain circulation in the present time period. Only in fifth period GDP per capita starts to increase by 0.08 standard deviations.

The average net monthly salary increases by 0.45 standard deviations at the present period if brain circulation increases by one standard deviation. The increase is also seen during the next two periods. During the last three periods average net monthly salary decreases by 0.14, 0.25 and 0.17 standard deviations respectively.

Unemployment rate decreases by 0.54 standard deviations at the same time period if brain circulation increases by one standard deviation. The decrease is also seen at the first period in the future. During the next periods, up to the fifth one, unemployment rate increases in response to the increase of brain circulation at the present period. From the fifth period unemployment rate starts to decrease by 0.03 standard deviations.

Impulse-response coefficients showed that brain circulation increases GDP per capita at the present time period while during the next four – decreases. The increase in GDP per capita can be explained by the change of population number. While the following decrease in GDP per capita might be caused by the slower rates of economic growth. Since about one fifth of all emigrants are highly skilled, the emigration of qualified individuals might eventually slow the growth of economy. As for average net monthly salary, the first three periods show the growth of net monthly salary caused by brain circulation. Decrease of qualified workforce could impact positively on monthly salary. The results show that during the first two time periods unemployment rate decreases following an increase of brain circulation. While the other three periods show increase in unemployment level.

Table 4 presents the results of forecast error variance decomposition which shows what part of one variable’s variance can be explained by itself and other variables.

Table 4. Forecast error variance decomposition

<table>
<thead>
<tr>
<th></th>
<th>GDP per capita, PPS</th>
<th>Average net monthly salary</th>
<th>Unemployment rate, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>t + 1</td>
<td>0.1476443</td>
<td>0.2000507</td>
<td>0.2951623</td>
</tr>
<tr>
<td>t + 2</td>
<td>0.1010059</td>
<td>0.2525198</td>
<td>0.2337118</td>
</tr>
<tr>
<td>t + 3</td>
<td>0.1271269</td>
<td>0.2442113</td>
<td>0.2045757</td>
</tr>
<tr>
<td>t + 4</td>
<td>0.1520675</td>
<td>0.2294293</td>
<td>0.2293663</td>
</tr>
<tr>
<td>t + 5</td>
<td>0.1523695</td>
<td>0.2351341</td>
<td>0.2344839</td>
</tr>
</tbody>
</table>

Source: Authors’ calculations based on the data provided by Statistics Lithuania

The forecast error variance decomposition for GDP per capita showed that in the first period forward 14.76 % of the variance of GDP per capita can be explained with brain circulation. The other part of variance can be explained with GDP...
per capita itself and other variables of the model. In the second period forward brain circulation explains 10.10 % of GDP per capita variation. During the third period forward 12.71 % of GDP per capita can be explained with brain circulation. In the fourth and fifth periods forward 15.21 % and 15.24 % on the variance of GDP per capita can be explained with brain circulation. The forecast error variance decomposition for GDP per capita is quite stable that is the same proportion of GDP per capita variance can be explained with brain circulation.

The forecast error variance decomposition for average net monthly salary showed that at the first period forward 20 % of the variance of average net monthly salary can be explained with brain circulation. While during the second and third periods forward 25.25 % and 24.42 % of the variance of average net monthly salary can be explained with brain circulation respectively. At the fourth period forward brain circulation explains 22.94 % of the variance of the average salary and at the fifth 23.51 % of the variance is explained with brain circulation. Again the similar proportion of the variance can be explained with brain circulation during the whole five periods forward.

The forecast error variance decomposition for unemployment rate showed that 29.52 % of the variance of unemployment rate can be explained with brain circulation. During the next three periods in the future brain circulation explains 23.37 %, 20.45 % and 22.93 % of the variation of unemployment rate. While at the last period brain circulation explains 23.45 % of the variation of unemployment rate. The rest can be explained with other variables of the model. One can see that quite a significant part of the variance of other variables in the model can be explained with brain circulation.

4. Conclusion

Brain circulation can be defined as the migration of skilled individuals from their home country to another and then later coming back to their home country to take advantage of new opportunities that have opened up back home. Also, brain circulation can be described as free movement of highly qualified people between their home, destination and other countries with the purpose to work, study or with some other intentions. The factors that shape the scale, nature and circumstances of movement of high qualified people are not fully understood. The immediate and long-term economic impacts of circular migration of skilled individuals for the small sending countries are not clear-cut either.

The analysis provided in this paper has shown that an increase in unemployment rate of individuals with tertiary education together with average net monthly salary decrease brain circulation in Lithuania. Based on this result it could be assumed that the decrease of the two given variables can cause the increase of brain circulation. The analysis of the data of the most common destination countries show that the changes of average net monthly earnings in European Union 15 countries, United Kingdom and United States affect the brain circulation in Lithuania.

The impulse-response functions calculated show that brain circulation has an impact on the GDP per capita, average net monthly salary and unemployment rate variables. The increase of brain circulation reduces GDP per capita while an increase of net monthly salary can be seen during the first few time periods. Unemployment rate decreases at first as a response to the increase of brain circulation.

The forecast error variance decomposition showed that between 12 to 15 % of the variance of GDP per capita can be explained with brain circulation. About 24 % of the variance of average net monthly salary can be explained with brain circulation. Brain circulation explains one fourth of the variance of unemployment rate.

There are no ready-made solutions for effective migration policy. Unfortunately the governance of migration is still relatively underdeveloped. As brain circulation becomes more complex, and it becomes all the more urgent to forge national policy responses that address migration of highly qualified people. Further research is necessary to evaluate the causal links through which brain circulation affects many social and economic indicators in a small country with the high emigration rate.

References

The Resources and Problems of Theater in Turkey: Review on the Theatre Literature During ‘Single Party’ Period

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Abstract

Turkish theater, during all its development period, has been divided into some sub-braches such as: Traditional Theater, Tanzimat Theater, Constitutional Theater and Republic Theater. During the Republic Period, there have been many political effects that impact the theatre perceptions too. Also during this time the theatre profiles started to multiple and to be divided from each-other. From this separation, have been formed new perspectives of theatre that have been influenced by the ‘Single Party’ mentality received during the years 1923-1945. Even thought, this period the single party regimes had principles such as democratic state, consolidation of the institions, freedom of speaking and freedom of acting. These principles have been affected on the theater’s literatures too. All the principles of this political regime were accepted and applied by the theatre literature, which normally caused a huge lack of reality. Another important issue that must be claimed is to blame all the past history of Turkish society. This happened because existed an opportunity to have a possibility of non repetitions of these mistakes in the future. But consequently to this issue it is very important to stress that it brought out a strong barrier between the present and the past of society. In this study it is going to focus on the Turkish theater resources and problems during the period of a ‘Single Party’ (1923-1945) in Turkey. Also it will be focus on the social, cultural, family etc. problems and issues that have been faced during this period of time and have been written to different theatre’s literatures.

Keywords: Turkish Theatre; Social and Cultural Issues; Single Party Period in Turkey

1. Introduction

When the drama movements are analyzed, it is seen that the drama has been the common expression tool of large communities during the periods when the artists are most interacted with the society; there is a harmony with their personal tendencies and general social tendencies, and the personal differences are dissolved in the common values. The religious ceremonies of the primitive societies which include imitation element can be shown as an example.

What we call art reflects the society inside of which the art is born. In various arts, the quality and degree of such reflection are different for each. The proportion of the personal characteristics specific to the artist which appears on the work of art and common social characteristics to each other changes depending on the genre of art, and each genre changes depending on different movements within their scope. The society element contained in the material of each work of art may revealed only after the method of expression for that art has been learned, and the language of it has been understood (Şener, 1971). One of the genres of art which is most affected by the society element where it is involved and by the thought and life style of the society is drama. There are different reasons for this: Drama is completed with its audience. It takes its final shape when it is played in front of the audience. It is created by the exchange between stage and audience. Therefore, it has to agree on common values with the audience they address (Şener, 1971). It could be said that the history of drama of a country is primarily the history of the audience of that drama play. With their appreciation, social roof and tendencies, they reflect the spirit of their people (And, 1973).

Featuring as the mirror of the period in which it is involved, drama has been divided into periods in Turkish drama as with other societies, and has been the subject of many studies. And (1973) has dealt with Turkish Drama history in four periods, while examining it according to the stages. Traditional Turkish Drama is analyzed as a style rather than a certain stage of history. The subsequent three stages constitute Western model Turkish Drama. These include Tanzimat Reform Era Drama; Constitutional Era Drama from Second Constitutional Era to the proclamation of Republic, and Republic Drama in the period beginning with the proclamation of Republic.

Töre (2009) has also divided Turkish Drama as Traditional Turkish Drama, European Turkish Drama, and Republican Drama with respect to its sources, and analyzed the issues constituting sources for the drama playwrights in...
each period in his work.

Turkish Drama and the issues dealt with had been shaped around European style drama until 1908. In this period, generally love and family relationships were treated. The families that make a spectacle of themselves while imitating the European life style; superstitions and the incidences caused by the people who believe such superstitions and marriage problems arising from age gap can be shown as an example for such themes (Yalçın, 2002). The West has created their drama that meets their own requirements as specific to themselves in accordance with their life style, belief and mythology in time. This style is related to conflict (thesis and antithesis) with respect to its content and technical structure. It should be noted that the facts of conflict and themes of conflict in Greek mythology constitute the source and philosophy of European life style. However, Turkish society had never been in this type of conflict (God-Human), until they approached to the West (Töre, 2009). The comedies which were not directly affected by the political atmosphere of that period (Karagöz and Theatire-in-the-round) are also the works that were staged in that period.

The plays in Tanzimat reform era are thesis plays. The content of the plays is necessarily full of issues criticized or argued. Such issues seem to be the reflections of the social and political atmosphere of that period. In the plays, many reasons and troubles that make a spectacle of the society and cause the society go back such as the heavy pressure of the traditions and customs on the society, prearranged marriage, sad marriages caused by the force of families, forcing the girls to marry rich and old men, marriage to more than one woman, family, woman and education and discipline of the adolescents, slavery, obedience to parents, loves made impossible, chastity, extramarital affairs in violation of the manners and customs, objection to blood feud, pacta sunt servanda, class discrimination, deteriorated religious belief, mockery with such superstitions as fortune, magic and witchcraft, divorce, addiction to fashion, Islamic unity and sense, patriotism, importance of liberty, longing for Constitutional era, and admiration for the West had been treated, and the issues were shared with the people without analyzing the issues in-depth and proposing new offers, only by highlighting the exemplary part of them with respect to their results. In this way, the faults and drawbacks experienced by our society had been honestly presented. The social and cultural depression in the country caused by the European life style has led the people to new explorations in accordance with the opinions suggested by these playwrights (Töre, 2010).

When the Republican drama is reviewed, a society profile is revealed. This profile includes our moral, economic and cultural values, various problems and ideals. In this study, beginning from the earlier years of the proclamation of Republic which is also known as the Single Party period between 1923 and 1950, the dramas dealing with such themes as "Improper Westernization, Traditional Values and Family, Economic Problems, Cultural Problems, and Ideology," will be analyzed, and these issues will be provided under different headings along with their examples.

2. Improper Westernization

The playwrights of Republican period reflect the change of values arising from the Westernization movement in their plays. While the observations, interpretations and critiques of our playwrights in this respect have small differences compared to their subjective perspectives, they have a lot in common in many aspects. Our playwrights deals with this issue as a social ethics and culture. Westernization is an inevitable development for our society. The critiques are not against the Westernization itself, but misunderstanding and misapplication of the Westernization. While criticizing misunderstanding of Westernization, it has been mostly indicated that the traditional values are also corrupted, and therefore, care has been taken not to seem as single-sided, especially seem to be against the West and side with the East while criticizing the values (Şener, 1971).

On the other hand, drama also criticized the traditional value judgments. The extent of such criticism is the value measurements underlying the Western culture and civilization wanted to be adopted. The manners and customs regulating the patriarchal family order as well as the relationships between women and men have also been criticized with respect to these values. It has been suggested that the social moral and law rules applied in wider relationships have been increasingly violating the human rights beyond those relationships, and it has been suggested that the reactionary and fundamentalist tendencies especially in the conservative circles are made an element of oppression, and even, a way of exploitation.

A play which was staged in 1927 at Darülbedayi; however, cancelled upon being considered against the revolutions after several performances: Sağanak, a work written by Yakup Kadri Karaosmanoğlu does not reflect the impact of the revolutions on the society from a realistic and objective point of view. Sağanak, when looking with respect to present, is not against the revolutions but is more convincing and revolutionist than the revolutionist plays of 1933-1934's. In this play, a critical attitude has been adopted, which heads towards the wisdom and reason in contrast to the planar thought ad emotional beliefs of other plays written for revolutionist purposes (Karaosmanoğlu, 1934). What may
have scared the governors during the period when it was staged was this intellectual and critical point of view that they were not used to then (Sener, 1971).

Another playwright is Rıza Nuri Gündelkin who did not judge the sides although he saw the conflicts within the society; tried to understand both of the opposite elements, and approached with affection to all miseries. In the plays that he wrote before the proclamation of Republic, it is seen that he used to adopt a humanistic point of view beyond the strict social rules and exalt the behaviors which he considered honorable in terms of humanity and civilization. In his plays titled Eski Rüya, Taş Parçası, and Hançer, he displays the grief of the hero who gets stuck in the troubles not created by opposite powers but inevitable facts.

Another playwright is Hüseyin Rahmi Gürpınar who considers the problems arising from misunderstanding the Westernization from a different angle, and displays the conflict of new value judgments, and assesses the result with respect to the social ethics. Gürpınar considers the problem as the disability of people’s sense of innovation. He has stated his point of view in this respect with his play titled Kadın Erkekleşence written in 1932 (Gürpınar, 1933).

With his play titled Bir Misafir Geldi published in 1939, Celalettin Ezine has considered the conflict of values within the scope of a family issue. Suggesting that the new culture is to be adopted by getting the strengths of the traditional value judgments, as well, the playwright has stated that the habit of getting everything from the West directly without making choice tarnishes the national culture and moral sense (Ezine, 1931).

Cevat Fehmi Başkut has dealt with the conflict of values arising from the Westernization in his play titled Ayarsızlar. The playwright has also criticized another kind of imitation of the West in his play titled Harputta Bir Amerikanı (Başkut, 1943).

Many other playwrights in Republican Period drama have pointed out the change in their value judgments caused by the Westernization in the plays they have written. It is seen that this matter has been repeatedly treated beginning from 1927’s to the recent years within the period we study.

3. Traditional Values and Family

In this section, the plays where the manners are criticized are discussed. The playwrights of the Republican period adopt the human rights and freedom principle, and find some of our traditions obsolete. They mostly tend to women’s rights and woman-man relationships. The main problem caused by the pressure of manners is the family issues. First generation playwrights of that period have considered the woman generally as inclined to family bonds and betraying. Such playwrights as Halit Fahri Ozansoy, Nazım Hikmet, Necip Fazıl and Cevdet Kudret blame the woman for infidelity.

In the play titled Bir Adam Yaratmak written by Necip Fazıl Kıskırek, there is an old-time family portrait within the background of the events as depicted (Kıskırek, 1938). Nazım Hikmet Ran considers the manners as the patterns not fed intrinsically in his play titled Bir Ölüm Evi. The passion for interests underlies the family relations, instead of love, respect and understanding (Ran, 1932).

The unhappy marriages of those adolescents who are married to someone else other than the person whom they fall in love with by the force of their families as required by the manners, and their efforts to hide such marriage had been subject to many plays within that period. This theme has been dealt with in Orhan Asena’s plays titled Kapılar and Gecenin Sonu, and two marriages established in accordance with the traditional rules are compared with a real love relationship (Asena, 1968).

Necati Cumali has indicated in his play titled Boş Beşik that a woman in a village is ill-treated by the family of her husband, and even, all of the people around her as long as she could not give birth to a boy. Another tradition put on stage within a village environment is the blood feud. Our playwrights show that such tradition is still maintained in Anatolia today.

It is seen that in all the foregoing plays, the playwrights focus on the failing aspects of the traditions and manners. Such failure mostly affects the family and the woman. It is seen that the patriarchal family order not only renders the women unhappy, but also it indirectly renders the husband unhappy. The drawbacks of the pressure on the woman-man relationships both in villages and cities are pointed out, and it is indicated that it leads to unhappiness especially that their marriage is not built on love, and love is condemned. Some of the manners constitute a negative element of oppression not only in woman-man relationships, but also in other domains of life. The playwrights have also taken attention to the aspects of the manners conflicting with the contemporary civilization. The leading playwrights who argue for a reformist opinion against the pressure of manners are Rıza Nuri Gündelkin, Musahipzade Celâl, and Nazım Hikmet. Nazım Kürşünlu, Orhan Asena, Necati Cumali, Turgut Ozakman, Refik Erduran, Cahit Atay, Adalet Ağaoğlu and Nezihe Meriç have followed them, and analyzed this issue thoroughly.
4. Economic Problems

In the period discussed, the playwrights have also concerned with the economic problems. In the plays written in 1930’s following to the proclamation of Republic, the end-of-war crisis has been analyzed, and in the plays written between 1940’s and 1950’s, the problems arising from the impact of the World War II on the national economy have been treated, and in both periods, black-marketeering and profiteering have been criticized (Şener, 1971). Again in the plays written in this period, the situation of the people has been displayed as the victims of laws, conscience, manners, and immoral trickery.

The playwright who has first dealt with the exploitation issue in the Republican Period is Musahipzade Celâl. In his play titled Fermanlı Deli Hazretleri written in 1924 as well as in his play titled Gülsum written in 1905 and edited later, the playwright has told that those who lived in Istanbul and worked as officers in the government offices during Ottoman Empire had exploited the people, and especially, they had left the Anatolian people poor through various taxes.

Vedat Nedim Tör, in his play titled İşsizler, has indicated the profiteering and exploitation order in the personality and life style of a spendthrift. The son, Rıdvan increases the fortune that his father made during the World War I by profiteering through engrossing and hoarding. The poverty of people in the country increases in direct proportion to the fortune of the profiteer. This terrific mill will grind those honorable people eventually. It is almost impossible to challenge such order.

Cevat Fehmi Başkut has pointed out the same observation in all of his play written in earlier 1950’s: Forgetting the real values against the power and importance of money, underestimation of knowledge and art, and making the money a passion and the trade an illegal order that realizes such passion are mentioned.

In Bir Dolaptr Dünyor, Halit Fahri Ozansoy has indicated that all the institutions are involved in a corrupt order. The government is bad and the people are poor and unhappy in the country. The sly vizier is up to undercover works, who governs the old and awkward people of the country. He makes them wear rose-tinted spectacles so that his order could not be grasped and the people will not recover consciousness. In this country where the intellectuals are irresponsible and scholars are coward and toadyish, noble ideals are mentioned to cover the ugly facts.

5. Cultural Problems

Two cultural problems in dramas are caused by the irresponsibility of individual and unconsciousness of the society. In fact, these problems are likely to be solved through education. The people cannot see the disorder or remain insignificant to it, while they are overwhelmed by the power of money and authority and engaged with their own affairs.

In the play titled İkinci Baskı, Refik Erduran has dealt with the fight started by a journalist to announce the corruptions around him as in the play titled Güneşte On Kiş. In this play, the journalist has got disappointed to see that the sad truths he announced to the people with various difficulties do not provoke any reaction. Those rich people who live a luxurious life with their income earned by improper means are the heroes of people, and the news related to their lives are more interesting for people rather than the news explaining their corruptions.

In Vedat Nedim Tör’s play titled Dağ Başındaki Kız, two young girls who teach a school in Anatolia were defeated in a fight against the reactionary and unconscious people around them by being slandered.

Sermet Çağan, in his play titled Ayak Bacak Fabrikası, the people who have become paralyzed after eating the black seed despite the warnings of a young man are both poor and desperate as well as illiterate and unconscious.

Aziz Nesin, in his play titled Toros Canavar, highlights that the individual needs to fight consciously against the power of money and brute force, and has to reject accepting to be overwhelmed. He mentions that it is impossible to challenge the evil with the old-time virtues, as long as the people hold the social order maker, oppressor and harmful people in high-esteem as they have money, and neighborhood bullies, as they have brute force and indecent.

6. Ideologies

The playwrights of that period have also written such plays that appreciate the sound values and positive efforts. These plays include the ideals rather than problems and mention the happy cases where the ideals are realized.

During the period between 1930’s and 1940’s, such plays that reflect the nationalism, populism and revolutionism believes of Republican Turkey have been written, and in recent years, there have been written such plays that lead to contemporary values and positive actions which enable the development of the country with international and universal ideals.
Faruk Nafiz Çamlibel, in his play titled Özyurt published in 1932, has mentioned the Central-Asian Turks, and stated that old Turkic people used to be civilized people, and they brought civilization wherever they went, and finally, they have brought civilization to the Anatolia. In this play, Turks’ love of art and efforts to establish cities have been praised.

Yaşar Nabi Nayir, in his play titled Mete, has mentioned the nationalism ideal. The virtues of Turkish nation date back to their glorious days centuries ago. Having spread fear to all the European nations with their armies achieving victories over victories, Mete Khan was one of the bravest men of those glorious days. Mete Khan was a leader not only for his power during war and superhuman bravery, both also that he resisted to maintain peace and gave importance to the art. Behçet Kemal Çağlar reflects his point of view about the virtues and civilization of Turkish race with his plays titled Çoban and Attila.

7. Conclusion

Turkish drama between 1923 and 1950 was optimistic because the perspectives of the government and the people were optimistic with the proclamation of Republic despite poverty. It was not reactionary but innovative. The renewal of institutions, education and laws had a great impact on this optimism. There is not seen so much tragic cases in these years.

The drama themes between 1923 and 1950 are mostly instructive and hortative. The drama of this period has nothing to do with the structure of environment and society but involved the social problems. It only reacts to the aspects of environment and society that lead the person as an individual to unhappiness. It expresses an opinion about the facts and problems of Turkish society with being concerned with the facts and problems of the society.

In the Republican period, the values related to the manners and ethics, and the associated problems are given priority. There are such plays as Moral values, Value changes and checking the traditional values. The playwrights criticizing the value changes consider the Westernization as the reason for such change. The playwrights are not against the tendency to adopt the actual Western culture but they think that the Westernization is misunderstood. Those people who are not familiar with the West and Western values and who could not grasp the essence of these values will try to adapt the Western patterns to their lives through imitation, and this will cause conflicts within the society.

While the wrong impact of Westernization movement is satirized, the traditional values are criticized. The traditional values criticized in these plays are those which have got old and ineffectual. They have become invalid within the order of society. They hold the individuals unnecessary under pressure. They are satirized for the account of such rights granted by civilization to the individual as human rights, individual freedom and natural rights. Especially, maintaining the patriarchal order within the family; violation of the women’s rights and young generation’s right to love and choose a partner, faulty way followed in child discipline, and not delivering education to the adolescents are all criticized, and it is shown that such faulty attitudes cause the depression of young and unhappiness of women.

Another problem is the economic irregularity within the society. Such irregularity sometimes raises concerns about the poverty of people, and sometimes about profiteering and exploitation. Profiteering is not only an economic problem that satirized the environment eligible for profiteering, but also a moral problem that accuses the profiteer in the name of ethics. And poverty is considered together with both its economic and cultural factors.

Our playwrights have not only dealt with the problems, but sometimes they have also suggested solutions for these problems. The plays focused on the ideals have begun to be written mostly between 1933 and 1935. The idealist plays written between 1933 and 1935 are the plays which aims at making the people adopt the Ataturk’s Revolutions. The principles they are concerned include the populism, nationalism and revolutionism as the fundamental principles of Republican Turkey.

In general, the social problems have been focused in Republican period Turkish drama, and the facts, value judgments, and economic, cultural and moral values of the society in this period have been mentioned, and the truths have been tried to be shown, and the mistakes have been tried to be criticized.

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The Effects on Competition of Market Dominance, the Case of T-Bills in Albania

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Abstract

It is generally accepted that competition in the banking system, although is measured by the same indicators as in other markets, should be considered with caution due to inversability that has with that financial stability and due to the chain effect that has to the real economy. But this "excessive" caution for banks should not establish conditions for the future to abuse market position by infringing the principles of free competition and the rules of ethical conduct for competitors and customers. Due to the past historical dominance of the former Savings Bank, inherited a healthy portfolio of banking system deposits, with more than 40% of the market, a theory accepted limit level to dominate the market. Modern competition legislation does not prohibit per se having a dominant position, but prohibits the abuse of that position and the hypothesis of this paper, will be exactly linked with abuse (or not) to Raiffeisen Bank dominant position in the treasury bond market in Albania.

Keywords: competition, bank, antitrust, tbill, dominance, banking stability

1. Research objectives

The banking sector as one of the main sectors of a country’s economy has been subject to regulation because of its importance concerning consumer protection and to the weight it has for the economy and its stability. In most countries, the competition policy has been introduced later than the regulation framework, while in Albania in fact, the competition in the banking sector was basically established after the banking sector has been liberalized in 1992 (from one level with a state bank to the modern banking system, one central bank and numerous of commercial banks.

Despite the interventions of the Antitrust Authority in order to establish a free and effective competition in this sector, still seems that much remains to be done in terms of interrelation and balance between competition and regulation.

The concern is mostly related to the fact that regulation in many cases can act as a barrier to competition and the difficulty of understanding the way the competition ‘works’ in a highly regulated environment where economic aspects like asymmetric information and switching costs are present. Moreover, the global crisis has recently shed light on the regulatory failure and potential contradictions between regulatory intervention and competition policy.

As a result, special attention should be paid to the competition policy application. Based on the recent debates on the implications of competition for banking sector stability, this study try to answer to nowadays questions regarding the controversial interlink between banks and antitrust policies- are banks different or ‘special’ from a financial stability perspective, describing the three classic areas of competition policy (cartels, mergers and abusing of dominance)?

The main hypothesis will be focused on competition’s role regarding the stability of the banking and financial sector in general, focusing mostly on the market structure and how the later (monopoly – oligopoly – or monopolistic competition) may affect or not the stability of banking sector.

2. Literature review

Competition in the banking market has been at the center of the policy debate on financial stability. As in other, non-financial, markets competition is often seen as prerequisite for an effective banking system. Several theoretical and empirical studies, however, have shed doubts on this proposition, claiming that monopoly rents gives banks higher incentives to invest in relationships with smaller and more opaque borrowers.

Similarly, theoretical and empirical studies have not come to a conclusive finding on the relationship between
banking market competition and stability. The specialty of the banking system from the perspective of stability is a widely recognized idea (see e.g. Goodhart [1987a] and Goodhart et al. [1998]). What is much less debated in the literature is the implications this special status has for market structures and competition policies.

Similarly, not much research work has been dedicated to the implications different bank market structures and degrees of competitiveness have for bank stability and supervisory policies (see also Allen and Gale [2000b] and Canoy et al. [2001]).

3. Paper’s Context

Changes/Alteration of the banking system structure during the last 20 years, transition from the system with one-level to the existing one, diminution/shrinking of state banks supremacy after the privatization and adoption of a system 100% own by the private entities, modification of the ex-savings bank behavior after privatization from Raiffeisen Bank, behavior of the banks in groups as per their origin or application of the prisoner’s dilemma during the process of determining the yield in the treasury bonds bids, shall be some of the main issues to be consider in this research paper. As the central bank is more concerned on the stability of the banking system, antitrust authority is more focused in achieving free and effective competition in this essential chain of the financial sector. But, different objectives/subjects, sometimes controversial/contrary to each other, should not prevent the growth of the stability and competition in the banking market, simultaneously.

4. Methodology

In order to test the relationship between stability and competition, we need appropriate measures of both. Bank stability is mostly measured in a negative way, i.e. by considering individual or systemic bank distress.

Systemic banking distress can be broadly defined as periods where the banking system is not capable of fulfilling its intermediary function (deposit taking, lending, payment services) for the economy effectively anymore. In this paper, we follow the definition by Demirguc-Kunt and Detragiache (1998, 2002) who define banking distress as systemic if (i) non-performing assets reached at least 10 percent of total assets at the peak of the crisis, (ii) the fiscal cost of the rescue operations was at least 2 percent of GDP, (iii) emergency measures, such as bank holidays, deposit freezes, blanket guarantees to depositors or other bank creditors, were taken to assist the banking system, or (iv) if large-scale bank nationalizations took place.

5. Analyses

5.1 Relevant market

The relevant market of the product is the market for treasury bills (short term domestic debt up to 1 year), subdivided in the following:

1. The primary market for treasury bills is the market where parties buy and sell regularly bills offered by the Republic of Albania through the banks that own them.

2. The secondary market for treasury bills branches in two additional sub markets:
   a) The secondary inter bank market, where banks buy and sell treasury bills among themselves, and
   b) The secondary retail market, which is where investors - physical and judicial persons, resident and non residents - can buy and sell treasury bills directly from the counters of banks and other operators that are licensed to carry such transactions.

The geographical market includes the area in which companies supply and demand goods and services, and where competition conditions are homogenous. Since banks and other financial institutions are present in almost the entire geographical territory of the Republic of Albania, than the latter is established as the respective geographical market.

5.1.1 Demand side substitution

Second level banks, financial institutions, other public and private institutions and individuals stand on the demand side for treasury bills. The substitution analysis in this case considers other potential investment alternatives for these
subjects.

5.1.2 Supply side substitution

An alternative to substitute this product form the supply side (t-bills suppliers such as the Ministry of Finance, or the liquidity seeker) are obligations. Obligations in this case include risk free debt titles that mature in periods longer than 1 year (in Albania they have maturities of 2, 5, and 7 years). Regardless of the different maturity terms for these products, we can consider them as substitutes of each other because they all serve the one purpose of financing government debt and are all considered risk free.

5.2 Market dominance

Regarding a recent study of OECD, measuring competition in financial markets is complex due to their peculiar features, such as switching costs. Concentration, among other structural indicators, is not a good proxy for competition.

Albanian Competition Authority like many other agencies use measures of market concentration, such as market shares and HHI, to make an initial assessment of competition, these structural measures are only a first step in analysing whether concentration will create or enhance the exercise of market power.

A dominant position (regarding The European Court of Justice) is presume when a competitor has more than 50 % of market share and must be treated taking into account other factors (barriers of entry, switching costs, financial performance etc) when a playr hold more than 40 % of market shares.

Dispite the fact that Albanian banking system has 16 banks, the dominant player has a strong position as a leader in definming the yield of T bills.

Tab. 1: Market shares of dominant bank in Albanian T-Bill market

<table>
<thead>
<tr>
<th>Years</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market share X</td>
<td>64.01%</td>
<td>54.97%</td>
<td>44.70%</td>
<td>38.7%</td>
</tr>
</tbody>
</table>

Data: Bank of Albania, Ministry of Finance, Compilation of authors

Regarding the most important competitors of the dominant bank, data shows that the second bank has a market share in 2005 3 time less than dominant bank.

Tab. 2: Market shares of other banks

<table>
<thead>
<tr>
<th>Years</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>BKT</td>
<td>12.88%</td>
<td>13.55%</td>
<td>16.17%</td>
<td>18.3%</td>
</tr>
<tr>
<td>Societe General</td>
<td>1.66%</td>
<td>6.09%</td>
<td>7.22%</td>
<td>8.6%</td>
</tr>
<tr>
<td>Tirana Bank</td>
<td>4.9%</td>
<td>4.57%</td>
<td>4.67%</td>
<td>7.4%</td>
</tr>
<tr>
<td>Credins</td>
<td>1.3%</td>
<td>3.2%</td>
<td>3.72%</td>
<td>1.9%</td>
</tr>
</tbody>
</table>

Data: Bank of Albania, Ministry of Finance, Compilation of authors

If we estimate the most relevant players in T bill market, data shows that the dominant player alone has more market share than all other competitors together (Central bank is excluded from competition in T bill actions).

Tab. 3: Domestic debt holders

<table>
<thead>
<tr>
<th>Domestic Debt Holders in Purchase Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOA</td>
</tr>
<tr>
<td>Raiffeisen Bank</td>
</tr>
<tr>
<td>Other Banks</td>
</tr>
<tr>
<td>Non Banks</td>
</tr>
<tr>
<td>Individuals</td>
</tr>
</tbody>
</table>

Data: Bank of Albania, Ministry of Finance, Compilation of authors

1Bank of Albania, Supervision Report, (2005-2008)
5.3 Market characteristics

5.3.1 Primary market

Raiffeisen Bank has inherited a dominant position in the market from the privatization of the former Savings Bank. During the period under investigation, it could be noted that the market has been very dynamic when it comes to those parts of the market that are dominated by its operators.

The primary market shows barriers to entry in terms of the required minimal amount for participation of individuals and the transfer of the counters from the Bank of Albania to the banks of the second level. These measures, taken since 2005, have increased participation costs and entry barriers in the auctions for treasury bills for individuals and businesses alike. Even the International Monetary Fund has been in favor of having individuals and businesses deposit their investment funds for treasury bills in the counters of the Bank of Albania, which is seen mainly as a way to give individuals and SMEs direct access to the primary market.

There is only one seller in this market and that is the Albanian Government. To cover its liquidity demands, the government issues marketable securities. Government domestic debt can be financed through several different instruments. However, the weight of treasury bills in this funding scheme is much greater than the funding weight of other financial debt instruments. This weight, though, has been decreasing for treasury bills, and other forms of debt financing securities have been gaining ground, especially after 2005.

The investigation process from Albanian Competition Authority and the hearing sessions showed that during the investigation period there have been changes in the structure of debt financing instruments, both of short term and long term debt, thereby increasing the weight other securities have on this financing process. These changes are attributed to the financial managing strategies of the Ministry of Finance.

5.3.2 Secondary market

Treasury bills are traded in the secondary market and exchanged between banks in the inter bank market, as well as between banks and owners of these bonds in the secondary retail market. According to FSA, there are 5 banks operating in the latter market, and the market itself is not well developed.

The number of branches that RB has within the country is much greater than that of any other banks. Its branches are spread out in the entire territory of the Republic of Albania and the competing power of other banks, given their smaller branching intensity (when compared to RB), is much lower. There are cities where RB is the only bank (option) to invest in treasury bills in the secondary market because other banks either don't have branches in these cities or if they do, they don't offer the service of buying treasury bills for individuals.

Another characteristic of the primary and secondary market for treasury bills is the asymmetry of information. The information presented by banks is incomplete and unclear, thus limiting choice options for clients. This has been a factual observation of the task force under the responsibility of the Secretary of the Competition Authority. In general, from our observations in different banks that offer treasury bills in the secondary market, we can conclude that there is a tendency to lack transparency in terms of information given to clients regarding their options on investing in treasury bills. The lack of informational brochures on treasury bills is especially obvious, and this limits clients' awareness on these instruments.

6. Main Findings

During the analysis of the dynamics of the yield for t-bills, we could observe a sudden spike in the yield of treasury bills during the third quarter of 2006, and this was the reason why this investigation process was initiated in the first place. During the study period we could observe that Raiffeisen Bank has experienced a decrease in market share not only in the market for treasury bills, but in the market for deposits as well.

The evidence and respective analysis of the factors that have affected the report of the thorough investigation process, taken jointly with the claims of the party under investigation and the opinions of the public institutions involved in the supervision of this market, show that:

There is no direct and systemic link between the participation (or lack thereof) of the bank and the dynamics of change in the yield of treasury bills during the auctions held throughout the period under investigation (period when the bank had considerable market power).

Raiffeisen Bank has stated that it has not participated in the auction – which was later followed by an increase in
the yield—due to lower deposits, higher demand for credit, and its participation in the auctions for 2 year maturity bonds. These factors had caused a decrease in liquidity, which in turn did not allow the bank to participate in the primary market for treasury bills.

The Bank of Albania, in its “Monetary Policy Report for the Second Half of 2006,” pg. 27, had stated that the increase for credit demand by the government, coupled with rapid credit issued in ALL denominate loans, had caused a decrease in liquidity in the system, which has been reflected in higher yields for treasury bills.

The commissions applied by Raiffeisen Bank for the transfer of funds from its own accounts to the Bank of Albania are high. According to FSA data from 2008, Raiffeisen Bank charges a commission of 1.2% to the funds available by individuals for participating in the primary market for treasury bills, while other banks apply a commission of 0.2% for the same service.

Therefore, keeping in consideration what was stated above, it was not proven that Raiffeisen Bank has abused with its dominant position in the primary and secondary market for treasury bills during the period under investigation.

In the primary market we could observe, from an economic standpoint, high and unjustified commissions charged by Raiffeisen Bank. The bank has expressed its willingness to make adjustments for improving competition and lowering servicing costs for the consumers.

7. Conclusions

The main scope of this research is to provide evidence that the competition does not weaken the stability of the banking system, but, it enables a better performance of the banking sector by enhancing the efficiency of the system.

The central banks and the antitrust authorities, instead of trying to address to each other the causes/reasons of restriction of competition resulting from the implementation of prudent monetary policies or jeopardy of the stability as a result of antitrust policies intervention during the investigation of the financial market, should cooperate with other aiming to get a banking system that would be transparent, efficient and sustainable towards the challenges of the competition on rise from the regional, European and global banking.

The recent data of first semester of 2013 shows that the T bill yields is decreasing as a reflection of decreasing the market share of Raiffeisen Bank.

The case of dominant position and behavior of Raiffeisen bank is a very good example for the application of Structure-Behavior-Performance Model for Albanian banking system but the authors will go in depth research taking into account a number of variable such as costs, demand, supply and other aspects beside the market structure and behavior of dominant player.

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OECD, IMF, Bank of Albania, Albanian Competition Authority, Albanian Ministry of Finance, Statistical Institute etc.
New Possibilities of Supporting Polish SMEs within the Jeremie Initiative Managed by BGK

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Abstract

In developed countries small and medium-sized enterprises constitute a dominating group of entities, if considered by number, and are seen as the driving force of the economy. In 2011 in Poland 1,748,000 enterprises conducted business activity and out of that number 99.8% were businesses representing the SMEs sector (1,781,000). These enterprises employed over 6.3 million people out of the total labour force amounting to 9 million and annually they generate approximately 50% of GDP. Due to the role played by the SMEs sector, it is important to protect that sector in the time of the economic slowdown. For that reason in 2012 Bank Gospodarstwa Krajowego (BGK), which is controlled by the Treasury, launched programmes aimed at supporting major social investments as well as some other programmes concerning collateral loan and credit programmes for SMEs. The programmes are intended to sustain employment in the sector. The objective of the paper is to present the areas of financial support for entities from the SMEs sector provided by means of the BGK budget funds.

Keywords: SME sector, state aid, JEREMIE, Bank Gospodarstwa Krajowego

1. Introduction

Small and medium-sized enterprises constitute one of the major driving factors of the social and economic development of the state. They stimulate its growth. For that reason the state undertakes a series of activities intended to support their development through, for instance, limiting barriers to growth, providing or stimulating developmental factors, or through countering negative determinants and strengthening constructive factors.

This support is especially useful considering the fact that entities representing the SME sector most frequently are owned by families and, as a matter of fact, it is hard to separate the assets that are owned by the family from the assets that belong to the enterprise. Liquidating an enterprise may result in the appearance of financial problems affecting all family members (European Commission, 2009). However, these companies should be treated differently since, as pointed out by Tagiuri and Davis (1996) ‘…organizational features of family firms account for both their strengths and their weaknesses’. Undoubtedly, on the one hand, they adjust quicker to the changing conditions, however, on the other hand, they are closed to the absorption of new knowledge and employing new labour from outside (Chrisman, Chua, Steier, 2011).

Relevant activities undertaken and targeted adequately by the state and its agencies may be helpful in encouraging entrepreneurship and supporting the development of enterprises, in particular in the time of a crisis. No doubt these are the duties that the state should be held responsible for (Henry, 2010; Fan, 2003). However, a lot of activities undertaken by the state are frequently incidental, uncorrelated, not embedded in one current and result from short-term plans prepared by different ministries. One of the scarce forms of supporting entrepreneurship are the activities conducted by Bank Gospodarstwa Krajowego (BGK), which is 100% controlled by the State Treasury.

The objective of the paper is to present the areas of financial support given to SMEs and financed with the BGK budget within the JEREMIE initiative.
2. The SMEs sector in Poland

In accordance with the ruling of the European Commission, Poland applies the following three categories conditioning the determination of company size: 'micro', 'small' and 'medium'. The three categories include the annual average number of employees, the annual turnover and the balance sum (see Table 1).

<table>
<thead>
<tr>
<th>The company category</th>
<th>The annual average number of employees</th>
<th>The annual turnover</th>
<th>The balance sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Micro</td>
<td>&lt; 10</td>
<td>≤ 2 mln euro</td>
<td>≤ 2 mln euro</td>
</tr>
<tr>
<td>Small</td>
<td>&lt; 50</td>
<td>≤ 10 mln euro</td>
<td>≤ 10 mln euro</td>
</tr>
<tr>
<td>Medium</td>
<td>&lt; 250</td>
<td>≤ 50 mln euro</td>
<td>≤ 43 mln euro</td>
</tr>
</tbody>
</table>


Companies representing the SMEs sector constitute approximately 99.8% of the total number of companies operating in Poland. For instance, in 2011 out of the total of 1,784,603 operating entities merely 3,189 were classified as ‘big’. Companies of the SMEs sector employed 6.3 million people out of the total of 9.0 million of labour employed in the private sector. However, the worldwide financial crisis commenced in 2008 has had a negative impact on the functioning of those companies in Poland. In 2008 in Poland there were 1.86 million entities in the SMEs sector which employed 6.62 million people, while in 2011 that number fell to 1.78 million with 6.33 million employees (see Table 2).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of companies</th>
<th>SMEs number of employees</th>
<th>big</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>micro</td>
<td>small</td>
</tr>
<tr>
<td>2006</td>
<td>1 714 915</td>
<td>1 652 990</td>
<td>44 228</td>
</tr>
<tr>
<td>2007</td>
<td>1 777 076</td>
<td>1 713 194</td>
<td>45 184</td>
</tr>
<tr>
<td>2008</td>
<td>1 862 462</td>
<td>1 787 909</td>
<td>54974</td>
</tr>
<tr>
<td>2009</td>
<td>1 673 527</td>
<td>1 604 417</td>
<td>50189</td>
</tr>
<tr>
<td>2010</td>
<td>1 726 663</td>
<td>1 655 064</td>
<td>52591</td>
</tr>
<tr>
<td>2011</td>
<td>1 784 603</td>
<td>1 710 598</td>
<td>54999</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of employees</th>
<th>SMEs number of employees</th>
<th>big</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>micro</td>
<td>small</td>
</tr>
<tr>
<td>2006</td>
<td>8 556 132</td>
<td>3 474 574</td>
<td>976451</td>
</tr>
<tr>
<td>2007</td>
<td>8 969 302</td>
<td>3 592 817</td>
<td>1 007 453</td>
</tr>
<tr>
<td>2008</td>
<td>9 494 002</td>
<td>3 727 242</td>
<td>1194999</td>
</tr>
<tr>
<td>2009</td>
<td>8 829 934</td>
<td>3 464 201</td>
<td>1123287</td>
</tr>
<tr>
<td>2010</td>
<td>8 859 053</td>
<td>3 399 096</td>
<td>1143458</td>
</tr>
<tr>
<td>2011</td>
<td>9 028 536</td>
<td>3 508 557</td>
<td>1 181 565</td>
</tr>
</tbody>
</table>


The SMEs sector in Poland generates almost 50% of the GDP, and out of that, for instance, in 2011 micro companies generated 29.6%, small companies 7.7%, and medium companies 10.4% (big companies 24.0%; other entities 16.5%, and revenues from customs duties and taxes generated 11.9%) (PARP, 2012). Both the participation of the sector in GDP and the value of its production output (see Table 3) indicate its significance in the Polish economy. It is worth noting that both in the case of the number of enterprises, the number of employees (see Table 2), as well as in the case the production output the economic downturn in the SMEs sector occurred in 2009.

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1 The conditions for classifying an entrepreneur into an appropriate category are liable to conjunction. The major preliminary criterion for determining the category of a company is the annual average level of employment. However, as regards the levels of the annual turnover or the total annual balance sum in the SME sector, it is sufficient to select only one of them.
Table 3. The production output and the participation of the SMEs sector in GDP

<table>
<thead>
<tr>
<th>Year</th>
<th>The production output in millions of PLN</th>
<th>The participation of the SMEs sector in GDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1 140 061</td>
<td>47.8%</td>
</tr>
<tr>
<td>2007</td>
<td>1 280 670</td>
<td>47.3%</td>
</tr>
<tr>
<td>2008</td>
<td>1 416 239</td>
<td>47.2%</td>
</tr>
<tr>
<td>2009</td>
<td>1 335 310</td>
<td>48.4%</td>
</tr>
<tr>
<td>2010</td>
<td>1 396 924</td>
<td>47.6%</td>
</tr>
<tr>
<td>2011</td>
<td>1 523 549</td>
<td>47.7%</td>
</tr>
</tbody>
</table>


The economic slowdown that took place in Poland in the years 2009-2001 and again in 2012 confirms the values of the growth of GDP and of the unemployment level. In 2009 GDP rose by 1.6% which is a substantial change, if compared with 2008 (5.1%). Unfortunately, after a relatively good year, as regards the growth of GDP in 2011, it rose again, however, the rise was very slight. The trend on the labour market needs to be emphasized. The worsening of the business cycle noted in 2009 automatically changed into an increase in the unemployment level, and its improvement noted in the years 2010-2011 only limited that dynamic increase in the unemployment. Also, such market behaviours oblige the government to develop plans supporting Polish enterprises.

Table 4. The dynamics of Gross Domestic Product seasonally unbalanced (average annual prices from the previous year) and the unemployment rate (registered unemployment) in the years 2006-2012

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP</td>
<td>106.2</td>
<td>106.8</td>
<td>105.1</td>
<td>101.6</td>
<td>103.9</td>
<td>104.5</td>
<td>101.9</td>
</tr>
<tr>
<td>Unemployment rate (%)</td>
<td>14.8</td>
<td>11.2</td>
<td>9.5</td>
<td>12.1</td>
<td>12.4</td>
<td>12.5</td>
<td>13.4</td>
</tr>
</tbody>
</table>

Source: GUS 2013a; GUS 2013b.

In many countries SMEs play a crucial role, however, in Poland this role is smaller, if compared with other European countries. In 2011 Poland had 36.2 SMEs per 1,000 of inhabitants, whereas in such countries as, for instance, the Czech Republic, Malta, and Portugal that rate was twice higher (see figure 1).

Figure 1. Number of SMEs (non-financial business economy) per 1,000 inhabitants in 2011 (Source: elaborated by the author based on the data derived from ECORYS, 2012; Eurostat 2013)
Especially under unfavourable market conditions it is necessary to identify the factors which impede the functioning of enterprises. Liquidating such barriers may contribute to stopping the unfavourable situation related to the liquidation of economic entities or to decreasing the number of jobs offered by them. We can distinguish the activities both within the social and economic governance relative to the improvement of the so-called framework conditions in the functioning of enterprises as well as the intervention in the course of economic processes understood broadly as financial support. Obviously, each of the indicated barriers in the development of SMEs shown in Figure 1 is important, however, the financial barrier is one of the most significant impediments in the development of any company (Bartlett and Bukvić, 2011; Doern, 2009). Therefore, a further part of the present paper is focused on one of the activities of the Bank Gospodarstwa Krajowego targeted at limiting/liquidating such a serious impediment as capital gap (BIS, 2012).2

Figure 1: Classification of activities supporting SMEs

<table>
<thead>
<tr>
<th>Social and Economic Governance</th>
<th>Financial Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Activities conducted with a view to improving the framework conditions for SMEs:</td>
<td>1. Activities targeted at improving the financial condition of enterprises:</td>
</tr>
<tr>
<td>- legal regulations,</td>
<td>- tax reliefs,</td>
</tr>
<tr>
<td>- improving infrastructure,</td>
<td>- credit loans,</td>
</tr>
<tr>
<td>- overcoming bureaucratic</td>
<td>- credit collaterals,</td>
</tr>
<tr>
<td>obstacles encountered by SMEs.</td>
<td>- direct financial support.</td>
</tr>
<tr>
<td>2. Supporting SMEs in public tenders.</td>
<td>2. Increasing knowledge and qualifications:</td>
</tr>
<tr>
<td></td>
<td>- training courses, advising.</td>
</tr>
</tbody>
</table>

Figure 2. Methods of supporting SMEs (Source: Schuttenbach, 2000)

3. The support of Bank Gospodarstwa Krajowego given to SMEs – the JEREMIE initiative

Bank Gospodarstwa Krajowego, the only bank that is under 100% control of the State Treasury in Poland3, realizes the common mechanisms set out for the SMEs sector and recommended by the European Commission, including the JEREMIE (Joint European Resources for Micro-to-Medium Enterprises) initiative. This initiative consists in providing non-subsidized support to micro, small and medium companies and is intended to finance their investments (Michalski, 2008). In Poland the JEREMIE initiative is not financed with additional EU funds, but with the funds coming from the regional operational programmes for the years 2007-2013 destined for developing entrepreneurship. Poland is the only country among the new EU member states that has decided to implement the programme at the regional level.

In the period of programming for the years 2007-2013 BGK has had the function of the manager4 of seven trust funds within the JEREMIE initiative which altogether managed to gather 1,764.35 million PLN (within specific regional programmes separate activities were considered in which this instrument is being implemented):

- Dolnoslaski Trust Fund valued at 405.73 million PLN (Activity: supporting revolving financial instruments applied by SMEs),
- Lodzki Regional Trust Fund valued at 188.63 million PLN (Activity: developing business environment),
- Pomorski Regional Trust Fund JEREMIE valued at 287.39 million PLN (Activity: non-adjustable financial instruments for SMEs),
- Wielkopolski Regional Trust Fund JEREMIE valued at 501.30 million PLN (Activity: developing a system of

---

2 A mention should be made that during an economic crisis (economic slowdown) significant are activities taken independently, inside the company, and not only those initiated outside (Piatkowski, 2012).

3 The major purpose of the activity of BGK is supporting the governmental social and economic programmes and the programmes for local governments and development including, in particular, the following projects: 1) realised with the use of means coming from the EU funds and from international financial institutions; 2) infrastructural; 3) related to the development of the SMEs sector, including ones realized with the use of public funds (The Act 2003).

4 A manager’s task is to initiate the repayable support given to Financial Intermediaries (loan funds, guarantees, banks and other financial institutions) and they, in turn, direct repayable financial instruments to SMEs.
financial instruments of supporting entrepreneurship),

- Zachodniopomorski Regional Trust Fund JEREMIE valued at 280.00 million PLN (Activity: Advanced services of supporting enterprises),
- Kujawsko-Pomorski Regional Trust Fund JEREMIE valued at 39.8 million PLN (Activity: institutions in the business environment) and in effect from January 2013
- JEREMIE Trust Fund of the Mazowieckie province valued at 61.5 million PLN.

The JEREMIE initiative is addressed primarily to micro, small and medium enterprises which:

- have difficult access to external sources of financing (due to a low value of the possessed assets that may function as collateral),
- are at the stage of starting up their business activity (including graduates and persons who open up their businesses for the first time),
- have been operating on the market but do not have credit history (to present they have been using their own sources of financing and did not want or couldn't use external sources),
- do not possess collaterals of sufficient value.

The importance of the support in that area is best illustrated by the share of companies applying for a loan and the share of accepted loan applications. As indicated by the data provided by the National Bank in 2012, 21.6% of companies applied for a loan, the rate of approved applications amounted to 83.6%. According to the banking information, 62.0% of the disapproved loan applications resulted from not being creditworthy or from the lack of a collateral. The remaining 38.0% resulted from independent causes (NBP, 2012; NBP 2013).

Table 5. The percentage of companies applying for a loan and the participation of approved loan applications in the years 2006-2012

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The percentage of companies applying for a loan</td>
<td>31.4</td>
<td>32.4</td>
<td>27.4</td>
<td>25.1</td>
<td>23.2</td>
<td>21.9</td>
<td>21.6</td>
</tr>
<tr>
<td>The participation of approved loan applications</td>
<td>87.7</td>
<td>86.9</td>
<td>81.4</td>
<td>80.8</td>
<td>83.3</td>
<td>89.9</td>
<td>83.6</td>
</tr>
</tbody>
</table>


Firstly, within the JEREMIE initiative financial instruments are offered to intermediaries financing the activity of SMEs, for example:

a) Loan instruments:
   - A global loan for loan funds,
   - Credit line for banks and quasi-bank institutions.

b) Guarantee instruments:
   - Guarantee for guarantee funds,
   - Portfolio guarantee for banks and quasi-bank institutions.

c) Capital instruments:
   - Capital support given to technology transfer funds, capital support given to ‘mezzanine’ funds.

Secondly, BGK also offers financial products to companies in the following forms (it must be emphasized that SMEs that are interested in using funds within the JEREMIE initiative do not apply directly to regional trust funds or to BGK. They use services of financial intermediaries, such as, for instance – banks, loan funds, Venture Capital funds):

a) guarantees,

b) credits/loans,

c) venture capital for financing development.

The non-subsidised character of the support shows that companies need to fulfil their obligations. That means that the major objective for BGK is not to subsidise the SMEs sector but provide it with financial means with a view to facilitating access to financial instruments adjusted to the needs of the sector. This approach is focused on micro and small enterprises being in the developmental stage which, hypothetically, would be deprived of the access to external financial means.

Another important role fulfilled by BGK is supporting the banking sector indirectly. The bank does not take customers from other banks but, actually, it enables them granting new loans and credits to enterprises which, without
the guarantee support, would not be able to make use of that form of external capital.

Financial means which are returned to the Trust Fund by SMEs are used again for supporting Financial Intermediaries and in that way they reach entrepreneurs again. By the end of 2012 all funds had offered to entrepreneurs a total amount of 1.29 billion PLN and three of the funds as early as in August of 2012 had circulated the complete pool of money assigned for loans and guarantees to SMEs.

The benefits of the support offered by BGK include the following:

- increasing access for SMEs to external financing which is limited by the lack of credit history or property collaterals that are insufficient to borrow substantial amounts,
- conditions for financing SMEs (spreading instalments and other costs borne due to external financing),
- flexibility of financing (longer prolongation or payment periods),
- lowering loans/credit costs due to the lower risk of financing investments in progress.

4. Concluding remarks

The role of the SMEs sector in Poland is significant. SMEs employ over 6 million people and generate approximately 50% of GDP. Providing appropriate assistance is essential not only to the owners of SMEs (frequently whole families are engaged in running the business activity) but to the proper functioning of the whole economy. One of the supporting activities is the JEREMIE initiative coordinated by the Bank Gospodarstwa Krajowego whose purpose is to provide non-subsidised support to micro, small and medium-sized enterprises. The financial products available within the initiative are destined to both financial intermediaries supporting the SMEs sector and entrepreneurs representing that sector. This initiative contributes not only to the development of enterprises and the creation of numerous work places but also encourages people not involved in doing business in setting up their own companies. The support offered, for instance, in the form of financial guarantees makes it possible to reduce the cost of capital by decreasing the risk taken by banks that finance a given investment and to maintain the credit rating at the same level and its possible use in a situation when the only way to obtain external capital is through a bank loan.

One of the merits of the JEREMIE initiative is its flexibility. Financial support may be given to start-ups or to companies with few assets, that is to companies that are not well-received by banks. Additional differentiation of the support given within the JEREMIE initiative in specific regional operational programmes allows the adjustment of activities to the territorial specificity.

In general, it may be mentioned that the JEREMIE programme does not consist only in providing financial support but also in providing support, however, to some extent only, in overcoming administrative and legal barriers. The procedures within that support programme are determined a priori and the ultimate beneficiary is informed about all his formal duties, already significantly simplified, at the very beginning of the process of applying for support. Some of these duties have even been shifted to the trust unit.

The importance of programmes similar to the JEREMIE programme will be increasing since the European Commission is, more or less officially, recommending that the European Union states after 2013 should assign for non-repayable support, including loans, guarantees and financial support given to venture capital funds about 15% of the total sum received for the time period 2014-2020. Presently, the repayable form of support in Poland, as assessed by various institutions, amounts to about 2-3% of the money that Poland has received for regional policy for the years 2007-2013.

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Criminal Justice Treatment Rights of the Defendant during the Criminal Process.
Implementation of Legal Norms in Favor of the Defendant

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Abstract

In criminal process the defendant is one of the main subjects of law. Deprivation of liberty places the individual in a situation extremely vulnerable. It is important that the deprivation of liberty to be more limited and strictly follow the procedure defined in international documents and national legislation. The right not to be deprived arbitrarily of their liberty is a fundamental right and is expressed in all documents for human rights. Personal freedom is closely related with the concept of human dignity and it is a prerequisite for enjoying freedom and other human rights. Albanian legislation, provides a number of legal provisions which guarantee the defendant a due process. Through these legal norms, the defendant is placed in the same position with the other party in the process, respectively the prosecutor. It is important implementation in practice of legal norms that guarantee the rights of the defendant in a criminal process. The fact is that there is no supervisory authority to monitor how realistically and effectively these provisions are enforced in favor of the defendants, and the courts. In this case, monitoring will have a direct impact on criminal process and can serve as protection from maladministration of justice. This study will be based on a detailed survey, using descriptive scientific research methods, analyzing the Albanian legal framework, improvements that need to be made in the borrowing of successful instruments from foreign countries.

Keywords: the defendant, the criminal process, the monitoring authority, the rights of the defendant, the legal framework.

1. Introduction

The defendant is the main subject in the penal case to whom all the procedural penal actions are taken. Penal procedure was born in a certain historic period, as a request and need of the society to fight criminality. Side by side with the penal procedure, its main subjects came up as well, without which it cannot be conceived, that are the prosecutor and the defendant.

The functions and interests they both represent are controversy, however one thing is sure: “The State doesn’t develop the penal procedure to harm the individual, but to fight criminality”.

Given the defendant is a subject that was born at the same time with the penal procedure and before the prosecutor as a representative of of state interests would appear as a procedural subject, it is understandable that he is in the center of penal procedure, without whom this proceeding cannot be conceived.

One of the basic principles of the state of right is the respect of individual’s liberties and rights. In this context, approaching the penal legislation with international acts paying a considerable space to the rights of the defendant, our lawmakers have made great efforts to guarantee a most just and fair legal process.

Code of Penal Procedures of the Republic of Albania is a penal procedural code, which is an act of major importance, serving to guarantee the protection of interests of the defendant in the penal proceeding. On the other side, the Penal Code, is a major source of right, it is material penal law that sanctions the position of the defendant in the framework of the rights and obligations during the penal proceeding. Several human rights and liberties, provided by the Constitution of the Republic of Albania as well the European Convention of Human Rights, are materialized in the dispositions of those codes. How and how much these rights are guaranteed in the Albanian Penal Right and Procedural Right, specifically the Penal Code and the Procedural Code, is what made me work on the article.
Despite the fact that the defendant’s rights in a penal process are expressively defined in the legislation, various problematics are faced in practice when it comes to respect them.

Monitoring the respect of human rights of the defendant, reflexion of procedural actions performed towards the defendant in every phase of investigation and judgment, is a necessary legal need, first for the people involved in the phenomenon of the implementation and respect of those rights (judges and prosecutors, Judiciary Police, psychologists, educators, lawyers, etc.), and second for the doctrine in this field itself. To be in the European levels and standards, respecting the integrity and personality of the defendant is required as priority, by guaranteeing him the rights acknowledged by the law of penal procedure. The Methodology of study will respond to the reaching the objectives of this research. Methods to be used in this article will be: documentary analysis, collection of qualitative data, analysis of data and comparative study.

The research, aiming at treatment of the points mentioned in the sections above, will be divided in the part of research where our system of right will be treated from the viewpoint of rights of people under investigation (the defendant), in the view of historic and social factors, bringing to light the improvements made in our penal legislation. The method of analysis will be used in this part, by means of which changes in legislation that have brought about the improvement of the position of the defendant in the penal process will be brought to light, by using the respective literature of domestic authors. Apart from this, to the function of this method used, will be the interpretation of legal provisions that throw light on the juridical-penal definitions of this phenomenon. It will be made understood through this analysis that improvement of position of the defendant makes up the starting point for later development and further improvement of the Code of Penal Procedures, making it more contemporary and efficient. In this research, special treatment will be given to the specific right of the defendant, way of their juridical treatment, placement of these provisions in the center of analysis of a penal process. The juridical-penal treatment of the defendant’s rights from the current Albanian legislation in this field, seen in the light of international acts, namely the European Convention of Human Rights, will also be analyzed in this part. Given the juridical-penal treatment of the defendant or person under investigation by our internal legislation, will be analyzed in this part, and comparison will be made with international acts in this area to reach this goal, the comparative research is functional. By using this method the important conclusion will be aimed to reach why it is necessary for Albania to have monitoring authorities for the rights of defendant or the person under investigation. Part of research – the part of conclusions and recommendations, that will include in a summarizing way the observations and conclusions.

2. Analysis of the rights of the defendant in Albania

Treatment of defendant’s rights in the penal process requires that the context of those rights and their field of implementation, is well known.

Recently an increase of criminality is noticed in Albania and side by side with this phenomenon disrespect of rights of people under procedure is noticed as well. This phenomenon has been revealed in our country not as a new phenomenon but as widespread and stimulated by certain social-economic factors.

Rigorous respect of defendant’s rights during the penal process requires special attention in our country, at a time when the penal and penal procedural legislation try to get close to the international norms active in this field. Albanian society, in the actual stage of development, open to other more developed societies and to the phenomena that the latter reflects on it, has begun to be conscious regarding the category of rights and obligations belonging to them. It’s important that in a penal process the defendant enjoys the principle of parity of weapons, as in a superficial overview it looks like the defendant is alone against the state, often looking like the court and the prosecution are supporting each other. Precisely these superficial viewpoints create a confusing situation and in a way deteriorate the position of the defendant in a penal process. The Subjects participating in a penal process should take into consideration the terminology related to the rights of the people under investigation, the context those rights are born in.

3. Historic Development of defendant’s Rights in the Albanian Penal and Procedural Right

The history of penal right beginnings in Albania is related to the creation of the Albanian independent state and the government of Vlora in 1912. Initially the Osman Penal Code of 1858 modified in 1909 has been in use. In its beginnings the Government of Vlora has written various laws on the organization of justice in Albania. As to the system of penal law in Albania, in the full sense of the word, it can only be spoken after the approval of the Statutes of Lushnja (1920) and the
extended statutes of Lushnja (1922) and on, until 1939.¹

On the coming of Ahmet Zog in power, during the years 1920 – 1928 various laws of penal right were decreed. At the same time, the Albanian habit right (Canons), were active especially in the mountainous areas of the country. Albanian Penal Code, that was set up after the Italian Penal Code (1889), came to force on 01.06.1928. This Penal Code marked the detachment of the Albanian penal code from the Osman influence and orientation towards the European penal code. One of its democratic principles is the principle of legitimacy, according to which “there is no conviction without law” (Nullum crimen, nulla poena sine lege), which in itself makes up protection of human rights. During 1939 – 1944 Albania was conquered by foreigners, to the function of which also served the penal right. In the period 1945 – 1990 the power of proletarian dictatorship and the class fight were ruling in Albania, where the Penal Right and the Penal Code as part of it, served the party – state. The Penal Code of 1952 had provisions protecting the principle of legitimacy, but in this code, same as in the other penal laws of that time, we cannot talk about protection of human rights and liberties.

Democratic changes that took place in the beginning of '90 in Albania, and transition from a totalitarian system to a democratic system, marked a fundamental turn in the history of Albanian state and its institutions. Democratic orientation of the state required making total reforms among which the democratic conversion of the construction of state of right. For the first time, after the long period of totalitarianism, the fundamental democratic principles of the state of right, among which protection of human rights, found place in the law no.7491 on 29.04.1991 “On the major Constitutional Provisions”, and later on with the law no.7561 on 29.04.1992 /On some changes and amendments to the law no. 7491 on 29.04.1991 “On the major Constitutional Provisions”/. In the framework of institutional reforms in the new Albanian democratic state, the Albanian lawmaker was obliged to make changed to the Penal Code of the Republic of Albania, something that was revealed in designing a new Penal Code that was approved by law no. 7895 on 27.01.1995. It was set up according to the contemporary models of penal codes of the democratic states, like: France, Germany, Italy, etc. and for the time it was aproved, it responded somehow to the international standards. The penal law is not static and unchangeable, on the contrary it is changed and amended depending on the social, economic and political conditions of the country and on the objective requirements of the judiciary practices.²

The Penal Code of 1995 and the Procedural Penal Code are currently in power, but from the time they came to power until today, they have gone through numerous annexes and amendments, parts of which are related to the protection of human rights and liberties.

4. Amendments to the Penal Code and the Procedural One, related to the defendant’s rights, as reflection to the Constitution of the R.A.

The current Penal Code that came to power on 01 June 1995, is an act of great political and juridical importance for the time it was approved, thus materializing the democratic principles of the society, among which also the protection of human rights and liberties.

Albania had not yet ratified the European Convention of Human Rights at the time the Penal Code was approved. Anyhow, protection of human rights and liberties found place in the Law No.7491, on 29.04.1991, “On the major Constitutional Provisions”, as well as in the Law No.7692, on 31.03.1993 “On an amendment to the Law no.7491 on 29.04.1991 /On the major Constitutional Provisions”, where the Penal Code relies on. In the articles 2 and 3 of its general part, the statement that the right “There is no sentence without law” found place (article 7 of Convention), where article 2 ëhas been later on amended with law no.7984 on 28.7.1995, by being amended more conformity with the article 7 of the European Convention of Human Rights. Likewise, the Penal Code provided in its special part, figures of penal deeds that protect human rights as provided in this convention and will be treated further down.

One of the characteristics of this code is that its structure is constructed on the basis of a new concept in placing the ratios between the individual and the state, by giving priority the juridical-penal protection of the person, different from the previous Penal Code, where the protection of the state was first priority.

Even though in 1995 the Penal Code and the Code of Penal Procedures were approved, the approval of Constitution of the Republic of Albania (1998) and the need of approaching the legislation with the Constitution and the approved conventions, dictated the need for review of the existing laws, approved a long time ago, as well as the approval of numerous other new laws.³

² Elezi, I., Kaçupi, S., Haxhia, M. (1999), Komentar i Kodit Penal të Republikës së Shqipërisë, SHBLU, Tiranë, (fq. 16)
From this point of view, the ratification of European Convention of Human Rights by no.8137 on 31.07.1996, as well as the social, economic and political changes of the country to date, have been followed with changes and amendments to the Penal Code, which have been numerous (in total 13 laws).

The Constitution of the Republic of Albania, the first and fundamental source of rights in Albania, the law of highest power in the hierarchy in our country (article 116), in its second part sanctions “The fundamental human rights and liberties” In its article 15 it proclaims that: “The fundamental human rights and liberties are inseparable, inalienable and inviolable and stand on the basis of all the juridical order”. While in the article 42 it sanctions that: “Freedom, property and the rights acknowledged by Constitution and Law, cannot be violated without a lawful regular process”. “For the protection of rights and liberties and own constitutional and legal interests, or in case of accusations raised against him/her, anyone enjoys the right of a fair public judgment, withing a reasonable time, by an independent and impartial court nominated by law”. This constitutional provision and others following it make up the catalogue of fundamental human rights and liberties, as they are affirmed in the Constitution, and have the goal of guaranteeing the respect and protection of those right, because of the supremacy the Constitution has in the hierarchy of law. In this aspect, the state fundamental law, Constitution, guarantees “the integrity of person”, which means that not only the individual enjoys those rights, but also the state takes overt the obligation to really ensure them. This is why the constitution conditions the violation or limitation of those rights only through a “regular lawful process.” This term in itself implies a “gigantic” right that evolves several other constitutional and legal laws that on the basis of which the existence of the “regular lawful process” itself is created and conditioned. Such are all the elements provided by the article 42/2 of the Constitution (just, public judgment within a reasonable time frame, from an independent, impartial court), article 30 (presumption of innocence), article 31 (guarantees of a penal process), article 32 (right of incrimination), article 33 (right to be heard), article 34 (right for appeal to the court decision).

Through the guarantees above, the Constitution of the Republic of Albania has affirmed international standards of the fundamental human rights and liberties, specifically of the “European Convention of Human Rights” which has become part of the internal juridical system at the basis of Constitution (article 17/2).

The European Convention of Human Rights, as an act of constitutional power in the Republic of Albania, has found reflection and full adoption in the constitutional provisions.

From a general overview of legislation in years, it is realized that the defendant’s rights have notable improvements, but there is always space for improvements. Referring to the procedural law, the defendant enjoys the right of a just and impartial trial, a provision that citizens in the quality of defendants did not enjoy in the communist system. Today, the defendants enjoy the function of defence and as a result of this they have equality of the parties in judgment. This equality takes full legal shape with the presumption of innocence for the defendant.


This was the first law that changed the Penal Code after the ratification of the European Convention of Human Rights. In this law, among others, several provisions are included, which provided fixed sentences for various penal deeds, by equalizing various authors of those deeds despite the circumstances in which they had committed those penal deeds. This made impossible the individualization of sentence, violating the principle “The right for a regular process”, as provided by article 6 of the Convention. These problems brought about the intervention of the Constitutional Court of Albania with its decree no. 13, on 29.05.1997, by which those provisions were abrogated as unconstitutional, by forcing the lawmaking organ make the respective amendments to the Penal Code. This decision was followed by law no.8733 on 24.01.2001, which made some amendments to the Penal Code.

4.2 Law no.8733 on 24.01.2001 “On some amendments to the law No.7895, on 27.01.1995 /Penal Code of the Republic of Albania/”

This law played a very important role in the changes to the Penal Code, not only in addition of numerous provisions that complemented the its legal framework as regards the huma rights and liberties, but also in the direction of change, at the same time improvement of several provisions protecting those rights.

A very important amendment that Penal Code underwent from this law is the abrogation of death sentence in its article 79, as one of its major sentences.

The Albanian Committee of Helsinki has publicly pronounced itself on the abrogation of death sentence prior to its
abrogation. It has organized an awareness campaign with positive effects even after December 1999, when the Constitutional Court considered as incompatible with the constitutional principles, with the European Convention of Human Rights and the protocol no. 6 of the European Convention those provisions where the death sentence was sanctioned. 4

This amendment was made in reflection to the Protocol 6 of the Convention (28.04.1983) and the decision of the Constitutional Court of Albania no.65, on 10.12.1999. Through this law, in the general part of the Penal Code, was added:

- Article 1/a, where was ratified the principle of relying on general provisions of international penal right, as well as the international agreements ratified by the Albanian state, among which is the European Convention of Human Rights.
- Article 1/c, where it is provided the principle of Penal Code “equality before the law” and “justice in defining guiltiness” which are expressions of the principle “Right for a lawful process” provided by the Convention.

4.3 Law no.9275 on 16.9.2004 “On some amendments to the law No.7895, on 27.01.1995 /Penal Code of the Republic of Albania/”

What this law is worth mentioning about, is the protection of principle of stopping discrimination (equality), as we as the right for a lawful process.

4.4 Law 23, on 01.03.2012 “On some amendments to the law No.7895, on 27.01.1995 /Penal Code of the Republic of Albania/”

Several penal deeds have been changed by this law, the majority of which is related to the right for a regular legal process. Thus several provisions have changed, related to the active and passive corruption foreign public officials, judge or official of the international courts, local and foreign magistrates and members of the foreign judiciary courts, in protection of the right for a regular trial. (articles 259/a, 319/a, 319/b, 319/c, etc).

5. Garanteeing the defendant’s rights in the general part of the Albanian Penal Code

In some provisions of the general part of Penal Code, some rights of the defendant are provided, that are protected by the European Convention of Human Rights, as general principles of penal right on which this code relies on. In the first paragraph of article 1/a of the Penal Code it is provided:

Penal Code is based on the Constitution of the Republic of Albania, on the general principles of international penal right, as well as on the international agreements ratified by the Albanian state.5

According to this article the Constitution of the Republic of Albania makes up the basic source of the Penal Code, as well as for all the Albanian right many provisions of which have a penal character and among others defend human rights and liberties. All the juridical – penal norms of this Code are based on the main constitutional principles, among which “respecting the fundamental human rights and liberties”, that is expressively provided by its article 15: “The fundamental human rights and liberties are inseparable, inalienable and inviolable and stand on the basis of all the juridical order.” There are numerous other provisions in the Constitution, where the constitutional principles are provided, which are an expression of human rights and liberties, that are at the same time reflected in the Penal Code, but the legal framework of the Constitution is not the object of this research.

According to article 1/a/1 of the Penal Code, among others, the source for this Code is also the general principles of international penal right, as well as the international agreements ratified by the Albanian state. Protection of human rights and liberties comprises a general principle of the international penal right. The European Convention of Human Rights, ratified by Albanian with law no.8137 on 31.07.1996, is part of the international agreements that serve as a source for Penal Code, in the view of its article 1/a/1. This Convention is part of the internal juridical system. According to article 122 of the Constitution of the Republic of Albania.

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5 Ligji nr.8733 datë 24.01.2001, Për disa shtesa dhe ndryshime në ligjin nr. 7895, datë 27.01.1995 "Kodi Penal i Republikës së Shqipërisë", nen 1
5.1 Equality before the Law

The principle of equality before the law is materialized in the article 14 “Stop to discrimination” and article 6 “Right for a lawful trial” of the European Convention of Human Rights. It is sanctioned in the article 18 of the Constitution of the Republic of Albania, at the same time pertaining through all the Penal Code. It finds expression in the first paragraph of its article 1/c, where it says: “Penal Code is based on the constitutional principles of the state of right, equality before the law, justice in defining guiltiness and sentence, as well as humanism.” Penal Code guarantees that law treats all the people equally, regardless of sex, race, religion, etc., as well as giving justice in the consideration of penal cases, by not allowing differentiation or discrimination of authors of penal deeds, or harmed people related to:

- Taking penal responsibility;
- Finding guilty;
- Defining sentence;
- Criteria for reward for damage caused by penal deed;
- Dismissal of penal case and sentence;
- Profiting from amnesty;

5.2 No sentence without Law

In the article 7 of the European Convention of Human Rights the principle “No sentence without law” is accepted. This principle, otherwise known as the “principle of lawfulness” in the theory of right, finds expression in the articles 3, 4 of Penal Code.

In the article 2 of the Penal Code it is provided that:

No one can be sentenced penally for a deed that has not been previously expressively provided in law as a crime or penal offence.

No one can me sentenced at a sentence measure and type that is not provided by law.⁶

This provision is a direct expression of man’s right not to be sentenced without law, provided by article 7 of the Convention, on the basis of which integrity individual is guaranteed by preventing:

- Penally charging and sentencing innocent people;
- Penally charging and sentencing people for penal deeds that are not provided as such in the penal laws;
- Sentenceing people penally at a certain measure and type of sentence that is not provided by law.

This principle in the penal right takes a special political-social and juridical importance, as it is placed on the basis of all the activity of justice institutions.

Any deviation from this principle comes openly contrary to democracy which has its highest goal insurance of the fundamental human rights and liberties.⁷

The principle of no sentence without law is closely related to the article 3 of Penal Code, where, at first view operation of the penal law if defined, where it is provided that:

No one can be sentenced for a penal deed that according to the law at the time it was committed, did not make a penal deed.

The new law that doesn’t condemn the penal deed has retrospective power. In case the person is sentenced, execution of this sentence cannot commence, and if it has already, it is dismissed.

When the law at the time penal deed was committed and the later coming law are different, the provisions of the law most favorable for the person committing the deed apply.”

If we analyse the content of this provision, we have to do with the principle of no-sentence without law. From this provision it becomes clear that, the main criteria determining the penal responsibility of the person, is the time when he committed the penal deed and which law was active at that time. A law has no retrospective power for a penal deed committed prior to its coming in power, consequently a person has no penal responsibility for illegal acting or non-acting before the law considering the as penal deeds, comes to power. This provision takes into consideration the application of the law favouring the authors of penal deeds.

⁶Ligj nr.7895 datë 27.01.1995 “Kodi Penal i Republikës së Shipërisë”, neni 6
⁷Elezi, I., Kaçupi, S., Haxhia, M. (1999), Komentar i Kodit Penal të R.Sh., SHBLU, Tiranë (fq.36)
6. Guaranteeing the defendant’s rights in the Albanian Code of Penal Procedures and the problematic in concretising them.

In several provisions of the Code of Penal Procedures, various rights are provided that from importance are crucial to a regular legal process.

In the article 1 of the Code of Penal Procedures it is provided that:

*The procedural legislation intends to secure a fair, equal and regular legal trial, protect the personal liberties, legal rights and interests of the citizens, help in the strengthening of juridical order and implementation of Constitution and state laws.*

All the juridical-penal norms of thei Code are based on the main constitutional principles, as expressively provided in its article 16.

In the article 4 of the Code of Penal Procedures it is provided that:

*The defendant is presumed innocent until his guiltiness is not proved with a judiciary verdict made absolute. Any doubts about the accuse is estimated to the favor of the defendant.*

Precisely this provision makes up one of the fundamental rights of the defendant, which is reflected in the European Convention of Human Rights.

In the article 5 of the Code of Penal Procedures it is provided that:

*Freedom of man may be limited with security measures only in cases and manners provided by the law. No one can undergo torture, sentence or humiliating treatment. Human treatment and moral rehabilitation is secured for the convicts in prison.*

In the article 6 of the Code of Penal Procedures it is provided that:

*The defendant enjoys the right for self-defence or with the assistance of defender. When he had no sufficient means defence is provided free of charge with a lawyer. The defender makes sure the defendant is guaranteed procedural rights and protectio of his legal rights.*

As it is seen in this provision, the defendant is guaranteed defence and in this framework various problematics are faced in the context of how really this defence is secured in the cases of free defence. Precisely in the framing of this defence, measures should be taken and the efficasy of this defence be monitered.

In the article 7 of the Code of Penal Procedures it is provided that:

*Nobody can be rejudged for the same penal deed, for which he has been judged with a devision made absolute, except the cases when rejudgment has been decided by the competent court.*

In the article 38 of the Code of Penal Procedures it is provided that:

*The defendant, even at isolation measure of security or when he is deprived of freedom for any other reason, is interrogated in a free state....Even with the consent of the defender, no methods or techniques can be used to influence the freedom of will or to change the capability of memory in the evaluation of facts. Prior to interrogation, it is explained to the defendant that he has the right to remain silent and that in case he remains silent, the proceeding will continue.*

Problems have been encountered even in the application in practice of this provision, as actions have been taken with the defendants without letting them know the legal rights provided by this Code.

7. Objectives of the Project

Regulation by law of the defendant’s rights has been always a priority and there have been evident improvements in this area. Even in Albania the image of the defendant in the light of the main subject in a penal trial, has its background, a wide placement and reaching European standards is targeted. All the subjects participating in the penal trial should know well the internal legal framework and international acts in this field, so as to apply them in everyday’s practice.

Development of an impartial and efficient legal process should be the motif to lead the work of the organs of penal procedure in their day to day activity. In order to reach this objective, it is important to know well the legal area guaranteeing the rights of the subject “defendant” or “person under investigation”, not only from the legal side, but also from the juridical-penal side. From this point of view, I think that this article presents importance for the people working

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8 Ligji nr.7905 datë 21.03.1995, “Kodi Procedurë Penale të Republikës së Shqipërisë”, neni 1
9 Ligji nr.7905 datë 21.03.1995, “Kodi Procedurë Penale të Republikës së Shqipërisë”, neni 5
10 Ligji nr.7905 datë 21.03.1995, “Kodi Procedurë Penale të Republikës së Shqipërisë”, neni 6
11 Ligji nr.7905 datë 21.03.1995, “Kodi Procedurë Penale të Republikës së Shqipërisë”, neni 7
12 Ligji nr.7905 datë 21.03.1995, “Kodi Procedurë Penale të Republikës së Shqipërisë”, neni 38
the system of justice, judges, prosecutors, officers of Judiciary Police, lawyer who face the problem of disrespect of rights of people under investigation. Knowing the rights related to those subjects will lead to the rightest solution of cases in practice and respect of legal procedures.

In the current stage of social development of Albanian state, the problem at hand occupies its important place, while the number of people under investigation is evidently growing. Theoretical treatment of the legal framework guaranteeing the rights of the person under investigation, should be done to adapt to the new developments. To this end, the article will recommend the necessity of creation of the monitoring authority in the legal system of penal justice to monitor the respect of rights of the defendant in the penal process, possibly by giving respective suggestions.

8. Results and Recommendations

To realize the defence of the defendant in the penal process or of the person under investigation suspected for a penal deed, legal instruments provided by law should be put in action. In many cases, these legal instruments are not respected, thus violating the rights belonging to this category of people. Exactly for this reason the rights of the persons under investigation should be practical and efficient so as to be applied in practice.

The system of Albanian justice has not defined who of the actors involved in procedural actions should monitor the respect of rights of person under investigation, inform him on the category of rights belonging to him as well as take required measures to guarantee the respect of those rights.

Lack of such a specific system brings about a continuity of problems as to the figures that will be dealing with the treatment of these problems laid down. Further on, another big problem faced in practice is the rigorous non-reflection of procedural actions committed with the defendant in the respective acts. Currently the Police organs in our country, having the attributes of the organ of accuse in most of the cases, obviously abuse with the arrested or detained people. This consists of the fact that these people are not informed of their rights, the cause of their detaining or arrestment and what’s most important, they are interrogated several times from the police officers with keeping minutes, until they hold affirmative attitudes and at this moment the actions is revealed in the minutes. The first interrogation of those people is done without the presence of the defender until the moment of judgment of the measure of security from the court.

It becomes evident in this article, that to what extent our legislation guarantees the protection of these rights taking into consideration the international standards and the identification of specific provisions in our domestic laws that ensure the defendants’ protection.

9. Conclusions

The rights of people under investigation are considered and developed as an important branch of right in general; the basis of principles of this branch related to the respect of rights of this category of people, are based on many international acts widely treating these principles of right.

To make a contribution in the real respect of those rights in Albania, the treatment of problematics in the procedural plan and the juridical-penal one, present importance and leave space for detailing. In treating this subject and to this function of this goal, it is necessary to treat the efficacy of defending instruments in favor of the defendant, respect of their rights in practice, establishment of an authority to monitor their implementation. As soon as this treatment is realized in the direction of respect of rights, the rights of people under investigation should be seen in the framework of internal right of Albanian state, that in these years has ratified and made part of its right the international acts determining those rights.

I think that the legal framework guaranteeing the defendants’ rights is complete. The problematic related to this legal framework are faced in their application in practice. For this reason I think that it should be closely studies the way how those legal guarantees for the defendant are realized in practice. As per above, it is concluded that the existence of a specific legal authority to monitor the respect of rights of people under investigation in Albania will guarantee the right protection of defendant’s interest. The authority conducting such monitoring should be capable to apply the respective laws and standards for human rights.

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The Concept of Emotional Labor in Health Sector

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Abstract

Emotions which are the feelings that humans experience, think and manage personally emerge by means of social interactions. Naturally emotions are significant in this process and for this reason it is desired to make use of emotions of employees as well and they are desired and expected to keep customer satisfaction at maximum level. Although emotion is abstract and very personal under normal conditions, today it has become almost a concrete product with economic value. Particularly in the health sectors the interest in using emotional labor grows increasingly in line with increasing significance of quality and use of emotional labor is deemed as one of the basic conditions of providing service quality. Emotional labor is generally accepted as one of the role requirements of the employee and expresses the efforts for exhibiting certain emotions requested by the sector or hiding certain emotions undesired by the sector. The purpose of this study is to specify the significance of the concept of emotional labor in the health sectors defined as the effort paid by the health employees who are in one-to-one communication with patients in the process of making their emotion exhibitions in conformity with the standards determined by health sectors.

Keywords: emotional labor, health sector, emotion

1. Introduction

Today upon the increase in the significance given to health, competition between health sectors has come to the agenda. In this case, the patients in the health sectors have been assessed as customer as well. In this context, the quality of the service provided in health sectors, customer satisfaction and ability of health sectors to realize their purposes become possible only through the efforts of health employees who are in one-to-one and usually face to face relations with those who are provided service. Naturally emotions become significant in this process and due to this fact it is desired and expected by the health sectors from the employees to use emotions of employees and keep customer satisfaction at the maximum level. Although emotion is abstract and very personal normally emotion, today it has become almost a concrete product with economic value. Now management of emotions in private life and management of emotions in professional life are discriminated from each other. Particularly in recent years in line with fast growth of the health sector the concept of “Emotional Labor” attracts the attention as an indispensible and common component of employees in health services as it is the case in other service fields.

2. The Concept Of Emotional Labor

Emotion is the basis of our social life. It is a phenomenon that makes us decide and that affects our decisions and even filters our perceptions (Lazanyi, 2010: 149). This phenomenon takes its place in professional life as well. It is possible to say that the action of working in a certain occupation is a significant determinant of the social existence of mankind and that it so represents an area where various emotions including love, hate, mercy, fear, disappointment, joy, guiltiness, jealousy are felt and revealed. Consequently when emotions are in question in professional life, very diversified research dimensions come to the agenda. However in addition to this, emotional components in the behaviors toward the customer or the person who is the addressee of the work performed or the emotional character of this behavior which is again an issue the significance of which has been increasing particularly in recent times are fields that try to examine the phenomenon of emotion in professional life with a different dimension. Providing forward of a certain emotional message to the other party through behaviors exhibited by the individual while performing his/her job is now accepted as one of the requirements of many jobs as a feature of the job role undertaken. In this mentioned field, emotions are discussed in the
dimension of performing the job with a certain “emotion expression” and creating a feeling in the other party who is the addressee of the work performed (including customer, patients etc.) rather than the feelings felt toward the job, arising from the job or in connection with the job and this sort of an effort is called “emotional labor” (Seçer, 2005: 814).

The initial studies with regard to emotional labor were carried on by Arlie Russell Hochschild who suggested the concept for the first time (Basbug et.al, 2010: 256; Venkatesh and Balaji, 2013: 1). Hochschild defended in his book titled “The Managed Heart” which was published in 1983 that upon the increase of service sector and this requiring more one-to-one relationship with the customer, emotions were paid particular significance in the management process for the purpose of further increasing customer satisfaction and even emotions became commodities purchased and sold against money in this process. The principal issue in the process defined by Hochschild as “management of feelings in order to create mimical and physical shows that can be observed by everybody” is emotion management. When emotion management is performed against a certain fee it is named emotional labor (Secer, 2005: 825-26).

The concept of emotional labor is defined as the effort paid by the individual in exhibition by the individual of the emotions requested by the organization in mutual relation among individuals (Unlu and Yurur, 2011: 188). The effort here is for creating a positive situation and pleasure in perception among customers. In this case consumer satisfaction and service quality perception is increased and a positive impression is provided for the service providing organization. Since service work employees who are in direct contact with customers are positioned in the area between the customer and the organization and since they represent the sector toward the customer, the issue of how those employees behave becomes a critical point (D'Cruz and Noronha, 2012: 70).

According to Hochschild (1983), emotional labor is regulating emotions so as to enable them to be observed by others as required by the job and making face and body exhibitions for this purpose. Hochschild states that emotional labor is exhibited face to face and in the form of body gestures whereas later researchers following him (Basim and Begenirbas, 2012: 78) thought voice tone (on the phone) should be added to emotional labor in addition to this view (Kinman, 2009: 119). Namely, it is a tendency to synchronize body gestures, mimics and voice tone automatically and unwillingly and generally without noticing while one is in relation with people and thus it may be in question to feel emotions that are in harmony with and that supplement one another. It is suggested that this fact which may be expressed as feeling similar emotions with other people in certain cases and giving similar reactions or coming together at a certain emotional level shall lead to resembling comments on the situation and that the phenomenon of emotional infection shall emerge more probably and become effective when;

1. Interaction and devotion is high,
2. Emotion is exhibited by a person with high status and loved,
3. Emotion is harmonious with rules on which emotions are acceptable in the existing environment,
4. There are no strong anti-emotions,
5. There is confusion on the situation or the emotional attitude toward that situation (Secer, 2005: 820).

3. Elements of Emotional Labor

Emotional labor has three elements. Elements including emotion regulation, deep, superficial and sincere behavior and rules of emotion exhibition are deemed as basic elements of emotional labor (Secer, 2009: 220; Kinman, 2009: 119).

3.1 Emotion Regulation

Emotion regulation is defined as the process of affecting which emotions the individuals shall feel, when and how they will feel them and how they will reflect them and consequently expresses the change in behavioral and physiological reactions. In other words, while emotions indicate the reaction to any internal or external event, emotion regulation is the process of affecting the intensity, period of this reaction of individuals as well as reflecting it (Secer, 2009: 221).

3.2 Superficial, Deeply and Sincere Behavior

The behavior norms that demonstrate which emotion is convenient for any particular event are called exhibition rules. Employees shape their emotions as desired by the organization by obeying these rules named by Hochschild as feeling rules. This behavior of role exhibition by employees appears in two forms – by role playing or by trying to really feel those emotions. And those role behaviors are named as superficial role playing and deep role playing (Basbug et.al.: 260).

Superficial behavior is pretention of an employee as he/she is feeling the emotion expected from him/her by
making certain changes in his/her physical appearance (such as mimic, gesture or voice tone) although he/she may not really feel that emotions at that moment. This does not mean that the employee feels nothing but here the emotions exhibited (reflected) by the employee differs (Unlu and Yurur, 2011: 189).

Deeply behavior is the individuals’ trial of really feeling the emotions that he/she should exhibit as required by behavior rules. Individuals try to change their internal emotions in order to be able to exhibit the emotions required by behavior rules. In deeply behavior there is the effort to make the behavior appear sincere beyond obeying those rules (Yurur et.al., 2011: 3828).

This does not take into account the situations of experiencing and exhibiting by the individual the emotion expected from him/her naturally and sincerely. Any service personnel may feel the emotion expected from him/her to be exhibited without having to pay any effort. A nurse having sympathy for an injured child does not need role playing. And for this reason feeling and reflection of the emotion expected from the employee to be exhibited sincerely is defined as sincere behavior (Unlu and Yurur, 2011: 188).

### 3.3 Emotion Exhibition Rules

Emotion exhibition rules are the rules according to which employees pay emotional labor following the emotion exhibition rules determined by the organization. Those rules which the organizations express they impose on their employees and manage them in this manner are named as feeling rules (Secer, 2009: 224).

Emotion exhibition rules become the behavior standards determined by organizations for performances of employees in different situations and under different conditions. The job requiring much diversified emotion exhibitions shall lead to the fact that employees shall need more emotion diversification and in this regard their emotional labor payment rates increase as well. The need for this emotion diversification causes the employees to have emotional discord (Basim and Begenirbas, 2012: 79).

### 4. Emotional Labor in Health Sectors

Health sector has certain peculiarities different from other sectors due to its fast growth and its inclusion high number of and much diversified health employees. And the most significant among those peculiarities is the situation of being in high interaction with patients who are in the position of customers. Considering customer satisfaction which is principal in service sectors as well, the quality of this face-to-face communication becomes very important. And health organization directors use various strategies for increasing the quality of customer-employee interaction. One of those strategies is the perceptions and attitudes exhibited by employees with regard to the service they provide. Namely emotional labor which is the requirement of mobilizing or oppressing of the employee his/her emotions in order to support physical appearance that creates a certain emotion situation in his/her customer.

Emotional labor is the situation of, planning and control and the effort of the employee for exhibiting the emotions expected from him/her in the process of exhibiting the emotions expected from the employee to exhibit during the process of interpersonal relations (Kinman, 2009: 118). In this case management of emotions in private life and management of emotions in professional life are discriminated from each other (Secer, 2005: 828). Because employees perform the mentioned emotion control against a certain fee since they use their emotional reactions as a part of their occupations. Their emotions are now a part of their occupations and their success in the workplace is closely related to how the use their emotions (Oral and Kose, 2011: 465). For this reason health sectors which want to make their service quality dependent on certain standards pay particular significance for creating and implementing emotional behavior rules (Oral and Kose, 2011: 469).

Competition increasing in line with the development in the health sectors made customers the focal points for the organization. During service provision health employees interact with customers more closely. This interaction increases the expectation from employees to include their emotional labor to their job and gives prominence to the role of emotional labor particularly in interactive service areas (Gungor, 2009: 168). Consequently the level of emotional labor of any health profession serving in the health sectors should be high. Among these, the role of the professions of doctors and nurses for example contains great emotional work, agreement, namely emotional labor (Mann and Cowburn, 2005: 154).

Emotional labor in health sectors is rather a necessary phenomenon -for the patient- in health care cases. For example, emotional labor in health care has certain significance for patients with pain, panic, anxiety and fear experiences (Venkatesh and Balaji, 2013: 5). Because any patient having pain expects health employees to be good-humored, smiling and concerned in such a situation. Certainly this situation may have negative results on the employees as well.
According to the findings of Maslach (1982) emotional labor is said to impose overdosed emotional load on health employees in the case of care requirement for patients (Lazanyi, 2010:151). According to Hochschild; the employees are required to pay certain effort in order to exhibit the emotions required by the job. And this may lead to burnout and job stress with the employees. Differently Ashforth and Humphrey suggest that in some cases employees may not need to pay conscious effort which may create stress for them in order to exhibit those behaviors, and that they may exhibit these sorts of behaviors without paying any effort within a routine. Consequently emotional labor has positive and negative influences of employees (Gungor, 2009: 179).

Today the point arrived at in the studies performed on emotional labor is the issue that emotions do exist in health sectors and have significance. It is an irrefutable fact that emotions are integrated parts of health employees working in the health sectors. There are studies discussing the significance of emotional labor on health employees in the health sectors (Mann, 2005; Mann and Cowburn, 2005; Brotheridge and Grandey, 2002; Lazanyi, 2010; Oral and Kose, 2011; Venkatesh and Balaji, 2013; Kose et.al., 2011). Under the light of those studies performed or to be performed in the future it is considered that expectations for emotional labor in health sectors began to become a part of organizational culture in time. Attempts to create and reinforce such a structure usually require directing and controlling the emotions of employees in professional life. In the end organizational culture becomes a structure oriented to control not only the behaviors but also the feelings of employees.

5. Conclusion

Emotions are now integrated parts of many occupations and jobs ranging from service sectors to professional occupations. This is the point reached in the studies performed in this issue as well. It is possible to base the significance and necessity of emotional labor on emotional bases of working environment. And the concept of emotional labor discussed as management of emotions may be defined as the effort paid for transforming the emotional reactions of employees working in one-to-one relation with customers as required his/her job into a form acceptable to the organization or for creating emotion exhibitions harmonious with the purposes of the organization.

Emotional labor is particularly revealed in jobs which require direct contact with people including health sectors, in jobs which require the employee to use his/her emotions to create an emotional situation with the other individual and in jobs which allow the organization to control the emotions of the employee. And in order to realize this, the employee uses his/her own emotions as an instrument. They exhibit behaviors of oppressing their emotions, exhibiting false emotion or over-exhibition of emotions depending on the situation. And the important point here is how the employee reflects his/her emotions to the customer rather than what the employee himself/herself feels. For example, the health employee should adjust his/her face mimics and body gestures and voice according to the situation of any patient applying to the health center. Namely he/she is expected to approach any patient with pain and panic more compassionately, more understandingly, cooler and more interested and not to reflect negative situations to the other party. They are required to exhibit consistent behaviors according to the situation all the time. It may be difficult for the individual to control emotions and to behave as expected by the organization particularly toward aggressive customers. In some cases the individuals are required to pay certain effort, namely emotional labor in order to obey behavior rules of the organization. Consequently the achievement of individuals obtained from this effort is related to how good they could manage emotions. Here the employees and directors are imposed great tasks and responsibilities.

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Civil Society, Referendums and the Media in Turkey: 
A Comparative Analysis of the Representation of the Referendum Rallies Relating the Constitutional Amendment in 1982 and the Constitutional Amendment Package in 2010

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Abstract

Civil society generally defines a sphere where groups of people can act without being forced by any source of power. The citizen is one of the most important dynamics of the civil society in that they form a source of power against the state by demanding their rights in the public realm. Citizenship, which is the verbalism of political belonging to the state, is not limited to a legal status in which the individual has a series of specific rights and duties. It is also an expression of the individual’s articulation to society and the relationship that they build in the political-social sphere. The media, which should be a democratic institution by essence, is closely related to the civil society. In this day and age most of the political struggle takes place on media. Therefore, the political power always uses the media as an ideological tool. Referendums, on the other hand, are an important constituent in pluralistic democracy. Referendums reflect the political preferences of social groups equally, although in a relative sense. Thus, different groups can influence the government mechanisms in line with their demands and needs. The role that the media undertakes during the time of referendum, a democratic right for all citizens, is very significant because it is via the media that the information related to the laws or amendments which are put to vote. That is why the analysis and interpretation of media texts that undertake a crucial role in times of referendum is very important. In this context, making a comparative analysis of the selected Turkish media (Cumhuriyet, Hürriyet, Tercüman/Bugün) coverage of 1982 constitutional referendum rallies and 2012 constitutional amendment package referendum rallies, and interpreting them within the framework of civil society discussions makes up the problem of this study. Determining the attitude of Turkish press and whether they had a political bias in 1982 constitutional referendum rallies and 2012 constitutional amendment package referendum rallies forms the purpose of the study. In the study content analysis method has been used. Quantitative distribution and rates of the newspapers’ front-page news content and photographs relating with 1982 constitutional referendum and 2012 constitutional amendment package referendum rallies have been determined and compared/contrasted. Besides, the data gathered from the aforementioned newspapers’ attitude towards the referendum rallies and thematic analyses of discourses in news texts have been compared/contrasted. One month before 7th October 1982 constitutional referendum and 12th September 2010 constitutional amendment package referendum marks the time limit of the study. Another limitation is regarding the newspapers chosen to represent the Turkish press. Based on their ideological attitudes; Cumhuriyet is chosen to represent national left (Kemalist, statist, secular), Hürriyet to represent liberal and Tercüman/Bugün to represent nationalist conservative ideology.

Keywords: Civil society, media, citizenship rights, referendum.

1. Introduction

Referendums are one of the main features of participatory democracy. Referendums reflect political choices of social groups equally, albeit relatively. By this way, various groups can have their influence on the government. At the time of a referendum, which is a democratic civil right, the role of media is vital because, through media, people are informed about the laws or amendments that will be voted on. Therefore, analysing and interpreting the media texts that undertake a central role at the referendum periods are significant.

In this context, the problem of the study is the comparative analysis and, in the framework of civil society discussions, interpretation of 1982 constitution referendum and 2010 constitutional amendment package referendum rallies’ presentation on the newspapers (Cumhuriyet, Hürriyet, Tercüman/Bugün) chosen to represent Turkish press. The approach of Turkish press in the 1982 constitution referendum rallies and 2010 constitutional amendment
package referendum rallies, and whether they displayed a political affinity forms the aim of the study. Methodology of the study involves quantitative and qualitative content analysis.

2. Theoretical Framework

Civil society defines a sphere where human beings can act freely without being pressured by a force (Atabek and Dağtaş, 1998: 1). Contractarian thinkers see civil society as a place where individuals are endowed with a series of rights and responsibilities (Çaha, 1996). Antonio Gramsci distinguishes between civil society and state. However, Gramsci sees civil society as the cultural hegemony that a civil group produces on the whole society (Gramsci, 2009: 19).

Today the concept of civil society is defined with different features in various theories of democracy. Among these theories; (1) Minimal statist civil society, (2) Pluralist civil society, and (3) Participatory civil society models stand out most. Minimal statist civil society and pluralist civil society derive their roots from liberalism, whereas participatory civil society model was inspired by neo-Marxist leftist movement (Atabek and Dağtaş, 1998:41).

 Participatory civil society model is fundamentally based on equal participation of various groups in a society in the governing mechanisms. “Political equality”, the existential condition of democracy, is not just giving all the citizens the same rights. Democracy is also a means of balancing the social inequalities in the name of moral rights. In fact, within the boundaries of laws, a democratic state should give the most vulnerable citizens the right to disobey the established order where there is inequality, including the state itself (Touraine, 1997:38). When it first came out, civil society exhibited a structure that integrated with state. Today, however, it appears as a concept that is detached from state, and is one of the main dynamics of democracy. The citizen, who bears a force against state by voicing his/her demands in public spaces, is one the foremost dynamics of civil society. Citizenship, which is the expression of political belonging to state, is not confined to a legal status with a series of privileges and responsibilities. It is also the expression of integrating individual into society and its relationship with political-social space (Üstel, 199:80).

Civil society in Turkey historically has gone through different periods. The history of civil society starts with the political culture of late Ottoman period. In 1923, with the establishment of republic, a need to create a new society and culture emerged. In the literature of statist elitists, state itself was of utmost importance and this concept, not society or civil society, was brought forward (Çaha, 1996: 108). After 1950s, political elitists transformed state-centred order of republican period into a party-centred political order. Until 1950, political elitists who gathered under the roof of Democratic Party (DP) defended -at the state level- the interests of social groups who had fallen down to secondary importance in the face of state interests and had been isolated from the system. Post-1950 Turkish society outlined a society typology that is inclined to differentiation in which each group adds diversity and conflict to the system based on its own interests rather than a harmonised society gathering around common benefits (Çaha, 1996: 124).

In 1980s, two concepts at the heart of discussion agenda in Turkey were civil society and liberalism. Privatisation of state economic enterprises (KİT in Turkish) delegation of authority, funding municipalities, promoting market economy, etc. brought big gains for the civil society front (Çaha, 2007:228).

Media is closely related to civil society indeed. Today, the attitude of media institutions in forming a public opinion changes the balance of power in the society. Therefore, most of the struggles over political power take place via media. For this reason, governments always use media as an ideological tool. In Turkey, in 1980, when civil society was tried to be removed, although the pressure tools of state were also in use, for propaganda purposes media was again needed. In our contemporary Turkey, media still holds an important role against various hegemonic struggles.

3. Methodology of the Study and Evaluation of Findings

Methodology of the study involves quantitative and qualitative content analysis. Quantitative content analysis involves comparing numerical distribution of the news contents and photographs published on front and jump pages of newspapers regarding the rally periods of 1982 Constitution referendum and 2010 Constitutional Amendment package referendum. In qualitative content analysis, the approach of newspapers towards referendum rallies is analysed.

In the study, supportive narration of the news stories concerning the referendum rallies is regarded as “positive”. News stories with negative expressions are regarded as “negative”. News stories without commentaries are defined as “neutral”.

Limitations of the study are as follows: One month before the constitution referendum of 7 November 1982 and constitutional amendment package referendum of 12 September 2012 draws the time limit of the study. In accordance
with the ideological stances of the newspapers; Cumhuriyet to represent national left (Kemalist, statist, secular), Hürriyet to represent liberal, and Tercüman/Bugün to represent nationalist conservative ideologies have been chosen. The fact that findings of the research can be generalised for only these newspapers makes up another limitation.

4. The Evaluation of the News in the Newspapers

Kenan Evren himself, the president in office at the time, led the referendum rallies that were held before 7 November 1982. Hence, there were 40 news articles about the rallies led by Kenan Evren in the newspapers, which are the unit of analysis. It was found out that 14 news stories were made about the rallies in Hürriyet and Tercüman. 12 news stories in the newspapers were directly about the rallies. The remaining 2 news stories covered information about the rallies, which were previously announced.

The news stories included topics such as the information given directly by Kenan Evren about the new constitution, the indoctrinations which were given to the public and political instability. It can be said that Kenan Evren’s words formed the basis of headlines, spots and news reports. The language used in all three newspapers is quite similar. In addition to these similarities, it is seen that all three newspapers placed Kenan Evren’s words in the base of news reports directly and indirectly.

Table 1: The Quantitative Distribution of Referendum News Articles in Newspapers

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>1982 Period Analysis Newspapers</th>
<th>2010 Period Analysis Newspapers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency Number</td>
<td>Frequency Rates</td>
</tr>
<tr>
<td>Cumhuriyet</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>Hürriyet</td>
<td>14</td>
<td>35</td>
</tr>
<tr>
<td>Tercüman</td>
<td>14</td>
<td>35</td>
</tr>
<tr>
<td>Total</td>
<td>40</td>
<td>100</td>
</tr>
</tbody>
</table>

The polemics of the political figures about the agenda and the mutual accusations among politicians appeared in the news about the referendum rallies that were held before 12 September 2010.

33 news stories were published in Cumhuriyet related to the referendum rallies one month before 12 September 2010. 12 of these were about the rallies held by CHP (Republican People’s Party), 9 of them were about the rallies held by AKP (Justice and Development Party), 4 of them were about the rallies held by MHP (Nationalist Movement Party) and 1 was about the rallies held by BDP (Democracy and Peace Party). In the rest of the news stories, some general information about referendum rallies was covered.

It was found out that 43 news articles were made in total about the referendums conducted before 12 September 2010 in Hürriyet. The distribution of the news was as follows: AKP: 21, CHP: 14, MHP: 6, BDP: 1. In the news concerning the rallies, the mutual accusations made by politicians got more coverage than the content of the constitutional amendment package.

It is seen that 19 news stories were published about the referendums held before 12 September 2010 in Bugün. Compared to Cumhuriyet and Hürriyet, Bugün published fewer news stories about the referendum rallies. The distribution of the news is as follows: AKP: 11, CHP: 7, MHP: 1. The significant statements uttered by the politicians were framed in the headlines.

5. The Evaluation of the News Reflected in Headlines and Subheadings

It is seen that many of the referendums that were held before 7 November 1982 made the headlines. 8 news stories made the headlines in Cumhuriyet, 7 news stories in Hürriyet and 10 in Tercüman. It can be stated that because the political circumstances of the time were oppressive, the referendum news stories made the headlines. On the other hand, the articles about the rallies were not covered in the subheadings. All three newspapers placed emphasis on the rallies held by Kenan Evren and covered them in the headlines. The news, spots, and the headlines were directly or indirectly associated with the words of Kenan Evren and emphasis was laid on the messages to be given to the public.
Table 2: The Quantitative Distribution of the Referendum News in the Headlines and Subheadings

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>1982 Analysis Newspapers</th>
<th>2010 Analysis Newspapers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Headline</td>
<td>Subheading</td>
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<tr>
<td>Cumhuriyet</td>
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<td>32</td>
</tr>
<tr>
<td>Hürriyet</td>
<td>7</td>
<td>28</td>
</tr>
<tr>
<td>Tercüman</td>
<td>10</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>25</td>
</tr>
</tbody>
</table>

When we take a look at the rallies held in 2010, we see almost no news that hit the headlines or subheadings. Only Cumhuriyet covered 1 news story about the rallies. Hürriyet and Bugün did not present the news about the referendum rallies in the headlines or subheadings.

6. The Evaluation of the Photos in the Newspapers

During the 1982 referendum period, 6 photos were used about the news stories on the referendum rallies in Cumhuriyet. There is only 1 photo of Kenan Evren, who is going on with the rallies, together with the public. A little girl is seen in the photo giving flowers to Kenan Evren.

Table 3: The Quantitative Distribution of the Referendum Photos in Newspapers

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>Frequency Number</th>
<th>Frequency Rate %</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumhuriyet</td>
<td>6</td>
<td>30</td>
<td>6</td>
</tr>
<tr>
<td>Hürriyet</td>
<td>4</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>Tercüman</td>
<td>10</td>
<td>50</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
<td>100</td>
<td>20</td>
</tr>
<tr>
<td>2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bugün</td>
<td>30</td>
<td>17.05</td>
<td>30</td>
</tr>
<tr>
<td>Cumhuriyet</td>
<td>44</td>
<td>25</td>
<td>44</td>
</tr>
<tr>
<td>Hürriyet</td>
<td>102</td>
<td>57.95</td>
<td>102</td>
</tr>
<tr>
<td>Total</td>
<td>176</td>
<td>100</td>
<td>176</td>
</tr>
</tbody>
</table>

It appears that Tercüman made use of more photos compared to other newspapers. Tercüman used 10 photos in total. The element that stands out the most is that the 4 photos are of large masses of people who took part in the rallies. Hürriyet used fewer photos in comparison with the other newspapers. It can be stated that Hürriyet used a fewer number of photos compared to the news stories it covered. In one of the photos Kenan Evren is seen together with the public.

In 2010 period, Cumhuriyet used 44 photos of referendum rallies. Distribution of photographs by parties is follows: CHP: 25, AKP: 14, MHP:3, BDP:1. Cumhuriyet put more emphasis on CHP referendum rallies. Photos showing Kemal Kılıçdaroğlu addressing and greeting the people were frequently used. In these photos Kılıçdaroğlu is smiling and he is depicted as a confident man. A majority of the remaining photos include rally images. Cumhuriyet did not cover rallies of MHP and BDP very much. In this context, Cumhuriyet did not treat BDP and MHP equally compared to other parties on the subject of photographs.

Bugün appears to have used fewer photos in 2010 period. In total 30 photos were used for referendum rallies. Distribution of photographs by parties is follows: AKP: 17, CHP: 12, Grey Wolves: 1. Bugün mostly used photos showing Prime Minister Recep Tayyip Erdoğan greeting the crowds. A majority of the other photos shows Erdoğan addressing the people. In these photos, Erdoğan appears to be one with the masses. Bugün used fewer photos of CHP rallies compared to those of AKP’s.

With 102 photos Hürriyet had the biggest number of photos covering 2010 referendum rallies. Distribution of photographs by parties is follows: CHP: 42, AKP: 40, MHP: 18, BDP: 2. A large majority of the photos about CHP that Hürriyet used showed the crowds in the rallies. People with flags in their hands were shown; photos with bigger crowds were particularly chosen. In the other photos CHP leader is smiling and looks confident.

Hürriyet dedicated a majority of its AKP referendum photos to Recep Tayyip Erdoğan. In most of the photos Erdoğan is addressing the masses. The photos are giving Erdoğan a positive image. He is smiling and looks determined. The rest of the photos are colourful depictions of rally grounds, which show people holding “yes” banners. Compared to
other newspapers *Hürriyet* used more photos of MHP rallies. In the photos, Devlet Bahçeli seems to have a harsh expression on his face while addressing the people. In only one of the photos Bahçeli is seen smiling.

7. The Evaluation of the Referendum News Stories Regarding the Other Political Parties and Civil Society Organizations

Table 4: Quantitative Distribution of 1982 Constitution Referendum News Stories about the Civil Society Organisations Setting the Agenda

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>Frequency Number</th>
<th>Frequency Rate %</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumhuriyet</td>
<td>4</td>
<td>66</td>
<td>4</td>
</tr>
<tr>
<td>Hürriyet</td>
<td>1</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Tercüman</td>
<td>1</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>100</td>
<td>6</td>
</tr>
</tbody>
</table>

The opinions of civil society organisations on the Constitutional referendum were almost never covered in the news stories before 7 November 1982. 1 news article in *Cumhuriyet* was about the thoughts of a constitution committee member. One of the other articles was regarded as negative since “no” campaign was prohibited. In the article with the following headline “50 arrested for anti-constitution campaign” (*Cumhuriyet*, 28 October 1982: 1), the people arrested were described as organisation members. The same story was also regarded as negative in *Tercüman* and *Hürriyet* newspapers with similar discourses. *Hürriyet* identified the people holding the “no” campaign as militants and extremist group members.

Table 5: Quantitative Distribution of 2010 Constitution Amendment Referendum News Stories about the Civil Society Organisations and Other Political Parties Setting the Agenda

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>Frequency Number</th>
<th>Frequency Rate %</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bugün</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Cumhuriyet</td>
<td>55</td>
<td>54</td>
<td>55</td>
</tr>
<tr>
<td>Hürriyet</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100</td>
<td>101</td>
</tr>
</tbody>
</table>

*Cumhuriyet* published 55 news stories about the civil society organisations and political parties expressing their opinions on the 12 September 2010 Constitutional Amendment Package referendum. 38 of the articles included ideas of civil society organisations concerning the constitution. Associations, unions, guilds, artists and academicians were in these civil society organisations. Cumhuriyet particularly had civil society organisations that propounded “no” vote regarding the constitution. With 12 news articles, *Cumhuriyet* featured BDP’s ideas the most among political parties. BDP rallies were not covered in articles; however their reflections on the constitution were featured in *Cumhuriyet*. Distribution of news articles about other parties is as follows: Felicity Party: 2, Communist Party of Turkey: 1, Rights and Equality Party: 1, New Party: 1.

*Hürriyet* featured 6 articles on this issue. In this context, *Hürriyet* ignored different opinions about constitution; and mostly reflected the thoughts of business world. Turkish Exporters’ Assembly, Ankara Chamber of Commerce, Right and Work Union, Turkish Employers Union, which announced they would vote “Yes”, were mentioned in *Hürriyet* news.

*Bugün*’s attitude was similar to that of *Cumhuriyet*. *Cumhuriyet* put more emphasis on “no” vote whereas *Bugün* made stories about the civil society organisations announcing their “yes” votes. *Bugün* featured 40 articles covering the opinions of groups about the constitution. 22 of these are about civil society organisations; 18 about political parties. The newspaper highlighted “yes” statements rather than rally stories. In the articles covering constitution amendment package, the political parties seemed to have positive opinions in *Bugün*. The statements made by political parties appear to support the amendment: Great Union Party: 5, Democratic Party: 9, Felicity Party: 1, Nationalist and Conservative Party: 1, Equality and Democracy Party: 1, Revolutionary Socialist Workers’ Party: 1.

8. Evaluation of Newspapers’ Approaches towards Referendum Rallies

The framework of news determines qualities of news. If the story carries Five Ws and one H principle and the essence of
the story is given, this story is neutral. Otherwise, “highlighting” and “framing” elements will be integrated into the story. Thus, news text will be enclosed in favour of or against the message aimed at the story. This points out the positivity or negativity of the news story.

In this context, most of the news stories covering the 1982 Constitution referendum phase are positive. *Cumhuriyet, Hürriyet and Tercüman* reflected a large majority of the stories as positive. All three newspapers presented Kenan Evren’s speeches as positive. The number of positive stories in the newspapers is 30. On the other hand, the newspapers did not cover any negative stories about the rallies. Lastly, only 10 stories were identified as neutral in total.

Table 6: The Approach of Newspapers towards Referendum Rallies: Quantitative Distribution of Positive, Negative and Neutral News Stories

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>Positive</th>
<th>Negative</th>
<th>Neutral</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq. Number</td>
<td>Freq. Rate %</td>
<td>Freq. Number</td>
<td>Freq. Rate %</td>
</tr>
<tr>
<td>1982</td>
<td>Cumhuriyet</td>
<td>9</td>
<td>30</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Hürriyet</td>
<td>10</td>
<td>33</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Tercüman</td>
<td>11</td>
<td>37</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>30</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>2010</td>
<td>Bugün</td>
<td>12</td>
<td>19</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Cumhuriyet</td>
<td>20</td>
<td>32</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Hürriyet</td>
<td>31</td>
<td>49</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>63</td>
<td>100</td>
<td>-</td>
</tr>
</tbody>
</table>

Looking at 2010 Constitutional Amendment referendum phase, we can say that although the newspapers qualitatively did not treat political parties’ approaches towards referendum equally, they were fair quantitatively. The newspapers reflected messages positively as there were polemics among all political parties in their referendum rallies. In other words, the newspapers had an equal stance to all the parties. For instance, despite having opposite ideologies, *Cumhuriyet* and *Bugün* reflected AKP’s and CHP’s rallies as positive. The newspapers covered 63 stories in total, and 32 neutral ones. Similar to 1982 referendum phase, during this period, newspapers did not publish any “negative” news articles.

9. Conclusion

It could be argued that newspapers (*Cumhuriyet, Hürriyet and Tercüman*) were under pressure in 1982 referendum rallies. The newspapers reflected Kenan Evren’s thoughts about the constitution positively by giving them in headlines and subheads. Evren frequently emphasised that the new constitution was democratic; and the newspapers directly used this discourse in their headlines. In addition to this, Evren’s remarks on the chaotic atmosphere of pre-12 September 1982 were given in the newspapers. These fear-oriented news items could have affected people’s political choices negatively. In 1982 period, identifying people holding “no” campaign as militants had a negative aspect in terms of civil society dynamics.

The approaches of analysed newspapers towards 2010 Constitutional Amendment package are as follows: Taking *Cumhuriyet* and *Bugün*’s approaches into account, *Cumhuriyet* covered articles only about the civil society organisations with “no” vote; *Bugün* mostly covered articles about the civil society organisations with “yes” vote. When compared to 1982 period, having civil society organisations’ voices in the newspapers could be seen as positive. Nevertheless, the fact that *Bugün* and *Cumhuriyet* were not able to make different voices heard suggests that those newspapers exhibited a politically biased attitude.

*Hürriyet*, ignoring the other civil society organisations, reflected only the opinions of business world. *Bugün* showed affinity to AKP by keeping “yes” vote on the agenda while *Cumhuriyet* showed affinity to CHP by focusing on the “no” vote. *Hürriyet* treated “yes” and “no” votes equally. However, it did not publish the statements of civil society organisations very often. Finally, in 2010 period, all three newspapers put importance on two major parties’ rallies. Mostly stories covering the rallies of AKP and CHP were represented in the newspapers.
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